

AGENDA

Notice is hereby given that an Ordinary Meeting of will be held via audio visual link on

Tuesday 28 September 2021

Beginning at 6:00pm 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 28 September 2021

via audio visual link

Commencing at 6:00pm

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20.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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 24 AUGUST 2021

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 24 August 2021, 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 17/2021 - RECOGNITION OF ACHIEVEMENT BY CHILDREN'S SERVICES - MANLY COMMUNITY PRE-SCHOOL
TRIM FILE REF	2021/605573
ATTACHMENTS	NIL

BACKGROUND

Following the lead of a number of other Council Child Care services, Council's Manly Community Pre-school has recently been advised that their service is exceeding the National Framework as established by the Australian Children's Education and Care Quality Authority (ACECQA).

The Exceeding rating was for an outstanding commitment to inclusion within the community and educational program. The Assessment Report included the following comments –

"... a child focused educational program and practice, an environment which is inclusive, relationships with children and families that are positive and thoughtful, engagement with community organisations to enhance children's learning and the effective leadership and management of the service demonstrate the commitment to quality by the approved provider, nominated supervisor and educators at your service."

"The meaningful involvement of families and the community and thoughtful reflection on children as individuals leads to a child centred program which is respectful of children's evolving knowledge, strengths and interests."

"Interactions between educators and children are genuine and meaningful and educators help children to feel accepted and develop a sense of attachment and trust"

Our Children's Services continue to deliver and this is another significant achievement and these statements stand testament to the passion, professionalism and commitment of our managers, educators and other educational staff who continue to provide highly personalised, flexible, quality care for children aged 6 weeks to 12 years.

I am very proud of our staff who ensure we deliver high quality 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.

I would like Councillors to join me in congratulating all the educators and staff at the Manly Community Pre-school for their achievement and their ongoing commitment to our local community.

MOTION

That Council:

1. Formally acknowledge the outstanding achievement in receiving an 'Exceeding' rating from the National Quality Framework as set by Australian Children's Education and Care Quality Authority (ACECQA) for services provided at Manly Community Pre-school.
 2. Acknowledge the efforts of the staff at the Manly Community Pre-school and all staff in our Children's Services and thank them for their part in this achievement.
-



Michael Regan
MAYOR

ITEM 7.2	MAYORAL MINUTE NO 18/2021 - THE PATHWAY OF OLYMPIANS AND PARALYMPIANS
TRIM FILE REF	2021/657429
ATTACHMENTS	NIL

BACKGROUND

The Pathway of Olympians and Paralympians in Manly includes over 112 plaques dedicated to Manly residents (past and present) or people with a significant association with the Manly area who have represented Australia at the Olympic or Paralympic Games. These plaques commemorate Manly's sporting history over more than 100 years.

Many of us will have stopped to read the inscriptions on the plaques located on West Esplanade in Manly which have long been a popular local landmark with Manly represented I believe at every Olympics since 1900. I know too that our local Olympic swimmers are acknowledged at the Warringah Aquatic Centre. So, following on from Australia's wonderful success at this year's Tokyo Olympics and Paralympics which included representatives from across the Northern Beaches, I believe it is time that we look at how we can continue to acknowledge these incredible athletes regardless of where they live and ensure those yet to be acknowledged from more recent Games are recognised as part of the Pathway of Olympians and Paralympians.

I recently discussed this with the Member for Manly, James Griffin who had announced that he is seeking funding from the State Government to assist with the updating of the Pathway. I believe with his support and that of the NSW Government, we could look at not only updating the Pathway with the Manly residents or associates yet to be acknowledged but expanding the recognition to all athletes from the Northern Beaches who have competed since 1900. I am aware this would require comprehensive research but it needs to be considered in the spirit of recognising all representatives past and present from the whole Northern Beaches area over this time and into the future.

I ask that consideration be given to establishing a new Policy specifically aimed at managing the acknowledgement of our Olympians and Paralympians of the Northern Beaches. Council will need to consider the logistics of including additional plaques at the existing site at Manly and other alternative or additional sites. I ask that a briefing be provided in the first instance to the newly elected Council in the new year before being formally presented to Council and to the community as part of our community engagement process.

I seek the support of Councillors to ensure that we can move forward with the governance in place to ensure our Olympians and Paralympians are appropriately recognised. I understand that the cost of undertaking the review can be met within existing operational budgets given this review is already underway.

MOTION

That Council:

1. Provide a briefing to the new elected Council in the New Year of the proposed new Policy to acknowledge our Olympians and Paralympians.
 2. Consider as part of the review how we can recognise those representatives yet to be acknowledged within the Manly ward area along with representatives from 1900 until now who were or are still residing on the Northern Beaches
-



Michael Regan
MAYOR

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	ELECTION OF MAYOR
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2021/603633
ATTACHMENTS	<ol style="list-style-type: none">1 Office of Local Government Circular - 202107252 Office of Local Government Circular - 202108133 Nomination Form - Mayor

BRIEF REPORT

PURPOSE

To consider the election of the Mayor, and the method by which the election will be conducted taking into consideration the remote meeting context.

EXECUTIVE SUMMARY

At the Council meeting of 24 September 2019, Council resolved to appoint Councillor Regan to the Office of Mayor for the term of office up to and including 11 September 2020 in accordance with clause 394 of the Local Government (General) Regulation, 2005.

On 12 June 2020, the Minister for Local Government announced that the local government elections had been postponed to 4 September 2021. As part of the arrangements for the postponement, the offices of current councillors, popularly elected mayors and mayors elected in September 2019 would continue to hold office until the council elections on 4 September 2021.

Subsequently on 25 July 2021, the Minister for Local Government announced that the local government elections would be further postponed to 4 December 2021 (Attachment 1). As part of these arrangements, Mayoral elections must be held in September 2021 for mayors elected in September 2019 when their two-year terms expire.

Accordingly, Council must now determine the office of Mayor for the remainder of the local government term (currently up to and including 4 December 2021).

Due to the meeting being held remotely by audio-visual link, the most practicable method for conducting the mayoral election would be open voting.

REPORT

Section 225 of the Local Government Act, 1993 (the Act) requires a council to have a Mayor and the Northern Beaches Council must elect its Mayor in accordance with section 227(a) of the Act, that is, the Council itself is to elect one of its members to the office of Mayor. Under section 230(1), the office of the Mayor is ordinarily to be elected for a mayoral term of two years.

Conducting the Election of the Mayor

A nomination for the office of Mayor is to be made in writing and endorsed by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

If only one councillor is nominated, that councillor is elected. If more than one councillor is nominated, the Council is to resolve whether the election is to proceed by:

- (a) open voting
- (b) ordinary ballot
- (c) preferential ballot.

The election is to be held at the Council meeting at which the Council resolved on the method of voting. The Returning Officer is to conduct the ballot.

If the method is open vote this is to be conducted by a show of hands. If the method is by preferential or ordinary ballot, this will be conducted by a secret vote.

The Office of Local Government's circular 21-24 September 2021 mayoral elections (Attachment 2) provides the following advice in relation to the conduct of these elections and the public health orders (at the date of the circular).

- *"Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.*
- *Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.*
- *Councillors may attend council meetings in person under the Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021 and the Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 (Public Health Orders) for the purposes of participating in a mayoral election and staff may attend for the purposes of conducting the election.*
- *In deciding which method to use for the mayoral election, councils should consider the personal circumstances of their councillors to ensure that all councillors can participate in the mayoral election."*

Summary of Election Procedure

- Nomination papers are distributed to Councillors prior to the meeting.
- Councillors will be called upon by the Returning Officer to submit their nomination papers (Attachment 3). In consideration of the remote meeting, a nomination may be received before or during the meeting by email to the Chief Executive Officer in his capacity as the Returning Officer.
- Nominations received will be read to the Council meeting by the Returning Officer who will ask if any of the candidates nominated wish to decline the nomination.
- If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2005.
- Councillors will resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot.

If a secret ballot is required, an option to the Council would be to adjourn the meeting for a period, to enable Councillors and staff time to re-convene in the Chamber to conduct the election (subject to Public Health Orders on the day of the meeting).

- Ballot papers will be distributed to councillors for marking

- Upon completion of marking of the ballot papers by councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted
- When the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the Returning officer will announce the results at the meeting.

Detailed Procedures for Election Methods

Open Voting

An open vote will be conducted by a show of hands.

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If there are three or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only two candidates remain.

Ordinary Ballot

If the election proceeds by ordinary ballot, the Returning Officer is to determine the manner in which votes are to be marked on the ballot papers.

The formality of a ballot paper must be conducted in accordance with clause 345 (1) (b) and (c) of the Local Government (General) Regulation 2005.

An informal ballot paper must be rejected at the count.

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If there are three or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only two candidates remain.

Preferential Ballot

The steps to conduct a preferential ballot are as follows:

Councillors are to mark their votes by placing the number '1' '2' and so on, against the listed candidates' names so as to indicate the order of their preference for all candidates.

An informal ballot-paper must be rejected at the count. The formality of a ballot paper is to be determined in accordance with clause 345 (1) (b) and (c) of the Local Government (General) Regulation 2005.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.

A candidate with an absolute majority of votes is elected. If no candidate has the absolute majority of first preference votes, the candidate with the lowest number of votes is excluded. The preferences from the excluded candidate are distributed. The process continues until one candidate has received an absolute majority of votes.

Under the Regulation "absolute majority", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot papers.

Tied candidates

The steps for a tied vote are as follows:

If on any count of votes there are two candidates in, or remaining in the election and the numbers of votes cast for the two candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If on any count of votes there are three or more candidates in, or remaining in the election and the numbers of votes cast for two or more candidates are equal, and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Explanation of choosing by lots

If a process is to be determined by lot then this refers to the selection of a candidate by the Returning Officer where the names of candidates are to be written on similar slips of paper, folded and mixed and selected randomly from a barrel.

TIMING

The term of office for the Mayor is for the remainder of this election term (currently 4 December 2021), or for no longer two years should the local government elections be further postponed.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

The provision for an office of the Mayor is included within Council's existing operational budget.

ENVIRONMENTAL CONSIDERATIONS

The election of the Mayor does not have an environmental impact.

SOCIAL CONSIDERATIONS

The civic responsibilities and community leadership role of the Mayor are outlined under section 226 of the Act.

Section 226 of the Act states that the role of the Mayor is as follows:

- (a) to be the leader of the council and a leader in the local community*
- (b) to advance community cohesion and promote civic awareness*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- (e) to preside at meetings of the council*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council*

- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council*
- (i) to promote partnerships between the council and key stakeholders*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community*
- (l) to carry out the civic and ceremonial functions of the mayoral office*
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager*
- (o) to exercise any other functions of the council that the council determines.*

GOVERNANCE AND RISK CONSIDERATIONS

The election of the Mayor is in line with section 227 of the Local Government Act 1993.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Determine the method of election for the Mayor.
 2. Elect the Mayor for the term of office for the remainder of the current election term (currently 4 December 2021) or a period no longer than two years should the local government elections be postponed in accordance with clause 394 of the Local Government (General) Regulation, 2005.
-



Office of
Local Government

Circular to Councils

Circular Details	21-20/ 25 July 2021
Previous Circular	20-25 <i>The date of the next ordinary local government elections is 4 September 2021</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Information

Postponement of the local government elections to 4 December 2021

What's new or changing

- The Minister for Local Government has published an order in the Gazette under section 318C of the *Local Government Act 1993* (the Act) postponing all council elections to **4 December 2021**.
- The decision to postpone all council elections has been made in response to the escalating outbreak of the Delta variant of the COVID-19 virus in Greater Sydney and the potential for further outbreaks in regional areas.
- The decision has been made in consultation with and on the advice of the NSW Electoral Commissioner and NSW Health

What this will mean for your council

- Current councillors and popularly elected mayors will continue to hold their civic offices until council elections are held on 4 December 2021.
- The order made under section 318C continues the suspension of the requirement to hold by-elections to fill vacancies for the period specified in the order.
- Councils will not be required to hold by-elections to fill vacancies or to apply to the Minister to dispense with the requirement to hold a by-election before ordinary council elections are held on 4 December 2021.
- The making of the order will not affect the requirement to hold mayoral elections.
- Mayoral elections must be held for mayors elected in September 2019 when their two year-terms expire in September 2021.
- Mayors elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- Chairpersons of county councils now hold office for two years.
- Chairpersons of county councils elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- The composition of joint organisation boards may need to change in September 2021 if mayors of member councils elected by councillors are not re-elected.
- The postponement of the next ordinary local government elections will not affect the timing of future council elections, and the subsequent ordinary local government elections will still proceed in September 2024.

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Key points

- The local government elections were previously postponed to 4 September 2021 by orders made under section 318B of the Act.
- The order made under section 318C revokes the previous order and appoints 4 December 2021 as the day on which all council elections will be held.

Where to go for further information

- Further information is provided in the FAQ which is available on the Office of Local Government's website [here](#).
- For further information, please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Kiersten Fishburn
Coordinator General, Planning Delivery and Local Government

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Office of
Local Government

Circular to Councils

Circular Details	21-24 / 13 August 2021 / A784280
Previous Circular	21-20 Postponement of the local government elections to 4 December 2021
Who should read this	Councillors / General Managers / Governance staff
Contact	Council Governance Team / 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

September 2021 mayoral elections

What's new or changing

- Mayoral elections must be held in September 2021 for mayors elected in September 2019 when their two year-terms expire (see sections 230(1) and 290(1)(b) of the *Local Government Act 1993*).
- Mayors elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- The civic offices of all mayors elected by councillors will expire on election day on 4 December 2021.
- Deputy mayors hold their office for the term specified by the council's resolution. If a deputy mayor's term expires before election day on 4 December 2021, an election may need to be held for deputy mayor. It should be noted however, that councils are not required to have a deputy mayor.

What this will mean for your council

- Mayoral elections must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2005*.
- Schedule 7 prescribes three methods of election of mayors:
 - open ballot (eg a show of hands)
 - ordinary ballot, or
 - preferential ballot.
- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be held by way of an ordinary or preferential ballot.

Key points

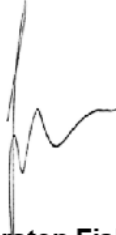
- In deciding which voting method to use for the mayoral election, councils should consider the personal circumstances of their councillors to ensure that all councillors can participate in the mayoral election.
- Councillors may attend council meetings in person under the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* and the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* (Public Health Orders) for the purposes of participating in a mayoral election and staff may attend for the purposes of conducting the election.

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- In areas subject to stay at home restrictions under the Public Health Orders a person may leave their home for the purpose of undertaking any legal obligations and a person engaged in local government elections is an “authorised worker” for the purpose of the Public Health Orders.
- Councils must comply with the Public Health Orders when holding a Mayoral election and should observe appropriate social distancing and take any other steps necessary to minimise the risk of infection by the COVID-19 virus and to ensure the health and safety of all attendees.

Where to go for further information

- The Office of Local Government has issued a fact sheet on conducting mayoral elections which is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Kiersten Fishburn
Coordinator General, Planning Delivery and Local Government



Nomination Form

Office of Mayor

In accordance with clause 394 and Schedule 7 of the Local Government (General) Regulation 2005,

Councillor is hereby nominated for

(name of nominee)

the office of **MAYOR** of Northern Beaches Council for a term as determined by Council under section 227 of the Local Government Act, 1993.

Nominators

1. Councillor
(name) (signature)

2. Councillor
(name) (signature)

Nominee

I, Councillor, consent to this nomination.

(name)

.....
(Signature) (date)

Clause 394 and Schedule 7 of the Local Government (General) Regulation, 2005 outline the statutory provisions for the nomination of candidates for election of **Mayor** by Councillors as follows:

Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

ITEM 8.2	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES DESTINATION MANAGEMENT PLAN
REPORTING MANAGER	ACTING EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATION
TRIM FILE REF	2021/314070
ATTACHMENTS	<p>1 ⇒ Destination Northern Beaches: Creating a Sustainable Visitor Economy (Included In Attachments Booklet)</p> <p>2 ⇒ Community Engagement Report (Included In Attachments Booklet)</p>

SUMMARY

PURPOSE

To report the outcomes of the public exhibition of the draft Destination Management Plan (DMP) "Destination Northern Beaches: Creating a Sustainable Visitor Economy" and adopt the DMP.

EXECUTIVE SUMMARY

The Destination Management Plan (DMP) is a five-year strategy representing a new era of collaboration between our community, local industry and government. It aims to guide planning and decision making to ensure the impact from visitation does not harm our environment or undermine our way of life but adds value to our economy and vibrancy to our region's thriving villages and centres.

The draft DMP was endorsed to go on public exhibition at the November 2020 Council Meeting and the consultation period ran from 3 December 2020 to 16 February 2021. The engagement process reached over 6,500 people who visited the project page on the Your Say website. A total of 211 unique submissions were received.

The outcomes from the public exhibition and an updated version of the DMP was brought to the April 2021 Council Meeting. The report had been updated to reflect industry and community feedback and set out a new structure with greater focus on goals and actions which are categorised under two strategic priority areas, destination management and destination marketing.

At the April 2021 Council meeting Councillors requested that the decision on adopting the updated draft DMP be deferred to allow time to consider an updated structure. Subsequently a Councillor briefing was held on 11 May 2021 where it was suggested an Executive Summary should be included at the front of the document. The updated draft DMP was shared with Manly's Tourism & Economic Recovery Taskforce, led by James Griffin MP, receiving endorsement in September 2021 and also presented to the Economic & Smart Communities SRG on 19 May 2021 to outline the strategic framework and to seek feedback on the actions.

Following feedback from Councillors and a workshop with the Economic & Smart Communities SRG, the draft DMP has been updated to make clearer the strategic directions of the plan. This includes:

- A five page Executive Summary
- Setting out the Strategy on one simple page
- Bringing upfront the Destination Statement previously workshopped with the Economic & Smart Communities SRG in 2019

- Refining the timing/prioritising of actions, based on the May 2021 workshop with the Economic & Smart Communities SRG.

The draft DMP, “Destination Northern Beaches: Creating a Sustainable Visitor Economy”, is designed to respect the community’s desire to protect the quality of life enjoyed on the Northern Beaches while at the same time setting a foundation for what the visitor economy could look like if managed sustainably with a balance of community aspirations, business capability and protection of the natural environment.

Delivery of the DMP Action Plan (Recover-Rebuild-Drive New Business) will be aligned with the reopening of the economy and easing of restrictions. Initially, this will include working with the tourism operators and hospitality sector to assist them to get back to business to welcome visitors under COVID Safe conditions. As domestic and international travel resumes, campaigns to attract overnight stays and target key visitor markets, will be critical to the rebound of the local tourism industry.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council adopt the draft Destination Management Plan - “Destination Northern Beaches: Creating a Sustainable Visitor Economy”.

REPORT

BACKGROUND

Northern Beaches Council has been developing a Destination Management Plan (DMP) over the last two years in consultation with the tourism industry and community (including the Economic & Smart Communities SRG). The draft DMP was placed on public exhibition from 3 December 2020 to 16 February 2021 and the outcomes from the engagement were presented to the Economic & Smart Communities SRG on the 17 February 2021 (see Consultation section for more details).

Overall, the feedback reflected the community's solid recognition of the importance and value of the visitor economy in underpinning employment and the broader economy. There was a mix of attitudes towards tourism with many respondents contributing solutions and ideas on how to manage visitation to the region.

Many responses highlighted concerns about the impact from visitation in the peak summer season. This was a strong theme from respondents from the northern areas.

There was also broad support for developing a destination identity and the need for increased marketing, and improved digital and visitor services to promote the region. Respondents also highlighted the impact and need for improving and building new infrastructure around mountain biking, promoting the experiences outside of Manly and Palm Beach and looking at other product development that would support year-round visitation and dispersal across the region.

Other feedback pointed out improvements to the structure of the draft DMP document, the need for a measurable target, clearer goals, prioritised action plan, performance measures and other editorial suggestions.

As a result, the draft DMP has been updated to reflect community feedback, presenting a new structure and clearer goals and measures. A copy of the draft DMP is attached.

The draft DMP includes a strategic aim that reinforces the intention that the DMP is not to increase visitor numbers, but rather to achieve a balance in developing a sustainable visitor economy and manage the impact of visitation. This reinforces Council's responsibility as destination managers to protect our region's natural environment and our community's way of life.

Sitting underneath this strategic aim are **three goals**, to:

- Focus on yield over volume
- Become the brand promise: Altogether extraordinary
- Making the region key to Sydney's place in the world.

The approach to achieving these goals is grouped under **two key focus areas**:

- **Destination Management** – managing the impacts of visitation and supporting sustainable outcomes
- **Destination Marketing** – clearer targeting of higher yield (spending) visitors and creating an extraordinary visitor experience.

Supporting these two focus areas are **12 themes** which respond to those identified through the community engagement. Below is a one page summary of the Strategy which has been included in the Executive Summary of the draft DMP.

Strategy on a page

Strategic aim

We will balance developing a sustainable visitor economy with managing the impact of visitation.
As destination managers we will protect our region and its key attributes, preserve our natural environment and uphold our community's way of life.

Destination stretch target

To double visitor spending over the next five years to 2026, bringing it in line with the Greater Sydney growth rate.

Destination statement

The Northern Beaches is an extraordinary destination offering world-class beach and bushland experiences, with vibrant villages that reflect our contemporary coastal lifestyle.

Goal 1

Focus on yield over volume!

Goal 2

Become the brand promise:
Altogether extraordinary.

Goal 3

Making the region key to Sydney's place in the world.

Focus Area 1

Destination management

(strengthening supply, capacity and governance)

Planning and facilities

Transport and connectivity

Environmental sustainability

Product development

Disperse visitation

Industry collaboration

Focus Area 2

Destination marketing

(shifting demand)

Visitor services, digital innovation and content

Support community engagement

Brand and positioning

Reduce seasonality

Target high-value markets

Attract business and major events

Action Plan

Council will collaborate and lead a broad industry and stakeholders Destination Management Group

A five-year **Action Plan** (Recover-Rebuild-Drive New Business) has been integrated into the updated Plan to ensure there is a clear framework demonstrating how the goals will be achieved through the implementation of actions. These actions respond to each of the 12 focus areas under Destination Management and Destination Marketing priorities. They build upon the actions in the draft *Destination Northern Beaches COVID Recovery Plan* and are informed by issues raised during the community consultation and further discussions with Council's business units on how we can respond to these.

The Action Plan identifies where responsibility for delivering the action primarily sits, as either: direct action for Council; requires strong collaboration with local industry; or advocacy to the NSW Government to achieve. They have been identified as high (within next 1-2 years), medium (2-4 years) and low priority (+4 years).

The Economic & Smart Communities SRG workshopped these actions at the meeting on 19 May 2021 during which a number of them were re-prioritised for High to Medium, and vice versa.

Some of the key actions identified include:

- Destination Management:
 - Create an industry-based tourism group (Destination Management Group)
 - Through the LEP review consider new opportunities for tourism orientated development
 - Undertake a Place Plan for Manly which includes a focus on tourism
 - Implement smart technology, such as Park and Pay App and provide shuttle bus services at peak times, such as Careel Bay to Palm Beach
 - Plan for new off-road cycling facilities, including new bike parks and trails
 - Encourage operators to package 'hinterland' experiences and leverage Coast Walk
 - Develop Aboriginal cultural tourism in partnership with the local Aboriginal community.
- Destination Marketing:
 - Develop a destination brand identity, building on the Northern Beaches place brand and reflecting distinct characteristics of our villages
 - Develop a Visitor Servicing Strategy and create a dedicated destination website
 - Implement an off-season campaign targeting Visiting Friends and Relatives
 - Develop and support multi-day events and encourage midweek b-leisure travel market
 - Advocate to Destination NSW to promote the Northern Beaches as a premier visitor destination.

At the SRG workshop it was also requested that in the draft DMP, we bring upfront the **"Destination Statement"** that the SRG workshopped in 2019 and shown below.

"The Northern Beaches is an extraordinary destination offering world-class beach and bushland experiences, with vibrant villages that reflect our contemporary coastal lifestyle".

To monitor progress of the DMP we will set specific local targets once domestic and international travel resumes and we better understand the capacity and rate of recovery of the tourism industry. This may include growth of total visitor spend, increase in number of visitor nights (international and domestic) and improvement in overall visitor satisfaction. **Stretch Target** have been set when a return to pre COVID numbers has been met. The stretch target aims to increase

the local visitor spend growth to be in-line or even exceeding that of Greater Sydney. The analysis informing the stretch target was based on visitor expenditure data prior to COVID-19, which showed that average visitor spend on the Northern Beaches was significantly lower than the Greater Sydney average (-40% for day trippers, -35% for domestic overnight stays and -12% for international overnight stays).

Visitor expenditure growth in the last five year period had significantly lagged behind the rest of Sydney (3.2% compared to 9.2%). If visitor expenditure growth was to increase to that previously seen across Sydney, this would effectively double the total value of the visitor economy on the Northern Beaches over the next five years, from \$500million to \$1billion by 2026.

Whilst this seems ambitious given current global economic conditions, it illustrates how a focus on increasing visitor yield (spend per visitor) can significantly grow the visitor economy. A key way to achieving this is converting the day tripper to an overnight stay, with day trippers in 2019/20 accounting for 81% of all visitors to the Northern Beaches, but only 18% of all visitor spend.

Consequently, many of the actions in the draft DMP aim to attract visitors to stay longer and spend more on the Northern Beaches, whilst spreading visitation throughout the region and across the year. This will meet our strategic aim of sustainably growing the visitor economy whilst better managing impacts on our environment and community.

Since exhibiting the draft DMP, the NSW Government has released the *NSW Visitor Economy Strategy 2030*, which includes a range of indicators to monitor recovery and performance of the NSW visitor economy and are referenced in the 'Measuring success' section of the DMP. The indicators include, increasing:

- Community satisfaction
- Visitor expenditure (by domestic day and overnight)
 - Share of Gross State Product and Jobs
- Average length of stay
- Average yield (spend)
- Repeat visitation
 - Investment in visitor infrastructure
- Access to visitor attraction
- Visitor satisfaction accommodation and experiences
- Visitor attendance and economic impact of events.

We will set specific local targets once domestic and international travel resumes and we better understand the capacity and rate of recovery of the tourism industry. This may include targets on the growth of total visitor spend, increase in number of visitor nights and market share (international and domestic) and improvement in overall visitor satisfaction ratings.

CONSULTATION

The engagement process and outcomes of the draft DMP public exhibition between December 2020 and February 2021, were reported at the April 2021 Council Meeting along with the Community and Stakeholder Engagement Report.

The engagement process reached over 6,500 people who visited the Your Say project page. A total of 211 unique submissions were received. Consultation was held with a range of key

stakeholders including community, businesses, local chambers of commerce, government agencies and Manly's Tourism & Economic Recovery Taskforce, led by James Griffin MP.

Across all stages of consultation, a number of consistent concerns and opportunities arose:

1. Impact of increasing visitor numbers
2. Pressure on transport and parking
3. Impact on the natural environment
4. Limited range of visitor accommodation and impacts of short-term holiday lets
5. Opportunities to improve recreational facilities for road and mountain biking
6. Greater focus on targeted marketing and visitor servicing.

These informed the draft DMP and are reflected in the 12 themes under the two focus areas of destination management and destination marketing.

TIMING

The timeframe to develop the draft DMP has been impacted by the COVID-19 Pandemic declared in March 2020. This required a review of the plan to reflect major changes in global tourism, namely closed international borders, the need to refocus on domestic markets, the creation of COVID-safe itineraries and increased digital visitor servicing. This resulted in the drafting of and consulting on a draft Two-Year Recovery Action Plan, which has now been incorporated into the Action Plan to help recovery of tourism sector and achieve a more sustainable visitor economy.

	Timeline	Activity
Stage 1	October 2018	Councillor briefing.
	December 2018	Consultants engaged.
	January – March 2019	Consultation with industry, key stakeholders and Economic and Smart Communities SRG.
	March 2019	Detailed situation analysis.
	May – July 2019	Tourism summit, community consultation on Key Directions Paper.
	November 2020	Councillor briefing. Draft Destination Management Plan - Northern Beaches: Creating a sustainable visitor economy (DMP). Draft Destination Northern Beaches: Two-Year Recovery Plan. Council Meeting.
Stage 3	November 2020 – February 2021	Public exhibition.
	April 2021	Councillor briefing. Report to Council on community engagement outcomes and present the updated DMP.

	May 2021	Councillor briefing. Economic & Smart Community SRG workshop.
	September 2021	Endorsement Manly Tourism and Economic Recovery Taskforce, led by James Griffin MP
	September 2021	Report to Council on final DMP.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
 - d. Enhance and extend opportunities for sustainable tourist economy throughout the area

Planning for a sustainable visitor economy is also guided by a suite of plans and strategies including:

- Towards 2040 Local Strategic Planning Statement (LSPS)
 - Priority 22: Jobs that match the skills and needs of the community
 - Priority 26: Manly as Sydney's premier seaside destination
 - Priority 29: A thriving, sustainable tourism economy
 - Priority 30: A diverse night-time economy
- Better Together: Social Sustainability Strategy 2040
- Protect. Creative. Live: Environment and Climate Change Strategy 2040
- Arts and Creativity Strategy 2029
- Transport Strategy 2038
- Pittwater Waterway Strategy 2038
- Internal Council business units: Open Space and Recreation, Arts and Culture, Strategic Planning, Property, Events, Greener Communities, Environment and Climate Change.

Council has also commenced an Economic Development Strategy for the Northern Beaches. This will set the directions for business recovery and economic growth of the region over the next 10 years. It will be the lead strategy for Council's 'economic' pillar and will be akin to the "Better Together: Social Sustainability Strategy 2040" is for the 'social' pillar and "Protect. Create. Live: Environment and Climate Change Strategy 2040" is for the 'environment' pillar. The DMP will sit underneath the Economic Development Strategy as a industry-specific plan.

FINANCIAL CONSIDERATIONS

Included in the 2021/22 operational budget is funding for the development of a destination website or destination marketing campaign.

SOCIAL CONSIDERATIONS

Through the consultation process the feedback shows our community's deep love for the place they live and the need for an increased focus on destination management. Feedback has highlighted the importance of collaboration between Council, our local tourism industry, community and all levels of government. The key is finding the balance between protecting what the local community values about our extraordinary region and the potential benefits of our visitor economy.

The adopted "Destination Northern Beaches: Creating a Sustainable Visitor Economy" will provide the framework to:

1. Have a balanced approach
2. Support the local tourism industry
3. Create a destination identity and promote it in a way that respects the local community's aspirations.

Through this consultation it is clear moving forward, Council can help alleviate residents' concerns around tourism by promoting a greater understanding about the role that visitation plays in supporting the local economy.

ENVIRONMENTAL CONSIDERATIONS

The DMP identifies the region's natural environment as a key asset and how nature contributes to driving visitation across the region.

By aligning this document with the Protect. Create. Live: Environment and Climate Change Strategy 2040, Council is committed to ensuring visitation to the region is in balance with protecting our bushland, beaches, waterways and wildlife.

GOVERNANCE AND RISK CONSIDERATIONS

Through the development of the DMP the need for ongoing collaboration with all stakeholders was identified. This is also highlighted by the positive role Manly Tourism & Economic Recovery Taskforce has played in promoting stronger partnerships between the state government and the local business community.

A key action in the DMP is the need for Council to lead a Destination Management Group to oversee and guide the delivery of destination management and marketing actions.

There is a risk that in the absence of a Destination Management Plan, the opportunity to secure future funding or value in kind partnerships could be lost.

While it is not a regulatory requirement of Council, it is an important document that aligns the direction of Council with Destination New South Wales.

ITEM 8.3	UPDATE ON THE BACK TO BUSINESS INITIATIVE
REPORTING MANAGER	ACTING EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2021/658220
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To provide an update on Council's Back to Business program, designed to help revitalise the economy whilst allowing our community to come together in a COVID Safe way.

REPORT

As our business community gets ready to emerge from lockdown, they would like the opportunity to change how they operate to meet the NSW Public Health Orders (PHO) and for Council to be flexible and innovative as we seek to fast track approvals and modify a number of procedures as a temporary emergency provision. To support local businesses a working group was formed consisting of Council staff to implement a Back to Business program that would respond to requests for assistance from our business community.

Councillors were briefed on the concept at the Councillor briefing on Tuesday 7 September and the program launched on 10 September 2021. Local businesses were asked to submit specific ideas (big or small) on how Council can support their recovery, think repurposing public spaces, outdoor dining, socially distanced shopping, and the cutting of red tape.

All ideas must comply with the PHO and will be assessed against a set of common criteria, including:

- Legal – proposed activity must be legal
- Safe – proposed activity must not endanger or create hazards for non-participants
- Boost to economic activity
- Activity aligns with Council values – including the clause regarding no pokies on The Corso
- Not detrimental to other businesses – the activity will not have an unreasonably detrimental effect on other surrounding businesses.

As of 20 September 2021, we have received 68 submissions. These covered a broad range of ideas, which can be grouped as:

- use of footpath outside premises for outdoor dining and take-away food selling (BBQs)
- promotion of arts and craft markets and more opportunities for local stallholders
- increasing parking for Click and Collect outside premises
- use of footpath for beauty salons and hairdressers for waiting clients
- enabling hairdressers to operate from their homes/front yards
- allowing breweries to use their private car parks for outdoor dining and tastings
- supporting food trucks to operate, where appropriate, including extending length of stay

- holding small scale festivals and events to showcase local businesses, such as wellness
- allowing live music and performances to create vibrancy
- enabling retailers to further display and sell goods on the footpaths outside their premises
- promoting local service providers, such as business coaching and digital marketing, to help businesses reopen
- seeking clarification on Public Health Orders which apply to specific businesses
- requesting financial assistance in relation to Council rates or negotiating rent relief with commercial landlords
- further exploring NSW Government support, such as extending Dine & Discover to health and beauty sectors
- use of reserve for restaurant patrons
- extension of trading hours for hairdressers and beauty salons.

Applications are assessed against the criteria by the Working Group who meet regularly. Several of these require Council to work with the NSW Government to streamline processes, such as starting home-based businesses or permitting alfresco dining in new settings, including brewery or RSL club car parks. Senior staff are holding discussions with NSW Government on changes to regulations to enable this. Many of the submissions require input across Council business units and may need additional information or consultation with surrounding businesses, to understand and mitigate any impacts.

To date, a number of submissions have been closed off or approved, with the remaining ones pending further investigation. Approved applications are provided with a letter stating conditions and a Back to Business permit which must be available at all times when the business is in operation (as the PHO allow). Approval is generally given until March 2022, but this will be continually reviewed in line with the easing of COVID-19 restrictions and the local economic recovery.

Promotion of the Back to Business program has been through Council's Community and Business eDMs and social media. Local chambers of commerce have been informed and are promoting through their channels. Successfully approved and implemented examples will be used to encourage further ideas and applications by local businesses.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in an environment that supports innovation and economic growth.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council as the Back to Business program is not a grant initiative. Any costs for delivering the ideas are expected to be incurred by the business, though Council may cover in-kind costs through fee waivers (outdoor dining or open space permits) or promotion.

ENVIRONMENTAL CONSIDERATIONS

Any environmental concerns identified as permit applications are assessed will be reviewed and addressed in accordance with Council policies.

Where an idea may have an environmental health implication, such as food preparation/selling, Council's Environmental Health team will be consulted.

SOCIAL CONSIDERATIONS

By providing greater flexibility and taking a pragmatic approach to how businesses can adapt their operations to meeting new COVID-19 restrictions, Council can help with local economic recovery.

GOVERNANCE AND RISK CONSIDERATIONS

The Back to Business program is generating significant interest from the local business community. An internal Working Group has been established with senior staff involvement, including the Chief Executive Officer and relevant Directors, to ensure applications are responded to quickly and business unit support is provided. This group will continue to meet regularly while the initiative is in place and review processes as necessary.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council note the update on the Back to Business initiative.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	DRAFT 2020/21 FINANCIAL STATEMENTS
REPORTING MANAGER	EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS
TRIM FILE REF	2021/607175
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Draft 2020/21 Financial Statements (Included In Attachments Booklet) 2 ↓ General Purpose Financial Statements - Statement by Councillors and Management

SUMMARY

PURPOSE

To present to Council the draft Financial Statements of Northern Beaches Council for the year ended 30 June 2021, which require certification and referral to Council's external auditors, the Audit Office of New South Wales.

EXECUTIVE SUMMARY

The draft Financial Statements and Special Schedules for the year ended 30 June 2021 have been prepared in accordance with the Act and the associated Regulations, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting. The unaudited Financial Statements are provided under separate cover as Attachment 1 to this report.

The Council's Net Operating Result for the 2020/21 financial year was a \$0.1 million surplus, which was lower than the previous two financial years (2019/20: \$18.6m surplus, 2018/19: \$28m surplus). The Net Operating Result excluding grants and contributions received for capital expenditure purposes was a \$26.5 million deficit (2019/20: \$16.5m deficit, 2018/19: \$9.9m surplus). The Council delivered a capital works expenditure program of \$73.9 million and repaid \$5.1 million in loans.

Council has met all financial and asset performance benchmarks set by the Office of Local Government apart from the Operating Performance ratio (due to the deficit operating result). However, if once-off material items are excluded this ratio would also meet the benchmark.

The Council's financial results over the past two financial years largely reflect the impact of the COVID-19 pandemic restrictions on operations and the support measures in place for the community. The net cost of the COVID-19 pandemic as of 30 June 2021 was \$29 million including losses due to service impacts along with small business and community support packages. \$18 million of this relates to the 2020/21 financial year, with \$11 million in losses in the 2019/20 year. The ongoing impact of the current COVID-19 lockdown is expected to again result in the need to make further adjustments to expenditure programs in the September 2021 Quarterly Budget Review, which will be reported to Council in October 2021.

Other significant events have also placed pressure on the Council's finances, including large storms and bushfire preparation in 2019/20. Further, following mediation before the Hon. Keith Mason AC QC, the dispute between Built Athas and Northern Beaches Council relating to the development of Manly Council's Whistler Street Car Park has been resolved by the parties, without admission of liability by any party, on terms that Council pay to Built Athas \$6,750,000 in full and final settlement of all matters in dispute. The terms of the settlement are otherwise confidential.

The Council adjusted its capital expenditure into 2020/21 and future budgets to provide capacity to respond to the pandemic and retain our long term strong and sustainable position. The Delivery Program adopted by Council in June 2021 is focused on recovery and rebuilding the Council's working capital into the future to support the resilience of the organisation to, again, sustain unexpected events into the future.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council resolve in its opinion that the General Purpose Financial Statements for the year ended 30 June 2021:
 - A. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the regulations made thereunder, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting;
 - B. to the best of the Council's knowledge and belief the Financial Statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
 - C. the Council is unaware of any matter that would render the Financial Statements false or misleading in anyway.
 2. The Mayor, a Councillor, Chief Executive Officer and Chief Financial Officer be authorised to sign the 'Statement by Councillors and Management' for the General Purpose Financial Statements.
 3. The Financial Statements for the year ended 30 June 2021 be referred to the Council's Auditor for audit.
 4. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's Reports, to:
 - A. forward a copy of the Financial Statements and Auditor's Reports to the Office of Local Government;
 - B. arrange for public notice to be given, in the required format on Council's website, of the Council Meeting for presentation of the audited 2020/21 Financial Statements;
 - C. arrange for the Council's audited Financial Statements and Auditor's Reports to be made available for public inspection on Council's website and in printed format (subject to public health orders) at Council's Customer Service Centres and Libraries; and
 - D. list the audited Financial Statements and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.
-

REPORT

BACKGROUND

Preparation of the Financial Statements

The Local Government Act 1993 ("the Act") relating to the preparation of Council's Annual Financial Statements requires that:

1. Section 413 (2) – A Council's Financial Statements must include:
 - a) a General Purpose Financial Statement
 - b) any other matter prescribed by the Regulations
 - c) a statement in the approved form by the Council as to the opinion on the General Purpose Financial Statements.
2. Section 416 – A Council's Financial Statements for a year must be prepared and audited within 4 months after the end of the year concerned.
3. Section 418 – Upon receiving the Auditor's Reports, the Act requires Council to give at least 7 days public notice of the meeting at which it proposes to present its Audited Financial Statements, together with the Auditor's Reports, to the public. The public notice must include a statement that the business of the meeting will include presentation of the Audited Financial Statements, the Auditor's Reports and a summary of the Financial Statements.
4. Section 420 – Any person may make submissions in respect of the Council's Audited Financial Statements or the Auditor's Reports. Such submissions must be in writing and lodged with Council within 7 days after the public meeting at which these Statements are presented. Copies of all submissions received must be referred to the Council's Auditor. The Council must take such action as it considers appropriate with respect to any submissions received, including giving notice to the Office of Local Government of any matter that appears to require amendment of the Council's Financial Statements. In order to facilitate the public notice, meeting and submission process, it is considered appropriate that Council delegate to the Chief Executive Officer authority, upon receipt of the Auditor's Reports by Council, to:
 - a) Arrange for the public notice of this meeting, in the required format, to be placed on Council's website, advising of the meeting at which the Auditor's Reports will be presented.
 - b) Arrange for the Council's Audited Financial Statements and a copy of the Auditor's Reports to be made available for public inspection on Council's website and (subject to public health orders) at Council's Customer Service Centres and Libraries.
 - c) List the Audited Financial Statements and Auditor's Reports on the agenda for the next available Council Meeting for presentation to the public, which allows for the 7-day public notice requirement.
5. Section 428 - The Audited Financial Statements must be included in Council's Annual Report.
6. Clause 215 of the Local Government (General) Regulation 2005 requires that the Statement under Section 413(2)(c) on the Annual Financial Statements must be made by resolution of the Council and signed by the Mayor, at least one other Councillor, Chief Executive Officer and Responsible Accounting Officer.

Annual Financial Statements have now been prepared and a draft is attached for referral to audit.

Council is responsible for the preparation of the Financial Statements and adequate disclosures. This includes the maintenance of adequate accounting records and internal

controls, selection and application of accounting policies, and the safeguarding of the assets of Council.

The accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the timely preparation of the General and Special Purpose Financial Statements for the year ended 30 June 2021. The update to the Local Government Code of Accounting Practice and Financial Reporting was issued in December 2020 and is relevant to the reporting period ending on 30 June 2021.

Financial Position and Performance as at 30 June 2021 (subject to Audit)

The principal features of the Annual Financial Statements for 2020/21 are as follows:

Income Statement for the year ended 30 June 2021

Total income from continuing operations	\$365.8m
Total expenses from continuing operations	\$365.7m
Net operating result for the year	\$0.1m
Net operating result for the year before capital grants and contributions	(\$26.5m)

Capital Expenditure for the year ended 30 June 2021

New capital works	\$33.8m
Capital renewal works	\$39.3m
Non-cash asset dedications	\$0.8m
Total capital expenditure	\$73.9m

Financial Position as at 30 June 2021

Total assets	\$5,245.2m
Total liabilities	\$198.6m
Net assets	\$5,046.6m

Performance Indicators

Financial performance indicators

Operating performance	-7.32%	✗
Own source operating revenue ratio	87.42%	✓
Unrestricted current ratio	1.69x	✓
Debt service cover ratio	2.81x	✓
Rates and annual charges outstanding percentage	3.92%	✓
Cash expense cover ratio	5.20 months	✓

Infrastructure asset performance indicators

Buildings and infrastructure renewals ratio	117.21%	✓
Infrastructure backlog ratio	1.50%	✓
Asset maintenance ratio	106.52%	✓
Cost to bring assets to agreed service level	1.25%	n/a

✓ indicates performance indicator has achieved the OLG benchmark.

The Office of Local Government (OLG) sets benchmarks for all indicators, with the exception of the 'Cost to bring assets to agreed service level'. On the 13th August 2020, the OLG advised councils, with regards to achieving financial targets during the pandemic:

"As COVID-19 continues to impact communities throughout NSW, the Office of Local Government (OLG) understands that many councils are facing difficulties in balancing their budgets and achieving their financial targets.

These are unprecedented times for councils and OLG will work to ensure that the audit process acknowledges the challenges councils face and that financial performance will inevitably be affected.

OLG understands that councils are facing additional expenses, significant reductions in revenue, and challenges in ensuring the ongoing delivery of important community services.

Financial management strategies will need to be flexible and adaptable and OLG will take a pragmatic approach to council performance this year. No council should be considering reducing services or staffing just to demonstrate compliance with financial benchmarks.

In the coming months, as councils continue to respond to the COVID-19 pandemic they should continue to make sound financial decisions which includes continuing to meet ongoing financial obligations."

Material events in the 2020/21 financial year

Analysis of the financial statements has been provided within the attached financial statements (Attachment 1) including:

- A year on year variance analysis within the *Commentary* section
- Material variations of more than 10% between original budget and actual results are explained within *Note B5-1*

Material events in the 2020/21 financial year included:

- **COVID-19 pandemic** - While there was strong recovery in the early half of the year, the summer Northern Beaches and late June 2021 lockdowns placed pressure on the Council's budget in 2020/21. As at 30 June 2021 the net cost of the pandemic is \$29 million including losses due to services impacts along with small business and community support packages. \$18 million of this relates to the 2020/21 financial year, with \$11 million in losses in the 2019/20 year.

COVID-19 Pandemic Financial Impact – March 2020 to June 2021

\$'000	Result 2019/20	Result 2020/21	Total March 2020 to June 2021
Closed and impacted services	9,523	10,398	19,921
Community and small business support	1,651	3,133	4,784
Rates and waste charge subsidies	-	4,375	4,375
Total COVID-19 Financial Impact	11,174	17,906	29,080

- Settlement of the **Whistler Street Car Park** matter for \$6.75 million
- **Implementation of 'software as a service'** - A recent International Financial Reporting Standards Interpretations Committee (IFRIC) decision has changed the way the implementation of 'software as a service' is accounted for, resulting in a once-off additional depreciation expense of \$0.9 million and \$2.2 million in materials and services expenses for projects including the People Central HR and Payroll system project.
- **Lower waste charges** - The planned return of \$2 million in surplus funds in the waste reserve through lower domestic waste charges in 2020/21.

The Council's financial results have been temporarily impacted by these events, with a net operating deficit before capital grants and contributions of \$26.5 million. If these items were excluded, the result would be a surplus of \$3.3 million.

2020/21 result adjusted for material once-off items

\$'000	Result	Result before capital grants and contributions
Operating result	91	(26,453)
Less:		
COVID	17,906	17,906
Settlement of the Whistler Street Car Park matter	6,750	6,750
Software accounting change	3,108	3,108
Surplus Domestic Waste funds returned	2,000	2,000
Operating result excluding once-off items	29,855	3,311

While the Council has not met the Operating Performance ratio benchmark of 0% at this time, if these once-off items are excluded the ratio would meet the benchmark with a result of 1.4% compared to -7.32%.

All other financial and asset performance benchmarks have been met.

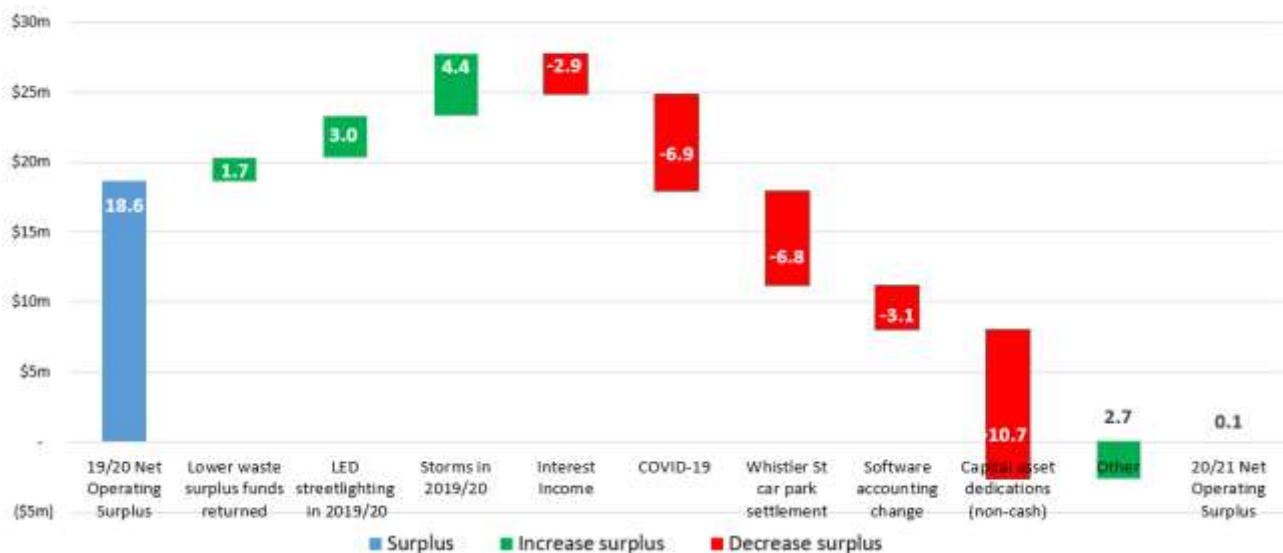
Operating Result from Continuing Operations – 2020/21 compared to 2019/20

The Operating Result from Continuing Operations for the full financial year is \$0.1 million (2019/20 \$18.6 million). The primary differences between the two financial years being:

- **Lower waste surplus funds returned:** Income from domestic waste charges increased by \$4.9m (12%). The 2019/20 domestic waste charge included a greater offset from surplus funds from the waste reserve (\$3.7m) compared to 2020/21 (\$2m).
- **LED Streetlighting:** In 2019/20 operating expenses included an additional \$3m to replace street lights with energy efficient LED lights.
- **Storms:** 2019/20 included an additional \$3.8m in clean up and restoration costs following the November 2019 and February 2020 storms. In 2020/21 Council received a first natural disaster support payment of \$0.5m towards these costs.
- **Interest income:** \$2.9m reduction in interest and investment revenue due to lower balances and interest rates and the impact of COVID-19 which included an interest free period on overdue rates from 1 July 2020 to 31 December 2020.

- **COVID-19:** COVID-19 significantly impacted 2019/20 and 2020/21 as a result of closed services and less demand for others along with community support costs. The cost of the pandemic in 2019/20 (excl interest) was \$10.8m versus \$17.7m in 2020/21.
- Settlement of the **Whistler Street Car Park** matter
- **Software accounting change:** A recent International Financial Reporting Standards **Interpretations** Committee (IFRIC) decision has changed the way the implementation of 'software as a service' is accounted for, resulting in additional operating expenses of \$3.1m.
- **Capital grants and contributions:** Capital asset dedications (non-cash) were lower in 2020/21 compared to 2019/20 by \$10.7m as 2019/20 included an \$11.8m dedication for the Warriewood B-Line carpark from Transport for NSW.

Change in surplus (incl. capital grants and contributions) 2019/20 to 2020/21 (\$'m)



CONSULTATION

Council's external auditors have conducted audit procedures during the year as an interim to the verification of assets and liabilities at year-end, to assess the reliability of the general ledger to produce Financial Statements and in the preparation of the draft Financial Statements.

Council's Audit, Risk and Improvement Committee was provided with a draft of the Financial Statements for the year ended 30 June 2021 at a meeting on 14 September 2021 for their assessment and advice. The Committee supported the draft 2020/21 Financial Statements as presented as suitable for consideration by Council for referral to audit subject to minor amendments recommended by the Committee. Recommendations from the Audit, Risk and Improvement Committee were incorporated into the draft Financial Statements contained in the attachment booklet.

TIMING

Council's Financial Statements for a year must be prepared and audited in accordance with the Act, i.e., within four months after the end of the year concerned.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

The attached Financial Statements fairly present Council's operating result and financial position for the financial year 1 July 2020 to 30 June 2021 and accord with relevant accounting records.

The Operating Result for the year was a surplus \$0.1 million, and a \$26.5 million deficit after excluding grants and contributions received for capital purposes. While the Council did not meet the Operating Performance Ratio benchmark of 0% at this time, the Council has met all other financial and asset performance ratios and working capital is sufficient to meet the Council's operating requirements.

The financial result for the year has been impacted by significant events. The net cost to Council of the COVID-19 pandemic to 30 June 2021 is \$29 million, of which \$18 million relates to the 2020/21 financial year. Further, Council settled the Whistler Street Car Park matter for \$6.75 million and was required to expense \$3.1 million in cloud computing expenses under changes to the accounting requirements for these items. During the year the Council also released \$2 million in surplus funds from the waste reserve through lower waste charges. If these items are excluded from the Operating Result, Council would have met the Operating Performance Ratio benchmark with an Operating Performance Ratio of 1.4% and a surplus excluding capital grants and contributions of \$3.3 million.

The preparation, compilation and audit of Council's Financial Statements has been provided for in Council's annual budget.

SOCIAL CONSIDERATIONS

There are no significant social considerations relating to this report.

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations relating to this report.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Financial Statements for the year ended 30 June 2021 were considered by the Audit, Risk and Improvement Committee for presentation to Council. The Financial Statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the Local Government Act (1993) (NSW) and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.

Northern Beaches Council**General Purpose Financial Statements**

for the year ended 30 June 2021

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the *Local Government Act 1993* (NSW)

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 28 September 2021.

Michael Regan

Mayor

28 September 2021

[Councillor]

Councillor

28 September 2021

Ray Brownlee

Chief Executive Officer

28 September 2021

David Walsh

Responsible Accounting Officer

28 September 2021

ITEM 9.2	MONTHLY INVESTMENT REPORT - AUGUST 2021
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2021/610661
ATTACHMENTS	NIL

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*.

EXECUTIVE 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 \$184,686,438 comprising:

- Trading Accounts \$8,363,119
- Investments \$176,323,319

Performance over the period from 1 July 2021 to date exceeded the benchmark: 0.40%pa vs. 0.05%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.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 31 August 2021, including the certification by the Responsible Accounting Officer.

REPORT

BACKGROUND

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.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good Governance Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2021 to date was \$100,412 compared to budgeted income of \$93,800, a positive variance of \$6,612.

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

The Investment Policy was reviewed by the Audit, Risk and Improvement Committee at its meeting in December 2020 and no change to the Policy was required following that review.

Council's Investment Policy and Strategy were reviewed in September 2020 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".

Effective 1st of July 2021, Bank of Queensland (BOQ) completed the acquisition of ME Bank. As ME Bank is now a fully owned subsidiary, the holdings of BOQ and ME Bank are now combined for the purpose of determining the maximum percentage which can be held in accordance with the Institutional Credit Framework Guidelines under clause 4.2.2 of Council's Investment Policy.

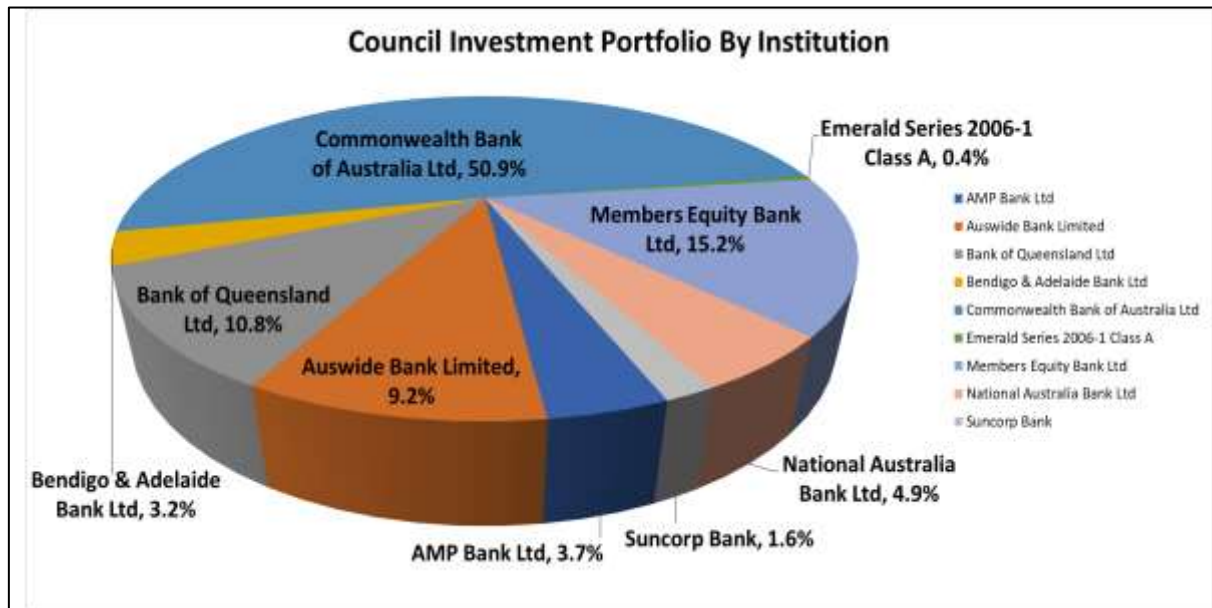
Investment Balances

INVESTMENT BALANCES				
As at 31-Aug-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	6,502,857		0.15%
National Australia Bank Ltd	A1+	11,256		0.00%
		6,514,113		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	11,909,668	At Call	0.20%
		11,909,668		
Mortgage Backed Securities				
Emerald Series 2006-1 Class A	A*	801,553	21-Aug-51	0.4600%
		801,553		
Term Deposits				
Members Equity Bank Ltd	A2	1,000,000	02-Sep-21	0.40%
Auswide Bank Limited	A2	2,500,000	07-Sep-21	0.55%
Bank of Queensland Ltd	A2	2,000,000	09-Sep-21	0.35%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Sep-21	0.29%
Auswide Bank Limited	A2	2,000,000	14-Sep-21	0.55%
Auswide Bank Limited	A2	2,000,000	16-Sep-21	0.55%
Members Equity Bank Ltd	A2	1,000,000	21-Sep-21	0.40%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	21-Sep-21	0.75%
Auswide Bank Limited	A2	2,000,000	23-Sep-21	0.45%
Members Equity Bank Ltd	A2	2,000,000	28-Sep-21	0.40%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Sep-21	0.70%
Bank of Queensland Ltd	A2	2,000,000	30-Sep-21	0.35%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Oct-21	0.31%
Auswide Bank Limited	A2	2,000,000	05-Oct-21	0.55%
Bank of Queensland Ltd	A2	2,000,000	07-Oct-21	0.35%
Auswide Bank Limited	A2	2,000,000	12-Oct-21	0.55%
Auswide Bank Limited	A2	2,000,000	14-Oct-21	0.45%
Bank of Queensland Ltd	A2	2,000,000	19-Oct-21	0.35%
AMP Bank Ltd	A2	900,000	19-Oct-21	0.75%
Bank of Queensland Ltd	A2	2,000,000	21-Oct-21	0.35%
Members Equity Bank Ltd	A2	1,000,000	21-Oct-21	0.45%
Members Equity Bank Ltd	A2	2,000,000	26-Oct-21	0.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Oct-21	0.41%
Bank of Queensland Ltd	A2	2,000,000	28-Oct-21	0.40%
Bank of Queensland Ltd	A2	2,000,000	02-Nov-21	0.35%
Bank of Queensland Ltd	A2	1,000,000	04-Nov-21	0.40%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	09-Nov-21	0.31%
Auswide Bank Limited	A2	2,500,000	09-Nov-21	0.55%
Members Equity Bank Ltd	A2	2,000,000	11-Nov-21	0.45%
Members Equity Bank Ltd	A2	3,000,000	16-Nov-21	0.45%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	18-Nov-21	0.33%
Members Equity Bank Ltd	A2	2,000,000	23-Nov-21	0.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	02-Dec-21	0.31%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	07-Dec-21	0.34%
Suncorp Bank	A1	3,000,000	09-Dec-21	0.30%
National Australia Bank Ltd	A1+	2,000,000	14-Dec-21	0.28%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Dec-21	0.33%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Dec-21	0.33%
National Australia Bank Ltd	A1+	2,000,000	16-Dec-21	0.28%
National Australia Bank Ltd	A1+	2,000,000	21-Dec-21	0.27%

INVESTMENT BALANCES				
As at 31-Aug-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Commonwealth Bank of Australia Ltd	A1+	3,000,000	21-Dec-21	0.35%
National Australia Bank Ltd	A1+	2,000,000	04-Jan-22	0.28%
AMP Bank Ltd	A2	1,500,000	04-Jan-22	0.75%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	06-Jan-22	0.34%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	11-Jan-22	0.34%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	13-Jan-22	0.33%
Members Equity Bank Ltd	A2	2,000,000	17-Jan-22	0.40%
AMP Bank Ltd	A2	2,000,000	18-Jan-22	0.75%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	20-Jan-22	0.34%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	25-Jan-22	0.34%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	27-Jan-22	0.30%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-Jan-22	0.34%
Bank of Queensland Ltd	A2	3,000,000	01-Feb-22	0.40%
National Australia Bank Ltd	A1+	1,000,000	04-Feb-22	0.40%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	08-Feb-22	0.34%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	08-Feb-22	0.35%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	10-Feb-22	0.34%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Feb-22	0.34%
AMP Bank Ltd	A2	2,500,000	16-Feb-22	0.55%
Members Equity Bank Ltd	A2	2,000,000	17-Feb-22	0.50%
Members Equity Bank Ltd	A2	2,000,000	22-Feb-22	0.50%
Members Equity Bank Ltd	A2	2,000,000	24-Feb-22	0.50%
Members Equity Bank Ltd	A2	2,000,000	28-Feb-22	0.50%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	01-Mar-22	0.35%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	03-Mar-22	0.34%
Bank of Queensland Ltd	A2	2,000,000	08-Mar-22	0.38%
Members Equity Bank Ltd	A2	2,000,000	15-Mar-22	0.50%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	17-Mar-22	0.36%
Members Equity Bank Ltd	A2	2,000,000	29-Mar-22	0.50%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	12-Apr-22	0.37%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Apr-22	0.37%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	04-Aug-22	0.40%
		140,900,000		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,849,007		0.00%
		1,849,007		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,314,499	At Call	0.01%
		1,314,499		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	29-Sep-21	0.27%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	13-Oct-21	0.36%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	11-Nov-21	0.35%
Commonwealth Bank of Australia Ltd	A1+	12,397,600	22-Nov-21	0.31%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	29-Nov-21	0.33%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Dec-21	0.33%
		21,397,600		
Total Cash and Investments		184,686,438		

*Rating is based on a private rating advised by the issuer to Council's Investment Advisors.

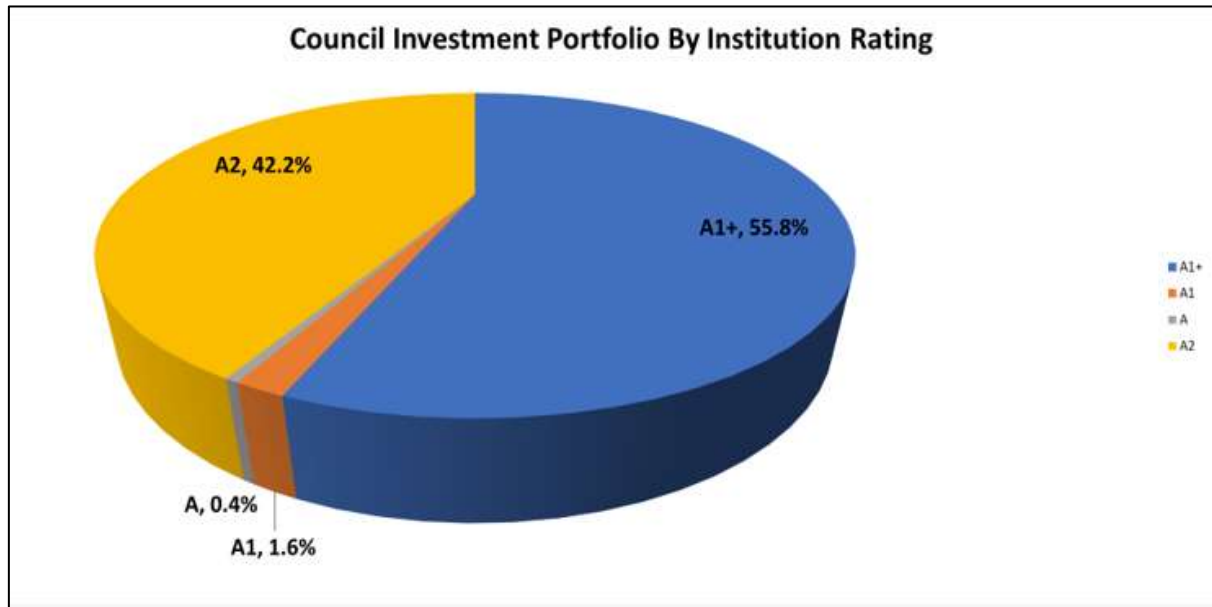
Portfolio Analysis



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+	A-1	40%	Yes
A			
A-			
BBB+	A-2	30%	Yes
BBB			
BBB-			
Unrated	Unrated	10%	Yes (\$Nil)



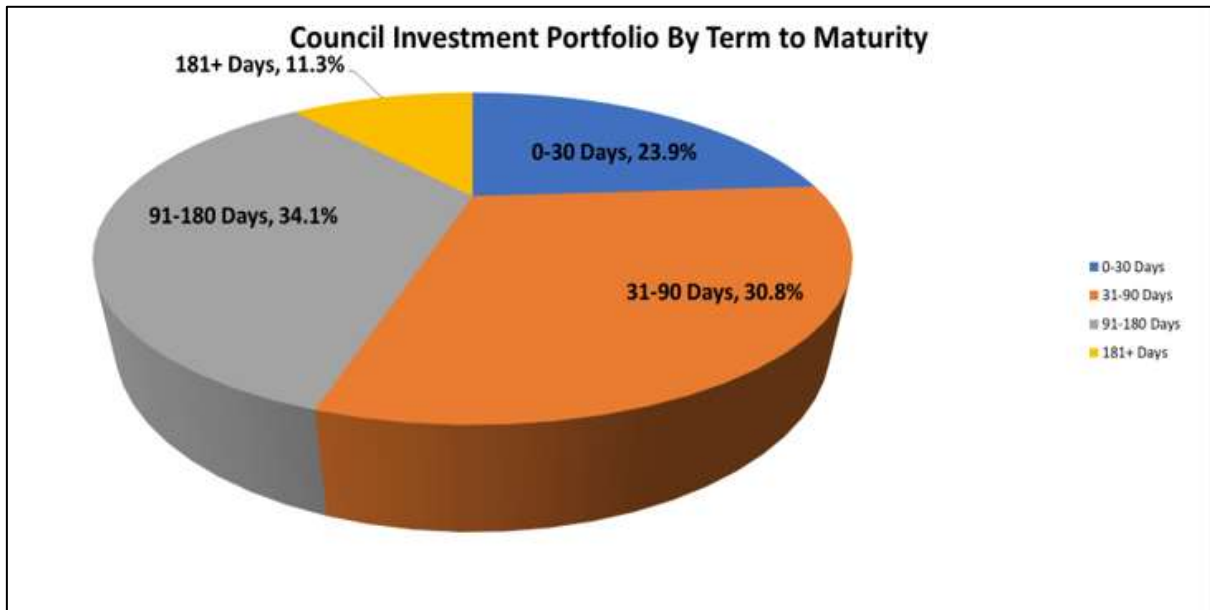
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

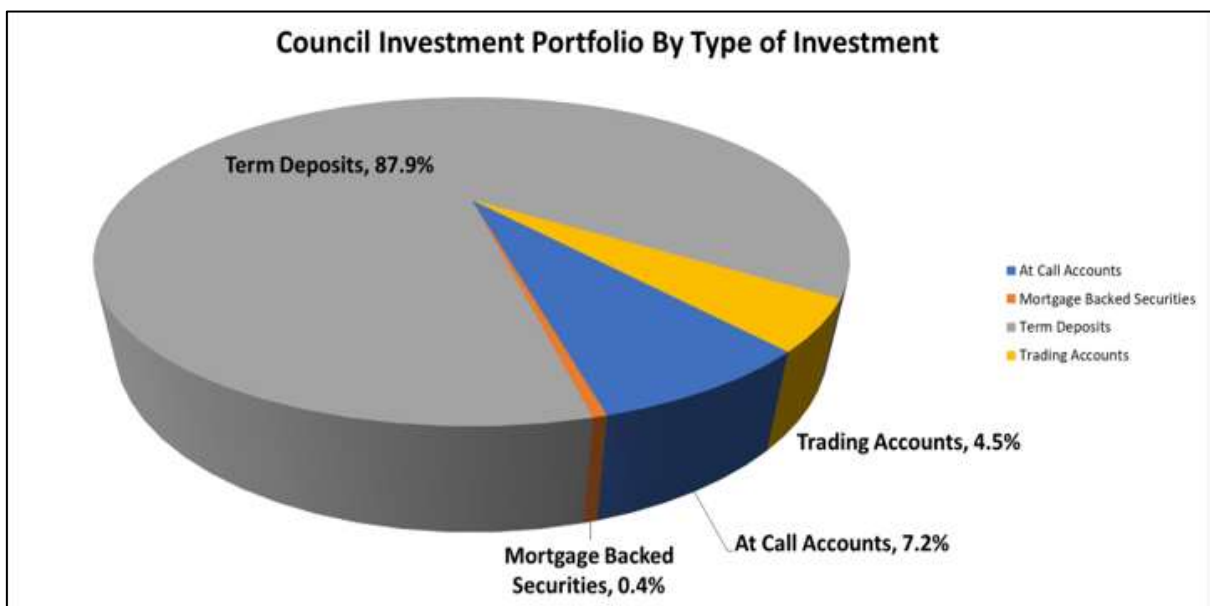
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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

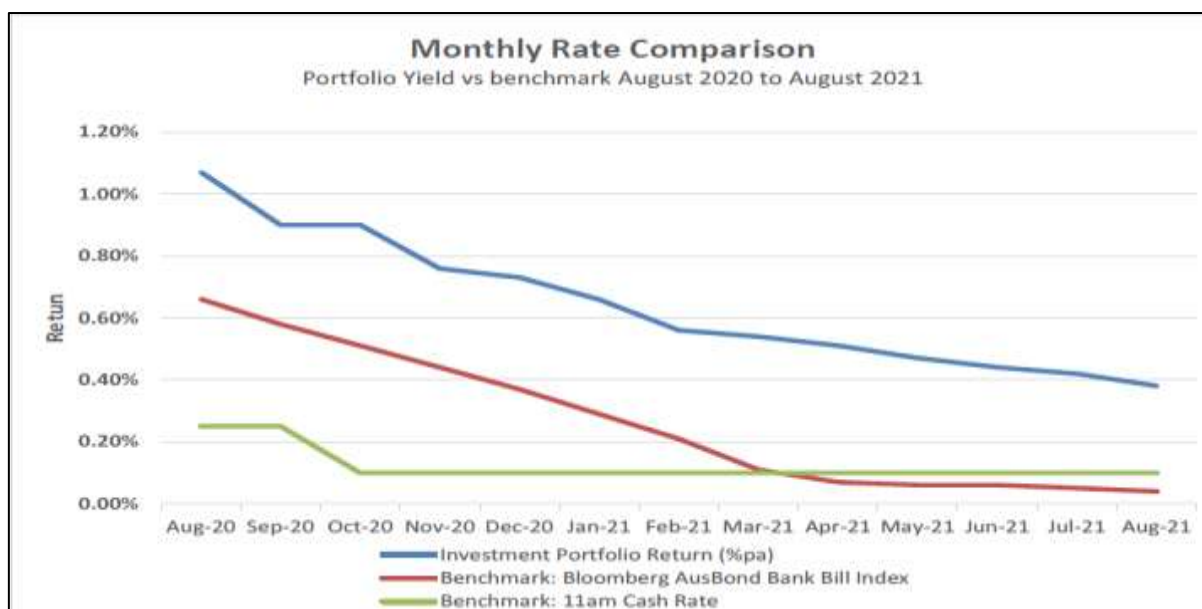


Investment Performance Vs. Benchmark

	Investment Portfolio Return (%pa) *	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	0.38%	0.04%	0.10%
3 Months	0.41%	0.05%	0.10%
6 Months	0.46%	0.07%	0.10%
FYTD	0.40%	0.05%	0.10%
12 Months	0.61%	0.23%	0.11%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

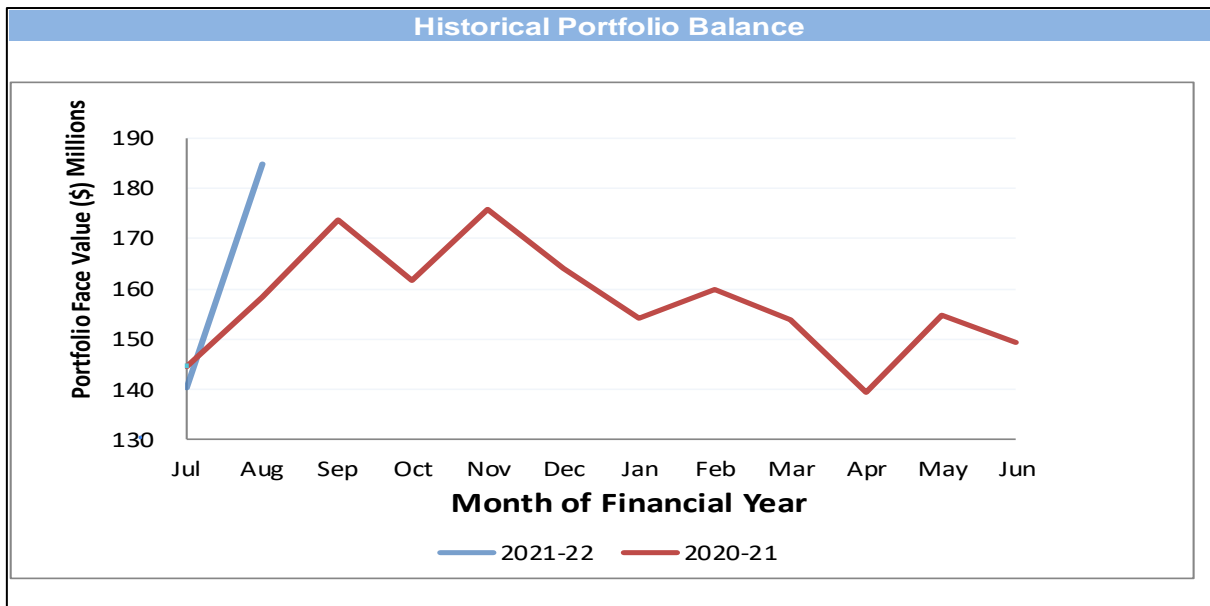


Monthly Investment Income* Vs. Budget

	Aug 2021 \$	Year to Date \$
Investment Income	47,184	94,191
Adjustment for Fair Value	6,221	6,221
Total Investment Income	53,405	100,412
Budgeted Income	46,700	93,800

* Includes all cash and investment holdings

Historical Portfolio Balance		
	2021-22	2020-21
Jul	140,264,007	144,611,603
Aug	184,686,438	158,270,262
Sep		173,826,570
Oct		161,704,389
Nov		175,913,936
Dec		163,952,299
Jan		154,102,219
Feb		159,915,952
Mar		153,861,974
Apr		139,392,596
May		154,616,319
Jun		149,441,669
Average Portfolio Balance	162,475,222	157,467,482



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)

Doubt about whether strong global economic growth can continue emerged in August as countries with high COVID-19 vaccination trying to live with the virus experienced high infection rates. Hospitalisation and mortality rates, however, were lower so far than in earlier infection waves providing hope that regression to lockdowns is unlikely. Economic reports in August for the most part showed very strong Q2 growth topping out. Australia was an exception with much weaker June and July economic reports because of lockdowns affecting nearly half the population. Policy support for growth remained strong and central banks promised to maintain low interest rates in the face of higher inflation that they see as temporary. The US Federal Reserve, still providing crisis-level monetary support to a now robust US economy with high inflation, heralded a two-step exit plan - likely tapering of bond buying starting late this year but no increase in interest rates before the economy reaches full employment.

US economic statistics released in July and August remained consistent with strong growth but also elevated inflation. On the growth side Q2 GDP was up 6.6% annualised although held down by US businesses running inventories lower to help meet strong demand. Q2 final sales in the US, up 7.9% annualised and consumption spending up 11.9% annualised provide better markers of the strength of spending in the US economy during the quarter. Strong demand in the US continues to challenge supply of goods and services still beset by supply chain problems. Annual CPI inflation at 5.4% y-o-y in July and producer price inflation at 7.8% y-o-y show signs of broadening rather than topping out. The Fed continues to regard the lift in inflation as a temporary problem that will resolve for a period as supply improves. Inflation becomes a persistent problem in the Fed's view once it is underpinned by high wage growth in an economy operating at full employment. The Fed is effectively promising to persist with deflation crisis monetary conditions risking turning temporary inflation into permanent inflation. At some point US bond yields are likely to rise to reflect the higher US inflation outlook.

China's annual economic growth rate peaked in Q1 2021 at 18.3% y-o-y moderated to 7.9% in Q2 and continues to fade in Q3 according to the July reports. Annual growth in fixed asset investment spending moderated to 10.3% y-o-y from 12.6% in June. Industrial production moderated to 6.4% y-o-y from 8.3% in June and retail sales to 8.5% y-o-y from 12.1% in June. Export growth also decelerated sharply to 19.3% from 32.2% in June. Despite slowing growth, China's producer prices rose more than expected in July, by 9.0% y-o-y, continuing to feed higher factory gate prices into rising inflation around the world. Looking ahead, China's growth rate looks set to slow further given less generous support from fiscal and monetary policy settings compared to the US and Europe. Annual GDP growth may continue to slide to around 6% y-o-y in the second half of 2021.

Europe started to take the growth lead position from the US in Q2. GDP rose by 2.0% q-o-q, 13.6% y-o-y. Europe is bouncing out of a deeper pandemic recession than occurred in the US, but it has the underpinnings from policy support to extend through the remainder of this year and next barring Covid setback to Europe's greater freedom to spend and travel established in the northern summer. July and August reports point to strong Q3 GDP growth. July retail sales rose 0.3% m-o-m. Manufacturing and non-manufacturing purchasing manager reports in August are holding up around 60. Europe's unemployment rate fell to 7.7% in June. Strong demand is stretching supply and producer prices in June were up 10.2% y-o-y. The CPI has pushed above 2%. The European Central Bank, like its international peers, is saying that higher inflation is temporary and is maintaining its official deposit rate at -0.50%, a more consistent with deflation than a rising threat of inflation.

In Australia, GDP will fall in Q3 but may rebound in Q4 if escalating vaccination rates permit relaxation of lockdowns in New South Wales and Victoria by mid-October. The next GDP report for Q2 is due soon and the consensus forecast is +0.5% q-o-q, +9.2% y-o-y compared with Q1, +1.8% q-o-q, +1.1% y-o-y. There was some damage to Australian growth in Q2 from the start of lockdowns late in the quarter, but by far the worst of the damage is in Q3.

ITEM 9.3	CHANGE TO DECEMBER 2021 COUNCIL MEETING DATE AND SETTING OF ORDINARY COUNCIL MEETING SCHEDULE FOR 2022
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2021/543445
ATTACHMENTS	1 OLG FAQs Postponement of the 2021 Local Government Elections (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To update the 2021 ordinary Council meeting schedule in response to the change of election date and set the ordinary Council meeting schedule for 2022.

REPORT

With the rescheduling of the local government elections from Saturday 4 September to Saturday 4 December 2021 an update to the ordinary Council meeting schedule is required.

Other key dates that will have an impact on the 2021 Council meeting schedule include the commencement of the Regulated Period on 25 October 2021 which will be in effect for the October and November ordinary Council meetings and the Caretaker Period which commences on 5 November 2021 and will be in effect for the November meeting.

The Office of Local Government advises that the return of postal votes closes at 6pm on 17 December 2021 and the election results are anticipated to be declared progressively as counts are finalised between 21 - 23 December 2021 (refer to the Frequently Asked Questions provided at Attachment 1).

Given this, the ordinary Council meeting set for 15 December 2021 will not be able to proceed and is proposed to be removed from the ordinary schedule. In the event Council does not sit in December, it will still have met its obligations under Section 365 of the Local Government Act which stipulates that Council is to meet at least 10 times per year, each time in a different month.

New term of Council

Section 290 of the Local Government Act requires that Councils that elect their mayor must hold a mayoral election within three weeks after the declaration of the ordinary election and are required to schedule a meeting for this purpose within three weeks of the declaration of the election.

Accordingly, Council is requested to consider and resolve a suitable meeting date for the first meeting of the new term of Council. At this meeting councillors/the Council will be asked to:

- undertake an affirmation or oath of office (as the first order of business, or prior to the meeting)
- elect a mayor and potentially a deputy mayor
- decide whether to use a countback of the votes cast at the ordinary election should any casual vacancies occur in the civic office within the first 18 months of the term.

In consideration of the Christmas holiday period and to ensure effective governance arrangements are in place as soon as practicable after the election, enable planning and to provide clarity early for new and returning councillors, two options are provided for consideration below. Meetings will

be held at the Dee Why Civic Centre unless public health orders are in place which do not enable this.

1. **10am Thursday 30 December 2021** (papers circulated on Friday 24 December 2021).
2. **6pm Tuesday 4 January 2022** (papers circulated on Wednesday 29 December 2021).

Council is being asked to select one of these options.

2022 ordinary Council meeting schedule

Part 4.1 of Council's Code of Meeting Practice requires the Council to determine by resolution the frequency, date, time, and place of its ordinary meetings.

This report proposes maintaining the convention that ordinary Council meetings are held on the fourth Tuesday of the month, commencing at 6:00pm from February 2022 (except December due to Christmas).

The schedule proposed is provided below:

Meeting Type	Meeting Day	Meeting Date	Meeting Time	Location
Ordinary	Tuesday	22 February	6:00pm	Dee Why
Ordinary	Tuesday	22 March	6:00pm	Dee Why
Ordinary	Tuesday	26 April	6:00pm	Dee Why
Ordinary	Tuesday	24 May	6:00pm	Dee Why
Ordinary	Tuesday	28 June	6:00pm	Dee Why
Ordinary	Tuesday	26 July	6:00pm	Dee Why
Ordinary	Tuesday	23 August	6:00pm	Dee Why
Ordinary	Tuesday	27 September	6:00pm	Dee Why
Ordinary	Tuesday	25 October	6:00pm	Dee Why
Ordinary	Tuesday	22 November	6:00pm	Dee Why
Ordinary	Tuesday	13 December	6:00pm	Dee Why

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

Funding to support the Northern Beaches Council meeting schedule is included in the existing budget.

ENVIRONMENTAL CONSIDERATIONS

The amendment of the 2021 meeting schedule and setting of the 2022 schedule does not contain any environmental impacts.

SOCIAL CONSIDERATIONS

Council meetings provide an open and transparent public forum where the decisions of Council are made.

GOVERNANCE AND RISK CONSIDERATIONS

The functions of Council and its meetings are integral to the governance framework to ensure the Council delivers and meets its obligations in a transparent and accountable manner and in the interests of the community.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Amend the 2021 ordinary Council meeting schedule to remove the 15 December 2021 ordinary Council meeting.
2. **Select one of these options** for the first ordinary meeting for the new term of the Northern Beaches Council for **either 10am Thursday 30 December 2021 at Dee Why or 6pm Tuesday 4 January 2022 at Dee Why.**
3. Adopt the 2022 ordinary Northern Beaches Council meeting schedule:

Meeting Type	Meeting Day	Meeting Date	Meeting Time	Location
Ordinary	Tuesday	22 February	6:00pm	Dee Why
Ordinary	Tuesday	22 March	6:00pm	Dee Why
Ordinary	Tuesday	26 April	6:00pm	Dee Why
Ordinary	Tuesday	24 May	6:00pm	Dee Why
Ordinary	Tuesday	28 June	6:00pm	Dee Why
Ordinary	Tuesday	26 July	6:00pm	Dee Why
Ordinary	Tuesday	23 August	6:00pm	Dee Why
Ordinary	Tuesday	27 September	6:00pm	Dee Why
Ordinary	Tuesday	25 October	6:00pm	Dee Why
Ordinary	Tuesday	22 November	6:00pm	Dee Why
Ordinary	Tuesday	13 December	6:00pm	Dee Why

ITEM 9.4	VOTING DELEGATES FOR LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2021 AND BOARD ELECTION
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2021/370450
ATTACHMENTS	1 Letter of Invitation 2021 LGNSW Annual Conference (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To determine the councillor voting delegates to attend the online one-hour Local Government NSW (LGNSW) Annual Conference from 9.30am on Monday 29 November 2021 and participate in the board election.

REPORT

The annual LGNSW conference was due to be held in person between 28-30 November 2021. The change of date for the local government elections has subsequently made it infeasible for LGNSW to proceed with its Annual Conference in the usual form.

LGNSW advises it is still required to hold an annual conference in the 2021 calendar year under the Fair Work (Registered Organisations) Act. As a result, it plans to split the event into two components:

- **A one-hour Annual Conference** to present the annual and financial reports, which will be conducted online from 9.30am on Monday 29 November 2021.
- **A Special Conference** including the debate and resolution of motions setting LGNSW's **advocacy** agenda for 2022 - to be held in-person at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2 March 2022.

Council is requested to provide voting delegates for both events and the board election.

As the special conference will occur in the new term of Council, it is proposed that a further report to resolve the voting delegates for this conference will be put to the first meeting of the new term to enable all current councillors an opportunity to express their interest in participating.

Councillors wishing to have motions on the agenda for the Special Conference will first require those motions to be supported by Council resolution (via a Notice of Motion) prior to being lodged for consideration at the Special Conference. LGNSW has not provided a deadline for motions for the February event at this time, however, is inviting motions as soon as practicable.

The attached letter for the Annual Conference provides detailed information on registration, voting delegates and entitlements, and nominations (Attachment 1).

Northern Beaches Council is entitled to send up to ten voting delegates to the Annual Conference. These ten voting delegates are able to vote on motions and in the Board Election. Council is required to confirm and register its nominated voting delegates by Tuesday 5 October 2021.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

Funds are allocated from the 2021/22 budget for councillor attendance at conferences in accordance with the Councillor Expenses and Facilities Policy.

ENVIRONMENTAL CONSIDERATIONS

Councillors interact with other metropolitan, regional and rural councils to share knowledge of trends and ideas across the industry and to explore and progress opportunities for improving the environmental impact, and sustainability and resilience of the local government sector.

SOCIAL CONSIDERATIONS

As per the above, this provides an opportunity for councillors to explore and progress innovations for improving the social impacts of the local government sector.

GOVERNANCE AND RISK CONSIDERATIONS

Councils have an opportunity to submit motions to the LGNSW Annual Conference to further the strategic capacity and policy position of local government. Participating in strategic forums such as this is in line with Council's strategic direction to be a leader in its industry.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council nominate **up to ten councillors** as voting delegates to attend the online one-hour Local Government NSW (LGNSW) Annual Conference from 9.30am on Monday 29 November 2021.

ITEM 9.5

**CONFIRMED MINUTES AND MEETING NOTES OF THE
STRATEGIC REFERENCE GROUP MEETINGS - FEBRUARY
AND MAY 2021**

REPORTING MANAGER

EXECUTIVE MANAGER GOVERNANCE AND RISK

TRIM FILE REF

2021/458014

ATTACHMENTS

- 1 [⇒](#) Notes of the Meeting - Places for People Strategic Reference Group - 4 February 2021 (Included In Attachments Booklet)
- 2 [⇒](#) Minutes - Partnership and Participation Strategic Reference Group - 10 February 2021 (Included In Attachments Booklet)
- 3 [⇒](#) Minutes - Community and Belonging Strategic Reference Group - 10 February 2021 (Included In Attachments Booklet)
- 4 [⇒](#) Minutes - Extraordinary Joint Strategic Reference Group Meeting - 10 February 2021 (Included In Attachments Booklet)
- 5 [⇒](#) Minutes - Transport and Travel Strategic Reference Group - 11 February 2021 (Included In Attachments Booklet)
- 6 [⇒](#) Minutes - Economic and Smart Communities Strategic Reference Group - 17 February 2021 (Included In Attachments Booklet)
- 7 [⇒](#) Minutes - Environment Strategic Reference Group - 18 February 2021 (Included In Attachments Booklet)
- 8 [⇒](#) Minutes - Partnership and Participation Strategic Reference Group - 5 May 2021 (Included In Attachments Booklet)
- 9 [⇒](#) Minutes - Places for People Strategic Reference Group - 6 May 2021 (Included In Attachments Booklet)
- 10 [⇒](#) Minutes - Community and Belonging Strategic Reference Group - 12 May 2021 (Included In Attachments Booklet)
- 11 [⇒](#) Notes of the Meeting - Transport and Travel Strategic Reference Group - 13 May 2021 (Included In Attachments Booklet)
- 12 [⇒](#) Minutes - Environment Strategic Reference Group - 19 May 2021 (Included In Attachments Booklet)
- 13 [⇒](#) Minutes - Economic and Smart Communities Strategic Reference Group - 19 May 2021 (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To report the minutes and meeting notes (where there was not a quorum) of Strategic Reference Group (SRG) meetings held during February and May 2021.

REPORT

SRGs are aligned to the Community Strategic Plan (CSP) outcome areas. They meet quarterly to consider and to be advised on projects aligned to their respective CSP goals and strategies. The groups contribute advice, feedback and other support to Council in relation to issues, initiatives and requirements outlined within their individual charters.

The SRGs provide an avenue for the local community and key stakeholders to play an active and meaningful role in contributing to Council's CSP focus areas. They help shape future Council plans, policies and strategic outcomes with informed consideration of community needs across the Northern Beaches area.

In accordance with the SRG Terms of Reference, the minutes of the following meetings are reported to Council:

SRG	Meeting Date(s)
Places for People	4 February 2021 6 May 2021
Partnership & Participation	10 February 2021 5 May 2021
Community & Belonging	10 February 2021 12 May 2021
Community & Belonging and Partnership & Participation (Extraordinary)	10 February 2021
Transport & Travel	11 February 2021 13 May 2021
Economic & Smart Communities	17 February 2021 19 May 2021
Environment	18 February 2021 19 May 2021

LINK TO COUNCIL STRATEGY

The SRGs are aligned to the community outcomes of the CSP in order to address the goals and strategies identified through this plan.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council.

ENVIRONMENTAL CONSIDERATIONS

The Environment SRG contributes advice regarding Council's management of the environment and natural hazards in accordance with the CSP outcome areas.

SOCIAL CONSIDERATIONS

The SRGs provide advice to many of the Community Strategic Plan goals which relate to social and community-based outcomes. Each SRG is positioned to ensure involvement and engagement with a broad range of stakeholders, community groups, associations, and the wider community.

GOVERNANCE AND RISK CONSIDERATIONS

The SRGs provide advice to Council regarding CSP outcome areas and are conducted within Council's governance and committee framework.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the confirmed minutes/notes of the:

1. Places for People Strategic Reference Group meetings held 4 February and 6 May 2021.
 2. Partnership and Participation Strategic Reference Group meetings held 10 February and 5 May 2021.
 3. Community and Belonging Strategic Reference Group meetings held 10 February and 12 May 2021.
 4. Extraordinary joint meeting Community and Belonging Strategic Reference Group and Partnership and Participation Strategic Reference Group meetings held 10 February 2021.
 5. Transport and Travel Strategic Reference Group meetings held 11 February and 13 May 2021.
 6. Economic and Smart Communities Strategic Reference Group meetings held 17 February and 19 May 2021.
 7. Environment Strategic Reference Group meetings held 18 February and 19 May 2021.
-

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	OUTCOME OF THE PUBLIC EXHIBITION OF DRAFT COMMUNITY SAFETY PLAN 2021-2026
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2021/534751
ATTACHMENTS	<ol style="list-style-type: none">1 ⇒Community Engagement Report Stage 3 (Included In Attachments Booklet)2 ⇒Draft Community Safety Plan - Post Exhibition (Included In Attachments Booklet)3 ⇒Community Engagement Report Stages 1 and 2 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report on the outcomes of the public exhibition of the draft Community Safety Plan 2021–2026 and seek Council adoption of the amended document.

EXECUTIVE SUMMARY

On 25 May 2021, Council endorsed the draft Community Safety Plan 2021-2026 to be placed on public exhibition for a minimum of 28 days. A 28-day engagement program was undertaken between 1 and 29 June 2021. With the NSW Public Health Orders coming into effect at the end of June, the exhibition period was extended for a further three weeks to 20 July 2021 to provide the community additional opportunity to engage.

Over the seven week engagement period 19 submissions were received. Overall, the feedback was positive and showed that the draft Plan was supported. As detailed in the Community Engagement Report (Attachment 1), comments received canvassed a wide and largely disparate range of issues. 74% of respondents indicated supporting the draft Plan either entirely or with some suggested improvements or additions, such as the inclusion of separate and more detailed attention to youth and increased detail regarding Council activities and intentions. 15% indicated they did not support the draft Plan, citing reasons including attention to bush fire management, safety walking at night and feeling that proposed actions are outside the scope of Council.

Submissions received from the community regarding the draft Plan have been considered, along with the advice from relevant Council departments. Some minor amendments have been made to the draft Plan in response to the feedback, together with the inclusion of an action arising out of Better Together 2040 regarding development of a Youth Discussion Paper.

Once adopted, the implementation of the Community Safety Plan (Attachment 2) will have financial implications in relation to actions identified over the next five years. The actions and outcomes within the Plan will be allocated to the relevant Business Unit and delivered within operational budgets.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

1. Note the outcome of the public exhibition of the draft Community Safety Plan.
 2. Adopt the Community Safety Plan.
-

REPORT

BACKGROUND

Northern Beaches Council's draft Community Safety Plan 2021-2026 is an important tool to help realise Northern Beaches Council's Vision of a safe, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment.

The draft Community Safety Plan 2021-2026 (the draft Plan) provides a five-year roadmap for Council and the community to sustain and increase safety for all residents of the Northern Beaches. It outlines the actions that Council, service partners and the community will take to achieve the 'safe' direction of Council's Better Together 2040 Social Sustainability Strategy and contribute toward Shape 2028's vision for a 'safe, inclusive and connected community'.

CONSULTATION

Broad consultation has been undertaken with community and stakeholder groups on the issue of community safety over the past 2 years, through the development of the draft Plan, and the development of the broader Better Together 2040 Social Sustainability Strategy. The feedback from each of these processes has been integrated and considered in the development of the draft Plan, alongside crime data and research. The engagement undertaken to develop the draft Plan, Stages 1 and 2, are detailed in Attachment 3.

Extensive engagement with the Northern Beaches Police Area Command and key service agencies was integral to the development of the draft Plan as through collaboration and partnership with these agencies the Northern Beaches can become an even safer and more resilient place to live, work and visit.

For Stage 3 of the engagement, the draft Plan was placed on public exhibition from 1 June 2021 until 20 July 2021 to gain feedback from the community. The results of the public exhibition were presented to the Community Safety Committee on 5 August 2021.

A detailed Community Engagement Report for the latest stage (Attachment 1) outlines the findings of the public exhibition process. In light of the low number and disparate nature of the submissions received and no common themes being evident, a Council response has been included against each submission and recommendation.

In addition to a number of minor wording and formatting amendments that do not change the intent of the draft Plan, key amendments are related to:

- Strengthening reference to Council's work to protect the community through bushfire management
- Strengthening references to youth as a priority population for service delivery
- Integrating the key action of the Better Together 2040 Social Sustainability Strategy to:
Develop a Youth Discussion Paper and deliver youth development programs that build capacity and resilience of a diverse cross section of young people and local youth services.
- Adding sections outlining the Key Outcome Indicators and financial implications of the Plan.

The amended Community Safety Plan (Attachment 2) is presented to Council for adoption.

TIMING

The Community Safety Plan outlines key actions for the period 2021 to 2026.

The Plan will be reviewed annually to accommodate any emerging issues and will be formally evaluated every 5 years to retain its relevance and alignment with Council strategies, including Better Together 2040.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Community and Belonging - Goal 11: Our community feels safe and supported.
- Community and Belonging - Goal 12: Our community is friendly and supportive.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

Internal stakeholders have been consulted for their input and have identified an ability to manage assigned actions within current and future operational budgets.

SOCIAL CONSIDERATIONS

The draft Community Safety Plan proposes a series of actions to support Council's work with the community and stakeholders to achieve the outcomes of safe places and safe people. These outcomes contribute significantly to community capacity and wellbeing. Implementation of the draft plan will contribute to the maintenance and improvement in community safety and crime levels throughout the Northern Beaches.

ENVIRONMENTAL CONSIDERATIONS

The Community Safety Plan supports Theme 8: Adaptation and Resilience of Protect. Create. Live Environment and Climate Change Strategy 2040 through improving community safety and wellbeing, with particular reference to resilience in emergency situations.

GOVERNANCE AND RISK CONSIDERATIONS

Community Safety is identified as a strategic risk to the Northern Beaches. The Community Safety Plan provides a roadmap of tangible actions that will address the identified community safety and crime prevention priorities of the community, mitigating the strategic risks posed. The draft Community Safety Plan will be led by Northern Beaches Council with responsibility for a range of actions being collaborative or in partnership with government and non-government organisations including NSW Police, State Transit, NSW Health, and a range of local community service providers. The primary mechanism for the governance of the plan will be through the Community Safety Committee and the existing relationships between Council and action delivery partners.

The Plan will also be fall under the consideration of the Better Together Leadership Group which will oversee delivery of the actions identified in Better Together 2040.

ITEM 10.2	CONFIRMED MINUTES OF PUBLIC ART WORKING GROUP MEETING ON 24 JUNE 2021
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2021/549203
ATTACHMENTS	1 ↓ Minutes - Public Art Working Group 24 June 2021

BRIEF REPORT

PURPOSE

To report the minutes of the Public Art Working Group meeting held on 24 June 2021.

REPORT

The Public Art Working Group meets quarterly to assist Council achieve the public art aims and objectives outlined in the Northern Beaches Arts and Creativity Strategy, *Connected Through Creativity 2029*, the Public Art Policy and Guidelines, the delivery of the Coast Walk Public Art Strategic Plan, and other public art projects initiated by Council.

The Working Group includes representatives from the local community and elected Councillors and provides informed advice on matters relating to the proposed commissioning and acquisition of permanent public art for the Northern Beaches.

Northern Beaches Council's public art objectives are to:

- Enliven the Northern Beaches with works of public art that will contribute and enhance the character and design of memorable public places.
- Celebrate and reflect the cultural, social and environmental significance of the Northern Beaches, exploring both the historic and contemporary cultural layers of the Northern Beaches through public art outcomes.
- Deliver a distinctive program of permanent and temporary art initiatives to create a cultural connection for the Northern Beaches community.

The discussion at the Working Group meeting of 24 June 2021 included:

- Coast Walk Public Art Project Update - Robert Dunn Reserve.

The Meeting Minutes of 24 June 2021 were endorsed by the Public Art Working Group at its meeting of 2 September 2021.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events.

FINANCIAL CONSIDERATIONS

Funding to support the Council's public art program is included in the existing budget. Adoption of the Minutes of the Public Art Working Group will not result in any financial impact. The public art commissions for the Coast Walk are funded from the \$2 million allocated to public art by Council on 27 June 2017 from the Merger Savings Fund.

ENVIRONMENTAL CONSIDERATIONS

The noting of the minutes of the Public Art Working Group does not present matters that will create adverse environmental impact.

SOCIAL CONSIDERATIONS

The Working Group provides valuable advice relating to social and community-based outcomes. It includes involvement and engagement with a broad range of stakeholders.

GOVERNANCE AND RISK CONSIDERATIONS

The Working Group is conducted according to Council's governance framework and adopted terms of reference.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council note the Public Art Working Group meeting minutes of 24 June 2021.



MINUTES

PUBLIC ART WORKING GROUP

held Online via Teams on

THURSDAY 24 JUNE 2021

Minutes of the Public Art Working Group**held on Thursday 24 June 2021****Online via Teams****Commencing at 6pm****ATTENDANCE:****Committee Members**

Cr Penny Philpott	Chairperson & Councillor
Cr Sue Heins	Councillor
Cr Kylie Ferguson	Councillor
Ashley McDonald	Community member
Billie Routledge	Community member
John Pearson	Community member
Aunty Clair Jackson	Community member
Marissa Bateman	Community member
Penny Polkinghorne	Community member
Simon Barrett	Community member

Council Officer Contacts

Kylie Walshe	Executive Manager Community, Arts & Culture
Josephine Bennett	Manager Arts & Culture
Christiane Statham	Public Art Coordinator

1.0 ACKNOWLEDGEMENT OF COUNTRY

Kylie Walshe, Executive Manager, Community, Arts & Culture, acknowledged the traditional custodians of the land on which the meeting gathered, and paid respect to Elders past and present.

2.0 APOLOGIES

Apologies were received from:

- Marissa Bateman, community member
- Penny Polkinghorne, community member

3.0 DISCLOSURES OF INTEREST

There were no disclosures of pecuniary or non-pecuniary conflicts of interest.

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

4.1 MINUTES OF PUBLIC ART WORKING GROUP MEETING HELD 3 JUNE 2021

RECOMMENDATION

That the Minutes of the Public Art Working Group meeting held 3 June 2021, copies of which were previously circulated to all Members, be amended to include a statement that the proponent has indicated that they have the support of the Farrelly family, rather than that this support is confirmed.

5.0 ACTIONS UPDATE

Nil

6.0 AGENDA ITEMS

6.1 ROBERT DUNN RESERVE (SOUTH MONA VALE HEADLAND) - PROJECT UPDATE

DISCUSSION

Staff provided an update on the Robert Dunn Reserve project, including details of contract negotiations and planned community engagement event in August 2021.

Eliza Pross, representing Aunty Claire Jackson, requested that local Aboriginal communities are included in engagement during the development of the event.

RECOMMENDATION OF PUBLIC ART COORDINATOR

That the information be received and noted.

7.0 GENERAL BUSINESS

There was no other business.

SUMMARY OF ACTIONS

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
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The meeting concluded at 6.50pm

This is the final page of the minutes comprising 4 pages
numbered 1 to 4 of the Public Art Working Group meeting
held on Thursday 24 June 2021 and confirmed on Thursday 2 September 2021

ITEM 10.3	CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING ON 17 JUNE 2021
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2021/577913
ATTACHMENTS	1 Minutes - Community Safety Committee Meeting - 20210617

BRIEF REPORT

PURPOSE

To report the minutes of the Community Safety Committee meeting held on 17 June 2021.

REPORT

The Community Safety Committee is an advisory committee of Council to collaborate, consider and advise on ways to maintain, improve, resolve and progress issues that affect community safety and crime prevention across the Northern Beaches.

Discussion at the meeting included:

- Police Report
- Compliance Report
- Draft Community Safety Plan 2021-2026
- Committee member information sharing – the impact of COVID19:
 - Manly Chamber of Commerce and the impact on the business sector
 - CatholicCare and the impact on young people.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and Belonging - Goal 11: Our community feels safe and supported.

FINANCIAL CONSIDERATIONS

The minutes of the Community Safety Committee will not result in any financial impact on Council.

ENVIRONMENTAL CONSIDERATIONS

The minutes of the Community Safety Committee does not present matters that will create adverse environmental impacts.

SOCIAL CONSIDERATIONS

The Committee provides valuable advice relating to social and community-based outcomes. It includes involvement and engagement with a broad range of stakeholders.

GOVERNANCE AND RISK CONSIDERATIONS

The Committee is conducted according to Council's governance framework and adopted terms of reference.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council note the minutes of the Community Safety Committee meeting held on 17 June 2021.



MINUTES

COMMUNITY SAFETY COMMITTEE

held in the Northern Beaches PCYC, 40 The Kingsway, Dee Why on

THURSDAY 17 JUNE 2021

Minutes of the Community Safety Committee**held on Thursday 17 June 2021****in the Northern Beaches PCYC, 40 The Kingsway, Dee Why****Commencing at 8 - 10am****ATTENDANCE:****Committee Members**

Cr Michael Regan	Mayor – Chairperson
Cr Candy Bingham	Deputy Mayor
Cr Sue Heins	
Cr Kylie Ferguson	
Jason Falinski MP	Federal Member for Mackellar represented by Matthew Kong
Zali Steggall OAM MP	Federal Member for Warringah represented by Peta Garrett
James Griffin MP	State Member for Manly represented by Kim Preston-Hiney
Rob Stokes MP	State Member for Pittwater represented by Andrew Johnston
Supt Patrick Sharkey	Northern Beaches Police Area Command represented by Detective Chief Inspector Michael Boutouridis
Michelle Comito	Catholic Care
John Kelly	Community Northern Beaches
Ray Mathieson	Community Representative
Roberta Conroy	Community Representative
Drew Johnson	Manly Chamber of Commerce
Trish Bramble	Manly Warringah Women's Resource Centre
Doug Brooker	Northern Beaches Liquor Accord
Belinda Volkov	Sydney Drug Education & Counselling Centre (SDECC)

Council Officer Contacts

Dave Kerr	Director Community & Belonging
Kylie Walshe	Executive Manager Community, Arts and Culture
Azmeena Kelly	Executive Manager Environmental Compliance
Rob van den Blink	Manager, Youth and Community Development
Kath Young	Community Safety Coordinator
Helen Askew	Program Support Officer, Youth and Community Development
Jarod Colyer	Trainee, Youth and Community Development

Visitors

Lynelle Hales	CEO Sydney North Health Network
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1.0 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians of the land on which the meeting gathered, and paid respect to Elders past and present.

2.0 APOLOGIES

Apologies were received from:

Jonathan O'Dea MP	State Member for Davidson
Kamal Krishan	State Transit Authority Northern Region
Michelle Erofeyeff	Department of Communities and Justice (DCJ)
Michelle Povah	Community Representative
Melissa Palermo	NSLHD Health Promotion
Tony Hilliger	Surf Lifesaving Sydney Northern Beaches

The following members were not in attendance:

Brad Hazzard MP	State Member for Wakehurst
Cr Stuart Sprott	
Christina Franze	Manly Chamber of Commerce
Luisa de Bont	Community Representative
Stephen Pirovic	Community Representative

3.0 DISCLOSURES OF INTEREST

There were no disclosures of pecuniary or non-pecuniary conflicts of interest.

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

4.1 MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD 22 APRIL 2021

DECISION

The Minutes of the Community Safety Committee meeting held 22 April 2021, copies of which were previously circulated to all Members, were accepted and confirmed as a true and correct record of the proceedings of that meeting.

5.0 ACTIONS UPDATE

5.1 ACTIONS UPDATE

DISCUSSION

1. MEETING OF 26 FEBRUARY 2021

ITEM NO.	ACTION	RESPONSIBLE OFFICER	ACTION UPDATE
6.6.1	Northern Beaches Liquor Accord Chair, Doug Brooker, offered to meet offline with interested Committee members to consider realistic alternatives to East Esplanade management.	Doug Brooker / Committee Members	Members invited to speak with Doug Brooker as required. Complete

2. MEETING OF 22 APRIL 2021

ITEM NO.	ACTION	RESPONSIBLE OFFICER	ACTION UPDATE
6.2.1	In future statistics, include dog breed data.	Azmeena Kelly	Complete
6.2.2	In future statistics, include the number of cats seized.	Azmeena Kelly	Complete
6.2.3	Review and make clear Council's Alcohol Prohibited Area website information.	Kath Young	Complete Information forwarded to Council's Parks and Recreation section for APA action. AFZ information updated on website.
6.3.1	Liaise with Michelle Comito in regard to CDAT's drug and alcohol strategies to support the East Esplanade Working Group.	Rob van den Blink	Complete Michelle invited to take part in Safety Audit of East Esplanade

DISCUSSION

Council's Draft Community Safety Plan is currently on public exhibition and open for comment. Hard copy Draft Plans were distributed to the Committee and members were encouraged to take the opportunity to review and comment via Council's website:

<https://yoursay.northernbeaches.nsw.gov.au/community-safety-plan>

6.0 AGENDA ITEMS

6.1 POLICE REPORT

HIGHLIGHTS

Detective Inspector Michael Boutouridis provided an update on local Police matters including:

- 6 new Probationary Constables will commence on the Northern Beaches
- Crime statistics generally trending down, including robbery
- Unlocked cars and homes still present theft opportunities
- Recent enforcement of firearm prohibition orders and bail compliance
- Recent arrests in relation to armed robberies at Forestville and organised high-end retail theft
- Video footage from a local venue assisted Police with the arrest of a person for theft of a high performance e-bike
- PACER remains a fantastic resource for Police
- Sexual assaults, often historical, continue to be reported to Police
- Historical murder case at North Head proceeding to Supreme Court in July.

The Committee were reminded to share with their family and community that homes, premises and vehicles need to be securely locked while unattended. Items of value should also be removed from opportunistic sight in vehicles.

DISCUSSION

Little Manly Point Police patrols are continuing by (plain clothes) proactive crime team. Request for Police to include the circuit on western side of Little Manly Point.

Lismore Ave, Dee Why speeding concerns were raised as a local issue.

Northern Beaches Hospital mental health response was discussed.

PACER and the local LHD youth response have been positive initiatives.

Local services are overwhelmed and wider State Health reform is required to change the system and address the need for additional drug, alcohol and mental health support generally and arising out of COVID.

Council's Better Together Social Sustainability Strategy 2040 (Draft) research will endeavour to engage with local services to identify health reforms, particularly in regards to young people. Council is currently drafting a formal submission in regard to these and similar matters.

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.1.1	Sydney North Health Network data will be shared with the Committee at the next meeting.	Lynelle Hales	5 August 2021

6.2 COMPLIANCE REPORT

The Executive Manager Compliance provided an update on Compliance matters. The presentation, which includes the statistical data, will be circulated to the Committee.

Matters raised included:

- Animal Management staff are currently auditing Council's Companion Animals Register
- Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) monitoring will continue throughout the year
- Focus on known hotspots in relation to dumped rubbish
- Currently liaising with Council's Development Assessment Team regarding imposing Trolley Management Plan conditions when assessing new development applications for supermarkets
- Office of Local Government Food Hygiene referrals are being actively pursued to ensure control measures are place.

DISCUSSION

Concern was raised about cats in endangered habitat areas.

Manly to Shelly Beach lighting audit was discussed. Lighting audits in areas other than Manly was raised and could include Dee Why, Mona Vale, Newport and a suggestion for solar pathway lighting in Rowland Reserve, Bayview.

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.2.1	A program of safety audits to be scheduled for priority areas	Kath Young	5 August 2021

6.3 COMMITTEE MEMBER INFORMATION SHARING

Manly Chamber of Commerce representative, Drew Johnson shared with the Committee the impact of Covid19 on the local business sector.

Businesses have experienced:

- Loss of staff and decreased ability to find new staff
- Loss of customers – international travellers/students
- Retail closures – vacant shops, stagnant office lets
- Businesses adapting to changing market and trade eg altered opening hours, pivoting business offerings
- Sydney Road market stall holders with tourist oriented items particularly affected.

Positive outcomes of COVID restrictions for businesses include:

- Outdoor dining has created a real atmosphere which has countered the loss of people allowable within premises due to COVID19 restrictions
- Increase in suburban coffee shops
- \$200 card tap
- Less red tape for business to change use of premises.

Going forward, these opportunities for long term change need to be considered alongside safety, eg:

- Venue licencing

- Home delivery of alcohol regulation
- Premises' change of use, eg. food and beverage establishments changing to retail.

Businesses are keeping an eye on how restrictions develop post community vaccinations.

DISCUSSION

The State Government's Dine and Discover voucher initiative has had mixed uptake from the community.

Licensing of premises was discussed. Doug Brooker shared with the Committee that many Manly venues have had 24 hour licences for years however, they have chosen not to utilise their approved operating hours. With some venues changing ownership, this could change.

Catholic Care's Michelle Comito summarised the impact Covid19 has had on young people.

Although, data is not Northern Beaches specific, the NSW Bureau of Crime Statistics and Research ([BOCSAR](#)) statistics indicate some positive results. The [Young People in Community Justice System](#) report indicates a decrease in custody as a result of Courts not operating due to COVID19. Additionally, there has been a decline in warnings, cautions and infringements.

A summary of statistics from Headspace's national report [Coping with COVID: the mental health impact on young people accessing headspace services](#) was shared.

Mental Health has been a primary concern for young people during COVID19, with top concerns including:

- Social isolation
- Education impacts
- Impacts on family life
- Changes to activities.

It was noted that stress and violence in homes escalated during lockdowns and due to inability for services to enter homes, matters were escalated to police/crisis response earlier than would have otherwise occurred. Catholic Care adapted their services during this period from early intervention to crisis services. Demand for services continues to be immense and early intervention services continue to suffer.

Reports prepared by the New South Wales Council of Social Service (NCSS) [A Wave of Disadvantage](#) and Kids Helpline [Impacts of COVID-19 on young people and children](#) provide additional information related to COVID19 concerns.

Committee members were encouraged to consider taking the opportunity to share and advocate for their service or interest at the next Community Safety Committee Meeting. To nominate, contact Kath Young, Community Safety Coordinator.

7.0 GENERAL BUSINESS

Items discussed included:

- Traffic engineering and pedestrian safety at Dee Why and Manly.
- Mona Vale ocean pool in regard to wall height concern and climate change. This matter has been raised with Park Assets - Planning Design and Delivery and the issue will be considered in the future development of ocean pools.



MINUTES OF COMMUNITY SAFETY COMMITTEE

17 JUNE 2021

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
7.1	Traffic engineering and pedestrian safety at Dee Why and Manly to be referred to Council's Transport & Civil Infrastructure Division.	Kath Young	ASAP

SUMMARY OF ACTIONS

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.1.1	Sydney North Health Network data will be shared with the Committee at the next meeting.	Lynelle Hales	5 August 2021
6.2.1	A program of safety audits to be scheduled for priority areas.	Kath Young	5 August 2021
7.1	Traffic engineering and pedestrian safety at Dee Why and Manly to be referred to Council's Transport & Civil Infrastructure Division.	Kath Young	ASAP

The meeting concluded at 9.42am

This is the final page of the minutes comprising 8 pages
numbered 1 to 8 of the Community Safety Committee meeting
held on Thursday 17 June 2021 and confirmed on Thursday 5 August 2021

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	POST EXHIBITION REPORT - PLANNING PROPOSAL (PEX2018/0007) TO REZONE LAND WITHIN THE MANLY WARRINGAH WAR MEMORIAL STATE PARK
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/568444
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Planning Proposal (Included In Attachments Booklet) 2 ⇒ Gateway Determination (Included In Attachments Booklet) 3 ⇒ Current and Draft Warringah Development Control Plan 2011 Maps (Included In Attachments Booklet) 4 ⇒ NSW Rural Fire Service Determination Letter (Included In Attachments Booklet) 5 ⇒ Heritage New South Wales Response (Included In Attachments Booklet) 6 ⇒ Clearance Certificate - Asbestos Removal (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the outcomes of the public exhibition of the draft Planning Proposal to amend Warringah Local Environmental Plan 2014 (WLEP 2014) and the associated draft amendment to Warringah Development Control Plan (Warringah DCP).

This report recommends Council's adoption of the Planning Proposal and for the Planning Proposal to be forwarded to the Department of Planning, Industry and Environment (DPIE) for finalisation and to seek adoption of the amendment to Warringah DCP and publish the amendment in accordance with legislative requirements.

EXECUTIVE SUMMARY

The Planning Proposal seeks to rezone three parcels of land (Lots 76 DP 504237, 77 DP 504237 and Lot 2 DP 710023) within the Manly Warringah War Memorial State Park from R2 Low Density Residential to RE1 Public Recreation and to amend the height and minimum lot size maps to remove residential controls. There are also associated amendments proposed to the Warringah DCP to remove residential controls that currently apply to the three parcels of land.

This Planning Proposal resulted from a Councillor Notice of Motion on 27 November 2018, which highlighted the important function of this bushland in protecting the natural environment of the Manly Dam Catchment and providing for recreation including the golf course, mountain bike and walking trails. The Notice of Motion sought to correct an anomaly in WLEP 2011 and to ensure that the future land use is consistent with the protection and management of the Manly Warringah War Memorial State Park.

The Planning Proposal has been reported to Council on three previous occasions (see the details in the Background below). On the most recent occasion, at its meeting on 29 September 2020, it was resolved that Council:

1. *Note that remediation works have commenced on the properties owned by Crown Lands, being Lots 76 and 77 of DP 504237 and Lot 2 of DP 710023, and Council as a Planning Proposal Authority, is satisfied that once these land parcels have been remediated they will be suitable to be used for the purposes of Public Recreation (RE1).*
2. *Review the zoning that applies to the Sydney Water operational reservoir site (Lot 1 DP 835123) and adjoining lot with unclear ownership (Lot 1 DP 1200869) as part of the LEP Review.*
3. *Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination to amend Warringah Local Environment Plan 2011 to:*
 - A. *Rezone three land parcels owned by Crown Lands (Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023) at Wakehurst Parkway, Seaforth from R2 Low Density Residential to RE1 Public Recreation.*
 - B. *Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023, at Wakehurst Parkway, Seaforth.*
 - C. *Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning, Industry and Environment via Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.*
 - D. *Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls; from land covered by Manly Warringah War Memorial State Park Planning Proposal.*

The Planning Proposal (Attachment 1) was submitted to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination on 13 October 2020. Council received Gateway Determination from DPIE on 25 February 2021. Council has been granted the 'Local Plan-Making Authority' in accordance with conditions outlined in the Gateway Determination (Attachment 2).

In accordance with the Gateway Determination, the Planning Proposal and Warringah Development Control Plan amendment were placed on public exhibition from Friday 28 May 2021 to Sunday 27 June 2021. Council received 18 submissions all in support of the Planning Proposal.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning, Industry and Environment for finalisation to amend the Warringah Local Environment Plan 2011 to:
 - A. Rezone three land parcels owned by Crown Lands (Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023) at Wakehurst Parkway, Seaforth from R2 Low Density Residential to RE1 Public Recreation.
 - B. Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023, at Wakehurst Parkway, Seaforth.
 2. Adopt the amendment to Warringah Development Control Plan 2011 to:
 - A. Remove residential development controls, including setback and minimum landscaped area controls; from Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023.
 - B. Amend the Warringah DCP 2011 Map Land Adjoining Public Open space to include Lot 1 DP 710023.
 3. Publish the amendments to Warringah Development Control Plan 2011 in accordance with legislative requirements, to come into effect on the same date of notification of the amendment to Warringah Local Environmental Plan 2011.
-

REPORT

BACKGROUND

This Planning Proposal resulted from a Councillor Notice of Motion on 27 November 2018, which highlighted the important function of this bushland in protecting the natural environment of the Manly Dam Catchment and providing for recreation including the golf course, mountain bike and walking trails. The Notice of Motion sought to correct what is an anomaly in WLEP 2011 and to ensure that the future land use is consistent with the protection and management of the Manly Warringah War Memorial State Park.

On 27 November 2018, Council resolved as follows:

That:

- A. *Council prepare a Planning Proposal to rezone the five lots owned by Sydney Water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:*
 - a. *Three Crown land lots:*
 - i. *Lot 76 DP 504237*
 - ii. *Lot 77 DP 504237*
 - iii. *Lot 2 DP 710023*
 - b. *Two Sydney Water lots:*
 - i. *Lot 1 DP 710023 bushland site (surplus land)*
 - ii. *Lot 1 DP 835123 with water tower (reservoir).*

Prior to issuing a Gateway Determination, the DPIE required Council to consult with Sydney Water. Sydney Water advised that their support for rezoning the subject property is conditional upon the land being acquired at market value. A valuation of the site was obtained in October 2019 that identified significant costs associated with purchasing the land. Funds have not been allocated within Council's property fund for the acquisition of Lot 1 DP 710023.

Accordingly, on 17 December 2019 Council resolved as follows:

That Council:

1. *Withdraw Lot 1 in DP 710023 from the Manly Warringah War Memorial State Park Planning Proposal previously submitted to the then Department of Planning and Environment.*
2. *Not proceed with acquisition of Lot 1 DP 710023 (Sydney Water – Surplus Bushland Site) at current market value.*
3. *Proceed with Phase 1 contamination report for the remaining lots.*
4. *Subject to a favourable outcome from the Phase 1 contamination report, progress the Planning Proposal to a Gateway Determination.*
5. *Revisit the status of Lot 1 DP710023 once the requirements of the Beaches Link Tunnel are known.*
6. *Writes to the State Member for Manly, James Griffin MP and Federal Member for*

Warringah Zali Steggall MP to negotiate and have Lot 1 DP 710023 transferred back into the park.

The Planning Proposal to amend the WLEP 2011 Land Zoning Map to rezone the following lots from R2 Low Density Residential to RE1 Public Recreation was updated to include the three (3) Crown Land Lots listed below that sit within the boundary of the State Park:

- Lot 76 DP 504237
- Lot 77 DP 504237
- Lot 2 DP 710023

Council at its Meeting on 29 September 2020 resolved:

That Council:

1. *Note that remediation works have commenced on the properties owned by Crown Lands, being Lots 76 and 77 of DP 504237 and Lot 2 of DP 710023, and Council as a Planning Proposal Authority, is satisfied that once these land parcels have been remediated they will be suitable to be used for the purposes of RE1 Public Recreation.*
2. *Review the zoning that applies to the Sydney Water operational reservoir site (Lot 1 DP 835123) and adjoining lot with unclear ownership (Lot 1 DP 1200869) as part of the LEP Review.*
3. *Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination to amend Warringah Local Environment Plan 2011 to:*
 - A. *Rezone three land parcels owned by Crown Lands (Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023) at Wakehurst Parkway, Seaforth from R2 Low Density Residential to RE1 Public Recreation.*
 - B. *Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023, at Wakehurst Parkway, Seaforth.*
 - A. *Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning, Industry and Environment via Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.*
 - D. *Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls; from land covered by Manly Warringah War Memorial State Park Planning Proposal.*

The three lots are located within the south-west boundary of the Manly Warringah War Memorial State Park (State Park). They are bounded by the Wakehurst Parkway and Garigal National Park to the west, the State Park including the Wakehurst Golf Club and Manly Dam to the north and east and the Sydney Water operational reservoir followed by low density residential to the South. See Figure 1 and 2 below.



Figure 1: Location of the Subject Land.



Figure 2 – Subject Lots within Manly Warringah War Memorial State Park and adjoining Garigal National Park.

The three (3) lots that are the subject of this Planning Proposal and Warringah DCP amendment have a total area of approximately 8.97ha and are included within the Manly Warringah War Memorial State Park. The land is owned by Crown Land and managed by the Manly Warringah War Memorial Park (R68892) Reserve Trust. Northern Beaches Council manages the affairs of the Trust and carries out day-to-day management of the Park on behalf of the Trust under provisions of the Crown Land Management Act 2016. The Park is managed in accordance with the Manly Warringah War Memorial Park Plan of Management (POM).

The proposed outcome will be achieved by:

- Amending the WLEP 2011 Land Zoning Map to rezone the following lots from R2 Low Density Residential to RE1 Public Recreation:
 - Lot 76 DP 504237
 - Lot 77 DP 504237
 - Lot 2 DP 710023
- Amending the WLEP 2011 Height of Buildings Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all the subject lots to reflect the abovementioned zoning changes (see Figure 3, 4, & 5).

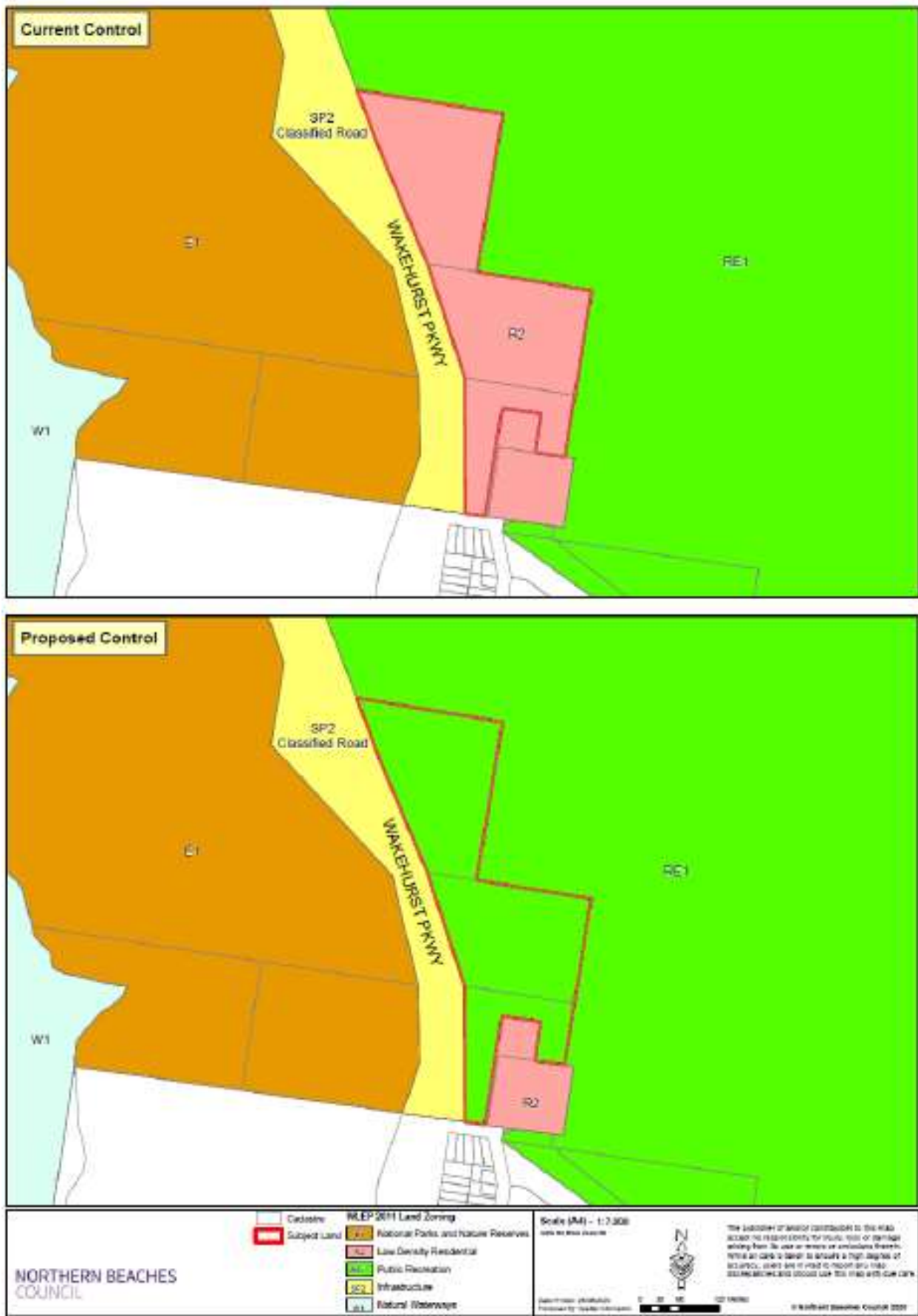


Figure 3 – Current and Proposed zones



Figure 4: Current and Proposed Height of Building Map under WLEP2011



Figure 5: Current and Proposed Lot Size Map under WLEP 2011.

Assessment of Strategic and Site Specific Merit

Strategic Merit:

The Greater Sydney Regional Plan

The Planning Proposal has been reviewed against relevant outcomes of the Greater Sydney Regional Plan “A Metropolis of Three Cities – connecting people” published on 18 March 2018. The Plan identifies several strategic directions and specific policy settings regarding transport, housing growth, employment, and centres. This Planning Proposal is informed by the Plan’s vision for the Eastern Harbour City and aligns with the Directions of the Plan. This Planning Proposal satisfies a range of Objectives as follows:

- **Objective 25 - The coast and waterways are protected and healthier** - The Planning Proposal is consistent with this Objective on the basis that the subject land is native vegetation, and the proposed Public Recreation zone protects the biodiversity in and around the land and enhances sustainability and liveability in the management of public lands.
- **Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced** - The Planning Proposal is consistent with this Objective on the basis that biodiversity values of the land are recognised under the proposed Public Recreation zone, landscape-scale biodiversity conservation, the restoration of bushland is supported, and urban bushland is better managed as green infrastructure.
- **Objective 28 – Scenic and cultural landscapes are protected** - The Planning Proposal is consistent with this Objective on the basis that the scenic and cultural landscape values of the subject land have been considered and are supported.
- **Objective 30 – Urban Tree Canopy is increased** - The Planning Proposal is consistent with this Objective on the basis that the proposed Public Recreation zone provides for maximizing the urban tree canopy and enhancing the amenity of the public domain.
- **Objective 31 – Public open space is accessible, protected, and enhanced** - The Planning Proposal is consistent with this Objective on the basis that the subject land is part of the network of public open space and the proposed Public Recreation zone represent the optimal use of the land that is accessible, protected, and enhanced.
- **Objective 32 – The Green Grid links parks, open spaces, bushland and walking and cycling paths** - The Planning Proposal is consistent with this Objective as it will preserve the green link between wildlife corridors, bushland through to recreational uses such as open space and walking and cycling tracks of the ‘State Park’.

North District Plan

The Planning Proposal supports the North District Plan vision for ‘A city in its Landscape’ and Directions ‘Valuing green spaces and landscape’.

The Planning Proposal is consistent with several Planning Priorities of the North District Plan as follows:

- **Planning Priority N15 – Protecting and improving the health and enjoyment of Sydney Harbour and Waterways**

The Planning Proposal is consistent with this Planning Priority on the basis that the subject land is within the Manly Lagoon Catchment and the proposed Public Recreation zone supports the protection and improvement of the health and enjoyment of land within the Waterways catchment.

- **Planning Priority N16 – Protecting and enhancing bushland and biodiversity**

The Planning Proposal is consistent with this Planning Priority on the basis that the proposed rezoning of land involves areas of native vegetation with better opportunities to protect and enhance connected bushland corridors and endangered ecological communities.

- **Planning Priority N17 – Protecting and enhancing scenic and cultural landscapes**

The Planning Proposal is consistent with this Planning Priority on the basis that the scenic and cultural landscape values of the subject land have been considered and supported by the zoning of the land to RE1 Public Recreation in the LEP.

- **Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid Connections**

The Planning Proposal is consistent with this Planning Priority on the basis that the proposed zoning of the subject land for open space purposes appropriately refines the local delivery of the North District Green Grid in terms of the bushland and corridor values of the land.

- **Planning Priority N20 – Delivering high quality open space**

The Planning Proposal is consistent with this Planning Priority on the basis that the zoning of the land RE1 Public Recreation delivers high quality open space near Manly Creek, Manly Vale.

Site Specific Merit:

The Manly Warringah War Memorial Plan of Management (2014) includes this site as part of the Bushland Management zone. The management intent and objectives for this zone reflect the historic and ongoing use of the site, which is best supported by a RE1 Public Recreation zone.

Historic and ongoing uses and values include:

Recreation activities

- Wakehurst Golf Course – a challenging public golf course (Par 72) set in a unique bushland environment supports a strong community and successful club.
- Manly Dam Mountain Bike Track Loop – is the closest mountain bike trail to the Sydney CBD, making it popular for beginners to advanced riders. The Northern Beaches has a strong mountain biking community, which proactively lobbies to develop and maintain sustainable mountain biking trails.
- Walking tracks –These lots support bushwalking activity and enjoyment of the bushland environment.

Environmental Values – (further explained in Part C section 7)

- The subject sites contain important core habitat for local native species including many threatened species.
- The bushland is mapped as “native vegetation” under Warringah Development Control Plan E5 Native Vegetation.
- The land functions as an important wildlife corridor connecting Manly Dam to Garigal National Park.
- Contains bushland that protects the water quality of the Manly Dam Catchment

Cultural and aesthetic values of the State Park

- Maintain the Park's undeveloped bushland skyline, as seen from internal vantage points and use areas. This undeveloped skyline gives users of the park the feeling of having completely escaped the city, providing relief from the urban environment.
- War Memorial & social gatherings - The subject sites are at the top of the ridgeline along the western boundary of the state park and are highly visible from within the park, including the war memorial in section 1. As such, residential development of these sites would significantly affect the social and cultural values of the War Memorial and the picnic areas where family and social groups congregate for picnics.
- Aboriginal Heritage – the subject lots are identified as being near aboriginal Heritage Sites.

Hazards

- Bush Fire Prone Land - The three subject sites are identified on current Warringah Bush Fire Prone Land Map 2016 and Draft Northern Beaches Bush Fire Prone Land Map 2018 as containing Category 1 Vegetation and/or Vegetation Buffer Area. This land is near Garigal National Park and dense bushland of the State Park. RE1 zoning on this site would serve to protect life and property from bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone areas. It would also protect native flora and fauna from pressure to clear native bushland to create bush fire asset protection zones along the park's boundaries.

In accordance with the above the Planning Proposal is considered to have strategic and site specific merit.

SEPP 55 (Remediation of Land)

Parts of the two northern Crown Land lots (the flat part of the lots under the Wakehurst Golf Course) contain 'demolition' and 'excavation' landfill materials and possibly other types of landfill material that may be contaminated.

In accordance with Council's resolution on 17 December 2019, Council appointed a contamination specialist (Cardno) to undertake a Preliminary Site Investigation Report in accordance with the requirements of Ministerial Direction 2.6 and the contaminated land planning guidelines under the Environmental Planning and Assessment Act 1979.

The Preliminary Site Investigation report identified the following:

1. Fly-tipping of hazardous materials and builder's rubble via Kirkwood Street and a fire trail accessed off Wakehurst Parkway under the power lines. Non-friable asbestos was detected in a small fly-tipped builder's rubble stockpile via Kirkwood Street, and it presents low potential risk of inhalation to users. This impacts Crown Land owned Lot 2 of DP 710023 and Lot 77 of DP 504237.
2. Historical restricted land fill of building materials and excavation material under the Golf Course indicated in yellow in Figure 3. In some spots capping material is visible as topsoil and turf have eroded over time on Lot 77 of DP 504237 and Lot 76 DP of 504237 in the area marked orange along the edge of the tree line in Figure 3.
3. The historical laydown area within the Sydney Water site could present low potential risk of impacted surface soils, however there is currently no risk to receptors as this portion of the land is fenced and not accessible to the public.

Cardno's recommendations to manage the potential risks at the site and validate the suitability of the site for the land use change include:

1. Removal of fly-tipped material including asbestos fragments by a suitably qualified person and have the areas validated suitable for use.
2. While the cap is currently in place this poses minimal risk to golfers and intrusive maintenance staff of Wakehurst Golf Club. Cardno recommend replenishment of topsoil and turf to protect the landfill cap from further erosion.
3. Access to the historical materials laydown area is currently fenced off from the public access, therefore the potential exposure pathway is deemed negligible. Upon change of land use, further ground investigation may be necessary to assess the suitability of the Site.

As reported to Council at its meeting of the 29 September 2020, the remediation works have commenced on the properties owned by Crown Lands, being Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023, and Council as a Planning Proposal Authority, is satisfied that once these land parcels have been remediated, they will be suitable to be used for the purposes of Public Recreation (RE1).

A clearance certificate was issued by Airsafe OHCX Pty Ltd on 6 November 2020 acknowledging the asbestos removal work has been completed.

Ministerial Direction 3. 1 Residential Zones

The objectives of this direction are to:

- a) Encourage a variety of choice of housing types to provide for existing and future housing needs
- b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services
- c) To minimise the impact of residential development on the environment and resource lands.

Specifically, the Direction states that a Planning Proposal should not contain provisions, which will reduce the permissible residential density of land. The Planning Proposal may be inconsistent with the terms of this direction if Council can satisfy the Secretary of the Department of Planning, Industry and Environment (DPIE) that the inconsistencies of the Planning Proposal are of minor significance.

The provisions of the Planning Proposal to rezone the land from a residential zone to zones that do not support residential development are considered of minor significance based on the size of the land involved and given that the subject land is unlikely ever be developed for residential purposes in the future given environmental constraints. Further, Council's Local Housing Strategy has demonstrated that we are able to meet out housing targets.

Ministerial Direction 6.2 - Reserving Land for Public Purposes

This direction requires that approval is granted from the Department of Planning, Industry and Environment and Sydney Water to reserve the land for a public purpose via the proposed RE1 (Public Recreation) zone. Compliance with this Ministerial Direction was achieved with the issuing of the Gateway Determination and statutory consultation process.

Warringah Development Control Plan 2011 Amendments

Because of the rezoning of the three (3) Crown Land parcels, amendments are also required to the Warringah WDCP 2011 to remove residential development controls, including setback and minimum landscaped area controls; and to amend the map titled Land Adjoining Public Open Space to include Lot 1 DP 710023. Current and draft WDCP 2011 Maps can be viewed in Attachment 3.

The proposed changes to the DCP were exhibited with the Planning Proposal.

Gateway Determination

The Planning Proposal was submitted to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination on 13 October 2020. The Gateway Determination was issued on the 25 February 2021. Council has also been granted the 'Local Plan-Making Authority'. A full copy of the Gateway Determination is provided in Attachment 2. The relevant sections of the Gateway Determination are as follows:

The Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, determined under section 3.34(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the Warringah Local Environmental Plan (LEP) 2011 to rezone three parcels of land within the Manly Warringah War memorial State Park from R2 Low Density Residential to RE1 Public Recreation should proceed subject to the following conditions.

1. *Prior to public exhibition, the planning proposal is to be updated to:*
 - A *Replace the existing and proposed maps in Part 4 with extracts of the relevant Standard Instrument (SI) LEP maps prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (2017)*
 - B *Include an assessment of the proposal against the State Environmental Planning Policy (Koala Habitat Protection) 2020 which commenced on 30 November 2020, replacing and repealing the State Environmental Planning Policy (Koala Habitat protection) 2019 (2019 Koala SEPP).*
2. *Prior to public exhibition, Council is to consult with the NSW Rural Fire Service to address consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection.*
3. *Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
 - (a) *The planning proposal must be made publicly available for a minimum of 28 days*
 - (b) *The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).*
4. *Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:*
 - *NSW Crown Lands*
 - *Metropolitan Local Aboriginal Land Council*
 - *Heritage NSW*

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

CONSULTATION

Statutory Public Exhibition

In accordance with the resolution at the Council Meeting on 29 September 2020 and Gateway Determination, the Planning Proposal and Warringah DCP amendment were placed on statutory public exhibition for a minimum of 28 days from Friday 28 May 2021 to Sunday 27 June 2021 in line with Council's Community Participation Plan including:

- Five notification letters were sent to the affected and adjoining landowners.
- Notification letters were sent to the following key stakeholders:
 - Manly Warringah War Memorial State Park Advisory Committee,
 - Save Manly Dam Catchment Committee,
 - Wakehurst Golf Club,
 - Sydney Water,
 - NSW Crown Lands,
 - Metropolitan Local Aboriginal Land Council,
 - Heritage Council of NSW.
- Electronic copies of the exhibition material on Council's website.

Submissions Summary

Council received 18 submissions during the statutory public exhibition period from Friday 28 May 2021 to Sunday 27 June 2021. All submissions were in favour of the Planning Proposal to rezone land within the State Park under WLEP 2011 from R2 Low Density Residential to RE1 Public Recreation and amendments to the WDCP 2011 that relate to current residential zoning.

Table 1: Summary of Submissions

No.	Comment	Issue Raised in No. of Submissions	Council Response
1	In support of the Planning Proposal.	18	Noted.
Additional Comments			
1	<p>As a WW2 veteran - and a lifetime affiliation with MWWMSP - I commend Council for this proposal that will enhance this unrivalled and revered war memorial, the acknowledgement by society to "the sacrifice and those who served their country, and the aspiration of world peace".</p> <p>It is heartening to read that within Council's proposals there will be further protection of the natural environment, recreational and cultural values of MWWMSP. I cannot emphasise enough the importance of the wartime history and heritage associated with this "special place".</p> <p>I support the changes to Wall Heights, State Boundary Envelope, Landscape Open Space.....Further, there is an urgent need for all environmentally valued practices regarding water quality, fauna and flora protection and conservation.That the WW1 diggers recognised the attachment to country for this place to be a war memorial requires that it be</p>	1	Noted.

	protected and conserved in its natural state. A small price considering their sacrifice, I believe.		
2	Concerned that this land and the adjoining parcels will be significantly impacted if the Beaches Link proposal goes ahead and I seek further support for its protection and suitable mitigation by Council.	6	Noted.
3	Would prefer an Environmental Protection Zone as a corridor between Garigal National Park and Manly Dam, but it helps even to have it as RE1 Public Recreation and not R2 Low Density Residential.	4	Noted.
4	<p>Protecting and conserving the habitat of many threatened and vulnerable species found with Manly Warringah War Memorial State Park should be of paramount importance to the future generations of this city's ability to enjoy what little remnant bushland and native wildlife still exists.</p> <p>It is vital; we safeguard this area as an important wildlife corridor and not used for housing. As we have lost the corridor between Narrabeen Lakes and Manly Dam due to the building of the Northern Beaches Hospital.</p> <p>Protection of the water catchment of Manly Warringah War Memorial State Park is also important as it ultimately flows into Manly Lagoon where it enters Queenscliff Beach.</p>	4	Noted.
5	The Planning Proposal appears to support the MWWMS's Plan of Management 2014 guiding principles of management.	2	Noted.
6	We need Manly Dam to provide the lungs of the area and habitat for endangered species. Not all decisions should just be about saving land for a human self-interest group.	2	Noted
7	<p>It is also significant that the Sydney Water property (Lot 1 DP 710023) will be included in Control E7 Development on land adjoining public open space as a result of neighbouring properties rezoning to public open space.</p> <p>It is very disappointing that the original 6 parcels of land in this proposal have been reduced to three. The three that have been removed will now potentially be sacrificed for the Beaches Link tunnel and cause significant environmental damage to the Manly Dam catchment. A biodiversity study completed for the Sydney Water land showed considerable diversity and conservation values – including many threatened species.</p>	2	<p>Noted.</p> <p>Lot 1 DP 710023 was removed from the Planning Proposal as per Council resolution on 17 December 2019. As Council was unable to obtain landowner consent to rezone this lot. Transport for NSW are now using this as a support site for the Beaches Link tunnel project. Correspondence from Transport for NSW dated 17 August 2020 states that <i>'we are planning to rezone the land to RE1 – Public Recreation and transfer the surplus land (i.e.</i></p>

	Very concerned that access to the dive site for the Beaches Link proposal will directly impact these and surrounding lots, and have a significant environmental impact on Manly Dam.		<i>land that Sydney Water does not require for its operations) to the Manly Warringah War Memorial State Park for the community to enjoy'.</i>
8	This area is a key section of the manly dam mountain bike loop - the busiest off road cycling track in Sydney which has seen a huge rise in rider numbers in the last 18 months. Any rezoning should allow re-alignments to this trail as a result of the Beaches Link tunnel extension eating into the trail.	1	Noted.

Referrals to NSW Rural Fire Service as per Condition 2 of the Gateway Determination

The Planning Proposal was referred to the NSW Rural Fire Service on 10 March 2021 to address consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection in accordance with Condition 2 of the Gateway Determination.

Council received a response from the NSW Rural Fire Service on 7 May 2021 (Attachment 4) stating:

"The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire."

Referral to State and Public Authorities as per Condition 4 of the Gateway Determination

The Planning Proposal was referred to the following State and public authorities as per Condition 4 of the Gateway Determination:

- NSW Crown Lands,
- Metropolitan Local Aboriginal Land Council
- Heritage NSW.

Council received a response from Heritage NSW on 25 June 2021 (Attachment 5) in support of the Planning Proposal with the following considerations:

"Based on the information provided, we have reviewed the planning proposal against our records and note that there are no identified impacts on any items listed on the State Heritage Register. We do note that the proposal site has been identified as being close to, but not within, an Aboriginal heritage site.

Additionally, we note that the proposal site is located within the Manly Dam and Surrounds Heritage Conservation Area listed under Council's LEP. As the HCA is listed under your LEP, Council is the consent authority, and the assessment and consideration of any impacts on this HCA rests with Council.

Council has indicated that, at least in part, the purpose of this planning proposal is to reduce the likelihood of damage to this heritage by significantly reducing the range of permitted uses. As such, we consider that the planning proposal will have a positive heritage outcome. Prior to finalisation of the proposal, Council should be satisfied that all necessary due diligence and heritage assessments have been undertaken and that any impacts have been sufficiently addressed.

“Council’s assessment should include, but not be limited to, a search of the State Heritage Inventory

(<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>)”.

Council commissioned Betteridge Heritage on 16 December 2019, to undertake a Heritage Assessments for the nomination of Manly Warringah War Memorial State Park to be placed on the National Heritage List and State Heritage Register. Staff are confident that this Heritage Assessment satisfies all necessary due diligence and that any impacts have been sufficiently addressed.

As of the 27 August 2021 Council has not received any further correspondence from NSW Crown Lands regarding the rezoning of three (3) Crown Land parcels; nor has Council received a response from the Metropolitan Local Aboriginal Land Council.

TIMING

The Department of Planning, Industry and Environment has stipulated the time frame for completing the LEP is to be 9 months following the date of the Gateway Determination. The date of the Gateway Determination is 25 February 2021.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.
- Protection of the Environment - Goal 3: Our community is well-supported in protecting the environment.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting, and recreational opportunities.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council.

The Planning Proposal process will be undertaken within the existing Strategic and Place Planning budget.

Remediation works to remove tipped material to ensure that the subject lots are suitable for Public Recreation use were undertaken by the Parks and Recreation team and were funded within the teams existing budget.

SOCIAL CONSIDERATIONS

The subject land is valued socially for public recreation, as a bushland environment for its aesthetic and scenic beauty, ecological and scientific value as well as providing habitat for threatened species. The subject land has Aboriginal heritage significance, identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site.

The proposed RE1 zoning of the subject land will support ongoing use for a range of recreational settings, activities and land uses that are compatible with and protect the environmental, recreational, aesthetic, and cultural values of the State Park and the water quality of Manly Dam.

ENVIRONMENTAL CONSIDERATIONS

Council's Bushland & Biodiversity team has assisted in the preparation of the Planning Proposal and confirms that the likely environmental effects of the Planning Proposal will be to better protect manage and restore the public lands ecological, scientific, cultural, or aesthetic values.

Scenic Protection

The State Park is highly valued for the scenic beauty of its natural bushland environment. The proposed RE1 zone would preclude future residential development on the subject land which would intrude into the Park's visual catchment and/or skyline, detracting from the Parks natural aesthetic appeal.

Water Quality of Manly Dam

The subject land drains into Manly Dam, which is valued by the community for its high water quality and recreational uses. The proposed RE1 Public Recreation zone would minimise potential for residential development impacts such as fertiliser use and uncontrolled or polluted stormwater runoff from affecting the water quality of Manly Dam.

GOVERNANCE AND RISK CONSIDERATIONS

The following Governance and Risk considerations have been identified regarding the Planning Proposal:

Delegation of Plan Making Authority

Council has been granted the 'Local Plan-Making Authority' by the Department of Planning, Industry and Environment in accordance with conditions outlined in the Gateway Determination.

State Government Approvals

The approval of Crown Land and DPIE is required to rezone land for a public purpose (i.e. proposed RE1 Public Recreation) as per Ministerial Direction 6.2 - Reservation of Land for Public Purposes) and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

Contaminated Land

Council received the Clearance Certificate (Attachment 6) issued on 6 November 2020 by Airsafe OHC Pty Ltd acknowledging the asbestos removal work has been completed on the Crown Land Lots 76 and 77 of DP 504237 and Lot 2 of DP 710023.

Landslip Risk

WLEP 2011 identifies the subject land as 'Area A – slopes less than 5 degrees' and 'Area B – Flanking Slopes from 5 to 25 degrees' in terms of landslip risk. Council must therefore consider risk associated with landslides and their impact on both property and life when assessing development applications. Furthermore, such development must not cause significant detrimental impacts because of storm water discharge from the development site or impact on or affect the existing subsurface flow conditions.

Bush Fire Prone Land

The land is Bush Fire Prone Land in close proximity to Garigal National Park and dense bushland of the State Park. The proposed rezoning from R2 Low Density Residential to RE1 Public Recreation would serve to protect life and property from potential bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone area. It would also protect native flora and fauna from land clearing pressure to create bush fire asset protection zones along the Park's boundaries.

ITEM 12.2	PEX2020/0007 LEP AND DCP AMENDMENT AT 4 BELLARA AVENUE, NORTH NARRABEEN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/581394
ATTACHMENTS	1 ⇒ Planning Proposal (Included In Attachments Booklet) 2 ⇒ Gateway Determination (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the outcomes of the public exhibition of the draft Planning Proposal to amend Pittwater Local Environmental Plan 2014 (PLEP 2014) and the associated draft amendment to Pittwater 21 Development Control Plan (Pittwater DCP).

This report recommends Council's adoption of the Planning Proposal and that the proposal be forwarded to the Department of Planning, Industry and Environment (DPIE) for finalization. The report also recommends the adoption of the amendment to Pittwater DCP and publish the amendment in accordance with the legislative requirements.

EXECUTIVE SUMMARY

On 24 August 2020, Northern Beaches Council (Council) received a Planning Proposal (PEX2020/0007) for 4 Bellara Avenue, North Narrabeen (Lot 26 DP 236548) (the subject site) that seeks to amend Pittwater Local Environmental Plan 2014 (PLEP 2014) to rezone the subject site from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential and to apply a 550sqm minimum lot size.

The site has an area of 562sqm and is surrounded by residential development zoned R2 Low Density Residential to the east, south and west, and E4 Environmental Living to the north as shown in Figure 1 and 2.

The site has no surface improvements and has been deemed surplus to Sydney Water's requirements. However, it is noted that the site is traversed by two sewer lines and includes a large concrete chamber with manholes. The subject site also contains sixteen (16) existing trees. The Proposal is supported by a concept architectural design and arborist report that identifies a compliant dwelling can be located on the site that avoids the existing sewer lines and concrete chamber and retains all but two trees.

The Planning Proposal is also accompanied by a Flood Risk Management Report, Geotechnical Report and Survey Plan.

The proposal is consistent with the relevant priorities of Northern Beaches Local Strategic Planning Statement (LSPS) and considered appropriate in its context.

The Northern Beaches Local Planning Panel considered the Planning Proposal (Attachment 1) at its meeting on 21 October 2020 and advised Council it supported the Planning Proposal progressing to a Gateway determination.

The proposal has been presented to Council on two separate occasions. The first occasion was on 25 November 2020 in which an assessment of the strategic and site specific merit was presented. Council support for the Planning Proposal progressing to a Gateway determination was made.

The second occasion the matter was reported to Council was on 25 May 2021 for the purposes of proposing an amendment to the Landscape Area Map in Pittwater 21 Development Control Plan (Pittwater DCP) to include the subject lot on the Landscaped Area Map as Area 3 to introduce a minimum landscape area requirement of 50% so that the landscape controls for the site would be consistent with the adjoining properties.

The Planning Proposal and DCP amendment were placed on statutory exhibition in accordance with the Northern Beaches Community Participation Plan from 27 May to 24 June 2021. During the statutory exhibition no submissions were received.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning, Industry and Environment for finalisation to amend Pittwater Local Environmental Plan 2014 to rezone Lot 26 DP 236548 being land 4 Bellara Avenue, North Narrabeen from SP2 Infrastructure to R2 Low Density Residential and apply a 550sqm minimum lot size.
 2. Adopt the amendment to Pittwater Development Control Plan to include Lot 26 DP 236548, 4 Bellara Avenue, North Narrabeen on the Landscaped Area Map as Area 3 introducing a requirement for a minimum landscape area of 50%.
 3. Publish the amendments to Pittwater 21 Development Control Plan in accordance with legislative requirements, to come into effect on the same date of notification of the amendment to Pittwater Local Environmental 2014.
-

REPORT

BACKGROUND

On 24 August 2020, a Planning Proposal (PEX2020/0007) was submitted to Council on behalf of Sydney Water in relation to their property at 4 Bellara Avenue, North Narrabeen (Lot 26 DP 236548) (the subject site) to seek amendments to the Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014). The amendments sought include a change to the zone of the subject site from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential and to apply a 550sqm minimum lot size.

The site has an area of 562sqm and is surrounded by residential development zoned R2 Low Density Residential to the east, south and west, and E4 Environmental Living to the north as shown in Figure 1 and 2.

The site has no surface improvements and has been deemed surplus to Sydney Water's requirements. However, it is noted that the site is traversed by two sewer lines and includes a large concrete chamber with manholes. The subject site also contains sixteen (16) existing trees. The Proposal is supported by a concept architectural design and arborist report that identifies a compliant dwelling can be located on the site that avoids the existing sewer lines and concrete chamber and retains all but two trees.

The Planning Proposal is also accompanied by a Flood Risk Management Report, Geotechnical Report and Survey Plan.

On 21 October 2020, an assessment of the Planning Proposal was reported to the Northern Beaches Local Planning Panel and the LPP provided the following advice in relation to the Planning Proposal:

The Panel:

- A. *Recommends that Council endorse the Planning Proposal, lodged for 4 Bellara Avenue, North Narrabeen, to be submitted to the Department of Planning, Infrastructure and Environment to seek a Gateway Determination.*
- B. *Recommends Council request the applicant prepare and provide a preliminary contamination report prior to formal statutory exhibition*

On 24 November 2020, the Planning Proposal was reported to the Northern Beaches Ordinary Council Meeting where the following was resolved:

That Council:

- 1. *Endorse the Planning Proposal, lodged for 4 Bellara Ave, North Narrabeen, to be submitted to the Department of Planning, Infrastructure and Environment to seek Gateway Determination.*
- 2. *Request the applicant prepare and provide a preliminary contamination report prior to formal statutory exhibition.*

A preliminary contamination report was submitted. The contamination report confirms that the site is not subject to contamination and is appropriate for residential use.

The Planning Proposal and its supporting documents were submitted to the Department of Planning, Industry and Environment to seek Gateway Determination.

On 24 March 2021 a Gateway Determination (Attachment 2) was received from the Department of Planning, Industry and Environment (DPIE).

The Gateway Determination confirmed the Planning Proposal should proceed subject to the following conditions:

1. *Prior to public exhibition:*
 - a. *A preliminary site contamination report is to be prepared.*
 - b. *The planning proposal is to be updated to reflect the outcomes of the preliminary site contamination report and consistency with Ministerial Section 9.1 Direction 2.6 Remediation of Contaminated Land.*
 - c. *The revised planning proposal is to be submitted to the Department for approval to ensure consistency with Direction 2.6 Remediation of Contaminated Land has been resolved.*
 - d. *The planning proposal is to be updated to delete reference to Ministerial Section 9.1 Direction 3.3 Home Occupations and Direction 7.1 Implementation of a plan for Growing Sydney, which have been repealed.*
2. *Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
 - (a) *The planning proposal must be made publicly available for a minimum of 14 days; and*
 - (b) *The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of a guide to preparing local environmental plans (Department of Planning and Environment, 2018).*
3. *Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:*
 - *Metropolitan Local Aboriginal Land Council (MLALC)*

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
5. *Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:*
 - (a) *Council has satisfied all the conditions of the Gateway determination;*
 - (b) *The planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and*
 - (c) *There are no outstanding written objections from public authorities.*
6. *The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.*

As outlined above, outcomes from the Gateway Determination required consultation with the Metropolitan Local Aboriginal Land Council (MLALC) under section 3.34(2)(d) of the Act and, authorised Council as the Local Plan Making Authority to exercise the functions under section

3.36(2) of the Act. The time frame given for completing the LEP is 9 months following the date of Gateway Determination.

On 25 May 2021, a report was presented to the Northern Beaches Ordinary Council Meeting for the purposes of including an amendment to the Landscape Area Map in Pittwater DCP. The Landscaped Area Map in Pittwater 21 DCP will be amended to identify the lot as Area 3. This will introduce a requirement for a minimum landscape area of 50% of the property and ensuring the site is consistent with the adjoining properties. The following was resolved at the Council meeting:

That:

1. *The Pittwater 21 Development Control Plan Amendment be placed on public Exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 in conjunction with the statutory public exhibition of the Planning Proposal for the property.*
2. *The outcomes of the public exhibition of the Pittwater 21 Development Control Plan amendment be reported back to council.*

The Planning Proposal was placed on Statutory Exhibition in accordance with the Northern Beaches Community Participation Plan. Given the addition of the DCP amendment the proposal was placed on a 28 day exhibition period, rather than the 14 days stipulated in the Gateway Determination, with exhibition during the period 27 May to 24 June 2021. During the statutory exhibition no submissions were received.

Site Description

The subject site is undeveloped and contains 16 established and mature trees. Figure 1 provides an aerial photo of the site and locality.

The subject site has an area of approximately 562m² with a frontage of approximately 16.7m to Bellara Avenue. The subject site adjoins land developed for residential purposes to the north, east and west. The properties to the north are zoned E4 Environmental Living. The properties to the east, west and on the opposite side of Bellara Avenue are zoned R2 Low Density Residential. The subject site is currently only fenced on the common boundary with 5 Tatiara Crescent with a small partial fence existing in the rear portion of the site adjoining 6 Bellara Avenue. A low timber retaining wall appears to form the northern boundary of the site. The site has a moderate North-South slope down to Bellara Avenue of approximately 6m. A small drainage system appears to have been constructed along the boundary with 5 Tatiara Crescent.



Figure 1- Aerial Photo

Current Zoning

The site is zoned SP2 Infrastructure (Water Supply System) under Pittwater LEP 2014. Properties adjoining the site to the north are zoned E4 Environmental Living and zoned R2 Low Density Residential to the east, west and on the opposite side of Bellara Avenue to the south. Figure 2 provides an extract of the current Pittwater LEP 2014 zoning map.

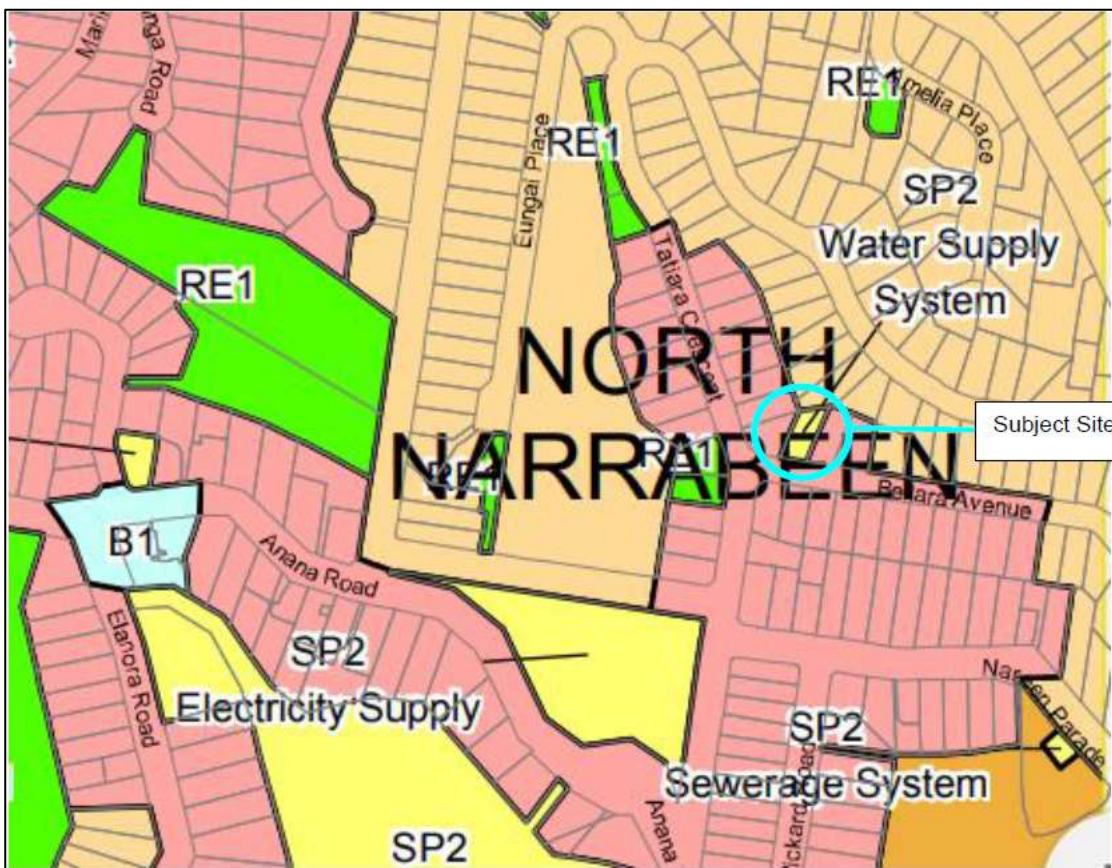


Figure 2- Existing Zoning Map

The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The Proposal

The Planning Proposal seeks to amend the planning controls within Pittwater LEP 2014 to rezone the site to enable development of this land for residential land uses. Specifically, the Planning Proposal seeks to:

- Change the zoning of the site from SP2 Infrastructure to R2 Low Density Residential.
- Apply a 550sqm minimum lot size to the site.

The Planning Proposal also seeks to amend the Landscape Area Map in the Pittwater 21 DCP. The Pittwater 21 DCP amendment seeks to:

- Amend Landscaped Area Map to change site identification to Area 3.

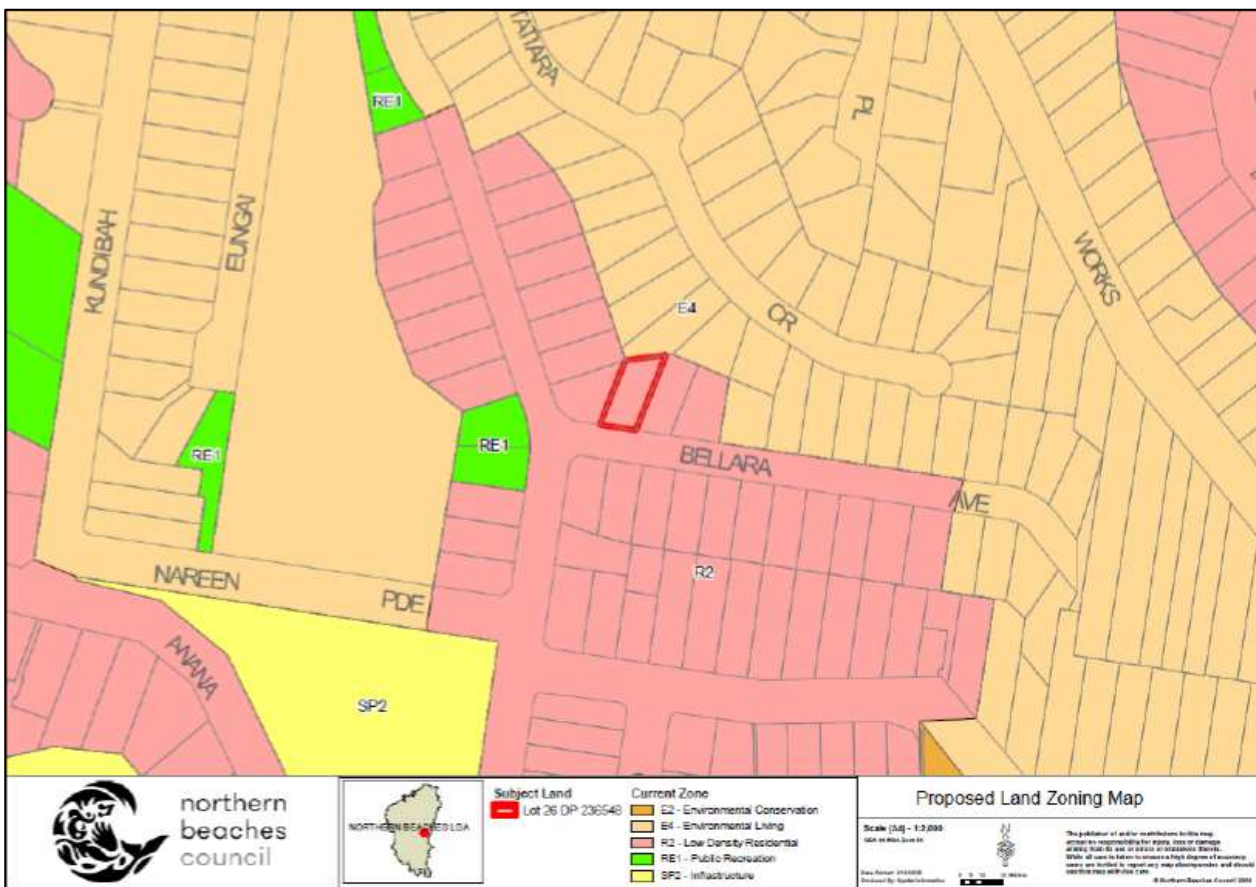


Figure 3- Proposed Zoning Map

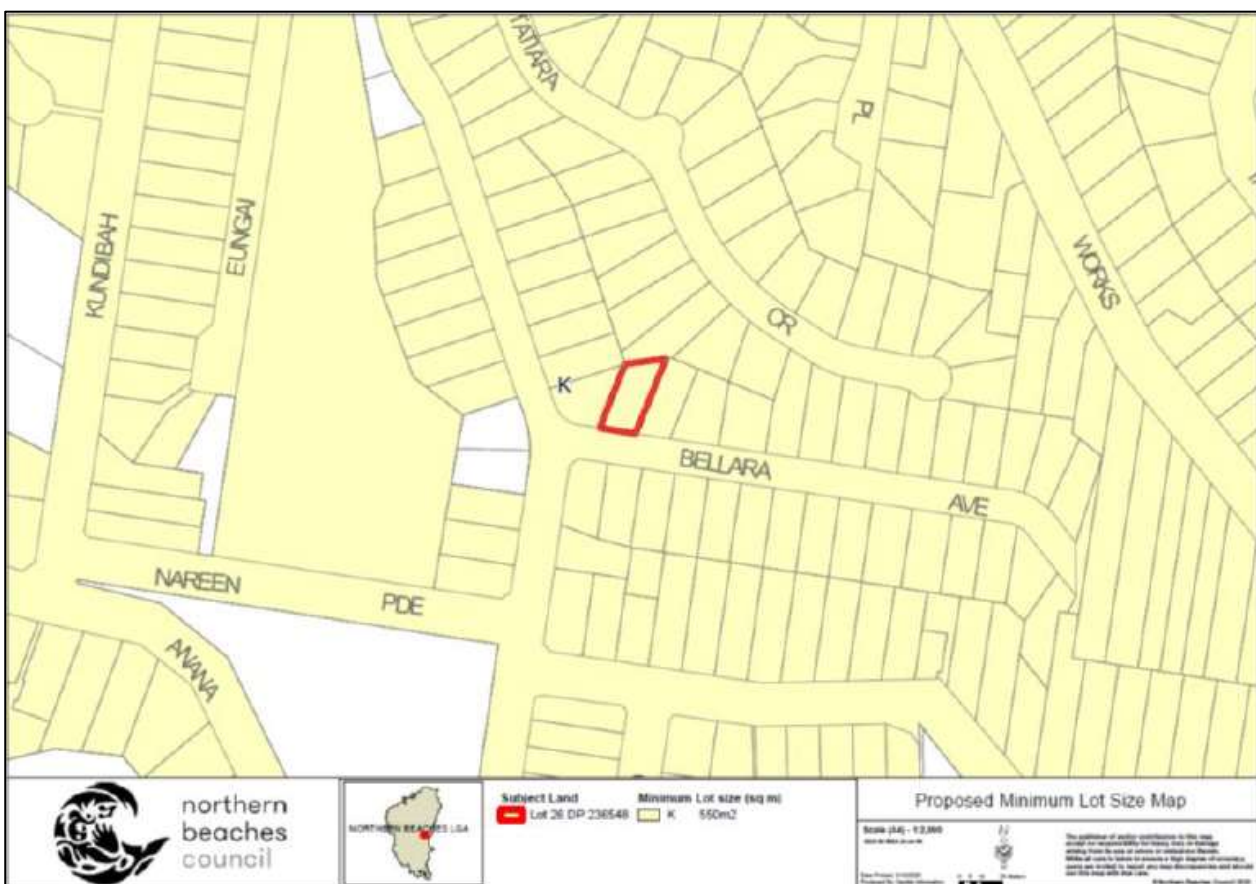


Figure 4- Proposed Minimum Lot Size Map

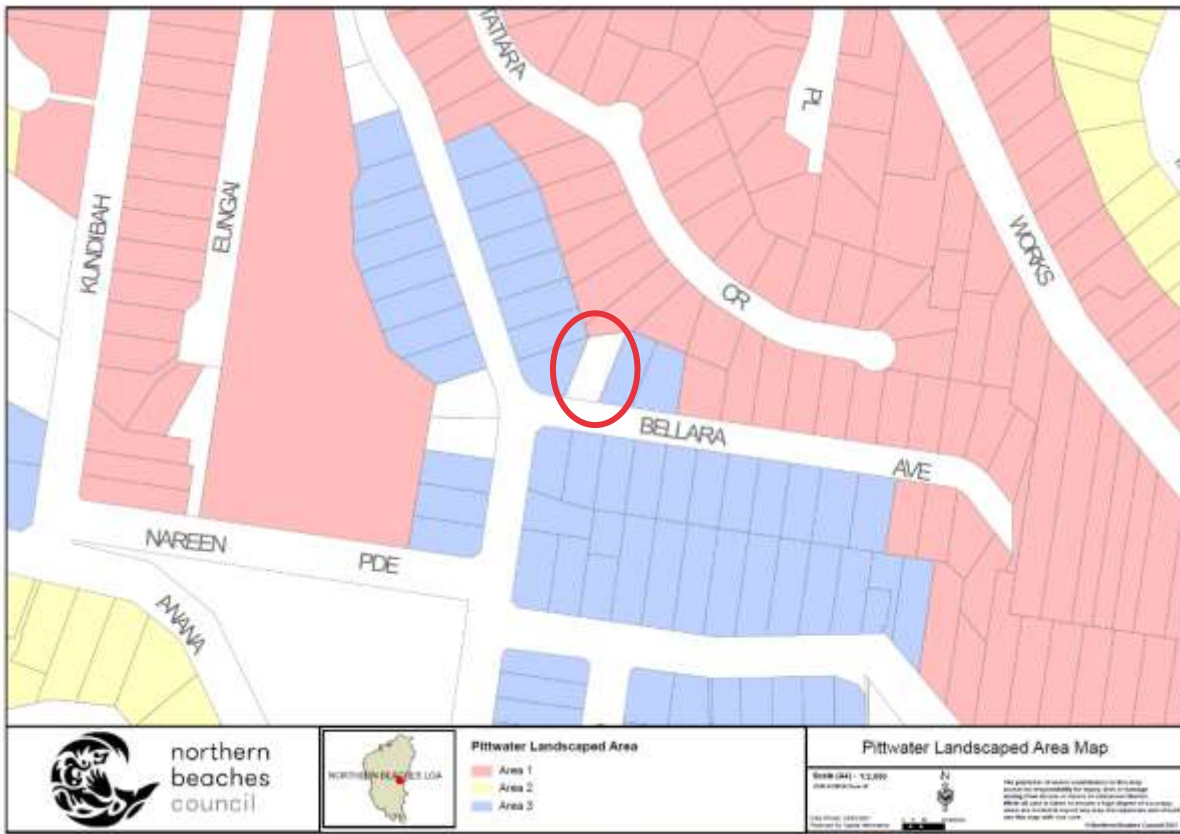


Figure 5- current Pittwater 21 DCP Landscape Map

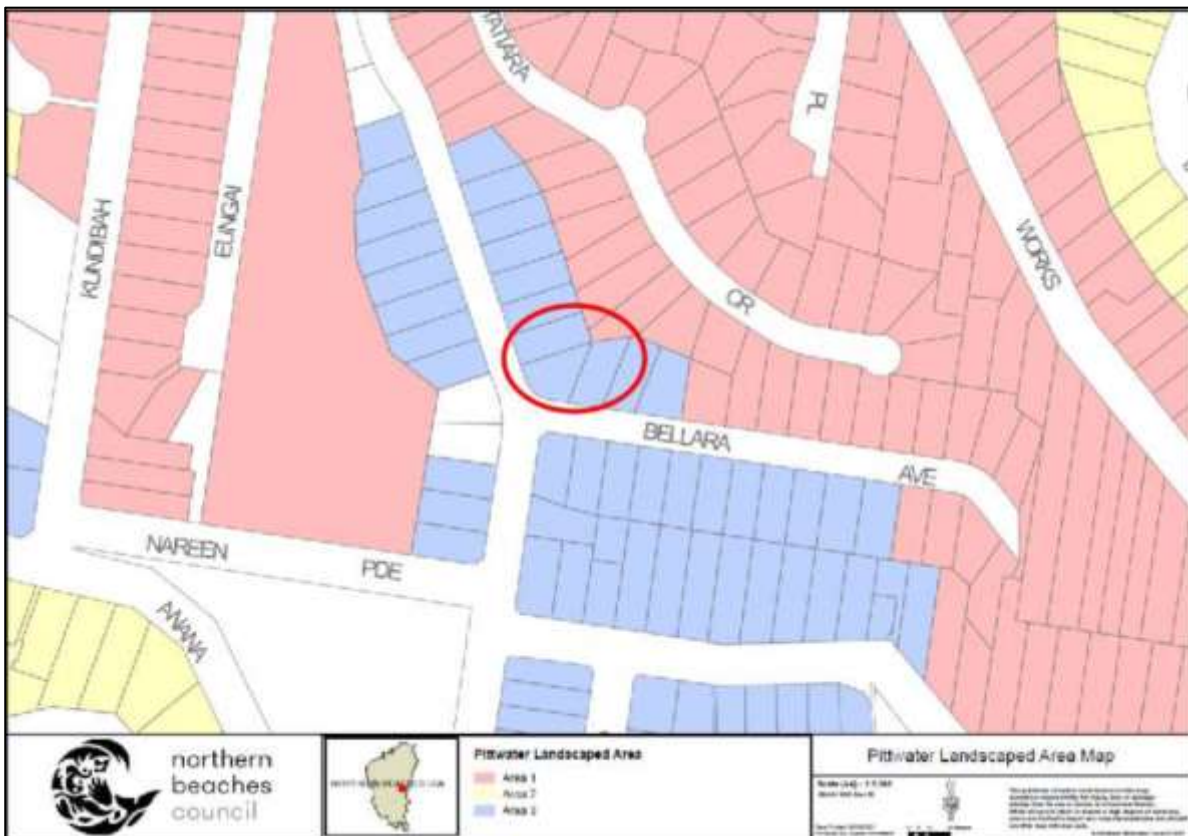


Figure 6- Proposed Pittwater 21 DCP Landscape Map

Assessment of Planning Proposal

An assessment of the Planning Proposal was undertaken in accordance with the NSW Department of Planning, Industry and Environment's *'Planning Proposals: A Guide to Preparing Planning Proposals'*.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, Strategic Study or report?

The Planning proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study, or report. The Planning Proposal responds to a change in circumstances with the property being deemed surplus to demand by Sydney Water. Located within an established residential area, the proposal will give effect to the North District Plan, in particular Planning Priority N5 'Providing housing supply, choice and affordability, with access to jobs, services and public transport'.

Local Strategic Planning Statement

Towards 2040 Local Strategic Planning Statement (LSPS) came into effect on 26 March 2020. The LSPS aligns with the North District Plan and Greater Sydney Region Plan and acts as the link between strategic land use planning at the district level and the local statutory planning for the Northern Beaches LGA. The proposal is consistent with the LSPS, with specific reference to the following priorities:

- Priority 2 – Protected and enhanced bushland and biodiversity.

The site contains existing vegetation which will remain protected under the existing Pittwater 21 DCP (the DCP). The preliminary arborists assessment confirms that future residential development of the site can be achieved with minimal impact on the existing vegetation or biodiversity. Future development of the site will be consistent with that of the adjoining residential development in terms of amenity and appearance.

- Priority 8 – Greater community resilience to natural hazards and climate change.

The site is partially affected by flooding and geotechnical hazards. The proposal has been accompanied by flood and geotechnical assessments which confirm the site can satisfy all relevant development controls and has sufficient area for the construction of residential development outside the extent of the natural hazards.

- Priority 15 – Housing supply, choice and affordability in the right locations.

The proposal will allow surplus Sydney Water land to be reallocated to infill residential development within an established residential neighbourhood with access to existing infrastructure and community facilities.

- Priority 16 – Access to quality social housing and affordable housing.

Whilst the planning proposal does not directly deliver social or affordable housing stock, it does contribute to the supply of additional residential zoned land which is one factor impacting housing affordability.

1. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Amending Pittwater LEP 2014 and rezoning the land from SP2 – Infrastructure to R2 – Low Density Residential is considered the best means of achieving the objectives and outcome of the planning proposal. This will facilitate a redevelopment of the site for residential purposes.

Section B - Relationship to Strategic Planning Framework**2. Will the planning proposal give effect to the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy?).**Greater Sydney Region Plan

The proposal has been reviewed against relevant outcomes of the Greater Sydney Region Plan 'A Metropolis of Three Cities'. The proposal is consistent with the broad Directions of the Plan, specifically the following:

- Objective 11 – Housing is more diverse and affordable.
- Objective 28 – Scenic and cultural landscapes are protected.
- Objective 30 – Urban tree canopy cover is increased.
- Objective 36 – People and places adapt to climate changes and future shocks and stresses.
- Objective 37 – Exposure to natural and urban hazards is reduced.

North District Plan

The proposal supports the North District Plan and an assessment of the strategic and site specific merit against this plan is outlined below.

- Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.

The proposal provides additional housing supply, however, will have limited impact on addressing housing affordability given the single lot available for future residential development.

- Planning Priority N17 – protecting and enhancing scenic and cultural landscapes.

The site is surrounded by residential development. Future redevelopment of the site will be guided by the existing character of the area, relevant zone objectives and Pittwater 21 DCP controls to protect and enhance the scenic landscape of the area.

- Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid Connections.

The Planning Proposal itself will not impact the tree canopy, however future redevelopment of the site for residential purposes may have the potential to impact upon existing trees on site. The applicant has submitted concept architectural plans and an arborist report to demonstrate that the site can be developed with the loss of only two existing trees.

- Planning Priority N22 – Adapting to the impacts of urban natural hazards and climate change.

The site is partially affected by flooding during a 1% AEP event. The applicant has submitted a flood report, prepared by Stellen Civil Engineering that confirms the site has sufficient space

available for the construction of residential development outside the 1% AEP flood extent meeting all applicable flood related development controls.

The preliminary contamination report prepared by PRM also confirms that the site is not subject to contamination and is appropriate for residential uses.

b) Does the proposal have site - specific merit, having regard to the following?

<p>The natural environment (including known significant environmental values, resources or hazards).</p>	<p>The site is affected by flooding and geotechnical hazards. The applicant has provided evidence to confirm that future residential development on site can be appropriately sited outside and/or designed to address these hazards in accordance with relevant development controls.</p> <p>The preliminary site contamination report prepared by PRM Progressive Risk Management confirms that the site is not subject to contamination and is suitable for residential uses.</p> <p>The future redevelopment of the site is consistent with the adjoining and nearby residential area and all environmental and natural hazards can be satisfactorily addressed.</p>
<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</p>	<p>The proposal is consistent with the existing and likely future development of the adjoining and nearby residential area.</p> <p>The proposed zone and proposed minimum lot size will be consistent with adjoining properties.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>The site is currently vacant and surrounded by existing residential development. All necessary infrastructure and services are existing in the locality.</p>

The proposed R2 Low Density Residential is considered appropriate in its context. The site is affected by two sewer lines and a drainage channel with existing mature trees however, the applicant has demonstrated that an appropriate development outcome can be accommodated on the site within the existing site constraints.

3. Will the planning proposal give effect to a council's local strategy or other local strategic plan?

The planning proposal is consistent with the Northern Beaches Towards 2040 Local Strategic Planning Statement (LSPS), in particular Priorities 2, 8, 15 and 16 as outlined earlier in this report.

A review of the proposal against relevant Council policies and plans has been undertaken, including:

Dwelling Targets

Under the North District plan, Council has been assigned a target of 3,400 dwellings to 2021. The proposal will contribute to the overall dwelling target delivery.

Affordable and Appropriate Housing

This proposal is for a single residential allotment and is not considered urban renewal or greenfield development as identified in the policy. Given this, the 10% affordable housing target is not applicable to the proposal.

4. Is this Planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with all applicable State Environmental Planning Policies.

5. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal is consistent with applicable Ministerial Directions.

CONSULTATION

The Planning Proposal and DCP amendment was placed on Statutory Public Exhibition in accordance with the Northern Beaches Community Participation Plan for a Period of 28 days from 27 May to 24 June 2021. The Gateway Determination stipulated 14 day exhibition period, however the exhibition timeframe was extended to 28 days in line with *Environmental Planning and Assessment Regulations 2000* for DCP amendments. The Notification included:

- Letters to landowners and occupiers adjoining the subject site,
- Electronic copies of the exhibition material on Council's website,
- Emails to registered community members who have listed their interest on Council's Community Engagement Register.

No objections were received during the statutory public exhibition period.

As per the Gateway Determination, Council on 17 May 2021 notified the Metropolitan Local Aboriginal Land Council (MLALC) of the Planning Proposal. No response was received so two follow up emails were sent to MLALC on 6 August 2021 and 13 August 2021. At the time of preparing the report no formal response regarding the Planning Proposal was received from MLALC.

TIMING

The DPIE has stipulated the timeframe for completing the LEP is to be nine (9) months following Gateway Determination. On this basis the PP is to be finalised by late December 2021.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council.

The assessment of the Planning Proposal and Pittwater 21 DCP amendment is funded by the prescribed Planning Proposal fee as set out in Councils Fees and Charges 2020/21 and does not have an adverse impact on Council's budget.

SOCIAL CONSIDERATIONS

The Pittwater 21 DCP amendment and associated Planning Proposal is not anticipated to have any adverse social impacts given the site is located within an established residential locality, with access to existing infrastructure and facilities.

ENVIRONMENTAL CONSIDERATIONS

The environmental considerations associated with Pittwater 21 DCP amendment and the Planning Proposal relate to retention of significant trees on site, flood affectation and geotechnical hazards. The planning proposal application has provided a range of reports and information addressing these considerations and demonstrates, in principle, that a development outcome can be achieved on the site without adverse environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

The Pittwater 21 DCP amendment is not anticipated to have any governance or risk implications.

ITEM 12.3	LEP CLAUSE FOR SPECIAL FLOOD CONSIDERATIONS
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/605768
ATTACHMENTS	1 Standard Instrument (Local Environmental Plan) Amendment (Flood Planning) Order

SUMMARY

PURPOSE

To seek Council's approval to insert a new "Special Flood Considerations" clause into Manly LEP 2013, Pittwater LEP 2014 and Warringah LEP 2011.

EXECUTIVE SUMMARY

The Department of Planning, Industry & Environment (DPIE) has developed an optional Local Environmental Plan clause to standardise "special flood considerations" for the assessment of development applications involving sensitive and hazardous land uses in flood-prone areas.

The clause requires Council to give special consideration to the safe occupation and efficient evacuation of people in the event of a flood and potential environmental impacts of flooding for sensitive uses such as schools, caravan parks, seniors housing and hazardous uses.

The optional clause is like an existing clause in the Pittwater LEP (clause 7.4). Council's floodplain planning and response team supports the inclusion of the standard clause in the Northern Beaches LEPs to provide a consistent approach to flooding issues in the assessment of development applications.

If agreed, the Department of Planning, Industry & Environment will implement the change to Council's LEPs via amending legislation.

It is recommended that Council support the inclusion of the standard clause in Manly LEP 2013, Pittwater LEP 2014 and Warringah LEP 2011.

As Warringah LEP 2000 is not in the Standard Instrument format, this clause does not lend itself to inclusion in this LEP.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Agree to insert the proposed Special Flood Consideration Local Environmental Plan clause prepared by the Department of Planning, Industry & Environment into Manly Local Environmental Plan 2013, Pittwater Local Environmental Plan 2014, Warringah Local Environmental Plan 2011.
 2. Advise the Department of Planning, Industry & Environment of its agreement to amend three Northern Beaches Local Environmental Plans in the above terms.
-

REPORT

BACKGROUND

In July 2021, the Department published an optional 'standard LEP clause' for special flood considerations and sought expressions of interest for the implementation of the LEP clause across NSW Councils. Councils who would like the 'special flood considerations LEP clause' to be incorporated into LEPs are to provide advice to the Department by November 2021.

The NSW Standard Instrument (LEP) Order (Attachment 1) adopted state-wide Flood Planning clauses comprising a compulsory Flood Planning clause 5.21 and an optional Special Flood Considerations clause 5.22.

The compulsory LEP clause was enacted in July 2021 and replaced similar clauses in Northern Beaches LEPs (Manly LEP clause 6.3, Warringah LEP clause 6.3, and Pittwater LEP clause 7.3).

The compulsory clause 5.21 is provided below:

5.21 Flood planning (compulsory)

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise the flood risk to life and property associated with the use of land*
 - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change*
 - (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment*
 - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:*
 - (a) *is compatible with the flood function and behaviour on the land*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood*
 - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:*
 - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change*
 - (b) *the intended design and scale of buildings resulting from the development*
 - (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood*

- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*
- (4) *A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

The optional 'Special Flood Considerations' LEP clause, the subject of this report, is like the existing clause 7.4 in Pittwater LEP. Other current Northern Beaches LEPs do not contain the clause used in the Pittwater LEP, however similar requirements are outlined in the Development Control Plans (DCPs) that are linked to these LEPs.

Proposed optional 'Special Flood Considerations' LEP Clause

The optional clause 5.22 is provided below:

5.22 Special Flood Considerations (optional)

- (1) *The objectives of this clause are as follows:*
 - (a) *to enable the safe occupation and evacuation of people subject to flooding*
 - (b) *to ensure development on land is compatible with the land's flood behaviour in the event of a flood*
 - (c) *to avoid adverse or cumulative impacts on flood behaviour*
 - (d) *to protect the operational capacity of emergency response facilities and critical infrastructure during flood events*
 - (e) *to avoid adverse effects of hazardous development on the environment during flood events.*
- (2) *This clause applies to:*
 - (a) *for sensitive and hazardous development—land between the flood planning area and the probable maximum flood*
 - (b) *for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may*
 - (i) *cause a particular risk to life*
 - (ii) *require the evacuation of people or other safety considerations.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development*
 - (a) *will not affect the safe occupation and efficient evacuation of people in the event of a flood*
 - (b) *incorporates appropriate measures to manage risk to life in the event of a flood*
 - (c) *will not adversely affect the environment in the event of a flood.*
- (4) *A word or expression used in this clause has the same meaning as it has in Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*
- (5) *In this clause:*

Considering Flooding in Land Use Planning Guideline—see clause 5.21(5).

flood planning area—see clause 5.21(5).

Floodplain Development Manual—see clause 5.21(5).

probable maximum flood has the same meaning as it has in the Floodplain Development Manual.

sensitive and hazardous development means development for the following purposes:

- (a) *boarding houses*
- (b) *caravan parks*
- (c) *correctional centres*
- (d) *early education and care facilities, (include home and school based)*
- (e) *eco-tourist facilities*
- (f) *educational establishments*
- (g) *emergency services facilities*
- (h) *group homes*
- (i) *hazardous industries*
- (j) *hazardous storage establishments*
- (k) *hospitals*
- (l) *hostels*
- (m) *information and education facilities*
- (n) *respite day care centres*
- (o) *seniors housing*
- (p) *sewerage systems*
- (q) *tourist and visitor accommodation,*
- (r) *water supply systems.*

The optional standard LEP clause would apply in a similar manner to the existing Pittwater LEP 2014 clause. A comparison of the current Pittwater LEP clause and the proposed clause is provided below.

The proposed new clause extends consideration of flooding impacts to a greater range of sensitive and hazardous land uses (as shown in bold in the Table 1).

Table 1: Comparison of the existing Pittwater LEP Clause and the proposed NSW Standard Instrument LEP Clause

Pittwater Local Environmental Plan 2014 7.4 Floodplain risk management	Standard Instrument (LEP) Order 2021 5.22 Special flood considerations [optional] – Proposed for adoption in three Northern Beaches LEPs
(1)The objectives of this clause are as follows— (a) in relation to development with particular evacuation or emergency response	(1)The objectives of this clause are as follows—

<p>issues—to enable evacuation of land subject to flooding in events exceeding the flood planning level</p> <p>(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.</p>	<p>(a) to enable the safe occupation and evacuation of people subject to flooding</p> <p>(b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour</p> <p>(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events</p> <p>(e) to avoid adverse effects of hazardous development on the environment during flood events.</p>
<p>(2) This clause applies to land between the flood planning level and the level of the probable maximum flood but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard, or other freeboard determined by an adopted floodplain risk management plan.</p>	<p>(2) This clause applies to:</p> <p>(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood</p> <p>(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—</p> <p>(i) cause a particular risk to life</p> <p>(ii) require the evacuation of people or other safety considerations.</p>
<p>(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land</p> <p>(a) caravan parks</p> <p>(b) centre-based child-care facilities</p> <p>(c) correctional centres</p> <p>(d) educational establishments</p> <p>(e) emergency services facilities</p> <p>(f) group homes</p> <p>(g) hospitals</p> <p>(h) residential care facilities</p>	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) will not affect the safe occupation and efficient evacuation of people in the event of a flood</p> <p>(b) incorporates appropriate measures to manage risk to life in the event of a flood</p> <p>(c) will not adversely affect the environment in the event of a flood.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p>

<p>(i) respite day care centres</p> <p>(j) seniors housing</p> <p>(k) tourist and visitor accommodation</p>	
<p>(4) In this clause— <i>flood planning level</i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard determined by an adopted floodplain risk management plan. <i>probable maximum flood</i> has the same meaning as it has in the <i>Floodplain Development Manual</i> (ISBN 0 7347 5476 0), published in 2005 by the NSW Government. Note— The <i>probable maximum flood</i> is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.</p>	<p>(5) In this clause— <i>probable maximum flood</i> has the same meaning as it has in the Floodplain Development Manual. <i>sensitive and hazardous development</i> means development for the following purposes— (a) boarding houses, (b) caravan parks, (c) correctional centres, (d) early education and care facilities, (include home and school based) (e) eco-tourist facilities, (f) educational establishments, (g) emergency services facilities, (h) group homes, (i) hazardous industries, (j) hazardous storage establishments, (k) hospitals, (l) hostels, (m) information and education facilities, (n) respite day care centres, (o) seniors housing, (p) sewerage systems, (q) tourist and visitor accommodation, (r) water supply systems.</p>

Comment

Special flood considerations are flood risk matters that Council must be satisfied of before development consent can be granted to certain types of development that have been identified as having a higher risk to life and warranting the consideration of the impacts of flood in the assessment of development applications.

As the 'Special Flood Considerations' LEP Clause is optional Councils must agree to the inclusion of the clause in LEPs prior to the Department making the inclusion.

It is recommended that Council agree to the inclusion of **clause 5.22 Special Flood Considerations (optional)** in the Pittwater LEP 2014, Manly LEP 2013 and Warringah 2011.

The inclusion is supported for the following reasons:

- The clause will provide a consistent approach to the consideration of special flood considerations in the development application process.
- All land uses subject to the considerations in the existing Pittwater LEP provisions will be retained.
- The clause will apply to a broader range of sensitive and hazardous uses which should be subject to special consideration in the assessment process.

CONSULTATION

The Department of Planning, Industry and Environment exhibited the draft LEP clause in 2020. The Department has subsequently prepared additional guidance material to support the draft LEP clause and published the LEP clause in July 2021.

Council's LEP/DCP Discussion Paper, which closed public exhibition on 5 September 2021, also proposed the adoption of a Special Flood Considerations clause for the Northern Beaches LEP. No issues or concerns were raised with this proposal during the exhibition period.

Council's Floodplain Planning and Response team have been consulted and they support the implementation of the proposed clause except for Warringah LEP 2000 (deferred lands) which is a "non-standard" LEP which has its own flood planning clause which is inconsistent with standard clauses 5.21 and 5.22.

TIMING

The Department has requested Council's confirmation as to whether it wishes to incorporate the clause into its LEPs before the commencement of the NSW Local Government Caretaker period associated with local council elections. The new provisions would likely commence in early 2022.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.
- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in an environment that supports innovation and economic growth.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council. Provisions associated with the special flood considerations clause for development requiring development consent will be implemented by the Department and will be considered in the assessment of relevant development applications.

SOCIAL CONSIDERATIONS

The clause aligns with Council's commitment to community resilience to ensure our communities are prepared, and able to effectively respond to and recover from floods.

ENVIRONMENTAL CONSIDERATIONS

The clause provides an operational response to environmental risks. Natural disasters such as floods are naturally occurring, rapid onset events that cause serious disruption to life or property in a community or region. Council will be required to consider this clause in the assessment and determination of development applications for sensitive or hazardous uses on flood-prone land.

GOVERNANCE AND RISK CONSIDERATIONS

The clause has been prepared by the Department. Implementing the clause will be achieved by way of amending legislation without the need for Council to prepare a Planning Proposal to amend its LEPs.

It is considered that the proposed clause raises no significant governance or risk issues and will appropriately simplify the planning approvals process in very specific circumstances.



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC QC, Governor of New South Wales, with the advice of the Executive Council, make the following Order under section 3.20 of the *Environmental Planning and Assessment Act 1979*.

Dated 12 May 2021.

By Her Excellency's Command,

ROB STOKES, MP
Minister for Planning and Public Spaces

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021 [NSW]

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is *Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021*.

2 Commencement

This Order commences on 14 July 2021 and is required to be published on the NSW legislation website.

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Clauses 5.21 and 5.22

Insert after clause 5.20—

5.21 Flood planning [compulsory]

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
 - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

5.22 Special flood considerations [optional]

- (1) The objectives of this clause are as follows—
 - (a) to enable the safe occupation and evacuation of people subject to flooding,
 - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - (c) to avoid adverse or cumulative impacts on flood behaviour,
 - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
 - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
 - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
 - (a) will not affect the safe occupation and efficient evacuation of people in the event of a flood, and
 - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (c) will not adversely affect the environment in the event of a flood.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

Considering Flooding in Land Use Planning Guideline—see clause 5.21(5).
flood planning area—see clause 5.21(5).
Floodplain Development Manual—see clause 5.21(5).
probable maximum flood has the same meaning as it has in the Floodplain Development Manual.
sensitive and hazardous development means development for the following purposes—

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

(a) *[list land uses]*

Direction— Only the following land uses are permitted to be included in the list—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

ITEM 12.4	SUBMISSION ON THE DRAFT FRENCHS FOREST PLACE STRATEGY PLANNING PACKAGE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/629753
ATTACHMENTS	1 Submission to the NSW Department of Planning, Industry and Environment on the draft Frenchs Forest Place Strategy Planning Package (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council's endorsement for a submission to the Department of Planning, Industry and Environment (the Department) in relation to the draft Frenchs Forest Place Strategy Planning Package.

EXECUTIVE SUMMARY

On 23 July 2021, the Department commenced public exhibition of the draft Frenchs Forest Place Strategy Planning Package (draft Planning Package). The draft Frenchs Forest 2041 Place Strategy implements Phase One of Council's endorsed Hospital Precinct Structure Plan (Structure Plan) and includes the draft Frenchs Forest 2041 Place Strategy, draft planning controls (Explanation of Intended Effect) and associated technical studies. The public exhibition period closed on 3 September 2021. Staff at the Department have confirmed that an extension of time for Council to formally consider the draft submission has been granted.

Council supports the Department's role in coordinating the precinct planning for the area, as it is best placed to ensure that supporting infrastructure including schools, public transport, road infrastructure and open space are delivered to support the community's existing and future needs.

The Department's draft planning package delivers on important strategic land use policy outcomes, which is welcomed. Council is supportive of the need for urban renewal within Frenchs Forest to facilitate the delivery of Council's adopted Hospital Precinct Structure Plan and the designation of Frenchs Forest as a Strategic Centre and Health and Education Precinct by the NSW Government.

Council also acknowledges that the proposal aligns with the priorities contained in Council's Local Strategic Planning Statement (Towards 2040) and Council's Local Housing Strategy to deliver a sustainable health and education precinct and contribute to Council's six to ten-year housing target and beyond. The requirement to provide an affordable rental housing target of 15% in the town centre and 10% elsewhere in the precinct, in alignment with Council's Affordable Housing Policy, is commended.

Other matters identified throughout the draft planning package which Council supports include:

- The identification of 1.5 hectares of new public open space in the town centre.
- The delivery of grant funding to upgrade three local parks including Brick Pit, Akora and Rabbett Reserves, through the Department's Precinct Support Scheme.
- The confirmation of a site to accommodate the relocated Forest High School to facilitate the delivery of the town centre.

- The commitment to design excellence for buildings that are over three storeys or 12 metres (noting this does not apply to the Karingal Crescent precinct), which requires applications to be referred to Council's Design and Sustainability Advisory Panel.
- The investigation of a 'platform park' that will link the town centre to Akora Reserve and become an iconic land bridge to those moving from the town centre to the southern side of Warringah Road, which could also double as a future bus interchange along Warringah Road.
- The application of a Special Infrastructure Contribution (SIC) levy for new development within the precinct to ensure that any value uplift provides a contribution towards the provision of State and regional infrastructure.
- The identification of a 'community hub' to provide social infrastructure, which will be required to support the needs of existing and future residents, workers, and visitors.
- Revised statutory planning controls which consider the impact on transition zones, lot amalgamation patterns and implementation of the urban design masterplan.
- The identification of potential sustainability initiatives that could be applied at a precinct-scale.

While the proposed development is supported in principle, Council's submission identifies nine (9) matters requiring resolution, prior to the finalisation of the rezoning. These issues are:

1. Transport infrastructure provision.
2. Cost and funding of infrastructure.
3. Town centre open space and Police Station site dedication.
4. Delivery of the community hub.
5. Elevating the role of sustainability as a key feature to create a flagship precinct.
6. Statutory planning framework.
7. State Government coordination.
8. Support for affordable rental housing contribution.
9. Development feasibility.

This report provides a summary of Council's submission and outlines the key issues requiring resolution by the Department. The report also provides an update on other outstanding Council resolutions, which are now superseded by the strategic directions identified in the Department's draft Frenchs Forest 2041 Place Strategy.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

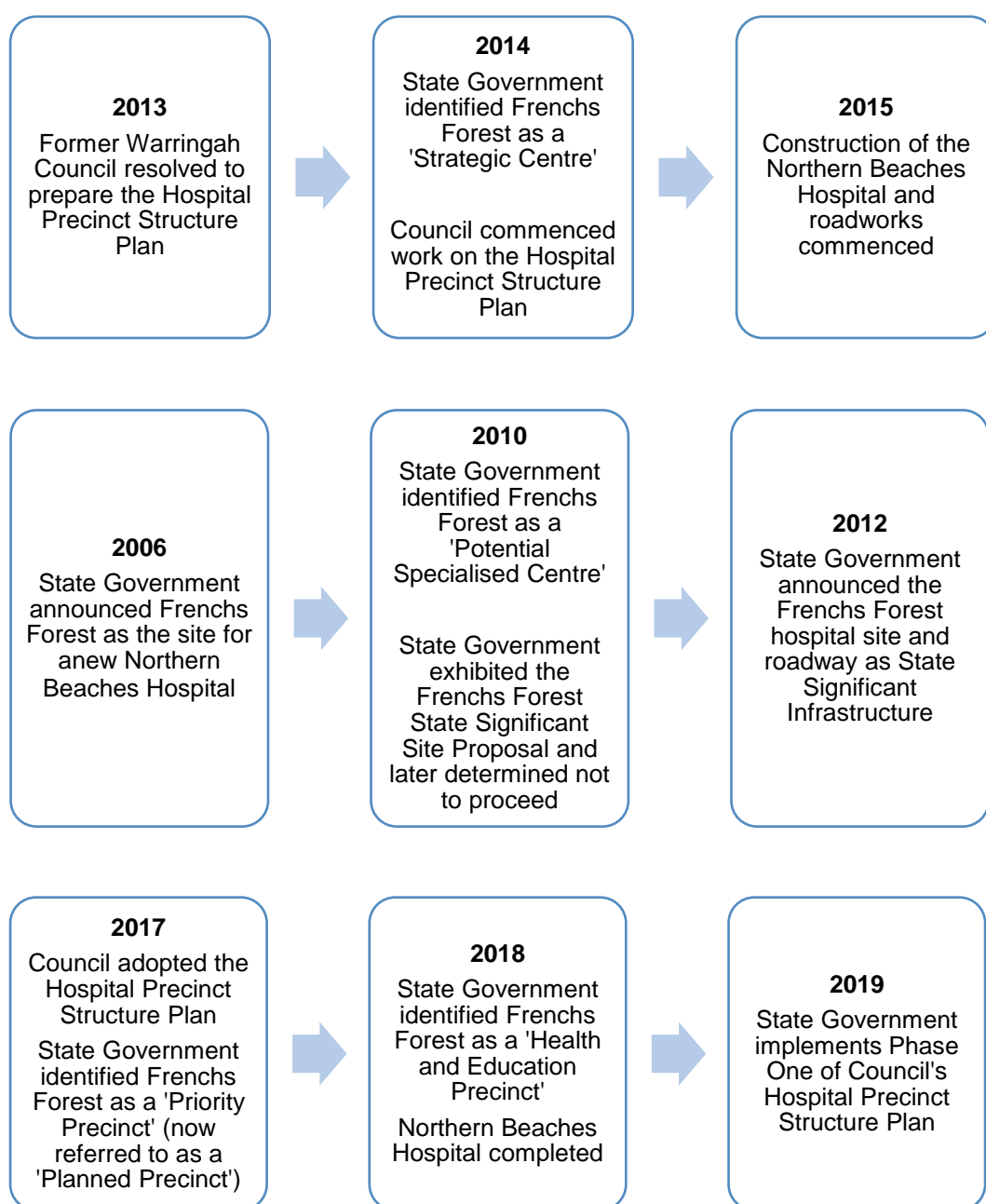
1. Support the Submission to the NSW Department of Planning, Industry and Environment in relation to the draft Frenchs Forest Place Strategy Planning Package.
 2. Acknowledge that the key issues raised in the Submission requiring resolution include:
 - A. Transport infrastructure provision.
 - B. Cost and funding of infrastructure.
 - C. Town centre open space and Police Station site dedication.
 - D. Delivery of the community hub.
 - E. Elevating the role of sustainability as a key feature to create a flagship precinct.
 - F. Statutory planning framework.
 - G. State Government coordination.
 - H. Support for affordable rental housing contribution.
 - I. Development feasibility.
 3. Does not proceed with the Aquatic Reserve Masterplan for a state-of-the-art education and recreation precinct as this does not align with the NSW Government's draft Frenchs Forest 2041 Place Strategy.
 4. Dissolve the Northern Beaches Hospital Precinct Consultation Committee, as the role and objectives of the Northern Beaches Hospital Precinct Consultation Committee have been realised with the Department's Frenchs Forest 2041 Place Strategy. Council thanks members of the Committee for their time and input to support the Northern Beaches Hospital Precinct Structure Plan process.
 5. Acknowledge that a design excellence process is preferred over a design competition process for the Frenchs Forest Precinct as floor space or height bonuses are unavailable due to the traffic capacity of the precinct and carefully considered urban design principles.
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REPORT

BACKGROUND

Since the announcement of Frenchs Forest as the site for a new Northern Beaches Hospital in 2006, Frenchs Forest has been identified as an important precinct for investment by the NSW Government. This has influenced subsequent NSW Government policies, leading to the identification of Frenchs Forest as a Strategic Centre in 2014 and a Health and Education Precinct in 2018. Figure 1 illustrates the evolution of the Frenchs Forest precinct in government policy, dating back to 2006.

Figure 1: Timeline of the Frenchs Forest precinct



In response to the NSW Government's \$1 billion investment in public infrastructure for Frenchs Forest, the former Warringah Council resolved in 2013 to prepare the Hospital Precinct Structure Plan (Structure Plan) for the area around the new hospital site. The purpose of this plan was to ensure that appropriate consideration was given to the long-term planning of the area and to guide future development. Detailed analysis for the Structure Plan was carried out over a four-year period (2014 to 2017) culminating in the adoption of a Structure Plan for the Frenchs Forest precinct on 1 August 2017. The Structure Plan provided the strategic land use planning framework for Frenchs Forest over the next 20 years.

Frenchs Forest was subsequently declared a Priority Precinct by the NSW Government and the Department assumed the lead planning role in the delivery of the Precinct. On 23 July 2021, the Department commenced public exhibition of the draft Frenchs Forest Place Strategy Planning Package (draft Planning Package). The draft Planning Package implements Phase One of Council's Structure Plan and includes the draft Frenchs Forest 2041 Place Strategy, draft planning controls (Explanation of Intended Effect) and associated technical studies. The public exhibition period closed on 3 September 2021.

Concurrently, Council exhibited draft DCP amendments to align with the proposed changes proposed in the draft Planning Package, the draft Affordable Housing Contributions Scheme, and the draft Tenancy Guidelines. A separate report has been prepared relating to the outcomes of the public exhibition of the draft Affordable Housing Contributions Scheme and the draft Tenancy Guidelines.

A separate report will be tabled for Council's consideration in early 2022 regarding the public exhibition of the draft DCP amendments following a detailed analysis of all submissions received during the exhibition period.

Strategic planning context

The Department's draft Planning Package aligns with broader strategic directions that are identified for Frenchs Forest in Council's strategic land use policy documents, including the Local Strategic Planning Statement (Towards 2040), Local Housing Strategy and Council's Structure Plan. Table 1 provides a summary and analysis of how the Planning Package compares to Council's strategic land use policy documents.

Table 1: Council's strategic land use policy documents

Document	Purpose	Consistency
Towards 2040	Establishes the land use planning framework for the Northern Beaches over a 20-year timeframe to 2040 and incorporates the recommendations of the Region Plan (A Metropolis of Three Cities) and the North District Plan.	Yes. The draft Planning Package supports the delivery of Priority 23 to deliver a sustainable health and education precinct, by encouraging new development with a variety of land uses alongside a new town centre to support the Northern Beaches Hospital.
Local Housing Strategy	Identifies the importance of Frenchs Forest in the delivery of Council's six to ten-year housing targets.	Yes. The draft Planning Package has been factored into the Local Housing Strategy's projected calculations on housing delivery to 2036.
Structure Plan	Identifies how growth will occur over a 20-year timeframe between 2017 to 2037 and proposes a three-phased delivery of a new Strategic Centre, which is dependent on infrastructure delivery.	Yes. The draft Planning Package implements Phase One of Council's Structure Plan by providing approximately 2,000 new homes and 2,000 new jobs to 2041.

Generally, the Department's draft Planning Package is consistent with the vision for a vibrant, new town centre as outlined in Towards 2040 and the Structure Plan. The proposal delivers approximately 2,000 dwellings and 2,000 new jobs, which aligns with Council's Local Housing Strategy and Structure Plan (noting that Phases Two and Three will also need to be delivered at a time in the future).

The Department's draft Planning Package has strategic merit and aligns with the future directions set by the NSW Government and Council for Frenchs Forest.

Documents on Exhibition

The Department's draft Planning Package

The draft Planning Package will inform a rezoning of the Frenchs Forest precinct through a self-repealing State Environmental Planning Policy to amend Warringah Local Environmental Plan 2011. The draft Planning Package is accompanied by a comprehensive suite of documents, which includes:

- draft Frenchs Forest 2041 Place Strategy
- draft Explanation of Intended Effect
- draft Frenchs Forest Green Plan
- draft Frenchs Forest Special Infrastructure Contribution Schedule.

- nine background technical studies comprising an Aboriginal and Non-Aboriginal Heritage Assessment, Contamination Site Investigation, Flooding and Stormwater Study, Social Infrastructure Report, Sustainability Plan, Transport Strategy, Urban Tree Canopy Audit, Employment Strategy and Urban Design Report.

The draft Frenchs Forest 2041 Place Strategy outlines how the NSW Government will deliver the first stage of the town centre including 2,000 new homes, approximately 250 affordable dwellings, around 2,000 new jobs, public open spaces, and easier walking and cycling connections.

The draft Planning Package also includes a Special Infrastructure Contributions (SIC) scheme which provides up to \$37.3 million to pay for State and regional infrastructure including education, roads, public transport, active transport, and green links.

Council's exhibited documents

To support the Department's draft Planning Package, three documents have been prepared and placed on public exhibition concurrently with the Department's exhibition. The documents include:

- draft amendments to Warringah Development Control Plan (DCP) 2011.
- draft Northern Beaches Affordable Housing Contributions Scheme.
- draft Northern Beaches Affordable Housing Tenancy Guidelines.

In the exhibition documents, Council has advised that the draft Development Contributions Plan (Section 7.11) to allow Council to levy development to fund the delivery of local infrastructure, will be exhibited separately, later in the year.

A separate report has been prepared relating to the outcomes of the public exhibition period for the draft Affordable Housing Contributions Scheme and the draft Tenancy Guidelines. As outlined above, a separate report will be undertaken for the draft DCP amendments and will be reported to Council early in 2022 once a detailed analysis of all submissions received during the exhibition period has been completed.

Key issues in Council's submission

Whilst Council is supportive of the Department's coordination role and has collaboratively worked with the Department since the identification of Frenchs Forest as a State-led rezoning precinct in 2017, there are some issues that require resolution, prior to the finalisation of the rezoning. These matters are explored in detail in Council's submission and include:

1. ***Transport infrastructure provision*** – this includes commitment on transport infrastructure items that Council has identified in its own transport modelling of the precinct, which are supported by a peer review of Council and the Department's Transport Strategies.
2. ***Cost and funding of infrastructure*** – this includes refining the statutory clause to specifically reference a Section 7.11 Development Contributions Plan, and Council's concerns with some aspects of the SIC levy.
3. ***Town centre open space and Police Station site dedication*** – this includes the requirement for written confirmation for the dedication of the town centre open space and Police Station site free of cost to Council.
4. ***Delivery of the community hub*** – this includes potential funding constraints opportunities for the full range of community uses identified in the Department's documents.
5. ***Elevating the role of sustainability as a key feature to create a flagship precinct*** – this includes increasing targets under State Environmental Planning Policy (Building

Sustainability Index: BASIX) 2004 for residential development and including sustainability targets for non-residential development in Council's Local Environmental Plan.

6. **Statutory planning framework** – this includes suggested improvements to the draft Explanation of Intended Effect, the application of a Ministerial Direction to implement the draft Frenchs Forest 2041 Place Strategy, and the preparation of additional information to meet Planning for Bushfire Protection 2019 and Ministerial Direction 4.4 – Planning for Bushfire Protection.
7. **State Government coordination** – this includes the requirement for the Department to undertake further consultation with Department of Education, School Infrastructure NSW, Property NSW and Transport for NSW.
8. **Support for affordable rental housing contribution** – this includes confirmation from the Department's Housing Policy Team on whether there are any outstanding statutory requirements needed to successfully implement Council's draft Northern Beaches Affordable Housing Contributions Scheme and draft Tenancy Guidelines in Council's Local Environmental Plan.
9. **Development feasibility** – this includes the recommendation for an updated feasibility assessment to be undertaken, which accounts for the infrastructure contributions likely to be imposed on development.

Council's submission is supported by four technical studies, including:

- Transport Strategy by Arup,
- Traffic Modelling Review by Arcadis,
- Sustainability Report by Kinesis,
- Water Sensitive Urban Design Strategy by Alluvium.

The submission concludes with number of recommendations in relation to the matters identified above.

Other administrative matters

As a result of the strategic directions identified by the Department's draft Frenchs Forest 2041 Place Strategy, it is now necessary to withdraw certain Council resolutions that are now superseded. This includes Council resolutions to:

1. Prepare and exhibit the Aquatic Reserve Masterplan.
2. Implement the Northern Beaches Hospital Precinct Consultation Committee.
3. Implement a design competition process to encourage better design as part of the draft DCP amendments.

The details of these resolutions, which are now outdated, are identified in Table 2.

Table 2: Previous resolutions of Council

Council meeting	Resolution	Reason
1 August 2017	169/17 RESOLVED D Persson <i>That Council:</i>	The draft Frenchs Forest 2041 Place Strategy does not identify the relocation of The Forest High School to Aquatic Reserve. The State

Council meeting	Resolution	Reason
	<i>E. Work with the NSW Department of Education to prepare and exhibit a Masterplan for Aquatic Reserve to deliver a state-of-the-art education and recreation precinct at Aquatic Reserve in Frenchs Forest.</i>	Government announced in early 2021 that the school would not be located at Aquatic Reserve. The Forest High School is to be relocated to 187 Allambie Road. Accordingly, a Masterplan for Aquatic Reserve does not align with NSW Government strategy and is not required.
17 February 2018	010/18 RESOLVED Cr Ferguson / Cr Amon <i>That:</i> <i>A. Council adopt the Terms of Reference and Charters as detailed in the report for the following Terms of Reference and Charters:</i> - <i>Conduct Review Committee</i> - <i>Ingleside Community Reference Group</i> - <i>Northern Beaches Flood Management Committee (New)</i> - <i>Northern Beaches Hospital Precinct Consultation Committee (New)</i> - <i>Northern Beaches Safety Advisory Committee (New).</i>	As the role and objectives of the Northern Beaches Hospital Precinct Consultation Committee have been realised with the Department's Frenchs Forest 2041 Place Strategy, this Committee shall now be dissolved. Council thanks members of the Committee for their time and input to support the Northern Beaches Hospital Precinct Structure Plan process.
26 August 2014 (former Warringah Council)	525/14 RESOLVED Cr Regan / Cr Harrison <i>That Council:</i> <i>B. When the structure plan is adopted by Council that the Community be engaged in developing changes to Warringah's current Development Control Plan with the aim to incorporate flexibility for creativity and innovation to encourage better design in the future development of Warringah by undertaking a design competition.</i> <i>C. Identify possible funding sources to allow prize monies to be awarded such as existing operational funding or future unidentified surplus funding allocations?</i>	Council in 2020 established a Design and Sustainability Advisory Panel. This panel will review all development proposals in the Frenchs Forest Precinct to ensure that design excellence is achieved in all development applications that are approved in the precinct. Design competitions are costly and cost proponents more than \$100,000 (prior to lodgement of the DA) as a minimum of 3 architects are required to participate (so to be competitive) and competitors must be paid. Where local councils have established design competition policies and practices, additional height

Council meeting	Resolution	Reason
		<p>and floor space bonuses are available for participation in competitive design processes. The provision of additional height and/or floor space for development in the Frenchs Forest precinct is not appropriate.</p> <p>Accordingly, a competitive design process for DAs in the precinct are not being pursued and design excellence will be achieved by review of proposals by the DSAP.</p>

CONSULTATION

The Department's draft Planning Package was placed on public exhibition from 23 July to 3 September 2021 (6 weeks). An extension was granted to allow Council to forward a submission to the Department, following the 28 September 2021 Council meeting.

Council's planning documents were also placed on exhibition concurrently with the Department's exhibition period. The exhibition was undertaken in accordance with Council's Community Participation Plan, Division 2 of the Environmental Planning and Assessment Regulation 2000, and the Department's Guideline for Developing an Affordable Housing Contribution Scheme (February 2019). Notification included:

- information on Council's website including the project page, a news story and media release,
- information on Council's Your Say project page, including two explanatory videos on the planning process and draft DCP amendments, alongside responses to frequently asked questions,
- emails to community members registered for updates on the Your Say project page, Council's community engagement projects, and the Northern Beaches latest news,
- attendance at the Department's two online webinars to respond to questions on Council's exhibited documents.

A separate report has been prepared relating to the outcomes of the public exhibition of the draft Affordable Housing Contributions Scheme and the draft Tenancy Guidelines. Similarly, a separate report will be undertaken for the draft DCP amendments and be reported to Council early next year.

TIMING

The Department is currently reviewing all submissions and will prepare a Submissions Report, which will explain how the feedback has affected the final Frenchs Forest 2041 Place Strategy. Once the Department's draft Frenchs Forest 2041 Place Strategy is finalised, Council anticipates that the Department will prepare the self-repealing State Environmental Planning Policy to amend Council's Local Environmental Plan (i.e., the rezoning). Council's submission highlights that further work needs to be undertaken by the Department prior to the finalisation of the statutory planning framework.

In the meantime, Council will need to undertake several tasks including:

- if adopted by Council, forwarding the final Northern Beaches Affordable Housing Contributions Scheme to the Department for endorsement,
- exhibiting the draft Development Contributions Plan (Section 7.11) later this year,
- submitting the draft Development Contributions Plan (Section 7.11) to the Independent Pricing and Regulatory Tribunal (IPART) for review, as the identified infrastructure items are likely to exceed the proposed contribution rate for infill areas (i.e. greater than \$20,000 per dwelling),
- reviewing the submissions received on the draft DCP amendments, making changes where necessary, and reporting the feedback received to a Council meeting early in 2022, and
- adoption of the draft DCP amendments and draft Development Contributions Plan (Section 7.11) in 2022.

Once the rezoning is published by the Department, development applications will be able to be lodged and assessed through the development assessment framework.

LINK TO STRATEGY

This report directly relates to the delivery of Action 23.1 from Council's Towards 2040 (Local Strategic Planning Statement) including Priority 23 – Frenchs Forest as a sustainable health and education precinct. Action 23.1 is in partnership with the Department, to finalise and implement the Frenchs Forest Precinct Plan. This includes the public domain strategy, draft DCP amendments and affordable rental housing targets of 15% in the town centre and 10% for the remaining rezoned area.

Council's Delivery Program identifies Frenchs Forest precinct planning for a sustainable area with Green Star Communities rating as an operational project for 2021/22 and 2022/23. It also identifies ongoing service area G22 for Strategic and Place Planning to advocate for community needs with the Greater Sydney Commission, the Department, and other stakeholders.

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.
- Environment Sustainability - Goal 4: Our Council is recognised as a community leader in environment sustainability.
- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Environment Sustainability - Goal 6: Our community will continue to work towards sustainable use of resources.
- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.
- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 11: Our community feels safe and supported.

- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in an environment that supports innovation and economic growth.
- Vibrant Local Economy - Goal 14: Our economy provides opportunities that match the skills and needs of the population.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
- Transport and Infrastructure - Goal 16: Our integrated transport networks meet the needs of our community.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

This matter has financial implications for Council as the precinct would require certain infrastructure improvements to support the proposed development.

Development Contributions for Local Infrastructure

The draft Planning Package identifies several infrastructure items which will require delivery by Council. To ensure that these items are funded and delivered, Council is preparing a draft Development Contributions Plan (Section 7.11), which will identify the local infrastructure items and apportionment attributable to the development from the draft Planning Package.

Given the nature and number of infrastructure items required, it is likely that the residential contribution rate will exceed \$20,000 per dwelling, necessitating a review process and final approval by IPART.

Development Contributions for State and Regional Infrastructure

A SIC levy is proposed to provide funding up to \$37.3 million for State and regional infrastructure to support the new residential growth.

The proposed allocation of funds means that some construction costs for state and regional infrastructure are unfunded. This creates a high level of uncertainty that the SIC levy infrastructure works will or can be delivered in the future.

Dedication of Town Centre Open Space and Police Station Site to Council

The draft Planning Package identifies approximately 1.5 hectares of land in the town centre to be utilised for open space purposes. Council has consistently requested that this parcel of land be dedicated to Council, free of cost, to enable the removal of the acquisition costs from Council's draft Development Contributions Plan (Section 7.11). Staff at the Department have verbally

advised Council that the land will be dedicated to Council at no cost, but written advice confirming the commitment has not yet been received.

To facilitate the delivery of the new road which connects Holland Crescent to the intersection of Frenchs Forest Road West at Sylvia Place, Council seeks the dedication of No. 137-139 Frenchs Forest Road West (Frenchs Forest Police Station) to Council free of charge. Council requests that the Department investigate an appropriate mechanism to allow certainty and ensure that the land can be dedicated to Council at the appropriate time.

Without written confirmation from Property NSW (who will be leading the sale of the school site) and the Department of Education (who are the landowners), regarding the terms of the land transfer, Council has no choice but to include the acquisition costs in the draft Development Contributions Plan (Section 7.11). This will result in an inflated development contribution rate due to the uncertainty around this matter.

Delivery of the Community Hub

The draft Planning Package identifies that a community hub will be located within the town centre site, positioned towards the south-western corner of the town centre. Council supports the identification of the community hub in the Department's plans, however, advises that Council has no way of delivering the full extent of the community hub with the current rules governing Development Contributions Plans (Section 7.11) in place.

In relation to community buildings, councils can collect funds for the land on which they are located but not for the construction of the building itself. It is noted that the NSW Government is currently considering changes to Development Contribution legislation. These changes are silent on any proposed changes to the essential infrastructure list that may include a review of the ability to collect for the floorspace of community centres.

Whilst Council intends to deliver community facilities within the town centre site on land that is expected to be dedicated to Council, free of cost, the range of facilities to be provided is likely to be limited due to funding constraints. To date, no funding source has been identified for the construction of the community hub, making this an unfunded project at this time.

Land Acquisition Costs

The draft Planning Package identifies several sites which will require acquisition by Council for the purposes of road infrastructure. These items will be included in Council's draft Development Contributions Plan (Section 7.11).

Council's submission highlights that further acquisitions will be required once the town centre site reaches 70% capacity. These properties are not reflected on the Land Reservation Acquisition Map and Council's submission requests that an agreed approach with relevant state agencies is reached, as some of these items are located on State-controlled roads.

Council's submission also highlights that there is no certainty in the statutory planning framework on how the Frenchs Forest Police Station site will be acquired. The site requires acquisition to deliver a new road which connects Holland Crescent to the intersection of Frenchs Forest Road West at Sylvia Place. Council understands that there may be legal issues preventing the identification of this site on the Land Reservation Acquisition Map. Council's submission requests that the Department investigate an appropriate mechanism to allow certainty and ensure that the land can be acquired at the appropriate time.

Precinct Support Scheme Grant

The draft Planning Package identifies the delivery of grant funding to upgrade three local parks in Frenchs Forest, through the Department's Precinct Support Scheme. On 16 April 2021, Council

successful secured approximately \$6.1 million in funding to deliver upgrades to Brick Pit, Akora and Rabbett Reserves. These upgrades are expected to be completed by 1 July 2024.

SOCIAL CONSIDERATIONS

To provide a connected community, social infrastructure items in the Department's Social Infrastructure Report by Cred Consulting will need to be delivered. Council recognises that there are some facilities that may be delivered by the private or not-for-profit market such as childcare centres and indoor recreation facilities. However, it is noted that there are some uses that can only be delivered by Council, which is proposed to be incorporated into the community hub building including community facilities and library.

ENVIRONMENTAL CONSIDERATIONS

This matter requires the Department to demonstrate stronger environmental requirements in the statutory planning framework. Council's submission requests that the Department demonstrate leadership in delivering best practice outcomes for sustainability and to elevate the role of sustainability as a key feature to create a flagship precinct.

Council's submission recommends:

- the application of sustainability objectives to the entire precinct (i.e. not just the town centre site)
- increasing the targets for residential development under State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- applying sustainability targets for non-residential development
- recognition within Department documents on commitments and strategies made by the NSW Government including: a commitment to achieve net zero emissions by 2050, and a 35% reduction in emissions by 2030 compared to 2005 levels, alignment with the NSW Waste and Sustainable Materials Strategy 2041 and draft Greener Places Design Guide
- that the Department liaise with Property NSW to ensure that special conditions are applied to the sale of The Forest High School site relating to the delivery of sustainable and green infrastructure.

GOVERNANCE AND RISK CONSIDERATIONS

This matter has some governance and risk implications. It is noted that the Frenchs Forest Precinct is considered a State-led rezoning, where the Department are the lead government agency. A governance arrangement has been adopted by the Department which ensures that the Department, Council, and relevant state agencies work collaboratively.

The biggest risk for Council relates to the timing of the rezoning by the Department. If the rezoning for the precinct proceeds and the amendment to Council's Local Environmental Plan comes into effect before the Development Contributions Plan (Section 7.11) is approved by IPART, the current Development Contributions Plan (Section 7.12) will apply.

Council's submission has identified this as a significant concern as Council has committed to working on a Development Contributions Plan (Section 7.11) to deliver the required infrastructure for the precinct. Levying under the Development Contributions Plan (Section 7.12) can only achieve 1% of the development value, which will not be enough to deliver the identified infrastructure.

ITEM 12.5	NORTHERN BEACHES COUNCIL AFFORDABLE HOUSING CONTRIBUTION SCHEME
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/636386
ATTACHMENTS	1 ⇒ Northern Beaches Council Affordable Housing Contribution Scheme (Included In Attachments Booklet) 2 ⇒ Northern Beaches Council Affordable Housing Tenancy Guidelines (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council approval to adopt the draft Northern Beaches Affordable Housing Contributions Scheme and Northern Beaches Affordable Housing Tenancy Guidelines.

EXECUTIVE SUMMARY

In June 2017, Council adopted the Affordable Housing Policy for the Northern Beaches Local Government Area (LGA).

In April 2018, Council was included in State Environmental Planning Policy No. 70 - Affordable Housing (SEPP 70) enabling Council to develop affordable rental housing requirements in our Local Environmental Plans (LEPs) in areas subject to increases in residential density or zoning “uplift”.

Council subsequently commenced work on developing affordable rental housing LEP requirements for the Frenchs Forest Planned Precinct. In February 2019, the Department of Planning, Industry and Environment (DPIE) finalised guidelines for an Affordable Housing Contributions Scheme that each Council must prepare to accompany proposed LEP amendments for affordable rental housing. Such Schemes outline principles, processes, and requirements for the dedication of dwellings and the payment of contributions to Council for affordable rental housing.

Council has developed an Affordable Housing Contribution Scheme (Attachment 1) for the Northern Beaches in accordance with those guidelines, which sets out Council’s requirements for affordable housing contributions for the Frenchs Forest Planned Precinct. The Scheme requires a contribution towards affordable housing provided as a dedication of dwellings to Council (one or more complete dwellings with a gross floor area equivalent to 15% of the residential component of any development within the town centre and 10% within the transition area) OR a contribution provided as an equivalent monetary contribution.

Council has also developed Guidelines for the allocation and management of tenancies for properties dedicated to Council. The Guidelines (Attachment 2) set out the criteria for eligibility of tenants for the program, rent, management of waiting lists, and asset management.

Council at its meeting on 28 May 2019, resolved to exhibit an Affordable Housing Contribution Scheme and related draft Northern Beaches Affordable Housing Tenancy Guidelines in conjunction with the exhibition of State Government led rezoning proposals for the Frenchs Forest Planned Precinct.

At its meeting of 15 June 2021, Council subsequently resolved to amend the draft Contribution Scheme to include 1294 -1300 Pittwater Road & 2-4 Albert Street, Narrabeen and to submit the scheme to DPIE with the related Planning Proposal for that site.

The Frenchs Forest Planned Precinct zoning proposals were placed on public exhibition from 23 July 2021 to 3 September 2021. Concurrently, Council exhibited draft amendments to Warringah Development Control Plan 2011 (draft DCP amendments), the draft Northern Beaches Affordable Housing Contributions Scheme and the draft Northern Beaches Affordable Housing Tenancy Guidelines.

13 submissions were received in relation to the draft Affordable Housing Contributions Scheme and draft Tenancy Guidelines. The main issues raised included:

- The eligibility criteria in the draft Tenancy Guidelines (including the types of employment, proximity of employment and length of stay for tenants).
- Over-population on the Northern Beaches and its impact on living standards for existing residents.
- The feasibility of affordable housing contribution rates.

This report recommends adoption of the draft Affordable Housing Contributions Scheme without change and adoption of the draft Tenancy Guidelines with an amendment to remove the requirement that all tenants must be “permanently” employed to access the scheme.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council adopt:

1. The draft Northern Beaches Affordable Housing Contributions Scheme.
 2. The amended draft Northern Beaches Affordable Housing Tenancy Guidelines.
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REPORT

BACKGROUND

In February 2019, the Department released guidelines for developing Affordable Housing Contribution Schemes and allowed all councils in the State to develop affordable rental housing programs under State Environmental Planning Policy 70 – Affordable Housing (SEPP 70). The Affordable Housing Contribution Scheme is the primary mechanism for Council to levy for affordable housing through its Local Environmental Plans (LEPs).

Council developed an Affordable Housing Contribution Scheme for the Frenchs Forest Planned Precinct, consistent with the Department's guidelines. The Scheme contains principles and objectives, describes the areas to which the Scheme applies, contribution rates, how contributions are to be calculated and made, and conditions and administrative requirements.

The Scheme may be extended to other areas that are rezoned or are subject to increases in residential density in the future. Each area will be subject to a separate feasibility analysis to determine the required contribution rate.

Tenancy Guidelines were also developed which set out proposed requirements for the allocation and management of tenancies for properties within Council's affordable housing portfolio.

On 28 May 2019, Council resolved to:

- A. *Note the draft Northern Beaches Affordable Housing Contributions Scheme will apply to the Northern Beaches Local Government Area.*
- B. *Submit the draft Northern Beaches Council Affordable Housing Contributions Scheme to the NSW Department of Planning and Industry for public exhibition with the amendments to Warringah Local Environmental Plan 2011 required to implement the Frenchs Forest Planned Precinct.*
- C. *Exhibit the Northern Beaches Council Affordable Housing Tenancy Guidelines, subject to the following addition being made to the eligibility criteria:*
 - a. *must not already be living in secure subsidised housing (Housing NSW or Community Housing managed accommodation), however persons living in short-term emergency accommodation are eligible to participate.*
- D. *Exhibit the Northern Beaches Council Affordable Housing Tenancy Guidelines.*

On 6 June 2019, Council submitted the draft Affordable Housing Contributions Scheme to DPIE for public exhibition with the amendments to Warringah Local Environmental Plan 2011 required to implement the Frenchs Forest Planned Precinct.

On 15 June 2021, Council also resolved to:

Amend the draft Northern Beaches Affordable Housing Contribution Scheme as attached, to include 1294-1300 Pittwater Road and 2-4 Albert Street as a site to which the scheme applies with a contribution amount of \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.

- A. *Submit the amended Northern Beaches Affordable Housing Contribution Scheme as attached to the Department of Planning, Industry and Environment together with this Planning Proposal.*
- B. *Exhibit this Northern Beaches Affordable Housing Contribution Scheme and the Northern Beaches Council Affordable Housing Tenancy Guidelines concurrently with this Planning Proposal during post Gateway exhibition.*

On 23 June 2021 the amended draft Affordable Housing Contributions Scheme was submitted to DPIE together with the Planning Proposal for 1294-1300 Pittwater Road & 2-4 Albert Street, Narrabeen.

Frenchs Forest Planned Precinct Public Exhibition

Public exhibition of the Frenchs Forest Planned Precinct rezoning proposals occurred between 23 July 2021 and 3 September 2021.

Council's planning documents (draft DCP amendments for the Frenchs Forest Planned Precinct, the draft Affordable Housing Contributions Scheme, and the draft Tenancy Guidelines) were placed on exhibition concurrently with the Department's consultation period. The exhibition was undertaken in accordance with Council's Community Participation Plan, and the Department's Guideline for Developing an Affordable Housing Contribution Scheme (February 2019). Notification included:

- Information on Council's website including the project page, a news story and media release,
- Information on Council's Your Say project page, including two explanatory videos on the planning process and draft DCP amendments, alongside responses to frequently asked questions,
- Emails to community members registered for updates on the Your Say project page, Council's community engagement projects, and the Northern Beaches latest news,
- attendance at the Department's two online webinars to respond to questions on Council's exhibited documents.

In response to the exhibition, 13 submissions were received about the Affordable Housing Scheme and Tenancy Guidelines:

- 4 submissions objected to the proposal.
- 5 indicated support.
- 4 indicated support subject to conditions.

Table 1 provides an overview of the submissions made, Council's response, and proposed changes the Scheme and Guidelines, if any.

Table 1: Submission evaluation – draft Affordable Housing Contributions Scheme and draft Tenancy Guidelines

Theme	Feedback	Council response
Objection to the draft Affordable Housing Contributions Scheme 3 submissions	General objection to affordable housing due to concerns with over population on the Northern Beaches and the potential to lower living standards for existing residents, where there are minimal service levels of transport infrastructure.	No change recommended. Council acknowledges resident concerns around growth and has worked with the Department to develop a strategy of phased growth to ensure that necessary infrastructure is delivered to minimise impacts to residents, the road network and improve public transport. The delivery of affordable housing on the Northern Beaches is a priority for Council.
Support for the draft Affordable	Support included the general need for affordable housing, the delivery of affordable	No change recommended.

Theme	Feedback	Council response
Housing Contributions Scheme 5 submissions	<p>housing in proximity to transport, and the opportunity for older residents in the area to downsize and free up houses for larger families.</p> <p>One submission supported the delivery of dwellings rather than monetary contributions and another submission recommended that the draft Affordable Housing Contributions Scheme also include social housing.</p>	<p>Council notes community support for the draft Affordable Housing Contributions Scheme and draft Tenancy Guidelines.</p> <p>Council advises that social housing is managed by the NSW Land and Housing Corporation.</p> <p>The Affordable Housing Contributions Scheme allows for contributions to be provided as a dedication of dwellings or contributions provided as an equivalent monetary contribution.</p>
Draft Affordable Housing Contributions Scheme <u>Contribution target should be higher</u> 1 submission	<p>The affordable housing target should be far higher - minimum 30% or even 40-50%, but the submission understands that Council's demographic is unlikely to embrace that level of community thinking. The submission would like Council to directly tackle misconception that affordable housing means a financial loss for developers.</p> <p>The submission also does not support the option for cash contributions.</p> <p>The submission notes that dwellings should be the same size and standard as other dwellings in the complex (not smaller).</p>	<p>No change recommended.</p> <p>The draft affordable housing contribution rate has been determined based on an independent feasibility review undertaken by Council. The proposed dedication of between 10% and 15% of all new dwellings to Council for affordable rental housing exceeds Council's adopted 10% policy target.</p> <p>Council is required to provide feasibility evidence to the Department to support the draft Affordable Housing Contributions Scheme in line with the requirements of State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) for an affordable housing contribution scheme not to undermine feasibility for new housing supply.</p>
Draft Affordable Housing Contributions Scheme <u>Contribution target is too high</u> 1 submission	<p>The proposed affordable housing contribution will impose a significant impost to the development feasibility of the site and wider precinct, particularly when combined with the limitations of the proposed built form controls under the Department's draft Frenchs Forest 2041 Place Strategy and Council's draft DCP amendments.</p> <p>The submission requested that Council review the proposed affordable housing rates in the context of development feasibility and the equitable</p>	<p>No change recommended.</p> <p>The draft Affordable Housing Contributions Scheme (including contribution rates) has been developed based on independent feasibility advice.</p> <p>Council's submission to the Department requests that the Department prepare an updated feasibility assessment, which accounts for the infrastructure contributions likely to be imposed on development for the Frenchs Forest Precinct.</p>

Theme	Feedback	Council response
	imposition of affordable housing contributions across the Northern Beaches.	
<p>Draft Tenancy Guidelines</p> <p><u>Full time contractors</u></p> <p>1 submission</p>	<p>Consider changing the eligibility criteria to include full-time contractors, who also endure housing stress:</p> <p><i>There are some of us who are enduring housing stress and are working as full-time contractors. We should not be penalised and deemed ineligible because we are a contracted employee rather than permanent</i></p>	<p>Change recommended.</p> <p>The current draft guidelines permit only 'permanent' employees to access the Scheme. The intent of the Scheme is to ensure that affordable housing residents have steady employment and connections to the Northern Beaches community.</p> <p>However, Council recognises that key workers are becoming increasingly casualised and that it would be unreasonable for this type of employment to be excluded from the Scheme.</p> <p>Council proposes to amend Section 1.2 Tenant Eligibility Criteria of the draft Tenancy Guidelines to require workers to be "employed" to provide sufficient flexibility to consider a broader range of persons for the Scheme, based on consideration of their specific circumstances.</p> <p>Proposed wording (changes in bold text):</p> <p><i>Section 1.2 Tenant Eligibility Criteria</i></p> <p><i>A successful applicant will need to satisfy the following criteria:</i></p> <ul style="list-style-type: none"> • must be employed • <i>is earning a gross weekly household income not exceeding the median household income for the Sydney Statistical Division as established by the Australian Bureau of Statistics and advised by the Council from time to time or in keeping with income eligibility limits determined by the NSW Affordable Housing Guidelines (SEPP)</i> • <i>has a local connection (e.g., is an employee in the Northern Beaches local government area or has family living in the area);</i> • <i>does not own assets or property which could reasonably be used to solve their housing needs;</i>

Theme	Feedback	Council response
		<ul style="list-style-type: none"> <i>is an Australian citizen or permanent resident</i> <i>must be over the age of 18 years</i> <i>must not already be living in secure subsidised housing (Housing NSW or Community Housing managed accommodation), however persons living in short-term emergency accommodation are eligible to participate</i> <i>is not a former tenant of Council's Affordable Housing.</i>
Draft Tenancy Guidelines <u>Tighter radius for workers within 3km</u> 1 submission	Tenancy rules need to be tighter to target hospital, health, and emergency services jobs within 3km so that workers can live close to work. Proposed criteria are too broad covering those with family in the local government area or who work in the local government area.	No change recommended. The draft Tenancy Guidelines are being developed to cover the whole Northern Beaches local government area. In time, Council anticipates growth in supply of dwellings across the local government area to support workers across the area. While Council appreciates the desire for workers to be able to live close to work, managing a 3km radius for housing stock across the whole local government area may prevent applicants who most need support from being able to access it.
Draft Tenancy Guidelines <u>Length of stay for residents</u> 1 submission	Supports affordable housing however is concerned about the transitional nature of the program for eligible workers and residents. Questions included: <i>How will this transitional program be ensured to prevent residents from becoming permanent and thereby disallowing access to many others?</i> <i>How long is the temporary period under the program?</i> <i>When their tenure is up how will some of these people afford accommodation in the local area?</i>	No change recommended. A five-year maximum assistance period applies under the Scheme, providing households with a greater level of housing certainty, as well as an opportunity to enhance their capacity to enter the private rental market or home ownership by the end of that period. This expectation of a five-year maximum stay will be clearly communicated to residents with the intention being that they use this time to improve their situation. This five-year limit is important to ensure that there is turnover in housing to aid more people and to help manage the waiting list.

TIMING

Council's Affordable Housing Contributions Scheme will commence with the finalisation of the Frenchs Forest Planned Precinct LEP amendment or the finalisation of the Planning Proposal for 1294-1300 Pittwater Rd & 2-4 Albert St, Narrabeen, whichever occurs first.

LINK TO STRATEGY

This report relates to the Community Strategic Plan of Places for People outcome Goal 7 Strategy C - Advocate for improved housing affordability.

FINANCIAL CONSIDERATIONS

Affordable housing provided and retained under Council ownership will require Council to control a larger asset portfolio, which should increase in value. The management of ongoing maintenance costs of any affordable housing will be covered by the Guidelines.

There is a risk if Council doesn't adopt the Scheme that Council will be required to undertake a separate Planning Proposal process to implement the Scheme.

SOCIAL CONSIDERATIONS

The implementation of the program will have a positive social impact by increasing the supply of affordable rental housing in the community for very low, low to medium income households.

ENVIRONMENTAL CONSIDERATIONS

The provision of affordable housing on the Northern Beaches could contribute to reduced transport emissions by reducing the need for key workers to travel long distances.

GOVERNANCE AND RISK CONSIDERATIONS

Appropriate governance arrangements will be established for the transfer of affordable housing stock (or financial contribution) to Council and its subsequent management by a Community Housing Provider. These arrangements will be developed and reported to Council following a Request for Tender process.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	PUBLIC EXHIBITION OF PROPOSAL TO RENAME GEOGRAPHICAL FEATURES REFERRED TO OR NAMED BY NATURALIST GEORGE CALEY IN 1805
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2021/379094
ATTACHMENTS	1 Location of Area Currently known as Belrose Reservoir Proposed to be Named Sea Sight Reserve 2 Location of Area within Oxford Falls Proposed to be Named Caley Falls 3 Location of Area in Narrabeen Proposed to be Named Thick Brush Reserve 4 Map of Eight Geographical Features Named or Referred to by George Caley in 1805 within the Northern Beaches Local Government Act

SUMMARY

PURPOSE

Council has received a naming proposal from the Geographical Names Board (GNB) for eight geographical features on behalf of a local resident. The proposal is to name eight geographical features, referred to or named by naturalist George Caley in his journal 'An Account of a Journey to the Sea' in 1805.

All eight proposed geographical features are within Northern Beaches Local Government Area. However only three of these features are located on land under Council's care, control, and management, the remaining five features are on land not managed by Council.

The purpose of this report is to consider placing the three geographical features that are managed by Council on public exhibition and inform Council of the GNB's proposal to name the other five geographical features within the Local Government Area subject to landowners' consent and community consultation by the GNB.

EXECUTIVE SUMMARY

Naturalist and explorer George Caley collected plant specimens for Joseph Banks in the colony of New South Wales from 1800 to 1810. Caley's journey in 1805 from Pennant Hills to Narrabeen is documented in his journal 'An Account of a Journey to the Sea'.

The submission to the GNB has requested that names of eight geographical features referred to or named by Caley in his journal be officially adopted. The eight features are located in the Northern Beaches Local Government Area, with three features located on land under Council's care and control.

Where Council has care and control of the land, Council will follow the adopted Naming our Reserves, Facilities and Roads Policy, which includes conducting community consultation prior to endorsing.

The GNB has requested that for those features not under Council's care or control, Council is to provide a comment regarding the naming proposal.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place on public exhibition for a period of 42 days the proposal to:
 - A. Rename Belrose Reservoir as Sea Sight Reserve.
 - B. Officially name Oxford Falls Cascades as Caley Falls.
 - C. Name the reserve along Wakehurst Parkway, Narrabeen, unofficially known as Middle Creek 2 as Thick Brush Reserve.
 2. The outcome of the public exhibition of the proposal of the renaming be reported to Council.
 3. Council note the intention of the Geographical Names Board to consider the naming of the 5 geographical features for which Council does not have care, control, or management, and to provide a further update to Council upon receiving further advice from the Geographical Naming Board.
-

REPORT

BACKGROUND

Council received a proposal from the Geographical Names Board (GNB), to name eight geographical features referred to, or named by naturalist George Caley. The submission was originally made to the GNB by a resident.

George Caley - a naturalist and explorer, collected plant specimens for Joseph Banks in the colony of New South Wales from 1800 to 1810. Caley's journey in 1805 from Pennant Hills to Narrabeen is documented in his journal *'An Account of a Journey to the Sea'* (Caley, 1805).

On his journey of exploration, Caley unofficially named or referred to eight geographic features within the Northern Beaches Local Government Area; (1) Sea Sight Reserve, (2) Caley Falls, (3) The Sisters – Southern, (4) The Sisters – Northern, (5) Thick Brush Hill, (6) Sea Sight Hill, (7) Thick Brush Reserve, and (8) Saw the Sea Hill.

The resident's submission to the GNB requested that these names be officially adopted for the eight geographical features.

The GNB has reviewed the naming submission against its policy and principles for place naming and referred the submission to Council. To progress the proposal it has been split into two sections:

1. Proposals where Council has care, control and management of the land. Council will follow the adopted Naming our Reserves, Facilities and Roads Policy, which includes conducting community consultation prior to determination.
2. Proposals where the geographical feature is within Local Government Area but not under Council's care, control and management, the GNB will seek advice from property owners and community as to whether they are supportive of the proposal.

Section 1: Features on Council managed land

Three of the eight geographical features are located on Council managed land. The following provides details of these locations:

No.	Geographical feature as named by Caley	Description of the feature and its extent	Land Status	Currently known as
1	Sea Sight Reserve (attachment 1)	Reserve located approximately 100m east of the Forest Way and Crozier road intersection in the suburb of Belrose. Lot 6 DP700298.	Crown Land, under Council's care, control, and management.	Belrose Reservoir
2	'Caley Falls' (unofficial) (attachment 2)	Falls located along Oxford Creek, approximately 20m east of the Kellys Way and Morgan Road intersection, in the suburb of Oxford Falls. On boundary line of Lot 2 DP1157499. Within Middle Creek Reserve	Crown Land, under Council's care, control, and management.	Oxford Falls Cascades. Please note that there is another area west of Oxford Falls Cascades within the Garigal National Park

No.	Geographical feature as named by Caley	Description of the feature and its extent	Land Status	Currently known as
		(Number 2) which is Crown Reserve and Council appointed Trustee		also known as 'The Cascades'
3	Thick Brush Reserve (attachment 3)	Reserve located east of Trig Station 3329, adjoining Deep Creek to the east, and Garigal National Park to the west. Lot 1 & 2 DP1031932, in suburb of Narrabeen.	Crown Land, under Council's care, control, and management.	The reserve does not have an official name; Council staff know area as Middle Creek 2.

It was proposed within the submission to name Belrose Reservoir, Sea Sight Reserve, as referred to by Caley in his journal. The reserve covers the publicly accessible part of the hill (Sea Sight Hill) which Caley named on this journey.

Whilst Belrose Reservoir is not formally named in the GNB register, it has been referenced on Northern Beaches Council website as Belrose Reservoir Bushland Reserve. There are little other online publications referencing the name of this reserve.

Caley referenced his observation of Oxford Falls Valley in his journal *'after leaving the sister we shortly crossed a valley, which contains a fine rill of water, forming an immense number of cascades'*. It is proposed the falls be named Caley Falls. This feature is referenced on multiple online webpages as Oxford Falls Cascades, in addition it is pinpointed on Google Maps as a *Scenic spot in Oxford Falls*.

The proposed Thick Brush Reserve is bushland area adjacent to Wakehurst Parkway, on the western side of Deep Creek opposite Deep Creek Reserve. The name has been nominated by the resident based on the adjacent Thick Brush Hill (as identified by Caley also included in the GNB application).

Proposed names of Sea Sight Reserve, Caley Falls and Thick Brush Reserve have been reviewed against Council's Naming our Reserves, Facility and Roads Policy' and are appropriate for consideration. As a part of the Policy' Council is required to undertake public exhibition to collect community feedback on the proposal.

Section 2: Features in the LGA not managed by Council for comment

The GNB determined there was historical evidence that four of the other five features were named by Caley to identify locations during his journey. The GNB Board approved the proposed names; Sea Sight Hill, Thick Brush Hill, Northern Sister and Southern Sister to be advertised for public comment (by the GNB), subject to endorsement from relevant landowners and to seek comment from Council.

Saw the Sea Hill was not specifically named by Mr Caley in his journal, but it was referred to and has been nominated by the resident. This land is located on private property and is subject to landowners' support and the GNB forming a position. Following receipt of this advice Council will be better informed to provide feedback on the proposal.

The following provides details of the five features on land not under Council care, control, or management:

No.	Geographical feature	Description of the feature and locality	Land status
4	Southern Sister (attachment 4)	Hill, located approximately 300m south-west of the Northcott Road and Macquarie Street intersection in the suburb of Cromer. Within Lot 7036 DP93795, Trigonometry Station 4735 is located on the hill summit.	Department of Lands
5	Northern Sister (attachment 4)	Hill located approximately 330m west of the Northcott Road and Macquarie Street intersection in the suburb of Cromer. Within Lot 831 DP752038, Trigonometry Station 10447 and State Survey Mark 22526 are located on the hill summit.	Metropolitan Local Aboriginal Land Council
6	Thick Brush Hill (attachment 4)	Hill with the summit located approximately 1km north west of the Wakehurst Parkway overpass of Deep Creek in the suburb of Ingleside. Within Lot 77 DP752046, Trigonometry Stations 3329 located at the summit.	National Parks and Wildlife Service
7	Sea Sight Hill (attachment 4)	Hill summit is located approximately 300m south east of the Forest Way and Crozier Road intersection in the suburb of Belrose. Within Lot 2 DP87700, Trigonometry Station 6324 is located at the summit.	Sydney Water Corporation Ltd
8	Saw the Sea Hill (attachment 4)	Hill summit is located south of the Garigal Road and Forest Way junction, on the western side of Forest Way, in the suburb of Belrose.	Private owners. The GNB has received support for the proposal from the landowner.

The GNB will await Council's advice for Caley Falls, Sea Sight Reserve and Thick Brush Reserve. Once supported by Council and the GNB Board the proposed names will be advertised for public comment (by the GNB) and forwarded back to Council for comment should there be any objections submitted.

CONSULTATION

On adoption by Council the proposal to name the three geographical features 'Sea Sight Reserve', 'Caley Falls' and 'Thick Brush Reserve' will be placed on public exhibition for 42 days and the Aboriginal Heritage Office will be consulted. Council proposes to collect feedback through the Your Say Northern Beaches webpage.

Temporary signage will be placed at each site, where possible, regarding the naming proposal.

TIMING

The results of the Your Say will be presented to Council following the review of the community comments.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

Subject to approval, signage may be installed at the geographical features which Council has care, control, and management. In addition, if the other features which are not managed by Council, are approved by the GNB, the opportunity to install interpretative signs in prominent locations to inform the community about the threatened and endangered species *Grevillea caleyi* should be assessed. Either park identification or interpretive signage will cost approximately \$2,000 per sign, this can be funded from the relevant operational budgets.

SOCIAL CONSIDERATIONS

The proposed naming of the geographical features preserves heritage of the area and commemorate George Caley's 'Journey to the sea' in 1805.

ENVIRONMENTAL CONSIDERATIONS

The plant species *Grevillea caleyi* was first collected in 1805 by Caley, with the plant named in his honour by Robert Brown in 1830. *G. caleyi* is now listed as Critically Endangered under both Federal and NSW legislation. The listing is a result of its highly restricted geographic distribution within the Northern Beaches local government area, with records centred on Terrey Hills as well as within the suburbs of Duffys Forest, Belrose and Ingleside. Naming of these sites offers Council the opportunity to emphasise the importance of identifying and protecting threatened and endangered species.

GOVERNANCE AND RISK CONSIDERATIONS

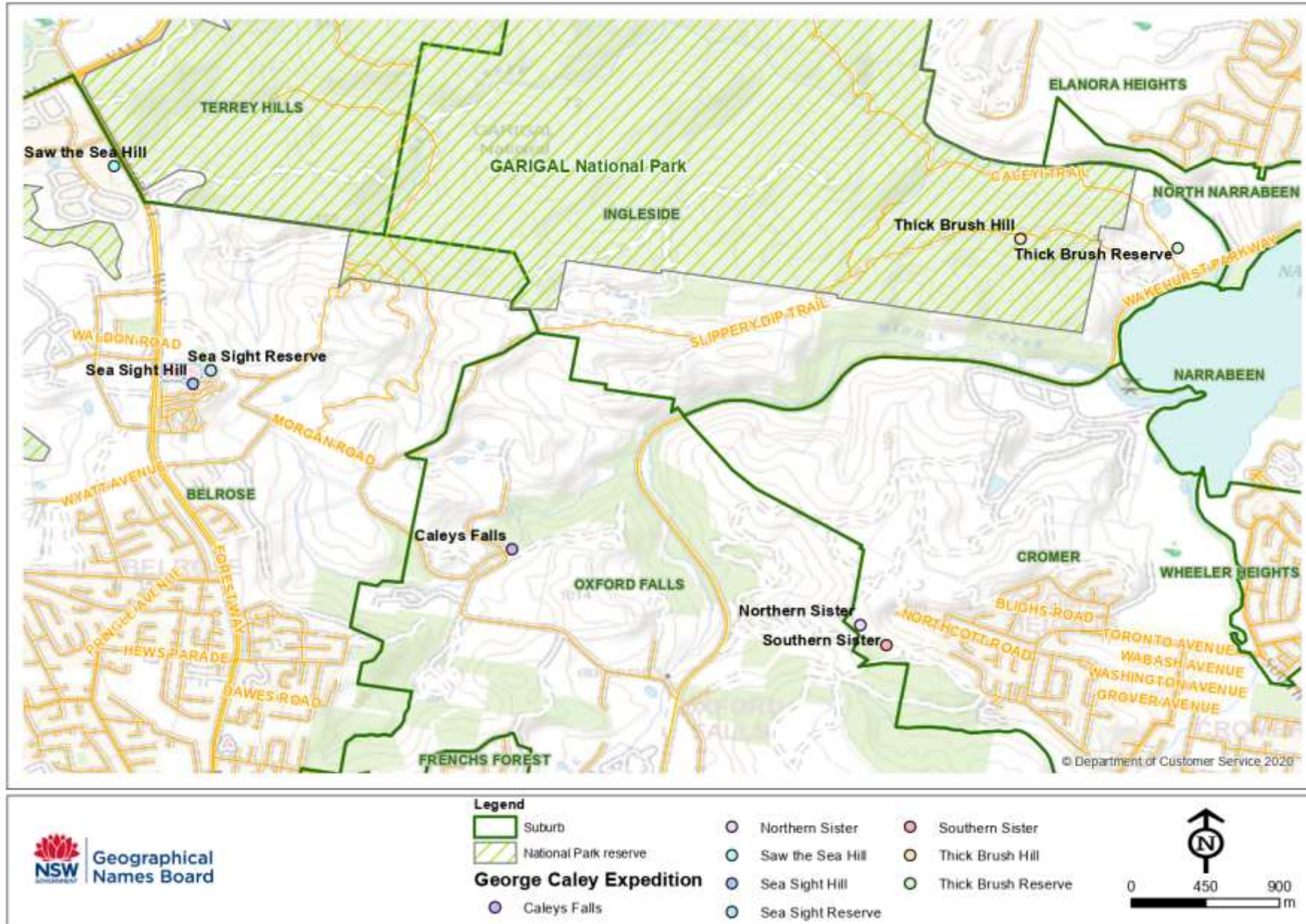
This proposal and recommendations within this report are considered to be aligned with the Naming our Reserves, Facilities and Roads Policy. This Policy is guided by the Geographical Names Board (GNB) guidelines and includes undertaking public consultation with the community prior to renaming. The selection of names within the GNB naming Policy states that '*Names associated with the heritage of an area are encouraged, especially the names of early explorers, settlers, naturalists, events*'.

The implementation of the new name will involve updates to Council's webpage and spatial information systems.









ITEM 13.2	PUBLIC EXHIBITION OF PROPOSAL TO RENAME WALWORTH COURT, NEWPORT
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE
TRIM FILE REF	2021/364868
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek approval to place on public exhibition the proposal to rename Walworth Court in accordance with the request of the six property owners of Walworth Court, Newport.

EXECUTIVE SUMMARY

Council received concerns from property owners regarding the Walworth Court street name and its likeness to the adjoining Walworth Avenue and the impact this is having on postal and courier deliveries and general wayfinding.

Council has sought and received road names from the Aboriginal Heritage Office (AHO) in the local aboriginal language for the purpose of naming roads in the Northern Beaches LGA. Council has written to the six property owners with a list of seven AHO provided names as well as the option for Walworth Court to remain and received support to change the name to *Guru Court*, with guru being the local Aboriginal word for 'sea'.

Council has submitted the name *Guru Court* to the Geographical Names Board of NSW for pre-approval which has been granted and it is now proposed to advertise and give notice of intention to rename this road in accordance with Section 162 of the Roads Act 1993, Section 7 of the Roads Regulation 2018 and in accordance with Council's Policy for the Naming of our Reserves, Facilities and Roads.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place on public exhibition the proposed renaming of Walworth Court for a minimum of 28 days.
 2. The outcome of the public exhibition of the proposed renaming of Walworth Court be reported to Council.
-

REPORT

BACKGROUND

Council has received concerns around the name Walworth Court regarding its likeness to the adjoining Walworth Avenue and the impact this is having on postal and courier deliveries and general wayfinding. Given these issues around the street name Council sought feedback from six affected property owners regarding the renaming of this street.

When naming/renaming a street, Council is required to follow the guidelines of the Geographical Names Board (GNB) of NSW Property Addressing Policies, Guidelines and Standards and Council's Policy for the Naming of our Reserves, Facilities and Roads.

The GNB of NSW has developed standards for Property Addressing to ensure consistent and unambiguous addressing and is the authority to approve street naming proposals. These addressing standards are important for both the government and the community to accurately identify property and for the delivery of services, such as, postal, deliveries, emergency services, utilities and government agencies, as these services rely on property addressing data held by NSW Land Registry Services.

These standards inform Council proposals for names with the GNB of NSW being the final authority for approval.

STREET NAMING PROPOSAL

The GNB guidelines suggest that Aboriginal names and/or names of early settlers, war servicemen and women and other persons who have contributed to the heritage of an area, local history themes, flora, fauna, ships etc. are suitable road names.

Of these acceptable names it is proposed that *Walworth Court* in Newport is given the name *Guru Court* with guru being the local aboriginal word for 'sea'.

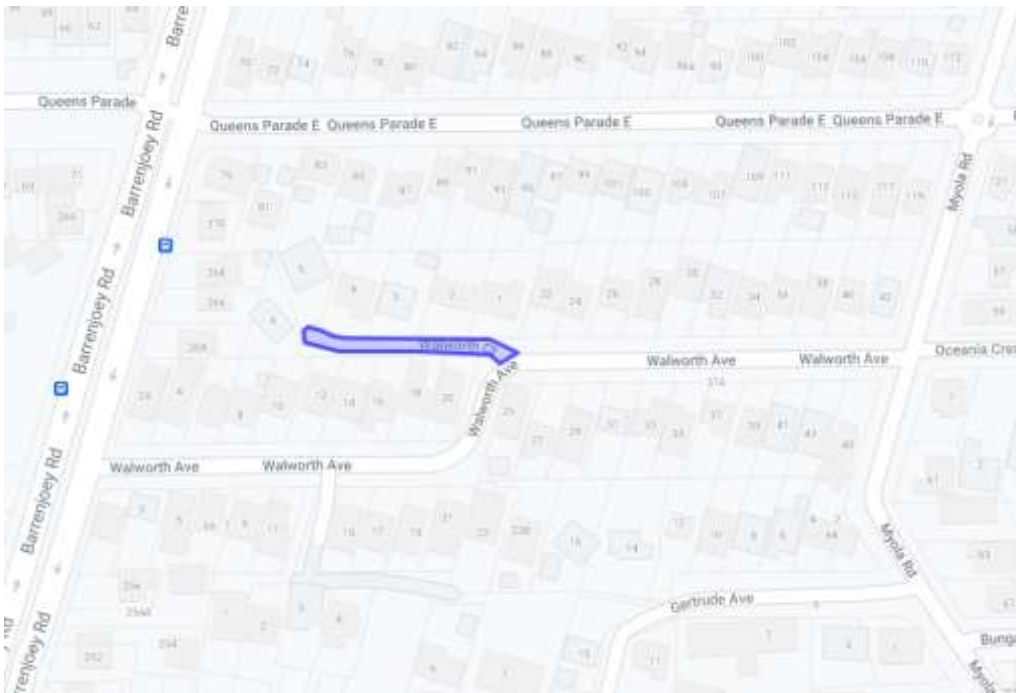


Image of Walworth Court, Newport

CONSULTATION

On 29 April 2021, Council sent a letter to the six property owners of Walworth Court to determine whether there was general support for changing the road name and whether there was a preference from the AHO provided list of names.

The closing date for submissions was 21 May 2021 and Council received responses from four property owners with the following answers:

In regards to changing the name four of the six property owners support the renaming;

In regards to preferred names, three property owners support the name *Guru Court* with guru being the local aboriginal word for 'sea'. The remaining response supports both *Guru Court* and *Garrawi Court* with garrawi being the local aboriginal word for 'cockatoo'.

Two property owners had not responded by the closing date.

It is proposed to advertise and seek submissions regarding Council's intention to rename "*Walworth Court*" to "*Guru Court*".

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Transport and Infrastructure - Goal 18: Our community can easily connect and communicate through reliable communication technologies.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council. Administration of the renaming process and installation of signposting the street names can be accommodated within existing operational budgets.

SOCIAL CONSIDERATIONS

The names proposed are consistent with GNB guidelines. Six existing properties will need to amend property addressing.

ENVIRONMENTAL CONSIDERATIONS

The recommendations of this report pose no environmental impact on Council.

GOVERNANCE AND RISK CONSIDERATIONS

Council is required to follow the guidelines of the Geographical Names Board (GNB) of NSW Property Addressing Policies, Guidelines and Standards and Council's Policy for the Naming of our Reserves, Facilities and Roads. The proposed road name is fully compliant.

ITEM 13.3	PUBLIC EXHIBITION OF PROPOSAL TO RENAME THE CLUBHOUSE AT LIONEL WATTS OVAL THE ERIC GALLOWAY CLUBHOUSE
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2021/591016
ATTACHMENTS	1 Location of Facility Proposed to be Named 'The Eric Galloway Clubhouse'

SUMMARY

PURPOSE

To place the proposal to name the clubhouse facility at the eastern end of Lionel Watts Oval, 'The Eric Galloway Clubhouse', on public exhibition.

EXECUTIVE SUMMARY

Council has received a request to name the clubhouse building at the eastern end of Lionel Watts Oval, Frenchs Forest after community member Eric Galloway. Proposed naming will acknowledge Eric Galloway's long-term contributions to both the Belrose Rugby League Club and the community.

Eric Galloway is a life member and a stalwart of Belrose Rugby League Club where he has served as valued board member since 1985.

This proposal is considered to be aligned with the Naming our Reserves, Facilities and Roads Policy.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place the proposal to name the clubhouse building at the eastern end of Lionel Watts Oval on Blackbutts Road, Frenchs Forest, 'The Eric Galloway Clubhouse' after community member Eric Galloway in acknowledgement of his long term contributions to the community, on public exhibition for 42 days inviting comment.
 2. A report on the outcome of the public exhibition of the proposal to name the clubhouse building at the eastern end of Lionel Watts Oval on Blackbutts Road, Frenchs Forest, 'The Eric Galloway Clubhouse' be provided to Council.
-

REPORT

BACKGROUND

Council received an application to name the clubhouse building at the eastern end of Lionel Watts Oval, Frenchs Forest in recognition of Mr. Eric Galloway's contribution to our community.

For all naming requests, Council refers to its 'Naming our Reserves, Facility and Roads Policy'. This Policy is guided by the Geographical Names Board (GNB) guidelines and includes undertaking public consultation with the community prior to renaming. The GNB is responsible for the administration of place names within NSW, in accordance with the *Geographical Names Act 1996*.

However, there are exceptions for the naming of facilities such as a clubhouse, which do not require formal approval from the GNB and are permissible under Council's Policy.

The clubhouse is located at the eastern end of Lionel Watts Oval on Blackbutts Road, Frenchs Forest and is the home base of the Belrose Rugby League Club. Whilst clubhouse is not formally named it is often referred to as the Belrose Rugby League Clubhouse.

Eric Galloway is a Life Member and a stalwart of Belrose Rugby League Club where he has served as a board member since 1985.

On 1 January 2001, Mr. Galloway was awarded a Centenary Medal for services to sport. This medal was established in 2001 to recognise people who have contributed to Australian society or government.

Mr. Galloway is also a valued life member and ex-board member of Manly Warringah Rugby League. In 2017, he was awarded the Ray Stellar Award (Club Person of the year) by the New South Wales Rugby League for his contribution to Rugby League. Mr Galloway has been heavily involved with both Rugby League and Cricket, his roles have included:

- Sydney Shield (Rugby League) team manager since 2010
- Team Manager A grade Belrose Rugby League
- Canteen manager and gear steward for Belrose Eagles Rugby League
- Senior Touch Football Coordinator since 1980 at Belrose Eagles Rugby League
- Wakehurst Redbacks Cricket Club President and Secretary
- Belrose Eagles Rugby League Club Delegate to Manly Warringah Rugby League 1990 to present

Mr. Galloway was also the President of the Manly Warringah Pittwater Sporting Union for many years, where he was directly involved in the significant development and upgrade of sporting facilities and the management of use of sports fields across the Northern Beaches, with former Manly, Pittwater and Warringah Councils.

CONSULTATION

The Clubhouse is jointly used by Wakehurst Cricket Club, Frenchs Forest Horticultural and Agricultural Society and the Wakehurst Little Athletics. All groups have submitted correspondence supporting the proposal.

On approval, the proposal to name the clubhouse building at the eastern end of Lionel Watts Oval on Blackbutts Road, Frenchs Forest, 'The Eric Galloway Clubhouse' will be placed on public

exhibition for 42 days. Council proposes to collect feedback through the Your Say Northern Beaches webpage.

A temporary sign will be placed on-site regarding the naming proposal.

TIMING

It is planned that the results of the Your Say will be presented to Council following the review of the community feedback.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

FINANCIAL CONSIDERATIONS

Subject to approval, signage will be installed costing approximately \$2,000. This can be funded from the Parks & Recreation operational budget.

SOCIAL CONSIDERATIONS

The naming of this clubhouse building in recognition of Eric Galloway and his significant contribution to our locally community, especially the sporting.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

This proposal and recommendations within this report are considered to be aligned with the Naming our Reserves, Facilities and Roads Policy. The implementation of the new name will involve updates to Council's webpage and spatial information systems.



ITEM 13.4	PUBLIC EXHIBITION OF PROPOSAL TO NAME THE LOOKOUT ON CARRINGTON PARADE AFTER BRIAN GREEN
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2021/556459
ATTACHMENTS	1 Location of Area Proposed to be Named Brian Green Lookout

SUMMARY

PURPOSE

To place the proposal to name the sandstone viewing area above South Curl Curl pool, Brian Green Lookout, on public exhibition.

EXECUTIVE SUMMARY

Council has received a request to name the lookout area above the South Curl Curl Rockpool on Carrington Parade, Curl Curl after Mr Brian Green, Emeritus Mayor/President 1991-1995 of Warringah Council. In recognition of his service, commitment to the community and local government throughout his tenure within Warringah Council.

Throughout his years with Warringah Council Mr. Green played an integral role in the initiation and delivery of a number of community projects and programs throughout the local government area.

This proposal is considered to be aligned with the Naming our Reserves, Facilities and Roads Policy.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council place the proposal to name the lookout on Carrington Parade, Curl Curl, 'Brian Green Lookout' in recognition of the contributions made by former Emeritus Mayor/President of Warringah Council to the community and local government through his tenure on public exhibition for 42 days inviting comment.
 2. A report on the outcome of the public exhibition of the proposal to name the lookout on Carrington Parade, Curl Curl, 'Brian Green Lookout' be provided to Council
-

REPORT

BACKGROUND

Council received a naming application with suggestions to name a reserve or facility in recognition of Mr. Brian Green's service and commitment to the community and local government. The application was submitted by Mr. Green's family.

Brian Green is a life-long resident of the Northern Beaches where he served as a Warringah Councilor (1980-85, 1987-99), Deputy Shire President (1981-82, 1984-85, 1988-89) Shire President (1991-93) and the first Mayor of Warringah Council (1993-95). In 2002, Mr. Green was awarded the title of 'Emeritus Mayor'.

Throughout his years with Warringah Council Mr. Green played an integral role in the initiation and delivery of projects and programs that were of benefit to our community.

Brian Green was awarded the Paul Harris Rotary International Fellow in 1995 and a 50-year long service award for service to the Australian Surf Lifesaving Association by Freshwater SLSC. In 2001, he was awarded a Centenary Medal for service as a former mayor and for active services to the community and local government.

The original naming application suggested a number of locations including Mackillop Park and the reserve behind Freshwater Beach. However, the naming of a reserve after Mr. Green does not currently meet Council's Naming our Reserves, Facilities and Roads Policy or the Geographic Names Board (GNB) Policy.

Further consultation with the family resulted in the nomination of the 'Brian Green Lookout' at South Curl Curl, at the start of the 'Harry Elliffe Way' along Carrington Parade Curl Curl (attachment 1).

A lookout on a walkway is considered a facility and not a reserve and therefore meets Council's policy and does not require formal approval from the GNB. The location of the lookout is fitting as Mr. Green and his family lived in the immediate vicinity of Carrington Parade for many years.

The other names proposed for the name of the sandstone viewing area above South Curl Curl rockpool were the 'Brian Green Viewing Platform' or 'Brian Green Headland' however; the family noted that the final name is at Council's discretion. At this stage, the word 'lookout' is deemed most suitable. A lookout is defined as a place from which to keep watch or view, where as a headland is defined as narrow piece of land projecting from a coastland and a viewing platform is a flat raised structure, usually man made.

The application also requested a plaque be installed at this location to further acknowledge Mr. Green's contributions.

CONSULTATION

On approval, the proposal to name the lookout area 'Brian Green Lookout' will be placed on public exhibition for 42 days. Council proposes to collect feedback through the Your Say Northern Beaches webpage.

A temporary sign will be placed on-site regarding the naming proposal.

TIMING

The results of the Your Say will be presented to Council following the review of the community feedback.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and Belonging - Goal 12: Our community is friendly and supportive.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

Subject to approval, a plaque and signage will be installed, at a cost of approximately \$2000. This can be funded from the Parks & Recreation operational budget.

SOCIAL CONSIDERATIONS

The naming of this lookout point in recognition of Mr. Brian Green celebrates his long and significant service and commitment to our community and local government.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

This proposal and recommendations within this report are considered to be aligned with the Naming our Reserves, Facilities and Roads Policy. This Policy is guided by the Geographical Names Board (GNB) guidelines and includes undertaking public consultation with the community prior to renaming.

The implementation of the new name will involve updates to Council's webpage and spatial information systems.



ITEM 13.5	OUTCOMES OF PUBLIC EXHIBITION OF DRAFT AMENDMENTS TO THE LITTLE MANLY COASTLINE MANAGEMENT PLAN 2004
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2021/522649
ATTACHMENTS	1 ⇒ Proposed Amendments to Little Manly Coastline Management Plan 2004 to Add 40 Stuart Street - 21 July 2021 (Included In Attachments Booklet) 2 ⇒ Independant Public Hearing Report (Included In Attachments Booklet) 3 ⇒ Environmental Assessment - Demolition of 40 Stuart Street Manly (Included In Attachments Booklet) 4 ⇒ Community Engagement Report - Proposed amendment Little Manly Coastline Management Plan 2004 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the outcome of:

1. The public notice of the draft plan of management to amend the Little Manly Coastline Management Plan 2004.
2. The public hearing into the categorisation of 40 Stuart Street, Manly (Lot 3 DP 252420) as Park.

To recommend that Council, subject to the environmental assessment required by Part 5 of the *Environmental Planning and Assessment Act 1979*:

3. Adopt the draft plan of management to amend the Little Manly Coastline Management Plan 2004.
4. Categorise 40 Stuart Street, Manly as Park.

EXECUTIVE SUMMARY

Council resolved (resolution 034/21) on 23 February 2021 to:

1. *Note the submissions received in respect of the proposed reclassification of 40 Stuart Street, Manly (Lot 3 DP 252420) and Council's response to the submissions.*
2. *Reclassify 40 Stuart Street, Manly (Lot 3 DP 252420) from operational to community land in accordance with the Local Government Act 1993 (NSW).*
3. *Update the Little Manly Coastline Management Plan 2004 to include this land and to incorporate this land in the Little Manly Reserve.*
4. *Subject to the requirements of the Local Government Act 1993 (NSW), continue to lease the dwelling on the land until it is demolished, which is anticipated to occur in 2022/23.*
5. *Delegate authority to the Chief Executive Officer to do all things and execute all necessary documentation in order to give effect to the above resolutions.*

In order to give effect to the above resolution and in accordance with section 38 of the *Local Government Act 1993*, Council has given public notice of its intention to categorise 40 Stuart Street as park, and has given public notice of a draft plan of management to amend the Little Manly Coastline Management Plan 2004 to apply to 40 Stuart Street, Manly. The public exhibition period ran from 7 July 2021 until 18 August 2021. During this time Council received 71 submissions on the proposals and 92% of these were supportive of the proposals. Some of the submissions that did not support the proposals were concerned with the current tenancy of 40 Stuart Street. The issue regarding the tenancy is addressed in the report below.

It is recommended that, subject to the environmental assessment required by Part 5 of the *Environmental Planning and Assessment Act 1979*, Council adopt a draft plan of management to amend the Little Manly Coastline Management Plan 2004 and categorise 40 Stuart Street, Manly as park.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note its consideration of the submissions received in respect of the draft plan of management to amend the Little Manly Coastline Management Plan 2004 (Draft POM).
 2. Note its consideration of the report on the public hearing into the categorisation of 40 Stuart Street Manly (Lot 3 DP 252420) as park for the purpose of section 36 of the *Local Government Act 1993*.
 3. In relation to the requirements of Part 5 of the *Environmental Planning and Assessment Act 1979*:
 - A. Note its consideration of the environmental assessment at Attachment 3 of the report for this item in relation to the activity contemplated in the Draft POM, being demolition and landscaping works for recreational purposes at 40 Stuart Street Manly, which are set out in, and incorporate the mitigation measures and conditions in, Attachment 3 (Activity).
 - B. Note that it has taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the Activity.
 - C. Determine that the Activity will not significantly affect the environment.
 4. Amend the Draft POM which was the subject of public notice as per Attachment 1 of the report for this item.
 5. Note its opinion that the amendments to the Draft POM as per Attachment 1 are not substantial.
 6. Adopt the Draft POM at Attachment 1 as the plan of management for the land to which it applies including 40 Stuart Street Manly (Lot 3 DP 252420).
 7. Categorise 40 Stuart Street Manly (Lot 3 DP 252420) as park in accordance with section 36G of the *Local Government Act 1993*.
-

REPORT

BACKGROUND

The land at 40 Stuart Street, Manly (Lot 3 DP 252420) has been identified as potentially being part of the foreshore park at Little Manly for almost 70 years. In 1986, Manly Council rezoned the land as RE1 (Public Recreation) with the intent of purchasing all the remaining properties along the foreshore at Little Manly. The property at 40 Stuart Street was purchased by Manly Council in 2012 but was classified as operational land and has been leased as a residential property ever since.

In 2019, Council adopted the Little Manly Open Space Masterplan, which identified demolishing the house and fulfilling the vision of turning this property into part of the park. To facilitate this action, Council went through the process in 2020 and early 2021 to reclassify the land from being operational to being community land as defined by the *Local Government Act 1993* (Local Government Act).

The Local Government Act requires all community land to be managed by a Plan of Management and to be categorised as either natural area, park, sportsground or general community use to manage any development and use on the land.

To facilitate these obligations Council further resolved to amend the Little Manly Coastline Management Plan 2004 to incorporate 40 Stuart Street. The proposed categorisation for the land is park which is consistent with the adjoining park land. The core values of the 'park' category are defined by the Local Government Act as:

- a) *to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and*
- b) *to provide for passive recreational activities or pastimes and for the casual playing of games, and*
- c) *to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.*

CONSULTATION

Council gave public notice of the proposed categorisation and plan of management changes on the Your Say page from the 7 July 2021 to 18 August 2021. The community were alerted to the proposed changes via signs on site, mailout, use of Council's electronic newsletter, social media platforms and the Community Engagement Register. In total, 730 viewed the material with 71 unique submissions received. Of the submissions received, 92% were positive about the proposal. The complete Community Engagement Report can be found at Attachment 4.

Table 1: Key themes from public exhibition and Council's response

Issue	Council Response
Concern about eviction of current residents	Council has included a note on the lease since 2020 for 40 Stuart Street that it has been identified for demolition in the future. The lease expires in July 2022, at which point the site will be vacated and demolished. The existing tenant has been in occupation prior to 2020.
Loss of income to Council	While Council will lose the rental income from the property once it is vacated, the community benefit of the additional open space significantly outweighs the lost income.

Issue	Council Response
The permanency of the classification and categorisation	The Local Government Act allows for the reclassification of land. There is a specified process that will require community engagement, public hearing and for Council to vote in favour of the proposition.
The café should be relocated to 40 Stuart Street.	This proposal to relocate the café was examined during the masterplan process and was found not to be feasible based on the high capital cost involved with the relocation with a low likelihood of an acceptable return on investment.
The categorisation should allow for this.	There is a risk that the Development Application to use 40 Stuart Street would not be supported due to limited on street parking and close proximity to adjoining residence. The categorisation does not preclude the relocation from happening in the future.
This parcel of land will not make a significant difference to the size of the reserve. Council should sell the land and use the proceeds on other projects.	Council recognises the need for more public open space and this proposal provides an opportunity to do this.
40 Stuart Street provides an important buffer to traffic and noise and should be left in place.	The increase in traffic due to the demolition of 40 Stuart Street will be negligible.
Potential increase in the number of people who come to Little Manly resulting in pressure impacting availability of parking in the area.	It is unlikely that the increase in size of the park will result in a substantial increase in patronage. Instead, it is envisaged that extra space will provide less congestion for the current users.
Safety of pedestrians in Stuart Street	The Traffic Network Team regularly monitors pedestrian and vehicle safety in eastern Manly and implements road safety measures where warranted.
Inclusion of exercise equipment in the top corner of the reserve.	There are no current plans to install fitness equipment at Little Manly Beach. The closest facilities of this nature are in East Esplanade Reserve, Manly approximately 500m away.

In response to community submissions, some minor changes have been made to the draft plan of management and these are included in the plan at Attachment 1. These changes involve updating references to 34 and 36 Stuart Street to accurately reflect their current status as community land. The changes are not considered to be substantial.

A public hearing chaired by an independent moderator, as required by the Local Government Act, was held on 12 August 2021 and was attended by five members of the community. This public hearing was held via the Microsoft Teams platform due to the current restrictions on public face to face meetings. The report on the public hearing is in Attachment 2 of this report.

The public hearing was generally supportive of the proposed changes with the following issues raised:

Issue	Response
Support for the changes	Noted.
The café should be relocated to 40 Stuart Street. The categorisation should allow for this.	<p>This proposal to relocate the café was examined during the masterplan process and was found not to be feasible based on the high capital cost involved with the relocation with a low likelihood of an acceptable return on investment.</p> <p>There is a risk that the Development Application to use 40 Stuart Street for a café would not be supported due to limited on street parking and close proximity to adjoining residence.</p> <p>The categorisation does not preclude the relocation from happening in the future.</p>
This proposal will increase the number of people who come to Little Manly and this will put even more pressure on parking which is already challenging in the area.	It is unlikely that the increase in size of the park, with no major attractors being built in this area, will result in an increase in patronage. It is envisaged that the extra space will result in less congestion for current users.
Starting date for the works?	Work is scheduled to commence in July 2022.
Will the references to 34, 36 and 40 Stuart Street be altered to be classified as community land in the new plan of management?	The current land classification for 34, 36 and 40 Stuart St, Manly will be reflected in the amended document.
What will be the name of the plan? The Little Manly Coastline Plan of Management? Will it be dated 2004 or will it be 2021?	The plan will be named Little Manly Coastline Management Plan dated 2004 with a 2021 amendment.

TIMING

In relation to the works contemplated in the proposed draft plan of management to amend the Little Manly Coastline Management Plan 2004, Council has budgeted to demolish the dwelling at 40 Stuart Street and convert the land to park in the 2022/2023 financial year. It is anticipated this work will be completed by the end of 2022.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.

FINANCIAL CONSIDERATIONS

In the 2021/2022 budget there is \$690,000 allocated, and a further \$500,000 has been included in the Delivery Plan for 2022-23, for works to implement the Little Manly Coastline Management Plan 2004 which includes the demolition of 40 Stuart Street.

SOCIAL CONSIDERATIONS

The changes to the Little Manly Coastline Management Plan 2004 as a result of the adoption of the draft plan of management, and the categorisation of 40 Stuart Street, Manly as park, will facilitate the expansion of open space for people to recreate at this very popular park.

The following is a list of key works that will be undertaken as part of the Little Manly Reserve Masterplan. These works, other than the works associated with 40 Stuart Street, have previously been approved and form part of the existing Little Manly Reserve Masterplan.

Work Item	Social benefit
Demolition of 40 Stuart Street	Increased open space, increasing green space, reducing hard stand and improving park capacity.
Bleachers	The bleachers will replace a failing seawall. This will significantly improve the aesthetic appeal of the foreshore, by replacing concrete with sandstone whilst also providing significantly more seating opportunity to be seated whilst overlooking the beach
Playground	The playground will be upgraded to improve the play value and inclusivity of the playground.
Public Toilet	The new public toilet on Little Manly Point will provide much needed amenity to users of Little Manly Point and will remove the necessity to walk down the long set of stairs to the public toilets at Little Manly Reserve.
Landscaping improvements	There are general landscaping improvements throughout the area, the purpose is to make the area more appealing, control weeds, improve maintenance outcomes and reinforce endemic species.

ENVIRONMENTAL CONSIDERATIONS

The conversion of 40 Stuart Street to park will improve the environment in this area by removing hard surfaces and reducing stormwater runoff, increasing vegetation and tree canopy coverage in areas that do not reduce public vistas.

The demolition of the existing dwelling at 40 Stuart Street and associated landscaping as contemplated by the draft plan of management is development permitted without consent under clause 65(3) of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

An activity carried out under clause 65(3) of the ISEPP does not require development consent but must be assessed in accordance with Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

Part 5 of the EP&A Act imposes duties on authorities to consider the environmental impact of an activity before carrying out the activity or granting an approval to the activity. Relevantly:

- i. section 5.5(1) requires an authority to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity, and requires the authority to take into account the factors in clause 228 of the *Environmental Planning and Assessment Regulation 2000*; and
- ii. section 5.7(1) contains an implied duty to determine whether an activity is likely to significantly affect the environment and, if so, not to carry out the activity or grant an

approval to the activity unless it has obtained or been furnished with, and has examined and considered, an EIS in respect of the activity.

In determining whether to approve the adoption of the draft plan of management as recommended in this report, Council is to undertake an environmental assessment of the proposal in accordance with Part 5 of the EP&A Act.

To facilitate the examination of all matters affecting or likely to affect the environment by the carrying out of the activity for the purpose of Part 5 of the EP&A Act, an environmental assessment report has been prepared (Attachment 3). The report includes certain mitigation measures at Form 1. The report concludes that the activity is not likely to significantly affect the environment.

GOVERNANCE AND RISK CONSIDERATIONS

Public notice in respect of the proposed adoption of a new plan of management to amend the Little Manly Coastline Management Plan 2004, and a public hearing process to categorise the land as park, have been undertaken.

ITEM 13.6	UPDATE ON NOTICE OF MOTION 22/2021 - 24 HOUR ALCOHOL PROHIBITED AREA (APA), WINGARA RESERVE, BELROSE AND GENERAL SIGNAGE AUDIT
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2021/475340
ATTACHMENTS	NIL

BRIEF REPORT

PURPOSE

To provide an update on Notice of Motion 22/2021 - Proposed establishment of a 24 hour Alcohol Prohibited Area (APA) at Wingara Reserve, Belrose and a general signage audit.

REPORT

On 25 June 2021, Council resolved Notice of Motion 22/2021:

That:

- 1. Council staff provide a report on the establishment of a 24 hour Alcohol Prohibited Area at Wingara Reserve, Belrose.*
- 2. Consultation with the local community occur in relation to the proposal to establish a 24 hour Alcohol Prohibited Area at Wingara Reserve, Belrose.*
- 3. Council conduct a general signage audit, inviting members of the public to identify any out of date or damaged signs within the Northern Beaches area.*

In response to Parts 1 and 2 of the Notice of Motion (NoM); Section 632A(4) of the *Local Government Act 1993* enables councils to declare any public place or part of a place (except a public road, footpath or public car parks) to be an Alcohol Prohibited Area (APA). This includes parks, reserves, beaches and any open space on public housing land. Drinking alcohol in these areas is prohibited during the designated times.

Wingara Reserve, Belrose was declared an Alcohol Prohibited Area on 26 June 2012, with the consumption of alcohol prohibited between 10pm and 8am. Council staff have initiated the installation of regulatory signs indicating the APA hours to assist the Police in managing this reserve.

Staff are also intending to present a report to Council in the coming months, which will seek to align and consolidate all Alcohol Prohibited Areas across the local government area. Wingara Reserve, Belrose will be considered as part of this broader review of Alcohol Prohibited Areas, which will include community engagement.

In response to Part 3 of the Notice of Motion Council has initiated an audit of all reserve signs. The community can currently report damaged or redundant signs via the online customer service page. A specific program to report the signs and an awareness and education campaign will be launched next quarter.

Staff continually replace and update signs within parks and reserves. This has included the undertaking of specific audits in high priority reserves, response to community requests and renewal of signs when undertaking capital works projects or when issues are identified through regular maintenance inspections and activities.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 11: Our community feels safe and supported.

FINANCIAL CONSIDERATIONS

The replacement of signs can be covered within the existing Parks and Recreation operational and capital projects budget.

ENVIRONMENTAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

The implementation of Alcohol Prohibited Areas assists in the management of anti-social behavior in our parks, reserves and beaches.

GOVERNANCE AND RISK CONSIDERATIONS

Section 632A(4) of the *Local Government Act 1993* enables councils to declare any public place or part of a place (except a public road (incl. footpath) or public carpark) to be an Alcohol Prohibited Area.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council note:

1. An awareness campaign will be launched next quarter promoting the reporting of damaged and outdated signs.
 2. Wingara Reserve, Belrose will be considered as part of the broader review of Alcohol Prohibited Areas across the LGA, which will include broad community engagement.
 3. Reserve signage is being audited and replaced in a timely manner.
-

15.0 NOTICES OF MOTION

ITEM 15.1 NOTICE OF MOTION NO 37/2021 - SUPPORT OF MANLY'S LITTLE PENGUINS

TRIM FILE REF 2021/644032
ATTACHMENTS NIL

Submitted by: Councillor Sarah Grattan

MOTION

That Council

1. Acknowledge the critically low numbers of Little Penguins in Manly.
2. Investigate measures that Council can take to help support the lead authorities charged with the Little Penguin's protection and report back to a councillor briefing within two months.

BACKGROUND FROM COUNCILLOR SARAH GRATTAN

Little Penguin numbers reported in 2011/2012 were estimated at 57 breeding pairs. In 2019, when my previous Penguin notice of motion was brought to council there were an estimated 28 breeding pairs. However, the population has continued to fall and current numbers are estimated at just 23 breeding pairs. This is below the level required for a sustainable population.

Over the past few years, major impacts have been attributed to fox attack in 2015 and ongoing boat strike at sea.

The Little Penguins of Manly are the only colony of Little Penguins breeding on the mainland in NSW. There is a very real possibility that the Little Penguins become extinct on our watch. Little Penguin nesting sites need to be protected at all times, not just during breeding season. Interference with their nests negatively impacts the ability for penguins to safely return. Little Penguins return to successful breeding sites year in, year out so long as those sites remain accessible and undisturbed.

The Department of Planning, Industry and Environment (DPIE) - NPWS and EES are the lead authorities when it comes to the management of the penguins. Council has a supporting role only however, Council must be more active in supporting these wonderful parts of Manly's biodiversity.

Examples of measures may include:

1. More regular ranger patrols near penguin habitat to reduce the risk of dog attacks on nesting penguins at Little Manly, Spring Cove and other identified penguin nesting sites.
2. Keeping dogs away from Store beach and Collins beach. Consideration of a proposal by the Manly Penguin Wardens to establish a disembarkation point at Little Manly for boat owners with dogs.
3. Investigation of policy measures to increase offsetting requirements for developments which may result in prescribed impacts to penguin habitat.
4. Council outreach to landholders with penguin habitat on their land for landholders to play an active role in nest protection and monitoring.

ITEM 15.2	NOTICE OF MOTION NO 38/2021 - MASTERPLAN FOR MANLY TO SHELLY BEACH WALK
TRIM FILE REF	2021/645964
ATTACHMENTS	NIL

Submitted by: Councillor Candy Bingham

MOTION

That Council:

1. Formally write to the Chief Executive Officer of Sydney Water, and James Griffin MP requesting funding for a Masterplan and associated works for the Manly to Shelly Beach Walk (including the Marine Parade seawall).
2. Consult with Sydney Water, Department of Primary Industries (Fisheries) and the Catholic Church regarding key priorities to be included in any Masterplan.
3. Include within the Masterplan, options for the upgrade, improvement and maintenance of the infrastructure and amenity of this famous walk for locals and tourists alike
4. Arrange a further briefing of Councillors following formal responses to items 1 and 2 above.

BACKGROUND FROM COUNCILLOR CANDY BINGHAM

The Manly to Shelly Beach Walk is a popular attraction with more than one million people doing the walk annually. It is currently listed as the No 1 thing to do in Manly by Trip Advisor.

The pathway is also the link to Cabbage Tree Bay which was designated as an Aquatic Reserve in 2002.

The promenade and seawall were originally created in 1897 – 1898 by NSW Public Works department to encase a gravity sewer main. This major infrastructure is now over 120 years old and is in urgent need of attention.

Manly Council resolved to prepare a Masterplan for the area in 2015. Since then, both Manly and then the Northern Beaches Council have met with Sydney Water numerous times between 2015 - 2018 with the overview of undertaking a Masterplan. The Chief Executive Officer also wrote to Sydney Water in late 2019. However, further discussions have not resulting in firm funding commitments from Sydney Water to date.

In the interim, Council has progressed with a seawall design for an 80m section (near Bower Lane) and has implemented storm safety improvements for pedestrians.

Council has also implemented a landscape plan for the area including seating, small sandstone retaining walls and plating along the walkway.

It is now time for the matter of the funding of the Manly to Shelly Beach Masterplan to be resolved.

ITEM 15.3**NOTICE OF MOTION NO 39/2021 - RECYCLE TAKEAWAY
COFFEE CUPS****TRIM FILE REF****2021/657458****ATTACHMENTS****NIL**

Submitted by: Councillor Candy Bingham

MOTION

That:

1. Council investigate the possibility of introducing a system for the recycling of takeaway coffee cups and lids.
2. Council consider a trial of the collection of these items at a number of relevant locations on the Northern Beaches as soon as practicable.
3. Staff provide a report to Council at the October 2021 meeting.

BACKGROUND FROM COUNCILLOR CANDY BINGHAM

It is estimated that well over one billion take – away coffee cups end up in Australian landfill each year equating to around 60,000 kg of plastic per annum.

COVID restrictions have resulted in a major increase in the number of takeaway coffee cups used every day, filling our garbage bins and our landfill.

As take-away paper cups are lined with plastic to prevent liquid seeping through this prevents these cups from being recycled via traditional Australian paper recyclers.

By collecting the cups separately there is minimal contamination. This provides a clean stream of consistent material which increases the options to recycle the cups and lids.

At present, Mosman Council is using a coffee cup recycling system operated by Simply cups. This unit, at Balmoral, is distinctive and its purpose is clear:



All cups collected using this system are give a second life in Australia and are used in recycled products such as cups, outdoor furniture, car park stops, roadside kerbing and road surfaces.

ITEM 15.4	NOTICE OF MOTION NO 40/2021 - WALKING TRAIL FOR WAKEHURST PARKWAY
TRIM FILE REF	2021/657857
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That:

1. Staff review walking and cycling trails between Frenchs Forest and Narrabeen Lagoon to determine whether connections could be created between the new proposed town centre at Frenchs Forest and the very popular Narrabeen Lagoon trail.
2. A report be brought back to Council within six months on the above review including potential links with any Wakehurst Parkway flood mitigation works.

BACKGROUND FROM COUNCILLOR STUART SPROTT

We have a very exciting and amazing opportunity to build a new town centre from scratch and the important infrastructure to go with it.

With a projected increase in population proposed for Frenchs Forest through various stages of somewhere between 3 to 10 thousand, having a walking/cycling connection to the beach would only make sense. It would take hundreds of cars off the roads and free up hundreds of parking spots at the beach helping to create the green star style of living we are hoping to achieve. With the new invention of electric bikes and having a picturesque healthy bush trail to be able to access the beach I feel this trail will be well utilised by all.

With the addition of aboriginal art and storytelling this could be a real connection back to the land and the traditional owners of the area, trails that they would have used over thousands of years. Already having the trail around Narrabeen Lagoon approximately one third of the trail is already done and additional sections of track connecting the beach to the bush would make for a world class walking trail.

Council has been offered significant funding for flood mitigation research and potential works and if these works did proceed in the future, there is the potential to dovetail part of the trail program into it. The environmental and sociological benefits of this style of trail would be a huge benefit to the people of the Northern Beaches and I ask we all support this motion and the investigations into this trail.

ITEM 15.5	NOTICE OF MOTION NO 41/2021 – TRANSPORT FOR NSW ROAD MAINTENANCE CONTRACT
TRIM FILE REF	2021/660592
ATTACHMENTS	NIL

Submitted by: Councillor Alex McTaggart

MOTION

That Council write to Transport for NSW:

1. Advising the concern of residents about the general state of disrepair on parts of Barrenjoey and Pittwater roads.
2. Requesting a copy of the delineation of responsibilities between Council, Transport for NSW and the maintenance contractor.
3. Requesting a copy of the Transport for NSW service contract for maintenance of roads in the Northern Beaches Local Government Area with the new contractor.
4. Requesting a copy of the hand over condition audit for Transport for NSW for roads in the Local Government Area July 2021.

BACKGROUND FROM COUNCILLOR ALEX MCTAGGART

I have been contacted by members of the community, walkers, cyclists and people who take an interest in public infrastructure regarding the general level of maintenance on our two main roads.

The maintenance of Pittwater road Manly to Mona Vale and Barrenjoey road Mona Vale to Palm Beach is the responsibility of Transport for NSW formally Road Maritime Services.

Transport for NSW contracts out the maintenance work and a new contractor was appointed on 1 July 2021.

The previous contractor Downer left parts of Pittwater road Dee Why and Barrenjoey Road Palm Beach and Bilgola Bends in a poor state. The new contractor is Connect Sydney.

It is now September and no work appears to have taken place and at the same time Connect Sydney has assured a Palm Beach resident that works have been undertaken.

I also was given an undertaking that prior to hand over to the new contractor a condition audit of the main roads would be completed.

This contract is public money to deliver a service to Northern Beaches residents , the standard of work and timing of work over which we have little control.

In asking for a copy of the hand over audit and the service contract (less commercial in confidence) residents will be able to understand what service level they are entitled to.

Residents will also know where the contractors responsibility ends and where council takes over.

Rather than residents write to council and council contact the contractor to provide a maintenance service let's give the details to the residents and let them deal directly with the service provider.

ITEM 15.6	NOTICE OF MOTION NO 42/2021 - CHURCH POINT PARKING DEMAND MANAGEMENT STRATEGY
TRIM FILE REF	2021/661908
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That:

1. A report be brought to Council outlining the cost and the process for a review of the Church Point Parking Demand Management Strategy to determine what the available parking resources are in the overall precinct (including from BYRA to Holmeport Marina), noting the seasonal demand.
 2. The Review is to include at least the following matters:
 - A. Parking Occupancy.
 - B. Parking Turnover.
 - C. Demographic of the users of the parking.
 - D. Time restrictions and whether the restrictions meet the needs of all the communities that use this parking.
-

16.0 NOTICES OF RESCISSION

ITEM 16.1	NOTICE OF RESCISSION NO 2/2021 - ITEM 11.1 UPDATE ON PROPOSED URBAN NIGHT SKY PLACE
TRIM FILE REF	2021/664556
ATTACHMENTS	NIL

Submitted by: Councillors Rory Amon; Michael Regan; Vincent De Luca OAM

MOTION

That Council rescind resolution 236/21 – Item 11.1 Update on Proposed Urban Night Sky Place, being:

That Council:

1. *Implement the remaining lighting upgrades set out in the attachment “Governor Phillip Park and Barrenjoey Headland - Current lighting and proposed lighting upgrades”.*
2. *Makes a combined total of up to \$5,000 in grant funding available from the Urban Night Sky budget to the operators of businesses on Crown Assets on Governor Phillip Park being Dunes Palm Beach, The Boathouse Palm Beach and Palm Beach Golf Club to assist with the implementation of lighting changes should they require it.*
3. *Formally write to NSW National Parks and Wildlife Service seeking their final decision regarding including Barrenjoey Headland in the Urban Night Sky Place application.*
4. *Submit an application to the International Dark Sky Association for Governor Phillip Park, Palm Beach to be designated as an Urban Night Sky Place (and include Barrenjoey Headland if NSW National Parks and Wildlife Service decides to do so).*
5. *Ensures that night sky event proposals for Governor Phillip Park are subject to the requirements set out in Part 3 of Table 1 of this report.*
6. *That the Urban Night Sky Working Group continue to meet to discuss any issues arising from the application process or any event.*

Should the rescission motion be adopted, we give notice that it is our intention to move the following motion in lieu thereof of which due notice is hereby given:

That Council investigate other potential sites within the Northern Beaches Local Government Area including whether to proceed with an Urban Night Sky designation at those sites, and provide a further report to Council within 6 months on the outcomes of these investigations, including but not limited to considering: community views and issues arising from such views; any commercial arrangements associated with any Urban Night Sky Designation; what, if any, financial support is to be provided by Council; educational programmes associated with such a designation; and the target audience.

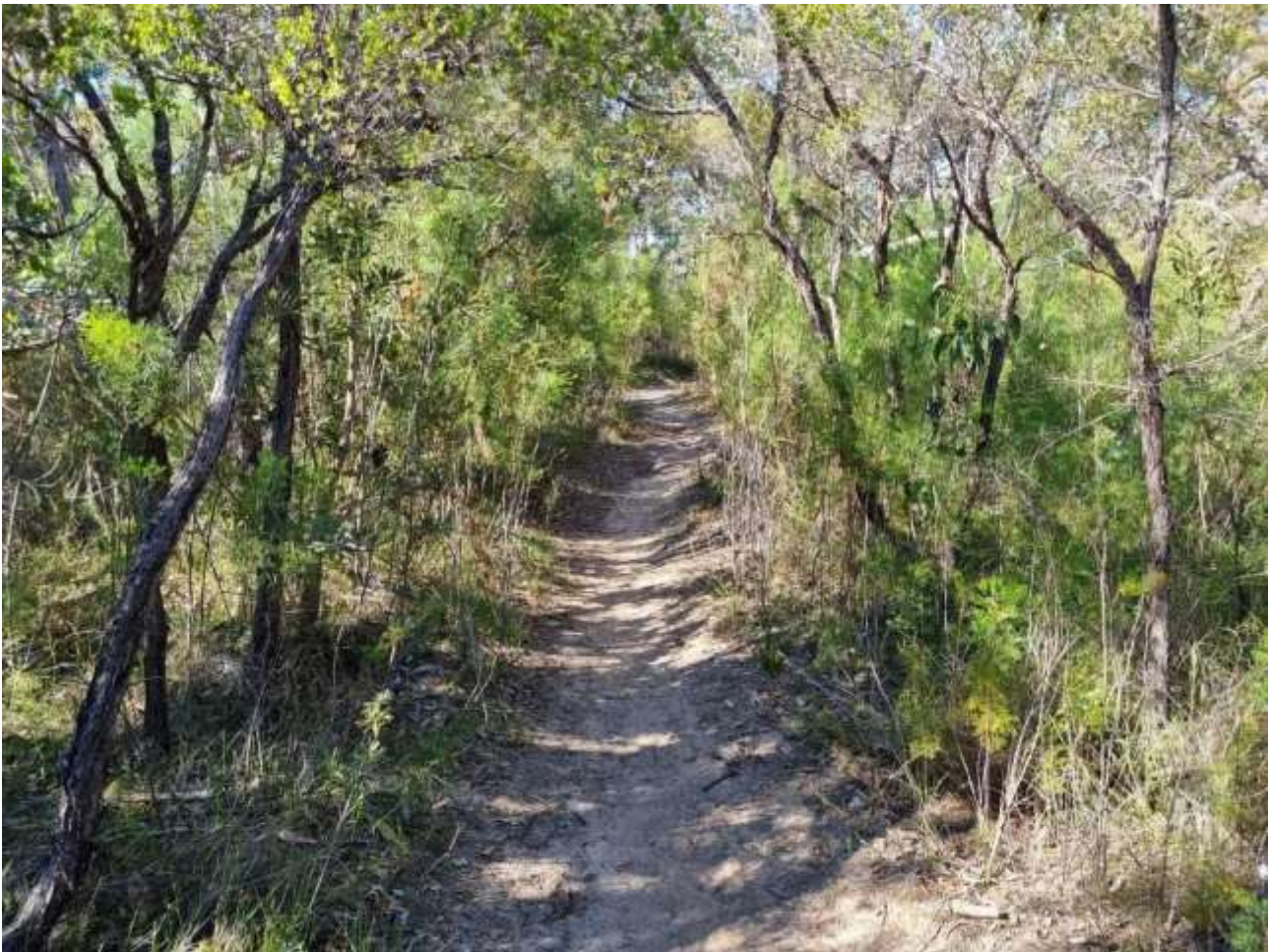
17.0 QUESTIONS WITH NOTICE

ITEM 17.1	QUESTION WITH NOTICE NO 31/2021 - FIRE TRAILS ALLEGEDLY NOT MAINTAINED IN INGLESIDE
TRIM FILE REF	2021/657121
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. Is Council responsible for maintaining the fire trails in Ingleside?
2. If so, how regularly does Council undertake risk assessments of the fire trails in Ingleside and on what date was the last inspection?
3. I refer to the below photos, can Council please undertake maintenance work on these trails or liaise with the responsible Authority to do so, to prevent fire in summer?





18.0 RESPONSES TO QUESTIONS WITH NOTICE

ITEM 18.1	RESPONSE TO QUESTION WITH NOTICE NO 28/2021 - CODE OF CONDUCT INVESTIGATIONS
TRIM FILE REF	2021/583057
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Since the election of this Council, what is the total amount of:

1. Code of Conduct complaints submitted by Councillors?
2. Code of Conduct complaints submitted by members of the public?
3. Funds expended on Code of Conduct Investigations?
4. Complaints that have resulted in formal disciplinary action and presented to Councillors for determination of report recommendations?

RESPONSE

Question	Response	Comment
1. Code of Conduct complaints submitted by Councillors?	21	
2. Code of Conduct complaints submitted by members of the public?	17	
Note: Code of Conduct complaints submitted by 'other'	4	Eg ICAC
3. Funds expended on Code of Conduct Investigations?	\$415,821	As at 7/9/21, includes conduct reviewers & approx staff costs
4. Complaints that have resulted in formal disciplinary action and presented to Councillors for determination of report recommendations?	Nil	

ITEM 18.2 **RESPONSE TO QUESTION WITH NOTICE NO 29/2021 - CODE OF CONDUCT COMPLAINTS IN ELECTION YEAR**

TRIM FILE REF **2021/583092**

ATTACHMENTS **NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

From the commencement of this year to present what is the total amount of:

1. Code of Conduct complaints submitted by Councillors?
2. Code of Conduct complaints submitted by members of the public?
3. Funds expended on Code of Conduct Investigations?
4. Complaints that have resulted in formal disciplinary action and presented to Councillors for determination of report recommendations?

RESPONSE

For the period 1 January 2021 to 7 September 2021:

Question	Response
1. Code of Conduct complaints submitted by Councillors?	8
2. Code of Conduct complaints submitted by members of the public?	3
Note: Code of Conduct complaints submitted by 'other'	2
3. Funds expended on Code of Conduct Investigations?	\$142,067 includes approx staff costs
4. Complaints that have resulted in formal disciplinary action and presented to Councillors for determination of report recommendations?	Nil

ITEM 18.3 **RESPONSE TO QUESTION WITH NOTICE NO 30/2021 -
USAGE AND MAINTENANCE OF COUNCIL'S SPORTING
FIELDS AND FACILITIES**

TRIM FILE REF **2021/583111**

ATTACHMENTS **NIL**

Submitted by: Councillor Candy Bingham

QUESTION

Can you please provide the following information:

1. How much does Council collect for the use of our sporting fields from users? How is this figure ascertained?
2. What does it cost Council to maintain our sporting facilities annually in maintenance, renewal and the provision of new fields?

RESPONSE

1. **How much does Council collect for the use of our sporting fields from users? How is this figure ascertained?**

The forecast income from sports use of Council's sportsfields by sports groups in 2021/2022 is in the order of \$923,000.

The majority of income from the use of Council's sportsfields is generated from the summer and winter seasonal use fees. At the end of each season sports groups provide Council with the number of junior and senior players for that season and their fees are based on these numbers and the adopted Council fee. In 2021/2022 it was forecast that income from these fees would be \$586,511.

Other income (forecast for 2021/2022) from the use of Council's sportsfields includes; use of sportsfield lighting \$202,000, use of Manly Oval, Pittwater Rugby Park, North Narrabeen Sports High, Synthetic Fields \$120,000 and from schools use \$15,000.

The current NSW Government's COVID-19 Public Health Orders and restrictions has meant that the winter sports season 2022 was cut short and the income from sportsfield use for 2021/2022 will be less than forecast as some fees have been waived.

Council's adopted fees and charges 2021/2022	Fee for seasonal use of a sportsground by a sports group - short season (up to a maximum of 12 weeks) per player	Fee for seasonal use of a sportsground by a sports group per player	Income forecast for 2021/2022
Junior Players	\$8.20	\$11.10	\$395,636
Senior Players	\$13.60	\$18.40	\$190,875
			\$586,511

2. What does it cost Council to maintain our sporting facilities annually in maintenance, renewal, and the provision of new fields?

It costs approximately \$7,993,014 p.a. to maintain and operate our sportsfields, hardcourts and supporting buildings (clubhouses, amenities etc).

On average Council has invested \$10,876,720 to renew, upgrade and build new sporting facilities based on capital expenditure over the past four years.

This expenditure is broken down in the table below:

	New	Renewal	Total
20/21	2,393,972	4,254,498	6,648,470
19/20	8,089,287	7,664,579	15,753,866
18/19	6,226,015	5,207,701	11,433,716
17/18	6,610,864	3,059,963	9,670,827
Total	23,320,138	20,186,741	43,506,879
Average	5,830,035	5,046,685	10,876,720

19.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. 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 19.1 Mayoral Minute No 19/2021 - Major Event 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/provides advice concerning a third party. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information is of a commercial nature.

- B. Item 19.2 RFT 2021/117 - Licence For The Operation Of Manly Arts and Crafts Markets 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/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- C. Item 19.3 Request for Financial Assistance - 1172 Pittwater Road, Collaroy on the basis that it involves the receipt and discussion of the personal hardship of a resident or ratepayer [10A(2)(b) Local Government Act 1993].

This report discusses/provides advice concerning a request from the owners of the property at 1172 Pittwater Road, Collaroy, for financial assistance. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the financial situation of a resident becoming public.

- D. Item 19.4 RFT 2020/106 Community and Child Care Centre Landscape Maintenance 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/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- E. Item 19.5 Proposed Easement for Pipeline to Sewer to Kimbriki Environmental Enterprises Over Lot 300 DP 1254796 and Lot 15 DP 237301, Terrey Hills on the basis that it involves the receipt and discussion of information that would, if disclosed, prejudice the maintenance of law [10A(2)(e) Local Government Act 1993].

This report provides a confidentiality agreement with Kimbriki Environmental Enterprises Pty Ltd. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would contravene the confidentiality requirements of the attached Deed of Agreement.

2. 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.
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20.0 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.



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