



PITTWATER COUNCIL

# Agenda

## Council Meeting

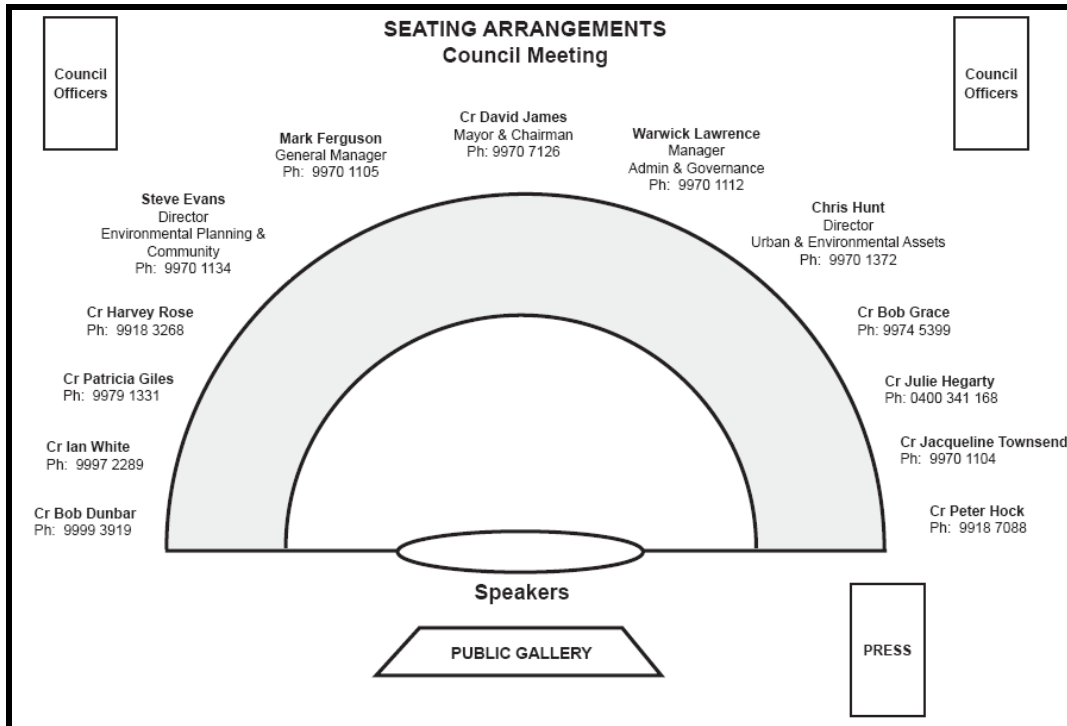
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***01 November 2010***

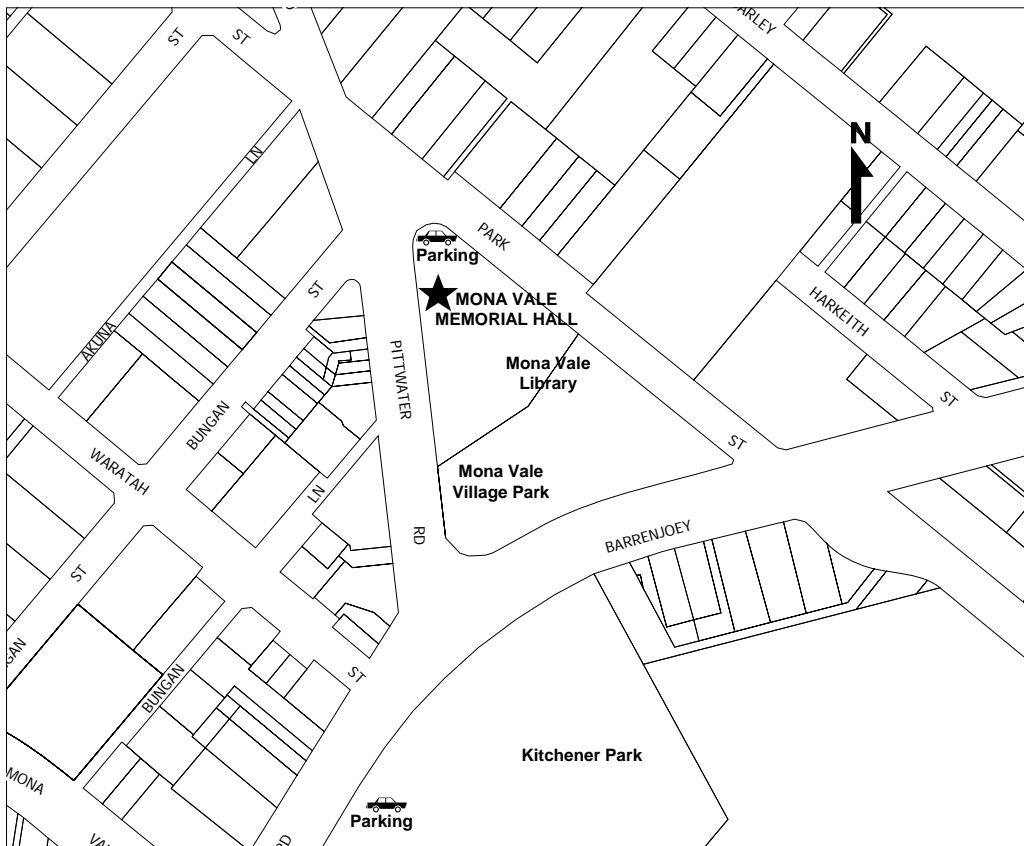
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson  
**GENERAL MANAGER**

## Seating Arrangements



## Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

# **Council Meeting**

## **Acknowledgement of Country**

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

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

## Council Meeting

### 1.0 Apologies

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

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

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

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

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

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

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

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

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

\* A reportable political donation is a donation of:

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

### 3.0 Confirmation of Minutes

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

Minutes of the Council Meeting held on 18 October 2010

## 4.0 Business by Exception (All items on the Agenda)

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

## 5.0 Public Addresses

### 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.

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 behavior in relation to any other person is permitted.*
5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

## 6.0 Mayoral Minutes

## 7.0 Council Meeting Business

## **C7.1 Human Resources Policy**

**Meeting:** Council

**Date:** 1 November 2010

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**STRATEGY:** Business Management

**ACTION:** Manage Council's industrial relations and associated risk management.  
Review and implement Council's OH&S Plan & Systems.  
Review and implement Council's EEO Plan and manage associated risk.  
Develop and implement annual corporate training plans.

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### **PURPOSE OF REPORT**

To adopt an overall Human Resources Policy for Pittwater Council that sets out the strategic framework of Council's approach to human resources management and establishes an annual reporting process to the Council.

### **1.0 BACKGROUND**

- 1.1 Pittwater Council 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 strives to be a responsible employer and an employer of choice.
- 1.2 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 a variety of groups and laws placing obligations on Council to ensure the mental and physical health and wellbeing of employees in the workplace. The Council's main workplace instrument is the Local Government State Award.
- 1.3 The Council also undertakes a range of training and development initiatives aimed at cultural and organisational improvement, the objective being to establish the Council as an employer of choice.
- 1.4 In collaboration with SHOROC Council's, Council has developed a Workforce Plan in accordance with the recently introduced statutory NSW Planning and Reporting framework. Workforce planning is the process of identifying current and future staffing needs. It focuses on retaining existing staff as well as attracting new employees to ensure the Council has the right number of people, with the right skills in the right jobs at the right time, now and in the future. The Council maintains a Workforce Plan and reviews and updates the Plan on an annual basis. It addresses issues associated with an aging workforce, skills shortages and recruitment. A copy of the Council's Workforce Plan is attached to this report as Attachment 2 for information.

## **2.0 ISSUES**

### **2.1 Development of a New Strategic Human Resources Policy**

The intention is to adopt an overall Human Resources Policy for Pittwater Council that sets out the strategic framework of Council's approach to human resources management and establishes an annual reporting process to the Council.

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## **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 skills shortages in certain occupations likely to pose 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.

### **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. 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.

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## **4.0 EXECUTIVE SUMMARY**

The Council strives to be a responsible employer and an employer of choice and is seeking to adopt an overall Human Resources Policy for Pittwater Council that sets out the strategic framework of Council's approach to human resources management and establishes an annual reporting process to the Council.



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## **RECOMMENDATION**

That the attached draft Human Resources Policy be adopted.

Report prepared by

Steve Rawe  
**MANAGER, CORPORATE DEVELOPMENT**

<b>Council Policy – No</b>	<b>Adopted:</b>	
<b>Version:</b>	<b>Review Date:</b>	

**TITLE:** Human Resources Policy

**STRATEGY:** Business Management

**BUSINESS UNIT:** Corporate Development

### **RELEVANT LEGISLATION:**

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 a variety of groups and laws placing obligations on Council to ensure the mental and physical wellbeing of employees in the workplace. The Council's main workplace instrument is the Local Government State Award.

### **RELATED POLICIES:**

Policy No. 23	Working From Home
Policy No. 121	Redundancy & Redeployment
Policy No. 122	Disability Discrimination Action Plan

### **Objective**

To adopt an overall Human Resources Policy for Pittwater Council that sets out the strategic framework of Council's approach to human resources management and establishes an annual reporting process to the Council.

### **Policy Statement**

Pittwater Council 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 strives to be a responsible employer and an employer of choice.

### **Council's Core Values**

The Council staff has developed Core Values which underpin all of Council's strategic human resources activities as follows:

#### **Respect**

**Key concepts:** trust, understanding, support, responsive

We will promote an environment of respect through valuing other people. We will be open minded; encouraging and recognising others for their contribution, knowledge and experience.

## **Quality**

**Key concepts:** professionalism, innovation, continuous improvement, ownership, learning

We will embrace change and use our skills, knowledge and professionalism to strive for excellence. We will foster a culture of continuous learning, improvement and innovation and build a solid foundation for the future.

## **Ethics**

**Key concepts:** equality, honesty, transparency, responsibility, ownership

Our approach will be honest and transparent and our decisions will be fair and equitable. We will manage our finances responsibly and work within legislative requirements.

## **Communication**

**Key concepts:** teamwork, collaboration, consultation, responsibility

We will strive for clear, open communication by careful listening, sharing of information and responding in a timely manner to achieve greater understanding and the best outcomes.

## **Human Resources Overview**

In striving for best practice in human resources management, the Council applies a number of disciplines and a brief outline of the responsibilities of each discipline is listed below.

### **1. Employee Relations**

Industrial Relations, employee contracts and agreements, negotiations and liaison with unions, employee discipline, grievance & counselling, Joint Consultative Committee.

### **2. Equity and Equal Opportunity**

Equity and equal opportunity, diversity, affirmative action, harassment & discrimination prevention, flexible work practices, life balance programs.

### **3. General Human Resources Services**

Recruitment, induction, payroll/leave and salary administration, position evaluation, performance management, workers compensation/return to work, staff climate surveys.

### **4. Organisational and Staff Development Services**

Training and development programs to support career/professional and leadership development, workforce planning, support for and implementation of organisational and cultural change.

### **5. Occupational Health and Safety**

Occupational health and safety, hazard identification, reporting and minimisation, injury management & prevention, Co-ordination of OHS Management System, employee Wellbeing/Assistance Program, OHS Committee.

### **Council Staff Guidelines**

In administering this legislation, numerous staff guidelines have been developed to assist staff to understand their responsibilities in these areas. These guidelines and procedures are regularly reviewed and implementation is ongoing. Some of the key staff guidelines include:

- Grievance Handling Guidelines & Procedures;
- Disciplinary procedures/guidelines;
- Respectful Workplace Guidelines (Prevention of bullying, harassment & discrimination);
- Recruitment & Selection Guidelines;
- Salary System & Performance Appraisal Guidelines;
- Sun Protection Guidelines;
- Working From Home Guidelines;
- Smoke Free Workplace Guidelines;
- Child Protection Guidelines;

### **Staff Consultation Mechanisms**

The Council has established a number of consultative processes to enable staff to raise staff related issues with senior management and forums where various organisational matters can be openly discussed. These groups are resourced and supported by Council and meet regularly:

- Joint Consultative Committee (comprising management, staff and union representatives);
- Occupational Health & Safety Committee;
- Pittwater Women's Network;
- Leadership & Mentoring Programs.

### **Human Resources Planning Process**

In managing its human resources responsibilities, the following annual plans are developed in consultation with staff and senior management:

- Annual Corporate Training Plan  
This Plan includes various targeted training available to all staff including educational assistance, training towards cultural & organisational development, performance and skill based training, training aimed at preventing injuries to staff (OH&S/Risk) and EEO.
- Annual OH&S Plan  
This Plan sets out a range of activities to ensure adequate measures are in place to ensure the physical and mental health and safety of all staff in the workplace.
- Annual Equal Employment Opportunity (EEO) Plan  
This statutory Plan sets out a range of activities to ensure there is no discrimination and harassment in the workplace and that all staff are given a fair and equitable chance to progress within Council.
- Annual Wellness Program  
This is an annual program of events aimed at increasing staff awareness & education on a range of health issues.
- Workforce Plan

A Workforce Plan has been developed and is reviewed annually which looks at strategic issues associated with recruitment, an aging workforce, skills shortages, etc.

The Council also participates in an annual benchmarking process and monitors the profile of its workforce on an annual basis. This profiling includes the gender mix and age profile of the workforce.

### **Workforce Planning**

Workforce Planning is the process of identifying current and future staffing needs. It focuses on retaining existing staff as well as attracting new employees to ensure the Council has the right number of people, with the right skills in the right jobs at the right time, now and in the future. The Council maintains a Workforce Plan and reviews and updates the Plan on an annual basis.

### **Organisation**

The Council recruits and develops appropriately qualified/experienced staff to achieve its organisational and legislative obligations. The organisational structure is regularly reviewed to ensure its relevancy and delivery capability.

### **Reporting Framework**

The Council has statutory obligations under the Local Government Act and Regulation to report annually on a variety of human resources related matters including its actions in regard to equal employment opportunity, and human resources activity in the areas of OH&S, training and senior staff payments.

In keeping with best practice, in addition to its statutory reporting obligations, an annual information report will be provided to the Council which summarises Council's various human resources programs. The report will include information on the following:

- (a) Corporate training & staff development, including EEO training and awareness programs;
- (b) Occupational Health & Safety Program;
- (c) Annual workers compensation/injury statistics; &
- (d) Workplace profile (including total staff numbers, age & gender profiles, etc);
- (e) Strategic issues including workforce planning strategy review.

# Workforce Plan

2010 - 2014



Corporate Development  
Business Unit

*Prepared by:*                    *Manager Corporate Development*  
*Last Updated:*                *June 2010*  
*Review Date:*                *June 2011*  
*Approved by:*                *Senior Management Team- 24 June 2010*

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## 1. Executive Summary

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Workforce Planning is the process of identifying current and future staffing needs. It focuses on retaining existing staff as well as attracting new employees to ensure we have the right number of people, with the right skills in the right jobs at the right time, now and in the future.

Our Vision for Pittwater Council is: 'To be a vibrant sustainable community of connected villages inspired by bush, beach and water'. This Workforce Plan sets out the issues, evidence and strategies required to deliver a sustainable Pittwater Council workforce capable of continuing to deliver high quality services to our community to 2014 and deliver on our vision. It builds upon the directions set out in the 2020 Strategic Plan and 2010 - 2014 Delivery Program and Budget and is aligned with the overarching NSW Planning and Reporting framework.

Workforce planning 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 our organisation.

The changing age profile of the Australian population is important to us 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 we are able to maintain or improve our relative attractiveness as an employer. Secondly, it is imperative that our retention rates are maximised across council.

To deal with these demands this plan looks at the most effective and efficient means of having the right people with the right skills undertaking the right tasks. Our 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 our 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.

Our key initiatives focus on:

- Employer Branding: develop our employer brand, which we will use on our external human resources communications, to build brand awareness of local government and more specifically our organisation as a career destination. This will help candidates understand there are good career opportunities at Pittwater Council.
- Effective Recruitment Strategies: using more specific, targeted and cost effective recruitment strategies for specific positions.
- Entry level programs –“growing our own”: A range of traineeships and access to government incentives to employ people for these traineeships.
- Skills and Knowledge Succession Planning: identifying the critical skills and knowledge within each division, unit and/ or section, at all levels within our organisation as well as developing our employees to ensure retention and transfer of these skills and knowledge as well as coverage of these skills and knowledge during absence or in case of retirement.



- Learning and Development: opportunities that contribute to employees choosing to stay with our organisation. We are looking at staff access to learning and further education, including traineeships, apprenticeships and on the job possibilities.
- Employee Climate Survey on organisation culture: in 2011 we will conduct a survey to consult and engage staff on their views on the culture of the organisation.
- Maintain, further develop and expand and our regional joint council strategic partnerships.

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## 2. Introduction: What is a Workforce Plan?

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Workforce Planning is the process of identifying current and future staffing needs. It focuses on retaining existing staff as well as attracting new employees to ensure we have the right number of people, with the right skills in the right jobs at the right time, now and in the future.

### Why is it important?

The Workforce Plan 2010 – 2014 provides a framework for aligning decisions about human resources (such as recruitment, development, internal deployment etc.) with Key Directions, Goals and Strategies in our 2020 Strategic Plan. It is a key element of our Resourcing Strategy both being informed by and informing our Long Term Financial Planning (overall Employee Benefits and On-Costs) and our Asset Management Planning in terms of the skills required now and into the future to sustainably manage the portfolio.

The Plan sets out the issues, evidence and strategies required to deliver a sustainable Pittwater Council workforce, capable of maintaining high quality services to our community over the next 4 years. We have set targets and develop strategies to facilitate recruitment in areas of known shortages and at the same time put in place strategies to retain existing staff. Our Plan also aims to influence how our workforce is educated, trained and developed into the future, aligning what we said we would do in the 2020 Strategic Plan with the right people to ensure the job gets done.

### How Does the Workforce Plan Relate to Council's Other Strategic Documents?

#### **Pittwater Council 2020 Strategic Plan**

The Council's 2020 Strategic Plan is the highest level plan that Council has prepared. The purpose of the Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the planning process will consider the issues and pressures that may affect the community and the level of resources that will realistically be available to achieve its aims and aspirations.

The Pittwater community created a strategic planning framework to ensure the integration of sustainability into the future direction and planning for Pittwater. This framework outlines five interlinked and interdependent key directions:

1. Supporting and Connecting our Community.
2. Valuing & Caring for our Natural Environment
3. Enhancing our Working and Learning
4. Leading an Effective & Collaborative Council
5. Integrating Our Built Environment.

#### **Resourcing Strategy**

The 2020 Strategic Plan provides a vehicle for expressing long-term community aspirations. However, these will not be achieved without sufficient resources – time, money, assets and people – to actually carry them out.

The Resourcing Strategy consists of three components:

- Long Term Financial Planning
- Workforce Management Planning
- Asset Management Planning.

The Resourcing Strategy is the point where Council assists the community by sorting out who is responsible for what, in terms of the issues identified in the 2020 Strategic Plan. Some issues will clearly be the responsibility of Council, some will be the responsibility of other levels of government and some will rely on input from community groups or individuals. The Resourcing Strategy focuses in detail on matters that are the responsibility of the Council and looks generally at matters that are the responsibility of others.

### **Delivery Program & Operational Plan 2010 -2014**

This is the point where the community's strategic goals are systematically translated into actions. These are the principal activities to be undertaken by the Council to implement the strategies established by the 2020 Strategic Plan within the resources available under the Resourcing Strategy.

The Delivery Program is a statement of commitment to the community from each newly elected council. In preparing the program, Council is accounting for its stewardship of the community's long-term goals, outlining what it intends to do towards achieving these goals during its term of office and what its priorities will be.

The Delivery Program replaces the former Management Plan requirements. It is designed as the single point of reference for all principal activities undertaken by Council during its term of office. All plans, projects, activities and funding allocations must be directly linked to this Program. Supporting the Delivery Program is an annual Operational Plan. It spells out the details of the Program – the individual projects and activities that will be undertaken each year to achieve the commitments made in the Delivery Program.

A summary of Pittwater Council's Programs & Projects for 2010/2011 is as follows. These programs and projects represent the focus of Council's workforce over the next 12 month period:

#### **Key Direction 1 – Supporting & Connecting our Community**

- Continue social and cultural planning activities
- Provide a family day-care service, long day-care, occasional care, after school care and vacation care services
- Implementation of the 'Community Drug Action Team' action plan
- Participate in the development planning for Mona Vale Hospital and regional hospital
- Maintenance and upgrade of Council's playgrounds, reserves and community facilities
- Development of a Regional Skate Park facility Kitchener Park, Mona Vale
- Progress the Plan of Management for Church Point Reserve & Masterplan for the precinct
- Upgrade to Sydney Lakeside Tourist Park
- Extension of cycleways network.

## **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;
- Flood prevention works in Newport & North Narrabeen.
- Integration of Climate Change & Sea Level rise into Councils policies.
- Extending water & energy saving initiatives in the community and in public buildings.

## **Key Direction 3 – Enhancing our Working & Learning**

- 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 school holiday programs
- Continued development of Councils website
- Delivery of catchment, environmental and sustainability education programs
- Further expansion of the free Wi-Fi 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
- Improvements to Pittwater's footpaths and boardwalks.

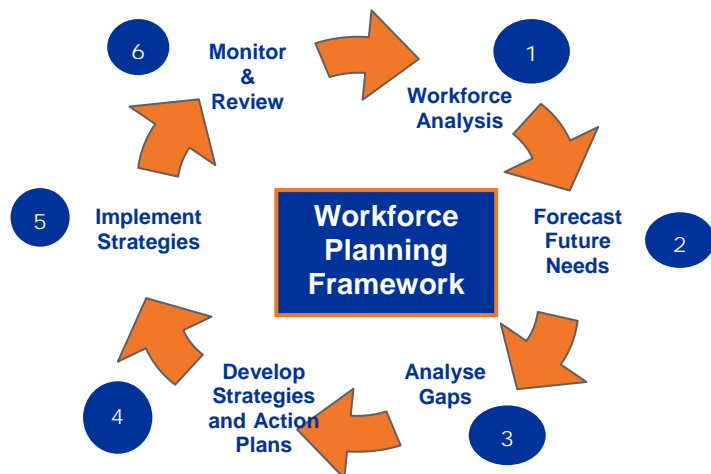
The Council will be conducting a Community Survey in 2010, and every two years thereafter, to gauge the community opinion on the range of services offered. The feedback received from these surveys will in turn influence the allocation of resources to future programs and projects in future years.

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### 3. Our Workforce Planning Framework

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Our Workforce Plan is underpinned by the Workforce Planning framework. This is pictured and described in more detail below:



*Figure 1: The Workforce Planning Framework*

The key steps are:

**1. Workforce Analysis:** Establishing the profile of our existing workforce. This analysis includes a snapshot of national workforce trends as well as a profile of our own workforce.

**2. Forecast Future Needs:** Establishing the future profile of our workforce based on the business direction over the mid to long term. This involves identifying changes to the service delivery requirements of our organisation, tying in closely to our 2020 Strategic Plan.

**3. Gap Analysis:** Understanding the gap between our existing workforce and the future profile of our workforce. This step involves using the results of workforce analysis (step 1) and forecasting (step 2) to identify current and future gaps between the demand for services and the supply of labour to meet those demands.

**4. Develop Strategies and Action Plans:** Establishing strategies to develop the skills internally to match the future needs and where applicable source the skills externally and overcome any constraints. This involves the planning and design of specific programs and projects that will enable us to develop and maintain a workforce capable of delivering our 2020 Strategic Plan.

**5. Implement Strategies:** This is the delivery of the specific programs and projects required to develop and maintain the capability and capacity of our workforce. The implementation of these strategies is integrated into the broader business planning and operational management activities of our organisation.

**6. Monitor and review** the application of the strategies. This step is conducted to determine the effectiveness, efficiency and appropriateness of the workforce planning strategies and activities. Performance information is required to determine the impact of workforce planning on the overall

achievement of organisational objectives and our 2020 Strategic Plan. This will be an ongoing process once the strategies have been implemented.

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## **4. Workforce Analysis**

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### **Current work profile of Pittwater Local Government Area**

The Pittwater Local Government Area is a relatively affluent area with a well educated labour force. Our residents enjoy relatively high average incomes compared to Sydney, state and national averages.

Unemployment rates remain low on the Northern Beaches and in Pittwater; historically these rates track lower than the state and national rates. The unemployment rate on the Northern Beaches was 3.4% in December 2009, below the State (5.9%) and National (5.5%) rates.

The major employers of our Pittwater residents are professional, scientific and technical services (11.1%), retail (10.9%), construction (10.3%), health care and social assistance (9.7%), and education and training (7.7%).

Overall, there are significant differences between the Pittwater resident labour force and the Sydney region, these are summarised below.

- Household income – A larger proportion of households in our LGA have a high household income of \$1,600 per week or more (13% compared to 8.4% across Sydney). A smaller proportion (36.1% compared to 41.4%) has a low household income (less than \$600 per week).
- Industry type - Pittwater has a significantly higher percentage of residents employed in professional and technical services and a significantly lower percentage of residents engaged in transport, postal and warehousing.
- Qualifications – a higher percentage of Pittwater residents have diploma or tertiary qualifications (Pittwater 33%, Sydney 28.1%) and a significantly lower percentage have no qualifications (Pittwater 35.5%, Sydney 42.8%).
- Occupation – relative to the Sydney region as a whole, a higher percentage of our residents are employed as managers and professionals and lower percentages as machinery operators, drivers and labourers.
- Employment containment – The total number of people that work in the Pittwater LGA is 16,611. Some 63.9% of those people who work in Pittwater also live within the Pittwater LGA.

### **Current profile of Pittwater Council Workforce (as at 31.12.2009)**

#### **Pittwater Council as a Business**

We are a complex, multi faceted business that operates across a range of industry sectors. We provide a broad range of services to our community from so called 'soft services' (child care, libraries, community services for the aged and disabled etc) to construction services (roads and traffic), recreation (Sydney Lakeside Holiday Park, parks and reserves, etc) and services focused on keeping people safe (lifeguards at our beaches). To deliver these services we require a diverse workforce with a range of skills and qualifications from specialist/technical occupations such as town planners and engineers to people to clean the streets and maintain the amenities of our area.

We are one of the major employers on the peninsula providing work for over 300 employees on a full time, part time, casual, seasonal or temporary basis. This equates to 287 equivalent full time employees. Whether positions are filled on a full time, part time, casual, seasonal or temporary basis is based on our business needs.

We monitor the profile of our employees on an annual basis. Presented below is the organisational view and commentary on how we compare to relevant benchmarks.

## Employment Type

Our workforce is made up of 67.26% full time, 16.37% casual and 16.37% part time workers.

## Gender

Some 52.17% of our workforce is female and 47.83% male. There are a greater number of females employed on casual, seasonal or temporary basis. We are well above the National Local Government average of 43.6% female (2006 census). However, we still have a way to go to ensure females are better represented at middle and senior management level. The current ratio is 13 male and 1 female staff member at the senior management level.

## Age

The average age of our workforce is 46 years. Compared to the overall Australian workforce age this is high. In the Northern Beaches Region, the median workforce age is 41.9 years compared to 38.6 years for the Sydney Region. Persons 20 years or younger are largely absent and make up only 1.02% of our workforce and 27% of our workforce is 55 years or older.

## Distance Travelled to Work

The 2006 Census showed that there are a total of 16,611 workers in the Pittwater LGA. Some 63.9% (10,614) of those workers also live within the Pittwater LGA. It follows that only 36.1% (5,997) of workers that travel to Pittwater for work come from outside the Pittwater LGA.

In relation to Pittwater Council employees, 90.36% of staff live within the SHOROC region.

## Years of Service

The average years of service for employees at Pittwater Council is currently 9 years. The break up of years of service is as follows:

<1 Year	12.53%
1 year	15.09%
2 years	.95%
3 years	4.60%
4 years	7.42%
5 years	6.39%
6-10 years	14.58%
10+ years	30.43%

## Summary of Workforce Issues

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

The key issues that will 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;
- Affordable housing for lower paid workers;
- Transport links to Pittwater.

## Regional Employment Study

A SHOROC Regional Employment Study was undertaken by consultants Hill PDA in 2007/2008 and the research findings led to key principles for employment being identified for each of the LGA's in SHOROC. Some of the issues resulting from these principles and the Study in general are as follows:

- Job containment

There are three factors influencing job containment in Pittwater:

- As the population ages, a lower proportion will be working.
- Ingleside (where most of Pittwater's population will grow) is likely to be family type dwellings in which case the labour force is likely to be less because of the number of children.
- Most employment growth relates to Health and community services, Accommodation, cafes and restaurants, Retail trade, and Property and business services. Excluding the last, these are within the lower half of the income band, in many cases essential services. With high housing costs, workers on lower salaries will face difficulties both living and working in the Region.

A high proportion of Pittwater residents work in the SHOROC region – the highest proportion of the SHOROC LGAs, and Pittwater has the highest proportion of home working at 8.4% of employed persons.

- Transport & Housing

There are implications for public transport as 48% of the Pittwater residents working outside SHOROC work in Global Sydney, and 40% of the Pittwater residents working outside SHOROC work west of SHOROC, which has implications for both public transport and Mona Vale Road.

Owing to poor interregional public transport connectivity, the benefits of job containment are in part negated by high levels of private car use.

In developing a broad employment strategy a key issue for Pittwater Council will be the likely need for a specific strategy to source lower paid workers from other regions including those in essential services (key workers such as nurses, child care workers) as well as staff in the retail and café, restaurant and accommodation sectors.

As the shortage of affordable housing is based on the high cost of land, which is beyond the control of Pittwater Council, there is a need for a regional transport strategy to enable such workers to access the Pittwater/SHOROC region and to provide a workforce for local business.



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## 5. Forecast Future Trends

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### Public Sector and Local Government Sector Workforce Trends

Overall, the Australian population is ageing and our workforce is shrinking. These are demographic changes that present significant long-term implications for the Australian economy and will also have an impact on our organisation.

The ageing population will be the most prominent external force likely to shape the nature of local government services. This presents two central issues for local government. The first is the change in the structure of the demand for our council's services. As the population ages, demand for health and aged care related services increases and demand for education and child care services as a proportion of total expenditure will, theoretically, decrease. These challenges can affect workforce capacity and the capabilities required by councils to achieve their strategic priorities.

Secondly, all councils will have to compete in a labour market that will shrink as the older population withdraws from the labour force. And finally, the characteristics of the labour force will look different across all age cohorts, for example, younger employees have different expectations of their jobs, careers and employers.

More specifically, people working in the Australian public sector are on average 10 years older than the overall workforce, with 42% of the public sector workforce aged 45 years or over, compared with 33% of the NSW workforce. Over the next decade, a substantial proportion of key workers with critical skills and experience in the public sector will be lost as the so-called 'baby boom' generation reaches retirement age.

Because of these factors, it has become increasingly difficult to fill some positions particularly where a skill set is in short supply. This may mean having to recruit on a state, national or even global level to fill some positions. If these trends are not managed properly, this will place strains on maintaining essential services to our community.

Another trend across Australia is the trend away from fulltime to part-time work. Local Government as an industry has seen the number of part time employees grow from 15% in 1985 to 27.1% at the time of the last Census in 2006. It is expected if current trends in the broader economy continue by the time of the next Census in 2011 the percentage of part time employees will have grown again.

Nationally 43.7% of employees in local government are women (Census 2006), up from 40% in 2001. However, large differences can be identified amongst occupational groups, with a higher percentage of clerical workers being women and a large majority of men in labouring and management roles.

### Challenges

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 we are able to maintain or improve our relative attractiveness as an employer. Secondly, it is imperative that our retention rates are maximised across council. To deal with these demands this plan looks at the most effective and efficient means of having the right people with the right skills undertaking the right tasks.

It is also likely that community expectations will have an impact on demand. Consideration must be given to the extent our services are going to change in the future to understand future employee needs. Our 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 our 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.



## Local trends and challenges

Pittwater's age structure has significantly changed over the last 5 years. Notably we have seen a large decrease in people aged 18 to 49 years and a large increase in people aged 50 to 69 years. The age structure of the Pittwater community as at 2006 Census reveals the following:

- 24.3% of the population was aged between 0 to 17 years
- 20.8% were aged 60 years and over
- 60+ population is 4.1% larger than the Sydney Region.

Coupled with a relatively low projected population growth (4% in total from 2005 projected to 2031) and the education levels of our local workforce that keep improving, we will be more dependent on drawing workers from outside Pittwater Local Government Area. This will be particularly the case for positions that require no qualifications.

However, the cost of housing prevents a large proportion of workers from moving to Pittwater and poor public transport links, particularly along the east west corridor, make it difficult to commute to Pittwater from other areas. This has implications for both the diversity and cohesiveness of our community as well as for the long-term viability of its economy. Over time this may lead to increasing difficulties in recruiting staff.

Overall, immigration plays an important role in changing the demographic composition of our residential population. We are continuously striving to ensure that our workforce reflects the residential population. The benefits of ensuring a diverse workforce include better local representation, improved communication and better understanding of the issues affecting our local community. Additionally, it will maximise the pool of workers from which we can address the workforce issues currently facing our organisation, such as skills shortages and an ageing workforce.

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## 6. Gap analysis

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### Emerging issues identified from a preliminary gap analysis

#### ■ Ageing Workforce

In some parts of our business (Urban Infrastructure and Parks & Reserves Units) a considerable number of workers will be approaching or have already reached retirement age. Most of these workers are in the field and could pose OH&S risks given the nature of the manual tasks they perform, coupled with their age. Strategic action is needed to ensure continual availability and accessibility of critical skills, particularly in these areas. In order to minimise associated risks and to ensure immediate and future service and community needs are met we need to develop a strategy to address this issue as a priority.

#### ■ Retention

With the economic climate improving following the Global Financial Crisis, it is vital that we focus considerable efforts on retaining our key staff. There is a general consensus among HR professionals and managers that employee turnover rates will increase as the job market increases. With the number of advertised jobs across the Sydney region picking up significantly in the first quarter of 2010, we need to ensure that key workers with critical skills and experience will remain in our workforce. Examples include planners, engineers, building surveyors, mapping/electronic systems specialists, rates and IT staff, etc.

#### ■ Technological changes

The role of local councils is continuously changing in order to meet the needs of the community. New technologies, new methods of work and new management systems are being looked at to ensure that we can continuously meet those demands. We need to make sure that changes are communicated clearly and at an early stage and that staff are appropriately consulted and trained.

- **Changes in Child Care Regulations**

The introduction of a new National Framework including Regulations for Child Care has direct implications for our Children's Services workforce. The new regulations are being phased in over time and set a higher requirement for more trained staff at a certificate and diploma levels as well as reduced child to adult ratios for children under 3 years of age.

- **Existing/Potential Skill Gaps**

Initial discussions with Business Managers indicates a potential need to fill skill gaps in the areas of contract management, asset management, strategic financial and property/commercial management in the short to medium term. The need to retain and attract staff highly skilled in electronic systems management will be a priority in the future, particularly in the planning and asset management areas.

An equally important emerging gap revolves around leadership, management and supervisory skills. With the composition of the workforce becoming so diverse and managing skill gaps so critical, greater pressure will be placed on up-skilling all levels of people management skills.

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## **7. Strategies and Action Plans: Local Government and SHOROC**

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### **Local Government Sector initiatives**

The issues described in the previous chapters are not unique to our Council, or local government as a sector. A great deal of research has been undertaken by both the public and private sectors to identify solutions to the challenges described above. As most councils will clearly be affected by these changes, the local government sector is currently developing options and strategies for approaching demographic changes and workforce trends. Through this, councils and the sector as a whole can take coordinated and consistent action to plan and respond accordingly.

The Department of Local Government is currently working on collecting workforce data across the whole sector as part of a Skills Shortages Task Force. This data includes diversity measurements and should allow for benchmarking between councils and analysing workforce trends. Although not directly linked to workforce and integrated planning, the outcomes of this project should promote better practice and will allow us to compare ourselves more directly and clearly with other councils. It should also allow us to form and further develop strategic alliances with other surrounding councils, to jointly tackle shared issues.

The Local Government & Shires Associations (LGSA) has established a Local Government Workforce Development Steering Committee. This committee is currently working on numerous projects for the nationwide promotion of Local Government as Employer of Choice.

### **SHOROC**

Pittwater Council is part of SHOROC (the Shore Regional Organisation of Councils). This is a cooperative group of councils on Sydney's Northern Beaches taking a leading role on issues of regional significance representing Manly, Mosman, Pittwater and Warringah Councils. Its' mission is to value the individuality of member Councils while co-operating to achieve a better deal for the community through networking, resource sharing and lobbying.

SHOROC was launched in August 1994 in the belief they had significant shared features that would provide more opportunities for information and resource sharing and joint servicing at a local level.

The following chapter describes potential SHOROC initiatives for collaboration with regards to workforce planning.

## 8. Suggested SHOROC workforce initiatives:

Category	Activity
<b>A. Immediate (within 6 months)</b>	<ul style="list-style-type: none"> <li>▪ SHOROC/ Pittwater Council stand at Careers days and University open days.</li> <li>▪ SHOROC collaborative approaches regarding training &amp; recruitment and/ or access to special project work for retirees.</li> <li>▪ Sharing policies / information about:               <ul style="list-style-type: none"> <li>○ Mentoring programs;</li> <li>○ Retiree project employment.</li> </ul> </li> </ul>
<b>B. Short Term (12 months)</b>	<ul style="list-style-type: none"> <li>▪ Targeted recruitment with shared process for in-demand occupations;</li> <li>▪ Secondments between SHOROC Councils;</li> <li>▪ Information sharing:               <ul style="list-style-type: none"> <li>○ Position Description and Selection Criteria;</li> <li>○ Working from home policies;</li> <li>○ Increasing participation of women.</li> </ul> </li> </ul>
<b>C. Medium Term (2 years)</b>	<ul style="list-style-type: none"> <li>▪ Common approaches to succession / talent management, leadership development</li> <li>▪ Skilled labour sharing / shared service arrangements;</li> <li>▪ Apprentice secondments between SHOROC Councils;</li> <li>▪ Partnerships with universities for work experience / research projects;</li> <li>▪ SHOROC work experience program</li> <li>▪ Special interest groups facilitated by mature employees / retirees;</li> <li>▪ Shared policies around:               <ul style="list-style-type: none"> <li>○ Knowledge transfer;</li> <li>○ Secondments;</li> <li>○ Flexible working hours;</li> <li>○ Purchase of leave/ pooling of leave, e.g. for carers / family leave;</li> <li>○ Taking leave at half pay;</li> <li>○ Phased retirement through reduced working hours and/or responsibility.</li> </ul> </li> </ul>

## 9. Strategies and Action Plans: Pittwater's Workforce Strategy

When we look at how we are planning on retaining and attracting the right staff, we asked three key questions:

3. Who is currently in our organisation (retention)?
4. What motivates them (attraction and retention)?
5. Who do we want and need to attract to our organisation (recruitment)?

We have grouped our workforce strategies accordingly in the following categories: attraction, recruitment, retention and other. Below is a summary of strategies and action plans. These are described in more detail in the remainder of this chapter.

Strategy	Action
<b>Attraction/ Competition for Labour</b>	<ul style="list-style-type: none"> <li>▪ Employer Branding</li> <li>▪ Career fairs.</li> </ul>
<b>Effective Recruitment Strategies</b>	<ul style="list-style-type: none"> <li>▪ Youth Recruitment, Graduates, Apprenticeships and Entry level programs –“growing our own”: A range of traineeships and student employment/ internship programs</li> <li>▪ Targeted Recruitment for In-demand Occupations.</li> </ul>
<b>Effective Retention Strategies</b>	<ul style="list-style-type: none"> <li>▪ Employee Climate Surveys;</li> <li>▪ Develop Pittwater Enterprise Agreement/s: consult with staff on retention mechanisms (i.e. what do staff want?). As a part of this consultation process, look into benefits, such as:               <ul style="list-style-type: none"> <li>○ Flexible working arrangements: 4 day week, working from home, access to part-time work, casual work, and flexible working hours;</li> <li>○ Leave options: review current mix of leave (sick, annual, long service leave, etc)</li> <li>○ Other rewards &amp; non-monetary benefits, associated with employee health &amp; well being and engagement.</li> <li>○ Improved packaging of employee benefits.</li> </ul> </li> <li>▪ Skills and Knowledge Succession Planning;</li> <li>▪ Learning and Development: accredited courses/ qualifications.</li> <li>▪ Secondments/transfers to other business units within Council to expand skills, engage staff longer.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>▪ Encouraging Older Workers to Stay in the Workforce;</li> <li>▪ Superannuation seminars and retirement planning seminars;</li> <li>▪ Staff Reward and Recognition programs and performance management system, ensuring that merit and achievement are used to differentiate rewards and recognition between employees;</li> <li>▪ Analysis of Exit Interviews;</li> <li>▪ Salary surveys; regular review of Council's salary position through survey to ensure competitive salaries are being paid;</li> <li>▪ Benchmarking &amp; trend analysis to review Council's performance.</li> </ul>

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## 10. Attraction/ Competition for Labour

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As the pool of potential employees shrinks, there will be increasing competition for job candidates for local government positions from both the public and private sector. This puts significant pressure on Council to market itself as an employer of choice and to improve recruitment practices.

The growth in competition for workers can be expected to increase the bargaining power held by employees in negotiating work and remuneration conditions. The strategic positioning of remuneration packages will become even more important as labour market conditions become more competitive. In practice, it is anticipated that this will lead to pressure on wages, and for a broader array of non-pecuniary benefits provided by Council. Considering Council's limited revenue raising capacity, this will require greater planning to ensure the workforce is efficient and that competitive wages can be offered.

However, Council offers a number of benefits that can be marketed as attractive to potential employees. Research has shown that factors other than salary are particularly important to Generation X and Y when choosing a potential employer. For example:

- Greater sense of purpose and achievement;
- Community connection, social responsibility is a core value
- Constantly looking at new opportunities
- The ability to make a difference
- Relative security in employment; and
- A variety of experience

It is essential that we promote the benefits of working in Council in order to remain sustainable in this competitive environment. The activities below close the gap by attracting potential employees to come and work for Pittwater Council.

We are currently working on the following initiatives:

- **Employer Branding**

Our employer brand, which we will develop and use on our external human resources communications, will build brand awareness of local government and more specifically our organisation as a career destination. This will help candidates understand there are good career opportunities at Pittwater Council. All our external human resources processes and communications will be tied in by this one consistent 'brand' which will consist of a logo and value proposition.

- **Career Fairs**

Pittwater Council will continue to attend career fairs to promote working in local government and showcase our organisation as a career destination. In the future this may also involve going to schools and TAFE giving presentations about the breadth of opportunities available within the Council at all levels of education and experience.

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## 11. Effective Recruitment Strategies

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These activities close the gap by using targeted recruitment: using more specific, targeted and cost effective recruitment strategies for specific positions.

### ▪ Youth Recruitment

The recruitment of youth is an increasingly important element of our capability strategy and can be expected to generate a continuing core of employees with long-term careers, albeit with a greater focus on skills development. The possibilities and utility of a well developed organisation wide youth recruitment approach are endless and necessary to address critical and imminent future workforce shortages.

Research conducted by the Management Advisory Committee for the Australian public service suggests that factors important in the retention of graduates include: favourable employment conditions, job security, and interesting work. Training and professional development opportunities are also an important attraction factor.

As part of youth recruitment, we are looking at the following programs and offerings:

- Entry level programs –“growing our own”: A range of traineeships and access to government incentives to employ people for these traineeships.
- A variety of student employment/ apprenticeship programs. Student programs allow young professionals the opportunity to view and value local government work. Such interaction can lead to a better understanding of the great services our Council provides, can distinguish local government as an employer of choice, and can offer us a reservoir of ready and skilled candidates to draw from when vacancies occur. We can target future critical shortages in various areas of our workforce by setting up programs with universities and TAFE colleges to recruit specific candidates and disciplines. Business units can also utilise students simply to address present workforce shortages or to complete specific projects.

### ▪ Targeted Recruitment for In-demand Occupations

General recruitment is the most common recruitment method, although the least focused. It involves reaching mass audiences through a range of media, such as newspapers or websites. The expectation is that a broadly advertised vacancy will attract a range of applicants leading to the successful appointment of a suitable candidate.

It is recommended that for in-demand occupations we will use more targeted recruitment methods, focusing on the specific skills and characteristics required to fill such a position, and strategically tracking down the people in the community who may have these skills and characteristics.

Utilising targeted recruitment advertising practices will better place Council to attract talented staff from all groups in the community and respond better to changing needs and aspirations.

To determine the type of candidate to recruit for a certain in-demand position, we would consider the following:

- Where do our candidates generally come from?
- Does the job description accurately reflect the skills and characteristics needed to do the job?
- Where are these candidates found? (think about work and educational settings, publications they might read, geographic area, professional and social networks)
- What motivations of candidates can we appeal to? (demographic, personal motivations, career progression, job flexibility, social interaction)
- What are the current motivations and background of current employees in the particular team?



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## 12. Effective Retention Strategies

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We are fully aware that workforce planning is as much about engaging and retaining employees as it is about attracting new staff. Our retention strategies focus on providing our staff with a supportive work environment: to provide all staff with the direction and tools needed to perform our organisation's activities to the best of their ability, including quality work-life considerations, offering a safe and productive environment, and fostering a sense of belonging and community spirit.

Some of the activities we are currently undertaking to optimise our retention rate are:

- **Employee Climate Survey**

In 2010/2011 we are conducting our next all staff climate survey. The last survey was conducted in 2007. We want to ask our employees for their views of their work and how they feel about our organisation. The results and feedback from these surveys will point us in the right direction to focus our efforts and will enable us to continue to improve and maintain our commitment to becoming an excellent organisation.

- **On Board and Stay Surveys**

In 2010 we will commence "On Board" surveys of staff recruited in the last 1-2 months to see how they are settling in, and random "Stay" surveys of staff currently employed to periodically test the "temperature" of the organisation. These surveys will play an important role in staff retention by enabling Council to address issues of concern to staff early rather than allow them to fester resulting in staff leaving the organisation needlessly.

- **Pittwater Enterprise Agreement**

There is evidence to suggest that employees are increasingly seeking greater flexibility in their working arrangements, such as home based work and flexible hours/days of work. This is partly due to changes in caring responsibilities of the current workforce but it is also due to shifting ideas about work/life balance. It is likely that employees will increasingly focus on the total benefits provided by paid employment over and above the remuneration package. In addition, factors that influence women's participation in the labour force, such as the availability of part-time work, the cost and availability of child care and family-friendly policies, are expected to become increasingly more important as the percentage of females in the workforce increases.

Therefore, in 2010/2011 as part of the staff consultation process in developing a Pittwater Enterprise Agreement, we will ask staff for their views on benefits that may be made available to them and other alternative options or trade offs. The feedback from this consultative process will enable us to see whether or not we can cater for alternative benefits and formalise these into a registered Agreement that would replace the Local Government Award.

- **Working From Home**

Working From Home is a flexible work practice that allows our staff to perform various work activities 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.

Working from home also goes some way towards addressing the issues associated with transport limitations into Pittwater and the lack of affordable housing in Pittwater discussed earlier, as it enables staff to become "telecommuters" remote from the Pittwater LGA. Reducing the reliance on motor vehicles being driven by staff to and from Pittwater Council offices on a daily basis also contributes towards Council's sustainability objectives.



Some of the areas we will focus on are specific retention mechanisms, such as:

<b>Flexible working arrangements and hours:</b> <ul style="list-style-type: none"> <li>Flexible start and finish times</li> <li>Flexible rostering or scheduling</li> <li>Part-time options</li> <li>Job sharing</li> <li>Four day working week</li> <li>Working from home opportunities.</li> </ul>	<b>Retirement:</b> <ul style="list-style-type: none"> <li>Retiree project or casual employment</li> <li>Phased retirement through reduced working hours and/or responsibility</li> <li>Flexible exit strategies for older workers</li> <li>Retirement intention survey / discussion planner.</li> </ul>
<b>Leave arrangements:</b> <ul style="list-style-type: none"> <li>Part-year employment, i.e. 6 months on, 6 months off</li> <li>Paid leave/shut down over Christmas/New Year</li> <li>Taking leave at half pay</li> <li>Review the current mix of leave e.g. sick / annual / long service leave.</li> </ul>	<b>Secondments:</b> <ul style="list-style-type: none"> <li>Secondments, transfers within Council</li> <li>Apprentice secondments within Council</li> <li>Graduate program (working across Council, 6 months per Unit).</li> </ul>
<b>Other processes:</b> <ul style="list-style-type: none"> <li>Mentoring programs</li> <li>Career development opportunities</li> <li>Leadership Programs.</li> </ul>	<b>Rewards:</b> <ul style="list-style-type: none"> <li>Staff Recognition Program</li> <li>Performance Management System</li> <li>Competency based arrangements</li> <li>Retention bonuses to in-demand occupations across Council.</li> <li>Service years recognition</li> </ul>

#### - Skills and Knowledge Succession Planning**

Skills and Knowledge Succession Planning is the process of:

1. identifying the critical skills and knowledge within each business unit and/ or section, at all levels within our organisation;
2. developing our employees to ensure retention and transfer of these skills and knowledge as well as coverage of these skills and knowledge during absence or in case of retirement.

Council keeps records of the age of our employees. This helps us to identify any areas of concern (for example where all employees are nearing retirement or where you need to recruit to fill expanding or critical areas). Council will determine who currently possesses these critical skills and knowledge in each unit/ section as well as determine what needs doing to ensure the retention and/ or transfer of these critical skills and knowledge. It is one supply mechanism to meet the demands highlighted in our Workforce Plan and ensures the retention and transfer of knowledge. Additionally, it will provide a continuous flow of talented people.

As part of the knowledge management strategy, Council will also analyse what processes need to be documented and/or automated to reduce the impact of skilled employees leaving the Council. The automation of Council's business processes and the development of electronic management systems to manage processes such as development assessment, processing of tree preservation order applications, etc reduces the amount of knowledge needed to be retained within employees and transfers that knowledge into automated electronic business systems so that new staff commencing work at the Council can be efficient and productive almost immediately, without having to learn about existing business processes from other more experienced staff.

- **Learning and Development**

These activities give current employees the opportunities to have growth opportunities and tools to help develop their skill sets. It also helps by providing opportunities to current staff to improve their marketability. Training and development opportunities such as accredited courses/ qualifications contribute to employees choosing to stay with our organisation. We are looking at staff access to learning and further education, including traineeships, apprenticeships and on the job possibilities and are currently investigating e-learning and training modules.

- **Leadership Programs (PAL)**

The Pittwater Aspiring Leaders (PAL) Program provides staff with development opportunities and leadership training. It provides the development of leadership skills for those who desire personal and future career opportunities or for those who wish to take a more active informal leadership role in their current position. Participation in this program does not ensure promotions into a supervisory position in the future. However, the program will provide skill enhancement that can be applied immediately.

- **Career Development for Female Staff**

A number of initiatives have recently been implemented to assist the career development of the female staff in the Council. These initiatives will continue in the longer term and include:

**Establishment of Pittwater Council Women's Network:** As part of the 2010 Year of Women in Local Government a network of female staff was established and held the inaugural meeting on 21 December 2009. It is planned for the network to continue beyond 2010.

**Regular meetings** held both formal and informal to promote the participation of women within Council and to encourage sharing of ideas and support, e.g. a panel of women from Council who work in unconventional roles or who have worked overseas, to answer questions about their career choices, work experiences, etc

**Inclusion of Female Staff in Senior Management Team Meetings:** expressions of interest sought from female staff to attend these meetings on a regular basis for 12 months. Three female staff members now attend fortnightly Business Manager meetings and two attend fortnightly Senior Management Team meetings.

**SHOROC Management Challenge:** as a career development opportunity, three female staff were identified to participate as Pittwater Council's representatives in the annual regional management challenge program.

**Identification of mentors and mentoring training for women:** Female staff members indicated their willingness to become involved in a mentoring program. Formal mentoring training was conducted in March 2010. Mentoring guidelines were issued to female staff in May 2010.

**Regular forums and workshops for female staff:** Regular forums organised by the Women's Network involving external guest speakers are conducted. It is intended to conduct regular workshops for female staff on areas such as public speaking, assertiveness, personal growth, presentation skills and work/life balance.

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## 13. Other Strategies and Action Plans

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Other activities that we are looking at undertaking to optimise our retention rate are:

- **Encouraging Older Workers to Stay in the Workforce**

Research conducted by the Australian Public Service Management Advisory Committee suggested that a number of factors influence employees' resignation and retirement patterns in the Australian public service. Employees responding to a survey stated that retirement (47%), financial security (21%) or superannuation (15%) were the main drivers influencing their decision to leave at their intended retirement age. This does not necessarily mean they intend withdrawing from the workforce as a whole, but maybe a life change frequently involving re-engagement under different arrangements, which is reflected in a strong preference expressed for greater flexibility.

Mature-aged employees will be a key focus of private and public sector strategies responding to the ageing of the overall workforce—not just because of the existing corporate knowledge and networks of these employees, but because they represent one of the only segments of the workforce where significant increases in participation rates can be achieved.

One measure to address the overall decrease in the (local) workforce participation rate is to encourage mature age workers to remain in paid employment. There are a number of benefits of encouraging older workers to work longer. For the individual there are benefits related to the flexibility of work during the transition to retirement, the potential to keep earning a salary after retirement, and experience, skills and abilities can be better recognised. For the organisation there is better retention of corporate memory, scope for mentoring younger staff, diverse perspectives in projects, and a workforce that is more representative of the community, which may encourage better policy.

According to a recent ALGA survey, local councils have employed a range of workforce management initiatives to assist mature workers continue employment. The three initiatives that received the highest response rates in this survey were part-time work, promotion of a healthy work environment and carer's leave.

Providing access to more flexible working arrangements, such as part-time work and phased retirement, would assist in the retention of mature-aged workers. Consideration could also be given to more creative ways of using their skills such as mentoring, skills transfer, and different roles with the opportunity, where desired and appropriate, to phase out managerial responsibilities.

- **Superannuation seminars and retirement planning seminars**

In some parts of our business workers will be approaching or have already reached retirement age. In 2010/2011, we will be organising superannuation seminars together with superannuation providers for all Pittwater Council staff. This way, we are hoping to encourage mature workers to continue on (part-time) working, without being disadvantaged financially. Additionally, Council will be running retirement planning seminars with superannuation providers to 'prepare' staff for retirement.

- **Staff Recognition Program/Performance Management System**

We are currently revising our Staff Recognition Program and performance management system. This is to ensure that achievement and results are used to differentiate rewards and recognition between employees and their contribution to making us an excellent organisation. These activities build trust, value people and develop positive relationships, which are all essential to building a successful organisation.

- **Exit Interviews**

In 2010/2011 we will carry out greater analysis of our exit interview results. This will allow us to identify any issues or trends within the workplace we need to respond to and check that individuals are not leaving due to unfair treatment or victimisation/harassment and, importantly, act on any justified complaints.

#### ■ Benchmarking & Trend Analysis

We will continue trend and external benchmark analysis to help assess Council's performance against the market to help determine trends within the organisation and areas where performance is lagging behind comparable industries, to enable strategies to be developed to improve our performance.

## 14. Summary Action Plan

Present Position (Needs analysis)	Action Plan	KPI
Need to develop Pittwater brand and EVP;	<ul style="list-style-type: none"> <li>Develop Pittwater Council Employer Brand and Employee Value Proposition.</li> </ul>	Develop employer brand by 30 June 2011.
Need for current understanding of employee view of culture of organisation;	<ul style="list-style-type: none"> <li>Conduct climate survey, analyse findings and report to senior management on actions to address findings;</li> </ul>	Conduct staff climate survey by 30 April 2011.
Need to engage with staff to identify retention strategy, ie. what do staff want;	<ul style="list-style-type: none"> <li>Develop a Pittwater Enterprise Agreement: consult with staff on retention mechanisms. Based on the outcomes of this consultative process, look into staff benefits, such as: <ul style="list-style-type: none"> <li>Leave, flexible working arrangements etc.</li> <li>Packaging of benefits.</li> </ul> </li> </ul>	Negotiate Agreement by 31 March 2011.
Need to address needs and retention of older workers;	<ul style="list-style-type: none"> <li>Arrange superannuation seminars for Council staff working together with superannuation providers;</li> <li>Arrange retirement planning seminars to 'prepare' staff for retirement;</li> </ul>	Start conducting seminars by 30 September 2010;
Need to review recruitment strategy to better target increasingly scarce skilled workers;	<ul style="list-style-type: none"> <li>Develop contemporary, targeted, efficient recruitment strategy;</li> </ul>	Develop revised recruitment strategy by 31 March 2011;
Need to develop knowledge management strategy to retain key corporate knowledge;	<ul style="list-style-type: none"> <li>Develop a knowledge management &amp; succession planning strategy;</li> </ul>	Develop strategy by 30 June 2011;
Need to review performance management system and staff recognition program to ensure rewards reflect the desires of staff;	<ul style="list-style-type: none"> <li>Review performance management reward system to alter mix of rewards as appropriate;</li> <li>Develop employee health &amp; well being program;</li> </ul>	<p>Complete review of performance management system by 30 June 2011;</p> <p>Develop employee health and well being program by 30 June 2011;</p>

Need to analyse existing and future skill requirements of Council staff;	<ul style="list-style-type: none"> <li>Conduct a skills audit to identify critical skill gaps in certain areas of the organisation;</li> </ul>	Conduct skills audit/ skills need analysis by 30 September 2011;
Need to develop a mechanism to gauge staff satisfaction shortly after commencement and on an ongoing basis;	<ul style="list-style-type: none"> <li>Commence “on board” and “stay” surveying of staff;</li> </ul>	Commence surveys by 30 November 2010;
Need to develop skills acquisition in key areas already identified in this Plan (Chapter 6. Gap Analysis).	<ul style="list-style-type: none"> <li>Review Corporate Training Plan to incorporate training and staff development in key skill areas.</li> </ul>	Review and update Corporate Training Plan by 31 August 2010.

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## 15. Literature

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In developing this plan the following materials have been considered:

- Warringah Council Workforce Plan 2010-2014
- ‘The Impending Skills Shortage’, by John M. McArthur, December 2009
- Department of Local Government Draft Planning and Reporting Guidelines and Manual for Local Government in NSW 2009
- Municipal Association of Victoria Department for Victorian Communities, Workforce Planning in Local Government, Discussion Paper, January 2006
- Peter Berry Consultancy Workforce Planning Workshop, June 2007
- Australian Bureau of Statistics, Census of Population and Housing 2001 and 2006
- SHOROC Economic Profile <http://economy.id.com.au/Default.aspx?id=246&pg=600> economy.id@:
- SHOROC Regional Employment Study by Hill PDA Property Consulting, November 2007
- ‘Australia to 2050:future challenges’, Circulated by The Hon. Wayne Swan MP, Treasurer of the Commonwealth of Australia, January 2010

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## 16. Appendix: Our Current Employee Benefits/Our EVP

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We recognise that there is much more to our employees than just the job they perform for us. For this reason, we have developed a comprehensive list of benefits focused on our employee’s wellbeing, development, lifestyle and financial future. These benefits include (but are not limited to):

### Reward & Recognition

- Performance Payments – paid annually to those employees who have performed well following annual performance review.
- Salary Increases – Award increases provided annually.
- Staff Recognition Awards – categories of performance awards available on a quarterly basis valued up to \$300 per employee.

## **Packaged Benefits**

- Car Parking – free car parking areas available for staff to use.
- Vehicles – fully serviced and maintained (including fuel) private use vehicles available for staff in designated positions for weekly fee (currently \$44p/wk or \$90. 50 p/wk, depending upon vehicle).
- Mobile Phones/PDA's – available to employees in designated positions for business use and nominal personal use, all personal charges above nominal amount to be paid for by the employee at our corporate call rates.

## **Health & Wellbeing**

- Employee Assistance Program – access to professional counsellors to help staff and their families if they need professional advice on issues that may affect their health, work, performance or personal relationships.
- Vaccinations – free annual flu shots offered to all staff.
- Breast Screening – free service as well as time off work to have mammograms;
- Sick Leave – 3 weeks sick leave (accumulative).

## **Career**

- Study Assistance – a maximum of up to \$2,000 of the course fees for university study, per academic year of study and up to \$800 pa for TAFE course fees.
- Exam/Study Leave – two half days paid exam leave per examination.
- In-house courses – a range of courses are run in house and available to all staff.
- Conferences and Seminars – opportunities to attend conferences and seminars relevant to your position.

## **Family**

- Paid Maternity Leave – once 12 months service has been completed, staff members have options of paid maternity leave: 9 weeks leave on full pay, 18 weeks leave on half pay or a combination on full and half pay.
- Part Time Work – Staff can request to return to work part time following maternity leave until child reaches school age.
- Parental Leave – Up to 2 years unpaid parental leave.
- Carers Leave – use of sick leave entitlements to care for an immediate family member.
- Supporting Parent Leave – once 12 months service has been completed, up to 5 days paid leave from sick leave balance is available at the time a partner gives birth.

## **Workplace**

- Lunch Rooms – a number of lunch/tea rooms with refrigerator and supplied tea, coffee and milk and filtered water.

## **Other**

- Nine day fortnight – one day off per fortnight for all staff below Business Manager level.
- Transfer Entitlements – accumulated benefits transferrable if moving from another Council (Long Service Leave and Sick Leave, up to max. 13 weeks).
- Generous Long Service Leave – available after completion of 5 years service.
- Superannuation – choice of the Local Government Super Scheme or your own nominated complying fund.
- Salary sacrifice arrangements are available for certain items.
- Social Club – a staff committee run a social club which offers events, activities and discounts to its members.
- Concessional Leave – extra paid leave day provided at end of year period, between Christmas and New Year.
- Picnic Day – one day annually in March is declared picnic day and is provided as paid leave to all staff.
- Free Christmas Party lunch for all staff.



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

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



## **Natural Environment Committee**

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

## **C9.1 Pittwater Flood Risk Management Strategy — Update and Status**

**Meeting:** Natural Environment Committee

**Date:** 1 November 2010

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**STRATEGY:** Sustainability and Climate Change Coordination  
Land Use and Development  
Risk Management Co-ordination

**ACTION:** Develop and implement a program to undertake natural hazard risk management studies in accordance with Risk Management Guidelines  
Develop, implement and regularly review a guiding document for risk management  
Develop plans to mitigate/control wherever possible, natural hazards associated with risks.  
Implement and periodically review plans to mitigate/control wherever possible, risks associated with natural hazards.  
Ensure that potential climate change and sea level rise impacts are incorporated in the Estuary and Coastal management Strategies and Plans of Management.  
Consider the impacts of climate change and sea level rise in Council's policies, strategies and plans.  
Ongoing compliance with Council's statutory obligations and to properly discharge Council's common law duty of care to the community when managing risks.

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### **PURPOSE OF REPORT**

- To provide Council with an update, status and next steps of Council's Flood Risk Management Strategy, including the incorporation of the NSW Government Sea Level Rise benchmarks and increases in rainfall intensity associated with climate change in accordance with the suite of documents recently released by the NSW Government.
- To provide interim arrangements for minimum floor levels and emergency response planning levels for development applications submitted in flood and tidal risk areas prior to adoption of applicable Flood Risk Studies.

### **1.0 BACKGROUND**

#### **1.1 NSW Government Flood Prone Land Policy**

The primary objectives of NSW Government Flood Prone Land Policy are to:

- reduce impact of flooding on owners and occupiers of flood prone property;
- reduce existing and future private and public losses resulting from floods.

The policy highlights that the primary responsibility for floodplain risk management rests with local councils, which are provided financial and technical support from the NSW State Government.

The NSW State Government has prepared the *Floodplain Development Manual* (NSW Government, 2005) (<http://www.environment.nsw.gov.au/floodplains/manual.htm>) in accordance with its Flood Prone Land Policy to guide Local Councils in the development and implementation of robust and effective local floodplain risk management plans.

The Floodplain Development Manual outlines a risk management framework called the Floodplain Risk Management Process. This structured framework provides councils with a step-by-step management process, which ultimately leads to a Floodplain Risk Management Plan adopted by the elected Council that has taken into consideration the full range of social, economic and environmental factors.

Provided councils utilise the framework provided by the Floodplain Risk Management Process and they have acted in good faith, councils can receive with indemnity under Section 733 of the Local Government Act, 1993.

The Floodplain Risk Management Process forms the basis of Pittwater's Flood Risk Management Strategy.

## 1.2 **Pittwater Flood Risk Management Strategy**

The Pittwater Flood Risk Management Strategy is an ongoing and evolving strategy that commenced some 20 years ago. The Strategy has been developed in accordance with the Floodplain Risk Management Process as outlined in the 2005 Floodplain Development Manual.

Pittwater's Flood Risk Management Strategy can be broadly divided into the following six steps:

- Step 1 — Establishment of Community Working Group;
- Step 2 — Flood Study;
- Step 3 — Flood Mapping and Flood Levels;
- Step 4 — Floodplain Risk Management Study and Plan;
- Step 5 — Flood Mapping and Flood Levels (if required);
- Step 6 — Implementation of Plan.

**Figure 1** shows the details of each of the six steps of Pittwater Flood Risk Management Strategy and how this strategy is linked to Council's Flood Risk Management Policy and associated flood-related development controls in the Pittwater 21 Development Control Plan.

## 1.3 **NSW Sea Level Rise Policy Statement and NSW Coastal Planning Guideline: Adapting to Sea Level Rise**

Within the last year, the NSW Government has adopted a suite of four documents relating to planning for sea level rise, namely:

- *NSW Sea Level Rise Policy Statement* (NSW Department of Environment, Climate Change and Water, Publication No. DECCW 2009/708, October 2009)

<http://www.environment.nsw.gov.au/resources/climatechange/09708sealevrisepolicy.pdf>

- *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (NSW Department of Planning, Publication No. DOP 10\_022, 20 August 2010) — referred to as the Coastal Planning Guideline (2010) (<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=VYjmQirQIAk%3d&tabid=177&language=en-US>)
- *Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments* (NSW Department of Environment, Climate Change and Water, Publication No. DECCW 2010/759, August 2010) (<http://www.environment.nsw.gov.au/resources/water/coasts/10759FloodRiskManGde.pdf>)
- *Coastal Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Coastal Risk Assessments* (NSW Department of Environment, Climate Change and Water, Publication No. DECCW 2010/760, August 2010) (<http://www.environment.nsw.gov.au/resources/water/coasts/10760CoastRiskManGde.pdf>).

The *NSW Sea Level Rise Policy Statement* (2009) includes sea level planning benchmarks which have been developed to support consistent consideration of sea level rise in land use planning and coastal investment decision-making for NSW. The adopted benchmarks are for a rise relative to 1990 mean sea levels of **40 cm by 2050** and **90 cm by 2100**.

At its meeting of 07 December 2009, Council formally acknowledged the NSW Sea Level Rise Policy Statement and the sea level rise planning benchmarks.

The Coastal Planning Guideline (2010) has been prepared to provide guidance on how sea level rise is to be considered in land use planning and development assessment in coastal NSW. The Guideline adopts the sea level rise planning benchmarks in the *NSW Sea Level Rise Policy Statement* (2009).

The Coastal Planning Guideline (2010) applies to all 'coastal areas' of NSW, which includes the NSW Coastal Zone together with Sydney Harbour, Botany Bay, the Hawkesbury River and their tidal tributaries. The term 'coastal areas' is used broadly in the Guideline to refer to all land fronting tidal waters including the coastline, beaches, coastal lakes, bays and estuaries and tidal sections of coastal rivers. It also includes other low lying land surrounding these areas that may be subject to coastal processes in the future as a consequence of sea level rise.

In the Coastal Planning Guideline (2010) 'coastal risks' are taken to include risks from coastal erosion, tidal inundation and coastal flooding.

In addition to the Coastal Planning Guideline (2010), the *Flood Risk Management Guide* and the *Coastal Risk Management Guide* technical guides have been developed to assist councils in preparing coastal hazard and flood risk studies to incorporate the sea level rise planning benchmarks.

The information in these risk management guides updates the guidance in the Floodplain Development Manual and Coastline Management Manual related to sea level rise. These guides need to be read in conjunction with the Coastal Planning Guideline (2010).

The Flood Risk Management Guide also updates the sea level rise section of the *Floodplain Risk Management Guideline: Practical Consideration of Climate Change* (DECC 2007). The 2007 guideline provides additional information relating to the management of the impacts of climate change on existing developed areas and on potential changes to flood-producing rainfall events caused by climate change.

At its meeting of 05 October 2010, Council formally acknowledged the Coastal Planning Guideline (2010) and the accompanying risk management guides.

## 2.0 ISSUES

### 2.1 Flood Risk in Pittwater

**Table 1** shows that nearly 8,000 properties in the Pittwater LGA (or about one-third of the properties in Pittwater) are potentially at risk from flooding and/or estuarine/tidal inundation. This excludes additional flood impacts that may arise as a result of sea level rise and increases in rainfall intensity from climate change.

**TABLE 1: PROPERTIES AT RISK FROM FLOODING AND, ESTUARINE/TIDAL INUNDATION IN PITTWATER**

TYPE OF FLOODING	NO. PROPERTIES
Mainstream Flooding — Catchment Flooding	2,700
Overland Flooding	3,600*
Mainstream Flooding — Estuarine/Tidal Inundation	1,500
<b>TOTAL</b>	<b>7,800</b>

\* preliminary estimate only

### 2.2 “Mainstream Flooding” and “Overland Flooding”

The Floodplain Development Manual defines ‘flooding’ to include all types of inundation including creek and river flooding, ‘overland’ flooding, tidal inundation and coastal inundation from elevated sea levels. The Floodplain Development Manual states that both ‘mainstream’ flooding and ‘overland’ flooding should be considered together in floodplain risk management.

#### Mainstream Flooding

‘Mainstream’ flooding generally includes:

- floodplains where creeks and rivers overtop their banks;
- tidal inundation in estuaries.

**Table 2** lists the eight ‘mainstream’ flood risk areas that have been identified in Pittwater and the number of properties affected. Note that these 4,200 properties represent nearly 1 in 5 properties in Pittwater. In Pittwater, these flood risk areas are referred to as ‘Primary Floodplain Areas’. Again, these values exclude additional flood impacts that may arise as a result of sea level rise and increases in rainfall intensity from climate change.

**TABLE 2: PROPERTIES AT RISK FROM FLOODING AND, ESTUARINE/TIDAL INUNDATION IN PITTWATER’S PRIMARY FLOODPLAIN AREAS**

PRIMARY FLOODPLAIN AREA	NO. PROPERTIES AFFECTED
Great Mackerel Beach	104
Careel Creek (Avalon)	413
Newport Beach	289
Mona Vale / Bayview	390
Warriewood Valley	552
Nareen Creek (North Narrabeen)	412
Narrabeen Lagoon	581

Pittwater Estuary Foreshore	1,497*
<b>TOTAL</b>	<b>4,238</b>

\* properties affected by estuarine/tidal inundation — excludes approximately 59 properties that also at risk from catchment flooding to avoid double counting

Each property in the Primary Floodplain Areas is classified as one of the following:

- *Category 1 Flood Classification (Low Hazard or High Hazard)* — where the lowest point of the property is affected by the Flood Planning Level (FPL) (100 year average recurrence interval (ARI) flood level plus 0.5m freeboard).
- *Category 2 Flood Classification* — where the lowest point of the property lies above the FPL but below the level of the Probable Maximum Flood.
- *Estuarine Risk or Tidal/Estuarine Inundation Risk* — where the lowest point of the property is below the Estuarine Planning Level (EPL) (100 year ARI sea level plus freeboard) (properties may have a Category 1/2 Flood Classification and an Estuarine Inundation Risk). Note that the terms 'Estuarine Risk' and 'Estuarine Planning Level' are currently being phased out and the terms 'Tidal Flood Risk' and 'Foreshore Floodplain Planning Level' being phased in, to provide more consistent terminology with the 2005 Floodplain Development Manual.

### Overland Flooding

'Overland' Flooding relates to flooding of all other stormwater drainage lines, stormwater pipe systems and water courses that are not 'mainstream' flooding. Where the stormwater goes after the drains, pipes and water courses are full to capacity in a large storm event, are known as 'overland flow paths' or 'overland flooding'.

Overland flow paths are usually located within the floodplains of original watercourses, which, over time, have been piped, channelised or diverted. Many of these original watercourses, and hence the stormwater drainage infrastructure, are located on private property.

A *Category 3 Flood Classification* refers to properties generally located outside the Primary Floodplain Areas that are affected by flooding hazards associated with major stormwater drainage systems, local overland flow paths or drainage easements. A property with a Category 3 Flood Classification may also have a Category 1/2 Flood Classification and/or Estuarine Inundation Risk.

## **2.2 Status of Identification of Flood Risks in Pittwater LGA**

Council has made good progress in identifying existing flood risks across the LGA. Flood Studies, with associated flood mapping, have been completed and adopted by Council for all of Pittwater's 'Primary Floodplain Areas' at Great Mackerel Beach, Careel Creek (Avalon), Newport Beach, Mona Vale / Bayview, Warriewood Valley, Nareen Creek (North Narrabeen), Narrabeen Lagoon Foreshore and the Pittwater Estuary Foreshore.

About 4,200 properties (or nearly 1 in 5 properties in Pittwater) have been identified as being at risk from flooding and/or tidal inundation. At present, these properties exclude any additional flood impacts that may arise as a result of sea level rise and increases in rainfall intensity due to climate change.

Council has also made good progress on determining the potential impacts of climate change (sea level rise and increased rainfall intensity) in several of its Primary Floodplain Areas (Great Mackerel Beach, Mona Vale / Bayview and Nareen Creek (North Narrabeen)). With the finalisation of the current NSW Government Guidelines, the Guidelines can now be incorporated into these projects and the projects ultimately placed on public exhibition,

adopted by Council and the information used to inform the Pittwater 21 Development Control Plan.

All new flood risk studies will incorporate sea level rise and increased rainfall intensity in accordance with the latest available NSW Government Guidelines.

**Figure 2** (A3-sized copy of this figure to be tabled separately) is the current version of the 'Pittwater Floodplain Status Map' which provides an overall map of all the Primary Floodplain Areas in Pittwater with information about:

- completed and in-progress studies, including if and when these studies have been adopted by Council;
- flood mapping adopted by Council;
- flood levels adopted by Council;
- number of flood affected properties.

The Floodplain Management Status Map does not include 'Overland Flow Areas' at this stage.

**Table 3** provides a summary of the status of Pittwater's Flood Risk Management Strategy, for each Primary Floodplain Area and Overland Flow Areas, and includes the following information:

- the steps of the Strategy completed;
- the most recently completed or current project and its status including whether climate change has been incorporated into the project;
- the proposed next step of the Strategy and proposed priorities by way of an indicative time frame.

Outlined below is the status of the identification of flood risks for each of Pittwater's Primary Floodplain Areas.

#### Great Mackerel Beach

The Great Mackerel Beach Flood Study and associated Flood Planning Levels were adopted by Council in 2005. The draft Great Mackerel Beach Floodplain Risk Management Study and Plan was placed on public exhibition in May/June 2010. In addition to the evaluation of options to reduce flood risk in this community, a detailed assessment of the impacts of climate change was also incorporated into this project. Key floodplain risk management measures identified in the draft Plan include:

- preparation of an Entrance Management Policy including 'sight' poles to monitor changes in the lagoon entrance;
- modification to Section 149(5) Planning Certificates to provide more information about flooding;
- preparation of a Community Emergency Response Plan including Community Awareness Program;
- preparation of a Local Drainage Strategy to deal with nuisance flooding after heavy rain;
- installation of rainfall station to improve flood warning;
- implementation of a house raising program;
- inclusion of the community in Council's current Coastal Vulnerability Assessment;

- recommendation for adoption of new Flood Planning Levels for all future development to include a climate change scenario of 0.9m sea level rise and 30% increase in rainfall intensity.

The next step for the Great Mackerel Beach floodplain is that the Floodplain Risk Management Study and Plan is expected to be reported to Council for final adoption in December 2010.

#### Careel Creek (Avalon)

The Careel Creek Drainage Catchment Flood Study was adopted by Council in 2000 with associated Flood Planning Levels adopted by Council in 2004. The Careel Creek Floodplain Management Study was adopted by Council in 2000 and the accompanying Floodplain Risk Management Plan adopted in 2002. No assessment of climate change was included in these projects.

Key outcomes of the Floodplain Management Plan were the construction of the Multi-Function Detention Basin at Avalon Golf Course in 2005 and the enlargement of the Careel Creek culvert under Barrenjoey Road at North Avalon in 2008.

Now that grant funding has now been received under the NSW Floodplain management Program for 2010–2011, the next step for the Careel Creek (Avalon) floodplain is to prepare an update of the Careel Creek Flood Study that will include a detailed assessment of climate change. Preparation of the study brief is expected to commence in January 2011.

#### Newport Beach

Newport Beach Flood Study, Floodplain Risk Management Study and Plan, and associated Flood Planning Levels were adopted by Council in 2004. Flood Planning Levels for Newport Beach have included 0.2m for sea level rise since 2004.

Key outcomes of the Floodplain Risk Management Plan included:

- a targeted community flood education program;
- a more detailed investigation into flood mitigation works in the North Arm Creek including a detention basin upstream of Howells Close, a by-pass pipeline down Neptune Road to Newport Beach and a by-pass tunnel to Newport Beach under Porters Reserve.

The draft Newport Beach North Arm — Flood Management Options Feasibility Report is currently in the final stages of preparation. The next step for the Newport Beach Floodplain is therefore the completion of this Draft Final Report and the accompanying report to Council to place the study on Public Exhibition. This is expected in February 2011.

#### Mona Vale / Bayview

The Mona Vale / Bayview Flood Study was adopted by Council in 2002, with associated Flood Planning Levels adopted in 2005. The draft Mona Vale / Bayview Floodplain Risk Management Study and Plan is currently being internally reviewed by Council.

In addition to the evaluation of options to reduce flood risk in this community, a detailed assessment of the impacts of climate change was also incorporated into this project. Key floodplain risk management measures identified in the draft Plan include:

- modifications to the flood gates at Bayview Golf Course;



- preparation of a Community Emergency Response Plan including Community Awareness Program;
- recommendation for adoption of new Flood Planning Levels for all future development to include a climate change scenario of 0.9m sea level rise and 30% increase in rainfall intensity.

The next step for the Mona Vale / Bayview floodplain is to establish a Community Working Group to assist progress the Floodplain Risk Management Study and Plan to the public exhibition phase. This is expected in early 2011.

#### Narrabeen Lagoon

The Narrabeen Lagoon Flood Study was completed in 1990 and adopted by Warringah Council in 1991. This is the most recent Flood Study completed for Narrabeen Lagoon and Flood Planning Levels were adopted by Pittwater Council in 2005. There was no assessment for climate change undertaken in the 1990 Flood Study.

The Narrabeen Lagoon Floodplain Management Study was adopted by Pittwater Council in 1992 with the Narrabeen Lagoon Floodplain Management Plan completed and adopted some 10 years later in 2002. Key recommendations of the Plan included:

- measures relating the Entrance Management Policy and sand removal operations — these measures have been ongoing since the adoption of the Plan;
- improvements to the Narrabeen Lagoonwatch Program and Website — these measures have progressed since the adoption of the Plan;
- preparation of a Community Emergency Response Plan including Community Awareness Program — this has not progressed since adoption of the Plan;
- implementation of a house raising program — this has not progressed since adoption of the Plan;
- further investigation into a diversion floodway near the Mullett Creek bridge at Pittwater Road — this has not progressed since adoption of the Plan.

Warringah Council, in association with Pittwater Council, are currently undertaking an update of the Narrabeen Lagoon Flood Study. This update will include a detailed assessment of climate change and lagoon entrance dynamics. The study area will also be significantly expanded to include all tributaries of Narrabeen Lagoon. A Data Compilation Study was completed in July 2010 for the update of the Narrabeen Lagoon Flood Study. An Expression of Interest to undertake the Flood Study was completed in August 2010 to establish a short-list of suitably qualified consultants to receive a detailed 'Invitation to Tender' or study brief. Warringah Council adopted this short-list of consultants on 19 October 2010.

The next step for the Narrabeen Lagoon floodplain is for Warringah Council management to approve the final 'Invitation to Tender' and to invite the short-list of consultants to submit a detailed fee proposal in accordance with the 'Invitation to Tender'. This phase is expected to occur in November 2010.

#### Warriewood Valley (Mullet Creek, Narrabeen Creek and Fern Creek)

The Warriewood Valley Flood Study, the subsequent Warriewood Valley Flood Study Addendum 1 and associated Flood Planning Levels were adopted in 2005. In 2006, Flood Hazard Mapping was updated and adopted to reflect changes to the floodplain as a result of ongoing development of the Warriewood Valley Urban Release Area. No assessment of climate change was included in these projects.

The study area for the Warriewood Valley Flood Study and Addendum 1 comprised essentially all the floodplains of Narrabeen and Fern Creeks. However, Mullet Creek was modelled only upstream as far as the Garden Street bridge, because upstream of Garden Street was outside the Warriewood Valley Urban Release Area.

The Warriewood Valley Flood Study and Addendum 1 form the basis for calculation of Flood Planning Levels for development within the Warriewood Valley Urban Release Area. In accordance with the Warriewood Valley Water Management Strategy, each Development Application must assess its own changes to the floodplain in terms of filling or creek rehabilitation works to ensure that there are no adverse impacts in flood behaviour on properties upstream and downstream of the development.

This flood risk impact assessment also confirms the Flood Planning Levels that are to be applied to the entire development site. No Floodplain Risk Management Study has been undertaken for the Warriewood Valley catchment.

The next step for the Warriewood Valley floodplains will be an updated and expanded Flood Study to be completed as part of the update of the Narrabeen Lagoon Flood Study. The study area for Mullett Creek will be extended to cover the main flowpaths for the entire catchment up to almost Mona Vale Road, providing a Flood Study for the Ingleside area as well as the existing Warriewood Valley. As discussed above, the next step for this project is for Warringah Council management to approve the final 'Invitation to Tender' and to invite the short-list of consultants to submit a detailed fee proposal in accordance with the 'Invitation to Tender'. This phase is expected to occur in November 2010.

#### Nareen Creek (North Narrabeen)

The Nareen Creek Flood Study and associated Flood Planning Levels were adopted by Council in 2005. The draft Nareen Creek (North Narrabeen) Floodplain Risk Management Study and Plan is currently being internally reviewed by Council. In addition to the evaluation of options to reduce flood risk in this community, a detailed assessment of the impacts of climate change was also incorporated into this project. Key floodplain risk management measures identified in the draft Plan include:

- further investigation into flood gates on outlet to Narrabeen Lagoon and associated small flood wall adjacent to Wakehurst Parkway near Wimbledon Avenue to prevent backwater flooding up to about a 1 in 20 year ARI design event;
- further investigation into a by-pass pipeline to divert floodwaters away from the area of the floodplain affected by a high hazard floodway in and around Tatiara Crescent;
- preparation of a masterplan for future development for that part of the floodplain affected by a high hazard floodway in and around Tatiara Crescent;
- preparation of a Community Emergency Response Plan including Community Awareness Program;
- further improvements to flood warning with additional rainfall gauges and improvements to the Narrabeen Lagoonwatch Program and Website.
- recommendation for adoption of new Flood Planning Levels for all future development to include a climate change scenario of 0.9m sea level rise and 30% increase in rainfall intensity.

At its meeting of 19 August 2010, Council's Senior Management Team recommended that the current draft Nareen Creek Floodplain Risk Management Study and Plan be deferred pending the finalisation of the update of the Narrabeen Lagoon Flood Study.

In 2007, Council resolved to prepare the North Narrabeen Village Masterplan to provide an urban framework that aimed to enhance the amenity and design quality of the North Narrabeen Village Commercial Centre, whilst responding to flooding, traffic and parking constraints. In February 2010, Council resolved to defer finalisation of the North Narrabeen

Masterplan until adoption of the NSW Government Guidelines on sea level rise and the finalisation of the Nareen Creek Floodplain Risk Management Study and the update of the Narrabeen Lagoon Flood Study. Therefore, finalisation of the North Narrabeen Village Masterplan will need to be deferred until finalisation of the update of the Narrabeen Lagoon Flood Study.

The next step for the Nareen Creek (North Narrabeen) floodplain will be an updated Flood Study to be completed as part of the update of the Narrabeen Lagoon Flood Study. As discussed above, the next step for this project is for Warringah Council management to approve the final 'Invitation to Tender' and to invite the short-list of consultants to submit a detailed fee proposal in accordance with the 'Invitation to Tender'. This phase is expected to occur in November 2010.

#### Pittwater Estuary Foreshore

The Pittwater Estuary Processes Study was completed 2003. As part of the 2003 Processes Study, 1%AEP design water levels were calculated at 37 different locations around the foreshore of the Pittwater Estuary. Based on this analysis, Council adopted the Estuarine Planning Level Mapping Study in 2004. The key outcome of the 2004 EPL Mapping Study was to determine an Estuarine Planning Level (EPL) for each property around the foreshore of the Pittwater Estuary.

The draft 'Pittwater Foreshore Floodplain— Mapping of Sea Level Rise Impacts' project is currently being internally reviewed by Council and the Department of Environment, Climate Change and Water (DECCW). The primary aim of this study has been to update the Estuarine Planning Level Mapping Study to incorporate the latest sea level rise benchmarks, in accordance with the NSW Government's Sea Level Rise Policy Statement.

The project will also begin the process of phasing out the use of the terms 'Estuarine Risk' and 'Estuarine Planning Level' in Pittwater and the phasing in of the terms 'Foreshore (Flood) Risk' and 'Foreshore Flood Planning Level' to provide more consistent terminology with the 2005 NSW Government's Floodplain Development Manual.

The next step for the Pittwater Estuary Foreshore floodplain is to report to Council to place the mapping on Public Exhibition. The Public Exhibition, which is anticipated for February–March 2011, will involve a community engagement strategy, including a series of Community Workshops to present information about the likely current and future impacts of tidal inundation due to sea level rise around the foreshore of the Estuary.

#### Overland Flow Areas

The Mapping of Properties Affected by Overland Flooding (Category 3 Properties) project was completed in 2007 and involved a preliminary mapping exercise of properties affected by overland flow. Stage 1 comprised a desk top analysis and broad scale two-dimensional hydraulic modelling, while Stage 2 provided a detailed ground truthing exercise of the preliminary mapping prepared as Stage 1.

Due to the scale of potential affectation, Council's Senior Management Team recommended that a peer review be undertaken of the project before the mapping could be incorporated into Council's flood-related development controls and associated notations were placed on Section 149 Planning Certificates.

Stage 3 of the project was in the form of a Peer Review and Expert Panel Workshop held in June 2009, with representatives from Council's consultants, the Department of Environment, Climate Change and Water (DECCW) and six different Councils with similar overland flow issues. The key recommendations from the Peer Review and Expert Panel Workshop were that:

- Pittwater Council has a duty of care to release the mapping of areas affected by overland flow to the community;
- Some refinement to the mapping is necessary prior to the release of the mapping in its current form, including a consideration of climate change.

The next step in the definition of overland flow problems in Pittwater is Stage 4 of this project, entitled 'Pittwater LGA Overland Flow Mapping Study', with the principal aim to prepare a map of properties potentially affected by overland flow for those areas outside Pittwater Primary (or "mainstream") Floodplain Areas.

Council is now awaiting final approval for grant funding assistance to undertake this project under the 2010–2011 Natural Disaster Resilience Grants Scheme. Pending approval of this grant, preparation of the study brief is expected to commence in November 2010.

### 2.3 **Identification of Future Flood Risks with consideration of Climate Change in Pittwater**

The Coastal Planning Guideline (2010) states that the NSW sea level rise planning benchmarks are to be incorporated into all future coastal hazard and coastal flood risk studies and notes that existing coastal hazard and coastal flood risk studies that have not incorporated the sea level rise planning benchmarks will need to be updated over time.

The Coastal Planning Guideline (2010) acknowledges that the preparation of new and updating existing coastal erosion and coastal flood studies will take some time.

#### Interim Measures for Strategic Land Use Planning and Assessment of Development Applications

Council has made good progress on determining the potential impacts of climate change (sea level rise and increased rainfall intensity) in several of its Primary Floodplain Areas. In this regard, Pittwater's Primary Floodplain Areas can be divided into one of three groups:

- ***Group 1 Floodplains — where an assessment of climate change has been considered in the hydraulic floodplain modelling and that modelling is at the Draft Final Report stage:***
  - Great Mackerel Beach;
  - Mona Vale / Bayview;
  - Pittwater Estuary Foreshore.

For **Group 1 Floodplains**, as an interim measure, it is considered reasonable to utilise the floodplain modelling already undertaken to determine the impacts of climate change both for strategic planning purposes and the assessment of development applications.

- ***Group 2 Floodplains — located within the Narrabeen Lagoon catchment:***
  - Nareen Creek (North Narrabeen)
  - Warriewood Valley
  - Narrabeen Lagoon

For **Group 2 Floodplains**, Flood Planning Levels are dependent on the backwater effects of flood levels in Narrabeen Lagoon. As part of the draft Nareen Creek

Floodplain Risk Management Study (at the Draft Final Report stage), a detailed assessment of climate change has been considered in the hydraulic modelling. It is considered reasonable that the results of the assessment undertaken for Nareen Creek may be used to determine the impacts of climate change in the lower lying areas of Warriewood Valley and the Narrabeen Lagoon Foreshore.

It is acknowledge, however, that these results are dependent on the design flood levels in Narrabeen Lagoon (from the 1990 Flood Study), and hence may vary with the outcome of the update of the Narrabeen Lagoon Flood Study.

For **Group 2 Floodplains**, in the absence of an updated Flood Study for the Narrabeen Lagoon Floodplain that specifically takes into consideration the implications of climate change and remodels the flood extents, it is considered reasonable that the assessment of flood risk for strategic planning purposes and the assessment of development applications be based on the currently available information from the 1990 Flood Study and extrapolation for climate change from the Nareen Creek Floodplain Risk Management Study.

It must be emphasised however, that there is a level of uncertainty using this approach as to the full impact of climate change, in particular the combined effects of sea level rise when considering potential changes to entrance dynamics of the Narrabeen Lagoon, elevated backwater effects together with an increase in rainfall intensity in the surrounding catchments.

- **Group 3 Floodplains — where there is currently no consideration of climate change in the hydraulic modelling of the floodplain:**
  - Careel Creek (Avalon)
  - Newport Beach

For **Group 3 Floodplains**, the *Flood Risk Management Guide* (DECCW, 2010) provides guidance on where the sea level rise planning benchmarks are likely to have an impact on predicted flood levels when floodplain modelling of climate change impacts is not available. It is acknowledged in the Guide that this guidance is conservative and applies to the following areas:

- where the land is within 1m above the upper limit of the current tidal range; or
- where the land is within 1m above the Flood Planning Level in tidally affected floodplains; or
- where the land is within 1.5m above the level of the maximum height of the entrance berm (either historic or managed) at the ocean entrance to a waterway; or
- where the land is below 4.0mAHD.

The Guide also states that where Flood Planning Levels have been calculated (albeit without climate change and “where the site is below 4.0mAHD, an appropriate conservative assumption to estimate the 1% AEP flood level considering sea level rise, is to add the sea level rise planning benchmark to the 1% AEP flood level relevant to that site”.

Given **Group 3 Floodplains** already have adopted Flood Planning Levels (without climate change); it is considered reasonable for **Group 3 Floodplains** only to combine the currently adopted Flood Planning Levels with the guidance provided in the *Flood Risk Management Guide* (DECCW, 2010) both for strategic planning purposes and the assessment of development applications.

#### Sea Level Rise Investigation Areas for Strategic Planning

Prior to the completion of new studies, the Coastal Planning Guideline (2010) suggests that councils may adopt “Sea Level Rise Investigation Areas” or “Potential Coastal Risk Areas” for the purpose of informing strategic land use planning only. However, the Guideline states that “Sea Level Rise Investigation Areas should not be included in Local Environmental Plans (LEPs) or in Development Control Plans or used in development assessments until they can be confirmed by coastal hazard studies and/or coastal flood risk studies at which point they should be identified as coastal risk areas in maps within an LEP regardless of the underlying zone”.

Sea Level Rise Investigation Areas would generally only be necessary where the flood behaviour is not well-defined and no flood studies have been completed.

Given that all of Pittwater's Primary Floodplain Areas have their flood behaviour well-defined from previous flood studies and Flood Planning Levels have been adopted (albeit without climate change), Sea Level Rise Investigation Areas are not considered necessary for the Pittwater LGA.

As discussed above using the approach for **Group 1, 2 and 3 Floodplains**, more definitive information is available that can apply a consistent approach, to both inform strategic land use planning and be used in the assessment of Development Applications.

## 2.4 **Interim Arrangements for Development Applications submitted in Flood and Tidal Risk Areas prior to Adoption of Flood Risk Studies that incorporate Climate Change**

### Current Climate Change Control B3.23 in Pittwater 21 Development Control Plan

Since July 2009, the Pittwater 21 Development Control Plan (DCP) has included Control B3.23 "Climate Change (Sea Level Rise and Increased Rainfall Volume)". This control is triggered when the following circumstances apply to a Development Application (DA):

- the land is identified as having an existing natural hazard, i.e. it is on the Flood Hazard Map, the Estuarine Hazard Map, the Coastal Hazards Map (Beach Management Area) or within the Warriewood Valley Land Release Area; and
- 'intensification of development' is proposed, which includes, but is not limited to:
  - an increase in the number of dwellings from existing conditions (but excluding dual occupancies and secondary dwellings);
  - an increase in commercial or retail floor space.

Control B3.23 requires that the following climate change scenarios to be considered, depending on the type of existing natural hazard:

- Impacts of sea level rise only; and/or
- Impacts of sea level rise combined with increased rainfall volume.

Control B3.23 then states that "as an interim measure, applicants should contact Council to be directed to the source of the best available information to determine the likely increase in Flood Planning Levels as result of climate change."

### Additional Issues to be Considered from latest NSW Government Documents

With the adoption of the suite of documents relating to sea level rise recently adopted by the NSW Government, the following key issues are relevant for the assessment of development applications as well as for strategic planning purposes:

- the following benchmarks are to be assessed as part of the DA:
  - sea level rise — 0.4m increase and 0.9m increase;
  - increased rainfall volume — up to 30% increase (generally 10% and 30% increase should be assessed).

- sea level rise impacts should be quantified and applied separately and not be included within the allowance for freeboard;
- “in addition to the 1% AEP flood, the probable maximum flood should be modelled, including the effects of sea level rise, for emergency response planning purposes, and consideration in strategic planning for critical infrastructure, such as emergency care hospitals, and vulnerable developments, such as residential aged care facilities”. Note there is no requirement to include increased rainfall intensities with the probable maximum flood.

#### Interim arrangements for Development Applications that trigger Climate Change Control

It is acknowledged that it will be up to several years before all Flood Planning Levels in Pittwater can be revised (up to a level of the probable maximum flood) to include the impacts of sea level rise and increased rainfall volume.

Outlined below (and detailed in **Table 4**) are interim arrangements for DA's that are submitted in Flood and Tidal (Estuarine) Risk areas prior to the adoption of applicable Flood Risk Studies that include the impacts of climate change:

- **Minimum Floor Levels:**
  - for existing tidal risk areas — minimum floor levels to include 0.9m sea level rise;
  - for existing flood risk areas — minimum floor levels to include 0.9m sea level rise and 30% increase in rainfall volume;
- **Emergency Response Planning Level and Siting of Critical and Vulnerable Developments** — for tidal and flood risk areas the level of the probable maximum flood that includes 0.9m sea level rise;
- **Source of information to calculate new Flood Planning Levels:**
  - **Group 1 Floodplains** — where an assessment of climate change has been considered in the hydraulic floodplain modelling and that modelling is at the Draft Final Report stage, it is considered reasonable to utilise the floodplain modelling already undertaken to determine the impacts of climate change both for strategic planning purposes and the assessment of development applications.

The applicant will be directed to contact the applicable consultant who undertook the modelling to determine the new Flood Planning Level;

  - **Group 2 Floodplains** — these floodplains are located in Narrabeen Lagoon catchment. In the absence of an updated Flood Study for the Narrabeen Lagoon Floodplain that specifically takes into consideration the implications of climate change and remodels the flood extents, it is considered reasonable that the assessment of flood risk for strategic planning purposes and the assessment of development applications be based on the currently available information from the 1990 Flood Study and extrapolation for climate change from the Nareen Creek Floodplain Risk Management Study. It must be emphasised however, that there is a level of uncertainty using this approach as to the full impact of climate change, in particular the combined effects of sea level rise when considering potential changes to entrance dynamics of the Narrabeen Lagoon, elevated backwater effects together with an increase in rainfall intensity in the surrounding catchments.



The applicant will be directed to contact the applicable consultant who undertook the modelling to determine the new Flood Planning Level;

- **Group 3: Floodplains** — where there is currently no consideration of climate change in the hydraulic modelling of the floodplain; it is considered reasonable for **Group 3 Floodplains** only, to combine the adopted Flood Planning Levels (without climate change) with the guidance provided in the *Flood Risk Management Guide* (DECCW, 2010). The applicant will be directed to contact Council to obtain the new Flood Planning Level.

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### 3.0 SUSTAINABILITY ASSESSMENT

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

The overarching aim of flood and coastal risk management is to:

- increase safety for residents and businesses;
- increase the community's resilience and reduce the social dislocation.

Communication of risks from natural hazards increases community awareness thereby reducing the potential risk to life and property.

The Coastal Planning Guideline (2010), the accompanying Flood and Coastal Risk Guides and Sea Level Rise Level Rise Policy Statement assists in informing and preparing our community for the impacts of sea level rise. A community engagement strategy will be developed to effectively convey this information.

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

Floodplain risk management plans are formulated through the balancing a wide range of social, economic and environmental issues. So although Council's Flood Risk Management Strategy focuses on the natural hazard of flooding, understanding how all measures will interact with the natural environment is an integral part of the Strategy.

Assessing the predicted impacts of climate change will allow for future planning of impacts on tidal ecosystems, ground water dependent ecosystems, adverse water quality, threatened species, coastal erosion, etc.

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

One of the key outcomes of the NSW Government policies relating to natural hazards is the 'protection of private and private infrastructure and assets'. By ensuring there are adequate development controls in place to deal with natural hazards, this will reduce future economic impacts across the whole of the Pittwater community.

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

This project has been undertaken to ensure compliance with the requirements of the NSW Government Flood Prone Land Policy and accompanying Floodplain Development Manual (2005).

With the primary responsibility for the management of flood risks resting with local councils, this project has been carried out in accordance with the NSW Flood Prone Land Policy and

accompanying Floodplain Development Manual. This can provide Council with indemnity under Section 733 of the Local Government Act.

The adoption of the sea level rise benchmarks and incorporation into Council's hazard management planning will provide compliance with Councils obligations under the NSW Coastal Policy and the NSW Flood Prone Land Policy. This can provide Council with indemnity under Section 733 of the Local Government Act.

### 3.5 Integrating our Built Environment (Infrastructure)

Following adoption of a floodplain risk management plan, Councils can then qualify for grant funding from various government agencies to assist in the implementation of the plan for on-the-ground works to reduce flood risk.

Incorporation of the Coastal Planning Guideline and the associated technical Risk Guides and adoption of the benchmarks will allow Council to make informed decisions for the management of current and the provision of future infrastructure from the impacts of climate change.

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## 4.0 EXECUTIVE SUMMARY

- 4.1 The NSW Government Flood Prone Land Policy highlights that the primary responsibility for floodplain risk management rests with local councils. The NSW State Government has prepared the *Floodplain Development Manual* (2005) in accordance with its Flood Prone Land Policy to guide Local Councils in the management of their flood risks.

The Floodplain Development Manual outlines a risk management framework called the Floodplain Risk Management Process. This structured framework provides councils with a step-by-step management process, which ultimately leads to a Floodplain Risk Management Plan adopted by the elected Council that has taken into consideration the full range of social, economic and environmental factors. Provided councils utilise the framework provided by the Floodplain Risk Management Process and they have acted in good faith, councils can receive with indemnity under Section 733 of the Local Government Act, 1993.

The Floodplain Risk Management Process forms the basis of Pittwater's Flood Risk Management Strategy.

- 4.2 Nearly 8,000 properties in the Pittwater LGA (or about one-third of the properties in Pittwater) are potentially at risk from flooding and/or estuarine/tidal inundation. This excludes additional flood impacts that may arise as a result of sea level rise and increases in rainfall intensity from climate change.

Council has made good progress in identifying existing flood risks across the LGA. Flood Studies, with associated flood mapping, have been completed and adopted by Council for all of Pittwater's 'Primary Floodplain Areas' at Great Mackerel Beach, Careel Creek (Avalon), Newport Beach, Mona Vale / Bayview, Warriewood Valley (Mullet, Narrabeen Creek and Fern Creek), Nareen Creek (North Narrabeen), Narrabeen Lagoon Foreshore and the Pittwater Estuary Foreshore.

About 4,200 properties (or nearly 1 in 5 properties in Pittwater) have been identified as being at risk from flooding and/or tidal inundation. At present, these properties exclude any additional flood impacts that may arise as a result of sea level rise and increases in rainfall intensity due to climate change.

- 4.3 Council has also made good progress on determining the potential impacts of climate change (sea level rise and increased rainfall intensity) in several of its Primary Floodplain Areas (Great Mackerel Beach, Mona Vale / Bayview and Nareen Creek (North Narrabeen)).

With the finalisation of the current NSW Government Guidelines, the Guidelines can now be incorporated into these projects and the projects ultimately placed on public exhibition, adopted by Council and the information used to inform the Pittwater 21 Development Control Plan.

All new flood risk studies will incorporate sea level rise and increased rainfall intensity in accordance with the latest available NSW Government Guidelines.

4.4 Key next steps and upcoming projects for each of the Primary Floodplain Areas are as follows:

- **Great Mackerel Beach** — the Great Mackerel Beach Floodplain Risk Management Study and Plan is expected to be reported to Council for final adoption in December 2010.
- **Careel Creek (Avalon)** — grant funding has now been received under the NSW Floodplain management Program for 2010–2011, and so the next step is to prepare an update of the Careel Creek Flood Study that will include a detailed assessment of climate change. Preparation of the study brief is expected to commence in January 2011.
- **Newport Beach** — The draft Newport Beach North Arm — Flood Management Options Feasibility Report is currently in the final stages of preparation. The next step is the completion of this Draft Final Report and the accompanying report to Council to place the study on Public Exhibition. This is expected in February 2011.
- **Mona Vale /Bayview** — Establish a Community Working Group to assist progress the Floodplain Risk Management Study and Plan to the public exhibition phase is expected in early 2011.
- **Narrabeen Lagoon** — Warringah Council, in association with Pittwater Council, are currently undertaking an update of the Narrabeen Lagoon Flood Study. This update will include a detailed assessment of climate change and lagoon entrance dynamics. The study area will also be significantly expanded to include all tributaries of Narrabeen Lagoon. The next step is for Warringah Council management to approve the final 'Invitation to Tender' and to invite the short-list of consultants to submit a detailed fee proposal in accordance with the 'Invitation to Tender'. This phase is expected to occur in November 2010.
- **Warriewood Valley (Mullet, Narrabeen and Fern Creeks)** — an updated and expanded Flood Study will be completed as part of the update of the Narrabeen Lagoon Flood Study. The study area for Mullet Creek will be extended to cover the main flowpaths for the entire catchment up to almost Mona Vale Road, providing a Flood Study for the Ingleside area as well as the existing Warriewood Valley.
- **Nareen Creek (North Narrabeen)** — an updated Flood Study will be completed as part of the update of the Narrabeen Lagoon Flood Study.
- **Pittwater Estuary Foreshore** — The draft 'Pittwater Foreshore Floodplain— Mapping of Sea Level Rise Impacts' project is currently being internally reviewed by Council and the Department of Environment, Climate Change and Water (DECCW). The next step is to report to Council to place the mapping on Public Exhibition. The Public Exhibition, which is anticipated for February–March 2011, will involve a community engagement strategy, including a series of Community Workshops to present information about the likely current and future impacts of tidal inundation due to sea level rise around the foreshore of the Pittwater Estuary.
- **Overland Flow Areas** — the 'Pittwater LGA Overland Flow Mapping Study', with the principal aim to prepare a map of properties potentially affected by overland flow for those areas outside Pittwater Primary (or "mainstream") Floodplain Areas is currently awaiting final approval for grant funding assistance under the 2010–2011 Natural

Disaster Resilience Grants Scheme. Pending approval of this grant, preparation of the study brief is expected to commence in November 2010.

4.5 Since July 2009, the Pittwater 21 Development Control Plan (DCP) has included Control B3.23 "Climate Change (Sea Level Rise and Increased Rainfall Volume)". This control is triggered when the land is identified as having an existing natural hazard, and 'intensification of development' is proposed.

4.6 It is acknowledged that it will be up to several years before all Flood Planning Levels in Pittwater can be revised to include the impacts of sea level rise and increased rainfall volume. Therefore the following interim arrangements are proposed (with more details in **Table 4**) for Development Applications submitted in Flood and Tidal Areas prior to Adoption of Flood Risk Studies that incorporate Climate Change:

- **Minimum Floor Levels:**
  - for existing tidal risk areas — minimum floor levels to include 0.9m sea level rise;
  - for existing flood risk areas — minimum floor levels to include 0.9m sea level rise and 30% increase in rainfall volume;
- **Emergency Response Planning Level and Siting of Critical and Vulnerable Developments** — for tidal and flood risk areas the level of the probable maximum flood that includes 0.9m sea level rise.
- **Source of information to calculate new Flood Planning Levels:**
  - **Group 1 Floodplains** — where an assessment of climate change has been considered in the hydraulic floodplain modelling and that modelling is at the Draft Final Report stage, it is considered reasonable to utilise the floodplain modelling already undertaken to determine the impacts of climate change both for strategic planning purposes and the assessment of development applications.

The applicant will be directed to contact the applicable consultant who undertook the modelling to determine the new Flood Planning Level;

– **Group 2 Floodplains** — these floodplains are located in Narrabeen Lagoon catchment. In the absence of an updated Flood Study for the Narrabeen Lagoon Floodplain that specifically takes into consideration the implications of climate change and remodels the flood extents, it is considered reasonable that the assessment of flood risk for strategic planning purposes and the assessment of development applications be based on the currently available information from the 1990 Flood Study and extrapolation for climate change from the Nareen Creek Floodplain Risk Management Study. It must be emphasised however, that there is a level of uncertainty using this approach as to the full impact of climate change, in particular the combined effects of sea level rise when considering potential changes to entrance dynamics of the Narrabeen Lagoon, elevated backwater effects together with an increase in rainfall intensity in the surrounding catchments.

The applicant will be directed to contact the applicable consultant who undertook the modelling to determine the new Flood Planning Level;

- **Group 3: Floodplains** — where there is currently no consideration of climate change in the hydraulic modelling of the floodplain; it is considered reasonable for **Group 3 Floodplains** only, to combine the adopted Flood Planning Levels (without climate change) with the guidance provided in the *Flood Risk Management Guide* (DECCW, 2010). The applicant will be directed to contact Council to obtain the new Flood Planning Level.

- 4.7 Sea Level Rise Investigation Areas would generally only be necessary where the flood behaviour is not well-defined and no flood studies have been completed.

Given that all of Pittwater's Primary Floodplain Areas have their flood behaviour well-defined from previous flood studies and Flood Planning Levels have been adopted (albeit without climate change), Sea Level Rise Investigation Areas are not considered necessary for the Pittwater LGA. As discussed in Section 2.3, using the approach for **Group 1, 2 and 3 Floodplains**, more definitive information is available that can apply a consistent approach, to both inform strategic land use planning and be used in the assessment of Development Applications.

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## RECOMMENDATION

1. That the update, status and next steps of Council's Flood Risk Management Strategy, including the incorporation of the NSW Government Sea Level Rise benchmarks and increases in rainfall intensity associated with climate change be noted.
2. That the proposed interim arrangements for development applications submitted in currently mapped flood and tidal risk areas prior to adoption of applicable Flood Risk Studies that incorporate climate change be adopted.

Report prepared by  
Sue Ribbons, Project Leader – Floodplain Management

Jennifer Pang  
**TEAM LEADER — CATCHMENT MANAGEMENT AND CLIMATE CHANGE**

**TABLE 3: PITTWATER FLOOD RISK MANAGEMENT STRATEGY — STATUS AS AT OCTOBER 2010**

FLOODPLAIN	STEPS* OF FLOOD RISK MANAGEMENT STRATEGY COMPLETED						MOST RECENTLY COMPLETED OR IN-PROGRESS PROJECT			NEXT STEP	
	1	2	3	4	5	6	PROJECT NAME	STATUS	CLIMATE CHANGE INCLUDED	PROJECT NAME	ACTION and INDICATIVE TIME FRAME
<b>Great Mackerel Beach</b>	✓	✓	✓				Step 4: Floodplain Risk Management Study and Plan	Public Exhibition complete— July 2010	✓	Step 4: Floodplain Risk Management Study and Plan	Adoption by Council December 2010
<b>Careel Creek (Avalon)</b>		✓	✓	✓	n a	✓	Step 6: Construction of Detention Basin at Avalon Golf Course and Enlarged Culvert under Barrenjoey Road at North Avalon	Complete 2005 and 2008	✗	Step 1: Establishment of Community Working Group; and Step 2: Flood Study Update	Grant Funding approval received for 2010–2011. Brief preparation to commence January 2011
<b>Newport Beach</b>		✓	✓	✓	n a	✓	Step 6: Newport Beach North Arm — Flood Management Options Feasibility Report	Internal Review of Draft Final Report	✓ (only 0.2m sea level rise)	Step 6: Newport Beach North Arm — Flood Management Options Feasibility Report	Finalisation of Draft Final Report and report to Council to place on Public Exhibition February 2011
<b>Mona Vale / Bayview</b>		✓	✓		✓		Step 4: Floodplain Risk Management Study and Plan	Internal Review of Draft Final Report	✓	Step 4: Floodplain Risk Management Study and Plan; and Step 1: Establishment of Community Working Group;	Establish Community Working Group and Progress to Public Exhibition February 2011
<b>Narrabeen Lagoon</b>	✓	✓	✓				Step 2: Flood Study Update — Data Compilation Study  Step 2: Flood Study Update — Expression Of Interest for Shortlist of Consultants	Final Report Complete July 2010  Complete — Adopted by Warringah Council Oct 2010	✓	Step 2: Flood Study Update — Invitation to Tender	Invitation to Tender released to short-list of consultants November 2010

FLOODPLAIN	STEPS* OF FLOOD RISK MANAGEMENT STRATEGY COMPLETED						MOST RECENTLY COMPLETED OR IN-PROGRESS PROJECT			NEXT STEP	
	1	2	3	4	5	6	PROJECT NAME	STATUS	CLIMATE CHANGE INCLUDED	PROJECT NAME	ACTION and INDICATIVE TIME FRAME
Warriewood Valley (Mullet Creek, Narrabeen Creek, Fern Creek)		✓	✓				Step 2 and 3: Flood Study Addendum 1 and associated Mapping	Flood Study adopted by Council July 2005; latest Flood Mapping Update September 2006	✗	Step 2: Warriewood Valley and Ingleside Flood Study Update (Mullet Creek, Narrabeen Creek and Fern Creek) — incorporated in update of Narrabeen Lagoon Flood Study)  Invitation to Tender	Invitation to Tender released to short-list of consultants November 2010
Nareen Creek (North Narrabeen)	✓	✓	✓				Step 4: Floodplain Risk Management Study and Plan	Internal Review of Draft Final Report On hold pending completion of update of Narrabeen Lagoon Flood Study	✓	Step 2: Nareen Creek (North Narrabeen) Flood Study Update — incorporated in update of Narrabeen Lagoon Flood Study)  Invitation to Tender	Invitation to Tender released to short-list of consultants November 2010
Pittwater Estuary Foreshore	✓	✓	✓				Step 2: Pittwater Foreshore Floodplain — Mapping of Sea Level Rise Impacts	Internal and DECCW Review of Preliminary Draft Report	✓	Step 2: Pittwater Foreshore Floodplain — Mapping of Sea Level Rise Impacts	Progress to Public Exhibition February 2011
Overland Flow Areas		✓					Step 2: Peer Review of Preliminary Overland Flow Mapping	Peer Review & Expert Panel Workshop Jun 2009 Peer Review Final Report August 2010	✗	Step 2: Pittwater LGA Overland Flow Mapping Study	Awaiting final Grant Funding approval. Brief preparation to commence November 2011

\* Step 1 — Establishment of Community Working Group  
Step 2 — Flood Study  
Step 3 — Flood Mapping and Flood Levels;  
For details of previous projects see **Figure 2**

Step 4 — Floodplain Risk Management Study and Plan  
Step 5 — Flood Mapping and Flood Levels (if required);  
Step 6 — Implementation of Plan

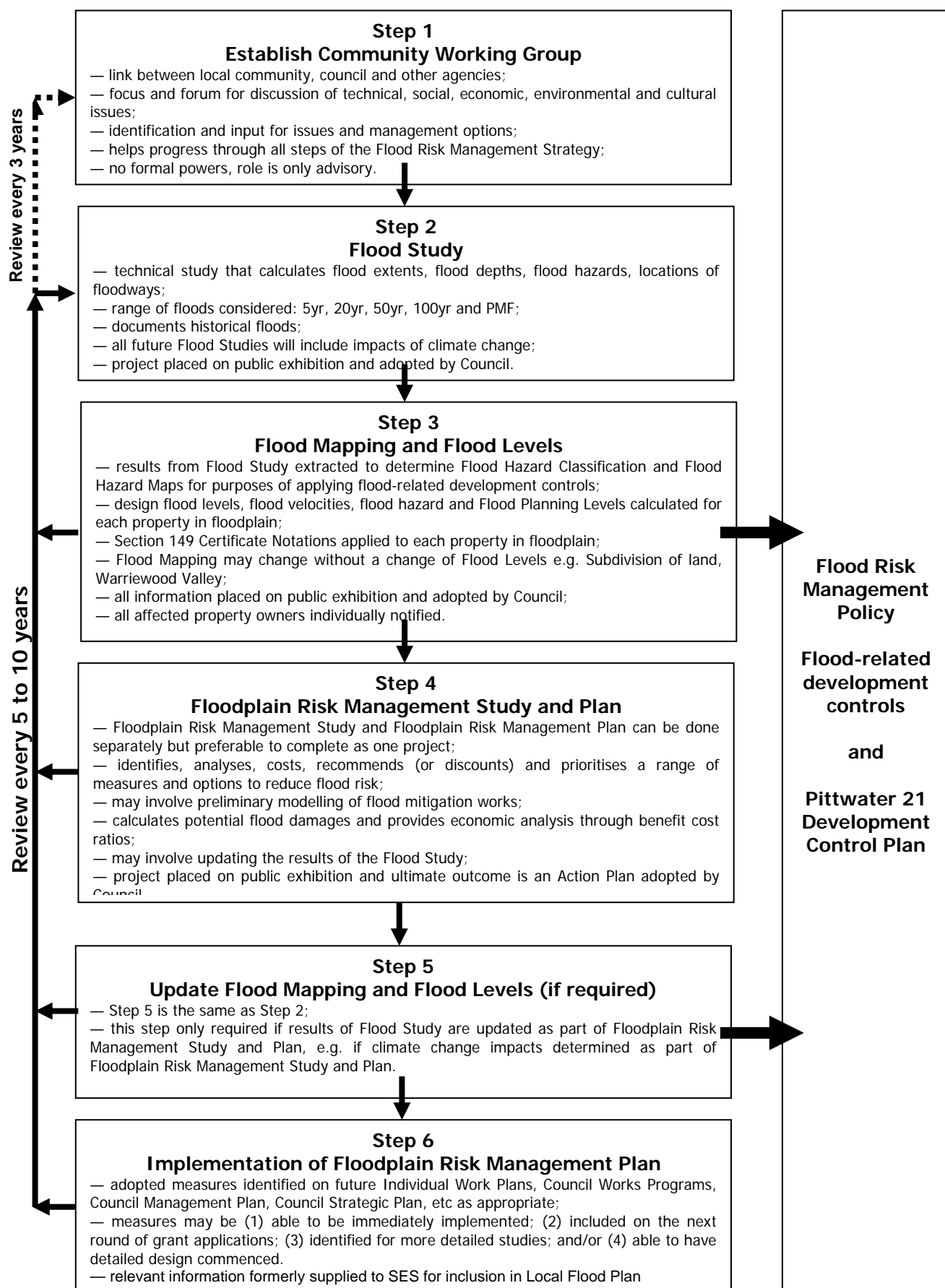
**TABLE 4: INTERIM ARRANGEMENTS FOR DEVELOPMENT APPLICATIONS SUBMITTED IN FLOOD AND TIDAL RISK AREAS PRIOR TO ADOPTION OF FLOOD RISK STUDIES**

MINIMUM FLOOR LEVELS			EMERGENCY RESPONSE PLANNING AND SITING OF CRITICAL AND VULNERABLE DEVELOPMENTS				
No Intensification	With Intensification		No Intensification		With Intensification		
All Primary Floodplain Areas	Pittwater Foreshore Floodplain	All other Primary Floodplain Areas	Pittwater Foreshore Floodplain	All other Primary Floodplain Areas	Pittwater Foreshore Floodplain	All other Primary Floodplain Areas	
						Ground level less than 4.0mAHD	Ground level greater than 4.0mAHD
Current Estuarine Planning Level or Flood Planning Level	Current Estuarine Planning Level + 0.7m for Sea Level Rise*	Flood Planning Level to include 0.9m for Sea Level Rise and increase 30% rainfall intensity**	Current Estuarine Planning Level	Current level of Probable Maximum Flood	Current Estuarine Planning Level + 0.7m for Sea Level Rise*	Probable Maximum Flood level to include 0.9m for Sea Level Rise	Maximum of: (i) Current level of Probable Maximum Flood; and (ii) Probable Maximum Flood level including 0.9m for Sea Level Rise

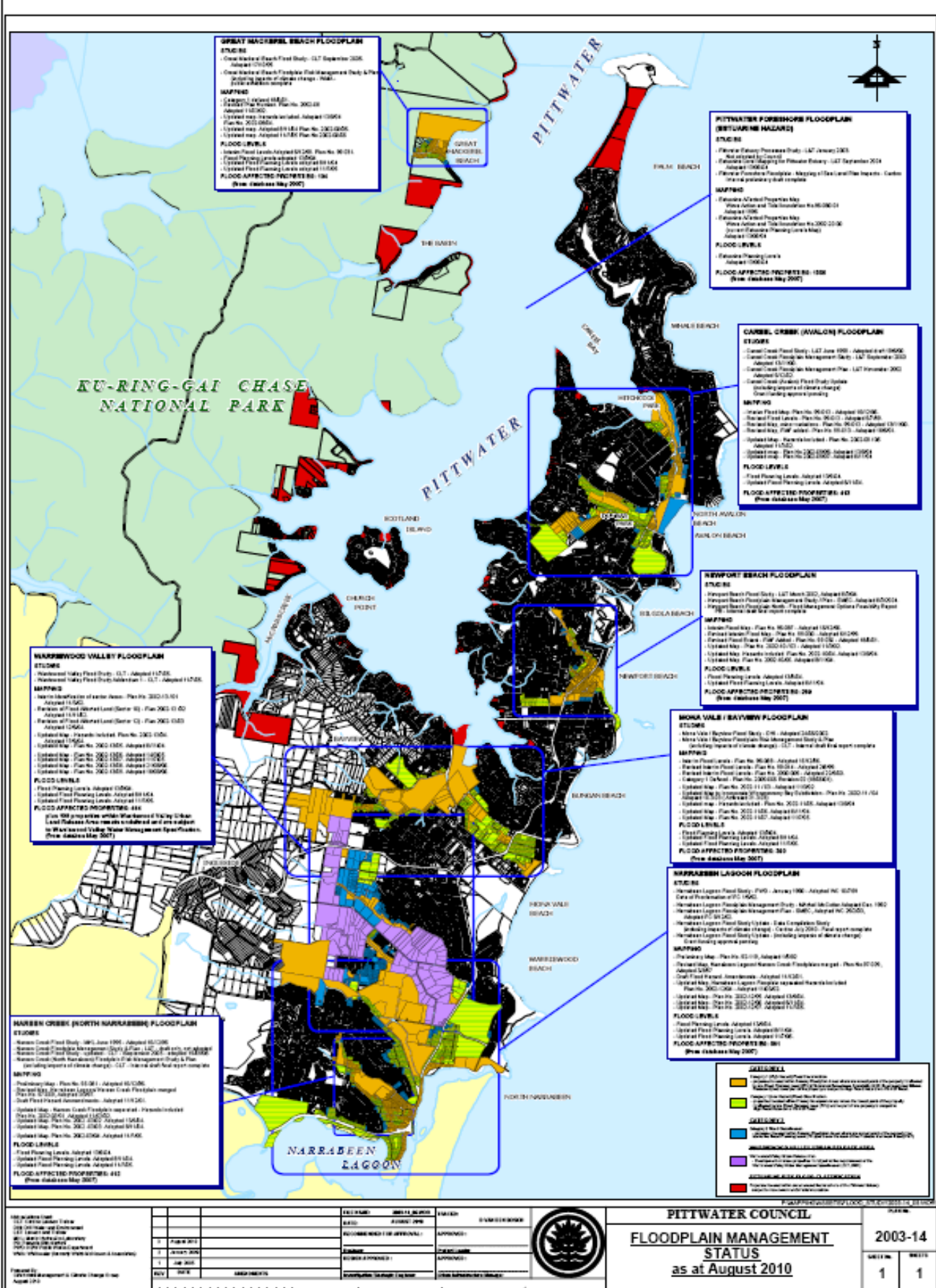
Notes:      \*      Current Estuarine Planning Level includes 0.2m for sea level rise  
              \*\*      Except for Newport Beach where current Flood Planning level includes 0.2m sea level rise — for Newport Beach: “Flood Planning Level to include 0.7m for Sea Level Rise and increase 30% rainfall intensity”



**FIGURE 1: PITTWATER FLOOD RISK MANAGEMENT STRATEGY**



## FIGURE 2



## **C9.2 Update on NSW Coastal Erosion Reform Package**

**Meeting:** Natural Environment Committee

**Date:** 1 November 2010

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**STRATEGY:** Land Use & Development

**ACTION:** To respond to reforms in planning process and advocate on behalf of Council

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### **PURPOSE OF REPORT**

To provide further information about the NSW Government's Coastal Erosion Reform Package and the progress of the *Coastal Protection and Other Legislation Amendment Bill 2010* for Council's consideration.

### **1.0 BACKGROUND**

- 1.1 At the Council meeting held on 16 August 2010, a report dealing with the *Coastal Protection and Other Legislation Amendment Bill 2010* (the Bill) together with a submission on the Bill prepared jointly by the LGSA and affected coastal councils, was considered and the joint submission was endorsed by Pittwater Council.
- 1.2 A report dealing with the NSW Coastal Planning Guideline and the supporting Flood and Coastal Risk Management Guides was also considered by Council at the Natural Environment Committee held on 5 October 2010. Council acknowledged the adoption of the Coastal Planning Guideline by the NSW Government and further resolved that it be utilised for future strategic planning, development assessment and coastal and flood risk management purposes for all the affected areas of Pittwater.
- 1.3 The proposed amendments to legislation, new coastal management and planning guidelines as well as additional encouragement and incentives for coastal councils to re-energise their planning processes (through the preparation of standard Local Environmental Plans, Coastal Zone Management Plans and supporting planning and development controls) are key features of recent planning reforms.
- 1.4 On 11 June 2010 the *Coastal Protection and Other Legislation Amendment Bill 2010* (the Bill) was introduced into the NSW Parliament proposing amendments to the *Coastal Protection Act 1979*, the *Local Government Act 1993*, and various supporting regulations.
- 1.5 The amendments contained in the Bill provide for emergency temporary coastal protection works, increased penalties for illegal activities, the levying of a coastal protection service charge for landowner funded permanent protection works, improved order powers and more extensive exemptions from liability for local government.
- 1.6 Following a call for further consultation initiated by the LGSA and SCCG on behalf of affected coastal councils, Minister Sartor delayed debate on the Bill until the Spring Session of Parliament which commenced on the 31 August 2010. The delay enabled extensive consultation to be undertaken, with affected councils, jointly by the LGSA and relevant DECCW staff.

- 1.7 As a result of submissions received, further amendments were made to the Bill resulting in the original Bill being withdrawn and an amended version of the Bill [the Bill (No.2)] being introduced into Parliament by Minister Sartor on 22 September 2010.
- 1.8 The Bill (No.2) was robustly debated, but agreed in principle in the Legislative Assembly on 19 October 2010. Following debate in the Legislative Council on 20 October 2010, the Bill (No.2) was agreed with minor amendments. The Bill (No.2) will now be referred back to the Legislative Assembly for endorsement and then assent. Recent advice from Minister Sartor suggests that the amending legislation will be enacted early in the New Year.

## **2.0 ISSUES**

### **2.1 Coastal Erosion Reform Package**

A substantial amount of supporting documentation including policies, legislation, guidelines and technical information has been, or is in the process of being prepared to help implement the state government's Coastal Erosion Reform Package.

The NSW Government released its Sea Level Rise Policy Statement in November 2009. The Policy Statement defines sea level rise planning benchmarks to be utilised by local government for planning and assessment purposes and are based on planning horizons of 2050 and 2100, but the Policy recommends that the benchmarks be calculated to suit the required design life of any subject development by linear extrapolation.

Whilst the adopted benchmarks are for a rise (relative to 1990 mean sea level) of 40cm by 2050 and 90cm by 2100, the rise in sea level for the 100 year planning horizon i.e. 2110, equates to 100cm.

In support of the Bill and the sea level rise planning benchmarks, DoP and DECCW are also releasing supporting guidelines to assist affected councils to take the actions required and to prepare the necessary documentation to implement and administer the provisions of the Bill. The following guidelines are included as a part of the Coastal Erosion Reform Package:

- NSW Coastal Planning Guideline: Adapting to Sea Level Rise (DoP) – Released August 2010
- Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessments (DECCW) – Released August 2010
- Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments – Released August 2010
- Minister's Requirements under the Coastal Protection Act 1979 (DECCW) – Consultation draft
- Guidelines for Preparing Coastal Zone Management Plans (DECCW) – Consultation draft
- A Guide for Authorised Officers Under the Coastal Protection Act (DECCW) – Consultation draft
- A Guide to the Statutory Requirements for Emergency Coastal Protection Works – Consultation draft
- Guidelines for Preparing Coastal Erosion Emergency Subplans (DECCW) – Awaited
- Guidelines for assessing and managing the impacts of seawalls (DECCW) – Awaited
- Guidelines for Calculating Coastal Protection Service Charges (DECCW) – Awaited

### **2.2 The Bill**

Despite Parliament passing the Bill (No.2) the LGSA, the SCCG and many of their member coastal councils remain concerned by a number of aspects of the reform package, in

particular the burden of planning and management responsibility as well as potential liability that will be transferred to local government.

A generic letter and fact sheet has been sent to the Mayors of all affected coastal councils by Minister Sartor which highlights the positive aspects of the Bill (No.2) and the reform package in general, but remains as a superficial examination of the relevant issues for coastal councils (Minister's letter and fact sheet is appended as Attachment 1 to this report).

Due to the difficulties experienced by coastal councils in developing a clear understanding of the legal, planning and coastal hazard management implications of the original Bill, the LGSA and the SCCG have jointly engaged HWL Ebsworth Lawyers to provide an analysis of the Bill (the confidential legal advice provided to LGSA and SCCG from HWL Ebsworth Lawyers has been circulated separately to all Councillors).

The NSW Opposition had expressed serious reservations about the Bill after undertaking independent consultation with affected coastal councils and inspections of all nominated 'Hot Spot' beaches along the NSW coastline (including those in Warringah and Pittwater).

The Shadow Minister for Climate Change and Environmental Sustainability, the Hon Catherine Cusack MLC and the Member for Pittwater, the Hon Rob Stokes MP, conducted a coastal stakeholder meeting at the Coastal Environment Centre on 11 August 2010 which included coastal scientists, community group representatives, coastal engineers as well as a Councillor and staff from Pittwater Council. Following deliberation on the matter, the Opposition issued a press release stating that it was unable to support the Bill in its current form.

### 2.3 Provisions of the Bill (No.2)

The Bill (No.2) will make provision for the following actions:

- **Emergency Temporary Coastal Protection Works (Emergency Works)**
  - Beachfront landowners at 'hot spot' beaches will be able to conditionally place sand or sandbags on beaches to protect houses at 'imminent' threat from erosion for a period of up to 12 months on a once only per owner basis.
  - The emergency works can only be undertaken during a period of beach erosion or when such beach erosion is imminent and must only be undertaken in accordance with the Minister's Requirements under the *Coastal Protection Act 1979*. Emergency works must also be placed in accordance with the relevant regulations, the requirements of any applicable council Emergency Action Subplan as well as the conditions contained in the Certificate issued by a council or DECCW authorising the emergency works.
  - The most common form of emergency works will consist of large sand filled, geo-fabric bags laid to a maximum height of about 1.5 metres along the toe of a beach erosion scarp.
  - Where emergency works cannot be accommodated wholly on the affected private property, adjoining public land may be used for this purpose. Public authorities must not unreasonably deny access to public land to enable a landowner to lawfully place emergency works on land (whether public or private).

- Local councils will be responsible for monitoring the emergency works to ensure that there are no off-site impacts as a result of the temporary sandbag structures and will also be responsible for ensuring that the work is properly maintained and then removed at the end of the twelve month period. If, however, a DA for permanent coastal protection works is lodged prior to the expiry of the twelve month period, the emergency works will be permitted to remain until the DA has been finally determined.
- If a beachfront property already has in place coastal protection works (approved or otherwise) that would provide a higher degree of protection than emergency temporary coastal protection works, then no emergency works will be authorised.
- **Coastal Protection Service Charge**
  - The Bill (No.2) also amends the *Local Government Act 1993* to enable a Council to make and levy an annual charge for the provision of coastal protection services on rateable land that benefits from the service, i.e properties that have approved long term coastal protection works paid for either wholly by the property owner or jointly by the owner and a council.
  - The intent of the charge is to provide councils with a source of funds (not subject to rate pegging) that could help in meeting the costs of maintaining long term coastal protection works as well as the costs of managing off-site impacts of the works.
  - Coastal Protection Service Charge Guidelines will be developed by the state government and will include how councils should calculate the reasonable costs of providing a coastal protection service and how these costs should be apportioned between the various parcels of land subject to the charge.
  - The charge will be similar in concept to the Stormwater Management Service Charge.
- **Amendments to Section 733 of the Local Government Act**

Section 733 of the Local Government Act will be enhanced to provide exemptions from liability for advice given or actions taken in good faith by councils in regard to the following circumstances:

  - Issuing of orders under the Coastal Protection Act;
  - Erosion and recession of coastal public lands;
  - Failure to upgrade flood or coastal protection works to accommodate the effects of climate change
  - Failure to remove illegal structures; and
  - Providing climate change information.
- **Other Provisions of the Bill**
  - The Bill (No.2) provides councils with new order powers (including stop work orders) for illegal materials placed on a beach or for works that are

likely to cause erosion, present a public safety risk or impede beach access.

- Significant increases in the maximum penalties applicable to individuals and corporations have been introduced to underpin the new order powers.
- Coastal authorities will be required to provide a designated employee/s with suitable knowledge, skills and legal powers to investigate any potential breach of the Coastal Protection Act, to issue orders under this Act and to issue certificates to eligible landowners wishing to undertake emergency temporary coastal protection works.
- The Bill (No.2) provides for the formation of a NSW Coastal Panel to provide advice to the Minister as requested on coastal development and to assist local government in determining coastal development applications where the council does not have in place a gazetted Coastal Zone Management Plan.

- **Supporting Guidelines**

- The successful implementation of the Bill (No.2) will be heavily reliant upon some seven supporting guidelines and requirements which are either currently on exhibition or under development and therefore not yet gazetted. The Minister has stated in the media that the amending legislation will not be enacted until such time as all the supporting guidelines have been completed.

## **2.4 LGSA Survey of Affected Coastal Councils**

The LGSA undertook a survey of affected coastal councils to determine the likely implications of the Bill for local government and the major concerns of affected individual councils. Of particular concern to many coastal councils (and one raised specifically by Pittwater Council delegates) is the need for appropriate coastal hazard zoning provisions and planning controls under the *Environmental Planning and Assessment Act 1979* and standard LEP template.

A number of councils, including Pittwater believed that an important aspect of successfully implementing the provisions of the Bill and supporting guidelines would be an extensive education campaign for the affected Councils and their communities.

Another concern that was frequently raised was the workability of implementing the provisions of the Bill dealing with Emergency Temporary Coastal Protection Works and whether the nominated 'Hot Spot' beaches actually reflected the true areas of the NSW coast at imminent erosion risk.

Other concerns canvassed and addressed in a submission prepared by the LGSA included the need for tighter controls on the use of public land for emergency works and materials storage, the need for councils to be able to recuperate the costs associated with administering the requirements of the Bill and the need for state government to further assist councils in resourcing the management of risks associated with coastal hazards that will be exacerbated by climate change.

Some but not all concerns raised in the submission prepared by the LGSA were addressed in the consequent drafting of the Bill (No.2).

## **2.5 Requirements of the Coastal Reform Package for Affected Coastal Councils**

Affected coastal councils will be obliged to undertake specific actions to meet the requirements of the Bill (No.2). Actions will need to be resourced and undertaken by all coastal councils in both the short and longer term time-frames and include, but are not necessarily limited to the following:

- Review, amend and/or develop the requisite coastal hazard definition and vulnerability studies consistent with the NSW Coastal Planning Guideline and the Guidelines for Preparing Coastal Zone Management Plans to incorporate the sea level rise benchmarks defined in the NSW Sea Level Rise Policy Statement (Worley Parsons Pty Ltd is currently undertaking a coastal hazard identification and climate change vulnerability study for all Pittwater beaches affected by coastal processes of the open coast);
- Apply and take into account the sea level rise planning benchmarks in the assessment of applications for the development of all properties in the LGA that are affected by coastal or flood hazards;
- Prepare Coastal Erosion Emergency Action Subplans in consultation with the SES and local emergency management committees for all Authorised Locations ('hot spots') within 6 months of the Minister issuing a Direction to the applicable coastal councils. (Authorised Locations in Pittwater include Basin Beach at Mona Vale and Bilgola Beach);
- Prepare Coastal Zone Management Plans for all Authorised Locations within 12 months of the Minister issuing a Direction to the applicable coastal councils, or other such period that may be negotiated with DECCW;
- Prepare Coastal Zone Management Plans, including Emergency Action Subplans, for all remaining beaches in the LGA;
- Designate and have an employee/s trained as an Authorised Officer under the *Coastal Protection Act 1979*, to investigate breaches of the Act, to issue certificates and orders and monitor the impacts of emergency coastal protection works;
- Put in place the necessary financial and accounting arrangements to administer, calculate, levy and notify affected landowners of the applicable coastal protection service charges on all relevant coastal properties;
- Prepare, develop and adopt the necessary hazard mapping, risk management planning, planning policies and planning and development controls to properly regulate development in all affected areas of the coastal zone; and
- Undertake community education and consultation to explain the provisions and requirements of the Coastal Reform Package (including supporting policy and legislative arrangements as well as implementation guidelines) to coastal stakeholders in particular, but also the broader community that recreates at or visits the coast.

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### **3.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for this report.



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## 4.0 EXECUTIVE SUMMARY

- 4.1 Coastal communities such as Pittwater and their local councils are currently facing significant and difficult strategic planning decisions in order to manage the coastal erosion and oceanic inundation impacts that are likely to be exacerbated by climate change (and in particular sea level rise) along the NSW coastline.
- 4.2 The NSW Government has assembled a coastal erosion reform package to help councils make appropriate planning decisions and provide a more comprehensive toolkit for both councils and communities to utilise when adapting to climate change.
- 4.3 Key components of the reform package include the NSW Sea Level Rise Policy Statement, the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, *the Coastal Protection and Other Legislation Amendment Bill 2010* (No.2) and supporting technical guidelines prepared by DECCW. The reform package has been designed to accommodate both emergency coastal protection works and long term coastal protection works.
- 4.4 The Bill, which has been amended since its first tabling, was passed by Parliament on 20 October 2010. The Minister anticipates that the Bill will be enacted early in the New Year.
- 4.5 The Bill (No.2) will make provisions for emergency temporary coastal protection works, increased penalties for illegal activities, the levying of a coastal protection service charge for rateable properties that benefit from landowner funded permanent protection works, improved order powers and more extensive exemptions from liability for local government.
- 4.6 Whilst many aspects of the reform package are positive and potentially of great assistance to affected coastal councils and their communities, the LGSA, SCCG and many affected coastal councils have raised concerns over the transfer of much responsibility (and associated liability) for coastal strategic planning and the protection of private assets and critical public infrastructure to local government. Furthermore the emphasis of the package on short term measures to enable ongoing coastal development has potential long term implications for the preservation of natural beach systems and the public's ongoing access to and enjoyment of these environments.
- 4.7 Once enacted, the Bill (No.2) will oblige coastal councils to undertake specific administrative, planning and management actions to enable coastal landowners to protect their properties from coastal erosion and inundation by short term emergency measures and through long term coastal protection works.
- 4.8 To better understand the implications of these actions and the potential exposures of affected councils as a result of these actions, the LGSA and the SCCG engaged legal and coastal engineering consultants to assess the reform package and amending legislation and provide informed commentary to coastal councils and members of parliament.
- 4.9 The LGSA has also undertaken surveys and received and collated the comments of affected coastal councils in order to prepare submissions to the Minister and DECCW with respect to the various components of the coastal reform package.
- 4.10 Pittwater Council has engaged a coastal engineering consultancy to undertake a coastal hazard identification study and climate change vulnerability assessment of the Pittwater coastal zone to provide the planning and risk data necessary to inform the planning and management actions required to implement the NSW Coastal Erosion Reform Package.

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## RECOMMENDATION

1. That the update in regard to coastal planning reforms and the progress and amendment of the *Coastal Protection and Other Legislation Amendment Bill 2010* (No.2) be noted.
2. That Council continue to support and assist the LGSA and the SCCG in the provision of comments and the preparation of submissions to the NSW Government and relevant state agencies in regard to the NSW Coastal Erosion Reform Package.

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

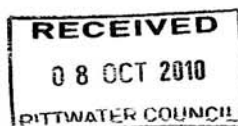
Chris Hunt  
**DIRECTOR, URBAN & ENVIRONMENTAL ASSETS**

**Hon Frank Sartor MP**

Minister for Climate Change and the Environment and  
Minister Assisting the Minister for Health (Cancer)



Clr Harvey Rose  
Mayor  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660



6 October 2010

Dear Clr Rose

On 22 September 2010, the NSW Government introduced a Bill that will better equip councils and communities to plan for and deal with coastal erosion. The Bill will be dealt with by Parliament in the coming weeks.

Approximately 40 houses have been lost due to coastal erosion since the 1940s and some 200 houses at 15 erosion "hot spots" are currently at risk in the event of a significant coastal storm.

Titled *The Coastal Protection and Other Legislation Amendment Bill (2)*, this Bill provides for a number of key improvements in the planning and management of our coasts in the face of erosion. The Bill

- Increases options available to councils when dealing with coastal erosion and unauthorised coastal protection works.
- Clarifies what landowners can do to protect their own properties, particularly in emergencies,
- Strengthens requirements for the preparation of coastal management plans.
- Creates an expert NSW Coastal Panel to advise on coastal management and approve temporary or permanent coastal protection works in some circumstances, and
- Provides additional protection for councils dealing with coastal erosion issues.

To assist in communities understanding these changes and what they may mean for them, please find enclosed

- an information sheet clarifying what the Bill does and does not do, and
- some frequently asked questions and answers on the changes.

The NSW Government is committed to supporting coastal councils and communities manage the significant challenges caused by coastal erosion.

Should you have any queries about these changes, please do not hesitate to contact Claire Allen in my office on 02 9228 3245, or Mike Sharpin from the Department of Environment, Climate Change and Water on 02 9995 6068.

Yours sincerely

**Frank Sartor MP**  
Enclosure

Level 35, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000  
Telephone (61 2) 9228 5811 Facsimile (61 2) 9228 5499

## **Coastal Protection and Other Legislation Amendment Bill (2)**

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### **QUESTIONS AND ANSWERS As at 28 September 2010**

#### **What will the Bill do?**

The new legislation will

- increase the options available to councils when dealing with coastal erosion and unauthorised coastal protection works.
- provide practical options for landowners to protect their own properties, particularly in emergencies, and stricter controls to prevent inappropriate works that would add to erosion or damage beaches or access to beaches.
- strengthen requirements for the preparation of coastal management plans, and
- create an expert NSW Coastal Panel to advise on coastal management and approve applications in some circumstances

The Bill will achieve these outcomes by changing the Coastal Protection Act, the Local Government Act and three regulations (the Conveyancing (Sale of Land), Environmental Planning and Assessment Regulation and the Local Government (General) Regulations) The changes to these Acts and regulations will commence in approximately 2 months

The new legislation will be complemented by changes to the Infrastructure SEPP (a planning policy made under the Environmental Planning and Assessment Act) to allow landowners to apply for approval to construct works to protect their property for the long term, provided they maintain the works and manage any erosion impacts

#### **Why are these changes necessary?**

- 1 These changes are needed to improve planning for coastal protection Existing arrangements haven't produced adequate or timely coastal management plans There is a need for greater focus and more expedited finalisation of coastal management plans
- 2 There is a need for greater clarity in the protection of our beaches, such as to ensure works to not cause erosion elsewhere, safety problems or unreasonably restricts public access
- 3 There is the need for better protection for councils against liabilities and risks as they tackle increasingly difficult coastal erosion issues
- 4 Not allowing landowners to protect their properties will lead to losses of homes Some 40 houses have been lost due to erosion since the 1940s and around 200 houses are at risk from erosion should a major storm occur

## **Coastal Protection and Other Legislation Amendment Bill (2)**

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### **How does the Act help coastal landholders?**

Changes to the Coastal Protection Act help coastal landholders by providing a temporary opportunity to protect homes so they can identify permanent solutions, and get approval for more permanent works

The related changes to the infrastructure SEPP provide a clear and more accountable process for dealing with non-emergency protection measures (see *longer term coastal protection works* below)

### **How does the Act protect public beaches?**

The Coastal Protection Act changes will protect public beaches by setting out strict controls on the types of coastal erosion protection works, including where and when works may be placed. Authorised officers from councils and some State Government agencies will have the power to order the removal of any emergency works causing erosion, unreasonably limiting beach access, or presenting a safety risk. Long term works by landholders will only be permitted if the landowners who progress the works pay to maintain them and manage any erosion impacts

Councils, of course, will continue to be able to carry out such works

### **How does the Act change what councils do?**

When the Act changes commence, Councils will

- through authorised officers, be able to issue certificates to allow landowners to place emergency coastal protection works and issue orders to modify or remove these works if they are causing erosion or presenting a risk to public safety,
- have increased powers relating to removing illegal material dumped on beaches,
- be able to charge landowners for council's costs of maintaining an approved seawall built by landowners and managing any erosion caused by the seawall,
- need to ensure that their coastal zone management plans appropriately address coastal erosion risks, risks to the health of our estuaries and consider projected climate change impacts, and
- be able to expedite the preparation of and finalisation of coastal zone management plans

### **Who will pay?**

Landowners who have initiated coastal protection works will need to pay to build and maintain these works. They will also have to pay for the cost of managing any impacts on beaches. Where a public benefit is involved, landowners and councils may agree to fund works jointly, providing that appropriate arrangements are in place to fund the ongoing maintenance and management of these works

Landowners will not be required to build coastal protection works – participation in any scheme to build works is voluntary. Any charges issued by Councils relating to protection works will only apply to land where current or past landowners have

## **Coastal Protection and Other Legislation Amendment Bill (2)**

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voluntarily contributed to the cost of the works which have been constructed since the commencement of the Act

Councils may decide to undertake works themselves, and may choose to recover all or part of these costs from benefiting owners

### **Where do the Act changes apply?**

The Coastal Protection Act applies to the entire NSW coastline. Emergency works can only be undertaken in locations where houses are known to be at risk from erosion. These areas will be listed on the Department of Environment, Climate Change and Water's website.

### **Who will monitor these changes?**

Authorised staff from coastal councils and some State Government agencies will monitor emergency coastal protection works placed by landowners and issue orders if the works are causing erosion or impacting on beach access or public safety issue.

### **When will the Act changes start?**

The changes to these Acts are expected to commence by 1 January 2011. This provides time for important supporting documents to be prepared in consultation with coastal councils and other stakeholders.

## **EMERGENCY COASTAL PROTECTION WORKS**

### **What types of emergency works are provided for?**

Emergency coastal protection works to be allowed under the Coastal Protection Act include sand and large sandbags. The use of rocks, concrete or construction waste is not allowed for emergency works by private owners. The Minister's Requirements will detail where, when and how emergency works may be built.

### **Who pays for emergency works?**

Landowners who wish to place emergency works will need to pay for them to be placed, maintained and removed and the beach restored.

### **When can emergency works be placed?**

Emergency works can be placed in advance of periods when erosion is reasonably likely to occur. This is to ensure that it is safe to place these works on a beach.

### **How long can emergency works be in place for?**

The maximum period allowed for emergency works is 12 months, or until any Development Application for longer term works lodged in this period is determined.

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## **Coastal Protection and Other Legislation Amendment Bill (2)**

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### **What happens if emergency works start causing erosion?**

If emergency works are causing erosion on neighbouring land, an authorised officer may issue an order to the landowner requiring them to remove the works. If the landowner does not comply with this order, an authorised officer can remove the works.

### **What happens if emergency works are in place for a longer period than allowed?**

If a landowner does not remove emergency works when the allowed time has expired, the council or other authorised agency may remove the works and restore the land or order this to occur.

Action may be taken to recover the costs that are incurred in removing emergency works and restoring the land from the landowner. The landowner may also be found guilty of an offence and subject to a penalty.

If a private land owner has undertaken emergency works and has lodged a DA for permanent works before the 12 month approval period has expired, the works can not be ordered to be removed until the DA has been determined.

### **Where will emergency works be allowed?**

Emergency works will only be allowed on the open coast in specific locations detailed in the Minister's Requirements. These specific locations will be areas where houses and other lawful structures are known to be at risk from coastal erosion should a severe storm occur.

## **LONGER TERM COASTAL PROTECTION WORKS**

### **How do landowners apply to build longer term protection works such as seawalls?**

Private landowners who want to build a seawall will need to apply to the relevant local council or the NSW Coastal Panel for approval under the Environmental Planning and Assessment Act. Proposals must meet forthcoming new requirements under the State Environmental Planning Policy (Infrastructure).

Applicants will need to make arrangements to fund the building of the seawall, and will need to satisfy the consent authority that satisfactory arrangements are in place for the ongoing maintenance and management of any off site impacts.

### **What happens if one landowner out of a group of landowners doesn't want to build a seawall?**

No landholder will be compelled to contribute to any proposed work that may be pursued by other landholders. Landowners who wish to build a seawall will need to agree on their individual contributions before works commence. This includes each landowner's required share of future maintenance and erosion control works.

## **Coastal Protection and Other Legislation Amendment Bill (2)**

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Landowners may make private contractual arrangements to cross-subsidise landowners unable to fund any works

Alternatively, land owners may obtain the agreement of the local council to fully or partially undertake and/or fund such works

### **How will the Government ensure that seawalls built by landowners will not erode our beaches?**

Councils will be able to levy a charge on land whose current or past landowners have legally built a seawall or other long term works since the commencement of the Act. The charge will fully cover council's costs of maintaining the wall and restoring any areas of beach that may be eroded by the seawall. This will ensure that the seawall and its effects on the beach are properly managed into the future, with costs paid by the landowners. The charge can only cover the costs associated with managing erosion impacts caused by the land-owner funded works.

## **OTHER CHANGES**

### **What is the Coastal Panel?**

The NSW Coastal Panel is a group of experts nominated by local councils and State Government departments that will provide advice to the Minister and councils on coastal issues and consider and determine applications for long-term coastal protection works where a local council is not (or chooses not to be) the decision maker.

### **What are "authorised officers"?**

An authorised officer will be a designated employee of a coastal council or some State Government agencies who has suitable knowledge, skills and legal powers to investigate potential breaches of the Coastal Protection Act and issue orders under this Act.

An authorised officer will be required to carry an identification card, and will have powers to enter certain lands, issue orders and ensure compliance with the Act. It will be an offence under this Act to obstruct or intimidate an authorised officer carrying out their functions under the Act.

### **How does the Act ensure plans are in place for managing coastal erosion risks?**

The Minister will now be issuing directions for councils in coastal erosion hot spot areas to prepare coastal erosion emergency plans by 30 June 2011.

The Act and new guidelines set out specific requirements for the development of coastal zone management plans which ensure that plans are prepared in a consistent manner, and appropriately address coastal erosion risks, risks to the health of our estuaries and consider projected climate change impacts.



## **Coastal Protection and Other Legislation Amendment Bill (2)**

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### **How will the State Government support councils to implement these measures?**

The State Government will be providing funding to Councils to assist them to prepare emergency plans. The Government will also be providing new guidelines to assist in implementing these changes.

### **What are the new penalties?**

The maximum penalty for an offence under the Coastal Protection Act will increase penalties in line with existing penalties for dumping under the Protection of the Environment Operations Act. This is a significant increase on the current maximum penalty of \$11,000 to \$250,000 for an individual and \$500,000 for a company.

### **What are the new orders?**

The Coastal Protection Act will include order powers to stop the illegal dumping of material on a beach which is causing erosion, presenting a public safety risk or limiting public access. The Act will also provide the ability to remove material if the order is not followed.

### **What are the "Minister's Requirements"?**

The Minister's Requirements will include technical details of emergency coastal protection works, including allowable materials, construction and safety considerations. They also include details of when, where and how emergency works can be placed. They will be available on DECCW's website.

### **What guidelines, Ministerial requirements and other support policies will be provided to guide councils and affected members of the community, and when will they be finalised and published?**

The following companion documents have been placed on the Department of Environment, Climate Change and Water's website for public comment:

- 1 Draft Minister's Requirements under the Coastal Protection Act 1979,
- 2 Draft guide to the Statutory Requirements for Emergency Coastal Protection Works,
- 3 Draft guide for authorised officers under the Coastal Protection Act, and
- 4 Draft guidelines for preparing coastal zone management plans. These guidelines will replace and update the 1990 Coastline Management Manual, which councils have been using to prepare their coastal plans.

These supporting policies will be finalised and published by the time the changes come into force.

And two additional guidelines will shortly be placed on the website for public comment:

- 1 Draft Guidelines for Assessing and Managing the impacts of seawalls, and
- 2 Draft Coastal Protection Service Charge Guidelines.

These supporting policies will be finalised and published by 1 June 2011.

**Changes to the Coastal Protection Act to manage coastal erosion  
28 September 2010**

The *Coastal Protection and Other Legislation Amendment Bill 2010 (No 2)* will make changes to the *Coastal Protection Act* and the *Local Government Act* and minor changes to various regulations

**WHAT THE AMENDMENTS DO**

<b><i>Better coastal protection</i></b>	
<input checked="" type="checkbox"/>	Adds an objective to the Coastal Protection Act to promote adaptation to coastal climate change impacts and beach amenity
<input checked="" type="checkbox"/>	Improves the Act's coastal management planning requirements so that more councils get long term coastal erosion and emergency response plans in place more quickly, including allowing the Minister to direct a council to prepare a plan (sections 55B, 55C and 55G, Coastal Protection Act)
<input checked="" type="checkbox"/>	Requires coastal zone management plans to include managing risks from coastal hazards, estuary health risks and the potential impacts of climate change on these risks
<input checked="" type="checkbox"/>	Establishes an expert NSW Coastal Panel with local government and public authority appointees to act as a consent authority for a development application works where council does not have a coastal plan in place and provides advice to the Minister and local councils (section 12, Coastal Protection Act)
<input checked="" type="checkbox"/>	Increases information about land in relation to coastal risks and likely management responses by councils. Details from applicable coastal zone management plans would be included in section 149 planning certificates under the Environmental Planning and Assessment Act (sections 56B, Coastal Protection Act)
<input checked="" type="checkbox"/>	Better protects councils from liabilities so they can carry out essential coastal actions effectively (section 733, Local Government Act)
<input checked="" type="checkbox"/>	Enables coastal zone management plans to be prepared for Sydney Harbour, Botany Bay, and the Hawkesbury River Estuary
<input checked="" type="checkbox"/>	Eliminates overlap between the coastal erosion emergency section of coastal zone management plans and disaster plans prepared under the State Emergency and Rescue Management Act and removes unnecessary duplication for offshore activities carried out by public authorities

<b><i>Balances public interest with private property rights</i></b>	
<input checked="" type="checkbox"/>	Establishes a practical and fair framework to ensure balance between protecting private property, public assets and beaches from coastal erosion
<input checked="" type="checkbox"/>	Allows landowners an opportunity to place temporary sandbags or sand on a beach under strict conditions to reduce the impacts of coastal erosion threats to their properties while longer term actions are considered (sections 55O-55Z. Coastal Protection Act)
<input checked="" type="checkbox"/>	Requires that works by private owners must not cause beach erosion, limit public access or risk public safety (section 55M. Coastal Protection Act)
<input checked="" type="checkbox"/>	Requires satisfactory arrangements for ongoing maintenance of permanent protection works (section 55M. Coastal Protection Act)
<input checked="" type="checkbox"/>	Requires that any consent for long-term coastal protection works, such as seawalls, to include conditions requiring maintenance of the works and restoring erosion damage caused by the works
<input checked="" type="checkbox"/>	Requires a review of the Act after 5 years and a review of the section allowing emergency protection works after 2 years
<b><i>Empowers councils to protect our beaches</i></b>	
<input checked="" type="checkbox"/>	Empowers specialist authorised officers of councils or State agencies to order the removal of temporary work if it is causing erosion or safety risks, or interfering with continued public access to beaches (sections 55ZC. Coastal Protection Act)
<input checked="" type="checkbox"/>	Improves powers of authorised officers (councils and public authorities) to investigate breaches of the Act
<input checked="" type="checkbox"/>	Improved order powers relating to illegal dumping of material on a beach which is causing erosion, presenting a public safety risk or limiting public access, including "stop work" orders and ability to remove material if order not followed, with costs recovered
<input checked="" type="checkbox"/>	Allow councils to levy a coastal protection service charge outside rate-pegging on landowners who build seawalls (not retrospective) , to recover the costs of maintaining a wall and managing its erosion impacts on beaches for the life of the works
<input checked="" type="checkbox"/>	Improves powers to order a person to stop placing or to remove illegal material such as rocks or waste placed on a beach, where this is likely to cause erosion or present a public safety risk
<input checked="" type="checkbox"/>	Increased penalties for breaches of the Act in line with penalties for illegal dumping under the Protection of the Environment Operations Act
<input checked="" type="checkbox"/>	Require councils to place a copy of their coastal zone management plan on their website

### WHAT THE AMENDMENTS DO NOT DO:

<input checked="" type="checkbox"/>	Allow works by landowners that would result in beach erosion. Emergency works that start causing erosion can be ordered to be removed, and any long term works such as seawalls will only be approved if any erosion impacts are managed through good design and/or beach nourishment (sections 55M and 55ZC, Coastal Protection Act)
<input checked="" type="checkbox"/>	Stop access to beaches. Any emergency works that obstruct beach access can be ordered to be removed and any long term works such as seawalls will only be approved if they do not unreasonably impede access to a beach (sections 55M and 55ZC, Coastal Protection Act)
<input checked="" type="checkbox"/>	Allow landowners, as part of emergency works, to dump rocks or waste on beaches to protect their property from erosion. Only sand or sandbags can be used for emergency works, and long term works can only be constructed with consent if beaches and safety are protected (sections 55M and 55P, Coastal Protection Act)
<input checked="" type="checkbox"/>	Allow landowners to protect their property from erosion without approvals. For emergency works land owners will need to obtain a certificate from an authorised officer of a council or the Department of Environment. For permanent works, such as building a seawall, development consent will be required under the Environmental Planning and Assessment Act (sections 55M and 55T, Coastal Protection Act)
<input checked="" type="checkbox"/>	Reduce private property rights. In fact, landowners will have the additional right to carry out emergency works provided it is certified by an authorised officer, as well to make a development application for permanent works as is the case now. Landowners will be able to apply for works to protect their property (sections 55M and 55T, Coastal Protection Act)
<input checked="" type="checkbox"/>	Allow unreasonable use of public land to protect private property. These works can only be placed on public land if it is not practical to use private land (sections 55Z, Coastal Protection Act)
<input checked="" type="checkbox"/>	Place an unreasonable burden on local councils. Councils will be able to recover fees and charges associated with their approval and compliance activities (sections 55T and 55ZE, Coastal Protection Act)
<input checked="" type="checkbox"/>	Force landowners to spend money to protect their property from erosion. The emergency and long term property protection arrangements are voluntary
<input checked="" type="checkbox"/>	Allow new urban development in areas at risk from erosion. Development in coastal areas is managed under the Environmental Planning and Assessment Act through councils' local environmental plans, State Environmental Planning Policy No 71 (Coastal Protection) and the Department of Planning's recently released 'NSW Coastal Planning Guideline: Adapting to Sea Level Rise'
<input checked="" type="checkbox"/>	Allow councils to levy a coastal protection service charge for existing seawalls. Councils will only be able to charge landowners who have voluntarily contributed to the cost of building a seawall, where the seawall was constructed after the Act amendments commence (sections 496B and 553B, Local Government Act)

28 September 2010

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## **C9.3 Minutes of the Sydney Coastal Councils Group Annual General Meeting of 11 September 2010**

**Meeting:** Natural Environment Committee

**Date:** 1 November 2010

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**STRATEGY:** Beach & Coastal Management

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

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### **PURPOSE OF REPORT**

To advise Council of the Minutes of the Sydney Coastal Councils Group (SCCG) Annual General Meeting held on 11 September 2010 and hosted by Manly Council.

### **1.0 BACKGROUND**

1.1 The SCCG is a forum to promote co-ordination between the 15 member councils on environmental issues relating to the sustainable use and management of the Sydney urban coastal environment.

### **2.0 ISSUES**

#### **2.1 Item 7 – Annual Elections**

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

Chairperson	Cr Wendy McMurdo	Hornsby Council
Vice Chairperson (Ocean Council)	Cr Cathy Griffin	Manly Council
Vice Chairperson (Estuarine Council)	Cr Veronique Marchandean	North Sydney Council
Treasurer (Honorary)	Cr Wendy Norton	Willoughby Council
Secretary (Honorary)	Cr Lynne Saville	Willoughby Council
Committee Members	Cr David James	Pittwater Council
	Cr Margaret Woodsmith	Randwick Council
	Cr Dr. Conny Harris	Warringah Council

#### **2.2 Item 11.1 – NSW Reforms to Coastal Erosion Update**

Delegates were provided with a report on the NSW Government's Coastal Erosion Reform Package, which includes the NSW Sea Level Rise Policy Statement, the NSW Coastal Planning Guideline and supporting Risk Management Guides and the Coastal Protection and Other Legislation Amendment Bill 2010 together with a series of seven supporting technical guidelines.

The SCCG has engaged Doug Lord (Coastal Environment Pty Ltd) to provide coastal engineering and policy advice in regard to the Bill and guidelines as well as Kirston Gerathy (HWL Ebsworth) to provide a legal assessment of the Bill, including the potential exposures for local government. This advice will be used to assist the SCCG in preparing submissions on the Coastal Reform Package.

### **2.3 Item 9. Presentation – Legal Advice on Coastal Protection & Other Legislation Amendment Bill 2010.**

Ms Kirston Gerathy, a Partner with HWL Ebsworth Lawyers, has been engaged jointly by the SCCG and the LGSA to undertake an analysis and legal assessment of the Bill in regard to its implications for member coastal councils of both organisations. Delegates were provided with a comprehensive review of the Bill and related planning and regulatory issues by Ms Gerathy.

The Full Group resolved that:

1. The presentation be heard and considered at the meeting.
2. Ms Gerathy be thanked for her presentation.
3. The final legal advice be sent to all SCCG member councils, all NSW coastal councils and then all NSW members of parliament.

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### **3.0 SUSTAINABILITY ASSESSMENT**

No sustainability assessment required

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### **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.

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### **RECOMMENDATION**

That the Minutes of the SCCG Annual General Meeting of 11 September 2010 (appended as attachment 1) be noted.

Report prepared by Paul Hardie – Project Leader – Coast & Estuary

Chris Hunt  
**DIRECTOR, URBAN & ENVIRONMENTAL ASSETS**

**SYDNEY COASTAL COUNCILS GROUP Inc.  
MEMORANDUM**

<b>MEMO TO</b>	Councillor Brian Troy Ms Cathy McMahon Councillor Wendy McMurdo Councillor Michael Hutchence Dr Ross McPherson Councillor Jamie Parker Councillor Michele McKenzie Mr Ryann Medel / Mr David Eckstein Councillor Barbara Aird Councillor Cathy Griffin Mr Stephen Clements Councillor Denise Wilton Councillor Warren Yates Ms Belinda Atkins Councillor Veronique Marchandau Councillor Andrew Robjohns Mr Peter Massey Councillor David James Councillor Jacqueline Townsend Mr Paul Hardie Councillor Margaret Woodsmith Councillor Bruce Notley-Smith Ms Bronwyn Englaro Councillor Lesa de Leau Ms Enka Roka / Ms Alexandria Vandine Councillor Carol Provan Councillor Peter Towell Mr Ian Drinnan / Dr Guy Amos Councillor Di Tornai Mr Chris Derksema Councillor Dr Christina Krsch Councillor Dr Conny Harris Mr Gareth Curtis Councillor Sally Betts Councillor Yvonne Coburn Ms Emily Scott / Mr Corey Fox Councillor Wendy Norton Councillor Lynne Saville Ms Judith Betts Councillor Nicola Grieve Councillor Susan Jamason Mr Sam Badalati / Mr Chris Munro Emeritus Prof Bruce Thom AM Mr Phil Colman Mr George Cotis Ms Shirley Colless Mr George Copeland Dr Judy Lambert Cllr Genia McCaffery	Botany Bay Council Botany Bay Council Hornsby Council Hornsby Council Hornsby Council Leichhardt Council Leichhardt Council Leichhardt Council Manly Council Manly Council Manly Council Mosman Council Mosman Council Mosman Council North Sydney Council North Sydney Council North Sydney Council Pittwater Council Pittwater Council Pittwater Council Randwick Council Randwick Council Randwick Council Rockdale Council Rockdale Council Sutherland Council Sutherland Council Sutherland Council City of Sydney Council City of Sydney Council Warringah Council Warringah Council Warringah Council Waverley Council Waverley Council Waverley Council Willoughby Council Willoughby Council Willoughby Council Woollahra Council Woollahra Council Woollahra Council Honorary Member Honorary Member Honorary Member Honorary Member Honorary Member NSW LGSA
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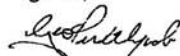
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**SUBJECT.** Minutes and Actions from the SCCG Annual General Meeting hosted by Manly Council at their Chambers on 11 September 2010

**DATE OF MEMO** 29 September 2010 Memom3-10

Please find attached the Minutes and Actions from the SCCG Annual General Meeting held on Saturday 11 September, hosted by Manly Council Hall **Please ensure that these minutes are tabled an appropriate Council meeting for consideration – thanks !**

Regards,



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



## LIST OF ACTIONS FROM THE ORDINARY MEETING 11 SEPTEMBER 2010

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
	<b>Business Arising</b> 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 2) The SCCG follow up contact with Mayor of Wyong to pursue ideas for joint surf safety education program(s)	Prof Thom SCPO / Chair	Ongoing Oct
6 2	<b>Executive Officer's Annual Report</b> 1 The Executive Officer's (public officer) Annual Report be received, considered and adopted as part of the 2009/2010 Annual Report 2 <b>The Executive Officer and Chairperson's Annual Report be formally sent to all Member Council General Managers (Member Council environment committees be encouraged to table the report at an upcoming full Council or Environment Committee)</b>	ALL EO	11 Sept
7 5	<b>SCCG EXECUTIVE COMMITTEE MEMBERS 2010-2011</b> <b>Chairperson</b> Clr Wendy McMurdo <b>Vice Chairperson</b> (Ocean council) Clr Cathy Griffin <b>Vice Chairperson</b> (Estuarine council) Clr Veronique Marchandau <b>Treasurer</b> (Honorary) Clr Wendy Norton <b>Secretary</b> (Honorary) Clr Lynne Saville <b>Members</b> Clr Margaret Woodsmith Clr Dr Conny Harris Clr David James	SCCG Executive	2010 – 2011
7 6	<b>SCCG Honorary Members</b> E/Prof Bruce Thom Incumbent Mr Phil Colman Incumbent Mr George Cotis Incumbent Ms Shirley Colless Incumbent Ms Judy Lambert Incumbent Mr George Copeland Incumbent	Honorary Members	2010-2011
9	<b>Presentation</b> <b>Legal Advice - Coastal Protection &amp; Other Leg. Amendment Bill 2010</b> 1) The final legal advice be sent to all SCCG Member Councils, all NSW coastal councils and then all NSW members of parliament	SCCG	ASAP
10 1	<b>SCCG Strategic Plan</b> 1) the SCCG Strategic Plan 2010 – 2014 be adopted 2) Copies of the final SCCG Strategic Plan be sent to member council Mayors and General Managers and placed on the SCCG web site 3) <b>If delegates would like hard copies of the Strategy please contact the RCEO</b>	SCCG Secretariat ALL	11 Sept 1 Oct ASAP
10 2	<b>Proposed Amendments to the SCCG Constitution</b> 1) the proposed amendments to the SCCG Constitution be referred to the next meeting (4 December 2010) via 'Special Resolution' (notice provided 21 days prior to meeting)	EO	5 November
10 3	<b>New SCCG Coastal Projects Officer</b> 1) <b>The New CPO be welcomed and congratulated on appointment</b>	ALL	
11 2	<b>2010 National Election Information package</b> 1) <b>A workshop be convened at the next meeting to determine issues and processes for SCCG consultation with NSW Political parties in the lead up the NSW State Government election</b>	SCCG	4 December
11 3	<b>Release of the Antifouling for NSW Coastal Rock Platforms</b> 1) The SCCG acknowledge and thank project partners for their financial contributions and leadership with this significant issue (Randwick and Sutherland Councils and DECCW) 2) <b>If delegates would like full copies of the all project report please contact the Secretariat</b>	Randwick / Sutherland ALL	ASAP
11 7	<b>Beachwatch and Harbourwatch Programs</b> 1) SCCG to meet with the Beachwatch program manager to clarify the revised testing and reporting regime and report back to the next meeting	CPO	Oct



Item	Action	By Whom	Due By
12 1	<b>Annual Financial Statements 2009 – 2010</b> 1) Referred to the SCCG Executive Committee for Resolution	EO / Executive	Oct
11	<b>General Business</b> 1) the Chairperson and Secretariat staff be thanked for their substantial efforts and outcomes for 2009-2010 2) The issues of additional membership to the SCCG be referred to the Executive Committee for further consideration 3) The issues of spear fishing be referred to the next meeting and Waverley Council delegates be asked to provide a report for discussion to include detail of outcomes of the education evening and possible local and regional responses to these issues 4) The Secretariat publish Phil Colman offer for (free) guided tours of the Long Reef headland via a broadcast email and in the next enews	ALL EO/ Executive Committee Waverley ALL	Next meeting 18 November Ongoing
11 2	<b>Next Meeting</b> 1) <b>The next meeting be held at City of Sydney on 4 December (pending confirmation)</b>	ALL	4 December

**SYDNEY COASTAL COUNCILS GROUP Inc.**  
**MINUTES FOR THE ANNUAL GENERAL MEETING**  
**HELD ON SATURDAY 11 SEPTEMBER, 2010**

**IN ATTENDANCE**

Clr Brian Troy	Botany Bay Council
Clr Wendy McMurdo	Hornsby Council
Clr Barbara Aird	Manly Council
Clr Cathy Griffin	Manly Council
Mr Rafiq Islam	Manly Council
Clr Denise Wilton	Mosman Council
Clr Veronique Marchandau	North Sydney Council
Clr David James	Pittwater Council
Clr Margaret Woodsmith	Randwick Council
Clr Dr Conny Harris	Warringah Council
Mr Daylan Cameron	Warringah Council
Clr Wendy Norton	Willoughby Council
Clr Lynne Saville	Willoughby Council
Clr Nicola Grieve	Woolahra Council
Mr Geoff Withycombe	SCCG
Mr Craig Morrison	SCCG
Ms Jodie Savage	SCCG
E Prof Bruce Thom AM	Honorary Member
Dr Judy Lambert	Honorary Member
Mr George Cotis	Honorary Member
Mr Phil Colman	Honorary Member
Ms Kirston Gerathy	HWL Ebsworth (presentation only)

**1. OPENING**

The meeting opened at 12 50pm Clr McMurdo (Chairperson) opened the meeting and welcomed delegates to Manly Clr McMurdo thanked Manly Council for hosting the meeting

Clr McMurdo also formally congratulated and welcomed Jodie Savage as the new SCCG Coastal Projects Officer as of Friday 10 September

**2. APOLOGIES**

Clr Warren Yates	Mosman Council
Clr Andrew Robjohns	North Sydney Council
Mr Paul Hardie	Pittwater Council
Clr Di Tornai	City of Sydney Council
Clr Dr Christina Kirsch	Warringah Council
Mr Gareth Curtis	Warringah Council
Clr Sally Betts	Waverley Council
Clr Yvonne Coburn	Waverley Council
Mr George Copeland	Honorary Member

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

**Councils not represented at the meeting**  
City of Sydney, Leichhardt, Rockdale, Sutherland, Waverley

**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 19 June 2010 at the City of Sydney.**

**Resolved that** the Minutes of the Ordinary Meeting of the SCCG held on 19 June 2010 at the City of Sydney Council be confirmed

##### **4.2 Minutes of the SCCG Executive Committee held on 19 June 2010 at City of Sydney Council.**

**Resolved that** the Minutes of the SCCG Executive Committee held on 19 June 2010 at the City of Sydney Council be received and noted

##### **4.3 Minutes of the Technical Committee Meeting of the SCCG held on 17 June 2010 hosted by Waverley Council at the North Bondi Surf Club.**

**Resolved that** the Minutes of the Technical Committee Meeting of the SCCG held on 17 June 2010 hosted by Waverley Council be received and noted

##### **4.4 Minutes of the Technical Committee Meeting of the SCCG held on 12 August 2010 at Sutherland Shire Council**

**Resolved that** the Minutes of the Technical Committee Meeting of the SCCG held on 12 August 2010 at Sutherland Shire Council be received and noted

#### **5. BUSINESS ARISING**

The RCEO noted that actions from business arising have been addressed or included in the business papers

- **Action 9 2. SCCG – Sydney Water - “Water Recycling Opportunities Forum”.**

The SCPO provided the meeting with an update of Action 9 2

The SCPO noted that the final report coming from the SCCG and Sydney Water workshop had been finalized and sent to Member Councils and all attendees. Over 40 representatives attended the successful forum. The forum provided representatives of SCCG Member Councils and Sydney Water an opportunity to discuss and identify actions and processes for the SCCG, its Member Councils and Sydney Water to share information and work more collaboratively on recycling projects and associated capacity building activities.

Following the forum the SCCG has now established a working group to pursue outcomes and recommendations coming from the forum to ensure the forum achieves its aim of improving collaboration and assisting with the identification and implementation of water recycling and re-use projects. This includes

- The establishment of a joint SCCG-Sydney Water Working Group to consider further strategies and specific actions
- The development of “Handbook” which provides all SCCG Member Councils with information on identifying, evaluating and developing water recycling projects
- Ongoing collection and access to technical and project specific information

Clr Harris inquired regarding specifics of the overflow targets set by DECCW. The RCEO took this on notice and has now inquired with SWC. For more information delegates are suggested to go to <http://www.environment.nsw.gov.au/resources/water/stslcensingguidelines.pdf>

Clr Saville noted continuing frustrations regarding the recycling provisions within the Northside Sewage Storage Tunnel. After much discussion regarding the need for greater action by Sydney Water to address water recycling opportunities in the SCCG region it was suggested that delegates

- Might be interested in suggesting questions for the Opposition and the Greens for this week's budget estimates hearings
- Councils may wish to seek the consideration of a late motion at the upcoming LGSA Local Government Conference
- Assist the SCCG incorporate such issues, questions in this regard when the SCCG sends out formal requests for all NSW political parties early in the new year leading up to the March NSW State Government election

Business arising – all other actions completed or addressed in the below reports

**Resolved that** the report be received and noted

## 6. ANNUAL REPORTS

### 6.1 Chairperson's Annual Report

*(Final report has now been forward to all SCCG delegates via email)*

Clr Wendy McMurdo provided her annual report. Delegates congratulated and thanked Clr McMurdo for her substantial efforts during the year.

**Resolved that** the Chairperson's Annual Report be received, considered and adopted as part of the 2009/2010 Annual Report

### 6.2 Executive Officer's Annual Report

*Final report has now been forward to all SCCG delegates via email*

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

- INTRODUCTION
- KEY AREAS OF FOCUS
- THE YEAR IN REVIEW – FACTS AND FIGURES
- SCCG INTERNAL ACTIVITIES
- KEY SCCG PROGRAM OUTCOMES
- SCCG GRANT APPLICATIONS
- SCCG FINANCIAL POSITION
- CONCLUSIONS

**Resolved that:**

- 3 The Executive Officer's (public officer) Annual Report be received, considered and adopted as part of the 2009/2010 Annual Report
- 4 The Executive Officers Annual Report be formally sent to all Member Council General Managers (Member Council environment committees be encouraged to table the report at an upcoming full Council or Environment Committee meeting)

## 7. ANNUAL ELECTIONS

### Proceedings in Brief

The CEO introduced the procedures for the Annual Executive Committee elections. The Executive Committee consists of the Chairperson, two Vice Chairpersons, Treasurer and Secretary and up to three other committee members who are delegates of financial member councils. Clr McMurdo handed over the Chair to Honorary member, Prof Bruce Thom as returning officer for the purposes of the Annual election.

### 7.1 Chairperson

Clr Wendy McMurdo (Hornsby Council) was nominated and elected as Chairperson

## 7.2 Vice Chairpersons

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

Clr Cathy Griffin (Manly Council) was nominated and elected as Vice Chairperson (Ocean Council)

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

Clr Veronique Marchandau (North Sydney Council) was nominated and elected Vice Chairperson (Estuarine Council)

## 7.3 Treasurer (Honorary)

Clr Wendy Norton (Willoughby Council) was nominated and elected Treasurer

## 7.4 Secretary (Honorary)

Clr Lynne Saville (Willoughby Council) was nominated and elected Secretary

## 7.5 Executive Members

The following delegates were nominated and elected

- |                           |                   |
|---------------------------|-------------------|
| 1) Clr Margaret Woodsmith | Randwick Council  |
| 2) Clr Dr Conny Harris    | Warringah Council |
| 3) Clr David James        | Pittwater Council |

The 2010 - 2011 Sydney Coastal Councils Group Inc Executive Committee consists of

<b>Chairperson</b>	Clr Wendy McMurdo	Hornsby Council
<b>Vice Chairperson</b> (Ocean council)	Clr Cathy Griffin	Manly Council
<b>Vice Chairperson</b> (Estuarine council)	Clr Veronique Marchandau	North Sydney Council
<b>Treasurer</b> (Honorary)	Clr Wendy Norton	Willoughby Council
<b>Secretary</b> (Honorary)	Clr Lynne Saville	Willoughby Council
<b>Members</b>	Clr Margaret Woodsmith	Randwick Council
	Clr Dr Conny Harris	Warringah Council
	Clr David James	Pittwater Council

Clr Wendy McMurdo thanked delegates for their continued support. Clr McMurdo noted that it was a great honour to be elected again as Chairperson and looked forward to working with delegates over the next 12 months. Clr McMurdo thanked Clr Kirsch for her participation on the Executive during 2009 – 2010.

## 7.6 Nominations for SCCG Honorary Members

### Proceedings in Brief

The RCEO noted the resolution below and informed that not all members had provided a summary preventing the distribution of a report for this purpose.

### **As resolved at the SCCG Executive Committee meeting on 16 August 2008**

Honorary members be nominated at the AGM. Those invited Honorary members will be asked to provide a one pager on their interest in the position and what they might be able to bring / offer the SCCG. Honorary members will also be asked to prepare a brief annual report submitted as part of the AGM proceedings reviewing their year and providing any comments and or suggestions for the Group.

The SCCG considered nominations for Honorary membership for 2010/2011 to include

- |                      |           |
|----------------------|-----------|
| • E/Prof Bruce Thom  | Incumbent |
| • Mr Phil Colman     | Incumbent |
| • Mr George Cotis    | Incumbent |
| • Ms Shirley Colless | Incumbent |
| • Ms Judy Lambert    | Incumbent |
| • Mr George Copeland | Incumbent |

**Resolved that:**

- 1 All nominated delegates be invited to become 2010-2011 SCCG Honorary delegates,
- 2 The Secretariat write a letter to Honorary members confirming their nomination

**7.7 Nominations for External Committees (if required)**

The members of external committees are appointed by the relevant State Government agencies or Ministers. As the Beachwatch Advisory Committee has not yet been reformed no nominations where necessary.

**Resolved that** report be received and noted

**8. CORRESPONDENCE**

**8.1 Sent and Received Correspondence**

**Recommended that** the circulated "sent" and "received" correspondence be received and noted

**8.2 SCCG correspondence from the last meeting** (including responses where available)

• **SYDNEY METROPOLITAN CMA**

The SCPO provided a report on correspondence outcomes

The CMA via Chairperson Phillip Sansom provided feedback on the four queries of the Group. These included:

• **Communication and Reporting to Local Government**

The CMA are pleased to hear that the SCCG appreciates the provision of quarterly report provided by staff however don't have the resources to provide such reports to other council in the catchment, noting that the CMA circulates their quarterly Mambara newsletter to Mayors and General Managers

• **Establishment of a Local Government Advisory Committee**

Noting that the HNCAM has an advisory group. This has been considered by the SMCMA who has decided against this because of the challenges in creating such a group with 39 council and there are existing groups of councils already working together such as the SCCG and others

• **Re-establishment of Expert Panels**

The CMA noted the view of the SCCG that such panel would assist in guideline the ongoing implementation and evaluation of catchment targets however these panels are resource hungry and can impose a considerable burden on panel members

• **Facilitation of a Scientific Advisory Committee**

The limited number of meetings of the advisory panel has been a concern of the CMA Board and the Chair has asked the GM to arrange more regular meetings

**Resolved that** the SCCG correspondence from last meeting be received and considered

**9. PRESENTATION – Ms Kirston Gerathy (Partner | HWL Ebsworth Lawyers)**

**(Presentation slides attached)**

**Legal Advice - Coastal Protection & Other Legislation Amendment Bill 2010**

Ms Kirston Gerathy of HWL Ebsworth was introduced. Ms Gerathy has been engaged by the SCCG and the LGSA to undertake a legal assessment of the Draft Bill in relation to its implementation by councils and potential exposure to litigation. Ms Gerathy provided delegates with a very comprehensive overview of the outcomes of this review. Issues addressed included:

- Policy Context
- The current framework for managing coastal development, hazards and emergencies
- DoP Coastal Planning Principles
- The Coast, the Courts and Climate Change

- o Coastal Reform Package
- o Emergency Coastal Protection Works
- o Certificates under Division 2
- o ECPWs (Emergency Coastal Protection Works) during erosion or when erosion is imminent
- o What can be protected?
- o Ministerial Requirements and Regulations
- o One shot deal
- o ECPW on Public Land
- o How temporary is temporary?
- o Works cease to be emergency protection works
- o Removal and restoration
- o Orders Regime for ECPWs
- o Benchmarking Effectiveness
- o Crystal Ball Gazing

Ms Gerathy was sincerely thanked for her substantial efforts with the provision of legal advice to both the SCCG and the LGSA

**Resolved that.**

1. The presentation be heard and considered at the meeting
2. Ms Gerathy be thanked for her presentation
3. The final legal advice be sent to all SCCG Member Councils, all NSW coastal councils and then all NSW members of parliament

## 10. ADMINISTRATIVE MATTERS

### 10.1 Adoption of the SCCG Strategic Plan (2010-2014)

(Final Draft tabled at the meeting)

Proceedings in Brief

At the last meeting it was resolved

**Resolved that:**

- 1) The report be received and considered
- 2) SCCG delegates be requested to provide initial comments within 2 weeks (5 July)
- 3) The Secretariat finalise the Strategic Plan and send to Member Councils Mayors' and General Managers' for consideration of endorsement.
- 4) The Final Strategic Plan be tabled at the SCCG AGM (11 September) for adoption

Following the last meeting final comments were incorporated and the final draft Plan sent to Member Councils for formal consideration requesting endorsement of the Strategy. The RCEO reported that all but one Council has formally responded, all of which were positive to the contents of the Strategy.

Delegates thanked the Directional Committee and the Secretariat for the development and the production of the Plan. Delegates also thanked Dr Judy Lambert for her assistance in facilitating the Directional Committee workshops and general assistance provided.

A final print ready version has been sent to all SCCG delegates and placed on the SCCG web site. If delegates would like hard copies of the Strategy please contact the RCEO.

**Resolved that.**

- 4) the SCCG Strategic Plan 2010 – 2014 be adopted
- 5) Copies of the final SCCG Strategic Plan be sent to Member Council Mayors and General Managers and placed on the SCCG web site
- 6) If delegates would like hard copies of the Strategy please contact the RCEO

**Due to delegates having to leave the meeting there was no longer a quorum.**

**The following items were still discussed. Key items requiring formal resolution were either referred to the next meeting or the SCCG Executive Committee.**



## 10.2 Proposed amendments to the SCCG Constitution

**Resolved that** the proposed amendments to the SCCG Constitution be referred to the next meeting (4 December 2010)

## 10.3 New SCCG Coastal Projects Officer

### Proceedings in Brief

This item covered in items 1 and item 6 2

### **Resolved that.**

- 1) The report be received and considered
- 2) The new Officer be welcomed and congratulated on the appointment

## 11. REPORTS

### Reports 11.1 - 11.6 FOR CONSIDERATION

### 11.1 NSW Reforms to Coastal Erosion Update

#### Proceeding in Brief

The NSW Government is developing a coastal erosion package to provide the State Government and councils with guidelines and tools to deal with the challenges of coastal erosion. The key elements of this reform include the Coastal Protection and Other Legislation Amendment Bill 2010 and a series (7) of supporting documents. Delegates were referred to the report attached the business papers.

Since the last meeting the SCCG has undertaken activities including

- The SCCG in partnership with the LGSA lobbied for consideration of the Bill to be postponed by the NSW Government until the Spring Session of parliament **(Successful)**
- Doug Lord (Coastal Environment Pty Ltd) has been engaged to assist with the preparation of the SCCG submission on the Bill and Guidelines
- Kirston Gerathy (HWL Ebsworth) has been engaged to undertake a legal assessment of the Bill in relation to its implementation by councils and potential exposure to litigation
- The SCCG formally wrote to Minister Sartor seeking his assurance that all the guidelines associated with the Bill will be released before the Bill is finalised

Clr James provided delegates with an extensive review of his opinions and views regarding the Bill clarifying that this was his view and may or may not be representative of the broader view of Pittwater Council. Clr James noted his desire to have the Bill passed prior to the State government election as he believed it provide councils with greater guidance and certainty in regards to liability.

### **Recommended that**

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

### 11.2 2010 National Election Information Package

#### Proceedings Brief

The SCPO informed delegates that in the lead up to the 2010 Federal Election, the SCCG formally requested that political parties represented in the Senate of the Australian Parliament outline their policy positions on the following 6 key coastal management issues

- Implementing Priority Recommendations from the *Managing our Coastal Zone in a Changing Climate the Time to Act is Now* Report,
- An independent coastal advisory body for Australia.



- A strategy for managing the impact of climate change on the coastal zone including issues associated with sustainable water management for regional and urban areas.
- Funding for Local Government and community coastal programs and initiatives.
- Public participation in the strategic planning and major development assessment in the coastal zone.
- Maintenance of public ownership and public access in the coastal zone

The SCCG forwarded political party responses broadly to SCCG delegates. all SCCG enews recipients and many other coastal stakeholders Responses are outlined in the report included in the business papers

Delegates discussed the NSW State election and potential associated actions to be undertaken by the SCCG in the lead up of the election

Delegates noted that formal representation to all political parties of key issues for the coastal management by Member Councils would be desirable Additional issues to those noted above to be considered for inclusion where Marine Park(s) and Sydney water management

Delegates resolved that a workshop be convened at the next meeting to determine issues and processes for SCCG consultation with NSW Political parties

**Resolved that.**

- 2) The report be received and considered
- 3) A workshop be convened at the next meeting to determine issues and processes for SCCG consultation with NSW Political parties in the lead up the NSW State Government election

### **11.3 Release of the SCCG, Randwick / Sutherland Councils / DECCW / UNSW "Antifouling for NSW Coastal Rock Platforms Project"**

Proceedings in Brief

The RCEO informed delegates that in 2008, the SCCG contracted Centre for Marine Bio-Innovation (University of New South Wales) to the "Antifouling for NSW Coastal Rock Platforms" Project

The research project identified and trialed alternative approaches to maintaining safe coastal pools and platforms applying antifouling coatings to affected areas to reduce or eliminate the needs for continual mechanical cleaning Test sites were selected in partner Council areas based on a range of slip hazards and environments found along the coastline

The report attached to the business papers provides delegates with an introduction and the Executive Summary of the final report It was further noted that a copy of the final report was also sent to General Managers on 20 July

It was noted that the project was made possible with funding contributions from the NSW Department of Environment, Climate Change and Water, Randwick and Sutherland Councils together with the SCCG The RCEO sincerely thanked the project partners particularly the leadership shown and the cash contributions provided by Randwick and Sutherland Councils

**Resolved that**

- 3) the report and project be received and considered
- 4) The SCCG acknowledge and thank project partners for their financial contributions and leadership with this significant issue (Randwick and Sutherland Councils and DECCW)
- 5) If delegates would like full copies of the all project report please contact the Secretariat

### **11.4 SCCG Capacity Building Program Update Report**

Proceedings in Brief

The new CPO Jodie Savage provided delegates with a presentation on the activities of the SCCG Capacity Building Program This included

- **Updating on the SCCG Coastal Connections and Summer Activities project**  
Republic of Everyone have undertaken stakeholder interviews and are beginning to develop the Community Engagement Strategy & Creative for the social media campaign. The 3 flagship event locations have also been determined and these are Bonna Point, Kurnell, Collins Beach, North Head, Jameson Park, Narrabeen Lagoon
- **Update on the SCCG Web site development, resource data base and launch**  
Jodie noted a slight delay due to necessary change of contractor however anticipated that the new site will be launched by the next meeting
- **Capacity Building Program activities 2010 – 2011 – upcoming forums including:**
  - Building for Sustainability
  - The Economics of Managing Coastal Areas
  - GIS in the Coastal Environment
- **The Capacity Building / Education Steering Committee** has been re-establishment to assist with the direction of the SCCG CBP
- **SCCG Building Adaptive Capacity for Climate Change project (BACCC)**  
The CPO noted that a scoping document has been developed for the engagement process with member councils and the planning phase of the project is now underway
- **Underwater Sydney**  
The CPO noted that since the last meeting when it was resolved that the SCCG endorses the Underwater Sydney project and that the SCCG and Underwater Sydney continue to identify supporting funding opportunities. Project partners have been busy securing additional funding and in-kind resources to reduce costs for Councils. New partners include advertising agency (BMF), Sydney Aquarium and Google

The SCCG has now written to all Member Councils seeking formal support of the project and for financial contributions to the value of \$2,000 *(At the time of preparing these minutes 10 Councils have so far confirmed support)*

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

## 11.5 SCCG Submissions / Advocacy

### SCCG Submission

- "Unregulated River sources and groundwater sources – Draft Water Sharing Plans (WSP) for the Greater Metropolitan Region"

**Resolved that the SCCG submissions be received and noted**

## Reports 11.6 – 11.12 FOR INFORMATION ONLY (pending inquiry)

## 11.6 Technical Committee Report

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

## 11.7 Beachwatch & Harbourwatch Programs – Cllr. McMurdo

### Proceedings in Brief

The CPO highlighted that there seems to some change to the testing and reporting processes of the beachwatch program and suggested that the SCCG meet with the Beachwatch program manager to clarify the revised testing and reporting regime and report back to the next meeting

### **Resolved that:**

- 1 the report on Beachwatch and Harbourwatch Programs be received and noted
- 2 SCCG to meet with the Beachwatch program manager to clarify the revised testing and reporting regime and report back to the next meeting

- 11.8 (a) Sydney Metropolitan Catchment Management Authority's Update**  
**(b) Hawkesbury Nepean Catchment Management Authority's Update**

Resolved that the reports be received and noted

- 11.9 NSW Department of Industry and Investment's Aquatic Biosecurity & *Caulerpa taxifolia* Annual Report**

Resolved that the report be received and noted

- 11.10 SCCG in the Press**

Resolved that the report be received and noted

- 11.11 Recent SCCG Grant Program Update**

Resolved that the report be received and noted

- 11.12 2010 Climate Adaptation Futures Conference**

Resolved that the report be received and noted

- 11.13 Key Activities Report for June – September 2010**

Resolved that the SCCG Key Activities Report for June – September 2010 be received and noted

Clr James referred to the summary regarding the imminent release of the Offshore Sands Report. Clr James reiterated again his frustrations that the report had not included an evaluation of all dredge options and specifically the ability of the MV Gateway to do the job at a potential much reduced cost due to its capacity.

It was again noted that this was a scoping project only and that if a full scale proposal were undertaken further assessment of various dredges and handling techniques would need to be undertaken. It was also noted that due to Sydney's high wave climate and complex inshore bathymetric conditions, very large scale dredge equipment was most likely to have many restrictions on their application for this type of program. Therefore logistic and costs in the report were based on 10K-20K<sup>3</sup> dredge with a double handle strategy employed to place sand in the near shore environments. It was however recognized that much larger dredges are currently in use around the world. It was also highlighted that if other dredges were available and suitable for application then this may indeed reduce cost further improving the positive cost benefit assessment of the proposal.

## **12. TREASURER'S REPORT**

- 12.1 Annual Financial Statement for the period 1 July 2009 to 30 June 2010**

Item Referred to SCCG Executive Committee for resolution

**Recommended that:**

- 1) The Annual financial statement for the period 1 July 2009 to 30 June 2010 be received and noted
- 2) That Sydney Coastal Councils Group Inc make the following statement (subject to the satisfactory audit of the SCCG finances)

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

- (a) the accompanying general purpose financial report of and special schedules of the Sydney Coastal Councils Group Inc for the period ending 30 June 2010 are drawn up so as to give a true and fair view of
  - (i) the state of affairs of the Group as at 30 June 2010, and the operating result and cash flows for the financial year ended on that date and all controlled

- entities, and  
(ii) the other matters required to be disclosed,  
(b) the general purpose financial report and special schedules are in accordance with the accounting and other records of the Group, and  
(c) the general purpose financial report is drawn up in accordance with accounting policy disclosed in the statement, and  
(d) no circumstances have arisen which would render the report false or misleading in any way

## 12.2 Final SCCG Operating Budget 2010 - 2011

### Proceedings in Brief

Draft Budget previously adopted by SCCG Executive Committee – and for delegates information only

**Resolved that the final SCCG Operating Budget 2010 – 2011 be received and noted**

## 13. GENERAL BUSINESS

### • Outcomes for 2009-2010

Reflecting on SCCG achievements during the 2009 – 2010, delegates expressed a vote of confidence in the Chairperson (Cllr Wendy McMurdo) and also sincerely thanked the hard working staff within the Secretariat

### • Membership to the SCCG

Delegates discussed the potentials of inviting additional councils to become members of the SCCG. It was suggested that the Group write to other coastal councils with an invitation. The RCEO noted that further thought maybe required on how this might occur, the implications to the already stretched resources of the Secretariat to facilitate additional members and also the fact that consideration of other ROC needs to be properly considered. The RCEO also suggested that the Group may think of such models as including Associated Memberships.

It was resolved that this issue be referred to the new Executive Committee for further consideration.

### • Users Conflicts – Spear fishers v's swimmers

Conflict issues being faced by Waverley Council were discussed. Waverley is increasing having concern regarding user conflict issues at the Ben Buckler area and also Bronte Bogey Hole.

Issues have arisen with conflicts between spear fishers and other recreational users. Waverley has also highlighted that it doesn't have authority to restrict spear fishing practices below the low water mark. All activities beyond this area are regulated by the Department of Environment, Climate Change and Water – (DECCW) under the *Fisheries Management Act 1994*. In 2005 Council however introduced a policy prohibiting the carriage of spear fishing equipment within Ray O'Keefe Reserve which is the only suitable access point to the water for the Ben Buckler area. This restriction is regulated under section 632 of the *Local Government Act 1993* and has been deemed lawful by Council solicitors.

In relation to the Bronte Bogey Hole legislation states that spear fishing is permitted within the last 20 meters of the northern and southern ends of an ocean beach area (*Fisheries Management (General) Regulation 2002 – Schedule 4*) thereby deeming the Bronte Bogey Hole a legal area to spear fish. Waverley Council believes the high density of patrons swimming in the shallow and enclosed 'rock pool' presents a serious threat to their safety thereby requiring strategies be implemented to mitigate this issue.

Waverley Council is hosting a Spear fishing education evening on 11 November to discuss these issues. The focus of the evening will be on public safety with specific regards to spear fishing.

Delegates referred this issue to the next meeting and requested Waverley Council be asked to provide an associated report for discussion.

- **Guided Tours of Long Reef – Phil Colman**

Mr Phil Colman (SCCG Honorary Member) provided a warm invitation to all Member Councils for Councillors and Councils staff for guided tours of the intertidal rock platform, to give them an idea, and appreciation, of the potential richness and diversity of these areas which effectively divide marine and terrestrial environments. Phil can be contacted 9982 6142

The Secretariat will inform members via a broadcast email and included in the next enews

**Resolved that.**

- 5) the Chairperson and Secretariat staff be thanked for their substantial efforts and outcomes for 2009-2010
- 6) The issues of additional membership to the SCCG be referred to the Executive Committee for further consideration
- 7) The issues of spear fishing be referred to the next meeting and Waverley Council delegates be asked to provide a report for discussion to include detail of outcomes of the education evening and possible local and regional responses to these issues
- 8) The Secretariat publish Phil Colman offer for (free) guided tours of the Long Reef headland via a broadcast email and in the next enews

**13.1 Items for Press Release**

**Recommended that** items for press release be considered

**13.2 Agenda items for the next SCCG meeting**

**Resolved that** delegates suggest additional agenda items including presentations for the next SCCG meeting proposed for Saturday 4 December 2010 starting at 12 noon

**13.3 Next Meeting**

**Resolved that** the next meeting of the Group be held on Saturday 4 December 2010 at the City of Sydney (pending confirmation)

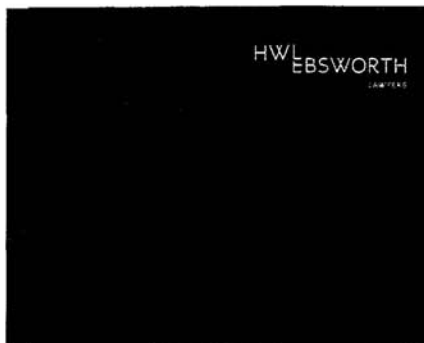
- **2010 remaining meeting dates**

- Saturday 4 December 2010 at 12 noon (City of Sydney)

The meeting closed at 4 45pm

Confirmation of Minutes

/ /



HWL  
EBSWORTH  
LAWYERS

## Emergency Protection and the Courts

### Coastal Protection Reform

**Kirston Gerathy**  
Partner HWL Ebsworth Lawyers

NSW Maritime Panel & PAC Australia Seminar  
23 August 2010

HWL  
EBSWORTH  
LAWYERS

### 1 The more things change

Coastal management requires an integrated approach to the many and varied coastal problems and issues. The Bill provides the integrated framework for the development of Government policy on coastal management.

Experience has shown conclusively that our beaches and coastline cannot be taken for granted and that careless development and misuse can endanger a fragile natural system. Our coastline is a dynamic system constantly altering with the interaction of land and water. This dynamic system can have catastrophic consequences where man tries to defy nature.

HWL  
EBSWORTH  
LAWYERS

### 2 Policy Context

- Urban expansion and hazard management
- Base philosophy: ecologically sustainable development (ESD)
- Balancing competing interests in different coastal environments may mandate different solutions

HWL  
EBSWORTH  
LAWYERS

### 3 The current framework for managing coastal development, hazards and emergencies

- Environmental Planning and Assessment Act 1979
- Coastal Protection Act 1979 (CPA)
- State Emergency and Rescue Management Act 1989

HWL  
EBSWORTH  
LAWYERS

### 4 Coastal Planning Principles

1. Assess and evaluate coastal risks taking into account the NSW coastal use planning benchmarks
2. Advise the public of coastal risks to ensure that informed and use planning and development decisions making can occur
3. Avoid intensifying and use in coastal risk areas through appropriate strategic and land use planning
4. Consider actions to reduce and use intensify coastal risk areas where feasible
5. Minimise the exposure of development to coastal risks
6. Implement appropriate management responses and adaptation strategies with consideration for the environmental, social and economic impacts of each action

## 6 Coastal Reform Package

- Government has created a number of documents starting in early 2009
  - Draft Sea Level Rise Policy
  - Draft Coastal Planning Guide 2009
  - Draft Coastal Policy Management Guide incorporating Sea Level Rise components - 2010
  - Draft Coastal Management Guide
- Sea Level Rise Policy statement adopted in December 2010
- Coastal Planning Guide being adopted by Sea Level Rise advisory - August 2011
- In early 2012, the State prepared the Coastal Protection and Ocean Legislation Amendment Bill 2012
  - Focuses on a range of measures to enhance the existing coastal protection works and enhance coastal protection in areas at risk of sea level rise
  - Includes a "Coastal Protection and Coastal Planning" Bill
  - "Technical and Regulatory Framework" to be developed to underpin a number of coastal protection measures

- See Lease Base Point statement adopted in October 2013
- Coastal Barring Guidelines Adopted to See Lease Base adopted in August 2014
- In early 2014, the State created the Coastal Protection and Crime Segregation Amendment (B-1 214)

2025 RELEASE UNDER E.O. 14176

## 8 Certificates under Division 2

- Section 55(2)(a) CPA
- Process
- Conditions
- Criteria
- No appeal review
- Mechanism to enforce requirements of certificates

- [illegible]

## 10 What can be protected?

- Section 559.2(2)(c) CPA
- The material must be dated by the owner of a landowner or occupier to certify the following from damage due to the erosion of a bank, vertical cutting
- or on which a building could be built, whether it is a good "habitable" under an improvement, planning instrument and a certificate and on what a building could be built, or a building

- Unauthorised locations
- Unauthorised accesses and exclusion zones
- Disturbance of dune restoration areas and vegetation (prior written approval)
- Where no form of coastal protection (artificial or natural) exists
- Only when it is "not unsafe"

EC<sup>DP</sup> can only be placed once (is 55S CP4)

- 1) If there are no emergency coastal protection works for the purposes of this Act, the works are placed on land, other than a public or private way or on behalf of a public or other person, whether the land is privately placed under emergency coastal protection works or not; and
- 2) Nothing in subsection (1) prevents the repair of emergency coastal protection works, including the replacement of components of the works, during the period allowed for the works.

- Taken to be authorised by issue of Division 2 certificate
- What does all practical means mean?

- [illegible]

- if the works remain in place for longer than the maximum period allowed for emergency coastal protection works under section 55(3): CPA
- if they fail to be maintained despite a requirement under s58(2): CPA
- if the landowner or occupier of the land had previously placed other emergency coastal protection works on that land is 55(1): CPA
- consequences

- Emergency protection works must be removed from the land and before the end of the temporary period allowed for them to be replaced and the land has to be restored in accordance with the Minister's requirements or any regulations
- The Minister's requirements provide that:
  - "before any emergency, temporary protection works are removed from the land, the owner must submit to the Minister a programme of work to be carried out on the land to be removed from the land"
  - "the programme of work must be based on the following:
    - the condition of the land before the emergency protection works were put in place"
    - the condition of the land after the emergency protection works were put in place"
    - the condition of the land after the emergency protection works were removed from the land"
- If the emergency protection does not comply with this section, then the Coastguard will remove the emergency protection works, restore the land and recover the costs from the emergency owner
- Failure to remove and restore is an offence
- No civil enforcement mechanism





## **Council Meeting**

**10.0            Adoption of Natural Environment Committee  
Recommendations**

**11.0            Councillor Questions**