



PITTWATER COUNCIL

Agenda

Council Meeting

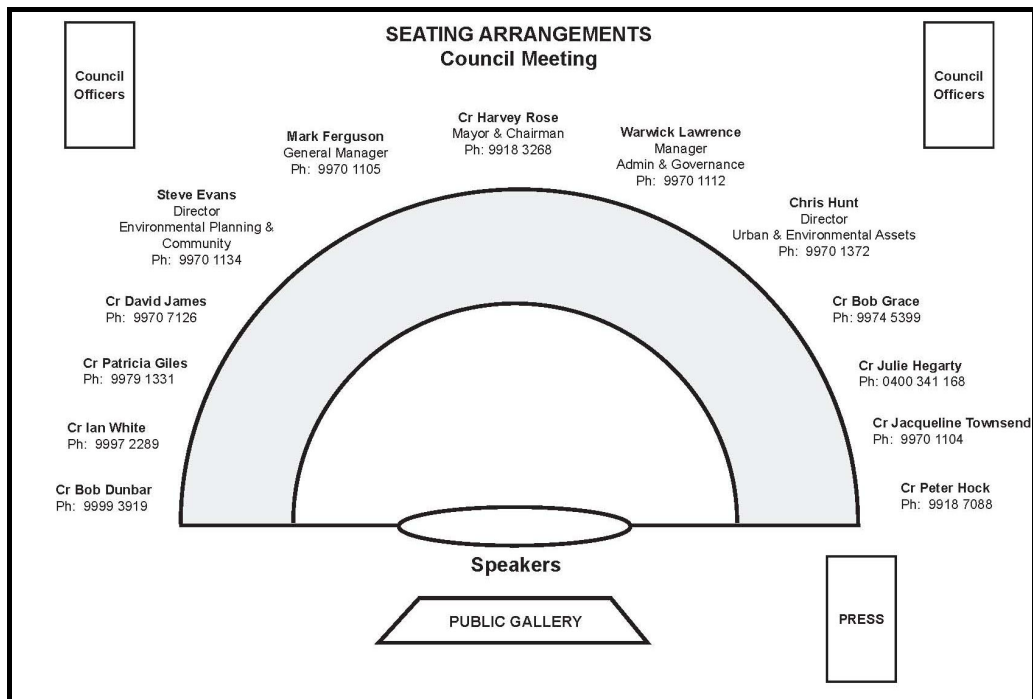
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

5 October 2010

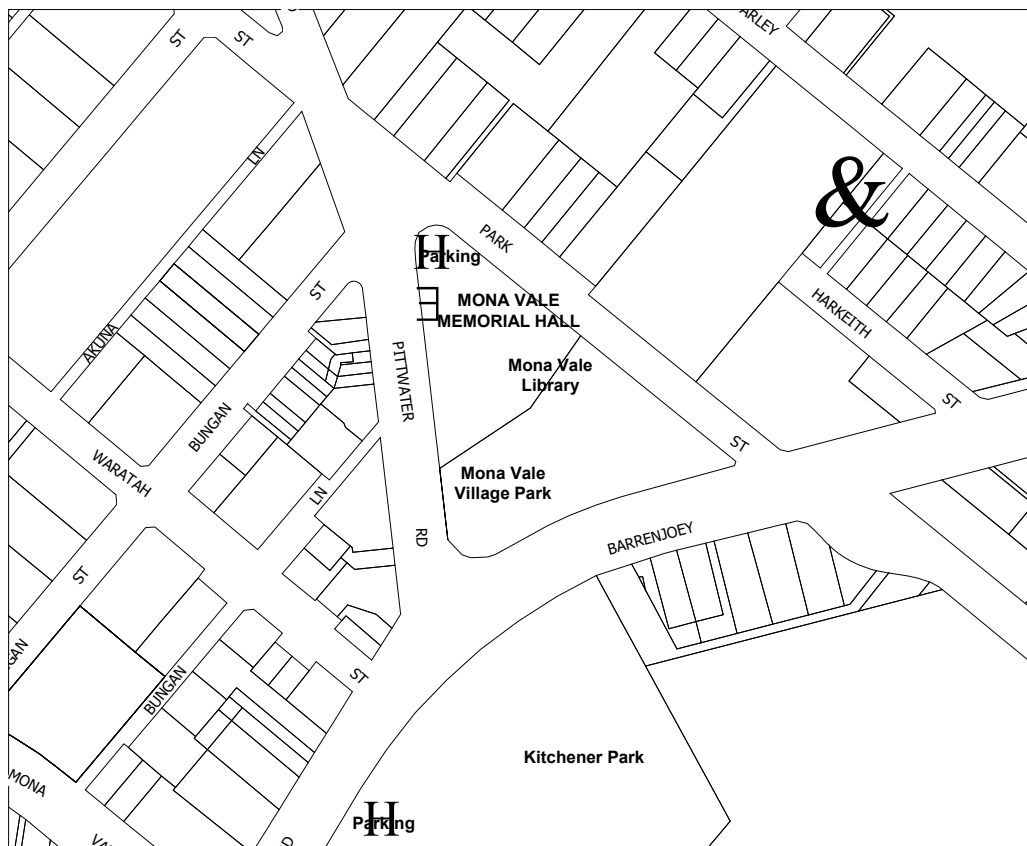
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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

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

Presentation of Subsidies to Pittwater Surf Clubs

As in previous years, the Mayor will present a cheque to a representative of each of the Surf Life Saving Clubs, being the annual subsidy by Council of Surf Clubs in the Pittwater area.

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

6.0 Mayoral Minutes

7.0 Council Meeting Business

SUBJECT: NOTICE OF MOTION - Swimming Pool, 263 Whale Beach Road, Whale Beach
(Motion submitted by Cr Bob Grace)

Meeting: Council

Date: 5 October, 2010

NOTICE OF MOTION


BACKGROUND

1. Council issued a direction to the applicant to comply under the Swimming Pools Act 1992 dated 19 April 2010.
2. The applicant on 11 May appealed the contents of the Council's abovementioned direction to comply to the Land & Environment Court.
3. The applicant's application for exemption under the Swimming Pools act is dated 10 June 2010 which is attached (Attachment 1).
4. The Council's notice of refusal for an exemption under Section 22 is dated 9 July 2010 and is attached (Attachment 2).
5. In the final paragraph of the letter dated 10 June 2010 the applicant requested that the owners or their representative be given the opportunity to address the Council or the relevant committee of the Council.
6. On 20 September 2010 the applicant received a reply from Council in respect of the application to address the Council.
7. The letter dated 20 September is attached (Attachment 3).

Motion

1. That the refusal of the applicant's application for an exemption from the fencing provisions of the Swimming Pool Act be suspended/ revoked.
2. That the applicant be invited to address the Council in relation to that application.
3. That as a matter of urgency the application be reported back to Council within 2 weeks for further consideration.

Cr Grace



10 June 2010

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Dear Sir,

Swimming Pool at 263 Whale Beach Road

I am one of the owners of the above property and am applying to the Council under s 22(1)(a) and (b) of the Swimming Pools Act 1992 (as amended) to be exempted from a requirement of the Act, if it is in truth such a requirement, on the grounds that (a) it is impracticable or unreasonable for our swimming pool to comply with this requirement and, (b) that alternative provision, no less effective than that requirement, exists for restricting access to the swimming pool.

Unfortunately the legislation dealing with swimming pools is very complex. The 1990 Act and its Regulations were repealed by the 1992 Act. The first Regulation promulgated in 1992 was replaced by a new Regulation later that year, which was replaced by a new Regulation in 1998, and was replaced by another Regulation in 2008. The 1992 Act was also extensively amended in 2009.

Our swimming pool was built before 1980. Between 1991 and 1993 we had the old house demolished and a new one constructed. This was done in accordance with plans and specifications approved by Warringah Council, as it then was. These provided for the installation of a balustrade on the deck, child-resistant gates restricting access from the deck above the pool located a floor below and child-resistant fencing. The safety features as they exist today, changed in minor respects in accordance with the Council's notice early this year, are otherwise as installed in accordance with those plans, and passed by the Council following an inspection.

This application has become necessary because I sought advice from Kate Tuszynski, the Council's Development Compliance officer, about the need to replace one of the gates at the southern end of the deck which had been broken by a child guest. I was told that an inspection would be necessary and I gave permission for this to occur.

Your officer took the opportunity to examine all the safety features to see if there were any other deficiencies, and with what I regard as excessive zeal, threw the book at us.

We received a draft notice dated 19 February to carry out the works itemised in the nine paragraphs of that notice.

We were shocked that my request for advice and help should become the occasion for such demands. However, we complied with all but paragraph 8 although we thought most were petty and unnecessary. Paragraphs 8 and 9 were:

- “8. The glass balustrade on the balcony must be increased in height to 1200mm where the distance to the adjacent floor level is less than 1800mm. Alternatively, you may comply with point 9 below.
9. Install a swimming pool fence from the rear of the dwelling across to the existing glass swimming pool fence between the swimming pool and the base of the staircase. A non-climbable zone of 900mm must be achieved between the base of the staircase and the new portion of the fencing in accordance with the Australian Standard.”

We believe that requirement 8 is totally unreasonable given the history of the pool, and the existing barriers to child entry. I ask the Council to exempt us from this requirement assuming the requirement is a valid one in the first place.

Requirement 8 is supposedly justified because at one point at its southern end and for a few centimetres only, the distance from the deck to the top wooden step below is only 1.64m. We were informed by the officer that it would comply if it was 1.8m. We are asked by the notice, because of this minor non-compliance to take one or other of the steps that have been identified in items 8 and 9.

A baby or a toddler could not get through the 12cm gap between the deck and the bottom of the balustrade. The distance from the top of the wooden step to the top of the balustrade at the relevant point is 2.56m, .92m above the deck. This provides an adequate barrier for any child too young to swim. It is unrealistic and unreasonable to suppose that a toddler who was not old enough to swim could gain access to the pool by climbing over this balustrade unaided and lowering himself or herself down to the top step.

The simple basis for my application for exemption is that the existing “child-resistant barriers” to entry complied with the then legal requirements, to the satisfaction of the Council, when they were installed before 1993, and that it would be unreasonable to require the owners, at substantial expense, to comply with new requirements in the 2009 Act and 2008 Regulation, introduced years later, when the alternative provisions for restricting access at the southern end of the deck are no less effective. These comprise two gates which restrict access to the pool by the steps and the balustrade which restricts direct access from the deck to the pool a floor below. The owners have always been concerned about pool safety because we have 12 grandchildren who frequently stay at the house.

The more complicated basis for my application requires some consideration of the history of this legislation and its operation. The starting point is s 8(2) of the Act which applies to our pool which was constructed before 1 August 1990. This provides:

"A child-resistant barrier (note not child-proof) surrounding the ... pool is not required to separate the ... pool from any residential building ... on the premises so long as the means of access to the ... pool from the building are at all times restricted in accordance with the standards prescribed by the regulations (emphasis supplied).

The proviso does not apply in our case because there are no means of access to the pool from the residential parts of the building. There are means of access from the residential parts of the building to the deck and from the deck to the pool but the section refers to direct access to the pool. The standards prescribed by the 2008 Regulation for the purposes s 8(2) are in cl 6(1) which contains requirements for doorways and open portions of windows that "give access to the swimming pool".

Section 8(3) applies as illustrated in diagrams 4 and 5 in Schedule 1. These show child-resistant barriers at doorways giving access to the pool where there is no further barrier to such access.

A further exemption for existing swimming pools in cl 23 of the 2008 Regulation, for pools that complied with the 1998 Regulation, takes the matter no further but indicates a willingness to protect existing pools from additional requirements.

If it becomes necessary to do so I would argue that even if the 2008 Regulation and the 2007 Australian Standard do apply the relevant distance from the top step below the balustrade is not, as your officer thought, 1.64m from the step to the deck, but 2.56m from the step to the top of the balustrade.

It will be necessary for the decision maker or decision makers to inspect our property in order to fully understand and assess this application. The owners and their representatives wish to be present when this occurs.

I enclose a cheque for \$70 for the prescribed fee. If this application is not granted pursuant to delegated authority I would ask that the owners and their representatives be given a reasonable opportunity, on proper notice, to address the Council, or the relevant Committee of the Council as the case may be.

Yours faithfully,

[Redacted Signature]

Development Compliance Officer
9am to 5pm Monday to Friday
Phone 9970 1184 Mobile 0409 533 435

9 July 2010

Re: Application for exemption – Swimming Pools Act 1992
Property: 263 Whale Beach Road, Whale Beach

Council has assessed your application dated 10 June 2010 for an exemption under Section 22 of the Swimming Pools Act 1992 (the Act) and advises that your exemption has been refused for the following reasons.

1. With reference to Section 22 (1) (a) of the Act, the applicant has not demonstrated that it is unreasonable, or impracticable (because of the physical nature of the premises, the design or construction, or because of special circumstances of a kind recognised by Clause 14 of the Swimming Pools Regulations 2008 as justifying the granting of an exemption) for the swimming pool to comply with the requirements of Part 2 of the Act.
2. With reference to Section 22 (1) (b) of the Act, the current alternative provisions do not provide compliance with Australian Standard 1926~2007 'Swimming Pool Safety Part 1: Safety barriers for swimming pools'. In this regard, the current barrier does not comply with the above mentioned Australian Standard due to the barrier being less than 1200mm in height where there is a distance less than 1800mm from the balcony decking to the finished ground level.

In accordance with Section 26 of the Act, the owner may make an appeal against this decision to the Land and Environment Court.

Should you require any further information please do not hesitate to contact me on 9970 1184.

Yours sincerely

DEVELOPMENT COMPLIANCE OFFICER

Principal Development Compliance Officer
9am to 5pm Monday to Friday
Phone 9970 1275

20 September 2010



Re: Section 22 application for Exemption - Swimming Pools Act 1992
Property: 263 Whale Beach Road, Whale Beach

Reference is made to your application dated 10 June 2010 which was subsequently determined with a refusal notice under delegated authority dated 9 July 2010.

The closing comments of your application letter dated 10 June 2010 has recently been brought my attention and I quote 'If this application is not granted pursuant to delegated authority I would ask that the owners and their representatives be given a reasonable opportunity, on proper notice, to address the Council, or the relevant committee of the Council as the case may be.'

It is understood via representations by Cr Bob Grace on your behalf that you have concerns that the above mentioned request has not been met by Council officers. In this regard, the following points are made:-

- Council issued a Direction to comply under the Swimming Pools Act 1992 dated 19 April 2010.
- You have made application to the Land and Environment Court on 11 May 2010 to appeal the contents of Council's above mentioned Direction to Comply.
- The appeal was first heard in the Land and Environment Court on 9 June 2010.
- Your Section 22 application for exemption under Swimming Pools Act 1992 was dated 10 June 2010, after the legal proceedings had commenced.

Such applications under the Swimming Pools Act 1992 are determined under delegated authority by Council officers. The provisions of the Swimming Pools Act 1992, unlike other legislation, does not provide for an internal review of applications but rather provide an appeal right to the Land and Environment Court which you have subsequently made.

You are advised that the elected Council are kept informed of the progress in all legal matters via monthly legal briefings.

It is anticipated that the above information will be of assistance to you.

Yours sincerely

Mark Ferguson
GENERAL MANAGER

Copy to All Pittwater Councillors

Community, Recreation and Economic Development Committee

8.0 Community, Recreation and Economic Development Committee Business

C8.1 Exhibition Results - Naming of Avalon and Bilgola

Meeting: Community, Recreation and Economic **Date:** 5 October 2010
Development Committee

STRATEGY: **Information Management**

ACTION: To report on the re-exhibition of the proposal for the suburb “*Avalon*” to be renamed “*Avalon Beach*”, in accordance with Council’s resolution on 21 June 2010.

PURPOSE OF REPORT

To inform Council on the results of the re-exhibition of the proposal for the suburb “*Avalon*” to be renamed “*Avalon Beach*” as part of the Suburb Names and Boundaries Review within Pittwater Local Government Area, and to seek Council’s endorsement to make a recommendation to the Geographical Names Board (GNB) to forward to the Minister for Lands for official gazettal.

To advise of community views on the naming of Bilgola resulting from the exhibition of the “*Avalon Beach*” proposed name change.

1.0 BACKGROUND

1.1 The Geographical Names Board

The Geographical Names Board is the official body for naming and recording details of places and geographical names in NSW. As part of their process they investigate the names in question and seek the concurrence of the local council to proceed with a formal community consultation process. Following a decision of the Board to proceed, the naming proposal is advertised in local newspapers calling for community submissions.

1.2 Council decision 21 June 2010

Council resolved on 21 June 2010:

- 1. That the report be noted and that Council adopt the recommendations of this report excepting that in the appropriate place “Avalon Beach” rather than “Avalon” be supported as the suburb name.*
- 2. That the report be re-exhibited prior to being forwarded to the Geographical Names Board.*

1.3 The proposal for “Avalon” to be renamed “Avalon Beach” was placed on exhibition from 1 July to 30 July 2010

- The proposal details were placed on Council’s webpage throughout the period of exhibition.
- The proposal details were made available for viewing at Council’s Customer Service Centres at Avalon and Mona Vale throughout the period of exhibition.

- Advertisements were placed within Council's fortnightly Community Noticeboard page in the Manly Daily newspaper on Saturday 3 July 2010 and 17 July 2010.
- Additionally, the Manly Daily ran editorial pieces on the proposal that appeared on 23 June 2010 and 31 July 2010.

2.0 ISSUES

2.1 Results of Exhibition

A total of 28 submissions were received:

In Favour of Avalon Beach – Two (2) submissions were received (as below) that supported the proposal to rename "Avalon" to "Avalon Beach"

"I agree wholeheartedly with Council's intention to change the name from Avalon to Avalon Beach (its historical name) I support and endorse this application to the Geographical Names Board. It is long overdue."

"I fully support the proposed reinstatement of the name Avalon Beach. AJ Small called the area Avalon Beach, distinguishing it from his own home which he named 'Avalon', now a heritage listed house. I hope that Pittwater Council and the GNB accept the reinstatement of Avalon Beach as the proper name for the area"

Given Council's previous decision to support the name change to "Avalon Beach" and the two (2) submissions in support received, it recommended to proceed with the name change.

Other Proposal – The remainder of the submissions received (twenty-six) seek to have the suburb "Bilgola" renamed to "Bilgola Beach", in the same manner that Council decided to pursue the naming proposal of "Avalon Beach". These submissions were received as a signed form letter distributed by the *Bilgola Preservation Society*.

Notwithstanding the purpose of the re-exhibition period was to seek public comments on the proposal to rename "Avalon" to "Avalon Beach", it is worth considering the further submissions as they contribute the vast majority of submissions received within the re-exhibition period.

The reasons expressed for the renaming of "Bilgola" to "Bilgola Beach" are:

- The name "Bilgola Beach" has been used historically and extensively for the area in a similar manner to "Avalon Beach"
- In keeping with the Pittwater theme of Palm Beach, Whale Beach, and now possibly Avalon Beach.
- The current area of Bilgola is defined by a natural amphitheatre that has the beach as its centre-piece.
- "Bilgola Plateau" suburb is named for its geographical characteristics and so too should "Bilgola Beach", as the two areas are marked by a natural geographical division.

- Residents often report confusion between the similar sounding words Balgowlah and Bilgola when voicing their address.
- The only current signage in the area states “Bilgola Beach”, not just “Bilgola”.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 Consistent with Council’s decision 21 June 2010 and the support in the exhibition period, the name “*Avalon Beach*” be recommended to the Geographical Names Board.
- 4.2 That the proposal to rename the suburb “*Bilgola*” to “*Bilgola Beach*” be placed on public exhibition and the results be reported back to Council prior to Council forming a recommendation to the Geographical Names Board of Pittwater’s Suburb Names and Boundaries.

RECOMMENDATION

- 1 That given Council’s support to the change of name of “*Avalon*” to “*Avalon Beach*” at its meeting of 21 June 2010 and the supporting submissions in the exhibition period the suburb name “*Avalon Beach*” be supported in Council’s recommendation to the Geographical Names Board of Pittwater’s Suburb Names and Boundaries.
- 2 That the proposal to rename the suburb “*Bilgola*” to “*Bilgola Beach*” be placed on public exhibition and the results be reported back to Council, prior to Council forming a recommendation to the Geographical Names Board of Pittwater’s Suburb Names and Boundaries.

Report prepared by

Steve Evans
DIRECTOR, ENVIRONMENTAL PLANNING AND COMMUNITY

C8.2 Road Closures

Meeting: Community, Recreation & Economic Development Committee

Date: 5 October 2010

STRATEGY: Business Management

ACTION: Manage Council's Commercial Activities

PURPOSE OF REPORT

To seek Councils approval for the closure and sale of three portions of road reserve adjoining properties located at 71 Florida Road Palm Beach, 293 Whale Beach Road Whale Beach and 179 Whale Beach Road Whale Beach.

1.0 BACKGROUND

- 1.1 The respective owners of the three properties above have applied for road closure and purchase of a portion of road reserve fronting their properties in accordance with the provisions of Councils Policy No 53 'Private use of Road Reserves'. The size of the area, reason for purchase and comments from Urban Infrastructure and Service Providers are included in Attachment 1 to this report. Location maps of each of the subject properties are at Attachments 2, 3 and 4 of the report.
- 1.2 On 13 July 2010 Councillors were notified of the proposed road closure applications and offered the opportunity to inspect the respective sites in the company of a Council officer.
- 1.3 This proposal was endorsed by PAMP at its meeting on 1 September 2010 which resolved as follows:-
 - "1. *That the PAMP Committee authorise the lodgement of Applications for Road Closure with the Land & Property Management Authority for portions of road reserve adjoining properties located at 71 Florida Road Palm Beach, 293 Whale Beach Road Whale Beach and 179 Whale Beach Road Whale Beach.*
 2. *That if the applications for road closure are successful, Council proceeds with negotiations for the sale of the subject portions of road reserve to the respective owners subject to a formal market valuation.*
 3. *That this Report be referred to the Council Meeting of 20 September 2010 for formal endorsement."*

2.0 ISSUES

2.1 Private Use of Road Reserve Policy

Part 2 of Council's Policy on Private Use of Road Reserve was developed to provide a permanent tenure solution to existing or proposed permanent structures on road reserve.

In accordance with this policy the following are relevant issues for consideration by the applicants:

- Any land to be sold will be valued by a Registered Valuer who shall take into consideration the adjusted current market value of the whole site as a consequence of the addition of the subject road reserve area and any benefits it provides.
- All costs associated with the process are to be borne by the purchaser.
- All such land disposals may include restrictions on the use of the additional land for subdivisional, dual-occupancy or building purposes.

2.2 Road Assessment

Councils Urban Infrastructure Unit has assessed that the subject areas of public road reserve will not be required for future public use and has no objections to the road closures and sales subject to comments provided at Attachment 1.

2.3 Service Providers

Service providers including Energy Australia, Sydney Water, Telstra and the relevant Gas Company have been consulted and their comments are shown in Attachment 1 also. Should the subject parcels of land be affected by services the service providers may require easements to protect those services prior to formal road closure.

2.4 Use of funds from road closure and sale

Section 43(4) of the Roads Act states that *"Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads"*. Such road works may include pavement strengthening, retaining structures or streetscape improvements.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 There is no social impact

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 There is no environmental impact

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The eventual sale of these sections of road reserve will provide funds for continued maintenance and improvement of Pittwater's road infrastructure.

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 There is no governance impact.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 These proposed sales will have a positive impact on the road infrastructure in Pittwater.

4.0 EXECUTIVE SUMMARY

- 4.1 The proposed road closures and sale comply with Councils policy No 53, Private Use of Road Reserve and will provide financial resources to assist with ongoing road works.

RECOMMENDATION

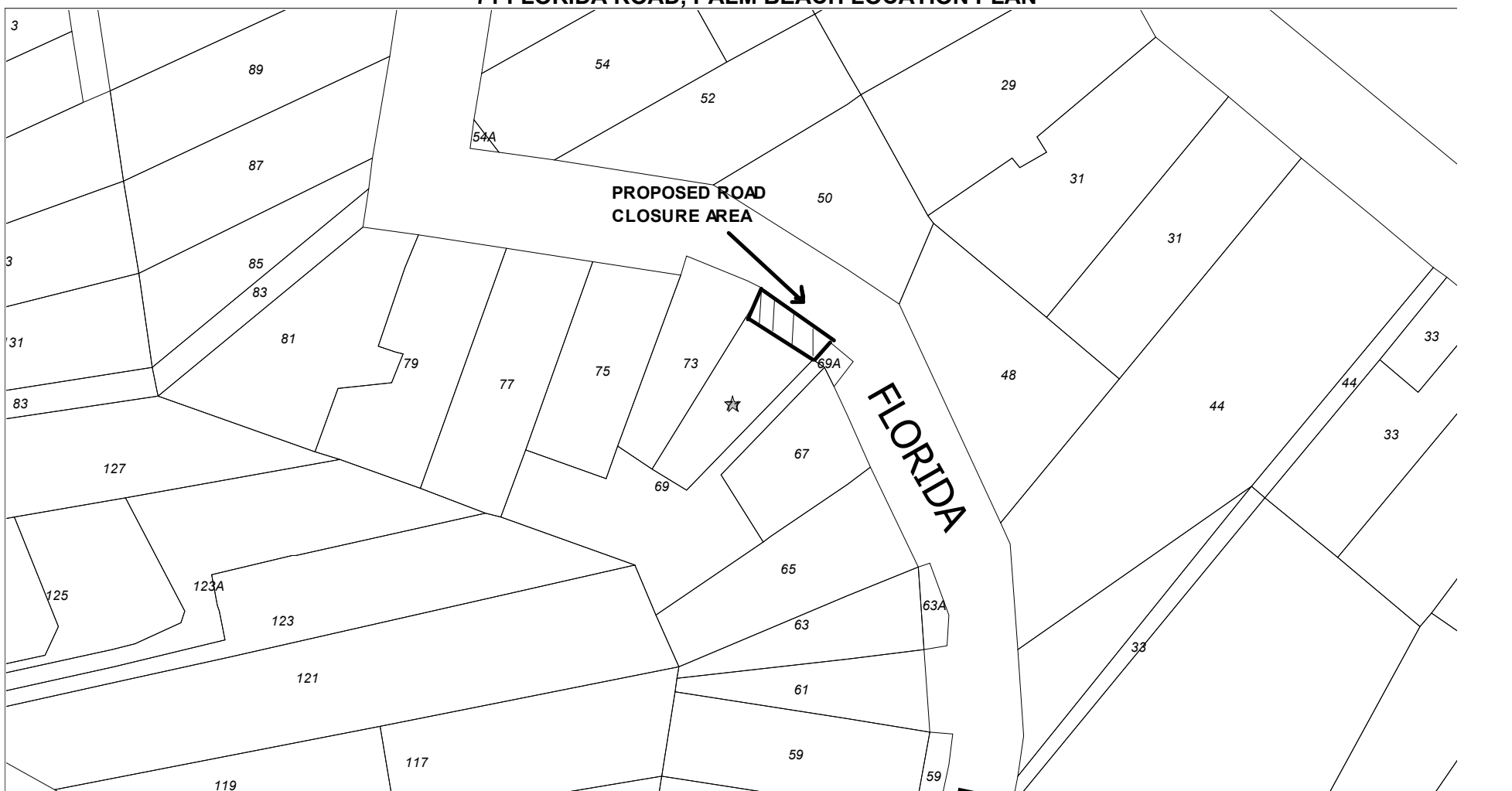
1. That Council authorise the lodgement of Applications for Road Closure with the Land & Property Management Authority for portions of road reserve adjoining properties located at 71 Florida Road, Palm Beach, 293 Whale Beach Road Whale Beach and 179 Whale Beach Road, Whale Beach.
2. That if the applications for road closure are successful, Council proceeds with negotiations for the sale of the subject portions of road reserve to the respective owners subject to a formal market valuation.

Report prepared by
George Veness, Senior Property Officer

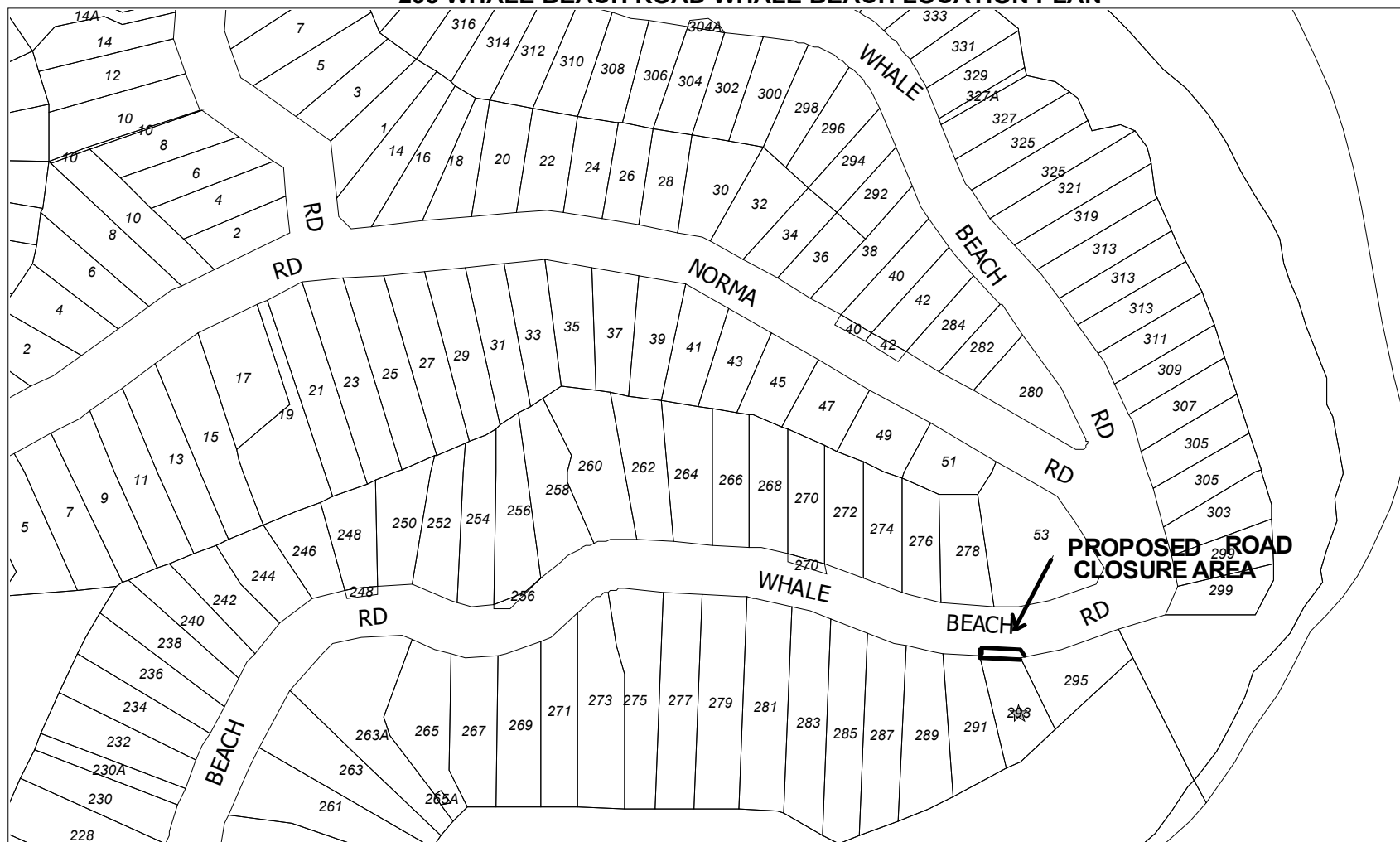
Paul Reid
TEAM LEADER, CORPORATE AND COMMERCIAL STRATEGY

Property	Area	Reason	Urban Infrastructure Comments	Neighbour Comments	Service Provider Comments
71 Florida Rd Palm Beach	108.4 m2	To rectify existing garage encroachment	Nil	Nil	Energy Australia requires an easement
293 Whale Beach Rd Whale Beach	45.6 m2	To rectify encroaching parking bay	Requested change to Area which was done	Nil	Nil
179 Whale Beach Rd Whale Beach	147m2	To rectify encroaching Structures and parking bay	Nil	Nil	Nil

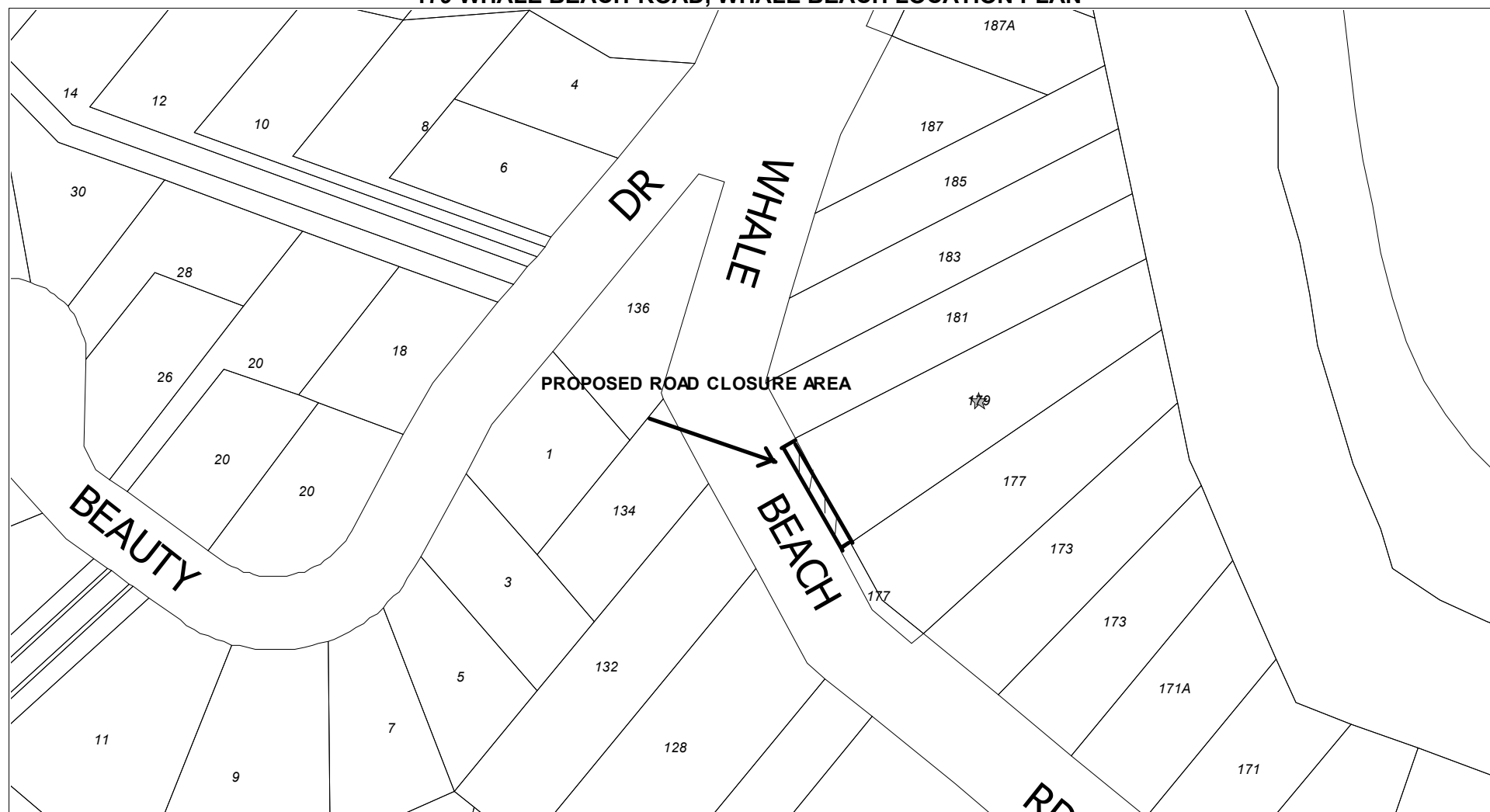
71 FLORIDA ROAD, PALM BEACH LOCATION PLAN



293 WHALE BEACH ROAD WHALE BEACH LOCATION PLAN



179 WHALE BEACH ROAD, WHALE BEACH LOCATION PLAN



Minutes

Pittwater Assets Management Panel Meeting

held at Council's Conference Room, Unit 12 (Level 3),
5 Vuko Place, Warriewood on

1 September 2010

Commencing at 2.33pm.

ATTENDANCE

Members

Robins, R (Principal Officer, Administration)
Munn, L (Manager, Reserves, Recreation & Building Services)
Greenow, D (Principal Officer, Development Compliance)
Pigott, A (Principal Officer, Strategic Planning)
Davies, P (Principal Engineer, Roads & Traffic & Emergency Management)
Hansen, M (Natural Resources Assessment Officer)

Officers

Veness, G (Senior Property Officer)
Tasker, P (Administration Officer/Minute Secretary)

Pittwater Assets Management Panel Meeting

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Note:

The Pittwater Assets Management Panel Meeting commenced at 2.33pm and concluded at 2.48pm.

1.0 Apologies

Notes:

1. Apologies were received from Mr Jeff Lofts (Manager, Environmental Compliance) and Mr Paul Reid (Team Leader, Corporate Strategy & Commercial) and leave of absence was granted from the Pittwater Assets Management Panel Meeting of 1 September 2010.
2. Mr Darren Greenow (Principal Officer, Development Compliance) attended on behalf of Mr Jeff Lofts (Manager, Environmental Compliance).

2.0 Declarations of Conflict/Pecuniary Interest - Nil

3.0 Confirmation of Minutes

COMMITTEE RECOMMENDATION

That the Minutes of the Pittwater Assets Management Panel meeting held on 10 March 2010, copies of which were circulated to all members, be and are hereby confirmed as a true and accurate record of the proceedings of that meeting.

(Andrew Pigott / Paul Davies)

4.0 Panel Business

P4.1 Mobil Oil Australia - Variation to Lease

Proceedings in Brief

Mr George Veness (Senior Property Officer, Corporate Strategy & Commercial) addressed the meeting on this item.

COMMITTEE RECOMMENDATION

1. That the PAMP Committee agree to the assignment of the current lease to 7-Eleven Stores Pty Ltd.
2. That the PAMP Committee agree to the variation in the term of the current lease in return for an increase in rental of 30%.
3. **That this Report be referred to the Council Meeting of 20 September 2010 for formal endorsement.**
4. That the General Manager be authorised to execute all relevant legal documentation under delegated power of attorney as required.

(Paul Davies / Andrew Pigott)

P4.2 Road Closures

Proceedings in Brief

Mr George Veness (Senior Property Officer, Corporate Strategy & Commercial) addressed the meeting on this item.

COMMITTEE RECOMMENDATION

1. That the PAMP Committee authorise the lodgement of Applications for Road Closure with the Land & Property Management Authority for portions of road reserve adjoining properties located at 71 Florida Road Palm Beach, 293 Whale Beach Road Whale Beach and 179 Whale Beach Road Whale Beach.
2. That if the applications for road closure are successful, Council proceeds with negotiations for the sale of the subject portions of road reserve to the respective owners subject to a formal market valuation.
3. **That this Report be referred to the Council Meeting of 20 September 2010 for formal endorsement.**

(Matthew Hansen / Les Munn)

5.0 Next Meeting – 2.30pm on Wednesday 13 October 2010

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 2.48PM
ON WEDNESDAY 1 SEPTEMBER 2010**



Meeting: Community, Recreation and Economic Development Committee **Date:** 5 October 2010

ACTION: Implement a Friendship Agreement with the sub-district of Soibada, Timor-Leste.

To inform Council about the recent delegation to Timor-Leste to establish a Friendship Agreement with the sub-district of Soibada.

- 1.1. On 17 August 2009 Council resolved to establish a friendship agreement with the community of Soibada in Timor-Leste. At this Council meeting the Vice-Consul General to Timor-Leste located in Sydney addressed the meeting and provided detail about the community of Soibada.
- 1.2. Soibada is an isolated community located 135 kilometres from Dili and situated within the central mountain area of Timor-Leste. It is one of 6 sub-districts that constitute the District of Manatuto.
- 1.3. As Timor-Leste is Australia's nearest neighbour there is a priority in many Australian communities to support Timor-Leste during this period of rebuilding. There are over 50 Friendship Agreements with Local Governments in Australia making a formal commitment to particular districts in Timor-Leste.
- 1.4. Council subsequently met with Tamara Harding, Director of Social Justice Pittwater Parish, and Kathy Gee, Principal of Maria Regina Primary School. The purpose of initiating contact with them was to discuss future opportunities to establish a joint Pittwater Council and community project to progress efforts to support the community of Soibada.
- 1.5. In early 2009 Tamara Harding, Kathy Gee, and Father George Kolodziei travelled to Soibada to initiate connection with the village and form relationships with key community leaders. Whilst this delegation did not have the opportunity to spend significant time within the community sound relationships were established with the intention to have an ongoing relationship between the communities of Soibada and Pittwater.
- 1.6. During 2010 further investigation about what was required to establish a Friendship Agreement was undertaken and it was decided that a further visit to the community was essential if any agreement were to be established.
- 1.7. It was decided that the delegation required to travel to Soibada to achieve a Friendship Agreement would include:

Tamara Harding – Pittwater Community Representative,
Social Justice Director, Pittwater Parish
Father George Kolodziei – Pittwater Catholic Church Parish
Kathy Gee – Principal, Maria Regina Catholic Primary School
Mark Ferguson – General Manager, Pittwater Council
Jane Mulroney – Community Engagement Officer, Pittwater Council

- 1.8. Preparatory work including communication with Father Abel, Parish Priest and community leader, His Excellency Abel Guterres, Timor-Leste Ambassador to Australia was carried out in the lead up to the visit to the community of Soibada by members of the delegation. Liaison with the Australian Timor-Leste Friendship Network was initiated to guide the establishment of a formal Friendship Agreement.
- 1.9. Key principles underpinning the friendship agreement are:
 1. Respect and support for Timorese-led decision-making,
 2. Sustainable and long-term (10 year) assistance, and
 3. Relationships are based on partnerships of mutual respect and collaboration.
- 1.10 A delegation from Pittwater travelled to Timor-Leste during the period of 19-23 July 2010.
- 1.11 Objectives to be achieved by the trip to Soibada included:
 - To sign a Friendship Agreement between Pittwater Council and the Administration of Soibada and Manatuto
 - To develop an understanding of the community and their needs
 - To document available resources
 - To identify key leaders within the community
 - To determine and hear from the Soibada community about possible projects
 - To evaluate and determine the most efficient methods of providing assistance to the Soibada community
 - To build trust and establish relationships within the community
- 1.12. A formal agreement was signed between Mark Ferguson, General Manager Pittwater Council and Mr Elvino Boneparte de Rego - Manatuto District Administrator and Francisco Dinis do Carmo Braz, - Soibada Sub-District Administrator on Tuesday 20 July 2010.

2.0 ISSUES

2.1 Constraints in accessing Soibada and its community

The travel to Soibada emphasised the remoteness of this community and the practical barriers that exist in terms of ongoing communication and difficulties associated with travelling to the village. These barriers exist on two fronts:

Communication

- No electronic communication into the community.
- Limited power for a couple of hours each day
- Limited mobile phone reception

Transport/Access

- There is no bridge across the river leading to the community of Soibada. Access to the village is restricted to occasions when the river is at lower levels.
- The poor condition of the roads from Dili to Soibada makes travelling to the community more time intensive. The journey takes a minimum of 5 hours by 4WD vehicle.
- Travel along the roads is somewhat dependent on the weather. Excessive rain contributes to boggy conditions which may make some roads difficult to pass.

2.2 Achievements of travel to Soibada

The delegation is positive about the many achievements accomplished during the short visit to Soibada. These included:

- Signing the Friendship Agreement with the Soibada and Manatuto Administration to formalise our intention to have a long-term relationship with the Soibada community
- Strengthening of relationships with the Soibada community
- Enhanced understanding of the structure of the community and its key components which incorporated the church, the orphanage, the school and the Soibada administration
- Building trust with the community leaders
- Gaining a better understanding of the logistics involved in implementing projects on the ground in Soibada
- Having a greater awareness of the community and their culture
- The strengthening of relationships between Council and the Pittwater community

2.3 Establishment of the Pittwater Friends of Soibada

- 2.3.1 In order to coordinate ongoing fund-raising efforts and the implementation of projects the *Friends of Soibada* Management Committee has been established. At their first meeting on 22 September members of the Management Committee were elected with Tamara Harding as Chairperson. Other roles have been identified to deal with project implementation, fundraising, promotion and communication.
- 2.3.2 Council staff has assisted in the establishment of this Committee to enhance coordination and accountability. A draft constitution has been prepared and financial information has been collated to inform decisions about incorporation of the *Pittwater Friends of Soibada*. These should assist in the initial progression of the Management Committee.

2.4 Future projects

- 2.4.1 A number of projects were identified by the community leaders as priorities in the future. In total, nearly 20 projects were highlighted. These have been documented and will be reviewed by the *Pittwater Friends of Soibada* Management Committee. Projects with a high priority include laying a floor in one of the classrooms, improving sanitation, enhancing communication and developing infrastructure.

2.4.2 Our experience in travelling to the community of Soibada was extremely valuable in highlighting possible barriers to implementation of projects in Soibada. As a consequence the following criteria were identified by delegation partners and it is recommended that decisions made about future projects should take these into consideration.

- The primary focus of projects must be directed towards achieving practical outcomes for the Soibada community as the first priority
- Project teams should cause no financial burden to the Soibada community
- Projects should be directed towards building the capacity of the community rather than having specialist teams undertake projects and then leave
- Some projects will simply require financial resources provided from Pittwater and therefore not require travel from Australia.
- The Pittwater Friends of Soibada should maintain a role in facilitating and coordinating the implementation of projects

2.4.3 The resolution of Council in 2009 included the intention to offer a temporary three month internship here at Pittwater Council to a person within the Soibada community. A number of factors such as language barriers make this opportunity difficult to implement at this time. There may however be opportunities for community leaders and other community members (teachers) to visit Pittwater for shorter periods of time to access mentoring and professional development.

2.5 Pittwater Council initiatives

2.5.1 Skills and cultural exchange

A long-term goal is to build the skills of the local Soibada community and ensure that projects are undertaken in the most effective and efficient way possible. This project presents the opportunity for Pittwater Council staff with particular expertise to work on short term projects within the Soibada community. Staff may elect to spend time in the community (e.g. two weeks) providing technical expertise (building, engineering, drainage) and at the same time have the opportunity to learn about their culture and community.

2.5.2 It is anticipated that there will be governance legislation introduced to parliament in Timor-Leste during 2012 that will formalise further local district administration roles and responsibilities. As a consequence there is likely to be mentoring opportunities between the administration in Soibada and Pittwater in relation to this proposed legislation.

2.5.3 Corporate Social Responsibility opportunities for Pittwater Council

The decision for Pittwater Council to pursue a Friendship Agreement with Soibada highlights the capacity of local government to have a Corporate Social Responsibility role.

This project presents the opportunity to investigate a number of initiatives which could include:

Employee development - giving employees with particular skills the opportunity to be part of project teams

Fundraising projects – employees may wish to be part of initiatives such as fundraising that will occur through the *Friends of Soibada* group or they may identify activities throughout the year where staff can donate/fundraise towards Soibada.

Payroll deductions – staff can choose to have small amounts deducted from their pay towards the *Friends of Soibada* project.

Billeting – Staff may be willing to billet (for short periods) members of the Soibada community (e.g. administrator) when visiting Australia.

2.6 First priorities for implementation

1. Establish the *Friends of Soibada* Management Committee
2. *Friends of Soibada* Management Committee to establish project priorities and develop a long-term work plan
3. Develop a communication strategy to inform the Pittwater community about fundraising and projects
4. Continue regular communication with Soibada through their community leaders.

2.7 Project Objectives

1. Maintaining the dignity of the Soibada community
2. Building the capacity of the community
3. Facilitating and coordinating implementation of projects
4. No financial burden to Soibada community
5. Primary focus is about achieving outcomes for the Soibada community
6. Cultural sensitivity in our dealings with Soibada

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Stronger relationships have been created with the Pittwater community involved in this initiative. Social Justice principles have been pursued in the development of this project and will continue to have an influence on Council through potential Corporate Social Responsibility initiatives.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 There is no impact.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Pittwater Council staff may have the option to participate in skills exchange and professional development opportunities including the possibility of participating in project teams travelling to Soibada.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Pittwater Council has demonstrated a leadership role in establishing a Friendship Agreement with the Soibada Administration.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 There is no impact

4.0 EXECUTIVE SUMMARY

- 4.1 A Friendship Agreement was signed between Mark Ferguson, General Manager Pittwater Council and Mr Elvino Boneparte de Rego - Manatuto District Administrator and Francisco Dinis do Carmo Braz, - Soibada Sub-District Administrator on Tuesday 20 July 2010.
- 4.2 The *Pittwater Friends of Soibada* Management Committee was established at its inaugural meeting on 22 September 2010. The Management Committee will be responsible for the coordination of fundraising and implementation of projects. Pittwater Council staff will work collaboratively with the Management Committee in achieving project outcomes.
- 4.3 Council is under no financial obligation into the future. There will be a potential for basic administration costs in the support of the *Pittwater Friends of Soibada* Management Committee.

RECOMMENDATION

1. That the information provided in the report be noted.
2. That Council staff continue to work collaboratively with the *Pittwater Friends of Soibada* to achieve project objectives.

Report prepared by
Jane Mulronev - Community Engagement Officer

Mark Ferguson
GENERAL MANAGER



PITTWATER COUNCIL



FRIENDSHIP AGREEMENT

In the spirit of mutual respect and co-operation between the peoples of Australia and Timor-Leste, and in accordance with the 'Statement of Principles for Local Governments Working in Timor-Leste', of 4 May 2000, we affirm our intention to develop a Friendship Relationship between the sub-district of Soibada in Timor-Leste and Pittwater Council in New South Wales, Australia.

Pittwater Council recognises the strong desire of individuals and organisations in their communities to contribute to the re-building of Timor-Leste, and is committed to facilitating community-to-community links with the sub-district Soibada. It is envisaged that this partnership, at both the local government and community level, will involve the transfer of knowledge, skills and resources as appropriate, and will result in improved understanding and the establishment of long-term relationships between the communities.

We recognise that there will be short-term and long-term goals for the re-building of Soibada and that any strategy or project should be based on needs identified through local decision-making processes and should take account of the capacity of the Pittwater Council, and its community, to resource and support them.

It is intended that all initiatives undertaken under the Friendship Relationship should be directed towards strengthening the communities within the sub-district of Soibada. These initiatives should aim to build capacity and advance the self-sufficiency of the people of Soibada, and should be consistent with the principles of environmental, social and cultural sustainability.

It is also intended that the Friendship Relationship between the sub-district of Soibada and Pittwater Council will be reviewed and reaffirmed by any administrations which might follow those currently responsible.

Dated: July 2010

Mr. Elvino Boneparte de Rego
Manatuto District Administrator

Francisco Pinheiro de Silva
Mr. Agripino da Silva

Soibada Sub-District Administrator

Mark Ferguson
General Manager, Pittwater Council

Signed _____

Signed _____

Signed _____

C8.4 Use of Tennis Liaison Funds for Improvement Works at Careel Bay Tennis Club

Meeting: Community, Recreation & Economic Development Committee

Date: 5 October 2010

STRATEGY: Recreational Management

ACTION: Continue to upgrade and enhance recreational spaces and facilities

PURPOSE OF REPORT

To seek Council approval for the allocation of \$66,088 (includes GST) from the Tennis Liaison Committee Fund for the resurfacing of Courts No. 1 and No. 2 and the installation of additional fencing for the proposed online booking system at Careel Bay Tennis Club.

1.0 BACKGROUND

- 1.1 The Tennis Liaison Committee Fund was set up to finance improvements works to the four tennis clubs in Pittwater. Lease payments from the clubs are paid into this fund on a quarterly basis with accumulated funds being allocated for works that have been nominated by the four lessees from their Committee meeting.

2.0 ISSUES

2.1 Improvement works at Careel Bay Tennis Club

Careel Bay Tennis Club has made an application for funded works to the Tennis Lessees Committee which has approved the request and forwarded it to Council's Tennis Liaison Committee for consideration. The works are for the resurfacing of Tennis Courts 1 and 2 at Careel Bay and repair work and modifications to fencing and gates to allow for the installation of a keypad entry which would work in conjunction with an online booking system. Details are as follows:

a) Court Resurfacing

Careel Bay Tennis Club has obtained three quotes for the resurfacing work from:-

- Game Plan Sports Construction - \$55,440
- All Grass Sports Surfaces - \$52,360
- Recreational Surfacing Pty Ltd - \$55,165

A number of different playing surfaces were offered from the quotations received and Careel Bay Tennis Club Committee members undertook visits to various tennis centres to assess and discuss performances of the various playing surfaces.

It was found that Synthetic Pro Tour Surface from Game Plan Sports Construction was highly recommended based on performance and overall value. Based on these findings the Careel Bay Tennis Club Committee are nominating the laying of Pro Tour Surface from Game Plan Sports Construction for Courts No's 1 & 2 for a total cost of \$55,440 which includes GST.

b) Court Fencing & Repairs

The Careel Bay Tennis Club Committee over recent months has been investigating the implementation of an online booking system, court entry and lighting system similar to the online booking system and court entry at the Newport Tennis Courts.

The Club has determined to proceed with the installation of an online booking system which would allow users to be given a code which could be entered onto a pad at the gates to the courts allowing them entry. This system is used quite successfully by Council at the Narrabeen and Newport Community Centres Tennis Courts.

To achieve the above and for the system to work the five courts must have these access gates from a common area and not via adjoining courts. It would be required to install two additional fences of 37 metres in total, between Courts 1 & 2 and 3 & 4 with entry gates onto Courts 1 & 3. Courts 2, 4 & 5 will not require any modification works.

Careel Bay Tennis Club obtained three quotes for the works associated with the fencing. These quotes were obtained from:-

- Top Job Installations - \$10,648
- Axis Fencing Group - \$13,552
- Southern Cross Fencing - \$14,960

The Careel Bay Tennis Club Committee has vetted the three quotations and taken into consideration their offers and conditions. Top Job Installations is nominated as the preferred supplier at a cost of \$10,648 which includes GST.

By accepting the recommended quotations, total cost of the works is \$66,088.

2.2 Tennis Liaison Funding

- Currently there is \$169,613 in the Tennis Liaison Reserve. This will fully cover the \$66,088 required for the works that have been approved by the Tennis Liaison Committee for works at Careel Bay Tennis Courts.
- Council allows individual tennis clubs to keep up to \$10,000 in working funds for normal day to day maintenance, cleaning, insurance etc in their working accounts. Any funds above this amount are contributed towards improvement works.

- Careel Bay Tennis Club has included its financial statement which shows a balance of \$9,687.49 in their operations account which is below the \$10,000 threshold therefore the club would not be required to contribute any further funding towards these improvement works.
- Careel Bay Tennis Club is the largest of Council's four tennis clubs and contributes approximately \$21,000 per annum in rent to Council.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Improvement works to the tennis court surfaces and the installation of an online booking system will provide easier opportunities for community members to use the tennis courts for both exercise and socialising. The installation of an online booking system and keypad access to the courts will further simplify the process of booking and using the tennis courts.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Nil impact

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The installation of an online booking system will make it easier for people to book the courts and lessen the cost of operations for the tennis club.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Nil impact.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The resurfacing of the courts and repair works to the fencing with the installation of keypad entry to the gates further improves the facility for both members and the general public and maintains Council's asset.

4.0 EXECUTIVE SUMMARY

- 4.1 The Tennis Liaison Committee and the Tennis Club Lessee Committee have both approved the requested works at Careel Bay Tennis Club. There are adequate funds within the Tennis Liaison Committee reserve to fund these works which will improve both the quality of play and the ease of booking and access to the Careel Bay Tennis Courts.

RECOMMENDATION

That the allocation of \$66,088 including GST (from the Tennis Liaison Committee reserve) for the resurfacing of Courts 1 & 2 in Pro Tour Surface and fencing repair works and installation of key pad access to the gates at the Careel Bay Tennis Club be approved.

Report prepared by

Les Munn

MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C8.5 Australian Surf Life Saving Championships - 2013/2014

Meeting: Community, Recreation & Economic
Development Committee

Date: 5 October 2010

STRATEGY: Beach & Coastal Management

ACTION: To provide lifeguard services and support for lifesaving activities

PURPOSE OF REPORT

To seek Council's approval, in principal, for a bid by Surf Life Saving Sydney Northern Beaches to host the 2013/2014 Australian Surf Life Saving Championships.

1.0 BACKGROUND

- 1.1 Surf Life Saving Sydney Northern Beaches (SLSSNB) has approached Council seeking support for its bid to stage the 2013/2014 Australian Surf Life Saving Championships.
- 1.2 SLSSNB is seeking the support of all three Northern Beaches Councils (Manly, Warringah and Pittwater) to host the championships across all northern beaches on the Peninsula.
- 1.3 The application is only in concept form at this stage and there are no details of any required financial or in-kind support required from each Council however, in September 2009, whilst considering a request from Warringah Council to assist with the staging of the NSW Surf Life Saving State Championships for 2011/2012 and 2012/2013, Pittwater Council resolved to support Warringah Council's bid and offer both in-kind and financial assistance over the two years to a total of \$90,000.
- 1.4 It is possible that should the bid be successful by SLSSNB, that a request for both financial and in-kind support to the magnitude of the previous application could be forthcoming.
- 1.5 A concept venue table has been forwarded to Council which shows a variety of events being held over a two weekends and mid-week period which would range from Manly Beach in the south to Palm Beach in the north.

2.0 ISSUES

- 2.1 If the bid for the National Championships were to be successful and held, there would be a significant increase in traffic congestion and user numbers at Pittwater beaches on the days of these events.

This may cause some inconvenience to local residents not associated with the Surf Life Saving movement.

- 2.2 The Championships would no doubt bring a large number of competitors, officials and spectators to the Pittwater area with the associated economic benefits to the local business community.
- 2.3 The staging of such a prestigious event would also show off Pittwater's beaches and associated facilities to a national audience.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Support for such a large community event would have significant benefits socially for the local community. Surf life saving is vitally important to the Northern Beaches and surf carnivals are an important part of this volunteer movement helping to improve surf skills and social interaction.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 In conjunction with the Coastal Environment Centre, the importance of the coastal environment along with the Coastal Ambassadors' Program can be highlighted and showcased during these events.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 An event of this magnitude will showcase the Northern Beaches and as such should result in economic benefits to local shops, tourism, accommodation and cafés/restaurants.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Assisting Warringah and Manly Councils along with Surf Life Saving Sydney Northern Beaches is in the spirit of SHOROC partnerships to achieve regional co-operation and community benefit.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The impact of the very large number of spectators and competitors to such an event would be significant on traffic flows in the local area and would require an effective Traffic Management Plan. This should be previewed by the Pittwater Traffic Committee.

4.0 EXECUTIVE SUMMARY

- 4.1 Surf Life Saving Sydney Northern Beaches wishes to lodge a bid to hold the 2013/2014 Australian Surf Life Saving Championships. This bid requires the support of all participating councils (in this case Manly, Warringah and Pittwater Councils) for it to be successful.
- 4.2 Surf Life Saving Sydney Northern Beaches is therefore seeking the support of all three SHOROC councils in a bid to host these championships.

RECOMMENDATION

That in principal support to Surf Life Saving Sydney Northern Beaches in its bid to host the 2013/2014 Australian Surf Life Saving Championships be provided and a letter of support be forwarded to Surf Life Saving Sydney Northern Beaches for inclusion in its bid.

Report prepared by

Les Munn

MANAGER, RESERVES, RECREATION & BUILDING SERVICES

Natural Environment Committee

9.0 Natural Environment Committee Business

C9.1 Report of Coast to Coast Biennial National Conference - Adelaide 20-24 September 2010 and attended by Cr James

Meeting: Natural Environment Committee **Date:** 5 October 2010

STRATEGY: Business Management

ACTION: To report on Councillor attendance at the Coast to Coast Biennial National Conference held in Adelaide on 20-24 September 2010.

PURPOSE OF REPORT

To advise Council of Councillor James' report following his attendance at the Coast to Coast Biennial National Conference held in Adelaide on 20-24 September 2010.

1.0 BACKGROUND

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

'Conference Reporting:

Following attendance at a Conference authorised under this Policy, the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'

- 1.2 Councillor James' Report (Attachment 1) is attached for Council information.

2.0 ISSUES

- 2.1 Reporting on attendance at conferences.
-

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The report will have no impact on this Strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The report will have no impact on this Strategy

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The report will have no impact on this Strategy

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 This report is in response to Council's Policy 145 – Policy for the Payment of expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors – Conference Reporting

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The report will have no impact on this Strategy

4.0 EXECUTIVE SUMMARY

4.1 Council's Policy No 145 - Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors - provides that following attendance at a Conference authorised under this Policy the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.

4.2 Councillor James' report, following his attendance at the Coast to Coast Biennial National Conference 2010 is attached for Council's information.

RECOMMENDATION

That Councillor James' report on the Coast to Coast Biennial National Conference 2010 be noted.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

Report of Coast to Coast Biennial National Conference Adelaide - 20-24 September 2010

The overall title of Conference was Actions for Change. 153 papers from coastal practitioners in the disciplines of coastal engineering, planning, conservation, coastal zone law, coastal ecology, natural resource management and integrated coastal management were dealt with in keynote speeches followed by panel discussions, topic breakout sessions and plenary sessions attending to four themes:

- Preparing for Change
- Integration and Partnerships
- Coastal Estuarine and Marine Diversity
- Role of Information Technology in Taking Action

Conference succeeded brilliantly, I thought, in drawing these four major themes out via the many excellent papers which produced lively questioning and discussion. One highlight of conference that I found of most value was a tour of Adelaide's Metropolitan beaches to see first hand the way they are dealing with their significant beach erosion problems, including a scheme to pump sand from north to south using electric driven, series pumping, similar to the system that Durban City Council, South Africa has been successfully doing for some time.

Preparing for Change

Preparing for Change covered the issues and predicted impacts of Climate Change driven, permanent elevations of Sea Levels and tidal prisms. Eight very good papers were presented on the subject of Coastal Erosion/Instability. This produced important discussion, including references to the present uneven nature of the various state based responses so far required to adequately address these economic, planning and legal challenges.

Indeed, the wide disparity in the state-by-state responses thus far led to strong calls at conference for development and implementation of a national Integrated Coastal Zone Management Policy. There was also much support for the highly regarded 47 Recommendations contained in the Joint Sitting of the House of Representatives (George-Washer) Report - The Time to Act is Now that included strong calls for the Report to be tabled in the Australian Parliament.

In this vein, a paper by Professor Barbara Norman picked up on those recommendations contained in the House of Representatives report, calling for intergovernmental regional coastal planning agreements to deal with developmental questions within the coastal zone.

The NSW Coastal Protection and other Legislation Amendment Act, currently in debate in Parliament received quite favourable attention in discussion, comparing it quite to the Victorian Coastal legislation, previously, and perhaps still, considered the best State based response to the dilemma of Coastal issues thus far.

A presentation by Santina Camroux, NSW Department of Planning on the NSW Coastal Planning Guideline - Adapting to Sea Level Rise was particularly well received, with the Planning Guideline receiving general acclaim.

The difficulties in a changing coastal environment of maintaining legal indemnity for councils for acts within the coastal zone (either done or not done, if in good faith), was dealt with in two presentations.

Suzanne Dickey's presentation Legal Issues facing Coastal Areas affected by Climate Change and Sea Level Rise posed the questions: Who pays when land is taken by the sea? How can councils prevent further vulnerable development? Can landowners force local government to spend public funds to protect their property?

Councillors may be aware of published opinions that the Coastal Protection Bill "could leave coastal councils open to litigation". This respected view unfortunately sidesteps the possibility that existing legislation, if unchanged, may well leave coastal councils open to litigation anyway, and that failure by the State Government to address this problem could well result in legal repercussions for councils of the utmost seriousness.

In this regard, Professor Jan McDonald, Griffith Climate Change Response Program, Griffith University, made an important keynote presentation All at Sea: Navigating the legal waters of climate change impacts on the Australian Coast that was particularly insightful.

Her presentation Abstract frames the questions very well. I commend it to your attention.

It reads:

"The impact of climate change on coastal development has become a legal minefield. The fear of future liability for climate change impacts is hampering coastal development in many vulnerable locations. Local and State government agencies risk virtually-certain legal challenge if they constrain development rights in order to protect against climate change risks. If they continue to allow development on coastal land, they chance the potentially-costlier risk of extensive liability to future landowners. Courts in four states have considered the relevance of climate change projections to the development assessment processes. They have upheld the decision of councils to refuse development consent in places where a clear coastal management plan is in place and have overturned approvals where councils have failed to give appropriate consideration of climate change impacts.

Five Australian states have now developed coastal policies or planning instruments that require development authorities to consider the impacts of climate change on new developments.

Added to these choices about new development is the question of how, if at all, existing properties should be protected from the increased coastal hazards, and who should pay for such protection. The options for safeguarding against sea-level rise are more limited where historical development has created a massive infrastructure legacy in vulnerable coastal locations. The choice between coastal fortification, restrictions on development, and new mechanisms to fund repair, retrofit, relocation and retreat involve careful assessment of the costs of constructing and maintaining such works, as faulty or poorly maintained structures are likely to create their own liabilities.

With such a wide range of local and state approaches to planning for climate change impacts, and uncertain legal implications for each choice, there is growing pressure to develop nationally-consistent guidelines".

During question time I was able to put the following question to Professor McDonald, summarised thus.

“Regarding s.733 of the NSW Local Government Act. If a council properly does (or does not do) acts within the coastal zone, in good faith, and in accordance with relevant information, can s.733 as it currently exists, continue to operate to afford indemnity to a council against action taken to redress nuisance or harm?

Criticisms have recently been published to the effect that, in relation to current discussions regarding the proposed Coastal Protection and Other Legislation Amendment Act, (now in the NSW Parliament), that the various Guides; (on preparing Coastal Zone Management Plans and the Guide for Authorised Officers and etc), even though published in the Government Gazette, may not be sufficiently uplifted into the Act as would provide assurance to councils regarding continuing indemnity.”

Summarising her reply, Professor McDonald held that courts won't generally hold governments liable for policy decisions. However, operational errors, presumably by councils, in implementing such policy could incur liability to legal action

Professor McDonald indicated she has previously expressed concern regarding the emerging situation in regard to surety of indemnity clauses within existing legislation, for works that might be done (or not done) by councils in the coastal zone. In the case of the proposed legislation, the linkage of the Guides, to the proposed s.733 amendments to the Local Government Act as contained within the Coastal Protection and Other Legislation Amendment Act, will serve to improve confidence in indemnification of councils in the specific instance of future coastal works, insofar as those Gazetted Guides reflect State policy.

Councils, in considering action, should look at the Guides in totality and, properly implemented, there should not be a problem.

Further, failure by a council to take some other course and not follow the Guides, could itself impose risks.

Integration and Partnerships

The second major theme was much to do with, (although not entirely so), integrating the impacts of Climate Change into planning for Natural Resource Management around subjects such as collaborative water quality monitoring programs, catchment to coast management strategies, support for Coastcare volunteers, awareness programs for surf life saving, rock fishing safety programs.

Interestingly, a well attended workshop strongly expressed the view that Natural Resource Management is a useful partner in assisting Integrated Coast Management but that it would be unsuitable to merely incorporate ICM into NRM and that managing Integrated Coast Management would be too large and complex a task for Natural Resource Management.

Coastal, Estuarine and Marine Biodiversity

This major theme dealt with important and interesting papers covering for example; managing recreational vehicles in coastal reserves; remediation of polluted urban stormwater; value and predicament of coastal foreshore assets; is *Caulerpa Taxifolia* still a threat to South Australia; Common Assessment and Reporting Frameworks; Managing threats to important wetlands; Rapid detection of changes in sandy beach geomorphology.

Role of Information Technology in Taking Action

The role of Spatial Information in Climate Change Adaptation decision making, such as the First Pass Assessment of Coastal Vulnerability by Geoscience Australia for the Commonwealth Government and partnerships on Coastal Data Collection and Model development were discussed. Conference was left with clear indication of the importance and growing capabilities in a range of developing technologies.

Summary

In summary it was valuable to see where the technical responses to coastal emerging challenges are taking us, considering that 85% of Australia's population live within 5 kilometres of the coast. A lot of what was discussed at Conference is directly applicable to Pittwater. Most of the responses will emerge at the State and National level, however it will be vital in the short term for our council to remain in the forefront of the debate we must now have.

I thank Council for entrusting me with the task of attending and reporting on Coast to Coast Conference 2010.

Cr. David James

C9.2 Ingleside Chase Reserve Draft Plan of Management - Public Exhibition

Meeting: Natural Environment Committee

Date: 5 October 2010

STRATEGY: **Biodiversity Management,**

ACTION: **Implement program to complete Plans of Management**

PURPOSE OF REPORT

To recommend the exhibition of the Draft Plan of Management (POM) for Ingleside Chase Reserve and advise Council on the progress of the project.

1.0 BACKGROUND

1.1 This draft plan of management has been prepared to:

- update the previous plan for the reserve – *Warriewood/Ingleside Escarpment (North) Plan of Management 2005*, and include new parcels of land acquired at the southern end from the former Heydon Estate and from the Uniting Church;
- incorporate and balance elements that are important to the public and key user groups;
- continue to protect and enhance both the natural and recreational value of the bushland and creeks in the reserve;
- plan and allocate management actions that are prioritised including those of high importance and those that can be implemented when funding becomes available in the future;
- integrate sustainable principles into future management; and
- comply with government legislation, particularly the *Local Government Act 1993* and the *Threatened Species Conservation Act 1995*.

2.0 ISSUES

2.1 Current state of the Reserve

Ingleside Chase Reserve is a significant natural area which forms a valuable eco-system within the Pittwater LGA. The northern portion of the reserve has been previously studied and has an existing PoM from 2005. There is currently no Plan of Management covering the land acquired from the former Heydon Estate or from the Uniting Church. The reserve is one of the best remaining examples of high quality urban bushland remnants in Sydney with a wide diversity of vegetation communities. The reserve retains high biodiversity values and supports up to 207 recorded fauna species including twelve listed threatened species.

The vast majority of the reserve is in good condition and requires only minimal maintenance. However it is essential to address several management issues, particularly those associated with Mullet Creek to reduce gradual degradation of the reserve. The reserve is used by the community for mainly passive recreation such as bird-watching and walking, however currently prohibited activities such as mountain-biking and horse-riding are occurring which have led to the formation of informal tracks which have caused environmental damage.

2.2 Key elements addressed in the Plans of Management

Each plan aims to address the following key issues:

- Vegetation, biodiversity and habitat management: weed and pest control programs and techniques, restoration of vegetation communities, monitoring of fauna, wildlife corridors, fire management
- Water quality: stormwater and surface run-off, sedimentation and creek-bank erosion, pollutant loads, flooding
- Aboriginal heritage: investigate Aboriginal heritage significance and potential sites/items
- Passive recreation value: improving and maintaining access and connecting areas, bird-watching, walking, public safety and risk management
- Encroachments: address physical encroachment issues in line with relevant Council policy, and dumping of rubbish and green waste
- Education: community participation, bushcare programs, signage and information

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 This project provides for the diverse needs of all sectors of the community by upgrading the recreational value of the reserve. The project provides many opportunities for volunteering and the emphasis on protection and passive recreational use of the reserve creates a sense of belonging for residents and stakeholders.
- 3.1.2 The proposed management actions to protect and enhance the reserve's habitat will further promote passive recreation to enhance health and well-being.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The project provides direction for flora and fauna management with emphasis on threatened species, promotes local indigenous vegetation, rehabilitation of the reserve through bushcare and targeted noxious weed and pest removal, and enhancement of the riparian zones which provide wildlife corridors and habitats.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Works as proposed in the PoM are representative of long term strategies to improve the use of the reserve as an educational resource, and the site can be used in conjunction with the Coastal Environment Centre's educational programs and other natural environment programs for schools.

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

- 3.4.1 The plan provides an effective use of community assets by improving natural area amenity. The recommended refinements as a result of public feedback will improve amenity.

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

- 3.5.1 The Ingleside Chase Reserve Plan of Management incorporates both an update of a previous Plan of Management and includes newly acquired land. As the area interfaces with residential zones, management actions and recommendations can align with the DCP and Warriewood Valley Land Release Controls.

4.0 **EXECUTIVE SUMMARY**

- 4.1 The Plans of Management for Ingleside Chase Reserve will help achieve the vision to maintain and improve the existing natural, physical and biological diversity in the reserve and its catchments. This will be achieved by prioritised management actions such as controlling weeds and pollutants at the source, and regenerating vegetation communities to enhance habitat for wildlife. Passive recreation is encouraged with suggestions relating to improved access in certain areas including upgrading tracks and investigating alternative recreational use such as mountain biking. Community consultation and education is incorporated throughout.

The full Plan of Management can be viewed at:

www.pittwater.nsw.gov.au/Current_Documents_On_Exhibition

- 4.2 This report recommends that Council considers granting permission to exhibit the draft plan of management for Ingleside Chase Reserve.

RECOMMENDATION

1. That the Ingleside Chase Reserve Draft Plan of Management, as tabled at the meeting, be placed on public exhibition for a period of 28 days with submissions received up to 42 days from the date of advertisement.
2. That following the public exhibition period, a further report be presented to Council.

Report prepared by
Matt Hansen – Natural Resources Assessment Officer

Mark Beharrell
MANAGER, NATURAL ENVIRONMENT & EDUCATION

C9.3 Recognition of NSW Government Guidelines for Planning for Sea Level Rise

Meeting: Natural Environment Committee

Date: 5 October 2010

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

ACTION: 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.

Provide planning, design, investigation and management of beaches, coastline and estuaries.

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.

To respond to reforms in planning process and advocate on behalf of Council.

Ongoing compliance with Council's statutory obligations and to properly discharge Council's common law duty of care to the community when managing risks.

PURPOSE OF REPORT

For Council to recognise that the NSW Government has adopted a suite of three guidelines (circulated separately to Councillors) relating to planning for sea level rise, namely:

- *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (NSW Department of Planning, Publication No. DOP 10_022, 20 August 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>).

1.0 BACKGROUND

1.1 NSW Sea Level Rise Policy Statement

On 4 November 2009, the NSW Government released a finalised version of the NSW Sea Level Rise Policy Statement. This provides the NSW Government approach to the management of sea level rise. It documents the support the NSW Government will provide to Local Government and the community to adapt to sea level rise, by:

- promoting an adaptive risk-based approach to managing the impacts of sea level rise;
- providing guidance to local councils to support their sea level rise adaptation planning;
- encouraging appropriate development on land projected to be at risk from sea level rise;
- continuing to provide emergency management support to coastal communities during times of floods and storms;
- continuing to provide up-to-date information to the public about sea level rise and its impacts.

The Policy Statement 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. 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.

1.2 NSW Coastal Planning Guideline: Adapting to Sea Level Rise

On 20 August 2010, the NSW Department of Planning released a finalised version of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (herein referred to as the Coastal Planning Guideline (2010)). The original draft of the document was released for public comment in October 2009. Pittwater Council prepared an extensive submission to the Department of Planning, which was reported to Council on 7 December 2009.

Scope and Aims of the Guideline

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 notes that other climate parameters affecting coastal processes may be considered when preparing coastal and flood risk studies.

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. This means that coastal risk areas are those currently at risk and those additional areas that are likely to be at risk in the future as sea level continues to rise unless the impacts of sea level rise can be effectively mitigated.

The aim of the Coastal Planning Guideline (2010) is to promote ecologically sustainable development (ESD), and in particular to encourage a precautionary approach to land use planning and development assessment in light of potential sea level rise impacts in coastal areas. The Guideline adopts a risk-based approach to planning and development assessment in coastal areas.

Guideline Principles

The Coastal Planning Guideline (2010) adopts the following six coastal planning principles for sea level rise adaptation, which should be applied in decision-making processes for land use planning and development assessment in coastal areas:

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

Sea Level Rise Planning Benchmarks

The Coastal Planning Guideline (2010) adopts the NSW sea level rise planning benchmarks in the *NSW Sea Level Rise Policy Statement* (2009), namely an increase above 1990 mean sea levels of **40cm by 2050 and 90cm by 2100**.

The Guideline states that:

- the sea level rise benchmark figures are to be used in NSW when planning for sea level rise to ensure consistent consideration of the influence of sea level rise in coastal areas of NSW.
- the NSW sea level rise planning benchmarks will be updated in light of any changes to accepted science, such as may be in the next Intergovernmental Panel on Climate Change assessment report expected in 2014.

- The NSW sea level rise planning benchmarks are specific to the NSW coast and will not be changed in light of the recently completed Federal Government project entitled *First Pass National Assessment – Climate Change Risks to the Australian Coast* (2009), where a 1.1m increase in sea level rise was assumed for the entire Australian coast.
- the sea level rise planning benchmarks are not intended to be used as a blanket prohibition on development of land projected to be affected by sea level rise. New LEPs and development applications will continue to be assessed on their merits using a risk-based approach to determine whether the impacts of sea level rise and other coastal processes can be mitigated and managed over time.

Identifying Current and Future Coastal Risks

The following two primary documents currently used in NSW that guide the identification of 'coastal risks' from coastal erosion, tidal inundation and coastal flooding:

- *Floodplain Development Manual* (2005) outlines the methodology for assessing and managing flood hazards from tidal inundation and coastal flooding.
- *Coastline Management Manual* (1990) outlines the methodology for assessing and managing coastal hazards including beach erosion, shoreline recession, coastal entrance instability, vegetation degradation and sand drift, coastal inundation, slope and cliff instability and stormwater erosion.

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.

As new coastal risk studies incorporating the sea level rise planning benchmarks are completed, coastal risk areas may include new areas of coastline, foreshore and floodplain that previously were considered to be of lower risk. Once identified, these extended areas of risk will need to be taken into consideration when undertaking strategic and statutory planning.

Sea Level Rise Investigation Areas for Strategic Planning

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

Prior to the completion of new or revised studies, the Guideline suggests that councils may adopt "Sea Level Rise Investigation Areas" or "Potential Coastal Risk Areas" for the purpose of informing **strategic** land use planning. 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.

Strategic and Statutory Land Use Planning in Coastal Areas

In order to implement **Coastal Planning Principle 3** and **Principle 4** as described in the Coastal Planning Guideline (2010), the Guideline lists the following matters that should be considered as part of the strategic planning process:

- incorporation of coastal hazard and coastal flood risk studies into strategic planning;
- consideration of the effects of protection works on land use capability;
- accommodation of appropriate new growth in coastal communities;
- management of existing developed areas in coastal communities;
- maintenance of foreshore access, amenity and open space;
- protection of coastal environments.

Development Assessment in Coastal Areas

In order to implement **Coastal Planning Principle 5** and **Principle 6** as described in the Coastal Planning Guideline (2010), the Guideline describes the following planning criteria that should be applied for proposed development in coastal risk areas:

- The development shall avoid or minimises exposure to immediate coastal risks (within the immediate hazard area or floodway).
- The development shall provide for the safety of residents, workers or other occupants on-site from risks associated with coastal processes.
- The development shall not adversely affect the safety of the public off-site from a change in coastal risks as a result of the development.
- The development shall not increase coastal risks to properties adjoining or within the locality of the site.
- The infrastructure, services and utilities on-site shall maintain their function and achieve their intended design performance.
- The development shall accommodate natural coastal processes including those associated with projected sea level rise.
- The coastal ecosystems shall be protected from development impacts.
- The existing access to public beaches, foreshores and waterfront shall be maintained.
- The existing amenity of public beaches, foreshores and waterfront shall be maintained.

1.3 Flood Risk and Coastal Risk Management Guides

In addition to the Coastal Planning Guideline (2010), the following two additional technical guides have been developed to assist councils in preparing coastal hazard and flood risk studies to incorporate the sea level rise planning benchmarks:

- *Coastal Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Coastal Risk Assessments* (2010);
- *Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks in Flood Risk Assessments* (2010).

The information in these 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.

2.0 ISSUES

- 2.1 In August 2010, the NSW Government released finalised versions of a suite of three documents to provide guidance on how sea level rise is to be considered in land use planning and development assessment in coastal NSW. The documents set out long-term land use planning objectives and the technical details of how to incorporate sea level rise in land use planning.
- 2.2 The preparation and finalisation of the documents represents a significant advancement in NSW Government Policy on the issue of sea level rise. The documents provide meaningful guidance and assistance to local government in adapting to the impacts of sea level rise. It is encouraging that NSW Government recognises the significant challenges faced by local government in planning for and managing developments affected by coastal risks, particularly due to the medium to long-term impacts of sea level rise.
- 2.3 There are still many issues relating to climate change and sea level rise that need to be resolved at a State and Federal level. These include issues such as indemnity for Local Government acting in good faith, insurance in risk areas, future changes to sea level rise benchmarks, changes to common and statutory law, rights of property owners, etc.
- 2.4 Council has made good progress in identifying existing coastal risks from coastal hazards and coastal flood risks through its Coastal Risk Strategy and Flood Risk Strategy respectively. 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 tidal inundation and 100 properties identified as being at risk from coastline hazards, particularly coastal erosion. At present specific detail on the impacts of climate change and sea level rise for these already identified flood/coastal hazard affected properties is not currently available and hence reference is made to the applicant needing to take this into consideration as part of development applications. There may also be additional properties identified as being affected once more detail is available.
- 2.5 In the interim Council has made good progress on gaining a better understanding and analysis of the potential impacts of climate change. For example, the updated draft Flood Risk Management Study for Great Mackerel Beach, Mona Vale Bayview and Nareen Creek (North Narrabeen) includes an analysis of climate change impacts. In addition, in conjunction with Warringah Council, an update to the Narrabeen Lagoon Flood Study and Risk Management Plan is underway.

It should be noted that the Nareen Creek (North Narrabeen) Floodplain Risk Management Study which informs the North Narrabeen Commercial Centre Masterplan has been put on hold pending the results of the updated Narrabeen Lagoon Flood Study. It could be argued that other large scale development in that floodplain, such as the Meriton proposal, should also await the results of that update to increase the level of confidence in flood planning levels and flood risk management to be applied to those sites.

- 2.6 With the finalisation of these 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 coastal hazard and coastal flood risk studies will incorporate sea level rise and increased rainfall intensity in accordance with this suite of NSW Government Guidelines.
- 2.7 With the finalisation of these current NSW Government Guidelines, Council staff are now preparing an update of the programs relating to the Pittwater Flood Risk Strategy and Pittwater Coastal Risk Strategy to incorporate the specific issues of the new Guidelines. Dependent upon the timeframes involved, this may include interim measures to be considered, such as "Sea Level Rise Investigation Areas", pending completion of the various coastal hazard and coastal flood risk studies. It is proposed that staff report back to Council with an update and status on its Flood Risk Strategy and Coastal Risk Strategy.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 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.

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.

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

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 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)

- 3.3.1 One of the key outcomes of the NSW Government policies relating to natural hazards is the 'protection of public 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)**

- 3.4.1 The adoption of the sea level rise benchmarks and incorporation into Council's hazard management planning will provide compliance with Council's 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)**

- 3.5.1 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.

4.0 **EXECUTIVE SUMMARY**

- 4.1 The NSW Government has adopted a suite of three guidelines relating to planning for sea level rise, namely:

- *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/10759FloodRiskManagement.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/10760CoastRiskManagement.pdf>).

- 4.2 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.

- 4.3 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.

- 4.4 In the Coastal Planning Guideline (2010) 'coastal risks' are taken to include risks from coastal erosion, tidal inundation and coastal flooding.
- 4.5 The aim of the Coastal Planning Guideline (2010) is to promote ecologically sustainable development (ESD), and in particular to encourage a precautionary approach to land use planning and development assessment in light of potential sea level rise impacts in coastal areas. The Guideline adopts a risk-based approach to planning and development assessment in coastal areas.
- 4.6 The Coastal Planning Guideline (2010) adopts the NSW sea level rise planning benchmarks in the *NSW Sea Level Rise Policy Statement* (2009), namely an increase above 1990 mean sea levels of **40cm by 2050 and 90cm by 2100**.
- 4.7 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.
- 4.8 With the finalisation of these current NSW Government Guidelines, Council staff are now preparing an update of the programs relating to the Pittwater Flood Risk Strategy and Pittwater Coastal Risk Strategy to incorporate the specific issues of the new Guidelines. This will include interim measures to be considered, such as "Sea Level Rise Investigation Areas", pending completion of the various coastal hazard and coastal flood risk studies. It is proposed that staff report back to Council with an update and status on its Flood Risk Strategy and Coastal Risk Strategy.

RECOMMENDATION

1. That Council acknowledges that the NSW Government has adopted a suite of the following three guidelines (circulated separately to Councillors) on how sea level rise is to be considered in land use planning and development assessment in coastal NSW:
 - *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (NSW Department of Planning, Publication No. DOP 10_022, 20 August 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>).

2. That the suite of NSW Coastal Planning Guidelines be utilised by Council for the purposes of all future strategic land use planning, development assessment and flood and coastal risk assessment and management across all parts of the Pittwater Local Government Area that are likely to be affected by sea level rise.
3. That Council staff prepare an update of the programs relating to the Pittwater Flood Risk Strategy and Pittwater Coastal Risk Strategy to incorporate the specific issues of the new Guidelines. This will include interim measures to be considered, such as "Sea Level Rise Investigation Areas", pending completion of the various coastal hazard and coastal flood risk studies.
4. That Council staff develop a community engagement strategy to disseminate the latest Coastal Planning Guidelines including the implications for the community

Report prepared by
Sue Ribbons, Project Leader – Floodplain Management

Jennifer Pang
TEAM LEADER - CATCHMENT MANAGEMENT AND CLIMATE CHANGE

Council Meeting

**10.0 Adoption of Community, Recreation and Economic
Development Committee Recommendations**

**11.0 Adoption of Natural Environment Committee
Recommendations**

12.0 Councillor Questions