



Agenda

Planning and Strategy Committee

Notice is hereby given that a meeting of the Planning and Strategy Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 5 March 2012

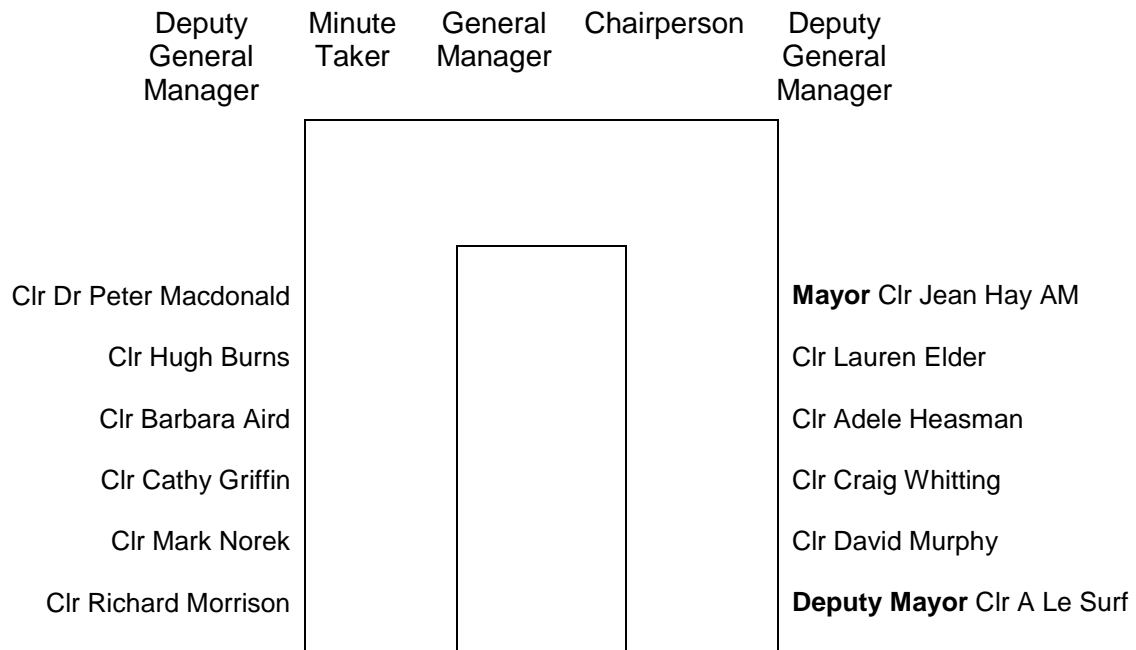
Commencing at 7:30 PM for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

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www.manly.nsw.gov.au

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Chairperson: Councillor Adele Heasman
Deputy Chairperson: Councillor Alan Le Surf

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***** END OF AGENDA *****

TO: Planning and Strategy Committee - 5 March 2012

REPORT: Item For Brief Mention Report No. 3

SUBJECT: Items for Brief Mention

FILE NO:

1. Tabled Documents

	Date	Author	Subject
1.	7/02/12	Hon Gladys Berejiklian MP Minister for Transport	Response to Council's letter of 20 April 2011 to the Shadow Minister regarding cyclist helmet safety education campaign.
2.	8/02/12	Colin Barry Electoral Commissioner Electoral Commission NSW	Local Government Elections Bulletin – 25 January 201
3.	8/02/12	Genia McCaffery President, ALGA Ian Kiernan, AO Chairman, Clean Up Australia Jeff Angel Convenor, Boomerang Alliance	Progressing a National Container Deposit Scheme
4.	24/02/12	Carolyn McNally Deputy Director General Planning & Programs Transport for NSW	NSW Long Term Transport Master Plan discussion Paper released. A copy can be downloaded at: www.transportmasterplan.nsw.gov.au
5.	05/03/12	Office of Environment & Heritage Tom Grosskopf Acting Deputy Chief Executive Environment and Heritage Policy and Programs	Rail Infrastructure Noise Guideline – Draft for Consultation

RECOMMENDATION

1. That the documents tabled at this meeting be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS050312IBM_1

***** End of Item For Brief Mention Report No. 3 *****

TO: Planning and Strategy Committee - 5 March 2012
REPORT: Report Of Committees Report No. 11
SUBJECT: Minutes for adoption by Council - Special Purpose Committee - without recommendations of a substantial nature.
FILE NO:

The following Special Purpose Committee minutes are tabled at this meeting.

- i) Meals on Wheels Committee – 8 February 2012
- ii) Harbour Foreshore & Coastline Management Committee – 14 February 2012

RECOMMENDATION

That the minutes of the following Special Purpose Committee meeting be adopted:

- i) Meals on Wheels Committee – 8 February 2012
- ii) Harbour Foreshore & Coastline Management Committee – 14 February 2012

ATTACHMENTS

There are no attachments for this report.

PS050312RC_2

***** End of Report Of Committees Report No. 11 *****

TO: Planning and Strategy Committee - 5 March 2012

REPORT: Report Of Committees Report No. 12

SUBJECT: Minutes for adoption by Council - Sports Committee meeting on 3 February 2012

FILE NO:

This report was dealt with at the Sports Facilities Committee meeting of 3 February 2012 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting, together with the minutes for formal adoption by Council.

ITEM 5 REPORT: Project Priorities for New Financial Year 2102/13

The committee noted the current listing and the nomination of budget bids for:

- Balgowlah Oval one main wicket
- Tania Park two wickets
- Keirle Park two wickets

This is subject to club contributions

- Cabling rectification works Seaforth Oval Lighting western towers
- Clubs canteen upgrades 5 nominated through the committee, items for funding

Objective or project	Description	Target
All Fields General		
Field Leveling	Leveling of uneven fields	2012/13
Facilities improvements	Toilets, canteens, seating, fences infrastructure	2013
Replacement of mini soccer goal posts	Replace timber poles with alloy. Type of goal post needs to be determined by clubs before any purchase	2 x sets of new posts purchased Tania & Manly West 2011
Blackout periods for maintenance	Designated times for maintenance. Clubs to re-confirm such dates with Council in March 2011	Completed dates
Practice cricket nets restorations	Replace or repair any damaged nets at Sports field locations	2012/13
Improvements for other sports	Look at other sporting needs	2012/13
Possible storage areas for other sports	Improve storage areas for all sports	2011 to 14
Environmental improvements	Improving Sportsfields Environmental footprint	2012/13
Bantry Bay		
New Club House Bantry Bay Oval	Community partnerships Grant	2012/13
Manly West	Further topdressing to bring up levels, improve levels around the wicket	2012/13
Grahams Reserve		
LM Grahams Reserve POM roll out	Actioning of projects from the completed master plan	2012/13
Grahams reserve cricket nets	Relocate to new position with new nets	2011/12
Site screens Grahams Reserve	Look at mobile site screens	2011/12 Budget bid
Remove internal fence Grahams Reserve	Remove fence to allow manipulation of fields	2011/12 Budget bid

Report Of Committees Report No. 12 (Cont'd)

Reclamation of Suwarrow street	Reclaim Suwarrow St into open space	2012/13
Practice wall Grahams Reserve	Install practice wall for ball sports	2011/12 In Landscape Masterpaln
Seaforth Oval	No items listed	
Keirle Park		
Ambulance entry areas Keirle Park	Restoration of the entry areas to allow better ambulance access.	Pending
Street skate Keirle Park	Replacement of the smallest skate ramp construction	Completion January 2012
Dressing sheds	Refurbishment of internal areas	2013/14
Additional Storage	Additional Storage facility or container	2013/14
Manly Oval		
Manly oval irrigation improvements	Replace old infrastructure & sprinklers	2013
Score board Manly oval	Electronic score board	2015
P/A System	Installation of P/A system at main club house area	Completed
Balgowlah Oval		
Balgowlah oval lighting improvements	Possible green lighting project	2013
Balgowlah oval	Drainage eastern side improvements to outfield	2013
Re sizing of Balgowlah oval	Possibilities for using field areas more efficiently	2013
Tania Park	No Items listed	

RECOMMENDATION

That the minutes of the Sports Committee meeting on 3 February 2012 be adopted including the following items:

ITEM 5 REPORT: Project Priorities for New Financial Year 2102 -13

1. That the committee recommend to the General manager and Council that the following items be added to the project priorities list for future funding:
 - Keirle Park Dressing Sheds refurbishment
 - Additional Storage facility at Keirle Park.
2. That any seats that are available for recycling be recycled into areas around sporting fields where there is no seating available. In particular Manly West Oval.
3. That an audit of all Sportsfields storage areas is carried out and a report be brought back to the next meeting about condition and relevant improvements required.

ATTACHMENTS

There are no attachments for this report.

PS050312RC_1

***** End of Report Of Committees Report No. 12 *****

TO: Planning and Strategy Committee - 5 March 2012

REPORT: Environmental Services Division Report No. 3

SUBJECT: Summary of Current Appeals Relating to Development Applications During March 2012

FILE NO:

SUMMARY

Summary of current Appeals relating to Development Applications during March 2012.

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
13/10	Class 1 10584/10 S56A Appeal	46-48	North Steyne	27/09/11	HWL	S56A Appeal Upheld 16/12/11 Case management 29/02/12
64/11	Class 1 10839/11	23	Beatrice Street	15/09/11	Pikes	Hearing 5-8/03/12
48/11 343/10	Class1 10912/11 10087/12	112	Sydney Road	07/10/11	Maddocks	Hearing 10&11/04/12
138/11	Class 1 11004/11	69	Pittwater Road	07/11/11	Marsdens	S34 conference 23/03/12
123/10	Class 1 11006/11	220	Sydney Road	07/11/11	Houston Dearn OConnor	S34 agreement 06/02/12
387/03	Class 1 11011/11	69-71	The Corso	08/11/11	HWL	Hearing 01&02/03/12
280/10	Class 1 11141/11	37	Peronne Avenue	02/12/11	DLA Piper	S34 conference 14/03/12
387/03	Class 1 11219/11	69-71	The Corso	21/12/11	HWL	Hearing 13/03/12
294/11	Class 1 11221/11	31	The Crescent	21/12/11	Maddocks	S34 conference 15/03/12
143/11	Class 1 11225/11	3	King Avenue	21/12/11	DLA Piper	S34 conference 20/03/12
304/11	Class 1 11267/11	6	Fairlight Crescent	29/12/11	Marsdens	S34 conference 27/03/12
387/03	Class1 10045/12	17-31	Roseberry Street	27/01/12	Pikes	Callover 02/03/12

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS050312ESD_3

***** End of Environmental Services Division Report No. 3 *****

TO: Planning and Strategy Committee - 5 March 2012
REPORT: Environmental Services Division Report No. 4
SUBJECT: Development Applications Currently Being Processed During March 2012
FILE NO:

SUMMARY

A list of Development Applications currently being processed during March 2012.

REPORT

The following applications are currently being assessed by the Town Planners.

DA#	Year	Site	Proposal
387	2003	69 The Corso	Section 96 Modification
35	2004	8 The Corso	Section 96 Modification
378	2005	91 Addison Road	Section 96 Modification
324	2008	10 La Perouse Street	Section 96 Modification
149	2009	25 La Perouse Street	Section 96 Modification
384	2009	31 Victoria Parade	Section 96 Modification
86	2010	48 Radio Avenue	Section 96 Modification
256	2010	26 Griffiths Street	Section 96 Modification
345	2010	7 Laurence Street	Section 96 Modification
371	2010	62 Woodland Street	Section 96 modification
108	2011	17 Addison Road	Threatened species development
126	2011	4 West Street	RFB containing 8 units
138	2011	69 Pittwater Road	Demolition of existing, new two separate dwellings
142	2011	Manly Wharf	First storey addition containing 4 restaurants
155	2011	50 Seaview Street	Section 96 Modification
161	2011	468 Sydney Road	Demolition of existing and new RFB
177	2011	23 Dobroyd Road	Alterations and additions
186	2011	25A Cliff Street	Alterations and additions
191	2011	6 King Avenue	Demolition of existing new two (2) storey garage, ground floor cabana, deck and pool
195	2011	54 Ellery Parade	Alterations and additions
210	2011	12 Beatty street	Demolition, new two (2) storey dwelling
216	2011	8 Brisbane Street	Alterations and additions
217	2011	18A Dudley Street	Alterations and additions
227	2011	51 Lauderdale Avenue	Alterations and additions
239	2011	151A Condamine Street	Alterations and additions
247	2011	8 The Corso - Coles	3 lot Commercial Strata Subdivision
248	2011	8 The Corso - Coles	60 Lot Residential Strata Subdivision
249	2011	8 The Corso - Coles	2 lot Stratum Subdivision
251	2011	40 Peacock Street	Alterations and additions
253	2011	87 Gurney Crescent	Alterations and additions
256	2011	46 Upper Beach Street	Alterations and additions
277	2011	374-378 Sydney Road	Demolition of existing new mixed use building
280	2011	15 Moore Street	Alterations and additions including pool
283	2011	58 Edgecliffe Esplanade	Demolition of existing new two storey dwelling

Environmental Services Division Report No. 4 (Cont'd)

291	2011	19 Gordon Street	Demolition of existing, new part 2 and part three dwelling
294	2011	31 The Crescent	Demolition of existing new 3 storey dwelling
297	2011	59 The Corso	Facade upgrade and signage
298	2011	131A Woodland Street	Demolition of existing new 3 storey dwelling
306	2011	6 Edgecliffe Esplanade	Partial demolition, alterations and additions
308	2011	2 White Street	Alterations and additions
314	2011	61 Quinton Road	Alterations and Additions
315	2011	46 East Esplanade	Establishment of use as a Cinema and fitout
321	2011	12 The Crescent	Alterations and additions
322	2011	15 The Crescent	Alterations and additions to RFB
325	2011	1 Princes Promenade	Demolition and new 2 storey dwelling
328	2011	33 Curban Street	Alterations and additions
329	2011	1-5 The Corso	Change of use to a florist
330	2011	45 The Corso	Alterations and additions
331	2011	20 East Esplanade	Alterations and additions
332	2011	3A Lower Beach Street	Alterations and additions
334	2011	36 Jamieson Avenue	Alterations and additions
336	2011	99 Stuart Street	Alterations and additions
337	2011	2A Gilbert Street	New 3 storey RFB
340	2011	15 Bellevue Street	Alterations and additions
342	2011	69-73 New Street	Alterations and additions
343	2011	45 Lauderdale Avenue	Alterations and additions
344	2011	204 Sydney Road	Alterations and additions
345	2011	143 Balgowlah Road	Alterations and additions and convert 1st floor to family flat
348	2011	149-153 Sydney Road	Change of use
349	2011	41C Castle Circuit	New 3 storey dwelling
350	2011	75 The Corso	Change of use to restaurant
1	2012	107 Griffiths Street	Demolition of existing single garage and new double garage
2	2012	106 Addison Road	Alterations and additions
3	2012	18 Cove Avenue	Alterations and additions
6	2012	69 Quinton Road	Alterations and additions to a RFB
7	2012	12 Adrian Place	Alterations and additions
8	2012	14 Kempbridge Avenue	Alterations and additions
10	2012	8 Montpelier Place	Alterations and additions
14	2012	34-35 South Steyne	Alterations and additions
17	2012	2 Gourley Avenue	Alterations and additions
20	2012	50 East Esplanade	Internal fitout of existing refreshment room and signage

Environmental Services Division Report No. 4 (Cont'd)

The following applications are currently with Lodgment & Quality Assurance for notification, advertising and referral to relevant parties.

276/2011 29 Sydney Road, MANLY 2095
Outdoor eating area - The Space Manly

177/2009 4 Belgrave Street, MANLY 2095
Section 96 to modify approved Shop fitout and change of use to a Cafe(refreshment room) and signage

310/2010 19A-21 Addison Road, MANLY 2095
Section 96 to modify approved THREATENED SPECIES DEVELOPMENT for Demolition of existing timber, stone and concrete foreshore stairs and construction of steel, timber, stone and concrete stairs, including a chair lift for aged and disabled persons

9/2012 32 Pacific Street, MANLY 2095
Demolition of existing and construction of a three (3) storey dwelling including double garage, first floor balconies, second floor rear and side terrace, swimming pool, decks and landscaping

11/2012 18 Wattle Avenue, FAIRLIGHT 2094
Alterations and additions to an existing dwelling including first floor addition, ground floor rear addition, demolition of existing garage, construction of a double garage and deck

12/2012 9 Addison Road, MANLY 2095
Demolition of existing boatshed and construction of a new boatshed, timber deck and slipway

13/2012 219 Sydney Road, FAIRLIGHT 2094
Alterations and additions to an existing semi-detached dwelling including internal alterations, ground floor addition, front deck, double carport, driveway, rear terrace and landscaping

205/2011 21 Fairlight Street, FAIRLIGHT 2094
Section 82A Review of Determination of an approved Section 96 for Alterations and additions to an existing dwelling including convert the attic into a kitchen, living, dining, deck with an extension of the roof on the eastern side, internal alterations to the ground floor for stairwell and bathroom

222/2011 15 Malvern Avenue, MANLY 2095
Section 96 to modify approved Alterations and additions to an existing dwelling including first floor addition, partial demolition at rear, alterations to ground floor, balcony, driveway, new fence and landscaping

15/2012 2 Geddes Street, BALGOWLAH HEIGHTS 2093
Alterations and additions to an existing dwelling including demolish front entry, new louvres, facade upgrade, modifications to front fence and replace windows

16/2012 29 Marshall Street, MANLY 2095
Alterations and additions to an existing Residential Flat Building including demolition and replacement of the retaining wall with new fence above and tree removal

18/2012 28 Denison Street, MANLY 2095
Alterations and additions to an existing semi-detached dwelling including first floor addition with rear first floor deck

19/2012 10 Radio Avenue, BALGOWLAH HEIGHTS 2093
Alterations and additions to an existing dwelling including front addition to the first floor, double carport, driveway, extension, retaining walls, gate and landscaping

Environmental Services Division Report No. 4 (Cont'd)

264/2010 10 Addison Road, MANLY 2095

Section 96 to modify approved Two (2) storey dwelling with basement car parking, swimming pool and associated landscape works, and consolidation of two (2) lots into one (1)

347/2010 46 East Esplanade, MANLY 2095

Section 96 to modify approved Establish use for Shop 1 as retail (takeaway food shop), Shop 2 as a Restaurant and Shop 3 as bar/cafe and fit out

21/2012 46 White Street, BALGOWLAH 2093

Demolition of existing, construction of three (3) storey, three (3) bedroom townhouse dwellings including garages, courtyards, balconies and landscaping

22/2012 25 Palmerston Place, SEAFORTH 2092

Alterations and additions to an existing dwelling including first floor addition, carport extension with new storage area to rear, ground floor rear addition with pergola, deck, and demolish shed

66/2007 11-27 Wentworth Street, MANLY 2095

Section 96 to modify approved Conversion of parking space into a store room with refrigeration room

23/2012 42 Pacific Parade, MANLY 2095

Alterations and additions to an existing dwelling including a and a hardstand car space

24/2012 49 Edgecliffe Esplanade, SEAFORTH 2092

Demolition of existing dwelling, construction of a two (2) storey dwelling with basement, front and rear patios, swimming pool, driveway and landscaping

234/2011 141 Griffiths Street, BALGOWLAH 2093

Section 96 to modify approved Alterations and additions to an existing Residential Flat Building including balconies to the front, stairs and existing rear deck to be extended

25/2012 Shop 1 - 387 Sydney Road, BALGOWLAH 2093

Change of Use to a hairdressing salon, shop fitout and window signage

26/2012 8 The Corso, MANLY 2095

Establishment of use as a Commercial Premises (Bank) including two (2) automatic tellers with signage, two (2) under awning signs and three(3) top hamper signs - National Australia Bank (NAB) Shops 1-4 - Old Coles Site

27/2012 14 Brook Road, SEAFORTH 2092

Alterations and additions to an existing dwelling including rear addition with deck, new single carport, front fence, demolition of shed and landscaping

457/2007 23 Osborne Road, MANLY 2095

Section 96 to modify approved Conversion of dwelling and flat into a single dwelling house including a first floor addition and landscaping

28/2012 Shop 3 - 387 Sydney Road, BALGOWLAH 2093

Change of Use to a Recreational Facility (Gym), fitout and signage

29/2012 84 Woodland Street, BALGOWLAH 2093

Alterations and additions to an existing dwelling including first floor addition, demolition of existing garage and carport, front addition including double garage, rear decks, driveway and landscaping

30/2012 27 New Street, BALGOWLAH 2093

Demolition of existing dwelling, construction of a two (2) storey dwelling with basement garage,

Environmental Services Division Report No. 4 (Cont'd)

front and rear terraces, balconies to first floor, deck, swimming pool, front fence, driveway and landscaping

31/2012 Unit 9 / 19A-21 Addison Road, MANLY 2095
Alterations and additions to an existing multi-dwelling development including rear deck

16/2010 164 Condamine Street, BALGOWLAH 2093
Section 96 to modify approved Demolition of existing buildings, construction of a two (2) level hardware and building supplies warehouse with mezzanine, signage and two (2) levels of basement car parking - Bunnings Warehouse

32/2012 5 Ogilvy Road, CLONTARF 2093
Alterations and additions to an existing dwelling including side addition to ground floor, rear balcony extension, lower ground floor addition, balcony, awnings and landscaping

33/2012 10 West Street, BALGOWLAH 2093
Alterations and additions to an existing multi-dwelling development including relocation of fireplace, replacement of roof, windows, doors and balustrade - Unit 2

34/2012 2 Lower Beach Street, BALGOWLAH 2093
Alterations and additions to an existing dwelling including replacement of retaining wall on boundary, single carport and driveway

35/2012 53 Fairlight Street, FAIRLIGHT 2094
Alterations and additions to an existing Residential Flat Building including bike storage area, new shelter to roof terrace to Unit 1, and window to level 1 of Unit 3

36/2012 39 Peacock Street, SEAFORTH 2092
Alterations & Additions to Dwelling

37/2012 4 Seaforth Crescent, SEAFORTH 2092
Alterations & Additions to Dwelling

38/2012 15 Cliff Street, MANLY 2095
Residential Flat Building

39/2012 9 Eustace Street, MANLY 2095
Residential Flat Building

Environmental Services Division Report No. 4 (Cont'd)

The following development applications were determined by the Manly Independent Assessment Panel at its meeting held on Thursday 16 February 2012:-

DA#	Site	Proposal
193/11	27 Richmond Road Seaforth	Demolish existing dwelling and construct new two (2) storey dwelling with garage, swimming pool, new front fence and landscaping - Approved
104/08	100 Seaforth Crescent Seaforth	Demolish existing dwelling and construct new two (2) storey dwelling with garage, swimming pool, nw front fence and landscaping – Conditionally Approved
204/11	51 Gordon Street Clontarf	Demolition of existing structure, construction of a new two (2) storey dwelling, double carport with a study and storeroom under (3 storeys), driveway, pool and landscaping - Refused
181/11	101 Wanganella Street Balgowlah	Alterations and additions including demolishing existing carport, construct new carport at rear, hardstand parking space at the front, lap swimming pool, loft storage and semi-detached two (2) storey rear addition - Approved
221/11	19A West Street Balgowlah	Alterations and additions to an existing dwelling including first floor extension, reduced pool length, demolition of barbeque area, concrete slab with alfresco dining area with timber roof, concrete stairs, block retaining walls, partial replacement of roof, internal alteration and balcony - Approved
226/11	14 Lauderdale Avenue Fairlight	Alterations and additions to a residential flat building including attic with dormer windows, increase ceiling heights, partial enclosure of front verandah, widen balcony and internal alterations - Approved
319/11	32-34 Lauderdale Avenue Fairlight	Alterations and additions to an existing residential flat building including new lift - Approved
304/11	6 Fairlight Crescent Fairlight	Alterations and additions to an existing residential flat building including rear addition to all levels, attic level within the existing roof, internal alterations, lift, new entry with a foyer, car stackers and landscaping - Approved
31111	67 Collingwood Street Manly	Use of existing building as Children's General Store including ancillary retail and beverages - Refused
107/10	17-31 Roseberry Street Balgowlah	Section 96AB Review – Modification of Condition 33 - Granted

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS050312ESD_4

***** End of Environmental Services Division Report No. 4 *****

TO: Planning and Strategy Committee - 5 March 2012
REPORT: Environmental Services Division Report No. 5
SUBJECT: Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC)
FILE NO:

SUMMARY

STRATEGY: Disaster & Emergency
ACTION: Continue to fulfil Council's statutory obligations relevant to the Local Emergency Management Committee.

REPORT

The report is presented to Council for adoption of the amended MWPLEMC Constitution.

1.0 BACKGROUND

- 1.1 The MWPLEMC was formed in 1992 to satisfy Council's statutory requirement under the State Emergency & Rescue Management Act (SERM Act).
- 1.2 After its creation a final Constitution for the Committee was adopted in 1994.
- 1.3 During the review process undertaken in respect to the Committee's Disaster Plan (DISPLAN), the Committee identified the need to review the Constitution of the Committee to reflect both changes in the SERM Act and operational practicalities that have become evident since 1992.
- 1.4 This report presents the reviewed Constitution for Council's adoption.

2.0 ISSUES

2.1 **MWPLEMC:**

Constitution

- The current version of the Constitution (adopted 1994) of the Committee is attached (refer to Attachment 1).

DISPLAN

- It is a statutory requirement that the MWPLEMC prepares a DISPLAN (reviewed every five years) and identifies an Emergency Operations Centre (EOC) to use when the DISPLAN is in effect during an emergency.
- The DISPLAN must be reviewed at least every five years and such a review has just been completed

Committee Chairperson and Local Emergency Management Officer (LEMO)

- It is a statutory requirement that every Council appoint a LEMO for their Council area. For Manly Council, the General Manager has nominated the Senior Manager Land Use and Sustainability, as the LEMO, who is also Council's representative on the MWPLEMC and acts as the Chair of the Committee for a one year period on a three year rotational basis with the LEMOs from the other two Councils.
- The LEMO is assigned authority by the General Manager to utilise Council resources when the DISPLAN is operating during an emergency.

Environmental Services Division Report No. 5 (Cont'd)

- When the EOC is in operation the current Chair of the Committee (or Acting Chair in an extended emergency) is in attendance and directs the resources of all three Councils in support of the response functions of the combat agencies.

2.2 Need for review of MWPLEMC Constitution

- The review of the DISPLAN reflects recent amendments to the SERM Act and changes in the organisational structure of the State Emergency Management Committee.
- During the review process the Committee also identified that its Constitution needed amendments to reflect experience gained both during emergency operation and in the running of the Committee since it was first established. These changes facilitate the improved effectiveness of the Committee and any emergency response under the DISPLAN.

2.3 Amended Constitution

- Amended Constitution – refer to Attachment 2. The amended Constitution was supported by the MWPLEMC at its meeting of 2 June 2011.
- Principal Amendments:
 - Part 3 Functions and Responsibilities - wording has been simplified to reference compliance with the SERM Act as provided by Section 29 of the Act.
 - Part 4 Membership - wording has been simplified to reference compliance with the SERM Act as provided by Section 28 of the Act.
 - Part 7 Committee Chair - This has been amended to recognise current arrangements where the LEMO of each Council serves one year as the Committee Chair on a three year rotational basis.
 - Part 9 Meetings - reduces the minimum number of Committee meetings from four each year to three.
 - Part 12 LEMO - this has been amended to recognise the current arrangements of the Committee where the LEMO/Committee Chair role becomes a dual role position for each Council's LEMO when in the role of the Chair.
 - Wording of the whole Constitution has been simplified and rearranged to comply with Section 2 of the SERM Act.

3.0 EXECUTIVE SUMMARY

- 3.1 To address their responsibilities under the SERM Act Manly, Warringah and Pittwater Councils formed (in 1992) the combined Manly, Warringah, Pittwater Local Emergency Management Committee (MWPLEMC).
- 3.2 The MWPLEMC is responsible for the preparation for, response to and recovery from emergencies only within the three Council areas.
- 3.3 Following the review of the Committee's Disaster Plan (DISPLAN) by the Committee it was identified that the 1994 Constitution of the Committee was no longer a true reflection of the arrangement and operation of the Committee and required amendment.
- 3.4 The revised Constitution presented in this report is supported by the MWPLEMC.

Environmental Services Division Report No. 5 (Cont'd)**RECOMMENDATION**

1. That the amended Constitution of the MWPLEMC as presented in this report (refer to Attachment 2) be adopted.
2. That the General Manager be authorised to sign the Constitution on behalf of the Council.
3. That Warringah and Pittwater Councils be advised of Manly Council's decision.

ATTACHMENTS

AT- 1 MWPLEMC - Constitution as adopted 1994 7 Pages
AT- 2 MWPLEMC - 2012 Constitution to be reviewed for adoption 4 Pages

PS050312ESD_1

***** End of Environmental Services Division Report No. 5 *****

ATTACHMENT 1

Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC) MWPLEMC - Constitution as adopted 1994

ATTACHMENT 1

2625r

Item 8 b "Attachment" BP Ref 92

MANLY, WARRINGAH AND PITTWATER LOCAL EMERGENCY MANAGEMENT COMMITTEE

CONSTITUTION

1. Authority

The Manly, Warringah and Pittwater Councils Local Emergency Management Committee, also known as the "Manly-Warringah-Pittwater Local Emergency Management Committee", is established under Part 2, Division 3, (Sections 27 to 32 inclusive) State Emergency and Rescue Management Act 1989.

2. Definitions

In this Constitution -

- (i) "Committee" means the Manly-Warringah-Pittwater Local Emergency Management Committee.
- (ii) "Member" means a representative of a member organisation of the Committee from time to time.
- (iii) "Organisation" means a body, group or authority with membership of the Committee, entitled to appoint a representative to the Committee.

3. Functions and Responsibilities

To ensure and achieve the preparation of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the Manly, Warringah and Pittwater Councils' areas and in particular to -

1. Develop a Local Disaster Plan (DISPLAN) for the Manly, Warringah and Pittwater Councils local government areas by:
 - (a) Identifying, evaluating and monitoring hazards and threats to life and property in the area.
 - (b) Establishing and reviewing appropriate emergency management structures within the area.
 - (c) Identifying emergency resources (including local government resources) within the area and arranging for the allocation and co-ordination of the use of those resources.

Manly, Warringah and Pittwater
Local Emergency Management
Committee - Constitution

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- (d) Identifying emergency resources needed to combat hazards within the area, but which are not available from within the area, and identifying where they can be obtained when needed.
 - (e) Establishing and reviewing systems for use in the control and co-ordination of emergency operations.
 - (f) Advising the Sydney Northern Zone Emergency Management Committee on the creation of combined local government emergency management arrangements if appropriate.
 - (g) Establishing communication networks within and between functional areas within the area.
2. Review local emergency service organisation and functional area plans.
 3. Produce specific local hazard management plans if appropriate.
 4. Arrange, through the District Emergency Management Officer, emergency management training for individuals, including individuals employed in emergency service organisations and functional areas.
 5. Arrange the conduct of exercises to train individuals and agencies and to test emergency management plans.
 6. Produce standing orders and instructions and standard operating procedures under the Local DISPLAN.
 7. Assist the State Emergency Management Organisation, the Sydney Northern Zone Emergency Management Committee as required in the preparation and review of the District DISPLAN.
 8. Arrange for graduated warnings of emergencies to the public.

4. Membership

- 4.1 Subject to Clause 4.2 below, Membership of the Committee shall consist of one (1) representative from each of the following organisations:-
- (i) Warringah Council - Councillor
 - (ii) Manly Council - Councillor
 - (iii) Pittwater Council - Councillor
 - (iv) Warringah-Pittwater Fire Control Officer

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9.1

- (v) Warringah-Pittwater State Emergency Services Local Controller
 - (vi) Manly Council State Emergency Services Local Controller
 - (vii) Warringah Council - Technical Services Division
 - (viii) Manly Council - Engineering and Technical Services Division
 - (ix) Pittwater Council - Operations Division
 - (x) Warringah Council - Environmental Management Division
 - (xi) New South Wales Police Department
 - (xii) New South Wales Department of Family and Community Services
 - (xiii) New South Wales Ambulance Service
 - (xiv) Sydney Electricity
 - (xv) Australian Telecommunications Commission
 - (xvi) Water Board
 - (xvii) The Natural Gas Company
 - (xviii) New South Wales Fire Brigade
 - (xix) Mona Vale Hospital - Executive Officer
 - (xx) Manly Hospital - Executive Officer
 - (xxi) Royal Volunteer Coastal Patrol
 - (xxii) School of Artillery (North Head)
- 4.2 The Councils of Manly, Warringah and Pittwater may by resolution determine from time to time, to add to, delete from or amend membership of the Committee.
- 4.3 (a) An organisation may, from time to time, appoint a person to be the organisation's alternate member, and the organisation may revoke any such appointment at any time.
- (b) In the absence of a member, the alternate member -
- (i) may, if available, act in the place of the member; and

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Local Emergency Management
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- (ii) whilst so acting, shall have all the powers of the member and is to be taken to be the member.

5. Term of Office

- 5.1 Elected members of the Committee, being Councillors of Manly, Warringah and Pittwater, shall hold membership until the date of the general local government elections next following their appointment, provided that any elected member, if re-elected, shall be eligible for re-appointment to the Committee.
- 5.2 A member, other than an elected member, shall hold office as a member of the Committee until a successor is appointed.

6. Vacancy in Office

- 6.1 The office of a member becomes vacant if:
- (a) the member dies, or
 - (b) a successor to the member is duly appointed; or
 - (c) the member resigns the office by instrument in writing addressed to the organisation which appointed the member; or
 - (d) the member is removed from office by the organisation which appointed the member.
- 6.2 If the office of any such member becomes vacant, a person is to be appointed to fill the vacancy.

7. Chairperson and Deputy Chairpersons

- 7.1 The Chairperson of the Committee shall be a senior staff member of the Warringah Council nominated by that Council, who shall have the authority of the Council to co-ordinate the use of the Council's resources in the prevention of, preparation for, response to and recovery from emergencies.
- 7.2 The Deputy Chairpersons (two), of the Committee shall be senior staff members of Manly and Pittwater Councils respectively nominated by their Councils, who shall have the authority of their respective Councils to co-ordinate the use of their respective Councils' resources in the prevention of, preparation for, response to and recovery from emergencies.

Manly, Warringah and Pittwater
Local Emergency Management
Committee - Constitution

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Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC) MWPLEMC - Constitution as adopted 1994

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- 7.3 The Chairperson or, in the absence of the Chairperson, one of the Deputy Chairpersons or, in the absence of all three, another member elected to chair the meeting by the members present is to preside at a meeting of the Committee.
- 7.4 The Chairperson presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.
- 7.5 The Chairperson of the Committee shall determine the conduct of the meetings.

8. Quorum

A quorum for a meeting of the Committee shall be a majority of the members of the organisation from time to time.

9. Meetings

- 9.1 The Committee shall meet not less than four (4) times each year, but may meet more often if required.
- 9.2 An Annual Meeting of the Committee shall be held during the month of May and Ordinary Meetings may be held at other times as determined by the Chairperson.
- 9.3 Written notice of any meeting shall be forwarded by the Executive Officer to each member of the Committee at least seven (7) days prior to the meeting date. Such notice shall contain all matters for consideration at the meeting, including provision for "General Business."
- 9.4 The Committee may invite other persons to attend its meetings to make presentations or provide expert advice on matters of interest to, or under consideration by, the Committee.
- 9.5 Copies of minutes of all meetings of the Committee shall be forwarded within 14 days of the Committee Meeting:-
- (i) to each organisation represented on the Committee
 - (ii) to the District Emergency Management Officer for presentation to the Sydney Northern Zone Emergency Management Committee

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Local Emergency Management
Committee - Constitution

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ATTACHMENT 1

Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC) MWPLEMC - Constitution as adopted 1994

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10. Voting

- 10.1 A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present, is the decision of the Committee.
- 10.2 Only members, or in their absence, alternate members, are entitled to vote at meetings of the Committee.

11. Sub-Committees

- 11.1 The Committee may establish sub-committees to assist it in connection with the exercise of any of its functions.
- 11.2 It does not matter that any or all of the members of a sub-committee are not members of the committee.
- 11.3 The procedure for the calling of meetings of a sub-committee and for the conduct of business at those meetings is to be as determined by the Committee.
- 11.4 Sub-committees shall make recommendations to the Committee on any matter referred to, or considered by the sub-committee, and the Committee may adopt, modify or reject such recommendations.

12. Local Emergency Management Officer

- 12.1 The principal executive officer, i.e. Local Emergency Management Officer, shall be appointed by the Warringah Council and shall hold such office until a successor is appointed. The Council may, if it so wishes, appoint the same representative to the office of both Chairperson and Local Emergency Management Officer.
- 12.2 Alternate (or Deputy) Local Emergency Management Officers shall be appointed by the Manly and Pittwater Councils and shall hold office until successors are appointed by the respective Councils. Each Council may, if it so wishes, appoint the same representative to the office of both Deputy Chairperson and Alternate Local Emergency Management Officer.
- 12.3 The Local Emergency Management Officer and the Alternate Local Emergency Management Officers shall not, by virtue of those offices alone, have voting rights on the Committee.
- 12.4 Warringah Council shall provide executive support facilities for the Committee.

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Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC) MWPLEMC - Constitution as adopted 1994

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13. Amendments to Constitution

Amendment to this Constitution shall only be made by resolution of Manly, Warringah and Pittwater Councils and/or by such Councils subsequent upon at least a three quarters majority recommendation of the Committee.

Adoption of Constitution

The Constitution was adopted by resolution of the Manly, Warringah and Pittwater Councils as endorsed hereunder.

ADOPTED BY MANLY COUNCIL
This day of 1994

Mayor

General Manager

ADOPTED BY WARRINGAH COUNCIL
This day of 1994

Mayor

General Manager

ADOPTED BY PITTWATER COUNCIL
This day of 1994

Mayor

General Manager

Manly, Warringah and Pittwater
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**Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater
Local Emergency Management Committee (MWPLEMC)
MWPLEMC - 2012 Constitution to be reviewed for adoption**

ATTACHMENT 2

**MANLY, WARRINGAH AND PITTWATER
LOCAL EMERGENCY MANAGEMENT COMMITTEE
CONSTITUTION**

1. Authority

The Manly, Warringah and Pittwater Councils Local Emergency Management Committee, also known as the "Manly, Warringah, Pittwater Local Emergency Management Committee", is established under Part 2, Division 3, (Section 27 to 32 inclusive) of the State Emergency and Rescue Management Act 1989, as amended.

2. Definitions

In this Constitution:

- a. "Committee" means the Manly, Warringah, and Pittwater Local Emergency Management Committee
- b. "Member" means a member of the committee as per Section 28 of the State Emergency and Rescue Management Act 1989, as amended.
- c. "Organisation" means a body, group or authority with membership of the Committee, entitled to appoint a representative to the Committee.

3. Functions and Responsibilities

The Committee is responsible for the preparation of plans in relation to prevention of, preparation for, response to and recovery from emergencies in the local government areas of Manly, Warringah and Pittwater.

4. Membership

Membership shall reflect the requirements of Section 28 of the State Emergency and Rescue Management Act 1989, as amended.

5. Deputies of members

A member may, from time to time, appoint a person to be the member's deputy, and the member may revoke any such appointment.

In the absence of a member, the member's deputy: may, if available, act in the place of the member, and while so acting, has all the functions of the member and is to be taken to be a member.

6. Chairperson

The Chairperson of the Committee is to be a senior council officer nominated by each member council who has the authority of council to co-ordinate the use of council resources in the prevention of, preparation for, response to and recovery from emergencies.

7. Rotation of Chairperson

The Chair of the Committee will rotate every financial year to another member Council, starting from the 1 July with Warringah Council then, Manly Council then, Pittwater Council.

8. Deputy Chairperson

Representatives of the member councils when they are not in the Chair will act as Deputy Chairpersons and in the absence of the nominated chair for a meeting one will act by agreement of the other as the Chairperson of the committee for that meeting.

**Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater
Local Emergency Management Committee (MWPLEMC)
MWPLEMC - 2012 Constitution to be reviewed for adoption**

9. Observers

The Chairperson may authorise non members to attend meetings as observers with no voting rights. The Chairperson will also approve visitors and presenters to the Committee.

10. Local Emergency Management Officer (LEMO)

The principal executive officer to the Committee is known as the Local Emergency Management Officer (a non voting member) and each member Council will provide this position and executive support facilities for the Committee. To facilitate this and the Chairperson role the committee agrees to each Councils LEMO and Chairperson to be a dual position for each Council and as such each Council has full voting rights as members. The Chairperson may appoint another LEMO to relieve in the Chairpersons role for an agreed time.

11. Terms of Office

Subject to Schedule 2 of the State Emergency and Rescue Management Act 1989, as amended, a member (other than an ex-officio member) holds office until a successor is appointed by their organisation.

12. Vacancy in Office

- a. The office of a member (other than an ex-officio member) becomes vacant if:
 1. the member dies, or
 2. a successor to the member is duly appointed, or
 3. the member resigns the office by instrument in writing addressed to the person who appointed the member, or
 4. the member is removed from office by the person who appointed the member.
- b. If the office of any such member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

13. Quorum

The quorum for a meeting is a majority of the members of the committee.

14. Meetings

The committee shall meet not less than three times each financial year. Written notice of any meeting shall be forwarded by the Executive Officer to each member of the Committee at least seven (7) days prior to the meeting date.

Copies of minutes of all meetings of the Committee shall be forwarded within fourteen (14) days of the Committee Meeting:

- a. to each organisation represented on the Committee
- b. to the District Emergency Management Committee

15. Voting

A decision supported by a majority of the votes cast at a meeting at which a quorum is present is the decision of the committee.

All members have voting rights. The Chairperson has a deliberate vote and, in the event of an equality of votes, has a second or casting vote.

16. Sub-Committees

The Committee may establish sub-committees to assist it in the connection with the exercise of any of its functions.

ATTACHMENT 2

Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC) MWPLEMC - 2012 Constitution to be reviewed for adoption

17. Amendments to Constitution

Amendments to this constitution shall only be made after resolution by all member Councils.

Draft amendments can be initiated by a member Council to the Chairperson of the Committee.

18. Dissolution of Constitution

This Constitution may be dissolved by resolution of member Councils.

ATTACHMENT 2

Environmental Services Division Report No. 5 - Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC) MWPLEMC - 2012 Constitution to be reviewed for adoption

ADOPTION OF CONSTITUTION

The Constitution was adopted by resolution of the Manly, Warringah and Pittwater Councils as endorsed hereunder.

ADOPTED BY MANLY COUNCIL

This day of 2011

.....
Mayor

.....
General Manager

ADOPTED BY WARRINGAH COUNCIL

This day of 2011

.....
Mayor

.....
General Manager

ADOPTED BY PITTWATER COUNCIL

This day of 2011

.....
Mayor

.....
General Manager

TO: Planning and Strategy Committee - 5 March 2012
REPORT: Environmental Services Division Report No. 6
SUBJECT: Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans
FILE NO:

SUMMARY

The Minister for Environment notified his adoption of 'Guidelines for Preparing Coastal Zone Management Plans' in the Government Gazette on 31 December 2010. These guidelines replace the 1990 Coastline Management Manual and the 1992 draft Estuary Management manual.

Council has prepared and adopted eight Coastline/Estuary Management Plans (C/EMPs) covering the whole of Manly's foreshores and lagoon following the Coastline & Estuary Management Manuals.

It is now proposed to revise the adopted Coastline/Estuary Management Plans over a period of 5 years. While revising, consolidate eight Coastline/Estuary Management Plans into four Coastal Zone Management Plans, to be prepared following the new Guidelines. As per requirement, the new CZMPs will need to go through the process of Ministerial certification, adoption and gazettal.

In this report, relevant information from the Guidelines, as well as the proposal for consolidation, is presented.

The Harbour Foreshores & Coastline Management Committee, at its meeting on 14 February 2012, has reviewed the proposal. The Committee recommends that Council adopts the proposal for consolidation of eight Coastline/Estuary Management Plans into four Coastal Zone Management Plans.

REPORT

Background

The Minister for Environment notified his adoption of 'Guidelines for Preparing Coastal Zone Management Plans' for the purposes of the *Coastal Protection Act 1979* in the Government Gazette on 31 December 2010. These statutory Minister's guidelines specify the requirements preparing coastal zone management plans for councils. This is a framework document which also includes key strategic considerations for preparing these plans. It also provides guidance on preparing coastal erosion emergency action sub-plans. These guidelines replace the 1990 Coastline Management Manual and the 1992 draft Estuary Management manual.

The guidelines will be supported by a series of coastal management guide notes, which will provide further detailed information to support preparation of coastal zone management plans.

An overview of the 'Guidelines for Preparing Coastal Zone Management Plans' is presented in Attachment 1.

The new Guidelines contain 10 Coastal Management Principles (Attachment 1) to inform strategic considerations in coastal management, including the preparation of CZMPs. Relevant principles should be considered in evaluating potential coastal management actions and be reflected in CZMPs.

Section 733 of the *Local Government Act 1993* provides an exemption from liability for certain management actions by councils relating to flooding and coastal management, provided these actions were made in good faith. Under this section, councils are considered to have acted in good

Environmental Services Division Report No. 6 (Cont'd)

faith if the actions were undertaken substantially in accordance with the principles contained in the 'Guidelines for Preparing Coastal Zone Management Plans'.

As the 'Guidelines for Preparing Coastal Zone Management Plans' is now adopted as a statutory document, it is proposed to initiate revision of the adopted C/EMPs, some of which already require revision.

It is now proposed to revise the adopted Coastline/Estuary Management Plans over a period of 5 years and consolidate eight Coastline/Estuary Management Plans into four Coastal Zone Management Plans, certified, adopted and gazetted.

Proposed CZMPs	Adopted C/EMPs	Preparation Time-Frame
CZMP for Manly Ocean Beach	Manly Ocean Beach Coastline Management Plan (2008)	2013-2014
	Cabbage Tree Bay Management Plan (2000)	
CZMP for Clontarf Bantry Bay Estuary (Middle Harbour)	Clontarf/Bantry Bay Estuary Management Plan (2008)	2014-2015
CZMP for North Harbour	Forty Baskets Coastline Management Plan (2004)	2016-2017
	North Harbour Coastline Management Plan (2010)	
	Manly Cove Coastal Zone Management Plan (2011)	
	Little Manly Coastline Management Plan (2004)	
CZMP for Manly Lagoon	Manly Lagoon Estuary Management Plan (1988) subsequently updated as	To be decided (in consultation with Warringah Council)
	Manly Lagoon and Catchment Integrated Catchment Management Strategy and Evaluation (2004)	

Recommendations from the Harbour Foreshores & Coastline Management Committee meeting dated 14 February 2012:

- a) The Harbour Foreshore & Coastline Management Committee has received and noted the report on 'Guidelines for Preparing Coastal Zone Management Plans'.
- b) The Committee endorses the revision and consolidation proposal of 8 adopted Coastal/Estuary Management Plans into four Coastal Zone Management Plans (CZMPs) and recommends to the General Manager and Council for consideration and adoption.
- c) Council seeks external and internal funding to develop CZMPs.

Environmental Services Division Report No. 6 (Cont'd)**RECOMMENDATION**

It is recommended THAT:

- a) The report on 'Guidelines for Preparing Coastal Zone Management Plans' is received and noted.
- b) Council adopts the consolidation and gradual revision proposal of eight adopted Coastal/Estuary Management Plans (C/EMPs) into four Coastal Zone Management Plans (CZMPs).
- c) The existing C/EMPs remain as currently adopted Plans until the CZMP for the area is developed, certified, adopted and gazetted.
- d) Council seeks external and internal funding to gradually develop the CZMPs.

ATTACHMENTS

- AT- 1** Brief Overview of Guidelines for Preparing Coastal Zone Management Plans 5 Pages
AT- 2 Proposal for Consolidation of Adopted Coastline/Estuary Management Plans 2 Pages

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***** End of Environmental Services Division Report No. 6 *****

Environmental Services Division Report No. 6 - Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans
Brief Overview of Guidelines for Preparing Coastal Zone Management Plans

1. Introduction**1.1 Purpose and structure of these guidelines**

These guidelines are intended to provide guidance on the preparation of a Coastal Zone Management Plan (CZMP). They have been adopted by the Minister for Climate Change and the Environment as guidelines under section 55D of the *Coastal Protection Act 1979*, and coastal councils are to prepare draft plans in accordance with these guidelines. They specify the minimum requirements that are to be met when preparing a draft CZMP, in addition to the requirements in the Act. The additional requirements in these guidelines relate to:

- preparation of the CZMP (Section 2.1)
- coastal risk management (Section 2.2)
- coastal ecosystems (Section 2.3), and
- community uses of the coastal zone (Section 2.4).

These guidelines provide a framework for preparing a CZMP, including matters that should be considered in CZMP preparation. Supporting information on a wide range of relevant topics will be available as a series of web-based guide notes on www.environment.nsw.gov.au, and these will be updated as required.

1.2 Purpose and scope of a coastal zone management plan

The primary purpose of a CZMP is to describe proposed actions to be implemented by a council, other public authorities and potentially by the private sector to address priority management issues in the coastal zone over a defined implementation period. These issues include:

- managing risks to public safety and built assets
- pressures on coastal ecosystems, and
- community uses of the coastal zone.

CZMPs should support the goals and objectives of the NSW Coastal Policy 1997 and the NSW Sea Level Rise Policy Statement 2009 and assist in implementing integrated coastal zone management.

A CZMP may address management issues in the coastal zone beyond these minimum requirements.

1.3 Certification of a plan

Councils are to submit draft CZMPs to the Minister administering the *Coastal Protection Act 1979* for certification under the Act. When a draft CZMP is submitted, the Minister will make an assessment of whether to certify the CZMP by considering whether it meets the requirements of the *Coastal Protection Act 1979* and the minimum requirements in the 'Guidelines for Preparing Coastal Zone Management Plans'. The Minister may refer the draft CZMP to the NSW Coastal Panel for review (Box).

To be eligible for certification, the CZMP title will need to include the text 'coastal zone management plan' and refer to the geographic area covered by the CZMP (e.g. a section of coastline, an estuary or the entire coastal zone in a council area).

A council submitting a draft CZMP to the Minister for certification is to also provide to the Minister copies of written correspondence from public authorities supporting any actions contained in the draft CZMP which they are responsible for or that affect their land or assets.

Environmental Services Division Report No. 6 - Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans
Brief Overview of Guidelines for Preparing Coastal Zone Management Plans

- Council prepares a draft CZMP addressing the statutory requirements in the *Coastal Protection Act 1979*, and the minimum requirements in these CZMP guidelines in consultation with the community and relevant public authorities.
- Council exhibits the draft CZMP in accordance with the public consultation requirements in the *Coastal Protection Act 1979* (section 55E).
- Council considers the submissions received and revises the draft CZMP in accordance with the *Coastal Protection Act 1979* (section 55F).
- Council submits the draft CZMP to the Minister for certification in accordance with the *Coastal Protection Act 1979* (section 55G).
- The Minister assesses the draft CZMP against the requirements of the *Coastal Protection Act 1979* and the minimum requirements in the CZMP guidelines.
- Minister may refer the draft CZMP to the NSW Coastal Panel for review. The Coastal Panel may advise the Minister of recommended changes.
- If necessary, the Minister advises council of any amendments to the draft CZMP to meet certification requirements. If necessary, council amends the draft CZMP accordingly and resubmits it for certification.
- The Minister advises council that the draft CZMP has been certified in accordance with the *Coastal Protection Act 1979* (section 55G(2)).
- Council resolves to formally adopt the certified CZMP.
- Council makes the certified and adopted CZMP by publishing it in the Government Gazette (*Coastal Protection Act 1979* section 55H). The CZMP takes effect on the gazettal or later specified date.

1.4 Coastal Management Principles

Coastal Management Principles have been developed to inform strategic considerations in coastal management, including the preparation of CZMPs. Relevant principles should be considered in evaluating potential coastal management actions and be reflected in draft CZMPs.

In addition, section 733 of the *Local Government Act 1993* provides an exemption from liability for certain management actions by councils and the State Government relating to flooding and coastal management, provided these actions were made in good faith. Under this section, councils and the State Government are considered to have acted in good faith if the actions were undertaken substantially in accordance with the principles contained in the 'Guidelines for Preparing Coastal Zone Management Plans'.

Environmental Services Division Report No. 6 - Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans
Brief Overview of Guidelines for Preparing Coastal Zone Management Plans

Principles are:

- Principle 1: Consider the objects of the *Coastal Protection Act 1979* and the goals, objectives and principles of the NSW Coastal Policy 1997 and the NSW Sea Level Rise Policy Statement 2009
- Principle 2: Optimise links between plans relating to the management of the coastal zone
- Principle 3: Involve the community in decision-making and make coastal information publicly available
- Principle 4: Base decisions on the best available information and reasonable practice; acknowledge the interrelationship between catchment, estuarine and coastal processes; adopt a continuous improvement management approach
- Principle 5: The priority for public expenditure is public benefit; public expenditure should cost-effectively achieve the best practical long-term outcomes
- Principle 6: Adopt a risk management approach to managing risks to public safety and assets; adopt a risk management hierarchy involving avoiding risks where feasible and mitigation where risks cannot be reasonably avoided; adopt interim actions to manage high risks while long-term options are implemented
- Principle 7: Adopt an adaptive risk management approach if risks are expected to increase over time, or to accommodate uncertainty in risk predictions
- Principle 8: Maintain the condition of high value coastal ecosystems; rehabilitate priority degraded coastal ecosystems
- Principle 9: Maintain and improve safe public access to beaches and headlands consistent with the goals of the NSW Coastal Policy
- Principle 10: Support recreational activities consistent with the goals of the NSW Coastal Policy

2. CZMP Preparation

2.1 Minimum requirements: CZMP planning process content and outcomes

CZMPs are to contain:

- a description of:
 - how the relevant Coastal Management Principles have been considered in preparing the plan
 - the community and stakeholder consultation process, the key issues raised and how they have been considered
 - how the proposed management options were identified, the process followed to evaluate management options, and the outcomes of the process
- proposed management actions over the CZMP's implementation period in a prioritised implementation schedule which contains:
 - proposed funding arrangements for all actions, including any private sector funding
 - actions to be implemented through other statutory plans and processes

Environmental Services Division Report No. 6 - Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans

Brief Overview of Guidelines for Preparing Coastal Zone Management Plans

- actions to be carried out by a public authority or relating to land or other assets it owns or manages, where the authority has agreed to these actions (section 55C(2)(b) of the *Coastal Protection Act 1979*).
- proposed actions to monitor and report to the community on the plan's implementation, and a review timetable.

CZMPs are to achieve a reasonable balance between any potentially conflicting uses of the coastal zone.

2.2 Minimum requirements: coastal risks

A CZMP which addresses coastal risks should include:

- a description of:
 - coastal processes within the plan's area, to a level of detail sufficient to inform decision-making
 - the nature and extent of risks to public safety and built assets from coastal hazards
 - projected climate change impacts on risks from coastal hazards (section 55C(f) of the *Coastal Protection Act 1979*). This is to include incorporation of the sea level rise benchmarks from the NSW Sea Level Rise Policy Statement 2009
 - suitable locations where landowners could construct coastal protection works (provided they pay for the maintenance of the works and manage any offsite impacts), subject to the requirements of the *Environmental Planning and Assessment Act 1979*, and
 - property risk and response categories for all properties located in coastal hazard areas
- proposed actions in the implementation schedule to manage current and projected future risks from coastal hazards, including risks in an estuary from coastal hazards. Actions are to focus on managing the highest risks (section 55C(d) and (e) of the *Coastal Protection Act 1979*)
- where the plan proposes the construction of coastal protection works (other than emergency coastal protection works) that are to be funded by the council or a private landowner or both, the proposed arrangements for the adequate maintenance of the works and for managing associated impacts of such works (section 55C(g) of the *Coastal Protection Act 1979*), and
- an emergency action subplan, which is to describe:
 - intended emergency actions to be carried out during periods of beach erosion such as coastal protection works for property or asset protection, other than matters dealt with in any plan made under the *State Emergency and Rescue Management Act 1989* relating to emergency response (sections 55C(b) and (g) of the *Coastal Protection Act 1979*)
 - any site-specific requirements for landowner emergency coastal protection works, and
 - the consultation carried out with the owners of land affected by a subplan.

2.3 Minimum requirements for coastal ecosystems

A CZMP which addresses coastal ecosystem management is to include:

- a description of:
 - the health status of estuaries within the plan's area
 - the pressures affecting estuary health status and their relative magnitude

Environmental Services Division Report No. 6 - Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans

Brief Overview of Guidelines for Preparing Coastal Zone Management Plans

- projected climate change impacts on estuary health (section 55C(f) of the *Coastal Protection Act 1979*). This is to include incorporation of the sea level rise benchmarks from the NSW Sea Level Rise Policy Statement 2009
- proposed actions in the implementation schedule to respond to estuary health pressures (section 55C(e) of the *Coastal Protection Act 1979*)
- an entrance management policy for intermittently closed and open lakes and lagoons (ICOLLs)
- an estuarine monitoring program, consistent with the NSW Natural Resources Monitoring, Evaluation and Reporting (MER) Strategy.

2.4 Minimum requirements for community uses

CZMPs are to contain:

- proposed actions in the implementation schedule that protect and preserve beach environments and beach amenity, and ensure continuing and undiminished public access to beaches, headlands and waterways, particularly where public access is threatened or affected by accretion (section 55C(c) of the *Coastal Protection Act 1979*)
- a description of:
 - the current access arrangements to beaches, headlands and waterways in the plan's area, their adequacy and any associated environmental impacts
 - any potential impacts (e.g. erosion, accretion or inundation) on these access arrangements, and
 - the cultural and heritage significance of the plan's area
- proposed actions in the implementation schedule to manage any environmental or safety impacts from current access arrangements, and to protect or promote the culture and heritage environment.

The full document can be viewed at:

<http://www.environment.nsw.gov.au/coasts/101019guidelinesczmps.htm>

Environmental Services Division Report No. 6 - Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans

Proposal for Consolidation of Adopted Coastline/Estuary Management Plans

Manly Council has adopted a staged approach to cover the entire Manly lagoons & foreshores under estuary/coastal management plans. The State Government has provided funding to assist Council to prepare and implement these plans. Environment Levy of Council provided matching funding.

Manly Council has prepared and adopted the following Coastline & Estuary Management Plans, following the 1990 Coastline Management Manual and the 1992 draft Estuary Management manual:

Plans	Adoption Date
Manly Lagoon Estuary Management Plan	August 1988
Cabbage Tree Bay Management Plan	October 2000
Manly Lagoon and Catchment Integrated Catchment Management Strategy and Evaluation	March 2004
Forty Baskets Coastline Management Plan	May 2004
Little Manly Coastline Management Plan	May 2004
Manly Ocean Beach Coastline Management Plan and Emergency Action plan	February 2008
Clontarf/Bantry Bay Estuary Management Plan	May 2008
North Harbour Coastline Management Plan	March 2010
Manly Cove Coastal Zone Management Plan	November 2011

Why revision?

- The 1990 Coastline Management Manual and the 1992 draft Estuary Management manual, guidelines documents on which adopted coastal/estuary management plans are based, have now been replaced.
- All Coastline/Estuary management plans have to be renamed as Coastal Zone Management Plans. New plans cannot be gazetted unless the new naming is followed.
- Draft CZMPs have to receive Ministerial certification before it is adopted by Council and gazetted.
- Council needs to obtain written consent from public authorities for actions indicating their responsibility.
- Coastal Zone Management Plans are legally binding and can be enforced by the Minister for Environment or the relevant council in the Land and Environment Court.
- The Government has established the NSW Coastal Panel. The Panel is responsible for commenting on coastal zone management plans and approving long term coastal protection works where a council does not have a coastal zone management plan in place.

Environmental Services Division Report No. 6 - Guidelines for Preparing Coastal Zone Management Plans & Proposal for Consolidation of Adopted Coastline/Estuary Management Plans

Proposal for Consolidation of Adopted Coastline/Estuary Management Plans

- The new Guidelines contain 10 Coastal Management Principles to inform strategic considerations in coastal management, including the preparation of CZMPs. Section 733 of the Local Government Act 1993 provides an exemption from liability for certain management actions by Councils relating to flooding and coastal management, provided these actions were made in good faith. Under this section, councils are considered to have acted in good faith if the actions were undertaken substantially in accordance with 10 principles.
- All these aspects are not formally covered in current adopted coastline/estuary management plans.
- Many of the adopted coastline/estuary management plans have already reached time for revision.

The Revision proposal

As the 'Guidelines for Preparing Coastal Zone Management Plans' is now adopted as a statutory document, it is proposed to initiate staggered revision of the adopted C/EMPs.

It is now proposed to revise the adopted Coastline/Estuary Management Plans under the new Guidelines over a period of 5 years and consolidate eight Coastline/Estuary Management Plans into four Coastal Zone Management Plans, certified, adopted and gazetted, as indicated below:

Proposed CZMPs	Adopted C/EMPs	Preparation Time-Frame
CZMP for Manly Ocean Beach	Manly Ocean Beach Coastline Management Plan (2008)	2013-2014
	Cabbage Tree Bay Management Plan (2000)	
CZMP for Clontarf Bantry Bay Estuary (Middle Harbour)	Clontarf/Bantry Bay Estuary Management Plan (2008)	2014-2015
CZMP for North Harbour	Forty Baskets Coastline Management Plan (2004)	2016-2017
	North Harbour Coastline Management Plan (2010)	
	Manly Cove Coastal Zone Management Plan (2011)	
	Little Manly Coastline Management Plan (2004)	
CZMP for Manly Lagoon	Manly Lagoon Estuary Management Plan (1988) subsequently updated as	To be decided (in consultation with Warringah Council)
	Manly Lagoon and Catchment Integrated Catchment Management Strategy and Evaluation (2004)	

TO: Planning and Strategy Committee - 5 March 2012
REPORT: Corporate Services Division Report No. 6
SUBJECT: Procurement Policy
FILE NO:

SUMMARY

This report recommends that Council give public notice of its intention to adopt the draft Procurement Policy. This Policy replaces Council's Purchasing & Tendering Policy.

REPORT

Council's Internal Auditor has undertaken a number of internal audits in Council in accordance with the agreed internal audit plan.

These audits included an audit of Council's Tendering procedures.

Amongst the recommendations made in the Internal Auditor's report to the Internal Audit Committee, was that Council review and update its Purchasing & Tendering Policy.

The draft *Procurement Policy* will replace the current Purchasing & Tendering Policy. It establishes the principles for procurement activities by Council and provides clear guidelines to staff for the procurement of goods and services, including ensuring best value for money, good management practices, legislative compliance, transparency in tendering decisions, probity, and environmental performance.

As the Policy includes a section regarding the lobbying of Councillors by Tenderers (*Clause 8.3*), it is recommended that in adopting the draft Procurement Policy that Council revoke Policy T30 – *Tenders – Lobbying of Councillors Policy*.

Guidelines have also been drafted establishing procedures and guidelines for ensuring proper process is followed for Council's procurement, requisitioning, ordering and payment activities, and to ensure compliance with legislation and regulations applying to all purchases made by Council.

RECOMMENDATION

THAT

1. The draft *Procurement Policy* be adopted;
2. The draft policy be placed in the Policy Register following public exhibition for a period of 28 days, in accordance with Section 705 of the *Local Government Act, 1993*; and
3. Policy T30 – *Tenders – Lobbying of Councillors Policy* be herein revoked.

ATTACHMENTS

AT- 1 Draft Procurement Policy 10 Pages

PS050312CSD_1

***** End of Corporate Services Division Report No. 6 *****

Manly Council



Procurement Policy

Draft February 2012

Corporate Services Division Report No. 6 - Procurement Policy
Draft Procurement Policy



Title: Procurement Policy

Policy No: P150

Keywords: Purchasing, procurement, supply, tender, tendering

Responsible Officer: Deputy General Manager – People Place & Infrastructure

1. PURPOSE

The objective of this policy is to establish the principles for procurement activities by Council and to provide clear guidelines for the procurement of goods and services, including ensuring best value for money, good management practices, legislative compliance, transparency in tendering decisions, probity, and environmental performance.

2. RELEVANT LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005 – Part 7 Tendering
- Government Information (Public Access) Act 2009

3. RELATED POLICIES

- Manly Council Code of Conduct
- Manly's Ethical Charter
- Charge Card Facility Policy
- Complaints Management Policy
- Asset Disposal Policy
- *Tenders – Lobbying of Councillors Policy (Revoke)*

4. RELATED GUIDELINES

- Tendering Guidelines for NSW Local Government (Division of Local Government Circular 09-39)
- Manly Council – Procurement and Tendering Guidelines (*Draft*)

5. APPLICATION OF THIS POLICY

This Policy applies to all procurement and contracting activities undertaken by Manly Council, other than statutory payments or payments for membership of Regional or State organisations and is binding on all Councillors, Council staff, suppliers, contractors and consultants.

6. PROCUREMENT MANAGEMENT

6.1 Manly Procurement Guidelines

The **Manly Procurement Guidelines** provide guidance for Council Staff in their day to day activities in managing purchasing, quotations, tendering and expressions of interest and contract management.

The Guidelines are a set of documents that may be amended from time to time to incorporate changes to legislation and keep pace with best practice.

Approval of amendments to the Guidelines is managed through the General Manager.

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6.2 Financial Delegations for Procurement

Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. This allows Council to conduct business activities in an efficient and timely manner whilst maintaining transparency and integrity. All procurement must be undertaken within these delegations.

6.3 Categories and Thresholds for Procurement

The minimum levels of procurement thresholds are shown below. This indicates the minimum amounts and at which further quotations will be needed if there is difficulty in ensuring value for money is achieved.

Minimum Levels of Competition

a) Goods and services up to \$5,000 in value

One formal (written) quotation for goods and services will be required for value above \$1,000 (inclusive of GST). For value of goods and services below \$1,000 (inclusive of GST) a verbal quotation can be accepted. If only one quotation is obtained the responsible officer must ensure the rate being considered is reasonable and consistent with normal market rates for items of a like nature.

b) Goods and services over \$5,000 and up to \$30,000 in value

At least two written quotations are required when the goods and services being procured exceed \$5,000 (inclusive of GST) and up to the value of \$30,000 (inclusive of GST), subject to the rates being considered reasonable and consistent with normal market rates for items of a like nature.

c) Goods and services over \$30,000 and up to (but otherwise less than) \$75,000 in value

At least three written quotes are required for goods and services being procured when the value exceeds \$30,000 (inclusive of GST), but does not exceed \$75,000 (including GST), subject to value for money being demonstrated.

An instruction to quote must be in the form of a specification as if a tender was to be invited and the response from the supplier must be in writing and include all details requested in the instruction/specification. The selected offer for goods, equipment, works and services is to be documented in writing and records kept of all instructions and quotes.

Deputy General Manager/Divisional Head approves and signs purchase requisition. Major items such as motor vehicles, plant items, capital building and construction works, leasing agreements, and computing equipment require General Manager's approval.

d) Goods and services over \$75,000 and up to (but otherwise less than) \$150,000 in value

At least three written quotes are required to be invited for goods and services being procured when the value exceeds \$75,000 (inclusive of GST), but does not exceed \$150,000 (including GST), subject to value for money being demonstrated.

The instruction to quote must be in the form of a specification as if a tender was to be invited and the response from the supplier must be in writing and include all details requested in the instruction/specification. The selected offer for goods, equipment, works and services is to be documented in writing and records kept of all instructions and quotes. The General Manager may determine that it is in the public interest to invite either public quotations or tenders if the nature of the work or service is such that the quotation system does not adequately cover Council's risks.

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Deputy General Manager/Divisional Head approves and signs purchase requisition. Major items such as motor vehicles, plant items, capital building and construction works, leasing agreements, and computing equipment require General Manager's approval.

e) Goods and services over \$150,000 in value

An open tender process, or a selective tendering process either by which invitations to tender for proposed contract are made following public advertisement asking for expressions of interest or by which recognised contractors listed by council are invited to tender for particular kinds of proposed contracts, in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005 is required for contracts for goods and services where the value is \$150,000 or greater (inclusive of GST). A full tender documentation and assessment process must be followed strictly in accordance with the above mentioned legislation (unless one or more of the exemptions contained in section 55(3) of the Local Government Act 1993 are relevantly applicable [see below]).

Note: Exceptions for Goods and Services over \$5,000 but less than \$150,000

There may be exceptions where there is (a) a genuine urgent circumstance, (b) where there is only one firm or person capable or available to undertake the task, or (c) where it is a continuance of a previous specialised task. In such circumstances, the arrangement is to be commercially negotiated to achieve the best value for money. This exception can only be followed after written agreement by the relevant Division Manager or the General Manager in accordance with established delegations of authority.

6.4 Alternative methods for Procurement

The alternative methods of procurement of Goods and Services may be by one of the following methods:

- Petty Cash (purchases up to \$100)
- Purchase via Council's Store
- Purchase via preferred suppliers (sourced through formal Request for Quotation following a formal Tender process)
- Direct purchasing
- Purchasing via NSW State Government Contracts
- Purchasing via Local Government Procurement
- Procurement through the tender or quotation process, including the following methods:
 - established panels
 - the SHOROC procurement process

6.5 Purchase Orders

A purchase order is Council's official document used to purchase goods or services from an external supplier. A purchase order confirms the contractual arrangement between Council and the supplier and is to be used for procurement of all goods and services up to \$150,000.

6.6 Exceptions

In the interest of maintaining efficiency in the purchasing process there are some instances where the procedures outlined in this policy can be bypassed. These instances include:

- Where the Goods/Materials/Services being purchased are of a nominal value eg. where the expected cost is under \$1,000. Payment will be by cheque or EFT on presentation of an invoice.
- Services such as utilities ie. phone, power, water & gas bills that do not have purchase orders raised in the normal course of business.
- Emergency Works Orders – for the supply of goods or materials/services which are required in an emergency or unplanned event.

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- Library Requisitions - In order to facilitate the purchase of bulk library books and reduce administration, a pre-numbered, authorised "Library Purchase Requisition" order may be issued to suppliers. A Purchase Order is still to be issued on receipt of and to reconcile suppliers invoices.

7. TENDERING

7.1 Methods of Tendering

Council will use one of the following methods when calling for Tenders:

- (a) Open tendering - by which tenders for the proposed contract are invited by public advertisement;
- (b) Selective tendering - by which invitations to tender for a particular proposed contract are made following a public advertisement asking for expressions of interest;
- (c) Selective tendering - by which recognised contractors selected from a list prepared or adopted by the council are invited to tender for proposed contracts of a particular kind

For Minor Works Contracts less than \$150,000 a "Request for Quotation" may be invited by public advertisement.

7.2 Shortening or Extension of Tender Period

Council may in certain circumstances shorten or extend the minimum 21 day tender advertising period in accordance with Clause 171 and 172 of the Local Government (General) Regulations 2005.

Reasons for shortening a tender advertising period must be provided in the tender documentation.

7.3 Advertising of Tenders

Tenders, Requests for Quotations and Expressions of Interest are to be advertised both in a major metropolitan daily newspaper as well as a newspaper circulating in the local area.

7.4 Electronic Tendering

In addition to newspaper advertising Tenders, RFQ's and EOI's are to be invited through Council's electronic tender portal (Tenderlink). Tenderlink allows prospective tenderers to download tender documents, as well as submitting tenders via an electronic tender box.

8. PROCUREMENT PROTOCOL

8.1 Ethics and Probity

General - The Council's procurement activities are to be performed with integrity and in a manner able to withstand the closest possible scrutiny.

Conduct of Council Staff - Council staff at all times are to conduct business that is ethical and of the highest integrity and are required to:

- treat potential and existing suppliers with equality and fairness
- not seek or receive personal gain
- maintain confidentiality of Commercial in Confidence information
- present the highest standards of professionalism and probity
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest
- provide all suppliers and tenderers with the same information and equal opportunity

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- be able to account for all decisions and provide feedback on them
- not be involved in any activity such as performing work with suppliers, consultants or contractors
- ensure adherence to the Local Government Act 1993, (Section 55); Local Government (General) Regulation 2005, (Part 7); and Manly Council's Code of Conduct
- not engage in the practice of so-called "order splitting" with suppliers, consultants or contractors.

8.2 Governance

Responsible Financial Management - The principle of responsible financial management is to be applied to all procurement activities.

Council funds are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

Record Keeping – All substantive communications with potential suppliers in respect of tender evaluations and quotations should be in writing or in formal minuted meetings.

Records for all Procurement activities must be kept and recorded in the Council record management system.

8.3 Lobbying

Lobbying of Councillors and staff by tenderers or their agents is not permitted and shall result in their disqualification from the tender process on that occasion. For the purposes of this clause "lobbying" shall include seeking to influence; seeking to obtain support or assistance; and urging or persuading.

8.4 Tender Specifications and Assessment Criteria

8.4.1 Specifications

Tender specifications will be written in a way that will encourage open and effective competition by providing the best possible opportunity for potential suppliers to develop solutions capable of satisfying predetermined requirements.

Specifications will not include any feature which discriminates, either directly or indirectly, against any supplier or group of suppliers. Specification of any feature that could be perceived as discriminatory, such as items that are specific to a particular technology or brand, should be avoided. Specifications should encourage suppliers, wherever possible, to offer alternative options which can reasonably be adapted to meet requirements.

Each specification is to be authorised and endorsed by the appropriate Divisional Manager.

8.4.2 Service Contract Specifications

Service Contract specifications should be reported to Council for approval prior to inclusion in the tender documentation and calling of tenders or quotations. This will ensure that the level of service provided for in contracts is meeting community expectations.

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8.4.3 Assessment Criteria for Tenders

Every tender called by Council will be assessed using the following standard assessment criteria as a minimum. Whilst other criteria may be used which are more specific to each tender, the following criteria must be applied to all assessments:

Financial Assessment must include identification of all relevant costs, individual analysis of costings contained in each submission, and cost comparisons between all competing submissions. The initial (once only), and ongoing costs, must be identified and calculated in the process of assessment of tender submissions.

Capability Assessment shall include the experience of the tenderer and the experience and qualifications of the key personnel who will be operating the contract, including management and supervision, and the capability of the contractor to work within the relevant policies of Council.

Technical & Methodological Assessment shall evaluate how the tenderer proposes to fulfil the obligations of the tender, and whether the tender submission meets the requirements set out in the specification.

An independent financial assessment and report on potential contractors and suppliers of major goods and services should be obtained from Council's auditor in relation to a tenderer being recommended for selection for major projects and may be considered in the event of 2 or more tenderers unable to be separated in the assessment and evaluation phase of the tender process.

A Work Health and Safety Assessment must be performed where the tender involves the completion of works of any description. When purchasing goods, materials or services for Council, the provisions of the Work Health and Safety Act 2011 should be adhered to. This includes:

- ensuring that any plant or substance provided for use by the employees at work is safe and without risks to health when properly used;
- providing such information, instruction, training and supervision as may be necessary to ensure the employees health and safety at work;
- all safety aid operating information must be supplied with all products and equipment;
- a work method statement must be completed before any plant items are purchased.

Environmental Assessment is essential where environmental issues may be involved. All persons or organisations responding to public calls for tenders, quotations or expressions of interest shall be asked to provide the following information within their submissions:

- a copy of their environmental policy or equivalent
- details of their environmental management strategy (where appropriate)
- their commitment to due diligence in regard to environmental legislation
- documentation outlining past performance in regard to environment protection
- evidence of selection and use of products based on a principle of 'value for money' over their life cycle, and consideration of other issues such as low wastage levels and use of recycled content and usability of those products.

8.4.4 Weighting of Assessment Criteria

Assessment criteria shall be ranked in order of importance and a weighting applied to each criteria. The two highest ranked evaluation criteria should be given the most weight and the total of their weighting should be at least 80% of the combined total for all weighted criteria. The weightings applied to criteria shall be determined by the Manager overseeing the tender in consultation with the tender panel convened to assess and select a tender. The assessment criteria and their weightings should then be included in the tender documentation.

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8.4.5 Key Considerations in Assessing Tenders

Impartiality

Impartiality must be observed throughout the entire tendering process so as not to exclude or favour any tenderer.

Insurance

The type and level of insurances required, particularly public liability insurance, will be investigated when arranging a specification for the particular contract.

Achieving Value for Money

Purchasing decisions should be made on the basis of *value for money* over the life cycle of products, rather than just the cheaper up-front purchase price.

This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability, safety, risk and delivery considerations. Price is not the sole determinant of value for money.

Where choices are made on the basis of cost, reasons for not purchasing recycled or environmentally preferable products may be required.

It is recognised that in some cases the selection of environmentally preferable products and materials may be less competitive. Manly Council may exercise a price preference of up to 10% to encourage the purchase and use of recycled or environmentally preferable products – the “*sustainability preference*”.

Environmental Performance

Council will give preference to, and purchase, environmentally performing products that are cost competitive.

The specific objectives for sustainable procurement are to:

- Minimise unnecessary purchasing – only purchase when a product or service is necessary.
- Minimise waste – purchase in accordance with reduce, reuse and recycle strategies.
- Save water and energy – purchase products that save energy and/or water.
- Minimise pollution – avoid purchasing products that pollute soils, air or waterways.
- Eliminate toxic products – avoid where possible purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- Reduce greenhouse emission – purchase products that reduce greenhouse gas emissions.
- Achieve biodiversity and habitat protection – purchase in accordance with biodiversity and conservation objectives.

Sustainable Procurement Actions - In delivery of the specific objectives, Council is to pursue the following actions through sustainable procurement to:

- Eliminate inefficiency, waste and expenditure.
- Contribute to the combined purchasing power of Local Government to further stimulate demand for sustainable products.
- Advance sustainability by participating in “closing the life-cycle loop”.
- Increase awareness about the range and quality of products available.
- Deliver Council’s commitments in relation to ecologically sustainable development (ESD) and other environmental and social objectives.

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- Play a leadership role in advancing long term social and environmental sustainability.
- Meet the objectives set out in its adopted Community Strategic Plan.
- Support local businesses and organisations.

Transparency of Process

Principles of transparency, consistency and probity will be applied to all processes in the preparation, advertisement, assessment and management of tenders and quotations by Council.

Conflict of Interest

Any conflict of interest must be reported to the General Manager and dealt with immediately. This will apply to Councillors, Council staff and tenderers.

Accountability

Accountability is important as funds must be used in the most cost effective and efficient manner.

Risk Management

Risk Management is to be appropriately applied at all stages of the procurement process which must be properly planned and carried out in a manner that will protect and enhance the Council's capacity.

Monitor and Evaluate Performance

To ensure probity, on completion of each tender a formal performance review must be completed and documented by the Manager overseeing the tender.

Non Conforming Tender

A tender is nonconforming when there is an absence of any requirement clearly detailed in the Conditions of Tendering. If a tender received is non-conforming, the report to Council must state the reason why the tender was classed as non-conforming and not considered.

8.5 Tender Panels

The Manager overseeing the tender will convene a Tender Panel to oversee and assist in the calling, assessment and selection of specific tenders and quotations. The composition of the tender panel will be determined by the Manager using Council staff expertise relevant to the area associated with the tender, however must be approved by the General Manager.

From time to time it may be necessary to utilise external expertise to assist the panel in development of specifications, assessment and selection. In these instances, the same standards of declaration of interests apply as those that apply to consultants and professional services. Any appointment of a consultant or professional services in a tender process must be approved by the General Manager.

All staff involved in preparing and/or assessing tenders are required to complete a Declaration of Interest / Pecuniary Interest Disclosure.

8.6 Tender Review Panel

Council has established a Tender Review Panel to oversee all processes in calling and evaluating Tenders and Public Quotations as per Council's Procurement Policy and Guidelines, and Section 55 of the Local Government Act 1993, particularly for:

- Probity
- Ethics

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- Transparency
- Price
- Work Health and Safety
- Adherence to Manly Council and Local Government Act requirements.

8.7 Building and Maintaining Procurement Capacity

Procurement Options - Manly Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate procurement path must be carried out on an individual purchase / project basis.

Participation in regional projects or panels and access to Local Government and State Government panel agreements or other means are to be considered to ensure that arrangements deliver the best value outcomes in terms of value for money, sustainability, protection of the environment, corporate social responsibility, Work Health and Safety standards and risk management.

Supply Market Development - A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses.
- Suppliers with a focus on sustainability.
- Small to medium sized enterprises.
- Social enterprises.
- Voluntary and community organisations.

Continual Improvement - Manly Council is committed to continuous improvement with review of the procurement policy and guidelines on a regular basis to ensure Council's standards and processes comply with current legislation and market changes.

Staff Training - Manly Council is committed to the training of Council staff in the procurement process from initiation of procurement to contract management.

9. NON COMPLIANCE

Non-compliance with this policy may result in disciplinary action and/or dismissal.

10. VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

This Policy is automatically amended as a result of any changes to the Local Government Act 1993, the Local Government (General) Regulation 2005, or other amending legislation, it being noted that the Act and Regulations take precedent over the Council's Policy.

11. POLICY HISTORY

Minute No	Date of Issue	Action	Author	Checked by
	Feb 2012	Draft	DGM PPI	IEJ - Legal
This document is to be reviewed every 2 years				