

GREATER SYDNEY LOCAL LAND SERVICES

3. MEETINGS, MINUTES AND REPORTING

- a) All costs associated with Councillors' and council staff attendance will be met by participating councils. The GS LLS will provide light refreshments for LGAG meetings.
- b) A council in a central location will provide a meeting venue without charge for LGAG meetings. A council may nominate to host a meeting.
- c) Adequate notice of meeting will be given and agenda, papers and previous minutes will be made available to members at least five days prior to the meeting day.
- d) GS LLS will provide an Executive Officer, who will record minutes, resolutions and supporting papers.
- e) Draft Minutes of the GS LGAG meetings shall be prepared and forwarded to the GS LGAG Chairperson within seven days of the meeting
- f) The GS LGAG Chairperson shall then advise within seven days of any amendments to the draft minutes.
- g) Copies of the minutes shall then be forwarded to members of the GS LGAG and the Board of GS LLS. Councils who are not represented at meetings can request to receive copies of the minutes.
- h) An Annual Report of GS LGAG activity will be prepared.

4. ROLES AND RESPONSIBILITIES

Councils:

- a) provide advice to GS LLS on relevant regional management issues;
- b) provide advice to the GS LLS on development of policies, strategies, and plans;
- c) assist GS LLS to establish partnerships with Greater Sydney region councils to achieve improved outcomes in natural resource management; agricultural extension services; biosecurity; and emergency management.
- d) facilitate the development and delivery of projects funded through GS LLS;
- e) facilitate partnerships between Councils and GS LLS to determine investment priorities, funding models and other investment opportunities;
- f) advise on and provide support to targeted research programs that improve regional management;
- g) assist in development and promotion of policy initiatives to achieve regional management outcomes;
- h) assist with biosecurity and emergency management issues that are a shared responsibility of State Government and Local Government.

GS LLS:

- i) devolve incentive funding (as available) to councils to deliver the outcomes required by funding providers;
- j) disseminate information to local government to increase understanding of LLS core functions and their interaction with council functions;
- k) support responses by local government to relevant regional management issues.

5. ASSESSMENT

Review annually the operation and performance of LGAG for improvement.

Abbreviations:

GS LLS	Greater Sydney Local Land Services
GS LGAG	Greater Sydney Local Government Advisory Group
CAP	Catchment Action Plan

GS LGAG and GS LLS Terms of Reference recommended to GS LLS Board after LGAG meeting on XXth Month 2014 and adopted by the Board on XXth Month 2014.

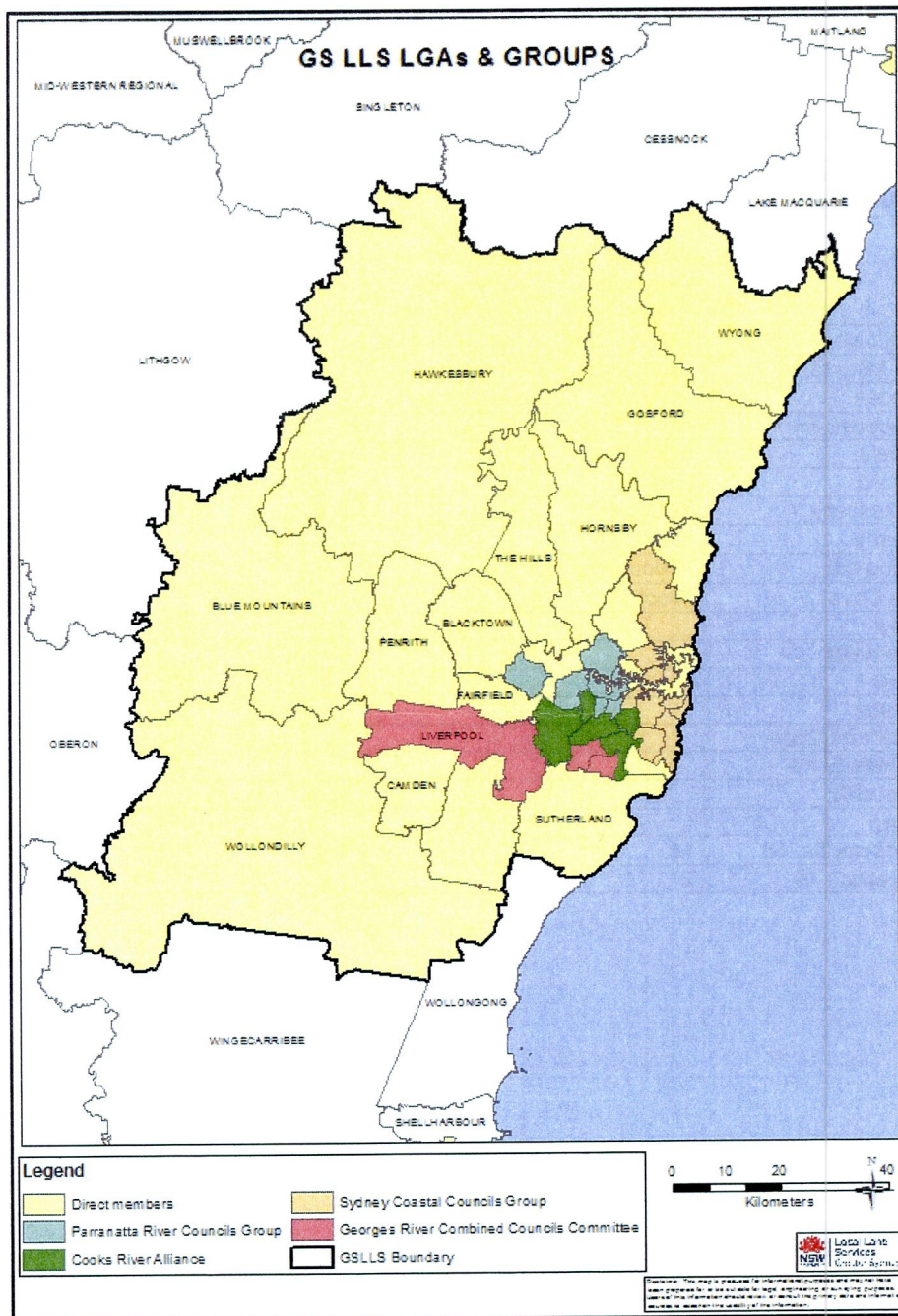
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ATTACHMENT 2

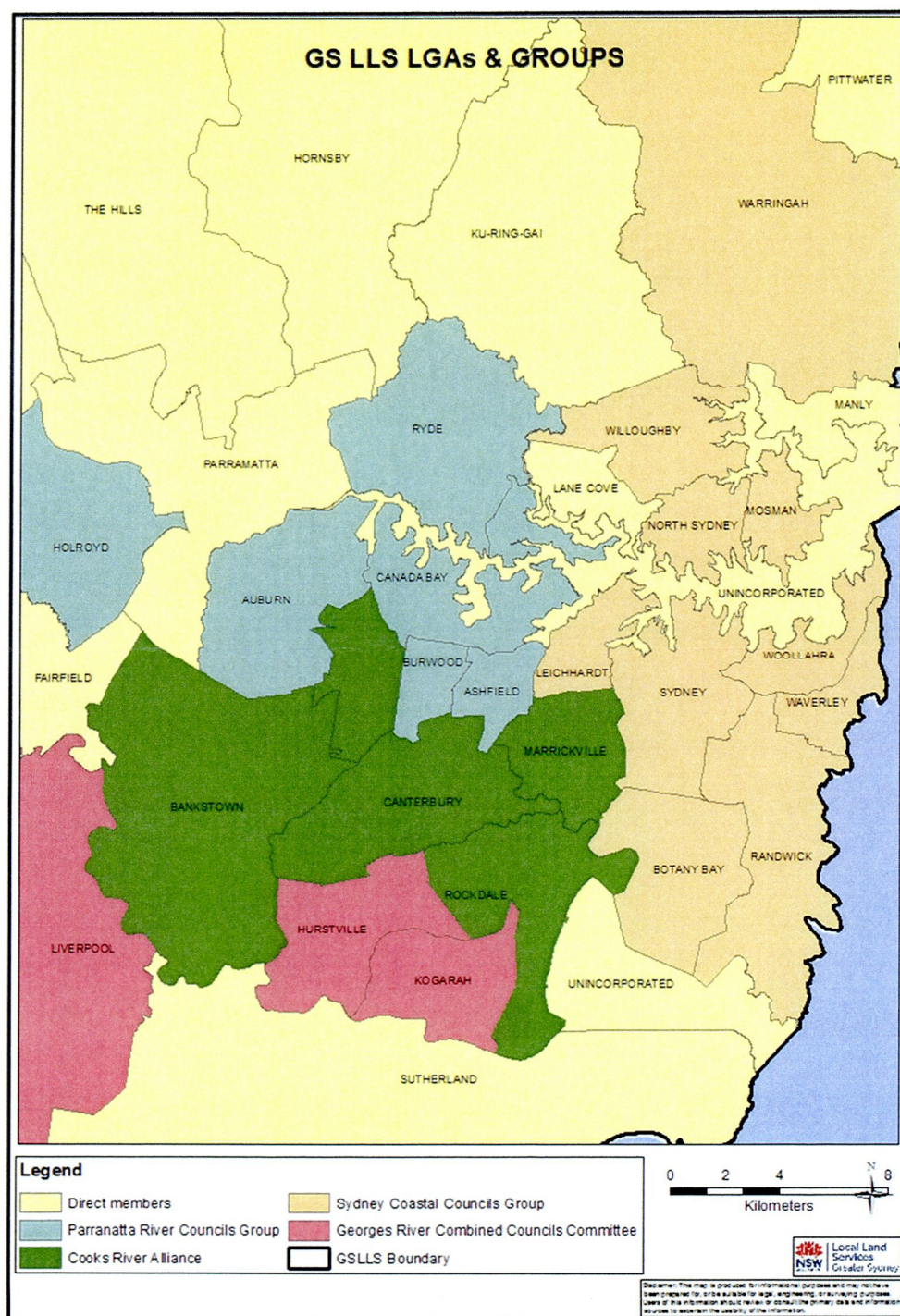
GREATER SYDNEY LOCAL LAND SERVICES Proposed LGAG representation by Councils

Individual Membership	Group Membership			
	Sydney Coastal Councils Group	Georges River Combined Councils' Committee	Parramatta River Catchment Group	Cooks River Alliance
Blacktown	Botany Bay	Hurstville	Ashfield	Bankstown
Blue Mountains	Leichhardt	Kogarah	Auburn	Canterbury
Camden	Mosman	Liverpool	Burwood	Marrickville
Campbelltown	North Sydney		Canada Bay	Rockdale
Fairfield	Randwick		Holroyd	Strathfield
Gosford	Sydney		Hunters Hill	
Hawkesbury	Warringah		Ryde	
Hornsby	Waverley			
Ku-ring-gai	Willoughby			
Lane Cove	Woollahra			
Manly				
Parramatta				
Penrith				
Pittwater				
Sutherland Shire				
The Hills Shire				
Wollondilly				
Wyang				
No. councils: 18	10	3	7	5
No. reps: 18	2	2	2	2

ATTACHMENT 2



ATTACHMENT 2



C10.4	Appointment of Sydney Coastal Council Group Delegates
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Meeting: Natural Environment Committee

Date: 1 September 2014

STRATEGY: Beach & Coastal Management

ACTION: Partner with SCCG and relevant State agencies to develop appropriate projects, programs, and educational tools to conserve marine biodiversity in the Sydney Metro area, in particular in the Northern Beaches
To consider regional sustainability initiatives relating to adaptive planning of the coastal zone

PURPOSE OF REPORT

To appoint Council delegates to the Sydney Coastal Council Group (SCCG) prior to the Group's Annual General Meeting on 13 September 2014.

1.0 BACKGROUND

- 1.1 The SCCG is a forum to promote cooperation by the 15 member Councils, and co-ordination of actions, on issues of regional significance concerning the sustainable management of the urban coastal environment.
- 1.2 A summary of membership details on the SCCG and meeting cycles is provided in **Attachment 1**. The Constitution of the SCCG is set out in **Attachment 2**. The primary objectives of the Group are to:
 - Build the role and capacity of Member Councils to sustainably manage the urban coastal and estuarine environment.
 - Coordinate and facilitate the exchange of information on integrated coastal and estuary management amongst member Councils.
 - Represent and advocate Member Councils' interests on issues relating to regional, state and national coastal and estuarine management.
 - Facilitate sustainable and integrated planning and management of natural and built coastal and estuarine assets,
 - Identify and address emerging regional coastal and estuarine issues through research and project development.
 - Facilitate the exchange and development of knowledge and tools to enhance community awareness on sustainable coastal and estuarine management.
- 1.3 The 2013/14 Councillor delegates on the SCCG include Cr Townsend and Cr Griffith (alternate).

2.0 ISSUES

- 2.1 The next meeting of the Sydney Coastal Council Group on 13 September 2014 is the Annual General Meeting which would include the election of the Executive Committee for the group.
- 2.2 The timing of Council's delegate reappointments onto Special, Joint and External Committees and Boards will not be conducted until at least 15 September 2014 which does not enable the SCCG councillor delegates for the upcoming year to attend and be considered on the SCCG Executive Committee. This situation can be remedied by separately appointing Council's delegates on the SCCG prior to the AGM.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The SCCG has been actively supported its member councils by delivering the Becoming Social Project which assist those tasked with implementing and managing both social media and online consultations within government (<http://www.becomingsocial.com.au/>).

3.2 Valuing & Caring for our Natural Environment (Environmental)

The SCCG deals with a range of regional environmental issues impacting the coastal zone, including state government coastal planning, marine biodiversity issues, coastal hazards, climate change and coastal education.

3.3 Enhancing our Working & Learning (Economic)

The annual membership costs for 2014/15 will be determined at next AGM. As an estimate, the 2013/14 membership cost was \$26,722.30 (GST inclusive) which would also be anticipated to be increased in line with CPI.

3.4 Leading an Effective & Collaborative Council (Governance)

Councillors' involvement in regional groups allows the opportunity for increased local representation on regional issues. Technical group meetings involving staff members also occur concurrently to share and discuss regional and local issues.

3.5 Integrating our Built Environment (Infrastructure)

The SCCG has been involved in both a lobbying and technical research capacity on a number of key projects relating to infrastructure within the coastal zone such as the Assessment and Decision Frameworks for Seawall Structures Project.

4.0 EXECUTIVE SUMMARY

- 4.1 Earlier appointment of delegates onto the Sydney Coastal Council Group has been necessitated due to the next Sydney Coastal Council Group AGM occurring on 13 September 2014, prior to Council's consideration of reappointments onto Special, Joint and External Committees and Boards.

RECOMMENDATION

That Council appoint one (1) Councillor delegate and one (1) Councillor as an alternate delegate to the **Sydney Coastal Councils Group Inc** for the period September 2014 to September 2015.

Report prepared by

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE

SYDNEY COASTAL COUNCIL GROUP INC.

Established:	1989
Function:	To promote co-ordination and disseminate information between Member Councils on issues relating to the management of the urban coastal environment and waterways
Composition/ Membership:	<p>Delegates from the following member Councils:</p> <ul style="list-style-type: none"> • Botany Bay City Council • Hornsby Council • Leichhardt Council • Manly Council • Mosman Council • North Sydney Council • Pittwater Council • Randwick Council • Rockdale Council • Sutherland Council • Sydney City Council • Warringah Council • Waverley Council • Willoughby Council • Woollahra Council <p>Each member Council is entitled to be represented by up to three (3) elected Councillors appointed by each Council, and additional Council officers</p>
Quorum:	A majority of delegates appointed to the Group
Reporting Procedures:	Minutes reported to Natural Environment Committee Meeting for consideration.
Responsible Business Unit:	Catchment Management and Climate Change
Meetings:	<p>Quarterly full group meetings at different venues hosted by member Councils on a rotating basis on Saturday afternoons commencing 12.00pm.</p> <ul style="list-style-type: none"> • 13 September 2014 (AGM) • 6 December 2014 • Other meeting dates - tbc <p>Quarterly technical committee meetings at different venues hosted by member Councils on a rotating basis on a Thursday</p>
Council Members Appointed:	<p>Delegate</p> <p>Alternate delegate</p>

Amendments 1/93 (15.1.93), 1/95 (9.1.95), 1/97 (21.10.97), 1/98 (14.3.98), 1/99 (16.10.99), 1/04 (11.9.04),
1/05 (11/04/05), 2/05 (5/10/05, 1/08(6/12/08), 1/10 (4/12/10)



CONSTITUTION OF THE SYDNEY COASTAL COUNCILS GROUP INC.

1. NAME

The name of the group is the **Sydney Coastal Councils Group Incorporated** hereunder referred to as "the Group".

2. AIMS AND OBJECTIVES

2.1 Aim

The **principal aim** of the Group is:

- 2.1.1** To promote cooperation between, and coordination of actions by Member Councils on issues of regional significance concerning the sustainable management of the urban coastal environment.

2.2 Objectives

The **Primary Objectives** of the Group are:

- 2.2.1** Build the role and capacity of Member Councils to sustainably manage the urban coastal and estuarine environment.
- 2.2.2** Coordinate and facilitate the exchange of information on integrated coastal and estuary management amongst member Councils.
- 2.2.3** Represent and advocate Member Councils' interests on issues relating to regional, state and national coastal and estuarine management.
- 2.2.4** Facilitate sustainable and integrated planning and management of natural and built coastal and estuarine assets.
- 2.2.5** Identify and address emerging regional coastal and estuarine issues through research and project development.
- 2.2.6** Facilitate the exchange and development of knowledge and tools to enhance community awareness on sustainable coastal and estuarine management.



3. MEMBERSHIP

- 3.1** Membership of the Group shall consist of those councils adjacent to Sydney marine and estuarine environments and their associated waterways who seek to accept membership in accordance with the terms of this Constitution.
- 3.2** Membership at the date of adoption of this Constitution comprises the following councils of:
- | | | |
|------------|--------------|-------------|
| Botany Bay | North Sydney | Sydney City |
| Hornsby | Pittwater | Warringah |
| Leichhardt | Randwick | Waverley |
| Manly | Rockdale | Willoughby |
| Mosman | Sutherland | Woollahra |
- 3.3** One of these member councils, with their concurrence, shall be nominated at an Annual General Meeting or Special Meeting to be the Host Council for a three year term for the purpose of employing staff and accounting for the financial reports of the Group. If no member councils is nominated that the Chairperson's Council will become the Host Council.
- 3.4** The Public Officer of the association will maintain a register of members of the association specifying the name and address details of the member and details of members' representative(s).

4. REPRESENTATION BY MEMBER COUNCILS

- 4.1** A member councils will be represented on the Group by up to three delegates appointed from time to time by that member council; such delegates may be elected members and/or staff as determined by the individual council.
- 4.2** The office of a delegate shall become vacant if:
- (a) the delegate resigns by letter addressed to the Council which appointed him/her;
 - (b) the delegate is replaced by his/her Council at any time;
 - (c) the delegate ceases to remain an elected member of that Council.
- 4.3** General Managers will ensure that appropriate Council representation is provided at SCCG meetings to ensure that interests and issues of all member councils is represented
- 4.4** Where the office of a delegate becomes vacant, the Council concerned may appoint another delegate.
- 4.5** Where a delegate of a Council is unable to attend a meeting of the Group, the Council may be represented by another person appointed for the purpose of being an alternative delegate (a proxy). Such alternate delegate may, during the absence of a delegate of his/her Council act in his/her place and be subject to vacation of office in the same way as a delegate.
- 4.6** Where a delegate has missed 3 meetings without notification, the Group shall write to the member council seeking an alternative delegate.



5. CHAIRPERSON

- 5.1** The delegates shall at the Annual General Meeting elect a Chairperson and one or two Vice Chairpersons as determined necessary by the Group at the meeting.
- 5.2** The Chairperson or in his/her absence, a Vice Chairperson shall preside at all meetings of the Group.

6. MEETINGS

- 6.1** The Chairperson of the Group shall determine the conduct of the meeting which shall conform as far as practicable with the Code of meeting practice established under section 360 of the *Local Government Act 1993*.
- 6.2** Ordinary Meetings of the Group shall be held quarterly, of which one of those meetings shall be the Annual General Meeting. A Special Meeting of the Group may be convened as and when required, in accordance with this Constitution.
- 6.3** Meetings shall be held at an office as decided by the Group from time to time.
- 6.4** The Financial Statements and Annual Report of the Group for the financial year ending June 30 shall be submitted to a meeting of the Group to be held not later than 30 September each year.
- 6.5** The Executive Officer shall notify each member council and delegates of meetings and of the nature of the business to be dealt with at the meeting not less than seven (7) days before each meeting. In the case of Special Meetings 48 hours notice must be given.
- 6.6** The Executive Officer shall forward minutes of each meeting to each member council and delegate as soon as practicable after the meeting.
- 6.7** With the consent of the delegates at a meeting, leave may be granted for any person to address that meeting.
- 6.8** At every meeting of the Group, the Chairperson shall preside, or if her/she is not present, a Vice Chairperson shall preside, or if he/she is not present, the delegates present shall elect a Chairperson to preside at that meeting.
- 6.9** The Association may hold a meeting of members at two or more venues using any technology that gives the members as a whole a reasonable opportunity to participate.



7. VOTING

- 7.1** At meetings of the Group only duly appointed delegates of financial member councils in attendance may vote.
- 7.2** The Chairperson presiding at a meeting shall not have, in the event of an equality of voting, a casting vote in addition to an original vote to determine a matter. In the event of equal voting, the Chairperson shall again submit the motion to the meeting and if again there are equal votes the matter shall be unresolved and referred to member councils for resolution and referral to a subsequent meeting of the Group.
- 7.3** Each financial member council shall have one vote.
- 7.4** The association may hold a postal ballot to determine any issue or proposal. A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

8. QUORUM

- 8.1** A quorum at a meeting of the Group shall consist of a majority of member councils represented by duly appointed delegates of member councils.
- 8.2** Where a quorum is not present at a meeting of the Sydney Coastal Councils Group, business papers be referred to the Sydney Coastal Councils Group Executive Committee for resolution.

9. BUSINESS AT MEETINGS

- 9.1** The business conducted at a meeting of the Group shall consist of:
- (a) Matters of which notice has been given by a member council or delegate;
 - (b) Matters which the Chairperson thinks fit to submit to the meetings;
 - (c) Consideration of reports by staff of the Group of member councils;
 - (d) Consideration of any recommendation or report by any committee;
 - (e) Consideration of any recommendation or report by any State Government department or community group;

and otherwise as the Group decides.



10. POWERS OF THE GROUP

- 10.1** The Group is established under Sections 355, 357 and 358 clause (2) of the *Local Government Act, 1993* and empowered as set out in this Constitution subject to formal adoption and ratification under Common Seal by the member councils.
- 10.2** The Group is empowered to do all things necessary and convenient to implement its aims and objectives.
- 10.3** The above shall not affect the right of an individual Council acting in its own right on these matters.
- 10.4** The control, regulation, maintenance and management of the exercise of these powers is vested in the meetings of the delegates in accordance with this Constitution.

11. EXECUTIVE OF THE GROUP

- 11.1** The Executive Committee of the Group shall be the Chairperson, a maximum of two Vice Chairpersons, a Treasurer, a Secretary and up to 3 other delegates who shall be elected at the Annual General Meeting.
- 11.2** The Executive Committee shall be elected from among the delegates each year at the Annual General Meeting. An election shall also be held for any casual vacancy occurring among the officials and any official so elected shall hold office until the next Annual General Meeting.

12. STAFF

- 12.1** The Group may appoint a Regional Coastal Environmental Officer / Executive Officer and other such staff, as the Group may consider appropriate in order to pursue its aims and objectives.
- 12.2** Such staff provided that performance is satisfactory shall remain as an employee only for the term of appointment to the Group but in any case not longer than the Group continues to exist.

13. ADVISORY COMMITTEE

- 13.1** The Group may, from time to time, appoint any number of committees in connection with any work, activity or object of the Group.
- 13.2** The Group shall have power to co-opt any person to assist and/or comprise a committee.
- 13.3** The Group may appoint Honorary membership to the SCCG on a 12 month cycle via nomination at the Annual General Meeting.



14. OFFICE

The Office of the Group shall be at such a place as the Group may from time to time appoint.

15. YEAR

The Group's year shall commence on July and terminate on 30 June of the next year.

16. FINANCE

- 16.1** The Group, shall before the end of each financial year prepare estimates for the following financial year showing:
- (a) The amount of proposed expenditure by the Group;
 - (b) The amount in hand available for such expenditures;
 - (c) Any additional amount required to be raised to meet such expenditure;
 - (d) Proposed sources of funding for matters itemised in "c".
- 16.2** The estimates shall be referred to each member council for consideration at their Ordinary Meeting. The expenditure shall be contained within the approved budget of the Group, or in accordance with supplementary votes for funds approved by member councils.
- 16.3** The financial contribution by each member council towards costs of the Group shall be apportioned on the following basis:
- (a) An annual membership fee based on a flat rate to be determined at the Annual General Meeting.
 - (b) A further supplementary contribution, calculated on a population basis for each member council, shall be determined annually at the Annual General Meeting. (The population used for such calculation shall be that advised by the ABS as at 30 June of the preceding year).
- 16.4** The Group shall pay all monies received by it into a trust fund maintained by the nominated Host Council or a bank account in the name of the Group and shall use such monies for the purpose of and subject to the terms of this Constitution.
- 16.5** All funds shall be operated upon in such manner and by such persons, as the Group shall from time to time determine by resolution.
- 16.6** A financial report shall be submitted to the Group so designated to each quarterly meeting of the Group.
- 16.7** (a) The Group shall at the Annual General Meeting appoint an auditor who shall annually audit the accounts of the Group.
- (b) The audit of accounts shall be submitted to each of the member councils with a notice of an Ordinary or Annual General Meeting, and presented to that meeting.



17. ANNUAL REPORT

The Group shall submit an annual report to each of the member councils with the notice of the Annual General Meeting.

18. CO-OPERATION

For the purpose of performing any powers, duties or functions, the Group may make use of the services of an employee of a member council if the prior approval of the Council is obtained.

19. TERMINATION OF MEMBERSHIP

A Council may withdraw from membership of the Group on giving six months notice of termination to the Group. When such termination takes effect the Constitution remains in force between the remaining members of the Group.

20. AMENDMENTS

This Constitution may be amended from time to time by a resolution passed at a Special or Annual General Meeting of the Group by votes equivalent to three quarters of the number of delegates entitled to vote. Such amendment shall not take, and shall have no effect, unless ratified by at least three quarters of member councils entitled to vote.

21. TERMINATION OF THE GROUP

- 21.1** Upon the termination of the Group the debts and liabilities of the Group shall be discharged out of the assets of the Group. The balance of the assets shall be given or transferred in equal shares by the Host Council to the member councils remaining immediately before the termination of the Group.
- 21.2** If any debts are more than the available assets, each member council shall contribute equally to that debts excess.
- 21.3** This agreement shall be dissolved and terminated at any time upon a resolution to that effect being passed by a three quarters majority of member councils entitled to vote.

22. DECLARATION OF PECUNIARY INTERESTS

The Group shall be bound to the conduct set out in the *Local Government Act, 1993*, Chapter 14 Part 1 and 2, Division 1, in relation to member councils and/or delegates' interests.



23. RESOLUTION OF INTERNAL DISPUTES

- 23.1** A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
- 23.2** If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration as so determined by the Executive Committee.

24. COMMON SEAL

- 24.1** The common seal of the Group must be kept in the custody of the public officer.
- 24.2** The common seal must not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the common seal must be attested by the signatures either of two members of the Executive Committee or of one member of the Executive Committee and of the public officer or secretary.

25. CUSTODY OF BOOKS

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Group.

26. INSPECTION OF BOOKS

The records, books and other documents of the Group must be open to inspection free of charge, by a member of the Group at any reasonable hour.

This Constitution was adopted by resolution of each inaugural member council and authority granted for execution under the Common Seal of each Council hereunder.

<Council name>

The COMMON SEAL of the COUNCIL of
<COUNCIL NAME> was
hereto affixed this.....
day of.....pursuant
to a Resolution of the Council passed
on.....

MAYOR

GENERAL MANAGER



C10.5	Minutes of the Natural Environment Reference Group Meeting
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Meeting: Natural Environment Committee

Date: 1 September 2014

STRATEGY: Corporate Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, Minutes of the Natural Environment Reference Group Meeting held on 13 August 2014 (refer **Attachment 1**).

1.0 BACKGROUND

1.1 The Natural Environment Reference Group has a primary role of assisting the Pittwater 2025 Strategic Plan by critically analysing and reviewing the Strategic Goals aligned to the Pittwater Natural Environment and providing Reference Points for further consideration by Council.

2.0 ISSUES

2.1 The 14 May 2014 Meeting considered the following discussion topics:

- NE4.1 Verbal update on 10/50 Vegetation Clearing Code
- NE4.2 Northern Beaches Health Services Redevelopment
- NE4.3 Strategy Too Good to Waste
- NE4.4 Place Management and Enliven Strategy

2.2 As recorded in the Minutes, these topics were well researched and well received and generated a high degree of interest and robust discussion.

3.0 SUSTAINABILITY ASSESSMENT

The Natural Environment Reference Group has a specific focus on Key Direction 2 – Valuing and caring for our Natural Environment with the primary aims to:

- Reduce our ecological footprint
- Protect our bushland and biodiversity
- Improve the health of our beaches and waterways.

4.0 EXECUTIVE SUMMARY

4.1 The 13 August 2014 Meeting considered the following discussion topics:

- NE4.1 Verbal update on 10/50 Vegetation Clearing Code
- NE4.2 Northern Beaches Health Services Redevelopment
- NE4.3 Strategy Too Good to Waste
- NE4.4 Place Management and Enliven Strategy

RECOMMENDATION

1. That Council note the Minutes of the Natural Environment Reference Group Meeting held on 13 August 2014 that relate to the discussion on:
 - NE4.1 Verbal update on 10/50 Vegetation Clearing Code
 - NE4.2 Northern Beaches Health Services Redevelopment
 - NE4.3 Strategy Too Good to Waste
 - NE4.4 Place Management and Enliven Strategy
2. That Council note the following reference points from that meeting:
 - 2.1 **Verbal update on 10/50 Vegetation Clearing Code**
 1. That the update on this item be noted.
 2. That all members report back to their associations and write to the Premier, Environment Minister, Minister for Emergency Services and Local Member repealing the 10/50 Vegetation Clearing Code requesting for consultation with the community regarding the Code which will include a public exhibition process to provide residents an opportunity to provide comments and feedback.
 3. Council will distribute key information to reference group members to assist with submissions.
 - 2.2 **Northern Beaches Health Services Redevelopment**
 1. That the presentation on this item be noted.
 2. That the group thank Ms Heather Gough from the Northern Beaches Health Services Redevelopment for the presentation on this item.
 - 2.3 **Strategy Too Good to Waste**
 1. That the update on this item be noted.
 2. That members report back to their Associations and provide an update on the *Too Good to Waste Strategy* and provide feedback on the Ministers Release on 12 September 2014.
 - 2.4 **Place Management and Enliven Pittwater**
 1. That the update on this item be noted.
 2. That the update on the Place Management and Enliven Pittwater update be deferred to the next Natural Environment Reference Group meeting in November.

Report prepared by

Chris Hunt
DIRECTOR – URBAN & ENVIRONMENTAL ASSETS

Minutes

Natural Environment Reference Group Meeting

held in the Training Room at the Coastal Environment Centre, Lake
Park Road, North Narrabeen on

13 August 2014

Commencing at 4.04pm

Members of the Committee, namely

Cr Alex McTaggart, Chairperson

And the following Community Representatives:

Ms Frances Holdaway, Careel Bay, Pittwater Protection Association
Ms Roberta Conroy, Bayview–Church Point Residents Association
Ms Gloria Carroll, Manly Warringah and Pittwater Historical Society
Mr Hans Hui, Newport Residents Association
Mr William Thomson, Newport Residents Association
Mr David Hegarty, Scotland Island Residents Association
Mr Martin Porter, Surfrider Foundation
Ms Lynne Czinzer, Warriewood Residents Association
Ms Karen Lambert, West Pittwater Community Association
Mr Roger Treagus, Pittwater Resident Representative

And the following Council Advisors

Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Mark Beharrell, Manager, Natural Environment and Education
Mr David Bremner, Community Engagement Officer
Ms Melinda Hewitt, Manager, Place Management
Ms Sherryn McPherson, Minute Secretary / Administration Officer
Ms Lisa Walker, Administration and Insurance Officer

Natural Environment Reference Group Meeting
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NE4.3	Detailed Strategy Too Good to Waste	
NE4.4	Place Management and Enliven Pittwater	
5.0	Emerging Business	
6.0	Next Meeting	

1.0 Apologies

1. The following apologies were received for the Natural Environment Reference Group Meeting held on 13 August 2014:
 - Mr Alan Gaines, Scotland Island Residents Association
 - Mr Andrew Davies, Pittwater Business Organisation
 - Mr John Spicer-Bell, Pittwater Resident Representative
 - Ms Margaret Makin, Pittwater Resident Representative
2. The members accepted the apologies.
3. The Chairperson introduced and welcomed Ms Wendy Atril, Clareville, and Bilgola Plateau Residents Association, Mr David Hegarty, Scotland Island Residents Association to the reference group.
4. The Chairperson introduced and welcomed Mr David Bremner, Community Engagement Officer (Pittwater Council) to the reference group.

2.0 Declarations of Pecuniary Interest/Non-Pecuniary Conflict of Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 14 May 2014 be confirmed as a true and accurate record of that meeting.

(Ms Roberta Conroy / Mr Roger Treagus)

4.0 Discussion Topics

NE4.1 Verbal Update on 10/50 Vegetation Clearing Code

Proceedings in Brief

Mr Mark Beharrell - Manager, Natural Environment and Education addressed the meeting on this item. A copy of the vegetation PowerPoint presentation is attached to the minutes at **Attachment 1**

The chairperson updated the group on the report that went to the council meeting on Monday 4 August. A copy of the report and minute item at **Attachment 2**.

Matters arising from the discussion:

Q: To further clarify, so if a tree is 10m from your property (not on your land and possibly on Councils reserve) can residents remove them?

A: That is incorrect, this legislation only applies for trees on your property, however, if a tree is further than 10m from your property yet 5m from your neighbours property, then the tree can be removed.

Q: Who has introduced this program?

A: Minister for Emergency Service has introduced this legislation, Mr Stuart Ayres.

Q: Is there any provision to apply for an exemption with State Government for this legislation not to apply to Pittwater LGA?

A: No, there is no provision for exemption. This new code overrides every act available.

Q: Are other Councils concerned about the new code?

A: Yes they are but Pittwater cannot comment on what actions they are taking in regards to this Code. 80% of Warringah Council is and 50% Mosman LGA is affected. Due the mention of Bushfire in the code, there is a little bit of hesitancy for all Councils to respond speaking against this item.

REFERENCE GROUP RECOMMENDATION

1. That the update on this item be noted.
2. That all members report back to their associations and write to the Premier, Environment Minister, Minister for Emergency Services and Local Member repealing the 10/50 Vegetation Clearing Code requesting for consultation with the community regarding the Code which will include a public exhibition process to provide residents an opportunity to provide comments and feedback.
3. Council will distribute key information to reference group members to assist with submissions.

(Ms Roberta Conroy / Ms Gloria Carroll)

NE4.2 Northern Beaches Health Services Redevelopment - Mona Vale Hospital Masterplan

Proceedings in Brief

The Chairperson introduced and welcomed Ms Heather Gough and Mr Michael Player from Northern Beaches Health Service Redevelopment (NBHSR) to the meeting whom will present this item.

Ms Heather Gough addressed the meeting on behalf of the NBHSR and provided an update on the Mona Vale Hospital Masterplan. The current range of health services provided on the Northern Beaches need to be redesigned to support the changing needs of the local community. A new hospital for the Northern Beaches community will provide more complex health services at contemporary standards, with modern infrastructure that supports innovation, teaching and research. Local people will have excellent healthcare on their doorstep, with Northern Beaches Hospital and Mona Vale Hospital along with three new community health centres in Mona Vale, Seaforth and Brookvale. A copy of the presentation provided to the group is attached to the Minutes at **Attachment 3**.

Matters arising from the discussion:

Q: What will be the number of public beds available at the new hospital?

A: The Hospital must have a minimum of 423 public beds. It will be a public and private hospital. The requirement under their contract is that public patients that enter the Hospital must be treated thus providing a constant fluctuation on the beds that they will require as they will be responding to demand.

Q: How will the hospital operate as a combined public and private hospital?

A: In regards to service, all emergency patients will be treated with priority. Public patients will be allocated assistance as normal and then be treated depending on targets. Depending on the treatment required (e.g surgery) there is set targets with timeframes in which this service must be performed. The benefits of having private health care will provide those patients with the opportunity to select a particular surgeon.

Q: What is the number of beds in the current rehabilitation site and what is predicted for the future hospital?

A: There is currently 56 beds in the rehabilitation centre and the new site will include a new level 5 which will incorporate approximately 100 beds, however, this will not include inpatient beds.

Q: In regards to the Ambulance Service, are they always dispatched from the closest station or do are they dispatched as to services available?

A: NSW Ambulance will need to be consulted for an accurate response. Majority of residents are transported to Northshore Hospital as Manly and Mona Vale only provide limited services. The Ambulance Station located at Avalon is not 24 hour operable. Patients receive care from the moment the Ambulance arrives and collects the patient until they are transferred into the care of the emergency department. The Ambulances do not live at stations, they come deliberately and manage services and hotspots. They do not necessarily come from the closest ambulance station to you.

Q: What happens if the ambulance does not have another call, do they wait at the hospital?

A: They must remain at the hospital to the patient transfer is completed. Once they have finalised their duty of care of a patient, they will come the area and generally stay in a local hotspot area.

Q: In regards to Scotland Island, how are the residents transported to the hospital in an emergency situation?

A: The 000 and Ambulance service have contingencies in place for these instances plus there are emergency paramedics available, Community First Response (CFR). Radio contact between the Water police and the Ambulance service will decide the best form of transport for the patient.

Q: What services will be available within the Urgent Care Facility?

A: The Urgent Care Facility will be open 24 hours and will be the equivalent of an advanced GP Clinic. It will be a self-presentation only clinic and will not accommodate for an ambulance service. It will treat minor injuries and illnesses. e.g children with chicken pox, colds and flu. Pathology (Blood Testing), basic xrays and referrals.

Q: Is it proposed in the future, what will be the fastest route to the hospitals? Is it predicted they will utilise the Wakehurst parkway.

A: The Bus Rapid Transport will use standard road routes. Roads and Maritime Services have created a Northern Beaches Action Plan and can provide further information. In addition, two Information sessions will be scheduled to be held in conjunction with NBHSR and Roads and Maritime Services especially formulated for residents to drop in and ask questions.

A significant amount of community information campaigns have been completed in regards to distributing the information to the region.

Further information can be obtained from:

Website: www.nbhsredev.health.nsw.gov.au

Email: northernbeaches.enquiries@hinfra.health.nsw.gov.au

Phone: 02 9978 5410

REFERENCE GROUP RECOMMENDATION

1. That the presentation on this item be noted.
2. That the group thank Ms Heather Gough from the Northern Beaches Health Services Redevelopment for the presentation on this item.

(Ms Roberta Conroy / Ms Gloria Carroll)

NE4.3 Detailed Strategy Too Good to Waste

Proceedings in Brief

Ms Liz Quinlan, SHOROC addressed the meeting on this item. A copy of the Strategy “Too Good To Waste” is attached to the minutes at **Attachment 4**.

Too Good to Waste is the overarching waste strategy for the SHOROC region – encompassing Mosman, Manly, Pittwater and Warringah Councils. It has been developed in consultation with the four SHOROC Councils to guide improved waste avoidance and resource recovery practices across the region and bring together projects that are more efficiently and effectively delivered in partnership. It responds to the *NSW State Plan* and contributes to targets in the *NSW Waste Avoidance and Resource Recovery Strategy* (Appendix A: Key policies and plans impacting on Too Good to Waste) and will maximize funding opportunities under the NSW Governments’ *Waste Less, Recycle More* initiative.

Waste is a key area of concern for our community. *Too good to Waste* will link to each Council’s 10 year Community Strategic Plan that identifies community objectives and strategies for achievement. Waste management is one area of responsibility that Councils have considered when preparing their plans, particularly in relation to the communities expected level of waste service in light of the Communities willingness to pay. Details of each Council’s Community Strategic Plan as it relates to waste as referred in Appendix B to the report.

The Strategy signals the continuing shift to recognize waste as valuable resource of economic and environmental benefit. The strategy’s main focus is on areas of Council’s responsibility such as household waste, public place waste and Council owned waste infrastructure, however business waste is also considered.

Matters arising from the Discussion

Q: Will the items placed in the new red bin continue to be put towards landfill and were will that go?

A: All bins will continue to go through an Alternate Waste Treatment System (AWT) and will be managed accordingly. It is planned that there will be three new resource recovery facilities, which are:

- A **landfill resource recovery facility** to enable the sorting and resource recovery of waste dropped off by vehicles at the landfill face - anticipated to be operational by the end of 2016.
- An enclosed **materials recovery facility** to sort mixed recyclable materials collected from household kerbsides. The recyclables will be mechanically separated and transferred for final processing and resale as input to new products - anticipated to be operational by 2017.
- An enclosed **resource recovery facility** to process two waste streams. The first, garden and food organics from kerbside collections will be processed into high grade compost for reuse by councils, agriculture, horticulture and the public and the second, domestic mixed waste from kerbside collections will be processed into recyclables and low grade compost for sale with an inert residual being disposed to Kimbriki’s landfill - anticipated to be operational by 2017.

Q: What will be the new collection process for the garbage bins?

A: The new waste collection system will be phased in during 2014-2015 for all households in Mosman, Manly, Warringah and Pittwater. This will coincide with the opening of the recycling facilities at Kimbriki and the permanent closure of the Belrose landfill station. More information on how this new system is solving our region's waste problem can be found [here](#)

The main changes are:

- One mixed food & vegetation bin.
The mixed food & vegetation will be converted into compost and collected weekly
- A free kitchen tidy and cornstarch bags will be delivered to all homes to collect food waste before it is placed in the bin.
- One mixed recycling bin for paper and recyclable containers which will be collected fortnightly
- A general waste bin collected fortnightly
- In units/apartments ALL bins will be collected weekly. Options will be investigated for residents with special waste needs. These could include more frequent collections for those with nappies, varying bin sizes and support for the elderly or infirm.

Q: Who is driving this strategy and when will it be available for review?

A: The Hon. Rob Stokes MP, Minister for the Environment and Member for Pittwater together with Cr Jacqueline Townsend SHOROC President and Mayor of Pittwater is behind this strategy and will be releasing the draft Too Good to Waste strategy on Friday 15 August 2014 at Kimbriki for Manly, Mosman, Pittwater and Warringah councils and community for comment. Details will be available on all Councils websites regarding the strategy and will contain a survey which will provide the community an opportunity to provide comment on the new plan and provide quality feedback.

Q: How does the draft strategy fit in with other government programs on waste?

A: The strategy is an action under the NSW Government's *Northern Beaches Regional Action Plan* and contributes to waste targets in the NSW State Plan *NSW 2021* and the *NSW Waste Avoidance and Resource Recovery Strategy*.

Q: What will happen when the Belrose station closes?

A: The Belrose landfill station where our waste currently goes is filling up and due to close in 2014. As there is no other mixed garbage landfill in our region, this waste would have to be trucked elsewhere meaning increased transport costs. Warringah Council is managing the interim disposal contract.

Q: Will plastic bags continue to contaminate the recycling process and can the State and Federal Government have Woolworths or Coles introduce compostable plastic bags the same time as the new legislation is released?

A: Degradable plastics are traditional plastics and are blended with a degradable additive which are similar to degradable plastic above, these plastics are typically blends of conventional plastic with a degradable additive. The difference you'll find between them and degradable plastic is that once the degradable additive has done its work, these plastics have been broken down to such small fragments that micro-organisms, fungi, and other creatures can consume it

Compostable plastics are a relatively new phenomenon and are by definition able to be composted. In this day and age that means it can be composted in commercial compost facilities. There are compostable plastics which are made of vegetable starches, processed and extracted vegetable materials (PLA), and compostable additives in traditional plastics. Compostable plastic products typically cost 4 times more than their biodegradable alternatives.

Unlike Biodegradable plastics above (with the exclusion of California), compostable plastics do not require exposure to the elements in order to start breaking down. What compostable plastics do require however is an environment that's suitable for bacteria and other microbes to consume it.

Note: Plastic bag is can be recycled but items such as glad wrap or plastic film is not. It will affect the machinery along with textiles and materials.

Q: Can the State and Federal Government have Woolworths or Coles introduce compostable plastic bags the same time as the new legislation is released?

A: The Government is working on introducing compostable garbage bags but they they may not be released at the same time as the legislation.

REFERENCE GROUP RECOMMENDATION

1. That the update on this item be noted.
2. That members report back to their Associations and provide an update on the *Too Good to Waste Strategy* and provide feedback on the Ministers Release on 12 September 2014.

(Ms Lynne Czinner / Ms Roberta Conroy)

NE4.4 Place Management and Enliven Pittwater

Proceedings in Brief

Ms Melinda Hewitt, Manager – Place Management addressed the meeting on this item. The Reference Group received an invitation to the Villages Economies Summit and Mona Vale Long lunch. A copy of the Flyer distributed is at **Attachment 5**.

The group received an update and invitation to:

- **Village Economies Summit, 18 – 20 September 2014**

Pittwater Council is committed to creating places where the community want to live, work, play and shop. The Village Economies Summit is an exciting three day event for business and community to be held in Mona Vale.

On Friday, 19 September 2014 the Village Economies Summit will showcase Mona Vale to visitors outside the area and includes a series of talks on place making, tourism, and creative industries from expert presenters as well as providing a great opportunity for business to network and promote their products and services.

For More information about the Village Economies Summit and ticket sales, go to:

Website: businessinpittwater.com.au

Contact: The Place Management Team on enliven@pittwater.nsw.gov.au

Phone: 02 9970 1111

Cost: \$110 for the day, \$70 of half day entry.

- **Mona Vale Long Lunch, 20 September 2014**

A growing local economy is critical to building a vibrant community. A growing local economy is critical to building a vibrant community. The event will be held in Bungan Lane, Mona Vale from 11am to 4pm and will transform the village into a retail / entertainment hub offering pedestrians the chance to access and experience the village in a pleasurable way.

For More information about the Enliven Mona Vale Long Lunch go to:

Website: businessinpittwater.com.au

Contact: The Place Management Team on enliven@pittwater.nsw.gov.au

Phone: 02 9970 1111

Cost: Free entry (Local business open for food purchases)

REFERENCE GROUP RECOMMENDATION

1. That the update on this item be noted.
2. That the update on the Place Management and Enliven Pittwater update be deferred to the next Natural Environment Reference Group meeting in November.

(Mr Hans Hui / Mr David Hegarty)

5.0 Emerging Issues

The Chairperson is seeking ideas from the Reference Group Members to nominate a Pittwater Native Plant to be used as a Centenary Plant for ANZAC Celebrations in 2015. This will be an item on the Natural Environment meeting in November prior to being reported to Council.

6.0 Next Meeting

The next meeting of the Natural Environment Reference Group is scheduled to be held at the Coastal Environment Centre on Wednesday, 12 November 2014 commencing at 4.00pm.

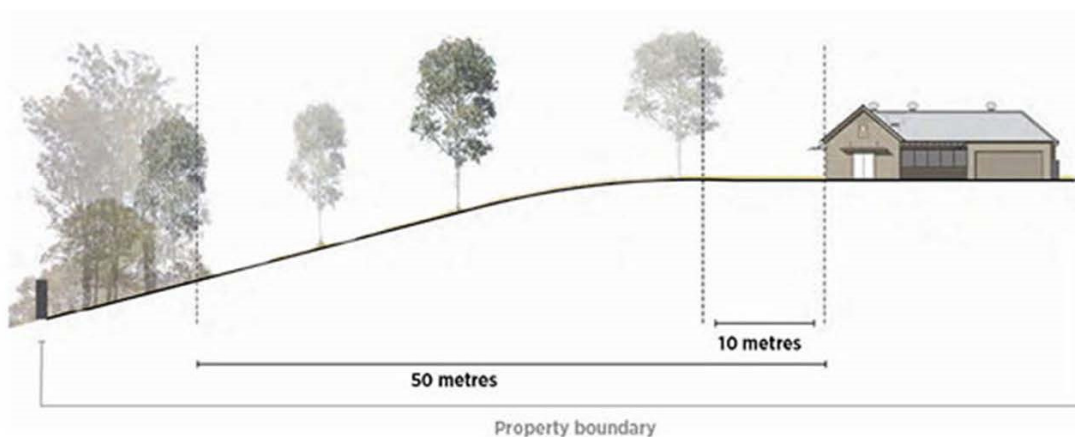
**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.12PM
ON WEDNESDAY, 13 AUGUST 2014.**

10/50 Vegetation Clearing Code

“Putting people before trees”

The Hon. Mike Baird MP

- Location of 10/50 Vegetation Clearing Entitlement Area is unknown at this stage.



Victoria 10/50

- In most areas it is 10/30.
 - 21 Metropolitan Councils are exempt.
 - Does apply to any new homes where they have been approved under the relevant bushfire planning documents (ie. since 2009).
-
- Potentially significant impacts on scenic amenity and possible the character of the Pittwater LGA (leafiest suburb?).
 - Potentially devastating for threatened flora and fauna, wildlife corridors, etc. No Threatened species
 - There are potential geotechnical issues and problems use in these area (generally upslope are higher risk).
 - There is no assessment it will be self assessed, realistically compliance will fall to Council.
 - Highlights issues associated with current bushfire prone land mapping, are coastal bushland areas as significant as inland areas, ignores slope and aspect.
 - There has been no consideration of impacts on the development system, will Council need to assume all vegetation under 3m will be removed on average housing lots and all trees within 10m of the building. Current landscaping controls can not be implemented.

C10.2: Submission on the proposed 10/50 Vegetation Clearing Code of practice**Meeting:** Natural Environment Committee**Date:** 4 August 2014**STRATEGY:** Flora & Fauna**ACTION:** To sustainably manage urban forest tree canopy and native bushland**PURPOSE OF REPORT**

To present for the consideration of Council a submission in response to the proposed 10/50 Vegetation Clearing Code of Practice, prepared by the NSW Rural Fire Service (refer **Attachment 1**).

1.0 BACKGROUND

- 1.1 The draft 10/50 vegetation Clearing Code of Practice is in response to property loss associated with the bushfire in the Blue Mountains in 2013.
- 1.2 The code was on exhibition for four weeks with comments being received up until 21 July 2014. Council staff have forwarded a submission (refer **Attachment 2**) regarding concerns to the Manager Community Planning, NSW Rural Fire Service.
- 1.3 The Code allows for the removal of trees for 10m and any vegetation less than 3m for 50m from any residential structure.
- 1.4 Compliance with the code supersedes all other “clearing legislation” for example Council’s tree preservation order.

2.0 ISSUES

- 2.1 The actual locations of 10/50 Vegetation Clearing Entitlement Areas have not yet been provided to Council. The impacts cannot then be fully understood.
- 2.2 Depending on the location and uptake by property owners there are potentially numerous impacts, these include:
 - Loss of scenic amenity and change to the character of Pittwater
 - Impacts on flora and fauna,
 - Geotechnical problems.

3.0 SUSTAINABILITY ASSESSMENT**3.1 Supporting & Connecting our Community (Social)**

The submission on the 10/50 vegetation Clearing Code is an opportunity for Council and the community to provide comment on the legislation that may significantly affect the aesthetic significance of our sense of identity, culture and place.

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

The review of the 10/50 vegetation Clearing Code is an opportunity for Council to advocate for our desired environmental outcomes and express concerns regarding environmental conservation and management that may be affected by implementation of the code.

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

The review of the 10/50 vegetation Clearing Code will have minimal impact on the local economy, employment or educational opportunities.

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

The review provides an opportunity for Council to be proactive and clearly outline the issues and concerns we foresee before the state wide implications are imminent and certain.

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

The review of the 10/50 vegetation Clearing Code provides Council an opportunity to raise concerns with the NSW Rural Fire Service regarding the recommendations and deficiencies in the code.

4.0 **EXECUTIVE SUMMARY**

- 4.1 The Code allows for the removal of trees for 10m and any vegetation less than 3m for 50m from any residential structure. The draft code is provided as attachment 1. Council staff has forwarded a submission (provided as attachment 2) regarding concerns to the Manager Community Planning.
- 4.2 Depending on the location and uptake by property owners there are potentially numerous impacts, these include:
- Loss of scenic amenity and change to the character of Pittwater.
 - Impacts on flora and fauna.
 - Geotechnical problems.
- 4.3 The actual location where 10/50 Vegetation Clearing Entitlement Area have not yet been provided to Council. The impacts cannot then be fully understood.

RECOMMENDATION

1. That the information provided in the report be noted.
2. That the submission outlined in **Attachment 2** to the Manager Community Planning, NSW Rural Fire Service, be endorsed by Council.
3. That Council make representations to Minister of Environment and the Minister for Emergency Services on the potential impacts of the draft code.

Report prepared by

Mark Beharrell
MANAGER, NATURAL ENVIRONMENT & EDUCATION

ATTACHMENT 1

Submission on the proposed 10/50 Vegetation Clearing Code of practice



10/50 VEGETATION CLEARING CODE OF PRACTICE

DRAFT FOR PUBLIC EXHIBITION

Prepared by:

NSW Rural Fire Service
15 Carter Street Lidcombe NSW 2141
Locked Bag 17 Granville 2142
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1 Introduction

This Code of Practice is known as the 10/50 Vegetation Clearing Code of Practice for New South Wales (the 10/50 Code) and has been prepared in accordance with section 100Q of the *Rural Fires Amendment (Vegetation Clearing) Bill 2014*.

This 10/50 Code has been developed to provide for vegetation clearing work to be carried out in certain areas near residential accommodation or high risk facilities to reduce the risk of bush fire.

It permits landowners in the 10/50 vegetation clearing entitlement area to clear on their own land, vegetation that is adjacent to an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility.

This draft 10/50 Code is released for a 21 day public exhibition period and will commence on a date yet to be determined.

The Commissioner of the NSW Rural Fire Service may review this 10/50 Code at any time.

2 Definitions

Expressions defined in Division 9 of the Rural Fires (Vegetation Clearing) Amendment Bill 2014 have the same meaning for this 10/50 Code.

A definition within the Rural Fires Act 1997 applies to this 10/50 Code, except where the terms defined in Division 9 of the Rural Fires (Vegetation Clearing) Amendment Bill 2014 apply.

For the purpose of this 10/50 Code the following definitions apply:

10/50 vegetation clearing entitlement area: land determined by the Commissioner of the NSW Rural Fire Service to be a 10/50 vegetation clearing entitlement area, and is identified as such on a map published on the NSW RFS website;

External wall: see Section 6.2

Habitable room: See section 6.3

Tree: a perennial woody plant having:

- (a) a single stem or trunk
- (b) is 3 or more metres in height, and
- (c) the trunk, at a height of 1.3 metres above the ground, has a circumference of more than 0.3 metres.

A tree does not include a shrub, which is a small low growing woody plant with multiple stems, or a vine which is a woody plant that depends on an erect substrate to grow on.

3 Links

The following Acts, Instruments or other documents are referred to in this Code of Practice:

- > *Rural Fires Act 1997*
- > *Children and Young Persons (Care and Protection) Act 1998*
- > *Education Act 1990*
- > *Environmental Planning and Assessment Act 1979*
- > *Local Government Act 1993*
- > *National Parks and Wildlife Act 197*
- > *Native Vegetation Act 2003*
- > *Native Vegetation Conservation Act 1997*

- > *Nature Conservation Trust Act 2001*
- > *Threatened Species Conservation Act 1995*
- > *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*
- > *Road Transport Act 2013*
- > Standard Instrument – Principal Local Environment Plan
- > Australian Standard AS 4373-2007 *Pruning of Amenity Trees*

4 Access to the 10/50 Code

The 10/50 Code of Practice is available from the NSW Rural Fire Service website at www.rfs.nsw.gov.au or as a hard copy from the local NSW RFS district office at no charge to any owner of land situated within the 10/50 Clearing Entitlement Area.

5 The 10/50 Code of Practice

5.1 Compliance and enforcement

If an owner of land in a 10/50 vegetation clearing entitlement area carries out vegetation clearing work for which an approval, consent or other authorisation is required, and the work is carried out without that approval, consent or authorisation and other than in accordance with the 10/50 Code, then offence provisions and any available remedies will apply, under relevant legislation.

Vegetation clearing that is carried out in accordance with this 10/50 Code is considered to be authorised clearing under NSW legislation.

5.2 Application of land to the 10/50 Code

Vegetation clearing under this 10/50 Code may only be undertaken on parcels of land that contain land mapped as 10/50 Vegetation Clearing Entitlement land. This may apply to public or private lands.

5.3 Determining if your land is mapped as 10/50

An online assessment tool is available on the NSW RFS website at www.rfs.nsw.gov.au and allows a landowner to conduct a self-assessment as to whether their land falls within the 10/50 Vegetation Clearing Entitlement Area and complies with the requirements of this 10/50 Code. *Note: this map will be available once the 10/50 Code is finalised.*

5.4 Landowners consent

The clearing of vegetation under this 10/50 Code can only be conducted with the consent of the landowner. It is not permissible to clear any land without the owner's consent:

- > Tenants must obtain approval from the landowner prior to commencing any clearing works.
- > Landowners may not clear adjoining land without the approval of the landowner

Where a single tree trunk occurs across two or more properties, the approval of all landowners is required for removal of the tree.

6 Buildings

6.1 Types of buildings to which the 10/50 Code applies

This 10/50 Code applies to vegetation adjacent to external walls of a building containing habitable rooms that comprises, or is part of, residential accommodation or a high-risk facility.

This section does not apply to a building containing habitable rooms if there is no development consent or other lawful authority under the *Environmental Planning and Assessment Act 1979* for the use of those rooms as habitable rooms.

6.2 External walls

External walls refer to the external walls of a building containing habitable rooms and includes permanent fixed structures such as decks and garages that are attached to the building.

6.3 Habitable rooms

A building containing habitable rooms requires that:

- (a) For the purpose of residential accommodation (including tourist and visitor accommodation, caravans and manufactured homes):
 - > the building contain one or more rooms designated and approved as bedrooms for sleeping. Vegetation clearing is not provided under this 10/50 Code for associated adjoining buildings that do not contain habitable rooms.
- (b) For the purpose of a child care centre:
 - > the building contain one or more rooms designed and approved for the purpose of the supervision and care of children. Vegetation clearing is not provided under this 10/50 Code for associated adjoining buildings that do not accommodate children, such as external storerooms.
- (c) For the purpose of a school:
 - > the building contain one or more rooms designed and approved for the purpose of accommodating children. Vegetation clearing is not provided for under this 10/50 Code for associated adjoining buildings that do not accommodate children, such as external restrooms or storerooms.
- (d) For the purpose of a hospital:
 - > the building contain one or more rooms designed and approved for the purpose of accommodating patients, or providing sleeping facilities for hospital staff. Vegetation clearing is not provided for under this 10/50 Code for associated adjoining buildings that do not accommodate patients such as cafeterias or ancillary hospital buildings such as maintenance storerooms.

6.4 Residential accommodation

For the application of this 10/50 Code residential accommodation is accommodation that includes:

- > Residential accommodation
- > Tourist and visitor accommodation

- > Caravans installed or placed in caravan parks, and
- > Manufactured homes installed in manufactured home estates

within the meaning of the *Standard Instrument – Principal Local Environment Plan*. Further information is located at Attachment A.

6.5 High-risk facility

For the purpose of this 10/50 Code a high-risk facility includes:

- > Childcare centres
- > Schools, and
- > Hospitals

within the meaning of the *Standard Instrument – Principal Local Environment Plan*. Further information is located at Attachment A.

7 Vegetation clearing provisions

7.1 Clearing distance

A landowner may carry out the following vegetation clearing work on their own land:

- > the removal, destruction (by means other than fire) or pruning of any vegetation (including trees) within 10 metres; and
- > the removal, destruction (by means other than fire) or pruning of any vegetation, (except for trees) within 50 metres

of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation for a high-risk facility.

It does not matter whether the residential accommodation or high-risk facility is located on the owner's land or adjoining land. The allowable distances apply irrespective of whose land the residential accommodation or high risk facility occurs on.

Note: a person may not clear adjoining land or any other land without the approval of the landowner.

7.2 The type of vegetation that can and cannot be cleared, including the types of trees

All types of vegetation may be cleared other than mangroves and salt marsh on public land.

7.3 The circumstances in which vegetation should be pruned and not entirely removed

Any vegetation may be pruned other than trees greater than 10 metres from the residence.

The pruning of trees must be undertaken in accordance with AS 4373-2007 *Pruning of Amenity Trees*.

7.4 Use of herbicides

Herbicides may only be used in accordance with the following conditions:

- > Only herbicides registered by the Australian Pesticide and Veterinary Medicines Authority (www.apvma.gov.au) may be used unless otherwise specified in a permit.
- > Users must read the label on the herbicide each time before using.
- > Users must not store, use or dispose of any herbicide that contravenes the instruction for that product.
- > Users must adhere to instructions on the herbicide label, unless otherwise specified in a permit.
- > Users must not, without a reasonable excuse, keep a herbicide in a container without an approved label attached to the container.
- > Users must not use a herbicide in a manner which risks injury to any other person or the property of another person.
- > Users must not use a herbicide in a manner which harms any non-target plant.
- > Users must not dispose of herbicide waste in a manner that risks injury to the environment, including water bodies.
- > Users must not allow herbicides to leak, spill or otherwise escape in a manner that risks injury to the environment including water bodies.

7.5 Managing soil erosion and landslip risks

To manage soil erosion and landslip risks:

- > there is to be no disturbance of the soil profile
- > all topsoil must remain on the soil surface, and
- > the use of graders, ploughs and dozers to clear land under this 10/50 Code is not permitted.

In addition, tree removal is not permitted on slopes greater than 18° within areas identified as State Vulnerable Land, except in accordance with conditions identified in a Geotechnical Engineer Assessment Report undertaken for that purpose.

Pruning of trees is only permitted on slopes greater than 18° (within areas identified as State Vulnerable Land) if at least 75% of the original canopy cover is retained, except in accordance with conditions identified in a Geotechnical Engineer Assessment Report undertaken for that purpose.

7.6 Protection of riparian buffer zones

The clearing of vegetation is not allowed within 10 metres of a Prescribed Stream as identified by the Office of Environment and Heritage.

The distance (metres) is measured from the highest bank or tidal limit if there is no defined high bank. This applies to either side of the Prescribed Stream.

7.7 Protection of Aboriginal and other cultural heritage

Clearing may not be carried out within areas identified by the Office of Environment and Heritage as containing Aboriginal or other cultural heritage, except in accordance with conditions provided by the Office of Environment and Heritage for that purpose.

7.8 Protection of vegetation to which a legal obligation exists to preserve that vegetation by agreement or otherwise

Vegetation may not be cleared if the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve that vegetation by agreement or otherwise.

Clearing under this 10/50 Code cannot be inconsistent with any of the following (but not limited to) land management agreements that have been entered into and that apply to:

- > any conservation agreement entered into under Division 12 of Part 4 of the *National Parks and Wildlife Act 1974*,
- > any property agreement entered into under Part 5 of the *Native Vegetation Conservation Act 1997*,
- > any Trust Agreement entered into under Part 3 of the *Nature Conservation Trust Act 2001*,
- > any property management plan approved by the Director-General of the NSW National Parks and Wildlife Service under section 91 of the *Threatened Species Conservation Act 1995*, or
- > any Property Vegetation Plan agreement entered into under Part 4 of the *Native Vegetation Act 2003*, or
- > any Biobanking Agreement entered into under Part 3 of the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*.

ATTACHMENT A

Additional information regarding residential accommodation and high-risk facilities

The following information is provided to assist users of this 10/50 Code identify whether their particular building constitutes residential accommodation, tourist and visitor accommodation, caravan within a caravan park, manufactured home within a manufactured home estate, child-care centre, school, or a hospital.

It is taken from the Dictionary of the Standard Instrument – Principal Local Environment Plan and is current for 1 July 2014. It is provided as a guide only and users should refer to the Instrument at

http://www.austlii.edu.au/au/legis/nsw/consol_reg/silep531/ or

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+155a+2006+cd+0+N>

to ensure the information is the most current version.

Residential Accommodation includes:

1. Residential accommodation within the meaning of the *Standard Instrument – Principal Local Environment Plan* including:
 - attached dwellings
 - boarding houses
 - dual occupancies
 - dwelling houses
 - group homes
 - hostels
 - multi dwelling housing
 - residential flat buildings
 - rural worker's dwellings
 - secondary dwellings
 - semi-detached dwellings
 - seniors housing, and
 - shop-top housing.
2. Tourist and visitor accommodation within the meaning of the *Standard Instrument – Principal Local Environment Plan* including:
 - backpackers' accommodation
 - bed and breakfast accommodation
 - farm stay accommodation
 - hotel or motel accommodation, and
 - serviced apartments.
3. Caravans installed or placed in caravan parks within the meaning of the *Standard Instrument – Principal Local Environment Plan*.
4. Manufactured homes installed in manufactured home estates within the meaning of the *Local Government Act 1993* and defined as a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- that comprises one or more major sections
- that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#), and
- includes any associated structures that form part of the dwelling.

High-risk facility includes:

1. Child-care centres within the meaning of the *Standard Instrument – Principal Local Environment Plan*, are defined as a building or place used for the supervision and care of children that:
 - provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
 - does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
 but does not include
 - a building or place used for home-based child care
 - an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian
 - a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned
 - a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised
 - a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility
 - a service that is concerned primarily with the provision of:
 - lessons or coaching, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - private tutoring
 - a school, or
 - a service provided at exempt premises (within the meaning of Chapter 12 of the [Children and Young Persons \(Care and Protection\) Act 1998](#)), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.
1. Schools within the meaning of the *Standard Instrument – Principal Local Environment Plan*, are defined as a government school or non-government school within the meaning of the [Education Act 1990](#).
2. Hospitals within the meaning of the *Standard Instrument – Principal Local Environment Plan* are defined as a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:
 - day surgery, day procedures or health consulting rooms
 - accommodation for nurses or other health care workers
 - accommodation for persons receiving health care or for their visitors

- shops, kiosks, restaurants or cafes or take away food and drink premises
- patient transport facilities, including helipads, ambulance facilities and car parking
- educational purposes or any other health-related use
- research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes)
- chapels
- hospices, and
- mortuaries.

ATTACHMENT 2

Submission on the proposed 10/50 Vegetation Clearing Code of practice

Mark Beharrell, Manager - Natural Environment & Education
8am to 5:30pm Mon - Thurs, 8am to 5pm Fri
Phone 9970 1368 Mobile 0438 265 769

16 July 2014

Manager Community Planning
Locked Bag 17
Granville
NSW 2142

Dear Sir

Re: Submission on the Proposed 10/50 Vegetation Clearing Code of Practice

Thank you for the opportunity to make a submission regarding the proposed 10/50 Vegetation Clearing Code of Practice. Pittwater is defined by large areas of remnant urban forest and bushland, particularly its coastline featuring vegetated headlands and treed escarpments. It is difficult to predict the potential impact and change to the character of the area from the removal of tree removal and clearing restrictions, particularly as there has been no indication of the location of 10/50 Vegetation Clearing Entitlement Area.

Pittwater Council currently has approximately 1235 Ha of land identified as bushfire prone land much of this associated with the Ku-ring-gai National Park and peri-urban areas around Ingleside. However, there is also a significant number of properties identified via the Bush Fire Prone Land Mapping guidelines in urban areas where are large bush land reserves. Obviously there are large areas of the Pittwater Local Government Area that have a high bush fire risk and have been impacted over the years.

There are numerous issues which are inconsistent across the bushfire planning system particularly in urban and peri-urban areas. The code compounds current issues with the Bushfire Prone Land Mapping process which imposes generic rules on the mapping process. This mapping ignores aspect, slope and location in the landscape, particularly on the coastal fringe where the current mapping potentially overestimates the actual bush fire risk, particularly in largely urban areas.

Depending of the location of 10/50 Vegetation Clearing Entitlement Area and the level of uptake there is likely to be a significant impact of the natural environment. There is significant potential for impacts on threatened species and endangered ecological communities for example Pittwater Spotted Gum Forest which is mainly located on private land and mainly present as mature trees. Additionally, is there is significant potential to change the character of the Pittwater Local Government Area through removal of large section of the current urban forest.

There has been no appreciation or consideration of how the code will interact with new development assessment particularly environmental assessments. Development assessment will need to consider blanket removal of vegetation below 3m for lots for new homes in urban forests on standard suburban lots.

The code itself is simplistic with many issues that need to be addressed. These include:

- In section 7.5 it details soil erosion and landslip around slopes greater than 18 degrees as identified by the state vulnerable land maps. These maps are very unclear in the Sydney Metropolitan Area. Pittwater Council's current geotechnical risk policy contains significant, mapping of risk areas, will the code override or recognise this mapping? Previous geotechnical assessments undertaken by Council in relation to hazard reduction have indicated that landslip risk is exacerbated by removal of the ground cover vegetation more so than trees.

The slope issue is a significant anomaly where a property above vegetation with a high potential bush fire risk may be precluded from the code whilst a property with a much lower risk downslope can readily utilise the code. The issue of slope is also a fundamental problem with the development of bush fire prone land mapping.

- The Definition of a tree is inconsistent within other NSW state government legislation and there are also numerous multi stemmed tree species which is at odds with the definition.
- Who is responsible for enforcing the provisions of the code? The code makes reference to being authorised clearing under NSW Legislation. Will this be the *Environmental Planning and Assessment Act*? Therefore including many Councils Tree Preservation Orders and ultimately making Council responsible for compliance?
- Section 7.2 "all types of vegetation may be cleared other than mangroves and salt marsh on public land". Does this infer: that other vegetation on public land can be cleared; and that mangroves and saltmarsh on private lands can be cleared?
- Is it wise to allow the use of herbicide particularly given the potential management issues from broad acre application herbicide use, particularly in relation to spray drift, non-label uses, effect on non-target species, training requirements for broad acre use, etc. Large areas of herbicide treated vegetation left in situ to decompose are likely to be a significant bushfire risk.
- Section 7.8 does not include those properties where development conditions have been used as a legal obligation to preserve vegetation or other conservation measures.
- The code does not address the issue of ember attack which has been shown to be one of the most important issues associated with bush fire risk management.

Pittwater Council and the NSW Rural Fire Service expend considerable effort to mitigate and manage bush fire risk through development planning and hazard reduction. The issue of landowner preparedness has always been a problem. The hazard reduction certificates process could provide an appropriate system of managing risks on existing development. This could not only include similar measures to the code proposal but also incorporate other property preparedness issues such as fuel reduction and basic structural inadequacies of properties. This process would also negate the potential compliance conflicts and potentially address some of the ember attack issues.

If you have any queries regarding these issues please contact me to discuss.

Yours sincerely

Mark Beharrell
MANAGER NATURAL ENVIRONMENTAL AND EDUCATION

C10.2: Submission on the proposed 10/50 Vegetation Clearing Code of Practice

Meeting: Natural Environment Committee

Date: 4 August 2014

COMMITTEE RECOMMENDATION

1. That the information provided in the report and the potential serious consequences this will have for the Pittwater environment be noted.
2. That the submission outlined in Attachment 2 to the Manager - Community Planning, NSW Rural Fire Service expressing Pittwater's concerns, be endorsed by Council.
3. That Council make urgent representations to the Minister of Environment and the Minister for Emergency Services on the excessive extent of the 10/50 Vegetation Clearing Entitlement Area and the potential impacts of the draft code on the character of Pittwater.
4. That representation be also made to LGNSW, Sydney Metropolitan Mayors and Urban Forrest Australia to seek urgent modification or abandonment of the code.
5. That a report be brought back to Council in one month with options on mitigating the impact of this Code of Practice.

(Cr Townsend / Cr Young)

Note:

A division was duly taken resulting in the following voting:

Aye (For)

Cr Ferguson
Cr Griffith
Cr Grace
Cr Hegarty
Cr McTaggart
Cr Millar
Cr Townsend
Cr White
Cr Young

No (Against)

Nil