

AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held at the Civic Centre, Dee Why on

Tuesday 18 December 2018

Beginning at 6:30pm for the purpose of considering and determining matters included in this agenda.



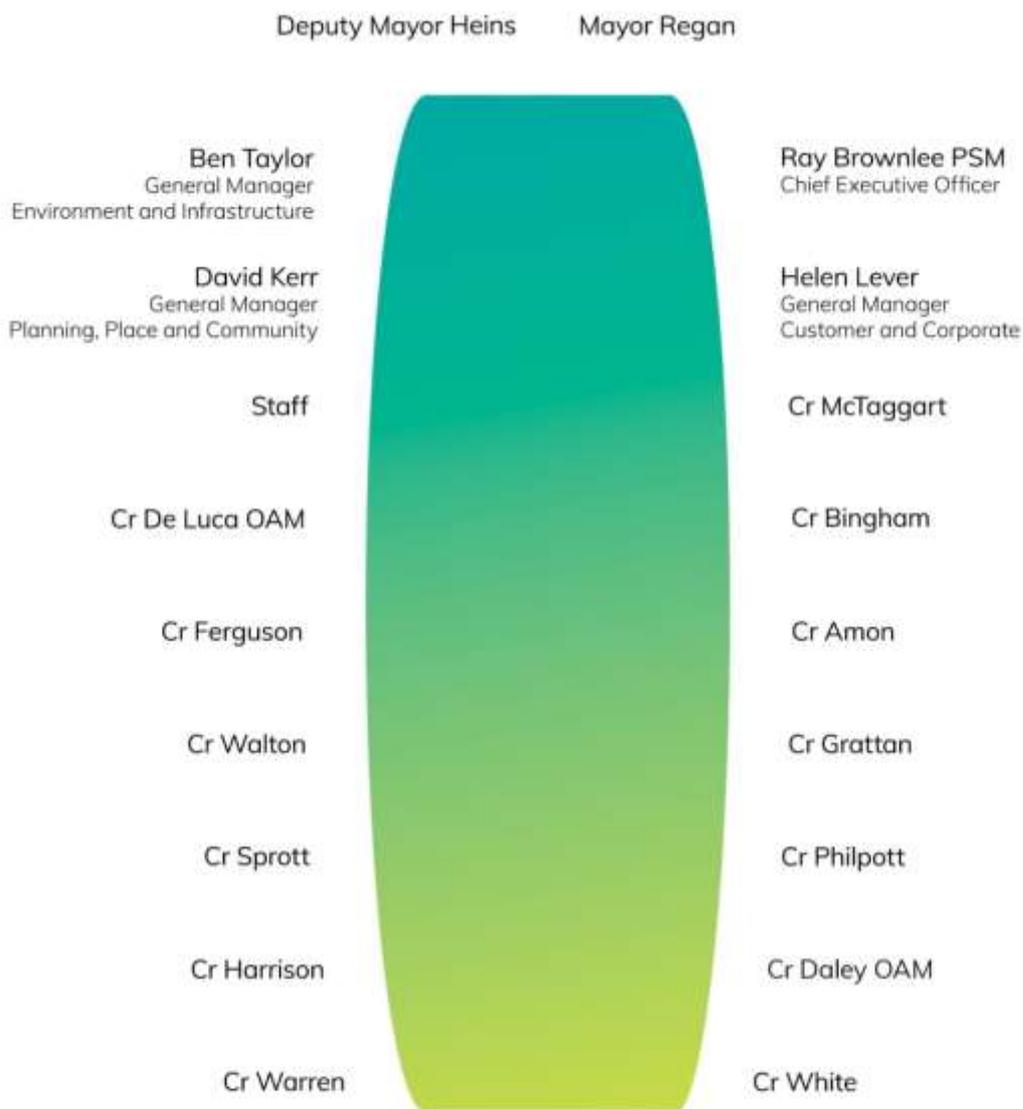
Ray Brownlee PSM
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

OUR VALUES

Trust Teamwork Respect Integrity Service Leadership



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 18 December 2018
at the Civic Centre, Dee Why
Commencing at 6:30pm**

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1.0 ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Northern Beaches Council acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

In accordance with Part 6 of the Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council Meeting may be granted.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 NOVEMBER 2018

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 27 November 2018, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

In accordance with Part 17 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

In accordance with Part 5 of the Code of Meeting Practice, residents, ratepayers, applicants or other persons may request to address Council in relation to any one matter related to the general business of Council but not the subject of a report on the agenda (Public Forum) and no more than two matters listed for consideration on the agenda (Public Address).

6.0 ITEMS RESOLVED BY EXCEPTION

In accordance with Part 14 of the Code of Meeting Practice, items that are dealt with by exception are items where the recommendations contained in the staff reports in the agenda are adopted without discussion.

7.0 MAYORAL MINUTES

ITEM 7.1 MAYORAL MINUTE NO 18/2018 - RECOGNITION - CHURCH POINT CAR PARK AWARDS

TRIM FILE REF 2018/750258

ATTACHMENTS NIL

BACKGROUND

Church Point is a unique example of local commerce, tourism and transport whilst simultaneously providing picturesque views and access to recreational boating within Pittwater. The Church Point Carpark was opened in May 2018 to meet the key objective of providing adequate commuter parking for the offshore community who travel to Church Point from these remote communities via private boat, water taxi or public ferry each day.

The project involved the construction of a carpark along the existing alignment of McCarrs Creek Road and the associated construction of a seawall, land reclamation and realignment of McCarrs Creek Road.

Utilising the vast local knowledge and skills of our community through the Aesthetics Advisory Group was key to the success of the project. The Aesthetics Advisory Group members including Roberta Conroy, Michael Wiener, Lizzie Hazelwood, Cathy Kubany and Bill Gye have all generously given their time and services for the next stages of works at Church Point.

Testament to the success of this project, it has been recognised by both the public and private industry as an exemplar of civil construction and community based projects. The project has received several awards in recognition of the excellent outcomes achieved by Council in conjunction with our Contractor; Ward Civil and Environmental.

Master Builders Association NSW Excellence in Construction Awards 2018

Award: Excellence in Environment

This award recognised the careful management of the key environmental aspects of the project as well as highlighted preservation of the local aesthetic and marine environment. It also commended the valuable contribution of the community in achieving a positive outcome. It demonstrated good practice on how environmental risks can be managed in high risk construction projects and was awarded to Ward Civil and Environmental.

Award: Civil Engineering Projects: Open Price Category – Winner

The complex, technically challenging and evolutionarily nature of the project saw it awarded as the best civil engineering project for 2018 in New South Wales. Each aspect of this multi-disciplinary project required specific materials, workmanship and planning to ensure the safe delivery of the project. Awarded to Ward Civil and Environmental.

Master Builders Association Australia Excellence in Construction Awards 2018

Award: Civil/Infrastructure Project Award: Under \$25 Million

Capturing the Civil Infrastructure industry leaders for projects under \$25million, this award recognised the Church Point Carpark as the best example of civil engineering solutions and practical implementation in Australia. The balance between practical outcomes required for the carpark and seawall and the aesthetic features such as the boardwalk and timber facade elevated this project above all others in Australia in this price category. Awarded to Ward Civil and Environmental.

Institute of Public Works Engineers Australia New South Wales (IPWEA)

Award: Special Transport Integration Hub Award

Each year IPWEA (NSW) presents the Engineering Excellence Awards to promote and recognise excellence of Local Government and Public Works Projects. This is achieved through inspiration, innovation, development and completion of projects and technical management by our Members. Each project nominated for an award showcases the individual and team aspirations to improve the community in which we live.

This special category award recognised the success in developing Church Point as a transport infrastructure hub whilst maintaining the natural elements and consistent language of Church Point. This was awarded to Northern Beaches Council.

RECOMMENDATION OF MAYOR

That:

- A. Council acknowledge the outstanding achievements and awards bestowed for the Church Point Carpark project including:
 - a. National Award for Civil/Infrastructure Project Award under \$25million at the Master Builders Association Australia Excellence in Construction Awards
 - b. NSW Awards for Excellence in Environment and Civil Engineering Projects at the Master Builders Association NSW Excellence in Construction Awards
 - c. NSW Special Transport Integration Hub Award from the Institute of Public Works Engineers Australia New South Wales (IPWEA).
- B. Council congratulate the staff involved together with Ward Civil and Environmental.



Michael Regan
MAYOR

ITEM 7.2 **MAYORAL MINUTE NO 19/2018 - RECOGNITION OF CHILDREN'S SERVICES - EXCEEDING THE NATIONAL QUALITY STANDARD**

TRIM FILE REF 2018/756397

ATTACHMENTS NIL

BACKGROUND

It was an honour recently for Council to be recognised for the outstanding services provided at our Dee Why Children's Centre and Northern Beaches Family Day Care.

Both services have been officially rated as 'Exceeding the National Quality Standard' under the National Quality Framework. The National Quality Standard (NQS) sets the national benchmark for the quality of children's education and care services across Australia. Northern Beaches are now sitting in the top nine percent in the State for the standard of services we provide to our families and children.

It is even more impressive when you realise that we provide 60 Family Day Care services across the Northern Beaches and operate seven Long Day Care locations including the recently renovated Harbour View Children's Centre at Seaforth. To have received this recognition is testament to the efforts and commitment of our early childhood educators, carers and staff to continue to provide highly personalised, flexible, quality care for children aged 6 weeks to 12 years.

The NQS Assessment Officer commented in relation to our Family Day Care Service that:

"Your service is acknowledged for providing quality outcomes for children. In particular, responsive, warm and trusting relationships with children that promote their sense of belonging, self-esteem and self-confidence and developing supportive, responsive and respectful relationships with families."

As elected representatives, we understand the high importance to ensure we deliver superior services to our community, this recognition is a reminder of how fortunate we are to have dedicated and committed staff who are continuously looking to improve the quality of the services we provide.

RECOMMENDATION OF MAYOR

That Council acknowledge the efforts of all staff who work in our children's services area at all our Long Day Care centres and throughout our Family Day Care network and thank them for their part in this achievement.



Michael Regan
MAYOR

RECOMMENDATION OF MAYOR

That:

- A. Council formally acknowledge the outstanding achievement in being awarded the Judges Special Heritage Award for the Refurbishment of Heritage Sydney Tram at the recent Institute of Public Works Engineering Australia (IPWEA) Awards.
 - B. Council congratulate the staff involved in this project.
 - C. Council congratulate the members of the Forest Men's Shed for their contribution to this Award winning project.
-



Michael Regan
MAYOR

ITEM 7.5	MAYORAL MINUTE NO 22/2018 - RECOGNITION OF AWARD - INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA - LOCAL GOVERNMENT EXCELLENCE IN ROAD SAFETY
TRIM FILE REF	2018/761943
ATTACHMENTS	NIL

BACKGROUND

Council was successful in achieving further recognition at the recent Institute of Public Works Engineering Australia (NSW) Awards winning the Local Government Excellence in Road Safety Award.

As mentioned in an earlier Minute, the Institute of Public Works Engineering Australasia (IPWEA), (NSW Division) presents the Engineering Excellence Awards each year to promote and recognise excellence of Local Government and Public Works Projects. These awards focus particularly on inspiration, innovation, development and completion of projects and technical management. Each project nominated for an award showcases the individual and team aspirations to improve the community in which they live.

Council partnered with Hornsby, Ku-ring-gai, Lane Cove, North Sydney, City of Ryde and Willoughby councils to produce a Road Safety calendar that features key road safety messages like pedestrian awareness, speed, fatigue and more.

The Road Safety Calendar started in 2001 and serves to deliver in a unique way these important messages to the community. It also shines a perspective on showing respect to other road users including drivers, passengers, cyclists, motorcycle riders and pedestrians. As there are more and more cars on the road, this is becoming a vital message on its own.

This project, while a collaborative effort, I understand involves a very detailed process once the 12 topics and key messaging are identified. I know for a fact that these calendars are always very popular and Council distributes now close to 10,000 across the Northern Beaches community via our libraries, community centres, retirement villages and other community service providers.

Our Road Safety officers have an incredibly important task of providing those important messages out in the community not only to our children through visiting schools but to young and senior residents through workshops. They are out in the community developing solutions with the safety of our community being paramount to any recommendations.

Congratulations to our Road Safety team on their part in winning this award and for their ongoing efforts to keep our community road aware and safe.

RECOMMENDATION OF MAYOR

That:

- A. Council formally acknowledge the achievement by our Road Safety team for their part in being awarded the Local Government Excellence in Road Safety Award at the recent Institute of Public Works Engineering Australia (IPWEA) Awards.
 - B. Council congratulate the staff involved in this project.
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Michael Regan
MAYOR

ITEM 7.6	MAYORAL MINUTE NO 23/2018 - PROPOSED NAMING OF COUNCIL RESERVE IN DUFFYS FOREST IN HONOUR OF THE LATE DR MARY NEWLINDS OAM
TRIM FILE REF	2018/765133
ATTACHMENTS	NIL

BACKGROUND

Dr Mary Newlinds, OAM was a long standing and highly regarded resident of Duffys Forest who passed away earlier this year. Dr Newlinds will be remembered for her tireless and passionate commitment to our community including her service to the Duffys Forest Residents Association which she helped establish back in 1965 to represent residents in protecting and enhancing the amenity of Duffys Forest.

Mary Newlinds, OAM was formally recognised in the 2002 Order of Australia Awards for her *“service to the community, particularly as an advocated for the conservation of local forest areas and for community consultation in the management of National Parks and Nature Reserves”*.

For anyone who had the great pleasure of dealing with Mary Newlinds, you would recall how she was formidable in her arguments against development and fought hard to protect the environment around Duffys Forest and Terrey Hills with dignity and professionalism. Dr Newlinds was incredibly insightful and had a remarkable knowledge of planning issues and was appointed to sit on various representative panels and committees such as the former Warringah Council’s Independent Hearing and Assessment Panel as a community representative.

The Duffys Forest Residents Association have formally approached me to consider recognising the enormous contribution made by Dr Newlinds over so many years and believe it would be fitting to name a public reserve located in Duffys Forest in her memory. The public reserve is 3.68 hectares of land located on Guwara Road Duffy’s Forest (DP 1196894). A map with the proposed area highlighted is included in this report.

Under the requirements outlined in Section 7.1 of the Geographical Names Board *Place Naming Policy*, I believe a request to name the land *Mary Newlinds Reserve* would be entirely appropriate and fits within the requirements of the Policy. Dr Newlinds, OAM contributed so significantly to the area around the locality of this reserve and served so diligently as a founder of the Duffys Forest Residents Association for I believe over fifty years.

I ask that Councillors support an application to the NSW Geographical Names Board to name the Reserve in honour of Dr Mary Newlinds, OAM in recognition of her extraordinary service to the community. Given that representations have been made by the Duffys Forest Residents Association, I do not believe this proposal needs any further formal community engagement on the proposal however I would suggest Council provides notification in the local media and on our website of our application to the NSW Geographical Names Board under Council’s public notices.

RECOMMENDATION OF MAYOR

That:

- A. Council write to the NSW Geographical Names Board to formally request the naming of the public reserve (3.68 hectares of land) located on Guwara Road, Duffy's Forest (DP 1196894) to be named *Mary Newlinds Reserve*.
- B. Council write to the Duffys Forest Residents Association to thank them for their representations and to advise that a formal application has been made to the NSW Geographical Names Board seeking the naming of the public reserve (3.68 hectares of land) located on Guwara Road, Duffy's Forest (DP 1196894) to be named *Mary Newlinds Reserve*.
- C. Council include notice of Council's application to the NSW Geographical Names Board requesting the naming of the public Reserve (3.68 hectares of land) located on Guwara Road, Duffy's Forest (DP 1196894) to be named *Mary Newlinds Reserve* in the local print media and on Council's website.
- D. Staff be delegated authority to respond to the Geographical Names Board if any comments are received on the proposal.
- E. Council develop a Policy in relation to the naming of parks, reserves (including the facilities within these) and buildings and bring this back to Council for review.



Michael Regan
MAYOR

ITEM 7.8	MAYORAL MINUTE NO 25/2018 - GOTCHA4LIFE FOUNDATION - SPONSORSHIP REQUEST
TRIM FILE REF	2018/781234
ATTACHMENTS	NIL

BACKGROUND

Councillors would be aware of the extraordinary work being undertaken by Gotcha4Life Foundation in the area of men's mental health who are actively working to have a positive impact and save the lives of males throughout Australia.

Gotcha4Life are a not-for-profit foundation and have approached Council to provide sponsorship for an event that has successfully been held over the last two years. Following on from the success of the last two events, they want to expand their reach and are looking to hold a national event in 2019.

The Foundation is a local northern beaches group headed up by media personality Gus Worland.

Their website www.gotcha4life.org provides an amazing amount of information about the programs, projects and scholarships they are providing. In summary they are I believe making a difference through providing financial support to community-based programs and initiatives all over the country. They base their support on not just statistical information, but through social studies, investigation, observation and experience. Sadly, those statistics tell us that there are six males a day between the ages of 15-44 taking their own lives. Gotcha4Life are actively engaging and having an impact on men's mental health and I believe our Council should support their work as there are many on the northern beaches whose lives continue to be impacted by mental health issues.

Some months ago, I was fortunate to attend an event organised by Gotcha4Life at Avalon Surf Club. It was attended by over 200 young males and men from our community from all walks of life. It was an incredibly powerful, honest and emotional experience for all who attended who heard some horrific stories that were being shared and by the end of the evening, everyone walked out more insightful and with a mate for life – someone to turn to when you need that support.

Gotcha4Life are also in our schools and getting the messages to our teens. My sons both were fortunate to be able to attend a presentation at their school who without prompting were keen to talk about what they got out of it. As a father and as an elected representative, I was incredibly impressed how the key messages had resonated with them and the positive impact it had.

We know from tragic events recently that this is a real issue affecting our community and I believe Council has an important role to play in supporting Gotcha4Life to continue their efforts to work. They have requested an amount of up to \$20,000 to assist with running costs to hold the **Cliff Side Festival in 2019**. Funds raised go towards Gotcha4Life as well as Mona Vale Surf Lifesaving Club.

Last month Council adopted a new Sponsorship Program that will enable our staff to work with this group to apply for sponsorship funds.

I understand funding is still available through this Grants and Sponsorship programme to assist with Council sponsoring this event once the application has been received.

RECOMMENDATION OF MAYOR

That Council acknowledges the important work that the Gotch4Life Foundation are undertaking in our community and encourages them to access monies set aside for Community Events and Sponsorship for the Cliff Side Festival in 2019 and that Council staff work with the Foundation to assist them with their application.



Michael Regan
MAYOR

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	MONTHLY INVESTMENT REPORT - NOVEMBER 2018
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2018/773644
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To provide a report setting out details of all money that Council has invested under section 625 of the *Local Government Act, 1993*.

SUMMARY

In accordance with clause 212 of the *Local Government (General) Regulation 2005*, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

The Investment Report shows that Council has total cash and investments of \$256,137,875 comprising:

- Trading Accounts \$11,107,413
- Investments \$245,030,462

Performance over the period from 1 July 2018 to date was strong having exceeded the benchmark: 2.66%pa vs. 1.87%pa.

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached reports have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and existing Investment Policies.

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2018 to date was \$2,623,470 compared to budgeted income of \$2,315,750, a positive variance of \$307,720.

SOCIAL CONSIDERATIONS

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of social responsibility when making investment decisions.

ENVIRONMENTAL CONSIDERATIONS

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of environmental responsibility when making investment decisions.

GOVERNANCE AND RISK CONSIDERATIONS

Council's Investment Policy and Strategy were reviewed in September 2018 by Council's Investment Advisors Laminar Capital Pty Ltd, who confirmed that the current policy *"remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet"* and that they *"do not recommend any changes to the list of approved investments or credit limit frameworks."* They also stated that *"The portfolio remains conservatively placed, well within the investment portfolio limits from a risk and term to maturity perspective."*

The Investment Policy was reviewed by the Audit, Risk and Improvement Committee at their meeting in November 2018, and no change to the Policy was required following that review.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council receives and notes the Investment Report as at 30 November 2018, including the certification by the Responsible Accounting Officer.

REPORT

INVESTMENT BALANCES

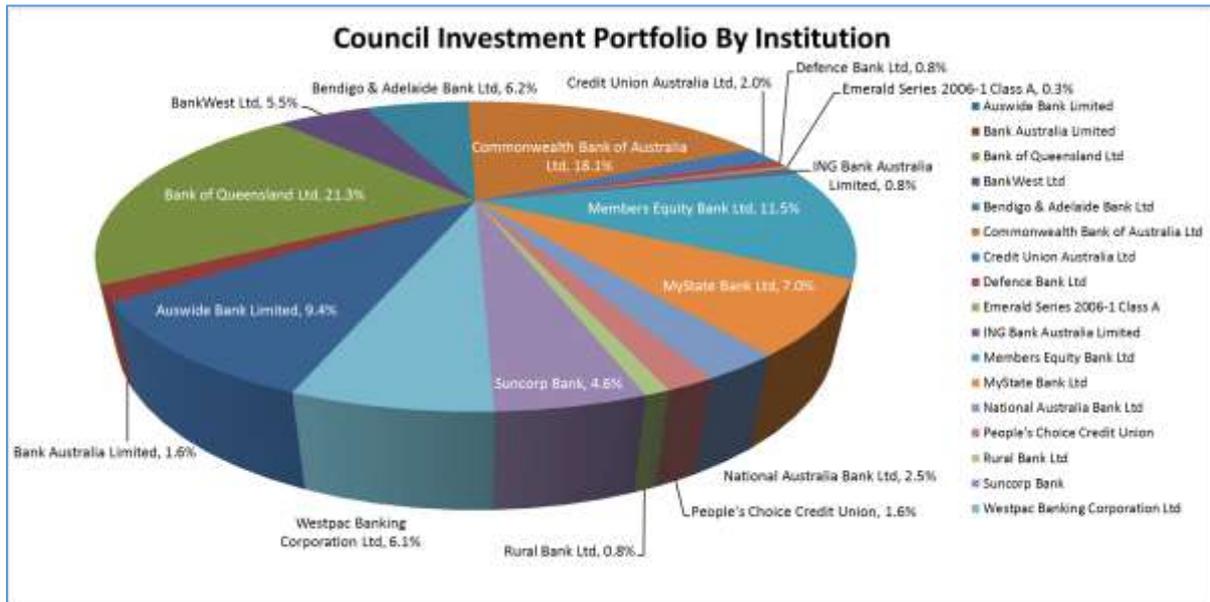
INVESTMENT BALANCES				
As at 30-Nov-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	8,383,832		1.55%
Commonwealth Bank of Australia Ltd	A1+	80,546		1.55%
Commonwealth Bank of Australia Ltd	A1+	7,421		1.55%
National Australia Bank Ltd	A1+	<u>667,331</u>		1.50%
		9,139,130		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	<u>1,619,744</u>	At Call	1.90%
		1,619,744		
Mortgage Backed Securities				
Emerald Series 2006-1 Class A	AAA	<u>870,317</u>	21-Aug-51	2.39%
		870,317		
Term Deposits				
Westpac Banking Corporation Ltd	A1+	1,000,000	04-Dec-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	04-Dec-18	2.75%
Bank of Queensland Ltd	A2	2,000,000	06-Dec-18	2.60%
Auswide Bank Limited	A2	2,000,000	11-Dec-18	2.70%
Auswide Bank Limited	A2	2,000,000	11-Dec-18	2.82%
Bank of Queensland Ltd	A2	2,000,000	18-Dec-18	2.65%
Bank of Queensland Ltd	A2	3,000,000	18-Dec-18	2.75%
Bank of Queensland Ltd	A2	1,000,000	20-Dec-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	03-Jan-19	2.60%
Bank of Queensland Ltd	A2	3,000,000	03-Jan-19	2.75%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	08-Jan-19	2.65%
Members Equity Bank Ltd	A2	2,000,000	08-Jan-19	2.75%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	10-Jan-19	2.62%
Bank of Queensland Ltd	A2	1,000,000	15-Jan-19	2.60%
Westpac Banking Corporation Ltd	A1+	1,000,000	17-Jan-19	2.65%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Jan-19	2.61%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	29-Jan-19	2.74%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-Jan-19	2.61%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Feb-19	2.60%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Feb-19	2.61%
Rural Bank Ltd	A2	2,000,000	05-Feb-19	2.77%
BankWest Ltd	A1+	2,000,000	07-Feb-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	12-Feb-19	2.85%
Westpac Banking Corporation Ltd	A1+	2,000,000	14-Feb-19	2.62%
Westpac Banking Corporation Ltd	A1+	2,000,000	19-Feb-19	2.64%
Defence Bank Ltd	A2	2,000,000	21-Feb-19	2.80%
Westpac Banking Corporation Ltd	A1+	2,000,000	26-Feb-19	2.64%
Bank of Queensland Ltd	A2	2,000,000	26-Feb-19	2.75%
Members Equity Bank Ltd	A2	1,000,000	05-Mar-19	2.80%
Westpac Banking Corporation Ltd	A1+	2,000,000	07-Mar-19	2.65%

INVESTMENT BALANCES				
As at 30-Nov-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Auswide Bank Limited	A2	2,000,000	12-Mar-19	2.86%
Auswide Bank Limited	A2	2,000,000	12-Mar-19	2.82%
Suncorp Bank	A1	2,000,000	14-Mar-19	2.75%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	19-Mar-19	2.66%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	19-Mar-19	2.80%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Mar-19	2.77%
Suncorp Bank	A1	3,000,000	28-Mar-19	2.75%
Auswide Bank Limited	A2	3,000,000	02-Apr-19	2.86%
Members Equity Bank Ltd	A2	2,000,000	04-Apr-19	2.80%
Bank of Queensland Ltd	A2	3,000,000	09-Apr-19	2.75%
Suncorp Bank	A1	2,000,000	11-Apr-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	16-Apr-19	2.75%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	23-Apr-19	2.78%
Bank of Queensland Ltd	A2	2,000,000	30-Apr-19	2.75%
Suncorp Bank	A1	2,000,000	30-Apr-19	2.75%
BankWest Ltd	A1+	2,000,000	02-May-19	2.80%
BankWest Ltd	A1+	2,000,000	07-May-19	2.80%
Members Equity Bank Ltd	A2	3,000,000	09-May-19	2.80%
Members Equity Bank Ltd	A2	2,000,000	14-May-19	2.80%
BankWest Ltd	A1+	2,000,000	16-May-19	2.80%
BankWest Ltd	A1+	3,000,000	21-May-19	2.80%
Bank of Queensland Ltd	A2	2,000,000	23-May-19	2.75%
Suncorp Bank	A1	2,000,000	28-May-19	2.75%
People's Choice Credit Union	A2	2,000,000	04-Jun-19	2.90%
BankWest Ltd	A1+	3,000,000	04-Jun-19	2.75%
National Australia Bank Ltd	A1+	2,000,000	06-Jun-19	2.80%
Bank Australia Limited	A2	2,000,000	11-Jun-19	2.90%
Auswide Bank Limited	A2	2,000,000	13-Jun-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Jun-19	2.75%
Bank of Queensland Ltd	A2	3,000,000	20-Jun-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	25-Jun-19	2.75%
Bank of Queensland Ltd	A2	3,000,000	25-Jun-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	27-Jun-19	2.75%
Members Equity Bank Ltd	A2	1,000,000	02-Jul-19	2.80%
Bank Australia Limited	A2	2,000,000	04-Jul-19	2.95%
Bank of Queensland Ltd	A2	2,000,000	09-Jul-19	2.75%
National Australia Bank Ltd	A1+	719,877	11-Jul-19	2.80%
National Australia Bank Ltd	A1+	1,000,000	11-Jul-19	2.73%
Auswide Bank Limited	A2	2,000,000	11-Jul-19	2.75%
Auswide Bank Limited	A2	2,000,000	16-Jul-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	23-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	25-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	30-Jul-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	01-Aug-19	2.85%
Members Equity Bank Ltd	A2	2,000,000	06-Aug-19	2.85%
Bank of Queensland Ltd	A2	2,000,000	06-Aug-19	2.75%
Auswide Bank Limited	A2	2,000,000	13-Aug-19	2.85%

INVESTMENT BALANCES				
As at 30-Nov-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Credit Union Australia Ltd	A2	2,000,000	13-Aug-19	2.75%
Auswide Bank Limited	A2	2,000,000	15-Aug-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	20-Aug-19	2.75%
Members Equity Bank Ltd	A2	3,000,000	03-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	05-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	10-Sep-19	2.75%
Credit Union Australia Ltd	A2	1,000,000	12-Sep-19	2.75%
Auswide Bank Limited	A2	2,000,000	17-Sep-19	2.80%
Bank of Queensland Ltd	A2	2,000,000	20-Sep-19	2.75%
MyState Bank Ltd	A2	2,000,000	24-Sep-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Sep-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Sep-19	2.87%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	01-Oct-19	2.75%
Credit Union Australia Ltd	A2	2,000,000	08-Oct-19	2.82%
National Australia Bank Ltd	A1+	2,000,000	10-Oct-19	2.75%
MyState Bank Ltd	A2	2,000,000	15-Oct-19	2.85%
MyState Bank Ltd	A2	2,000,000	17-Oct-19	2.85%
MyState Bank Ltd	A2	2,000,000	29-Oct-19	2.87%
MyState Bank Ltd	A2	2,000,000	12-Nov-19	2.85%
MyState Bank Ltd	A2	2,000,000	19-Nov-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Nov-19	2.87%
		<u>194,719,877</u>		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,968,283		0.90%
		<u>1,968,283</u>		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	157,819	At Call	1.90%
		<u>157,819</u>		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Dec-18	2.48%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	27-Dec-18	2.54%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	02-Jan-19	2.25%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	16-Jan-19	2.66%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	30-Jan-19	2.35%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Feb-19	2.44%
Commonwealth Bank of Australia Ltd	A1+	7,262,705	29-Apr-19	2.52%
		<u>15,262,705</u>		
New Council Implementation Fund				
Term Deposits				
Members Equity Bank Ltd	A2	900,000	21-Mar-19	2.70%
		<u>900,000</u>		

INVESTMENT BALANCES				
As at 30-Nov-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Stronger Communities Fund				
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	18-Dec-18	2.62%
Members Equity Bank Ltd	A2	500,000	15-Jan-19	2.75%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	14-Feb-19	2.60%
Suncorp Bank	A1	750,000	14-Feb-19	2.75%
Auswide Bank Limited	A2	1,000,000	18-Apr-19	2.75%
Bank of Queensland Ltd	A2	650,000	18-Jun-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	23-Jul-19	2.70%
Westpac Banking Corporation Ltd	A1+	500,000	13-Aug-19	2.71%
ING Bank Australia Limited	A2	<u>2,000,000</u>	19-Dec-19	2.90%
		10,400,000		
Stronger Communities Fund Round 2				
Term Deposits				
Westpac Banking Corporation Ltd	A1+	5,100,000	13-Dec-18	2.60%
People's Choice Credit Union	A2	2,000,000	22-Jan-19	2.85%
Bank of Queensland Ltd	A2	3,000,000	05-Mar-19	2.65%
Members Equity Bank Ltd	A2	2,000,000	11-Apr-19	2.85%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	16-May-19	2.75%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	11-Jun-19	2.77%
Bank of Queensland Ltd	A2	2,000,000	18-Jul-19	2.75%
Bank of Queensland Ltd	A2	<u>2,000,000</u>	30-Aug-19	2.75%
		21,100,000		
Total Cash and Investments		256,137,875		

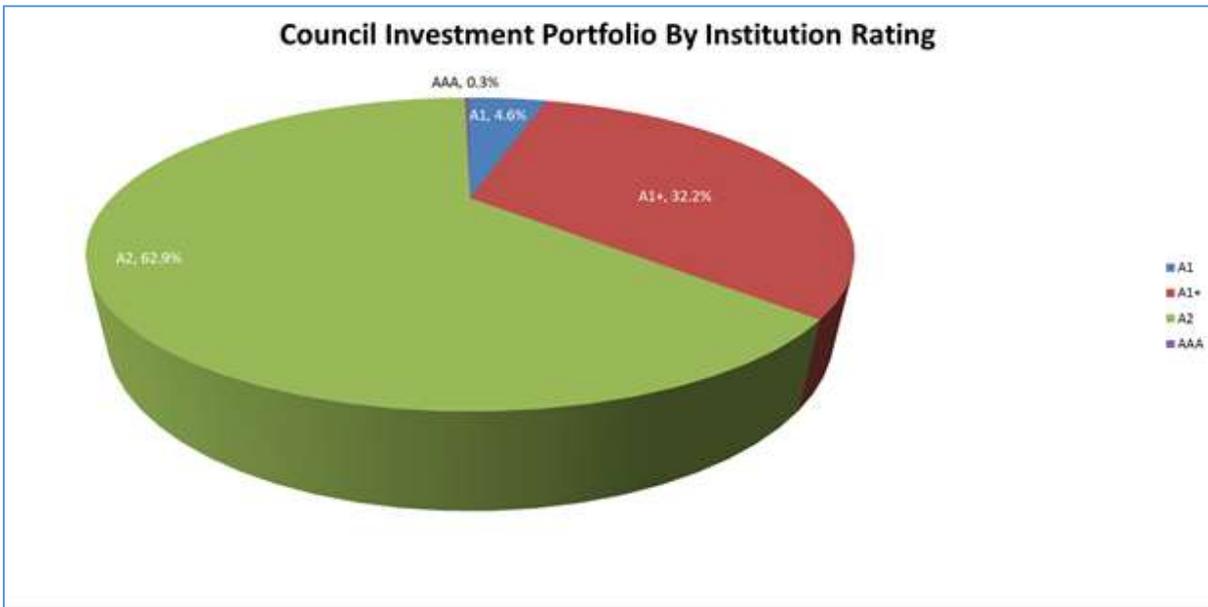
PORTFOLIO ANALYSIS



Institutional Credit Framework – Compliance with Investment Policy Requirements

Clause 4.2.2 of Council's Investment Policy requires that exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

Long Term Rating	Short Term Rating	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-	A-1	40%	Yes
A+			
A			
A-	A-2	30%	Yes
BBB+			
BBB			
BBB-	A-3	10%	Yes
Unrated			
Unrated	Unrated	10%	Yes (\$Nil)



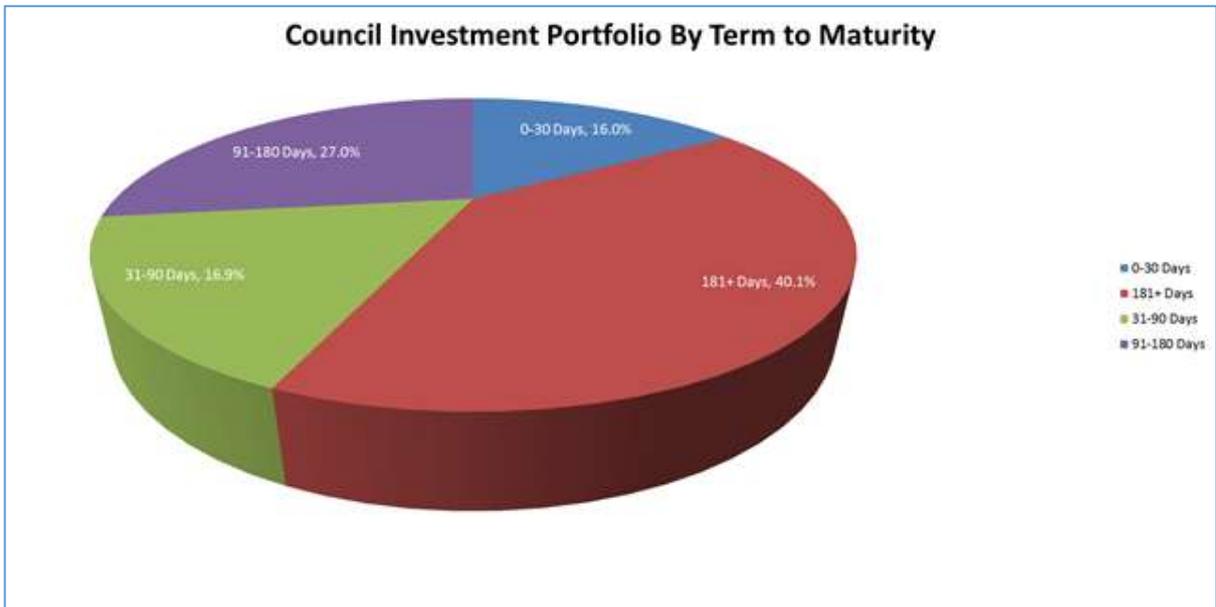
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

Clause 4.2.1 of Council’s Investment Policy requires that the total percentage exposure within the market to any particular credit rating category be limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	100%	Yes
AA+			
AA			
AA-			
A+	A-1	100%	Yes
A			
A-			
BBB+	A-2	80%	Yes
BBB			
BBB-	A-3	30%	Yes
Unrated**	Unrated**	20%	Yes (\$Nil)

* Or Moody’s / Fitch equivalents

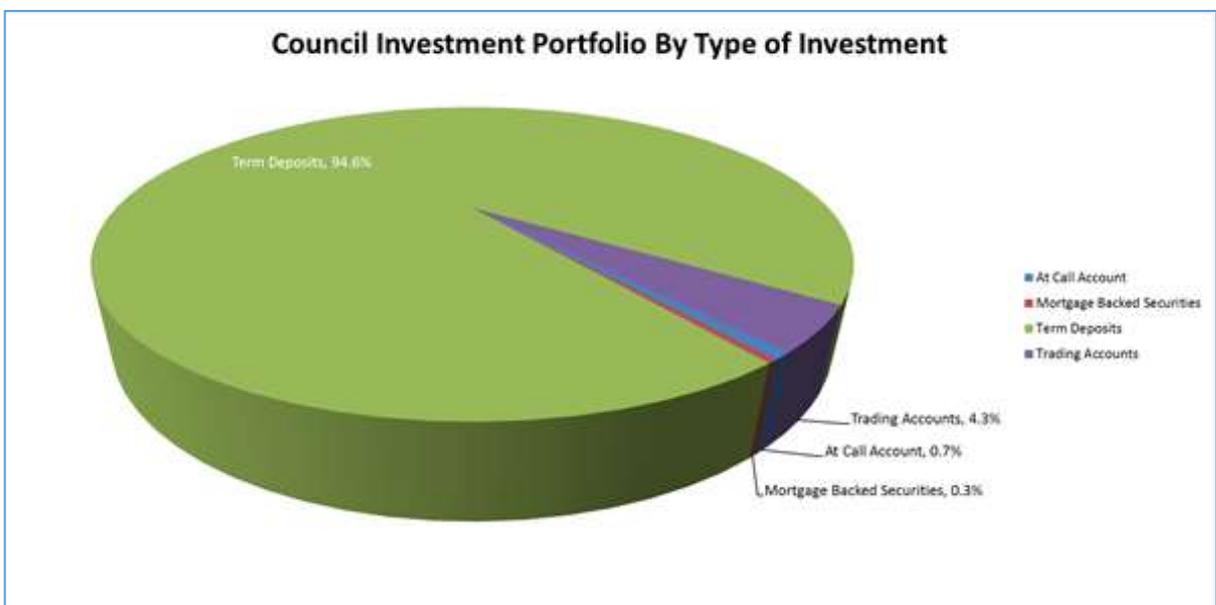
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



Term to Maturity Framework – Compliance with Investment Policy Requirements

Clause 4.2.3 of Council's Investment Policy requires Council's investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits			Portfolio Complies with Policy?
Portfolio % <1 year	Min 40%	Max 100%	Yes
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	Yes
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	Yes

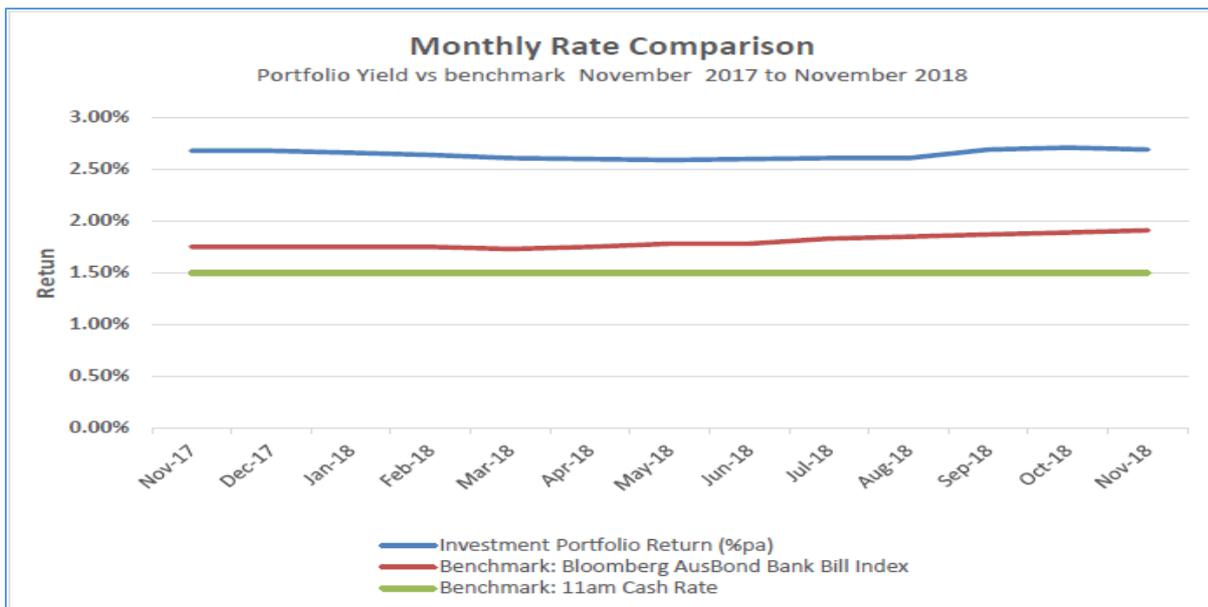


INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate *
1 Month	2.69%	1.91%	1.50%
3 Months	2.70%	1.89%	1.50%
6 Months	2.65%	1.86%	1.50%
FYTD	2.66%	1.87%	1.50%
12 Months	2.64%	1.80%	1.50%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

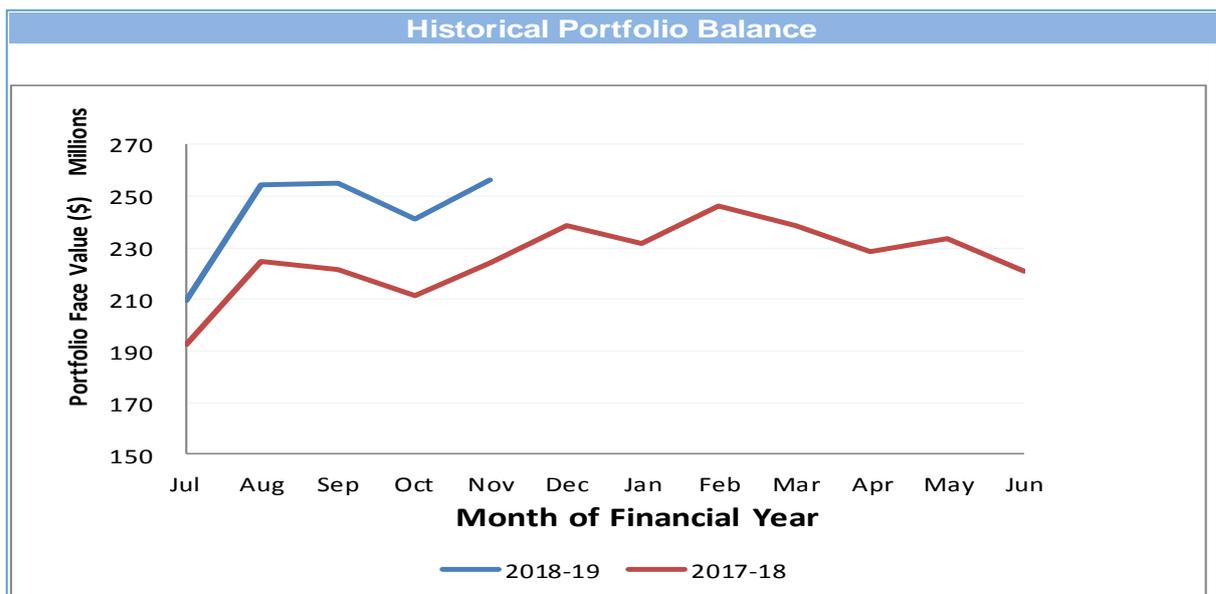


MONTHLY INVESTMENT INCOME* VS. BUDGET

	30 November 18 \$	Year to Date \$
Investment Income	524,550	2,639,968
Adjustment for Fair Value	(2,455)	(16,498)
Total Investment Income	522,095	2,623,470
Budgeted Income	490,000	2,315,750

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2018-19	2017-18
Jul	209,605,515	192,788,320
Aug	254,510,268	224,541,055
Sep	254,769,836	221,786,511
Oct	240,996,644	211,440,341
Nov	256,137,875	224,335,322
Dec		238,474,454
Jan		231,952,491
Feb		246,219,499
Mar		238,498,965
Apr		228,632,853
May		233,702,341
Jun		220,859,601
Average Portfolio Balance	243,204,027	226,102,646



Statement of Compliance

Portfolio Performance vs. Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✓	Council's income from investments did exceed monthly budget.

Investment Policy Compliance

Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

ECONOMIC NOTES

(Source: Primarily extracted from information supplied by Laminar Capital Pty Ltd)

The world's biggest economies showed signs in November of continued growth around trend or a little better while major equity markets extended the falls recorded in October implying a weaker global economic growth outlook. This disconnect between evidence of strong growth and growth prospects and equity markets' concerns about potentially weaker growth ahead relates to market views that a range of issues can undermine growth. These issues include increasing global international trade tensions; potential debt crises; and the risk that the US Federal Reserve hikes rates too aggressively. While there are risks to the global economic growth outlook, the risk still seems comparatively small that strong global economic growth will be derailed in the near term.

In the US, the second reading of Quarter 3 GDP growth looks set to confirm annualised growth at 3.5% underpinned by consumer spending growing around 4% annualised as reported in the advance GDP reading. More importantly, consumer spending still looks strong early in Quarter 4. October retail sales rose by 0.8% month-on-month. Factors that point to consumer spending continuing to improve beyond October are high consumer sentiment and consumer confidence readings in October, strong wages growth and strong employment growth plus the lowest unemployment rate since 1969.

In China, GDP growth slipped to 6.5% year-on-year in Quarter 3. The latest monthly readings for October point to growth still tracking close to 6.5% in Quarter 4. The trade war with the US will hit China's growth rate eventually but in the near-term the pulling forward of exports to escape higher US tariffs is driving faster growth. Exports accelerated to 15.6% year-on-year in October, while imports lifted to 21.4% year-on-year. The main domestic spending and production data in October were mixed-strength. Fixed asset investment spending improved to 5.7% in October and industrial production improved too lifting to 5.9% year-on-year. In contrast, retail sales growth slipped to 8.6% year-on-year. The style of rebalancing in drivers of economic growth that the authorities want to see occur. China is developing spending initiatives that are likely to boost fixed asset investment spending but these alone are unlikely to prove sufficient to fill the void as export trade weakens. Much will depend on whether retail sales can be boosted, and the early signs are not encouraging.

In Europe, annual GDP growth weakened to 1.7% year-on-year in Quarter 3 from 2.2% in Quarter 2. The soft European growth result in Quarter 3 is expected to be temporary. Europe's labour market continues to tighten with the unemployment rate at a post global financial crisis low point in September of 8.1%. Wages are starting to lift in some countries too. The ECB in the minutes of its latest policy meeting views slower growth as temporary and sees some inflation pressure building in Europe. The ECB is sticking with its plan to end quantitative easing at the end of December and is still looking to start hiking interest rates in the second half of 2019.

In Australia, economic growth lifted pace quite sharply in the first half of 2018, notwithstanding comparatively soft activity in the housing sector. GDP rose by 0.9% quarter-on-quarter in Quarter 2 after an upwardly revised 1.1% gain in Quarter 1. At this stage Quarter 3 GDP is tracking around a 0.8% quarter-on-quarter gain which would lift annual GDP growth to 3.5% year-on-year from 3.4% in Quarter 2. At the heart of Australia's improving growth story is the strength of the labour market. The unemployment rate fell to a six-year low point of 5.0% in September and October. While wages growth is still rising only slowly, pockets of more rapid wages growth are developing and are likely to spread. Strong labour market conditions are encouraging the household sector to spend even in the face of weak housing and high household debt.

The RBA upgraded forecasts of GDP growth and inflation in the November quarterly Monetary Policy Statement but is keeping its cash rate at the emergency low 1.50% rate established more than two years ago when Australian economic growth and inflation were much lower than they are currently. We expect the RBA to upgrade again its growth and inflation forecasts in the next quarterly Monetary Policy Statement in February 2019, a prelude to a first cash rate hike in the first half of 2019.

9.0 CUSTOMER AND CORPORATE DIVISION REPORTS

ITEM 9.1	NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2018/341756
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To provide a report on the recipients and projects which have received an allocation from the Northern Beaches Council Discretionary Fund during the subject quarter.

SUMMARY

The Northern Beaches Council Discretionary Fund provides the opportunity for Councillors to respond to requests from individuals and community organisations for financial assistance. Payments made for the period 26 September 2018 to 18 December 2018 totalling \$8,790 include:

Recipient	Description	Allocation
Local Northern Beaches Resident (name not published)	Support for two sons selected to play in the Australian Junior Volleyball Championships	\$500
Barrenjoey Peninsula Week of Golf 2019 Event	Annual Charity Golf Event (Feb 2019) to support Manly Warringah Women's Resource Centre	\$1,000
The Forest High School	Prize for Excellence in the HSC to be presented to Year 12 Student at School Presentation	\$100
Two local Northern Beaches Residents (names not published)	Support to represent Australia in the 45th WorldSkills International Competition in Russia in 2019	\$500
Barrenjoey High School – 50th Anniversary Golden Ball and Charity event	Sponsorship funding to directly support learning and enrichment opportunities for children at the school	\$1,000
Applause Musical Theatre Academy	Costumes for Special Needs classes	\$500
Rotary Club of Upper Northern Beaches	Support towards the cost of running event on 15 December 2018	\$500
Warringah Rugby Union Club	Bush2Beach Warringah Rugby Union Gala Day - in support of drought affected country NSW rugby teams.	\$500
Rotary Club of Balgowlah	29th Annual Charity Golf Day - Wakehurst Golf Club - All proceeds going to Lifeline Northern Beaches, Bear Cottage, Dalwood Spilstead and Rotary Youth programs	\$460
Zonta Club of the Northern Beaches Inc	Pittwater International Breakfast at RPAYC - 6 March 2019 - proceeds raised for various projects assisting women and girls on the Northern Beaches achieve their full potential	\$250

Recipient	Description	Allocation
Three local Northern Beaches Residents (names not published)	Support for 3 team members to attend the Australian Indigenous Football Championships in Brisbane 8-10 November 2018. (\$250.00 each)	\$750
Manly Computer Pals	Support towards cost of two Manly Computer Pal members to attend the two day ASCCA Conference – end October 2018	\$250
Rotary Club of North Sydney Sunrise	Support 5 children from Fisher Rd, Public School Dee Why to attend World Festival of Magic at the ICC Darling Harbour	\$600
Business Education Network	Annual Charity Golf Day held at Cromer Golf Club supporting Business Education Network	\$1,100
Over-50's Cricket World Cup Community Event	Funding to promote and support Over 50's Cricket World Cup Ashes ODI Match held on 25 November, 2018 – Manly Oval	\$500
Local Northern Beaches resident (name not published)	Support for expenses to represent NSW in the School Sport Australia 12 Years & Under Athletics National Championships – Melbourne – 23-27 November 2018	\$250

RECOMMENDATION OF GENERAL MANAGER CUSTOMER AND CORPORATE

That Council note that payments totalling \$8,790 have been allocated by the Northern Beaches Council Discretionary Fund for the period 26 September 2018 to 18 December 2018.

REPORT

BACKGROUND

The Northern Beaches Council Discretionary Fund supports individuals and community organisations through small financial donations. It also provides assistance to local residents to attend events or conferences that further develop educational or sporting endeavours at a representative level.

At the 19 December 2017 Council meeting, Council adopted the Northern Beaches Council Discretionary Fund Policy, with a requirement that recipient and project details be reported to Council on a quarterly basis. This report only includes allocations that have been finalised.

As required under the Policy, the maximum amount which may be allocated to an individual or community organisation is \$1,000 and only one payment can be made to an individual or community organisation within the same financial year.

All requests to the Northern Beaches Council Discretionary Fund are submitted to the Mayor, Deputy Mayor or a Councillor, and the Chief Executive Officer or General Manager, Customer and Corporate to certify that the allocation is made in accordance with the Policy and that the funds are available.

The next report to Council will be presented at the ordinary Council meeting of 26 March 2019.

CONSULTATION

Requests upon the Discretionary Fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer or General Manager, Customer and Corporate for approval in accordance with the Policy.

TIMING

A quarterly report to Council is required by the Northern Beaches Council Discretionary Fund Policy.

FINANCIAL CONSIDERATIONS

The funds allocated are provided within the existing annual budget for the Northern Beaches Discretionary Fund.

SOCIAL CONSIDERATIONS

The Northern Beaches Council Discretionary Fund supports individuals and community organisations and provides assistance to local residents to attend events or conferences that further develop their educational or sporting endeavours at a representative level.

ENVIRONMENTAL CONSIDERATIONS

The Northern Beaches Council Discretionary Fund – Quarterly Report has no specific environmental impact.

GOVERNANCE AND RISK CONSIDERATIONS

Payments allocated under the Northern Beaches Council Discretionary Fund have satisfied the requirements under both the Northern Beaches Council Discretionary Fund Policy and the approval process as last adopted by Council on 19 December 2017.

ITEM 9.2	LOCAL GOVERNMENT ELECTION 2020
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2018/683269
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek Council endorsement for the process to conduct the 2020 local government election in accordance with section 296 of the *Local Government Act 1993*, which includes the options of conducting the election through the NSW Electoral Commission or through an alternative provider.

SUMMARY

Section 296 of the *Local Government Act 1993* was amended in 2013 providing councils more time to choose either the NSW Electoral Commission (NSWEC) or an alternative provider to conduct elections, referendums and polls. Councils now have 18 months prior to an ordinary election (11 March 2019) to resolve that an arrangement will be entered into with the NSWEC, and 15 months prior to an ordinary election (11 June 2019) to enter into that arrangement.

The options remain the same as the 2017 election whereby Council can:

- engage NSWEC without a tender process (section 55(3) *Local Government Act 1993*)
- engage an alternate provider following a formal tender process
- conduct an in-house election.

An assessment of the risks in engaging either the NSWEC or an alternate provider has been carried out with the preferred option for the 2020 election being to engage the NSWEC.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER AND CORPORATE

That:

- A. Council adopt, pursuant to section 296(2) and (3) of the *NSW Local Government Act 1993* endorse an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
 - B. Council adopt, pursuant to section 296(2) and (3) of the *NSW Local Government Act 1993*, as applied and modified by section 18 of the *NSW Local Government Act 1993*, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
 - C. Council adopt, pursuant to section 296(2) and (3) of the *NSW Local Government Act 1993*, as applied and modified by section 18 of the *NSW Local Government Act 1993*, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
 - D. Council delegates authority to the Chief Executive Officer to enter into negotiations with the Electoral Commissioner and to enter into a contract for the provision of administering elections of the Council.
-

REPORT

BACKGROUND

Prior to 2011 councils were bound by section 296 of the *Local Government Act 1993* whereby the Electoral Commissioner would conduct local government elections and appoint a returning officer to conduct elections on behalf of, and under the direction of the Electoral Commissioner.

In 2011 changes to the *Local Government Act 1993* allowed this responsibility to be given back to local councils, giving the responsibility of administering local government elections to the statutory General Manager of the council. Councils could then decide whether to:

1. engage the NSW Electoral Commission to run the local government election, or
2. not engage the NSW Electoral Commission and invite tenders from any alternative election providers, or
3. Conduct the election in-house.

In 2012, 135 of 152 NSW councils engaged NSWEC to conduct their elections.

In 2013 changes to the *Local Government Act 1993* provided councils with more time to engage an election provider and councils now have 18 months prior to an ordinary election (11 March 2019) to resolve that an arrangement will be entered into with the NSW NSWEC and 15 months prior to an ordinary election (11 June 2019) to enter into that arrangement.

Following the 2012 local government election, the Joint Standing Committee on Election Matters held an inquiry and made a number of recommendations. Consideration has been given to Recommendations 3 and 4:

Recommendation 3 - The Committee recommends that each council that resolves to administer its election in-house be required to prepare a report for the Division of Local Government in which it demonstrates its capacity to conduct a successful election. This report should include council's access to suitably qualified returning officers, as well as possible substitutes, and be prepared no later than 15 months prior to the 2016 elections.

Recommendation 4 - The Committee recommends that the Department of Premier and Cabinet takes steps to ensure that all councils not utilising the services of the Electoral Commission, or that are not conducting their elections in-house, have secured contracts with an electoral service provider at least 15 months prior to the 2016 elections.

Options

There are three options available to Council in relation to the 2020 election:

Option One – Engaging NSWEC

Engaging the NSWEC to run the 2020 Local Government Election. The NSWEC will advise of an estimated cost of running the 2020 Local Government Election in January 2019. The NSWEC has the necessary capacity and experience to conduct a local government election, has conducted the election process previously and can be engaged without having to run a competitive tender process (section 55 (3) of the Act).

It should be noted that in 2012, 91.6% of councils chose to engage the services of the NSWEC, despite having the option to outsource their elections to a third party. Should Council wish to select this option, the NSWEC must be advised by 11 March 2019 and a Standard Contract must be entered into by 11 June 2019.

Option Two – Seeking Alternative Election Providers

Council would need to prepare and run a competitive tender process to seek an external election provider.

According to the report Parliament of NSW Joint Standing Committee on Electoral Matters Report 4/55 March 2014 – *Inquiry into the 2012 Local Government Elections* during the 2012 Local Government Elections of the 152 councils only 16 chose to either conduct their own elections in-house or use an external third party. The report also highlights that *‘there appears to be only one main alternative to the Electoral Commission on the market – the Australian Election Company – and it is conceivable there is a limited to how many elections the Australian Election Company can conduct viably’*

Consideration was also given to the recommendation of the report Parliament of NSW Joint Standing Committee on Electoral Matters Report 4/55 March 2014 – *Inquiry into the 2012 Local Government Elections* that councils who chose not to work with the Electoral Commissioner provide evidence to the Department of Premier and Cabinet that they are capable to conduct an election or have secured contracts with another electoral service provider, at least 15 months prior to the election.

Option Three – Conducting elections in-house

Recommendation 3 of the Joint Standing Committee on Election Matters report states that any councils administering their election in-house *“prepare a report for the Division of Local Government in which it demonstrates its capacity to conduct a successful election.”* The report also states that *“only two councils resolved to administer their own election wholly in-house”* and of those two only one was able to proceed successfully. It is not felt that staff have the necessary capacity to conduct an election and therefore this is seen as a high risk option and therefore is not recommended.

RECOMMENDATION

For the following reasons Option One – Engaging NSWEC is being recommended:

- The NSWEC has demonstrated experience in running NSW local government elections, conducting them at arm’s length from Council staff, elected officials and candidates, providing a high level of integrity, independence and transparency.
- Council staff and resources would not be diverted from day to day activities over a protracted period.
- The conduct of elections is the core business of the NSWEC.
- Existing software for above the line voting used by the Electoral Commission would not be available to Council and a new software package would have to be sourced.
- The NSWEC would be responsible for all risk management issues related to the conducting of the election.

CONSULTATION

Relevant internal stakeholders have been consulted through the process.

TIMING

Section 296 of the *Local Government Act 1993* was amended in 2013 to enhance the flexibility of councils to make decisions on the conduct of their elections. The changes now allow councils to decide up to 18 months prior to an ordinary election to enter into a contract with NSWEC to conduct all of their elections, referenda and polls.

FINANCIAL CONSIDERATIONS

The 2017 local government election as run by the NSWEC cost Northern Beaches Council \$1,234,137.30. The NSWEC will advise of an estimated cost of running the 2020 Local Government Election in January 2019.

Funding will be allocated and available within Council's operational budget to cover the costs of engaging the NSWEC in the 2019/2020 and 2020/2021 budgets.

SOCIAL CONSIDERATIONS

There are no social considerations in relation to this report.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations in relation to this report.

GOVERNANCE AND RISK CONSIDERATIONS

Consideration was given to all of the available options in conducting the 2020 local government election for Northern Beaches Council, with the engagement of the NSWEC being the lowest risk, and most independent and transparent option available.

Council will utilise the *Local Government (General) Regulation 2005*, section 296 of the *Local Government Act 1993* and the NSW Premier and Cabinet – Division of Local Government's Circular to Councils – 13-41 - *Model Resolutions to Engage the New South Wales Electoral Commissioner to conduct the 2016 Council elections* to inform its obligations in regard to the 2020 local government election and will apply additional statutory or regulatory guidance as it becomes available for the conducting of the 2020 local government election.

ITEM 9.3	COUNCIL SUPPORT FOR THE 2019 VISSLA SYDNEY SURF PRO IN MANLY IN MARCH 2019
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2018/766240
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek Council's commitment to support the 2019 Vissla Sydney Surf Pro at Manly as a major event.

SUMMARY

The *Vissla Sydney Surf Pro* (VSSP) is the only event of its kind in Sydney and a major event that attracts significant national and international media on Manly. It is recognised as a major hallmark event in NSW and supported by Destination NSW. The event attracts tens of thousands of visitors each year, delivering broad reaching benefits to Manly and the Northern Beaches visitor economy.

Council has received a request from Surfing NSW, owner and organiser of the VSSP, to once again hold the event on Manly Beach from 16 to 24 March 2019. Surfing NSW seeks to continue Council's support and partnership with this event as was done for the event in 2018 and prior to that under the banner of the *Australian Open of Surfing*. This support includes the waiving of Council event fees, the provision of some logistics support and marketing promotions.

In return for support, Northern Beaches Council will be acknowledged as a major sponsor for the event. Through an ongoing strategic partnership with Surfing NSW and Destination NSW, Council has the opportunity to grow the destination brand of Manly and the Northern Beaches more broadly so as to create further economic, social and recreational benefits for our region.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER AND CORPORATE

That:

- A. Council continues to partner with Surfing NSW to support the delivery of the *2019 Vissla Sydney Surf Pro*.
 - B. Council provides in-kind support up to \$311,000 in fee waivers and in-kind support and provide additional logistics and marketing support to the event up to the value of \$65,000.
 - C. Council fund the additional logistics and marketing support for the event up to the value of \$65,000 from the operational budget 2018/19.
-

REPORT

BACKGROUND

Manly Beach is widely recognised as the home and birthplace of surfing in Australia. It is the site of the first legal bathing (1902), the first surf club (1903), first body surfing and first surf boats (1907) and Duke Kahanamoku's famous board surfing demonstration (1915) at Freshwater Beach just to the north.

Recognising this tradition, in 1964 Manly was chosen as the location for the first World Surfing Championships. As it is today, Manly is a popular beachside destination for day-trippers and longer-stay visitors and was chosen for the location for this prestigious event due to its surfing history, its popularity with the surfing community, its reputation for its laidback beach lifestyle and its proximity and easy access from Australia's largest city, Sydney.

In 2012 the Australian Open of Surfing (AOS), a QS6000 qualifying event as part of the official world surfing calendar, returned to Manly. That same year the coastal strip from Freshwater Beach to Shelly Beach was declared Australia's first World Surfing Reserve.

Each year, to ensure the success of the event, the organisers have developed partnerships with Destination NSW and the former Manly Council. Surfing NSW took ownership of the event from IMG in mid-2017 and, with ongoing support from Destination NSW and Northern Beaches Council, successfully delivered a more community-focussed event in February-March 2018.

Benefits to the Northern Beaches Community

Sponsored by international surf brand Vissla, the 2018 VSSP was a world-class event attracting over 250 interstate and international competitors including 30% of the men's and 70% of the women's world championship tour competitors. These along with internationally renowned board shapers, commentators, judges and other event associates delivered significant returns to the Manly and Northern Beaches visitor economy through the use of local accommodation, hospitality and other related businesses.

In relation to the 2019 event the Minister for Tourism and Major Events the Hon. Adam Marshall MP said the event would attract surfers, their support teams and fans from around Australia and the world.

"In 2019 we expect more than 700 overnight visitors to travel to Manly for the event, injecting close to \$650,000 into the local visitor economy," Mr Marshall said.

The 2018 VSSP also delivered significant promotion of Manly as a tourism destination through advertising and promotions delivered in partnership with Coastalwatch and Destination NSW; over 4.1 million social media views of WSL webcasts and highlights packages; as well as millions more viewers seeing Manly and the event on pay TV and free-to-air broadcasts over the nine days of the event.

Importantly Surfing NSW, having heard the community's concerns about previous events, also delivered a more community-focussed event. By reducing the event infrastructure, footprint, bump-in and bump-out periods the event was less intrusive with respect to its use of public land. Surfing NSW also partnered with the Steyne Hotel to become the official venue for the event (rather than a bar on the beach) which included skating and live music promotions throughout the event period. A number of local small businesses were also engaged as minor event partners.

Council's Support for the Event

Council's support for the 2019 VSSP is similar to the support provided in 2018 including fee waivers as follows:

Fee Waiver:

Major Event Large Scale (for 9 days)	\$229,416
Bump-in/out Supervision	\$ 3,080
Parking Permits	up to \$ 71,900
Access to North Steyne Surf Club (16 days)	\$ 6,400
<u>Estimated Total Fees Waived:</u>	<u>up to \$311,000</u>

In addition to these fee waivers, logistics and promotional support up to \$65,000 in value is also recommended to be provided to ensure the event's success. This support will be implemented in consultation with Surfing NSW to ensure the best targeting of Council's investment but would likely be in the following areas:

- Event site and toilet cleansing including additional bins as required to support existing facilities.
- Waste management and removal.
- Production and installation of event promotional and directional signage in Manly's pedestrian areas, beachfront flags and catenary wires as well as selected locations across the Northern Beaches.
- Electrical and plumbing services to support activities within the event site.
- Temporary water stations for use by event competitors and visitors to complement the existing fixed facilities.
- Additional lifeguard and jet-ski services to ensure the safety of event competitors as well as the general public around the event and competition spaces.
- Promotion of Manly and the event through Council's Hello Manly Visitor Information Centre and Council's digital, social and other media channels.
- Welcome to Country event.

Council's total support for the event including fee waivers, logistics and promotional support will total up to \$375,796. In recognition of this support Council will be acknowledged as a major partner of the event.

Surfing NSW will remain responsible for any restoration of the parklands and/or public facilities or infrastructure if any damage occurs as a result of the bump-in, operations or bump-out of the VSSP. As with all events, Council will retain a minimum security bond of \$20,000 to cover any of these costs.

CONSULTATION

Council staff have met regularly with Surfing NSW over many months to establish the requirements for the event. Further consultation has taken place with Council staff across a number of business units involved in the process of supporting the event in order to maximise the opportunities for Council and the community.

TIMING

The 2019 VSSP is due to take place from 16 to 24 March 2019. Key Council staff continue to work with representatives from Surfing NSW to facilitate the planning and delivery of the event.

FINANCIAL CONSIDERATIONS

The proposed value-in-kind support including fee waivers has been budgeted in the 2018/19 Operating Budget. The \$65,000 cash expenditure proposed for logistics and marketing support is also budgeted in the 2018/19 Operating Budget.

As previously outlined the event is expected to generate a minimum of \$650,000 for the local visitor economy.

SOCIAL CONSIDERATIONS

Council staff have worked with Surfing NSW to minimise the impact on the VSSP on the beach, promenade and broader community through the reduction of the event infrastructure, footprint, bump-in and bump-out periods. They also seek to provide more opportunities for local businesses to get involved in the event as well as additional activities for the broader community to enjoy as part of the event.

ENVIRONMENTAL CONSIDERATIONS

As with all events taking place on the Northern Beaches, the 2019 VSSP will comply with Council's environmental and waste management policies and plans.

GOVERNANCE AND RISK CONSIDERATIONS

As the event organiser, Surfing NSW is still required to prepare and submit all of the appropriate documentation for review and assessment to receive final approval for the event to proceed. This assessment process is managed separately to the event support proposed here.

10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

ITEM 10.1	NORTHERN BEACHES WALKING PLAN
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE
TRIM FILE REF	2018/634347
ATTACHMENTS	<ol style="list-style-type: none">1 ⇒ Draft Northern Beaches Walking Plan (Included In Attachments Booklet 1)2 ⇒ Draft Northern Beaches Council Footpath Priority Schedule Maps (Included In Attachments Booklet 1)3 ⇒ Northern Beaches Council Draft Footpath Priority Schedule (Included In Attachments Booklet 1)4 ⇒ Final Northern Beaches Walking Plan Community Engagement Report (Included In Attachments Booklet 1)5 ⇒ Walking Plan Funding Proposal (Included In Attachments Booklet 1)

EXECUTIVE SUMMARY

PURPOSE

To seek Council endorsement to release the draft WALK - Northern Beaches Walking Plan for public exhibition.

SUMMARY

Walking is the most important mode of transport on the Northern Beaches and this Walking Plan is our commitment to creating a safe and connected walking network.

WALK – Northern Beaches Walking Plan is the first of the seven plans that sit under the recently adopted MOVE Northern Beaches Transport Strategy. This plan provides the methodology for how Council prioritises the delivery of the future footpath network and will enable Council to deliver a walking network which connects the community of the Northern Beaches to where they want to go.

The Northern Beaches Walking Plan will help Council achieve our active travel objective outlined in the Northern Beaches Transport Strategy; which is to *“enable freedom of movement to, from and within the Northern Beaches using a safe, smart, efficient, integrated and sustainable transport network.”*

The Walking Plan will also align with Council’s Disability Inclusion Action Plan (DIAP) vision. A pedestrian is defined as a person on foot, whether walking or running and users of mobility aids and wheelchairs. A significant amount of work has been undertaken to improve accessibility and inclusion through our DIAP. Further work is to be undertaken through the delivery of the directions outlined in this Plan and enhance the DIAP.

The delivery priority list, included as an attachment to this report, is a result of significant analysis to assess and rate all the missing footpath sections across the Northern Beaches. The potential footpaths have been grouped in 5 categories of priority, with the aim to deliver a primary and secondary network first with all other connections to follow.

The categories are:

- Immediate Priority (proposed for 2019/20)
- High Priority
- Medium Priority
- Low Priority
- Not required at this stage or not feasible to construct.

Implementation of new footpaths is a major priority for the community however also comes at a significant cost. Estimated funding required for implementation of the draft program 2019/20, high and medium priorities is \$34M. The estimated cost of full program delivery is \$142M in 2018/19 dollars and is likely to involve additional site costs (service relocation and vegetation management) as well as associated pedestrian safety measures at crossing points.

It is considered that the funding for new footpaths should be increased for future years to \$3M/annum to reflect the high priority placed on these assets by the community and to facilitate achievement of Council's Transport Strategy targets. This increase can be accommodated in Council's Long Term Financial Plan through the allocation of a portion of Council's Developer Contributions received as well as Working Capital as a result of operational savings achieved through the formation of Northern Beaches Council.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That:

- A. Council endorse the public exhibition of the draft WALK – Northern Beaches Walking Plan for at least 28 days.
 - B. The outcomes of the public exhibition be presented to Council following the conclusion of the exhibition period.
 - C. Council increase the new footpath budget to accelerate delivery by including \$3M per annum for new footpaths in the draft Capital Works Program for 2019-2023 for consideration.
-

REPORT

BACKGROUND

A well-functioning transport network is vital to the Northern Beaches' future. Being able to safely and efficiently move people supports the liveability and economy of the Northern Beaches.

A key part of the Transport Network is the local connections between homes, local services, schools, shops, other transport types. This is ideally done by walking distances less than 500 metres.

Since amalgamation, delivery of new footpaths across the Northern Beaches has been based on the priority plans of the former Councils.

The inaugural Northern Beaches Walking Plan sets out Northern Beaches Council's direction and priorities for walking and recommends a range of goals to address key walking issues facing the Local Government Area (LGA). The Plan also sets out the desired characteristics for a "world-class" pedestrian network across the Northern Beaches. The community have provided feedback on how Council should address investment in future priorities and plans.

Many parts of the Northern Beaches already have continuous and well-connected pedestrian facilities; however, there are still barriers in the pedestrian network that need to be addressed. These barriers include; missing links, major traffic routes, hilly landscapes and poor development integration, which all affect pedestrian connectivity.

The Northern Beaches Walking Plan will replace previously adopted walking plans and will set the future direction for walking priorities and the delivery of new footpaths across the region.

Walkable neighbourhoods allow people to live within their local area and provide the opportunity for increased social inclusion. Through an expanded footpath network, our residents can get to know their local area and neighbours while enjoying the increased health benefits that walking provides.

Being able to get from one place to another safely and conveniently as a pedestrian will often determine if we choose to walk, bicycle, take public transport, drive or venture out at all.

A number of future directions will be established through the Walking Plan to lead the delivery of walking network improvements.

Prioritisation of future footpaths

The prioritisation of potential new footpaths is based on a robust mapping-based multi-criteria analysis that assesses each footpath request against established criteria and ranks all the proposed paths based on the weighted criteria.

The prioritisation criteria take into consideration the former Council's criteria, RMS Pedestrian Access and Mobility Plan guidelines and community feedback through the community engagement process. The primary criteria and scoring relates to six key categories, as follows:

- Land-use
- Safety
- Continuity (i.e. completing missing links)
- Traffic impact (road hierarchy)
- Pedestrian demand
- Proximity to public transport routes.

The Priority footpath program list, included as an attachment to this report, groups the potential new footpaths into 5 categories of priority, with the aim to deliver a primary and secondary network first with all other connections to follow.

The delivery categories are:

- Immediate Priority (proposed for 2019/20)
- High Priority
- Medium Priority
- Low Priority
- Not required at this stage or Not feasible to construct.

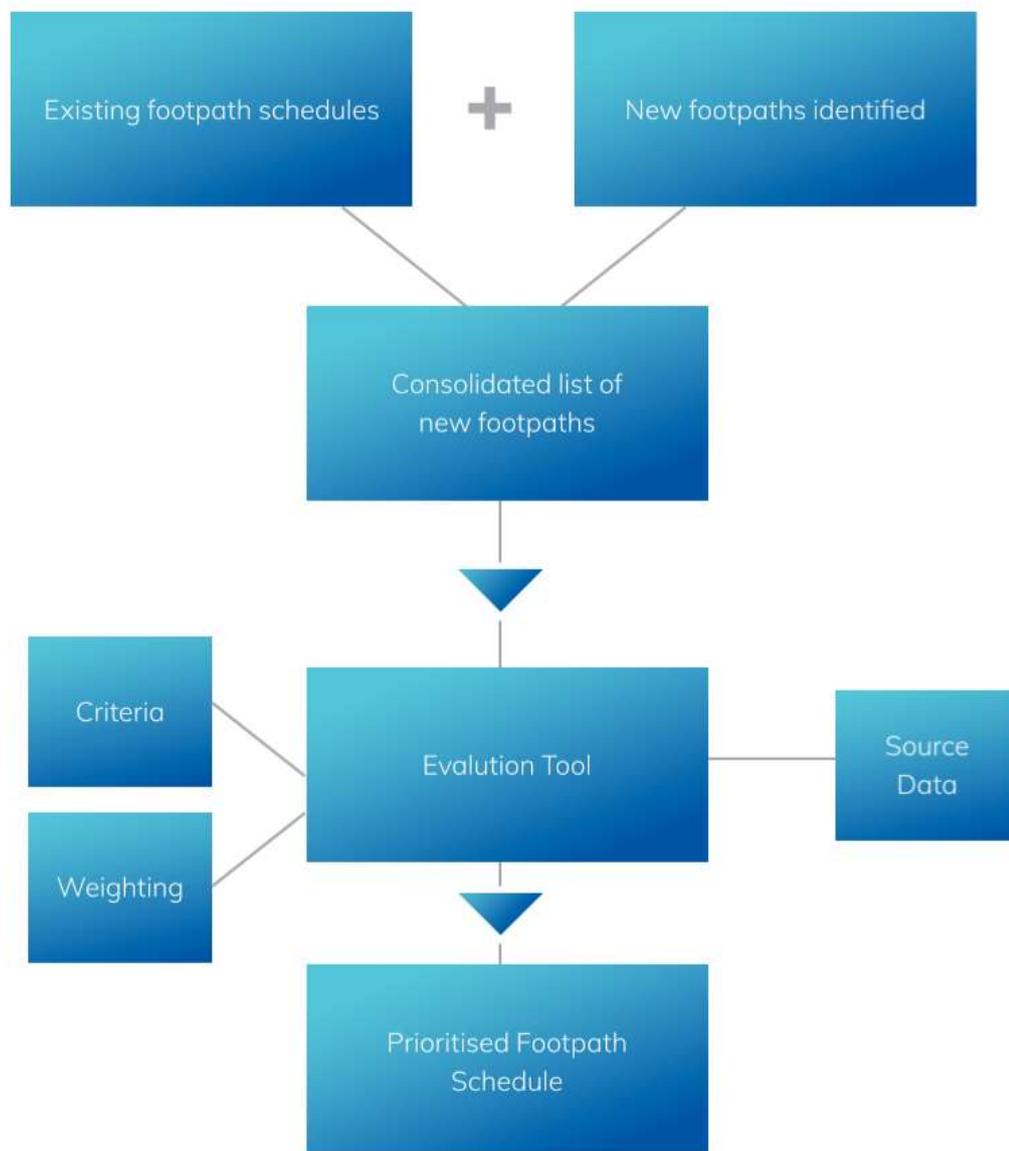


Figure 1: Footpath Prioritisation Methodology

Council's new footpath delivery program is developed based on this prioritised list, with the number of new footpaths delivered determined by the available budget allocated by the Council.

CONSULTATION

The first phase of community engagement sought community feedback on localities the community was seeking new footpaths for. As part of this engagement, the community provided 816 suggestions on Council's social pinpoint website, 290 comments on Council's Your Say page and 721 community members attended 16 face-to-face drop-in sessions. This feedback has been fed into the analysis for the priority footpath program.

Council is planning to conduct a wide ranging public engagement program for the exhibition period including an update to the project Your Say page, social media advertising, Manly Daily notices, and ten information events across the Northern Beaches to engage with the community.

A detailed community engagement plan has been prepared which included details of the information events to be held. The events will be held during the day, evenings and on several Saturdays so that all of the community have the opportunity to attend.

TIMING

Following the community engagement period, it is anticipated that a final version of the Strategy will be reported to Council for consideration and adoption early in 2019. Once adopted, work will commence immediately on adding the highest priority locations to the 2019/20 delivery program and detailed design commenced shortly after that on a 4 Year program based on the available funding level. A fully developed and designed delivery program for the high priority locations is expected to be completed by the end of the 2020/2021 financial year.

FINANCIAL CONSIDERATIONS

The full delivery of the priority network is approximately \$34M in 2018 dollars the remainder of the network to be delivered is approximately \$108M in 2018 dollars. The current Long Term Financial Plan includes an allocation of \$1.5M/annum for new footpath works, in addition to the Northern Beaches Coast Walk investment.

It is considered that the funding for new footpaths should be increased for future years to \$3M/annum to reflect the high priority placed on these assets by the community and to facilitate achievement of Council's Transport Strategy targets. This increase can be accommodated in Council's Long Term Financial Plan through the allocation of a portion of Council's Developer Contributions received as well as Working Capital as a result of operational savings achieved through the formation of Northern Beaches Council.

Working capital is maintained at sufficient levels to provide against unforeseen and unbudgeted expenditures. This includes storm events; the need to undertake works unbudgeted in the current financial year which may impact on services to the community, the safety of the community and the protection of community assets and projects such as this which result in cost savings as well as environmental and social benefits over future financial periods. Where these events occur future operating surpluses should firstly be utilised to reinstate working capital levels to ensure sufficient levels are maintained to provide such events in future financial periods.

A Funding Plan is attached for this strategy.

SOCIAL CONSIDERATIONS

The purpose of the walking plan is to provide not only necessary infrastructure, but also to change behaviour in terms of how we travel around the Northern Beaches. We know that walking increases opportunities for face-to-face social contact and increasing social connections. Better walking conditions and increased numbers of people using the street, will strengthen the potential for casual social contact.

Leaving our cars at home also reduces traffic and parking congestion and helps to make streets safe and active for pedestrians. This also adds to the public health benefits that come from a more active community, reducing some lifestyle related health impacts.

ENVIRONMENTAL CONSIDERATIONS

Increased footpaths lead to increased walking activity, reducing car usage and therefore carbon emissions. It is acknowledged that there will be some environmental impacts during the construction of the infrastructure required. While every effort will be made to avoid any tree loss, some trees may need to be removed to construct the footpath network and where possible the network has been located to reduce this to the minimum impact. For example, if the footpath is proposed for one side of the street only it will be planned for the same side as the power lines, as generally the trees under the power lines are already compromised due to clearance pruning by transmission authorities. As per Council's Urban Tree Strategy any trees removed will be replaced with a minimum of two more.

Footpath construction also results in increased carbon emissions, adds to the urban heat island effect and reduces ground permeability which can increase stormwater run-off.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Walking Plan will provide a clear policy framework to ensure that Council asset planning and implementation results in a better footpath network for the Northern Beaches community. It provides a transparent priority evaluation and justification framework with clarity to the ongoing development costs across several capital works cycles to assist in forward planning and to reduce the risk of asset delivery based on undesirable factors.

ITEM 10.2	DRAFT NORTHERN BEACHES SHARED MOBILITY POLICY AND DRAFT BIKE SHARE GUIDELINES
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE
TRIM FILE REF	2018/678586
ATTACHMENTS	1 ↓ Draft Northern Beaches Council Bike Share Guidelines 2 ↓ Draft Shared Mobility Policy

EXECUTIVE SUMMARY

PURPOSE

To seek Council endorsement to release the draft Shared Mobility Policy and the draft Bike Share Guidelines for public exhibition.

SUMMARY

The Shared Mobility industry is an expanding part of the transport sector. Council is looking to lead the shared mobility sector by encouraging innovation. This Shared Mobility Policy will provide a platform for trials of new technology to further develop and manage shared mobility in urban areas.

The bike share industry has become an issue for the community across the higher density areas of the Northern Beaches. This has impacted on the natural amenity and pedestrian safety in some areas, often referred to as the shopping trolley of the 21st century. Until recently the bike share industry was unregulated and had several different business models that caused issues.

Northern Beaches Council recognises some positive aspects of a Shared Mobility transport option that can enhance local movement and provides another option for tourists and residents in the “last mile” concept of an integrated transport system. The draft policy has been produced to further enhance the legislation recently amended by the NSW Government which provides a regulatory framework to minimize the impact of this business type on the environment and the safety of pedestrians across the state.

The sector is also continually evolving, with new technologies such as shared electric scooters also providing significant opportunities for improved local transport options.

Council seeks to engage with the community as well as targeted discussions with the business providers to allow this type of shared mobility service to be introduced on the Northern Beaches. The introduction of any new services must be undertaken in a controlled fashion with defined timeframes and where possible minimise the need for compliance intervention to ensure an alternate transport solution is available in areas of need.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That:

- A. Council endorse the public exhibition of the draft Shared Mobility Policy and the draft Bike Share Guidelines for at least 42 days.
 - B. A report detailing the Community Engagement outcomes is provided to Council at the end of the exhibition period.
 - C. Council further discuss with NSW Government Agencies opportunities for participating in trials of new technologies for alternate shared mobility modes.
-

REPORT

BACKGROUND

Council supports the Shared Mobility principles to reduce congestion on our roads by reducing the use of vehicles on short trips and the use as a form of active transport and recreation. Principles relating to Shared Mobility and liveable cities are:

1. Plan cities and mobility together
2. Focus on people, not cars
3. Encourage efficient use of space and assets
4. Engage stakeholders in decision making
5. Design for equitable access
6. Transition towards zero emissions
7. Seek fair user fees
8. Deliver public benefits by open data
9. Promote integration and seamless connectivity
10. Automated vehicles must be shared.

Past attempts by providers to supply this service across the Northern Beaches has been met with mixed results, generally based on the business model used and the willingness to provide a complete service for the consumer. Unfortunately, some businesses have just dumped a series of bikes on the street and provided minimal service backup and no relocation or management of this equipment. There has been no opportunity for Council to use a cost recovery factor on the impounding or disposal of the bicycles due to the cost of the units being very low.

Recently, the NSW Government approved amendments to the Impounding Act which increases the powers for Council to deal with the issues some business proprietors create, by including timeframes for dealing with issues and providing a detailed penalty framework for non-compliance, and also increases the fines for offences.

This will enable a disciplined management system for the shared bikes that can provide easy, fast and flexible travel connection to public transport. The management plan consists of Shared Mobility Policy and Bike Share Guidelines that instruct and set out standards for Shared Mobility providers.

The sector is also continually evolving, with new technologies such as shared electric scooters also providing significant opportunities for improved local transport options.

Council is also currently discussing with NSW Government Agencies with regard to participating in trials of new technology to further enhance shared mobility opportunities.

CONSULTATION

Council will engage with our community through a Your Say page as well as community drop in sessions at Manly, Dee Why, and Mona Vale to gauge community support for the service provision.

Council will also engage directly with businesses in the Cycling Community and Bike Share service providers to inform our future delivery plans across the local area. The proposed consultation process will inform how Council would like to move forward in the future for delivering the potential these types of shared mobility services can provide.

TIMING

It is planned to place the draft Shared Mobility Policy and draft Bike Share Guideline on Public Exhibition for 42 days and report back to Council on the next steps in early 2019. This includes an extra 14 days due to the time of year.

Further guidelines under the Shared Mobility Policy are under development. These include Personal Transport Device, Car Share, Ride Share, and On Demand Service. These guidelines will be reported to Council once developed.

FINANCIAL CONSIDERATIONS

The proposed policy and guidelines are designed to allow Council's Compliance team to enforce the regulations as required under the amendments to the Impounding Act, Roads Act and Local Government Act. This would provide suitable penalties if the operators fail to comply.

There may also be some options to generate income from the proposal through lease arrangements as part of the delivery models.

SOCIAL CONSIDERATIONS

Shared Mobility has the opportunity to provide considerable social connectivity and health benefits as well as providing another solution from the transport hub to home problem that could remove shorter car trips from the network. This has the potential to reduce the overall number of vehicles on the roads and that require long term parking provision.

Another benefit of the Shared Mobility is it can provide an option for tourists to enjoy our unique natural environment through connections to public transport hubs.

ENVIRONMENTAL CONSIDERATIONS

Shared Mobility services can have significant environmental benefits through low emissions and reduced demand for parking areas.

GOVERNANCE AND RISK CONSIDERATIONS

The policy will reduce risk to the Community and Council resulting from the dumping of the bikes in the area. It will provide a clear framework for the enforcement of the legislation and allow the community to benefit from the introduction of the service provided.

By providing a clear framework for the delivery of Shared Mobility Services on the Northern Beaches the policy will allow the organisation to be agile in responding to the new technology as it comes into the market place.

Northern Beaches Council Guidelines for Bike Share Operators

Bike share has an important role to play in Sydney's transport future. Council supports bicycle use as a form of active transport and recreation and has an ongoing program to encourage cycling and provide bicycle infrastructure throughout the Northern Beaches.

Councils, public landholders and bike share operators are committed to working together to establish a balanced position that achieves transport; environment, health and other related goals as well as the fair use of public space.

The implementation of bike share schemes throughout Sydney has presented both positive and negative issues. These guidelines set out minimum standards and expectations for bike share operations in the Northern Beaches Council.

These guidelines will be in operation from 1 March 2019, Council and relevant authorities will review operations every three months for 36 months in duration.

These guidelines apply across the entire Northern Beaches Council Local Government Area.

1. Customer safety and conduct

- a. Operators must inform their customers through their apps about correct bike parking, bike safety checks and responsible riding.
- b. All operators and their customers must obey NSW road rules and consider the safety and comfort of other people on the road and footpaths.
- c. Operators must promote legal and responsible riding when customers join, and regularly afterwards. Riders are to be made aware that they can incur heavy penalties for offences such as not wearing helmets, unauthorised riding on footpaths, reckless riding and riding through red lights.
- d. Bicycles must comply with Australian Standards. When deployed all bicycles must have bells or other warning devices, helmets, front and rear lights and a rear reflector as per Australian Standards. All bicycles must also have sturdy kickstands. Operators will make reasonable efforts to ensure bicycles are always equipped with helmets e.g. introducing helmet locking system.
- e. Operators must encourage customers to reposition poorly located bikes.
- f. Operators must ensure that there is no third party advertising on the bike.

2. Safe bike placement

- a. Bikes must be parked in an upright position and not placed on footpaths that are narrow, or where they could pose a safety hazard.
- b. Bike placement must not interfere with pedestrian access or amenity. Bikes should be placed kerbside away from the building. Operators will educate customers on the impacts of bike placement to mobility and vision impaired.
- c. Bikes may be placed near public bike racks but rack space should be left free for regular bicycles that need to be locked to a fixed point.
- d. Operators must have geo-fencing capability for preferred parking and exclusion zones in high traffic areas, such as sections of waterfront or for large events where public safety is an issue.

3. Distribution and redistribution of bikes

- a. All bikes should be equipped with GPS tracking.
- b. Operators must monitor the location of bikes at least daily.
- c. Operators must be proactive in the redistribution of bikes according to demand to avoid excessive build-up in an area.
- d. Operators must liaise with council and other public landholders regarding bike deployment and preferred parking areas on an area by area basis. Council and public landholders may nominate preferred parking areas in high demand locations.

4. Faulty, damaged or misplaced bikes

- a. Faulty or damaged bikes must be removed or repaired within the timeframe set out below (see Part 9).
- b. Operators must enable easy reporting of faulty or damaged bikes, missing helmets or bikes parked in inappropriate locations, through their app, website, email and a fully dedicated phone number available 24/7. For out of hours phone calls, (outside 6am to 9pm seven days a week,) customers will have their enquiry followed up within the next day. Operators must work toward providing a phone service between 6am-9pm seven days a week.
- c. Operators must adhere to customer requests consistent with the timeframe set out below. Operators must work toward providing customers with a reference number that can be cited for ease of follow up on the phone, in email and in app.
- d. Operators must work toward having contact information clearly displayed and fixed on all bikes.
- e. Bikes must be easily identifiable at all times.
- f. Operators must provide a central point of contact to council and other public landholders.

5. Legal and insurance

- a. Operators must have \$20 million public liability insurance which names and indemnifies council and other public landholders.
- b. Operators must seek legal advice with regard to ensuring their business complies with road rules, consumer protection (including privacy), insurance and road safety.
- c. Operators must advise customers of risks and insurances applicable to users.

6. Data sharing

- a. Operators must cooperate with council and public landholders to share relevant data for the purposes of transport and urban planning.
- b. This data will be confidentially held unless authorised for public release by the bike share operator.
- c. The commercial-in-confidence data should be shared with the council on a monthly basis. This data shall include:
 - i. The number of registered users
 - ii. The total number of trips
 - iii. Trip origins and destinations, and trip duration (time and distance)
 - iv. The number of bicycles deployed and deployment locations
 - v. Bike redistribution numbers and patterns
 - vi. Data regarding damaged or lost bikes, and helmets replaced
 - vii. Customer service contacts and response times

- d. This non-identifiable information may be aggregated for external promotion of bike share by landholders.
- e. Operators will work together with council and/or public landholders to survey customers about share bike usage. The results will be used to promote bike share and inform transport planning.
- f. Operators will work towards live data portals to facilitate information sharing with public landholders.

7. Council staff access to bikes

- a. When requested, operators must allow access to bikes for council/landholder staff to unlock and move bikes (for example for park maintenance or event management).

8. Fees

- a. Council and public landholders reserve the right to evaluate whether a fee or levy structure may be implemented so that operators make a financial contribution toward bike share infrastructure.

9. Collection and relocation of faulty or damaged bikes

If a member of the public or public landholder reports damaged, faulty, abandoned or inappropriately parked bikes the following timeframes apply.

Incident	Timeframe	Action
a. Dangerously placed	3 hours	Where a bike is causing an unreasonable hazard (i.e. parked across a road, carriageway etc.) the operator will relocate the bike within two hours. [in conjunction with <i>Clause 19D Impounding Amendment (Shared Bicycles and Other Devices) Act 2018</i>] Council/public landholder may remove and impound the bike at any time to make area safe. The operator will be contacted at the time of any such action.
b. Bike reported as unsafe	Immediate (upon verification)	Upon verification of unsafe bike, operator will immediately deactivate bike.
	1-3 days (depending on severity)	Operator will check for Safety/damage/faults and remove the bike from the public area.
c. Significantly damaged	Immediate (upon verification)	Upon verification of damaged bike, operator will immediately deactivate bike.
	1-3 days	Operator will check for

Last updated: March 2018

	(depending on severity)	safety/damage/faults and remove the bike from the public area
d. Inappropriate bike density	1-7 days (depending on severity)	Operator will be proactive in the redistribution of bikes
e. Illegally parked	1-7 days (unless escalated by council or public landholders)	Dependent on location of bike. (For e.g. private property, motorcycle or disabled parking)

10. Unused bikes

The following timeframes will help keep bikes moving and not left in one location for too long.

Timeframe	Action
1-2 days (High pedestrian area)	Unused bikes left in heavy pedestrian areas, e.g. town centers, shopping centers should be moved to a suitable location within 2 days.
1-5 days (quiet streets)	No action. It is expected that bikes may not be used for a period of up to 5 days, particularly bikes left in quiet streets.
5-7 days	The operator must relocate the bike or offer customer incentives to ride the bike to another destination.
7-14 days	If the bike has not been moved at the end of 7 days, a Council/public landholder may instruct the operator to relocate the bike. The operator has 4 days to take suitable action. If the bike is not moved within the 4 days it's considered to be abandoned. Note: Abandoning an article in a public place is an offence under section 32 Impounding Act .Penalties up to \$2750.
15+ days	The bike may be retrieved and impounded by council/public landholder. A fee may be payable for the release of the bike.
28 days after impoundment	The bike can be recycled by the local council. It is the operator's responsibility to pay for the cost of recycling.

11. Ceasing of operations

In the event that a bike share operator ceases trading, the operator is obliged to remove all of their bikes from public places within 15 days.

12. Review of Guidelines

Council and public landholders reserve the right to amend, expand and or alter these guidelines provided they give operators 14 days' notice prior to implementing the change(s).

Council Policy

Shared Mobility Policy

Purpose of Policy

To provide wide ranging Shared Mobility systems that integrate effectively within the Northern Beaches Local Government Area without causing disturbance or becoming a safety hazard to the public now or into the future.

Policy Statement

Council is committed to ensuring that the Transport needs of Northern Beaches Community are met now and into the future. Council has developed a broad Transport Strategy to inform the future direction of Service and Infrastructure provision for the Community of the Northern Beaches. This is reflected through Council's transport vision to enable freedom of movement to, from and within Northern Beaches using a safe, smart, efficient, integrated and sustainable transport network.

Objectives of the policy;

- Support the implementation of a well-managed, accessible shared mobility schemes that integrate effectively with the transport network, encourage healthy lifestyle and provides alternative transport and accessibility options for residents and visitors alike.
- Establish minimum standards (*Guidelines for Bike Share operators, Guidelines for Personal Transport Devices*) to be followed by shared mobility operators as part of delivering a safe and effective schemes for the Northern Beaches Local Government Area (LGA).
- Provide the policy that enhances the provision of Ride Sharing, Car Sharing, On-Demand Transport Services and future Shared Mobility opportunities that may become possible with Autonomous Vehicle development.
- Provide a systematic framework for Shared Mobility Management to prevent the street clutter, dumping in inappropriate areas or other safety issues caused due to unregulated share schemes. The framework will also provide the direction for the allocation of road reserve space, parking allocation, and other infrastructure required to efficiently and safely provide the services for the Community.

Council's Role

Council understands the potential benefits of share mobility schemes in the Community. Each shared mobility service has unique attributes that have a range of impacts on travel behaviour, the environment, and the development of Town Centres and Residential areas. Some impacts of shared mobility include enhanced transportation accessibility as well as reduced driving and decreased personal vehicle ownership. Shared mobility programs often yield a variety of environmental, social, and transportation system benefits. These are primarily related to personal vehicle usage and ownership, and vehicle kilometres travelled (VKT). Shared mobility networks also retain the potential to expand the reach of public transportation by addressed gaps in existing public transportation systems. They can also provide economic benefits to users in the form of cost savings in some cases.

Shared Mobility Management

Eligibility of Operator

Any operator wishing to operate within the Northern Beaches LGA must engage with council prior to beginning its operation. The eligibility of an operator will be determined through the evaluation of the proposed service and the benefit to the area in which the interested operator plans to

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provide the service. The prospective operator is to provide Council with all relevant documentation that demonstrate how the proposed scheme adheres to relevant guidelines, legislation of the

Following the tender process, one individual operator would be chosen to operate within the Northern Beaches LGA.

Obligation of Operator

- It is the operator's responsibility to abide by the relevant Northern Beaches Council Guidelines in order to lawfully function within the Northern Beaches Local Government Area.
- Council has the right to move, impound, or fine any dangerously placed, or illegally parked bike, device, or vehicle around the Northern Beaches. [*Impounding Act 1993 No 31: Impounding Amendment (Shared Bicycles and Other Devices) Act 2018, Road Act 1993, Road Rules 2014 and the related regulations*]
- Councils and public landholders reserve the right to evaluate whether a fee or levy structure may be implemented so that operators make a financial contribution toward the provision of infrastructure. (Roads Act 1993)

Innovation

Northern Beaches Council as a leader in the Transport area will engage with Other Agencies to enable trials of new systems and technology as it becomes available to enable our community to move around the Northern Beaches with reliance on traditional motor vehicles.

Northern Beaches Council Guidelines for Shared Mobility

The following link provides a detailed overview of the responsibilities and guidelines to be followed by the operator.

Bike Share – [Link to be inserted here when document is approved](#)

Personal Transport Device – [Link to be inserted here when document is approved](#)

Car Share – [Link to be inserted here when document is approved](#)

Ride Share – [Link to be inserted here when document is approved](#)

On Demand Service – [Link to be inserted here when document is approved](#)

References and related documents

- Local Government Act 1993, Office of Local Government, NSW Government
- Impounding Act 1993 No 31- Impounding Amendment (Shared Bicycles and other Devices) Bill 2018
- Roads Act 1993, NSW Government
- Road Rules 2014, NSW Government

Definitions

Bike Share: bike share refers to the sharing and use of bikes as a mode of transport, provided by an independent operator selected by the council for the Northern Beaches area.

Car Share: Car share refers to a model of vehicle sharing where users access cars on an as-needed basis, and often pay by time of reservation. Example – Go-Get.

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Ride Share: Ridesharing services enable shared rides between drivers and passengers that have similar origins and destination pairings. Example – Uber.

On-Demand Services: Point to Hub or Point to Point services run as a feeder service to major transport service point as a “first and last mile” style service. Example – Keoride or Rideplus.

Operator: company/business that is responsible for the supply, installation, management and maintenance of the shared mobility service.

Customer: any member of public that uses or has any issues with the operators of an approved shared mobility service or device.

Council: referring to the Northern Beaches Council.

Public Landholder: listed company or public unit trust scheme that owns the land (NSW Government, 2017). This may include but not limited to; Roads and Maritime (RMS), National Parks and Wildlife Service and Transport for NSW.

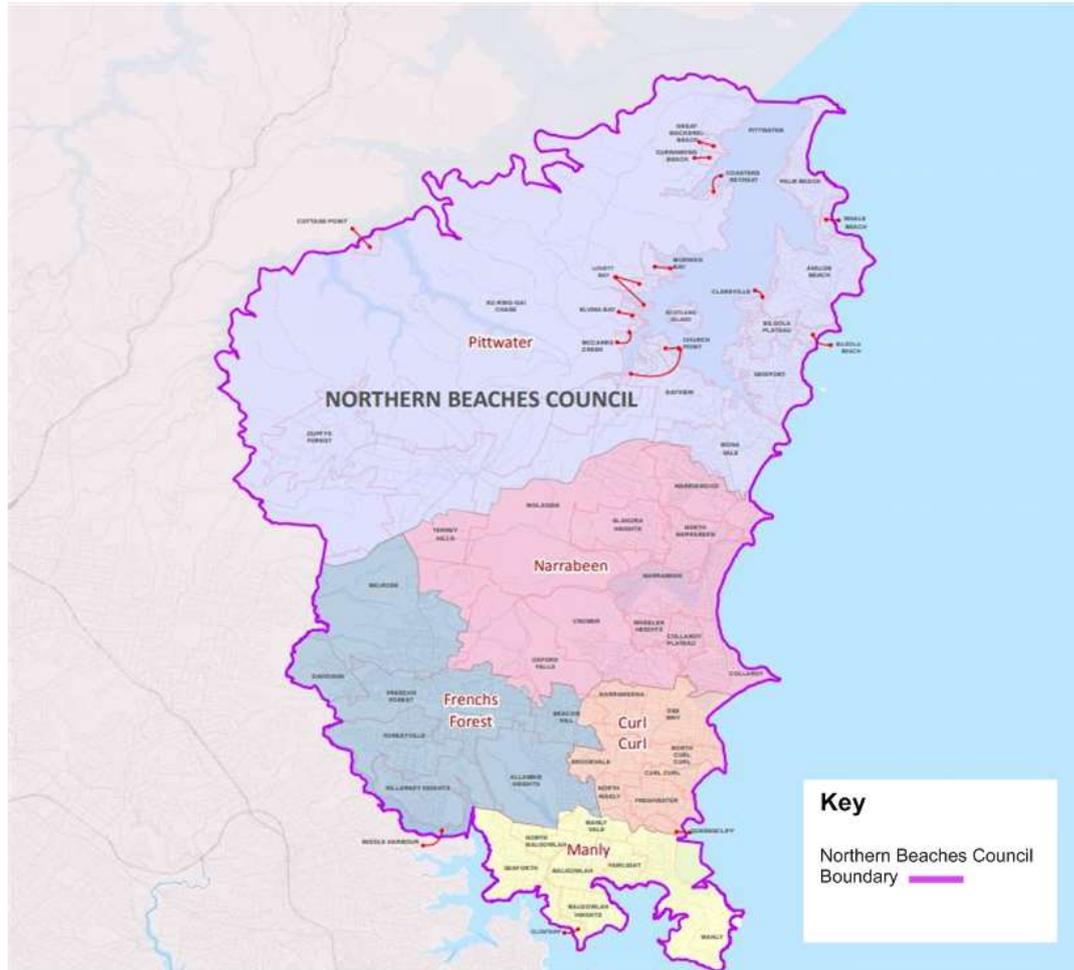
Responsible Officer

Manager Transport Network

Review Date

1 March 2020

Attachment 1: Northern Beaches Council Map



(Ref: NSW Government Land & Property Information)

ITEM 10.3	ROWLAND RESERVE PAY AND DISPLAY FEE REVIEW
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE
TRIM FILE REF	2018/736760
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To propose new fees and charges for pay and display parking in Rowland Reserve

SUMMARY

Council has 40 pay and display carpark and reserves across the Northern Beaches. Each of the former Council's had different car parking fee structures and this financial year the fees and charges were harmonised across the three areas to provide one fee structure for all pay and display parking. Predominantly these changes did not affect residents as the single beach parking sticker provides for free parking in almost all of Council's pay and display parking areas.

Rowland Reserve is a regional boating facility and used by residents and non-residents as well as dog walkers and other recreational users, who enjoy one hour free parking along one side of the carpark whilst visiting Bayview Park. The beach parking sticker is not valid at this location as it is a regional boating facility constructed with funding support from Roads and Maritime Services.

It is considered that the fee increase applied at Rowland Reserve was not optimal as it is having unintended consequences, with the utilisation of the carpark having decreased in comparison to previous years, meaning it is not being used as intended. It is therefore proposed that the fees and charges are changed to a more appropriate level commensurate with the location and use.

It is recommended that the fees and charges be reduced as follows, with an extra row of one hour free parking included to provide access for short-term users:

- \$5 per hour in winter
- \$22 per day in winter
- \$6 per hour in summer
- \$25 per day in summer.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That:

- A. The draft carparking fee for Rowland Reserve be placed on public exhibition for at least 42 Days.
 - B. A report be presented to Council following the conclusion of the exhibition period.
-

REPORT

BACKGROUND

Council has 40 pay and display carpark and reserves across the Northern Beaches. Each of the former Council's had different car parking fee structures and this financial year the fees and charges were harmonised across the three areas to provide one fee structure for all pay and display parking.

The current parking fees are:

- \$8 per hour in winter
- \$35 per day in winter
- \$10 per hour in summer
- \$40 per day in summer.

The fees and charges that applied to Rowland Reserve last financial year 17-18 were:

- \$5 per hour in winter
- \$22 per day in winter
- \$6 per hour in summer
- \$25 per day in summer.

The Northern Beaches parking permit provides rate payers with free parking at most pay and display carparks across the area. This has meant that the increase in the fees and charges has had a minimal financial impact to the local community.

However, there are special permit areas such as Church Point, Rowland Reserve and Woorak Reserve/Iluka Park where the single beach parking permit is not valid due to the plan of management requirements of these areas. In these areas there is a permit available for purchase which can provide discounts to customers over the year.

Rowland Reserve is a regional boating facility and used by both residents and non-residents. The boat ramp was upgraded as part of a grant from the Department of Fisheries. It was constructed with NSW Waterways Infrastructure Development Program under the 'Boat Launching Construction Program'. The terms of the grant stated that Council may charge for use of the facility, however the charge is to apply equally to residents and non-residents which is why the Northern Beaches parking permit is not valid and cannot be introduced.

The carpark is used as a regional boating facility, but also by dog walkers and other recreational users who enjoy one hour free parking along one side of the carpark whilst visiting Bayview Park.

There are 304 parking spaces in Rowland Reserve, of which five are accessible spaces and 28 are one hour free parking spaces. There are an additional 55 parking spaces in the adjacent Bayview Park Reserve which is connected to the unleashed exercise area by a pedestrian walkway.

The increase in parking fees has resulted in potential customers of Rowland Reserve choosing to park their vehicles and trailers on local residential streets which has impacted the ability of residents to park outside their homes.

The below table illustrates the reduction in utilisation of the carpark noted this year:

Transactions for Rowland Reserve July 1 - October 31 2017	6421
Transactions for Rowland Reserve July 1 - October 31 2017	3542
Reduction in transactions 2017 - 2018	2879
% of transaction 18/19 compared to same period 17/18	55%

It is considered that the fee increase applied at Rowland Reserve was too high and it is having unintended consequences, with the utilisation of the carpark having decreased in comparison to previous years, meaning the carpark is not being used as intended. It is therefore proposed that the fees and charges are changed to a more appropriate level commensurate with the location and use.

It is considered that an extra row of one hour free would be appropriate to increase the amount of spaces that dog walkers and other short term users may utilise.

It is recommended that the fees and charges return to that of the previous financial year, however with an extra row of one hour free included.

- \$5 per hour in winter
- \$22 per day in winter
- \$6 per hour in summer
- \$25 per day in summer.

CONSULTATION

Council has received feedback from Councillors and residents in relation to this. Those who have notified Council in relation to the fees and charges at Rowland Reserve will be notified so they can review the fees on exhibition and signage will be put on display in the carpark.

TIMING

Proposed to be placed on exhibition for 42 days if endorsed by Council, then reported back to the next Council meeting in February for consideration.

FINANCIAL CONSIDERATIONS

Reduces carpark utilisation rates have resulted in a 15% reduction in Council revenue. It is considered this change may address this reduction.

SOCIAL CONSIDERATIONS

This should have a positive impact on those who wish to use the regional boating facility and those who use the carpark for short periods as there will be more parking spaces available for use at 1 hour free.

ENVIRONMENTAL CONSIDERATIONS

Due to an increase in parking in the carpark anticipated, this would result in less traffic congestion and pollution while vehicles drive around local residential streets looking for a parking space.

GOVERNANCE AND RISK CONSIDERATIONS

By putting the fees out on exhibition for the public and displaying signage at the carpark in relation to this, Council provides a transparent approach to the parking fees and charges.

ITEM 10.4	PUBLIC EXHIBITION OF THE NEWPORT FLOOD STUDY
REPORTING MANAGER	EXECUTIVE MANAGER NATURAL ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2018/688244
ATTACHMENTS	1 📄 Draft Newport Flood Study - December 2018 - Volume 1 (Included In Attachments Booklet 2) 2 📄 Draft Newport Flood Study - December 2018 - Volume 2 - Figures (Included In Attachments Booklet 3)

EXECUTIVE SUMMARY

PURPOSE

To seek approval to publicly exhibit the Draft Newport Flood Study (December 2018).

SUMMARY

The Draft Newport Flood Study has been prepared for Northern Beaches Council to review and define the existing and future flood behaviour in the study area and to establish how best to manage identified flood risks. The study considers current catchment conditions, potential impacts of climate change, delineates overland flow paths and utilises the most up-to-date topographical data and floodplain modelling techniques.

The study area includes sub-catchments draining to Pittwater Estuary and the Tasman Sea, and includes the entire suburb of Newport and parts of the suburbs of Bilgola Plateau and Clareville.

The study will update the flood risk for the study area identified in the Newport Beach Flood Study (2002), Newport Beach Floodplain Risk Management Study and Plan (2004) and the Pittwater Overland Flow Flood Study (2013). The Newport Beach Flood Study adopted in 2002 mapped the flood risk in the low lying areas around Newport CBD. The Pittwater Overland Flow Flood Study adopted in 2013, was a large scale study of overland flows before they enter the lower catchment. It was an "Overview Study" that helped gain a better understanding of the overland flow flood risk across the entire former Pittwater Council area.

Like many flood studies, the Newport Flood Study has identified areas of flood hazard, which have the potential to endanger life and property. The Study identifies 117 lots as no longer being flood affected and 369 new lots as being flood affected. The new properties have been identified because the Study has a far greater degree of accuracy compared to previous studies, as a result of more detailed analysis and modelling, application of a freeboard and in the 'ground truthing' of results to ensure the mapping best represents the actual situation on the ground.

This Flood Study is the first stage in the floodplain risk management process and will establish a basis for future floodplain management activities in the study area. The NSW Flood Prone Land Policy requires that the study be publically exhibited to ensure all members of the community have an opportunity to comment. Submissions from the public exhibition will be addressed in the final Flood Study, which will be reported back to Council.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That the Draft Newport Flood Study (December 2018) be placed on public exhibition for a period of at least 28 days.

REPORT

BACKGROUND

NSW Government’s Flood Prone Land Policy and Council’s Obligations

Under the NSW Government’s Flood Prone Land Policy, the management of flood affected land is the responsibility of local government. The State Government subsidises flood mitigation works to alleviate existing problems, and provides specialist technical advice to assist Councils to undertake their floodplain management responsibilities.

The NSW Government’s Flood Prone Land Policy provides:

- a framework to ensure the sustainable use of floodplain environments
- solutions to flooding problems
- a means of ensuring new development is compatible with the flood hazard.

The Flood Prone Land Policy is implemented in 5 sequential stages. These are described below, and this report refers to Step 2 of the process.

NSW Government Flood Prone Land Policy recommended steps	Council has complied with the Policy as follows:
<p>1. Formation of a committee: forum for discussing technical, social, economic and environmental issues.</p>	<p>The Newport Flood Study Community Working Group was established in 2017 and has been consulted throughout the study. The working group membership comprises representatives of the NSW Office of Environment & Heritage (OEH), NSW State Emergency Service (SES) and Community Members.</p> <p>The Northern Beaches Flood Management Committee has been also been consulted in relation to the strategy in the finalisation of the Study.</p>
<p>2. Flood Study: determines the nature and extent of the flood problem and is publicly exhibited upon completion.</p>	<p>This Flood Study defines and updates the existing flood behaviour in the study area, and establishes the basis for subsequent floodplain management activities.</p>
<p>3. Floodplain Risk Management Study: evaluates management options for the floodplain in respect of both existing and proposed development and is publicly exhibited upon completion.</p>	<p>The next stage of the process is the Floodplain Risk Management Study, which will investigate risk management options and provide recommendations to reduce flood hazard.</p>
<p>4. Floodplain Risk Management Plan: involves preparation of a formal plan to guide Council’s management of the floodplain, using information from the flood study and FRMS, and formal adoption by Council after a period of public exhibition</p>	<p>The following stage of the process is the Floodplain Risk Management Plan, which will investigate risk management options and provide recommendations to reduce flood hazard.</p> <p>The Floodplain Risk Management Study and Plan is often undertaken in the same contract.</p>

NSW Government Flood Prone Land Policy recommended steps	Council has complied with the Policy as follows:
5. Implementation of the Plan	The future plan will be implemented according to Council resources and funding availability.

The Study Area

The study area (see Figure 1) covers an area of approximately 5 km². It includes sub-catchments draining to the Pittwater and the Tasman Sea at Newport Beach and Bungan Beach. It includes all of the suburb of Newport, a major part of the suburb of Bilgola Plateau and a small part of Clareville. The Study area includes McMahons Creek, which drains the north east part of Newport, as well as several other unnamed watercourses.

The catchment has a history of flooding and there is a need to better define the nature and extent of flooding in this area, in order to determine appropriate planning controls, as well as to establish the basis for the subsequent floodplain risk management study and plan.

The catchment predominantly comprises residential properties with commercial properties adjoining Barrenjoey Road within the lower, eastern sections of the area. The steeper sections of the catchment are characterised by less intense residential development including extensive tree coverage.

Previous Studies

There have been a number of previous flood investigations undertaken in the study area which have mapped flood behaviour:

- a) The Newport Beach Flood Study (Lawson and Treloar, 2002) modelled catchment and ocean flooding in the 1.8 km² Newport Beach sub-catchment which drains to the Pacific Ocean.
- b) The Newport Beach Floodplain Risk Management Study and Plan (SMEC, 2004) built upon the work completed as part of the Newport Beach Flood Study, however, included additional community consultation, additional survey as well as model updates to better describe flood behaviour along some additional flow paths.
- c) The Pittwater Overland Flow Flood Study (Cardno, 2013) investigated areas affected by overland flow upstream of the Newport Beach Flood Study, as well as overland flows draining to the Pittwater Estuary. It was an "Overview Study" that helped gain a better understanding of the overland flow flood risk across the entire former Pittwater Council area. The study did not include councils stormwater pits and pipes and was a broad scale study so the flood mapping required further refinement.

The previous studies provided valuable data and identified some significant risk in the Newport area that warranted more detailed definition. There has also been significant improvement in modelling technologies since 2002, and along with some assumptions made in the larger scale 2013 Study (such as the assumptions made to account for the stormwater pipe system not being incorporated in the model), resulted in the need for the new Flood Study. The new Study considers current catchment conditions and land use, potential impacts of climate change, better delineates overland flow paths and utilises the most up-to-date topographical data and floodplain modelling techniques. The results supersede the previous modelling results for the area.



Figure 1 – Study area for the Newport Flood Study. The green areas flow to the Tasman Sea and Red to the Pittwater Estuary. Blue lines are creeks and water courses.

Newport Flood Study

The key objective of the Flood Study is to gain a comprehensive understanding of flooding risk in the flood study area.

The Flood Study involved:

- Collection of flood related data
- The establishment and calibration of the flood model
- Undertaking modelling for a range of flood events of various magnitudes
- Undertaking sensitivity analysis of the model results
- Identification of the level of flood risk throughout the flood study area
- Undertaking scenario modelling of potential impact of climate change and stormwater blockages.

At the commencement of the study a questionnaire was distributed to residents in the study area. The purpose of the questionnaire was to identify which residents had experienced problems with flooding and to collate as much historical flood data as possible. A total of 395 responses were received from the distributed questionnaires, which is a very high response rate.

Of the responses received, 134 respondents had experienced some form of inundation or disruption as a result of flooding in the study area. This includes (of the 395 responses received):

- 19 respondents have experienced traffic disruptions
- 59 respondents have had their front or back yard inundated
- 26 respondents have had their garage inundated
- 18 respondents have had their house or business inundated above floor level.

Based upon the above responses and a range of Council mapping data including stormwater network data, topographic or landform information, and land use information, a flood model was established to identify flood behaviour in the study area. This model was calibrated using data from the February 2012, November 2015 and June 2016 rainfall and flood events. The model was also verified against alternate modelling techniques.

The study identifies how floods behave for storms of different magnitudes, including flood events that have a 20%, 10%, 5%, 2%, 1%, 0.5%, 0.2% and 0.1% probability of occurring once or more in a year, as well as the Probable Maximum Flood (PMF). The study provides information on these flood “design” events, including the expected flood levels, velocities, the degree of hazard that the flooding poses to life and property. The study also categorises the floodplain and proposes the new areas that to be subjected to Council’s Flood Prone Land development controls.

Overview of Flood Behaviour

Flooding in the catchment can occur from one or more of the following mechanisms: as a result of major watercourses overtopping their banks, overland flooding when the capacity of the stormwater system is exceeded, or inundation from elevated water levels in the Tasman Sea and Pittwater Estuary.

Flooding can occur from a variety of different rainfall durations. The worst-case flooding across Newport typically occurs as a result of rainfall events that are less than 3 hours in duration (i.e. high intensity thunderstorms, or short intense storm cells within longer events).

In general, most of the overland flooding is a result of relatively limited stormwater capacity. Significant portions of the stormwater system do not have capacity to carry the equivalent of a 1 in 5 year flood. As a result, during large events, a significant proportion of the flow travels overland. The capacity of the stormwater network is typical of this type and age of network found across the Sydney region.

Hotspots

Hotspots are predicted to experience hazardous flooding with high floodwater depths and/or velocities. The following flooding “hot spots” were identified as part of the study:

- Howell Close to Barrenjoey Road
- Bramley Avenue, Ross Street and The Boulevard
- Yachtsmans Paradise
- King Street to Bishop Street.

Hazard and velocity mapping prepared as part of the study indicates that velocities may exceed 2 m/s along some of these overland flow paths, which may pose a danger to people. A number of roadways are predicted to be overtopped during the 1% AEP (1 in 100 year) flood. Most roadways would first be cut 30-45 minutes after the initial onset of rainfall and would remain cut for at least 1 hour. As a result, several locations within the study area are predicted to experience evacuation difficulties.

Update to the Flood Planning Area

Land use planning is an effective means of minimising flood risk and damages from flooding. The Flood Planning Level (FPL) is a measure used to set heights such as minimum floor levels for new development. It is based upon the 1 in 100 Year flood level combined with a freeboard. The Flood Planning Area (FPA) identifies land below the Flood Planning Level which is thus subject to flood related development controls. Where this study applies, the current FPA will be updated based on the new results from this Flood Study.

As a result of this study, 117 lots will no longer be identified as flood affected (Probable Maximum Flood extent). However, 369 additional lots will be newly identified as flood affected. The changes relate primarily to a greater degree of accuracy, as a result of updated modelling methodology and increased detail and analysis incorporated in the Flood Study including:

- Fences and buildings have been included in the modelling which replicates conditions where overland flows travel between buildings and are partly blocked by fences. This replicates the actual conditions where stormwater flows are concentrated beside buildings and fences, resulting in areas of flooding where there are significant depths and/or velocities that warrant the need to be mapped.
- More definition in the flood model and more detailed aerial imaging of topography that better defines the channels and gullies that convey floodwaters. The new study has also included extensive “ground truthing” which has resulted in identifying previously unknown flow paths between buildings and in vegetated areas.
- The previous Study (2013) was adopted with an arbitrary “buffer” for the mapping of the Flood Planning Area”. It did not include a freeboard, which is a safety factor that is recommended by the NSW Government. The new Study includes significant analysis of an appropriate freeboard to represent the actual risk of flooding.

- The 2013 Study was a wide-scale overview Study of overland flow flooding in the entire former Pittwater Council area. The Study didn't involve inputting the stormwater pipe system into the flood model. Instead the Study adopted assumptions to represent the amount of stormwater conveyed in the stormwater system. It is possible that these assumptions resulted in an underestimation of the actual flood risk.
- The previous Study (2013) inputted an ocean/estuary "tailwater" level that is 0.45m lower than what is currently recognised as the appropriate tailwater level for Pittwater Estuary. This tailwater level which is the actual water level that was recorded during the 1974 Signa Storm in Sydney Harbour and is unrelated to future sea level rise. The higher tailwater results in an increased flooding potential in some lower lying Pittwater Estuary areas.

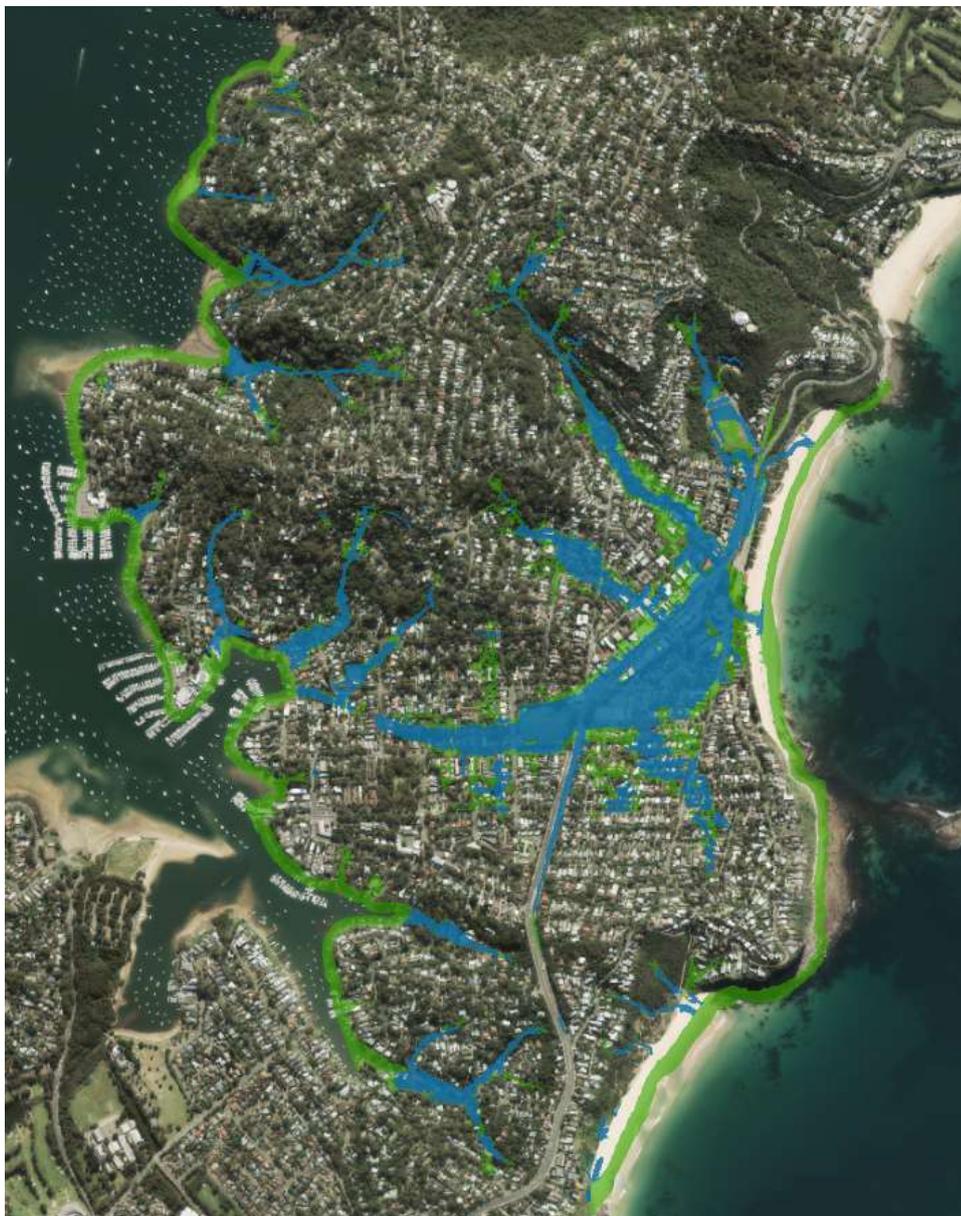


Figure 2 – FPA (blue) and PMF extent (green) for the Newport Flood Study

CONSULTATION

In accordance with the NSW Flood Prone Land Policy, the Draft Newport Flood Study is now recommended to Council for public exhibition to allow for further community consultation.

Public exhibition is proposed during early 2019. The community will be invited to participate in the review of the documents through (as a minimum):

- A letter and brochure being sent to all home owners and residents within the extent of flooding (the Probable Maximum Flood), inviting them to comment on the reports
- Several sessions where the community can have one-on-one discussions with Council's flood officers and consultants in relation to how the study results may personally affect them
- Posting of the draft report on Council's Your Say webpage
- Displays in all Council Customer Service areas and Council libraries
- An advertisement in the Council Notices section of "The Manly Daily"
- Where Council is currently planning stormwater works in a hotspot area, staff will directly liaise with the affected residents to assist their understanding of the difference between the Flood Study and the stormwater improvements.

Following the completion of the exhibition period the community's comments will be considered and amendments made where appropriate.

TIMING

The public exhibition period is scheduled to run for at least 28 days.

FINANCIAL CONSIDERATIONS

Funding has been allocated in the existing 2018/19 budget for the public exhibition, review of submissions and preparation of the Final Report.

SOCIAL CONSIDERATIONS

The Study will provide Council with better flood information and knowledge for this area and will provide effective management of flood risk for future development. Publicly available flood information can assist in raising community awareness to flooding and promote a more resilient community.

ENVIRONMENTAL CONSIDERATIONS

No environmental impacts are expected as the Flood Study is an investigation of existing and future flood behaviour with no on-ground works proposed at this stage.

GOVERNANCE AND RISK CONSIDERATIONS

The Newport Flood Study Community Working Group was consulted throughout the project. The Community Working Group reviewed the draft Flood Study Report in October 2017 and the study was endorsed for public exhibition. The Northern Beaches Flood Management Committee was consulted during the finalisation of the Flood Study.

The preparation of a Flood Study fulfils Council's obligation to identify flood risk in accordance with the NSW Floodplain Development Manual and provides a level of protection for Council under the *Local Government Act, 1993*.

ITEM 10.5	FINANCIAL ASSISTANCE FOR PRIVATE COASTAL PROTECTION WORKS AT COLLAROY-NARRABEEN BEACH
REPORTING MANAGER	EXECUTIVE MANAGER NATURAL ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2018/499142
ATTACHMENTS	1 ↓ Properties Eligible for Financial Assistance for Private Coastal Protection Works at Collaroy-Narrabeen Beach

EXECUTIVE SUMMARY

PURPOSE

In order to satisfy its obligations under the *Local Government Act 1993*, this report recommends that Council advertise for period of no less than 28 days a list of private property owners who Council considers to be eligible for financial assistance in accordance with the Northern Beaches Coastal Erosion Policy.

SUMMARY

Council has been notified that its funding application to the NSW Coastal and Estuary Grants Program for the coastal protection works at Collaroy-Narrabeen Beach has been successful. The application sought funding assistance in the order of 50% of the cost of protecting public assets and a 10% contribution to the costs of funding private protection works (matching Council's respective contributions).

As a result, \$3,460,000 in financial assistance is available to eligible property owners who construct private coastal protection works in accordance with the requirements of the NSW *Local Government Act 1993* and Northern Beaches Coastal Erosion Policy.

This report sets out the high level principles that will underpin the allocation of the funding, and the process for residents to follow in accessing the proposed funds. The report also addresses key requirements of the *Local Government Act 1993* by outlining publicly those property owners who may be eligible for financial assistance.

Following the publication of the list at Attachment 1, a further report will be brought to Council to make a final decision on providing financial assistance to these property owners.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That Council publicly exhibit the intent to provide financial assistance to the property owners for a period of at least 28 days.

REPORT

BACKGROUND

Council has been notified that its funding application to the NSW Coastal and Estuary Grants Program for the coastal protection works at Collaroy-Narrabeen Beach has been successful. The application sought funding assistance in the order of 50% of the cost of protecting public assets and a 10% contribution to the costs of funding private protection works (matching Council's respective contributions).

As a result, \$3,460,000 in financial assistance (from NSW Government and Council funds) is available to eligible property owners who construct private coastal protection works in accordance with the requirements of the *NSW Local Government Act 1993* and Northern Beaches Coastal Erosion Policy.

To ensure this funding is distributed equitably and transparently the following actions are required:

Public notice of council's intent to provide financial assistance

To comply with the *NSW Local Government Act 1993* Council is required to provide public notice of the proposal to provide financial assistance. Therefore, it is proposed that Council publicly exhibit the intent to provide financial assistance to the property owners whose properties are eligible to receive funding in accordance with the Northern Beaches Coastal Erosion Policy for a period of no less than 28 days beginning in January 2019.

The list of properties eligible to receive assistance is outlined in Attachment 1.

Compliance with Northern Beaches Council policies

Northern Beaches Coastal Erosion Policy

The provision of financial assistance for works that benefit private property is in accordance with the Northern Beaches Coastal Erosion Policy which states that:

In exceptional circumstances and where protection works principally benefit private property and also provide a benefit to public assets, Government may make a contribution to the works subject to a positive benefit analysis for those assets. Council's contribution will be capped at a maximum of 10% of Council's estimate of the cost of the works contingent upon receiving at least a matching contribution from the State and/or Federal Government.

Any contribution by Council will be at its absolute discretion and shall not be relied upon by a private property owner in determining what action to take to protect their own property.

Owners whose properties adjoin Collaroy-Narrabeen Beach will be able to apply for financial assistance for the completion of coastal protection works if the works were commenced after public exhibition of the Coastal Zone Management Plan for Collaroy-Narrabeen and Fishermans Beach in July 2014.

Warringah Council Grants and Sponsorship Policy

The Warringah Council Grants and Sponsorship Policy applies to the provision of financial support through grants and sponsorship within the former Warringah Local Government Area. Under this policy, individuals are not eligible to receive financial assistance. The provision of financial assistance for coastal protection works to residents is a unique situation and not a scenario considered when the policy was prepared.

As the construction of private coastal protections works will benefit Council's assets and management of the beach, it is proposed that this activity be excluded from consideration under the Warringah Council Grants and Sponsorship Policy.

Establish principles to guide the distribution of financial assistance for private coastal protection works

It is proposed that the following principles be applied in the provision of financial assistance for coastal protection works to private property owners to ensure transparency and the appropriate expenditure of public funds:

1. Funding will be provided in accordance with the Northern Beaches Coastal Erosion Policy.
2. Funding will be made available to the owners of properties where coastal protection works are permissible at South Narrabeen and Collaroy Beaches.
3. A maximum of 20% of the cost for constructing works will be provided by the NSW Government and Council.
4. Funding will only be available for works that are essential to the protection of properties.
5. Funding will not be available for ancillary works such as private access ways, fences and landscaping.
6. Unapproved structures will not be eligible for funding.
7. Ongoing maintenance is the responsibility of the asset owner.
8. Funding applications can only be made once per property.
9. Payment of monies will be on the basis of auditable records of expenditure.

Confirm the process for receiving, assessing and approving applications for financial assistance

Property owners may make a funding application to Northern Beaches Council at any time following the approval of a development application for protection works, however property owners are only entitled to claim their portion once works are complete. The following process for receiving, assessing and approving application for financial assistance is proposed.

Submission of a funding application

Property owners will be required to submit an application for funding that summarises the extent of the works and property addresses included in the funding application.

A detailed Cost Summary Report will be required as part of the funding application so that Council can understand how the costs will be incurred. The Cost Summary Report will outline the full cost of constructing the works, and will be reviewed by Council staff.

To allow consistent application and distribution of funds, a Funding Agreement will be prepared which will outline the actions required for residents to apply for and receive funding, and ensure that Council is being consistent with its statutory obligations and requirements under its funding agreement with the State.

An offer of funding made by Council

The Cost Summary report will be used as the basis for any Funding Offer by Council and shall match the cost of works as specified on the Development Application. Council will make an offer of up to 20% of the stated value of the works which will comprise matching contributions of up to 10% from Council and 10% from the NSW Government.

Claim of funds

Once all works have been completed Council will distribute the payments to property owners on behalf of State and Council. The payment will not exceed 20% of the cost of the works (as specified in the Cost Summary Report) and will be paid on the basis of auditable invoices/receipts from contractors/suppliers.

Council will require final works as executed drawings providing details of work as actually constructed. The drawings shall also identify departures, additions and deletions from approved design plans.

Authority to approve funding applications

Following public exhibition of the public notice of the Council's proposal to provide financial assistance and Councils' resolution to provide financial support to the eligible properties it is recommended that the authority to approve the payment of financial assistance be delegated to the Chief Executive Officer to enable timely transfer of funds.

TIMING

Financial assistance for coastal protection works in accordance with the Northern Beaches Coastal Erosion Policy will be available to residents up to 2021 (consistent with the timing of the funding offer from the NSW Government).

FINANCIAL CONSIDERATIONS

The cost of financial assistance to all eligible properties has been allocated in Council's operational budgets for future years up to the 2021 financial year.

SOCIAL CONSIDERATIONS

Protecting and maintaining the amenity of this beach is a high priority for Northern Beaches Council, and is being achieved through the application of the Northern Beaches Coastal Erosion Policy and Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach. Implementation of a coordinated and holistic approach to protection of public and private assets will significantly improve public safety and access when coastal erosion occurs.

ENVIRONMENTAL CONSIDERATIONS

Maintaining coastal processes for public beach amenity and surf quality is Council's highest priority for Collaroy-Narrabeen Beach. The Coastal Protection Assessment undertaken for the proposed works demonstrates the Concept Design and Concept Alignment won't adversely impact on coastal processes of the embayment. Council requires the implementation of rigorous design standards through the Collaroy-Narrabeen Protection Works Design Specifications.

GOVERNANCE AND RISK CONSIDERATIONS

The recommended action is consistent with the Northern Beaches Coastal Erosion Policy and the *NSW Local Government Act 1993*.

The Warringah Council Grants and Sponsorship Policy guides the provision of financial support to organisations through grants and sponsorship. The provision of financial assistance to individuals is inconsistent with this policy. However, as the construction of private coastal protections works will benefit Council's assets and management of the beach it is appropriate that this activity be excluded from consideration under the Warringah Council Grants and Sponsorship Policy.

Properties eligible for financial assistance for private coastal protection works at Collaroy-Narrabeen Beach

Address	Legal Description
Marquesas 11 Ocean Street Narrabeen NSW 2101	Lot CP SP 5165
1 Goodwin Street Narrabeen NSW 2101	Lot 1 DP 841961
2 Goodwin Street Narrabeen NSW 2101	Lot 2 DP 853885
2A Goodwin Street Narrabeen NSW 2101	Lot 1 DP 853885
1222 Pittwater Road Narrabeen NSW 2101	Lot 6 DP 78702
1220 Pittwater Road Narrabeen NSW 2101	Lot CP SP 32470
1218 Pittwater Road Narrabeen NSW 2101	Part Lot A DP 150761
1216 Pittwater Road Narrabeen NSW 2101	Lot B DP 150761, Lot C DP 150761
1214 Pittwater Road Narrabeen NSW 2101	Lot 2 Sec 23 DP 111254
1A Mactier Street Narrabeen NSW 2101	Lot 1 DP 623993
1204 Pittwater Road Narrabeen NSW 2101	Lot CP SP 971
1196 Pittwater Road Narrabeen NSW 2101	Lot B DP 312655
1194 Pittwater Road Narrabeen NSW 2101	Lot C DP 312655
1192 Pittwater Road Narrabeen NSW 2101	Lot CP SP 2808
1 Clarke Street Narrabeen NSW 2101	Lot 1 Sec 18 DP 7417
1184 Pittwater Road Narrabeen NSW 2101	Lot 6 DP 659074
1182 Pittwater Road Narrabeen NSW 2101	Lot CP SP 66999
1180 Pittwater Road Narrabeen NSW 2101	Lot 5 Sec 17 DP 7417
1178 Pittwater Road Narrabeen NSW 2101	Lot 4 Sec 17 DP 7417
1176 Pittwater Road Narrabeen NSW 2101	Lot 3 Sec 17 DP 7417
1174 Pittwater Road Narrabeen NSW 2101	Lot 2 Sec 17 DP 7417
1172 Pittwater Road Narrabeen NSW 2101	Lot CP SP 3877
1168 Pittwater Road Collaroy NSW 2097	Lot 1 DP 970200
1166A Pittwater Road Collaroy NSW 2097	Lot 71 DP 1011242
1166B Pittwater Road Collaroy NSW 2097	Lot 72 DP 1011242
1164 Pittwater Road Collaroy NSW 2097	Lot A DP 302895
1162 Pittwater Road Collaroy NSW 2097	Lot B DP 302895
1160 Pittwater Road Collaroy NSW 2097	Lot C DP 302895

1158 Pittwater Road Collaroy NSW 2097	Lot 1 DP 1016094
1156 Pittwater Road Collaroy NSW 2097	Lot 1 DP 313699, Lot C DP 954998
1154 Pittwater Road Collaroy NSW 2097	Lot B DP 954998
1150 Pittwater Road Collaroy NSW 2097	Lot CP SP 2949
1144 Pittwater Road Collaroy NSW 2097	Lot 7 Sec 13 DP 111254
1142 Pittwater Road Collaroy NSW 2097	Lot 6 Sec 13 DP 111254
1140 Pittwater Road Collaroy NSW 2097	Lot 1 DP 10757
1138 Pittwater Road Collaroy NSW 2097	Lot 2 DP 10757
1136 Pittwater Road Collaroy NSW 2097	Lot 3 DP 10757
1134 Pittwater Road Collaroy NSW 2097	Lot 4 DP 10757
1132 Pittwater Road Collaroy NSW 2097	Lot 5 DP 10757
1130 Pittwater Road Collaroy NSW 2097	Lot 1 DP 121939
1128 Pittwater Road Collaroy NSW 2097	Lot A DP 167490
1126 Pittwater Road Collaroy NSW 2097	Lot 1 DP 170202
1112 Pittwater Road Collaroy NSW 2097	Lot 2 DP 306168
1122 Pittwater Road Collaroy NSW 2097	Lot CP SP 677
Flightdeck 1118 Pittwater Road Collaroy NSW 2097	Lot CP SP 1977
1 Frazer Street Collaroy NSW 2097	Lot 1 DP 306168
1106 Pittwater Road Collaroy NSW 2097	Lot 8 Sec 9 DP 5234
1104 Pittwater Road Collaroy NSW 2097	Lot A DP 404802
1096 Pittwater Road Collaroy NSW 2097	Lot CP SP 450

ITEM 10.6	AVALON BEACH RESERVE DOG OFF-LEASH AREA TRIAL - REVIEW
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2018/714697
ATTACHMENTS	1 ↓ Proposed Avalon Beach Reserve Dog Off-leash Area, November 2018

EXECUTIVE SUMMARY

PURPOSE

To consider the community feedback on the trial Avalon Beach Reserve dog off-leash area and the proposal that a section of the reserve becomes a permanent dog off-leash area.

SUMMARY

At the meeting held 8 August 2017, Council resolved, amongst other things, that the:

'Avalon Beach Reserve (north western section) is declared as an unleashed dog exercise area on a trial basis for 6 months and that a review of the trial be the subject of a future report to Council. Temporary fencing, signage and other requirements are to be installed and key stakeholders and nearby residents appropriately notified before implementation.'

In February 2018 fencing, signage, a bin and tap were installed at Avalon Beach Reserve to create a trial dog off-leash area. Community engagement was undertaken during the trial to obtain feedback on the proposal that this section of the reserve become a permanent off-leash area. From February 2018 to July 2018 submissions could be made by completing an online form via Your Say Northern Beaches and or writing to Council.

- 108 responses were received. 58 responses (53%) supported the proposal, 50 responses (47%) did not indicate support.
- 88 responses (81%) were from people living within 10 minutes' drive from the suburbs of; Mona Vale, Newport, Bilgola, Avalon Beach, Clareville, Whale Beach, Palm Beach. 52% were supportive, 48% did not indicate support.

The majority of local respondents were supportive of the off-leash area at Avalon Beach Reserve. However, some residents living nearby were strongly opposed.

Upon consideration of the community feedback it is recommended that Avalon Beach Reserve is declared an off-leash area (see attached map). Further, that Council undertakes the upgrades and maintenance as outlined in this report and Council's education and advice initiatives which support responsible dog ownership have a focus on this reserve in 2018/19.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That Council declares the Avalon Beach Reserve an off-leash area, and upgrade and maintain the reserve as outlined in this report.

REPORT

BACKGROUND

In response to community engagement undertaken in May and June 2017 Council resolved 8 August 2017, amongst other things, that the:

“Avalon Beach Reserve (north western section) is declared as an unleashed dog exercise area on a trial basis for 6 months and that a review of the trial be the subject of a future report to Council. Temporary fencing, signage and other requirements are to be installed and key stakeholders and nearby residents appropriately notified before implementation.”

Avalon Beach Reserve Trial Off-Leash Dog Area

In February 2018 fencing, signage, a bin and tap were installed at Avalon Beach Reserve to create a trial off-leash area. Community engagement was undertaken during the trial to obtain feedback on the proposal that a section of the reserve become a permanent off-leash area. From February 2018 to July 2018 submissions could be made by completing an online form via Your Say Northern Beaches and/or writing to Council.

The trial was publicised on Council's website and promoted through local media and signs on-site. Letters were also sent to nearby residents and e-mails sent to key stakeholders and Council's Community Engagement Register contacts.

Community Feedback

108 responses were received regarding the proposal that this section of the reserve become a permanent off-leash area, a summary is outlined below:

- 103 responses were received from people living on the Northern Beaches, 2 responses from outside the Northern Beaches and 3 responses where their location was not stated.
- 58 responses (53%) supported the proposal, 50 responses (47%) did not indicate support.
- 88 responses (81%) were from people living within 10 minutes' drive from the suburbs of; Mona Vale, Newport, Bilgola, Avalon Beach, Clareville, Whale Beach, Palm Beach. 52% were supportive, 48% did not indicate support.
- 52 responses (48%) were from people living in Avalon, 56% were supportive, 44% did not indicate support.

Notwithstanding the support for the proposal there were two residents living close to the trial area strongly opposed to the proposal and submitted multiple responses. Concerns related to; increased traffic and demand for parking in an already busy area, noise, smell, reduced opportunities for other recreational use, the change in the outlook of a green park to an 'ugly' unsightly space with worn out grass and muddy areas.

Reasons for supporting the proposal (with quotes from some responses) include:

- There is a need for places to exercise a dog near to where people live.

'It is fantastic to have a dog walking area on the way to Avalon shops from North Avalon. This makes it quick and easy to give the dog a run without driving down to Careel Bay. (The nearest off-leash area)'

'I work in Avalon, bring my dog to work and need somewhere to walk him at lunch.

There are so few exercise opportunities north of Newport for the dogs.

'I use this dog park almost daily. It is so convenient- no car needed!'

'I have found this small area very convenient. I would like to see this area continue to be used in this way as many residents are unable to get to the larger dog park at Careel Bay.'

'This is exactly what Avalon needs. Great midway point for our weekend family walks. We use it at least once a day and it is very convenient.'

- The community building aspect of the off-leash area.

'Good positive community gathering area. Well used.'

'It has added another facet to our local community and provides a space for smaller dogs to socialise and feel safe.'

'Brings together the community and engenders great community spirit and empathy.'

- There is a need for more off-leash areas.

'with the introduction of many strata allowing companion dogs in apartments over the last few years the existing exercise areas are so over run'.

Reasons for not supporting the proposal (with quotes from some responses) include:

- The area is too small and should be larger.

'There is not enough space for my dog to run around and I would get no exercise whatsoever if I take her there.'

'We did try to exercise our dog at this dog park but he requires proper exercise so needs more space to run, chase a ball etc.'

'I have a thirty kilo golden retriever puppy and it is not suitable for him to run there, it is way too small.'

- Increased traffic and demand for parking.

'Central Road is a small cul de sac comprising 6 houses. The traffic in the cul de sac is unbelievable already, high school parking or drop off, Montessori parking, swim school parking, family day care parking, beach parking, general walking parking and now dog park parking.'

- The park has now become very ugly and unsightly.

'Now all we look at is an ugly wire fence - lots of people and dogs.'

'The area today is like a tip - the grass (!) is going brown.'

- Unleashed dog exercise areas alienate the space from other users and other use.

'There is little enough open space left on the peninsular without reducing it even more by fencing off another area.'

'my kids are afraid of the dogs in the park so won't go anywhere near it now this in turn blocks us from using the park adjacent to the main road, because the safest path through is now a dog park.'

- Too close to homes.

'The dog trial area ... is poorly located, too close to houses, too close to the main road and block what was a pleasant walk to the shops.'

Summary of Community Feedback and Responses

The table below summarises comments received about the trial, general comments about dog areas and responses.

Comments about the trial area (some people gave multiple comments in their response)	Responses
<p>a) The fenced area is too small for an off leash area (31 responses in total) particularly for the amount of use (3 responses) and for larger dogs (8 responses).</p>	<p>a) Council proposes to extend the southern fence a further 15 metres to the south which will increase the off-leash area.</p> <p>There is support to retain this off-leash area especially as the nearest off-leash area is at Hitchcock Park, Careel Bay.</p>
<p>b) Improve the grass surface (18 responses in total) by repairing the worn grass (2 responses) and muddy areas (15 responses) and maintain so this does not occur and also install drainage (1 response).</p>	<p>b) Should Council agree to the proposal the grass area will be upgraded, muddy areas repaired, which has been caused by the installation by the installed tap and drainage will be installed by February 2019. An ongoing planned maintenance program will be established to ensure that the quality, aesthetics and functionality of the grass area and infrastructure are at a high standard.</p>
<p>c) Make the fenced area larger (14 responses in total) with 2 responses suggesting moving the southern fence further to the south of the reserve.</p>	<p>c) See response to (a). There is a limit to the extent of this boundary as there are grass netball courts at the southern end of the reserve.</p>
<p>d) Close gaps in the fencing (12 responses in total) to ensure dogs cannot escape. Too close to homes (2 responses) a suggestion to move the northern fence to the south (2 responses).</p>	<p>d) Gaps in the fencing will be reduced where practicable. Council proposes to vegetate the road reserve between the footpath and road edge</p>
<p>e) The fence, muddy area, loss of grass, the smell, the noise and the use has made the reserve an 'ugly' 'unsightly' space (6 responses in total) and is now not peaceful (3 responses). The area smells (1 response). Too close to home (2 responses).</p>	<p>e) See note (b), (h) and Screen planting will be undertaken at the northern boundary of the off-leash area. Council has recently installed drainage to address the muddy areas.</p>
<p>f) Concern about the increase in traffic and demand for parking (4 responses).</p>	<p>f) From the feedback received the trial has increased the use of this park, increased traffic and demand for parking in Central Road. Further parking is available at Avalon Beach reserve.</p>
<p>g) The off-leash area restricts access to the reserve for other recreation activities (4 responses).</p>	<p>g) This area of the reserve was not previously well used for sport, informal or community activities as there are other more suitable parks nearby.</p>
<p>h) Provide more seats (4 responses in total), shade and more bins in new locations (2 responses).</p>	<p>h) Should Council agree to the proposal the following will be installed and undertaken; permanent signage (regulatory and etiquette signs), repairs and upgrades to the grass area, drainage, additional fencing, tap upgrades, an additional bin and screen planting.</p>
<p>i) Provide more water access (4 responses) including for bathing dogs.</p>	<p>i) See (h).</p>
<p>j) Concern about late night use and noise from barking dogs and people whistling, calling out to their dogs (3 responses).</p>	<p>j) Council supports a proactive approach to barking by; providing community education and training for dog owners, investigating reports of persistent barking and taking appropriate action to remove nuisance caused by barking. Also etiquette signage will include messages about being mindful of nearby residents particularly in regard to whistling, calling out to dogs.</p>

<p>k) Inconsiderate behavior of some dog owners e.g. not picking up faeces (2 responses).</p> <p>l) Empty bins more often (2 responses).</p> <p>m) Too close to the main road (1 response).</p> <p>n) Lighting (1 response).</p> <p>o) Dog ramps (1 response).</p>	<p>k) Pet owners have an obligation to care for their pets as well as a duty to ensure their dog's activities don't unreasonably disturb neighbours or affect the environment – this includes ensuring they pick up after their dogs. Additional signage will be installed that will include messages about picking up after their dogs.</p> <p>l) If required, the frequency of emptying bins will be increased.</p> <p>m) See (d) regarding fencing to prevent dogs roaming onto the main road. Council is aware of dogs escaping on to the main road.</p> <p>n) Given the proximity to homes lighting is not recommended.</p> <p>o) Given the size of this off-leash area dog ramps are not recommended.</p>
<p>General Comments (some people gave multiple comments in their response)</p>	<p>Responses</p>
<p>a) Support for dogs on beaches (31 responses in total) of which there was support for timed access (16 responses) and swimming (6 responses).</p> <p>b) Support for more off-leash areas (15 responses).</p> <p>c) Support for no access to beaches (3 responses).</p> <p>d) Support for timed access to parks (1 response).</p>	<p>a) Council is currently seeking feedback about whether or not to trial a dog off leash area at Station Beach, Palm Beach (see Council's online Your Say Northern Beaches Community Engagement Hub).</p> <p>b) Council has resolved to consider the provision of additional off-leash dog areas (see resolution from Council meeting 27/2/18).</p> <p>c) Noted. See response to (a).</p> <p>d) Noted.</p>

Upon consideration of the community feedback it is recommended that Avalon Beach Reserve (see attached map) is declared an off-leash area and that Council undertakes the upgrades and maintenance as outlined in this report and Council's education and advice initiatives which support responsible dog ownership have a focus on this reserve in 2018/19.

CONSULTATION

Community engagement was undertaken during the trial to obtain feedback on the proposal that this section of the reserve become a permanent off-leash area. From February 2018 to July 2018 submissions could be made by completing an online feedback form available on Council's website via Your Say Northern Beaches and or writing to Council.

The trial was publicised on Council's website and promoted through local media and signs on-site. Letters were sent to nearby residents and e-mails sent to key stakeholders and Council's Community Engagement Register contacts.

TIMING

Should Council agree to the proposal, permanent signage, repairs and upgrades to the grass area, drainage, additional fencing, tap upgrades, an additional bin, screen planting and other works required will be undertaken by February 2019. An ongoing planned maintenance program will also be established.

FINANCIAL CONSIDERATIONS

Funds are available from the 2018/19 Parks and Recreation budget for the infrastructure and maintenance required to establish a permanent off-leash area in this reserve as outlined below:

- Infrastructure required includes; permanent signage (regulatory and etiquette signs), repairs and upgrades to the grass area, drainage, additional fencing, tap upgrades, an additional bin and screen planting.
- An ongoing planned maintenance program will be established to ensure that the quality, aesthetics and functionality of the area and infrastructure are at a high standard.

The proposed infrastructure and maintenance will align with these principles for upgrading unleashed dog exercise areas as outlined in the report to Council 27 February 2018:

- The provision of a minimum set of facilities such as dog litter bins, signage and fencing as required.
- The provision of site specific facilities as required e.g. drainage to improve grassed areas.
- Upgrading the quality of landscape features to improve amenity for all users.
- Implementing an enhanced maintenance regime to ensure a consistent high quality of facilities and landscape features.
- Communicating the rules, guidelines and etiquette of use by installing up to date signage.

SOCIAL CONSIDERATIONS

Council recognises both the benefits of off-leash dog areas to community well-being and the importance of managing impacts on nearby residents and other park users. In response to community feedback Council will ensure the Avalon Beach Reserve off-leash area is maintained to a high standard and there are regular ranger visits to provide feedback and advice on appropriate use.

ENVIRONMENTAL CONSIDERATIONS

Relevant environmental requirements will be met.

GOVERNANCE AND RISK CONSIDERATIONS

There is a requirement for Council to maintain the reserve to a high standard.



ITEM 10.7	CONSIDERATION OF MANLY DAM INCLUSIVE PLAYSPACE
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2018/757824
ATTACHMENTS	1 ⇒ Manly Dam Playground - Community Engagement Report (Included In Attachments Booklet 1)

EXECUTIVE SUMMARY

PURPOSE

To consider the results of the community engagement process for the Manly Dam Playspace.

SUMMARY

In December 2016, Council resolved to launch the *Connecting All Through Play* program which focused on providing the community, no matter the level of ability, gender or age, the opportunity to engage in challenging and stimulating play experiences. This project was to develop a play space at Manly Dam that would connect the community and children in particular to the natural environment, cultural and aboriginal heritage values of the site. The opportunity for an inclusive playground at this location was identified in the former Warringah Council 'A Spirit of Play – Open Space Strategy' adopted in 2015, and the Northern Beaches Council Disability Inclusion Action Plan adopted by Council in 2016.

Council has worked with the community and key stakeholders through three rounds of community engagement. While there is support for the proposal, ultimately the views expressed through the community engagement process signal a low level of support for the proposal by the local community and the Manly Warringah War Memorial Trust.

While all parties have been complimentary on the design the expressed opinion is that the proposal is not in keeping with the current use of the area, particularly the status as a War Memorial. There is support for upgrading the play facilities at Manly Dam but limiting the upgrade to the current playground footprint. This smaller proposal also includes providing an accessible link to the toilets currently being refurbished.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That:

- A. Council upgrade the Manly Dam playground and allocate \$300,000 of the Connecting All Through Play – Inclusive Play program for that purpose.
 - B. Council consult with all stakeholders involved in the project to date on the draft design before implementation.
 - C. Council allocate \$1,200,000 to develop an inclusive playground, upgraded public toilets and other facilities at Clontarf Beach per the masterplan currently being developed.
 - D. Council exhibit a detailed concept design of the proposed play facilities as part of the draft Clontarf Beach Masterplan expected to be exhibited in March 2018.
 - E. Council undertake the appropriate measures to seek approval to reallocate funding connected to the Stronger Communities Program Round 1.
-

REPORT

BACKGROUND

Council resolved on 16 December 2016 to initiate the *Connecting All Through Play – Inclusive Play* Program. The purpose of the program is to develop inclusive play spaces for people of all abilities. A flag ship project of this program is the development of a nature play based inclusive play space at the Manly Warringah War Memorial Park (Manly Dam) in Picnic Area One.

Manly Dam is a significant bushland and recreational reserve that currently supports the following key uses:

- conservation of remnant endemic vegetation communities
- mountain bike riding
- bushwalking
- water skiing
- memorial for returned servicemen including the hosting of the Northern Beaches second largest ANZAC Day commemoration event
- picnic and recreational spaces for the community
- environmental education.

The former Warringah Council, through 'A Spirit of Play – Open Space Strategy' adopted in 2015, identified that Manly Dam would benefit from an inclusive playground that would be of a regional scale. The basis for this decision of Council was that Manly Dam is a regional park, further reinforced by its recent recognition as a state park. The park presents a unique opportunity offering the entire Northern Beaches Community, particularly children, a way of connecting to the special heritage and conservation values of the park.

The Northern Beaches Council Disability Inclusion Action Plan adopted by Council in 2016 also identified the site as a key opportunity to provide greater access to the natural environment through the development of an inclusive playground at this location.

Following the commencement of the *Connecting All Through Play* program Council engaged a designer that is widely considered to be an industry leader in designing innovative and responsive landscape play settings.

CONSULTATION

Council undertook the first stage of broader community engagement from July – August 2017 to test the idea and to ascertain what the community wanted to see in the playspace. The feedback from this stage of the engagement process was very positive in supporting the idea of a nature based inclusive playground and identified the requirement for the play space to be sympathetic to the environment while being fun and challenging. Inclusion and accessibility were identified as a key requirement.

Approximately 118 responses were received during this phase of engagement with 104 supportive. In mid-2017 as part of this consultation stage Council commenced engagement with three local schools, environmental experts, the site managers, disability advocacy groups, environmental educators and officers from the Aboriginal Heritage Office, and experts in child development.

Council then developed the original Concept Plan that was the result of this engagement. A snapshot of this concept plan is shown in Figure 1 below:

Figure 1: Original Concept Plan (now replaced with new concept)



The original concept plan was placed on public exhibition during early 2018. The response rate for the second phase of engagement on this concept plan was 116 submissions with 43 supportive while 79 expressed concern with the project. The Community Engagement Report for this project is now attached.

Generally, the concern stemmed from a perception that the scale of the proposal was not appropriate for the Manly Dam area. Council acknowledged this concern through undertaking targeted community engagement with the key stakeholder groups who had raised the concerned responses.

Modification of the concept to reflect issues raised by the community

The result of this stakeholder engagement was to modify the concept plan in the following ways:

- significantly reduced footprint and extent of the scope of works
- relocated main accessible path to top of slope to retain the open space
- removed footpath along the foreshore from the ANZAC Memorial to the playspace and in doing so, enabled the retention of eight (8) mature foreshore trees
- adjusted pathway around four (4) mature avenue trees to avoid removal
- reduced tree removal now to only non-endemic species to be removed
- created even better access for those with mobility difficulties to access more of the site
- deleted large gathering circle in centre of space at the path junctions
- removal of coolamin art feature with reduced viewing area at the foreshore
- replaced universal access bee rocker with one grasshopper
- removed learning circle and associated rock work
- reduced a significant amount of the shore line rock work
- reduced a significant amount of the water play
- removed the universal access kayak launching ramp.

The result of these changes that resulted from stakeholder engagement can be seen below in the snapshot of the revised concept plan.

Figure 2: Updated Concept Plan



Council once again engaged with the people who had made comment in stages 1 and 2 of the consultation on the updated design. 45 written submissions were received. Of these, one submission objected to amending the original design, 30 did not support the project on the basis that the location was not suitable and 14 were supportive. The following feedback summarises the issues raised in the latest round of engagement:

Issue	Council response
Preferred original plan	The original plan is not consistent with the views expressed most commonly by the community.
Unsuitable location – the location is not suitable for a large playground.	Council proposes to re-scope the project to upgrade the play facilities of Manly Dam on a similar sized footprint to existing facilities.
Play space is too big	Council proposes to re-scope the project to upgrade the play facilities of Manly Dam on a similar sized footprint to existing facilities.

Council also undertook two on-site ‘pop-up’ engagement sessions at Picnic Area 1 on 22 September 2018 and 2 October 2018. The feedback from these sessions was generally positive about the proposal.

Based on the community engagement results and direct engagement with major stakeholder groups Council proposes to significantly reduce the scope of the proposal for Manly Dam and limit expenditure to a budget of \$300,000 down from \$1,500,000. It is proposed to allocate the surplus funding to Clontarf Beach to relocate and upgrade the playground, public toilets and other facilities consistent with the draft Masterplan. The scoping study of the Clontarf Beach Masterplan is currently out for community engagement.

TIMING

Council proposes to commence development of a concept plan for the Manly Dam site immediately for public exhibition early in 2019. Given the reduced footprint, scale and complexity the playground is likely to be tendered for design and construction in Autumn 2019 with delivery expected in Spring 2019.

Council will prepare a detailed concept plan of the proposed inclusive playground at Clontarf Beach in the draft Clontarf Beach Masterplan to be publically exhibited in March 2019.

Pending the results of community engagement on the draft Masterplan, it is expected that the Masterplan will be reported back to Council for adoption in May 2019 and will proceed immediately to tender for construction. It is expected that the construction period will take up to five months for toilets and play facilities. Ideally this will be undertaken from Autumn to Spring in 2020 however, given the time restrictions on the Stronger Community Program it may need to be brought forward to construction over summer. Council will clarify this in time to provide accurate timeframes in the draft masterplan.

FINANCIAL CONSIDERATIONS

The project is funded by the *Connecting All Through Play* Program in the adopted Operational Plan. Funding includes an allocation from the NSW Government’s *Stronger Community Fund*.

This funding was allocated to this project under guidelines stipulated by the NSW Government in granting this funding to Council when it amalgamated. This included review and recommendation by an Assessment Panel consisting of representatives of all four local Members of Parliament, the members of the Council Implementation Advisory Group, the representative of the Director General of the Department of Premier and Cabinet, the Administrator and an independent probity advisor. Should Council determine to proceed with the recommendations of this report it is understood the funding would need to be reallocated by the same process as stipulated by the NSW Government under the Stronger Communities Fund guidelines.

SOCIAL CONSIDERATIONS

The proposed playspace at Manly Dam will provide a much needed reinvigoration of the play facilities and also ensure there is inclusive access to them.

The development of an inclusive playspace and upgraded or new public toilets at Clontarf Beach will be the first stage of the masterplan implementation to provide facilities commensurate with Clontarf Beach's popularity and heritage.

ENVIRONMENTAL CONSIDERATIONS

The proposed reduced footprint for the Manly Dam Playspace will have limited, if any, impact on the environment. The proposal for Clontarf Beach will be governed by the challenge to not remove or damage the significant trees in the reserve some of which were planted over 120 years ago when the land was first reclaimed.

GOVERNANCE AND RISK CONSIDERATIONS

This project has been the subject of significant community engagement warranting its importance.

ITEM 10.8	DRAFT OUTDOOR DINING AND FOOTPATH MERCHANDISE POLICY
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2018/691794
ATTACHMENTS	1 ⇒Draft Northern Beaches Council Outdoor Dining and Footpath Merchandise Policy (Included In Attachments Booklet 1) 2 ⇒Northern Beaches Council Outdoor Dining and Footpath Merchandise Guide (Included In Attachments Booklet 1)

EXECUTIVE SUMMARY

PURPOSE

To seek approval to place the draft Outdoor Dining and Footpath Merchandise Policy on public exhibition.

SUMMARY

The purpose of the draft Outdoor Dining and Footpath Merchandise Policy is to provide structure for consistency and transparency in the assessment process as well as providing effective guidelines for compliance and enforcement of approvals. The Outdoor Dining and Footpath Merchandise Policy is supported by the Outdoor Dining and Footpath Merchandise Guide.

Once adopted the draft policy would replace the Outdoor Dining and Footpath Merchandise Policies of the three former Councils, thus supporting a single approach to the assessment and regulation of Outdoor Dining and Footpath Merchandise approvals.

It is proposed to place the draft Policy on public exhibition, after which submissions will be considered and the final policy will be reported to Council seeking adoption.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That:

- A. Council place the draft Outdoor Dining and Footpath Merchandise Policy on public exhibition for a period of at least 28 days.
 - B. A report be brought back to Council following the closure of the public exhibition period.
-

REPORT

BACKGROUND

Prior to amalgamation, the former Manly and Warringah Councils had adopted Outdoor Dining policies in place, and the three former Councils issued approvals and collected fees based on Council's fees and charges.

The former Manly Council adopted and implemented its own Merchandise Policy, and both Manly Council and Pittwater Council issued approvals and collected fees based on Council's fees and charges.

The proposed Outdoor Dining and Merchandise Policy will consolidate the Outdoor Dining and Footpath Merchandise Policies of the three former Councils to a consistent, single Northern Beaches Council approach for assessment and regulation of Outdoor Dining and Footpath Merchandise Approvals.

The Policy aims to provide guidance on:

- the effective control of outdoor dining and footpath merchandise display areas in accordance with the provisions of Section 125 of the *Roads Act 1993*
- maintaining the pedestrian thoroughfare as the primary purpose of the footpath and promoting accessibility by maintaining a consistent and predictable clear path of travel for the user
- contributing to a vibrant street environment while supporting local economic development
- managing neighbourhood amenity through minimising additional noise, visual and other adverse impacts
- ensuring that items placed in the dining and merchandising areas are of a suitable standard and contributes positively and sympathetically to the amenity of the locality
- minimising public liability risk through the issue of approvals
- the use of sustainable materials and ecofriendly management practices.

The Policy also comes with a "Northern Beaches Outdoor Dining and Footpath Merchandise Guide" that provides practical information and considerations about how outdoor dining and merchandising will be assessed, as well as a range of other considerations that applicants will need to think about. This will also be released as part of the proposed consultation.

CONSULTATION

The draft policy was developed in consultation with Council stakeholders related to the assessment and compliance process. Additionally, guidelines and applications from other Councils in close proximity were also consulted as part of the investigation process.

The consultation process includes:

- a briefing to the Economic and Smart Communities SRG
- information on the 'Your Say' project web page including online submission form
- copies of the policy will be available in all customer service and library locations
- advertisements in the Manly Daily

- bulk emails to our community engagement database, registered community groups, and other key stakeholders
- notifying existing outdoor dining and merchandise approval holders
- notifying the Mona Vale, Warringah and Manly Chamber of Commerce.

TIMING

The public exhibition period will be from 14 January 2019 to 28 February 2019. This period has been extended from the usual 28 days to take into account the school holiday period. At the conclusion of the exhibition period the submissions will be considered and the final policy will be presented for adoption at the Council Meeting in March 2019.

FINANCIAL CONSIDERATIONS

The implementation of the policy will have a minimal impact on Council's income budgets as income is proposed to continue to be generated for outdoor dining and merchandise approvals. The setting of Council's outdoor dining fees and charges are a separate decision for Council.

SOCIAL CONSIDERATIONS

The adoption of the draft Policy will ensure that the ancillary use of the footpath does not interfere with the safety and functioning of the footpath or any nearby road.

They will enable the compliance of appropriate use of the footpath so that they contribute to the diversity and attractiveness of the area and contribute to the local character and identity.

ENVIRONMENTAL CONSIDERATIONS

The adoption of the draft policy will facilitate the use of sustainable materials and eco-friendly management practises within outdoor dining areas.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Policy would support a consistent, single approach to the assessment and compliance of Outdoor Dining and Footpath Merchandise approvals across the Northern Beaches Council Area.

ITEM 10.9	WORKS ON PRIVATE PROPERTY 19 AND 21 OAKS AVENUE DEE WHY
REPORTING MANAGER	ACTING EXECUTIVE MANAGER CAPITAL PROJECTS
TRIM FILE REF	2018/745172
ATTACHMENTS	1 ↓ 19 and 21 Oaks Avenue Private Works Area 2 ↓ Oaks Avenue Streetscape Upgrade Plans

REPORT

PURPOSE

To obtain Council approval to undertake works on the streetscape on private property at 19 and 21 Oaks Avenue Dee Why, as part of Council's Dee Why Town Centre Streetscape Upgrades and as a variation to existing Contract 2018/034.

REPORT

In July 2018 Council entered into Contract 2018/034 with Sydney Civil Pty Ltd, to undertake Oaks Avenue Streetscape Upgrades. These works include kerb, paving, landscaping, street furniture and pavement works in Oaks Avenue Dee Why from Pittwater Road to the Council car park. These works are currently in progress.

A section of Oaks Avenue outside numbers 19 and 21 is privately owned and has not been acquired or dedicated to Council for road widening. In this location the property boundary is 5 meters further into the road reserve than the adjoining property, resulting in 150m² of private land that is perceived by the general public to be and used as public land. Historically Council has maintained this area of land and currently has Council bins located on it.

The streetscape works within private property were excluded from the scope of works under Contract 2018/034.

Consultation and discussion has been undertaken with the property owners of both 19 Oaks Avenue and 21 Oaks Avenue about Council's Oaks Avenue Streetscape Upgrade works with respect to their property. The owners were asked if they were prepared to carry out the works within their property in accordance with Council's streetscape plans. The owners advised that they were not prepared to carry out the works to match Council's adjoining streetscape upgrades.

The private property area (approximate area of 150m² - refer to Attachment 1) currently consists of asphalt and concrete footpath with 2 circular raised brick garden beds.

Not undertaking the streetscape works within the private area along this frontage now would detract from the overall streetscape improvements Council is currently carrying out along Oaks Avenue as part of the Dee Why Town Centre Streetscape Upgrades works.

After further discussions with the property owners and progress of the streetscape works the property owners have both agreed to allow Council to carry out the streetscape upgrade works (shown on Attachment 2) within their property.

It is proposed that the works on private property at 19 and 21 Oaks Avenue be carried out as part of the current works being undertaken by Sydney Civil Pty Ltd. To carry out these works at a future date would cause damage to the adjoining new streetscape works and disruption to parking and traffic.

The price submitted by Sydney Civil Pty Ltd to carry out these streetscape works is \$101,000 (ex GST). Staff have reviewed this price relative to the current contract and consider it to be fair and reasonable. This work would be treated as a variation to the current scope of works and be managed in accordance with the provisions under Contract 2018/034.

It is also recommended that an approximate 10% contingency in the sum of \$10,100 be added for any latent conditions or scope adjustment. This will bring the total required budget for this variation to \$111,100(ex GST).

FINANCIAL CONSIDERATIONS

Council approved the total budget for the Dee Why streetscape works and the tender of Sydney Civil Pty Ltd was approved under Contract 2018/034 Oaks Avenue Streetscape Upgrades including contingencies for the sum of \$3,610,000 (ex GST).

It is proposed that an additional amount of \$111,100.00 (ex GST) including the 10% contingency be allocated from CN01017 Dee Why Town Centre Construction in the 2018/19 financial year. This will allow the streetscape works on private property at 19 and 21 Oaks Avenue shown on Attachment 1, to be undertaken as part of Contract 2018/034.

ENVIRONMENTAL CONSIDERATIONS

Works will be managed and coordinated to minimise any environmental impacts. The urban environment will be improved through the provision of additional street trees, plantings, seating and matching paving consistent with Oaks Avenue streetscape upgrade works.

SOCIAL CONSIDERATIONS

Not undertaking the streetscape works within the private area along this frontage now would detract from the overall streetscape improvements Council is currently carrying out along Oaks Avenue as part of the Dee Why Town Centre Streetscape Upgrades works.

GOVERNANCE AND RISK CONSIDERATIONS

Works would be managed under Contract 2018/034 Oaks Avenue Streetscape Upgrades. Private property owners have given approval for works to be undertaken on their land.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT AND INFRASTRUCTURE

That:

- A. Council approve works to be undertaken on private property at 19 and 21 Oaks Avenue Dee Why, as part of Council's Dee Why Town Centre Streetscape Upgrades as per Section 67(2)(b) of the *Local Government Act 1993*.
 - B. Council authorise the CEO to approve the variation for the amount of \$111,100.00 ex GST including 10% contingency for the proposed works and any additional expenditure up to the value of the contingency as a variation to existing Contract 2018/034.
-

11.0 PLANNING PLACE AND COMMUNITY DIVISION REPORTS

ITEM 11.1	PLANNING PROPOSAL - FACILITATING ACTIVITIES ON COMMUNITY LAND - MANLY LEP 2013
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2018/528759
ATTACHMENTS	1 P Planning Proposal (Included In Attachments Booklet 1) 2 P Gateway Determination - Manly LEP Temporary Events Community Land (Included In Attachments Booklet 1) 3 P Consultant Report with Submissions Review and Comments (Included In Attachments Booklet 1)

EXECUTIVE SUMMARY

PURPOSE

To inform Council of the outcomes of the public exhibition of the Planning Proposal to amend Manly Local Environmental Plan 2013 (Manly LEP) to permit activities on Community Land without the need for development consent.

SUMMARY

At its meeting on 27 March 2018, Council resolved to prepare a Planning Proposal to amend Manly LEP to enable activities on Community Land without the need to obtain development consent (Attachment 1).

The change was proposed to simplify the approvals process for events, festivals and social activities on Council land in Manly and to make the approval process for these activities consistent across the Northern Beaches.

A Gateway Determination was issued by the Department of Planning and Environment (the Department) on 3 May 2018 (Attachment 2). The Planning Proposal was publicly exhibited from 27 May 2018 to 24 June 2018.

Five (5) submissions were received during the consultation comprising three submissions from State agencies and two public submissions, including a submission from a Council staff member.

As the Planning Proposal involved changes to the approval process for the use of Council land, and a submission from a Council staff member, a peer review of the proposal and the submissions received was sought from an independent planning consultant (Attachment 3).

Following consideration of submissions and the independent consultant's report it is recommended that the exhibited Planning Proposal be finalised without further change.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE AND COMMUNITY

That:

- A. Council approve amendments under Schedule 2 of *Manly Local Environmental Plan 2013* in accordance with the publicly exhibited Planning Proposal.
- B. Council exercise its delegation to undertake the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979* to amend *Manly Local Environmental Plan 2013* to give effect to the publicly exhibited Planning Proposal.

REPORT

BACKGROUND

Events, festivals and social activities provide opportunities to bring people together and support greater connectivity between cross-sections of the community.

Warringah Local Environmental Plan 2011 (Warringah LEP) and Pittwater Local Environmental Plan 2014 (Pittwater LEP) allow the use of outdoor areas on Community Land for commercial purposes as Exempt Development subject to the use being authorised in keeping with the requirements of a relevant Plan of Management under the *Local Government Act 1993*.

Manly Local Environmental Plan 2013 (Manly LEP) does not contain this provision, hindering Council's ability to program community events, as development consent must be obtained for each event on Community Land before it can proceed.

In order to support the management and delivery of our annual event programs, and to make the approval process for these activities consistent across the Northern Beaches, a change is proposed to the Manly LEP to make outdoor commercial activities on Community Land "Exempt Development" where authorised under a Plan of Management in accordance with the requirements of the *Local Government Act 1993*.

Council at its meeting on 27 March 2018 resolved:

That Council approves the submission of a Planning Proposal to the Department of Planning and Environment (the Department) to insert a new provision into Schedule 2 of Manly Local Environmental Plan 2013 to make the use of "outdoor areas of community land for commercial purposes" Exempt Development subject to the use being in keeping with the requirements of the relevant Plan of Management.

A Planning Proposal was submitted to the Department of Planning & Environment (the Department) on 4 April 2018. A Gateway determination was subsequently issued by the Department on 3 May 2018 which enabled Council to proceed with consultation.

PLANS OF MANAGEMENT

Plans of Management categorise land, authorise leases or licenses and determine what development can take place on Community Land. The key values of the land and its purpose are identified so they can be protected and enhanced. Council must undertake public consultation prior to the adoption of, and amendments to, any Plan of Management.

The Beaches Produce Market at Warriewood for example, is authorised as a weekly outdoor event of community land for commercial purposes, not requiring a development consent under the North Narrabeen Reserve Plan of Management 2004.

The North Narrabeen Reserve Plan of Management 2004 identifies Markets as Exempt Development. North Narrabeen Reserve (the Reserve) was considered suitable for a market due to its location context, management precincts, environmental quality, access, circulation and parking. Objectives in the Plan of Management support the establishment of the Reserve as a venue of non-sporting community events.

In addition to the specific requirements of Plans of Management, all Exempt Development is also subject to requirements contained in each of Council's LEPs which seek to ensure Exempt Development is of minimal environmental impact. In this regard, the LEPs specify certain lands on which Exempt Development cannot be carried out including areas declared as a critical habitat area or outstanding biodiversity or listed in the State Heritage Register. Requirements of the Building Code of Australia and the clearing of vegetation also apply under existing LEP clauses.

CONSULTATION

Public Authority Consultation

The Department's Gateway Determination required consultation with the Office of Environment and Heritage, Environmental Protection Authority, Department of Primary Industries – Crown Land Division, and Road and Maritime Services. As a result of the consultations undertaken 3 NSW Agency submissions were received as detailed below:

Office of Environment and Heritage (OEH): The OEH recommends that Plans of Management for an activity conducted in accordance with the Planning Proposal include appropriate provisions to manage hazards and risks to the natural environment in relation to flooding and Aboriginal cultural heritage.

Comment: The Local Government Act 1993 provides sufficient safeguards to ensure Council will address the management of hazards and risks regarding flooding and Aboriginal cultural heritage. Council accepts that upfront studies may be required before certain activities are authorised by a Plan of Management, or that studies may be required in a Plan of Management before undertaking certain authorised uses. Council's Events team undertakes an assessment of all major events before their approval, involving liaison with all relevant teams within Council to ensure potential environmental impacts are addressed.

Environmental Protection Authority (EPA): The EPA recommends that Plans of Management for an activity conducted in accordance with the Planning Proposal include appropriate controls to manage potential pollution caused by the activity. This includes but is not limited to the issue of noise and waste management.

Comment: Plans of Management may contain requirements to address pollution matters. In addition, Council is the appropriate regulatory authority under the Protection of the Environment Operations Act 1997 for activities under a Plan of Management. Council must ensure activities are carried out in an environmentally sensitive manner including noise and waste management. For example, Council's Event Waste Management Guidelines include requirements for Event Waste Management Plans and related conditions of use. Council's Events team undertakes an assessment of all major events before their approval, involving liaison with all relevant teams within Council to ensure potential environmental impacts are addressed.

Road and Maritime Services (RMS): The RMS raise no objections to the proposal but request the Plans of Management are referred to Council's Local Traffic Committee for review when required.

Comment: Where Plans of Management are being prepared or reviewed, Council will refer the matter to its Local Traffic Committee where local traffic matters are involved. This will be achieved by advising all relevant Council Managers of the requirement. The Local Traffic Committee meets on a monthly basis and in addition, referrals may be made as required to individual members of the Local Traffic Committee including Councils Traffic Engineer, Traffic Safety Officer and the Police.

Public Exhibition

The amended Planning Proposal was publicly exhibited for 28 days from 27 May 2018 to 24 June 2018.

The Planning Proposal and all relevant documents were publically available at the Manly Town Hall, Manly Library and the Civic Centre Dee Why as well as on Council's website. An advertisement was placed in the Manly Daily notifying the community of the public exhibition period on Saturday 18 November 2018. Council's 'Have Your Say' website registered a total of 201 visits to the web page and 74 document downloads.

In response to the public exhibition period 2 submissions were received. Below mentioned *Submission # 2* was received from a resident who is also an employee within the Strategic and Place Planning Branch in Council.

A summary of submissions and Council's response is provided below:

Resident Submission #1: This submission queries the nature and type of 'outdoor commercial activities' referred to in the proposal. Clarification is sought regarding commercial and non-commercial activities; what constitutes minimal environmental impact; and a particular query regarding requirements for a concert. Other queries concerned Council's intended approach to recent changes in the management of Crown Land under the new Crown Lands Act.

Comment: The proposed new clause does not extend the range of permissible uses on any land. The range of permissible uses is regulated by the zoning of the land in the Local Environment Plan and relevant State Environmental Planning Policies (SEPPs) including the SEPP (Infrastructure) 2006. The clause has the effect only of removing the requirement for development consent for a permissible use to be obtained in certain circumstances i.e. "outdoor areas of community land for commercial purposes".

It is important to also note that all activities to which the Planning Proposal applies will still require authorisation of that activity under the Local Government Act 1993 in accordance with the relevant Plan of Management for the land. Community consultation occurs in the preparation and amendment of any Plan of Management.

Where a proposed activity is outside the scope of the relevant Plan of Management, development consent will still be required for the activity. The Planning Proposal enables a simpler approval pathway where an activity is already authorised by a Plan of Management under the Local Government Act 1993.

Resident Submission #2: This submission considers that the intended outcome of the Planning Proposal is unclear, gives inadequate justification and is inconsistent with Ministerial Directions by the Minister for Planning. Concern is raised in relation to the assessment of potential impacts of commercial activities on the local community under the Planning Proposal.

Comment: It is proposed to clarify that the intended outcome of the Planning Proposal is the vision, management and delivery of events in accordance with Council's adopted "Northern Beaches Events Strategy". It is considered that sufficient justification has been provided for the Planning Proposal, particularly considering the existence of similar provisions in other Northern Beaches LEPs and the level of control offered by the Plan of Management process. The Planning proposal is consistent with relevant Ministerial directions for the making of Local Environmental Plan amendments.

The Planning Proposal does not provide for a blanket exemption provision and will only be applied where a matter is authorised with a Plan of Management. Where an activity is not authorised by a Plan of Management, development consent will still be required.

Peer Review by Planning Consultant

Having regard to the staff submission and also given that the proposal affects Council land, external Town Planning consultants were engaged to undertake a Peer Review of the Planning Proposal and the submissions received. The Consultant's report concludes that the Planning Proposal is consistent with the provisions of the Environmental Planning and Assessment Act 1979 and that the submissions do not warrant changes to the Planning Proposal. The Consultant's report and comments on the submissions are at Attachment 3.

POST EXHIBITION AMENDMENTS TO THE PLANNING PROPOSAL DOCUMENTATION

Following the public exhibition, two minor changes have been made to the Planning Proposal documentation.

The first change is to provide clarification that the intended outcome of the Planning Proposal is to support the vision, management and delivery of events.

The second change is administrative to reflect the fact that the Council has adopted the Northern Beaches Events Strategy and the Northern Beaches Community Strategic Plan.

Neither of these changes affects the proposed drafting of the new LEP provision.

CONCLUSION

There are currently inconsistencies between Council's LEPs regarding approval requirements for the use of outdoor areas on Community Land in the Council area.

The inconsistency hinders Council's ability to program community events, as development consent must currently be obtained for each event on Community Land before it can proceed. This includes markets and other community based events.

Proposed amendments to the Manly LEP will make outdoor commercial activities on Community Land exempt development i.e. it will not require development consent. However, this exemption will only apply where those commercial activities are authorised under a Plan of Management in accordance with the requirements of the *Local Government Act 1993*, similar to Pittwater and Warringah LEPs.

Plans of Management categorise land, authorise leases or licenses and determine what development can take place on Community Land. The key values of the land and its purpose are identified so they can be protected and enhanced. Where uses are not authorised by a Plan of Management, development consent will still be required.

Public consultation occurs prior to the adoption of, and amendments to any Plan of Management. In addition, Council LEPs specify Exempt Development cannot be carried out on certain land including areas declared as critical habitat area, outstanding biodiversity, or listed in the State Heritage Register. Requirements for compliance with the Building Code of Australia and restrictions on the clearing of vegetation also apply under existing LEP clauses.

FINANCIAL CONSIDERATIONS

The preparation of the Planning Proposal is to be funded through Council's Operational budget as Council is the proponent for the Planning Proposal.

SOCIAL CONSIDERATIONS

The Planning Proposal seeks to provide improved and consistent approval pathways for approval of outdoor events on Community Land. These events contribute to social cohesion, community participation and enhanced sense of place and liveability.

ENVIRONMENTAL CONSIDERATIONS

The Planning Proposal is drafted to ensure environmental impacts are addressed and minimised. Exempt development can only be carried out where a use is permissible under the zoning of the land and if already authorised under the *Local Government Act 1993* through a Plan of Management.

GOVERNANCE AND RISK CONSIDERATIONS

As the Planning Proposal would affect the use of Council-owned land, and a submission was received from a Council staff member, a planning consultant was engaged to undertake a peer review of the Planning Proposal and to review and comment on the submissions received. The review found that the Planning Proposal was warranted and that no changes were required as a result of submissions received.

ITEM 11.2	CHILDREN'S SERVICES FEES AND CHARGES AND PRE-SCHOOL FUNDING FOR THREE YEAR OLDS
REPORTING MANAGER	EXECUTIVE MANAGER CHILDREN'S SERVICES
TRIM FILE REF	2018/725838
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To inform Council of the changes to the Start Strong program funding for 3 year olds attending pre-schools and the lower daily fee.

SUMMARY

The NSW Government is providing additional funding, under its Start Strong program, to make pre-school education more affordable for families. From January 2019, increased subsidies will be provided for children who are 3 years old on or before 31 July and enrolling for at least 600 hours (15 hours a week). Under the program Manly Community, Ivanhoe Park and North Harbour pre-schools will receive approximately \$35,800 additional funding which must be passed on as a fee reduction. The fee would lower from \$63 to \$56 per day.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE AND COMMUNITY

That Council support the reduction of the pre-school fee for children aged 3 years old on or before 31 July by the amount of funding received from the NSW government – from \$63 to \$56 per day.

REPORT

BACKGROUND

Start Strong Program for Pre-schools

From January 2019 under the Start Strong program, community pre-schools across the state which enrol children for at least 600 hours in the two years before school will receive increased subsidies from the NSW Government.

Making early childhood education more affordable

To ensure that affordability is not a barrier for families with young children, the NSW government's extension to Start Strong announced in the 2018-2019 Budget has allocated additional funding to support universal access to early childhood education. The additional funding must be passed on to families as a lower fee.

CONSULTATION

Families will be advised of Council's decision regarding the fee.

TIMING

Under the Start Strong program, pre-school fees for children aged 3 years old on or before 31 July need to be reduced by the additional amount of funding received from the NSW Government from January 2019.

FINANCIAL CONSIDERATIONS

Pre-School Fee reductions

The impact of the fee reduction for pre-school children aged 3 years old on or before 31 July will be cost neutral as the increased State Government funding will offset the decrease in fee revenue.

SOCIAL CONSIDERATIONS

The value of 600 hours of quality early childhood education

Research carried out by The Mitchell Institute at The University of Victoria shows that children who participate in a quality early childhood education program for at least 600 hours in the two years before school are more likely to arrive at school equipped with the social, cognitive and emotional skills they need to engage in learning.

The benefits endure well beyond primary school. Higher levels of educational attainment, economic participation and family well-being have all been linked to moderate levels of participation in early childhood education.

ENVIRONMENTAL CONSIDERATIONS

This report does not contain any environment considerations.

GOVERNANCE AND RISK CONSIDERATIONS

This report does not contain any governance and risk considerations.

ITEM 11.3	FIRE AND RESCUE NSW INSPECTION REPORT - 39 FRENCHS FOREST ROAD EAST, FRENCHS FOREST
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2018/744834
ATTACHMENTS	1 ↓ FRNSW Inspection Report - 39 Frenchs Forest Road East, Frenchs Forest

EXECUTIVE SUMMARY

PURPOSE

Council received an Inspection Report from Fire and Rescue NSW (FRNSW) as shown in Attachment 1, in relation to 39 Frenchs Forest Road East, Frenchs Forest (The Parkway Hotel).

Where the FRNSW carries out an inspection of a building under Section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), they must provide an Inspection Report with recommendations to Council.

Council must table such reports and recommendations at the next meeting of Council to determine whether or not it will exercise its powers to give a Fire Safety Order. Notice of Council's determination must be given to FRNSW.

SUMMARY

Council received an Inspection Report from FRNSW in relation to 39 Frenchs Forest Road East, Frenchs Forest.

Staff have investigated the concerns raised and recommend that a Fire Safety Order number 1 is issued.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE AND COMMUNITY

That:

- A. Council issue a Fire Safety Order number 1 pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* on the owner(s) of 39 Frenchs Forest Road East, Frenchs Forest.
 - B. Council provide notice to Fire and Rescue NSW of this determination.
-

REPORT

BACKGROUND

Council received a Fire and Rescue NSW (FRNSW) Inspection Report dated 25 October 2018 in relation to 39 Frenchs Forest Road East, Frenchs Forest (The Parkway Hotel), as shown in attachment 1.

Part 8 of Schedule 5, section 17 (2), (3) and (4) of the EP&A Act requires Council to table such reports and any recommendations made at the next meeting of Council.

Council is also to determine whether or not to issue a Fire Safety Order pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979*.

FRNSW conducted an inspection of the building on 10 May 2018 and are of the opinion that there are inadequate provisions for fire safety within the building.

It is noted that an Annual Fire Safety Statement dated 8 June 2018 was submitted to Council after the inspection by FRNSW on 10 May 2018.

Council staff inspected the building on 29 October 2018 to investigate the matter and are also of the opinion that the fire safety and egress provisions are inadequate. A Fire Safety Order number 1 is therefore recommended to address the matters raised in the FRNSW report dated 25 October 2018.

FINANCIAL CONSIDERATIONS

The recommended actions can be carried out within existing budgets.

SOCIAL CONSIDERATIONS

Ensuring adequate fire safety measures are provided within buildings helps to minimise serious injury and loss of life within the Council area and as such has significant social benefit.

ENVIRONMENTAL CONSIDERATIONS

Installation of any additional fire safety measures as a result of recommendations contained within this report will have minimal Environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

Council is required under the Environmental Planning and Assessment Act 1979 to table FRNSW Inspection Reports and make a determination whether or not to issue a Fire Safety Order. Failure to do so would be a breach of legislation and could create a public safety risk by failing to address any fire safety deficiencies identified.



File Ref. No: BFS18/1008 (3290)
TRIM Ref. No: D18/75261
Contact: Mark Knowles

25 October 2018

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Email: council@northernbeaches.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
"PARKWAY MOTEL"
5 FRENCHS FOREST ROAD EAST, FRENCHS FOREST ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 15 April 2018 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *There seems to be no fire protection or smoke alarms at all if there are smoke alarms like the other in my hotel room at the moment it's hanging off the ceiling with not battery same with the one next door ... the whole place is a hazard.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 10 May 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

FIRE AND RESCUE NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarina Ave, Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7483
firesafety@fire.nsw.gov.au	Unclassified	Page 1 of 4



- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The premises consists of part Class 6 (public bar) containing a bar area, a gaming room, a dining area, a kitchen, an indoor entertainment area and part Class 3 motel with 11 rooms leased for overnight accommodation at the rear of the main building.

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. Smoke Alarms – it appears the building is provided with a smoke alarm system in accordance with Clause 3 of Specification E2.2 of the NCC. At the time of inspection, the following items were identified as concerns:

- a) Sole Occupancy Units (SOU's) – hardwired smoke alarms are provided in the leased accommodation rooms at the rear of the building, however, the following concerns were identified:
 - i. The hardwired smoke alarms in Rooms 1, 2, 3, 6, 8, 10 and 11 had either been removed or were missing the secondary power source (i.e. backup battery).

The Manager (Gabriel McGrath) was advised of the issues at the time of the inspection and provided assurances that working smoke alarms would be installed prior to the rooms being occupied.

A re-inspection at 14:50 hrs on 10 May 2018 found that battery operated smoke alarms (as a temporary measure until such time that the hardwired smoke alarms could be re-instated), had been installed in Rooms 2, 3, 6, 8, and

10 and all occupied rooms contained a working smoke alarm.

- ii. The smoke alarms throughout the premises appeared to exceed the recommended service life of 10 years. In this regard, manufacturer's instructions for most smoke alarms state they are to be replaced when they fail to respond or after 10 years.

1B. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2419.1.2005:

- a) The hydrant booster assembly:
 - i. The hydrant booster assembly is not provided with a block plan, contrary to the requirements of Clause 7.11 of AS2419.1-2005.
 - ii. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the hydrant booster connections, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS 2419.2-2009 and 'FRNSW Fire Safety Guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 07 – Issued 12 June 2018'.
- b) The external pillar hydrant located on the eastern side of the building, adjacent to the main entry, is located within 10m of the building without being safeguarded by construction having an FRL of not less than 90/90/90 extending 2m each side of the outlet and not less than 3m above the ground level adjacent to the hydrant, contrary to the requirements of Clause 3.2.2.2(e) of AS2419.1-2005.
- c) Hydrant coverage – It appears that full hydrant coverage, complying with the requirements of Clause 3.2 of AS 2419.1-2005, is not achieved to all parts of the building from the external pillar hydrant located on the eastern side of the building, adjacent to the main entry. In this regard, FRNSW were unable to locate any additional hydrants on site, at the time of the inspection.

- 1C. Exit signs – The exit sign from the poker machine room into the main entry lobby was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of EP&A Regulation.
- 1D. Annual Fire Safety Statement (AFSS) – a copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

2. Access and Egress

- 2A. Additional latching – The double doors from the main front bar to the courtyard (identified with an illuminated exit sign above), contains slide bolts at the top and bottom of the door, which are capable of interfering with the operation of the exit door, contrary to the requirements of Clause 184 and Clause 186 of the EP&A Regulation.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/1008 (3290) for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Building Surveyor
Fire Safety Compliance Unit

ITEM 11.4	FIRE AND RESCUE NSW INSPECTION REPORT - 68-70 PITTWATER ROAD, MANLY
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2018/760720
ATTACHMENTS	1 ↓ FRNSW Inspection Report - 68-70 Pittwater Road, Manly

EXECUTIVE SUMMARY

PURPOSE

Council received an Inspection Report from Fire and Rescue NSW (FRNSW) in relation to 68 Pittwater Road, Manly (Attachment 1).

Where the FRNSW carries out an inspection of a building under Section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), they must provide an Inspection Report with recommendations to Council.

Council must table such reports and recommendations at the next meeting of Council to determine whether or not it will exercise its powers to give a Fire Safety Order. Notice of Council's determination must be given to FRNSW.

SUMMARY

Council staff conducted a joint inspection of 68 Pittwater Road, Manly (Astra Hostel) on 8 November 2018, following a request from FRNSW.

Both FRNSW and Council determined the premises to be deficient in terms of fire safety provisions, and Council issued a Notice of Intention to Issue a Fire Safety Order on 12 November 2018. The Order will require the building owners to ensure that adequate fire safety systems are provided.

Council subsequently received an Inspection Report from FRNSW on 23 November 2018 in relation to 68 Pittwater Road, Manly, having already commenced the above action.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE AND COMMUNITY

That:

- A. Council issue a Fire Safety Order number 1 pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 68 Pittwater Road, Manly.
 - B. Council provide notice to Fire and Rescue NSW of this determination.
-

REPORT

BACKGROUND

Council received a request from Fire and Rescue NSW (FRNSW) on 7 November 2018 for a Council Officer to be present during a FRNSW inspection of 68 Pittwater Road, Manly (Astra Hostel) on 8 November 2018. Council Officers jointly inspected the site with FRNSW on 8 November 2018. Both FRNSW and Council determined the premises to be deficient in terms of fire safety provisions.

Council issued a Notice of Intention to Issue a Fire Safety Order on 12 November 2018. The Order will require the building owners to ensure that adequate fire safety systems are provided.

Council subsequently received an Inspection Report (attachment 1) from FRNSW on 23 November 2018 in relation to 68 Pittwater Road, Manly, having already commenced the above action.

Part 8 of Schedule 5, section 17 (2), (3) and (4) of the EP&A Act requires Council to table such reports and any recommendations made at the next meeting of Council.

Council is also to determine whether or not to issue a Fire Safety Order pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979*.

Council commenced action by issuing a Notice of Intention to issue an Order on 12 November 2018, and it is recommended to proceed with issuing an Order.

FINANCIAL CONSIDERATIONS

The recommended actions can be carried out within existing budgets.

SOCIAL CONSIDERATIONS

Ensuring adequate fire safety measures are provided within buildings helps to minimise serious injury and loss of life within the Local Government Area and as such has significant social benefit.

ENVIRONMENTAL CONSIDERATIONS

Installation of any additional fire safety measures as a result of recommendations contained within this report will have minimal environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

Council is required under the *Environmental Planning and Assessment Act 1979* to table FRNSW Inspection Reports and make a determination whether or not to issue a Fire Safety Order. Failure to do so would be a breach of legislation and could create a public safety risk by failing to address any fire safety deficiencies identified.

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File Ref. No: BFS18/3083 (5230)
TRIM Ref. No: D18/82571
Contact: Mark Knowles

23 November 2018

General Manager
Northern Beaches Council
PO Box 1336
DEE WHY NSW 2099

Email: council@northernbeaches.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'ASTRA HOSTEL'
68-70 PITTWATER ROAD, MANLY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence from the local fire station on 20 October 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

*Operating as a backpackers.
Attended an AFA on Oct 20, 2018 approx 14:00
Fire safety concerns.
Ongoing smoking in backpackers.
FIP zone isolated prior to arrival, evac alarm isolated prior to arrival.
Detector in Alarm had been tampered with.
Manager could not be located at first request.
Fire panel location 2 m high, hard or cannot be reached.
Fire safety statement from 2015.
Alarm silence removed, a fault alarm remained present.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 7 November 2018, 8 November 2018 and 13 November 2018 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW. The inspection on 8

Fire and Rescue NSW

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Community Safety Directorate
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November 2018 was also conducted in the company of Officers, Troy Sullivan and Kristy Brown, from Northern Beaches Council.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action.

The following items were identified as concerns at the time of inspection on 7 November 2018:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection System:

- a) The Fire Indicator Panel (FIP) – The FIP was displaying "Isolation" in Zone 2 which represented the entire first floor level, indicating the automatic fire detection and alarm system was not being maintained and capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

In this regard, the detector in the public corridor on the first floor (No. 68) was missing from the base and it is understood that the Zone was isolated due to the faulty detector.

- b) The detector within the caretaker's residence was covered with plastic tape.
- c) The FIP is located in a position more than 1850mm above the floor level, contrary to the requirements of Clause 3.9.1 of AS1670.1.

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- d) The detection system throughout the premises consisted of thermal detectors in lieu of smoke detectors, contrary to the requirements of Clause E2.2 of the NCC, AS1670 and Clause 186A of the EP&A Regulation.

1B. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation. In this regard, the AFSS on display was dated 2015 and is no longer valid.

2. Access and Egress

2A. Operation of latch – The final exit doors on the ground floor are fitted with a lever handle which appears to be located more than 1.1m above the floor level, contrary to the requirements of Clause D2.21 of the NCC.

2B. Door swing – The final exit doors on the ground floor swing against the direction of egress, contrary to the requirements of Clause D2.20(b) of the NCC.

2C. Stair width – The unobstructed width of the stairs between the ground floor and the first floor is less than 1m, contrary to the requirements of Clause D1.6(b) of the NCC.

2D. Balustrades

- a) The balustrade at the top of the internal stairs on the second floor achieves a height of less than 1m above the floor level, contrary to the requirements of Clause D2.16(g)(ii) of the NCC.
- b) The height of the balustrade to the internal stairs between the ground floor and first floor achieves a height of less than 865mm above the nosing's of the stair treads, contrary to the requirements of Clause D2.16(g)(i) of the NCC.

3. Fire Resistance

3A. There are external walls which are located less than 1.5m from a fire source feature (i.e. the side and rear boundary), which do not appear to achieve the required Fire Resistance Level (FRL) in accordance with Specification C1.1 of the NCC.

4. Compartmentation and Separation

4A. Fire resisting construction – The internal walls between sole-occupancy units (SOU's) and bounding SOU's and public corridors, (which require an FRL in accordance with Specification C1.1 of the NCC), appeared to be masonry construction, however this could not be determined at the time of the inspection.

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Furthermore, it could not be determined whether the internal walls in the topmost storey (i.e. the first floor) extended to the underside of a ceiling having a Resistance to the Incipient Spread of Fire (RISF) to the space above itself of not less than 60 minutes, or to the underside of a non-combustible roof covering, in accordance with Specification C1.1 of the NCC.

- 4B. Floor separation between storeys – The fire separation between the ground floor and the first floor, could not be determined at the time of the inspection, therefore it is unclear whether the separation complies with Specification C1.1 of the NCC.
- 4C. Bounding construction – The doorways providing access from the SOU's/rooms into the public corridors, appeared to be self-closing, tight-fitting, solid core doors, not less than 35mm thick, in accordance with the requirements of Clause C3.11(a) of the NCC. However, multiple doors failed to return to the fully closed position after each manual opening.

5. Protection of Openings

- 5A. Protection of openings in external walls – It appears that there are openings in the external walls required to have an FRL, which are exposed to a fire source feature within 3m and are not protected, contrary to the requirements of Clause C3.2 and C3.4 of the NCC.

The following comments are provided following the inspection on 8 November 2018:

6. Automatic Fire Detection and Alarm System

- 6A. The plastic tape covering the detector within the caretaker's residence, identified in item 1A(b) above, had been removed.
- 6B. Discussion were held at the time of inspection, where the Manager/Caretaker agreed to install a battery-operated smoke alarm within each SOU/room and in the common areas, located adjacent to each existing thermal detector, as a temporary measure, to resolve the immediate threat concerning the lack of smoke detection throughout the premises, identified in item 1A(d) above.

The following comments are provided following the inspection on 13 November 2018:

7. Automatic Fire Detection and Alarm System

- 7A. Battery operated smoke alarms – At the time of the inspection, battery operated smoke alarms had been fitted to all SOU's, and within the common areas.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

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RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 7 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3083 (5230) for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

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12.0 NOTICES OF MOTION

ITEM 12.1	NOTICE OF MOTION NO 68/2018 - RETURN OF EAST ESPLANADE TO 24 HOURS ALCOHOL FREE ZONE
TRIM FILE REF	2018/762898
ATTACHMENTS	NIL

Submitted by: Councillor Pat Daley OAM

MOTION

That:

- A. Council commence the process under Section 632A of the *Local Government Act 1993* to have East Esplanade Manly returned to a 24-hour Alcohol Prohibited Area.
 - B. The membership of the Northern Beaches Council Community Safety Committee be expanded to include a representative of the four local state members of Parliament (similar to Councils traffic committee) and that council write to these MPs inviting their participation.
 - C. Council use its normal operational communications resources to disseminate information to the community regarding a summer holiday warning regarding the dangers of binge drinking and drug use particularly amongst young people.
 - D. To highlight the absolute importance and urgency of this task, the Safety Committee have a special ongoing focus on Alcohol and Drug related abuse issues on the Northern Beaches.
 - E. Council provide information to, and work with Accommodation providers in Manly to enhance understanding of Alcohol consumption regulations in the local area, including but not limited to Alcohol Free Zones and Alcohol Prohibited Areas.
-

ITEM 12.2	NOTICE OF MOTION NO 69/2018 - QUEENSCLIFF STAIRS IMPROVEMENTS FROM QUEENSCLIFF COMMUNITY
TRIM FILE REF	2018/775340
ATTACHMENTS	NIL

Submitted by: Councillor David Walton

MOTION

That:

- A. Council staff prepares a report on:
- The present condition of and adequacy of community accessibility of the public stairs at the northern end of the Queenscliff (Stuart Somerville) Bridge, part of the Northern Beaches Coastal Walk. This should include the safety and practicality of alternative equitable access routes to these stairs.
 - What action would be appropriate to bring the stairs to acceptable accessibility NSW standards and other legislative requirements of the Northern Beaches Council.
 - What design options could be available, in consultation with Mr Paul Oates and the Queenscliff community, to improve accessibility for wheelchairs, parents with prams, bike riders with difficulty carrying a bike up steep and long stairs, and/or other people with accessibility issue.
 - What funding options would be available to improve the accessibility of these stairs, including NSW and Federal Government grants, existing Section 94 contributions funds and /or improved prioritisation of the Northern Beaches coastal walk capital expenditure.
 - What criteria was used to assess priority capital expenditure on the Northern Beaches Coastal Walk and what ranking if any did equitable access receive. If any priority ranking exists, did the priority ranking system including the following criteria: frequency of use (pedestrian count), availability of alternative safe and convenient equitable access, prioritise Manly to Palm Beach (South to North), lack of impediments (land ownership, heritage, topography, services).
- B. The report is brought back to Council within 4 months.

BACKGROUND FROM COUNCILLOR DAVID WALTON

The Northern Beaches' 36km coastal walk from Manly to Palm Beach is a great example of capital infrastructure expenditure that will benefit the community and local businesses. It will showcase our spectacular coastline and add to the health and vitality of our residents and visitors.

However, the current plan of the coastal walk infrastructure build has some question marks over its prioritisation. One significant question mark is over the lack of prioritisation of accessibility issues at the stairs at Queenscliff, just north of the Queenscliff (Stuart Somerville) Bridge.

According to Manly Library local studies librarian John MacRitchie, about 1884 the developer of the Queenscliff Estate built a narrow wooden footbridge across the mouth of Manly Lagoon and a flight of steps to the top of the Queenscliff headland.

Forward to 2018, these stairs would be the most trodden stairs on the 36km coastal walk. They are steep and long, with the main alternative route to the stairs causing people with accessibility issues or mothers pushing prams or some bike riders to cross a busy street (with very poor sight lines) twice and take a significant alternative distance to return to the coastal walk at Queenscliff and/or Freshwater.

The community concern about these accessibility issues has been brought to Councillor's attention, over the past 4 years, by Paul and Tracey Oates. Paul and Tracey are Queenscliff residents and have been working hard for their local community in bringing this matter to Council management and Councillor's attention. Their consultation with the local community for improved accessibility has been met with significant community support. In the space of 3 quick weeks, an online electronic petition received over 500 signatures and further 150 hard copy signatures in support of accessibility improvements. The below comments were received on the petition, and provide a rich insight to the issue and the support for improved accessibility solutions.

Sample of the feedback from the community is:

- *"The current stairs were a complete waste of public money. You simply can't get a bike or pram up them, and access for either up and around Greycliff and Queenscliff roads is dangerous too, with nowhere to cross! Ramps will fit between Manly and Queenscliff and absolutely must be installed to ensure access to all and connectivity between our beaches."*
- *"I think inclusivity and access for all is important!"*
- *"Let's make the pathway and accessible for everyone!"*
- *"Access is very difficult for the elderly and young families with prams."*
- *"The stairs would be a nightmare for a Mum. Beautiful area very poor access."*
- *"I have made the journey a number of times with bub and pram up and down those stairs, and I'm rather fit but found it difficult to do. The need for better access is an understatement."*
- *"This would make accessibility so much easier for local residents and tourists and would be a great improvement."*
- *"My mate Wilba and his wife Maria are both fit and healthy young people who have a great little lad Diego who they are also teaching to be fit and healthy. Help them do this in their own area. Also it would help people with disabilities experience a great area."*
- *"Access is not good and should accommodate people with disabilities and the elderly."*
- *"It makes sense and will reduce cars on road and allow access to everyone."*
- *"I have lived on Queenscliff Road for the past 4 years, having to climb those stairs with a bike is a pain but now that I have a baby it is impossible. I have to walk the long way down to Manly adding 10 minutes to my journey."*
- *"I have a son on a wheelchair who encounters multiple access issues on the Northern Beaches and if Sydney wants to become a highly recommended tourist destination it needs to step up and ensure access is afforded to everyone."*
- *"I know the danger of trying to push a pram across busy Greycliffe St near Nos 45-47. Even worse are the people who walk up and down the main bus route with prams and small children in tow."*
- *"I've been caught out on these steps with a pram before."*

- *“Improving access is good for our wonderful community and we should have a Council that recognizes and supports that.”*
- *“This is a daily issue for our family – a ramp would benefit the community hugely and stop people taking short cuts across the busy road to avoid walking all the way around to the nearest safe crossing. Please consider this.”*
- *“This would be a valuable addition to the area but more importantly will give much greater access to disabled, elderly and parents/grandparents with prams. Great idea I strongly support.”*
- *“This is a very positive idea that will benefit many members of our community that either struggle with the stairs or are excluded from accessing a walkway to Manly.”*
- *“I have walked to Queenscliff and I think a walkway is necessary for safety.”*
- *“It just makes sense.”*
- *“What a great and logical idea. Would help so many people.”*

Discussions with the office of The Hon Tony Abbott MP, has raised the possibility of Federal Government funds to assist Council in improving accessibility at the Queenscliff stairs. Further discussions between Mr Oates and Mr James Griffin MP Member for Manly, have indicated support with correspondence having been entered into between Mr Griffin and the Northern Beaches Council.

The local community have provided the following economic and social dividend from improved accessibility at these Queenscliff stairs:

- Equitable and safe access for families with prams, people with disabilities, the elderly and for bike riders.
- Increased economic activity from increased attractiveness for tourist more able to access the Queenscliff headland on foot. Also increased attractiveness of the Northern Beaches for tourists with bike hire from Manly currently limited to Queenscliff to Shelley Beach.
- Reduced car use between Queenscliff Beach and the suburb of Queenscliff.
- Increased bike, scooter and pedestrian commuting to Manly Wharf from Queenscliff.
- Addresses the inequity resulting from the underinvestment in this “border location” between the previous Manly and Warringah Council areas.
- Better utilisation of Council owned land for a community benefit.
- Potential to tap unutilised Council funds (section 94 contributions), NSW Government and/or Federal Government funding.

ITEM 12.4	NOTICE OF MOTION NO 71/2018 - RENAMING OF DEE WHY ROCK POOL THE ISA WYE MBE OAM POOL
TRIM FILE REF	2018/776699
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

MOTION

That:

A. Council notes:

- a. On Friday 4 January 2013, Mrs Isa Wye MBE OAM, who dedicated her life to Dee Why Ladies Amateur Swimming Club (the oldest Ladies' Swimming Club in Australia), Warringah Amateur Swimming Association, New South Wales Swimming Association, and Australian Swimming Association passed away.
- b. Mrs Wye and her family were the backbone of Dee Why since the early 1920 with her family helping to establish the Dee Why RSL Club and some of the Northern Beaches most successful sporting and community organisations, in honour of this, Council resolved to name Dee Why Beach Front Reserve after her brother in law, Ted Jackson BEM OAM.
- c. At 16 years of age, Mrs Wye became the Hon Secretary of Dee Why Ladies Amateur Swimming Club and remained on the Executive Committee until her passing in 2013 at 90 years of age having served 50 years as the Club's President.
- d. Mrs Wye was the second woman in National history to officiate at the Olympic Games in 1980, was a founder of the Warringah Amateur Swimming Association in 1965 and NSW Swimming Association in 1965 bringing Mens's and Womens' Swimming Associations together as one.
- e. Mrs Wye was also a founding member of the Manly Y Womens' Basketball Club (now Netball), the Curl Curl Youth and Community Centre and served from 1967 to 2016 on its Management Committee, Was President of the War Widows Guild Dee Why and served in a variety of other community organisations over many decades.
- f. In the 1970s together with others, Mrs Wye lobbied for the Warringah Aquatic Centre to be built and officially opened the Centre as President of Warringah Amateur Swimming Association in 1979.
- g. In honour of her outstanding service to the community she was made a Member of the Order of the British Empire (1973), was awarded the Medal of the Order of Australia 2002, the Australian Sports Medal 2000, Life Membership of the Australian Union of Old Swimmers, the Australian Union of Old Swimmers Natatorial Award, Life Membership of NSW Swimming Association, , Life Membership of Warringah Swimming Association, Life Membership of Dee Why Ladies' Amateur Swimming Club and various others awards.

B. Council resolves to:

- a. Rename the Dee Why Rock Pool the Isa Wye MBE OAM Pool in recognition of her 85 years of involvement with the Dee Why Ladies' Amateur Swimming Club.

-
- b. Notify the Geographical Names Board of the name change pursuant to clause Section 9.10 of the Geographical Names Board of NSW Policy – Place Naming 2018, that provides the renaming of facilities within a Reserve do not require the formal approval of the Geographical Names Board (GNB) but do require notification to be provided to them to ensure the relevant information is captured on their database.
-

ITEM 12.5	NOTICE OF MOTION NO 72/2018 - FORMAL OPPOSITION TO THE ADANI CARMICHAEL COAL MINE
TRIM FILE REF	2018/778666
ATTACHMENTS	NIL

Submitted by: Councillor Natalie Warren

MOTION

That:

- A. Council notes the particular vulnerability of the Northern Beaches to climate change impacts such as sea level rise, coastal erosion, flooding and bushfires.
 - B. Council supports and recognises the need for a global and nationwide transition from fossil fuels to renewable energy as soon as possible, to stave off the most dangerous level of climate change.
 - C. Council notes Australia's international commitment to keeping global temperature rise below 2°C, with best efforts to keep below a 1.5°C rise and that in order to do so, 88% of discovered global coal reserves must remain unburned.
 - D. Council notes that in the Northern Beaches community there is a high level of concern and objection to the Adani Carmichael coal mine and the opening up of the Galilee Basin for coal exploitation.
 - E. Council objects in the strongest terms possible to government approval, support and funding for new coal mines in Australia such as the Adani Carmichael Mine.
 - F. Council writes to the Prime Minister, the Hon. Mr Scott Morrison, the Leader of the Opposition, the Hon. Mr Bill Shorten, Queensland Premier, the Hon. Ms Annastacia Palaszczuk, and local MPs the Hon. Mr Tony Abbott and the Hon. Mr Jason Falinski to express our objection to the Adani mine and alert them to the contents of this motion.
-

BACKGROUND FROM COUNCILLOR NATALIE WARREN

The Adani Carmichael coal mine project has been planned since 2010 and originally forecast extraction of 60m tonnes of coal per year, over a 60-year lifetime. The original plan was to transport the coal along a new 388km rail line to a specially built terminal at Adani's Abbot Point coal port, for export to India. The carbon emissions from the mine were originally slated to average 77million tonnes pa, about 15% of Australia's total annual carbon emissions.

The Adani Carmichael coal mine project would open up the Galilee basin in Queensland to coal mining at a time when there is no social or environmental licence for this action. Given the urgency with which the Intergovernmental Panel on Climate Change says we need to reduce global greenhouse emissions, the fact that Australia is not currently on track to meet its own emissions targets with emissions at a 7 year high and now having increased for the 4th year in a row after the repeal of the carbon tax, and of course the fact that 2018 is on course to become the fourth-hottest year on record.

Under our Paris Accord obligations, more than 90% of known, extractable coal in Australia's existing coal reserves must stay in the ground. Therefore, there is no justification for opening new coal mines - the most pressing challenge Australia faces is how to phase out existing coal mines well before their reserves are exhausted.

If all of the Galilee Basin coal was extracted and burned, it is estimated that 705 million tonnes of carbon dioxide would be released each year – more than 1.3 times Australia's current annual emissions.

A recent Institute for Energy Economics and Financial Analysis (IEEF) report indicated that coal is facing a terminal decline as Asian markets make the transition to cheaper and more efficient renewable alternatives. Existing thermal coal power in India costs US\$60-80 per megawatt-hour, roughly double the cost of new renewable generation. The Mundra coal plant, where much of the Adani coal was destined, is already operating under capacity and has been closed for significant periods.

Over the years since 2010 the company has struggled to find investors for the mine, due to the poor economics and increasing pressure on financial institutions to demonstrate social and environmental responsibility. The economics are so poor that Adani have been forced to drastically scale back the project due to lack of an investment partner. In 2017 Adani announced that plans for the \$16bn mine had been scaled back to a \$2bn mine, which would produce up to 15 million tonnes of thermal coal per year, with plans to ramp production up to 27.5 million tonnes per year. Under the scaled-down version of the project, Adani will need to secure access to existing rail infrastructure.

At the end of November Adani announced it would self-fund the mine and rail project, meaning the Adani Group itself would have to put up the \$2billion needed to build the Carmichael coal project. In total, 37 financial institutions have publicly distanced themselves from the project.

Despite Adani's announcement that they plan to start construction of the mine before Christmas, Adani still lacks critical state and federal approvals for the Carmichael project. The Traditional Owners have not given their consent, and are still in court challenging Adani over native title rights. Adani stills need to strike a deal with Aurizon to access their railway line, and they do not have to respond until September 2019.

With almost 60% of Queensland fully drought declared and fires raging across the state, the Australian and Queensland governments are yet to sign off on a critical plan to protect precious groundwater as required in the groundwater-dependent ecosystem management plan. The Queensland state government is prosecuting Adani for polluting the Caley Valley Wetlands and Great Barrier Reef with coal-contaminated water, and has not yet agreed a royalties' payment plan.

A second Galilee Basin mine has just been recommended for approved by the Queensland Government. The China Stone project is a massive 20,000-hectare thermal coal mining complex in Queensland's Galilee Basin – one that would sit next to Adani's proposed Carmichael mine and rival it in terms of size and scale. The Adani coal mine may have been scaled back drastically, but it is still opening up a brand new coal mining area and has become symbolic in the fight against coal and the urgent need to transition to a low carbon world.

How to Stop Adani

Adani is as committed as ever to going ahead with this mine. The remaining approvals it needs are relatively minor and so there is considerable urgency needed in putting a political stop to this project. There are numerous ways to stop the Adani mine from going ahead. The federal government is limited only by its imagination and political will.

To stop Adani's mine, the federal government could pass new legislation banning coal mining and exploration in listed areas (e.g. the Galilee Basin), in order to honour its commitment under the Paris Agreement to limit global warming to well below 2 degrees. The federal government could amend the *Environmental Protection and Biodiversity Conservation Act* (EPBC) to allow the Environment Minister to prohibit coal mining in certain areas (e.g. the Galilee Basin).

Under the EPBC Act, the Environment Minister has the power to revoke Adani's approval if he/she believes that there will be a significant impact on the environment that was not identified in the original assessment process and that this impact justifies the refusal of the project. This decision must be based on new information available since the approval decision was made. Legal advice provided to ACF shows that the Environment Minister could revoke Adani's approval on the basis of new information about the sensitivity of the Great Barrier Reef to climate change, the inadequacy of offsets to ensure the survival of the Black-Throated Finch or uncertainty about the source aquifer of the Doongmabulla Springs Complex. There is no right to compensation under the EPBC Act.

In the 1970s the federal government banned the export of sand mined on Fraser Island through issuing export licences. Export licences have also been used to regulate the export of wood chips and uranium. The Customs Act 1901 grants the relevant Minister the power to prohibit the export of goods absolutely, in specified circumstances or to a specified place. The Minister could, for example, issue regulations prohibiting the export of coal mined in the Galilee Basin.

Our Community

The Northern Beaches community is rightly extremely concerned about Adani, there are a number of local Stop Adani groups who have formed over the last few years with the sole intention of helping to stop the mine. These groups have been engaging with the community on this issue, through movie nights, community information sessions and doorknocking events which continue to draw ever increasing support from a complete cross section of our community; young and old, from differing walks of life all galvanised on trying to prevent the mine going ahead. The local Stop Adani groups have knocked on over 2000 doors in the Northern Beaches area, and report that the vast majority of respondents do not want the mine to go ahead.

As a coastal council, we will see and feel the impact of climate change acutely and as such we are planning for it already with new bushfire, flood and coastal erosion planning. Our community is very environmentally aware and concern for the environment and sustainability issues consistently garner the highest levels of engagement with Council. Our Community Strategic Plan includes key themes of Protection of the Environment and Sustainability, where Council uses quadruple bottom line reporting standard where environmental, economic, social and civic perspectives are taken into account in decision-making, planning and reporting. The principle of intergenerational equity guides our CSP, but there can be no intergenerational equity if we allow a warming climate to condemn our grandchildren.

Members of the community have expressed to Council that they would like to see Council take a position on Adani. Local actions to combat climate change will never be enough if there is no national plan, and mines such as Adani are allowed to go ahead. As Council we have an obligation to use what power we have to show the federal and state governments that we do not condone opening up new coal mining areas while Australia's carbon emissions rise higher and higher. This motion demonstrates Council's continuing environmental leadership. Similar motions have been adopted by Waverley Council, Randwick City Council, City of Port Phillip, Shire of Port Douglas, Darebin City Council, Moreland City Council, Lismore Council, Inner West Council (Sydney) and Tweed Shire Council.

Resources

<https://www.climatecouncil.org.au/uploads/af9ceab751ba2d0d3986ee39e1ef04fd.pdf>

<https://www.smh.com.au/environment/climate-change/australia-s-emissions-continue-to-climb-reaching-seven-year-highs-20181130-p50jd5.html>

<https://www.abc.net.au/news/2018-11-29/adani-mini-mine-gets-go-ahead-from-indian-parent/10568420>

13.0 QUESTIONS ON NOTICE

ITEM 13.1	QUESTION ON NOTICE NO 15/2018 - FINES ISSUED BY COUNCIL
TRIM FILE REF	2018/776901
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Since amalgamation, does Council keep a record by category of fines issued, if so, could I please be advised of how many fines were issued and the total amount charged for the following type of fines:

- A. Dog related
- B. Parking
- C. Building (failure to comply with consent conditions)
- D. Illegal Building works
- E. Commercial/Health/Safety
- F. Environment
- G. Other.

ITEM 13.2	QUESTION ON NOTICE NO 16/2018 - EXPENDITURE ON LEGAL MATTERS
TRIM FILE REF	2018/776928
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

- A. Since amalgamation, what is the total cost incurred by Council on legal matters?
- B. On how many occasions has Council's in House Lawyers appeared in Court on the record, on behalf of Council?
- C. On how many occasions has Council been represented in Courts / Tribunals / Commissions / Mediations by Counsel?
- D. On how many occasions has Council been represented in Court / Tribunals / Commissions / Mediations by external Law Firms?

14.0 RESPONSES TO QUESTIONS ON NOTICE

ITEM 14.1 **RESPONSE TO QUESTION ON NOTICE NO 13/2018 - CONDITION OF SURF CLUBS ON MANLY**

TRIM FILE REF **2018/766583**

ATTACHMENTS **NIL**

Submitted by: Councillor Alex McTaggart

QUESTION

As there are 3 surf club buildings on the Manly beach, Manly Life Saving Club (LSC), Steyne Surf Life Saving Club (SLSC) and Queenscliff SLSC all in varying condition.

Can a Council clarify if the asset condition analysis report by Asset Technology Pacific took into account all 3 buildings, as to ensure that Council knows its total long term replacement / refurbishment costs for the Manly beach precinct?

BACKGROUND

I note that on 16th October, Council resolved to proceed with design of a new club for Manly Life Saving Club.

At that meeting a condition report by Asset Technology Pacific into the state of the existing Manly Life Saving Club was tabled which included costing of a number of options. Further there was an identified funding shortfall.

RESPONSE

The condition report undertaken by Asset Technology Pacific was specifically targeted on reviewing the condition of the Manly Life Saving Club.

However, Council has reviewed the condition of the other surf lifesaving club buildings as part of a recent condition audit of its building portfolio, although not to the same level of detail, and this will be included within the Buildings Asset Management Plan due for completion next year.

15.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

A. In accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- a. Item 15.1 Accelerated Replacement of Ausgrid Residential Street Lights with LED Lights on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses a commercial offer and the disclosure of this matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

- b. Item 15.2 RFT 2018/274 - Whistler Street Carpark Stage 1 Remediation on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses confidential commercial proposals submitted as part of a tender process and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would, if disclosed, prejudice the commercial position of the person who supplied it.

- c. Item 15.3 Electric Fleet Vehicle Program on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses commercial information and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would, if disclosed, prejudice the commercial position of the person that supplied it.

- d. Item 15.4 Glen Street Theatre - Future Use of Former Restaurant Space on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*]; and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses commercial operations of a business and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would provide commercial in confidence information.

B. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

16.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

In accordance with Part 15 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.



northern
beaches
council

