

COUNCIL MEETING

AGENDA

19 March 2016

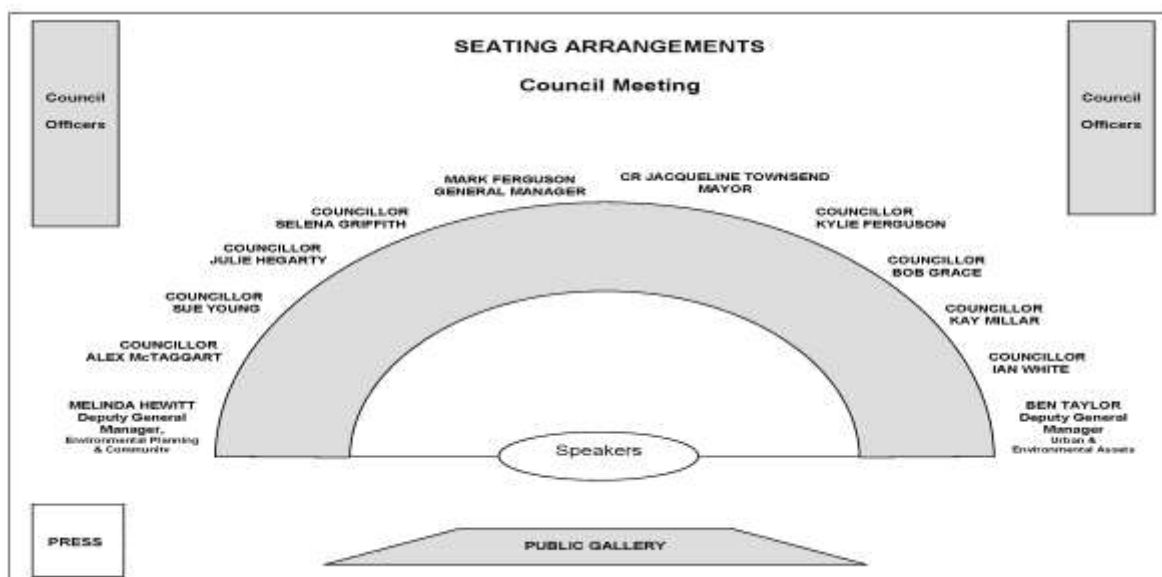
Commencing at 9.00am

Mona Vale Memorial Hall
1 Park Street, Mona Vale

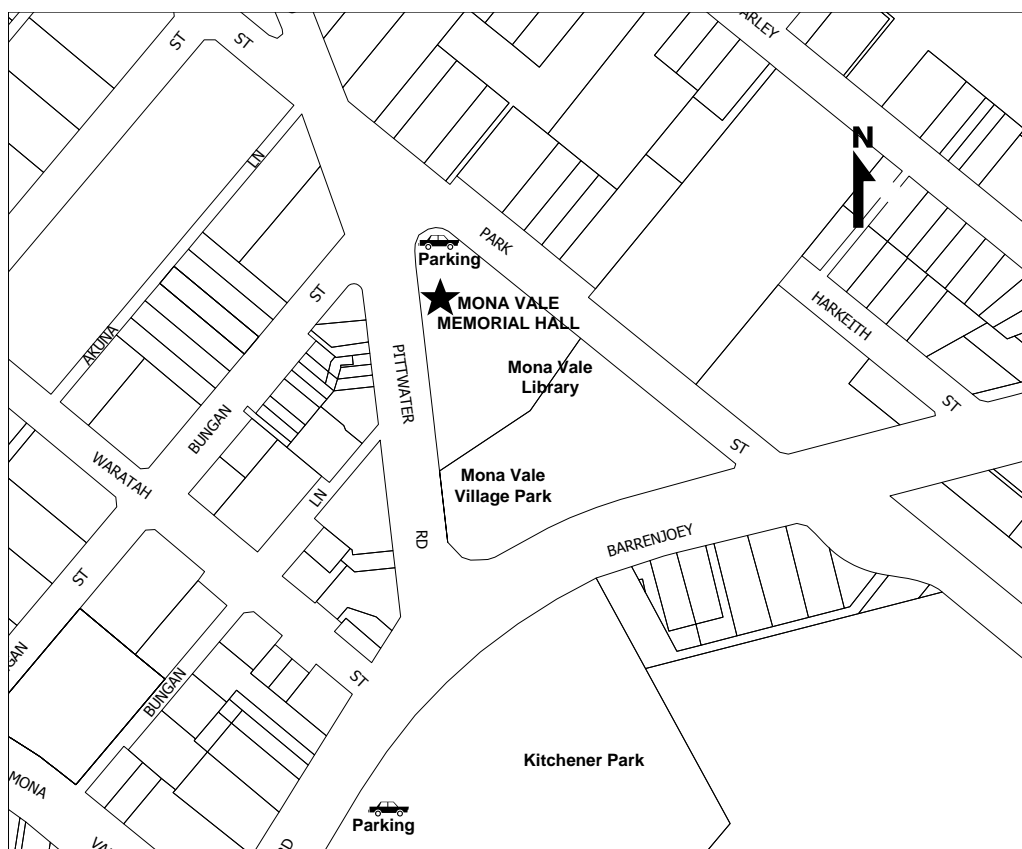
M J Ferguson
General Manager



Seating Arrangements



Meeting Location



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

Acknowledgement of Country

**Pittwater Council honours and respects the spirits of the
Guringai people.**

**Council acknowledges their traditional custodianship of
the Pittwater area.**

Statement of Respect

**Pittwater Council promotes and strives to achieve a climate of respect
for all and endeavours to inspire in our community shared civic pride by
valuing and protecting our unique environment, both natural and built,
for current and future generations.**

**We, the elected members and staff of Pittwater Council, undertake to
act with honesty and integrity, to conduct ourselves in a way that
engenders trust and confidence in the decisions we make on behalf
of the Pittwater Community.**

IMPORTANT NOTE FOR COUNCILLORS

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

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

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

Item No	Item	Page No
C11.3	Tender T12/15 - Operation & Management of Monthly Markets at Governor Phillip Park, Palm Beach	27
C12.1	Warriewood Valley Open Space - Southern Component of Central Local Park (Sector 9)	123

Mark Ferguson
GENERAL MANAGER

Council Meeting

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Appendix 1 - Confidential Items		

CONFIDENTIAL CLAUSE

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

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

Confidential - Tender T12/15 - Operation & Management of Monthly Markets at Governor Phillip Park, Palm Beach

Confidential - Warriewood Valley Open Space - Southern Component of Central Local Park (Sector 9)

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

Council Meeting

1.0 Public Forum

GUIDELINES FOR RESIDENTS - PUBLIC FORUM

Objective

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

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

Mark Ferguson
GENERAL MANAGER

2.0 Resident Questions

RESIDENT QUESTION TIME

Objective

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

The following guidelines apply to any person addressing a Council / Committee meeting in relation to a Resident Question:

- 1. Residents Question Time is conducted at the commencement of the second Council Meeting of the month and prior to the handling of General Business.*
- 2. A maximum of 10 minutes is allocated to Residents Question Time.*
- 3. Each Resident is restricted to two (2) questions per meeting.*
- 4. All questions are to be in writing or made electronically and lodged with the General Manager no later than 6.15pm on the day of the Council meeting at which it is to be considered.*
- 5. Questions must be precise and succinct and free of ambiguity and not contain any comments that may be offensive, defamatory or slanderous in any way.*
- 6. A brief preamble may accompany the question to clarify the issue however only the actual question will be included in the minutes of the Council meeting.*
- 7. Responses to residents questions made at the meeting will also be included in the minutes of the Council meeting.*
- 8. Resident's questions taken on notice shall be the subject of a report to Council setting out both the question and response and shall be included in the agenda at the second meeting of the month following the resident's question.*
- 9. There will be no debate or questions with, or by, Councillors during / following a resident question and response.*

3.0 Apologies

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

4.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts

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

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

- "(1) [**Pecuniary interest**] A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
- (2) [**Remoteness**] A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."

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

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

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

* A reportable political donation is a donation of:

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

5.0 Confirmation of Minutes

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

Minutes of the Council Meeting held on 7 March 2016.

6.0 Public Addresses

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

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

Exceptions to these requirements may apply where:

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

7.0 Councillor Questions with Notice

Nil.

8.0 Mayoral Minutes

Nil.

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

10.0	Council Meeting Business
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C10.1	Notice of Motion - NSW Government Merger Proposals (Submitted by Cr Grace)
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Meeting: Council

Date: 19 March 2016

NOTICE OF MOTION

Background

Nil.

Motion

- 1. That Pittwater Council support Woollahra Council in its opposition to the State Government's forced amalgamations.*
- 2. That Pittwater Council seek urgent information from Woollahra Council regarding their proposed legal proceedings against the NSW Government merger proposal process and that this information be provided to Councillors as soon as received.*
- 3. That following the receipt of this information from Woollahra Council Pittwater Council seek approval to join them in these proceedings by whatever means Council recommends.*

Cr Bob Grace

Leading and Learning Committee

11.0 Leading and Learning Committee Business

C11.1 6 Month Management Report - July-December 2015

Meeting: Leading & Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: **Corporate Management**

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision-making processes

DELIVERY PROGRAM ACTION:

- Continue integration of all Council Plans within the Integrated Planning and Reporting Framework.
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The 6 month management report outlines the outcomes which have been undertaken during the July – December 2015 reporting period. These outcomes provide an overview of progress which Council have made in addressing the priorities of the Community Strategic Plan and 4 Year Delivery Program. This report measures progress of the multiple activities over the six month period (July-December 2015) against the actions outlined in the Delivery Program and Budget 2015-2019. Over these past six months examples of some major projects are:

- Warriewood Beach amenities
- Improved lighting infrastructure at Careel Bay Sports Fields
- Careel Bay estuary rehabilitation of boat ramp and wharf
- Bilgola Beach Access Ramp
- Clareville Beach picnic facilities upgrade
- Rocket Park amenities project
- Footpaths at Garden Street to Jackson's Road
- Works to Elanora Heights Commercial Centre

Other highlights include:

- Approximately 8,500 bookings for the community centre
- Pittwater Council's Stormwater Strategy was endorsed
- Sustainability workshops were held with a total of 146 attendees
- Work with Transport for NSW toward the development of the B-Line program continued
- Council continued to implement energy saving and emission reduction projects. Council also increased its energy monitoring and capacity by accessing energy interval electricity data for 67 sites.

2.0 RECOMMENDATION

That Council notes the progress being made within the 6 months from July-December 2015 towards the completion of actions identified as part of the 2015-2019 Delivery Program and Budget.

3.0 BACKGROUND

3.1 PURPOSE

Under the Local Government Act 1993 and the Local Government (General) Regulation 2005 Council undertakes a suite of planning and reporting activities which operate as part of the organisations strategic framework. These activities include the planning and delivery of the 10 year Community Strategic Plan, 4 year Delivery Program, Annual Report and 6 month Management Plans.

Council undertakes these to ensure an integrated approach to planning and reporting which strengthens the strategic focus and responsiveness to key priority areas of the community strategic plan. Reported every 6 months, the management plan is to provide progress of actions the organisation is working toward to achieve the 2015-2019 Delivery Program and Budget.

This document is also produced to communicate and inform the community about priorities and projects we are progressing for the benefit of the community.

3.2 BACKGROUND

The report management plan reports our actions against the 5 Key Directions of the Community Strategic Plan and their corresponding 12 strategies. Detail provided by each business unit outlines how the organisation is progressing each of the actions for the July-December 2015 period.

3.3 POLICY IMPLICATIONS

Nil

3.4 RELATED LEGISLATION

Under the Local Government Act 1993 and the Local Government (General) Regulation 2005

3.5 FINANCIAL ISSUES

3.5.1 Budget

Budget results per Key Direction and associated Strategies are all detailed in the Financial Report for the Period ending 31 December 2015 of the 2015-2019 Financial Year that was presented to Council 15 February 2016.

3.5.2 Resources Implications

Nil

4.0 KEY ISSUES

The six month management report indicates that Council is on track to achieve the designated actions by year end.

Key Direction	Actions Progressing	Actions Completed	Actions not progressing
Key Direction 1	91%	8%	1%
Key Direction 2	99%	1%	
Key Direction 3	82%	18%	
Key Direction 4	79%	21%	
Key Direction 5	80%	20%	

*Action not progressing July-Dec 2015: Lot 3 is no longer progressing due to community concern and a Council resolution. Church Point rezoning is on hold at this point in time.

5.0 ATTACHMENTS / TABLED DOCUMENTS

Tabled Document: 6 Month Management Report – July-December 2016

6.0 SUSTAINABILITY ASSESSMENT

The following sustainability assessment documents how Council is progressing actions against the quadruple bottom line reporting.

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

Pittwater Council has continued to deliver and improve community engagement processes on the projects and programs that affect Pittwater residents. Council employs a framework approach and develops project specific community engagement plans for projects that respond to unique demands and complexity of issues affecting identified stakeholders and general residents.

Council continues to resource and support Community Reference Groups to provide advice to Council across the relevant key strategies and directions of Our Pittwater 2025 - our community strategic plan. The reference groups considered a range of topics at the eight meetings held during the six month reporting period. Community Reference Groups will be informed about the 6 month management plan once endorsed by Council.

6.1.2 Risk Management

A process improvement review of the Tennis Booking System was completed. A number of process inefficiencies and weaknesses were identified and improvements recommended. In addition, an Internal Audit review of Development Applications was completed, the scope of which focussed on the general control environment, as well as the effectiveness and efficiency of the process. A number of controls weaknesses and process issues were identified, with improvements recommended. More detailed process improvement work will be performed during 2016 as part of the transition to a new Council.

Council's strategic risks were reviewed and updated and current controls reviewed to ensure they were still relevant. The Enterprise Risk Management Plan endorsed in Dec 2014 is currently being reviewed and a risk appetite will be developed and included in the ERMP when updated. Council's guidelines relating to "Protection of children and young people" reviewed and updated. Council's electronic Risk register is updated regularly and summary reports provided to Management when required.

The Draft McCarrs Creek, Mona Vale and Bayview Flood Study report was submitted to Council and OEH for review. Reporting for the draft Avalon to Palm Beach Floodplain Risk Management Study and Plan was in preparation, with the Community Working Group members presented with a range of flood mitigation options for consideration.

The Narrabeen Lagoon Floodplain Risk Management Study and Plan was progressed by Warringah Council and a presentation by the consultant on potential management options was brought to the Community Working Group.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

Pittwater Council's Stormwater Management Strategy 2015-2019, and its recommendations on water quality improvements were endorsed by Council. Project staging of mainstream and overland flow impacted areas continued under Council's Floodplain Management program.

Noxious and environmental weeds are targeted as part of the annual bushland contracts and any grant-funded projects-this has been ongoing throughout the first 6 months of the 2015/16 year. Council has again been successful in obtaining grant funding under the Weed Action Plan (WAP) and Year 1 of the 2015-2020 program has commenced, which targets select Class 1 to 4 listed noxious weeds on both public and private land.

Twenty-one events were held between July and December 2015 to promote Bushcare, retention of native vegetation and habitat on private land and weed identification and control. These included eleven native plant giveaway events and ten field days/planting events, some of which were a component of current Council grant projects.

A review of Council's Climate Change Policy 176 was adopted in October to provide clearer definitions of climate change mitigation and adaptation. The Climate Action Plan Framework was noted as a corporate working document and updated with the most recent science. Climate change impact considerations continued to be incorporated into flood and coastal hazard studies and assessments. A revised climate change risk assessment was progressed with internal stakeholders.

6.2.2 Mitigation Measures

The final draft of the publicly exhibited Coastal Zone Management Plan for Bilgola Beach and Basin Beach was submitted to the Minister in November. Council is awaiting feedback on the draft Plan. Further announcements were made in November on the NSW Coastal Reforms including the release of public exhibition materials for comment and the release of the Coastal Management Bill 2015.

Staff participated in Office of Environment and Heritage and Department of Planning and Environment workshops which were specific to the NSW Coastal Reforms on the Coastal Management Bill, Statement of Intent of draft State of Environment Planning Policy and the draft Coastal Management Manual. Updates were made to the Estuarine Planning Levels following adoption of the Pittwater Estuary Mapping of Sea Level Rise Impacts Study.

The Pittwater Estuary Mapping of Sea Level Rise Impacts was adopted in October following community consultation and planning notations were updated in line with the NSW Planning Circular. The final draft Coastal Zone Management Plan for Bilgola Beach and Basin Beach was submitted to the Minister. Beach erosion inspections were undertaken following significant storm/tidal events. Public exhibition materials released following the NSW Coastal Reforms update in November were considered with the aim of providing a Council submission in February 2016.

6.3 SOCIAL

6.3.1 Address Community Need & Aspirations

Council received Australian Institute of Property Award for the restoration of Midholme at Currawong. The State Park Advisory Trust is currently undertaking a Place Planning process to ensure effective management of Currawong into the future.

Pittwater Council's Community Development team has continued to respond to priorities identified in the Social Plan as part of the July-Dec 2015 period. These actions have included the progress of a broad scope of initiatives which include:

- parent support initiatives – such as project 'Wildthing'
- education and prevention initiatives with the Community Drug Action Team
- representation at the Domestic Violence Network
- continued provision of demographic information
- development of Youth Action volunteering
- Drop-In on Dementia services
- Opal card seniors events

The implementation of the Northern Beaches Flood and Coastal Storm Education Strategy included the roll-out of nine pop-up exhibitions in conjunction with markets held across the northern beaches in November to December under the banner of 'Floods, Fires & Storms happen here!' The curated exhibition of local hazard photos was attended by emergency services and council staff and raised awareness of local hazards. Two stakeholder workshops on 'Get ready: Emergency Planning for Children's Services' were held in October and November, encouraging the development of emergency plans within childcare businesses.

6.3.2 Strengthening local community

Council conducts five citizenship ceremonies a year. Nearly 170 citizens were welcomed during this period. This continues to be an occasion that grows in terms of participation and community spirit. Pittwater is proud of the involvement of our volunteers in providing support and services to the community. In recognition of this hard work and commitment a volunteer reception was held in December to acknowledge and thank Pittwater residents who selflessly give up their time.

Connecting and partnering with community arts organisations and individuals to support cultural initiatives and events throughout Pittwater. Council which partnered with local musicians, Council's "Summer Sessions" program encourages local artists by supporting community events and exhibitions which include; Avalon Art Carnival, Pittwater Community Arts annual exhibition and the Pittwater Artists Trail open weekends.

The Youth and Families team has successfully recruited 12 young people to form a Youth Consultants Group, as well as developing the Youth Action Group comprising 30 young volunteers. The team has established their social media presence through Facebook and Instagram. Staff continued their support of inter-agencies and forums including sitting on the Headspace consortium and involvement in the Northern Beaches Project. A Youth Health Hub is being explored in consultation with a number of youth agencies in Northern Sydney.

The picnic facilities at Clareville Beach have been upgraded. The works included installation of extra garbage receptacles, protection of established trees through the creation of garden beds decomposed granite pathways, bike racks and car park upgrade Foreshore stabilisation, the creation of a picnic area and the installation of dinghy storage racks was carried out at Careel Bay Foreshore.

6.4 ECONOMIC

6.4.1 Economic Development

Planning for the 2016 Food and Wine Fair has commenced. Palm Beach Markets were held during this period. Mona Vale Market Day is an annual event held in November each year in conjunction with the Mona Vale Chamber of Commerce attracting large volumes of people.

There were approximately 8,500 bookings for the community centre network for this six month period. There was a 5% increase in the number of hall bookings for this six month period in 2015, compared to the same period in 2014. All community centres continue to be in high demand by the community. A diverse range of activities were held, catering for a broad range of ages, abilities and interests. Programs offered include health, relaxation, fitness, dance, music, personal development, art, photography, bridge, sports, drama, tennis, theatre, martial arts, education, language, events, workshops and exhibitions. There are also numerous community groups who run programs in the community centres. Staff has given ongoing support to all hirers and implemented the risk management framework. 99.5% of application to hire requests for the use of the community centres is being done on-line. Overall, 70% utilisation of community centres during peak periods.

The Place Management team have provided a targeted support for retail, creative industries through Chamber / PBL business networks and events. Ongoing work with Place Planning - Mona Vale, Newport profiles the contribution of these growth sectors, especially for the night time economy, employment generation and tourism leveraging opportunities.

Report prepared by
Tanja Ianošević, Corporate Planner

Jane Mulroney
MANAGER, COMMUNITY ENGAGEMENT & CORPORATE STRATEGY

C11.2 Investment Balances as at 29 February 2016

Meeting: Leading and Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To Ensure Council's Future Financial Sustainability

DELIVERY PROGRAM ACTION:

- To Provide Effective Investment of Council's Funds
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

- The net investment return as at 29 February 2016 is \$722,474.
 - All investments have been made in accordance with the NSW Local Government Act, 1993, the Local Government (General) Regulations and Council's Investment Policy.
-

2.0 RECOMMENDATION

That the information provided in the report be noted.

3.0 BACKGROUND

3.1 PURPOSE

To provide Council and the Community with information concerning Council's monetary investments

3.2 BACKGROUND

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

3.3 POLICY IMPLICATIONS

Council's Investment Policy (No 143)

3.4 RELATED LEGISLATION

Regulation 212 of the Local Government (General) Regulation, 2005, states that a report listing Council's investments must be presented. The responsible Accounting Officer certifies that all investments have been made in accordance with Section 625 of the NSW Local Government Act, 1993, the Local Government (General) Regulations and Council's Investment Policy (No 143).

3.5 FINANCIAL ISSUES

3.5.1 Budget

- The net investment return as at 29 February 2016 is \$722,474
- The projected investment return budget for the financial year (subject to quarterly budget review) is \$1,119,938

3.5.2 Resources Implications

Nil Implication

4.0 KEY ISSUES

4.1 MONTHLY RETURN

Investment return for the month of February 2016:	
Term deposits interest income:	<u>\$83,922</u>
Net investment return for February 2016:	<u>\$83,922</u>

YEAR TO DATE RETURN

Investment return year to date February 2016:	
Term deposits interest income:	<u>\$722,474</u>
Net investment return year to date:	<u>\$722,474</u>

Projected investment return budget for financial year: \$1,119,938

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

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

Year to	Net Return	Return on average funds invested
June 2012	\$1,679,693	6.4%
June 2013	\$1,656,908	4.8%
June 2014	\$1,227,105	3.8%
June 2015	\$1,150,799	3.3%
February 2016	\$722,474	2.9%
Projected Budget	\$1,119,938	2.8%

5.0 ATTACHMENTS

Attachment 1: Investment Balance Table and Associated Graphs

6.0 SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement
Not Applicable

6.1.2 Risk Management
Investments and Interest Income form a part of Council's 2015/16 Budget. Investment risk is mitigated by Council's conservative portfolio structure and compliance with associated legislation and regulations.

6.2 ENVIRONMENT

6.2.1 Environmental Impact
Not Applicable

6.2.2 Mitigation Measures
Not Applicable

6.3 SOCIAL

6.3.1 Address Community Need & Aspirations
Not Applicable

6.3.2 Strengthening Local community
Not Applicable

6.4 ECONOMIC

6.4.1 Economic Development
Investments and Interest Income form a part of Council's 2015/16 Budget.

Report prepared by
Renaë Wilde, Senior Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER



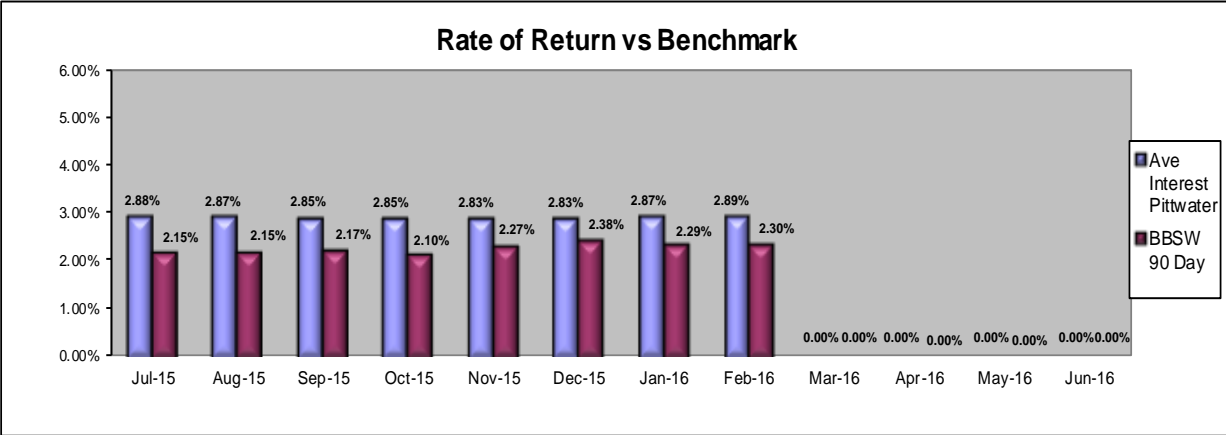
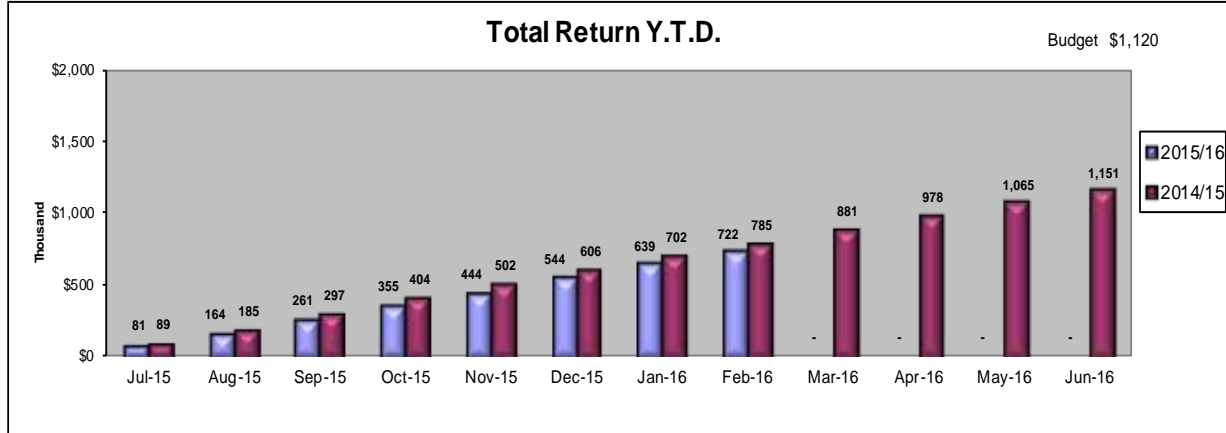
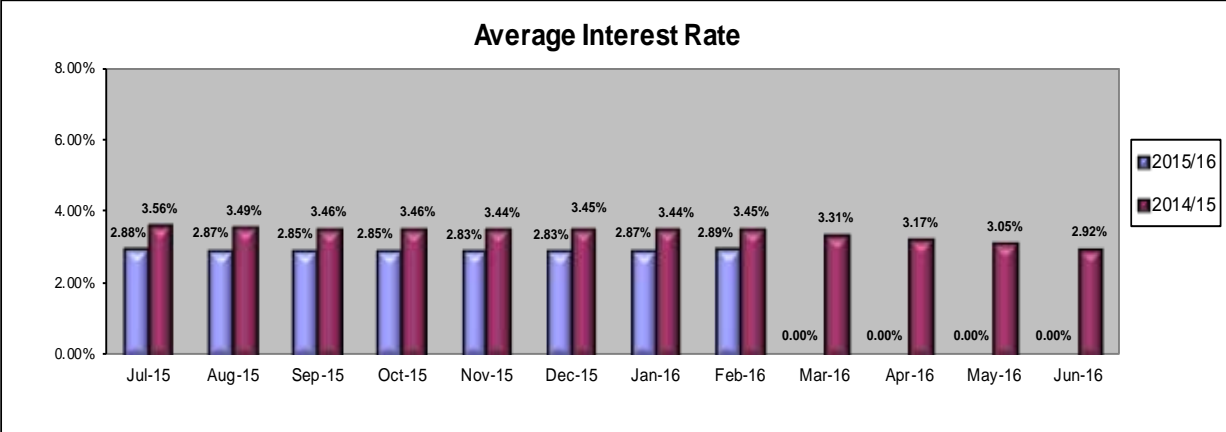
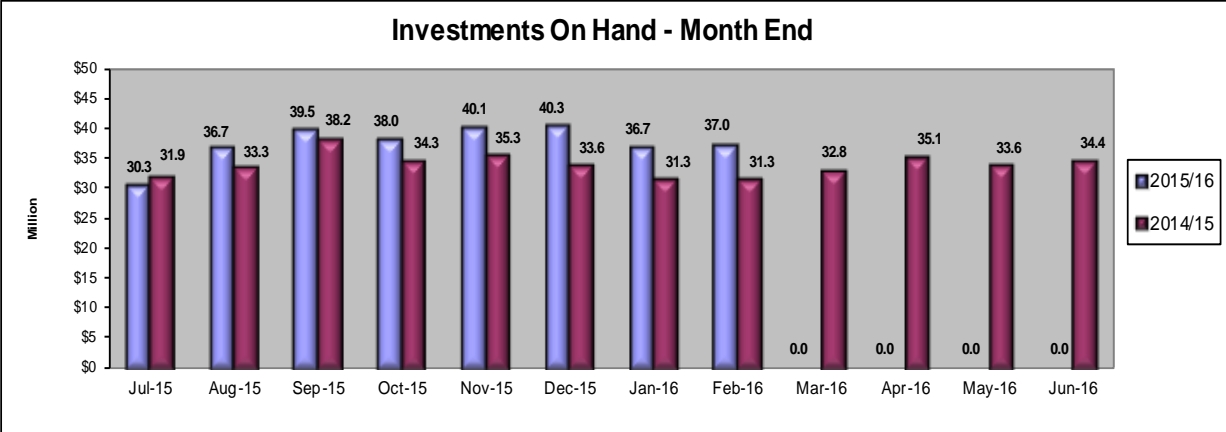
PITTWATER COUNCIL

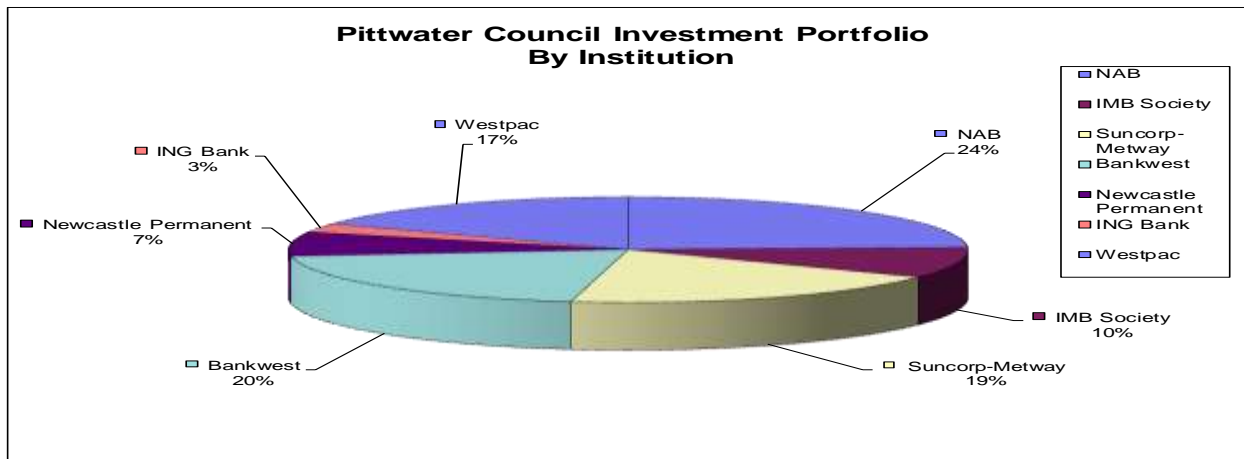
INVESTMENT BALANCES

As at 29th February 2016

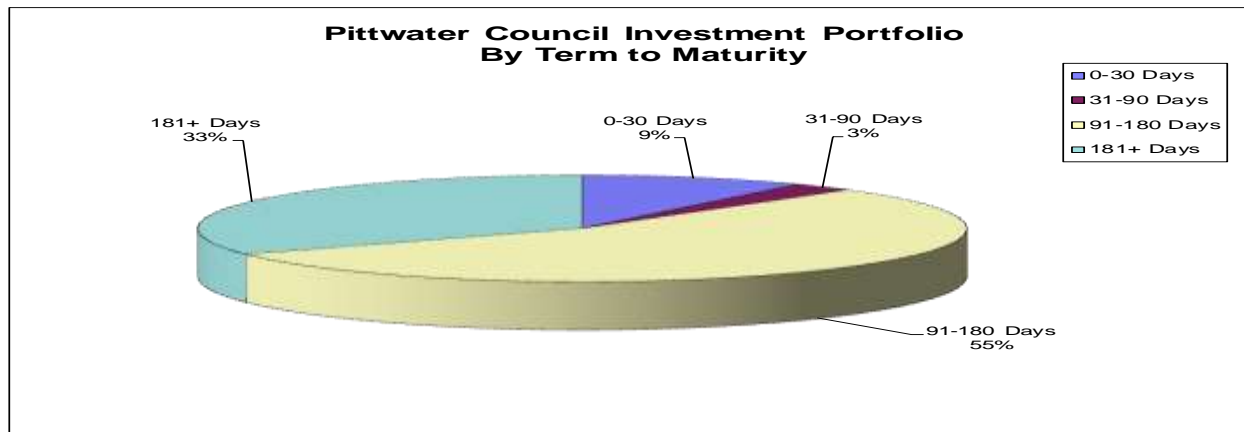
TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA-	3,500,000.00 *	At Call	At Call	1	2.50%
At Call Total			3,500,000.00				
Term Dep	IMB Society	BBB+	1,000,000.00	2-Sep-15	7-Mar-16	187	2.80%
Term Dep	IMB Society	BBB+	1,000,000.00	2-Sep-15	4-Apr-16	215	2.80%
Term Dep	IMB Society	BBB+	500,000.00	8-Sep-15	29-Mar-16	203	2.80%
Term Dep	IMB Society	BBB+	1,000,000.00	6-Oct-15	18-Apr-16	195	2.80%
Investee Total			3,500,000.00				
Term Dep	Suncorp-Metway	A+	500,000.00	2-Sep-15	7-Mar-16	187	2.84%
Term Dep	Suncorp-Metway	A+	500,000.00	8-Sep-15	29-Mar-16	203	2.90%
Term Dep	Suncorp-Metway	A+	1,000,000.00	14-Sep-15	11-Apr-16	210	2.85%
Term Dep	Suncorp-Metway	A+	750,000.00	23-Nov-15	23-May-16	182	2.85%
Term Dep	Suncorp-Metway	A+	1,000,000.00	30-Nov-15	30-May-16	182	3.00%
Term Dep	Suncorp-Metway	A+	1,000,000.00	21-Dec-15	20-Jun-16	182	3.10%
Term Dep	Suncorp-Metway	A+	500,000.00	8-Feb-16	4-Jul-16	147	2.93%
Term Dep	Suncorp-Metway	A+	1,000,000.00	15-Feb-16	15-Aug-16	182	3.10%
Term Dep	Suncorp-Metway	A+	750,000.00	22-Feb-16	18-Jul-16	147	2.95%
Investee Total			7,000,000.00				
Term Dep	Bankwest	AA-	1,000,000.00	8-Sep-15	21-Mar-16	195	2.80%
Term Dep	Bankwest	AA-	1,000,000.00	26-Oct-15	21-Mar-16	147	2.85%
Term Dep	Bankwest	AA-	1,000,000.00	16-Nov-15	14-Mar-16	119	2.90%
Term Dep	Bankwest	AA-	1,000,000.00	10-Dec-15	11-Apr-16	123	3.00%
Term Dep	Bankwest	AA-	1,000,000.00	10-Dec-15	26-Apr-16	138	3.00%
Term Dep	Bankwest	AA-	1,000,000.00	4-Jan-16	16-May-16	133	3.00%
Term Dep	Bankwest	AA-	500,000.00	1-Feb-16	23-May-16	112	2.95%
Term Dep	Bankwest	AA-	1,000,000.00	8-Feb-16	23-May-16	105	2.95%
Investee Total			7,500,000.00				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	4-Jan-16	2-May-16	119	3.00%
Term Dep	Newcastle Permanent	BBB+	750,000.00	1-Feb-16	9-May-16	98	3.00%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	29-Feb-16	6-Jun-16	98	3.00%
Investee Total			2,750,000.00				
Term Dep	Westpac	AA-	1,000,000.00	2-Nov-15	21-Mar-16	140	2.82%
Term Dep	Westpac	AA-	1,000,000.00	10-Dec-15	26-Apr-16	138	3.05%
Term Dep	Westpac	AA-	750,000.00	14-Dec-15	9-May-16	147	3.07%
Term Dep	Westpac	AA-	750,000.00	21-Dec-15	16-May-16	147	3.05%
Term Dep	Westpac	AA-	750,000.00	18-Jan-16	18-Apr-16	91	3.00%
Term Dep	Westpac	AA-	1,000,000.00	23-Feb-16	18-Apr-16	55	3.00%
Term Dep	Westpac	AA-	1,000,000.00	29-Feb-16	20-Jun-16	112	2.99%
Investee Total			6,250,000.00				
Term Dep	ING Bank	A-	1,000,000.00	2-Nov-15	2-May-16	182	2.81%
Investee Total			1,000,000.00				
Term Dep	NAB	AA-	1,000,000.00	2-Sep-15	14-Mar-16	194	2.88%
Term Dep	NAB	AA-	1,000,000.00	7-Dec-15	14-Mar-16	98	2.90%
Term Dep	NAB	AA-	500,000.00	14-Dec-15	6-Jun-16	175	3.00%
Term Dep	NAB	AA-	1,000,000.00	8-Jan-16	27-Jun-16	171	3.10%
Term Dep	NAB	AA-	1,000,000.00	15-Feb-16	14-Jun-16	120	3.00%
Term Dep	NAB	AA-	1,000,000.00	22-Feb-16	14-Jun-16	113	3.02%
Investee Total			5,500,000.00				
Feb BBSW Close							2.30%
TOTAL INVESTMENTS			\$37,000,000.00				

Note: Investments denoted with an * are held in Cash and Cash Equivalents in Council's Balance Sheet along with Cash at Bank and Floats.
All other investments are held as Investment Securities in Council's Balance Sheet

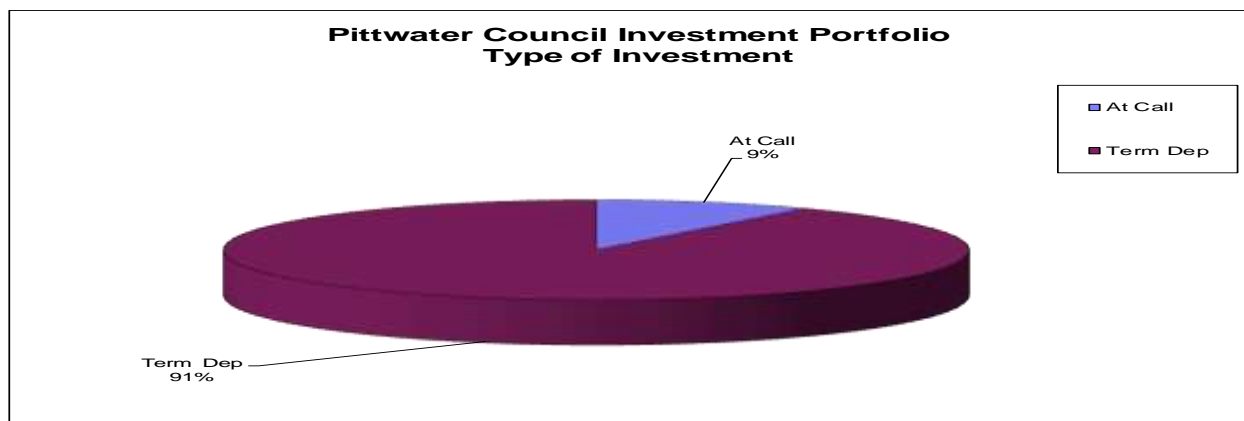
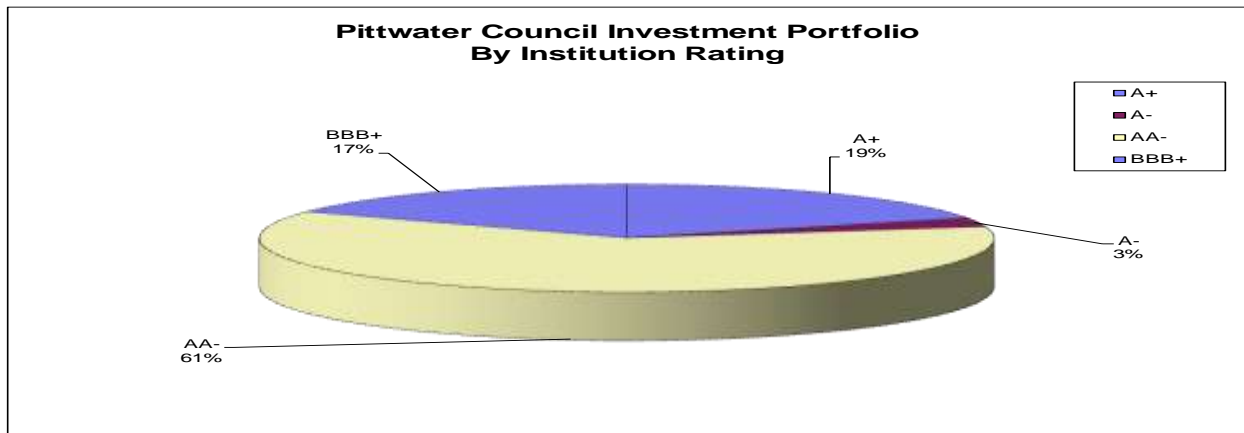




Note: Council Policy - No Institution can hold more than 25% of Council's Total Portfolio



Note: Council Policy - No Term to Maturity can be greater than two years



Investment Information:

Types of Investments -

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

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

Credit Rating Information -

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

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

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

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

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

C11.3	Tender T12/15 - Operation & Management of Monthly Markets at Governor Phillip Park, Palm Beach
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Meeting: Leading and Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Building Communities

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To increase social cohesion by encouraging involvement in community organisations, networks, events and activities

DELIVERY PROGRAM ACTION:

- Facilitate a number of outdoor events e.g. Food and Wine Festival, Market Days
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

To consider, in accordance with Clause 177 of the Local Government (General) Regulation, the Tender Evaluation Panel's (TEP) recommendations following its assessment of the tenders received for Tender T12/15 - Operation and Management of Monthly Markets at Governor Phillip Park at Palm Beach.

2.0 RECOMMENDATION

That the Recommendations for Tender T12/15 Operation and Management of Monthly Markets at Governor Phillip Park at Palm Beach as contained within the Confidential Section of this Agenda, be adopted.

3.0 BACKGROUND

3.1 PURPOSE

To seek Council approval for the award of a licence to the recommended tenderer for T12/15 - Operation and Management of Monthly Markets at Governor Phillip Park at Palm Beach.

3.2 BACKGROUND

- 3.2.1 Palm Beach Markets has been operating at Governor Phillip Park at Palm Beach since its inception in 2008 and is a Council operated market.
- 3.2.2 The market has operated on the fourth Sunday of the month, seven times per year in the months of February, March, April, May, September, October and December.
- 3.2.3 It is now considered more sustainable for the market to be run by a private operator on a monthly basis but with increased trading to 11- 12 months of the year.

- 3.2.4 Council is seeking an Operator who will provide the following:
- a market setting which complements the reserve
 - a large variety of stalls selling items of a high quality
 - the highest possible standards of service and safety
 - maintenance of the amenity and existing recreational use of the reserve with minimal interference from the Licensee's operation.
- 3.2.5 A licence to operate the market is to be offered for a one (1) year period with an optional extension of two (2), one (1) year periods.

3.3 POLICY IMPLICATIONS

- Markets are a permitted use not requiring development consent in the Plan of Management for Governor Phillip Park.

3.4 RELATED LEGISLATION

- Governor Phillip Park is Crown Land with Council having care, control and management of the reserve.

3.5 FINANCIAL ISSUES

3.5.1 Budget

- Income to be received from the operation of the market is referred to in the confidential report.

3.5.2 Resources Implications

- The resource implications of managing the market in its current format by Council staff is resource intensive. The proposal to outsource the operation of the market to a private operator will alleviate the impact on staff resources and also increase the viability of the market by increasing the months of operation.

4.0 KEY ISSUES

4.1 Call for Tenders

The tenders were called in accordance with Section 55 of the Local Government Act and have been assessed in accordance with Clause 177 of the Local Government (General) Regulation. The Tender was coordinated and facilitated by Procurement staff in conjunction with the Principal Officer – Reserves & Recreation and the A/Manager- Place Management.

The tender process was via an open tender invitation to the market with the issue of a licence for a one (1) year period with two (2) optional extensions of one (1) year being available upon successful performance.

Tender documents were available for sale via Mona Vale Customer Service and through the Electronic tender portal Tenderlink on Wednesday, 20 January 2016. Tender documentation included the Conditions of Tender, Schedules, the Services Specification, and the General Conditions of Contract. Pricing tendered was on a Schedule of Rates basis.

4.2 Receipt of Tenders

As per the call for tenders, the tenders could be received via the Tender Box located at Park Street Mona Vale or via Council's Tenderlink portal prior to the specified tender closing date 19 February 2016.

4.3 Tender Opening & List of Tenders Received

At the specified tender opening time, two (2) tenders were received via Tenderlink. Tenderers are listed as follows:

Choulartons Australia Pty Ltd
The Parklife Partnership

4.4 Outline of Tender evaluation process

Tenders contain commercial in confidence information. As such under Section 10A (2) of the Local Government Act, the detailed assessment of tenders is included in the confidential section of this Agenda.

A Tender Evaluation Panel (TEP) was specifically formed to confidentially assess the tenders received. The TEP has provided a confidential assessment with covering report and recommendations for formal consideration by Council. The TEP takes into consideration the following steps as part of its confidential assessment:

- Probity checks including a declaration as to any conflict of interest or pecuniary interest associated with the tender
- Initial assessment & cull – this assesses compliance with the call for tender requirements and any company not conforming is culled (not considered further) from the next stages of the tender assessment process
- Detailed assessment of remaining tenders then takes place, including performance against the tender evaluation criteria. The tender was assessed using the following criteria:

	EVALUATION CRITERIA	REQUIRED INFORMATION	SCORE
1.	Compliance with Conditions of Tender and submission of all documentation required by the Invitation to Tender	Submission of all Forms	Mandatory
2.	Financial capacity	Form 1	Mandatory
3.	Compliance with WHS legislation and the requirements of Workcover Authority of NSW	Form 2	Mandatory
4.	Insurance	Form 3	Mandatory
5.	Form of Tender Compliance	Form 4	Mandatory
6.	Statutory Declaration	Form 5	Mandatory
7.	Non-compliances and Qualifications	Form 6	Mandatory
8.	Environmental Sustainability Questionnaire	Form 7	10%
9.	Financial Offer and Organisational Capacity – see explanatory notes in Form 8	Form 8	35%
10.	Experience in Managing Similar Operations	Form 9	25%
11.	Products and Services Offered	Form 10	10%
12.	Ability to meet Key Objectives	Form 11	15%
13.	Net Community Benefit	Form 12	5%

5.0 ATTACHMENTS / TABLED DOCUMENTS

Confidential Tender Evaluation Report provided in Confidential Section of the Agenda.

6.0 SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

- Community consultation was not required as part of the tender process, however the Tender was advertised within the community, and Tenders were received from local market operators.

6.1.2 Risk Management

- The tender process includes an assessment of Work Health and Safety policies, procedures and risk assessment documents of the tendering companies.
- The tender process also included the tenderers organisational capacity and capability to manage the operation of a monthly market.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

- The tender documentation included a questionnaire covering aspects of environmental sustainability to emphasise Council's commitment to our local environment. Tenderers provided information relating to products offered for sale at the market, waste management and recycling, and were scored accordingly.

6.2.2 Mitigation Measures

- Council's Events Officer will carry out regular random audits of the site to ensure the contractor is complying with the requirements of the licence. Council's Field Operations Supervisor will inspect the site post market to review impact on reserve.

6.3 SOCIAL

6.3.1 Address Community Need & Aspirations

- Markets are an excellent example of best practice due to their success at place making. They create vibrant places for people to explore and they evoke a strong sense of belonging to a community.
- People come to the markets with the expectation that they will connect with someone they know.

6.3.2 Strengthening local community

- Markets build strong communities by providing the community with a cost effective, social and interesting way to do their shopping, in an idyllic location with a relaxed atmosphere.

6.4 ECONOMIC

6.4.1 Economic Development

- Markets provide new businesses with an opportunity to test their products and gauge customer satisfaction first hand. The markets also provide community groups with a way to reach out to the community to promote their projects and raise funds.
- An enhanced program of events serves to attract people to the Pittwater LGA promoting it as a desirable place to live, visit and recreate, which in turn has many varied economic benefits.

Report prepared by

Nikki Griffith
A/MANAGER, PLACE MANAGEMENT

C11.4	Report on Conference Attendance - NSW Public Libraries Association SWITCH 2015 - Cr Julie Hegarty
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Meeting: Leading and Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision-making processes
- To ensure local democratic representation
- To engage proactively with the community in a way that is consistent, appropriate and effective
- To ensure effective and cooperative management by providing equitable and transparent business processes
- To facilitate timely, legible and accurate information to the public
- To ensure Council's future financial sustainability
- To foster shared resourcing through regional partnerships

DELIVERY PROGRAM ACTION:

- Leading an Effective and Collaborative Council and Enhancing our Working & Learning
-

1.0 EXECUTIVE SUMMARY

SUMMARY

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

Councillor Hegarty's report following her attendance at the NSW Public Libraries Association SWITCH 2015 Conference, held in Sydney from Tuesday 17 November to Thursday 19 November 2015 is attached (refer **Attachment 1**) for Council's information.

2.0 RECOMMENDATION

That the information provided in the report be noted.

3.0 BACKGROUND

3.1 PURPOSE

To advise Council of Councillor Hegarty's report following her attendance at the NSW Public Libraries Association SWITCH 2015 Conference, held in Sydney from Tuesday 17 November to Thursday 19 November 2015.

3.2 BACKGROUND

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

'Conference Reporting:

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

On 27 May 2015 by Delegated Authority that Councillor Hegarty attend the Local Government NSW 2015 Conference.

Councillor Hegarty's report is attached.

3.3 POLICY IMPLICATIONS

- Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors.

3.4 RELATED LEGISLATION

Local Government Act 1993

3.5 FINANCIAL ISSUES

3.5.1 Budget

- Sufficient monies were available in the current budget for the Councillors' attendance.

3.5.2 Resources Implications

- Nil implications

4.0 KEY ISSUES

- This report is in response to Council's Policy 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors – Conference Reporting.

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1 - Councillor Hegarty's report on her attendance at the NSW Public Libraries Association SWITCH 2015 Conference, held in Sydney from Tuesday 17 November to Thursday 19 November 2015.

6.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment is required for this report.

Report prepared by
Anna Power, Executive Assistant to Mayor & Councillors

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

**NSW PUBLIC LIBRARIES ASSOCIATION SWITCH 2015
17 - 19 NOVEMBER 2015 SYDNEY**

The President of the NSW Public Library Association, Cr Graham Smith from Cessnock Council, officially opened the conference, explaining the challenging times ahead for Local Government as a whole, but more importantly for us in the library sector. Funding challenges continue to plague the industry even though we continue to provide valuable services to our communities, as the face of local government.

The next speaker was Dr Alex Byrne, the State Librarian. Local Government provides 367 libraries across the state, so it is totally unacceptable that we have any residents suffering from poor literacy in NSW. Obviously the growth areas within our libraries are the requirement for internet access, computer access and power points for recharging. Connectivity and computer skills, for both young and old continue to drain resources from our library staff. However, it is really important to remember that digital literacy can grow people's lives and in a society where communication has changed from face to face to social media and email, this is an essential step to stop sectors of our community from feeling isolated. Libraries are an area of council that our community trusts and they look to us for help and assistance, it is free to all but we have to keep remembering that we are now a culturally and linguistically diverse community and that not everyone is the same. Of course the same issue arises at state level being lack of resources, especially funding for communities out west.

I loved the presentation from Siobhan Reardon, who was in Australia to present at conference from the "Free Library of Philadelphia". A sad issue that she faces, and tries to address, is that 50% of adults in her catchment have a literacy level equal to a grade 3 or less! Her business has 1200 employees, 60 locations (including hotspots) 25,000 annual programs, and a fundraising foundation. A bit bigger than Pittwater! She had to face a 30% cut in funding and couldn't close any libraries so they had to think about significant changes the business could take. It was all about partnerships - strategic and community orientated, bringing organisations together to achieve social change and help build organisational capacity. They started with culinary literacy by introducing cooking classes and nutrition. They introduced social workers at libraries to assist with people visiting the libraries' safe space. And of course there was the need to chase private sector money and philanthropy.

We heard from the previous year's Colin Mills Award winner 2014, who won a scholarship to visit libraries in the US. They were mainly family placed libraries that carried out strong early literacy programs within their libraries! With the employment of early childhood specialists, libraries were seen as a destination and focused on family participation in learning!

There was a fantastic presentation from Annalisa Armitage about finding our personal brand. And the fact that we make opinions about people in the very first couple of seconds we see them, based on what they look like, very interesting and insightful.

Sonia Toussaint gave a wonderful presentation as the Kath Knowles Young Leaders Award recipient in 2014. She researched the need and difficulty of providing access to library services to the vision impaired. From a tech background, her aim was that she wanted everything to be tech based, however it took on a life of its own and became all about people! She created a whole catalogue approach to allow vision impaired people to choose audio books, rather than their husbands or carers, who did have vision. It's great to see the thoughts of young people excelling.

The Pop Up Library Session was fantastic, where we had short presentations and then a Q&A with the different services tailored to their specific communities:

- Warringah – a caravan called Marilyn, which travels to events and holiday care programs.
- City of Sydney – a lawn library that travels to the council's festivals where there is a lawn!
- Randwick – a beach library at Coogee where you can just take a book and hopefully return it at a later stage.
- Blue Mountains - at the train station where they leave a little trolley for people to take books, some even bring the librarian breakfast!
- The Hills – a cardboard box library where one staff member can set it up at various festivals and it is actually made of cardboard boxes.
- Manly - Manafloat, was only at the ferry wharf and then they grew it so that it could go anywhere and then it turned into a virtual library which is a walk through their real library and you can see the books, click on them and it takes you directly to the ebook!
- Camden - Books Unbound which is a virtual library, they do take it out to events, however they are only really taking out iPads, banners and cute little tables and chairs and they educate the public how to use it at home.
- Gunnedah - Shop-Bound. The library is a refurbished shop on the Main Street and is open the same hours as the shops, so shop workers can't get there! So they now have a delivery service to one hundred businesses.

Jane Caro is always an inspirational speaker and focused on how money is not important, but energy and enthusiasm are! Council communication is usually about reactive ideas, and we often panic! Communication should be all about being warm and human and two ways. So Jane's "rules of marketing" are:

1. Under promise and over deliver - it's not hard and it's not expensive. And it's a lovely surprise.
2. Be customer centric - putting your customer's needs ahead of your own. In private schools, the parent is the customer, in public schools, the child is the customer, as they have a right to a public school education, just by being born.
3. All purchase decisions are made emotionally and then post rationalized - Only two emotions that change behavior are hope and fear! In marketing we need to increase people's hopes and decrease people's fears.
4. You have to give the purchases the ammunition they need to defend their choice - they purchase on hope or fear, but then you need to give them the rational answers as to why they bought it.
5. Go for the low hanging fruit - It's all about setting yourself up for success. Keep reassuring the committed customers how good you are! Don't take your core users for granted.
6. Lower purchases anxiety - we are living in a world of fear. People are fearful of being judged. Create non-judgmental spaces.
7. Raise staff morale - as customer's hope goes up, anxiety goes down, morale goes up.
8. Love what you do - if you don't love it, how can you expect anybody else to! Conviction matters.
9. And finally always remember what business you're actually in.

Cr Julie Hegarty

C11.5	Public Exhibition of the Avalon to Palm Beach Floodplain Risk Management Study and Plan
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Meeting: Leading and Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Disaster, Emergency & Risk Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To adhere to best practice risk management principles to facilitate more effective decision-making
- To manage public liability and risks associated with public infrastructure
- To increase community awareness on effective risk management
- To incorporate risk management in all business activities
- To plan for risks due to natural and manmade hazards

DELIVERY PROGRAM ACTION:

- Develop and implement programs to increase resilience to flood and coastal storms
 - Develop, review and implement flood and coastal storm risk studies and plans in accordance with NSW Government guidelines
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

Pittwater Council has been updating the flood modelling undertaken in the 2013 Careel Creek Catchment Flood Study and the 2013 Pittwater Overland Flow Flood study. The updated flood modelling looks at current catchment conditions, the potential impacts of climate change, overland flow paths and utilises the most up-to-date topographical data and floodplain modelling techniques.

The Avalon to Palm Beach Floodplain Risk Management Study and Plan then undertook a preliminary identification and assessment of 28 floodplain risk management options.

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

The Floodplain Development Manual states that both 'mainstream' flooding and 'overland' flooding should be considered together in floodplain risk management.

Provided Councils utilise the framework provided by the Floodplain Development Manual, and they have acted in good faith, Councils can provide themselves with indemnity under Section 733 of the Local Government Act, 1993.

The primary aim of the current draft Avalon to Palm Beach Floodplain Risk Management Study and Plan was to prepare a map of all properties predicted to be affected by both mainstream and overland flooding within the study area as well as identify potential flood mitigation and management options to reduce the flood risk within the catchments.

With the overarching aim of increasing safety for residents and businesses by managing the future damages from floods, the public exhibition of the Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan will be an invaluable resource for:

- applying for grant funding from the state government to complete the next stage – undertaking feasibility assessment of the preferred mitigation options, and
- Identification of properties that are subject to development controls related to both mainstream flooding and overland flooding.

2.0 RECOMMENDATION

1. *That the Avalon to Palm Beach Floodplain Risk Management Study and Plan (NSW Public Works, February 2016) (tabled at meeting) be placed on public exhibition for a minimum period of 28 days with submissions invited from the community, supported by a program of community engagement.*
2. *That the Section 149(5) Planning Certificate for the properties identified as flood prone as a result of the Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan be updated as an interim measure to raise awareness of the new flood information.*

3.0 BACKGROUND

3.1 PURPOSE

1. To ensure compliance with the NSW Government Flood Prone Land Policy and accompanying Floodplain Development Manual (2005)
2. To seek approval to undertake the consultation process for the notification of affected property owners (public exhibition of the Avalon to Palm Beach Floodplain Risk Management Study and Plan).
3. To apply Section 149(5) Planning Certificate advice to the properties affected by the new mapping within the Avalon to Palm Beach Catchments.

3.2 BACKGROUND

NSW Government's Floodplain Risk Management Process

Under the NSW Government's Flood Prone Land Policy, management of flood prone land is primarily the responsibility of Councils. The primary objectives of NSW Government Flood Prone Land Policy are to:

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

Under the NSW Government Flood Prone Land Policy, management of flood prone land is primarily the responsibility of councils. The Floodplain Management Process that councils follow in order to identify, understand and manage flood risk is outlined below:

- Establishment of the Floodplain Working Group - The Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group has been set up to satisfy the first stage of this process.
- Data collection (completed as part of the Flood Study)
- The Flood Study (completed) - defines the nature and extent of the flood problem.
- The Floodplain Risk Management Study (current stage) - assesses management options with respect to existing and proposed development.

- The Floodplain Risk management Plan (current stage) - provides Council with a management plan for the floodplain, and is often undertaken in conjunction with the Floodplain Risk Management Study.
- Implementation of the Plan involves enacting the recommendations of the Floodplain Risk Management Plan to mitigate flood risks to life and property.

Pittwater Council is continuing the next stages of the Floodplain Management Process with the Avalon to Palm Beach Floodplain Risk Management Study and Plan (the Study/Plan). The Study/Plan identifies possible flood mitigation and management options for the study area of Bilgola Beach, Bilgola Plateau, Clareville, Avalon Beach, Whale Beach and Palm Beach.

The Study/Plan has been prepared by NSW Public Works (Manly Hydraulics Laboratory) and follows on from the 2013 Careel Creek Catchment Flood Study (WMA Water) and the 2013 Overland Flow Mapping and Flood Study (Cardno).

Avalon to Palm Beach Floodplain Risk Management Study and Plan

The Study/Plan updates the 2013 Careel Creek Catchment Flood Study and 2013 Overland Flow two-dimensional hydraulic computer modelling to calculate flood levels, flood depths, flow velocities, flood hazard, and hydraulic categories for a range of design flood events within the study area up to the Probable Maximum Flood (PMF). The Study/Plan considers both 'mainstream' flooding and 'overland' flooding for floodplain risk management. The impacts of climate change were also analysed.

The new flood modelling took a more conservative flood mapping criteria based depth and velocity criteria, an approach that was similarly applied to the McCarrs Creek, Mona Vale and Bayview Flood study. Using the results from this study, flood hazard maps, flood levels and velocities and Flood Planning Levels were calculated for each property in the study area to be used in the development assessment process.

The study undertook a preliminary identification and assessment of 28 floodplain risk management options. An assessment of these options identified the following as potential options to be considered in the Floodplain Risk Management Plan:

- 2 x Flood Modification Measures
- 4 x Property Modification Measures
- 3 x Response Modification Measures

Following the review of the Preliminary Draft Study and Plan by Council, the Office of Environment and Heritage (OEH), as well as a presentation to the Working Group, Council is now in receipt of the Draft Report for the Avalon to Palm Beach Floodplain Risk Management Study and Plan.

The next stage for this project is for Council to resolve to place the Draft Report on public exhibition. There are no statutory requirements for the exhibition period for flood risk management studies and plans however a 4 week period has been selected as a reasonable timeframe (based on experience from other flood study reports).

Flood Affection Summary

In the past, flooding in the Careel Creek catchment has caused property damage and posed a hazard to people around the Avalon shops.

The Final Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan has included a total of 1934 properties as being flood affected by the 1% AEP (or 100 year ARI), and 2416 by the Probable Maximum Flood event.

The number of properties that are predicted to be flooded (including over the floor level) within the study area for different design flood events is shown in Table 1.

Design Events	Number of Properties with Over-Floor Flooding		
	Residential	Non-residential	TOTAL
PMF	640	171	811
1% AEP (100yr ARI event)	219	101	320
5% AEP (20yr ARI event)	146	71	217
20% AEP (5yr ARI event)	73	31	104

Table 1: Properties Affected By overfloor flooding

The Careel Creek Catchment Flood Study and the 2013 Overland Flow flood study had identified 1417 properties at risk (it should be noted that the overland flow flood study did not include properties identified between the 1% AEP and PMF) as seen in Table 2.

Design Events	Number of Properties affected by the previous and draft flood modelling
Existing¹	1417
Current Study²	2416
¹ extracted from the 2013 Pittwater Overland Flow Flood Study and the 2013 Careel Creek Catchment Flood Study ² extracted from the draft 2016 Avalon to Palm Beach FRMS&P	

Table 1: Properties Affected By current draft study and previous flood studies

Amendments to Flood Category Names

Following community feedback obtained through the 2013 Pittwater Overland Flow Flood Study, Council identified the need for a simpler method of classifying different categories of flood affectation. The NSW Public Works (through the current project) has developed category names and definitions which align more with industry best practice. This would replace the five-fold classification currently used on Council's floodplain maps with a three-fold classification of High, Medium or Low Flood Risk Precincts, defined below.

- **Flood Risk Precinct (FRP)** refers to the division of the floodplain on the basis of the level of expected risk to persons and property due to flooding.
- **Low Flood Risk Precinct** means all *flood prone land* (i.e. subject to inundation by the PMF) not identified within the High or Medium flood risk precincts.
- **Medium Flood Risk Precinct** means all *flood prone land* that is (a) within the 1% AEP Flood Planning Area; and (b) is not within the high flood risk precinct.
- **High Flood Risk Precinct** means all *flood prone land* (a) within the 1% AEP Flood Planning Area; and (b) is either subject to a high hydraulic hazard or is within the floodway.

The amended flood category names are proposed to form part of a revised flood DCP that has been developed in conjunction with NSW Public Works and Council's Strategic Planning Team. It is anticipated that the public exhibition of the draft flood DCP controls will be undertaken shortly after the Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan is placed on public exhibition.

Previous Community Consultation

Community consultation is an important component of the Avalon to Palm Beach Floodplain Risk Management Study and Plan. The local knowledge of residents and business operators personal experiences of flooding are an important source of information.

The following community engagement activities have been undertaken to date:

- an initial letter of introduction was sent to residents, property owners and stakeholders within the catchment on the 30 June 2014. The letter also called for Expressions of Interest for community members to become involved with the Working Group to be established to assist Council with the Floodplain Risk Management Study and Plan;
- Council web content was developed to outline the latest information and progress on the Study/Plan, as well as ways that the community could get involved.
- establishment of Working Group comprising four community members, four stakeholder representatives with a number of state agencies including, Office of Environment and Heritage (OEH), State Emergency Services (SES) and Sydney Water. The initial meeting was held on 30 October 2014;
- questionnaire to residents and stakeholders in June 2014; and
- Floodplain Working Group meeting on 18 February 2016 to present the Draft Report.

Public Exhibition & Further Community Consultation

In accordance with Council's Community Engagement Plan for the project, the proposed four week public exhibition period of the draft Study/Plan will include:

- public exhibition of the Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan
- development of 'Your Questions Answered'
- development of specific page on Council's website with relevant intra and external links
- written correspondence from Council to all affected landholders advising them of the Draft Study and how to view the maps and submit comments. This written correspondence would include a copy of the Your Questions Answered together with links to the relevant page on Council's website
- telephone call-back facility which will allow one-on-one answering of questions;
- two days of community one-on-one information evening, where property owners can sit down face-to-face with a member of the Project Team to discuss any issue they have on the Study report
- notice in Manly Daily and associated media release.

The relevant registered community groups within the Flood Study area and the owners of properties identified as being flood prone as a result of the Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan would be notified in writing advising them of the following information:

- the draft Avalon to Palm Beach Floodplain Risk Management Study and Plan;
- the inclusion a copy of an Information Brochure and links to the relevant pages on Council's website to provide additional information about the project;
 - the period of public exhibition and the invitation to provide written comments by the close of the exhibition period;
 - the details of the community information sessions to be held during the exhibition period.

Section 149 Certificates

Council is in receipt of updated flood information and therefore should advise residents that the information as contained within the Final Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan may be used for development purposes.

In order to achieve this, it is proposed to utilise the Section 149 (5) notations. The following notation is proposed to be added onto properties identified as being within the floodplain (extent of the PMF). This is approximately 2416 properties. It is proposed that the notation would state:

"Pittwater Council is in receipt of updated flood information for catchments of Bilgola, Avalon, Clareville, Whale Beach and Palm Beach. The Final Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan (NSW Public Works February 2016) is currently considered the best available information for flood information for the suburbs of Bilgola, Bilgola Plateau, Avalon, North Avalon, Clareville, Whale Beach and Palm Beach. This information is considered to be draft however; it may be used for development assessment purposes. Please contact Council's Catchment Management & Climate Change department for further information."

This Section 149 (5) notation is considered an interim measure and would be removed following adoption of the Final Avalon to Palm Beach Floodplain Risk Management Study and Plan, when the Section 149 (2) certificate notations would be updated.

It is intended the Section 149 (2) certificate state clearly the applicable flood category and this means for development purposes, for example for those in a Low Risk Flood Precinct.

Next Steps for affected property owners

Council will use the flood study to inform residents of the potential risk of flooding. Once the final version of the Study is adopted by Council, the next stage of the NSW Government's Floodplain Risk Management Process – the implementation can be investigated. This stage investigates the feasibility of the two potential flood mitigation measures (subject to grant funding).

For impacted property owners that want to better prepare their property for flooding they can go to the NSW SES for further advice at www.floodsafe.com.au or Pittwater Council's webpage http://www.pittwater.nsw.gov.au/property/natural_hazards/flooding/prepare

3.3 POLICY IMPLICATIONS

Nil Implications

3.4 RELATED LEGISLATION

NSW Government Flood Prone Land Policy and Floodplain Development Manual (2005)

Under the NSW Government's Flood Prone Land Policy, management of flood prone land is primarily the responsibility of Councils. The primary objectives of NSW Government Flood Prone Land Policy are to:

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

The NSW Government's Floodplain Development Manual (April 2005) details the Flood Prone Land Policy and establishes the Floodplain Risk Management Process followed by Council.

Provided councils utilise the framework provided by the Floodplain Risk Management Process and they have acted in good faith, Councils can receive indemnity under Section 733 of the Local Government Act, 1993. The Policy specifies a staged process:

- Establish a Floodplain Working Group
- Data Collection
- Flood Study
- Floodplain Risk Management Study
- Floodplain Risk Management Plan
- Implementation of the Floodplain Risk Management Plan

This responsibility extends to preparing Flood Studies and Floodplain Risk Management Studies and implementing Floodplain Risk Management Plans.

Management actions include applying flood-related planning controls, raising flood awareness and supporting flood emergency responses.

Council's flood-related planning controls, including the Flood Risk Management Policy for Development in Pittwater, are contained in Pittwater 21 Development Control Plan (DCP). The key outcomes of the Pittwater Flood Risk Management Policy are as follows:

- protection of people;
- protection of the natural environment;
- protection private and public infrastructure and assets

Pittwater Council has followed this process for the Avalon to Palm Beach Floodplain Risk Management Plan in order to identify and investigate the potential options to manage the risk from flooding and is currently nearing completion.

3.5 FINANCIAL ISSUES

3.5.1 Budget

Office of Environment and Heritage grant funding was gained for this project in 2013/14 on a 2/3 funding basis.

3.5.2 Resources Implications

Nil

4.0 KEY ISSUES

- The Final Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan undertook a preliminary identification and assessment of 28 floodplain risk management options. The study also provides a technical explanation of the modelling undertaken to determine the hazards and flood behaviour of the creeks, tributaries and overland flow paths.
- The Final Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan (NSW Public Works, 2016) has included a total of 2416 properties as being flood affected by the Probable Maximum Flood event.

5.0 ATTACHMENTS / TABLED DOCUMENTS

Tabled Document: Final Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan

6.0 SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

- The community has been engaged since the commencement of the study through the Avalon to Palm Beach Floodplain Risk Management Study and Plan Community Working Group, which has met six times.
- A community engagement plan and strategy have been prepared for the public exhibition of this flood study
- In line with industry best practice Council will hold One-on-One community information days as well as phone call back option information days

6.1.2 Risk Management

- Through undertaking the floodplain risk management study, the properties at risk of flooding have been identified.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

- Nil implication

6.2.2 Mitigation Measures

- Climate change considerations have been modelled as part of the flood study.

6.3 SOCIAL

6.3.1 Address Community Need & Aspirations

- Nil implication

6.3.2 Strengthening local community

- The study will assist in building resilience in the community's knowledge and awareness of the risks associated with flooding

6.4 ECONOMIC

6.4.1 Economic Development

- The flood study provides the opportunity for flood affected commercial centre areas to manage flood risk by applying appropriate flood management design principles.

Report prepared by
Dr Melanie Schwecke, Principal Officer - Floodplain Management

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE

C11.6	Minutes of the Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group Meeting held on 18 February 2016
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Meeting: Leading and Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Disaster, Emergency & Risk Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To promote a well-informed community and that the Council knows how to effectively respond to disaster and emergency situations before during and after
- To work effectively with all emergency and utility agencies to improve emergency response
- To adhere to best practice risk management principles to facilitate more effective decision-making
- To increase community awareness on effective risk management
- To incorporate risk management in all business activities
- To plan for risks due to natural and manmade hazards

DELIVERY PROGRAM ACTION:

- Develop and implement programs to increase resilience to flood and coastal storms
 - Develop, review and implement flood and coastal storm risk studies and plans in accordance with NSW Government guidelines
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

This working Group has been formed to provide advice in the preparation and proposed public exhibition of the Avalon to Palm Beach Floodplain Risk Management Study and Plan.

The Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan has been presented to the working group and is recommended for public exhibition.

2.0 RECOMMENDATION

That the information provided in the report on the Minutes of the Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group Meeting held on 18 February 2016 be noted.

3.0 BACKGROUND

3.1 PURPOSE

To consider the draft minutes of the Avalon to Palm Beach Floodplain Risk Management Study & Plan (FRMS&P) Working Group meeting held at the Avalon Recreation Centre on 18 February 2016 (refer **Attachment 1**).

3.2 BACKGROUND

The Avalon to Palm Beach Floodplain Risk Management Study and Plan (FRMS&P) Working Group is a forum that assists Pittwater Council in the preparation, development and implementation of floodplain management plans for all flood prone properties between Bilgola Beach to the south and Palm Beach in the north. The Working Group is administered by Pittwater Council.

The formation of the Floodplain Working Group by Council is the first formal step in the Floodplain Management Process, as outlined in the NSW Governments Floodplain Development Manual.

The primary function of this working group is to be an advisory body to Council on matters concerning the development, implementation and review of the Avalon to Palm Beach Floodplain Risk Management Study and Plan. The working group meetings provide a forum for the discussions between Council staff, local residents, interested groups and government authorities on technical, social, economic, environmental and cultural issues.

3.3 POLICY IMPLICATIONS

Nil

3.4 RELATED LEGISLATION

NSW Government Flood Prone Land Policy and Floodplain Development Manual (2005).

3.5 FINANCIAL ISSUES

3.5.1 Budget

Nil

3.5.2 Resources Implications

Nil

4.0 KEY ISSUES

Pittwater Council is continuing the next stages of the Floodplain Management Process with the Avalon to Palm Beach Floodplain Risk Management Study and Plan to identify possible flood mitigation and management options for the study area.

The study area covers the suburbs of Bilgola Beach, Bilgola Plateau, Clareville, Avalon Beach, Whale Beach and Palm Beach. This floodplain Risk Management Study and Plan will follow on from the 2013 Careel Creek Catchment Flood Study (WMA Water) and the 2013 Overland Flow Mapping and Flood Study (Cardno) for the study area.

NSW Public Works (Manly Hydraulics Laboratory), a company specialising in flooding and floodplain risk management, is currently undertaking the study.

Under the NSW Government Flood Prone Land Policy, management of flood prone land is primarily the responsibility of councils. The Floodplain Management Process that councils follow in order to identify, understand and manage flood risk is outlined below:

- The Flood Study (completed) defines the nature and extent of the flood problem.
- The Floodplain Risk Management Study (current stage) assesses management options with respect to existing and proposed development.
- The Floodplain Risk management Plan (current stage) provides Council with a management plan for the floodplain, and is often undertaken in conjunction with the Floodplain Risk Management Study.

- Implementation of the Plan involves enacting the recommendations of the Floodplain Risk Management Plan to mitigate flood risks to life and property.

Community consultation is an important component of the Avalon to Palm Beach Floodplain Risk Management Study and Plan. The local knowledge of residents and business operators personal experiences of flooding are an important source of information.

There are a number of ways Council is engaging with the owners of flood prone land in the study area:

- Through an online questionnaire. The questionnaire greatly assists in collating people's knowledge and experience about previous flooding history and existing flood problem areas.
- A Community Working Group has been formed from self-nominated community representations.
- A website has been established to keep the community informed on the study progress.

Avalon to Palm Beach FRMS&P Update – A verbal update by MHL (NSW Public Works) and Pittwater Council was provided on the progress of the Floodplain Risk Management Study and Plan.

5.0 ATTACHMENTS

Attachment 1: Draft minutes of the Avalon to Palm Beach Floodplain Risk Management Study & Plan Working Group Meeting on 18 February 2016

6.0 SUSTAINABILITY ASSESSMENT

A sustainability Assessment is not required as a consequence of this minutes report.

Report prepared by
Melanie Schwecke, Principal Officer – Floodplain Management

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE



Draft Minutes

Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group

Held at Avalon Recreation Centre, 59 Old Barrenjoey Road, Avalon
Beach

18 February 2016

Meeting commenced at 4:05pm.



WWW.PITTWATER.NSW.GOV.AU

Avalon to Palm Beach Floodplain Risk Management Study & Plan Working Group

Established:	30 October 2014
Function:	To enable community participation during the preparation of the Avalon to Palm Beach Floodplain Risk Management Study and Plan in accordance with the NSW Government's Floodplain Development Manual (2005).
Administration:	This Working Group is administered by Pittwater Council
Composition / Membership as at establishment:	<p>One (1) Councillor (who shall be Chairperson of Community Working Group) plus one (1) alternative councillor. All Councillors are invited to attend.</p> <p>Up to six (6) community representatives who reside or work within the study area.</p> <p>Up to four (4) community representative from Pittwater community groups, subject to the group's inclusion on Councils "Register of Community Groups".</p> <p>Up to one (1) representative from another registered Floodplain Working Group</p> <p>Interested observers are invited to attend.</p> <p>State Government representatives as required, including:</p> <ul style="list-style-type: none"> • NSW Office of Environment and Heritage • NSW State Emergency Service (representing State Headquarters, Region Controller and Local Controller) • NSW Roads and Maritime Services • Sydney Water • NSW Crown Lands Division • Department of Planning & Infrastructure.
Quorum:	Five (5) members provided one is a Councillor, two Community representatives and one NSW Government representative.
Reporting Procedures:	Business of the Community Working Group to be reported directly to Council as required.
Responsible Business Unit:	Catchment Management and Climate Change
Meetings	At least quarterly
Council Members Appointed:	Cr McTaggart (Pittwater) Cr Grace (Pittwater)



Members of the Working Group namely

Pittwater Council Members

Cr Alex McTaggart (Chairperson)
Cr Bob Grace (Delegate)

Citizen Representatives

Mr Roger Alsop
Mr Allen Telling
Mr Stuart Davidson
Mr Vince Nicholson

Stakeholder Representatives

Mr John Warburton (Palm Beach – Whale Beach Residents Association)
Mr Stephen Branch (Avalon Beach Village Chamber of Commerce Inc)
Ms Kerry Mc Ewan (Barrenjoey High School)
Mr Spiro Daher (Narrabeen Lagoon Floodplain Risk Management Working Group Member)

State Government Representatives

NSW Office of Environment and Heritage (OEH)
State Emergency Service – Warringah/Pittwater Unit
State Emergency Service – Sydney Northern Region
Sydney Water
Roads and Maritime Services

and the following Council Advisors

Manager, Catchment Management and Climate Change
Principal Officer – Floodplain Management

are requested to be in attendance.

Copies to:

Director – Urban & Environment Assets
Manager – Urban Infrastructure
Manager – Place Management
Risk Officer
EA to General Manager
A/EA to Mayor and Councillors

All other Councillors are free to attend as Observers, and are invited to do so and to engage in discussion



Attendance:

Pittwater Council Members

Cr Alex McTaggart

Citizen Representatives

Mr Roger Alsop
Mr Allen Telling
Mr Vince Nicholson

Stakeholder Representatives

Mr Spiro Daher (Narrabeen Lagoon Floodplain Risk Management Working Group Member)
Mr Stephen Branch (Avalon Beach Village Chamber of Commerce Inc)

State Government Representatives

Mr Greg Davis (NSW Office of Environment and Heritage)
Mr Wayne Lyne (NSW SES – Warringah/Pittwater Unit)
Mrs Lynn Larri (NSW SES – Warringah/Pittwater Unit)

and the following Council Advisors

Ms Jennifer Pang (Manager, Catchment Management and Climate Change)
Dr Melanie Schwecke (Principal Officer – Floodplain Management)

In attendance

Mr Bronson McPherson (MHL/NSW Public Works)
Mr Leon Collins (MHL/NSW Public Works)
Dr Stephen Yeo (Consultant – Risk Frontiers)



1.0 Apologies

Mr Stuart Davidson
Mr John Warburton (Palm Beach – Whale Beach Residents Association)
Ms Alison Flaxman (State Emergency Service – Sydney Northern Region)
Mr Daniel Cunningham (Sydney Water)

2.0 Declaration of Pecuniary Interest

Nil

3.0 Confirmation of minutes of previous meeting

Confirmation of the minutes of the Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group held on 12 November 2015.

Moved: Lynn Larri
Seconded: Wayne Lyne

4.0 Matters arising from previous meeting

Nil

5.0 Committee Business

5.1 Progress update on the flood risk management study & plan

An update and presentation was provided by Bronson McPherson (NSW Public Works) and Dr Stephen Yeo on the progress and findings of Avalon to Palm Beach Floodplain Risk Management Study & Plan. The presentation is provided in Attachment 1.

Discussion points:

1. Strategic rezoning – an option being considered by the consultant as a mechanism to raise funds through developer contributions. The concept is based on increasing development density in areas with less flooding potential to fund the purchase of more highly flood affected areas to be used as open space. This is proposed as a long term strategy that would be market driven and needs further investigation. – this option has been removed from the draft report following the discussion undertaken by the working group
2. Recommended actions in the final flood risk management plan would need to be subject to further feasibility investigations.



An update and presentation was provided by Dr Melanie Schwecke (Pittwater Council) on the proposed public exhibition of the Draft Avalon to Palm Beach Floodplain Risk Management Study & Plan. The presentation is provided in Attachment 2.

RECOMMENDATION

The Working Group note the information presented by NSW Public Works and Pittwater Council

Moved: Spiro Daher
Seconded: Lynn Larri

6.0 General Business

Nil

7.0 Next Meeting

The next meeting of the Avalon to Palm Beach FRMS&P Working Group is scheduled to be held Avalon Recreation Centre, Room 4 - Upstairs on Thursday 12 May 2016 from 4pm to 6pm.

There being no further business the meeting concluded at 5.25pm.



Attachment 1



The cover slide features the NSW Government logo and 'Public Works' branding at the top. Below this, the title 'Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group' is displayed. The names of the team members are listed: Bronson McPherson – Project Manager, Stephen Yeo – FRM specialist, and Leon Collins – Flood Modeller. The date '18 February 2016' is shown in an orange box. The background is a black and white photograph of a large dam or weir with water cascading over it.

NSW Government | Public Works
A division of the Department of Finance & Services

Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group

Bronson McPherson – Project Manager
Stephen Yeo – FRM specialist
Leon Collins – Flood Modeller

18 February 2016



This slide is titled 'Overview of Presentation' in an orange box. It contains a bulleted list of the presentation's agenda items. To the right of the list is a photograph of a flooded residential area with trees and a house partially submerged. The NSW Government logo and 'Public Works' branding are at the bottom.

Overview of Presentation

- Study Milestones
- Floodplain Management Process
- Flood Behaviour
- Damage Assessment
- Evaluating Flood Risk Management Options
- Recommended Options
- Report Feedback?
- Next Steps

Image: 2009 Flood - Castel Green, Soudouk Fibrewater Council

NSW Government | Public Works





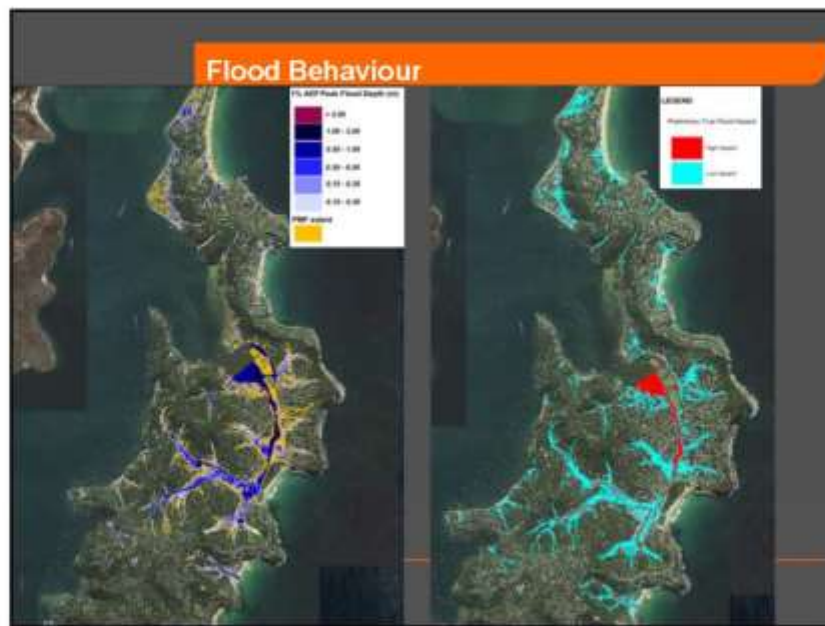
Study Milestones

- Review Information - **complete**
- Flood Model update - **complete**
- Initial Community Consultation - **complete**
- Flood Damage Assessment - **complete**
- Risk Assessment - **complete**
- Assess Floodplain Management Options - **complete**
- Draft Flood Risk Management Study & Plan - **complete**
- Public Exhibition - **April 2016**
- Council Adoption

Image: 2008 Flood 2yr to 5yr ARI
Source: Pittwater Council

NSW Public Works





Options for Detailed Assessment

- Flood Education
- Improved drainage from Barrenjoey Road through Careel Bay Oval, North Avalon
- Drainage upgrades between Albert Road, Burrawong Road and Barrenjoey Road
- Therry Street drainage upgrades
- Detention Basin in Catalpa Reserve
- Jamieson Park Detention Basin upgrade
- Detention Basin in Toongarie Reserve
- Flood Warning for Avalon CBD
- Flood Emergency Response Plan template for Commercial Sector



Public Works

Floodplain Management Options for Detailed Assessment

Option/Criteria	Impact on Flood Behaviour	Number of Properties Benefited	Technical Feasibility	Economic Merit	Financial Feasibility	Environmental and Ecological	Impact on Risk to Life	Impacts on SES	Long-term Performance	Legislative	Social Impact / Community
Flood Education	3	3	5	5	5	3	5	5	4	4	4
Flood Warning for Avalon CBD	3	3	4	5	5	3	5	5	4	4	4
Flood Emergency Response Plan template for Commercial Sector	3	3	5	5	5	3	4	4	4	5	4
Implement updated flood risk management DCP	3	3	5	5	5	3	5	4	5	4	2
Flood-proofing brochures	3	3	5	5	5	3	3	3	4	5	4
Detention Basin in Catalpa Reserve	4	4	4	3	4	2	3	3	4	3	4
Jamieson Park Detention Basin upgrade	4	4	3	2	4	3	3	3	4	3	4
Improved drainage from Barrenjoey Road through Careel Bay Oval, North Avalon	4	4	4	3	4	2	4	3	2	2	3
Therry Street drainage upgrades	4	4	3	2	3	3	3	3	4	3	4
Drainage upgrades Albert Road, Burrawong Road and Barrenjoey Road	4	4	2	3	3	3	4	3	3	2	3
Detention Basin in Toongarie Reserve	4	4	2	3	3	2	3	3	4	2	4



Public Works



Recommended Options

- Flood modification
- Property modification
- Response modification


 NSW
GOVERNMENT

Public Works

Flood Modification Measures

- Catalpa Reserve Detention Basin





Public Works



Flood Modification Measures

- Toongarri Reserve Detention Basin



Property Modification Measures

- Consider rezoning to facilitate redevelopment in such a way that existing dwellings in areas of serious flood risk are converted to open space, funded by an increased residential density in adjacent areas of low or no flood risk



Property Modification Measures

- Prepare a scoping study to further assess feasibility of establishing a small voluntary house redevelopment/flood proofing scheme



Public Works

Property Modification Measures

- Amend Council's Flood Compatible Building Guidelines
- Prepare a one-page, graphic summary of the Guidelines



Flood Compatible
Building Guidelines

June 2014

PITTWATER COUNCIL



Public Works



Property Modification Measures

- Review and adopt the revised flood risk management provisions of Pittwater 21 DCP including freeboards for the study areas



Response Modification Measures

- Improve flood warning system
 - Promote Northern Beaches Flood Information Network website
 - Alarm Avalon Golf Course rain gauge, consider rain gauge at Bilgola Plateau PS
 - Enhance reach and timeliness of warning messages



Response Modification Measures

- Improve emergency response planning
 - Complete the Manly-Warringah-Pittwater EMPLAN
 - Prepare Pittwater Local Flood Sub Plan
 - Encourage/assist key floodplain exposures to prepare and update flood emergency plans



Public Works

Response Modification Measures

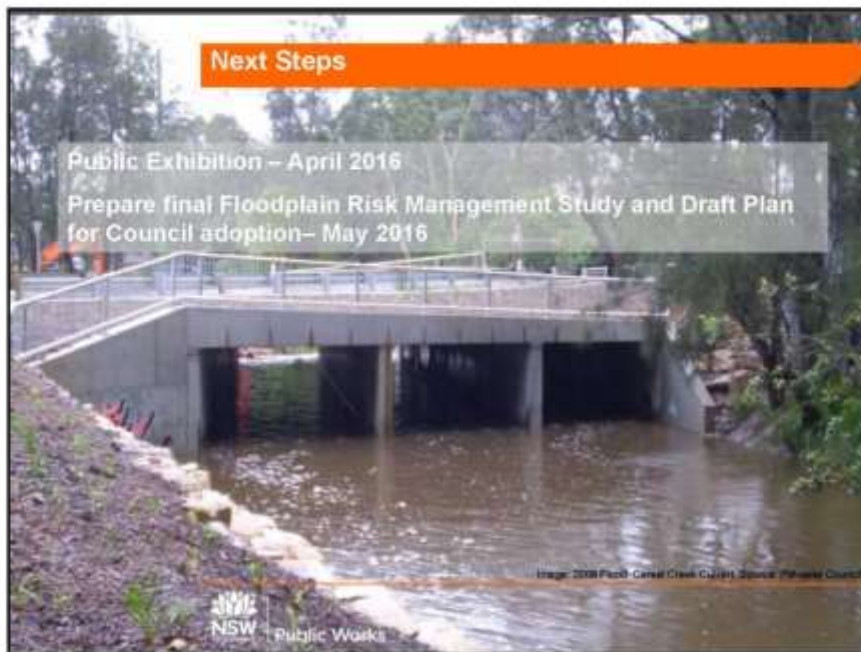
- Build upon the *Northern Beaches Flood and Coastal Storm Education Strategy 2012–16*
 - Flood emergency plan **template** for Avalon Beach businesses;
 - Business FloodSafe Breakfast and meet-the-street events
 - Signage (to evacuation shelters, in carparks, road low points)



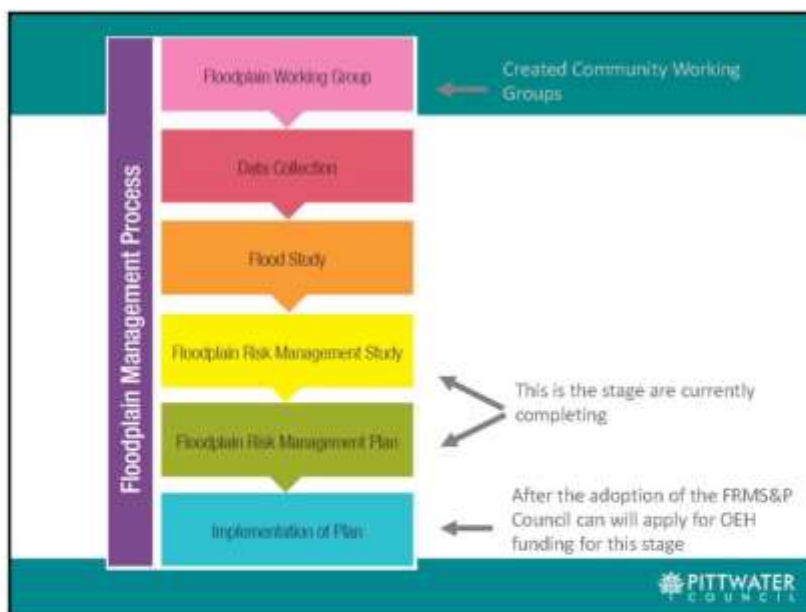
Public Works







Attachment 2



Flood Studies and FRMS&P's

- Avalon to Palm Beach Floodplain Risk Management Study and Plan will supersede:
 - 2002 Careel Creek Drainage Flood Study
 - 2013 Pittwater Overland Flow Flood Study (Cardno)
 - 2013 Careel Creek Catchment Flood Study (WMA Water)

Flood Categories - Existing

- **Category 1 – properties located within the Primary Floodplain and with part of the property below the FPL**
 - High Hazard – the property is affected by the 1% AEP High Hazard
 - Low Hazard – the property is affected by the 1% AEP Low Flood Hazard
- **Category 2 – Properties where the lowest point of the property lies above the FPL but below the level of the PMF**
- **Category 3 (Overland Flow) – Properties generally located outside or adjacent to the Primary Floodplain Area, with**
 - Major – Properties that have a 1% AEP peak flood depth greater than 0.3m; or
 - Minor – Properties that have a 1% AEP peak flood depth greater than 0.15m but less than 0.3m.



Flood Categories - Proposed

Desire for a simpler method of classifying different categories of flood affectation; the proposed draft replaces the five-fold classification currently used on Council's floodplain maps with a three-fold classification of High, Medium or Low Flood Risk Precincts, defined below.

- **Flood Risk Precinct (FRP)** refers to the division of the floodplain on the basis of the level of expected risk to persons and property due to flooding.,
 - **Low Flood Risk Precinct** means all *flood prone land* (i.e. subject to inundation by the PMF) not identified within the High or Medium flood risk precincts.
 - **Medium Flood Risk Precinct** means all *flood prone land* that is (a) within the 1% AEP Flood Planning Area; and (b) is not within the high flood risk precinct.
 - **High Flood Risk Precinct** means all *flood prone land* (a) within the 1% AEP Flood Planning Area; and (b) is either subject to a high hydraulic hazard or is within the floodway.

Properties at risk

Design Events	Number of Properties affected by the different categories of Flooding in Pittwater		
	High	Medium	Low
Existing¹	551	548	318
Current Study²	430	1504	482

¹ extracted from the 2013 Pittwater Overland Flow Flood Study and the 2013 Careel Creek Catchment Flood Study

² extracted from the draft 2016 Avalon to Palm Beach FRMS&P



Flood Mapping Criteria

Flood Mapping Criteria		Comments
1	Depth ≥ 0.15 m	NSW Public Works considers this an appropriate depth threshold as: -The National Flood Risk Advisory Group (NFRAG) describes flood depths of <0.15 m as "relatively benign", posing little hazard to the stability of children, stability of small vehicles or stability of light structures, except where velocities exceed 2 m/s (NFRAG 2014). -Flooding >0.15 m has greater potential to cause disruption and economic loss as it exceeds the typical height of guttering or single front step of a dwelling.
2	Depth ≥ 0.05 m AND Velocity x Depth ≥ 0.025 m ² /s*	NSW Public Works' experience has found these criteria appropriate for identifying shallower flows <0.15 m deep with some conveyance which may: -Form part of overland flood flow paths. -Occur near-bank in mainstream areas. -Form important linkages between deeper areas of flooding and their source flow paths. Mapping of such flood conditions is important as: -It provides a more complete understanding of flood behaviour, particularly for overland flood flows. -Shallow flowing water has greater potential to cause disruption and economic loss than stagnant or slow moving water of the same depth. -Obstruction of such flows may have adverse flood impacts. -Provides confidence that resulting small discrete 'ponds' of inundation are not associated with overland flow paths.

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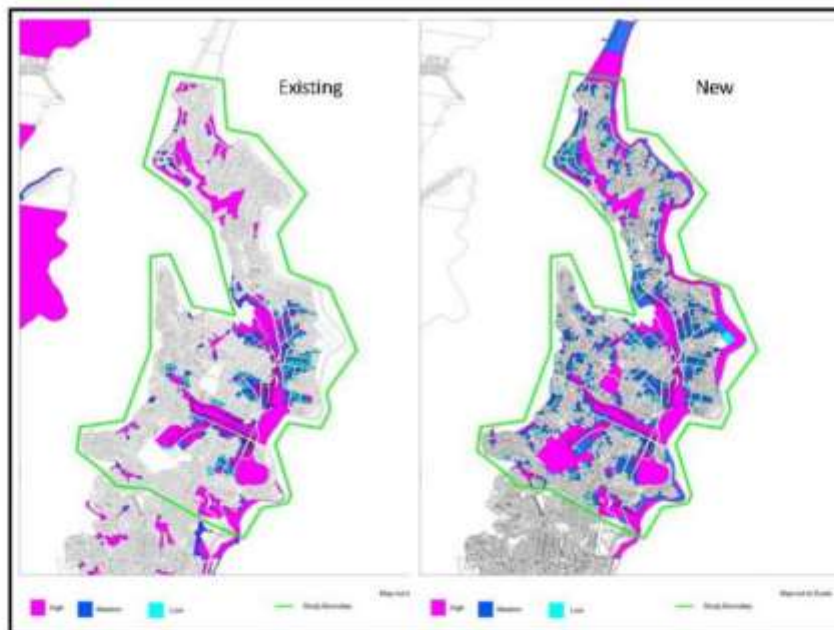
Flood Mapping Criteria

3	Difference of PMF peak level and 1% AEP peak level > 0.02 m	Upon investigation of depths along cliffs within the catchment, this criteria was found to reduce the inclusion of erroneous model flood depths that can occur at very steep drops or small 'pits' in the DEM (topography). It essentially differentiates between areas where high depths are the result of DEM artefacts and those where depths result from a significant contributing sub-catchment area.
4	Area of flooding ≥ 100 m ²	Discrete 'ponds' of inundation that did not meet this criterion were removed from flood mapping. This area threshold was selected based upon the assessment presented in Section 5.1.1.

* Velocity x Depth ≥ 0.05 m²/s was applied to the PMF event

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Time frames

Avalon to Palm Beach FRMS&P

- 21 March 2016 Council meeting to be placed on Public Exhibition
- Public Exhibition from 4 April to the 6 May 2016
 - 2 one-on-one information days
 - 2 phone call back information days
 - 2 days drop in sessions to discuss mitigation/management options (one of these will also have one-on-one sessions running along side)





C11.7	Minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group Meeting held on 4 February 2016
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Meeting: Leading and Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Disaster, Emergency & Risk Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To promote a well-informed community and that the Council knows how to effectively respond to disaster and emergency situations before during and after
- To effectively respond to disasters, emergency situations and provide effective relief measures
- To work effectively with all emergency and utility agencies to improve emergency response
- To adhere to best practice risk management principles to facilitate more effective decision-making
- To manage public liability and risks associated with public infrastructure
- To increase community awareness on effective risk management
- To incorporate risk management in all business activities
- To plan for risks due to natural and manmade hazards
- To provide for business continuity in the event of a major disruption to the Council
-

DELIVERY PROGRAM ACTION:

- Develop and implement programs to increase resilience to flood and coastal storms
 - Develop, review and implement flood and coastal storm risk studies and plans in accordance with NSW Government guidelines
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

This working Group has been formed to provide advice in the preparation of the McCarrs Creek, Mona Vale & Bayview Flood Study.

The Draft McCarrs Creek, Mona Vale and Bayview Flood Study has been completed and is to be placed on public exhibition.

2.0 RECOMMENDATION

That the information provided in the report on the meeting of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group be noted.

3.0 BACKGROUND

3.1 PURPOSE

To consider the draft minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group meeting held at the conference room, Mona Vale Customer Service on 04 February 2016 (refer **Attachment 1**).

3.2 BACKGROUND

The McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group is a forum that assists Pittwater Council in the preparation, development and implementation of floodplain management plans for all flood prone properties in the suburbs of Mona Vale, Bayview, Church Point and parts of Ingleside. The Working Group is administered by Pittwater Council.

The formation of the Floodplain Working group by Council is the first formal step in the Floodplain Management Process, as outlines in the NSW Governments Floodplain Development Manual.

The primary function of this working group is to be an advisory body to Council on matters concerning the development, implementation and review of the McCarrs Creek, Mona Vale & Bayview Flood Study. The working group meetings provide a forum for the discussions between Council staff, local residents, interested groups and government authorities on technical, social, economic, environmental and cultural issues.

3.3 POLICY IMPLICATIONS

Nil

3.4 RELATED LEGISLATION

NSW Government Flood Prone Land Policy and Floodplain Development Manual (2005)

3.5 FINANCIAL ISSUES

3.5.1 Budget

Nil

3.5.2 Resources Implications

Nil

4.0 KEY ISSUES

Pittwater Council is commencing the first stages of the Floodplain Management Process with the McCarrs Creek, Mona Vale & Bayview Flood Study to identify possible flood risks and hazards for the study area.

Royal HaskoningDHV, an independent company specializing in flooding and floodplain risk management, is currently undertaking the study.

Under the NSW Government Flood Prone Land Policy, management of flood prone land is primarily the responsibility of councils. The Floodplain Management Process that councils follow in order to identify, understand and manage flood risk is outlined below:

- The Flood Study (current stage) defines the nature and extent of the flood problem.
- The Floodplain Risk Management Study assesses management options with respect to existing and proposed development.
- The Floodplain Risk management Plan provides Council with a management plan for the floodplain, and is often undertaken in conjunction with the Floodplain Risk Management Study.
- Implementation of the Plan involves enacting the recommendations of the Floodplain Risk Management Plan to mitigate flood risks to life and property.

Community consultation is an important component of the McCarrs Creek, Mona Vale & Bayview Flood Study. The local knowledge of residents and business operators personal experiences of flooding are an important source of information.

There are a number of ways Council is engaging with the owners of flood prone land in the study area:

- Through an online questionnaire. The questionnaire greatly assists in collating people's knowledge and experience about previous flooding history and existing flood problem areas.
- A Community Working Group has been formed from self-nominated community representations.
- A webpage has been established to keep the community informed on the study progress.

McCarrs Creek, Mona Vale & Bayview Flood Study Update – A verbal update by Pittwater Council was provided on the progress of the flood study.

5.0 ATTACHMENTS

Attachment 1: Draft minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group Meeting held on 4 February 2016

6.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required as a consequence of this minutes report.

Report prepared by
Dr Melanie Schwecke, Principal Officer – Floodplain Management

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE



DRAFT Minutes

McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group

Held in Mona Vale Conference room, Mona Vale Customer Service Centre, 1
Park Street, Mona Vale on

04 February 2016

Meeting commenced at 4:00 pm



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McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group

Established:	5 May 2014
Function:	To enable community participation during the preparation of the McCarrs Creek, Mona Vale and Bayview Flood Study in accordance with the NSW Government's Floodplain Development Manual (2005).
Administration:	This Working Group is administered by Pittwater Council
Composition / Membership as at establishment:	<p>One (1) Councillor (who shall be Chairperson of Community Working Group) plus one (1) alternative councillor. All Councillors are invited to attend.</p> <p>Up to five (5) community representatives who reside or work within the McCarrs Creek, Mona Vale or Bayview catchment study area.</p> <p>Up to two (2) community representatives from Pittwater community groups, subject to the group's inclusion on Councils "Register of Community Groups".</p> <p>Interested observers are invited to attend.</p> <p>State Government representatives as required, including:</p> <ul style="list-style-type: none"> • NSW Office of Environment and Heritage • NSW State Emergency Service (representing State Headquarters, Region Controller and Local Controller) • NSW Roads and Maritime Services • Sydney Water • NSW Crown Lands Division • Department of Planning & Infrastructure.
Quorum:	Three (3) members provided one is a Councillor.
Reporting Procedures:	Business of the Community Working Group to be reported directly to Council as required.
Responsible Business Unit:	Catchment Management and Climate Change
Meetings	At least twice during the project timeframe
Council Members Appointed:	Cr Ferguson (Chairperson) Cr Young (Delegate)



Members of the Working Group namely

Pittwater Council Members

Cr Kylie Ferguson (Chairperson)
Cr Sue Young (Delegate)

Citizen Representatives

Rob Conroy
John Lindsay Gordon
David Stone (Bayview Golf Club)

Stakeholder Representatives

Dr Jenny Rosen (Bayview Church Point Residents Association)
Chris Kavanagh (Mona Vale Chamber of Commerce)

State Government Representatives

NSW Office of Environment and Heritage (OEH)
State Emergency Service – Warringah/Pittwater Unit
State Emergency Service – Sydney Northern Region
Sydney Water
Roads and Maritime Services

and the following Council Advisors

Manager, Catchment Management and Climate Change
Principal Officer – Floodplain Management

are requested to be in attendance.

Copies to:

Director – Urban & Environment Assets
A/Manager – Urban Infrastructure – Les Munn
Manager – Place Management – Melinda Hewitt
Risk Officer – Marnie VanDyk
EA to General Manager – Fiona Garrity
A/EA to Mayor and Councillors – Anna Power

All other Councillors are free to attend as Observers, and are invited to do so and to engage in discussion



Attendance:

Pittwater Council Members

Cr Kylie Ferguson (Chair)

Citizen Representatives & Stakeholder Representatives

Rob Conroy

John Lindsay Gordon

David Stone (Bayview Golf Club)

Dr Jenny Rosen (Bayview Church Point Residents Association)

State Government Representatives

Daniel Cunningham (Sydney Water)

Greg Davis (OEH)

Wayne Lyne (Unit Controller, SES Warringah/Pittwater Unit)

Lyn Larri (SES Warringah/Pittwater Unit)

Allison Flaxman (SES Sydney Northern Region)

And the following Council Advisors

Dr Melanie Schwecke (Principle Officer – Floodplain Management)

Jennifer Pang (Manager, Catchment Management & Climate Change)

In attendance

Paul Hart – Consultant - Royal HaskoningDHV



1.0 APOLOGIES

Chris Kavanagh (Mona Vale Chamber of Commerce)

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

NIL

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Confirmation of the minutes from the working group meeting held on the 5 November 2015:

Moved: Lynn Larri

Seconded: Daniel Cunningham

4.0 MATTERS ARISING FROM PREVIOUS MEETING

NIL

5.0 COMMITTEE BUSINESS

5.1 MCCARS CREEK, MONA VALE & BAYVIEW FLOOD STUDY COMMUNITY WORKING GROUP

A verbal update along with a presentation was given by Dr Melanie Schwecke (Pittwater Council). This presentation is provided in Attachment 1.

Working Group Recommendation

- The working group note the information presented by Pittwater Council.

6.0 GENERAL BUSINESS

- The draft McCarrs Creek, Mona Vale and Bayview Flood study is proposed to be placed on public exhibition from 29 February 2016 until 1 April 2016.

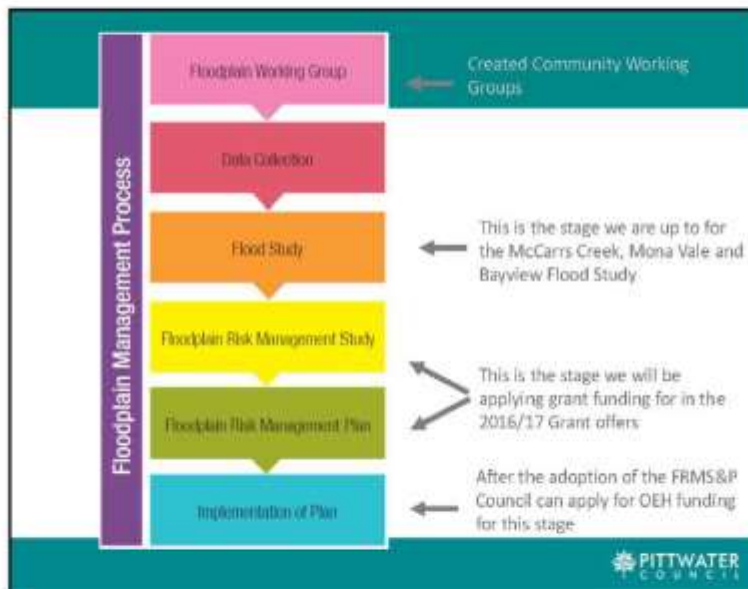
7.0 NEXT MEETING

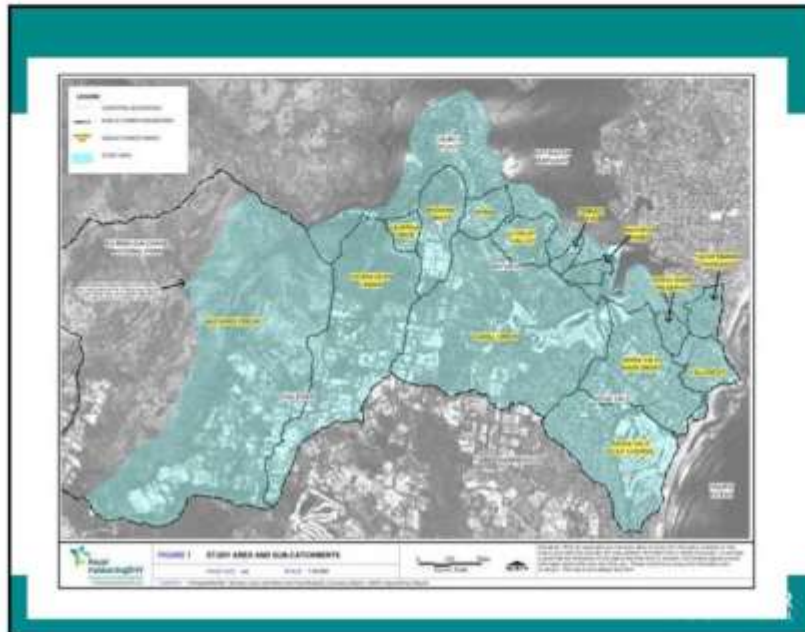
The Chair thanked everyone for their participation in this very effective forum and requested that the next meeting be scheduled for Thursday 7 April 2016 from 4pm – 6pm in Mona Vale Conference Room, Mona Vale Customer Service Centre, 1 Park Street, Mona Vale.

There being no further business the meeting concluded at 5:07pm



ATTACHMENT 1





Flood Studies and FRMS&P's

- **McCarrs Creek Mona Vale and Bayview Flood Study** will supersede:
 - 2002 Mona Vale – Bayview Flood Study (DHI, 2002)
 - 2013 Pittwater Overland Flow Flood Study (Cardno)



Why are we updating the studies?

- The 2002 Mona Vale and Bayview Catchment Flood Study, which is now more than 10 years old. The updated flood study:
 - looks at current catchment conditions,
 - the potential impacts of climate change,
 - overland flow paths and
 - utilises the most up-to-date topographical data and floodplain modelling techniques.
- In the past, flooding within the McCarrs Creek, Mona Vale and Bayview catchments have caused property damage and created a risk to residents living in close proximity to watercourses, drainage channels and in the low lying areas.

Modelling Approaches

1D Hydrologic Modelling

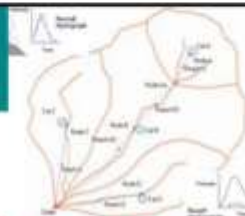
- Large catchments with well defined flow paths (e.g. creek/river), no tailwater effects
- Flows determined from: rainfall, catchment area, % pervious/imperious, typical lag coefficients
- Levels at simple 1D cross-sections

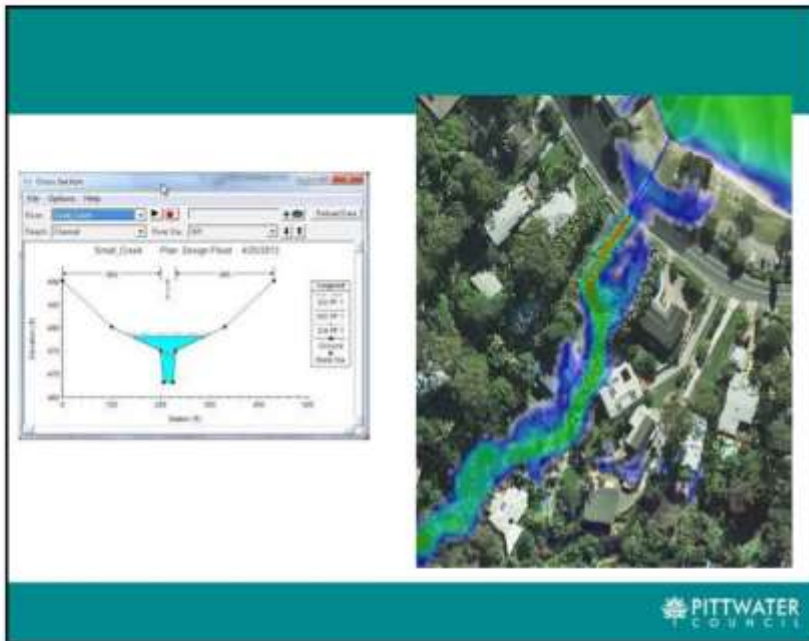
Coupled 1D Hydrology / 2D Hydraulic Modelling

- Flows determined as above
- Levels etc. determined by 2D hydraulic model
- Modeller interprets flow application > flow paths

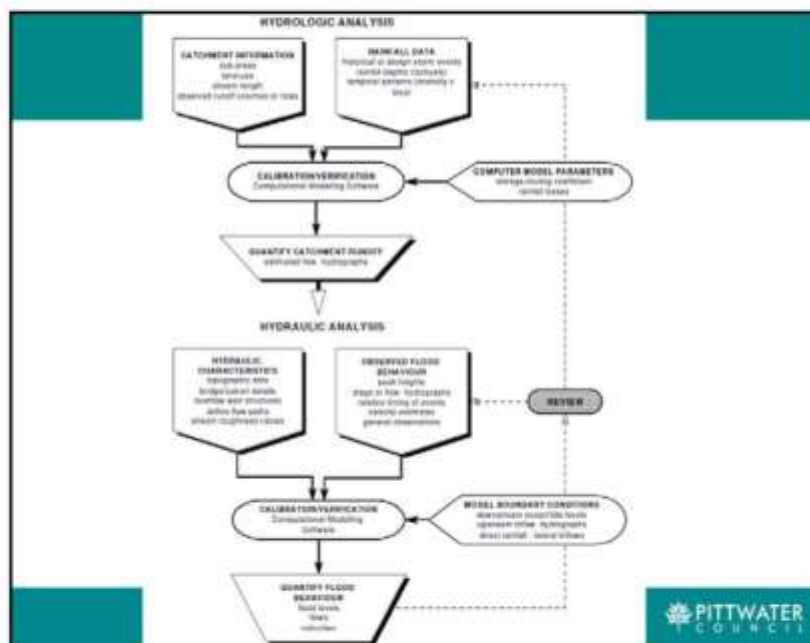
2D Direct Rainfall (Rainfall On the Grid)

- Generally smaller urban catchments (run time)
- Complex flow paths, may vary with flood size
- Flow determined from: rainfall, losses, detailed topography, surface roughness, drainage structures
- Reduces modeller assumption of flow paths





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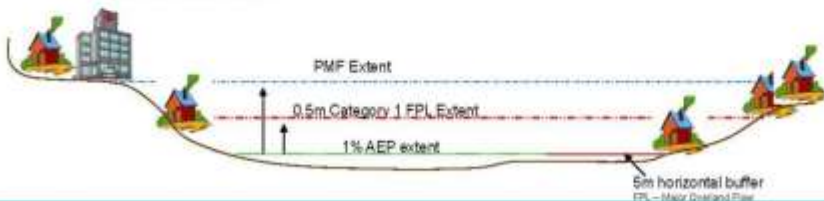


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Flood Categories

- **Category 1** – properties located within the Primary Floodplain and with part of the property below the FPL
 - High Hazard – the property is affected by the 1% AEP High Hazard
 - Low Hazard – the property is affected by the 1% AEP Low Flood Hazard
- **Category 2** – Properties where the lowest point of the property lies above the FPL but below the level of the PMF
- **Category 3 (Overland Flow)** – Properties generally located outside or adjacent to the Primary Floodplain Area, with
 - Major – Properties that have a 1% AEP peak flood depth greater than 0.3m; or
 - Minor – Properties that have a 1% AEP peak flood depth greater than 0.15m but less than 0.3m.



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Properties at risk – McCarrs Creek, Mona Vale and Bayview Flood Study

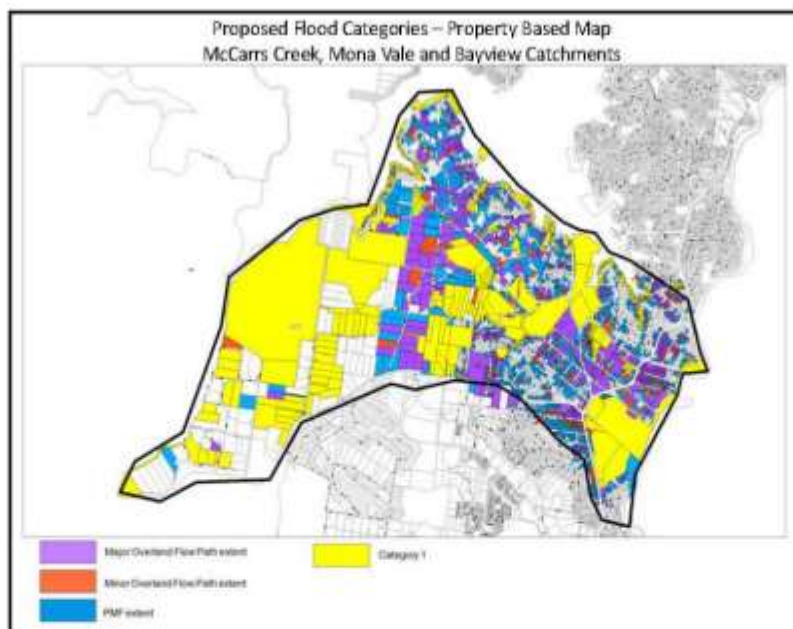
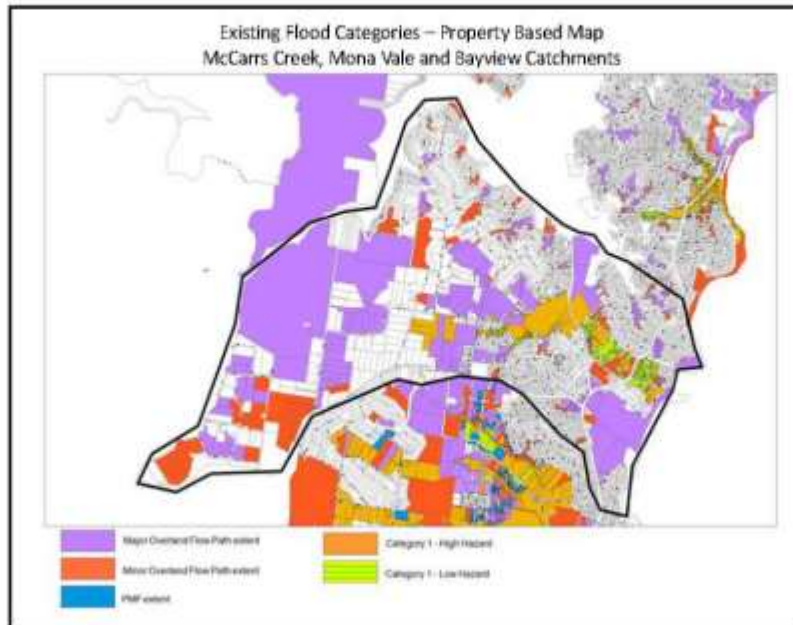
Design Events	Number of Properties affected by the different categories of Flooding in Pittwater		
	Category 1 & 3	Category 2	TOTAL
Existing¹	1404	4	1408
Current Study²	1959	1618	3577

¹ extracted from the 2013 Pittwater Overland Flow Flood Study and the 2002 Mona Vale Bayview Flood Study

² extracted from the draft 2015 McCarrs Creek, Mona Vale and Bayview Flood Study

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Time frames

McCarrs Creek, Mona Vale & Bayview Flood Study

- 15 February 2016 Council meeting to be placed on Public Exhibition
- Public Exhibition from 29 February to the 1 April
 - 3 one-on-one information days <http://www.eventbrite.com/e/mccarrs-creek-mona-vale-bayview-flood-study-tickets-20772063902>
 - 2 phone call back information days
<http://www.eventbrite.com/e/mccarrs-creek-mona-vale-and-bayview-flood-study-telephone-sessions-tickets-21184584663>



C11.8	Minutes of the Audit and Risk Committee Meeting held on 16 February 2016
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Meeting: Leading & Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision making processes.

DELIVERY PROGRAM ACTION:

- Maintain and service Council's range of Committees
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

To present to Council the Minutes of the Audit & Risk Committee for the meeting held on 16 February 2016.

2.0 RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held on 16 February 2016 be noted.

3.0 BACKGROUND

3.1 PURPOSE

To present to Council the Minutes of the Audit & Risk Committee for the meeting held on 16 February 2016

3.2 BACKGROUND

Council approved the establishment of an Internal Audit Committee at its meeting held on 16 November 2009. The Committee plays a pivotal role in the governance framework to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accounting responsibilities. This Committee was subsequently renamed the Audit & Risk Committee. The original Audit & Risk Committee Charter required the Committee to report to Council "at least annually".

At its meeting on 15 February 2012, the Audit & Risk Committee resolved that:

Minutes of the Audit & Risk Committee Meetings are to be reported to Council on a quarterly basis and so be placed on the public record.

and

The Audit & Risk Committee Charter ... to be reviewed and revised by the Committee ... and submitted for approval by Council at the first availability.

As a result the Audit & Risk Committee Charter was revised to reflect quarterly reporting to Council. Council endorsed an updated Audit & Risk Committee Charter at its meeting held on 16 June 2014.

3.3 POLICY IMPLICATIONS

As per the Audit & Risk Committee Charter.

3.4 RELATED LEGISLATION

As per the Audit & Risk Committee Charter.

3.5 FINANCIAL ISSUES

3.5.1 Budget

Nil implication.

3.5.2 Resources Implications

Nil implication.

4.0 KEY ISSUES

Per the revised Audit & Risk Committee Charter the Minutes of the Audit & Risk Committee Meetings shall be reported to Council on a quarterly basis and so be placed on the public record.

5.0 ATTACHMENTS

Attachment 1 – Minutes of the Audit & Risk Committee meeting held on 16 February 2016.

6.0 SUSTAINABILITY ASSESSMENT

6.1 Leading an Effective & Collaborative Council (Governance)

The Audit & Risk Committee plays a pivotal role in the governance framework to provide Council with independent assurance and assistance in the areas of risk management, control, governance and external accountability responsibilities.

6.2 GOVERNANCE & RISK

6.2.1 Community Engagement

Nil implication.

6.2.2 Risk Management

The Audit & Risk Committee plays a pivotal role in the governance framework to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accountability responsibilities.

6.3 ENVIRONMENT

6.3.1 Environmental Impact

Nil implication.

6.3.2 Mitigation Measures

Nil implication.

6.4 **SOCIAL**

6.4.1 **Address Community Need & Aspirations**

To inform the community on the governance framework in place to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accountability responsibilities.

6.4.2 **Strengthening local community**

Effective risk management in all aspects of Council responsibilities.

6.5 **ECONOMIC**

6.5.1 **Economic Development**

Nil implication.

Report prepared by
Anthony Robinson - Internal Auditor

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE



AUDIT & RISK COMMITTEE MEETING

MINUTES

16 February 2016

Meeting commenced at 1.05pm

M J Ferguson
General Manager



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ATTENDANCE:

Voting Members of the Committee, namely

Mr John Gordon
Mr Robert Dobbie
Cr Julie Hegarty
Cr Kay Millar

The following Council Officers (non-voting)

Mr Mark Ferguson, General Manager
Ms Melinda Hewitt, DGM, Environmental Planning & Community
Mr Ben Taylor, DGM, Urban & Environmental Assets
Mr Warwick Lawrence, Manager, Administration & Governance
Mr Mark Jones, Chief Financial Officer
Ms Gabrielle Angles, Manager, Customer Service & Information
Ms Marnie van Dyk, Risk Officer
Mr Anthony Robinson, Internal Auditor
Ms Annie Laing, Governance Support Officer
Ms Pamela Tasker, Administration Officer / Minute Secretary

Audit & Risk Committee**TABLE OF CONTENTS**

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Notes:

1. Mr Gordon and Mr Dobbie met in camera with the Internal Auditor for 30 minutes prior to commencement of the Audit & Risk Committee Meeting.
2. The Audit & Risk Committee Meeting commenced at 1.05pm.
3. The Committee agreed that the presentation by the Manager, Customer Service & Information (Item 7.1 – Complaints 2015 – Analysis Report & Register) be heard immediately following Confirmation of Minutes.

1.0 Apologies

Nil.

2.0 Declarations of Conflict / Pecuniary Interest

Note:

Mr Gordon made a precautionary disclosure in relation to his participation on Advisory Committees on both Warringah Council and Manly Council and advised that he would not take part in any discussion on confidential issues arising in relation to Fit for the Future LGA Reform or the Kimbriki Resource Recovery Centre.

3.0 Minutes of Previous Meeting

COMMITTEE RECOMMENDATION

That the Minutes of the Audit & Risk Committee Meeting held on 26 November 2015 copies of which were circulated to all Committee Members be and are hereby confirmed as a true and accurate record of that meeting.

(Mr Dobbie / Cr Hegarty)

7.0 Governance / Compliance

7.1 Complaints 2015 Analysis Report & Register

Proceedings in Brief

The Manager, Customer Service & Information, addressed the meeting on this item.

ACTION ITEMS:

- *That the complaints procedure guidelines be updated in accordance with the Best Practice Standards Framework.*
- *That a policy regarding acknowledgement response times to complainants be iterated.*
- *Clarification of procedures to advise Councillors of outcomes on complaints generated via Councillor contact.*
- *Investigate training being given to Councillors and specific staff who are in a position to receive service requests / complaints in a less formal manner (which may not be recorded or followed up).*

Notes:

1. The members noted the information contained in the Complaints 2015 Analysis Report and Register.
2. Ms Angles left the meeting at 1.30pm.

4.0 Matters Arising & Action Items from Minutes

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

ACTION ITEMS:

- *17/1.8 – Compliance Checklist – The Committee clarified that an initial requirement is to provide a checklist of licences and certifications by Corporate Development to ensure staff are operating plant and carrying out their duties with the necessary licences and certificates in place and up-to-date. Further compliance checklists can be developed at a late stage to ensure that Council complies with its legislative obligations.*

Note:

The outstanding action items were noted by the Committee.

5.0 Special Agenda Items

5.1 Internal Audit Annual Report 2015

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

ACTION ITEMS:

- *That an Annual Council Report format be drafted – brief outline only due to confidential nature of individual audits. Draft sample report to be brought to next meeting.*

- *That prior to the next meeting a self-assessment survey be circulated to all committee members and attendees for draft presentation at the 17 May 2016 meeting.*
- *Independent external assessment of Internal Audit function be deferred until 2017.*

Note:

The Committee thanked the Internal Auditor for the report and the quality of the presentation.

5.2 Internal Audit Plan 2016

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

ACTION ITEMS:

- *That Council continue with its strategic review of the Asset Management System.*
-

COMMITTEE RECOMMENDATION

3. That the Committee endorses the Internal Audit Plan for 2016 (as presented in Attachments 1 – 4) and the Assurance Map (Appendix 3 to the Agenda – A3 format).
4. That the Committee also notes the intention to supplement the Internal Audit resources through the use of external contractors as appropriate.

(Mr Dobbie / Cr Hegarty)

5.3 Draft Fraud Control Policy Statement

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

ACTION ITEMS:

- *That definitions be checked against the revised ICAC legislation.*
 - *That the policy statement be confirmed in terms of compliance with the legislation.*
-

COMMITTEE RECOMMENDATION

That the Committee endorses the Draft Fraud Control Policy Statement, subject to any necessary amendments, and recommends its endorsement by Council.

(Mr Dobbie / Cr Millar)

6.0 Risk Management

6.1 Risk Management Report

Proceedings in Brief

The Risk Officer addressed the meeting on this item.

ACTION ITEMS:

- *That consideration be given to elaborating on potential risk consequences in the Strategic Risk table.*

Note:

The members noted the information contained in the Risk Management Report.

7.0 Governance / Compliance

7.2 Report on GIPA, PID, ICAC and Code of Conduct

Proceedings in Brief

The Manager, Administration & Governance, addressed the meeting on this item.

ACTION ITEMS:

- *That referrals to and from ICAC be delineated in future reports.*

Note:

The members noted the information contained in the Reports.

8.0 Internal Audit Activities

8.1 Internal Audit Status Report

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

8.2 Development Applications - Final Internal Audit Report

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

ACTION ITEMS:

- *That consideration be given to rewording Item 2 – Review of the Councillor ‘Call Up’ procedure (page 55 of the Agenda).*

8.3 Process Improvement Review – Tennis Booking System – Final Internal Audit Report

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

Note:

The report was noted by the Committee.

8.4 Implementation of Audit Recommendations

Proceedings in Brief

The Internal Auditor addressed the meeting on this item.

ACTION ITEMS:

- *That the outcome of the parking metres legal advice be brought to the next meeting.*

9.0 General Business

9.1 Fit for the Future Update

Proceedings in Brief

The General Manager addressed the meeting on this item.

9.2 A&RC Annual Operations Report

The Chair's Annual Operations Report to Council was presented at the Council Meeting on 1 February 2016. The Council Report and resultant Minute Item were included in the Agenda for the Committee's information.

10.0 Next Meeting

The next meeting of the Audit & Risk Committee is scheduled to take place on Tuesday, 17 May 2016 at 3.00pm in the Conference Room on Level 3, Vuko Place, Warriewood.

**THERE BEING NO FURTHER BUSINESS
THE AUDIT & RISK COMMITTEE MEETING
CLOSED AT 3.30PM ON TUESDAY, 16 FEBRUARY, 2016.**

ACTION ITEMS:

7.1 Complaints 2015 Analysis Report & Register

- *That the complaints procedure guidelines be updated in accordance with the Best Practice Standards Framework.*
- *That a policy regarding acknowledgement response times to complainants be iterated.*
- *Clarification of procedures to advise Councillors of outcomes on complaints generated via Councillor contact.*
- *Investigate training being given to Councillors and specific staff who are in a position to receive service requests / complaints in a less formal manner (which may not be recorded or followed up).*

4.0 Matters Arising & Action Items from Minutes

- *17/1.8 – Compliance Checklist – The Committee clarified that an initial requirement is to provide a checklist of licences and certifications by Corporate Development to ensure staff are operating plant of carrying out their duties with the necessary licences and certificates in place and up-to-date. Further compliance checklists can be developed at a late stage to ensure that Council complies with its legislative obligations.*

5.1 Internal Audit Annual Report 2015

- *That an Annual Council Report format be drafted – brief outline only due to confidential nature of individual audits. Draft sample report to be brought to next meeting.*
- *That prior to the next meeting a self-assessment survey be circulated to all committee members and attendees for draft presentation at the 17 May 2016 meeting.*
- *Independent external assessment of Internal Audit function be deferred until 2017.*

5.2 Internal Audit Plan 2016

- *That Council continue with its strategic review of the Asset Management System.*

5.3 Draft Fraud Control Policy Statement

- *That definitions be checked against the revised ICAC legislation.*
- *That the policy statement be confirmed in terms of compliance with the legislation.*

6.1 Risk Management Report

- *That consideration be given to elaborating on potential risk consequences in the Strategic Risk table.*

7.2 Report on GIPA, PID, ICAC and Code of Conduct

- *That referrals to and from ICAC be delineated in future reports.*

8.2 Development Applications - Final Internal Audit Report

- *That consideration be given to rewording Item 2 – Review of the Councillor ‘Call Up’ procedure (page 55 of the Agenda).*

8.4 Implementation of Audit Recommendations

- *That the outcome of the parking metres legal advice be brought to the next meeting.*

C11.9	Minutes of the Leading and Learning Reference Group Meeting held on 24 February 2016
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Meeting: Leading & Learning Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision-making processes
- To ensure local democratic representation
- To engage proactively with the community in a way that is consistent, appropriate and effective

DELIVERY PROGRAM ACTION:

- Maintain and Service Council's Range of Committees
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The 24 February 2016 Meeting considered the following discussion topics:

- LL4.1 - Youth and Families Progress Report
 - LL4.2 - Local Government Reform Update
 - LL4.3 - Upcoming public exhibition of Flood Study and Floodplain Risk Management Studies and Plans
-

2.0 RECOMMENDATION

That Council note the minutes and the outcomes of the Leading & Learning Reference Group Meeting held on 24 February 2016.

3.0 BACKGROUND

3.1 PURPOSE

To present to Council for consideration, the Minutes of Leading and Learning Reference Group Meeting held on 24 February 2016 (refer **Attachment 1**).

3.2 BACKGROUND

The Leading and Learning Reference Group was established by Council to consider matters involving goals and initiatives contained in the key directions 3 & 5 of Council's Strategic Plan – Leading and Learning

The strategic objectives within the associated key direction are:

- Corporate Management Strategy
- Disaster, Risk and Emergency Management Strategy
- Community Education and Learning Strategy

To fulfil its role, the Leading and Learning Reference Group provides:

- a link between Council and the community which enhances communication about the strategic direction of Council initiatives,
- input from Council and the community (historical, social and environmental) when considering possible solutions,
- consideration of implications from strategic initiatives and their likely impact on the local community; and feedback to Council on behalf of the community.

3.3 POLICY IMPLICATIONS

Nil

3.4 RELATED LEGISLATION

Nil

3.5 FINANCIAL ISSUES

3.5.1 Budget

Nil

4.0 KEY ISSUES

At the meeting the reference group discussed the below items and endorsed the following reference points:

- Youth and Families Progress Report
- Local Government Reform Update
- Upcoming public exhibition of Flood Study and Floodplain Risk Management Studies and Plans

Local Government Reform Update

- That everyone in the Reference Group be encouraged and encourage others to lodge a submission prior to 28 February 2016.
- That everyone in the Reference Group be encouraged and encourage others to contact their local member prior and subsequent to 28 February 2016 to state their preference.

Business Arising

- That the Leading and Learning Reference Group of Pittwater Council wishes to place on record its sincere thanks to Mr Chris Hunt, the former Director of Urban & Environmental Assets, who has recently left Pittwater Council. Chris' contribution to both Pittwater Council and the Leading and Learning Reference Group and its predecessors was immeasurable over a very long time.
- Chris' experience, knowledge and engineering background, along with his pleasant and polite manner, allowed him to be of great assistance to both the Reference Group and the Council in general. He will be missed and this Reference Group wishes him all the best for the future.
- It is the wish of the Reference Group that this motion is passed onto Chris.

5.0 ATTACHMENTS

Attachment 1 – Minutes of the Leading and Learning Reference Group Meeting held on 24 February 2016.

6.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for Minutes of Meetings.

Report prepared by

Ben Taylor

DEPUTY GENERAL MANAGER - URBAN & ENVIRONMENTAL ASSETS



LEADING & LEARNING REFERENCE GROUP

MINUTES

24 February 2016

Meeting commenced at 4.05pm

M J Ferguson
General Manager



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ATTENDANCE:

Members of the Committee:

Cr Sue Young, Chairperson
Mr Frank Adshead, Mona Vale Residents Association
Mr Roy Baker, Scotland Island Residents Association
Ms Sandra Blamey, Pittwater Resident Representative
Ms Roberta Conroy, Sustainability Pittwater
Mr James Vosper, Pittwater Resident Representative
Mr Neil Evers, Aboriginal Support Group
Mr Gareth Jones, Avalon Palm Beach Chamber of Commerce
Mr Peter Middleton, Pittwater Resident Representative
Mr Tony Tenney, Clareville and Bilgola Plateau Residents Association
Mr Andrew Tiede, Anglers Action Group (Sydney Northside)

The following Council Advisors:

Mr Mark Ferguson, General Manager
Ms Jennifer Pang, Manager - Catchment Management & Climate Change
Ms Suzanne Pawley, Youth & Families Coordinator
Mr Andrew Marselos, Youth & Families Development Officer
Mr David Bremner, Community Engagement Officer
Ms Pamela Tasker, Administration Officer/Minute Secretary
Ms Annie Laing, Governance Support Officer/Minute Secretary

LEADING & LEARNING REFERENCE GROUP

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1.0 Apologies

REFERENCE GROUP RECOMMENDATION

That apologies be accepted from the following members and leave of absence from the Leading and Learning Reference Group Meeting on 24 February 2016 be accepted:

- Mr Graeme Jessup, Sustainability Pittwater
- Mr David Shields, Bayview Church Point Residents Association
- Mr Gavin Butler, Newport Residents Association
- Ms Suzanne Atteridge, Pittwater Resident Representative
- Mr Jim Boyce, Manly Warringah and Pittwater Historical Society

(Mr Frank Adshead / Mr Peter Middleton)

Notes:

1. Ms Roberta Conroy attended as the alternative delegate on behalf of Sustainability Pittwater.
2. Mr Roy Baker attended as the alternative delegate on behalf of Scotland Island Residents Association following the resignation of Mr David Hegarty.

2.0 Declarations of Pecuniary and Non-Pecuniary Conflict of Interest

Cr Young (Chairperson), Ms Sandra Blamey (Pittwater Resident Representative) and Mr Andrew Tiede (Anglers Action Group – Sydney Northside) made a precautionary disclosure in relation to Item LL4.2 – Upcoming Public Exhibition of Flood Study and Floodplain Risk Management Studies and Plans. Cr Young, Ms Blamey and Mr Tiede had all received a letter from Council identifying their property as having fallen within a flood prone area.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Leading & Learning Reference Group meeting held on 25 November 2015, copies of which were provided to all members, are hereby accepted as a true and accurate record of that meeting.

(Mr Peter Middleton / Ms Sandra Blamey)

4.0 Discussion Topics

LL4.1 Youth and Families Progress Report

Proceedings in Brief

Ms Suzanna Pawley (Youth and Families Coordinator) and Mr Andrew Marselos (Youth & Families Development Officer) addressed the meeting on this item.

The reference group members were provided with an update on the services provided by the Youth and Families team in 2016 on topics such as:

- **Youth Participation:** Youth Consultants and Pittwater Youth Action Group
- **Branding**
- **Youth and Families Engagement:** social media
- **2016 Youth Week:** Youth Week Launch Event – Moonlight Groove, Regional Skate/Scooter Series, Shoreshocked Music Festival, and Snapshot Intergenerational Photo Competition
- **Health Hub:** Lifeline, Streetwork, Headspace, CatholicCare, NSW Health Clinic 16, KYDS, Mission Australia.
- **Future projects:** Young Entrepreneur Program, Mental Health Forum, Mental Health Month, Screen Free Week

A copy of the PowerPoint presentation provided to the Reference Group is attached to the Minutes at **Appendix 1**.

DISCUSSION POINTS:

- Q: I am concerned on the emphasis of youth over families on the various literature being produced by Council. Doesn't this create an imbalance, with families being seen as an afterthought?
- A: The need to attract and engage young people on community issues and to educate them on how local government works has been remarked across all reference groups. Families are included and are of course important, their involvement is crucial. Adult family members are more likely to already be engaged in their community and with Pittwater Council via I Love Pittwater Facebook page and other council events, procedures, and opportunities. The Youth & Families Team has created a logo, in consultation with local young people, to try and convey a message that young people too are considered an important and valuable community asset.
- Q: Have you looked into the logistics of holding the event at Avalon Skate Park, as the area is relatively small and parking is always an issue at Avalon?
- A: The event has been run twice before and there has not been any issues regarding the space. The grass space behind the skate park is available to use as a break-out area.. There is an external company involved who run events like this throughout the state and they are able to assist with event logistics and provide guidance and advice on matters for consideration to ensure a successful event which is not to the detriment of the surrounding area.
- Q: Do you liaise with local schools to get the word out about upcoming events within the community?
- A: Yes, they are very receptive. Both staff and the youth consultants have spoken at local school assemblies.

Q: What is the age bracket? What is the demographic you are hoping to reach?

A: The age range is between 12 and 24.

Q: Has there been a budget allocated for this initiative?

A: Council voted to discontinue the provision of Child Services in 2013. There were funds allocated to Children's Services at that time and the decision was made to transfer those funds to the establishment of a Youth & Family Services unit within Council.

Q: Are there any plans to address youth homelessness within the community?

A: One of the ideas behind creating the Youth and Families team was that it would be a less confrontational point of contact for people needing assistance or information. We are able to refer them on to external organisations.

Council is in the process of potentially developing a Health Hub, a place to connect for both established agencies and people looking for assistance or information.

Q: Are the Youth & Families team or Pittwater Council looking into a Youth Directory similar to the one created for seniors?

A: There is a directory style app available called YouthSource which is a joint initiative of Northern Sydney Local Health District, the Department of Education and Communities, and North Sydney Council. This will provide a central access point for youth friendly services and events throughout the Northern Sydney Region. YouthSource was created by young people for young people and those who work and live alongside them (i.e. parents, teachers, youth workers, professionals).

REFERENCE GROUP RECOMMENDATION

1. That the discussion on programming for young people and their families in Pittwater be noted and the Youth and Families team be thanked for their presentation.
2. That the Leading & Learning Reference Group enthusiastically looks forward to further reports on the program.

(Mr Peter Middleton / Ms Roberta Conroy)

Note:

Ms Pawley and Mr Marselos left the meeting at 4:32pm.

LL4.3 Local Government Reform Update

Proceedings in Brief

Mr Mark Ferguson, General Manager addressed the meeting on this item.

On 2 February 2015 NSW Government held a public inquiry in the Pittwater Local Government area providing an opportunity for the community to have a final say in regards to the proposed amalgamation between Pittwater and the northern suburbs of Warringah Council.

The delegate for the proposal related to Pittwater Council and Warringah Council (Mr Richard Pearson) has been tasked with the function of examining and reporting on the merger proposal to the Boundaries Commission for comment and subsequently the Minister for Local Government will make a determination. The Minister will then proceed as recommended, either through the application of minor changes or by rejecting the proposal.

Two (2) public inquiry meetings have been held in the Pittwater LGA being at Mona Vale Golf Club with both Pittwater and Warringah residents attending. Residents were advised that they have one (1) month to write a final submission in regards to the amalgamation proposal and were provided with a criteria to respond to for the comments to be acknowledged.

Submissions are due on 28 February 2016. Pittwater Council will hold an extraordinary meeting on Saturday 27 February 2016 to discuss Pittwater's submission regarding the NSW Government's merger proposal.

The General Manager advised that approximately 8,000 submissions statewide had been received and of those 42% were concerning the Northern Beaches Councils. Overwhelmingly that 42% were Warringah residents lobbying for the One Northern Beaches Council Model.

DISCUSSION POINTS:

Q: What classifies as a minor boundary change?

A: The definition of a minor boundary change would involve a couple of houses or streets. A major change would include one or more suburbs.

Q: Will the Boundaries Commission or the Minister consider the One Council model being put forward by Warringah Council at this time?

A: As this is a major amendment I understand the Minister would be required under the Act to refer it to the CEO and the proposal may be deferred. A new proposal would need to be written and the Minister would have to reject the current proposal (the Two Council Model) currently under consideration and restart the entire process.

REFERENCE GROUP RECOMMENDATION

1. That everyone in the Reference Group be encouraged and encourage others to lodge a submission prior to the 28 February 2016.
2. That everyone in the Reference Group be encouraged and encourage others to contact their local member prior and subsequent to the 28 February 2016 to state their preference.

(Mr Andrew Tiede / Mr Peter Middleton)

Note:

The General Manager left the meeting at 5.23pm.

LL4.2 Upcoming public exhibition of Flood Study and Floodplain Risk Management Studies and Plans

Proceedings in Brief

Ms Jennifer Pang (Manager – Catchment Management & Climate Change) addressed the meeting on this item. A copy of the PowerPoint presented by Ms Pang is at **Appendix 2**.

DISCUSSION POINTS:

- Q: For the flood model shown in the PowerPoint, does it have an accuracy number?
A: The Flood model is tested for sensitivity; there is however no single number as there are many variables.
- Q: Has Pittwater experienced a 20% AEP in the last 20 years?
A: There was a major event that occurred in Samuel Street Mona Vale. [*Follow-up note - The 10 April 1998 event was estimated to be <5%AEP event*]
- Q: Is Pittwater Council likely to issue instructions to people that they have to modify their existing dwelling?
A: No we cannot force people to modify existing dwellings although new dwellings and those dwellings being renovated are subject to development controls relating to floor heights, designated structurally safe escape zones, etc. As a Council, however, we do have a responsibility to make residents aware if they are in a flood affected area.
- Everyone affected will receive a letter from Pittwater Council. 4000 letters have been sent out and about 1500 of those residents have not previously been included in flood zones. Updates in technology have enabled us to better identify those properties at risk.
- Q: Do insurance companies have access to the models created in the Flood Studies?
A: Insurance companies do not use Pittwater Council's flood models. I understand they gather their information from a National Flood Database.

5.0**Business Arising**

Mr Peter Middleton (Newport Residents Association) moved the following motion on behalf of the Leading and Learning Reference Group members.

REFERENCE GROUP RECOMMENDATION

That the Leading and Learning Reference Group of Pittwater Council wishes to place on record its sincere thanks to Mr Chris Hunt, the former Director of Urban & Environmental Assets, who has recently left Pittwater Council. Chris' contribution to both Pittwater Council and the Leading and Learning Reference Group and its predecessors was immeasurable over a very long time.

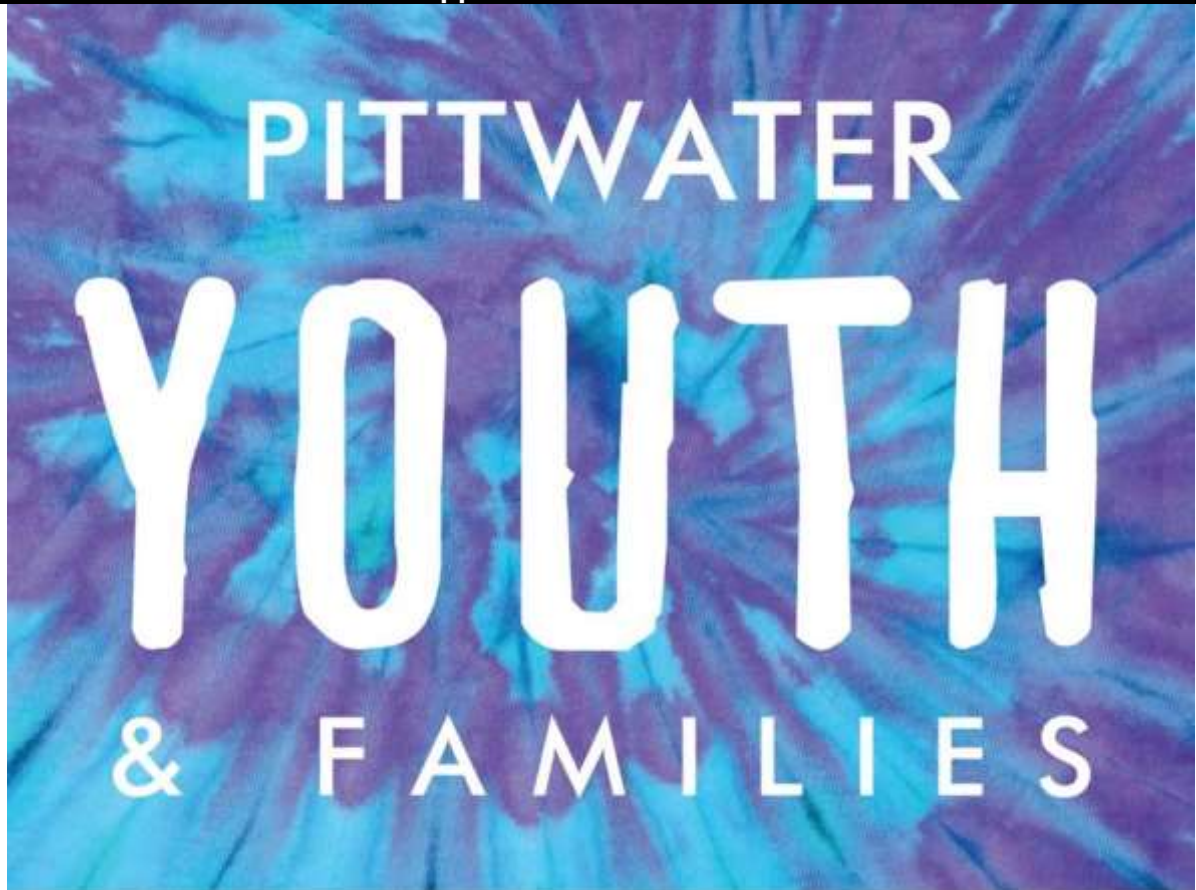
Chris' experience, knowledge and engineering background, along with his pleasant and polite manner, allowed him to be of great assistance to both the Reference Group and the Council in general. He will be missed and this Reference Group wishes him all the best for the future. It is the wish of the Reference Group that this motion be passed onto Chris.

(Mr Peter Middleton / Mr Tony Tenney)

6.0**Next Meeting**

The next meetings of the Leading and Learning Reference Group is scheduled to take place on Wednesday 25 May 2016 commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS THE
LEADING & LEARNING REFERENCE GROUP MEETING
CLOSED AT 6.11PM ON WEDNESDAY 24 FEBRUARY 2016**



Recruitment Youth Consultants 2016



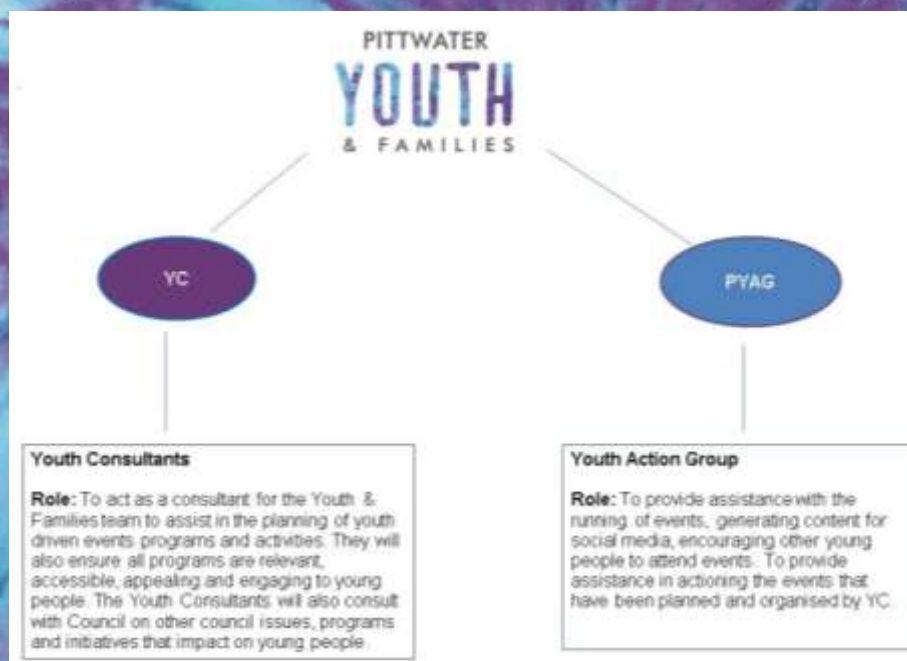
Meet our Youth Consultants 2016



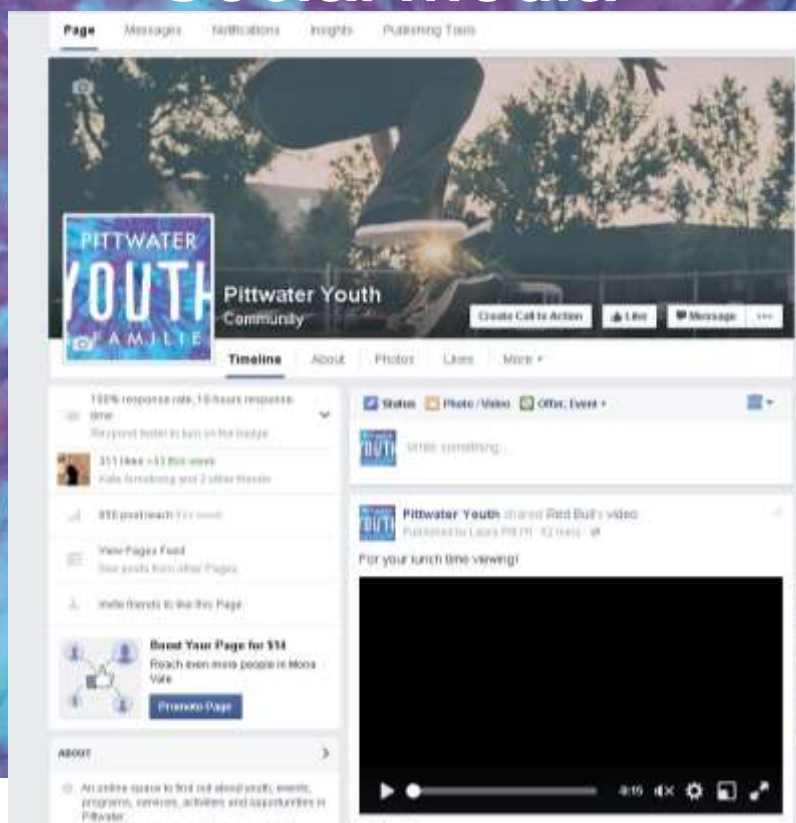
Pittwater Youth Action Group

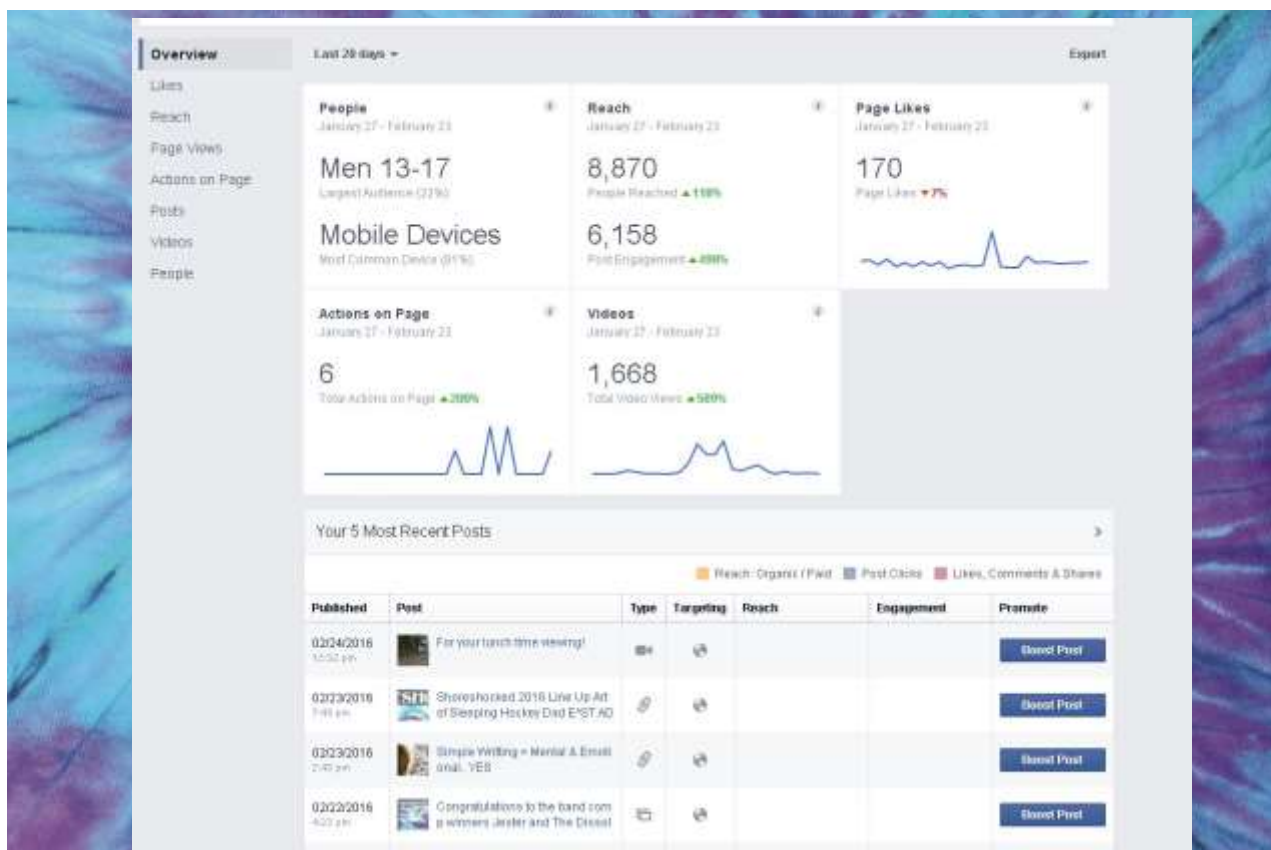


Youth Participation Model



Social Media





Upcoming Events

SHORESHOCKED 2016

SHORESHOCKED BANDCOMP 'BATTLE OF THE BANDS'

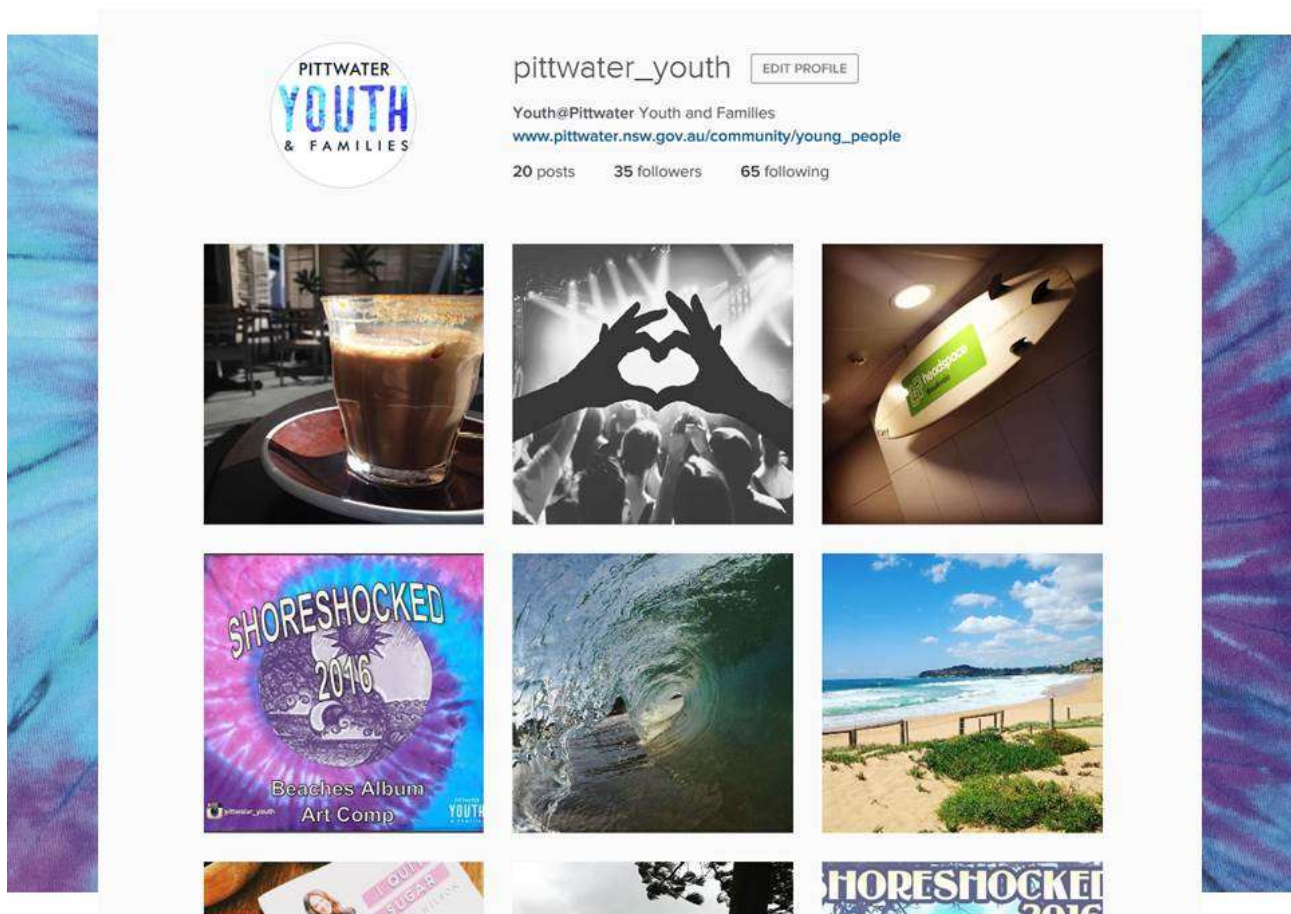
12TH FEBRUARY 2016 - MONA VALE, MEMORIAL HALL, DOORS AT 6PM
19TH FEBRUARY 2016 - CHATSWOOD YOUTH CENTRE, DOORS AT 6PM

TICKETS ARE \$5 IF PRE BOOKED OR \$10 ON THE DOOR TICKETS.
TICKETS INCLUDE: DRINK AND BURGER

CHATSWOOD YOUTH CENTRE WWW.TRYBOOKING.COM/ITQG
MONA VALE, MEMORIAL HALL WWW.TRYBOOKING.COM/JSTV

TO ENTER OR FOR MORE INFO HEAD TO:
[HTTPS://SHORESHOCKED.WUFOO.COM/FORMS/SHORESHOCKED-BAND-COMP/](https://shoreshocked.wufoo.com/forms/shoreshocked-band-comp/)

THIS EVENT IS AN ALL AGES, DRUG AND ALCOHOL FREE EVENT.



Youth Week 2016



Moonlight Groove Youth Event

- Open Aired Cinema
- Community Challenge
- Mini Half Pipe
- Music Stage and Dance Groups
- Youth Markets
- Wipe out Circuit
- Photo Booth

Skate Series – Avalon Skate Park
ShoreShocked Music Event

Thank You





PITTWATER
COUNCIL

Upcoming Flood Study and Plans

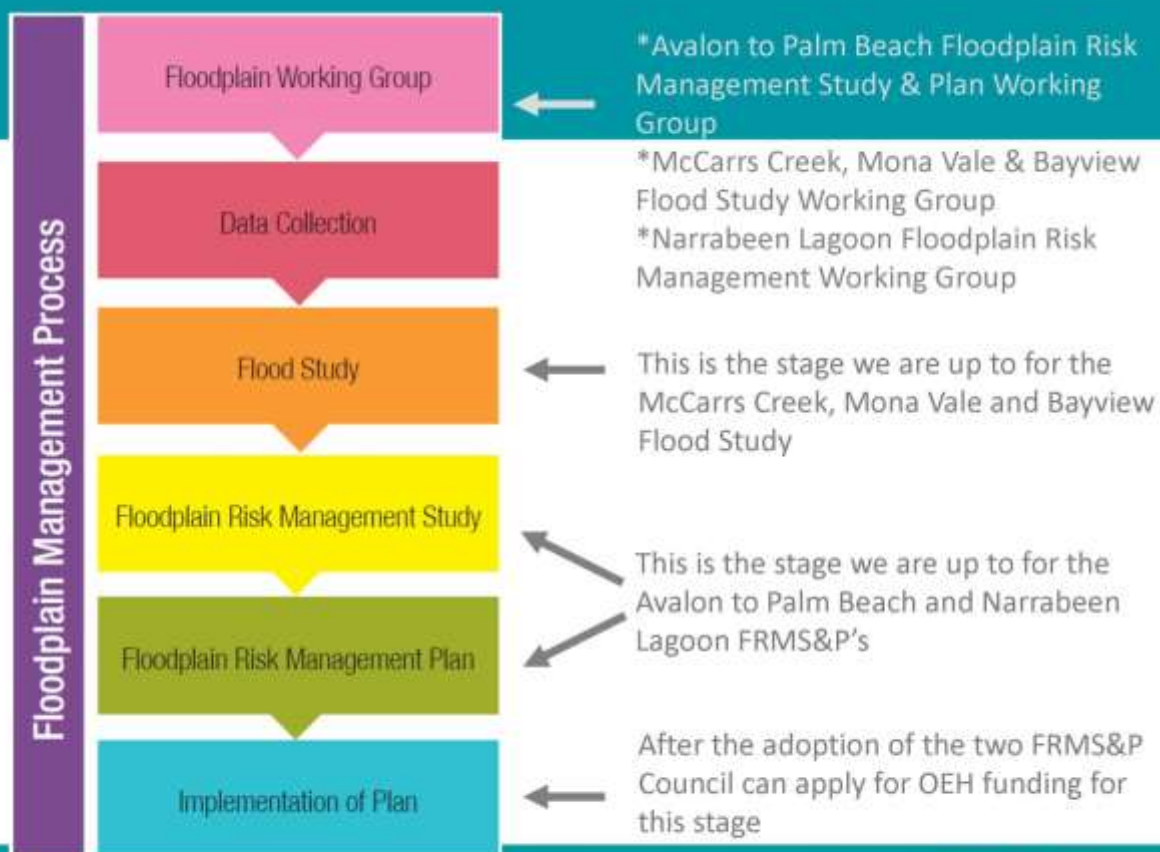
10th February 2016

Upcoming Public Exhibitions

- McCarrs Creek, Mona Vale and Bayview Flood Study
- Avalon to Palm Beach Floodplain Risk Management Study and Plan
- Narrabeen Lagoon Floodplain Risk Management Study and Plan (with Warringah Council)



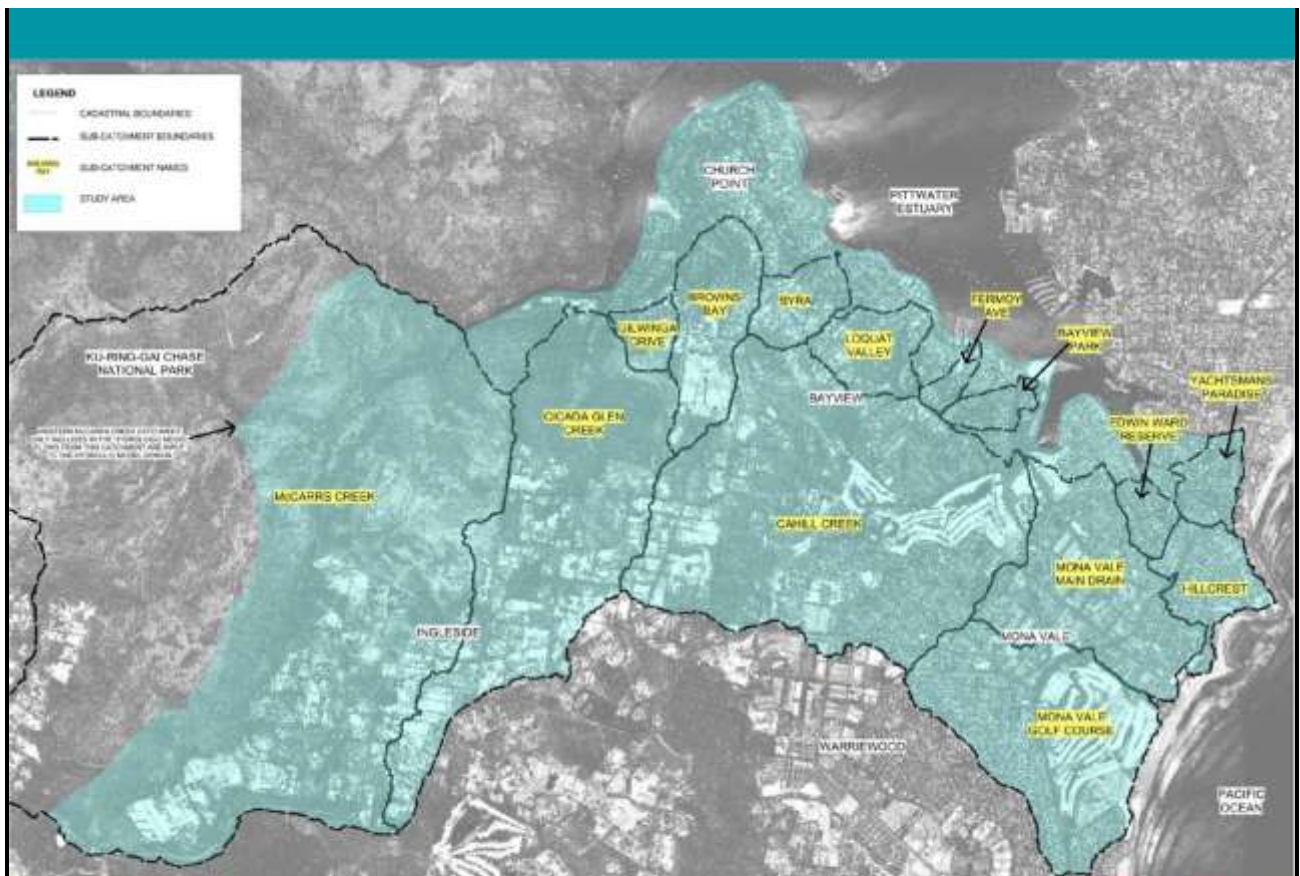
PITTWATER
COUNCIL



Flood studies tell us about...

- Current catchment conditions (eg. topography, land use, key drainage)
- Historical flood data (eg. flood marks, significant storm events)
- Modelled flood behaviour for existing catchment conditions (ie. large design events greater than 20%AEP up to the Probable Maximum Flood)
- Predicted locations of flooding, flood depths & velocities, critical storm durations
- Flood hazards (high or low)
- Hydraulic category (floodway, flood storage or flood fringe)





PITTWATER
COUNCIL



PITTWATER
COUNCIL



Floodplain Risk Management Studies & Plans are used for...

- Gaining an understanding of the flood problem and its impacts on the community
- Determining the sum of potential flood damages (ie. to properties and buildings) within the floodplain
- Identifying potential road inundation and emergency response limitations
- Determining worst affected areas through risk assessment
- Assessing potential floodplain management measures
- Ranking preferred options (structural & non-structural options)

Structural options may include...



- Levees
- Detention basins
- Drainage and culvert upgrades etc.

These are **flood modification** measures that either:

- Increase flood conveyance
- Reduce flood peaks/velocities
- Redistribute flood waters



Non - structural options may include...

- Flood-related development controls & land use zoning
- Flood proofing & house raising incentives etc.

These are **property modification** measures.

- Flood warning
- Emergency management
- Community flood education etc.

These are **response modification** measures.



Time frames

McCarrs Creek, Mona Vale & Bayview Flood Study

- 15 February 2016 Council meeting to be placed on Public Exhibition
- Public Exhibition from 29 February to the 1 April
 - 3 one-on-one information days
 - 2 phone call back information days

Avalon to Palm Beach Floodplain Risk Management Study and Plan

- March Council meeting – TBC
- Public Exhibition in March – April/May
 - 2 drop in style information days on the mitigation/management options proposed
 - 1 one-on-one information day

Narrabeen Lagoon Floodplain Risk Management Study and Plan

- March/April Council Meeting – TBC
- Public Exhibition May/June
 - 2 drop in style information days on the mitigation/management options proposed



THANK YOU

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Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business

C12.1	Warriewood Valley Open Space- Southern Component of Central Local Park (Sector 9)
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Meeting: Sustainable Towns and Villages Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY:

- **Recreational Management**
- **Corporate Management Strategy**

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To develop, manage and maintain recreational facilities to best practice standards in a cost effective and sustainable manner
- To provide the community with a broad range of quality natural and built assets in a sustainable manner to meet the needs of current and future generations

DELIVERY PROGRAM ACTION:

- To provide planning, design, investigation and enhancement of recreational facilities
 - Continue to implement Council's suite of developer contributions plans
-

1.0 EXECUTIVE SUMMARY

1.1 BACKGROUND

- 1.1.1 In 2008 Council resolved to purchase 9 Fern Creek Road to facilitate the delivery of the southern half of the Central Local Park in Warriewood Valley (commonly referred to as Fern Creek Park). 9 Fern Creek Road is within Sector 9 of the Warriewood Valley Release Area. The parcel is rectangular in shape and approximately 1.15 hectares in area and adjoins Fern Creek. The property is directly south of the northern portion of the Central Local Park which was delivered several years ago through the development of Sector 8.
- 1.1.2 At the time 9 Fern Creek Road was purchased the form and layout of development in Sector 9 was still uncertain and as such Council resolved that the land remain classified as Operational Land under the *Local Government Act 1993* to retain some flexibility around the future development of the sector.
- 1.1.3 In 2013, Australand (now known as Frasers Property), the owner of adjoining land parcels 11, 12 and 13 Fern Creek Road, put a formal land swap proposal to Council which would facilitate the development of its land holdings as well as achieve Council's preferred open space layout for the sector. This proposal involved swapping generally the northern portions of its three properties for the southern portion of Council's property (refer to **Attachment 2**).
- 1.1.4 Between May 2014 and May 2015 significant consultation occurred with the adjoining landowners and the Warriewood Residents Association (WRA) to examine Frasers' proposal as well as other potential options for the southern portion of the Central Local Park.
- 1.1.5 A revised concept plan with a larger area provided for the park was endorsed by Council for the land swap on 18 May 2015 when it authorised the General Manager to commence negotiations with Frasers (refer to **Figure 1** and **Figure 2**).

- 1.1.6 This revised concept included an additional 1,800 square metres for the park area (not including creek line corridor) and an increase in the width of the park in comparison to the original Frasers proposal by moving the roadway further from the creek line corridor.

1.2 OUTCOME OF NEGOTIATIONS

- 1.2.1 Following Council's decision of 18 May 2015, Council and Frasers have negotiated to finalise the terms of the land swap agreement.
- 1.2.2 In October 2015 the respective General Managers of Frasers and Council signed a Memorandum of Understanding addressing the key aspects of the transaction.
- 1.2.3 Both parties have received independent valuation advice and have negotiated and reached an agreement on an appropriate cash adjustment based on the proposed land transfers. The monetary gain as a result of the land swap is required to be reinvested into the Section 94 fund to implement the plan endorsed by Council and assist with delivering the remaining infrastructure and services required by the Release Area.
- 1.2.4 In terms of the area of land to be transferred between the parties, the land swap will involve:
- Approximately 5,374 square metres of Council land being transferred to Frasers, and
 - Approximately 11,826 square metres of land, made up of 5,984 square metres of land for public reserve and 5,842 metres of land for creek line corridor, being transferred to Council.
- 1.2.5 The proposed land swap will mean:
- Council will be able to deliver a park approximately 600 square metres larger than could be achieved on the current lot – approximately 9,900 square metres (excluding creek line corridor land). 9 Fern Creek Road in its current configuration is approximately 9,300 square metres (excluding creek line corridor land).
 - Frasers delivering important infrastructure which is critical to unlocking development opportunities for the northern half of Sector 9, including:
 - the extension of Fern Creek Road and the construction of a new east-west road connecting Fern Creek Road with the eastern half of Sector 9.
 - the section of stormwater infrastructure within the Fern Creek Road extension.
 - The capacity to underground the high voltage power lines that currently run along the boundary of 9 and 12 Fern Creek Road, with the costs agreed to be shared between Council and Frasers. Note negotiations are currently underway with other landholders.
- 1.2.6 Following agreement on the key terms of the proposed transaction, Council and Frasers have worked to finalise a Deed of Agreement which stipulates the details of how the land swap transaction will occur. This document once signed will be legally binding on the parties. The deed represents the final agreed position of Council staff and Frasers (refer to **Attachment 5**). Attached to the deed is the agreed land swap plan referred to as Annexure A.

1.3 NEXT STEPS

- 1.3.1 In order for the land swap to occur an amendment to Pittwater Local Environmental Plan 2014 and development application will be required.

- 1.3.2 Council's Commercial Property and Projects Business Unit will engage an independent planning consultant to prepare and lodge these applications on Council's behalf. To mitigate potential probity issues, an independent planning consultant will also be engaged to assess these applications on behalf of Council's Planning and Assessment Business Unit.
- 1.3.2 The transfer of land and funds will take place at the completion of these steps. It is estimated that it could take up to 9 to 12 months for these aspects of the transaction to be completed.

2.0 RECOMMENDATION

- 1. That Council note:**
 - a. The comprehensive community engagement that has occurred in relation to this matter*
 - b. The terms of the Memorandum of Understanding*
 - c. The independent valuation advice*
 - d. The terms of the Deed of Agreement*
 - e. That the cash adjustment from the proposed land transfers will be reinvested into the Section 94 fund to implement the plan as endorsed by Council.*
 - f. The findings of the probity report prepared by Procure Group (Attachment 6).*
- 2. That Council endorse the proposed terms of the land swap and authorise the General Manager to sign the deed of agreement for the land swap (Attachment 5).**
- 3. That Council support the progression of the land swap agreement, comprising:**
 - a. Preparation and lodgement of a Planning Proposal to amend Pittwater LEP 2014 to reallocate dwelling yield and rezone the future park to a recreation zone as outlined in the Deed of Agreement,*
 - b. Preparation and lodgement of a development application to subdivide/consolidate the existing land parcels to enable the transfer of land to occur.*
- 4. That a future report be brought to Council at the completion of the transaction.**
- 5. That Council endorse the concept masterplan for the southern component of the Central Local Park (Figure 2) to enable it to be progressed following the land swap.**

3.0 BACKGROUND

3.1 PURPOSE

In accordance with Council's resolution of 18 May 2015, the purpose of this report is to:

- Inform Council of the outcomes of the negotiations with Frasers Property (Frasers).
- Outline the key terms of the Memorandum of Understanding.
- Inform Council of the valuation advice received and the financial adjustment agreed between the parties.
- Outline the key terms of the Deed of Agreement.
- Present the probity advisor's audit report on the negotiations.
- Outline the next steps to finalise the land swap agreement.

3.2 BACKGROUND

3.2.1 Open Space Requirements in Warriewood Valley

To ensure that the wider Pittwater community is not burdened as a result of the development of the Warriewood Valley Release Area, the Warriewood Valley Section 94 Contributions Plan (Section 94 Plan) has been prepared to enable Council to impose as a condition of development consent a requirement to make a contribution toward the provision of public infrastructure and services.

In relation to open space and recreation facilities, the Section 94 Plan identifies a demand for a total of 18.7 hectares of open space and recreation facilities for both passive and active use to service the forecast population of Warriewood Valley. The Section 94 Plan identifies that within Sectors 8 and 9 of the Release Area, either side of Fern Creek, approximately 2.1 hectares (exclusive of creek line corridor land) of passive open space land will be delivered. This open space area is referred to as the Warriewood Central Local Park.

As outlined in previous reports to Council, it is Council's intention that the Central Local Park be generally linear in shape, with a central bulge either side of Fern Creek, connected by a pedestrian/cyclist bridge, providing for passive recreation opportunities.

The northern portion of the Central Local Park was delivered several years ago as part of the development of Sector 8 by Australand. The northern half of the park includes a playground component, a large open grassed area, picnic facilities including barbeques, a public amenities facility and associated car parking.

The southern portion of the Central Local Park is still to be delivered. Council's intention is that the southern portion of the park mirrors the shape of the northern half of the park.

3.2.2 Purchase of 9 Fern Creek Road

In 2008 an opportunity arose to acquire a parcel of land within Sector 9. The property, 9 Fern Creek Road, is rectangular in shape and approximately 1.15 hectares in area and adjoins Fern Creek and is directly south of the northern portion of the Central Local Park. At the time, the parcel of land was considered to be the most appropriate available land in Sector 9 for open space purposes.

On 21 April 2008 Council resolved to purchase 9 Fern Creek Road to facilitate the delivery of the remaining half of the park. The Council resolved that the land remain classified as Operational Land under the *Local Government Act 1993* upon acquisition to retain some flexibility around the future development of Sector 9.

3.2.3 Land swap proposal and Council resolution of 19 May 2014

Unlike Sector 8, the development of Sector 9 has not been progressed via a sector approach. In recognition of the protracted and unsuccessful attempts by landowners to rezone the sector for residential development, Council initiated the rezoning of the sector, allowing individual land parcels within the sector to develop independently.

Frasers own three parcels of land at the northern end of Sector 9, adjoining Fern Creek – 11, 12 and 13 Fern Creek Road (refer to **Attachment 1**). Although zoned for residential development the parcels are land locked and, as such, in order to be developed would need to establish legal access.

In 2013, Australand (now known as Frasers Property and to avoid confusion referred to as Frasers Property from this point in the report), the owner of adjoining land parcels 11, 12 and 13 Fern Creek Road, put a formal land swap proposal to Council to facilitate both the development of their land holdings as well as Council's preferred open space layout for the sector (refer to **Attachment 2**).

On 19 May 2014 this initial proposal was put forward to Council for consideration. Council resolved as follows:

- “1. That Council give in principle support for the development of a large local park in Sector 9 of Warriewood Valley.*
- 2. That the General Manager enter into discussions with surrounding land owners with a view to achieving an understanding of the possibilities within that area.*
- 3. That Lot 5 // DP 736961 be valued at its highest and best use.*
- 4. That at the conclusion of discussions, and before reaching a final agreement, the General Manager is to report back to Council.*
- 5. That in parallel to the General Manager’s negotiations that community consultation is undertaken with residents of Warriewood Valley and any other interested parties with regard to a large local park.”*

3.2.4 Updated and larger land swap proposal following community consultation

Following this meeting extensive consultation occurred with the surrounding land owners and the Warriewood Residents Association. This consultation included:

- Mail out to every resident and land owner in Warriewood Valley advising of the preliminary land swap proposal.
- Notification on Council’s website and in Manly Daily.
- Public meeting held on 17 October 2014.
- Discussions with owners of 11, 12 and 13 Fern Creek Road (Australand), 4 Fern Creek Road (private owner), 5 Fern Creek Road (private owner), 2 Fern Creek Road (ABAX Contracting) and 1 Fern Creek Road (Dragon Eye Properties).
- Numerous meetings with Warriewood Residents Association to discuss land swap proposal as well as the group’s alternate proposal

Following considerable consultation and negotiation with the adjoining land owners and community, the land swap as initially proposed by Frasers was modified to increase the width of the open space component to maximise the recreational utility of the future park and ensure that there is no net loss of public open space.

A revised concept plan with a larger area provided for the park was endorsed by Council for the land swap on 18 May 2015 when it authorised the General Manager to commence negotiations with Frasers (refer to Figure 1 and Figure 2).

This revised concept included an additional 1,800 square metres for the park area (not including creek line corridor) and an increase in the width of the park in comparison to the original Frasers proposal by moving the roadway further from the creek line corridor.

The consultation provided an opportunity to analyse Frasers’ initial proposal, consider all other alternatives and incorporate pertinent issues into a revised park layout. Through this consultation it was confirmed that in the context of Council’s limited resources and the other competing infrastructure priorities in the Valley, the land swap proposal, as modified, remains the preferred outcome for the sector.

On 18 May 2015 a concept plan for the proposal was put forward to Council for endorsement for the purpose of progressing negotiations with Frasers on the other aspects of the agreement. Council’s resolution is as follows:

- “1. That the Concept Layout Plan for the Central Local Park, in particular the southern half located within Sector 9 be endorsed as an indicative plan only and the General Manager be authorised to enter into negotiations with Australand, the owner of the adjoining lands to progress this outcome.*
- 2. That the transaction be captured by a Memorandum of Understanding between the parties and be based on the following:*

- *The valuation of the lands to be swapped being based on highest and best use.*
 - *A financial adjustment to be made noting the difference in land valuations.*
 - *The undergrounding of the overhead power where practical as per Ausgrid requirements.*
 - *That undergrounded stormwater management along the drainage easement be included.*
 - *The direct provision of full width road infrastructure (excluding parking bays on the reserve side) by Australand.*
 - *The land being swapped to be rezoned to be consistent with the intended future land use. In this regard:*
 - I. the part of the land owned by Council currently zoned residential with no dwelling yield would be rezoned to residential with a potential yield of 32 dwellings per developable hectare;*
 - II. the part of the land owned by Australand currently zoned for residential would be rezoned to recreational and the adjoining land not being swapped provided a pro-rata development potential where this is already a lower fixed yield.*
 - *That the landswap area be calculated from the edge of the riparian zone (at 25m).*
3. *The creekline corridor acquisition is completed as a separate financial transaction as per the S94 Plan prior to the landswap to establish net areas of land involved.*
 4. *An area for area swap of land so that the net open space compared to the current rectangle is not reduced.*
 5. *That an updated valuation be obtained from an independent Valuer to ascertain the likely land values of the various parcels involved in the overall transaction.*
 6. *That a probity advisor be appointed to oversee and report on this transaction.*
 7. *That a report be brought back to Council detailing the negotiation, the Memorandum of Understanding and the financial aspects of the transaction.”*

A copy of the concept plan endorsed by Council on 18 May 2015 is attached to report (refer to **Attachment 3**).

3.3 **POLICY IMPLICATIONS**

The proposed land swap has implications for layout of the southern portion of the Central Local Park but also the future roads within the sector. The land swap proposal therefore has implications for the layout of developments at the northern end of the sector and, in turn, the assessment of development applications against Pittwater 21 Development Control Plan (DCP).

Due to the ongoing uncertainty around the shape of the southern portion of the Central Local Park and the location of the future east-west road within the sector a number of developments within Sector 9 have been unable to be progressed beyond a certain point. It is now critical that the park and road layout for the sector be confirmed to enable the development of the sector to proceed.

3.4 **RELATED LEGISLATION**

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Local Government Act 1993

Pittwater Local Environmental Plan 2014

3.5 FINANCIAL ISSUES

3.5.1 Budget

As agreed and outlined in the deed, the majority of costs associated with the land swap agreement are to be shared equally between the parties.

The monetary gain as a result of the land swap is required to be reinvested into the Section 94 fund to assist with delivering the remaining infrastructure and services required by the Release Area as endorsed by Council.

3.5.1 Resources Implications

As stated above, the monetary gain as a result of the land swap is required to be reinvested into the Section 94 fund to assist with delivering the remaining infrastructure and services required by the Release Area as endorsed by Council.

4.0 KEY ISSUES

4.1 SUMMARY OF NEGOTIATIONS

Following Council's decision of 18 May 2015, Council and Frasers have negotiated to finalise the terms of the land swap agreement.

4.1.1 Key amendments to land swap agreement

Following Council's meeting of 18 May 2015, discussions commenced with Frasers to confirm the area of land to be swapped as part of the agreement. Based on Council's endorsed concept plan, a detailed land swap plan was prepared identifying the areas of land to be swapped and retained by the parties. This Plan ultimately formed Annexure A to the Memorandum of Understanding (MOU) that was later negotiated and agreed to by the parties.

The key differences between the land swap plan originally proposed by Frasers in 2013/14 (**Attachment 2**) and the land swap plan now agreed to between the parties are as follows:

- The park area is increased by over 1,800 square metres (not including creek line corridor land) and the development area has been reduced.
- The width of the park has been increased along its length – at the narrowest point the width of the park has been increased by approximately 17 metres (not including creek line corridor land) and at its widest point the park has been increased by approximately 8 metres (not including creek line corridor land).

4.1.2 Memorandum of Understanding

Once the land swap areas were agreed to, Council and Frasers worked to finalise a MOU which would guide the further work that needed to be done to finalise the agreement. The MOU was not intended to be legally binding, but rather address the main issues related to the transaction and identify the terms of a future deed of agreement, which would be binding on the parties once signed.

In October 2015 the respective General Manager of Frasers and Council signed a MOU addressing the following matters:

- Area of land to be swapped,
- Creek line corridor dedication and offset,
- Undergrounding of high voltage power lines,
- Road and stormwater construction,
- Necessary amendments to Pittwater LEP 2014,
- Development application to subdivide/consolidate existing lots,
- Costs,
- Probity advisor.

A copy of the agreed MOU is attached to this report (**Attachment 4**).

4.1.3 Deed of Agreement

Since October 2015 Council and Frasers have worked to finalise a Deed of Agreement which stipulates the details of how the land swap transaction will occur. This document once signed will be legally binding on the parties.

During this time a surveyor was also engaged by Council to review the land swap proposal and confirm the areas of the land that would be swapped and retain by the parties.

The Deed of Agreement is attached to this report (refer to **Attachment 5**). This deed represents the final agreed position of Council staff and Frasers. Attached to the deed is the agreed land swap plan referred to as Annexure A. The figures in this plan as based on the figures provided by Council's surveyor.

The key terms of the deed are discussed in detail at section 4.2 of this report.

4.2 KEY TERMS OF DEED

4.2.1 Area of land to be swapped

Figure 1 identifies the area of land to be swapped between Council and Frasers as well as the area of land that will be retained by each party. Figure 1 should be read in conjunction with Table 1, which specifies the exact area of land proposed to be swapped and retained by the parties. In summary, the two indicate that under the proposal:

- Approximately 5,374 square metres of Council land being transferred to Frasers, and
- Approximately 11,826 square metres of land, made up of 5,984 square metres of land for public reserve and 5,842 metres of land for creek line corridor, being transferred to Council.
- At its narrowest point, the park will be 25 metres wide (not including the creek line corridor). Combined with the creek line corridor, the park will be 50 metres wide at its narrowest point.
- At its widest point, the park will be 51 metres wide (not including the creek line corridor land). Combined with the creek line corridor, the park will be 76 metres wide at its widest point.
- At the centre of the park, at the point where the two halves of the park will be joined by a bridge, the Central Local Park will be approximately 175 metres wide and approximately 280 metres long.

Table 2 details the land use areas proposed under the land swap agreement. In summary, Table 2 indicates that under the proposal:

- The public park (excluding creek line corridor land) will be approximately 9,900 square metres.
- Combined, the public park and creek line corridor will total approximately 18,000 square metres.
- The developable land, including the public road, will total approximately 12,600 square metres.

Compared to 9 Fern Creek Road in its current configuration which is approximately 9,300 square metres (excluding creek line corridor land), the proposed park will be increased by over 600 square metres – approximately 9,900 square metres (excluding creek line corridor land).

Based on this proposal, Council staff have developed a concept masterplan for the southern component of the Central Local Park (refer to Figure 2). It is intended that the southern half of the Central Local Park will complement the northern half. As indicated on Figure 2, the intention is to provide a large grassed area with a perimeter shared path, picnic shelters, barbeques, car parking and landscaping.

The two halves of the park will be connected by a bridge and paths wide enough for pedestrians and cyclists.

The embellishment of the park will be funded through the Section 94 Plan, and therefore the timing of these works will be subject to the availability of funds.

In addition, Frasers will fund a number of infrastructure improvements as described in section 4.2.4 below.

Table 1: Summary of land proposed to be swapped and retained by land owners

Legal Description	Address	Land owner	Land to be swapped (m ²)	Land to be retained (m ²)	Total (m ²)
5/736961	9 Fern Creek Road	Pittwater Council	5,374.3	6,215.8 (3898.8 exclusive of creek line land)	11,590.1
11/1092788	11 Fern Creek Road	Frasers Property	5,801.4 (3161.4 exclusive of creek line corridor land)	3,174	8,975.4
12/1092788	12 Fern Creek Road	Frasers Property	3,917.8 (2408.8 exclusive of creek line corridor land)	4,075.8	7,993.6
13/1092788	13 Fern Creek Road	Frasers Property	2,106.3 (413.3 exclusive of creek line corridor land)	0	2,106.3
Pittwater Council Total			5,374.3	6,215.8 (3898.8 exclusive of creek line land)	11,590.1
Frasers Property Total			11,825.5 (5986.5 exclusive of creek line corridor land)	7,249.8	19,075.3
Total (m²)			17199.8	13465.6	30,665.4

Table 2: Summary of proposed land use areas

Legal Description	5/736961	11/1092788	12/1092788	13/1092788	Total (m²)
Address	9 Fern Creek Road	11 Fern Creek Road	12 Fern Creek Road	13 Fern Creek Road	
Land owner	Pittwater Council	Frasers Property	Frasers Property	Frasers Property	
Creek line corridor land (m ²)	2,317	2,640	1,509	1,693	8,159
Public park (m ²)	3,898.8	3,161.4	2,408.8	413.3	9,882.3
Public road (m ²)	1,847.3	789.5	675.3	0	3,312.1
Development land (m ²)	3,527	2,384.5	3,400.5	0	9,312
Total (m²)	11,590.1	8,975.4	7,993.6	2,106.3	30,665.4

Figure 1: Proposed areas to be swapped and retained by land owners



Figure 2: Concept Masterplan for Central Local Park



4.2.2 Creek line corridor transfer

The Warriewood Valley Section 94 Contributions Plan identifies sections of creek line land within the catchment to be acquired and reconstructed in order to manage stormwater runoff and flooding issues generated by the development within the Release Area. The creek land within 11, 12 and 13 Fern Creek Road currently owned by Frasers is also proposed to be transferred to Council as part of the land swap agreement in order to facilitate the integrated development of the southern portion of the Central Local Park.

The creek line corridor transfer will be undertaken in accordance with the Section 94 Plan and be based on the current rates outlined in the Plan.

4.2.3 Valuation advice and financial adjustment

Both parties have received independent valuation advice and have negotiated and reached an agreement on an appropriate cash adjustment based on the proposed land transfers.

Refer to the corresponding Confidential Report in the Council Agenda.

4.2.4 Infrastructure provision

In relation to the provision of infrastructure, the parties have agreed:

- Frasers will fund and construct both the extension of Fern Creek Road and the construction of a new east-west road connecting Fern Creek Road with the eastern half of Sector 9.
- Frasers will fund and construct the section of stormwater infrastructure that is required to be located within the Fern Creek Road extension.
- Council will fund and construct the section of stormwater infrastructure between Fern Creek Road (as constructed by Frasers) and Fern Creek.
- The cost of undergrounding the high voltage power lines that current run along the parties' common boundary at 9 and 12 Fern Creek Road will be shared equally. This work will be undertaken by a third party contractor, likely in conjunction with the undergrounding of the other sections of high voltage wires within the sector. Note negotiations are currently underway with other landholders.

The details related to these arrangements will be captured in a Planning Agreement that will accompany the future development application (this is discussed in further detail at section 4.4.3).

4.3 PROBITY AUDIT OF NEGOTIATIONS

Given their previous involvement in several key projects related to the Warriewood Valley Release Area, Procure Group was engaged to oversee the land swap negotiations.

The tasks undertaken by Procure Group have included:

- Overseeing negotiations and where required providing probity advice and services in regard to the negotiations.
- Attendance at all meetings between Frasers and Council officers where it could be deemed that Council has a potential conflict of interest.
- Undertaking of a probity audit at the conclusion of the negotiations and preparation of a probity report summarising the management of probity matters.

The report prepared by Procure Group is attached to report (refer to **Attachment 6**).

4.4 NEXT STEPS

4.4.1 Deed of Agreement

If supported by Council, the General Manager and the relevant executive/s from Frasers will sign the Deed of Agreement which will establish the legal framework and the risk and obligations of each party to enable the transaction to be completed.

4.4.2 Planning Proposal

As outlined in the MOU and the deed, a Planning Proposal will be required to reallocate dwelling yields to the reconfigured land parcels, amend the maximum building height permitted and rezone the proposed park to a recreation zone.

In regard to the reallocation of dwelling yields:

- The part of land owned by Council and proposed to be transferred to Frasers will be allocated a dwelling yield based on a density of 32 dwelling per hectare.
- The part of the land currently and to be retained by Frasers will be allocated a pro-rata yield based on the current density, which varies from between 10 and 32 dwelling per hectare.

Council's Commercial Property and Projects Business Unit will engage an independent planning consultant to prepare and lodge the Planning Proposal on Council's behalf. To mitigate potential probity issues, an independent planning consultant will also be engaged to assess the Planning Proposal on behalf of Council's Planning and Assessment Business Unit

A future report will be brought to Council after the lodgement and assessment of the Planning Proposal.

4.4.3 Development Application

Also outlined in the MOU and deed is the need for a future development application to subdivide and consolidate the parcels of land to allow the relevant parcels of land to be transferred between the parties.

As outlined above at section 4.2.4, a Planning Agreement is required to be entered into by the parties to capture the infrastructure works that will be undertaken by Frasers as part of this transaction. The draft Planning Agreement will be lodged and exhibited with the development application. Once agreed to by Council, the obligations of the Planning Agreement will carry to the title of each new parcel of land created.

Again, Council's Commercial Property and Projects Business Unit will engage an independent planning consultant to prepare and lodge this application and a separate planning consultant will be engaged assess the application.

4.4.4 Settlement

The transfer of land and funds will take place following:

- Notification of LEP amendment by Department of Planning and Environment,
- Approval of development application by Council,
- Entering into of the Planning Agreement, and
- Registration of the Planning Agreement on title.

It is estimated that it could take up to 9 to 12 months for these aspects of the transaction to be completed.

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1 – Aerial image of Sector 9

Attachment 2 – Original land swap proposal – Reported to Council 19 May 2014

Attachment 3 – Concept Plan – Endorsed by Council 18 May 2015

Attachment 4 – Signed Memorandum of Understanding

Attachment 5 – Deed of Agreement

Attachment 6 – Probity Report by Procure Group

6.0 SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

As per the Council recommendation of 19 May 2014, Council staff have extensively engaged with Sector 9 land owners, the local resident group (Warriewood Residents Association) and the broader community. The land swap proposal was amended to respond to the concerns raised by the stakeholders during this consultation.

6.1.2 Risk Management

Strict probity protocols have been put in place throughout the negotiations to manage these risks. Council intends to continue to engage a probity advisor to oversee the completion of the transaction, in particular the assessment of the Planning Proposal and development application.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

The creek line corridors through the Warriewood Valley generally have a 50 metre wide central corridor that contains riparian habitat as well as shared path connections. These corridors provide important continuous wildlife connections from the escarpment to the Warriewood Wetlands.

The Central Local Park is dissected by Fern Creek as a central environmental feature. The northern half of this corridor has already been acquired and co-joins the recreational open space. The southern half of the creekline corridor will be acquired through this transaction and will adjoin the recreation space within the southern half of the park. This will ensure there is a broad expanse of adjoining open space that can suitably integrate both environmental and recreational requirements, providing a gateway to the escarpment to the west

6.2.2 Mitigation Measures

The environmental impact of the proposed recreational area is minimal and will generally be similar to the impact of the current grassed paddocks, albeit better maintained. The proposed perimeter pathway also provides a managed edge between the riparian plantings and the recreational area. The riparian corridor will provide an important connection to the escarpment, providing habitat for aquatic and terrestrial species. In this regard it will be important that cats and dogs of the adjoining residential development are effectively managed to prevent fauna loss.

6.3 **SOCIAL**

6.3.1 **Address Community Need & Aspirations**

The land swap proposal, in reconfiguring the open space provision along the creek line, will facilitate a better open space and development outcome for the northern part of Sector 9 by integrating the open space with the existing park in Sector 8 and unlocking the development opportunity of the remaining portion of 9 Fern Creek Road and allowing development to be more appropriately positioned on surrounding properties. The proposal will result in a similar open space layout to the existing arrangement on the northern side of Fern Creek (within Sector 8), thereby achieving a more integrated and cohesive open space arrangement with the existing park.

6.3.2 **Strengthening local community**

The land swap proposal, in reconfiguring the open space provision along the creek line, will facilitate a better open space and development outcome for the northern part of Sector 9. In conjunction with the bridge connection and other pathways, the proposal will significantly strengthen the local communities to the south, north and east adding to the liveability and appeal of Warriewood Valley.

6.4 **ECONOMIC**

6.4.1 **Economic Development**

The land swap, in reconfiguring the open space provision along the creek line, will facilitate a better open space and development outcome for the northern part of Sector 9 by integrating the open space with the existing park in Sector 8 and unlocking the development opportunities within Sector 9. Unlocking the development opportunities in Sector 9 is vitally important to ensuring the timely delivery of infrastructure under the Section 94 Plan.

The monetary gain as a result of the land swap is required to be reinvested into the Section 94 fund to assist with delivering the remaining infrastructure and services required by the Release Area. These could be utilised specifically to achieve other identified open space outcomes, in particular the potential acquisition of land in the Southern Buffer for future playing fields.

Report prepared by
Tija Stagni, Local Infrastructure Coordinator

Arianna Henty
MANAGER, COMMERCIAL PROPERTY & PROJECTS



Aerial Photography - 2015
Licensed from NearMap.
This plan is not survey accurate.

Sector 9 Land Ownership





SCHEDULE OF TRANSFER AREAS						
LAND DESCRIPTION REGISTERED PROPRIETOR	11/1092788		12/1092788		5/734961	
	AUSTRALAND	AREA (m ²)	AUSTRALAND	AREA (m ²)	AUSTRALAND	COUNCIL
TRANSFER						
TO 25 METRE CREEK CORRIDOR		2840	1509	1693	2317	8159
TO 25-50 METRE CREEK BUFFER		2180	1487	413	2175	6255
TO PROPOSED PUBLIC RESERVE		253	497	0	1048	1798
TO PROPOSED ROAD		858	677	0	2172	3707
TO PROPOSED DEVELOPMENT LOTS		3044	3824	0	3877	10745
TOTAL		8975	7994	2106	11589	30664

DRAFT

PROPOSED SUBDIVISION & DISTRICT PARK
SECTOR 9 WARREWOOD VALLEY
LOT 5 IN D.P. 736861 & LOTS 11, 12 & 13
D.P. 1062768

Project:

Site:

Scale: 1:500

Date: 14-10-2013

Client Ref:

Owner: L.B.A. PITTWATER

City: F.S.G. A.H. Proj. Man. A.H. Client Ref.

Project:

Site:

Scale: 1:500

Date: 14-10-2013

Client Ref:

Owner: L.B.A. PITTWATER

City: F.S.G. A.H. Proj. Man. A.H. Client Ref.

Project:

Site:

Scale: 1:500

Date: 14-10-2013

Client Ref:

Owner: L.B.A. PITTWATER

City: F.S.G. A.H. Proj. Man. A.H. Client Ref.



MEMORANDUM OF UNDERSTANDING

Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)

1	Parties Identity	Pittwater Council (PC) and Fraser's Property Limited (FP)
2	Form of Contract	Land Swap Agreement relating to land in Sector 9 within the Warriewood Valley Release Area, between Pittwater Council and FP. The lot details are identified in Item 3.
3	Properties	Land owned by FP to be acquired by PC: That part of Lot 11 DP 1092788, part of Lot 12 DP 1092788 and part of Lot 13 DP 1092788, each currently owned by FP and identified as being acquired by PC in Annexure A Land owned by PC to be acquired by FP: That part of Lot 5 DP 736961 currently owned by PC and identified as being acquired by FP in Annexure A.
4	Terms of Memorandum of Understanding (MOU)	The intent of this MOU is to set out and identify the terms of the proposed future deed of agreement between PC and FP. This MOU should not be construed by either party as being legally binding. The parties agree to work together in good faith to address and incorporate the items identified in the Council resolution of 18 May 2015 (Item C12.4) and in this MOU in any future deed of agreement.
5	Valuation and Negotiations	Each party agrees to undertake an independent valuation of the proposed land swap identified in Item 3 above. Each valuation is to be based on an agreed brief that values the land at its highest and best use. Specifically, part of Lot 5 DP 736961 currently owned by PC and identified to be acquired by FP in Annexure A is to be valued on the basis of it having a dwelling yield of 32 dwellings per developable hectare. The valuer must have current NSW registration, be a member of the Australian Property Institute with the appropriate classification and have at least 5 years of experience. Both parties are to pay their own costs in relation to the services of an independent valuer. The parties are to come to a negotiated outcome in relation to any financial adjustment as a result of the overall land swap transaction. Any financial adjustment is to take place on settlement.
6	Creek line Corridor	The transfer of creek-line corridor land owned by FP identified to be acquired by PC in Annexure A is to be completed as a separate financial transaction in accordance with the Warriewood Valley Section 94 Contributions Plan. The value of the creek line corridor land is to be based on the value specified in the Warriewood Valley Section 94 Contribution Plan in force at the date signing of the deed of agreement. The financial transaction is to be a separate item in the deed of agreement but is to be consolidated in the overall land swap transaction. Following any financial adjustment that is to be undertaken as outlined in item 5 above, the parties agree that the compensation set out in this item 6 is to be paid to FP. This compensation can be used to offset any amount FP owes to PC.
7	Undergrounding of Overhead Power	PC to provide Ausgrid's approved design and costings to FP for the undergrounding of the existing High Voltage (HV) overhead cabling. The undergrounding of the overhead power where practical will be in

MEMORANDUM OF UNDERSTANDING

Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)

		<p>accordance with Ausgrid requirements.</p> <p>The parties agree to share the cost of the undergrounding of the existing overhead HV cabling and if required based on Ausgrid's advice, the cost of any associated infrastructure requirements within the properties proposed to be swapped on a 50/50 basis.</p> <p>If there are any additional electrical undergrounding or upgrading required by Ausgrid outside of the land-swap proposed area, these costs will be the to be borne by PC.</p>
8	Road works	<p>The full road width construction, including stormwater infrastructure, are to be completed by FP at its sole cost. These roads are to be dedicated to PC as part of the future residential subdivision of the land.</p> <p>The parties are to consult in good faith in relation to whether a Planning Agreement under section 93F of the Environmental Planning & Assessment Act will be required to affect this aspect of the transaction.</p> <p>Note:</p> <p>Northern extension of Fern Creek Road: This road is only required to be 16m wide as per a "Local Road" under Warriewood Valley Roads Masterplan. In accordance with the Warriewood Valley Landscape Masterplan a 2.1m shared path is to be provided along the eastern side of this road, in lieu of the 1.5m footpath required by the Warriewood Valley Roads Masterplan. The 2.1m wide shared path is all inclusive of the 16m wide road reserve requirement for Fern Creek Road extension.</p> <p>New east-west road: This road is required to comply with the requirements of a "Local Road" under the Warriewood Valley Roads Masterplan. FP is required to construct a dish drain to the edge of the road treatment, however is not required to construct the parking bays and verge on the reserve side of the road.</p>
9	Pittwater LEP Amendment	<p>PC agrees to prepare and lodge a Planning Proposal to amend Pittwater LEP 2014 as follows:</p> <ul style="list-style-type: none"> (a) The part of Lot 5 DP 736961 owned by PC and identified in Annexure A to be acquired by FP will be allocated a maximum building height of 10.5 metres and a maximum yield of 17 dwellings based on a density of 32 dwellings per developable hectare; (b) The Lot 13 DP 1092788 and the part of Lot 11 DP 1092788 and part of Lot 12 DP 1092788 owned by FP and identified in Annexure A to be acquired by PC will have no dwelling yield allocated to it and will be rezoned to RE1 Public Recreation; and (c) The part of Lot 11 DP 1092788 owned by FP and identified in Annexure A to be retained by FP is to be allocated a yield of 3 dwellings based on a density of 10 dwellings per developable hectare; and (d) The part of Lot 12 DP 1092788 owned by FP and identified in Annexure A to be retained by FP is to be allocated a yield of 13 dwellings based on a density of 32 dwellings per developable

MEMORANDUM OF UNDERSTANDING

Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)

		<p>hectare.</p> <p>PC will engage an independent consultant to prepare and progress the LEP amendment. All costs and relevant application fees in connection with the LEP amendment are to be borne equally by both parties.</p> <p>In the event that the proposed LEP amendment is not successful, the parties agree that the land swap contemplated by this MOU cannot occur and the proposed land swap arrangements will be at an end. In this event, all costs incurred, except as otherwise specified in Item 16, will be borne equally by both parties.</p>
10	Subdivision	<p>Following gazettal of the LEP amendment by Department of Planning & Environment, PC agrees to prepare and lodge a development application to subdivide the land to reflect the change in ownership proposed by this MOU.</p> <p>PC will engage a consultant to prepare and progress the development application. All costs and relevant application fees in connection with the development application are to be borne equally by both parties.</p>
11	Settlement	<p>Settlement of the land swap is conditional on the following:</p> <ul style="list-style-type: none"> (a) Registration of subdivision certificate in accordance with the development application described in Item 10; and (b) Gazettal of the LEP Amendment identified in Item 9. <p>Settlement will occur within 30 days of the successful completion of both (a) and (b) above.</p>
12	Storm-water infrastructure	<p>An underground stormwater pipe is to be provided from the existing cul-de-sac in Fern Creek Road to Fern Creek. This pipe is to be constructed along the alignment of the existing drainage easement and is to be constructed to a standard specified by PC. The construction of this stormwater pipe is to be undertaken concurrent with the road construction. Each party is responsible for costs associated with undergrounding the section of stormwater infrastructure within their own land.</p> <p>The existing drainage easement is to be extinguished and replaced by a new easement along the same alignment and is to be of a suitable width specified by Council.</p> <p>All stormwater infrastructure required to service the future residential development is to comply with Pittwater 21 DCP, Control C6.21 Provision of Infrastructure.</p>
13	Probity	PC to appoint probity advisor to oversee and report on this transaction.
14	Other Issues: Contamination	<p>Both parties agree that as at the date of agreement of this MOU neither party is aware of any contamination affecting the properties identified in Item 3 which would make that property unsuitable for their intended use.</p> <p>FP and PC must not bring any materials or land fill onto their properties during the land swap transaction period which may cause contamination and will not allow any materials to be located on the properties which may cause contamination or detrimentally affect the land for its intended use.</p>
15	Other Issues: Legal Documentation	<p>PC is to prepare all legal documentation associated with this land swap.</p> <p>All reasonable costs associated with drafting and amending the legal</p>

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Final 28/09/2015

MEMORANDUM OF UNDERSTANDING

Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)

		documents leading to their signing are to be borne equally by both parties.
16	Other Issues: Other Costs and Invoicing	Both parties to pay their own respective legal costs, except as otherwise outlined in Item 15 above. All other costs, except as otherwise outlined in this MOU, are to be borne equally by both parties. In relation to these costs, PC agrees to pay these costs and invoice FP monthly. FP will be consulted prior to PC accepting any quotes for services for which the costs are to be borne equally.
17	Other Issues: Council endorsement	The parties acknowledge that the future land swap contemplated by this MOU is subject to endorsement by the elected Council and Board approval by FP.

Agreed by Frasers Property Ltd

Date:

1/10/15

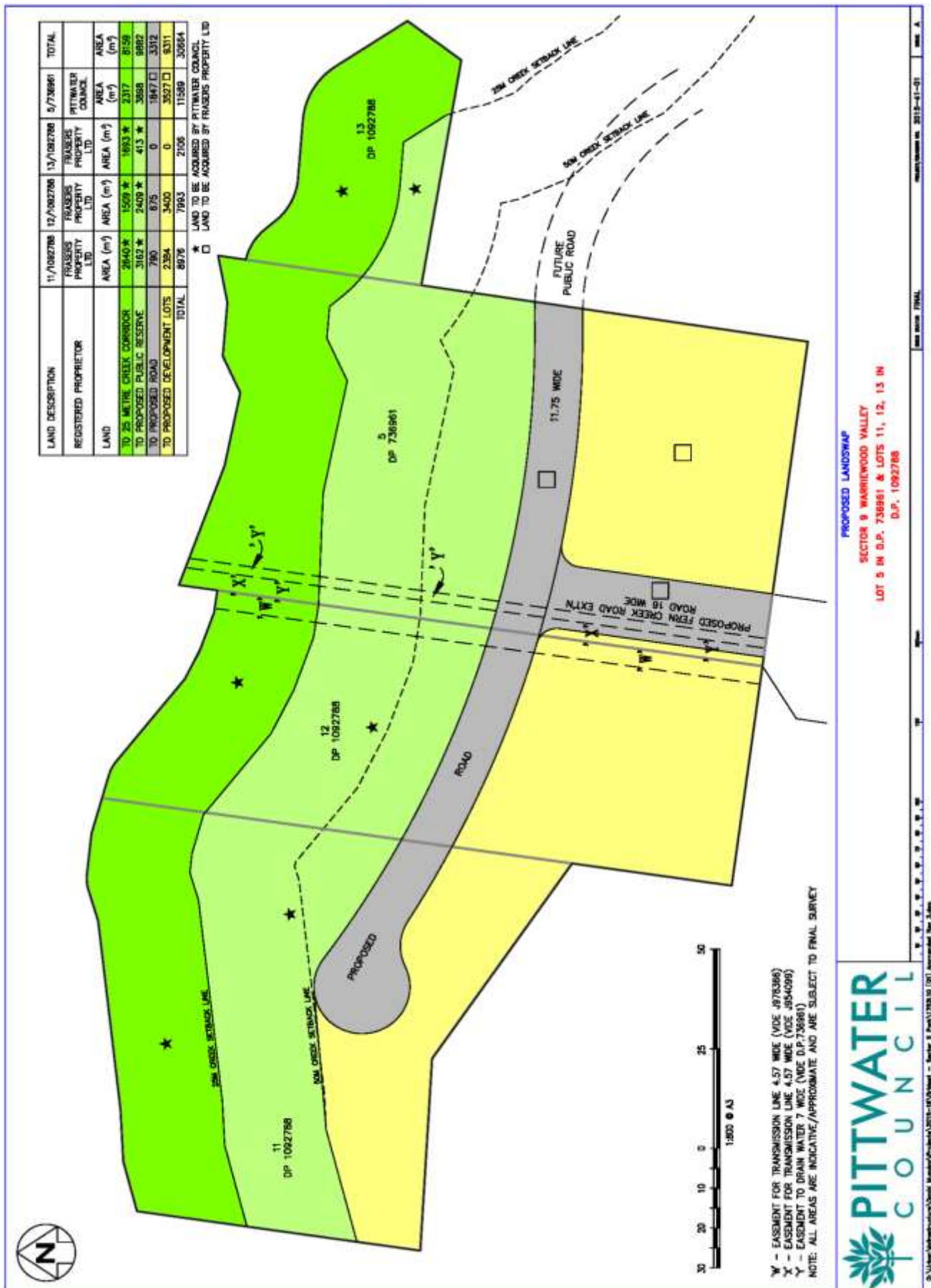
Agreed by Pittwater Council



Date:

29/9/15

ANNEXURE A



LAND SWAP DEED

PITTWATER COUNCIL

("Council")

and

FRASERS PROPERTY LIMITED

("FP")



Matthews Folbigg Pty Ltd
"The Barrington" Level 7
10-14 Smith Street Parramatta 2150
PO Box 248 Parramatta 2124
DX 8233 Parramatta
T 9635 7966 | F 9633 9400

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LAND SWAP DEED

Deed dated

2015

PARTIES

PITTWATER COUNCIL (ABN 61 340 837 871) of 1 Park Street, Mona Vale NSW 2103

("Council")

FRASERS PROPERTY LIMITED (ACN 008 443 696) of 1 Homebush Bay Drive, Rhodes NSW 2138

("FP")

RECITALS AND BACKGROUND

- A Due to the population increase associated with the Warriewood Valley and in order to deliver greater open space by the provision of a 2 hectare Central Local Park, Council acquired an existing 1.15 hectare parcel of land (9 Fern Creek Road) in order to facilitate the southern half of the Central Local Park.
- B Due to the shape and location of such lot not matching the preferred layout for the open space land, it has been agreed that in order to better reflect and facilitate the final layout plan for such open space, that Council and FP transact a land exchange and for such acquired land by Council to be rezoned RE 1 Public Recreation by the amendment of Council's Local Environmental Plan ("LEP").
- C Council owns the Council Land and FP the FP Land.
- D Subject to the amendment of Council's LEP, Council and FP have agreed to subdivide the Council Land and FP Land respectively owned by them so as to enable:
 - (a) Council to transfer the Council Development Land to FP, being an area measuring approximately 5,374.4 square metres; and
 - (b) FP to transfer to Council the FP Public Reserve Land and the FP Creek Line Corridor Land, being an area measuring approximately 11,825.5 square metres, as shown in the plan attached at Annexure A.
- E To enable the transaction contemplated by these Recitals, Council and FP have agreed to enter into this deed.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

The following meanings apply unless the contrary intention appears:

Business Days means a day on which banks are open for general banking business in Sydney, New South Wales (not being a Saturday, Sunday or public holiday in that place).

Completion Date means the date which is on or before the date which is 30 Business Days after Council issues the notice to FP under clause 2.1(b).

Council Development Land means that part of the Development Land comprised in Lot 5 in Deposited Plan 736961.

Conditions Precedent has the meaning given to it in clause 2.1 of this deed.

Council Land means Lot 5 Deposited Plan 736961 (folio identifier 5/736961).

Creek Line Corridor Land means the land shown in dark green and marked "To 25 Metre Creek Corridor" on the plan attached to this deed as Annexure A.

Creek Line Corridor Purchase Price means an amount equal to \$ [REDACTED] per square metre of the FP Creek Line Corridor Land (being approximately \$ [REDACTED]).

Creek Line Corridor Transfer means a transfer of land in a registerable form in relation to the transfer of the FP Creek Line Corridor Land from FP to Council.

Development Land means the land shown in yellow and grey and marked "To Proposed Road" and "To Proposed Development Lots" on the plan attached to this deed as Annexure A.

Development Land Transfer means a registrable transfer of land form in relation to the transfer of the Council Development Land from Council to FP.

Development Land Purchase Price means [REDACTED]

Duty means any stamp, transaction or registration duty or similar charge which is imposed by the New South Wales Office of State Revenue and includes any interest, fine, penalty, charge or other amount which is imposed in relation to that duty or charge.

FP Creek Line Corridor Land means that part of the Creek Line Corridor Land comprised in Lots 11, 12 and 13 in Deposited Plan 109278.

FP Land means Lots 11, 12 and 13 in Deposited Plan 1092788 (folio identifiers 11/1092788, 12/1092788 and 13/1092788).

FP Public Reserve Land means that part of the Public Reserve Land comprised in Lots 11, 12 and 13 in Deposited Plan 109278.

GST has the meaning given to it in the GST Act.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

GST Law has the meaning given in the GST Act.

LPI means Land & Property Information, New South Wales.

Plan of Subdivision means the proposed plan to subdivide the FP Land and the Council Land prepared by Council and approved by FP in accordance with clause 3.2.

Planning Agreement means a planning agreement between Council and FP on terms acceptable to the parties (acting reasonably) and in accordance with section 93F of the *Environmental Planning & Assessment Act 1979 (NSW)* in relation to the future residential subdivision of the Development Land which includes the provisions of the MOU made and agreed to between the parties dated 1 October 2015.

- (a) construction of stormwater infrastructure in relation to the land;
- (b) extension of Fern Creek Road; and
- (c) construction of New East-West Road.

Planning Proposal means the planning proposal to the Department of Planning and Environment to amend Council's LEP prepared by Council and approved by FP in accordance with clause 3.1.

Public Reserve Land means the land shown in light green and marked "To Proposed Public Reserve" on the plan attached to this deed as Annexure A.

Public Reserve Transfer Form means a registrable transfer of land form in relation to the transfer of the FP Public Reserve Land from FP to Council.

Sunset Date means 31 December 2018.

Undergrounding Works means the works associated with the undergrounding of the overhead power cables and lines along Council and FP's common boundary between Lot 5 in Deposited Plan 736961 and Lot 12 in Deposited Plan 1092788.

1.2 References to certain general terms

Unless the contrary intention appears, in this deed:

- (a) a reference to a document (including this contract) includes any variation or replacement of it;
- (b) a reference to a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this contract;
- (c) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (d) the word "law" includes common law, principles of equity, and laws made by parliament (and laws made by parliament include State, Territory and Commonwealth laws and regulations and other instruments under them, and consolidations, amendments, re-enactments or replacements of any of them);
- (e) the singular includes the plural and vice versa;

- (f) the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association, or any authority;
- (g) a reference to a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns;
- (h) a reference to a body or authority includes a reference, if that body or authority ceases to exist, to the body or authority which has substantially the same functions and objects as the first body or authority;
- (i) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and each of them individually;
- (j) an agreement, representation or warranty by two or more persons binds them jointly and each of them individually;
- (k) a reference to a group of persons or things is a reference to any two or more of them jointly and to each of them individually;
- (l) a reference to Australian dollars, dollars, A\$ or \$ is a reference to the lawful currency of Australia;
- (m) if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (n) a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later;
- (o) a reference to accounting standards is a reference to the accounting standards as defined in the Corporations Act, and a reference to an accounting term is a reference to that term as it is used in those accounting standards, or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia;
- (p) the words, "including", "for example" or "such as" when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind;
- (q) if an act under this contract to be done by a party on or by a given day is done after 5.30pm on that day, it is taken to be done on the next day;
- (r) a reference to time is a reference to time in New South Wales; and
- (s) a reference to any thing (including any amount) is a reference to the whole and each part of it.

1.3 Headings

Headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this deed.

2. CONDITIONS PRECEDENT

2.1 Completion conditions

- (a) Both parties agree that their respective obligations to transfer the FP Public Reserve Land, the Council Development Land and FP Creek Line Corridor Land are subject to and conditional upon:
 - (i) the Department of Planning and Environment approving the Planning Proposal;
 - (ii) registration of the Plan of Subdivision at the LPI;
 - (iii) the parties entering into the Planning Agreement; and
 - (iv) registration of the Planning Agreement at the LPI,(together the "**Conditions Precedent**").
- (b) Council must notify FP in writing within ten 10 Business Days after the Conditions Precedent have been satisfied.

2.2 Date for Completion

The parties must complete the transfers of the FP Public Reserve Land, the Council Development Land and the FP Creek Line Corridor Land on the Completion Date.

2.3 Sunset Date

The parties agree that if the Condition Precedent at 2.1(a)(i) is not satisfied by the Sunset Date, then either party may rescind this deed by serving a notice on the other.

2.4 Release

If this deed is rescinded under clause 2.3 then each party releases other party from any liability or loss arising in connection with the rescission of this deed, except in relation to prior breaches and the sharing of costs contemplated under clauses 4(a), 4(b) and 4(c).

3. COUNCIL'S OBLIGATIONS

3.1 Planning Proposal

The Council must:

- (a) procure the preparation of the Planning Proposal to achieve the following:
 - (i) that the Council Development Land be allocated a maximum building height of 10.5 metres and a maximum yield of 17 dwellings based upon a density of 32 dwellings per developable hectare;
 - (ii) that the Public Reserve Land be rezoned RE 1 Public Recreation;
 - (iii) that the part of the Development Land currently contained within Lot 11 DP 1092788 be allocated a development yield of 3 dwellings based on

a density of 10 dwellings per developable hectare; and

- (iv) that the part of Development Land currently contained within Lot 12 DP 1092788 be allocated a development yield of 13 dwellings based upon a density of 32 dwellings per developable hectare; and
- (b) give FP a copy of the Planning Proposal at least 10 Business Days before Council lodges the Planning Proposal with Council's planning and assessment department; and
- (c) consult with FP in connection with any comments, suggestions or objections which FP makes or seeks to make in connection with the Planning Proposal prior to lodgement with Council's planning and assessment department; and
- (d) not lodge the Planning Proposal with Council's planning and assessment department without FP's written consent (which may be withheld until Council has complied with clauses 3.1(b) and (c), but otherwise must not be unreasonably withheld if the application is consistent with the requirements set out in clauses 3.1(a)(i) – 3.1(a)(iv)); and
- (e) lodge the Planning Proposal with Council's planning and assessment department for approval within 5 Business Days after FP consents to the Planning Proposal; and
- (f) must not seek to amend the Planning Proposal after it has been lodged with Council's planning and assessment department without FP's written consent (which must not be unreasonably withheld if the amendment is consistent with the requirements set out in clauses 3.1(a)(i) – 3.1(a)(iv));

3.2 Plan of Subdivision

The Council must:

- (a) prepare the Plan of Subdivision in a form suitable for registration at the LPI to achieve the following:
 - (i) create separate lots comprising the Council Development Land, the FP Public Reserve Land and the FP Creek Line Corridor Land to allow the transfers contemplated under this deed; and
 - (ii) create the easements for transmission and draining shown on the Plan; and
- (b) prepare a development application in connection with the Plan of Subdivision and provide a copy of the Plan of Subdivision and any supporting documents (including any appropriate instrument under Section 88B of the *Conveyancing Act 1919 (NSW)* to FP and consult with FP in connection with the terms of such application and documentation.
- (c) not lodge the Plan of Subdivision or any supporting documents with the LPI without FP's written consent (which may be withheld until Council has complied with clauses 3.2 (b) but otherwise must not be unreasonably withheld if the application is consistent with the requirements set out in clauses 3.2(a)(i) – 3.2(a)(ii));

- (d) lodge the Plan of Subdivision with the LPI within 5 Business Days after FP consents in writing to the Plan of Subdivision;

4. FP'S OBLIGATIONS

FP must:

- (a) provide its consent to the lodgement in relation to the development application for the Plan of Subdivision once the Council's obligations in 3.2(b) have been satisfied and simultaneously submit the Planning Agreement to Council.
- (b) contribute 50% towards Council's reasonable and properly incurred costs of preparation and submission (including application fees) of the Planning Proposal to amend Council's LEP within 5 Business Days of receipt of a valid tax invoice from Council;
- (c) contribute 50% towards Council's reasonable and properly incurred legal costs associated with the drafting, negotiations and execution of this deed (plus GST and disbursements) and Council's surveyors costs.
- (d) contribute 50% towards Council's reasonable and properly incurred costs of engaging a consultant to prepare and progress a development application with respect to the subdivision of Council's and FP's Land within 5 Business Days of receipt of a valid tax invoice from Council;
- (e) contribute 50% towards the reasonable and properly incurred costs of the approved design and construction (including any associated infrastructure required by Ausgrid) of the Undergrounding Works within 5 Business Days of receipt of a valid tax invoice from Council;
- (f) provided that Council have complied with clause 3.2 of this deed, execute any documents necessary to facilitate registration of the Plan of Subdivision within 5 Business Days of receipt from Council or its solicitors and return such executed documents to Council or its solicitor;
- (g) procure the consent of any mortgagee of the FP Land to the Plan of Subdivision and arrange for the execution by any such mortgagee of any documents necessary to facilitate registration of the Plan of Subdivision;
- (h) produce, or procure production by any mortgagee of the certificates of Title for the FP Land at LPI NSW to facilitate the registration of the Plan of Subdivision;
- (i) remove at FP's cost any caveat or other encumbrance on the land being transferred by it which may prohibit registration of the Plan of Subdivision; and
- (j) do anything reasonably required of it to assist the Council in the obtaining of any necessary approval for registration of the Plan of Subdivision, including compliance with any requisition raised by LPI NSW relating to the Plan of Subdivision.

5. LAND SWAP

5.1 Transfers of the Development and Public Reserve Land

Subject to the satisfaction of the Conditions Precedent, the parties agree that FP will transfer all its estate and interest in the FP Public Reserve Land to Council and pay the Development Land Purchase Price (less any applicable credits that FP receives under clause [5.2](#) below) to Council on the Completion Date in exchange for the Council simultaneously transferring its estate and interest in the Council Development Land to FP in accordance with the procedures set out in this deed.

5.2 Acquisition of the Creek Line Corridor Land

- (a) Subject to satisfaction of the Conditions Precedent, Council agrees to acquire the FP Creek Line Corridor Land from FP on the Completion Date at a value of the Creek Line Corridor Price in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan 15) (Amendment 16) (Revision 1).
- (b) The parties agree that the Creek Line Corridor Price payable by Council for the acquisition of the FP Creek Line Corridor Land must be utilised by FP by way of an offset against the Development Land Purchase Price payable by FP to Council under clause [5.1](#).

5.3 Interdependence

The transactions described in clauses [5.1](#) and [5.2](#) are interdependent. If one party defaults in respect of its obligation in clause [5.1](#) or [5.2](#) the other party need not comply with its obligation unless and until the first party remedies its default. If the transactions described in clause [5.1](#) or [5.2](#) do not proceed, any party which has carried out an action in anticipation of those transactions proceeding may undo such action.

5.4 Instruments of transfer

In respect of:

- (a) the transfer contemplated under clause [5.1](#) Council must deliver the stamped Development Land Transfer duly executed by Council to FP at least 5 Business Days before the Completion Date;
- (b) the transfer contemplated under clause [5.1](#) FP must deliver the stamped Public Reserve Transfer duly executed by FP to Council at least 5 Business Days before the Completion Date; and
- (c) the transfer contemplated under clause [5.2](#) Council must deliver the stamped Creek Line Corridor Transfer duly executed by Council to FP at least 5 Business Days before the Completion Date.

5.5 Acknowledgement

For the purposes of Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* it is acknowledged that the agreement contained in this deed is an agreement on all relevant matters relating to the acquisition by the Council of FP Public Reserve Land and the FP Creek Line Corridor Land and that no other compensation whatsoever will be payable by the Council to FP.

5.6 No adjustments

No adjustment will take place between the Council and FP in relation to any council rates or charges, water and sewer rates and charges or any land tax that may be charged upon the FP Public Reserve Land or the FP Creek Line Corridor Land provided that FP must pay all such outgoings in respect of the FP Public Reserve Land or the FP Creek Line Corridor Land owned by it for the rate periods current as at the Completion Date.

6. COMPLETION

6.1 Completion

On the Completion Date:

- (a) Council must:
 - (ii) deliver the stamped and fully executed Development Land Transfer to FP along with a direction addressed to LPI in favour of FP authorising the issuing of the resultant Certificate of Title directly to FP; and
 - (iii) ensure that the certificate of title for the Council Development Land is placed on deposit at LPI; and
- (b) FP must:
 - (i) deliver the stamped and fully executed Public Reserve Land Transfer and the Corridor Creek Transfer to Council along with a direction addressed to LPI in favour of Council authorising the issuing of the resultant Certificate of Title directly to Council;
 - (ii) ensure that the certificates of title for the FP Public Reserve Land and the FP Corridor Creek Transfer are placed on deposit with LPI; and
 - (iii) subject to clause 5.2(b), a Settlement Cheque for an amount equal to the Development Land Purchase Price less the Creek Line Corridor Purchase Price.

7. UNDERGROUNDING OF OVERHEAD POWER

- (a) Council must procure Ausgrid's approved design and construction estimates in relation to the Undergrounding Works and provide them to FP as soon as reasonably practicable.
- (b) The parties agree that the Undergrounding Works will be undertaken by a third party contractor appointed by Council (and approved by FP acting reasonably). The costs of the Undergrounding Works will be paid for directly by Council. FP will contribute to those costs in accordance with clause 4(e)

8. DUTY AND LEGAL COSTS

8.1 Duty

In relation to Duty chargeable, payable or assessed in relation to this agreement or any transaction contemplated by this agreement:

- (a) FP agrees to pay the Duty in relation to the transfer of the Council Development Land and indemnifies and must keep indemnified Council against any liability to Duty which is the responsibility of FP pursuant to this clause 8.1(a) and
- (b) Council agrees to pay the Duty in relation to the transfer of the FP Public Reserve Land and the FP Creek Line Corridor Land and indemnifies and must keep indemnified FP against any liability to Duty which is the responsibility of Council pursuant to this clause 8.1(b)

8.2 Except as otherwise provided for in this agreement, each party will be responsible for its own legal fees in relation to:

- (a) the negotiation and execution of this agreement; and
- (b) otherwise in relation to the transfer of the Council Land and FP Land.

9. GST

9.1 Consideration GST inclusive

Aside from the consideration payable for the transfers contemplated in clause 5.1 all amounts payable or consideration to be provided under this agreement are exclusive of GST.

9.2 Payment of GST

Subject to clause 9.3 if GST is payable on any supply made under this agreement, for which the consideration is not expressly stated to include GST, the recipient agrees to pay to the supplier an additional amount equal to the GST payable at the same time that the consideration for the supply, or the first part of the consideration for the supply (as the case may be), is to be provided.

9.3 Tax invoice

The supplier must issue a tax invoice to the recipient of a taxable supply at the same time that the supplier makes a taxable supply.

9.4 Adjustments

If the amount of GST payable in relation to a taxable supply varies from the amount paid, or set off by, by the recipient in accordance with this clause agreement, then the supplier will provide a corresponding refund or credit to, or will be entitled to receive an additional amount of GST from, the recipient and the supplier will issue an adjustment note.

9.5 Reimbursements

If a party is required under this agreement to indemnify another party, or pay or reimburse costs of another party, that party agrees to pay the relevant amount less any input tax credits to which the other party (or to which the representative member for a GST group of which the other party is a member) is entitled.

9.6 Interpretation

For the purposes of this clause⁹

- (a) a term which has a defined meaning in the GST Act has the same meaning when used in this clause⁹ and
- (b) each periodic or progressive component of a supply to which section 156-5(1) of the GST Act applies will be treated as though it is a separate supply.

10. MISCELLANEOUS PROVISIONS

10.1 Governing Law

This Deed shall be governed by and construed in accordance with the laws of the State of New South Wales.

10.2 Jurisdiction

Any legal action or proceedings with respect to this Deed against any party or any of its property and assets may be brought in the Courts of the State of New South Wales and, by execution and delivery of this Deed that party accepts, for itself and in respect of its property and assets, generally and unconditionally the jurisdiction of the Courts of that State.

10.3 Variations

Any amendments, variation or modification to or of, or consent to departure by any party from the terms of this Deed shall have no force or effect unless effected by a document executed by the parties.

10.4 Third Parties

This Deed shall confer rights and benefits only upon a person expressed to be a party and not upon any other person.

10.5 Assignment

A party shall not transfer or assign its rights or obligations under this Deed without the prior consent in writing of the other party.

10.6 Waivers

The failure to exercise or delay in exercising by any party of any right conferred by this Deed shall not operate as a waiver and the single or partial exercise of any right by that party shall not preclude any other or further exercise of that or any other right by that party.

10.7 Remedies

The rights of a party conferred by this Deed are cumulative and are not exclusive of any rights provided by law.

10.8 Entire agreement

This deed constitutes the entire agreement of the parties about its subject matter and supersedes all previous agreements, understandings and negotiations on that subject matter except for the provisions related to and to be contained within the Planning Agreement.

10.9 Further Assistance

Each party shall execute all documents and perform all acts necessary to give full effect to this deed.

10.10 Severability

Any provision of this Deed which is prohibited or unenforceable in any jurisdiction shall, as to that jurisdiction, be ineffective to the extent of that prohibition or unenforceability, without invalidating the remaining provisions of this deed or affecting the validity or enforceability of that provision in any other jurisdiction.

10.11 Counterparts

This deed may be executed in any number of counterparts, all of which taken together shall be deemed to constitute one and the same document.

11. DISPUTE RESOLUTION

11.1 All disputes or differences arising out of this deed will be resolved in accordance with this clause 10, unless:

- (a) a party is seeking urgent interlocutory relief or a remedy where a delay in commencing proceedings in Court could prejudice the party's entitlement to seek that remedy;
- (b) an incident has arisen that requires urgent resolution which mediation might not resolve; or
- (c) the process in the remainder of this clause 10 has been exhausted.

11.2 Notice of Dispute

Either party may at any time notify the other party in writing that there is a dispute or difference concerning any matter in this deed (**Notice of Dispute**). That Notice of Dispute must:

- (a) identify the subject matter of the dispute;
- (b) identify the relevant provisions of this deed;
- (c) annex copies of any correspondence, or background material and information relevant to that dispute; and

- (d) contain any particulars of quantification of the dispute.

11.3 Parties to Confer

The parties must, within twenty-one (21) days of the service of the Notice of Dispute, meet in an attempt to discuss, and to reach a mutually acceptable decision, on the matter of the dispute.

11.4 Referral to Mediation

If:

- (a) the matter in dispute is not settled within ten (10) business days of the meeting referred to in the preceding paragraph, or such later date as the parties may agree; or
- (b) either party refuses to attend a meeting in accordance with clause 11.3; then
- (c) the difference or dispute must be the subject of a mediation administered by the Australian Commercial Dispute Centre (**ACDC**) conducted and held in accordance with the mediation rules of the ACDC in force at the time of the appointment of a mediator.

11.5 The mediator will be appointed:

- (a) by the parties, from a panel suggested by the ACDC within twenty-eight (28) days of the referral of the difference or dispute for mediation; or
- (b) if a mediator is not appointed by agreement within that period, by the Secretary-General of the ACDC at the request of either party.

- 10.6 The costs of and associated with formal mediation before a mediator under this clause are to be paid by the parties to the mediation in such proportions as they may agree among themselves or, failing agreement, in equal shares.

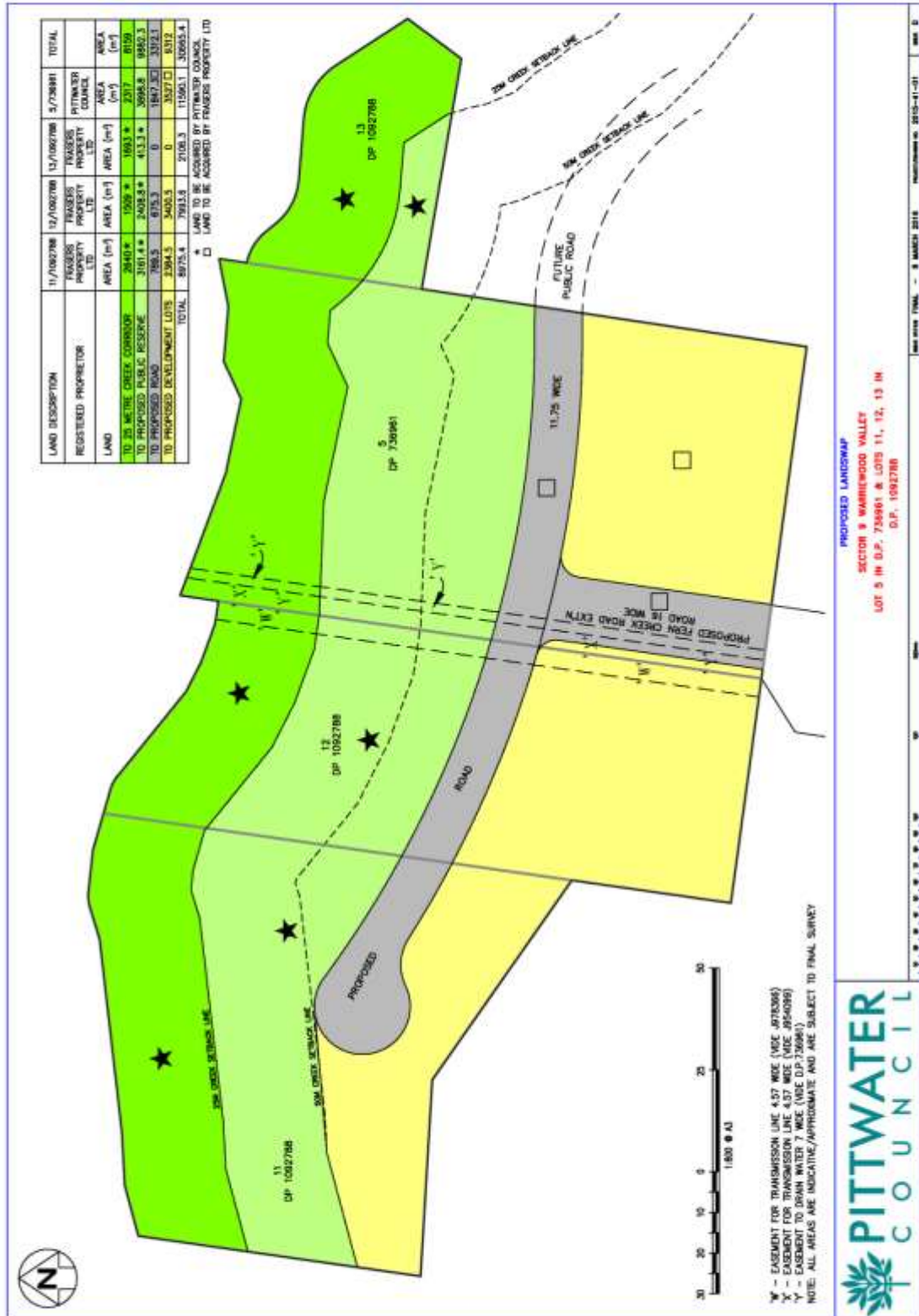
12. NOTICES

Any notice given under this deed:

- (a) must be in writing addressed to the intended recipient at the address shown in the Deed or at the address last notified by the intended recipient to the sender;
- (b) must be signed by a person duly authorised by the sender;
- (c) will be taken to have been given when delivered, received or left at the address shown in this deed.

If delivery or receipt occurs on a date when business is not generally carried on in the place to which the notice is sent, or is sent later than 4.00pm (local time), it will be taken to have been duly given at the commencement of business on the next day when business is generally carried on in that place.

ANNEXURE "A"



EXECUTION

Executed as Deed

Executed by the General Manager on behalf of **PITTWATER COUNCIL (ABN 61 340 837 871)** pursuant to a delegation dated under section 377 of the *Local Government Act 1993* (NSW):

Signature of Witness

General Manager

Name of Witness [BLOCK LETTERS]

Name of General Manager [BLOCK LETTERS]

Address of Witness

EXECUTED by **FRASERS PROPERTY LIMITED (ACN 008 443 696)** in accordance with the requirements of section 127(1) of the *Corporations Act 2001* by:

Signature

Signature

Name of Director

Name of Secretary





PITTWATER COUNCIL

NEGOTIATIONS FOR A LAND SWAP IN WARRIWOOD VALLEY

PROBITY COMPLIANCE REPORT – 14 MARCH 2016

DOCUMENT INFORMATION

Client	Pittwater Council
Project	Negotiations for a land swap in Warriewood Valley
Report status	Final
Prepared for	Mr Mark Ferguson General Manager Pittwater Council
Prepared by	Vic Baueris 
Approved by	Warwick Smith 

STATEMENT OF RESPONSIBILITY

This probity report has been prepared for the purpose of assisting Pittwater Council in its decision making regarding negotiations for a land swap in Warriewood Valley. Procure has compiled the report on the basis of:

- (a) information it has been given and which it has reviewed;
- (b) the processes and procedures it has observed; and
- (c) the issues raised with it.

The conclusion stated in section 2 of this report is based upon the work performed as documented in it. While Procure has identified probity risks and considered the controls, environment and action taken by Pittwater Council to address those risks, probity issues may nevertheless have arisen that have not been identified. While Procure may provide input into processes followed, Pittwater Council retains responsibility for the probity of its personnel and processes. The report cannot be relied upon by any other party or for any other purpose.

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1. INTRODUCTION

Procure Group Pty Ltd (Procure) was engaged by Pittwater Council (Council) on 1 July 2015 to provide probity advisory services for Council in relation to the conduct of negotiations between Council and Frasers Property (formerly Australand) (Frasers) for a land swap in the Warriewood Valley.

The properties the subject of the negotiations are 9 Fern Creek Road (owned by Council) and 11, 12 and 13 Fern Creek Road (owned by Frasers). The intention of the land swap is to facilitate the development of Frasers' land holdings (11 and 12 Fern Creek Road are currently both land locked with no public road access) as well as help Council to achieve the desired shape and layout for the southern portion of the Central Local Park in Warriewood Valley.

This matter was reported to the Council Meeting held on 18 May 2015 where the Council endorsed a concept plan for the land swap and authorised the General Manager to enter into negotiations with Frasers. The Council's resolution is attached to this report (Attachment 1). The resolution includes a requirement *that a probity adviser be appointed to oversee and report on this transaction.* (Point 4).

Council officers have prepared a report for consideration at the Council meeting scheduled for 19 March 2016 where Council will consider endorsement of the outcome achieved as a result of the negotiations. This probity report will be presented to Council at the same time.

2. SCOPE AND METHODOLOGY

2.1 ROLE OF PROBITY ADVISER

In its publication *Probity and Probity Advising* (November 2005) the Independent Commission Against Corruption (ICAC) describe a probity adviser as:

an individual or organisation engaged to observe, review and provide guidance on the probity framework and/or processes of a project. Agencies use internal or external probity advisers to verify that the processes followed are consistent with government regulations, policies, guidelines and best practice principles. A probity adviser provides opinions and guidance on probity risks and issues that may arise during the process and confirms, in writing, whether the concluded process is consistent with the requirements outlined in a probity plan as well as general probity fundamentals. If probity requirements are not being or have not been met, the adviser identifies the

non-conformities and any reasons for these in a written report, and if necessary, suggests solutions and monitors their implementation.

A probity adviser is chiefly concerned with ensuring the integrity of the procedures and processes of the project, rather than project outcomes. That is, the focus is on the means, not the ends of the project. The probity advising role is essentially preventive.

2.2 PROBITY FUNDAMENTALS

In undertaking the probity advisory role, Procure general has regard to the “probity fundamentals” described in the ICAC publication. These probity fundamentals are:

- ☐ Maintaining impartiality
- ☐ Managing conflicts of interest
- ☐ Maintaining accountability and transparency
- ☐ Maintaining confidentiality
- ☐ Obtaining value for money.

2.3 BRIEF FOR THE PROBITY ADVISER

The Brief outlined by Council was for Procure to undertake the following tasks:

- ☐ *Oversee and where required provide probity advice and services in regard to the negotiations.*
- ☐ *Attend meetings with Frasers and Council officers where it may be deemed that Council has a potential conflict of interest. In the event that attendance is not possible, review meeting notes of such meetings that have been held.*
- ☐ *At the conclusion of the negotiations, undertake a probity audit of the negotiations and prepare a report in regard to the management of the probity matters. It is envisaged that this report will be provided to the Council when this matter is reported back to Council at the conclusion of the negotiations.*

This probity report relates to the work of the Council officers in conducting the negotiations and preparing a final recommendation to Council. The probity report does not deal with the actions of the elected Council members, Frasers (other than as recorded in this report) or any other Government agencies.

3. WORK PERFORMED

In undertaking tasks required by the Brief, Procure has completed the following:

- ☐ Noted the decision of Council, at its meeting held on 18 May 2015 which included authorisation for the General Manager of Council to enter into negotiations with Frasers with a view to achieving the land swap under a series of conditions to be captured by a Memorandum of Understanding (MOU). The full text of the Council decision is Attachment 1 to this report.
- ☐ Reviewed the Draft MOU and plan of the proposed land provided by Council officers on 20 August 2015. On the same date, these documents were forwarded to Frasers and to Council's solicitors for their consideration and comment.
- ☐ Noted that the Draft MOU as prepared by Council was consistent with the requirements of the Council decision of 18 May 2015.
- ☐ Attended the meeting held with Frasers on 25 September 2015 to discuss comments and proposed amendments to the MOU as provided by Frasers. Procure explained its role to Frasers and all parties agreed that Procure will receive copies of all communications whether by email or letter.
- ☐ Noted that subsequent to this meeting, agreement was reached in relation to the wording of the MOU. The MOU was signed by the General Manager of Council on 29 September and by the authorised representative of Frasers on 1 October 2015. The MOU addressed the following matters, consistent with the Council resolution of 18 May 2015:
 - ☐ Area of land to be swapped
 - ☐ Creek line corridor dedication and offset
 - ☐ Undergrounding of high voltage power lines
 - ☐ Road and stormwater construction
 - ☐ Necessary amendments to Pittwater LEP 2014
 - ☐ Development application to subdivide and consolidate existing lots
 - ☐ Costs
 - ☐ Engagement of the Probity Advisor.
- ☐ Noted the agreement that each party would obtain a separate valuation of the land to be swapped. Further noted that Council advised that its policy required that the valuation received by Council not be made available to Frasers.
- ☐ Noted that on 28 September 2015, Council provided Frasers with a package of information to be conveyed to Frasers' land valuers in order to ensure that both Parties received valuations based on identical information.
- ☐ Noted that by email on 19 November 2015, the General Manager of Council determined the range of price negotiation to be conducted by Council officers. The range was based on the advice provided by Council's independent valuers.

- ❑ Attended the meeting held with Frasers on 20 November 2015 where Council officers presented the Council's position in regard to the financial transfer to Council required from Frasers for the land swap to proceed. Noted that justification provided by Council officers was the value of the increased yield available to Frasers resulting from the proposed land swap.
- ❑ Further noted that there was a substantial difference between Frasers and Council in relation to the proposed payment to Council and Frasers agreed to give the issues related to the basis of valuation further consideration.
- ❑ Noted that on 24 November 2015, Council provided further information related to dwelling yields and planning controls to Frasers for their consideration.
- ❑ Noted that on 16 December 2015, Frasers advised Council by letter of an increased financial offer.
- ❑ Noted that further correspondence ensued between Council and Frasers in January 2016 and subsequently by letters dated 2 February 2016 from Council and 16 February 2015 from Frasers and that agreement was reached on the level of payment to be made by Frasers. As stated in the letter from Council, the agreement was subject to endorsement by the elected Council and by the Board of Frasers.
- ❑ Contacted representatives of Frasers by email on 9 March 2016 to confirm that they did not have any probity concerns with the manner in which Council conducted the negotiations. No probity concerns have been raised.
- ❑ Noted that this agreement was to be finalised by the enactment of a Deed of Agreement which had been drafted by Council's legal advisers and provided to Frasers for comment. Noted that on 8 March 2016, Frasers advised that they had no further comments and were in agreement with the Deed of Agreement as then worded.
- ❑ Attended Council premises on 9 March 2016 to review relevant documentation held by Council. Confirmed with the Council officers responsible for the negotiations that no conflict of interest issues or other probity concerns had arisen during the negotiations.
- ❑ Reviewed the draft report to Council on the outcome of the land swap negotiations and confirmed that it was an accurate representation of the process followed and outcomes achieved.

4. PROBITY ISSUES

Procure was engaged by Council due to Council's wish to ensure that negotiations regarding Council-owned land are conducted with due transparency, impartiality and achieve value for money. The elected Council will be accountable for the final decision.

It is important in this context to recognise the issues that face councils in dealing with council-owned land. The ICAC has recognised that in this circumstance councils face a conflict of roles which is not the same as a conflict of interest. The risk is that the matters in which a council has a direct role may not be dealt with impartially. An important means to mitigate this risk is to ensure that decision-making related to council-owned land is consultative and transparent to the community.

In this context, Procure notes:

- ☐ That the proposed development of this and surrounding land was first considered by Council in May 2014 and over the following 12 months substantial consultation with affected landowners was undertaken.
- ☐ That a public meeting will be held on 17 March 2016 to discuss the outcome of the negotiations prior to the report to an open Council meeting on 19 March 2016.

5. CONCLUSION

Based upon our work performed and detailed in this report, no issues of a probity nature have come to our attention that would lead us to conclude that the process followed in the conduct of negotiations by Council officers with Frasers regarding the land swap in the Warriewood Valley has not been conducted in an accountable and transparent manner and with due regard to addressing the probity fundamentals.

Attachment 1

C12.4 Warriewood Valley Open Space- Southern Component of Central Local Park (Sector 9)

Meeting: Sustainable Towns & Villages Committee Date: 18 May 2015

COMMITTEE RECOMMENDATION

1. That the Concept Layout Plan for the Central Local Park, in particular the southern half located within Sector 9 be endorsed as an indicative plan only and the General Manager be authorised to enter into negotiations with Australand, the owner of the adjoining lands to progress this outcome.
2. That the transaction be captured by a Memorandum of Understanding between the parties and be based on the following:
 - ☐ the creekline corridor acquisition is completed as a separate financial transaction as per the S94 Plan prior to the landswap to establish net areas of land involved.
 - ☐ an area for area swap of land so that the net open space compared to the current rectangle is not reduced.
 - ☐ the valuation of the lands to be swapped being based on highest and best use.
 - ☐ a financial adjustment to be made noting the difference in land valuations.
 - ☐ the undergrounding of the overhead power where practical as per Ausgrid requirements.
 - ☐ that undergrounded stormwater management along the drainage easement be included.
 - ☐ the direct provision of full width road infrastructure (excluding parking bays on the reserve side) by Australand.
 - ☐ the land being swapped to be rezoned to be consistent with the intended future land use. In this regard: I the part of the land owned by Council currently zoned residential with no dwelling yield would be rezoned to residential with a potential yield of 32 dwellings per developable hectare; II, the part of the land owned by Australand currently zoned for residential would be rezoned to recreational and the adjoining land not being swapped provided a prorata development potential where this is already a lower fixed yield.
 - ☐ that the landswap area be calculated from the edge of the riparian zone (at 25m).
3. That an updated valuation be obtained from an independent Valuer to ascertain the likely land values of the various parcels involved in the overall transaction.
4. That a probity advisor be appointed to oversee and report on this transaction.
5. That a report be brought back to Council detailing the negotiation, the Memorandum of Understanding and the financial aspects of the transaction.

C12.2	Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 17 February 2016
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Meeting: Sustainable Towns & Villages Committee

Date: 19 March 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision-making processes
- To ensure local democratic representation
- To engage proactively with the community in a way that is consistent, appropriate and effective

DELIVERY PROGRAM ACTION:

- Maintain and Service Council's Range of Committees
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The 17 February 2016 Meeting considered the following discussion topics:

- Local Government Reform Update
 - Complying Development Medium Density
 - Verbal Update on Place Planning – Mona Vale
-

2.0 RECOMMENDATION

1. That Council note the Minutes of the Leading & Learning Reference Group Meeting held on 17 February 2016 that relate to the discussion on:

- *Local Government Reform Update*
- *Complying Development Medium Density*
- *Verbal Update on Place Planning – Mona Vale*

2. That Council note the further issues addressed under Emerging Business:

- *Greater Sydney Commission*
-

3.0 BACKGROUND

3.1 PURPOSE

To present to Council for consideration, the Minutes of Sustainable Towns and Villages Reference Group Meeting held on 17 February 2016 (refer **Attachment 1**).

3.2 BACKGROUND

The Sustainable Towns and Villages Reference Group was established by Council to consider matters involving goals and initiatives contained in the key direction of Council's Strategic Plan – Integrating Our Built Environment.

The strategic objectives within the associated key direction are:

- Asset Management Coordination Strategy
- Energy Efficiency Strategy
- Land Use & Development Strategy
- Town & Village Strategy
- Transport & Traffic Strategy

To fulfil its role, the Sustainable Towns and Villages Reference Group provides:

- a link between Council and the community which enhances communication about the strategic direction of Council initiatives,
- input from Council and the community (historical, social and environmental) when considering possible solutions,
- consideration of implications from strategic initiatives and their likely impact on the local community; and feedback to Council on behalf of the community.

3.3 **POLICY IMPLICATIONS**

Nil

3.4 **RELATED LEGISLATION**

Nil

3.5 **FINANCIAL ISSUES**

3.5.1 **Budget**

Nil

KEY ISSUES

- Local Government Reform Update
- Complying Development Medium Density
- Verbal Update on Place Planning – Mona Vale

4.0 **ATTACHMENTS**

Attachment 1 – Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 17 February 2016.

5.0 **SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for Minutes of Meetings.

Report prepared by

Melinda Hewitt

DEPUTY GENERAL MANGER, ENVIRONMENTAL PLANNING & COMMUNITY



SUSTAINABLE TOWNS & VILLAGES REFERENCE GROUP

MINUTES

17 FEBRUARY 2016

M J Ferguson
General Manager



WWW.PITTWATER.NSW.GOV.AU

Members of the Committee, namely

Cr McTaggart, Chairperson

And one representative from the following organisations:

Ray Mills - Clareville and Bilgola Plateau Residents Association (CABPRA)
Linda Haefeli – Climate Change Pittwater
Dick Clarke – Elanora Heights Resident Association
Jacqueline Marlow - Friends of Narrabeen Lagoon Catchment
Marcia Rackham - Mona Vale Residents Association Inc
Selena Webber - Newport Residents Association
Merinda Rose - Palm Beach and Whale Beach Association Inc.
Sophie Butler - Pittwater Resident Representative
Dale Cohen - Pittwater Resident Representative
Billy Bragg - Pittwater Resident Representative

and the following Council Advisors

Jane Mulroney - Manager, Community Engagement and Corporate Strategy
Ben Taylor – Deputy General Manager, Urban and Environmental Assets.
Andrew Pigott – Manager, Planning and Assessment
Nikki Griffiths – A/ Manager, Place Management
Evy Anwar – Urban Designer, Place Management
Sherryn McPherson – Governance Support Officer/Minute Secretary
Annie Laing – Governance Support Officer/Minute Secretary

Sustainable Towns and Villages Reference Group Meeting

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1.0 Apologies

Notes:

1. Apologies were received from:

- Cr Grace - Chair
- Roslyn Marsh – Avalon Palm Beach Business Chamber Inc
- Leigh McGaghey – Pittwater Resident Representative
- Jennifer Knox – West Pittwater Community Association

and leave of absence was granted from the Sustainable Towns and Villages Reference Group Meeting held on 17 February 2016.

2. The Reference Group members accepted the apologies.

2.0 Declarations of Pecuniary Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Sustainable Towns & Villages Reference Group Meeting held on 18 November 2015, be confirmed as a true and accurate record of that meeting.

(Mr Dale Cohen / Ms Marcia Rackham)

4.0 Discussion Topics

STV4.1 Local Government Reform Update

Proceedings in Brief:

Ms Jane Mulroney, Manager of Community Engagement and Corporate Strategy addressed the meeting on this item.

On 2 February 2016 two Public Inquiry sessions were held by the independent delegate providing an opportunity for the Pittwater community to have a final say about the merger proposal for an expanded Pittwater and the northern suburbs of Warringah Council.

The delegate for the proposal (Mr Richard Pearson) has been tasked with the function of examining and reporting on community feedback to the merger proposal to the Boundaries Commission and the Minister for Local Government for comment. Upon completion, his report will be referred to the Minister for Local Government for its final determination. The Minister will then make a recommendation to the Governor for proclamation.

Over 600 Pittwater and Warringah residents attended the sessions. Residents were advised that they have one (1) month to write a final submission in regards to the amalgamations and were provided with a criteria to respond to for the comments to be acknowledged.

A Submission Information handout was distributed and is shown in **Attachment 1**.

Discussion Points

- Q:** Does the Minister have the ability to amend or refuse the submission and change the recommendation?
- A:** Once all the submissions have been reviewed, the Minister has the option to endorse, amend or reject the merger proposal. There will be 35 proposals across the state given to the Minister which will be taken into consideration.

The government is committed to a reform and is working towards reducing the number of Councils in NSW. Pittwater Council did not meet the scale and capacity criteria to remain as status quo even though it was the council's preferred option. If forced to merge council confirmed that a two council model of equal size was the better outcome for Pittwater.

- Q:** What classifies as a minor boundary change?
- A:** The definition of a minor boundary change would incorporate minor changes such as a couple of houses. A major change includes multiple suburbs. If this is the case and additional suburbs need to be incorporated, a new proposal would need to be written and the Minister would have to reject the current proposal.
- Q:** Will there be time for the delegate to read and consider all the submissions before the deadline?
- A:** Yes he will consider all submissions. It was suggested that submissions address the factors as set out in legislation which was contained in the brochure sent out to residents in the January 2016 mail out.
- Q:** If the proposal is successful what happens to the day to day workings of the council?
- A:** Council has been working on a transition plan so that there is minimal effect to the community. Council usually creates a budget and delivery program for four years, however the State Government has advised Council to prepare for one year. This is to ensure that Council operations will continue to operate effectively despite the potential merger process.

Q: What will happen to the Councillors once the proposal is approved?

A: The State Government are yet to announce this.

Q: Once the Councils have merged, what LEP's will they operate under?

A: Pittwater will continue to operate under our current controls and Warringah will work from theirs until the Councils have merged and are operating as a new entity.

REFERENCE GROUP RECOMMENDATION

1. The Community Reference Group members note the presentation.
2. That the delivery program and Budget is an item in the May Reference Group Agenda.

(Mr Dale Cohen / Ms Marcia Rackham)

Notes:

1. Mr Ben Taylor, Deputy General Manager, Urban Environmental Assets left the meeting at 5.04pm and did not return.
2. Ms Selena Webber, Newport Residents Association left the meeting at 5.21pm and did not return.

STV4.2 Complying Development Medium Density

Proceedings in Brief:

Mr Andrew Pigott, Manager of Planning and Assessment addressed the meeting on this item.

The Department of Planning and Environment (DP&E) in late November 2015 placed on *exhibition* "One Part of the 'Missing Middle' - Options for Low Rise Medium Density Housing As Complying Development – Volume 1 - Discussion Paper' and Volume 2 Background Paper" to seek feedback from the community and industry on the proposal to expand complying development provisions to incorporate dual occupancies, manor homes and townhouses and terraces up to a maximum of ten dwellings. Submissions are invited up to the 1 March 2016

Complying development is a combined planning and construction approval for straightforward development that can be determined through a fast track assessment by a Council or private certifier. The Policy was originally introduced in 2008 with later changes and revisions expanding the Policy to cover a range of potential development options, including new houses and alterations and additions to an existing dwelling, retail and commercial shop fit outs and uses and industrial warehouses in defined locations and areas.

If the proposal, as outlined in the Discussion Paper, were to proceed it would present a number of issues for Council as the proposed standards and controls are significantly different to Pittwater's current controls.

The Discussion Paper can be accessed from the Department of Planning and Environment's website under the 'Have Your Say' section and 'Plans and projects on exhibition'. http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=7407

Discussion Points:

Q: When does the submission period close?

A: The exhibition period has been extended until 1 March 2016.

Q: Has the development process improved for the community with the implementation of private certifiers?

A: The initial transition period incorporated a few problems but the processes have largely been improved. The Building Professionals Board have recently done a review of how private certifiers operate to ensure they manage development and building matters appropriately and operate effectively by abiding by Council's processes.

Q: Why have the social issues not been addressed in the legislative framework?

A: The social issues will be addressed with the introduction of Social Commissioner, Heather Nesbitt from the Greater Sydney Commission who will bring these issues to the forefront.

Q: In regards to the policy to permit small scale medium density development for R2 Low Density Residential, or R3 Medium Density Residential zones), what is the site coverage percentage for these zones?

A: The Discussion Paper proposed to allow the following development as Complying Development:

- Dual occupancies (traditional 'duplex' style) on a single lot with a minimum lot size of 400m²,
- Manor house developments of 3-4 apartments on a lot with a minimum lot size of 500m²,
- Town house or terrace style housing developments up to 10 dwellings with a minimum lot size of 600m², and
- A combination of all development types resulting in 3-10 dwellings on the same lot.

R3 zones would include Warriewood Valley release area and areas close to our centres (1km with in centres).

Note that Complying Development cannot be carried out within the E4 and E3 zones, on heritage items or areas impacted by flooding (unless certified by an engineer to be outside the area impacted by flood hazards).

REFERENCE GROUP RECOMMENDATION

That the report on Expanding Complying Development to Include Medium Density be noted.

(Ms Jacqui Marlow / Ms Marcia Rackham)

Note:

The Reference Group was encouraged to make submissions and send them through the group.

STV4.3 Verbal Update on Place Planning – Mona Vale

Proceedings in Brief

Ms Evy Anwar, Urban Designer – Place Management addressed the meeting on this item.

Discussion Points

- Q:** Will Council be preparing a masterplan for Mona Vale similar to the one completed for Newport and will it include details such as heights and density?
- A:** In the Mona Vale Place Plan it will include details such as height, form, principles and character of Mona Vale. The Place Plan is placing a high emphasis on creating a place with the community vision and is being executed in a similar to the DCP and LEP process.
- Q:** Will the new Place Plan set restrictions on the heights of buildings to protect the area against future high rise developments in Mona Vale?
- A:** The Place Plan will set the future vision for Mona Vale and incorporate the community's vision of Mona Vale. Mona Vale Place Plan will also provide graphic principles to describe the preferred character and more descriptive guidelines to maintain the character of Mona Vale - Mona Vale Place Plan is a precursor to a DCP process. Proposed building heights will be included in the LEP.
- Q:** Will the roundabout at the intersection of Pittwater Road, Park Street and Bungan Street be addressed in the Place Plan?
- A:** Yes, this was very important to the community during consultation period and will be addressed in the Plan.
- Q:** Buses to Mona Vale from Elanora Heights are still only running until 7pm, would Council be willing to look into private bus services, even partnering with the RSL to run a bus service to minimise people on the roads?
- A:** Yes, Council is currently looking into strategies as part of Council's proposed Active Travel Strategy to assist with sustainable and alternative mode of transport in Pittwater.
- Q:** When will the Place Plan be finalised?
- A:** The plan is on track to be finalised in April. It will then be submitted to Council to be placed on public exhibition.

REFERENCE GROUP RECOMMENDATION

That the update on Place Planning in Mona Vale be noted

(Ms Marcia Rackham / Ms Jacqueline Marlow)

Notes:

1. Ms Sophie Butler, Pittwater Resident Representative left the meeting at 5.47 pm.
2. Mr Dick Clarke, Elanora Heights Residents Association left the meeting at 5.49 pm.

5.0 Reports to Note

STV5.1 Upcoming public exhibition of Flood Study and Floodplain Risk Management Studies and Plans

REFERENCE GROUP RECOMMENDATION

To note the upcoming public exhibitions of the:

- McCarrs Creek, Mona Vale and Bayview Flood Study
- Narrabeen Lagoon Floodplain Risk Management Study and Plan, and
- Avalon to Palm Beach Floodplain Risk Management Study and Plan.

(Ms Sophie Butler / Ms Linda Haefeli)

6.0 Emerging Business

STV6.1 Greater Sydney Commission

Mr Andrew Pigott – Manager, Planning and Assessment addressed the reference group on this item.

Discussion Points

Q: Who are the members of the Greater Sydney Commission (GSC)?

A: Chief Commissioner – Lucy Hughes Turnbull,
Social Commissioner – Heather Nesbitt,
Environmental Commissioner – Roderick Simpson and
Economic Commissioner – Geoff Roberts.

Six District Commissioners have also been nominated by Sydney councils to advocate their needs and to represent the GSC in these Districts. To date four have been appointed these include Deborah Dearing, Maria Atkinson, Sean O'Toole and Edward Blakely.

Q: How were the members selected?

A: The District Commissioners were appointed on the basis of a nomination process led by Councils which was supported by the Department and a recruitment company. Council's within each District decided upon their preferred appointment. The final appointment was a Ministerial appointment based on the advice of the councils.

Q: What will the role and functions of the commission be and who will make/implement final decisions?

A: The State Government has formed the GSC to assist with leading, advising, promoting, monitoring, reviewing and implementing planning policies and will make decisions. The decisions will no longer be made by the Minister however the Secretary will be responsible for implementing the Metropolitan plan.

The role and functions of the Commission are:

- Lead the dialogue on the economic, environmental and social future of Sydney;
- Advise on issues of district and metropolitan planning significance;
- Promote the alignment of Government infrastructure decision-making with land use planning;
- Encourage development that is resilient and takes into account natural hazards;
- Prepare, implement, monitor and review strategic plans, including A Plan for Growing Sydney and the District Plans;
- Administer grants and awards;
- Undertake development application functions of the existing Sydney East and Sydney West Joint Regional Planning Panels;
- Carry out all decision-making on planning proposals including pre-gateway reviews, issuing gateway determinations and making plans.

REFERENCE GROUP RECOMMENDATION

That the update be noted.

(Mr Ray Mills / Mr Ray Mills)

STV6.2 Alternative options for Pittwater Council's General clean-up collection

Ms Billy Bragg, Pittwater Resident Representative addressed the meeting on this item.

A copy of the PowerPoint presentation and survey handout provided to the Reference Group is attached to the Minutes at **Attachment 2** and **Attachment 3**.

Discussion Points:

- Q:** In order to set up a more effective clean up system within the Pittwater LGA, will they be eligible for grant funding to set up recyclable systems and workshops?
- A:** Yes, Pittwater Council can apply for funding however would need to have a business plan prepared and it is recommended that they work with local businesses with experiences in this area.
-

REFERENCE GROUP RECOMMENDATION

The Reference Group thanked Ms Billy Bragg for her presentation.

(Ms Jacqueline Marlow / Mr Dale Cohen)

7.0 Next Meeting

The 2016 meeting schedule for Sustainable Towns and Villages Reference Group Meetings was endorsed by members and is as follows:

- Wednesday, 18 May 2016, commencing at 4.00pm.
- Wednesday, 17 August 2016, commencing at 4.00pm.
- Wednesday, 16 November 2016, commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.26PM
ON WEDNESDAY, 17 FEBRUARY 2016.**



**COUNCIL BOUNDARY REVIEW PROCESS
MERGER PROPOSAL FOR EXPANDED COUNCIL INCLUDING PITTWATER
AND SUBURBS OF NORTHERN WARRINGAH**

Submission Information

While Pittwater Council would prefer to retain existing boundaries, it is recognised there is a need for change to build a stronger local government sector.

The NSW Government has made it clear that there will be change and has put forward one proposal to consider, that of an expanded Council for Pittwater and northern Warringah.

Now there is an opportunity to transform the new council created by currently the two best councils in NSW. The proposal on the table provides an opportunity for Council to work with our community to create an innovative, community focused and sustainable Council that builds on all the great things that Pittwater and Warringah have achieved.

This proposed merger balances the divergent views of the community and creates a strong council with increased strategic ability and economy of scale while maintaining agility, connection to community and local representation.

In particular the expanded council proposal recognises:

- Financial and efficiency benefits of two equally sized councils
- Benefits of separating lower density areas including waterways, national parks, semi-rural areas and offshore communities for planning purposes
- Strategic planning ability for transport, infrastructure and population planning
- Best ratio of voter representation for the local level of government

A) Financial advantages and disadvantages (including the economic or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned

- Forecast \$49 million net financial benefit over 20 years including one-off government grant of \$20m
- Enable more resources to be allocated for community services, enhanced infrastructure and downward pressure on rates
- A projected 67% improvement in annual operating results that will strengthen the council's balance sheet and free up revenue for critical infrastructure
- The merger proposal seeks to achieve the best balance between financial sustainability and limiting social impact

B) The community of interest and geographic cohesion in existing areas and in any proposed new area

- Proposed area brings together communities of interest, predominantly low-medium density housing of connected villages surrounded by bush and water
- Local government demographic experts found Pittwater Council is similar to northern Warringah across demographic, housing market and socio-economic indicators, making the regions well suited to a merger. This will provide the opportunity for consistent planning and development of these areas ensuring that increased housing density is able to be shared equitably across the region

Demographic indicators

- An expanded Council community will predominantly have families that are made up of children and their older parents, and older couples whose young adult children have moved closer to the Sydney CBD

Housing indicators

- According to 2011 data, housing stock in Pittwater and northern Warringah are almost identical
- The areas are equally characterised by a high proportion of single dwellings
- Pittwater has a slightly higher proportion of medium density dwellings and northern Warringah a slightly higher proportion of high density dwellings
- Dwelling sizes were also similar with over 70% of homes in both areas consisting of three or more bedrooms

Socio-economic indicators

- Income status of both Pittwater and northern Warringah are almost exactly the same with the same trends occurring across the two areas
- Both areas have 40.1% of households earning over \$2,273 a week
- Trends are almost identical for educational institutions that are attended, qualifications and employment status
- Both areas have a high level of containment with about 40% of residents living and working within their own area
- There are enormous opportunities for economic activity within Pittwater and northern Warringah. Pittwater can sustain continued development of the Mona Vale area as a hub for manufacturing, retail and wholesale trade while northern Warringah contains two business parks which are a hub for professional services, wholesale trade and sites operating as headquarters for international brand companies
- Both Pittwater and northern Warringah provide increasing employment in health related services
- An expanded council will provide a foundation for strong economic management and ability to plan for an increasing population
- Better management of natural resources including water catchment, bushland and coastal assets across Pittwater and northern Warringah including:
 - Pittwater Waterway Review – the addition of northern Warringah will allow for the expansion of the review to include Cottage Point and associated bays to ensure a more comprehensive and complete review of this iconic waterway
 - Fully inclusive of the Narrabeen lagoon catchment enabling integrated management
 - Strategic consideration of high risk coastal erosion zones such as Collaroy, Narrabeen, Mona Vale and Bilgola

C) The existing historical and traditional values in the existing areas and the impact of change on them

- The proposed new area also has:
 - Strong ties across sporting and surfing communities
 - High levels of volunteerism and demonstrated links with RFS, SLSC, Bushcare
 - One RFS area
 - Tourism and recreational links across vast areas of bushland, reserves and waterways
 - Shared education collegiality through the Peninsula Community of Schools extending from Avalon to Cromer
- An expanded council will ensure the strengthening of villages and communities, retention of local character, community of interest and identity

D) The attitude of the residents and ratepayers of the areas concerned

- 89% of residents surveyed in an independent random sample telephone survey support Pittwater Council remaining as it is
- If forced to amalgamate twice as many residents support a Greater Pittwater than one mega Council
- 74% of residents surveyed in an independent random sample telephone survey nominated the Greater Pittwater option as their second preference
- Moved on a journey where the community understand the benefits of the merger proposal of Pittwater and parts of northern Warringah, especially as it aligns with the northern catchment areas
- The staff of Pittwater also strongly support the proposal as an opportunity to create an even better council and stronger services for the community

E) The requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it consider relevant in relation to the past and future patterns of elected representation for that area

- Ensure effective representation. The new council structure lends itself to the establishment of three equal wards aligned to the natural environment and demographic groupings across the LGA
- Nine Councillors, including three from each ward and a Council-elected Mayor in the first term with a poll of electors to determine if the future council is to have a popularly or Council-elected Mayor in future terms
- Local representation of residents per councillor for the expanded Pittwater and northern Warringah council would be 14,000 compared to 25,000 for one northern beaches council
- A larger the entity is likely to be less accountable and this proposal best retains human scale for representation

E1) The impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities

- This proposal is based on the principle of two councils servicing equally balanced populations. Keeping this balance is critical to the success of the future councils and why the councils should be of equal size in this region

- Creates two equal councils of around 150,000 people that can work as partners:
 - In planning for the future with the Greater Sydney Commission
 - As equal shareholders for Kimbriki providing financial benefit for both councils
 - Potentially providing shared services to extend the benefits
 - Having a common parking system across the area
 - To deliver stronger representative advocacy to the NSW and Commonwealth Government
 - In managing regional infrastructure
- Significant planning benefits for the region and Sydney. Creating two equally balanced councils that can collaborate as part of the northern Sydney district to plan for region. It can partner with the NSW government to deliver infrastructure such as the B-line, road upgrades and the Northern Beaches Hospital
- Improved capacity to plan for and respond to housing and employment growth and to coordinate associated infrastructure delivery
- Council has recently invested significant resources in building an innovative Youth and Family Services team to respond to the growing needs of the Pittwater community and will be able to do the same for northern Warringah residents

Attachment 2 to the Minutes

General waste is collected for Council by United Resource Management (URM) contractors.



Current situation

In 2014 the system for general clean-up collections changed from a scheduled, mass, biannual pick-up service, to residents arranging their own pick-up dates, again limited to twice a year.

The current system has resulted in waste remaining in more ordered piles as scavenging doesn't occur as much, plus there is a reduction of things thrown out due to people being less opportunistic and having to go to the effort of arranging a pick-up.

The cost of this is included in Council rates.

It is then taken to Kimbriki and put into landfill.

A small percentage of metal is retrieved from the tip pile. Larger items, such as fridges, are taken out by machine and smaller things are retrieved by hand.

We estimated that the General waste clean-ups contribute over 2,000t a year to landfill.



Contrary to popular belief, anything put out is not sorted and/or recycled but instead crushed in a compactor truck.



Alternatively, residents may take their general waste to Kimbriki at a minimum fee of:

- \$95 for small, non commercial loads, or
- \$60 for commercial or larger loads via the weighbridge at a rate of \$315 per ton.



Over 75% of everything that is taken to Kimbriki is recycled either on sight or on sold to external recyclers. Such as green waste, metal, timber, concrete etc.

There is a re-sell centre there, which sells items such as furniture, brick-a-brack and building materials scavenged by staff from the tip.

General waste is the biggest contributor to land-fill.



It is not an option to continue opening new landfill sites. The landfill facility at Belrose reached its capacity and was shut down in November last year. It now operates as a transfer station and the only remaining semi-landfill is Kimbriki.

Landfill sites can produce leachate, which is a liquid that occurs when water, such as rainfall, passes through the landfill, picking up pollutants along the way.



What is happening in
other places?

Other Organisation models

- Private, contracted business.
- Worker's cooperative.
- Not-for-profit business.
- Triple, bottom-line business.
- Joint ventures between Council and private, contracted business
- Council operated tip shops.



Alternative Options

<https://vimeo.com/64778485>



- Are independently viable and profitable operations.
- Run on high turnover / low margins.
- Employ staff at award and above wages.
- Have expanded considerably from when they started.
- Are philanthropic and put back into the community.
- Run waste minimisation and other educational programmes.
- Are tenants of councils.
- Have close working relationships with councils.

Pick-up as well as receive items brought to them.



Technicians that clean and prepare computers and components for sale.



Employ electricians to check and repair appliances



Have in-house workshops for minor repairs



Hold community workshops to help people restore and 'refab' things they buy at the centre.



Have multiple outlets, including retail shops for collectables, vintage and high end items.



Run community and school education programmes



Partner with local businesses and other organisations to run events and competitions such as:

Waste to Art shows and Sculpture gardens



Best reuse,
Before and after
competitions





There are a number of grants that could be applied for, the main one is from the EPA/NSW Environmental Trust – Resource Waste and Recycling Infrastructure Fund. This program ‘supports projects that stimulate and accelerate investment in new equipment and upgrades that will boost recycling processing capacity in NSW’.

Between \$100,000 to \$1 million is available to cover up to 50 per cent of project capital costs. Eligible bodies are Councils, industry and business who operate licensed waste management Facilities located in a Waste Levy paying region.



The Aims

- To reduce the amount of general clean-up waste taken to Kimbriki by 50% at no extra cost to Council.
- Increase local business and create employment opportunities, including opportunities for disadvantaged people.
- Promote waste reduction practices and culture change in the community.
- Provide affordable recourses for the community.



What Action Should We Take?

- Apply for the EPA grant and look for others.
- Use grant money towards constructing a building from recycled materials (like the eco house) in an accessible location.
- Seek assistance from other successful operators, the Community Resource Network (CRN) and Resource Recovery Australia (RRA).
- Draw up a quality, comprehensive business plan which allows us to start small but expand over time.
- Form a joint venture between a triple bottom-line business and Council.



I conducted a brief survey which found that:

- Most people thought there was some level of resell or recycling.
- All Would like to see an alternative and endorsed change to the current system.
- All were happy for there stuff to be resold
- A few said they wouldn't buy second hand goods
- Have didn't have an interest in workshops
- All said they were fine with using pallets/tarps, however, a few said they may not fit outside their houses.





General Waste Collection Survey



These questions are regarding the biannual general waste collections (otherwise known as Council Clean-ups). The questionnaire will only take a few minutes and your answers will contribute to a presentation at Pittwater Council's Sustainable Towns and Villages focus group on February 17th.

If you have any questions please feel free to contact me on 0405508270 or at b.bragg@hotmail.com. Thanks for taking the time to complete this.

Billy Bragg

- Q1. Do you know what happens to the stuff you put out for Council Clean-up collections?
 It all gets sorted & recycled ☐ Some of it gets recycled/reused & some goes into landfill ☐
 It goes to landfill ☐ I'm not sure. ☐ Comment:
- Q2. Do you know where recycling is done in Pittwater?
 Yes ☐ No ☐ Comment:
- Q3. Have you ever taken things to Kimbriki?
 Yes ☐ No ☐ Comment:
- Q4. Do you know there is a Buy-back shop there?
 Yes ☐ No ☐ Comment:
- Q5. Have you ever visited it?
 Yes ☐ No ☐ Comment:
- Q6. Would you like to see a system put in place where Council Clean-up goods were reused sold or recycled?
 Yes ☐ No ☐ Comment:
- Q7. If tarps and pallets were provided, would you be prepared to better stack the goods you put out for collection, so that they may be reused?
 Definitely ☐ Possibly ☐ No ☐ Comment:
- Q8. If there were a warehouse in the area selling second-hand goods would you ever consider buying from it?
 Definitely ☐ Possibly ☐ No ☐ Comment:
- Q9. How far would you be prepared to drive to use this facility as a regular option?
 1 – 5 km ☐ 5 – 10 km ☐ 10 – 15km ☐ 15 – 20 km ☐ Comment:
- Q10. Would you be interested in undertaking workshops? (e.g. upholstery/renovation/upcycling)
 Yes ☐ No ☐ Comment:
- Do you have any other comments or ideas regarding general waste collections?
 Comment:



Council Meeting

13.0 Adoption of Leading and Learning Committee Recommendations

14.0 Adoption of Sustainable Towns and Villages Committee Recommendations

Appendix 1 - Confidential Advice
