



northern  
beaches  
council

# AGENDA

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

**Tuesday 22 November 2022**

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.

A handwritten signature in black ink, appearing to read 'Ray Brownlee', with a long horizontal stroke extending to the right.

**Ray Brownlee PSM**  
**Chief Executive Officer**

## OUR VISION

*Delivering the highest quality service valued and trusted by our community*

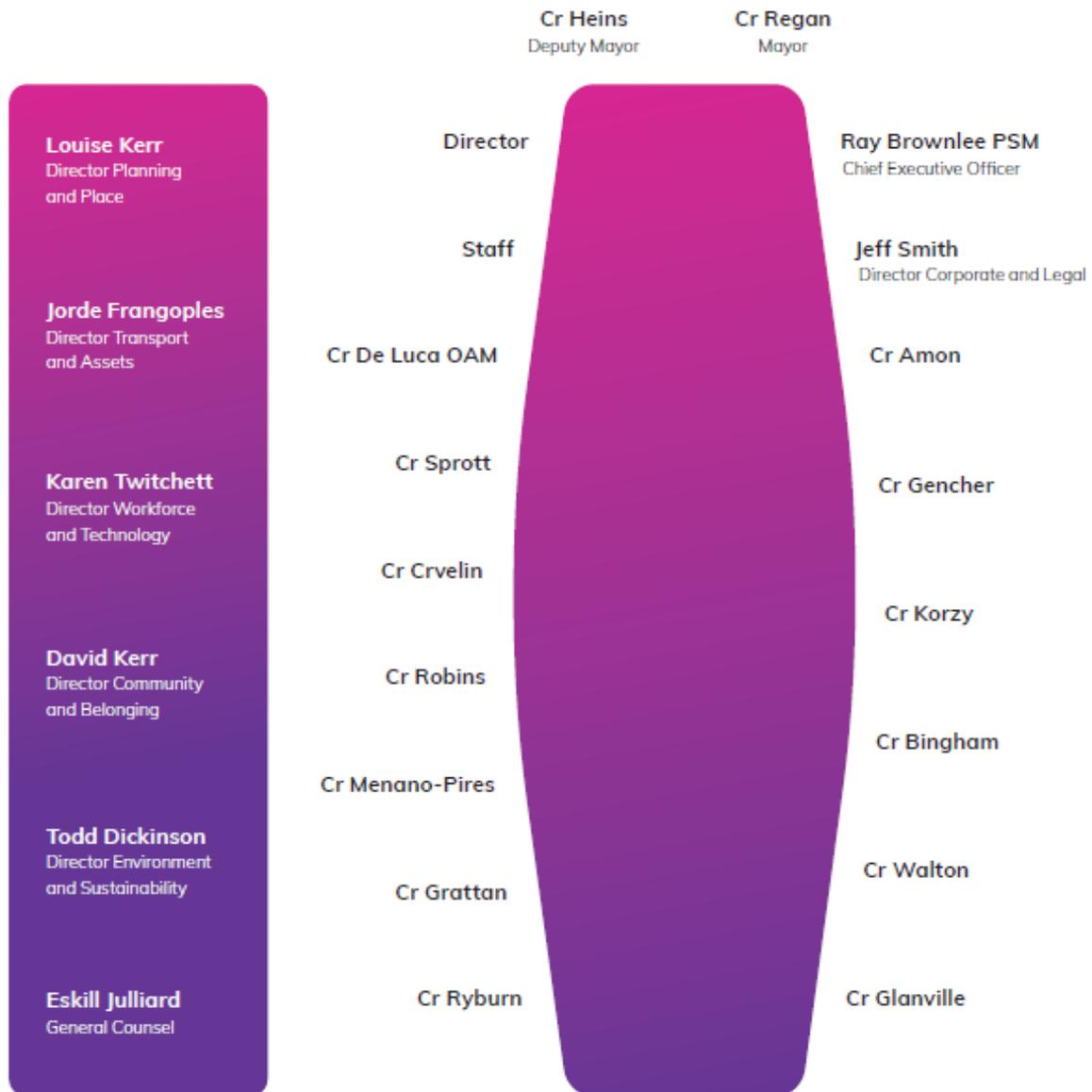
## OUR VALUES

*Trust Teamwork Respect Integrity Service Leadership*

## OUR OBLIGATIONS

*I swear/solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Northern Beaches and the Northern Beaches Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.*

## Council Chambers Seating Plan



Public Gallery

**Agenda for an Ordinary Meeting of Council  
to be held on Tuesday 22 November 2022  
at the Civic Centre, Dee Why  
Commencing at 6:00pm**

<b>1.0</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
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<b>5.0</b>	<b>PUBLIC FORUM AND PUBLIC ADDRESS</b>	
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**19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION**

## 1.0 ACKNOWLEDGEMENT OF COUNTRY

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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.

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## 2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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In accordance with Part 6 of the Code of Meeting Practice, Council will consider apologies, requests for leave of absence, and requests to attend meetings remotely via audio-visual link.

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## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 18 OCTOBER 2022

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#### RECOMMENDATION

That the minutes of the Ordinary Council Meeting held 18 October 2022, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## 4.0 DISCLOSURES OF INTEREST

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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.

A Councillor who has a **pecuniary interest** in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The Councillor must not be present at, or in sight of, the meeting:

- a. at any time during which the matter is being considered or discussed, or
- b. at any time during which Council is voting on any question in relation to the matter.

A Councillor who has a **significant non-pecuniary** conflict of interest in a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

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A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why the conflict is not significant and does not require further action in the circumstances.

As required by Council's Code of Conduct and the Information and Privacy Commission's Information Access Guideline 1, returns made by designated persons are routinely tabled at Council meetings and published on Council's website.

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## **5.0 PUBLIC FORUM AND PUBLIC ADDRESS**

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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).

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## **6.0 ITEMS RESOLVED BY EXCEPTION**

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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.

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## 7.0 Mayoral Minutes

<b>ITEM 7.1</b>	<b>MAYORAL MINUTE NO 24/2022 - NORTHERN BEACHES COUNCIL - AR BLUETT MEMORIAL AWARD WINNERS - 2022</b>
<b>TRIM FILE REF</b>	<b>2022/722330</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

### BACKGROUND

Congratulations to the CEO, staff, and my fellow councillors on being awarded this year's AR Bluett Memorial Award.

This is a remarkable achievement and is testament to the incredible efforts of this Council to go above and beyond to provide the highest quality service to our community.

This Award is described as 'the pinnacle of local government achievement' and has been awarded by Local Government NSW every year since 1945. I can assure you it is hotly contested by councils as it recognises the most progressive metropolitan and rural council out of 128 across NSW.

I believe the COVID-19 pandemic and three natural disasters within our LGA all within a few months of each other tested everyone and we demonstrated how we can lead our community with compassion and empathy. We embraced innovative thinking and through our determination to not only look after our community through it all, we were also able to continue to adapt and deliver to ensure a strong future for our community.

We worked with our community to get through the worst of it, conducting door-to-door welfare checks, facilitating hundreds of additional waste collections, and supporting our local businesses in recovery. I am incredibly proud of what we have achieved, particularly during these difficult times.

Our Council has had a huge focus on repairing and renewing ailing infrastructure, delivering long term financial stability and putting the community at the centre of everything we do. I think we can agree that this hasn't been easy, but this award recognises the hard work and dedication of both the elected Council and our incredible staff and volunteers to deliver great outcomes for our community.

I ask Councillors to join me in acknowledging and thanking our staff and volunteers, the CEO and Directors along with each other. Thank you too to the former councillors who are no longer on Council for the part they played in recent years.

Finally, I want to thank our community who gave feedback on draft projects, partnered to deliver events or initiatives, sat on our working groups or otherwise engaged with us. They push us to do better, and our efforts have been recognised through this prestigious Award.

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### MOTION

That Council acknowledge and thank staff and volunteers, the CEO and Directors, the current Elected Council representatives and former 2021 elected representatives on being awarded the AR Bluett Memorial Award for 2022.

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**Michael Regan**  
**MAYOR**

<b>ITEM 7.2</b>	<b>MAYORAL MINUTE NO 25/2022 - AUSGRID PROGRAM - CABLE BUNDLING TO PRESERVE OUR TREES</b>
<b>TRIM FILE REF</b>	<b>2022/722326</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

## **BACKGROUND**

The impact of tree pruning has always been an issue as our streets, where trees have been pruned, can often be left in a very unappealing state, to say the least. We along with our residents take great pride in the amenity of our street tree canopies and we have heard many complaints after pruning has been undertaken in our local streets.

More recently, there has been discussion and some publicity around the impact of pruning of street trees by Ausgrid and how this long-suffered issue could finally be addressed. Ausgrid recently proposed a \$20 million jointly funded program to use aerial cable bundling which involves gathering exposed wires into one package to reduce the need for severe pruning. Essentially, by bundling, it will assist in maintaining our beloved street tree canopies as less pruning will be required and will also aid in keeping our streets cooler during days of extreme heat.

At the recent Local Government NSW Conference, a Motion was put forward by the City of Sydney in relation to co-funding for aerial bundled cables with Ausgrid and to seek State Government assistance for councils to participate in the program which was carried.

I believe this is an important issue for our residents and therefore request that Council staff consider the program offered by Ausgrid

I ask that a report be provided back to council at a briefing within the next three months that outline the costs and issues that need to be considered if Council was to become part of the Ausgrid program.

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## **MOTION**

That Council staff provide a briefing to Councillors within the next three months that outlines the issues and costs of participating in the Ausgrid's \$20million cable bundling program.



**Michael Regan**  
**MAYOR**

## 9.0 Corporate and Legal Division Reports

<b>ITEM 9.1</b>	<b>QUARTERLY REVIEW - SEPTEMBER 2022</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER FINANCIAL PLANNING &amp; SYSTEMS AND EXECUTIVE MANAGER STRATEGY AND PERFORMANCE</b>
<b>TRIM FILE REF</b>	<b>2022/577904</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a> Progress of the Operational Plan - September 2022 Quarter (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a> Quarterly Budget Review Statement (Included In Attachments Booklet)</b> <b>3 <a href="#">⇒</a> Stronger Community Funds New Council Implementation Fund - Quarterly Report September 2022 (Included In Attachments Booklet)</b>

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### SUMMARY

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#### PURPOSE

To present financial and service performance results for the period ended 30 September 2022, and a progress report on the expenditure from the \$36.1 million Stronger Communities Fund (SCF) provided by the New South Wales (NSW) Government.

#### EXECUTIVE SUMMARY

This report details Council's service performance results and the consolidated financial position for the three months ended 30 September 2022. The Quarterly Review is a progress report on the implementation of the Operational Plan 2022/23.

The operating result (which includes capital grants and contributions) for the financial year is forecast to decrease by \$3.0 million to a surplus of \$42.6 million. Excluding capital grants and contributions the result is forecast to improve by \$2.0 million, from a surplus of \$4.6 million to a surplus of \$6.6 million. Capital expenditure is forecast to decrease by \$14.4 million to \$106.1 million, primarily due to the re-phasing of 10 projects into the 2023/24 financial year to align with expected construction programs.

Council's budget remains balanced, notwithstanding challenges faced including disrupted supply chains, staff shortages and rising inflation. Investment returns have been strong following rising interest rates, with an additional \$4.4 million expected (of which \$1.1 million relates to restricted reserve funds). Repayments on loans have increased \$0.5 million along with \$0.1m in additional interest payable for customer bonds.

Repairs continue following significant weather events earlier in the year, with anticipated costs this year of \$3.2 million. The February to March 2022 along with the June 2022 events were declared natural disasters, providing access to funding from the Commonwealth and New South Wales (NSW) Governments.

Council's 2022/23 Operational Plan contains 192 actions relating to both operational and capital projects. Of the 192 actions the majority (87%) are progressing on schedule, including eight completed. The Plan also contains performance measures. Of the 37 reportable measures, 73% have met or approached their targets this quarter.

The Report also details expenditure associated with the implementation of Council's SCF projects supported by NSW Government funds, including an update on the performance space being built at Mona Vale Public School and construction of the new Long Reef Surf Life Saving Club.

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## **RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL**

That Council:

1. Note the September 2022 Quarterly Budget Review Statement.
  2. Approve the following changes to the Current Forecast in the September 2022 Quarterly Budget Review Statement:
    - A. A decrease in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$3.019 million to \$42.569 million.
    - B. A decrease in capital expenditure by \$14.373 million to \$106.075 million.
  3. In recognition of the extreme delays in the supply of operational plant and fleet, approve capital expenditure of \$3 million from the anticipated 2023/24 budget allocation to enable orders to be placed.
  4. Note the Quarterly Report on Service Performance for the period ended 30 September 2022.
  5. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended 30 September 2022.
-

## REPORT

### BACKGROUND

Northern Beaches Council's Operational Plan 2022/23 was adopted on 28 June 2022. The Operational Plan is for the period 1 July 2022 to 30 June 2023.

The Quarterly Budget Review Statement is a regular progress report against the Operational Plan 2022/23. It has been prepared in accordance with the requirements of the Local Government (General) Regulation 2021 (CI203) and essential element 4.9 of the Integrated Planning and Reporting Guidelines (September 2021), namely that the Responsible Accounting Officer report quarterly on a budget review statement and the Chief Executive Officer report at least every six months on the principal activities.

The Quarterly Budget Review Statement provides reporting to adequately disclose Council's overall financial position as well as provide sufficient information to enable informed decision making while ensuring transparency.

The Quarterly Report on Service Performance discloses the progress of key services in the delivery of projects and against performance measures.

The report includes updates for the period ending 30 September 2022:

- Service performance
- Financial performance and position, contracts listing and recommended changes to the budget
- The outcomes delivered from the \$36.1 million Stronger Communities Fund (Attachment 3).

### Overview of service performance

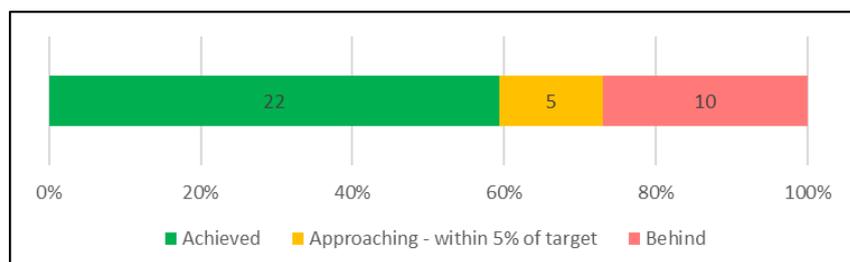
A report on Council's service performance is provided at Attachment 1 – 'Quarterly Report on Service Performance'. This is a comprehensive report on Council's 192 operational and capital projects, 37 reportable service performance measures, seven workload measures and service highlights across our 16 key services.

Council is making good progress towards achieving its performance targets and delivering operational and capital projects. Most missed targets and half the delayed projects are due to external factors including storm events, persistent wet weather, COVID and third-party delays.

A summary of our performance is outlined below.

#### Performance measures

Overall 73% of Council's 37 performance measures met or approached the target. Of the 15 measures that did not achieve their target, most were impacted by weather impacts, COVID-19 or third-party delays.

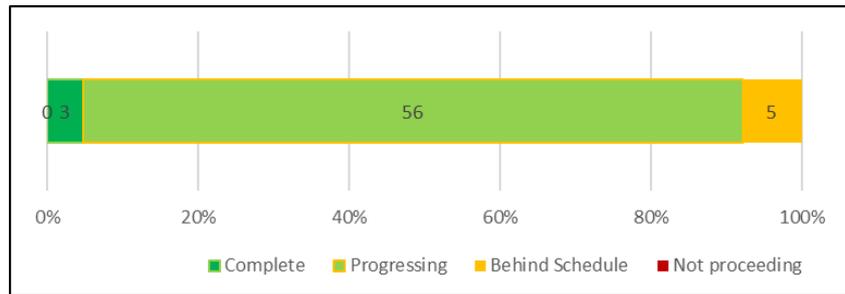


### Operational project progress

Of the 64 operational projects, 92% are progressing on schedule.

Of the 5 projects behind schedule, one was due to external factors (third party delays)

*Target: 80% complete/on schedule as at 30 June 2023*



Three operational projects were completed this quarter:

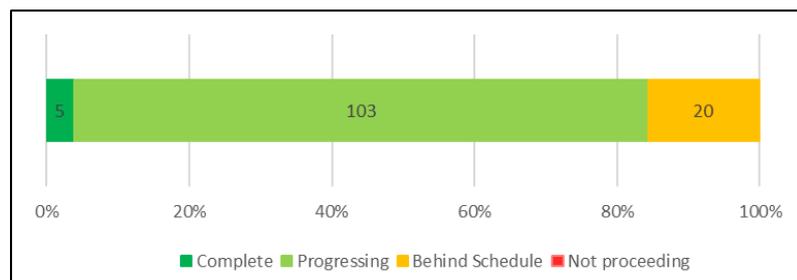
- Frenchs Forest precinct planning for a sustainable area with Green Star Communities rating
- Ingleside Precinct – work with Department of Planning and Environment on the potential land release
- Deliver an effective complaints management and resolution framework

### Capital project progress

Of the 128 capital projects, 84% are complete or progressing on schedule.

Of the 20 projects behind schedule, half are due to external factors - storm events, persistent wet weather, COVID or third party delays.

*Target: 80% complete/on schedule as at 30 June 2023*



Five capital projects were completed this quarter:

- Little Manly Point Reserve Playground Upgrade
- West Esplanade activation plan
- Mona Vale Beach upgrade
- Carol's Wharf renewal works
- Bells Wharf renewal works

Attachment 3 outlines the progress of projects funded by the NSW Government's SCF. While four projects are ongoing, a range have been completed such as accessible playgrounds, cycleways, surf lifesaving clubs, netball courts and performance spaces.

### Overview of Financial Performance

#### Responsible Accounting Officer Budget Review Statement

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

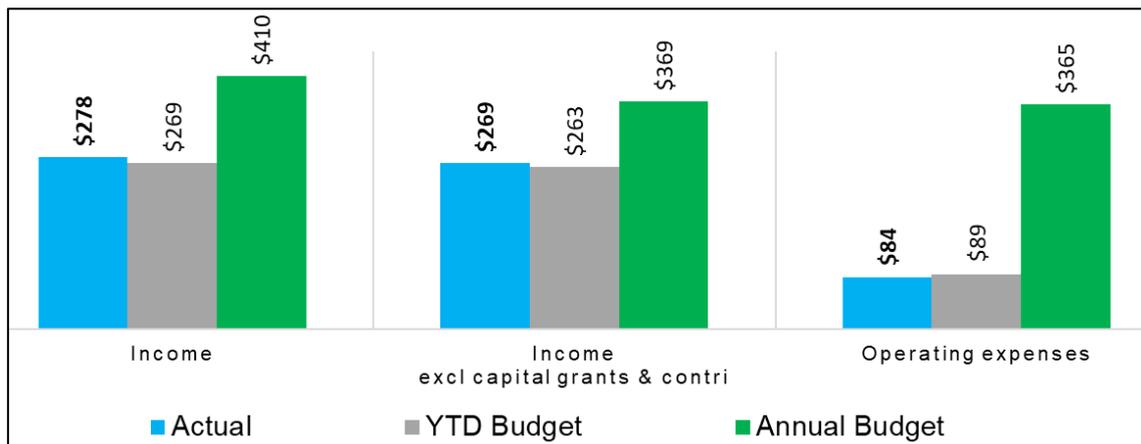
*"It is my opinion that the Budget Review Statement for Northern Beaches Council for the period ending 30 September 2022 indicates that Council's projected financial position at 30 June 2023 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure."*

David Walsh Chief Financial Officer, Northern Beaches Council.

### Income Statement – progress and forecast changes

The attached Quarterly Budget Review Statement (QBRs) provides an overview of Council's progress against the annual budget at the end of the September 2022 quarter and provides explanations for major variations that result in recommendations for budget changes.

Operating budget summary – as at 30 September 2022 (\$' million)



For the three months to 30 September 2022 the operating result (incl capital grants and contributions) is \$14.1 million favorably ahead of budget, primarily due to phasing of expenditure and income items partially offset by the timing of the release of capital grant funding against project expenditure milestones and costs associated with natural disasters.

The operating surplus which includes capital grants and contributions for the financial year is forecast to decrease by \$3 million to \$42.6 million. Income is forecast to increase by \$5 million while operating expenses will increase \$8 million (primarily due to higher than expected investment income offset by expenditure on storm events and rephasing capital grants to next financial year).

The operating result excluding capital grants and contributions is forecast to improve by \$2 million to a \$6.6 million surplus. These overall movements are summarised in the table below, under the 'Recommended Changes' column.

Operating budget as at 30 September 2022 – summary of recommended changes

\$'000	Annual				Year to date			Variance	
	ORIGINAL Budget	REVISED Budget	Recommended changes	CURRENT Forecast	Actual	Approved Budget			
Income	400,340	410,486	4,999	415,485	278,354	269,301	9,053	3%	
Operating expenses	(361,781)	(364,898)	(8,018)	(372,915)	(84,048)	(89,056)	5,008	6%	
<b>Surplus / (Deficit)</b>	<b>38,559</b>	<b>45,558</b>	<b>(3,019)</b>	<b>42,569</b>	<b>194,306</b>	<b>180,244</b>	<b>14,061</b>	<b>8%</b>	
<b>Surplus / (Deficit) before Capital Grants &amp; Contributions</b>	<b>8,795</b>	<b>4,600</b>	<b>2,045</b>	<b>6,646</b>	<b>185,092</b>	<b>174,187</b>	<b>10,905</b>	<b>6%</b>	

Attachment 2 'Quarterly Budget Review Statement - September 2022' provides further information on the proposed variations to the budget.

### Income Year to Date (YTD) Analysis

Total income at the end of September 2022 is \$278.4 million which is \$9.1 million above the forecast. The principal reasons for this variance are as follows:

Income as at 30 September 2022 – Variance to Approved YTD Budget

YTD Variance	Details – Favourable / (Unfavourable)
\$'000	Rates and Annual Charges
194	
2,002	<b>User Charges &amp; Fees</b> <ul style="list-style-type: none"> <li>• Stronger than anticipated income: <ul style="list-style-type: none"> <li>○ Kimbriki Waste &amp; Recycling Centre \$1.3m</li> <li>○ Planning and Building Regulatory \$1.0m</li> </ul> </li> <li>• Lower income sources including: <ul style="list-style-type: none"> <li>○ Restoration charges (\$0.2m)</li> <li>○ Sydney Lakeside (\$0.2m)</li> <li>○ Child Care (\$0.1m)</li> </ul> </li> <li>• Timing of revenue recognition: <ul style="list-style-type: none"> <li>○ Sportsfields and reserves \$0.2m</li> </ul> </li> </ul>
863	<b>Investment Fees and Revenues</b> <ul style="list-style-type: none"> <li>• Stronger than anticipated income due to higher interest rates and higher investment balances</li> </ul>
348	<b>Other Revenue</b> <ul style="list-style-type: none"> <li>• Stronger than anticipated income: <ul style="list-style-type: none"> <li>○ Kimbriki Waste &amp; Recycling Centre \$0.5m</li> <li>○ Licences, Consents and deeds \$0.1m</li> </ul> </li> <li>• Lower income sources including: <ul style="list-style-type: none"> <li>○ Parking fines (\$0.6m)</li> <li>○ Other fines (\$0.1m)</li> </ul> </li> <li>• Timing of revenue recognition: <ul style="list-style-type: none"> <li>○ Advertising on Council structures \$0.3m</li> </ul> </li> </ul>
2,242	<b>Grants and Contributions – Operating Purposes</b> <ul style="list-style-type: none"> <li>• Disaster grant funds received in advance \$2.9m</li> <li>• Timing of revenue recognition of grants to match expenditure of funds including: <ul style="list-style-type: none"> <li>○ B-Line offset tree planting Mona Vale to Seaforth Road corridor (\$0.6m)</li> </ul> </li> </ul>
3,157	<b>Grants and Contributions – Capital Purposes</b> <ul style="list-style-type: none"> <li>• Development contributions higher than expected \$3.3m</li> <li>• Timing of revenue recognition of grants to match expenditure of funds including:</li> </ul>

YTD Variance \$'000	Details – Favourable / (Unfavourable)
	<ul style="list-style-type: none"> <li>○ Road resheeting program \$0.5m</li> <li>○ Long Reef Surf Club \$0.6m</li> <li>○ Connecting Communities Cyclway program (\$0.5m)</li> <li>○ Currawong Cottages (\$0.5m)</li> </ul>
<b>(107)</b>	<b>Other Income</b> <ul style="list-style-type: none"> <li>• Property leases including Lakeside Caravan Park (\$0.1m)</li> </ul>
<b>353</b>	<b>Gain on disposal of assets</b> <ul style="list-style-type: none"> <li>• Timing of proceeds on sale of plant &amp; equipment</li> </ul>
<b>9,053</b>	<b>TOTAL INCOME VARIANCE – YTD ACTUALS WITH YTD BUDGET</b>

### Operating Expenses Year to Date (YTD) Analysis

Total operating expenses at the end of September 2022 is \$84 million, which is \$5 million under the forecast. The principal reasons for this variance are as follows:

Operating expenses as at 30 September 2022 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
1,319	<b>Employee Benefits &amp; Oncosts</b> Lower primarily due to vacancies in Transport and Civil infrastructure, Environmental Compliance and Digital and IT.
(101)	<b>Borrowing Costs</b> Higher interest rates on variable loans.
3,052	<b>Materials and Services</b> <ul style="list-style-type: none"> <li>• Timing of works:               <ul style="list-style-type: none"> <li>○ IT and communications \$1.7m</li> <li>○ Bush regeneration \$1.2m</li> <li>○ Land use planning \$0.4m</li> </ul> </li> <li>• Lower than anticipated expenditure:               <ul style="list-style-type: none"> <li>○ Legal services \$0.4m</li> <li>○ Stationery, printing and postage \$0.1m</li> </ul> </li> <li>• Higher than anticipated expenditure:               <ul style="list-style-type: none"> <li>○ Storm related damage clean up (\$2.0m)</li> <li>○ Kimbriki Waste and Recycling Centre (\$0.5m)</li> <li>○ Utilities (\$0.2m)</li> </ul> </li> </ul>
(544)	<b>Depreciation and Amortisation</b> <ul style="list-style-type: none"> <li>• Due to the timing of the completion and capitalisation of new assets.</li> </ul>
1,281	<b>Other Expenses</b> <ul style="list-style-type: none"> <li>• Delays in project milestones for Mona Vale Performance Space.</li> <li>• Timing of subsidies including Collaroy-Narrabeen seawall works</li> </ul>
5,008	<b>TOTAL OPERATING EXPENSES VARIANCE - YTD ACTUALS WITH YTD BUDGET</b>

## Capital Budget Statement

Capital expenditure is forecast to decrease by \$14.4 million to \$106 million, primarily due to the re-phasing of projects into the 2023/24 financial year in line with revised project timelines.

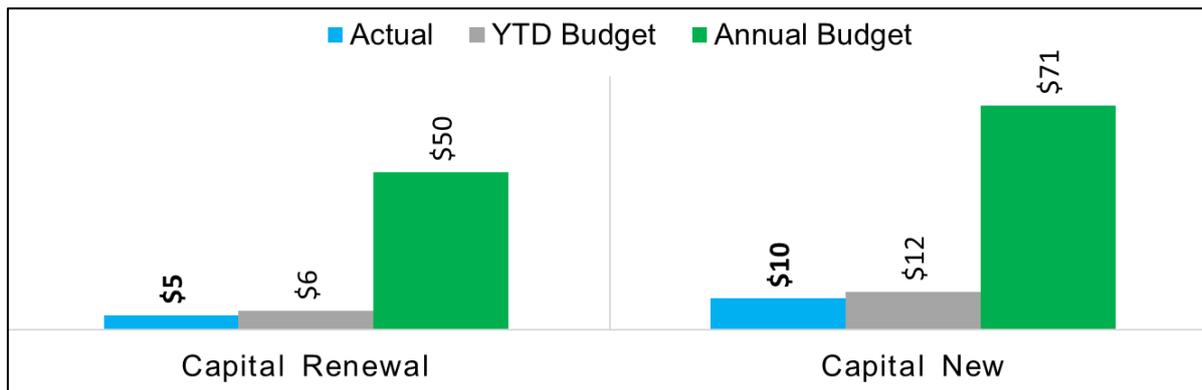
Proposed variations to the capital expenditure budget are outlined in Attachment 2 'Quarterly Budget Review Statement - September 2022' and include:

- Budget rollovers to the 2023/24 financial year of \$16.8 million including:
  - \$4.8m Warriewood Valley Community Centre
  - \$4.8m Connecting Communities Cycleways program
  - \$1.8m Manly dam boardwalk
  - \$1.8m Frenchs Forest precinct park upgrades
  - \$1.3m Lynne Czinner park upgrades

## Capital Expenditure Year to Date (YTD) Analysis

Expenditure on capital works for the three months ended 30 September 2022 is \$14.6 million against a year-to-date budget of \$17.9 million.

Capital budget summary – as at 30 September 2022 (\$'million)



The principal reasons for the variance in expenditure versus the year-to-date budget are as follows:

Capital expenditure as at 30 September 2022 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable) YTD Variance
1,256	<b>Capital Expenditure – Renewal Projects</b> <ul style="list-style-type: none"> <li>• Primarily due to the timing of works including the planned stormwater renewal works \$0.8m, footpath renewal programs \$0.2m and light fleet renewal \$0.2m.</li> </ul>
2,130	<b>Capital Expenditure – New Projects</b> <ul style="list-style-type: none"> <li>• A number of new projects have been re-phased to the 2023/24 financial year as noted above and detailed in Attachment 2 'Quarterly Budget Review Statement - September 2022'.</li> <li>• Other projects include:               <ul style="list-style-type: none"> <li>○ Kimbriki clean water diversion system \$1.7m</li> <li>○ New footpaths \$0.6m and Connecting Communities Cycleways Program \$0.5m</li> </ul> </li> </ul>

YTD Variance	
\$'000	Details – Favourable / (Unfavourable) YTD Variance
3,386	TOTAL CAPITAL EXPENDITURE VARIANCE – YTD ACTUALS WITH YTD BUDGET

Further information on the progress of capital projects is available within Attachment 1 'Quarterly Report on Service Performance'.

### 2023/24 Plant and Fleet Replacement Program

The 2023/24 forecast budget for the replacement of plant and fleet vehicles is \$4.1 million which is part-funded through \$1.6 million in sale proceeds anticipated from the auction of replaced vehicles. Replacements include new tractors, skid steer loaders, sweepers, compactors, trucks, mowers, jet skis, quad bikes, operational utes, and passenger vehicles.

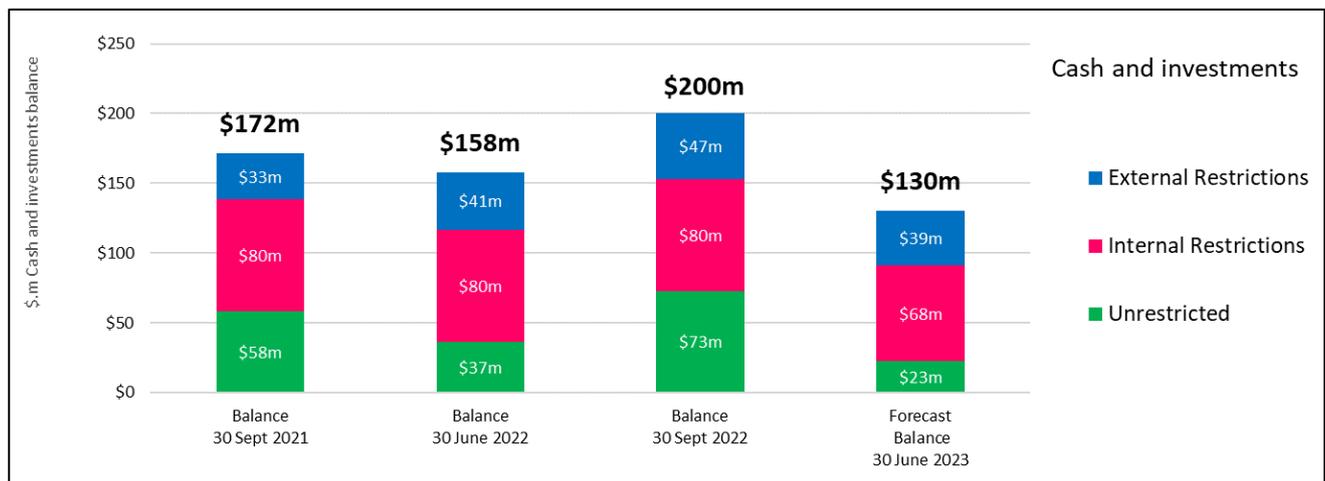
New plant and fleet vehicle delivery delays have dramatically increased to up to 12 months due to stock shortages, production slowdowns, and shipping restrictions. Delivery delays could result in operational issues or higher costs due to maintenance and servicing of aging vehicles.

In recognition of the extreme delays in the supply of plant and fleet, it is recommended Council place orders for up to \$3 million of this program prior to 1 July 2023. While delivery and payment will take place in the 2023/24 financial year, Council's approval is required to commit to this expenditure in advance of adoption of the full 2023/24 Budget.

### Cash and Investments

The balance of cash and investments as at 30 September 2022 was \$200 million. The revised projected balance on 30 June 2023 is \$130 million, \$31 million higher than the Original Budget forecast of \$99 million, primarily due to rephasing of capital expenditure to the 2023-2024 financial year and new grants and contributions.

Cash and investments – as at 30 September 2022



Further information is available on cash and investments within Attachment 2 'Quarterly Budget Review Statement - September 2022' to this report.

## Financial Performance Measures

The following financial performance measures indicate that Council will meet the Office of Local Government's benchmarks.

\$ '000	Forecast result 30/6/2023	Forecast indicator 30/6/2023	Benchmark
<b>1. Operating Performance</b>			
Total continuing operating revenue <sup>1</sup> excluding capital grants and contributions less operating expenses	6,269	1.65%	✓ >0%
Total continuing operating revenue <sup>1</sup> excluding capital grants and contributions	379,104		
<sup>1</sup> Excludes fair value adjustments, reversal of revaluation decrements and net gain on sale of assets.			
This ratio measures Council's achievement of containing operating expenditure within operating revenue. It is important to distinguish that this ratio is focusing on operating performance and hence capital grants and contributions, fair value adjustments, net gain on sale of assets and reversal of revaluation decrements are excluded.			
For the 2022/23 financial year, the forecast result remains above the benchmark.			
\$ '000	Forecast result 30/6/2023	Forecast indicator 30/6/2023	Benchmark
<b>2. Unrestricted Current Ratio</b>			
Current assets less all external restrictions	112,817	1.75x	✓ >1.5x
Current liabilities less specific purpose liabilities	64,523		
The Unrestricted Current Ratio is specific to local government and is designed to represent a Council's ability to meet short term obligations as they fall due. Restrictions placed on various funding sources (e.g., development contributions and domestic waste income) complicate the traditional current ratio used to assess liquidity of businesses as cash allocated to specific projects is restricted and cannot be used to meet a Council's other operating and borrowing costs – these funding sources are removed from this ratio.			
For the 2022/23 financial year, the forecast result will continue to meet the benchmark.			

## CONSULTATION

Where relevant, community feedback on activities or events is included in the attachment.

## TIMING

The Quarterly Budget Review Statement meets the requirements of the Local Government Act 1993 (s404(5)) and Local Government (General) Regulation 2021 (Cl203), namely that Council report quarterly on a budget review statement, and at least every six months on the principal activities of its Operational Plan.

## 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 operating surplus (which includes capital grants and contributions) for the financial year is forecast to decrease by \$3 million to a surplus of \$42.6 million. Excluding capital grants and contributions the result is forecast to improve by \$2.0 million, from a surplus of \$4.6 million to a surplus of \$6.6 million. Capital Expenditure is forecast to decrease by \$14.4 million to \$106 million.

Council's budget remains balanced, notwithstanding challenges faced including disrupted supply chains, staff shortages and rising inflation. Council is expected to meet all financial performance benchmarks this financial year.

## **SOCIAL CONSIDERATIONS**

The report discloses progress on implementing the Operational Plan 2022/23. This includes the continued delivery of services and capital works that support our community and economy. These initiatives will have a positive social and economic impact on the community, including additional services and support available during the current COVID-19 pandemic.

## **ENVIRONMENTAL CONSIDERATIONS**

The report provides progress on implementing the Operational Plan 2022/23 which includes a range of projects to protect and enhance our natural environment - by managing our coast, bush and biodiversity; implementing catchment management initiatives; and a variety of on-ground works and education in our urban and natural settings.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The Quarterly Budget Review Statement meets the statutory reporting requirements for progress at the end of the quarter – i.e., implementation of the Operational Plan 2022/23 and Council's overall financial position. It is provided to enable informed decision making while also ensuring transparency on Council's governance, business assurance and financial sustainability.

<b>ITEM 9.2</b>	<b>MONTHLY INVESTMENT REPORT - SEPTEMBER 2022</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2022/622520</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### 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 section 212 of the Local Government (General) Regulation 2021, 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 \$202,385,068 comprising:

- Trading Accounts           \$1,848,451
- Investments                 \$200,536,617

The portfolio achieved a return of 0.234% for the month of September which was 0.084% above the benchmark AusBond Bank Bill Index return of 0.15%. For the past 12 months the portfolio achieved a return of 0.972% which was 0.452% above the benchmark AusBond Bank Bill Index return of 0.52%.

The weighted average interest rate of the portfolio is 3.20% compared to 2.81% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 1.15% compared to the average Ausbond Bank Bill movement of 0.04% and the average Reserve Bank of Australia Cash Rate of 0.62%.

### 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*, section 212 of the Local Government (General) Regulation 2021 and existing Investment Policies.

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### RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 30 September 2022, including the certification by the Responsible Accounting Officer.

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**REPORT**

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**BACKGROUND**

In accordance with section 212 of the Local Government (General) Regulation 2021, 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 2022 to date was \$1,040,796 compared to budgeted income of \$140,900, a positive variance of \$899,896.

**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**

A revised Investment Policy was adopted by Council at its meeting on 26 July 2022. The Policy is reviewed annually by the Audit, Risk and Improvement Committee with the next review due in December 2022.

Council's Investment Strategy was reviewed by its Investment Advisors in November 2021, who noted that strategy remains at the conservative end relative to its peers and that where future cash flow allows, consideration should be given to lengthen the maturity term of the portfolio via the use of authorised deposit-taking institution (ADI) issued bonds and floating rate notes.

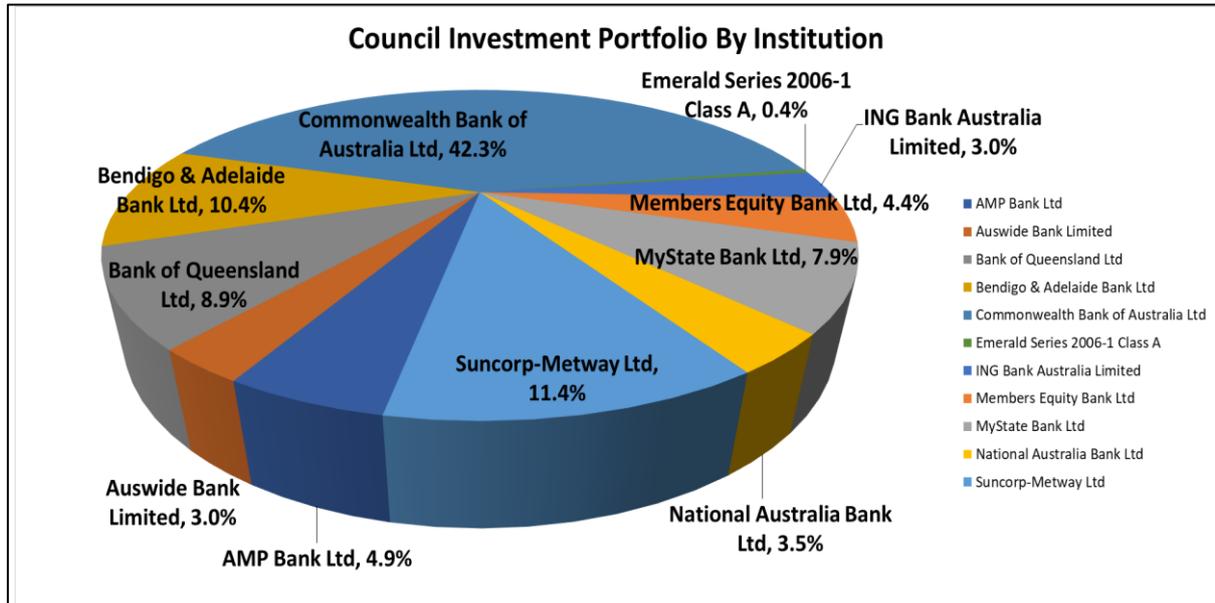
**Investment Balances**

<b>INVESTMENT BALANCES</b>				
As at 30-Sep-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	655,124		2.40%
National Australia Bank Ltd	A1+	9,281		2.35%
		<b>664,405</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	3,354,802	At Call	2.45%
		<b>3,354,802</b>		
<b>Mortgage Backed Securities</b>				
Emerald Series 2006-1 Class A	A*	751,226	21-Aug-51	2.8001%
		<b>751,226</b>		
<b>Term Deposits</b>				
Commonwealth Bank of Australia Ltd	A1+	3,000,000	04-Oct-22	1.88%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	06-Oct-22	1.90%
National Australia Bank Ltd	A1+	3,000,000	11-Oct-22	0.63%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	13-Oct-22	2.20%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Oct-22	2.20%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	20-Oct-22	2.25%
AMP Bank Ltd	A2	900,000	25-Oct-22	2.80%
Suncorp-Metway Ltd	A1	3,000,000	25-Oct-22	0.93%
AMP Bank Ltd	A2	1,100,000	25-Oct-22	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	27-Oct-22	2.30%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	01-Nov-22	2.30%
Suncorp-Metway Ltd	A1	2,000,000	03-Nov-22	2.72%
Members Equity Bank Ltd	A2	3,000,000	08-Nov-22	2.15%
Suncorp-Metway Ltd	A1	2,000,000	10-Nov-22	2.72%
Auswide Bank Limited	A2	2,000,000	15-Nov-22	2.80%
Auswide Bank Limited	A2	2,000,000	17-Nov-22	2.80%
MyState Bank Ltd	A2	2,000,000	22-Nov-22	2.25%
Members Equity Bank Ltd	A2	3,000,000	06-Dec-22	2.35%
Suncorp-Metway Ltd	A1	2,000,000	08-Dec-22	3.00%
Auswide Bank Limited	A2	2,000,000	13-Dec-22	2.65%
National Australia Bank Ltd	A1+	2,000,000	13-Dec-22	3.01%
Suncorp-Metway Ltd	A1	2,000,000	15-Dec-22	2.93%
Suncorp-Metway Ltd	A1	3,000,000	20-Dec-22	3.42%
National Australia Bank Ltd	A1+	2,000,000	20-Dec-22	3.09%
Suncorp-Metway Ltd	A1	2,000,000	21-Dec-22	3.35%
Suncorp-Metway Ltd	A1	3,000,000	03-Jan-23	3.42%
Suncorp-Metway Ltd	A1	2,000,000	05-Jan-23	3.20%
Suncorp-Metway Ltd	A1	2,000,000	10-Jan-23	3.23%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	12-Jan-23	3.25%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	17-Jan-23	3.25%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	19-Jan-23	3.25%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	24-Jan-23	3.30%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	24-Jan-23	3.25%
ING Bank Australia Limited	A1	4,000,000	31-Jan-23	2.36%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	31-Jan-23	3.60%
MyState Bank Ltd	A2	2,000,000	02-Feb-23	3.50%
MyState Bank Ltd	A2	2,000,000	07-Feb-23	3.50%
MyState Bank Ltd	A2	2,000,000	09-Feb-23	3.50%
AMP Bank Ltd	A2	2,500,000	14-Feb-23	1.00%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	15-Feb-23	3.47%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Feb-23	3.52%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Feb-23	3.54%

<b>INVESTMENT BALANCES</b>				
As at 30-Sep-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Term Deposits (continued)</b>				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	23-Feb-23	3.56%
Members Equity Bank Ltd	A2	3,000,000	28-Feb-23	3.60%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	07-Mar-23	3.47%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	09-Mar-23	3.58%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	14-Mar-23	3.61%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Mar-23	3.62%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Mar-23	3.70%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	23-Mar-23	3.70%
Bank of Queensland Ltd	A2	1,000,000	28-Mar-23	4.00%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	4.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	30-Mar-23	3.73%
Commonwealth Bank of Australia Ltd	A1+	4,000,000	04-Apr-23	3.78%
MyState Bank Ltd	A2	2,000,000	06-Apr-23	4.20%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	11-Apr-23	3.80%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	13-Apr-23	3.81%
ING Bank Australia Limited	A1	2,000,000	18-Apr-23	2.30%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	20-Apr-23	2.22%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Apr-23	3.80%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	26-Apr-23	3.86%
Bank of Queensland Ltd	A2	2,000,000	02-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	04-May-23	3.76%
Bank of Queensland Ltd	A2	3,000,000	09-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	11-May-23	4.00%
Bank of Queensland Ltd	A2	3,000,000	23-May-23	3.85%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	06-Jun-23	3.91%
MyState Bank Ltd	A2	2,000,000	14-Jun-23	3.90%
MyState Bank Ltd	A2	3,000,000	20-Jun-23	3.90%
AMP Bank Ltd	A2	3,500,000	04-Jul-23	4.10%
MyState Bank Ltd	A2	1,000,000	06-Jul-23	4.35%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	18-Jul-23	4.02%
Bank of Queensland Ltd	A2	3,000,000	01-Aug-23	4.05%
Bank of Queensland Ltd	A2	2,000,000	03-Aug-23	4.05%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Sep-23	4.32%
		<b>169,000,000</b>		
<b>Kimbriki Environmental Enterprises Pty Ltd</b>				
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	1,184,046		2.40%
		<b>1,184,046</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	132,314	At Call	2.45%
Commonwealth Bank of Australia Ltd	A1+	1,405,087	At Call	2.45%
		<b>1,537,401</b>		
<b>Term Deposits</b>				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	03-Oct-22	1.91%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	11-Nov-22	2.14%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Dec-22	2.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Jan-23	3.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Feb-23	3.27%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Mar-23	3.38%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Apr-23	3.88%
Commonwealth Bank of Australia Ltd	A1+	13,893,187	28-Aug-23	4.12%
		<b>25,893,187</b>		
<b>Total Cash and Investments</b>		<b>202,385,068</b>		

\*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 the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

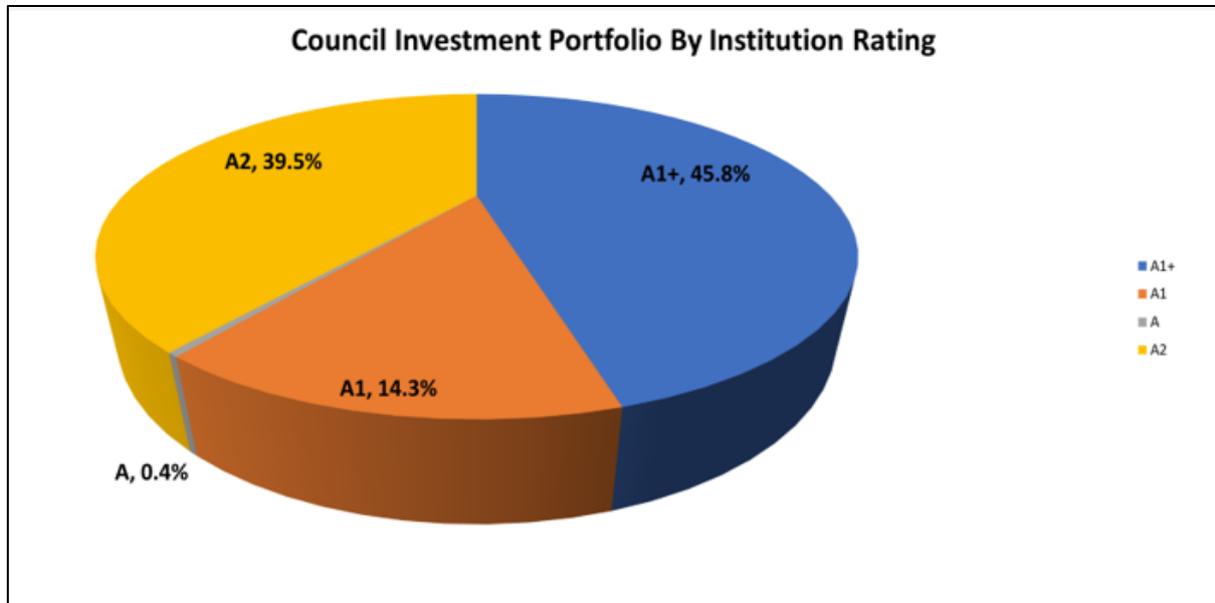
S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-	A-1	40%	Yes
A+			
A			
A-	A-2	30%	Yes
BBB+			
BBB			
BBB-	A-3	10%	Yes
Unrated**TCorp Funds	Unrated**	5%	Yes (\$Nil)
Unrated***ADIs	Unrated***	\$250,000	Yes (\$Nil)

\* Or Moody's / Fitch equivalents

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

\*\*\* Unrated ADIs Category is restricted to those ADIs that are under the Australian government guarantee scheme and limited to maximum \$250,000 per unrated ADI.

As Members Equity Bank is a fully owned subsidiary of Bank of Queensland, the holdings are combined to determine the maximum percentage which can be held under clause 4.2.2 (Institutional Credit Framework Guidelines) of Council’s Investment Policy.



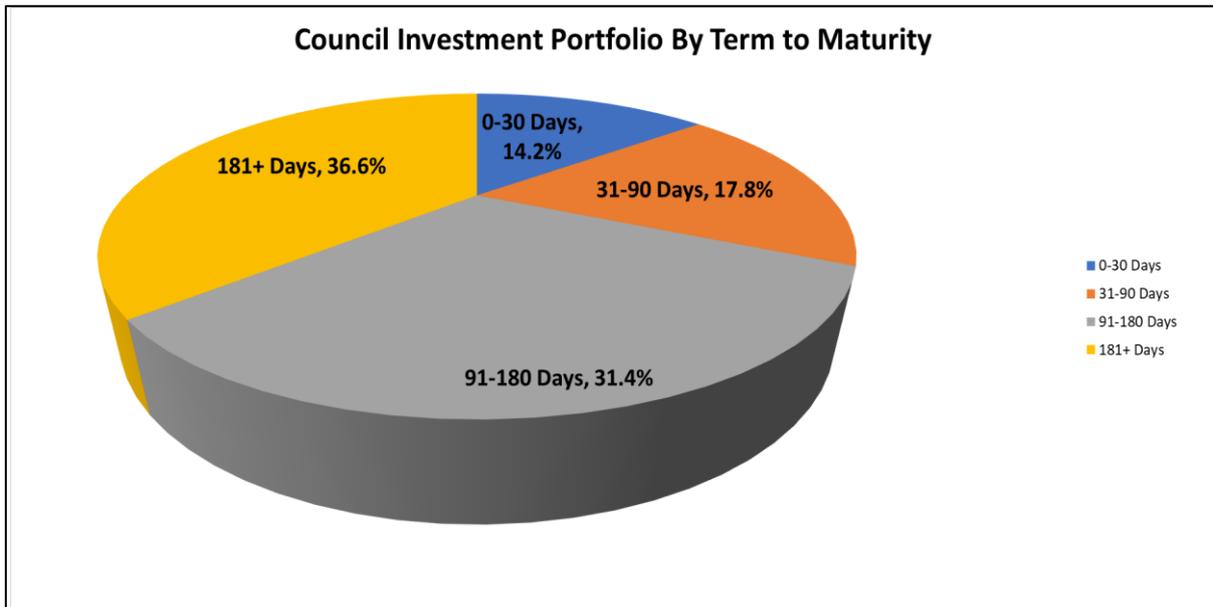
### Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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**	5%	Yes (\$Nil)

\* Or Moody’s / Fitch equivalents

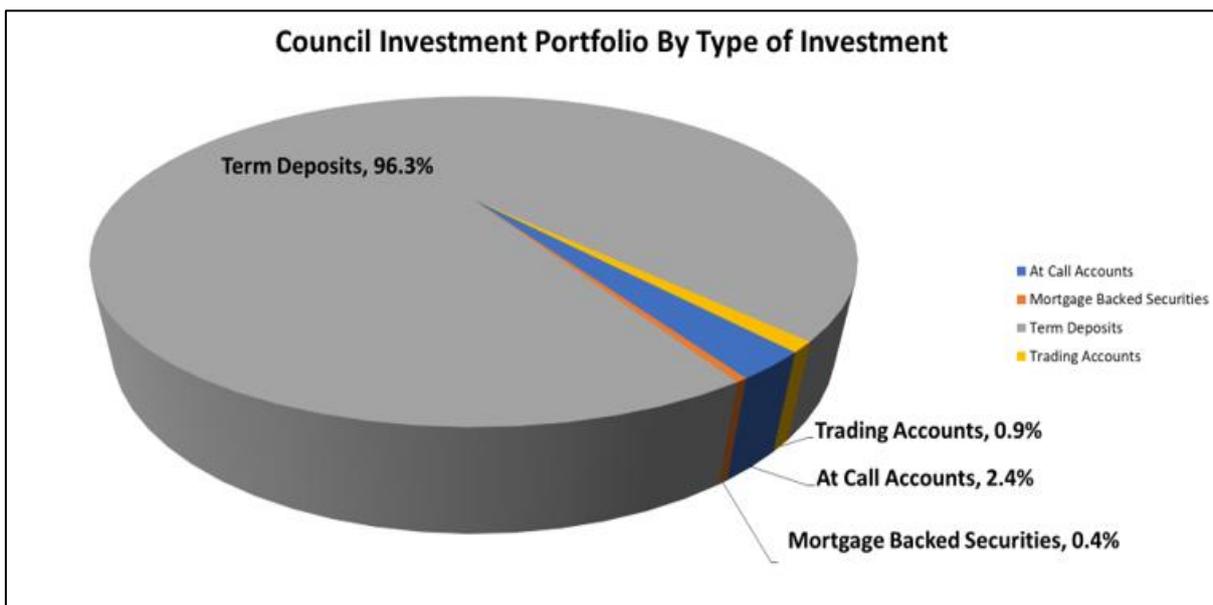
\*\* Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



### Term to Maturity Framework – Compliance with Investment Policy Requirements

Clause 4.2.4 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%	<b>Yes</b>
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	<b>Yes</b>
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	<b>Yes</b>



**Investment Performance vs Benchmark**

**a) Portfolio Return vs Benchmark**

	<b>Investment Portfolio Return *</b>	<b>Benchmark: AusBond Bank Bill Index</b>
1 month	0.234%	0.15%
3 Months	0.534%	0.42%
FYTD	0.534%	0.42%
12 Months	0.972%	0.52%

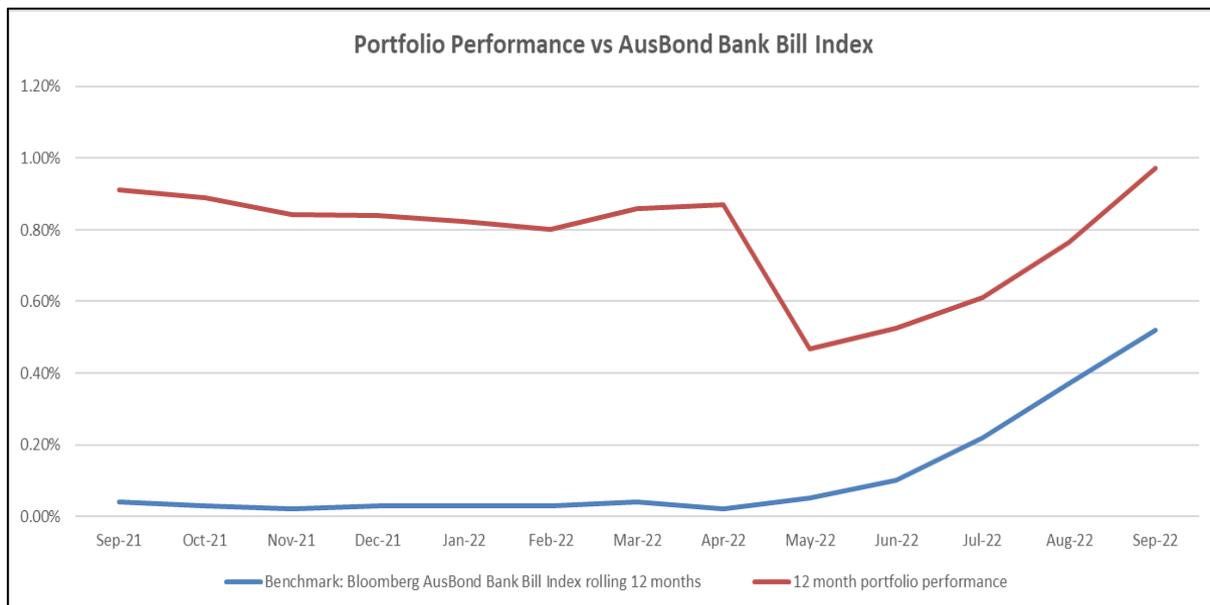
\* Excludes trading account balances

Council's Investment Advisors have stated this form of portfolio reporting conforms to global investment performance standards and that these standards say that periods below 12 months should not be annualised

The above table shows a comparison of Council's investment portfolio return to the benchmark. Council's Investment Advisor, Laminar Capital, has created an accumulation index for the portfolio which increases each month by the portfolio internal rate of return to enable meaningful comparison to the benchmark AusBond Bank Bill index, which is an accumulation index.

The Bloomberg AusBond Bank Bill Index is engineered to measure the Australian money market by representing a passively managed short term money market portfolio. This index is comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate, 1M BBSW, and 3M BBSW.

The portfolio achieved a return of 0.234% for the month of September which was 0.084% above the benchmark AusBond Bank Bill Index return of 0.15%. For the past 12 months the portfolio achieved a return of 0.972% which was 0.452% above the benchmark AusBond Bank Bill Index return of 0.52%.



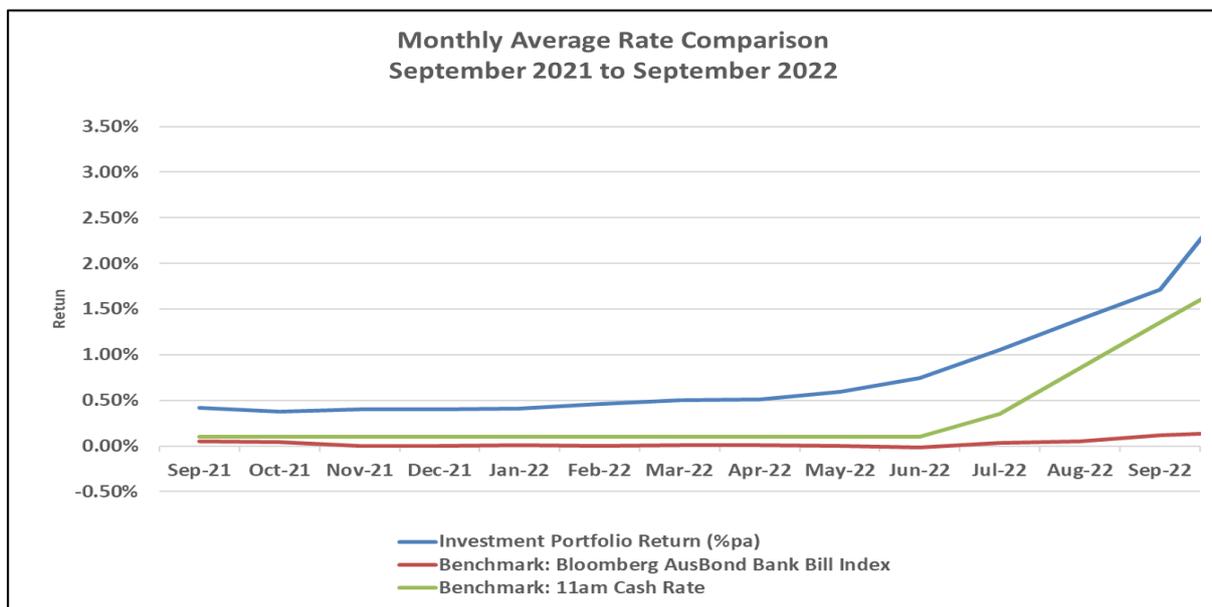
**b) Portfolio Interest Rate vs Benchmarks**

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	3.20%	0.15%	2.35%
3 Months	2.57%	0.14%	1.85%
6 Months	1.82%	0.08%	1.14%
FYTD	2.57%	0.14%	1.85%
12 Months	1.15%	0.04%	0.62%

\* Excludes trading account balances

The above table shows the weighted average interest rate of the portfolio as at month end. This is an average of all the interest rates that each term deposit is earning. It is the current earning rate of the portfolio and this information is useful as it shows how the earning rate is changing each month in line with changes in market interest rates. Each time a term deposit matures during the month it is being reinvested at current interest rates. To facilitate meaningful comparison, the weighted average interest rate of the portfolio is compared to the average AusBond Bank Bill Index and average RBA Cash Rate for the same period.

The weighted average interest rate of the portfolio is 3.20% compared to 2.81% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 1.15% compared to the average Ausbond Bank Bill movement of 0.04% and the average Reserve bank of Australia Cash Rate of 0.62%.

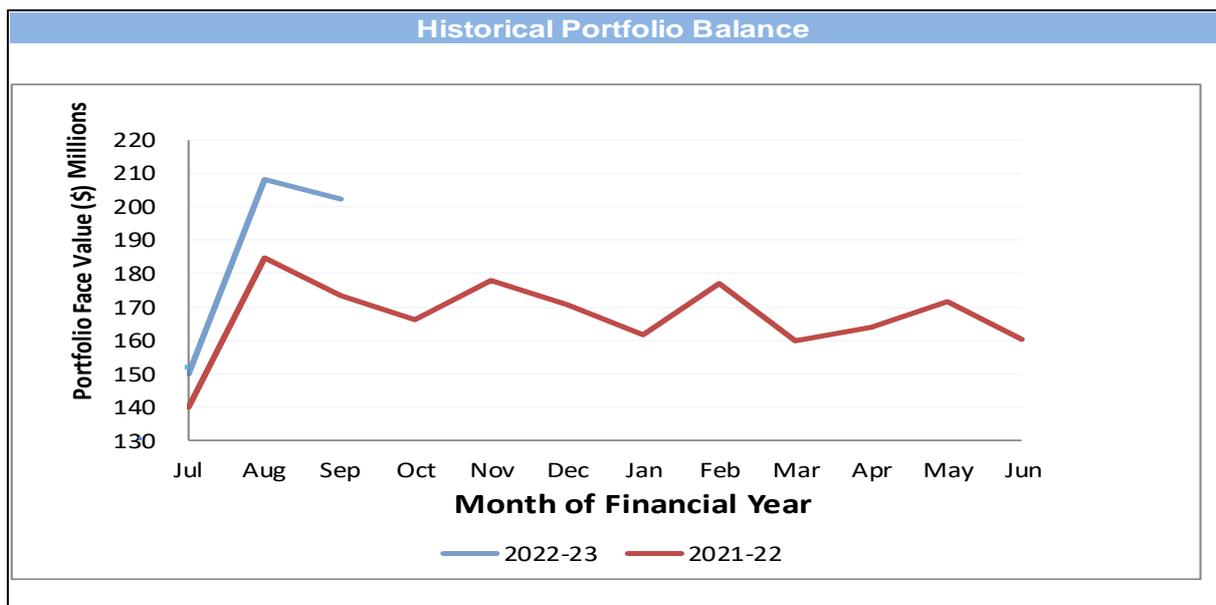


**Monthly Investment Income\* vs Budget**

	September 2022 \$	Year to Date \$
Investment Income	520,586	1,038,552
Adjustment for Fair Value	(1)	2,244
Total Investment Income	520,585	1,040,796
Budgeted Income	55,100	140,900

\*Includes all cash and investment holdings

Historical Portfolio Balance		
	2022-23	2021-22
<b>Jul</b>	150,084,380	140,264,007
<b>Aug</b>	207,972,249	184,686,438
<b>Sep</b>	202,385,068	173,325,287
<b>Oct</b>		166,006,688
<b>Nov</b>		178,085,861
<b>Dec</b>		170,911,655
<b>Jan</b>		161,545,259
<b>Feb</b>		176,973,362
<b>Mar</b>		160,133,548
<b>Apr</b>		163,852,294
<b>May</b>		171,636,374
<b>Jun</b>		160,160,643
<b>Average Portfolio Balance</b>	186,813,899	167,298,451



**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

**Restricted cash, cash equivalents and investments**

The breakdown of restrictions is not available for the current month within the timeframe for the completion of the Monthly Investment. Accordingly, the total cash and investments and restrictions related thereto are presented for the previous month.

At the end of August 2022 total cash & investments were \$207,972,249 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	47,050,235	22.62%
Internally Restricted	80,107,630	38.52%
Total Restricted	127,157,865	61.14%
Unrestricted	80,814,384	38.86%
Total	\$207,972,249	100.00%

## ECONOMIC NOTES

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

The recessionary consequences of central banks fighting to contain high inflation loomed large again in September causing most financial assets to sell off. The US Federal Reserve hiked another 75bps in the month taking the Funds rate up to 3.25% and indicated higher rates persisting for longer to deal with an inflation problem becoming entrenched by high US wage growth and rising prices of services. Other major central banks, including the RBA, hiked between 50bps and 100bps in September, all promising more rate hikes ahead. The rapid rise in interest rates with more increases ahead has increased markedly the likelihood of recessions ahead in the US, Europe and probably Australia as well.

The continuing strength of the US labour market in September and evidence in the August CPI release that annual inflation at 8.3% y-o-y is not moderating as much as hoped with a second wind developing from higher service prices also illustrated that the Fed would need to push the Funds rate well north of 4.00% with some analysts starting to view a peak above 5.00%. The rate forecasts of senior Fed officials at the September policy meeting point to a near 4.50% Funds rate by early-2023 with the Funds rate holding close to 4.00% over the next two years.

The sell-off in US government bonds in September was mirrored in deteriorating European government bond markets with most countries experiencing a rise in 10-year bond yields between 50bps and 70bps. In part, the increases in European bond yields reflected confirmation that the European Central Bank is becoming more aggressive tackling high European inflation. The ECB hiked 75bps in September taking its deposit rate to 0.75%. The release of the preliminary CPI showing higher-than-expected 10.0% y-o-y annual inflation points to much more rate-hiking work ahead for the ECB even though recession is an imminent risk from energy-supply disruption.

A bigger bond market sell-off was suffered in the UK in September. The British 10-year bond yield soared 117bps to 4.08% and the deterioration was only tempered briefly by the Bank of England stepping in to buy bonds. Britain is suffering 10% annual inflation that is becoming entrenched. Rather than facilitating a clamp on demand that might turn the inflation tide the new British Government led by Prime Minister Liz Truss has boosted government spending and borrowing on a massive scale. While the Bank of England is trying to apply the monetary policy brake (erratically now it has had to buy bonds at the same time as it hikes official interest rates), the Government is pressing down hard on the fiscal accelerator.

The sell-off in Australian bonds in September was modest by international comparison. The 10-year bond yield rose by 22bps to 3.88%. The RBA is in the same position as its peers internationally needing to hike rates more to contain inflation but Australian inflation, although high, is lower than in the US and Europe and seems less entrenched. The new monthly ABS CPI showed annual inflation at 7.0% y-o-y in July and moderating from the impact of lower petrol prices to 6.8% y-o-y in August. The Q3 CPI reading out later next month will show annual CPI inflation around 7.0% y-o-y up from 6.1% y-o-y in Q2 and annual inflation looks set to push close to 8.0% y-o-y in Q4 before receding next year.

The RBA still needs to push the cash rate up to around 3.10% by the end of this year and, given the resilience of consumer spending and the tightness of the labour market, a peak cash rate around 3.50% may be needed to ensure inflation recedes over time to 2-3% target range. We see the moderation in Australian annual inflation being quite a slow affair through 2023. Service prices are rising offsetting the impact of stabilising and in some cases falling goods prices. A slow prospective moderation in inflation implies that the cash rate once at its peak will stay at its peak for longer. That means it will be many months before the bond market can look confidently at a pivot point in the RBA cash rate. The bond yield peak for this cycle still lies ahead.

<b>ITEM 9.3</b>	<b>MONTHLY INVESTMENT REPORT - OCTOBER 2022</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2022/689726</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### 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 section 212 of the Local Government (General) Regulation 2021, 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 \$195,360,642 comprising:

- Trading Accounts           \$2,777,257
- Investments                 \$192,583,385

The portfolio achieved a return of 0.271% for the month of October which was 0.031% above the benchmark AusBond Bank Bill Index return of 0.24%. For the past 12 months the portfolio achieved a return of 1.214% which was 0.454% above the benchmark AusBond Bank Bill Index return of 0.76%.

The weighted average interest rate of the portfolio is 3.40% compared to 3.20% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 1.40% compared to the average Ausbond Bank Bill movement of 0.06% and the average Reserve Bank of Australia Cash Rate of 0.83%.

### 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*, section 212 of the Local Government (General) Regulation 2021 and existing Investment Policies.

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### RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 31 October 2022, including the certification by the Responsible Accounting Officer.

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**REPORT**

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**BACKGROUND**

In accordance with section 212 of the Local Government (General) Regulation 2021, 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 2022 to date was \$1,599,192 compared to budgeted income of \$192,600, a positive variance of \$1,406,592.

**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**

A revised Investment Policy was adopted by Council at its meeting on 26 July 2022. The Policy is reviewed annually by the Audit, Risk and Improvement Committee with the next review due in December 2022.

Council's Investment Strategy was reviewed by its Investment Advisors in November 2021, who noted that strategy remains at the conservative end relative to its peers and that where future cash flow allows, consideration should be given to lengthen the maturity term of the portfolio via the use of authorised deposit-taking institution (ADI) issued bonds and floating rate notes.

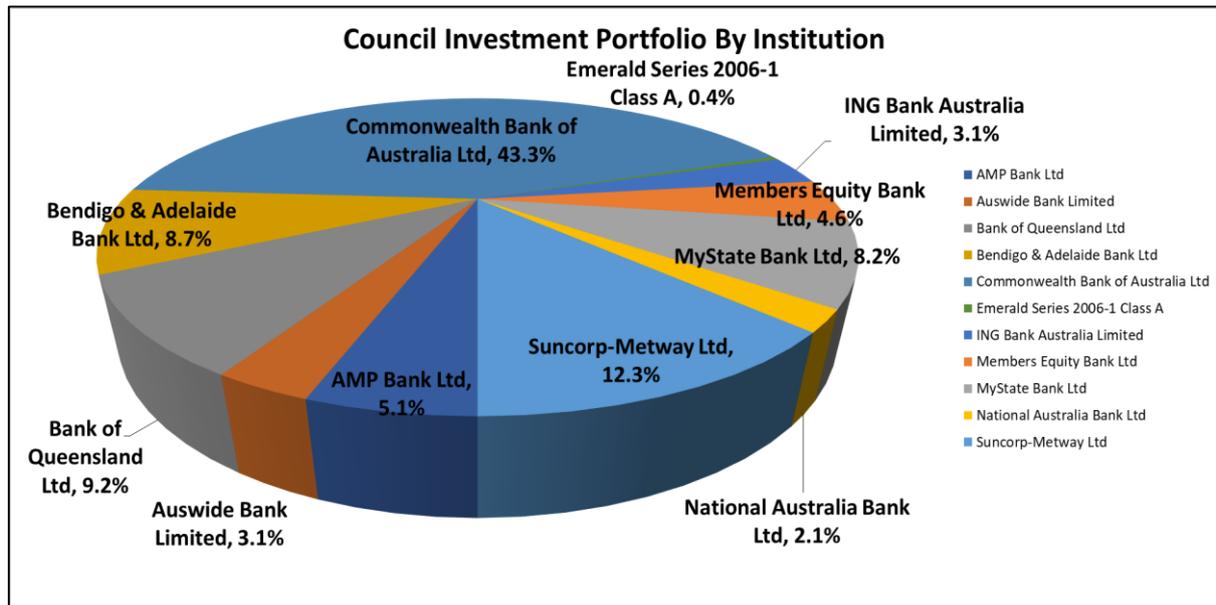
**Investment Balances**

<b>INVESTMENT BALANCES</b>				
As at 31-Oct-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	1,424,250		2.65%
National Australia Bank Ltd	A1+	<u>7,659</u>		2.60%
		<b>1,431,909</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	<u>7,168,301</u>	At Call	2.70%
		<b>7,168,301</b>		
<b>Mortgage Backed Securities</b>				
Emerald Series 2006-1 Class A	A*	<u>751,228</u>	21-Aug-51	2.8001%
		<b>751,228</b>		
<b>Term Deposits</b>				
Bendigo & Adelaide Bank Ltd	A2	2,000,000	01-Nov-22	2.30%
Suncorp-Metway Ltd	A1	2,000,000	03-Nov-22	2.72%
Members Equity Bank Ltd	A2	3,000,000	08-Nov-22	2.15%
Suncorp-Metway Ltd	A1	2,000,000	10-Nov-22	2.72%
Auswide Bank Limited	A2	2,000,000	15-Nov-22	2.80%
Auswide Bank Limited	A2	2,000,000	17-Nov-22	2.80%
MyState Bank Ltd	A2	2,000,000	22-Nov-22	2.25%
Members Equity Bank Ltd	A2	3,000,000	06-Dec-22	2.35%
Suncorp-Metway Ltd	A1	2,000,000	08-Dec-22	3.00%
National Australia Bank Ltd	A1+	2,000,000	13-Dec-22	3.01%
Auswide Bank Limited	A2	2,000,000	13-Dec-22	2.65%
Suncorp-Metway Ltd	A1	2,000,000	15-Dec-22	2.93%
National Australia Bank Ltd	A1+	2,000,000	20-Dec-22	3.09%
Suncorp-Metway Ltd	A1	3,000,000	20-Dec-22	3.42%
Suncorp-Metway Ltd	A1	2,000,000	21-Dec-22	3.35%
Suncorp-Metway Ltd	A1	3,000,000	03-Jan-23	3.42%
Suncorp-Metway Ltd	A1	2,000,000	05-Jan-23	3.20%
Suncorp-Metway Ltd	A1	2,000,000	10-Jan-23	3.23%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	12-Jan-23	3.25%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	17-Jan-23	3.25%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	19-Jan-23	3.25%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	24-Jan-23	3.30%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	24-Jan-23	3.25%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	31-Jan-23	3.60%
ING Bank Australia Limited	A1	4,000,000	31-Jan-23	2.36%
MyState Bank Ltd	A2	2,000,000	02-Feb-23	3.50%
MyState Bank Ltd	A2	2,000,000	07-Feb-23	3.50%
MyState Bank Ltd	A2	2,000,000	09-Feb-23	3.50%
AMP Bank Ltd	A2	2,500,000	14-Feb-23	1.00%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	15-Feb-23	3.47%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Feb-23	3.52%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Feb-23	3.54%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	23-Feb-23	3.56%
Members Equity Bank Ltd	A2	3,000,000	28-Feb-23	3.60%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	07-Mar-23	3.47%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	09-Mar-23	3.58%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	14-Mar-23	3.61%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Mar-23	3.62%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Mar-23	3.70%

<b>INVESTMENT BALANCES</b>				
As at 31-Oct-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Term Deposits (continued)</b>				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	23-Mar-23	3.70%
Bank of Queensland Ltd	A2	1,000,000	28-Mar-23	4.00%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	4.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	30-Mar-23	3.73%
Commonwealth Bank of Australia Ltd	A1+	4,000,000	04-Apr-23	3.78%
MyState Bank Ltd	A2	2,000,000	06-Apr-23	4.20%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	11-Apr-23	3.80%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	13-Apr-23	3.81%
ING Bank Australia Limited	A1	2,000,000	18-Apr-23	2.30%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	20-Apr-23	2.22%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	26-Apr-23	3.86%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Apr-23	3.80%
Bank of Queensland Ltd	A2	2,000,000	02-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	04-May-23	3.76%
Bank of Queensland Ltd	A2	3,000,000	09-May-23	3.76%
Bank of Queensland Ltd	A2	2,000,000	11-May-23	4.00%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	16-May-23	4.10%
Suncorp-Metway Ltd	A1	2,000,000	16-May-23	4.26%
Suncorp-Metway Ltd	A1	2,000,000	18-May-23	4.26%
Bank of Queensland Ltd	A2	3,000,000	23-May-23	3.85%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	25-May-23	4.10%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	06-Jun-23	3.91%
MyState Bank Ltd	A2	2,000,000	14-Jun-23	3.90%
MyState Bank Ltd	A2	3,000,000	20-Jun-23	3.90%
AMP Bank Ltd	A2	3,500,000	04-Jul-23	4.10%
MyState Bank Ltd	A2	1,000,000	06-Jul-23	4.35%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	18-Jul-23	4.02%
Bank of Queensland Ltd	A2	3,000,000	01-Aug-23	4.05%
Bank of Queensland Ltd	A2	2,000,000	03-Aug-23	4.05%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Sep-23	4.32%
AMP Bank Ltd	A2	1,100,000	24-Oct-23	4.85%
AMP Bank Ltd	A2	900,000	24-Oct-23	4.85%
		<b>158,000,000</b>		
<b>Kimbriki Environmental Enterprises Pty Ltd</b>				
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	1,345,348		2.65%
		<b>1,345,348</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	263,948	At Call	2.70%
Commonwealth Bank of Australia Ltd	A1+	6,721	At Call	2.70%
		<b>270,668</b>		
<b>Term Deposits</b>				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	11-Nov-22	2.14%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Dec-22	2.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Jan-23	3.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Feb-23	3.27%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Mar-23	3.38%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Apr-23	3.88%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	04-May-23	4.07%
Commonwealth Bank of Australia Ltd	A1+	13,893,187	28-Aug-23	4.12%
		<b>26,393,187</b>		
<b>Total Cash and Investments</b>		<b>195,360,642</b>		

\*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 the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

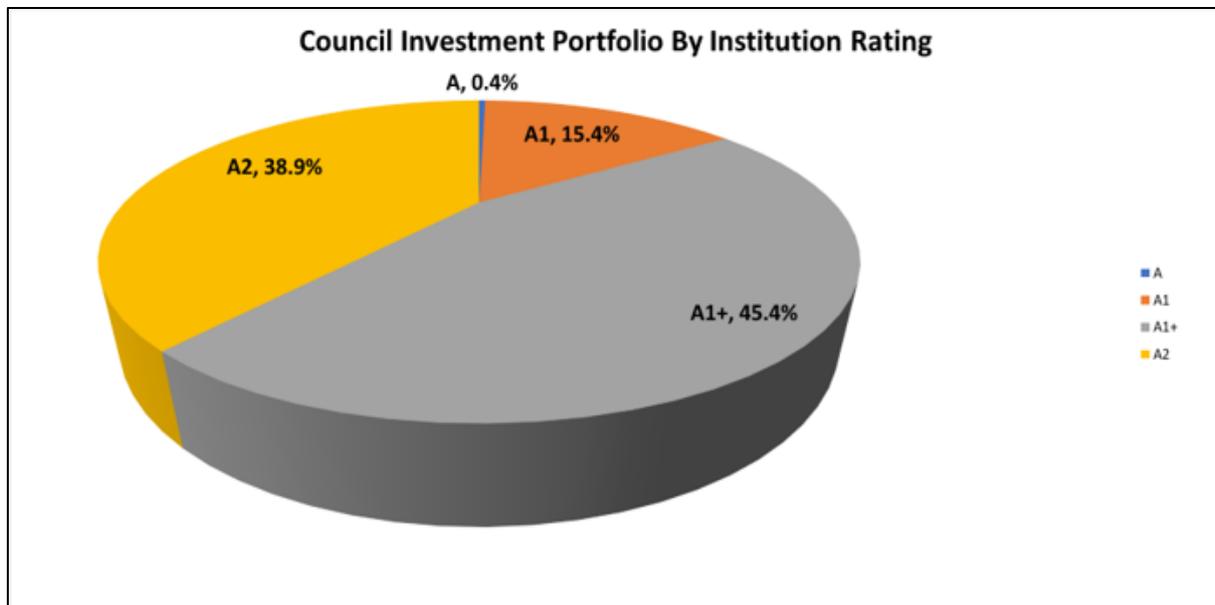
S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-			
A+	A-1	40%	Yes
A			
A-			
BBB+	A-2	30%	Yes
BBB			
BBB-			
Unrated**TCorp Funds	Unrated**	5%	Yes (\$Nil)
Unrated***ADIs	Unrated***	\$250,000	Yes (\$Nil)

\* Or Moody's / Fitch equivalents

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

\*\*\* Unrated ADIs Category is restricted to those ADIs that are under the Australian government guarantee scheme and limited to maximum \$250,000 per unrated ADI.

As Members Equity Bank is a fully owned subsidiary of Bank of Queensland, the holdings are combined to determine the maximum percentage which can be held under clause 4.2.2 (Institutional Credit Framework Guidelines) of Council's Investment Policy.



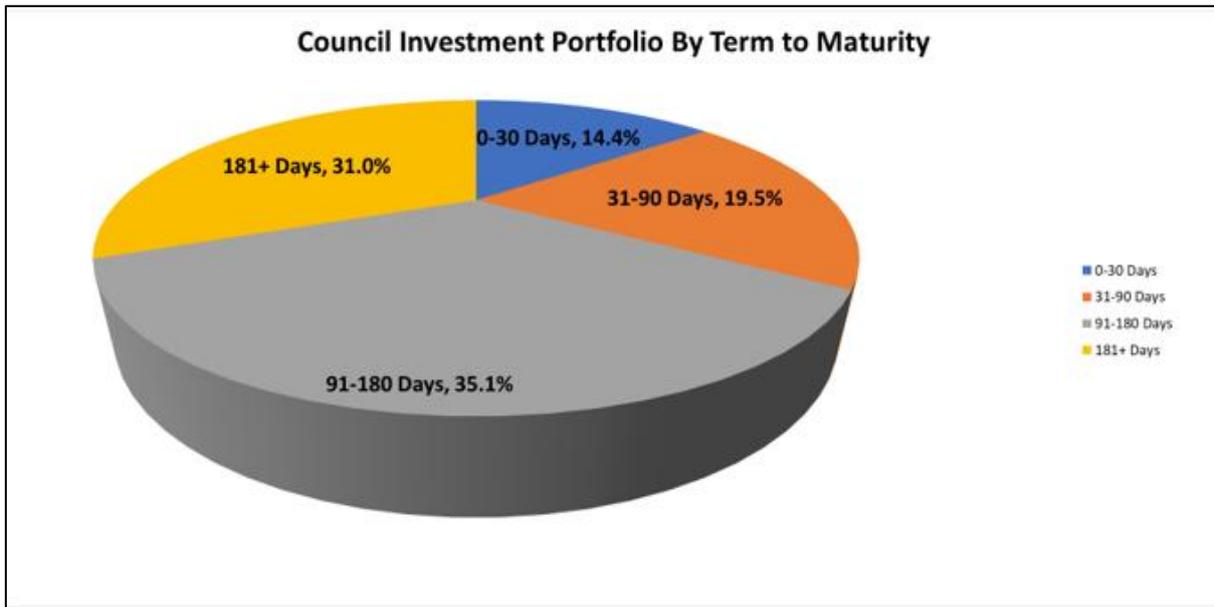
### Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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**	5%	Yes (\$Nil)

\* Or Moody's / Fitch equivalents

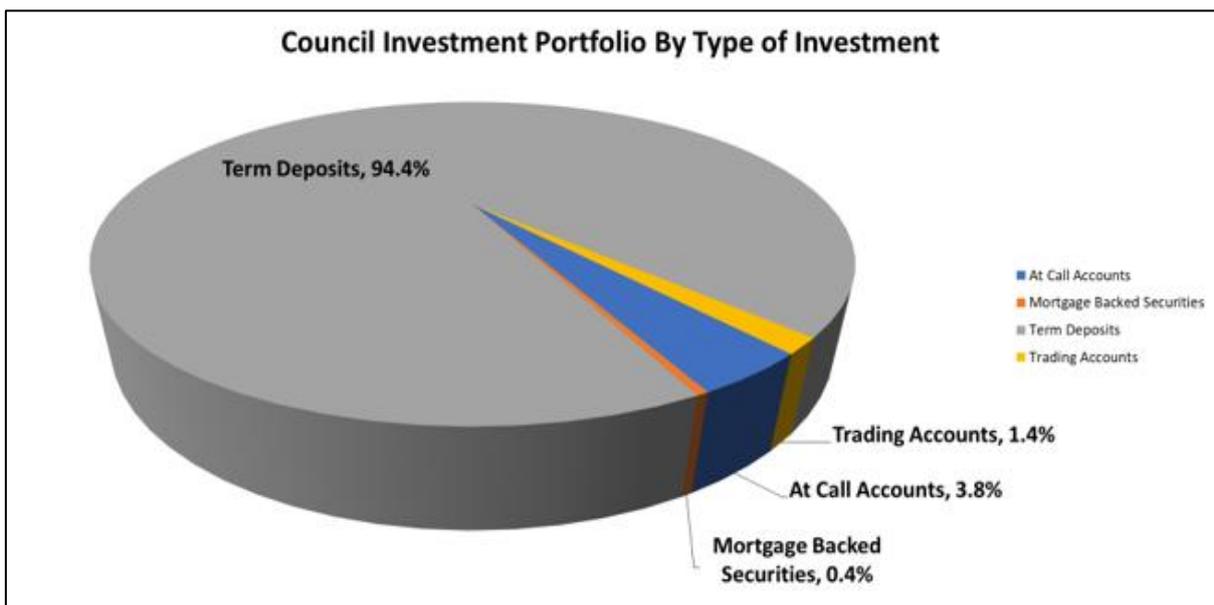
\*\* Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



**Term to Maturity Framework – Compliance with Investment Policy Requirements**

Clause 4.2.4 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%	<b>Yes</b>
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	<b>Yes</b>
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	<b>Yes</b>



## Investment Performance vs Benchmark

### a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 month	0.271%	0.24%
3 Months	0.680%	0.54%
FYTD	0.814%	0.67%
12 Months	1.214%	0.76%

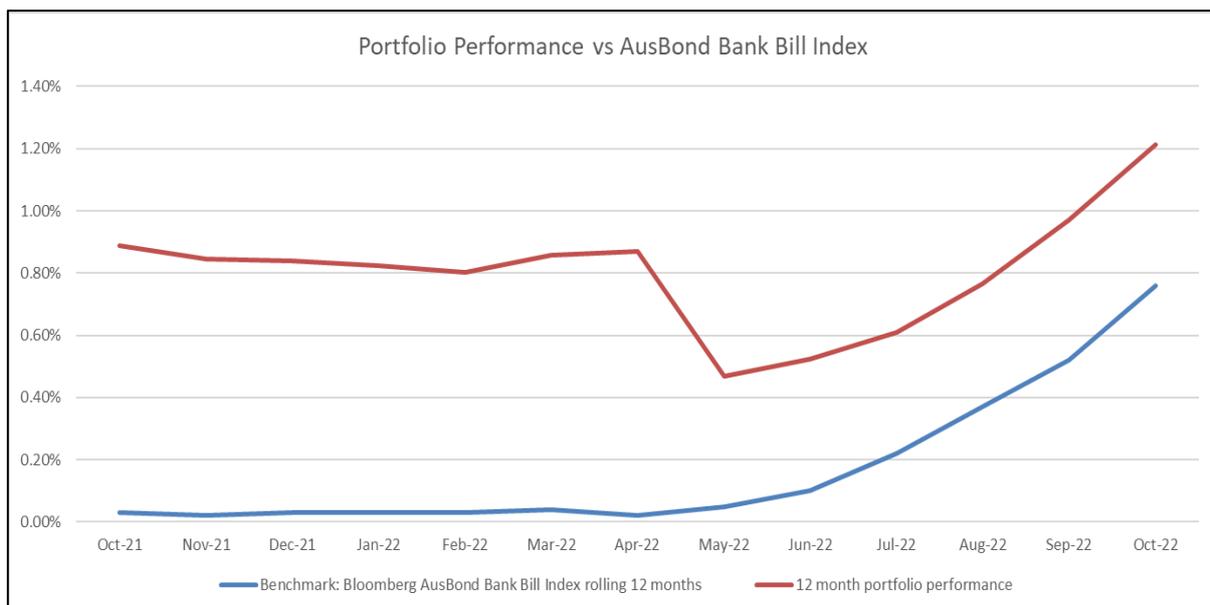
\* Excludes trading account balances

Council's Investment Advisors have stated this form of portfolio reporting conforms to global investment performance standards and that these standards say that periods below 12 months should not be annualised

The above table shows a comparison of Council's investment portfolio return to the benchmark. Council's Investment Advisor, Laminar Capital, has created an accumulation index for the portfolio which increases each month by the portfolio internal rate of return to enable meaningful comparison to the benchmark AusBond Bank Bill index, which is an accumulation index.

The Bloomberg AusBond Bank Bill Index is engineered to measure the Australian money market by representing a passively managed short term money market portfolio. This index is comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate, 1M BBSW, and 3M BBSW.

The portfolio achieved a return of 0.271% for the month of October which was 0.031% above the benchmark AusBond Bank Bill Index return of 0.24%. For the past 12 months the portfolio achieved a return of 1.214% which was 0.454% above the benchmark AusBond Bank Bill Index return of 0.76%.



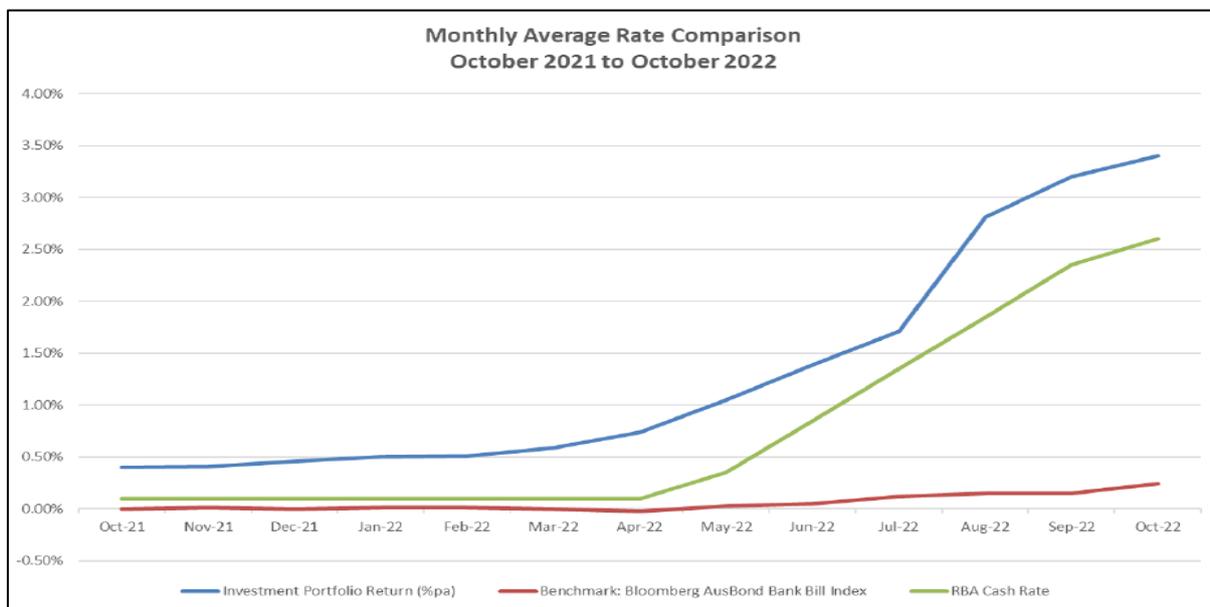
**b) Portfolio Interest Rate vs Benchmarks**

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	3.40%	0.24%	2.60%
3 Months	3.14%	0.18%	2.27%
6 Months	2.26%	0.12%	1.56%
FYTD	2.78%	0.17%	2.04%
12 Months	1.40%	0.06%	0.83%

\* Excludes trading account balances

The above table shows the weighted average interest rate of the portfolio as at month end. This is an average of all the interest rates that each term deposit is earning. It is the current earning rate of the portfolio and this information is useful as it shows how the earning rate is changing each month in line with changes in market interest rates. Each time a term deposit matures during the month it is being reinvested at current interest rates. To facilitate meaningful comparison, the weighted average interest rate of the portfolio is compared to the average AusBond Bank Bill Index and average RBA Cash Rate for the same period.

The weighted average interest rate of the portfolio is 3.40% compared to 3.20% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 1.40% compared to the average Ausbond Bank Bill movement of 0.06% and the average Reserve bank of Australia Cash Rate of 0.83%.

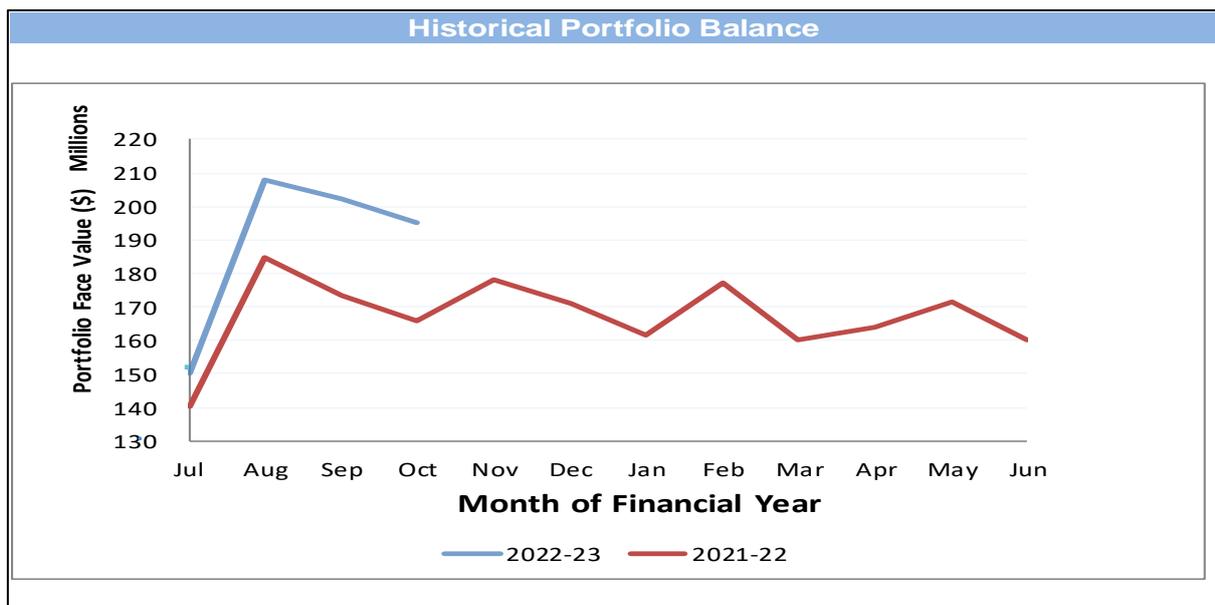


**Monthly Investment Income\* vs Budget**

	October 2022 \$	Year to Date \$
Investment Income	558,394	1,596,946
Adjustment for Fair Value	2	2,246
Total Investment Income	558,396	1,599,192
Budgeted Income	51,700	192,600

\*Includes all cash and investment holdings

Historical Portfolio Balance		
	2022-23	2021-22
<b>Jul</b>	150,084,380	140,264,007
<b>Aug</b>	207,972,249	184,686,438
<b>Sep</b>	202,385,068	173,325,287
<b>Oct</b>	195,360,642	166,006,688
<b>Nov</b>		178,085,861
<b>Dec</b>		170,911,655
<b>Jan</b>		161,545,259
<b>Feb</b>		176,973,362
<b>Mar</b>		160,133,548
<b>Apr</b>		163,852,294
<b>May</b>		171,636,374
<b>Jun</b>		160,160,643
<b>Average Portfolio Balance</b>	188,950,585	167,298,451



**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

**Restricted cash, cash equivalents and investments**

The breakdown of restrictions is not available for the current month within the timeframe for the completion of the Monthly Investment. Accordingly, the total cash and investments and restrictions related thereto are presented for the previous month.

At the end of September 2022 total cash & investments were \$202,385,068 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	49,060,573	24.24%
Internally Restricted	80,274,985	39.67%
Total Restricted	128,335,558	63.91%
Unrestricted	73,049,510	36.09%
Total	\$202,385,068	100.00%

## ECONOMIC NOTES

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

The latest inflation readings in most major economies continued to surprise on the high side of expectations, but financial markets are starting to look towards when central banks may pivot and hike interest rates at a less aggressive pace. Essentially, the view that central banks may moderate the size and pace of rate hikes is driven by an assessment that the quick and large interest rate hikes to date, combined with mounting cost-of-living pressures will drive some economies into recession. While there are signs of slowing global economic activity ahead, several key economic indicators remain stubbornly strong, notably retail spending and the labour market indicators.

In the US, Q3 GDP growth was stronger than expected, up 2.6% annualised after contracting 0.6% in Q2. Domestic sales were strong, but with consumer spending lifting at 1.4% annualised pace, moderating from 2.0% in Q2. The latest monthly economic readings from the US show mostly soft leading indicators of activity. Almost all indicators of housing activity are falling. The October National Association of Homebuilders' Index was very weak at 38 down from 46 in September. September housing starts, -8.1% m-o-m; existing home sales, -1.5% m-o-m; new home sales, -12.4% m-o-m; and pending home sales, -10.2% m-o-m. In contrast, personal spending in September was firm, up 0.6% m-o-m after a similar gain in August. The key lagging indicator of US economic activity, the labour market, remains very firm. September non-farm payrolls rose 263,000 with the unemployment rate at 3.5%, a near 50-year low, and average hourly earnings up 0.3% m-o-m, 5.0% y-o-y. Despite cost-of-living pressures US households are still fit to spend with firm income growth and drawing down high savings.

In China, the usual run of data releases was delayed during the Peoples' Congress meeting. That meeting extended President Xi's term another five years and confirmed China's unification ambitions with Taiwan and its economic policy priorities – continuing crackdown on corruption and economic activities at odds with Chinese socialism, and lockdowns to contain Covid outbreaks. After the meeting, when the September indicators and Q3 GDP data were allowed to be released, they showed an economy rebounding a little more strongly than expected in Q3, GDP up 3.9% q-o-q, 3.9% y-o-y from -2.6% q-o-q, 0.4% y-o-y in Q2 when lockdowns were most extensive. Whatever the directives from the authorities, China's growth rate seems set to languish beset by weakening global economic growth hurting export growth and local covid containment policies and crackdowns on various activities deemed anti-socialist by President Xi making Chinese households more reluctant to spend.

Europe is moving close to recession. The latest October manufacturing and services purchasing managers indices moved further below the 50 expansion/contraction marker at respectively 46.6 and 48.2. While Europe's unemployment rate is still low at 6.6%, businesses and consumers are becoming much more reluctant to spend because of concerns about the Ukraine conflict, the energy supply crisis heading towards winter and mounting cost-of-living pressures. Europe's annual CPI inflation rate at 9.9% y-o-y is expected to push above 10% when the preliminary October reading is released this week. In the UK, annual inflation topped 10% in September and continues to rise. The ECB had to hike its official rates by 75bps at its October policy meeting taking the deposit rate to 1.50%.

In Australia, housing activity, the most interest rate sensitive part of the economy, is weakening. House prices are falling at the fastest pace in 40 years. Housing looks set to continue to weaken, notwithstanding potential lift in demand from rising immigration. Beyond housing, other parts of the economy remain strong. While higher borrowing interest rates are cutting into demand to purchase houses, strong retail spending seems to have been immune to rising interest rates so far. Higher mortgage borrowing interest rates hit household budgets with a lag of several months, so the effect of more constrained household budgets may be in the pipeline. The spending catch-up effect after the lifting of covid restrictions also seems to have been very powerful and long lasting in Australia.

<b>ITEM 9.4</b>	<b>OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT COMMUNITY ENGAGEMENT POLICY AND COMMUNITY ENGAGEMENT STRATEGY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY ENGAGEMENT &amp; COMMUNICATIONS</b>
<b>TRIM FILE REF</b>	<b>2022/104228</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a>Community and Stakeholder Engagement Report (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a>Community Engagement Policy (Included In Attachments Booklet)</b> <b>3 <a href="#">⇒</a>Community Engagement Strategy (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

The purpose of the report is to inform Council of the outcome of the public exhibition of the draft Community Engagement Policy and Community Engagement Strategy and seek adoption of the final documents.

### EXECUTIVE SUMMARY

The first Northern Beaches Community Engagement Policy and Matrix were adopted in February 2017 following the amalgamation of the three former councils. These documents have guided the process of engagement with the community and supported the effective decision making process of the Council.

The *Local Government Act 1993* (section 402A) requires that Council must establish and implement a strategy (called its Community Engagement Strategy) for engagement with the local community when developing policies, plans and programs, including those relating to IP&R as well as strategic plans and programs as required under other legislation.

The Office of Local Government's new Integrated Planning and Reporting (IP&R) Guidelines (2.2) (September 2021), requires all councils to prepare a Community Engagement Strategy (CES) to support development of all their plans, policies, programs and key activities.

This draft Policy and Strategy incorporates the mandatory and statutory requirements outlined in the IP&R Guidelines including identifying relevant stakeholder groups, outlining when, how, and why each group can provide input into Council's decision making process and the draft documents are based on the prescribed social justice principles:

- Equity
- Access
- Participation
- Rights.

The IP&R Guidelines also require that the CES is adopted within 12 months following the local government election.

The purpose of the draft Policy and Strategy was to define Council's commitment to engaging with our community on Council led projects and provide a clear understanding of the ways the community can expect us to talk, listen and respond to feedback.

Community engagement on strategic planning matters is covered separately under the Northern Beaches Community Participation Plan (CPP) – Plan making and Development Assessments.

The draft Policy and Strategy were placed on public exhibition from 1 November 2021 to 10 February 2022. It was promoted extensively through the Council's electronic newsletters. The have your say page provided information and a range of tools to promote feedback via a submission form.

There were 91 submissions received and these are detailed, together with responses in Attachment 1: Community and Stakeholder Engagement Report.

The feedback is characterised by two overarching themes. Firstly, commentary on the documents, the draft Community Engagement Policy and Strategy and secondly, commentary on respondents experience with how we currently deliver community engagement.

Feedback on the draft Policy and Strategy generally reflected those respondents felt the documents offered a clear and effective framework for the Council and community.

Feedback on how we currently engage with the community raised issues relating to several key sub themes, including:

- Ways we engage – channels and tools we use to communicate.
- Who we engage with – consideration and value of local representation.
- How we engage - timing.
- How feedback is used in the decision making process.

Along with online submissions, we also conducted an online survey. Survey respondents said:

- they heard about projects early in the process
- enough time was usually given to provide feedback
- information provided by us is clear and relevant.

The survey responses indicated some people felt their feedback was not listened to or incorporated into the final decision. Others also said they felt they were not informed of the final outcomes of the project.

It was also made clear in the overall feedback that the most important principle for respondents was that we should communicate effectively.

The feedback was considered, and further consultation took place with key business units across Council. The feedback is reflected in the changes and additions incorporated in the final draft Policy and Strategy, as highlighted in Attachment 2: Community Engagement Policy and Attachment 3: Community Engagement Strategy.

In response to feedback concerning issues with respondents feeling that their feedback was not listened to or incorporated into the final decision making, this has been incorporated into actions detailed in the responses in Attachment 1: Community and Stakeholder Engagement Report. These actions include

- Annual staff training programs.
- Development of a writing style guide.

- Review of electronic newsletter communications.
  - Investigation into new tools and tactics.
  - New evaluation and monitoring process.
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#### **RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL**

That Council:

1. Note the outcome of the public exhibition of the draft Community Engagement Policy and Strategy.
  2. Adopt the final Community Engagement Policy and Strategy.
  3. Continue to progress with actions to support the ongoing development and delivery of high quality community engagement practice.
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4.

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## REPORT

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### BACKGROUND

Council is committed to maintaining a high level of community engagement to ensure residents and stakeholders have an opportunity to be involved in the decision making process.

The former councils each had their own policies based on similar principles. In 2016 a combined Community Engagement Policy and Matrix for the Northern Beaches was seen as a critical part of maintaining business as usual during the transition process. The Policy and Matrix was adopted in February 2017.

Following that, Council continued to support a new Committee and Community Group Framework consisting of six Strategic Reference Groups (SRGs), existing Project Working groups, existing External Joint or Statutory Committees and a register of Community Groups.

The Partnership and Participation Reference Group considered the goals and strategies in the Civic Leadership pillar (goals 21-22) of the Community Strategic Plan and discussed community engagement principles, approaches supported by the Engagement Framework and was focused on assisting strategic decision making of the Council.

Over the past four years staff have worked on improving community engagement data management, communication campaigns to support high impact engagement projects, staff training and the presentation and accessibility of information on Council's Your Say website.

It is a requirement of the *Local Government Act 1993* (section 402A) that Council must establish and implement a strategy (called its Community Engagement Strategy) for engagement with the local community when developing policies, plans and programs, including those relating to IP&R as well as strategic plans and programs as required under other legislation.

The Office of Local Government's new Integrated Planning and Reporting (IP&R) Guidelines (2.2) (September 2021), requires all councils to prepare a Community Engagement Strategy (CES) to support development of all their plans, policies, programs and key activities. The guidelines require the CES be reviewed within 3 months of the local government election and adopted within 12 months following this election. Council is required to adopt the proposed Community Engagement Policy and Community Engagement Strategy by December 2022.

Community engagement on strategic planning matters is covered separately under the Northern Beaches Community Participation Plan (CPP) – Plan making and Development Assessments.

Despite the impact of the lockdowns and the loss of face to face engagement activities, 2021 saw a significant increase in online engagement with a 49% increase in community engagement contributions (up from 12,705 to 19,000).

Research collected in the reoccurring Community Satisfaction Survey confirms that community engagement is a key driver of overall satisfaction with Council and is an important aspect of the decision making process. This survey continues to be an important measure of Council's effectiveness in informing and consulting the community on key projects.

The new draft Policy and Strategy is primarily based on the former Policy and Matrix documents and processes. It is also based on the International Association of Public Participation (IAP2) principles and proven methodologies. These are recognised as leading practice in the field and often referenced by other councils. The IP&R guidelines advocate that councils should aim for 'involvement' at a minimum on the IAP2 matrix.

## CONSULTATION

The development of the draft Policy and Strategy was supported by a review of engagement practice and previous community consultation studies undertaken by former councils.

The draft Policy and Strategy was on public exhibition from 1 November to 10 February 2022.

A project page was established on Council's have your say web platform with information provided in an accessible and easy to read format. The page also contained a link to book a phone call with the project manager for one to one consultation. This was established to provide residents with an opportunity to ask questions prior to making a submission.

The project was primarily promoted through many of Council's regular email newsletters (EDM). An email to resident associations with an offer for the Community Engagement Manager to attend their standing meeting was also sent.

A thorough stakeholder mapping exercise was completed to identify and understand the needs of the whole community. It was determined for this project it was particularly important to hear from a wide range of community members including those living with a disability. This is consistent with the IP&R requirements that the CES is based on social justice principles. The project was then advertised directly through Council's monthly Disability Newsletter on two occasions.

Interested community members were also provided an option to complete an online submission form and/or complete a short survey. An open field comments box provided respondents with an opportunity to elaborate on their feedback. Email and written submissions were also invited. The consultation process included:

Your Say web site visitors (unique)	1,462
Key stakeholder meetings	2
Phone call consultations	5
Electronic newsletters (EDMs)	13
(Total distribution)	183,000

Further consultation during 2022 took place with key internal project teams and the community Engagement Team.

Feedback was also sought via the Councillor Working Group on Communications. Issues raised included:

- Need for more advertising in local publications.
- Request to make submissions 'live' on the have your say page during public consultation periods.
- Suggestions for ensuring language used in communications is clear and easy to understand.

## SUBMISSION SUMMARY

The objectives of the engagement included understanding if the proposed changes to the existing community engagement framework provided greater clarity and more consistency in our approach to engaging our community.

Overall, it was clear that many believed the draft Policy and Strategy is a clear and effective way for Council to explain the community engagement process.

In total 91 submissions were received during the exhibition period. A response to the key points raised in the submissions is included in the Attachment 1 – Appendix A: Verbatim submissions and responses.

There were a range of comments made, including:

- Keep things simple, honest, and clear.
- Start engagement early.
- Consider the most impacted residents first.
- Conduct engagement in a timely manner.
- Do not start with predetermined outcomes.
- Be open to change.
- Make decisions and judge outcomes on merit.
- Involve community in the engagement planning process and make them part of the change.
- Ensure decisions are made with feedback that is representative of the local community.

Key themes included:

- Ways we engage – channels and tools to communicate.
- Who we engage with – local representation.
- How we engage - timing.
- How feedback is used in the decision making process.

## **TIMING**

The Office of Local Government's new Integrated Planning and Reporting Guidelines (September 2021) Clause 2.3, recommends councils review their Community Engagement Strategy within 3 months of the local government election and adopt it within 12 months following this election. Council is thus required to adopt the proposed Community Engagement Policy and Community Engagement Strategy by December 2022.

Once adopted the final Policy and Strategy will be displayed publicly on Council's website and communicated via electronic newsletters to all respondents who made submissions during the exhibition period, all subscribers to the community engagement newsletter and through Council's broad community electronic newsletter.

It will also be promoted through internal communications with all relevant internal business units for future planning and training.

## **LINK TO STRATEGY**

The *Local Government Act 1993* (section 402A) requires that Council must establish and implement a strategy (called its Community Engagement Strategy) for engagement with the local community when developing policies, plans and programs, including those relating to IP&R as well as strategic plans and programs as required under other legislation.

The Office of Local Government's new Integrated Planning and Reporting (IP&R) Guidelines (2.2) (September 2021), requires all councils to prepare a Community Engagement Strategy (CES) to support development of all their plans, policies, programs and key activities.

This draft Policy and Strategy incorporates the mandatory and statutory requirements outlined in the IP&R Guidelines including identifying relevant stakeholder groups, outlining when, how, and why each group can provide input into Council's decision making process and the draft documents are based on the prescribed social justice principles:

- Equity
- Access
- Participation
- Rights.

The IP&R Guidelines also require that the CES is adopted within 12 months following the local government election.

This report relates to the Community Strategic Plan Outcome of:

- Partnership and participation - Goal 21 Our community is engaged in decision making processes
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community
- Transport, technology and connectivity - Goal 18 Our community can easily connect and communicate through reliable communication technologies
- 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 is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

## **FINANCIAL CONSIDERATIONS**

Any financial impact of implementing this draft Policy and Strategy will be factored into current and future project planning and operational budgets.

## **SOCIAL CONSIDERATIONS**

The draft Policy and Strategy presents a clear approach in providing consistent, meaningful, and effective community engagement between Council and the community.

The inclusion of the seven principles in the draft documents reinforces the Essential Element (2.1) in the Office of Local Government's new Integrated Planning and Reporting Guidelines (September 2021), that the CES must be based on social justice principles. The draft principles include:

Principle 1: Prioritise community engagement

Principle 2: Plan thoroughly

Principle 3: Create open, accessible and diverse engagement opportunities

Principle 4: Communicate effectively

Principle 5: Build and maintain relationships

Principle 6: Listen and respond

### Principle 7: Learn and improve

Community involvement and participation in Council decision making helps to promote a socially inclusive society. The draft Policy and Strategy is established to foster social inclusion and to improve the social outcomes for everyone in the community.

### **ENVIRONMENTAL CONSIDERATIONS**

The draft Policy and Strategy does not impact on the environment.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The *Local Government Act 1993* (section 402A) requires that Council must establish and implement a strategy (called its Community Engagement Strategy) for engagement with the local community when developing policies, plans and programs, including those relating to IP&R as well as strategic plans and programs as required under other legislation.

The Office of Local Government's new Integrated Planning and Reporting (IP&R) Guidelines (2.2) (September 2021), requires all councils to prepare a Community Engagement Strategy (CES) to support development of all their plans, policies, programs and key activities.

This draft Policy and Strategy incorporates the mandatory and statutory requirements outlined in the IP&R Guidelines including identifying relevant stakeholder groups, outlining when, how, and why each group can provide input into Council's decision making process and the draft documents are based on the prescribed social justice principles:

- Equity
- Access
- Participation
- Rights.

The IP&R Guidelines also require that the CES is adopted within 12 months following the local government election.

Community engagement on strategic planning matters is covered separately under the Northern Beaches Community Participation Plan (CPP) – Plan making and Development Assessments.

<b>ITEM 9.5</b>	<b>CHRISTMAS AND NEW YEAR RECESS 2022-23 - OPERATING HOURS AND COUNCIL DELEGATED AUTHORITY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE &amp; RISK</b>
<b>TRIM FILE REF</b>	<b>2022/677135</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## BRIEF REPORT

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### PURPOSE

To consider the arrangements for delegated authority of the Council and operating hours over the 2022-23 Christmas and New Year recess.

### REPORT

#### Delegated authority

Council may consider granting a delegated authority over the Christmas and New Year recess in order to facilitate decisions of a critical or urgent nature in the Council's absence where required.

For reasons of practicality, in the absence of the Council's availability to exercise its delegated authority over the 2022-23 recess, and in the event of a critical or urgent matter arising, a delegated authority may be granted to the Mayor during this period.

It is proposed that this delegation be granted to the Mayor for the 2022-23 recess from 14 December 2022 to 31 January 2023 inclusive. A report outlining how the delegated authority was exercised during the period will be provided to Council at the 28 February 2023 ordinary Council meeting. A delegated authority of this nature has been granted each year by the Northern Beaches Council to the Mayor since 2017.

The proposed delegation is consistent with the provisions of section 226 of the Local Government Act 1993 which provides that the role of the Mayor is '*to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council*'.

Under section 377 of the Local Government Act 1993 the following powers, duties or functions of the Council cannot be delegated and can only be exercised by resolution of the Council:

- the appointment of a general manager
- the making of a rate
- a determination under section 549 as to the levying of a rate
- the making of a charge
- the fixing of a fee
- the borrowing of money
- the voting of money for expenditure on its works, services or operations
- the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- the acceptance of tenders to provide services currently provided by members of staff of the council
- the adoption of an operational plan under section 405

- the adoption of a financial statement included in an annual financial report
- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
- the fixing of an amount or rate for the carrying out by the council of work on private land
- the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work
- the review of a determination made by the council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979
- the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
- a decision under section 356 to contribute money or otherwise grant financial assistance to persons
- a decision under section 234 to grant leave of absence to the holder of a civic office
- the making of an application, or the giving of a notice, to the Governor or Minister
- this power of delegation
- any function under this or any other Act that is expressly required to be exercised by resolution of the council.

#### Operating hours

Council will be operating with some reduced hours over this period to accommodate public holidays and align with demand for services during this time of year. Essential operational services will continue as per business as usual including waste services, rangers and cleansing/maintenance crews. Meals on Wheels will also be open throughout the Christmas and New Year period with the exception of public holidays when the service will be closed.

Council's after hours call centre service will continue to operate at all times including weekends and public holidays to deal with emergency matters. The below outlines the areas where some changes apply.

<b>Customer service centres</b>	
Friday 23 December 2022	Closed
Monday 26 December 2022 (Public holiday)	Closed
Tuesday 27 December 2022 (Public holiday)	Closed
Wednesday 28 December – Friday 30 December 2022	Manly and Mona Vale Customer Service Centres normal hours 8.30am – 5.00pm Dee Why and Avalon Customer Service Centres closed. While branches are closed, all online and phone services are available as normal.
Monday 2 January 2023 (Public holiday)	Closed
Tuesday 3 January 2023	Normal operating hours resume
<b>Aquatic Centres Warringah Aquatic Centre (WAC) &amp; Manly Andrew Boy Charleton (MABC)</b>	
Thursday 22 December 2022	<b>WAC &amp; MABC</b> Normal hours 5.30am – 9.00pm
Friday 23 December 2022	<b>WAC &amp; MABC</b> Normal hours 5.30am – 9.00pm
Saturday 24 December 2022	<b>WAC</b> Normal hours 7.00am – 6.00pm

	<b>MABC</b> Normal hours 6.00am – 7.00pm
Sunday 25 December 2022	<b>WAC &amp; MABC</b> Closed
Monday 26 December 2022 (Public Holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Tuesday 27 December 2022 (Public Holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Wednesday 28 December 2022	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
Thursday 29 December 2022	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
Friday 30 December 2022	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
Saturday 31 December 2022	<b>WAC</b> Normal hours 7.00am – 6.00pm <b>MABC</b> Normal hours 6.00am – 7.00pm
Sunday 1 January 2023 (Public holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Monday 2 January 2023 (Public Holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Tuesday 3 January 2023	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
<b>Library Services</b>	
Friday 23 December 2022	Normal hours
Saturday 24 December 2022	Closed*
Sunday 25 December 2022	Closed
Monday 26 December 2022 (Public holiday)	Closed
Tuesday 27 December 2022 (Public holiday)	Closed
Wednesday 28 December – Friday 30 December 2022	<b>Dee Why, Manly and Mona Vale</b> open with reduced hours 9-5pm <b>Glen St, Warringah Mall and Forestville</b> (including 24/7 access) closed
Saturday 31 December 2022	<b>Dee Why, Manly and Mona Vale</b> open with reduced hours 10-1pm <b>Glen St, Warringah Mall and Forestville</b> (including 24/7 access) closed
Sunday 1 January 2023	Closed
Monday 2 January 2023 (Public holiday)	Closed
Tuesday 3 January 2023	Normal operating hours resume
<b>Other services</b>	
All long day care operations	Closed from 24 December 2022 and reopen on 10 January 2023
Manly Community and North Harbour Pre-schools	Closed from 21 December 2022 and reopen on 30 January 2023
Vacation Care	All closed from 24 December 2022 Cromer and North Harbour open from 3 January 2023

	Manly Vale opens from 9 January 2023
Manly Art Gallery and Museum	Open: Tuesdays to Sundays 10am – 5pm Closed: Mondays and Public Holidays

\* Returns still available at all libraries while they are closed.

### 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

Decisions which are made under a delegated authority of the Council during this period may have financial considerations and will be considered on an individual basis as appropriate. Financial considerations will be advised in the report to Council (in February 2023) outlining the exercising of the delegated authority during the period. There are no financial impacts as accommodating the proposed operational hours, incorporating public holidays, as outlined in this report is included in existing budgets.

### ENVIRONMENTAL CONSIDERATIONS

Decisions made under a delegated authority of the Council during this period may have environmental considerations and will be considered on an individual basis. Environmental considerations will be advised in the report to Council (in February 2023) outlining the exercising of the delegated authority during the period.

### SOCIAL CONSIDERATIONS

Decisions made under a delegated authority of the Council during this period may have social considerations and will be considered on an individual basis. Social considerations will be advised in the report to Council (in February 2023) outlining the exercising of the delegated authority during the period.

### GOVERNANCE AND RISK CONSIDERATIONS

It is considered a prudent practice in the absence of the Council for delegated authority to be granted over the Christmas and New Year recess in the event of a critical or urgent matter arising.

Decisions which are made by the holder of the delegated authority (ie Mayor) during this period may have governance and risk considerations and will be considered on an individual basis. Governance and risk considerations will be advised in the report to Council (in February 2023) outlining the exercising of the delegated authority during the period.

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### RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council, pursuant and subject to the limitations of section 377 of the *Local Government Act 1993*, grant authority to the Mayor to make provision for decisions to be made on critical or urgent Council matters during the 2022-23 Christmas and New Year recess being 14 December 2022 to 31 January 2023 inclusive.
2. A report be provided to the 28 February 2023 Council meeting outlining how the delegated authority was exercised.
3. Council approve the operating hours outlined in the table below:

<b>Customer service centres</b>	
Friday 23 December 2022	Closed
Monday 26 December 2022 (Public holiday)	Closed
Tuesday 27 December 2022 (Public holiday)	Closed
Wednesday 28 December – Friday 30 December 2022	Manly and Mona Vale Customer Service Centres normal hours 8.30am – 5.00pm  Dee Why and Avalon Customer Service Centres closed.  While branches are closed, all online and phone services are available as normal.
Monday 2 January 2023 (Public holiday)	Closed
Tuesday 3 January 2023	Normal operating hours resume
<b>Aquatic Centres Warringah Aquatic Centre (WAC) &amp; Manly Andrew Boy Charleton (MABC)</b>	
Thursday 22 December 2022	<b>WAC &amp; MABC</b> Normal hours 5.30am – 9.00pm
Friday 23 December 2022	<b>WAC &amp; MABC</b> Normal hours 5.30am – 9.00pm
Saturday 24 December 2022	<b>WAC</b> Normal hours 7.00am – 6.00pm <b>MABC</b> Normal hours 6.00am – 7.00pm
Sunday 25 December 2022	<b>WAC &amp; MABC</b> Closed
Monday 26 December 2022 (Public Holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Tuesday 27 December 2022 (Public Holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Wednesday 28 December 2022	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
Thursday 29 December 2022	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
Friday 30 December 2022	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
Saturday 31 December 2022	<b>WAC</b> Normal hours 7.00am – 6.00pm <b>MABC</b> Normal hours 6.00am – 7.00pm
Sunday 1 January 2023 (Public holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Monday 2 January 2023 (Public Holiday)	<b>WAC</b> 7.00am – 6.00pm <b>MABC</b> 6.00am – 7.00pm
Tuesday 3 January 2023	<b>WAC &amp; MABC</b> 5.30am – 9.00pm
<b>Library Services</b>	
Friday 23 December 2022	Normal operating hours
Saturday 24 December 2022	Closed
Sunday 25 December 2022	Closed
Monday 26 December 2022 (Public holiday)	Closed
Tuesday 27 December 2022 (Public holiday)	Closed
Wednesday 28 December – Friday 30 December 2022	<b>Dee Why, Manly and Mona Vale</b> open with reduced hours 9-5pm

	<b>Glen St, Warringah Mall and Forestville</b> (including 24/7 access) closed
Saturday 31 December 2022	<b>Dee Why, Manly and Mona Vale</b> open with reduced hours 10-1pm <b>Glen St, Warringah Mall and Forestville</b> (including 24/7 access) closed
Sunday 1 January 2023	Closed
Monday 2 January 2023 (Public holiday)	Closed
Tuesday 3 January 2023	Normal operating hours resume
<b>Other services</b>	
All long day care operations	Closed from 24 December 2022 and reopen on 10 January 2023
Manly Community and North Harbour Pre-schools	Closed from 21 December 2022 and reopen on 30 January 2023
Vacation Care	All closed from 24 December 2022 Cromer and North Harbour open from 3 January 2023 Manly Vale opens from 9 January 2023
Manly Art Gallery and Museum	Open: Tuesdays to Sundays 10am – 5pm Closed: Mondays and Public Holidays

## 10.0 Community and Belonging Division Reports

<b>ITEM 10.1</b>	<b>PUBLIC EXHIBITION OF THE DRAFT YOUTH VOICE ACTION PLAN 2028 - SHAPING THE BEACHES' FUTURE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY, ARTS &amp; CULTURE</b>
<b>TRIM FILE REF</b>	<b>2022/608871</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a> Draft Youth Voice Action Plan 2028 - Shaping the Beaches' Future (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a> Youth Voice Shaping the Beaches' Future Engagement and Insight Report (Included In Attachments Booklet)</b>

### PURPOSE

To seek Council's endorsement to publicly exhibit the draft Youth Voice Action Plan 2028 – *Shaping the Beaches' Future*.

### EXECUTIVE SUMMARY

In 2021 Council adopted the Better Together Social Sustainability Strategy 2040 which provides clear strategic direction to ensure that the Northern Beaches is socially sustainable into the future. A key action of that strategy is to develop an evidence base through research and consultation to capture the views and voice of local young people to inform the delivery of youth development activities.

The draft Youth Voice Action Plan 2028 - *Shaping the Beaches' Future* (the draft Plan) as detailed in Attachment 1, delivers a five-year plan of action for youth development and capacity building that supports and engages young people to participate in community life.

The draft Plan has been based in youth participation and engagement from its origin through a collaborative process of engagement. The supporting document to the draft Plan is the Engagement and Insight Report at Attachment 2. Co-designed with young people, the engagement identified nine key insights informing the draft Plan's four directions, which each contain actions for young people, Council and the community, to facilitate youth participation in community life in the ways that matter to them.

It is proposed to place the draft Plan on public exhibition for three months, closing 28 February 2023, during which time additional engagement will be undertaken with young people and key stakeholders.

The draft Plan will contribute to the following Community Strategic Plan (CSP) outcome areas: Places for People, Community and Belonging, Vibrant Local Economy, Good Governance and Partnership and Participation.

Actions identified within the draft Plan for implementation by Council can be delivered within existing operational budget allocations. To facilitate and implement the draft Plan existing activities and events will be reviewed against the draft Plan directions, and Council staff and financial resources will be realigned to support delivery of the Plan, if ultimately adopted.

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING**

That:

1. The draft Youth Voice Action Plan 2028 – *Shaping the Beaches' Future* be placed on public exhibition from 1 December 2022 to 28 February 2023.
  2. The outcome of the public exhibition be reported to Council.
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## REPORT

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### BACKGROUND

The draft Youth Voice Action Plan 2028 – *Shaping the Beaches' Future* (the draft Plan) was identified as a priority in the Better Together Social Sustainability Strategy 2040 as young people are active contributors and essential to a thriving and vibrant community. They are current and future leaders, innovators, creatives, and environmental caretakers. The experience of young people on the Northern Beaches is constantly evolving.

The following aspirational statement represents a collective vision for young people on the Northern Beaches:

*All young people on the Northern Beaches are empowered to participate in community life in a way that matters to them*

It is fortunate that many young people living on the Northern Beaches already experience this vision, however this should be true for all young people. The statement provides the ongoing guidance for everyone contributing over the long term as Council and the community work towards enduring change.

#### Better Together Social Sustainability Strategy 2040

The Better Together Social Sustainability Strategy 2040 was adopted by Council in August 2021. It indicated Council's commitment to identifying the unique social challenges the community faces over the next 20 years and builds on the many strengths that exist on the Northern Beaches.

A key action outlined in the strategy was to develop a youth discussion paper. The draft Plan delivers this commitment, capturing the views and voices of local young people to inform the delivery of youth development activities. These programs will build capacity and resilience of a diverse cross section of young people and local youth services.

#### Working with young people to create positive change

Young people have been at the centre of developing the draft Plan. The name Youth Voice Action Plan – *Shaping the Beaches' Future* was selected by local young people to represent their desire for a greater presence in community life.

Co-created with young people, the draft Plan will set directions and prioritises action for the community to support young people to have the opportunity to share their voice and be part of community life.

The Plan has four directions that represent areas of importance to young people and will deliver the support and resources advocated by young people.

#### **Direction 1: Connection and resilience**

Objective: Developing emotional resilience and shared values

#### **Direction 2: Belonging and safety**

Objective: Strengthening belonging by helping young people feel safe and included

#### **Direction 3: Building skills and knowledge**

Objective: Building skills and knowledge that young people need to transition into adulthood

#### **Direction 4: For youth, by youth**

Objective: Supporting our next generation of decision makers, innovators, and caretakers

## CONSULTATION

The draft Plan was developed through extensive community engagement. This included the following:

- Establishment of the Youth Steering Group
- Youth Voice photo competition
- A targeted 18-24 event
- School engagements
- Priority group workshops
- Broad youth engagement and pop-up café conversation posts
- Vox-pop's
- Co: lab participatory systems mapping workshops
- Community sector workshops
- Touchpoint mapping
- YourSay thought board
- Youth Action Planning Workshop
- Youth Sector Action Planning Workshop
- Better Together Forum of service providers

The engagement heard from over 1,000 young people, contributing over 1,100 comments and ideas.

The feedback received highlights young people's current experience across eight focus areas and provides evidence for how we can all work together to achieve positive change for young people. This engagement identified what matters to young people and how they can remain a critical part of community life as the decision makers, innovators, and caretakers of the world today and tomorrow.

Overall, young people love growing up on the Northern Beaches and expressed a deep desire to continue living here as they transition to adulthood.

### Opportunities and challenges

Nine key insights emerged from the engagement that explain the current state of youth participation:

#### **1. Role modelling**

The role of adults in positively modelling the variety of life skills, behaviours and attitudes young people need.

#### **2. Mental health**

Where there are negative attitudes and stigma around mental health, young people are less likely to demonstrate help seeking behaviours.

#### **3. Decisions for the future**

High cost of living leaves young people feeling like they are not in control of their future, and while in many instances the trend to remain in the family home can be a positive one, others can feel trapped in unsafe environments.

#### 4. Assumptions about young people

Assumptions about young people is one of the primary reasons for young people feeling excluded from community life.

#### 5. Belonging

One of the most positive aspects young people talked about was their love of the Northern Beaches and the sense of belonging they have for the area.

#### 6. Skills and education

Young people know that to achieve economic security and financial independence they need to have the skills and knowledge to support themselves.

#### 7. Support systems

Young people spoke about the importance of both formal and informal support systems and highlighted a growing reliance on families and friends for mental health support.

#### 8. Connection

The way that connections occur does not look the same for everyone, but young people talk about connection being when they feel they belong to a group and feel close with other people.

#### 9. Financial literacy

Young people know that money matters. Often young people's approach and knowledge of financial literacy mirrors the spending habits and financial attitudes of those closest to them.

These insights together create an overall story of young people's ability to participate in a wide range of ways. The Youth Voice Engagement and Insight Report (Attachment 2) details the breadth of engagement undertaken and what matters to young people.

The draft Plan will be publicly exhibited over the next three months. Actions to be undertaken during this period include:

- Information on the Your Say project page, including an online submission form for community feedback
- Targeted promotion to young people through Council's KALOF social media channels and community events and activities
- Workshop with local youth service providers and the Youth Advisory Group to seek feedback on the draft Plan.

#### TIMING

It is recommended that the draft Plan be placed on public exhibition from 1 December 2022 to 28 February 2023 to enable sufficient time for engagement to be successful.

Following the public exhibition period all submissions received will be reviewed and any necessary changes made to the draft Plan. The submissions and the Final draft Plan will be reported back to Council for adoption.

#### 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.

- 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.
- Vibrant Local Economy - Goal 14: Our economy provides opportunities that match the skills and needs of the population.
- 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.

This draft Plan is a supporting document for the Better Together Social Sustainability Strategy 2040 and supports delivery of the ten social sustainability outcomes to young people.

This project is included in the 2022-23 Operational Plan to: Develop Youth Voice – Shaping the Beaches' future.

### **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the exhibition of the draft Plan.

The implementation of the draft Plan, if ultimately adopted, will have financial implications in relation to actions identified over the next five years.

The actions and outcomes within the draft Plan will be allocated to the relevant Business Unit of Council and delivered within operational budgets which are set annually by Council.

### **SOCIAL CONSIDERATIONS**

The draft Plan was co-created with young people and will deliver on the types of support needed to empower them to participate in community life. It provides the direction and guidance required to ensure that other key Council strategies, plans and policy give a platform to youth voice in all decision-making processes.

The implementation of the draft Plan will encourage young people to be active and productive contributors in our community to ensure that the Northern Beaches is an engaged, inclusive and thriving community today and tomorrow.

### **ENVIRONMENTAL CONSIDERATIONS**

The draft Plan supports achieving positive environmental impact by empowering young people to better engage and participate in the initiatives and targets outlined in the Protect. Create. Live. Northern Beaches Environment and Climate Change Strategy 2040. Young people have voiced that they are particularly passionate about environmental issues.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The draft Plan identifies ways that young people can be more involved in decisions that affect their future, supporting both Council and the broader community to be more inclusive of young people in decision making.

<b>ITEM 10.2</b>	<b>RESPONSE TO NOTICE OF MOTION 16/2019 - COMMUNITY HIRE OF MANLY TOWN HALL MEETING ROOMS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY, ARTS &amp; CULTURE</b>
<b>TRIM FILE REF</b>	<b>2022/636817</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

Report on the usage of Manly Town Hall meeting rooms for community hire.

### EXECUTIVE SUMMARY

At its meeting on 28 May 2019, Council adopted a Notice of Motion to investigate whether the meetings rooms of the former Manly Council Chambers, upstairs in the Manly Town Hall, could be used as halls for public hire for events, meetings, performances and other suitable uses.

A report was presented at the Council meeting of 26 November 2019, where Council resolved to adopt fees and charges for the hire of the rooms, monitor the usage and receive a report on usage after twelve months.

The hire of the Manly Town Hall meeting rooms was advertised from December 2019 and two community groups hired the facility in January and February 2020. There were no other bookings of the meeting rooms in 2020 due to the NSW Health Orders that came into effect in March 2020 in response to COVID-19. Due to the inability to adequately review the usage, a report was presented to Council on 24 November 2020, where it was resolved:

*That Council extend the review of the community usage of the Manly Town Hall meeting rooms for a further twelve months, to be reported back to Council in November 2021.*

Following this decision, further restrictions came into effect from December 2020 to March 2021 and June 2021 to October 2021 with rooms unavailable for hire in until Covid restrictions were eased. At the Council meeting of 26 October 2021, it was resolved to:

*Extend the review of the community usage of the Manly Town Hall meeting rooms for a further twelve months, to be reported back to Council in November 2022.*

This report is in response to the above resolution.

There have been limited requests to hire the rooms since they became available in October 2021, with no enquiries proceeding to a confirmed booking of the rooms. The main reason cited for not proceeding is the requirement for staff to be onsite and the associated costs. The hire of these rooms has additional terms and conditions that are essential due to the continuing use of the building as a Customer Service Centre and administrative site and the inability to section off these rooms from other areas within the building.

As the rooms have costs and conditions of hire that have reduced the attractiveness of the rooms to hire, the trial has demonstrated that the Manly Town Hall meeting rooms do not meet community demand for space for hire.

**RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING**

That the Manly Town Hall meeting rooms no longer be available for community hire.

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## REPORT

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### BACKGROUND

At its meeting on 28 May 2019, Council adopted a Notice of Motion to investigate whether the meeting rooms at the former Manly Council Chambers, upstairs in the Manly Town Hall, could be used as halls for public hire for events, meetings, performances and other suitable uses.

A report was presented at the Council meeting of 26 November 2019, where Council resolved:

*That:*

- 1. Council note the submissions received during the public exhibition process.*
- 2. Council adopt the proposed fees and charges for the community to hire the meeting rooms at Manly Town Hall, including the additional security/staff charges.*
- 3. Council allow the public to hire the meeting rooms, subject to Terms and Conditions of Hire, which outline the types of suitable uses.*
- 4. The usage of the rooms be monitored and reported back to Council after twelve months.*
- 5. Council note that this public use is a short-term offering, and that Council will embark on the process of the future community use of the Manly Town Hall building shortly.*

Following this resolution, the hire of the Manly Town Hall meeting rooms was advertised from December 2019. As noted in the Council report of 26 November 2019, these rooms have different requirements to other rooms for hire in Council's community centre portfolio. As such, the Terms and Conditions of Hire include:

- Approval is conditional on the availability of at least two staff/security onsite during the whole booked period. (additional fees apply)
- Entry to secure areas of Council is strictly prohibited, including the Customer Service desk.
- A staff member must be hired for the duration of the booking to operate any AV equipment. This is in addition to the security costs. No AV equipment including the projector, computers or TVs are to be operated by hirers or attendees.
- The accessible lift must only be used with staff/security supervision.
- Touching the artworks, photos and other artefacts is prohibited.
- Use of the kitchen is not allowed.

The reasons for the need for staff/security include:

- Safety of valuable art works in these rooms
- The kitchen is not suitable for private use
- The lift requires staff to supervise use of it
- IT/Council systems security
- The furniture in these rooms is very heavy and not suitable to be moved around without care, and the heritage timber floors could be damaged.

- Inability to separate access to the rooms from the rest of the Town Hall without significant building works. This requires staff to supervise access into the building and up the stairs through secured space.

Two community groups hired the rooms in January and February 2020. There were no other bookings of the meeting rooms in 2020, due to the NSW Health Orders that came into effect in March 2020 in response to COVID-19. Due to the inability to adequately review the usage, a report was presented to Council on 24 November 2020, where it was resolved:

*That Council extend the review of the community usage of the Manly Town Hall meeting rooms for a further twelve months, to be reported back to Council in November 2021.*

At that meeting Council resolved that due to the continued Covid lockdowns and restrictions during that period the report on the usage of the meeting rooms be delayed for a further twelve months, until November 2022.

Since Covid restrictions were relaxed for the hire of public spaces in late 2021 there have been nine enquiries for hire of the rooms. None of these potential bookings have proceeded. The reasons cited for not proceeding to a booking include:

- Requests for daytime hire, with the rooms not available during business hours as they are used by staff for internal and external meetings.
- Requests for private social events which are not allowed under the Terms and Conditions of Hire.
- Requests for events exceeding the capacity of the rooms.
- The hire is cost prohibitive due to the requirement for at least two staff/security to be employed for the duration of the event.

As context to these reasons, in the adopted fees and charges the total cost of hiring the largest room at Manly Town Hall for a 4-hour meeting by a not-for-profit group costs \$648, with \$552 of this fee covering the two staff required to be onsite. Comparatively, the fee for a 4-hour meeting by a not-for-profit group at Manly Youth & Community Centre is \$112.

Once potential hirers had decided not to proceed with a booking, all were referred to alternate space in nearby Council facilities. This includes the Meeting Rooms at Manly Library and other venues such as St Matthews Church in Manly, where new rooms are now available for hire.

The availability of the rooms, the types of requests for hire and lack of bookings proceeding demonstrates that these rooms are not meeting community needs for hall hire. There is detailed information available on Council's website as the costs of hire vary from other community centre spaces. Customer feedback has noted that the costs of hiring the venue are prohibitive, but customers also understand the reasons for additional costs.

## CONSULTATION

The proposed Manly Town Hall meeting room fees and charges and operational information were placed on exhibition for 28 days from 27 September until 27 October 2019 and publicly exhibition in the Operational Plan in June 2020, June 2021 and June 2022.

## 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 recommendation of this report has no financial impact on Council.

### **SOCIAL CONSIDERATIONS**

Whilst demand for hall hire space in the Manly central area remains high, these rooms have not proven to be successful as rooms for hire. This recommendation will not have any social implications.

### **ENVIRONMENTAL CONSIDERATIONS**

The recommendations of this report have no environmental impact.

### **GOVERNANCE AND RISK CONSIDERATIONS**

Rooms for hire all follow an open and transparent process, with fees and charges set by Council.

<b>ITEM 10.3</b>	<b>DRAFT PUBLIC ART POLICY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY, ARTS &amp; CULTURE</b>
<b>TRIM FILE REF</b>	<b>2022/692851</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a>Public Art Policy</b>

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**BRIEF REPORT**

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**PURPOSE**

To present the Public Art Policy and seek endorsement for public exhibition of the draft revised Policy

**REPORT**

Council's public art program creates opportunities for artists and the community to celebrate the creative life of the Northern Beaches in public spaces and places.

The Public Art Policy and Guidelines, adopted at the May 2019 Council meeting, provide a framework of principles that express Council's commitment to the vital role of public art for the Northern Beaches.

In line with Northern Beaches Council Operational Policy – Policy Framework, policies are to be reviewed at least every four years. The Public Art Policy has been reviewed and no amendments are proposed.

It is proposed to publicly exhibit the draft Policy for a minimum of 28 days, noting an extended period will be required across the Christmas break. It is anticipated that the submissions will be reported back to Council in early 2023.

**LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life

**FINANCIAL CONSIDERATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental considerations in the readopting of this policy.

**SOCIAL CONSIDERATIONS**

The development of the Public Art Policy included involvement and engagement with a broad range of stakeholders.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The Public Art Policy provides an effective governance framework for Council to follow when considering matters related to Public Art.

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## **RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING**

That:

1. Council endorse the Draft Public Art Policy for public exhibition for a period of 28 days.
  2. The outcomes of the public exhibition of the Draft Public Art Policy be reported to Council.
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## Public Art Policy

### Purpose

This Policy defines the objectives and principles that support Council's vision for delivering quality public art across the Northern Beaches.

### Policy Statement

Council will deliver and encourage public art that responds to the unique natural, social and built environments of the Northern Beaches, encourages artistic excellence and community connection, supports innovation and diversity, and includes processes that are inclusive and transparent.

### Objectives

The Policy will embrace a wide diversity of art while requiring a high standard of artistic quality and appropriate and meaningful connections between art and place in all instances.

The objectives of the Policy are:

- Ensure excellence in public art
- Encourage original, innovative art that reflects contemporary art practice
- Support the creation of art that will contribute to the enhancement, enjoyment or understanding of the community's experience of its context
- Ensure that art is appropriate to the significance and character of its location and that both art and site mutually benefit from their association and interaction
- Encourage and ensure a diverse range of art in keeping with the unique qualities of the Northern Beaches' distinct urban and natural environments

### Principles

Public art plays a vital role in strategic and place planning, and in economic, cultural and community development. It improves the quality of our public spaces and places, and enhances the community's creativity, imagination and connection to place.

Council will:

- Support the development and commissioning of a diverse range of permanent, temporary and ephemeral artworks in public places
- Align public art projects with major urban, suburban and landscape design and infrastructure projects
- Recognise and celebrate the Northern Beaches' cultural identity through art in public places
- Recognise and celebrate Aboriginal stories and heritage through art in public spaces
- Support public art opportunities for local artists
- Activate local places through temporary, ephemeral and community art projects
- Encourage high quality public art in private development
- Support community, private and government partners to facilitate public art opportunities
- Manage and maintain the Northern Beaches' collection of permanent artworks, monuments and memorials

- Ensure the creation of art that will contribute to the enhancement, enjoyment or understanding of its context and place
- Enhance the design and functionality of the public domain through public art
- Deliver robust, durable public art that will retain its quality and integrity over time
- Ensure that all future public art projects are procured and managed in accordance with the Public Art Policy and Guidelines.

### **Acquisitions**

Acquisitions to the Public Art Collection will be considered with the support of a Public Art Selection Group, comprising of up to four (4) representatives with professional expertise and extensive experience in the selection and commissioning of public art; the visual arts; architectural, urban and landscape design or Aboriginal cultural heritage.

### **Public Art Policy Guidelines**

Guidelines to be used in conjunction with this Policy outline specific criteria for the evaluation, formal acceptance and ongoing management of all types of public art commissioned by or proposed to Northern Beaches Council.

### **Scope and application**

This policy applies to all employees, agents, officers, councillors and committee members of Northern Beaches Council, and the general community.

### **References and related documents**

Northern Beaches Council - Northern Beaches Collection Management and Gifts Policy (2018)

Northern Beaches Council - Northern Beaches Coast Walk Strategic Plan (2018)

Northern Beaches Council - Arts and Creativity Strategy (2018)

Northern Beaches Council (2018), Community Strategic Plan SHAPE2028

NSW Government (2015), Create in NSW: Arts and Cultural Policy Framework

City of Sydney (2016), Public Art Policy

### **Definitions**

Public Art refers to a range of artwork and art-based activities that interface with the public, including property in private ownership that has publicly accessible space and the public domain. Public Art can include sculpture, place-making elements, wall embellishments, art integrated into the design of buildings, artist-designed seating and fencing, paving work, lighting elements and other creative possibilities. Public Art can serve both an aesthetic and functional purpose.

The Northern Beaches Council Public Art Policy recognises that public art consists of a highly diverse and constantly evolving range of activities and outcomes. For the purpose of this Policy, *public art* is defined in the broadest sense as the product of artists and community members who intend their work or activities to be seen and understood as art in the public realm. Embracing material and immaterial products, public art also includes concepts and activities, which emanate from the creative thinking of artists and the community.

For the purposes of this Policy, the *public domain* means public places and/or open spaces that are situated within, vested in or managed by Council, including parks, beaches, bushland, outdoor recreation facilities, streets, laneways, pathways and foreshore promenades and public buildings, facilities or enclosed structures, owned and managed by Council which are physically accessible to the general public.

**Responsible Officer**

Executive Manager Community, Arts and Culture

**Review Date**

November 2026

**Revision History**

Revision	Date	Status	TRIM Ref
1	5/11/2018	First draft Northern Beaches Council Public Art Policy	2018/703107
2	3/5/2019	Second draft Northern Beaches Council Public Art Policy	2019/246034
3	28/5/2019	Adopted by Council	2019/349581
4	22/11/2022	Policy submitted to Council for consideration – no proposed changes.	2019/349581

## 11.0 Environment and Sustainability Division Reports

<b>ITEM 11.1</b>	<b>RESPONSE TO NOTICE OF MOTION NO 39/2021 - RECYCLE TAKEAWAY COFFEE CUPS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER WASTE MANAGEMENT &amp; CLEANSING</b>
<b>TRIM FILE REF</b>	<b>2022/440645</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### BRIEF REPORT

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#### PURPOSE

To provide the information requested by Council at its Ordinary Meeting on 26 October 2021 in relation to Notice of Motion No 39/2021 – Recycle Takeaway Coffee Cups.

#### REPORT

At its Ordinary Meeting on 26 October 2021 Council resolved (313/21):

*That Council:*

1. *Note the information in the report.*
2. *Undertake a review of public litter bin contents from a small number of key locations on the Northern Beaches to obtain more detailed information on the amount of takeaway coffee cups and other waste streams present in these areas.*
3. *Report the findings of this review to a future Council meeting.*

In February 2022 Council received a Litter Prevention Grant from the NSW Environment Protection Authority (EPA) to help develop an evidence-based litter strategy for Council and the community. Council has now completed the project, including the following activities:

- An audit of public litterbins across the Northern Beaches Local Government Area (LGA), with a representative sample size of bins to show the type and volume of litter disposed in bins across the LGA
- A baseline local litter check at a number of litter hotspots to identify type and volume of items littered in the LGA
- A cost of litter study, to establish the cost of managing litter to Northern Beaches Council per year.

The litterbin audit took place in June and July this year and included a representative visual, compositional and volumetric analysis of individual public place bins and their surrounding areas across the Northern Beaches. Target location types and key locations included selected shopping precincts, beach reserves, playgrounds and sports fields across the LGA. Further analysis specific to coffee cups and lids was included in the scope of the audit.

The litterbin audit report found the proportion of different waste types shown in the table below, with results of the top categories by weight being shown as percentage of litter bin contents.

Item in public place litter rubbish bin	% bin contents
Food/kitchen – small	19%
Dog Waste Bags	11%
Glass Beverage Containers	10%
Cardboard – takeaway food packaging	7%
Containerised food and liquid	6%
Contaminated soiled paper	5%
Disposable paper product – food related	4%
Disposable paper product – coffee cups – non-biodegradable	3%
Disposable paper product – coffee cups – biodegradable	2%

Item in public place litter recycling bin	% bin contents
Glass and aluminium beverage containers	59%
Cardboard – takeaway food packaging	4%
Containerised food and liquid	3%
Food/kitchen – small	3%
Plastic PET beverage containers	3%
Disposable paper product – coffee cups – non biodegradable	3%
Newspaper	3%
Contaminated soiled paper	2%
Disposable paper product – coffee cups –biodegradable	<2%

Some other key findings of the audit were that:

- the litter capture rate by Council’s public place bins, meaning the weight of captured litter in the bins compared to total litter on the ground and in bins, is over 94%. However, the capture rate is only around 80% in sporting fields and skate parks and 90% in shopping precincts.
- where public place garbage bins and recycling bins are co-located, about 74% of recyclable materials (such as glass and aluminium drink containers) are recovered in the recycling bin, whilst 26% are incorrectly placed in the garbage bin.
- over 30% of public place recycling bin contents by weight is contaminated (e.g., not recyclable through that recycling bin system).
- Over 35% of littered items on the ground were takeaway food or drink containers.

The report recommended a range of actions to maximise recycling through public place bins and minimize contamination and overflowing litter from bins. Some suggested actions include improved signage to ensure the right waste goes in the right bin and bins do not overflow, improved bin maintenance and changing recycling bin configuration. The report did not recommend providing separate recycling containers for coffee cups.

In relation to coffee cup waste, the report found:

- Coffee cup related waste materials made up an average of 7% of public place waste bin contents and 6% of recycling bin contents by weight
- 85% of coffee cup waste identified in and around the bins was disposed correctly into the waste bins, 12% incorrectly in recycling bins and less than 3% of all coffee cups found were littered on the ground
- Coffee cups also made up less than 3% of total littered items (including all other waste types) found on the ground
- Coffee cups appeared at a higher level in beach/playground bins than elsewhere.

There have also been recent policy and legislative developments in relation to use of single use coffee cups. Western Australia has now introduced legislation to ban plastic-lined coffee cups next year. NSW will be reviewing whether to ban plastic lined coffee cups and plastic lids in 2024. Environmental groups are also urging Federal and State Governments to introduce strategies and laws to replace single use coffee cups with reusable coffee cups.

Council staff have further investigated the feasibility of separate collection systems for used single use coffee cups and lids. As reported to Council in October 2021 there are very few options available for separately collecting or recycling disposable take away coffee cups in NSW. Disposable coffee cups are difficult to recycle due to the range of different materials used to make them. They are generally a compound of wood/paper materials lined with polymer waterproof linings and plastic lids. This makes them difficult to sort or separate for recycling in standard material recovery facilities (MRF) where most council recycling material is sorted.

This situation has not changed in the past year. In light of potential further bans on single use coffee cups, there may also be limited incentive for further investment in coffee cup recycling systems.

Mosman Council also recently implemented a coffee cup recycling trial. We understand that the trial has been discontinued as contamination rates were too high. In addition, whilst the paper in the plastic-lined coffee cups could be recovered, the plastic lining and the plastic lid were not able to be recycled. We also understand that the paper in the cups were becoming contaminated due to the milk and coffee residue and frequency of collection.

As a result, it is not recommended that Council implements a separate recycling collection system for coffee cups.

Rather, it is proposed that Council includes a comprehensive strategic litter prevention approach in its long-term waste and circular economy strategy, to be delivered in 2023. Council will be consulting with the community and businesses in the coming months on the strategy, including through surveys and working groups. This will include testing the feasibility of potential improvements identified in the litter bin audit with the community.

A key focus of the strategic litter prevention approach will be to prevent litter in the first place, which will improve environmental outcomes and also help to significantly reduce litter management costs. This will include a strong educational focus. In this respect, Council's cost of litter study found that less than 1% of the close to \$7 million Council spends each year on cleaning up and managing litter and litter bins, is spent on public education and engagement activities to reduce litter in the first place.

The strategy will include strong measures to address each of the 5 key pillars published by the EPA to help prevent litter: cleanliness, infrastructure, education and awareness, enforcement and involvement (of both community groups and businesses). This will include:

- Initiatives for local businesses to take greater responsibility for the waste they help generate (noting over 35% of litter on the ground is take away food or drink packaging)
- Improved educational campaigns to reduce litter and signage and bin infrastructure to seek to ensure any public place waste generated is placed in the right bin
- Strengthening relationships with community groups, businesses and the EPA to help prevent and manage litter in a collaborative approach
- Long term litter reduction targets.

### **LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

Environmental sustainability - Goal 4 Our community is supported in the transition towards net zero emissions and a local circular economy.

Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use.

### **FINANCIAL CONSIDERATIONS**

Initiatives to reduce public place waste/litter or business waste generally cannot be funded under the Domestic Waste Management Charge. Council was previously funded up until October 2022 by the NSW EPA's Better Waste Recycling Fund for the successful 'Swap for Good' program. This program was designed to reduce consumption of single use plastic and other single use packaging and promote reusables, which helps reduce total litter volumes. As part of this program Council promoted Swap Cups which were reusables coffee cups to replace single use coffee cups. Council estimates over 100,000 coffee cups were saved from landfill annually. However no further funding for this program is currently available.

New initiatives to improve public place waste collection or recycling will need to be funded from general revenue or through competitive grants, including from the Litter Prevention Grant Program run by the NSW EPA.

### **ENVIRONMENTAL CONSIDERATIONS**

In Council's Single Use Plastic Policy, Council has committed to influencing the business and retail community to provide products and services that do not rely on Single Use Plastics and promoting alternatives to the community.

Recycling is an important component in best management waste practices, where waste avoidance is not possible, but can carry an environmental footprint in transport and processing.

### **SOCIAL CONSIDERATIONS**

Community groups on the Northern Beaches are actively engaged in waste reduction initiatives and are likely to be supportive of measures which will reduce litter in the area.

Experience has shown that specific material collection bins in public places can become too contaminated to enable recycling, which may result in community dissatisfaction. Such specific collections require a very high level of monitoring and servicing and are often not well suited to public place locations.

### **GOVERNANCE AND RISK CONSIDERATIONS**

Council's Single Use Plastics Policy statement provides for "Council to take a leadership role in the elimination of Single Use Plastics, advocating for legislative change, and influencing and enabling

responsible consumption practices". It will be important for Council to ensure a strategic litter approach to achieve this long-term objective, with its focus on transitioning to a litter prevention approach rather than litter management.

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**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY**

That Council note the information in this report.

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## 12.0 Planning and Place Division Reports

<b>ITEM 12.1</b>	<b>PUBLIC EXHIBITION OF THE REVISED DRAFT BROOKVALE STRUCTURE PLAN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2022/257948</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒ Revised Draft Brookvale Structure Plan (Included In Attachments Booklet)</a></b>
	<b>2 <a href="#">⇒ Analysis Report (Included In Attachments Booklet)</a></b>

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### SUMMARY

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#### PURPOSE

To seek Council's endorsement for public exhibition of the revised Draft Brookvale Structure Plan.

#### EXECUTIVE SUMMARY

The revised Draft Brookvale Structure Plan (Draft BSP) (Attachment 1) has been prepared by consultants Ethos Urban, in collaboration with Council's Strategic and Place Planning unit. It is the result of an extensive planning exercise to review and improve upon an earlier draft Brookvale Structure Plan endorsed by Council for public exhibition in 2017.

The Draft BSP provides a strategic land use planning framework to guide future development in the Brookvale strategic centre for the next 15 years. It remains focused on optimising Brookvale's revitalisation and growth as an employment centre and providing for new housing in mixed use formats that support economic activity and contribute to housing diversity and affordability. It sets out a framework for arranging the mixed-use precincts with buildings at a carefully determined scale and density to accommodate approximately 1,300 new dwellings and an estimated 975 new jobs in Brookvale. There are differences in the building heights envisaged in the town centre with taller buildings closer to the B-Line bus stop, to maximise walkability and access to public transport, and to support the creation of a vibrant, identifiable 'heart' of activity in Brookvale focused on a town square next to the B-Line.

The growth in jobs and housing envisaged in the Draft BSP is carefully balanced and aligned with foreseeable road network capacity limits. The potential for additional growth to be unlocked in Brookvale in the future through major road network upgrades and changes in travel demand and traffic generation has been explored. However, this potential relies on major infrastructure investment by the State and Federal Government. The Draft BSP contemplates an amount of growth that can be accommodated by the existing road network with limited achievable upgrades. The building heights and density were carefully determined having regard to feasibility analysis, stakeholder feedback, built form analysis, and character.

The main revisions incorporated in the revised Draft BSP, since the 2017 exhibited draft, are:

- an increase in the number of planned new dwellings from approximately 570 to 1,300 which are focussed within close proximity to the B-Line stop and will go some way towards meeting housing targets on the Northern Beaches, as well as finding alternatives to identified dwelling numbers that will no longer be delivered by the Ingleside Precinct;

- increases in building heights in the town centre to 7 storeys furthest from the B-Line, increasing to 8 and 12 storeys (inclusive of a potential floor space ratio bonus for community infrastructure) closest to the B-Line;
- no additional permitted uses are proposed for the industrial zoned land, in order to retain the important economic and employment function of this land;
- increases in building heights for industrial zoned land to 4 storeys, in order to provide greater flexibility for businesses to expand and support modernised industrial floorspace;
- the transition area on the eastern side of Dale Street is no longer proposed for mixed-use, based on feedback from the former Greater Sydney Commission that it does not support rezoning of industrial land for residential purposes;
- residential options introduced to a part of the north-east corner of the Warringah Mall site in the form of mixed-use buildings with a minimum amount of employment floorspace; and
- 5,000m<sup>2</sup> of land for a town square on the Warringah Mall site adjacent to the B-Line bus stop.

Significantly, in terms of public benefit, the Draft BSP proposes to deliver:

- an identifiable 'heart' in the form of a vibrant town square next to the B-Line stop designed to support a variety of recreational, social and cultural pursuits and be a focus for pedestrian activity; and
- a minimum 5% (based on feasibility analysis) contribution to affordable housing in all future residential development in Brookvale centre.

The Draft BSP will also see gains for the broader community of the Northern Beaches and beyond through its aspirations to support an emerging creative and innovation sector, environmentally sustainable buildings, improvements to natural systems and urban tree canopy, and an enhanced movement network particularly for pedestrians and cyclists, with better connections to open space.

Following public exhibition and consideration of submissions, the outcomes of the public exhibition will be presented to Council in 2023. The final Brookvale Structure Plan will inform the preparation of a planning proposal to amend the Local Environmental Plan (LEP) including zoning and building height controls, and a development control plan to implement the vision for a vibrant, well-connected, and high amenity place to live, work and visit.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council place the revised Draft Brookvale Structure Plan on public exhibition for 12 weeks
  2. The outcomes of the public exhibition of the revised Draft Brookvale Structure Plan be reported to Council.
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**REPORT**

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**BACKGROUND****Context - Brookvale Strategic Centre**

Brookvale is the Northern Beaches' largest employment hub and most accessible centre. Located 16km north-east of Sydney CBD, it is a designated Strategic Centre in the North District Plan and the Northern Beaches Local Strategic Planning Statement. It includes the largest concentration of industrial land in northern Sydney (86ha) and is home to a regional shopping centre (Warringah Mall), an older commercial strip along Pittwater Road, schools, a TAFE campus, Brookvale Park, a regional Community Health Centre, and a State Transit Authority bus depot.

Council's Local Housing Strategy identifies Brookvale as a Centre Investigation Area in line with the adopted approach to new housing which aims to build in long term capacity for growth in and around centres with good transport. Brookvale is located on a major transport corridor (Pittwater Road) and key public transport infrastructure (one of the most heavily used stops of the B-Line bus rapid transit service and a bus interchange). Brookvale is one of three centres along the B-Line route that Council is prioritising for renewal and where medium density residential development is intended to concentrate, while respecting each centre's scale and character.

**2017 Draft Brookvale Structure Plan**

Preparation of a structure plan for Brookvale began in 2015, after the NSW Government identified Brookvale as a Strategic Centre and the former Warringah Council resolved to prepare a plan to encourage revitalisation and guide future growth of housing and employment.

The first Draft BSP prepared by consultants Hames Sharley was endorsed by Northern Beaches Council in October 2017 and placed on public exhibition. More than 100 submissions were received, and the key issues raised related to traffic, parking and the height, density, and feasibility of development. The 2017 draft plan was put on hold pending a comprehensive review of traffic and transport aspects and the implications for growth scenarios in Brookvale. At the same time, the State Government had finalised its North District Plan which included housing and job targets, and a strong mandate to retain and manage industrial land. Council was also embarking on preparation of its Local Strategic Planning Statement, Housing Strategy, LEP Review and other broad-ranging planning initiatives, all having implications for the future development of the Brookvale strategic centre.

**Road Network Limits to Growth in Brookvale**

Review of traffic and transport has underpinned work on the Draft BSP. The traffic carrying capacity of the road network, particularly Pittwater Road, is fundamental to the amount of growth that can occur in Brookvale.

In 2018, Council engaged Bitzios Consulting to develop a Transport Management and Accessibility Plan for Brookvale-Dee Why (TMAP). Growth scenarios for Brookvale centre were modelled and tested and the TMAP identified growth capacity limits in terms of the amount of additional housing and jobs that could be supported by the road network with certain identified upgrades taking place.

The TMAP calculated an achievable residential population and employment growth 'budget' for two sets of preferred road network upgrades: a limited set of upgrades that were considered realistic in the short to medium term; and an ultimate set which added two major upgrades (grade separation of the intersection of Pittwater Road/Warringah Road/Harbord Road, and extension of Powells Road through to Cross Street) both of which hold significant uncertainty for implementation given their scale and reliance on State and/or Federal Government decision making and funding. The TMAP identified a growth budget of 3,450 dwellings and 2,700 jobs in and around Brookvale centre

under the ultimate set of upgrades. Analysis of the road network capacity without the two major upgrades identified a reduced growth budget of 1,037 dwellings and 810 jobs.

These findings however were based on travel behaviours of residents and employees from 2016 prior to the introduction of the B-Line service and the COVID-19 pandemic which has resulted in more people working at home.

In this context updated analysis was undertaken to determine the potential for additional population and employment within Brookvale without causing undue traffic congestion – consistent with the approach adopted for the TMAP. A modest 10% mode shift away from private vehicles was adopted for new dwellings and jobs in the centre which is considered achievable with the introduction of reduced parking rates for the Brookvale Centre in combination with improved pedestrian and cycle connections and public transport links. It should be noted that this mode shift only applies to future residents and employees of Brookvale, with all existing users assumed to maintain current travel behaviours.

Based on the above assumptions and having regard to strategic housing target imperatives, it was considered that in the short term prior to the introduction of major traffic upgrades, Brookvale could deliver up to an additional 1,300 dwellings and 975 jobs.

Further to the above, while the development potential of industrial areas will increase, we anticipate the intensification of development to occur in an incremental manner where not all sites will be built to their maximum building height, and for those sites that do, each will have their own specific implications regarding traffic generation. Given this, it is appropriate to assess the traffic impacts associated with the industrial and enterprise areas on a site-by-site basis at the development application stage.

The intersection of Pittwater Road/Warringah Road/Harbord Roads is identified as the traffic capacity 'linchpin' for the study area. If the major upgrade (grade separation) of this intersection were to go ahead, planning for Brookvale could contemplate a significantly increased (more than threefold) amount of residential and employment development.

Preparation of the Draft BSP considered this ultimate growth scenario and the potential location and built form in which such growth could take place. However, Council can only plan definitively at this stage for an amount of development that can be accommodated by the road network with the limited upgrades identified by the TMAP, as these upgrades can reasonably be expected to be funded and implemented.

The Draft BSP provides a framework to guide the location and built form for this growth to occur. It recommends changes to the planning controls (zoning and height and floorspace ratio of buildings) which will provide for an increase to the allowable residential and employment floorspace that is within the identified road network capacity limits.

### **Infrastructure Australia – Infrastructure Priority List**

In January 2021, Council made a Stage 1 submission to Infrastructure Australia (a statutory body providing independent research and advice to all levels of government and industry in relation to investment in Australian infrastructure) for the major upgrade to the Pittwater Road/Warringah Road/Harbord Road intersection (grade separation) to be added to the Infrastructure Priority List. In its August 2021 update to the Priority List, the Northern Beaches (A8) corridor capacity: Seaforth to Mona Vale project was added as an 'Early-Stage' Proposal. This listing specifically mentions the Pittwater Road/Warringah Road/Harbord Road intersection as a pinch point in the corridor and that:

*“Additional growth in the Brookvale-Dee Why Strategic Centre is likely to require improvements in the transport network to enable more intensive land use and to achieve NSW Government dwelling and employment targets”.*

Although this priority listing is a step forward, the project remains uncertain. Whilst the Analysis Report (Attachment 2) has undertaken high level of analysis of expected growth should the grade separation proceed, the Draft BSP does not factor this into its growth capacity due to the uncertainty associated with infrastructure delivery.

### **Feasibility Analysis**

While the road network capacity determines the amount of growth that can occur in Brookvale, the built form recommendations, including maximum building heights, is crucially informed by technical work undertaken by Atlas Economics as part of the consultant team. Atlas Economics analysed the feasibility of redevelopment, considering affordable housing contributions, infrastructure levies and high-level concept schemes prepared by Ethos Urban which considered a sample of sites across the precinct with likely building setbacks, flooding constraints which necessitate above ground parking levels and a mix of employment-only and mixed-use development.

In terms of the assumptions factored into the feasibility testing, the analysis noted that due to the high land values of existing lots, development contributions above \$20,000 per dwelling and affordable housing contributions above 5% were unlikely to be tolerated. To exceed these targets would require higher densities to justify redevelopment.

Ultimately, the feasibility testing revealed that a density or floor space ratio (FSR) of at least 2.3:1 would be required to facilitate redevelopment for mixed use buildings. The feasibility testing also examined a commercial-only building scenario but found that this would be difficult to deliver as significant height and density (i.e., above 12 storeys) would be required to make this feasible.

### **Revised Draft Brookvale Structure Plan**

The Draft BSP is included as Attachment 1 to this report. Attachment 2 is the Analysis Report, which documents the traffic and transport, development feasibility and other detailed investigations and the process of analysis and decision making that went into the preparation of the Draft BSP.

The Draft BSP is the result of an extensive planning exercise building on:

- feedback received through previous community consultation;
- further engagement with key stakeholders;
- technical input from the TMAP and progressive traffic capacity analysis by JMT Consulting;
- detailed feasibility testing by Atlas Economics; and
- integration with Council's adopted Housing Strategy and other LEP wide strategies such as consideration of evolving planning circumstances including in relation to the Ingleside Precinct and State Government policy for employment areas.

The main revisions incorporated in the revised Draft BSP, since the 2017 exhibited draft, are:

- an increase in the number of planned new dwellings from around 570 to 1,300 which are focussed within close proximity to the B-Line stop and will go some way towards meeting housing targets on the Northern Beaches, as well as finding alternatives to compensate for housing that will no longer be delivered by the Ingleside Precinct;
- increases in building heights in the town centre to 7 storeys furthest from the B-Line, increasing to 8 and 12 storeys (with a floor space ratio bonus for community infrastructure) closest to the B-Line;
- no additional permitted uses are proposed for the industrial zoned land, in order to retain the important economic and employment function of this land;

- increases in building heights for industrial zoned land to 4 storeys, in order to provide greater flexibility for businesses to expand and support modernised industrial floorspace;
- the transition area on the eastern side of Dale Street is no longer proposed for mixed-use, based on feedback from the former Greater Sydney Commission that it does not support rezoning of industrial land for residential purposes;
- residential options introduced to a part of the north-east corner of the Warringah Mall site in the form of mixed-use buildings with a minimum amount of employment floorspace; and
- 5,000m<sup>2</sup> of land for a town square on the Warringah Mall site adjacent to the B-Line bus stop.

### Revised Draft Brookvale Structure Plan – Character sub-precincts

The revised Draft BSP divides the precinct into five-character sub-precincts. These sub-precincts identify the desired future character and are supported by a set of actions, which if implemented, will achieve the vision for the sub-precinct. The five sub-precincts are:

1. **The Core:** will be the primary activity hub and civic heart of Brookvale, built on a combination of community infrastructure, commercial office space and residential areas. The Core will integrate a large town square and promote active ground floor uses.
2. **Roger Street:** will continue to support light industrial activities such as vehicle repairs and showrooms whilst introducing new uses with a creativity focus to support a broader range of working spaces. New uses include creative maker spaces, creative industries, artisanal food and drink producers and small-scale retail that will co-locate with residential above.
3. **Pittwater Road:** will be a mixed-use corridor with ground level uses for showrooms, offices and creative maker spaces. There are opportunities along Pittwater Road to widen footpaths, increase street tree planting and to introduce a shared cycleway. There is also the potential for the temporary activation of rear laneways and the Winbourne Road Car Park for events.
4. **Industrial East:** will continue to support a range of industrial urban services, while encouraging creative industrial and compatible non-industrial uses (e.g., indoor recreational facilities) to focus towards the creative hub area in the Pittwater Road sub-precinct. Priority will be given to industrial activities that provide a range of supply chain functions for the various trades serving the region. We will continue to see uses such as automotive specialists, industrial producers, stonemasons, furniture makers, ceramicists and industrial food and beverage producers.
5. **Industrial West:** will continue to support a range of larger industrial and manufacturing business and urban services. Employment uses along Dale Street will provide a transition between the residential uses in Roger Street by supporting less intrusive employment uses such as small-scale office spaces. Pedestrian linkages with new landscaping features will enhance connections to nearby public open spaces such as Allenby and Green Street Parks.

### Revised Draft Brookvale Structure Plan – Implementation

The Draft BSP identifies a range of actions to implement the vision for the precinct. Importantly, the Draft BSP identifies a recommended LEP planning framework including land use zoning, height of buildings and floor space ratio maps (Table 1). An initial framework to guide amendments to the Development Control Plan (DCP) is also identified.

Character sub-precinct	Recommended LEP provision	Summary
1. The Core	Land Use Zoning	<u>Warringah Mall site</u>

Character sub-precinct	Recommended LEP provision	Summary
<p>This precinct contains land owned by:</p> <p>Warringah Mall (145 Old Pittwater Road)</p> <p>Aldi (26-36 Green Street)</p>		<p>An MU1 Mixed Use zone at the north-east part of the Warringah Mall site is recommended. The intent is to be an initial stage of a longer-term vision of establishing a diverse mixed-use core around the B-Line stop.</p> <p>Rezoning the north-east part of the Warringah Mall site represents a significant uplift in development potential which warrants delivery of public benefits. Therefore, a site-specific provision is recommended to ensure the delivery of public benefits. It is recommended that a town square with a minimum area of 5,000m<sup>2</sup> is provided. This will become the primary space for workers, residents, and visitors to meet and dwell. The delivery of community infrastructure will be linked to a FSR bonus.</p> <p>The existing B3 Commercial Core zone (or E2 Commercial Core when the Dept Planning employment zones reforms come into effect) will apply to the rest of the Warringah Mall site. No residential uses are permitted in the B3 or E2 zone.</p> <p><u>Aldi site</u></p> <p>The site is currently zoned for industrial purposes. A B3/E2 Commercial Core zone is recommended to reflect the existing retail use of the land and is consistent with retaining an employment focus.</p>
	<p>Height of Building</p>	<p><u>Warringah Mall site</u></p> <p>The north-east corner of the Warringah Mall site close to the B-Line will set the benchmark upper height of buildings in Brookvale at up to 42 metres (12 storeys).</p> <p>A maximum height limit of 3 metres is recommended for areas which intend to function as the town square. This will restrict the ability for buildings to locate in this area.</p> <p>For the remainder of the Warringah Mall site, urban design analysis is ongoing to determine an appropriate statutory maximum building height, which will be introduced as part of Council's comprehensive Northern Beaches LEP.</p> <p><u>Aldi site</u></p>

Character sub-precinct	Recommended LEP provision	Summary
		<p>A maximum building height of 18 metres (4 storeys) is recommended. This is considered an appropriate built form transition from the building heights proposed in the precinct to the adjoining industrial zoned lands.</p>
	Floor Space Ratio	<p><u>Warringah Mall site</u></p> <p>A maximum FSR of 1.9:1 is recommended for the north-east corner of the Warringah Mall site. A bonus FSR of 0.2:1 is recommended where community infrastructure is provided, which will allow the site to redevelop up to the proposed maximum height limit of 12 storeys. Without the FSR bonus, the site is only able to achieve approximately 10 storeys.</p> <p>A minimum non-residential FSR of 0.7:1 is recommended to ensure employment uses are prioritised in this location.</p> <p><u>Aldi site</u></p> <p>No FSR is recommended due to application of an E2 Commercial Core zone.</p>
<p><b>2. Roger Street</b></p> <p>This precinct contains land at:</p> <p>2-40 Roger Street</p> <p>15-53 Roger Street</p> <p>475-489 Pittwater Road</p>	Land Use Zoning	<p>An MU1 Mixed Use zone is recommended. The intent will be to allow for a diverse range of employment uses (such as light industry, creative industries, gyms, retail and showrooms) to occupy the ground floor, with residential uses above. Whilst some of these uses may not be permitted in the MU1 zone of the Standard Instrument, the application of Schedule 1 Additional Permitted Uses is proposed to allow these uses to occur.</p> <p>Further, to encourage light industries and creative industries, a special provision is proposed to allow residential flat buildings only where the ground floor is used for either of these uses.</p>
	Height of Building	<p>A maximum building height of 30 metres (8 storeys) is recommended for Nos. 2-26 Roger Street, Nos. 475-489 Pittwater Road, Nos. 15-17 Roger Street.</p> <p>A maximum building height of 27 metres (7 storeys) is recommended for Nos. 28-40 Roger Street and Nos. 19-23 Roger Street to provide a transition towards the edge of the precinct.</p>

Character sub-precinct	Recommended LEP provision	Summary
	Floor Space Ratio	<p>A maximum FSR of 2.4:1 is recommended for Nos. 2-26 Roger Street, Nos. 475-489 Pittwater Road, Nos. 15-17 Roger Street.</p> <p>A maximum FSR of 2.3:1 is recommended for Nos. 28-40 Roger Street and Nos. 19-23 Roger Street.</p>
<p><b>3. Pittwater Road</b></p> <p>This precinct contains land at:</p> <p>491-521 Pittwater Road</p> <p>638-698 Pittwater Road</p> <p>87 Winbourne Road</p> <p>1 Chard Road</p> <p>1 Sydenham Road</p>	Land Use Zoning	<p>The MU1 Mixed Use zone is recommended to all properties in this precinct, except at No. 87 Winbourne Road (Winbourne Road Car Park) which will retain its RE1 Public Recreation zone and its function as a public car park. The intent will be to allow for a diverse range of employment uses (such as light industries, creative industries, gyms, retail and showrooms) to occupy the ground floor, with residential uses above. Whilst some of these uses may not be permitted in the MU1 zone of the Standard Instrument, the application of Schedule 1 Additional Permitted Uses is proposed to allow these uses to occur.</p> <p>Further, to encourage light industries and creative industries, a special provision is proposed to allow residential flat buildings only where the ground floor is used for either of these uses.</p> <p>No. 1 Chard Road is currently zoned for industrial purposes. An MU1 zone is recommended to allow for a suitable redevelopment outcome with adjoining lots to deliver a rear laneway as part of any future redevelopment.</p>
	Height of Building	A maximum building height of 30 metres (8 storeys) is recommended.
	Floor Space Ratio	A maximum FSR of 2.4:1 is recommended.
<p><b>4. Industrial East</b></p> <p>This precinct contains land that is currently zoned IN1 General Industrial and generally located east of Pittwater Road, west of Harbord Road, north of Wattle Road and north of William Street.</p>	Land Use Zoning	No change is recommended aside from the administrative name change of the land use zone from IN1 General Industrial to E4 General Industrial. This precinct will continue to support a range of industries of a scale that provides a range of supply chain functions for the various trades serving the region.
	Height of Building	A maximum building height of 18 metres (4 storeys) is recommended. This responds to the

Character sub-precinct	Recommended LEP provision	Summary
		State Government's intention to increase the height of single-level industrial buildings to 18 metres via a complying development pathway, as specified in the document 'Building Business Back Better Explanation of Intended Effect (March 2021)'. This increase will allow industries to better reflect current building requirements and adapt to new technologies which require large bay warehouses such as robotics, automation, new and more powerful sprinkler systems, solar, plant and equipment.
	Floor Space Ratio	No FSR is recommended due to the application of an E4 General Industrial zone.
<p><b>5. Industrial West</b></p> <p>This precinct contains land currently zoned IN1 General Industrial and generally located west of Pittwater Road (except 26-36 Green Street), south of Beacon Hill Road and east of Allenby Park.</p>	Land Use Zoning	<p>An administrative name change is recommended to the IN1 General Industrial zone to E4 General Industrial. This precinct will continue to support a range of larger industrial and manufacturing business and urban services.</p> <p>An SP4 Enterprise zone is recommended for land at Nos. 1-27 Dale Street and Nos. 11-13 Old Pittwater Road. This will allow for a mix of services, low impact industries, creative industries, manufacturing, warehousing, office, and limited supporting retail. The SP4 zone will establish an improved land use transition to manage any potential land use conflicts that impact the amenity of future residential uses on Roger Street. Residential uses will not be permitted in the SP4 Enterprise zone.</p>
	Height of Building	A maximum building height of 18 metres (4 storeys) is recommended. This responds to the State Government's intention to increase the height of single-level industrial buildings to 18 metres via a complying development pathway, as specified in the document 'Building Business Back Better Explanation of Intended Effect (March 2021)'. This increase will allow industries to better reflect current building requirements and adapt to new technologies which require large bay warehouses such as robotics, automation, new and more powerful sprinkler systems, solar, plant and equipment.
	Floor Space Ratio	No FSR is recommended due to the application of an E4 General Industrial and SP4 Enterprise zone.

Character sub-precinct	Recommended LEP provision	Summary
<b>6. Other areas not identified within in a character sub-precinct:</b>  702-718 Pittwater Road	Land Use Zoning	The MU1 Mixed Use zone is recommended. This zoning better reflects the mixed-use nature afforded by the existing additional permitted uses.
	Height of Building	Retaining the existing height limit of 11 metres (3 storeys) is recommended. This considers the precinct's traffic network capacity and concentrates residential and employment growth closer to the B-Line stop.
	Floor Space Ratio	No FSR is recommended as the existing height limit will be retained.

Table 1: Recommended LEP planning framework

## CONSULTATION

Extensive engagement was undertaken to capture the opinions and aspirations of the community in the course of preparing the earlier 2017 Draft Brookvale Structure Plan, starting in 2015 with a *Your Say* web page, letters, flyers, social media and newspaper notices, followed by specific events including an information stall at Brookvale Show, public drop-in sessions, interactive workshops with key stakeholder groups, and meetings with individual business and landowners in Brookvale. The 2017 Draft Plan was publicly exhibited for two months in September to November 2017. 113 submissions were received (consisting of 108 public submissions and 5 government agency submissions), and the issues raised led to the further traffic and feasibility analysis and the engagement of new consultants to prepare the revised Draft BSP.

In preparing the revised Draft BSP, further consultation was undertaken in early 2021, in the form of meetings with key stakeholders including State Government agencies, TAFE NSW, Aldi, Scentre Group (Warringah Mall's owner), Col Crawford, Warringah Chamber of Commerce, B.A.D. (Brookvale Arts District) and Council's strategic reference groups (SRG) including the Economics and Arts SRG and Places for People SRG.

Internal consultation was also undertaken with the following divisions and/or business units: Community and Belonging, Community Arts and Culture, Community Engagement and Communications, Development Assessment, Environment Resilience and Climate Change, Parks and Recreation, Property, Transport and Civil Infrastructure

If Council adopts the recommendation to place the Draft BSP on public exhibition, it will be formally exhibited for a minimum of 8 weeks. Online and in person engagement methods are proposed including information on the *Your say* project web page, explanatory videos, and drop-in sessions (to be held after the Christmas / New Year holiday period). Promotional activities will include social media and email notifications, letters to owners and occupiers within a 1.5km radius of the B-Line stop, brochures and postcards which summarise how the revised Draft BSP differs from the earlier plan exhibited in 2017 and key aspects of the plan. Feedback received will be reported back to Council.

## TIMING

Public exhibition is proposed to occur for an extended period from 1 December 2022 to 28 February 2023 (12.5 weeks), This will allow ample time for review as the proposed exhibition period would fall within the holiday period.

The outcomes from the public exhibition period will be reported back to Council in 2023.

Should the Draft BSP be adopted, the next phases of work to implement the Brookvale Structure Plan will include preparation of a Planning Proposal and supporting technical studies to amend the Local Environmental Plan (LEP), a 7.11 Development Contributions Plan (to levy development for community services and infrastructure), amendments to Council's Affordable Housing Contributions Scheme, and an area-specific Development Control Plan setting out detailed planning and design guidelines to support the LEP controls. Depending on resourcing, this work could take one to two years to complete.

### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes of:

- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- 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 10: Our community is stimulated through a diverse range of cultural and creative activities and events.
- 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.
- 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.

The Draft BSP also draws on recommendations and strategies contained in the following:

- Northern Beaches Local Strategic Planning Statement
- Northern Beaches Employment Study
- Northern Beaches Local Housing Strategy
- Northern Beaches Social Infrastructure Study
- Northern Beaches Open Space and Outdoor Recreation Strategy
- Northern Beaches Environment and Climate Change Strategy 2040
- Northern Beaches Delivery Program 2021-2025
- Northern Beaches Affordable Housing Contribution Scheme
- Northern Beaches Resilience Strategy

- Northern Beaches Transport Strategy

## FINANCIAL CONSIDERATIONS

The public exhibition process and work to finalise the Draft BSP is funded from existing operational budgets.

Costs associated with implementing the Brookvale Structure Plan, once finalised, will involve:

- further planning work to prepare a Planning Proposal to amend the Local Environmental Plan, a 7.11 Contributions Plan, and a Development Control Plan; and
- physical works such as footpath/cycleway improvements, street tree planting, playgrounds, and other embellishment of public open space, and fit-out of indoor community facilities.

Funding for the future planning work will need to be allocated from the operational budget of Planning and Place Division. Funding for the design and construction of public infrastructure can be recouped primarily through developer levies in accordance with the 7.11 Contributions Plan, which will provide cost estimates for the amenities and services required to meet the needs of the incoming residential population and will apportion the cost on a per dwelling/bedroom basis. Planning agreements with individual landowners may also be considered, where appropriate.

It is possible State and/or Federal Government grant programs may be available to apply for funding for community facilities or enhancements to parkland or other public domain areas.

Further growth in Brookvale beyond the limits envisaged in this Structure Plan is dependent on the grade separation of Pittwater/Warringah/Harbord Roads, which can only be funded by the State and/or Federal Government.

## SOCIAL CONSIDERATIONS

Online engagement activities will ensure that a broad spectrum of the community can participate such as residents, workers, and visitors to Brookvale.

The Draft BSP provides a logical framework to guide future development in a way that optimises the employment role and function of the strategic centre and ensures that growth takes place in line with road network capacity. Social benefits for the community will flow from job creation and access to goods and services through new and expanded employment floorspace in a revitalised town centre and flourishing industrial areas. The planned 1,300 additional dwellings, in the form of apartments, with a requirement for 5% affordable housing contributions, will improve housing diversity and affordability on the Northern Beaches. The arrangement, scale and form of buildings and streetscapes envisaged in the mixed-use areas will create an attractive, connected, transit-supportive centre with functional, high-amenity streets and public spaces that support social interaction, recreation, and business collaboration. Realisation of a sizeable area for a town square adjacent to the B-Line bus stop is an opportunity to create an iconic 'heart' in Brookvale which boosts its appeal as a place to work, live, learn and visit. Bonus floor space provisions will incentivise the delivery of floorspace for the town square and community facilities in a building close to the 'heart'.

Brookvale's emerging creative and innovative sector will be supported through the investigation of opportunities for temporary activation events at the Winbourne Road car park or other locations, at times when demand for car parking is lower and there is minimal disruption to business operations.

## ENVIRONMENTAL CONSIDERATIONS

Online engagement will be encouraged as the principal method to view the exhibition material and submit feedback. This approach implements the principles of waste avoidance. Careful

consideration has also been applied to the volume of promotional and hardcopy collateral to be supplied throughout the public exhibition period. Limited quantities will be printed on recycled paper.

Brookvale is the Northern Beaches' most accessible centre. By concentrating employment and housing growth close to the B-Line bus stop, the Draft BSP is supporting walkability and use of public transport, which reduces reliance on private cars and is one of the most effective ways of reducing carbon emissions on the Northern Beaches.

The Draft BSP highlights the need to integrate best-practice environmental sustainability into the future planning controls including requirements for energy efficient buildings, encouraging precinct-scale solutions to reduce resource use, enhancing urban green-grid corridors, and providing green infrastructure in future development to absorb flood runoff, cool the environment, clean the air, and provide spaces for local food production and habitat for plants and animals.

## GOVERNANCE AND RISK CONSIDERATIONS

The Draft BSP will be exhibited in accordance with Council's Community Participation Plan.

While market forces and economic circumstances can be unpredictable, the detailed feasibility work involved in preparing the Draft BSP ensures that the planning controls proposed allow for development yields that are viable for landowners and encourage renewal.

There is a level of risk that if the take up is strong in the industrial and special enterprise zoned areas, with redevelopment at higher densities occurring at a faster pace and more extensively than anticipated, the quantum of jobs growth planned within identified road network capacity limits could be exceeded. It will be important for Council to monitor this situation through traffic counts and tracking of development applications, and to continue to lobby State and Federal agencies to fund the grade separation of Pittwater/Warringah/Harbord Roads.

Furthermore, in the interest of managing risks of housing and employment growth exceeding the capacity of the road network, it will be important for Council to communicate to the Greater Cities Commission, when it reviews the housing and jobs targets contained in North District Plan, that the potential to meet these targets in Brookvale is severely limited by the road network.

There is minimal risk associated with Council owned land in the precinct. The Draft BSP identifies potential changes to the Winbourne Road car park and land at No. 521 Pittwater Road, which are considered positive outcomes to achieve the vision for the precinct. The proposal for temporary after-hours activation of the Winbourne Road car park will ensure that Council can curate activation to benefit the centre's economic function and vitality. The uplift identified at No. 521 Pittwater Road is proposed in line with the changes to the Pittwater Road sub-precinct and existing lease arrangements will not be affected.

<b>ITEM 12.2</b>	<b>PLANNING PROPOSAL SUBMISSION TO DPE - MORGAN ROAD, BELROSE (LIZARD ROCK)</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2022/690437</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Submission - Planning Proposal - Morgan Road Belrose (known as Lizard Rock) (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To seek Council's approval for a submission to the Department of Planning and Environment on a Planning Proposal for Morgan Road, Belrose (known as Lizard Rock).

### EXECUTIVE SUMMARY

On 27 October 2022, Council was notified by the Department of Planning and Environment (the Department) that a Planning Proposal had been submitted for Lizard Rock, Morgan Road, Belrose by the Metropolitan Local Aboriginal Land Council (MLALC). The notification invited comments within 28 days.

The Planning Proposal seeks to:

- remove the "deferred status" of the site by moving it from Warringah Local Environment Plan 2000 into Warringah Local Environmental Plan 2011
- rezone the land for residential (R2 low density) and conservation (C2 Environmental Conservation) purposes
- introduce a maximum height of buildings of 8.5 metres
- apply a dwelling cap control (450 dwellings) instead of minimum lot size provisions.

The Planning Proposal also seeks to accommodate a variety of residential uses, including dual occupancy, secondary dwellings, seniors housing, as well as road and stormwater management infrastructure, a community cultural centre and open space/recreation areas.

The Planning Proposal will be reviewed by the North District Strategic Planning Panel and it will make a recommendation to the Department whether a "Gateway" approval should be granted. If granted, the Planning Proposal will be placed on public exhibition for comment. In that case, Council would need to determine whether to accept the "Planning Proposal Authority" role.

This report recommends that Council make a submission (Attachment 1) to the Department in relation to the Planning Proposal.

Council acknowledges that historically, Aboriginal peoples owned and managed land across Australia for many thousands of years before white occupation and that the *NSW Aboriginal Land Rights Act 1983* (ALR Act) was a significant step in redressing longstanding injustices to Aboriginal peoples by allowing Local Aboriginal Land Councils to claim vacant Crown Land.

Council also appreciates the overarching objective of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) is to aid Aboriginal People to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community.

However, in summary, the submission opposes the granting of a Gateway approval for the Planning Proposal for the following reasons:

- **Inconsistency with Strategy** - The Planning Proposal does not demonstrate strategic merit and is inconsistent with key aspects of the Greater Sydney Region Plan, North District Plan, Northern Beaches Local Strategic Planning Statement - *Towards 2040* and Northern Beaches Local Housing Strategy.
- **Non-compliant process** - There has been no formal pre-lodgement consultation with Council on the Planning Proposal, as required by the *Local Environmental Plan Making Guideline* and as recommended by the consultation outcomes report prepared by WSP consultants on behalf of the Department following exhibition of the *SEPP (Planning Systems) 2021 Aboriginal Lands & draft Northern Beaches Aboriginal Land Development Delivery Plan*.
- **Short Consultation Timeframe** – The 28 day timeframe to review the application and associated technical reports for a complex proposal with almost 1,400 pages of documentation and then prepare a meaningful response is considered unreasonable.
- **Significant inconsistencies within Planning Proposal documentation** – for example:
  - Varies referring to 450 “dwellings” and 450 “lots”. 450 lots has the potential to create double or triple that number of “dwellings” if seniors housing and dual occupancy is permitted, as proposed. This has major impacts on all aspects of the proposal.
  - Referring to proposed B1 zone and RE2 zone for up to 5000 sqm of neighbourhood shops, supermarkets, medical centre and office and childcare facilities (page 63), inconsistent with zoning maps which include only residential and conservation zones.
  - Referring to securing “*additional permitted uses...for dual occupancies and seniors housing, as well as community facilities*” in the residential zone (page 5) whilst elsewhere stating “*the proposal does not involve “inappropriate development” such as schools or retirement villages*” (pages 42 & 101). This is reiterated in the Travers Bushfire and Ecology report (p vii) documents and is critical to consideration of bushfire and infrastructure requirements.
- **Inconsistency with Conservation Zones Review** - The Planning Proposal is inconsistent with Council’s Conservation Zones Review which recommends applying a C3 Environmental Management Zone to most of the site due its high environmental value.
- **Enormous loss of high biodiversity habitat** - The Planning Proposal would facilitate development that would result in approximately 44.7 hectares (an area equivalent to approximately 45 rugby fields) being cleared, and a further 6.9 hectares (including threatened species) subject to indirect impacts, resulting in significant impacts on core habitat, known habitat for various threatened species of flora and fauna, and Threatened Ecological Communities (TECs), contrary to adopted policy and the *NSW Biodiversity Conservation Act 2016*.
- **Bushfire** - The proposal has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated, yet these are fundamental enabling provisions for the proposal. If one or both of these options are not available, the planning proposal will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.
- Some discrepancies are also noted that need to be clarified, for example, the proposal seeks to secure additional permitted uses within the R2 zone for residential land uses such as “dual occupancies, seniors development and community facilities” (p.5, Gyde consulting) – yet this

is at odds with later statements that “The proposal does not involve “inappropriate development” such as schools or retirement villages.” (p42 & p. 101).

- In its current form, the proposed development presents an unacceptable and, in some cases, a catastrophic risk to future residents. It is unclear whether utility services (electricity and water) identified to service the site are adequate in terms of bush fire risk. Further information is required.
- **Insufficient Affordable Housing** - The Planning Proposal is inconsistent Council's Affordable Housing Policy and Local Strategic Planning Statement which seek 10% affordable rental housing for all strategic plans and planning proposals for up-zoning, urban renewal or greenfield development (the proposed contribution of \$2.5 million is well below 10%).
- **Unjustified and outdated Urban design** - The urban design concept has not been justified by comparing alternative settlement options; does not sufficiently account for the site constraints and location; mimics the urban form of the 1970's by creating a sparse, isolated, car-reliant, enclave; and does not make clear how the proposed new settlement relates to or integrates with Belrose.
- **Insufficient survey work of Aboriginal heritage** - The proposal provides only basic information about the known Aboriginal sites and potential for unrecorded sites at Lizard Rock. There is insufficient information provided about the survey work, the current sites in their context, best management options for the site and steps for further investigation. Site mapping of the rock engravings is of a very general nature and likely to be inaccurate and the report fails to demonstrate the significance of the rock engraving sites and how the proposal can safeguard them from current and future impacts as part of a managed visitor experience.
- **Proposed slip lane on Forest Way is on Council land** - the land identified to accommodate the future slip lane is owned by Council, is zoned RE1 – Public Recreation, is classified as Community Land, and has not been specifically identified in the Planning Proposal document. The land is part of a broader vegetated buffer along both sides of Forest Way from Morgan Road extending 1.4km south to Dawes Road and provides visual treatment and noise attenuation between the busy road corridor and adjacent developments. No discussions have taken place with Council about the use of this land. Any proposition to include Council's land for road widening requires a Council resolution as the landowner before contemplating a reclassification of land under the Local Government Act and rezoning of that land to reflect the new public purpose.
- **Major impacts on Waterways** - The Planning Proposal would result in significant environmental impacts within the Snake Creek / Narrabeen Lagoon catchment. The proposal is a major catchment disturbance that will affect the value of the valley setting and receiving waters, and impact riparian land. It is inconsistent with adopted waterway related policy and strategy documents published by both the NSW Government and Northern Beaches Council.
- **Slope instability** – The planning proposal identifies sites which could have potential 'moderate' or 'high' slope stability risk and would require slope stability remedial measures. Construction of infrastructure and changes to land formation due to the proposed development would increase this slope stability risk.
- **Insufficient information regarding stormwater infrastructure impacts** – The proposal provides insufficient information to adequately have regard for the considerable infrastructure upgrades necessary to support the development. New roads are proposed on valley slopes that exceed the maximum grades recommended by Austroads. Due to the steep grades and geotechnical conditions, concern is raised about the long term adverse and cumulative

impacts of the proposed development on flood behaviour and performance of the stormwater detention system.

- **Insufficient information about economic and social impact** – The proposal estimates an increase in population from the proposed development of 1,428 people, 20 to 140 jobs post construction, and over 5000 sqm retail and services floorspace. Insufficient information is provided about the staging of new retail and services development, potential impacts on existing or planned commercial centres, the likely social impacts (positive and negative) of the proposal, and demand on social infrastructure.
- **Insufficient modelling of traffic and transport and Active Transport proposals**– the modelling fails to consider impacts on the broader Morgan Road corridor. Morning peak northbound queuing at the Morgan Road/ Wakehurst Parkway intersection increases by over 150m. There is no modelling of the intersection of Oxford Falls Road and Wakehurst Parkway (known blackspot location). There is also no supporting modelling to demonstrate no net impact on the adjoining intersections along the Forest Way or Wakehurst Parkway corridors. Active transport planning is insufficient, appearing as an afterthought rather than the focus for the new development as required under Council’s MOVE Strategy. Suitable bus infrastructure at the three main points serviced should be considered.
- **Insufficient emergency evacuation modelling** – the modelling does not demonstrate the real time evolving situation and does not consider the broader area impacts. Further modelling is required about how the emergency situation would evolve on a variety of scenario events. Modelling of a worst-case scenario is required, involving full evacuation including traffic from the areas to the north simultaneously being evacuated along Forest Way, movements required to facilitate the assisted evacuation of the nearby Seniors Living developments and the inability of traffic to filter through the network to the north, west and east.
- **Inconsistencies in documentation regarding infrastructure provision** – it is not clear how and where community facilities will be provided as no zoning for this land is indicated. Various references to 450 dwellings versus 450 lots has significant infrastructure implications.
- **Additional infrastructure demand not adequately addressed** - The proposal generates additional demand for Community Facility floorspace, Library Services floorspace, Open Space, Active transport, and traffic infrastructure which cannot all be met on-site. The application of Council’s “standard” Section 7.12 Contributions Plan to address these matters will not cover the cost of this infrastructure – a new separate Section 7.11 Contributions Plan is required.
- **Voluntary Planning Agreement (VPA)** – the VPA provides for critical infrastructure needed for the creation and registration of serviced land ready for sale at market, it is not a contribution for a public purpose. The affordable housing offer (\$2.5m) is inconsistent with Council’s Affordable Housing Policy and Local Strategic Planning Statement requirements.

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**RECOMMENDATION OF EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING**

That Council forward the submission at Attachment 1 to this report to:

1. The Department of Planning and Environment for the consideration of the North District Strategic Planning Panel.
  2. The Minister for Planning and Minister for Homes, all local Federal and State members of parliament, and seek a meeting between the Minister for Planning and the Mayor to discuss the submission.
-

**REPORT**

**BACKGROUND**

On 5 August 2022, State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) was amended to include six (6) sites owned by the Metropolitan Aboriginal Land Council (MLALC) (see Figure 1).

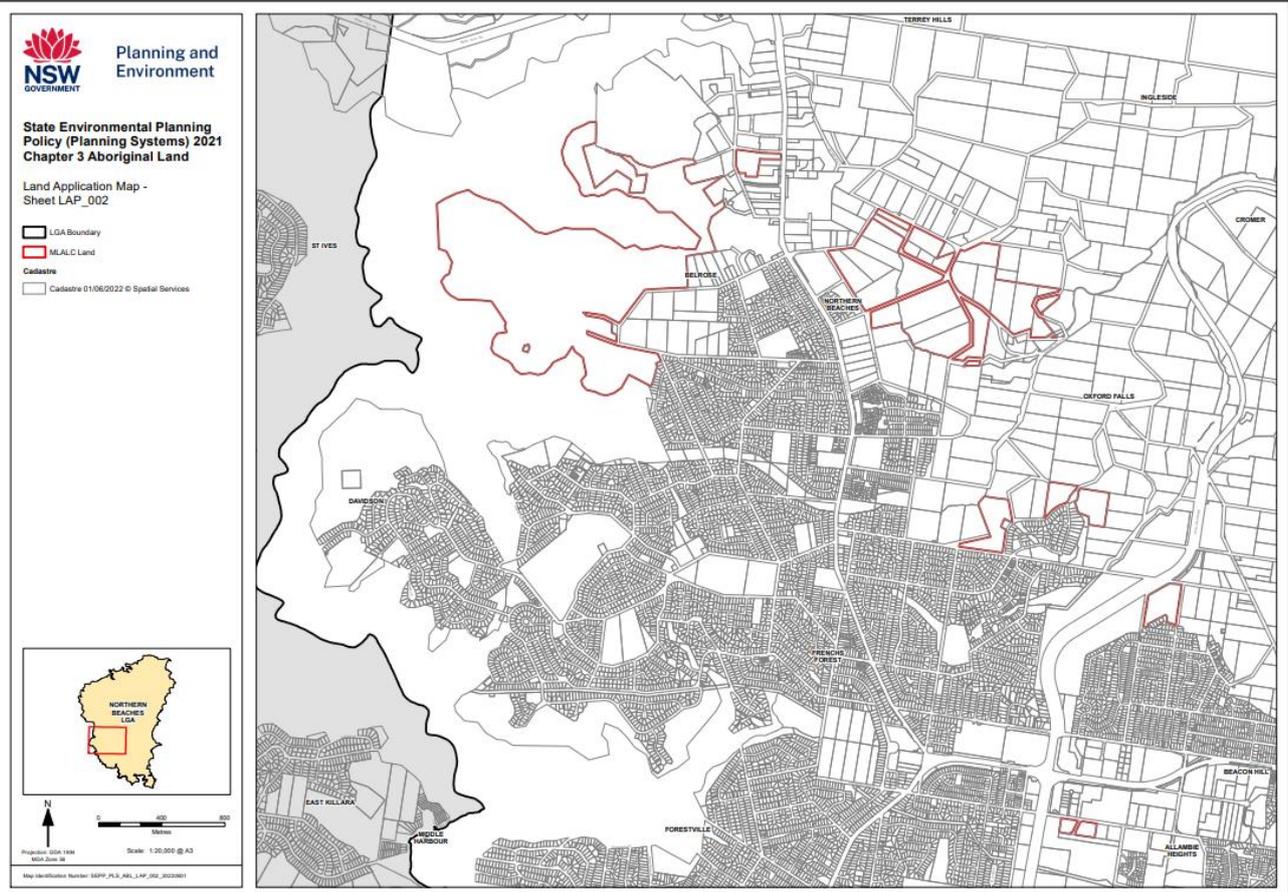


Figure 1 : Land Application Map showing MLAC land subject to Planning Systems SEPP

The Northern Beaches Aboriginal Land Development Delivery Plan (DDP), was also approved by the Minister for Planning.

The DDP identifies all the MLALC’s landholdings (see Figure 2), however sets out MLALC’s objectives for the six sites included in the Planning Systems SEPP (outlined in red in Figure 2), the nature of development proposed, the basis on which the development is proposed, and strategies and actions to achieve those objectives.

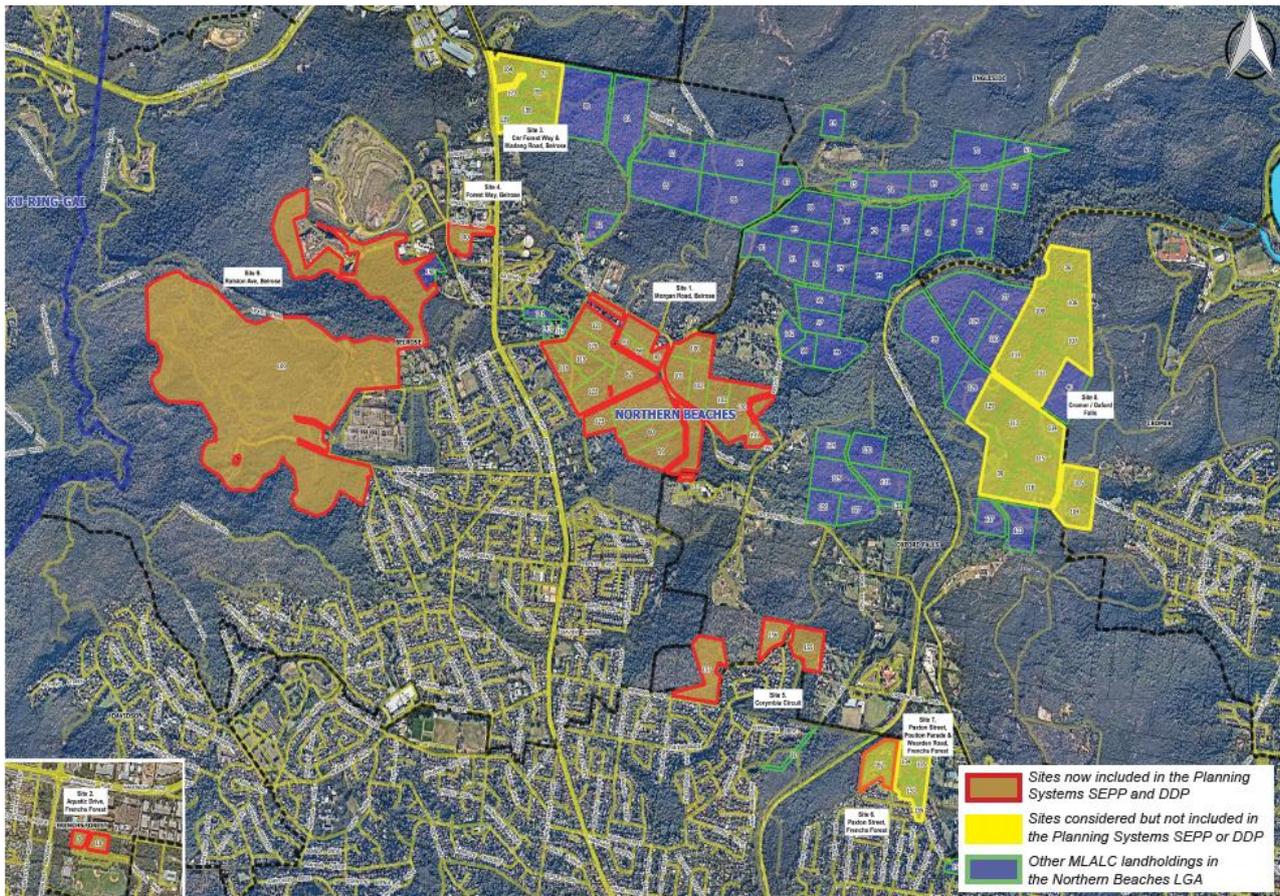


Figure 2 : Key land holdings of MLALC

### The Planning Systems SEPP:

- requires the consideration of the DDP in the preparation of any Planning Proposal to amend Council’s Local Environmental Plan (LEP) applying to the land.
- requires the consideration of the DDP (in part) in the assessment of any development application for the land.
- creates an ‘independent proposal review’ process whereby MLALC can request the Regional Planning Panel to review a Planning Proposal before it is submitted to DPE for a “Gateway” determination (removing Council from the Planning Proposal Authority role)
- makes the Regional Planning Panel, not Council, the consent authority for development with a value exceeding \$5m or with more than 50 submissions or where Council takes longer than 60 days to determine the application. Council would only have power to exhibit, assess and provide a recommendation to the Panel on whether the development should be approved.

On 27 October 2022, Council was notified by the Department of Planning and Environment that a Planning Proposal had been submitted for Lizard Rock, Morgan Road, Belrose, which forms a site within the DDP.

The Planning Proposal will be reviewed by the North District Strategic Planning Panel and the Panel will make a recommendation to the Department whether a “Gateway” approval should be granted. If granted, the Planning Proposal will be placed on public exhibition for comment. Council would need to determine whether to accept the “Planning Proposal Authority” role.

Council has been invited to comment on the Planning Proposal within 28 days and provided with an opportunity to address the North District Strategic Planning Panel. We have been advised that the panel will meet in mid- December 2022.

## Planning Proposal

The Planning Proposal, prepared by the Metropolitan Local Aboriginal Land Council (MLALC), seeks to:

- remove the “deferred status” of the site by moving it from Warringah Local Environment Plan 2000 into Warringah Local Environmental Plan 2011
- rezone the land for residential (R2 low density) and conservation (C2 Environmental Conservation) purposes
- introduce a maximum height of buildings of 8.5 metres
- apply a dwelling cap control (450 dwellings) instead of minimum lot size provisions.

The Planning Proposal also seeks to accommodate a variety of residential uses, including dual occupancy, secondary dwellings, seniors housing, as well as road and stormwater management infrastructure, a community cultural centre and open space/recreation areas.

## Site Description

The subject site (Figure 3) is an amalgamation of 22 allotments and the 2 roads on site with a total area of 701,000sqm (70.1ha).



Figure 3: Subject site – outlined in white

## Site ownership

All allotments are in MLALC ownership totalling a site area (excluding internal unmade roads) of 677,000sqm (67.7ha) (See Table 1 and Figure 4). A Crown Road purchase application to acquire the unformed roads is also underway.

Lot Description	Site Area	Ownership
Lot 89 DP 752038	38,503.6sqm (3.85ha)	MLALC
Lot 90 DP 752038	43,151sqm (4.32ha)	MLALC
Lot 91 DP 752038	43,961sqm (4.4ha)	MLALC
Lot 92 DP 752038	67,684sqm (6.77ha)	MLALC
Lot 93 DP 752038	42,942sqm (4.29ha)	MLALC
Lot 176 DP 752038	7,504sqm (0.75ha)	MLALC
Lot 177 DP 752038	6,547sqm (0.65ha)	MLALC
Lot 178 DP 752038	10,031.6sqm (1ha)	MLALC
Lot 189 DP 752038	30,379sqm (3.04ha)	MLALC
Lot 190 DP 752038	30,234.5sqm (3.02ha)	MLALC
Lot 191 DP 752038	31,064sqm (3.11ha)	MLALC
Lot 196 DP 752038	35,833.5sqm (3.58ha)	MLALC
Lot 197 DP 752038	42,239.6sqm (4.22ha)	MLALC
Lot 944 DP 752038	32,434sqm (3.24ha)	MLALC
Lot 945 DP 752038	30,303.6sqm (3.03ha)	MLALC
Lot 946 DP 752038	30,230.3sqm (3.02ha)	MLALC
Lot 947 DP 752038	29,240.9sqm (2.94ha)	MLALC
Lot 948 DP 752038	41,331.9sqm (4.13ha)	MLALC
Lot 953 DP 752038	22,617.9sqm (2.26ha)	MLALC
Lot 2600 DP 752038	23,801.6sqm (2.38ha)	MLALC
Lot 2 DP 1242330	28,967.1sqm (2.9ha)	MLALC
Lot 1 DP 1285945	8034sqm (0.8ha)	MLALC
<b>Total Site Area</b>	<b>677,000sqm (67.7ha)</b>	

Table 1 : legal description of the site, including site area and ownership

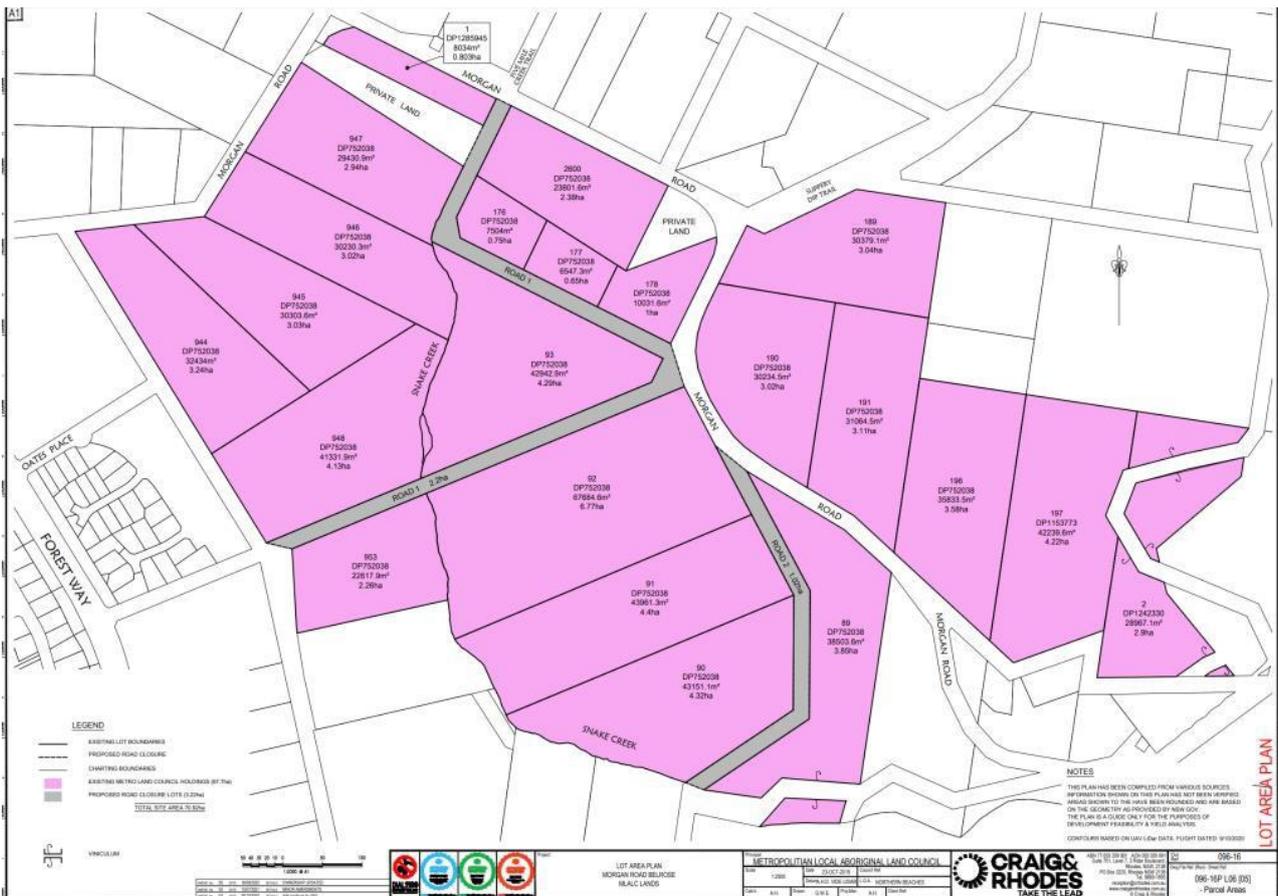


Figure 4 : Area map of the site with lots under MLALC ownership shown in purple

### Proposed amendments to WLEP 2000

A summary of the proposed amendments to WLEP2000 is shown in Table 2 with further detail identified below the table.

PROPOSED STATUTORY AMENDMENTS	
Remove "Deferred Matter" status of the land	Transfer the Site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011
Implement standard instrument zones to achieve the proposed outcome	The following standard instrument zones could facilitate the intended development outcome; <ul style="list-style-type: none"> <li>• C2 - Environmental Conservation</li> <li>• R2 - Low Density Residential</li> </ul>
Introduce maximum building heights	8.5 metres
Introduce minimum lot sizes	Amendments to implement and apply a minimum lot size control will be facilitated by a LEP density provisions and DCP lot size controls.
Introduce Dual occupancies, Seniors Housing and community facilities as additional permitted uses	Schedule 1 Additional permitted uses amendment may be required subject to the final selection of zoning applied to the site.

Table 2 : Summary of proposed statutory amendments

The following amendments to WLEP 2000 are proposed:

- A. Transfer the site from Warringah Local Environmental Plan 2000 to Warringah Local Environmental Plan 2011 and implement R2 low density residential zone and C2 Environmental conservation zone



Figure 5 : Site – existing zoning - Locality B2 - Oxford Falls Valley within WLEP 2000

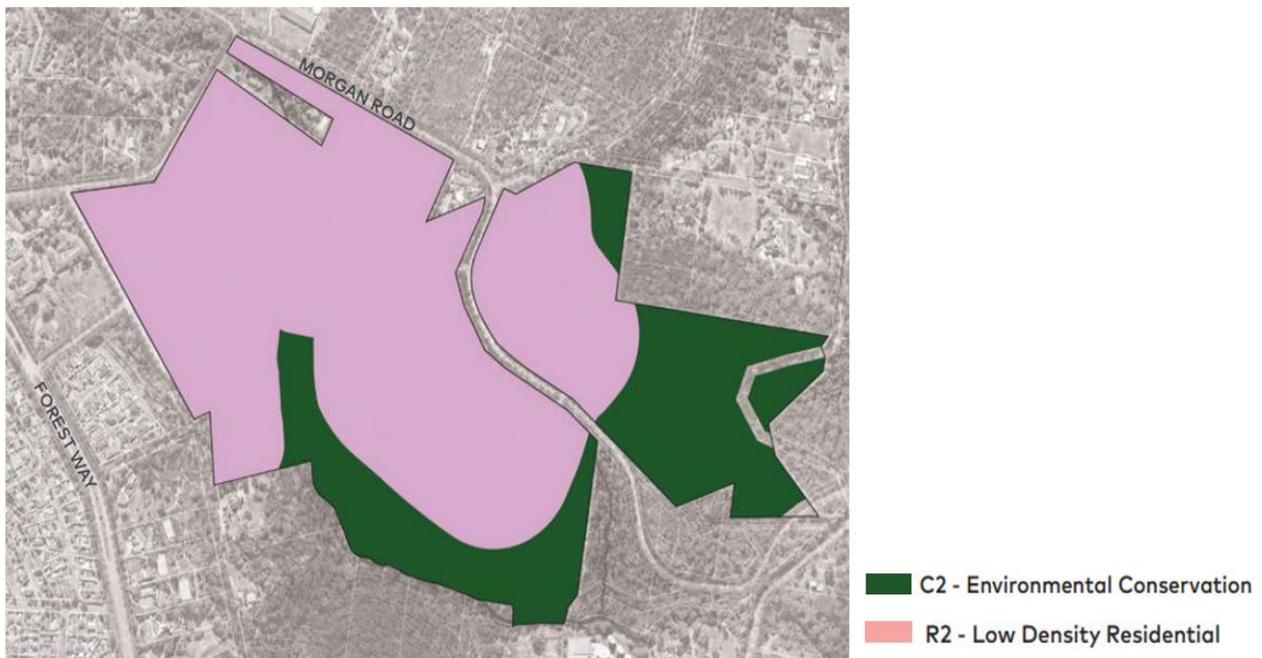


Figure 6 : Site - proposed zoning – within WLEP 2011

**B. Introduce maximum building height of 8.5m**

Height of Buildings Map -  
Sheet HOB\_007

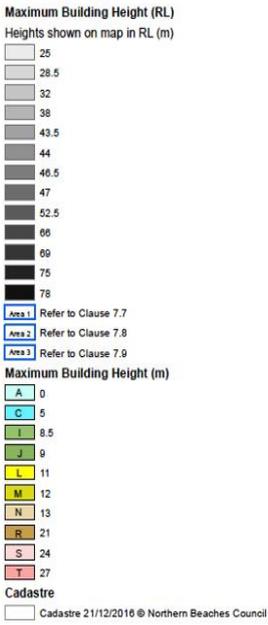


Figure 7 : Site - existing building height map



Figure 8 : Site - proposed building height map

C. Introduce a range of small, medium to large residential lot sizes

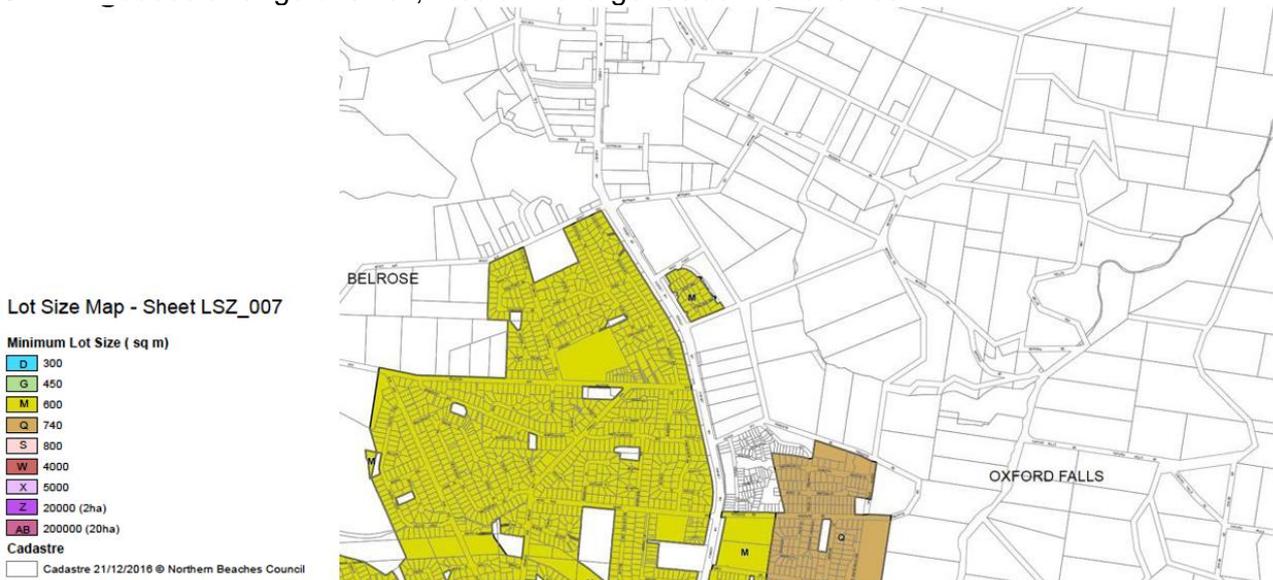


Figure 9 : Site - existing lot size map

The planning proposal does not seek to add minimum lot size controls within the relevant local environmental plan mapping. The density of the site is proposed to be managed through lot size controls within a site-specific Development Control Plan (DCP) which proposes to address the individual environmental and landscape constraints of the site, together with a maximum dwelling clause local provision. A draft of the proposed local provision is outlined below:

- 1) *Without limiting clause 4.1(3), the subdivision of Morgan Road, Belrose site —*
  - a) *must not result in the creation of more than 450 lots, and*
  - b) *must preserve existing bushland in the eastern portions of the site, and*
  - c) *must include adequate stormwater management and sewer infrastructure.*

D. Additional permitted uses

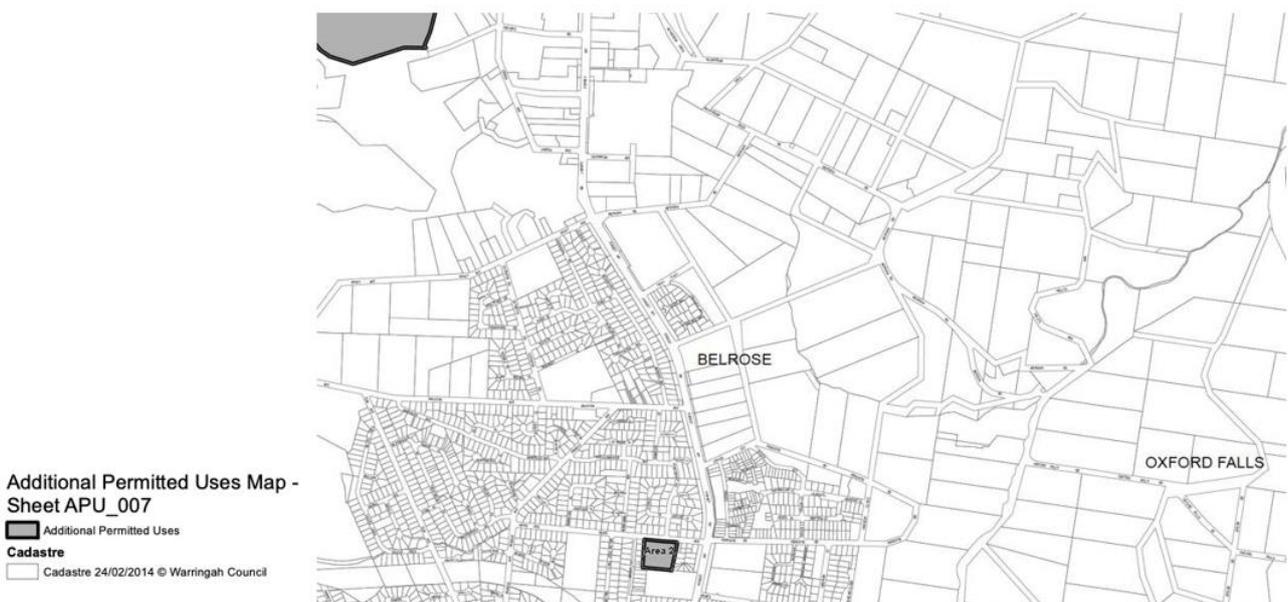


Figure 10 : Site - existing additional permitted uses map

The proposed additional permitted use map and associated provision will depend on the overall zoning applied to the site. The planning proposal seeks to ensure that dwelling houses, dual occupancies, community facilities and seniors housing are permissible with consent.

## Submission

Council acknowledges that historically, Aboriginal peoples owned and managed land across Australia for many thousands of years before European occupation and that the NSW Aboriginal Land Rights Act 1983 was a significant step in redressing longstanding injustices to Aboriginal peoples by allowing Local Aboriginal Land Councils to claim vacant Crown Land.

Council also appreciates the overarching objective of the Planning Systems SEPP is to aid Aboriginal People to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community. It is recognised the proposed developments could provide much needed and significant funding to fund outcomes in the community land and business plan, included within the DDP.

As outlined within Council's Local Strategic Planning Statement, Towards 2040 (the key local strategic planning document of Council), a key priority of Council is for Strong engagement and cooperation with Aboriginal Communities (Priority 13). It also includes actions to work with MLALC to implement initiatives in their community land and business plan (A13.3), and to better understand constraints as well as feasible and appropriate land use opportunities on land owned by MLALC (A4.7).

Council however has a number of concerns with the planning proposal, including process and statutory compliance issues and a number of environmental and land suitability issues.

### Statutory compliance

- The Planning Proposal is inconsistent with the Greater Sydney Plan – *A Metropolis of Three Cities* (GSRP), North District Plan (NDP), Northern Beaches Local Strategic Planning Statement - *Towards 2040* (LSPS) and Northern Beaches Local Housing Strategy (LHS), in relation to sustainability, infrastructure, housing and connectivity, among others.
- The GSRP supports new housing in the right location, coordinated with local infrastructure, diverse housing choices and integration of land use and transport planning to create walkable cities consistent with the NDP, Councils LSPS and LHS. The NDP does not specifically require additional housing in the location of the subject site.
- Priority N5 of the NDP sets five-year housing targets for the Northern Beaches area and stipulates that each council is to develop 6-10 housing targets through its LHS and demonstrate capacity for steady housing supply. The LHS has identified that there is sufficient capacity to accommodate future housing demand in and around centres in existing urban areas, without the need to encroach on existing undeveloped areas such as within the Deferred Lands area and the Metropolitan Rural Area.
- Council has met the delivery on its 0-5 year dwelling target of 3,400 dwellings, with the LHS Implementation and Delivery Plan submitted to DPE on 4 July 2022 showing the 6-10 year target of 3,582 dwelling will be achieved largely through the projects detailed within the LHS, being the new Northern Beaches Local Environmental Plan, Frenchs Forest Structure Plan, Brookvale Structure Plan. Recent Population projections released in June 2022 by DPE indicate that the population projections for the Northern Beaches to 2036 have decreased by close to 2,900 people.
- The proposal is also inconsistent with the GSRP and NDP as it relates to the operation of the "Metropolitan Rural Area" with urban development being deemed *not consistent with the values of the Metropolitan Rural Area*. The LHS further states that development in existing non-urban areas is not required to meet Council's housing targets and is not consistent with good planning principles as established by the Government through its strategic planning framework.

- The “flexibility” stated in the NDP for dealings with MLAC landholdings in the Metropolitan Rural Area does not warrant the clear non-compliance with the GSRP, NDP, LHS and LSPS in relation to good planning principles established through the existing strategic planning framework.
- The Proposal is inconsistent with the GSRP (which includes affordable rental housing targets in the range of 5–10 per cent of new residential floor space being generally viable), Councils LSPS and affordable housing policy which seeks 10% affordable rental housing for all strategic plans and planning proposals for upzoning, urban renewal or greenfield development (the proposed contribution of \$2.5 million is well below 10%).
- Insufficient justification has been provided regarding the inclusion of dual occupancy or seniors housing development in the proposed low density residential zone.

#### Process

- Council was consulted in relation to the preparation of the DDP however, there has been no detailed consultation with Council on the Planning Proposal, which is not consistent with the process established via the *Local Environmental Plan Making Guideline* or recommendations coming from the WSP consultations outcomes report following exhibition of the SEPP (Planning Systems) 2021 Aboriginal Lands & draft Northern Beaches Aboriginal Land Development Delivery Plan.
- The 28-day period (as stipulated in the Department of Planning guidelines), given to Council to provide comment on the Planning Proposal is considered unreasonably short having regard for the complexity and volume of material accompanying the Proposal.

#### Inconsistencies in supporting documentation

- The planning proposal contains a number of inconsistencies, including relating to the land use zones that are sought to be applied within the site, the density of the development, and proposed land uses.
- It is unclear whether the proposal seeks only to rezone the land to R2 Low Density residential and C2 Environmental Conservation, or also to B1 Neighbourhood Centre and RE2 Private Recreation. All four zones are referred to throughout the planning proposal, including provision of “potential neighbourhood shops or supermarkets, food and drink premises, medical centre, office premises and/or childcare facilities” (page 63) – yet the proposed zoning map included in the proposal only refers to residential and conservation zones.
- The proposal raises ambiguity with the development quantum. Various referring to 450 “dwellings” and 450 “lots”. 450 lots has the potential to create double or triple that number of “dwellings” if seniors housing and dual occupancy is permitted, as proposed. This has major impacts on all aspects of the proposal.
- Referring to securing “*additional permitted uses...for dual occupancies and seniors housing, as well as community facilities*” in the residential zone (page 5) whilst elsewhere stating “*the proposal does not involve “inappropriate development” such as schools or retirement villages*” (pages 42 & 101). This is reiterated in the Travers Bushfire and Ecology report (p vii) documents and is critical to consideration of bushfire and infrastructure requirements.

#### Conservation Zones Review

- The planning proposal seeks to rezone most of the site to R2 Low Density Residential, with a portion of the site zoned C2 Environmental Conservation. This is contrary to the Council’s Conservation Zones Review, on public exhibition until 2 December 2022, which applies a

consistent approach for identifying land across the Northern Beaches with important environmental values and land subject to hazards that should be protected and managed.

- The Review recommends that the majority of the subject site be zoned C3 Environmental Management, with a small area within the far east of the site zoned C2 Environmental Conservation. This recommendation is based on the site's constraints and characteristics (i.e., undeveloped bushland, High Environmental Value (HEV) - threatened ecological communities, high or very high biodiversity value, core habitat, riparian corridor, bush fire hazard). The C3 zone would permit dwelling-houses and limited other land uses.

#### Aboriginal heritage

- The Aboriginal cultural heritage report submitted with the planning proposal, *Aboriginal Archaeological Assessment Morgan Road, Belrose, NSW*, October 2022, prepared by Dominic Steele Consulting Archaeology, does not provide sufficient information to address the main issues adequately.
- The report provides only basic information about the known Aboriginal sites and potential for unrecorded sites at Lizard Rock. There is insufficient information provided about the survey work, the current sites in their context, best management options for the site and steps for further investigation. The site mapping of the rock engravings provided in the report is of a very general nature and likely to be inaccurate.
- The report misses the opportunity to demonstrate the significance of the rock engraving sites and how the proposal can safeguard them from current and future impacts as part of a managed visitor experience.

#### Bushfire

- Council engaged Black Ash Bushfire Consulting to undertake an independent bushfire review of the planning proposal and supporting documents. The subject site is identified as bushfire prone (vegetation category 1) on the Northern Beaches Bushfire Prone Land Map 2020.
- Key bushfire mitigation strategies for the proposal include the provision of complying asset protection zone (APZ), a linking road network and emergency management arrangements that have been based on traffic modelling and movement of vehicles from the site.
- The Black Ash report concludes that the proposal has been developed on the premise of evacuation being provided by Morgan Road and a new slip lane on to Forest Way and a new emergency access on to Oates Place. The availability and utility of both of these key aspects has not been demonstrated, yet these are fundamental enabling provisions for the proposal. If one or both of these options are not available, the planning proposal will need to rethink the design response to activation of the site. This is a fundamental issue to be resolved.
- Some discrepancies are also noted that need to be clarified, for example, the proposal seeks to secure additional permitted uses within the R2 zone for residential land uses such as "dual occupancies, seniors development and community facilities" (p.5, Gyde consulting) – yet this is at odds with later statements that "The proposal does not involve "inappropriate development" such as schools or retirement villages." (p42 & p. 101).
- Further, although the planning proposal is seeking an R2 zoning for 450 dwellings, the yield may in fact be higher on the basis that secondary dwellings (i.e., granny flats) are permissible as complying development in an R2 zone under SEPP Exempt and Complying Development. This has the potential to inflate the population of an at-risk community beyond what was planned and modelled, thus potentially affecting to the evacuation of the community.

- Significant deficiencies in the traffic modelling, particularly evacuation in a bushfire event, need to be resolved in consultation with Transport for NSW, the Rural Fire Service and Council. This is a critical path that must be rectified. Refer to comments below under 'Traffic' regarding evacuation modelling.
- In its current form, the proposed development presents an unacceptable and, in some cases, a catastrophic risk to future residents. It is unclear whether utility services (electricity and water) identified to service the site are adequate in terms of bush fire risk. Further information is required.

### Biodiversity

- The planning proposal would facilitate development that would result in approximately 44.7 hectares (an area equivalent to approximately 45 rugby fields) being cleared, and a further 6.9 hectares (including threatened species) subject to indirect impacts, resulting in significant impacts on core habitat, known habitat for various threatened species of flora and fauna, and Threatened Ecological Communities (TECs). It is likely that further bushland would need to be cleared to facilitate safe evacuation during a bushfire event.
- The Lizard Rock site provides an important contribution to both local and regional biodiversity habitat and connectivity and has been identified in numerous biodiversity studies as having high to very high environmental and fauna habitat value. Threatened biodiversity values of the site include those listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proposal is inconsistent with adopted biodiversity related policy and strategy documents published by both the NSW Government and Northern Beaches Council.
- The planning proposal report prepared by Gyde Consulting incorrectly states that the site 'predominantly comprises disturbed bushland' and that 'a significant proportion of the site is suffering from land degradation' (p12). This is contrary to Council's knowledge of the site and the proposal's '*Preliminary Biodiversity Development Assessment Report*' (BDAR) which indicates most areas of vegetation are intact or in uniform good condition with areas of degradation limited to areas fringing the existing residential development (Hayes Environmental, October 2022).
- The planning proposal has not adequately demonstrated the hierarchy of 'avoidance and minimisation' of impacts, before 'offsetting' is applied (refer to Section 6.4 (1) of the *NSW Biodiversity Conservation Act 2016*). The fauna assessment outlined in the BDAR contains errors and omits species known to exist within the subject area. 'Indirect impacts' are not adequately addressed, and the scale of 'Prescribed Impacts' resulting from the proposal will likely be substantial and irreversible.

### Waterways

- The Lizard Rock site forms part of the Snake Creek catchment, flowing into Narrabeen Lagoon via Middle Creek. Narrabeen Lagoon is a high conservation value asset with primary aquatic habitats (natural and modified), migratory routes, landscape qualities, recognised recreational importance. It is of high environmental, social and economic value to the Northern Beaches. The planning proposal will result in significant environmental impacts within the catchment.
- The planning proposal nominates most of Snake Creek riparian corridor running through the development site as a retained corridor with the intent to 'maintain connectivity and protect water quality' with a 10-metre riparian zone, however this is insufficient. The creek should be mapped with a 20-metre riparian zone plus a 10-metre buffer. The overall scale and size of the development makes it very unlikely that there will be no impact on riparian land.

- The proposed development will result in major catchment disturbance that will affect the value of the valley setting and receiving waters. The fragmentation impacts of upslope land uses will modify the general valley setting and compromise the natural integrity of the site. The urbanisation project is considered detrimental to catchment processes due to its significance and cumulative impacts. No Aquatic Ecology Assessment or Waterway Impact Statement has been submitted.
- The planning proposal is inconsistent with the adopted waterway related policy and strategy documents published by both the NSW Government and Northern Beaches Council. Previous assessments by the former NSW Planning and Assessment Commission (PAC 2009) and NSW Independent Planning Commission (IPAC 2019) have also cited impacts to biodiversity and waterways (including cumulative impacts) among the concerns raised during review of previous urban development plans including those for Lizard Rock.

#### Slope stability

- The Preliminary Site Investigation, dated 29 September 2022, prepared by SMEC, identifies sites which could have potential 'moderate' or 'high' slope stability risk and would require slope stability remedial measures. Construction of infrastructure and changes to land formation due to the proposed development would increase this slope stability risk.
- The proponent will need to carry out the detailed investigation and assessment of slope stability risk at the development site and ensure to implement required slope stability remedial works to reduce the risk to an acceptable level. All slope stability remedial works are to be fully contained in the property and not in public road reserve.

#### Urban Design

- The proposal cannot be supported from an urban design perspective. Proposing a new green-field land release and a new settlement of 450 dwellings is untenable given the site constraints and location. The proposal seems to mimic the urban form of the 1970's creating a sparse, isolated, car-reliant, enclave. It is also unclear from the information supplied how the proposed new settlement relates to or integrates with Belrose.
- The Design Principles set out in *Lizard Rock – Belrose, Urban Design Framework*, October 2022, prepared by COX Architecture and submitted with the planning proposal, assumes a sparse, low-density, high environmental impact, car-dependent settlement form. Large areas of bushland are proposed to be cleared to provide Asset Protection Zones (APZ) which would remove the 'leafy outlook'. Constraints of the land (i.e., habitat areas, very steep sloping land) do not seem well responded to.
- Alternative settlement forms should be explored, such as a more sustainable, compact, walkable, and diverse neighbourhood with good access to public transport, considering the topography of the land, and with rocky outcrops, trees and significant habitats protected. Scenic and district views should be protected, and bushfire risk managed. The 'Northern-Beaches Vernacular' should be defined and shown how this can relate specifically to the characteristics of the place (subject site). The MLALC should engage with the Northern Beaches Design & Sustainability Advisory Panel (DSAP) at the earliest opportunity.

#### Landscape and open space

- The proposal fails to satisfy the landscape objectives of the current applicable Warringah Local Environmental Plan 2000 - Deferred Lands, and of the R2 zone of Warringah Local Environmental Plan 2011 to which rezoning is sought.
- WLEP 2000 – the desired future character objectives of the B2 Oxford Falls Valley Locality Statement is not achieved by the proposed development due to extensive land clearing and subdivision allotment pattern, including "*The natural landscape setting including landforms*

*and vegetation will be protected and, where possible, enhanced”, and “Building will be located and grouped in areas that will minimise disturbance of vegetation and landforms”.*

- The Planning Proposal omission of including the existing watercourses and creeklines, all areas of retained and protected vegetation, and the sites of significance as C2 Environmental Conservation zones, impacts upon the resilience of the nominated C2 zones to maintain the ecological, cultural and aesthetic values, and protect the visual character.

#### Likely infrastructure demand

- The planning proposal estimates an increase in population of 1,428 people, noting that this would *“have a minor impact on the demand for services and infrastructure”*. Based on Belrose’s average of 2.9 people per household multiplied by 450 dwellings, Council estimates the population increase would be around 1,305 people (assuming no seniors housing).
- The population increase would generate demand for community facilities (est. 104.4sqm additional floor space) and library services (est. 43sqm additional floorspace), adding to the undersupply in infrastructure that currently exists in the Belrose / Frenchs Forest area
- The proposal will also add to demand for open space, and given the isolated location of the site, this would need to be provided within the development itself. The Planning Proposal includes *“a total of seven (7) new public open spaces for a variety of uses including picnic and BBQ areas, children’s playgrounds, shelter, lookout points and tree reserves”*. (p.63). Delivery of these areas remains uncertain given as many such identified areas are proposed to be zoned R2.
- The pedestrian and cycleway network would need to be delivered by direct provision.

#### Section 7.12 Infrastructure contributions

- The Planning Proposal (page 86) states: *“This Planning Proposal will facilitate the delivery of new and upgraded infrastructure by way of increased revenue for Council, increased provision of housing, and future Section 7.12 contributions payments required in future development applications. “*
- The potential future 7.12 contributions levied on this site will not provide infrastructure commensurate with the demands of this development. This Planning Proposal has very clear, identifiable infrastructure requirements critical to meeting the demands generated by the development of this site. The majority of infrastructure requirements are in or immediately abutting the development site and for this reason, should be direct provision.
- The exception would be the additional community facility and library floorspace and active open space generated by the additional population for this development, as this cannot be delivered in isolation in the development site.

#### Planning agreement

- The planning proposal states that *“MLALC propose to enter into a Planning agreement to support the Planning Proposal. This letter provides an outline of the potential contributions that may form the basis of that offer and is provided for the purpose of facilitating future discussions with the Department of Planning and Environment and Northern Beaches Council...”*.
- However, it is not clear who the MLALC seeks to enter into a planning agreement with – the Council, or the NSW Department of Planning and Environment? This needs urgent clarification and would need to be considered by Council consistent with its Planning Agreements Policy adopted in June 2022. Any offer would need to be considered by Council

before a Gateway determination is granted by the Department made for the Planning Proposal.

### Road infrastructure

- Insufficient information is provided in *Transport Assessment – Lizard Rock, Belrose* (September 2022) prepared by JMT Consulting to adequately consider the considerable infrastructure upgrades that would be necessary in Morgan Road, Oxford Falls Road and Oates Place to support the proposed development.
- Upgrade of the Morgan Road / Forest Way intersection to provide a slip lane (southbound on Forest Way) is proposed to service the 450 dwellings. This is identified as a critical aspect of the proposal's emergency evacuation plan in event of a bush fire. However there has been no discussion with Council regarding the use of this land (Lots 10 and 11 in DP 807906) which is Council-owned land, zoned RE1 Public Recreation under Warringah LEP 2011 and classified Community Land. This land is part of a broader vegetated buffer along Forest Way providing visual treatment and noise attenuation between the busy road corridor and adjacent developments including Wesley Gardens Aged Care Village. The Planning Proposal is not contemplating acquisition of this land.
- New roads are proposed to be constructed down valley slopes that would have road gradients in excess of the maximum grades recommended by Austroads (section 8.5.3) which are 9-10%, yet this issue is not addressed in the planning proposal.
- The Transport Assessment considers that 30% of the traffic generated by the proposed development would travel east along Morgan Road and Oxford Falls Road to the Wakehurst Parkway, however no assessment is provided regarding the impact of this increased traffic.
- Infrastructure to support public transport is considered essential given some dwellings are proposed to be located 1 to 2km from the nearest bus stop on Forest Way. The local bus operation shall be required to design a road network that accommodates and provides a loop service through the subdivision to provide access to public transport, with illuminated bus shelters at each bus stop.

### Traffic / Active transport

- The traffic modelling undertaken to support the planning proposal only considers the intersection of Forest Way and Morgan Road and does not consider the cumulative impact on the Morgan Road corridor, or impact on the Wakehurst Parkway / Oxford Falls Road intersection (a known blackspot location).
- The assumption of no traffic growth along the corridor indicates a lack of understanding on the network issues, impacts of recent projects and how the traffic performance is affected within broader region.
- The main focus for the proponent seems to be a car-based transport project, contrary to Council's adopted position on developments focusing on use of public transport as the first option. Council would be expecting full integration with the principles of the MOVE Transport Strategy providing for place within the residential streets (without compromising the access for emergency services) and substantial connectivity to the public transport services along Forest Way without making the regional movement corridor performance worse than the current level.
- The traffic modelling provided for the emergency evacuation of the proposed precinct (such as in the event of bush fire) does not meet the requirements to demonstrate the real time evolving situation and does not consider the broader area impacts. The modelling only resolves the evacuation of the precinct with no consideration given or demonstrated on how the emergency situation would evolve on a variety of scenario events.

### Stormwater infrastructure / Flood

- The *Stormwater Management Plan* (Craig and Rhodes, 2022) submitted with the planning proposal provides insufficient information to adequately consider the proposed stormwater detention system and test the claim that the system would mitigate any increase in stormwater quantity and quality.
- Concern is raised about the long term adverse or cumulative impacts of the proposed development on flood behaviour. Due to the site constraints, including steep grades and geotechnical conditions, Council is concerned with how the systems will perform over time.
- The submitted plan does not sufficiently address the stormwater detention requirements of Council's Water Management for Development Policy to ensure post development stormwater flows are less than pre-development flows. It does not demonstrate that the water quantity objectives/measures can be achieved given that the challenging topography and steep slopes or indicate how the systems will likely perform overtime.
- The planning proposal should be referred to the State Emergency Service (SES) to consider emergency response during a large flood event.

### Affordable housing

- The proposed planning agreement seeks to provide a monetary contribution or land dedication to the value of \$2.5 million for the purpose of affordable housing, however this is considerably below the minimum 10% affordable rental housing which is a requirement for all planning proposals for up zoning.
- The proposal identifies that the proposed development would deliver additional affordable housing via a diversity of housing provided, including secondary dwellings and dual occupancies, and an allocation of affordable rental housing in line with Council's Affordable Housing Policy. Further information about the mix and quantum of housing types delivered through the development and the delivery mechanism and quantity of affordable rental housing is required to determine if this development would meaningfully impact on housing affordability in the area.

### Economic impact

- The planning proposal provides insufficient information on the type and staging of new retail and services development proposed, inconsistency about the proposed land-use zoning, and lack of consideration of the impact of the proposed retail/services development on the viability of surrounding existing or planned commercial centres.
- The *Economic Impact Statement* (EIS) prepared by MacroPlan, identifies that the subject site would accommodate 120 to 140 new jobs once operational, based on an additional 5,030sqm GFA of 'Retail and Services' floorspace. This is a sizeable amount of new employment floorspace and consideration yet there is no consideration given to how that may impact viability of the existing or planned commercial centres in the LGA.
- There is also a need to clarify what land use zone is proposed for the retail and services uses. The planning proposal provides conflicting information – on p63 it identifies that the proposal includes "a cultural community centre and neighbourhood services to be located within the proposed B1 zone, including potential neighbourhood shops, or supermarkets, food and drink premises, medical centre, office premises and/or childcare facilities", however, the proposed land zoning map on p65 shows only R2 and C2 zones which would not permit these uses. Consideration of Ministerial Directions 7.1 Business and Industrial Zones is required for a business zone.

### Social impact

- Insufficient information is provided in *Social Impact Assessment, Morgan Road, Belrose, October 2022*, prepared by Gyde Consulting, to determine the likely social impacts (positive and negative) of the proposal, or to ascertain the effectiveness of mitigation strategies claimed.
- Community engagement is identified as a mitigation strategy for the identified impacts of the proposed development, however there is insufficient information provided to understand what engagement is proposed and how this can effectively mitigate those impacts.

### **CONSULTATION**

The Planning Proposal was referred internally for comment to all relevant departments.

### **TIMING**

Council has been given 28 days to make a submission to DPE on the Planning Proposal with the due date being 24 November 2022. The Panel will consider and make a recommendation to the Department whether to issue a “Gateway” approval. If an approval is granted the Planning Proposal would be formally exhibited for comment.

### **LINK TO STRATEGY**

As above, the proposals demonstrate many inconsistencies with the Greater Sydney Region Plan and North District Plan and Council’s Local Strategic Planning Statement, Towards 2040 and Local Housing Strategy.

This report relates to the Community Strategic Plan Outcomes 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.
- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- 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.
- 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.
- 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

Potential future Council costs, some of which will be offset by fees and charges, include:

- Contribution Plan preparation and approval
- Development and maintenance of off-site infrastructure to support the incoming community, including road upgrades, parks and community facilities
- Maintenance and management of any lands dedicated to Council as part of any future development.

## SOCIAL CONSIDERATIONS

Development of the Planning Proposal site, will provide an income stream to MLALC to fund the goals identified in the Community Land and Business Plan, including five key goals:

1. To secure short to medium term financing for implementing the objectives and strategies in this CLBP.
2. To facilitate the healing and enhance the social wellbeing and participation of our community.
3. To promote, protect, and celebrate Aboriginal values, our culture and our heritage.
4. To ensure the prosperity of our community through the effective management of our land and other assets.
5. To develop new businesses and grow our existing businesses while prudently managing our investments.

The proposal estimates an increase in population from the proposed development of 1,428 people, and 120 to 140 jobs post construction. Insufficient information is provided to adequately consider the likely social impacts (positive and negative) and demand on social infrastructure.

## ENVIRONMENTAL CONSIDERATIONS

As outlined above, the planning proposal would result in incompatible and inappropriate land uses in areas exposed to high risk of bush fire. It proposes substantial vegetation clearing which will negatively impact threatened species habitat, Threatened Ecological Communities, watercourses, wetlands, and riparian areas.

## GOVERNANCE AND RISK CONSIDERATIONS

It is recommended that future collaboration between DPE and MLALC is the subject of a Probity Plan and Audit.

<b>ITEM 12.3</b>	<b>VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT</b>
<b>TRIM FILE REF</b>	<b>2022/639989</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a>Variations to Development Standards</b>

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## SUMMARY

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### PURPOSE

To report to Council the variations to development standards granted under Clause 4.6 of the *Manly Local Environmental Plan* (MLEP 2013), *Pittwater Local Environmental Plan* (PLEP 2014) and *Warringah Local Environmental Plan* (WLEP 2011), as required by the NSW Department of Planning and Environment.

### EXECUTIVE SUMMARY

During the period 1 July 2022 to 30 September 2022, the following variations were granted:

- 20 variations under Clause 4.6 of Manly Local Environmental Plan 2013
- 16 variations under Clause 4.6 of Pittwater Local Environmental Plan 2014
- 12 variations under Clause 4.6 of Warringah Local Environmental Plan 2011

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### RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council note the Development Applications approved with variations to development standards during the period 1 July 2022 to 30 September 2022.

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## REPORT

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### BACKGROUND

The attachment, 'Variations to Development Standards', shows all variations to development standards approved during the period 1 July 2022 to 30 September 2022 for each of the LEPs in the Northern Beaches LGA, and whether the determination was made by staff under delegated authority or by a determination panel.

A total of 48 Development Applications were approved with a clause 4.6 variation during the quarter under the four Local Environmental Plans. There were no 4.6 variations approved under State Environmental Planning Policies (SEPPs). 410 Development Applications were approved in the quarter, with a further 155 (modification and review applications) approved in the quarter - total 565 applications.

Northern Beaches Council has two external panels, being the Northern Beaches Local Planning Panel (NBLPP) and the Sydney North Planning Panel (SNPP). The internal determination panel is known as the Development Determination Panel (DDP).

Council is currently preparing a new Northern Beaches Local Environmental Plan. The development standards contained in the current LEPs will be reviewed as part of the new LEP project, and the review will examine the extent and circumstances in which the current development standards have been varied using clause 4.6 and whether the numeric controls should be amended.

### CONSULTATION

Variations to development standards lodged as part of a Development Application are available to the community for comment on Council's Application Search, during the prescribed exhibition period and are available for viewing at all other times.

### TIMING

Not applicable.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environmental sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles. Strategy (a): "ensure integrated land use planning balances the environmental, social and economic needs of present and future generations".

### FINANCIAL CONSIDERATIONS

The costs associated with the assessment of variations are part of the Development Application assessment process.

### SOCIAL CONSIDERATIONS

All Development Applications are required to consider social impacts through section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### ENVIRONMENTAL CONSIDERATIONS

All Development Applications are required to consider environmental impacts through section 4.15 of the *Environmental Planning and Assessment Act 1979*.

## **GOVERNANCE AND RISK CONSIDERATIONS**

Reporting variations to Council satisfies NSW Department of Planning and Environment requirements and provides transparency in decision making, in addition to publishing this information on Council's website reduces risk to the organisation.

The following applications had a Clause 4.6 variation request granted during the period of 1 July 2022 to 30 September 2022.

**Manly LEP 2013**

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/0221	3 Suwarrow Street FAIRLIGHT NSW 2094	Demolition works, Torrens Title subdivision of one lot into two and construction of two semi-detached dwellings including two swimming pools	Residential - Other	4.1 Minimum subdivision lot size	250.0m <sup>2</sup>	249.75m <sup>2</sup>	0.10%	NBLPP
DA2022/0328	19 Lewis Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house including a carport	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.92m	4.90%	Staff exercising delegated authority
DA2022/0594	19 Macmillan Street SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9m	5.90%	Staff exercising delegated authority
DA2021/2439	10A Upper Gilbert Street MANLY NSW 2095	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.75:1	0.81:1	7.20%	Staff exercising delegated authority
DA2022/0386	19 Edwin Street FAIRLIGHT NSW 2094	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.15m	7.60%	Staff exercising delegated authority
DA2022/0732	10 Plant Street BALGOWLAH NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.45:1	0.486:1	8%	Staff exercising delegated authority
DA2022/0206	14 Cecil Street FAIRLIGHT NSW 2094	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1	0.65:1	8.30%	Staff exercising delegated authority
DA2022/1010	37 Balgowlah Road MANLY NSW 2095	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.26m	8.90%	Staff exercising delegated authority
DA2022/0538	229 Pittwater Road MANLY NSW 2095	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (150.36m <sup>2</sup> )	0.68:1 (170m <sup>2</sup> )	13.06%	DDP

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/0351	19 Herbert Street MANLY NSW 2095	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (128.04m <sup>2</sup> )	0.7:1 (148m <sup>2</sup> )	15.59%	DDP
DA2022/0102	58 Seaview Street BALGOWLAH NSW 2093	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	8.5m  0.5:1 (135.05m <sup>2</sup> )	9m  0.53:1 (182.6m <sup>2</sup> )	5.9%  6%	Staff exercising delegated authority

**Manly LEP 2013 - Variations over 20%**

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2021/2313	177 Seaforth Crescent SEAFORTH NSW 2092	Demolition works and construction of a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.9m	28.40%	NBLPP
<b>Description:</b> The site is extremely steep sloping and as the building transitions down the slope there are minimal components of the garage, entry foyer and stairwell which breach the height.								
DA2022/0487	85 Seaview Street BALGOWLAH NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	8.5m  0.5:1 (135.05m <sup>2</sup> )	9.17m  0.68:1 (185.4m <sup>2</sup> )	7.8%  36%	DDP
<b>Description:</b> The site is an undersized lot and the proposal is consistent with the intent of the Manly DCP for small lots.								
DA2022/0741	15 Carlton Street MANLY NSW 2095	Alterations and additions to an attached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (110.16m <sup>2</sup> )	0.84:1 (153.6m <sup>2</sup> )	39.44%	DDP
<b>Description:</b> The site is an undersized lot and the proposal is consistent with the intent of the Manly DCP for small lots.								
DA2022/0641	17 / 122 Bower Street MANLY NSW 2095	Alterations and additions to a Residential Flat Building	Residential - Alterations and additions	4.3 Height of buildings	8.5m	19.5m	43.50%	NBLPP
<b>Description:</b> The existing residential flat building significantly exceeds the height. This proposal simply involves replacing existing windows to a unit which is located in the building above the height limit.								

DA2022/0005	21 Moore Street CLONTARF NSW 2093	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.4 Floor space ratio	0.4:1 (196.6sqm)	0.58:1 (284sqm)	44.46%	DDP
<b>Description:</b> The site is an undersized lot and the proposal is consistent with the intent of the Manly DCP for small lots.								
DA2022/0095	13 Barrabooka Street CLONTARF NSW 2093	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	8.5m  0.4:1 (188.16m2)	11.1m  0.669:1 (315m2)	30.59%  67.41%	DDP
<b>Description - Height:</b> The existing building is located on a sloping site and the proposed lightweight open awning over the existing balcony exceeds the height as the building transitions down the slope.								
<b>Description – FSR:</b> The existing building exceeds the FSR by 46% and the additional floorspace proposed was within the basement of the building which does not change the external bulk of the building.								

Pittwater LEP 2014

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2021/1502	1622 Pittwater Road MONA VALE NSW 2103	Demolition works and the construction of a residential flat building	Residential - New multi unit	4.5A Density controls for certain residential accommodation	1 dwelling per 200sqm of site area	1 dwelling per 197.5sqm of site area	1.20%	NBLPP
DA2022/0695	178 Hudson Parade CLAREVILLE NSW 2107	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.50%	Staff exercising delegated authority
DA2022/0029	220 Whale Beach Road WHALE BEACH NSW 2107	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.50%	Staff exercising delegated authority
DA2022/0649	9 Cabarita Road AVALON BEACH NSW 2107	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.888m	4.56%	Staff exercising delegated authority
DA2022/0498	109 Narrabeen Park Parade MONA VALE NSW 2103	Retention of a portion of the existing dwelling, demolition works and construction of a dwelling house including a swimming pool and cabana	Residential - Single new detached dwelling	4.3 Height of buildings	8m	8.38m	4.75%	NBLPP
DA2022/1027	35 Kevin Avenue AVALON BEACH NSW 2107	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.92m	4.90%	Staff exercising delegated authority
DA2022/1260	28 Cook Terrace MONA VALE NSW 2103	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.16m	7.76%	Staff exercising delegated authority
DA2022/0738	39 Elanora Road ELANORA HEIGHTS NSW 2101	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.26m	8.90%	Staff exercising delegated authority
DA2022/0329	85 Florida Road PALM BEACH NSW 2108	Construction of a garage and secondary dwelling	Residential - New second occupancy	4.3 Height of buildings	5.5m	6.35m	15.45%	NBLPP

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/0176	148 Prince Alfred Parade NEWPORT NSW 2106	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	7.8 Limited development on foreshore area	Building footprint must not extend further into the foreshore area	Proposed works will extend into the foreshore area by 2m	Non-numerical development standard	NBLPP
DA2022/0789	39 Beaconsfield Street NEWPORT NSW 2106	Alterations and additions to a dwelling house	Residential - Alterations and additions	7.8 Limited development on foreshore area	Building footprint must not extend further into the foreshore area	Proposed works will extend into the foreshore area by 3.4m	Non-numerical development standard	NBLPP

**Pittwater LEP 2014 - Variations over 20%**

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/0471	61 - 63 Douglass Estate MCCARRS CREEK NSW 2105	Demolition works and construction of a boat shed and skid ramp	Residential - Alterations and additions	4.3 Height of buildings	4m	5.05m	21%	DDP
<b>Description:</b> The proposed boat shed meets the intention of Pittwater DCP for heights of boatsheds which is 6 metres despite the LEP height limit of 4 metres.								
DA2022/0122	253 Whale Beach Road WHALE BEACH NSW 2107	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.4m	22.30%	DDP
<b>Description:</b> The alterations to the building, including changing from a pitch roof to a skillion roof, reduces the non-compliance of the existing dwelling with height by 600mm.								

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2021/2447	989 Barrenjoey Road PALM BEACH NSW 2108	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	10.4m	22.30%	NBLPP
<b>Description:</b> The site is extremely steep sloping and as the building transitions down the slope there are minimal components of the building, mainly sections of the flat roof which breach the height.								
DA2022/0925	1120 Barrenjoey Road PALM BEACH NSW 2108	Alterations and additions to a dual occupancy to create a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.5m	23.53%	DDP
<b>Description:</b> The site is sloping and the height is exceeded only due to measuring the height from altered ground levels which were excavated when the original dwelling was constructed.								
DA2021/2188	163 Whale Beach Road WHALE BEACH NSW 2107	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	11.28m	32.80%	DDP
<b>Description:</b> The site is steeply sloping and the existing building exceeds the height. Some components of the existing building are being reduced in height whilst new components exceed the height where the dwelling transitions down the site. The existing dwelling exceeds the height and components of this are being reduced whilst the new works.								

Warringah LEP 2011

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/0992	30 Palomar Parade FRESHWATER NSW 2096	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.62m	1.40%	Staff exercising delegated authority
DA2022/0248	10 Yamba Street NORTH BALGOWLAH NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.50%	Staff exercising delegated authority
DA2021/1463	33 Parr Avenue NORTH CURL CURL NSW 2099	Alterations and additions to a dwelling house including a swimming pool, carport and front fence	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.50%	Staff exercising delegated authority
DA2022/0075	1 Loftus Street & 145 Ocean Street NARRABEEN NSW 2101	Alterations and additions to a dwelling within a dual occupancy development including a swimming pool and spa	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.50%	Staff exercising delegated authority
DA2022/0945	10 Taree Avenue NORTH BALGOWLAH NSW 2093	Alterations and additions to a dwelling house including a carport	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	3.50%	Staff exercising delegated authority
DA2022/1246	16 Jamieson Parade COLLARROY NSW 2097	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.84m	4%	Staff exercising delegated authority
DA2021/1755	152 Headland Road NORTH CURL CURL NSW 2099	Alterations and additions to a dwelling house including a garage, swimming pool and spa	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.1m	7.06%	Staff exercising delegated authority
DA2021/2640	35 Coles Road FRESHWATER NSW 2096	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.2m	8.20%	Staff exercising delegated authority
DA2022/1082	32 Connaught Street NARRAWEENA NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.21m	8.34%	Staff exercising delegated authority

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/0630	52 Pitt Road NORTH CURL CURL NSW 2099	Demolition works and construction of a dwelling house including a swimming pool and spa	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.3m	9.41%	Staff exercising delegated authority
DA2022/0500	28 Coutts Crescent COLLARROY NSW 2097	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.5m	11.76%	DDP

**Warringah LEP 2011 - Variations over 20%**

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2021/2457	33 Myoora Road TERREY HILLS NSW 2084	Alterations and additions to a school	Commercial/ Retail/Office	4.3 Height of buildings	8.5m	10.2m	20%	SNPP
<p><b>Description:</b> The breaching components are small sections of the saw tooth roof of the science building located in the centre of the site and is a direct result of a change in the ground levels.</p>								

## 13.0 Transport and Assets Division Reports

<b>ITEM 13.1</b>	<b>OUTCOME OF PUBLIC EXHIBITION - NAMING PROPOSAL - BRIAN GREEN LOOKOUT, CURL CURL</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS AND RECREATION</b>
<b>TRIM FILE REF</b>	<b>2022/043177</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a>Community Engagement Report - Naming Proposal - Brian Green Lookout, Curl Curl (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a>Location of Area Proposed to be Named Brian Green Lookout (Included In Attachments Booklet)</b>

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### SUMMARY

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#### PURPOSE

To report on the outcomes of the public exhibition of the proposal to name the sandstone viewing area above the South Curl Curl rockpool on Carrington Parade as the Brian Green Lookout and to seek Council adoption of the name.

#### EXECUTIVE SUMMARY

On 28 September 2021, Council resolved (resolution 269/21) 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.*

In respect of Item 1 of resolution 269/21 this naming proposal was publicly exhibited between 1 October and 14 November 2021. During the exhibition period 231 people provided submissions including 190 with written comments. Though there was support for the naming proposal there was not a majority of support, the details can be seen at Attachment 1.

Submissions supporting the proposal commented on the significant contributions made by Mr. Green to the Northern Beaches community. Submissions not supporting the proposal commented on matters including: a preference for an Indigenous or generic name, gender equity for place names and objections to naming public facilities after politicians.

This naming proposal is consistent with Council's Naming Our Reserves, Facilities and Roads Policy, in particular Council will consider honouring individuals if they have: "*Made a highly significant contribution to the specific area or community [including] Two or more terms of office on local government council.*"

The location of the area proposed to be called Brian Green Lookout can be seen at Attachment 2.

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**RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That Council:

1. Note the outcome of the public exhibition.
  2. Adopt the proposal to name the sandstone viewing area above the South Curl Curl rockpool on Carrington Parade as the Brian Green Lookout.
  3. Install a plaque in 2022/2023 with staff to liaise with Mr Green's family prior to the installation.
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## REPORT

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### BACKGROUND

On 28 September 2021, Council resolved (resolution 269/21) 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.*

In respect of Item 1 of resolution 269/21 this naming proposal was publicly exhibited between 1 October and 14 November 2021. During the exhibition period 231 people provided submissions including 190 with written comments. Though there was support for the naming proposal there was not a majority of support, details can be seen at Attachment 1.

Submissions supporting the proposal commented on the significant contributions made by Mr. Green to the Northern Beaches community. Submissions not supporting the proposal commented on matters including: a preference for an Indigenous or generic name, gender equity for place names and objections to naming public facilities after politicians.

Brian Green is a life-long resident of the Northern Beaches where he served as a Warringah Councillor (1980-85, 1987-99), Deputy Shire President (1981-82, 1984-85, 1988-89), Shire President (1991-93) and Mayor of Warringah Council (1993-95). In 2002, Mr. Green was awarded the title of 'Emeritus Mayor' in acknowledgement of his service in the role of Mayor. Mr. Green was in office for more than two terms and 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 the 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.

This naming proposal is for the sandstone viewing area above the South Curl Curl rock pool on Carrington Parade. Brian Green lived nearby on Carrington Parade and was involved in the initial concept for this section of the coastal walkway. This viewing area adjoins the boardwalk named the 'Harry Elliffe Way'. This naming proposal is limited to the sandstone viewing area only.

This naming proposal is consistent with Council's Naming Our Reserves, Facilities and Roads Policy, in particular that Council will consider honouring individuals if they have: "*Made a highly significant contribution to the specific area or community [including] Two or more terms of office on local government council.*"

The location of the area proposed to be called Brian Green Lookout can be seen at Attachment 2.

### CONSULTATION

The naming proposal was exhibited between 1 October and 14 November 2021. The community was informed of the proposal through: site signs, Your Say project page, letterbox drop, Council weekly e-News, stakeholder emails, and stakeholder meetings.

During the exhibition period 231 people provided submissions including 190 with written comments. Though there was support for the naming proposal there was not a majority of support, details can be seen at Attachment 1.

A thematic summary of the submissions and comments received is provided in Table 1 below.

**Table 1** Summary of Themes and Council's responses to the proposal to name the lookout on Carrington Parade, Curl Curl, as the Brian Green Lookout.

Theme	What we heard	Council's response
More meaningful, generic or broader name.	<i>Lookouts etc. should have names that are more reflective of their positions topographically, geographically or historically...</i>	This naming proposal is consistent with Council's Naming our Reserves, Facilities and Roads Policy.  In this instance it is considered that the naming proposal is appropriate given the significant contributions by Mr. Green to the Northern Beaches community.
Preference for an Indigenous name.	<i>We should look for inspiration from the Indigenous language first. Indigenous place names are few and far between...</i>  <i>Any names should be in Aboriginal language to reflect the fact that the original custodians of the land are alive and well ...</i>  <i>Aren't there some local indigenous women we should remember ...</i>	This naming proposal is consistent with Council's Naming our Reserves, Facilities and Roads Policy.  In this instance it is considered that the naming proposal is appropriate given the significant contributions by Mr. Green to the Northern Beaches community.  The Policy provides guidance about the preference for Aboriginal names particularly for parks and natural areas.
Objection to naming public places after an elected politician.	<i>As a matter of principle, I am against politicians at any level of government having any facility, park, building etc. belonging to the public being named after them ...</i>	This naming proposal is consistent with Council's Naming our Reserves, Facilities and Roads Policy.  In this instance it is considered that the naming proposal is appropriate given the significant contributions by Mr. Green to the Northern Beaches community.
More gender equity in place names	<i>I'd prefer a female to be chosen. So many places are named after men.</i>	Gender equity is a consideration in assessing naming proposals.  In this instance it is considered that the naming proposal is appropriate given the significant contributions by Mr. Green to the Northern Beaches community.

## **TIMING**

Should Council approve the naming proposal, a plaque would be designed and installed in 2022/2023 in consultation with Mr. Green's family.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Partnership and participation - Goal 21 Our community is engaged in decision making processes

## **FINANCIAL CONSIDERATIONS**

Should Council approve the naming proposal, a plaque will be installed in 2022/2023. This would cost approximately \$1,000 and be funded through the 2022/2023 Parks and Recreation Operational budget.

## **SOCIAL CONSIDERATIONS**

This naming proposal is considered to be an appropriate way to recognise Mr Green's contribution to the Northern Beaches community.

## **ENVIRONMENTAL CONSIDERATIONS**

The recommendations in this report pose no environmental impact on Council.

## **GOVERNANCE AND RISK CONSIDERATIONS**

This naming proposal and the recommendations in this report are aligned with Council's Naming our Reserves, Facilities and Roads Policy. If approved by Council, the implementation of a new name will involve updates to Council's webpage, spatial information systems and installation of a plaque.

<b>ITEM 13.2</b>	<b>OUTCOME OF PUBLIC EXHIBITION - PROPOSED NAMING OF PURPLE POPPY DOG PARK</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS &amp; RECREATION</b>
<b>TRIM FILE REF</b>	<b>2022/384142</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a>Community Engagement Report - Naming Proposal - Purple Poppy Dog Park (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a>Location Map - Proposed Purple Poppy Dog Park (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To report on the outcomes of the public exhibition of the proposal to name the enclosed dog off-leash area at the northern end of Forestville War Memorial Playing Fields as Purple Poppy Dog Park.

### EXECUTIVE SUMMARY

On 26 April 2022, Council resolved (resolution 115/22) that:

- 1. Council place the proposal to rename the enclosed dog off-leash area at the northern end of the Forestville War Memorial Playing Fields the Purple Poppy Dog Park on public exhibition for a minimum of 28 days.*
- 2. The outcome of the public exhibition of the proposal to rename the enclosed dog off-leash area at the northern end of the Forestville War Memorial Playing Fields the Purple Poppy Dog Park be reported to Council.*

In respect of item 1 of resolution 115/22 this naming proposal was publicly exhibited between Friday 6 May and Sunday 5 June 2022. During the exhibition period 50 people provided submissions including 36 with written comments. There was strong support for the proposal and details can be seen in Attachment 1.

Submissions supporting the proposal commented that the proposed name was appropriate in that it recognises and commemorates animals' roles in wartime. Submissions not supporting the proposal commented on matters including suggestions of alternative names and one respondent concerned about noise.

This naming proposal is consistent with Council's Naming Our Reserves, Facilities and Roads Policy which applies to naming of facilities on Council managed land. The off-leash area proposed to be named is considered to be a facility and is located on Crown land managed by Council.

The location of the area proposed to be called Purple Poppy Dog Park can be seen at Attachment 2.

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**RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That Council:

1. Note the outcomes of the public exhibition.
  2. Adopt the proposal to name the enclosed dog off-leash area at the northern end of Forestville War Memorial Playing Fields as Purple Poppy Dog Park.
  3. Install signage with the name Purple Poppy Dog Park and background information about the new name in consultation with the Forestville RSL sub-Branch.
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## REPORT

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### BACKGROUND

On 26 April 2022, Council resolved (resolution 115/22) that:

1. *Council place the proposal to rename the enclosed dog off-leash area at the northern end of the Forestville War Memorial Playing Fields the Purple Poppy Dog Park on public exhibition for a minimum of 28 days.*
2. *The outcome of the public exhibition of the proposal to rename the enclosed dog off-leash area at the northern end of the Forestville War Memorial Playing Fields the Purple Poppy Dog Park be reported to Council.*

In respect of item 1 of resolution 115/22 this naming proposal was publicly exhibited between Friday 6 May and Sunday 5 June 2022. During the exhibition period 50 people provided submissions including 36 with written comments. There was strong support for the proposal and details can be seen in Attachment 1.

Submissions supporting the proposal commented that the proposed name was appropriate in that it recognises and commemorates animals' roles in wars. Submissions not supporting the proposal commented on matters including suggestions of alternative names, installing a plaque instead and a concern about noise.

Council received the application from the Forestville RSL sub-Branch to name the enclosed dog off-leash area at the northern end of the Forestville War Memorial Playing Fields the Purple Poppy Dog Park. This off-leash area is currently informally referred to as the Forestville Dog Off-Leash Area.

The purple poppy signifies recognition of the deeds and sacrifices animals have made and continue to make during wartime. The purple poppy was introduced to Australia by the Australian War Animal Memorial Organisation in 2013. This non-profit organisation aims to recognise the deeds of animals during Australian military service.

24 February is Purple Poppy Day and the National Day for War Animals in Australia where the deeds and sacrifices of animals in war are commemorated.

In the past animals such as horses, dogs and carrier pigeons supported military operations, these days it is primarily dogs. Dogs are deployed in a variety of roles including as guard dogs and explosive detection dogs. In a post operational role some serve as assistance dogs. In these roles they have been responsible for saving lives, most recently in Iraq and Afghanistan.

The Forestville RSL sub-Branch suggests that naming this off-leash area as the Purple Poppy Dog Park would be an appropriate recognition of the deeds and sacrifice dogs have made during Australian military service. This name is in keeping with the war Memorial theme of the reserve as it is located within the Forestville War Memorial Playing Fields. The playground is also known as Poppy Park.

This naming proposal is consistent with Council's Naming Our Reserves, Facilities and Roads Policy which applies to naming of facilities on Council managed land. The off-leash area proposed to be named is considered to be a facility and is located on Crown land managed by Council.

The location of the area proposed to be called Purple Poppy Dog Park can be seen at Attachment 2.

## CONSULTATION

This naming proposal was publicly exhibited between Friday 6 May and Sunday 5 June 2022. The community were informed of the proposal through; onsite signs, Your Say project page, letterbox drop, media release and stakeholder emails.

During the exhibition period 50 people provided submissions including 36 with written comments. There was a strong majority of support, details can be seen at Attachment 1. Of those that were not supportive or were neutral, the main reasons have been outlined in Table 1 below.

Table 1: Summary of Themes and Council's responses to the proposal to name the enclosed dog off-leash area at the northern end of Forestville War Memorial Playing Fields as Purple Poppy Dog Park.

Theme	Issues, change requests and other considerations raised	Council's response
Like the proposed name	Majority of the comments supported the name change saying it is an appropriate name that recognises and commemorates animals' roles in wars.	<p>This naming proposal is consistent with Council's Naming our Reserves, Facilities and Roads Policy.</p> <p>In this instance it is considered that the naming proposal is appropriate given the name is in keeping with the War Memorial theme of the reserve and also aligns with the name of the playground in the reserve known as Poppy Park.</p>
Preference for another name	<p>Some comments suggested other names:</p> <ul style="list-style-type: none"> <li>• Military Animals Memorial Park or Memorial Park to Military Animals</li> <li>• Forestville Dog Off-Leash Area</li> <li>• Purple Poppy Off-leash Park</li> <li>• Forestville Purple Poppy Off-leash Park named after the most decorated Australian dog in peace or war, or both.</li> </ul>	<p>Our consultation process provides an opportunity for the community to indicate their level of support or non-support for suggested name.</p> <p>While the comments provided are reasonable, the overwhelming support provided for the proposed name would indicate that most consider it suitable.</p>
Preference for an Indigenous name	One comment suggested the area be called the original Aboriginal name or another Aboriginal name as per Council's policy.	<p>The Naming our Reserves, Facilities and Roads Policy provides guidance about and preference to the use of Aboriginal names particularly for parks and natural areas.</p> <p>In this instance it is considered that the naming proposal is appropriate given the significance of the proposed name to the RSL and the support for the proposal.</p>

Theme	Issues, change requests and other considerations raised	Council's response
Noise concern	One respondent was concerned about noise from the existing use of the park by dogs and their owners.	This is not a new park and no additional noise is to be expected.
Install a Plaque	One respondent suggested a small bronze plaque could be installed rather than changing the name.	While the comments provided are reasonable, the overwhelming support provided would indicate that most consider the proposed naming as suitable.
Why Purple Poppies?	One respondent queried the proposed name.	The purple poppy signifies recognition of the deeds and sacrifices animals make during wartime.
Time restrictions	One respondent queried the time restrictions	No times restrictions are proposed.

### TIMING

Should Council approve this naming proposal:

- The Forestville RSL sub-Branch and Geographical Names Board would be notified of the assigned name of Purple Poppy Dog Park
- A sign with the name Purple Poppy Dog Park and background information would be designed and installed in consultation with the RSL sub-Branch in 2022/2023.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Partnership and participation - Goal 21 Our community is engaged in decision making processes

### FINANCIAL CONSIDERATIONS

Should the naming proposal be approved by Council, permanent signage would be installed, which would cost approximately \$2,000. There are funds available in the Parks and Recreation 2022/2023 operational budget to meet this cost.

### SOCIAL CONSIDERATIONS

The naming proposal is considered an appropriate recognition of the deeds and sacrifice dogs and other animals have made and continue to make during Australian military service. The majority of submissions were strongly supportive of the proposal.

## **ENVIRONMENTAL CONSIDERATIONS**

The recommendations in this report pose no environmental impact.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The naming proposal and recommendation in this report are aligned with Council's Naming our Reserves, Facilities and Roads Policy. If approved by Council, the implementation of a new name will involve updates to Council's webpage, spatial information systems and new signage onsite.

<b>ITEM 13.3</b>	<b>OUTCOME OF PUBLIC EXHIBITION - PROPOSAL TO RENAME UNDERCLIFF RESERVE IN FRESHWATER TO IRENE CRUMP RESERVE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS AND RECREATION</b>
<b>TRIM FILE REF</b>	<b>2022/396663</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Community Engagement Report - Proposal to Rename Undercliff Reserve to Irene Crump Reserve (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To report on the outcome of the public exhibition of the proposal to rename Undercliff Reserve in Freshwater to Irene Crump Reserve.

### EXECUTIVE SUMMARY

On 24 May 2022, Council resolved (resolution 151/22) that:

- Council places the proposal to rename Undercliff Reserve in Freshwater, Irene Crump Reserve on public exhibition for a minimum of 28 days.*
- A report on the outcome of the public exhibition is reported back to Council.*

In respect of Item 1 of resolution 151/22 the proposal, to rename Undercliff Reserve at the southern end of Freshwater Beach in Freshwater to Irene Crump Reserve was publicly exhibited between 27 May 2022 and 26 June 2022. During the exhibition period 127 submissions were received and 110 provided comments, with a large majority of submissions being supportive of the proposal. Objections to the proposal were generally based on a preference for other names.

This proposal is considered to be consistent with the Geographical Names Board of NSW Policy – Place Naming (GNB Policy) and Council’s Naming our Reserves, Facilities and Roads Policy (Council Policy). In particular the proposal aligns with clause 7.1 of the GNB Policy in that Irene Crump had a long association with the area and made a significant contribution to the reserve, specifically in relation to an ‘*Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.*’ The name change is also considered to be in the public interest (clause 9.3 of the GNB Policy) as it recognises her bravery and dedication in fighting to protect the reserve for the benefit of our community and future generations.

The decision on renaming reserves sits with the Geographical Names Board of NSW (GNB). For Council to submit a renaming proposal to the GNB, a Council resolution is required along with evidence community input has been sought. If endorsed by Council, this proposal will be forwarded to the GNB for consideration. The GNB may undertake their own community consultation prior to determining whether or not to support the proposed renaming.

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## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note the outcome of the public exhibition of the proposal to rename Undercliff Reserve in Freshwater to Irene Crump Reserve.
  2. Endorse the proposal to rename Undercliff Reserve in Freshwater to Irene Crump Reserve as outlined in this report.
  3. Write to the Geographical Names Board of NSW to request support for the renaming of the reserve.
  4. Note staff will liaise with the Friends of Freshwater Inc. and the Crump family if the proposed reserve renaming is supported by the Geographical Names Board of NSW prior to installation.
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**REPORT**

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**BACKGROUND**

On 24 May 2022, Council resolved (resolution 151/22) that:

1. *Council places the proposal to rename Undercliff Reserve in Freshwater, Irene Crump Reserve on public exhibition for a minimum of 28 days.*
2. *A report on the outcome of the public exhibition is reported back to Council.*

In respect of Item 1 of resolution 151/22 the proposal to rename Undercliff Reserve at the southern end of Freshwater Beach (see map in Attachment 1), including part of the walkway and stairs that form a pedestrian connection between Freshwater and Queenscliff Beaches in Freshwater, Irene Crump Reserve, was publicly exhibited between 27 May 2022 and 26 June 2022. During the exhibition period, 127 submissions were received and 110 provided comments with a large majority of submissions supportive of the renaming proposal.

Submissions supporting the proposal recognised the contributions made by Irene Crump in securing public ownership of the reserve and saving it from private development. The renaming would also recognise Irene Crump's contribution to the community, for example as a long-standing Director of the Harbord Community Pre-school and as a prominent environmental advocate and leader for four decades.

A Manly Daily article from 11 September 1991 recounts the events in 1970 that led to the preservation of the reserve. The article states that a development application had been lodged to construct units on the site down onto the sand and that while still under assessment the developer attempted to clear the site. Upon hearing this, Irene Crump went to the site and climbed what is understood to have been a large coral tree and refused to come down until work stopped. She recalled that:

*They were cutting the branches off the tree from around my legs and told me that if I didn't move I could get hurt or even killed ... So, I told them there were more ways to die for your country than going to war.*

She was dubbed 'Harbord's bravest woman.' Another personal account recalls that when it was time for Mrs Crump to work at the kindergarten, the mothers of the children took turns protecting the tree throughout the day until the developers gave up and went home. In the Manly Daily article Mrs Crump stated that:

*I fought for the children ... The adults can fight for themselves, but this reserve is a great place for children to come and play and I couldn't sit back and allow them (the developers) to rip it apart ... Whenever my grandchildren came to visit me they always asked me to take them to the reserve and when they heard it was going to be developed they were terribly upset ... I only hope that future generations realise that we did care.*

Mrs Crump spent two months fighting the proposed development in court. Eventually the development was scaled back, and part of the land was retained for community use.

Some years ago, a request to name the reserve after Irene Crump was rejected because the GNB policy required the person to have been deceased for at least one year and at the time Mrs Crump was still alive. Instead, a plaque was installed to recognise her achievements. Mrs Crump died in 2011. The current application by Friends of Freshwater Inc to rename the reserve after Irene Crump has subsequently proceeded through this assessment process.

The Friends of Freshwater Inc's proposal is considered to be consistent with the Geographical Names Board of NSW Policy – Place Naming (GNB Policy) as well as Council's Naming our

Reserves, Facilities and Roads Policy (Council Policy). In particular the proposal aligns with clause 7.1 of the GNB Policy in that Irene Crump had a long association with the area and made a significant contribution to the reserve, specifically in relation to an *'Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.'* The name change is also considered to be in the public interest (clause 9.3 of the GNB Policy) as it recognises her bravery and dedication in fighting to protect the reserve for the benefit of our community and future generations.

The decision on renaming reserves sits with the Geographical Names Board of NSW (GNB). For Council to submit a renaming proposal to the GNB, a Council resolution is required along with evidence community input has been sought. If endorsed by Council, this proposal will be forwarded to the GNB for consideration. The GNB may undertake their own community consultation prior to determining whether or not to support the proposed renaming.

## CONSULTATION

This renaming proposal was exhibited between 27 May 2022 and 26 June 2022. The community were informed of the proposal through onsite signs, Your Say project page, letterbox drop, Council weekly e-News and stakeholder emails.

During the exhibition period 127 submissions were received including 110 that provided comments, with a large majority of submissions supportive. Objections to the proposal were generally based on a preference for other names. The full Community Engagement Report can be found at Attachment 1. Key themes that arose and Council's responses are provided in Table 1.

Theme	Issues, change requests and other considerations raised	Council's response
Preference for a First Nations name.	Some comments mentioned the land is Aboriginal land and renaming should recognise the country in which it is on and pay respects to the First Nation custodians of the land, water and sky.	<p>This renaming proposal is consistent with Council's Naming our Reserves, Facilities and Roads Policy.</p> <p>In this instance it is considered that the renaming proposal is appropriate given the significant contributions by Irene Crump to the Northern Beaches community.</p> <p>The Policy provides guidance about a preference to use Aboriginal names particularly for parks and natural areas.</p>
Prefer current name	Some comments preferred the current name stating that Undercliff Reserve makes geographic sense and the current name better describes the location being on Undercliff Street.	<p>Our consultation process provides an opportunity for the community to indicate their level of support or non-support for suggested namings.</p> <p>While the comments provided are reasonable, the overwhelming support provided would indicate that most consider the proposed renaming as suitable.</p>
A plaque is enough recognition	Some comments requested that the name remains as is and suggested that the existing plaque recognising the work done by	Our consultation process provides an opportunity for the community to indicate their level of support or non-support for suggested namings.

Theme	Issues, change requests and other considerations raised	Council's response
	Irene Crump to protect the reserve is sufficient.	While the comments provided are reasonable, the overwhelming support provided would indicate that most consider the proposed renaming as suitable.

### TIMING

Should Council endorse this renaming proposal, staff will write to the GNB to request support for the renaming of the reserve. The GNB may undertake its own community consultation. If the proposed reserve renaming is supported by the GNB new reserve name signage will be installed. Staff to liaise with the Friends of Freshwater Inc. and the Crump family prior to installation.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Partnership and participation - Goal 21 Our community is engaged in decision making processes

### FINANCIAL CONSIDERATIONS

Should Council and the GNB approve the renaming proposal, new reserve signage will be installed in 2022/2023. The estimated cost of this signage is \$2,000, there are funds available in the 2022/2023 Parks and Recreation operational budget to meet these costs.

### SOCIAL CONSIDERATIONS

This renaming proposal is considered an appropriate way to recognise Irene Crump for her bravery and dedication in fighting to protect this reserve for the benefit of our community.

### ENVIRONMENTAL CONSIDERATIONS

The recommendations in this report pose no environmental impact for Council.

### GOVERNANCE AND RISK CONSIDERATIONS

This renaming proposal and recommendations in this report are consistent with the Geographical Names Board of NSW Policy – Place Naming and Council's Naming our Reserves, Facilities and Roads Policy. If approved by Council and the GNB, the implementation of a new name will involve updates to Council's webpage, spatial information systems and new signage on-site.

<b>ITEM 13.4</b>	<b>TEMPORARY CHANGES TO ALCOHOL PROHIBITED AREAS FOR NEW YEARS EVE 2022, AUSTRALIA DAY 2023 AND FOR COUNCIL'S CHRISTMAS CHORAL CONCERT 2022</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS AND RECREATION</b>
<b>TRIM FILE REF</b>	<b>2022/601514</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Letter from Northern Beaches Police Area Command Dated 10 October 2022 Regarding Temporary Changes to Alcohol Prohibited Areas</a></b>

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## SUMMARY

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### PURPOSE

To consider:

- The request from the Northern Beaches Police Area Command that Council declare temporary 24-hour Alcohol Prohibited Areas at:
  - The sand area of all beaches and parks and reserves within the Northern Beaches Local Government Area on Australia Day 26 January 2023
  - Rowland Reserve, Bayview on New Year's Eve 31 December 2022.
- Suspending the operation of the 24-hour Alcohol Prohibited Area at Manly Oval on 1 December 2022 for Council's Christmas Choral Concert.

### EXECUTIVE SUMMARY

In recent years Council has at the request of the Northern Beaches Police Area Command declared temporary 24-hour Alcohol Prohibited Areas on Australia Day on beaches and reserves. This joint initiative assists the Police managing the potential for alcohol related antisocial behaviour in these areas.

The Northern Beaches Police Area Command have requested that Council declare a temporary 24-hour Alcohol Prohibited Area on New Year's Eve 2022 at Rowland Reserve and at the sand area of all beaches and parks and reserves on Australia Day 2023 (Attachment 1).

Council's annual Christmas Choral Concert at Manly Oval will be held on Thursday 1 December 2022. It is proposed that the 24-hour Alcohol Prohibited Area at Manly Oval, be suspended for the concert. Alcohol has been permitted at this concert in prior years without incident.

## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Declare a temporary Alcohol Prohibited Area at Rowland Reserve, Bayview for New Year's Eve from 6am 31 December 2022 for a period of 24 hours until 6am on 1 January 2023.
  2. Declare temporary Alcohol Prohibited Areas on the sand areas or all beaches, parks and reserves within the Northern Beaches Local Government Area for Australia Day from 6am on 26 January 2023 for a period of 24 hours until 6am on 27 January 2023.
  3. Suspend the operation of the Alcohol Prohibited Area at Manly Oval on 1 December 2022 from 5pm until 8.30pm for Council's Christmas Choral Concert.
  4. Publish notices of the above as required and pursuant to the relevant sections of the *Local Government Act 1993*.
  5. Install temporary signage on Manly Oval, Rowland Reserve, beaches and high use reserves within the Northern Beaches Local Government Area as outlined in this report.
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**REPORT**

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**BACKGROUND****Temporary 24-hour Alcohol Prohibited Areas - New Year's Eve 2022 and Australia Day 2023**

In recent years Council has at the request of the Northern Beaches Police Area Command declared temporary 24-hour Alcohol Prohibited Areas on Australia Day on beaches and reserves. This joint initiative assists the Police managing the potential for alcohol related antisocial behaviour in these areas.

The Northern Beaches Police Area Command have requested (Attachment 1) that Council declare a temporary 24-hour Alcohol Prohibited Area at:

- The sand area of all beaches and parks and reserves within the Northern Beaches Local Government Area on Australia Day 26 January 2023, and
- Rowland Reserve, Bayview on New Year's Eve 31 December 2022. This reserve is a well-known viewing location for the Pittwater New Year's Eve fireworks.

In response it is recommended that:

- A temporary 24 hour Alcohol Prohibited Area be declared at Rowland Reserve, Bayview for New Year's Eve from 6am 31 December 2022 until 6am on 1 January 2023.
- Temporary 24-hour Alcohol Prohibited Areas be declared on parks and reserves and the sand area of all beaches within the Northern Beaches Local Government Area for Australia Day from 6am on 26 January 2023 until 6am on 27 January 2023.

**Suspension of the 24-hour Alcohol Prohibited Area at Manly Oval for Council's Christmas Choral Concert 1 December 2022**

Council's annual Christmas Choral Concert at Manly Oval will be held on Thursday 1 December 2022. The Events and Partnership Team, who coordinates this event, has requested the 24-hour Alcohol Prohibited Area at Manly Oval be suspended to allow attendees to bring alcohol to this event for their own consumption.

Alcohol has been permitted at this concert in recent years without incident. Measures are put in place to manage alcohol related matters including that no alcohol is sold on-site and security personnel are engaged to manage crowd behaviour. The Northern Beaches Police Area Command have been consulted and have no objection to this proposal for Manly Oval.

In response it is recommended that:

- The Operation of the Alcohol Prohibited Area at Manly Oval be suspended on 1 December 2022 from 5pm to 8.30pm for Council's Christmas Choral Concert.

**CONSULTATION**

Staff have consulted with the Northern Beaches Police Area Command regarding their request for temporary 24-hour Alcohol Prohibited Areas for New Year's Eve 2022 and Australia Day 2023 and Council's proposal for suspending the Alcohol Prohibited Area at Manly Oval. The Police have no objection to the proposal for Manly Oval.

**TIMING**

Should the recommendations in this report be approved the public will be notified about the changes to the Alcohol Prohibited Areas via Council's website and on temporary signs prior to the commencement of these arrangements. Temporary signs will be installed at Manly Oval, Rowland Reserve, beaches and high use reserves.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Community and belonging - Goal 8 Our community feels safe and supported
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community

## FINANCIAL CONSIDERATIONS

The costs to make, install and remove temporary signs notifying the public about the changes to the Alcohol Prohibited Areas outlined in this report can be met with funds available from the 2022/2023 Parks and Recreation operational budget.

## SOCIAL CONSIDERATIONS

The proposals for temporary 24-hour Alcohol Prohibited Areas for New Year's Eve 2022 and Australia Day 2023 as outlined in this report will assist Police by reducing the potential for alcohol related antisocial behaviour.

The proposed suspension of the Alcohol Prohibited Area at Manly Oval for the 2022 Christmas Choral Concert will enhance the experience for those who wish to participate in this activity at the concert.

## ENVIRONMENTAL CONSIDERATIONS

The recommendations in this report pose no environmental impacts. Alcohol Prohibited Area signage from previous years will be reused where possible.

## GOVERNANCE AND RISK CONSIDERATIONS

Establishment of an Alcohol Prohibited Area requires the approval of the Police Area Commander or Police District Commander. The Northern Beaches Police Area Command support the changes to the Alcohol Prohibited Areas outlined in this report.

Alcohol has been permitted at the Christmas Choral Concert at Manly Oval in recent years without incident. For the 2022 concert a range of risk management measures will be put in place to manage alcohol related matters including that no alcohol will be sold on-site and security personnel will be engaged to manage crowd behaviour.

Should the recommendations in this report be approved notices regarding changes to Alcohol Prohibited Areas are required pursuant to the *Local Government Act 1993*. The public will be notified about these changes via Council's website and on-site signs. Following the cessation of these changes the respective Alcohol Prohibited Areas shall operate as normal.

For Official Use Only



10 October 2022

Mr Ray Brownlee  
CEO  
Northern Beaches Council  
725 Pittwater Road  
DEE WHY NSW 2099

Dear Ray,

**Request for Alcohol Prohibited Area – NYE 22-23 & Australia Day 2023**  
**As per Section 632A Local Government Act 1993**

I am writing to seek your assistance to have the sand areas of all beaches, parks and reserves within the Northern Beaches Council declared as 'Alcohol Prohibited Areas' for Australia Day 26 January 2023 from 6:00am to 6:00am 27 January 2023. Furthermore, I seek your assistance for New Year's Eve 22-23 to have Rowland Reserve Bayview declared an Alcohol Prohibited Area from 6:00am 31 December 2022 to 6:00am 1 January 2023.

Police believe this initiative will have a positive effect on the local community and will reduce anti-social behaviour which is often brought about with the consumption of alcohol in these areas.

Yours faithfully,



Sergeant [REDACTED]  
Licensing Unit  
Northern Beaches Police Area Command

**Northern Beaches Police Area Command**

3 Belgrave Street MANLY NSW 2095

T 02 9976 8099 W [www.police.nsw.gov.au](http://www.police.nsw.gov.au)

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously

For Official Use Only

<b>ITEM 13.5</b>	<b>RESPONSE TO NOTICE OF MOTION 17/2022 - DRAFT PRECINCT PLAN ELANORA HEIGHTS COMMUNITY CENTRE AND PRECINCT</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2022/503746</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a>Letter to Federal Member for Mackellar - Dr Sophie Scamps - Elanora Heights Community Centre and Precinct Plan</b> <b>2 <a href="#">↓</a>Letter to Minister for Planning and Place, Hon Rob Stokes - Elanora Heights Community Centre and Precinct Plan</b> <b>3 <a href="#">↓</a>Allington Reserve Site Map</b>

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## SUMMARY

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### PURPOSE

To report back on investigations requested by Council at its Ordinary Meeting 24 May 2022 in relation to Notion of Motion No 17/2022 – Draft Precinct Plan Elanora Heights Community Centre and Precinct.

### EXECUTIVE SUMMARY

Council at its meeting 24 May 2022 resolved (Notion of Motion No.17/2022) to:

- Prepare a high level concept report on a Draft Precinct Plan, to be presented to Council within three months, for the Elanora Heights community centre precinct, including, but not limited to:*
  - Upgrade / refurbishment of existing facilities*
  - An integrated multi discipline community centre and pre-school*
  - Potential inclusion of public toilets, a state-of-the art playground and associated facilities.*
- Contact the Federal Member for Mackellar and State Member for Pittwater, The Hon. Rob Stokes MP, requesting whether any Federal and State funding could be provided for the purpose of Elanora Heights community centre and precinct.*

Investigations have been made as to how to improve the area as noted in the Notice of Motion, including having discussions with the primary user of the Elanora Heights Community Centre, the Elanora Preschool. This centre is well utilised and is needed to continue as a community centre available for multiple user groups. As such improvements are in progress to enable users outside of the preschool use, with more suitable furniture having recently been purchased and additional storage in the process of being made available.

The concept of putting in place public toilets and a state-of-the-art playground was reviewed, however it is not recommended to proceed in Allington Reserve as it is a small local park and the size and scale of these facilities would create an over intensification of the park.

Council has contacted the Federal Member for Mackellar, Dr Sophie Scamps MP, and State Member for Pittwater, The Hon. Rob Stokes MP, requesting whether any Federal and State funding could be provided for the purpose of Elanora Heights community centre and precinct (Attachment 1 & 2) but at this stage no response has been received from either office.

## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council note:

1. The actions in this report.
  2. Construction of a storage facility has been completed in order to accommodate furniture to allow better use by hirers of the community centre.
  3. Consultation has commenced for the upgrade of the playground at Anana Reserve, which is near Elanora Heights Public School.
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**REPORT**

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**BACKGROUND**

At its meeting 24 May 2022 council resolved in relation to Notice of Motion No 17/2022 – Draft Precinct Plan Elanora Heights Community Centre and Precinct. (Cr De Luca / Cr Crvelin)

*That Council:*

1. *Prepare a high level concept report on a Draft Precinct Plan, to be presented to Council within three months, for the Elanora Heights community centre precinct, including, but not limited to:*
  - A. *Upgrade / refurbishment of existing facilities*
  - B. *An integrated multi discipline community centre and pre-school*
  - C. *Potential inclusion of public toilets, a state-of-the art playground and associated facilities.*
2. *Contact the Federal Member for Mackellar and State Member for Pittwater, The Hon. Rob Stokes MP, requesting whether any Federal and State funding could be provided for the purpose of Elanora Heights community centre and precinct.*

**Summary Report**Elanora Heights Community Centre

The Elanora Heights Community Centre is well utilised by the Elanora Preschool five days per week during New South Wales school terms. The centre is currently available for hire by other groups outside of those times, being weekday afternoons, evenings, weekends and school holidays. This hire includes the exclusive use of the hall, all facilities and the playground.

There has been ongoing work on improving the space to enable it to be more efficiently used outside of the preschool use for other user groups. More suitable furniture has been purchased to service a greater breadth of users and a storage shed was also put on site to store this furniture without impacting existing hirers.

The toilets at the facility are not available as public toilets, as hirers of a community centre have private and exclusive use of the facility for their activity. The bathroom facilities are inside the building and not suitable to cordon off, nor do they have shared usage with the public. As with all community centres, it is not appropriate for the public to access Elanora Heights Community Centre or the associated playgrounds when a hirer is using the space.

The adopted Community Centres Strategy identifies Elanora Heights Community Centre is needed to continue as a community centre and be available for multiple user groups. It is the only community space available for hire in that suburb, with the closest alternate community space at North Narrabeen, which is also very well utilised. When completed, the Warriewood Community Centre, approximately 3km from the Elanora Heights Community Centre, will provide much needed additional community space for the local community.

The Strategy also found that the Elanora Heights Community Centre is not a high priority for a major upgrade. It is considered to be in good condition, with only minor modifications required to enable wider community use – these modifications include the provision of additional storage for adult size chairs and tables which is currently in progress. Higher priorities for community centres, both for new centres and major upgrades, are in Dee Why, Balgowlah, Brookvale and Mona Vale.

### Allington Reserve Playground

In relation to the potential for a state of the art playground, Allington Reserve is a small local reserve that connects the car park of 49a Kalang Rd (Elanora Heights Preschool) and Allington Cres and is approximately 1,145m<sup>2</sup>, at its widest it is approximately 30m wide and at its narrowest it is 9m wide.

A “state of the art playground” would be considered to be a playground that provides play experiences for 2 years old through to 10 years old and provide equitable access to play experiences for people of all abilities. These playgrounds generally are key attractors and require ancillary facilities such as public toilets dedicated car parking etc and are typically set in a larger park.

Examples of recently constructed ‘state of the art playgrounds’ on the Northern Beaches include:

Site	Playground footprint	Park Footprint	% of site used as playground
Little Manly Point Playground	475 m <sup>2</sup>	25,307m <sup>2</sup>	1.9%
Clontarf Beach Reserve Playground	772 m <sup>2</sup>	23,552m <sup>2</sup>	3.2%
Berry Reserve Playground	1,062m <sup>2</sup>	14,642m <sup>2</sup>	7.25%
Lionel Watts Playground	3,343m <sup>2</sup>	38,366m <sup>2</sup> (Frenchs Forest Showground only, Showground and Lionel Watts combined is 110,459m <sup>2</sup> )	8.9%
Allington Reserve Playground (current)	66m <sup>2</sup>	1,145 m <sup>2</sup>	6%

Little Manly Point Playground is considered to be a small inclusive playground at 475m<sup>2</sup>, any smaller and it would not be considered state of the art as it would not be able to cater for a diverse range of users. If this small sized ‘state of the art’ playground was installed at Allington Cres it would take up 41% of the site.

Given the above, it is not recommended that a playground this size or scale be considered at this location. It is highly likely that the adjoining residents will object to intensification of reserve due to noise, traffic and parking issues and loss of amenity. In addition, there is limited or no opportunity to construct the necessary ancillary facilities required for a playground of this size at this site.

A more modest playground upgrade could be accommodated but is currently not identified for an upgrade in the draft Open Space and Outdoor Recreation Strategy and Action Plan. The existing equipment is planned for renewal as part of 2023 - 2027 Delivery Program and at this time extra elements will be installed within the available space.

Based on the ratios above the largest footprint that would be recommended at Allington Reserve would be 104m<sup>2</sup>. This would increase the pieces of equipment from two to three and would not have an unreasonable impact on surrounding residents. This proposed expansion is outlined in attachment 3.

Council also plans to upgrade the playground at Anana Reserve, which is near Elanora Heights Public School. The contract for the design and construction of the playground is currently out to the market and it is proposed to seek the views of the community on the shortlisted concept design.

In the past, public access was available to the Community Centre playground when not in use by hirers. Anti-social behaviour and vandalism are risks that would need to be managed should public access be further considered. As the site operates as a kindergarten further consultation would be required. In other locations where land is leased to a kindergarten the outdoor spaces are not available to the general public, only to the hirers of the space.

### Public Amenities

A number of options for the provision of public toilets in the Elanora Heights community centre precinct have been investigated as follows.

The first option was for the amenities to be located in Allington Reserve. As noted above, the physical size of the amenities block is not suitable for the small area of Allington Reserve. The tight nature of the reserve would mean that it would take up a reasonable proportion of the reserve and be in close proximity to neighbouring residences.

The option of including it within the community centre was also reviewed. As noted above, having access through a community centre is not appropriate, due to the nature of the hire agreements and also, particularly for the Elanora Preschool use, the requirements relating to child safety. An option of constructing a unisex public amenity within the grounds of the community centre, which only has access from outside the fence line is a potential. This is currently not included in Council's capital works program and further due diligence would be required as to the use, priority and cost of this option.

The option of putting a public toilet in the Elanora Heights Village area was reviewed. As Council does not own land in this area, it is currently not feasible. However, a future option that should be considered is the potential of negotiating the inclusion of a public amenity in any future development in this area e.g.: the future development of sites in the Local Retail Centre. Of note, the adjacent building at 51 Kalang Road has recently received development consent for a mixed use development. This development proposes a food and beverage premises on the ground floor with associated amenities. The open use of these amenities by the local community could be an option for Council in discussion with the future owner should this building end up being constructed.

The provision of toilets at the Elanora Heights Tennis Club was also reviewed but has been discounted as not appropriate being across Powder Works Road and over 400m from the retail centre of Elanora Heights.

### **TIMING**

There is currently no timing associated with this report. Should any capital works progress, funds would need to be allocated through future capital works budget programs.

### **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.

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Community and Belonging - Goal 11: Our community feels safe and supported.

### **FINANCIAL CONSIDERATIONS**

This report does not propose any unfunded financial expenditure.

### **SOCIAL CONSIDERATIONS**

The Community Centre Strategy found that Elanora Heights Community Centre is needed to continue as a community centre available for multiple user groups. It is the only community space available for hire in that suburb with the closest alternate community space at North Narrabeen, which is very well utilised.

The existing playground delivers amenity and recreational benefit to the area as a local playground. It is currently not identified for an upgrade in the draft Open Space and Outdoor Recreation Strategy and Action Plan.

### **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental impacts as a result of this report.

### **GOVERNANCE AND RISK CONSIDERATIONS**

There are no risk considerations as a result of this report.



Michael Regan  
Mayor

Dr Sophie Scamps MP  
Federal Member for Mackellar  
Shops 1&2 1238-1246 Pittwater Road  
Narrabeen NSW 2101

Our Ref: 2022/375980

Dear Dr Scamps *Sophie*,

**Elanora Heights Community Centre and Precinct Concept Plan**

I am writing to advise that at Council's Ordinary Meeting on 24 May 2022, it was resolved (152/22) that Council:

1. *Prepare a high-level concept report on a Draft Precinct Plan, to be presented to Council within three months, for the Elanora Heights community centre precinct, including, but not limited to:*
  - A. *Upgrade / refurbishment of existing facilities*
  - B. *An integrated multi discipline community centre and pre-school*
  - C. *Potential inclusion of public toilets, a state-of-the art playground and associated facilities.*
2. *Contact the Federal Member for Mackellar and State Member for Pittwater, The Hon. Rob Stokes MP, requesting whether any Federal and State funding could be provided for the purpose of Elanora Heights community centre and precinct.*

Following consideration by Council of the high-level concept report on a Draft Precinct Plan, we will provide further details and would appreciate your assistance in identifying possible funding to improve community infrastructure in Elanora Heights. In the meantime, if you have any questions, please contact my office on 8495 6459.

Yours faithfully

*Michael Regan*  
Michael Regan  
Mayor

*27/6/22*



Michael Regan  
Mayor

The Hon. Rob Stokes MP  
Minister for Infrastructure, Minister for Cities, and Minister for  
Active Transport  
Member for Pittwater  
1725 Pittwater Road  
MONA VALE NSW 2103

Our Ref: 2022/375918

Dear Minister 

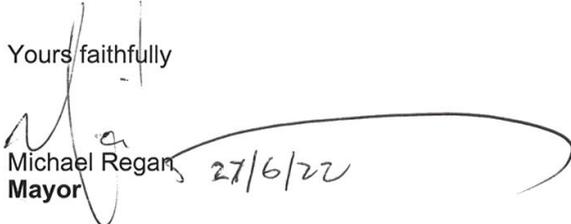
**Elanora Heights Community Centre and Precinct Concept Plan**

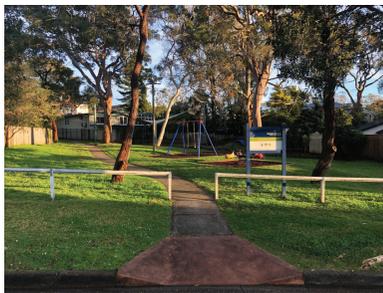
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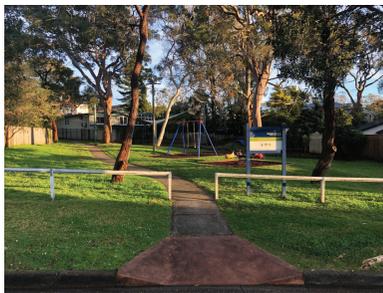


View of playground entry from Allington Crescent



View of community centre & footpath from the car park, Kalang Road





View of playground entry from Allington Crescent



View of Elanora Heights community centre & footpath from the car park, Kalang Road



<b>ITEM 13.6</b>	<b>PUBLIC EXHIBITION OF MARKET LANE WASTE FACILITY NEW ACCESS FEE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2022/694955</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

To request approval to place on public exhibition for a period of 28 days, a proposed new fee for the 2022/23 financial year for access to the proposed Market Lane Waste Facility. The fee is proposed to be set at \$585 (GST inclusive) per participating business for the 2022/23 financial year.

#### EXECUTIVE SUMMARY

Council staff have been working with the Manly Business Chamber on a proposed waste facility area in the Market Lane precinct to find a solution to the issue with businesses leaving their commercial bins outside their premises.

The proposed commercial bin facility area to be used by the Market Lane precinct businesses is an existing bin area located in Whistler Street carpark which is currently used by Council staff as a storage area for Council bins and small street sweeper. A facility for the storage of council gear will be established in another area of the carpark on a trial basis.

To provide an affordable, efficient, scalable, and sustainable model for the businesses to access the commercial bin storage area, it is recommended that a new fee for access to the area is established. It is proposed that this fee is set at \$585 (GST inclusive) per participating business to cover administration and access to the commercial bin storage area.

This fee was not exhibited as part of the 2022/23 Fees and Charges as the commercial bin storage area location had not been decided at that time. For the commercial bin storage area to be accessed by the businesses as soon as possible, it is recommended to exhibit and set the new fee.

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#### RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Place on public exhibition for a minimum of 28 days, the proposed new fee of \$585 (GST inclusive) for access to a commercial bin storage area for Market Lane businesses located within the Whistler Street carpark.
  2. Provide a further report on the outcome of the public exhibition of the proposed fee.
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## REPORT

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### BACKGROUND

The issue of commercial bins being left outside of premises in Market Lane Manly has been an ongoing problem for a number of years. Most of the businesses do not have allocated space within their premises to store their garbage bins, hence they are being left out on the public open space which is very unsightly.

Manly Business Chamber approached Council in December 2021 to raise concerns regarding the waste situation in Market Lane, Manly and requesting that a temporary solution be found as a matter of urgency.

A working group was formed with representatives from the Manly Business Chamber Executive members and council staff from Place & Economic Development and Waste Management & Cleansing.

A number of areas were considered by the group with the final recommendation being that the Council litter bin area currently used by council staff in the Whistler Street carpark, be used for the businesses to access and an area be built for the council equipment in one of the loading zone carparking space located on the ground floor of Whistler Street Carpark.

The intended approach is that the businesses in Market Lane that want to use the commercial bin storage will each apply for and entering into a user agreement with Council and pay an annual fee set at \$585 (GST inclusive) per business for the 2022/23 financial year.

It is proposed that this new commercial bin storage be implemented on a trial basis for 12 months, with day-to-day operations and management undertaken by a nominated Market Lane business using the facility to ensure that it is kept clean, and so the rubbish be collected by a single contractor on a basis appropriate to the amount of garbage that is generated.

As there is not an appropriate fee identified in Council's adopted Operational Plan and budget 22/23 a fee of \$585 per business was considered to be an appropriate fee for access to the commercial bin facility for the storage of their waste bins.

It is proposed that the businesses have access to the commercial bin storage area as soon as possible to alleviate the issue of the commercial bins being left out in the public areas.

### CONSULTATION

The working group in identifying an appropriate location for the Market Lane waste facility consulted with relevant business units within Council to determine the process and fee for location and access of the facility, including the Property Team, Transport Network Team, Community Transport, Parking and Fleet and Waste Management and cleansing. The Manly Business Chamber have been kept informed as the working group considered appropriate options for the location of the proposed commercial bin facility and are in support of the location in Whistler Street carpark.

### TIMING

The commercial bins will be relocated in the storage area located in Whistler Street Carpark as soon as practical after discussions with the relevant businesses.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environmental sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community

## FINANCIAL CONSIDERATIONS

The fee was not included in the May 2022 exhibition of the draft Fees and Charges as the location of the facility had not been identified as yet.

Fee	Unit	\$	GST Applicable
Market Lane Waste Facility Access fee	Per business	\$585	Yes (included in fee)

## SOCIAL CONSIDERATIONS

Introducing this fee will ensure that businesses located within the Market Lane have a reasonable opportunity to take part in accessing the Market Lane waste facility at Whistler Street Carpark thus alleviating the issues of unsightly commercial bins being left on public areas.

It is anticipated that the removal of commercial bins from the Market Lane precinct area will have a positive social impact on the local community who use that area for recreation and socialising.

## ENVIRONMENTAL CONSIDERATIONS

The Market Lane waste facility area will be used by a number of businesses located in the Market Lane Precinct with day-to-day operations and management undertaken by a nominated Market Lane business user ensuring the facility is kept in a clean and tidy conditions and regular servicing of the commercial bins undertaken.

## GOVERNANCE AND RISK CONSIDERATIONS

Each business will enter into an agreement with Council for the use of the Market Lane Waste facility area and be issued with swipe cards to access the facility. The facility will operate for a 12-month trial period after which time ongoing access will be reviewed by Council in collaboration with businesses using the facility and the Manly Business Chamber.

<b>ITEM 13.7</b>	<b>SPORT AND RECREATION INFRASTRUCTURE GRANTS PROGRAM 2022/2023</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS &amp; RECREATION</b>
<b>TRIM FILE REF</b>	<b>2022/641428</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">2022/2023 Sport and Recreation Infrastructure Grants Program Application Overview</a></b>

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## SUMMARY

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### PURPOSE

To consider the recommendations for the 2022/2023 Sport and Recreation Infrastructure Grants Program.

### EXECUTIVE SUMMARY

Council's 2022/2023 Sport and Recreation Infrastructure Grants Program aims to improve sport and recreation facilities and to meet the following objectives:

- Increase opportunities for participation in sport, recreation and active play
- Improve the viability of sport and recreation groups
- Develop safe, accessible, and family friendly facilities

The Grants Program opened for applications on 1 August 2022 and closed on 11 September 2022. Nine eligible applications were received requesting a total of \$264,722. Following the Grants Program Panel's assessment of these applications a total of \$100,000 (ex GST) is recommended for allocation to five projects across five sports.

Successful applicants will be required to enter into a funding agreement with Council and to complete their grant funded projects by 30 June 2023. Unsuccessful applicants will be provided with feedback on their applications.

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### RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That pursuant to Section 356 of the *Local Government Act 1993* Council approve the funding of these projects through the 2022/2023 Sport and Recreation Infrastructure Grants Program:

1. Manly Warringah District Cricket Club; to remove the two existing junior cricket wickets and to install three new junior cricket wickets at Seaforth Oval - \$50,000.
2. Forest Hills Pony Club; to upgrade existing obstacles and install new obstacles at the cross country equestrian course at the JJ Melbourne Hills Memorial Reserve, Terrey Hills - \$16,315.
3. Manly Croquet Club; to install a new reverse cycle air conditioning system in the Manly Croquet Club building at Keirle Park, Manly - \$13,685.
4. Beacon Hill Youth Club (Beacon Hill Football Club); contribution towards the installation of a new awning and a kitchen upgrade for the club house building at Beacon Hill Reserve, Beacon Hill - \$10,000.
5. Bareena Park Tennis Club; contribution towards the resurfacing of tennis courts at the Bareena Park Tennis Complex, Balgowlah Heights - \$10,000.

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## REPORT

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### BACKGROUND

Council's 2022/2023 Sport and Recreation Infrastructure Grants Program (the Grants Program) aims to improve sport and recreation facilities and to meet the following program objectives:

- Increase opportunities for participation in sport, recreation, and active play
- Improve the viability of sport and recreation groups
- Develop safe, accessible, and family friendly facilities

There is \$100,000 in the 2022/2023 Parks and Recreation capital budget for this year's Grants Program.

The Grants Program opened for applications on 1 August 2022 and closed on 11 September 2022. Applicants could apply for a minimum of \$10,000 up to a maximum of \$50,000 for new or upgraded Council infrastructure on Council land.

16 applications were received requesting a total of \$394,417 (Attachment 1). Applications were submitted via the online Smarty Grants system and then checked for eligibility and assessed against these criteria:

- Level to which the project addresses the program objective(s)
- Addresses the principles, priorities and/or actions of the Council's Sportsgrounds Strategy and/or Strategic Directions Analysis (2017) where the project is related to a sportsground or demonstrates a community need
- Applicant's capacity and project readiness
- Value for money - applicants are not required to contribute to their project, though contributions may be considered in the assessment
- Also, consideration may be given to the geographical spread of projects and Council grant funding in prior years if required

Eligibility criteria include that:

- The applicant is incorporated and not-for-profit
- The grant is for new infrastructure or the upgrade of existing infrastructure on a Council owned or managed facility
- The applicant has Owner's Consent from the relevant Council team

Information about the Grants Program, assessment criteria, eligibility and processes were included in Guidelines published on Council's website and referred to in the online application form.

Nine applications were deemed eligible which requested a total of \$264,722 (Attachment 1).

The assessment of eligible applications was undertaken by a Panel of four staff from these teams: Property, Parks and Recreation and Capital Projects. A Terms of Reference document was used to guide Panel members.

The Panel undertook individual assessment of each eligible application and then came together at a meeting held 11 October 2022 to make recommendations as a group. This Panel meeting was chaired by a representative from the Corporate Strategy team (non-voting). Given that the nine eligible applications were for projects spread across nine sports and seven suburbs, the

geographical spread of projects was not considered relevant. Those projects which the Panel by consensus scored and ranked the highest are recommended for funding as follows:

- Manly Warringah District Cricket Club; to remove the two existing junior cricket wickets and to install three new junior cricket wickets at Seaforth Oval, Seaforth - \$50,000.
- Forest Hills Pony Club; to upgrade existing obstacles and install new obstacles at the cross country equestrian course at the JJ Melbourne Hills Memorial Reserve, Terrey Hills - \$16,315.
- Manly Croquet Club; to install a new reverse cycle air conditioning system in the Manly Croquet Club building at Keirle Park, Manly - \$13,685.
- Beacon Hill Youth Club (Beacon Hill Football Club); contribution towards the installation of a new awning and a kitchen upgrade for the club house building at Beacon Hill reserve, Beacon Hill - \$10,000.
- Bareena Park Tennis Club; contribution towards the resurfacing of tennis courts at the Bareena Park Tennis Complex, Balgowlah Heights - \$10,000.

A total of \$100,000 (ex GST) is recommended for allocation to five projects across five sports.

## CONSULTATION

Grants Program information and guidelines were advertised and promoted through e-mails sent to sports and recreation groups and via Council's website and social media platforms. The Corporate Strategy Grants team were consulted about the guidelines and the Panel's Terms of Reference document.

## TIMING

Projects funded through the 2022/2023 Grants Program are to be completed by 30 June 2023.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community

## FINANCIAL CONSIDERATIONS

There is \$100,000 in the 2022/2023 Parks and Recreation capital budget for the 2022/2023 Grants Program. Should the recommendations in this report be approved \$100,000 of this budget would be allocated.

## SOCIAL CONSIDERATIONS

The projects recommended for funding will provide a range of sport, recreation and community benefits:

- The project recommended for funding at Seaforth Oval is to:
  - Remove the two existing junior cricket wickets, and

- Install three new junior cricket wickets outside the boundary of a proposed new senior oval.

The benefits include one new junior cricket wicket to meet the need for more places to play cricket, higher quality playing surfaces and enables establishment of a future senior cricket oval with a turf wicket.

- Improvements to the cross country equestrian course at the JJ Melbourne Hills Memorial Reserve aligns with Council's 2022 course audit and will assist in ensuring that the Pony Club Association of NSW and Equestrian Australia standards are met. These improvements will also enhance the riding experience and safety.
- The upgrade to the Manly Croquet Club building will improve the quality of this facility for social, sport and recreation activities undertaken by the Croquet Club and other users.
- The upgrade to the Beacon Hill Youth Club (Beacon Hill Football Club) club house will provide new shelter and improved kitchen facilities for the club's players, volunteers and spectators and for visiting teams.
- The resurfacing of tennis courts at the Bareena Park Tennis Complex will improve the tennis experience and safety for players.

## ENVIRONMENTAL CONSIDERATIONS

The proposed works for the applications recommended are relatively minor in nature and pose minimal environmental impacts that can be mitigated. Should Council agree to the recommendations in this report the successful applicants will be required to obtain Owner's Consent from Council prior to commencing works. Applicants are to submit, among other things, detailed specifications and construction methodologies including relevant environmental controls to Council's satisfaction before Owner's Consent will be provided.

## GOVERNANCE AND RISK CONSIDERATIONS

The Probity Advisors Report about the 2021/2022 Grants Program suggested the following improvements:

- A) *To address the risk that key GAP (Grant Assessment Panel) member roles and responsibilities may not be clearly communicated, consideration could be given to collating these into a single document such as the Guidelines for Assessors and include relevant roles and responsibilities that may be required for the entire assessment process.*
- B) *For future grant processes it is recommended Council update the relevant Grant Guidelines with a discretion to seek clarifications (not dissimilar to a tender process) in a manner that does not provide an unfair advantage to any applicant.*

In response to A) a Grants Panel Terms of Reference Document was developed that outlined the Panel's roles and responsibilities. This document was provided to each Panel member who acknowledged they had read the document.

In response to B) the Guidelines for 2022/2023 included these words - *Council has discretion to seek clarifications of an application (s) in a manner that does not provide an unfair advantage to any applicant.*

Applications received for the 2022/2023 Grants Program have been processed and assessed in accordance with the Guidelines for 2022/2023. Applicants recommended for grant funding have Owner's Consent from Council to lodge their application for their nominated project.

Should Council agree to the recommendations in this report successful applicants will be required to enter into a funding agreement with Council. 50% of the approved grant funding will be made available upon signing the agreement and receiving Owner's Consent to Commence Work. The remaining 50% will be paid upon successful completion of their projects and meeting Council's acquittal requirements. Unsuccessful applicants will be provided feedback on their applications.

**2022/2023 Sports and Recreation Infrastructure Grants Program Applicant Overview**

There is \$100,000 in the 2022/2023 Parks and Recreation Capital Works budget for the 2022/2023 Sports and Recreation Infrastructure Grants Program. The Program opened for applications on 1 August 2022 and closed on 11 September 2022. A summary of the assessment of the applications received is presented in the Tables 1, 2 and 3.

16 applications were received requesting a total of \$394,417. Nine applications were deemed eligible (Tables 1, 2) requesting a total of \$264,722.

Eligible applications were assessed by the Grants Program Assessment Panel (the Panel) against 4 criteria:

1. Level to which the project addresses program objective(s)
  - Increase opportunities for participation in sport, recreation and active play.
  - Improve the viability of sport and recreation groups.
  - Develop safe, accessible and family friendly facilities.
2. Addresses the principles, priorities and/or actions of the Council's Sportsgrounds Strategy and/or Strategic Directions Analysis (2017) where the project is related to a sportsground or demonstrates a community need.
3. Applicant's capacity and project readiness.
4. Value for money.

Also, consideration may be given to the geographical spread of projects and Council grant funding in prior years.

Following the Panel's assessment of eligible applications, \$100,000 (ex GST) is recommended by the Panel for allocation to five projects across five sports (Table 1).

**Table 1: Eligible Projects Recommended for Funding in Ranked Order**

Organisation	Project	Cost (ex GST)	Request (ex GST)	Recommend (ex GST)	Comment
Manly Warringah District Cricket Club (1=)	Remove the two existing junior cricket wickets and install three new junior cricket wickets at Seaforth Oval, Seaforth	\$66,000	\$50,000	\$50,000	Currently at Seaforth Oval there are 2 junior cricket ovals with wickets. To meet current and future needs the Club are planning to remove the existing ovals and wickets and to establish 3 new junior ovals with wickets and 1 new senior oval with a turf wicket. The Club have applied for funds to remove the two existing junior wickets and to install three new junior wickets outside the boundary of the proposed new senior oval at Seaforth Oval. Benefits include; 1 new junior cricket wicket to meet the need for more places to play cricket, higher quality playing surfaces, enables establishment of the future senior oval.
Forest Hills Pony Club (1=)	Upgrade existing & install new obstacles at the cross country equestrian course at JJ Melbourne Hills Memorial Reserve, Terrey Hills	\$27,373	\$19,373	\$16,315	Improvements to the cross country equestrian course at the JJ Melbourne Hills Memorial Reserve aligns with Council's 2022 course audit and will assist in ensuring that the Pony Club Association of NSW and Equestrian Australia standards are met. These improvements will also enhance the riding experience and safety.
Manly Croquet Club (1=)	Install a new reverse cycle air conditioning system in the Manly Croquet Club building, Keirle Park Manly	\$13,685	\$13,685	\$13,685	The upgrade to the Manly Croquet Club building will improve the quality of this facility for social, sport and recreation activities undertaken by the Croquet Club and other users.
Beacon Hill Youth Club (Beacon Hill Football Club) (4=)	Install a new awning and upgrade the kitchen at the clubhouse building at Beacon Hill Reserve, Beacon Hill	\$31,948	\$26,664	\$10,000	The upgrade to the Beacon Hill Youth Club (Beacon Hill Football Club) club house will provide new shelter and improved kitchen facilities for the club's players, volunteers and spectators and for visiting teams.
Bareena Park Tennis Club (4=)	Resurface three tennis courts at the Bareena Park Tennis Complex, Balgowlah Heights	\$88,350	\$50,000	\$10,000	The resurfacing of tennis courts at the Bareena Park Tennis Complex will improve the tennis experience and safety for players.
	<b>Totals</b>	<b>\$227,356</b>	<b>\$159,722</b>	<b>\$100,000</b>	

**Table 2: Eligible Projects Not Recommended for Funding in Ranked Order**

Organisation	Project	Cost (ex GST)	Request (ex GST)	Recommended	Comment
Mona Vale Golf Club (6=)	Upgrade the golf teaching and practice facility (which includes a chipping green and bunker) located between the 6th green and 7th tee at the Mona Vale Golf Course	\$30,410	\$15,000	No funds recommended.	The outcome of the Panel's assessment was that these projects scored less and were ranked lower than those projects recommended for funding in Table 1.
Manly Warringah BMX Club (6=)	Install a canopy roof over the concrete slab adjoining the Club's shipping container at the BMX complex at the JJ Melbourne Hills Memorial Reserve, Terrey Hills	\$30,800	\$25,000	No funds recommended.	
North Avalon Surfriders Association (8)	Install a new storage room on the amenity building at the North Avalon Beach car park	\$105,575	\$50,000	No funds recommended.	
Mona Vale Bowling Club (9)	Resurface the eastern carpark at the Mona Vale Bowling Club	\$20,000	\$15,000	No funds recommended.	
	<b>Totals</b>	<b>\$186,785</b>	<b>\$105,000</b>	<b>\$0</b>	

**Table 3: Projects ineligible or with alternative funding source(s)**

Organisation	Project(s)	Cost (ex GST)	Request (ex GST)	Assessment	Comment
Bilgola Surf Life Saving Club	Relocate and construct a new cool room at the Bilgola Surf Life Saving Club building at Bilgola Beach	\$30,000	\$30,000	Ineligible	The Owners Consent required from Council to submit this application was not provided.
Collaroy Cougars Rugby Club	Install a new storage shed for a scrum machine at Griffith Park, Collaroy	\$15,000	\$15,000	Ineligible	The Owners Consent required from Council to submit this application was not provided.
Friends of Ku-ring-gai Environment	Install Geotrail signage along the Long Reef headland walking trail	\$14,000	\$14,000	Ineligible	The Owners Consent required from Council to submit this application was not provided.
Manly Allambie United Football Club	Install a new storage room on the amenity building at Miller Reserve, Manly	\$16,195	\$16,195	Alternative funding source	This entire project is included in Council's 2022/2023 works program.
Manly Malibu Boardriders Club	Purchase a trailer and new electronic scoring equipment	\$30,000	\$30,000	Ineligible	A trailer and scoring equipment are deemed not to be infrastructure on a Council owned or managed facility and so these projects are ineligible. The Owners Consent required from Council to submit this application was not provided as these are not Council assets. No quotes provided.
Narrabeen Beach Surf Life Saving Club	Purchase a surf craft trailer	\$10,000	\$10,000	Ineligible	A trailer is deemed not to be infrastructure on a Council owned or managed facility and so this project is ineligible. The Owners Consent required from Council to submit this application was not provided as this is not a Council asset. No quotes provided.
Warringah Golf Club	Repair and extend the concrete pathway from the 12th green to the 13th tee box at the Warringah Golf Course	\$39,500	\$14,500	Ineligible	The Owners Consent required from Council to submit this application was not provided.
	<b>Totals</b>	<b>\$154,695</b>	<b>\$129,695</b>		



<b>ITEM 13.8</b>	<b>PROPOSED ROAD RESERVE CLOSURE AND SALE OF COUNCIL LAND ADJOINING 32 WATKINS ROAD, AVALON BEACH</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2022/667356</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒ Road Reserve Closure Plan - 32 Watkins Road Avalon Beach (Included In Attachments Booklet)</a></b> <b>2 <a href="#">⇒ Community Engagement Report - Proposed Road Reserve Closure Adjacent to 32 Watkins Road Avalon (Included In Attachments Booklet)</a></b> <b>3 <a href="#">⇒ Proposal - 32 Watkins Road, Avalon Beach - Shared Driveway and Public Footpath (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To consider a proposal to close and sell a section of road reserve between 32 Watkins Road and 34 and 36 Watkins Road, Avalon Beach.

### EXECUTIVE SUMMARY

The owners of 32 Watkins Road, Avalon Beach (the applicant) submitted a Road Reserve Closure Application to Council with the intention of purchasing and consolidating the subject land with their adjoining property to potentially construct a second dwelling at the back of the property and subdivide the land.

During the public notification period for this matter, Council received a significant number of objections to the proposed closure and subsequent sale of land. The underlying theme for most of the objections was regarding the loss of public land and how this proposal does not benefit the public.

On 26 April 2022, Council considered and deferred this proposal and Council officers were asked to investigate with the applicant if there was a compromise solution that could be achieved.

The applicant has provided two options for Council's consideration to facilitate ongoing public access across the land. Neither option is an ideal outcome for public access given the steepness of the resulting infrastructure and amenity of the proposed solutions. However, of the two options, Council officers consider the option proposing a shared driveway and public pathway may be viable. An alternative option proposed by the applicant contemplated a small 1.5m strip of land for a public access pathway, which would not be sold to the applicant and which would be owned and maintained by Council. This alternative is not considered a viable option.

The preferred option involves closure and sale of the entire road reserve while retaining a public pedestrian Right of Way (ROW) over the required part of the land with a shared driveway/pathway together with the following additional conditions to be met by the applicant:

- Obtain development consent for the proposed works
- Construct the required public access including driveway, retaining walls, pathway/stairs, and fences; and

- Undertake cleaning/maintaining/renewing of all the infrastructure into the future and bear all costs associated with the creation of the public pedestrian ROW.
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### **RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That:

1. The preferred option be placed on public exhibition for community feedback from 17 January 2023 to 21 February 2023.
  2. The outcome of the public exhibition be reported to Council.
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**REPORT**

**BACKGROUND**

The owners of 32 Watkins Road, Avalon Beach submitted a Road Reserve Closure Application to Council to formally close and purchase a section of road reserve between 32 Watkins Road, and 34 and 36 Watkins Road in accordance with the following:

- Council’s Pittwater Streetscape Management Guideline and Property Management Policy No. 193 (adopted 2 April 2012) the Policy
- Council’s Property Management Policy No.200
- *Roads Act 1993*.

The subject land is approximately 347.8 square metres and is shown in Attachment 1 of this report.

The road reserve was created in 1949 with the intention to be dedicated to the public as a pathway. The western end of the road reserve has been partially cleared to remove invasive trees species. The far eastern end of the road reserve includes native vegetation which is contiguous with the native vegetation within the adjoining bushland reserve. Due to this heavy vegetation, it is currently not able to be accessed by the public.

This road reserve is considered an unformed road. A road in respect of which no construction has ever taken place is vested in the Crown as Crown land. Accordingly, any potential sale of an unformed road requires consent from the Department of Planning and Environment (DPE) – Crown Lands before approval of a road reserve closure. This consent has been provided.

The adjoining bushland reserve features the Bangalley Head Walk with entrances at Marine Road and Whale Beach Road, Avalon Beach. The road reserve on Watkins Road is located approximately 200 metres north of the Marine Road entrance.

The application was referred to several stakeholders within Council and subsequently the proposal to close the road was publicly notified.

**CONSULTATION**

In accordance with section 38B of the *Roads Act 1993*, Council undertook public notification for this proposal. This included letters to adjoining owners, various service authorities, government agencies and a notice on Council’s Your Say page. The public notification commenced on 4 February 2022 and concluded on 6 March 2022.

Council has received a total of 225 submissions from the community during this period. An analysis of the submissions indicates the majority did not support the proposal. A summary of submissions can be found in the Community Engagement Report, included as Attachment 2 of this report.

The submissions by themes are listed below along with Council’s comments:

Theme	Council’s response
Loss of public land and retaining access	<p>Concerns around the loss of public land have been noted. The community has made it clear that they consider this land to be a valuable public asset that should be retained in public ownership.</p> <p>There were mixed opinions on the usability of the land in question. Those who indicated it was too steep and unusable had no issues with the proposed road reserve closure and sale of the land. Others indicated it was usable and opposed the proposed road reserve</p>

	<p>closure and loss of public land. Some indicated Council should maintain the land to allow better public access.</p> <p>Access issues could be resolved by Council retaining a public right of way over the land, although the competing uses of vehicles and pedestrians needs to be managed.</p>
Impact on wildlife corridor and vegetation	<p>The far eastern end of the road reserve includes native vegetation which is contiguous with native vegetation within the adjoining bushland reserve. Establishment of a public accessway may require additional clearing to connect to the existing trail in the reserve as well as the construction of stairways given the steep terrain. Sale of the road reserve may inhibit Council's capacity to retain this area of native vegetation, and also result in the loss of vegetation to the rear of 32 Watkins Road. Native vegetation within and adjoining the reserve currently provides connectivity as part of a coastal biodiversity corridor.</p>
Access required for emergency services	<p>Access for emergency services to Bangalley Head Reserve, in particular for the fire agencies to combat wildfire or implement prescribed burning programs, is and will continue to be limited.</p> <p>Council has attempted to contact NSW Fire &amp; Rescue for a comment regarding their views on the road/pathway and if it would contribute to accessibility to the reserve. No response has been received to date.</p>

Ordinarily a road in respect of which no construction has ever taken place is vested in the Crown as Crown land. Accordingly, Council is required to receive consent for any potential sale of the unformed Council road from DPE - Crown Lands. DPE has provided the following response:

*“NSW Department of Planning & Environment – Crown Lands (the department) does not object to:*

- *the closure of the council public road*
- *the proposed vesting in Council upon closure.”*

On 26 April 2022, Council considered and deferred this proposal. Council officers were asked to investigate if there was a compromise solution that could be achieved.

The applicant provided two options for Council’s consideration and has endeavoured to provide alternative proposals that meet both the community’s and Council’s expectations in order to:

- Retain the maximum amount of existing bushland and provide additional access to the Bangalley Headland Reserve
- Realise the value of land for Council
- Provide driveway access and the ability for subdivision

Whilst neither option is ideal for public access given the steepness of the resulting infrastructure, the option which involves a proposed shared driveway and public pathway (as shown in Attachment 3) is a viable option that addresses most of the concerns raised in the public notification process and results in new infrastructure at no cost to Council.

Key features of the proposal include:

- Shared driveway/walkway area
- Maximum gradient of 1 in 4 (still quite steep for pedestrians but possible)
- Retaining wall along the southern boundary up to 6.3m
- Stairway from the driveway to the existing natural surface level, extending to the public reserve at the rear.

Should this proposal be progressed Council would propose the following additional requirements:

- Right of Way (ROW) easement to be created in favour of Council and public on title
- Purchaser of lot to construct and maintain works
- Purchaser to construct fencing such that it continues beyond 34 Watkins Road to 36 Watkins Road.

### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed
- 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 is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

### **FINANCIAL CONSIDERATIONS**

If the option to close and sell the land was to proceed, there is a possibility for Council to utilise the funds from the sale proceeds. Any sale would be subject to independent expert valuation advice.

Section 43(4) of the *Roads Act 1993* states that:

*Money received by a council from the proceeds of the sale of land is not be used for Council except for acquiring land for public roads or for carrying out road work on public roads." Such road works may vary including pavement strengthening, retaining structures, footpaths, or streetscape improvements.*

Any sales proceeds would provide funds for continued maintenance and improvement of road infrastructure and footpaths in the local area and to fund high priority core road asset improvements that can significantly improve safety and amenity for the community.

### **SOCIAL CONSIDERATIONS**

Any sale of the subject land will potentially allow an additional dwelling/lot to be created behind 32 Watkins Road (subject to Development Consent) which will increase housing supply in this area. The proposal will also provide new pedestrian access from Watkins Road to Bangalley Head Reserve.

### **ENVIRONMENTAL CONSIDERATIONS**

Native vegetation within and adjoining the road reserve currently provides connectivity as part of a coastal biodiversity corridor. Establishment of a public accessway will require some additional

clearing to connect to the existing trail in the bushland reserve. If Council in the future wishes to establish public access to the reserve it will require some additional clearing to connect to the proposed footpath.

## GOVERNANCE AND RISK CONSIDERATIONS

The proposed road reserve closure and sale has been considered in accordance with Council's Streetscape Management Guidelines and Policy No 193, "Road Reserve & Streetscape Management" and Property Management Policy No. 200. However, Council has received a significant number of general objections against the proposal.

During the public notification, Council also received an objection from another adjoining owner of subject land. This owner has stated that they have the right to appeal any decision of Council in accordance with section 38F (1) of the Roads Act 1993, which states:

*"A person referred to in section 38B (1) (b) may appeal to the Land and Environment Court against the closure of a council public road by a council".*

Therefore, if Council does resolve to close the subject road reserve, it is possible that such a decision will be appealed in the Land and Environment Court.

The shared driveway and public pathway proposed on the site is not free from risk. When the subject land is sold, the current or subsequent owners may not proceed with the proposal for the works, or they may not receive Development Consent. This risk may be managed through the implementation of an appropriate bond as a condition of any sale and the closure and sale would need to be conditional upon the applicant receiving Development Consent for the subdivision and development. A deferred commencement condition would be needed to ensure conclusion of the closure and sale is completed (and possibly together with the pathway works) prior to the activation of the consent for a dwelling construction.

The applicant's proposal does not consider a fence for privacy and safety with the adjoining neighbour at 36 Watkins Road, which would have stairs running adjacent to the property. A condition would also be required to ensure the purchaser was responsible for construction of a fence between the two properties.

Other risks to consider are the vehicle and pedestrian conflict given the driveway would actively be utilised for both vehicles and pedestrians simultaneously. The public may also be reluctant to use the access as it may appear to be private access and the steepness of the stairs could also reduce those willing to use the new access path.

Whilst ROW conditions can be created in favour of Council there may be risks in Council's ability to enforce the benefits and has the potential to create reputational damage for Council should the purchaser not maintain the area to Council's standards and the expectations of the community.

<b>ITEM 13.9</b>	<b>OUTCOME OF THE PUBLIC NOTICE FOR THE PROPOSED LEASE AND LICENCE OF A CAFE AND RESTAURANT AT AVALON BEACH SURF LIFE SAVING CLUB</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2022/673945</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Community Engagement Report - Lease of Cafe And Restaurant, Avalon Surf Life Saving Club</a></b>

## PURPOSE

To report the outcome of the public exhibition and seek Council approval, in accordance with Sections 47(5) - (9) of the *Local Government Act 1993* (LGA), to apply to the Minister for Local Government for consent to grant lease and licence agreements to fit out and operate the café and restaurant within the Avalon Beach Surf Life Saving Club (SLSC), 558A Barrenjoey Road, Avalon Beach.

## EXECUTIVE SUMMARY

Council is intending to release a public tender for lease and licence agreements to fit out and operate the café and restaurant at Avalon Beach Surf Life Saving Club (SLSC). The café sits on the ground level with an outdoor dining area, and the restaurant is on the first floor. The tender may result in separate operators of the café and restaurant, or a combined tenancy, pending the outcome of the tender process. The proposed term for each tenancy is 5 years with an option for a further 5 years at the tenant's discretion. The affected land is community land under the *Local Government Act 1993*.

Public notice of the proposal to grant the lease/s and licence/s was given in accordance with section 47 of the *Local Government Act 1993* from Wednesday 27 July 2022 to Wednesday, 7 September 2022, which resulted in a total of 18 submissions. This report details the content of the submissions for Council's consideration and Council is asked to consider the submissions received in respect of the proposed lease/s and licence/s during the public notice and to endorse the position set out in the table in this report in response to the objections received in respect of the proposed lease/s and licence/s.

The *Local Government Act 1993* provides that, if a person has made a submission by way of objection to the proposal, a council must not grant a lease or licence in respect of community land for a period exceeding 5 years except with the consent of the Minister for Local Government. Accordingly, should Council wish to grant the lease/s and licence/s, Council will need to apply to the Minister for consent to do so.

Whilst objections against the proposal were received from one community member, having regard to all relevant circumstances, it is recommended that Council seek the consent of the Minister to grant the lease/s and licence/s.

This proposal is in accordance with Council strategy including Vibrant Local Community (Goals 13, 14 and 15) and Good Governance (Goal 19).

## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note that it has considered all submissions in respect of the proposal to grant lease and licence agreements to fit out and operate the café and restaurant at Avalon Beach Surf Life Saving Club (over part of Lot 202 in DP 1107408) and endorse the position in relation to the objection received as set out in the report for this item.
  2. Apply to the Minister for Local Government in accordance with section 47 of the *Local Government Act 1993* for consent to grant the lease and licence agreements for the café and restaurant.
  3. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including execute all necessary documentation.
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**REPORT**

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**BACKGROUND**

Council owns the Avalon Beach SLSC building which contains a café premises at ground level with outdoor seating and a restaurant space on the first floor.

Due to the end of the previous tenancy, the café and restaurant are currently vacant.

It is proposed to release a public tender for the fit out and operation of the café and/or restaurant, and Council, in accordance with the requirements of the *Local Government Act 1993* has publicly exhibited its intention to grant lease and licence agreements for the café and restaurant upon the completion of the tender process.

Public notice of the proposal to grant the lease/s and licence/s was given in accordance with section 47 of the *Local Government Act 1993* from Wednesday 27 July 2022 to Wednesday, 7 September 2022, which resulted in a total of 18 submissions. This report details the content of the submissions for Council's consideration. Council is asked to consider the submissions received in respect of the proposed lease/s and licence/s during the public notice and to endorse the position set out in the table in this report in response to the objections received in respect of the proposed lease/s and licence/s.

The *Local Government Act 1993* provides that, if a person has made a submission by way of objection to the proposal, a council must not grant a lease or licence in respect of community land for a period exceeding 5 years except with the consent of the Minister for Local Government. Accordingly, should Council wish to grant the lease/s and licence/s, Council will need to apply to the Minister for consent to do so.

Whilst objections against the proposal were received from one community member, having regard to all relevant circumstances, it is recommended that Council seek the consent of the Minister to grant the lease/s and licence/s.

**CONSULTATION**

Through the notification period, there were 18 submissions received. The vast majority were positive with one community member making three submissions not in support. A full account of the submissions received is included in the Community Engagement Report found in the Attachment of this report.

The submissions by theme are summarised below along with staff responses.

Summary of submissions by theme	Submission	Council's response
<p>Beachfront land should be used for beach users, and not for the purpose of food and beverage venues.</p>	<p>Objection</p>	<p>As part of the building redevelopment in 2013, it was identified during the community consultation process that the community requires food and beverage services from the site.</p> <p>Subsequently, the building was constructed with a café and restaurant.</p> <p>The Ocean Beaches Plan of Management – Avalon Beach expressly authorises the lease of the café and restaurant at Avalon Beach Reserve.</p> <p>Council believes the use of café, restaurant and outdoor seating are appropriate and benefit the community. It is consistent with the categorisation of the land.</p>
<p>There are many food and beverage options at Avalon town centre, thus, people shall be visiting there for café and restaurant experience.</p>	<p>Objection</p>	<p>People may like to dine out at Avalon town centre where several cafés and restaurants are established. Nevertheless, it is appropriate to have a café and restaurant on-site according to the approved DA N110/13/S96/1</p>
<p>The café and restaurant shall be managed by local operators who are able to provide family friendly and high-quality services to the community.</p>	<p>Comments</p>	<p>Council is committed to finding a suitable operator who has extensive industry experience and recognises the cultural significance of the site and is willing to use best endeavors to build a strong relationship with the community and the stakeholders such as the Avalon Beach SLSC.</p>
<p>A constant opening of the businesses would benefit the community</p>	<p>Comments</p>	<p>The following minimum trading hours are included in the Tender documents.</p> <p>Café minimum hours of operation:</p> <ul style="list-style-type: none"> <li>• Monday to Friday 7am – 2pm</li> <li>• Saturday and Sunday 7am – 3pm</li> </ul> <p>Restaurant minimum hours of operation:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday 11am – 3pm and 5pm – 8pm.</li> </ul>
<p>It would be difficult for one operator to occupy both café and restaurant</p>	<p>Comments</p>	<p>Council will assess Tender submissions for either the café or restaurant or both premises combined.</p>
<p>Only recyclable take away containers shall be used by the café and restaurant</p>	<p>Comments</p>	<p>The café and restaurant are required to comply with the Northern Beaches Council's Single Use Plastic Policy, aimed at eliminating the use of single use plastics including plastic bags, balloons, straws, plates and cutlery. The operator/s are encouraged to provide products and services that do not rely on</p>

		single use plastics and promote alternatives to single use plastics.
The metal windows of the café are deteriorated and require replacement	Comments	Council recognises that the existing café requires refurbishment which will be factored into the leasing process.
Highly supported for a new café and restaurant to trade from this iconic site.	Support	Council officers acknowledge these comments.
Leasing of the café and restaurant will positively add to the village life and support the local economy.	Support	Council officers acknowledge these comments.
Great location for café and restaurant.	Support	Council officers acknowledge these comments.
The café and restaurant encourage community spirit	Support	Council officers acknowledge these comments.
The café has the potential to be an attractive option to visit the Beach.	Support	Council officers acknowledge these comments.

The Avalon Beach SLSC is supportive of Council's intention to re-let the café and restaurant premises via a Tender process.

### **TIMING**

The granting of the new lease and licence agreements for the café and restaurant is subject to the Ministerial approval, and the outcome of the upcoming Tender.

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

### **FINANCIAL CONSIDERATIONS**

The proposed lease and licence agreements will require the Tenant(s) to undertake fit out upgrades at their cost and will provide rental income to Council.

### **SOCIAL CONSIDERATIONS**

The continued operation of a café and a restaurant at Avalon Beach supports this popular family friendly destination, which attracts community use and tourists, encouraging social and intergenerational connectedness.

### **ENVIRONMENTAL CONSIDERATIONS**

The café and restaurant occupy a beach front location within the Avalon Beach SLSC and will cater to the public and enhance the public use and access to Avalon Beach and the Reserve. The reserve's public purpose and environmental qualities are to be preserved.

### **GOVERNANCE AND RISK CONSIDERATIONS**

This consent of the Minister for Local Government under section 47 of the *Local Government Act 1993* is required in respect of the proposed lease and licence agreements.



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## Community and Stakeholder Engagement Report

### Lease of Cafe and Restaurant, Avalon Surf Life Saving Club

Consultation period: 27 July to 7 September 2022

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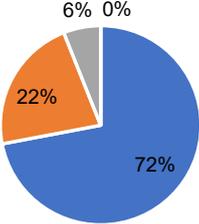
## 1. Summary

This report outlines the outcomes of community and stakeholder engagement conducted between 27 July to 7 September 2022 as part of a proposal to lease the café and restaurant at the Avalon Surf Life Saving Club to suitable operator(s) via a tender process.

We received 18 submissions. The feedback collected during consultation indicated a high level of support for the proposed lease of café and restaurant, with comments citing a consistent trading pattern would benefit the community.

The respondent who was not supportive of the proposal felt that the outdoor seating area of the café should be used for beach activities rather than outdoor seating.

### 1.1. Key outcomes

 Total unique responses	<h1>18*</h1>	
 How responses were received	Submission/Comment form	Completions: 18
 Online sentiment: <sup>1</sup>	<div style="text-align: center;">  <p> <span style="color: blue;">■</span> Support  <span style="color: orange;">■</span> Support with changes  <span style="color: grey;">■</span> Don't support  <span style="color: yellow;">■</span> Neutral/undetermined                 </p> <p>Total responses = 18</p> </div>	
 Feedback themes	Add positive outcome to the village life and economy  High level customer service is required  Need to provide quality food and beverage offerings	Need a family friendly local operator  Ensure to use recyclable take away containers  Avalon in need of a good restaurant

<sup>1</sup> The results in the above graph are based on submissions received online only.

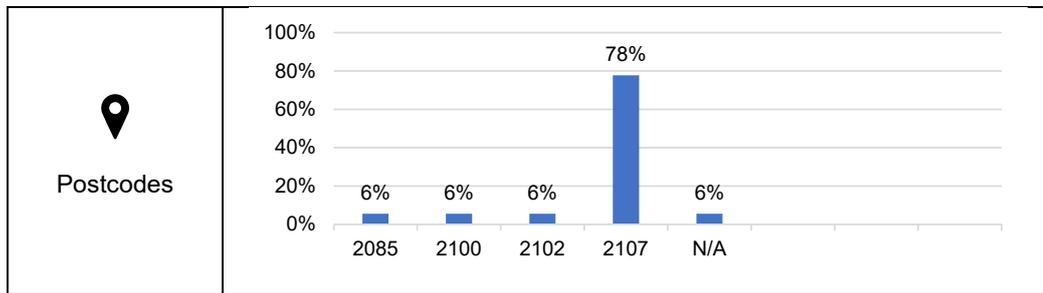
### 1.2. How we engaged

 Have Your Say: visitation stats	Visitors: 901	Visits: 1,048	Average time onsite: 1 min 1 sec
 Social media & media releases	Media Statement 8 June 2022		
 Print media and collateral	Mirage News 9 June 2022  Letterbox drop: 2107  Site signs used: Yes		NA  Distribution: 52  Number of signs: 1
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions  Council (weekly) e-News: 1 edition  Stakeholder email: 3		Distribution: 22,000 subscribers  Distribution: 180,000 subscribers  Distribution: 4
 Key stakeholder engagement	Meeting: 1		Attendance: 3

### 1.3. Who responded<sup>2</sup>

 Gender	<ul style="list-style-type: none"> <li><span style="color: orange;">■</span> Male</li> <li><span style="color: yellow;">■</span> Female</li> <li><span style="color: green;">■</span> Other id.</li> <li><span style="color: brown;">■</span> N/A</li> </ul> 
 Age groups	<ul style="list-style-type: none"> <li><span style="color: blue;">■</span> &lt;25 yrs</li> <li><span style="color: orange;">■</span> 26-50 yrs</li> <li><span style="color: grey;">■</span> 51-75 yrs</li> <li><span style="color: yellow;">■</span> 76+ yrs</li> <li><span style="color: blue;">■</span> N/A</li> </ul> 

<sup>2</sup> Demographic data was gathered through the online form, by request only.



## 2. Background

To meet the legislative requirements, in accordance with Section 47 of the Local Government Act 1993, Council as the owner of the land, provided public notice of its intention to grant two separate 10 year leases to fit out and operate the café and restaurant space within the Avalon Beach SLSC.

## 3. Engagement objectives

Community and stakeholder engagement aimed to:

- build community and stakeholder awareness of participation activities regarding the proposed lease
- provide accessible information so community and stakeholders could participate in a meaningful way and contribute feedback
- provide balanced and objective information to assist in understanding the problem, alternatives and/or solutions
- identify community and stakeholder concerns, local knowledge and values through reviewing and considering all submissions received.

## 4. Engagement approach

Community and stakeholder engagement for the lease of cafe and restaurant, Avalon Surf Life Saving Club was conducted between 27 July to 7 September 2022 and consisted of a series of activities that provided opportunities for community and stakeholders to contribute.

The engagement was planned, implemented and reported in accordance with Council's [Community Engagement Matrix](#) (2017).

A project page<sup>3</sup> was established on our have your say platform with information provided in an accessible and easy to read format.

The project was primarily promoted through our regular email newsletter (EDM) channels.

Feedback was captured through an online submission form embedded onto the have your say project page. The form included a question that directly asked respondents for their level of support on the proposal.

<sup>3</sup> <https://yoursay.northernbeaches.nsw.gov.au/lease-cafe-and-restaurant-avalon-surf-life-saving-club>

An open-field comments box provided community members a space to explain or elaborate on their support, not support or neutral sentiment as well as any other feedback they wished to contribute.

Email and written comments were also invited.

## 5. Findings

There were 18 submissions received through the public notification period. The vast majority were supportive of the proposal, with three submissions provided by one person not in support.

The issues and changes raised are documented in the table below.

**Table 1: Issues, change requests and other considerations**

Theme	Issues, change requests and other considerations raised	Council's response
Beach access	Beachfront land should be used for beach users, and not for the purpose of food and beverage venues.	As part of the building redevelopment in 2013, it was identified during the community consultation process that the community requires food and beverage services from the site.  Subsequently, the building was constructed with a café and restaurant.  The Ocean Beaches Plan of Management – Avalon Beach expressly authorises the lease of the café and restaurant at Avalon Beach Reserve.  Council believes the use of café, restaurant and outdoor seating are appropriate to promote public recreation.
Support businesses within town centre	There are many food and beverage options at Avalon town centre, thus, people shall be visiting there for café and restaurant experience.	People may like to dine out at Avalon town centre where several cafés and restaurants are established. Nevertheless, it is appropriate to have a café and restaurant on-site according to the approved DA N110/13/S96/1.
Character/quality of restaurant and café	The café and restaurant should be managed by local operators who are able to provide family friendly and high-quality services to the community.	Council is committed to find a suitable operator who has extensive industry experience, strong financial backings, recognise the cultural significance of the site and willing to use best endeavours to build a strong relationship with the community and the stakeholders such as the Avalon Beach SLSC.
Trading Hours	A constant opening of the businesses would benefit the community	The following minimum trading hours are being included in the Tender documents and the proposed leases:

		<p>Café minimum hours of operation are to be:</p> <ul style="list-style-type: none"> <li>• Monday to Friday 7am – 2pm</li> <li>• Saturday and Sunday 7am – 3pm</li> </ul> <p>Restaurant minimum hours of operation are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday 11am – 3pm and 5 – 8pm.</li> </ul>
Separate operators for café and restaurant	It would be difficult for one operator to occupy both café and restaurant	Council will encourage flexible Tender submissions for either the café, restaurant, or both.
Sustainability	Only recyclable take away containers should be used by the café and restaurant	The café and restaurant are required to comply with the Northern Beaches Council's Single Use Plastic Policy, aimed at eliminating the use of single use plastics including plastic bags, balloons, straws, plates, and cutlery. Further, the operator/s are encouraged to provide products and services that do not rely on single use plastics and promote alternatives to single use plastics.
Café Refurbishment	The metal windows of the café are deteriorated and require replacement	Council recognises the existing café may require refurbishment; hence the upcoming tender would require tenderers to modify and improve the fit out works. Noting tenderer's concept plan and fit out contribution is a weighted criteria that will be carefully assessed in the tender evaluation.

## Appendix 1 Verbatim community and stakeholder responses\*

Number	Comment/submission
1.	<i>No written comment provided.</i>
2.	<i>No written comment provided.</i>
3.	This should only go to a local operator prepared to provide a high quality service to the local community and visitors to enhance to entire area. No out of area operators, which has been a proven fail! Both of these spaces should be facilities that absolutely enhance and reflect the local area
4.	We are interested in tendering for the Cafe and Restaurant when the tender details become available.
5.	Very highly supported as it is a prime spot and has been chronically under-utilised. So annoying that it has been closed for so long and was not well operated when opened previously. The problem with the last restaurant operator was that their opening days and hours made little sense. They were closed for breakfasts, not opening until 10.00 on weekends (too late), and then shutting late afternoon (too early) so no good for evening dinners either, especially in the long, day-light saving summer months where the beach views over dinner would be sensational. I also think they were shut mid-week and most of winter. Really weird and this put off customers. I strongly recommend that given its prime position that as part of any lease the restaurant is required be open more regularly, all year around and be open for breakfasts 3-4 days per week, especially weekends, and then lunches and dinner for 4-5 days. It is the only restaurant area that overlooks the beach in Avalon -operating hours and menu more like the Beach Club in Collaroy would be far better. This spot could be a huge success if operated more professionally and with the customers (and potential customers)more at front of mind.
6.	The beach is really missing the kiosk. The restaurant is prime position, especially for summer trading. Leasing these areas will really positively add to the village life and economy and would be very welcome
7.	Make it a condition that they provide consistent open service yo the community not ad hoc opening with poor quality service and product
8.	hi dear sir /madam my name [name redacted] .just wondering about café for lease .we run [business name redacted] last 6 years, we are looking to extend our self its great location.
9.	I think the expectation for 1 business to occupy both spaces might be asking too much and there's a good chance that both will be left vacant as a consequence.
10.	Great location for restaurant and coffee shop. Avalon needs a good restaurant -- emphasis on "good".
11.	Please ensure the cafe/restaurant will use only recyclable take away containers, etc.
12.	The café and restaurant at Avalon Beach encourage community spirit and have been sadly missed. I'm so happy to see that steps are being taken to reinvigorate theses venues. I feel that it's very important to vet the submissions carefully in order to choose the operator who can provide the best food, setting, staff and experience. These food outlets need to provide a positive experience for both the local and tourist markets. High standards should prevail over the size of the bid.
13.	<i>No written comment provided.</i>

\*Personal details and inappropriate language have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.

Number	Comment/submission
14.	<p><i>Submission 1:</i> The beach front is a place we need for emergency groupings, for people who want to shelter and access to toilets and showers, as well as first aid and not having to dodge waiters. Many times this area has been useful for safety if the weather suddenly turns bad and it should be limited to access for beachgoers. The area is too small to lease it out. Most of the foreshore is off limits for environmental protection and people just sitting in chairs, whatever they are doing there, are in the way. People can spread out further on the sand or wherever. I think the area is not big enough to have tables and chairs and waiters and people sitting all day at the tables.</p> <p><i>Submission 2:</i> There are plenty of nice restaurants in Avalon village with plenty of choice. The lease at the beach would be in the way of beachgoers. Beachgoers have an expectation to be able to get into the toilet block from the beach and there is not enough space on the side of the building for everybody to congregate there. The area is required for emergencies and shelter. No new cafe would be the best option.</p> <p><i>Submission 3:</i> There are plenty of restaurants in Avalon already catering and servicing the people wanting Avalon's hospitality at its best. The proposal of on the beach dining brings extra traffic to the beach car park particularly delivery drivers who are always lost in the area, extra dogs as people mistakingly think its a dog friendly area but its not. I think the proposed cafe is in a very high traffic area for pedestrians coming and going onto the sand. There are not many access points to facilities and the cafe area is already overcrowded because its the main shelter, toilets, seating and view for tourists. Its too crowded for cafe right in the middle of the area. It should be off to the side out of the way or as we already have cafes galore in Avalon I do not agree with this in appropriate location. Its too crowded and also too windy in that spot.</p>
15.	<i>No written comment provided.</i>
16.	Avalon needs a family friendly style restaurant, but we don't need another Boathouse. An Italian or Seafood style restaurant would be a great addition for Avalon.
17.	<i>No written comment provided.</i>
18.	If the cafe premises could be improved by removing all steel and iron in the structure of the opening parts and in the associated furniture it'd help in making the cafe looking more inviting. The rust and corrosion in the framework is not a good look and should not have been built into a seafront structure. The cafe has the potential of providing a very attractive option to visit and would be enhanced invitingly if improvements were carried out. A deck extending out from the concrete structure built over the sand would also help liven the place up.

Document administration	
Version	1.0
Date	24 October 2022
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Status	Final
Related Projects	N/A
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

<b>ITEM 13.10</b>	<b>OUTCOME OF THE PUBLIC NOTICE FOR THE PROPOSED LEASE AT NORTH MANLY RECREATION SITE, DISTRICT PARK</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2022/684221</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Community Engagement - North Manly Recreation Site, District Park - Public Notification of Lease (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To report the outcome of the public exhibition of Council's intent to grant a lease to the Manly Warringah Gymnastics Club (MWGC). Additionally, to seek Council approval, in accordance with Sections 47(5) - (9) of the *Local Government Act 1993* (LGA), to apply to the Minister for Local Government for consent to grant a 30 year lease to MWGC at District Park, Manly Vale (Community Land).

### EXECUTIVE SUMMARY

On 23 August, Council endorsed a proposal to enter into a Public Private Partnership (**PPP**) with the Manly Warringah Gymnastics Club (**MWGC**) to transform the former North Manly Bowling Club site (corner of Kentwell and Pittwater Roads, "the **site**") at District Park, Manly Vale, into a 3,000sqm indoor gymnastics centre.

Also on 23 August, Council resolved to apply to the Minister for Local Government for consent to enter into a thirty (30) year lease with the MWGC. In accordance with section 47 of the *Local Government Act 1993*, before granting a lease in respect of community land for a period exceeding 5 years, Council must give public notice of the proposed lease. In accordance with section 47(5) of the *Local Government Act 1993*, Council must not grant a lease of community land without the Minister's consent if it receives a submission objecting to the proposal, or the proposed lease exceeds 21 years. The proposed lease with MWGC exceeds 21 years, and although Council has previously resolved to seek the Minister's consent to enter into the lease, in accordance with section 47(5)(b) of the *Local Government Act 1993*, Council must additionally inform the Minister of the details of all objections received in respect of the proposed lease, a statement setting out Council's decision in respect of each objection, and the reasons for its decision, as well as a statement outlining the special circumstances that justify the period of the lease exceeding 21 years.

Council notified the proposed lease from 23 September 2022 until 25 October 2022 including via Council's Your Say project page.

The majority of feedback received during the period of public exhibition was supportive of the proposed lease. Submissions received in favor of the proposed lease expressed the view that the proposed lease addresses the need for additional gymnastics facilities in the area, were supportive of a non-for-profit organisation utilising the site for community benefit, or indicated support for MWGC generally.

Submissions objecting to the proposed lease cited environmental and flooding concerns at the site, as well as impact on parking, traffic and amenity of the area. Others indicated a preference for the site to be utilised for other recreational uses.

Council is asked to consider the submissions received in respect of the proposed lease during the public notice. Council is asked to endorse the position set out in the table in this report in response to objections received in respect of the proposed lease. Council's resolution is sought to apply to the Minister for Local Government for consent to enter into a 30 year lease with MWGC for the site, given the objections received in respect of the proposed lease and the term of the proposed lease.

The proposed lease of community land at District Park, Manly Vale aligns with Council's Community Strategic Plan 2040 Outcome and Goals, including Housing, places and spaces (Goal 12), Vibrant local economy (Goal 15) and Good governance (Goals 19 and 20).

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## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note the Council resolution of 23 August 2022 endorsing proceeding as a Public Private Partnership (PPP) and the appointment of Manly Warringah Gymnastics Club (ABN 149 1555 260 343) (MWGC) as the preferred counterparty for the PPP arising from EO1 2021/049 – Recreational Site Re-development Vacant Clubhouse and Recreation Space, Nolan Reserve, North.
  2. Consider the submissions received in respect of the proposed lease and endorse the position in response to the objections received set out in the report for this item.
  3. Apply to the Minister for Local Government in accordance with section 47 of the Local Government Act 1993 for consent to grant the proposed lease referred to in paragraph 4.
  4. Subject to the consent of the Minister for Local Government, and the actions required under Council resolution of 23 August 2022 regarding this matter, enter into a lease of part of District Park, Manly Vale, known as Lot 5 DP 829465 (being part of Lot 2743 DP752038), for a term of up to 30 years.
  5. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including execute all necessary documentation.
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**REPORT**

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**BACKGROUND**

On 23 August 2022, Council resolved to enter into a Public Private Partnership (PPP) with the Manly Warringah Gymnastics Club (MWGC) to transform the former North Manly Bowling Club site (corner of Kentwell and Pittwater Roads) into a 3,000sqm indoor gymnastics centre, Council's resolution made on 23 August 2022 was as follows:

That Council:

1. Endorse proceeding as a Public Private Partnership (PPP) and the appointment of Manly Warringah Gymnastics Club (ABN 149 1555 260 343) (MWGC) as the preferred counterparty for the PPP arising from EOI 2021/049 – Recreational Site Re-development Vacant Clubhouse and Recreation Space, Nolan Reserve, North.
2. Note that under the PPP MWGC is required to meet the following key outcomes and deliverables:
  - A. Outcomes:
    - i. Revitalisation/replacement of the existing assets and the delivery of improved recreation outcomes for the community.
    - ii. Development of a high use recreation facility by the external party under a Council lease.
    - iii. The proposal is to be capital cost neutral to Council.
    - iv. The recreation facility will provide recreation activities that have limited alternate supply / sites.
    - v. It will deliver broad community benefits.
  - B. Deliverables
    - i. A fully funded indoor gymnastics and high-performance centre for national level competition of approximately 3,000sqm
    - ii. Operations to provide a range of gymnastics programmes for juniors, adults and seniors from recreational to completion and supporting programs for other aerial sports and dance/dance acrobatics.
3. Note the Guiding Principles in s8A of the Local Government Act (1993) (Act) as set out in the Report
4. Note that the outcomes and deliverables of the PPP are consistent with the Guiding Principles and that undertaking the PPP is appropriate having regard to and within Council's functions and obligations under the Act.
5. Acknowledge that the PPP shall be evidenced by the following contractual documents (PPP Documents): A. A project deed B. Lease C. Ancillary documents
6. Acknowledge the negotiated key terms between Council and MWGC for the PPP documents are in the opinion of the Chief Executive Officer satisfactory.
7. Authorise the CEO to finalise the negotiation and drafting of the PPP documents consistent with those key terms.

8. Make all necessary applications and submissions for the purposes of Part 6 of the Local Government Act 1993 (Act) including:
  - A. Authorise the Chief Executive Officer to prepare and provide to the Departmental Chief Executive an assessment of the PPP for the purposes of s400F of the Act
  - B. Authorise the Chief Executive Officer to prepare and submit to the Office of Local Government (OLG) and any project review committee appointed for the PPP a full assessment as required by the Public Private Partnership (PPP) Guidelines published by the OLG.
9. Apply to the Minister for Local Government in accordance with Sections 47(5)(b) and 47(6) of the Local Government Act 1993 for consent to grant the Lease to the MWGC for a term of thirty years.
10. Following:
  - A. Notification that the Minister has given that consent as required by s47(5)(b) of the Act; and
  - B. Notification from the OLG to the effect that the OLG is satisfied that the requirements of the Act and the Guidelines have been complied with or that the OLG requires no further actions to comply with the Act or the Guidelines, that the Project Documents be finalised and executed
11. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including making all necessary applications and submissions and finalising and executing all necessary documents including the PPP documents.

As part of this proposal, Council intend to enter into a Project Delivery Deed and following construction of the indoor gymnastics centre, grant a thirty (30) year lease with the gymnastics club who will redevelop the site at no cost to ratepayers.

Public notice of Council intent to enter into this lease was given in accordance with section 47 of the Local Government Act 1993 and this concluded on 25 October 2022. The approval of the Minister for Local Government is required to enter into the lease.

Following receipt of all necessary approvals to execute the lease and Project Delivery Deed and the execution of those documents, MWGC will be required to submit a development application for the redevelopment of the site. Any development application will be determined by an independent planning panel.

## CONSULTATION

The proposed lease with the MWGC was made available for public comment from 23 September 2022 until 25 October 2022 including via Council's Your Say project page.

The majority of feedback received during the period of public exhibition was supportive of the proposed lease. The community engagement report which includes verbatim comments is attached to this Council report.

Submissions received in favour of the proposed lease expressed the view that the proposed lease addresses the need for additional gymnastics facilities in the area, were supportive of a non-for-profit organisation utilising the site for community benefit or indicated support for MWGC generally.

Submissions objecting to the proposed lease cited environmental and flooding concerns at the site, as well as impact on parking, traffic and amenity of the area. Other submissions indicated a preference for the site be utilised for other recreational uses. A thematic summary of feedback received is presented in the table below:

Theme	Issues, change requests and other considerations raised	Council's response
Supportive of proposed lease	Respondents indicated they felt the proposed lease addressed the need for additional Gymnastics facilities in the area, approved of a non-for-profit organisation utilising the site for community benefit, or indicated support for MWGC generally.	Community support for the lease of the site has been noted.
Preferred alternative use for the site	Respondents indicated they had a preference for an alternative use for the site, such as other sporting uses and other general community uses.	<p>Council acknowledges that individuals and groups may have differing views and preferences relating to the future use of Nolan Reserve and surrounds. Council ran an extensive two stage procurement process to determine the proposed use of the site, ensuring the outcome provided various community benefits.</p> <p>Stage one was a public Request for Proposal (RFP) process to determine a shortlist of appropriate uses for the site. These uses included:</p> <ul style="list-style-type: none"> <li>• combined BMX, skateboarding, surfing and snowboarding facilities</li> <li>• tennis facilities</li> <li>• indoor basketball facilities</li> <li>• small sided soccer (synthetic) facilities</li> <li>• gymnastics facilities.</li> </ul> <p>Subsequently Stage two consisted of an expression of Interest (EOI) inviting applicants to put forward proposals for the site that aligned with the uses outlined above. The proposal put forward by the prospective lessee was deemed to best meet Council objectives for the site. This was determined via an extensive and rigorous procurement process and subsequently endorsed by the elected Councillors.</p>

Theme	Issues, change requests and other considerations raised	Council's response
Request for further detail	Respondents requested further specific detail around the building size, land usage, parking, impacts on traffic or nearby road and facility usage.	This Community Engagement process was carried out to give notice and seek feedback on Council intent to enter into a lease over the site. Specific details relating to buildings to be constructed onsite and associated land usage, parking, traffic impacts will be assessed and made available when the lessee seeks planning approval as part of the standard Development Application (DA) process.
Flooding Concerns	Respondents expressed concern around historical flooding events and risk of future flood events being exacerbated by construction of the gymnastics facility on the site.	Council is aware of historical flooding events in the area and future risk of flooding on the site. These risks will be considered and assessed when the lessee seeks planning approval as part of Council's standard DA process. Design of the building and surrounds will have to address and mitigate flooding risk in order to gain development approval.
Other Environmental, Traffic, Parking and Noise concerns	Respondents expressed concern around the environmental, traffic, parking, noise and amenity impacts of construction of the gymnastics facility on the site.	Environmental, Traffic, Parking and Noise concerns will be addressed when the lessee seeks planning approval as part of Council's standard DA process. Design of the building and surrounds will have to address and adequately mitigate these impacts in order to gain development approval. Concept plans do consider parking on site and a drive through drop off bay.

### TIMING

Council staff made a submission to OLG in early November 2022 to meet the requirements of the PPP Guidelines and intend to provide a further submission to the Minister following the outcome of this report. Concurrence from the OLG PPP Project Review Committee that it is satisfied that the requirements of the PPP guidelines have been complied with is yet to be received.

Upon approval, the Project Delivery Deed and Lease are proposed to be executed by both parties. It is anticipated that the MWGC will submit a development application for the redevelopment of the site within 6 months of the Project Delivery Deed and the lease being executed.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed

- Vibrant local economy - Goal 15 Our centres are sustainable, encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities
- 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 is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

### **FINANCIAL CONSIDERATIONS**

The lease of the site would result in a large capital investment by MWGC for the recreation facility in addition to a rental contribution to Council subject to yearly CPI increases. Upon expiry of the lease, Council would retain ownership of the building.

### **SOCIAL CONSIDERATIONS**

The rejuvenation of the site with a new indoor gymnastics centre will provide a great health and social benefit to the local community. The construction of the centre is intended to proceed in two stages with the second stage for additional indoor recreation space to be commenced when funding is available. Until such time as this space is required shared public access will be provided over this additional green space adjacent to the facility.

Key outcomes that will be met by this project are:

- Revitalisation/replacement of the existing assets and the delivery of improved recreation outcomes for the community
- Development of a high use recreation facility by the external party under a Council lease
- The recreation facility will provide recreation activities that have limited alternate supply / sites
- It will deliver broad community benefits

### **ENVIRONMENTAL CONSIDERATIONS**

Council is aware of and sensitive to the flood risk present on site and in the surrounding area. Any redevelopment of the site will be required to positively address the adjacent riparian zone and flooding effects. This will be further considered and assessed as part of the development application. Development consent is required prior to construction of the centre.

Under the Project Delivery Deed that is being prepared in tandem with the proposed lease document, the operator is also required to prepare and adhere to an Environmental Management Plan for the duration of their occupation of the site.

### **GOVERNANCE AND RISK CONSIDERATIONS**

Council staff have taken the following steps to mitigate risk in the project:

- Online search – No matters were identified with the lessee which would influence Council's decision to enter into a contract.
- Contract terms and conditions – commercial risk allocation was considered and apportioned appropriately in the draft documents. The final contract terms have been negotiated to minimize risk to Council.

- Financial Risk – an independent financial assessment was undertaken in the evaluation of the MWGC proposal. Financial models have been updated in light of expected increases to interest rates and the proposed rent to Council. These amendments have not changed the financial viability of the project.
- Design, planning approval and construction of the facility remains a risk following execution of the Lease. However, Council staff are satisfied that the lessee has the ability to deliver the facility and that adequate protection has been built into the project documentation to mitigate the risks to Council.

## 15.0 Notices of Motion

<b>ITEM 15.1</b>	<b>NOTICE OF MOTION NO 36/2022 - POTHOLES ON LOCAL ROADS</b>
<b>TRIM FILE REF</b>	<b>2022/702874</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Miranda Korzy, Councillor Kristyn Glanville

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### MOTION

That:

1. The Chief Executive Officer report back to Council's December meeting on the current number of potholes on local roads and number of local roads whose overall surfaces have been badly damaged by rain this year, with an estimate of how much it would cost to repair current individual potholes, and to resurface roads whose overall surfaces have deteriorated due to rain.
2. The Chief Executive Officer report on how much funding has been spent on (a) fixing potholes and (b) resurfacing roads this financial year and how much remains in the budget to fix current and future potholes and road surfaces.
3. Staff identify and report back to Council's December meeting on funding included in this year's budget from current capital works projects that have failed to find suitable tenders that could be used to fix potholes and resurfacing roads badly damaged by this year's rain.
4. If no such funding is available, identify money from other projects not impacted by this year's weather that could be spent on road repairs and resurfacing.
5. Council lobby the NSW government to provide more funding for fixing potholes on local roads and resurfacing local roads badly damaged by this year's rain.
6. Council calls on the NSW government to promptly repair state roads in the Northern Beaches Local Government Area.

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### BACKGROUND FROM COUNCILLORS MIRANDA KORZY & KRISTYN GLANVILLE

The Northern Beaches still has hundreds of potholes on local roads that have been caused by heavy rain this year and road surfaces that have deteriorated as a result. Rain forecast to continue to the end of the year is likely to make the situation worse.

A number of state roads in the Local Government Area are also badly affected by potholes and overall erosion of the roads' surfaces.

As a result, many residents have suffered damage to tyres and their vehicles' suspension - and councillors continue to receive numerous complaints, in person, by email and on social media.

This motion aims to quantify the extent of the problems and identify sources of funding to fix the problems.

At the NSW Local Government conference in October, the NSW Minister for Regional Transport and Roads announced funding of \$50 million for councils towards fixing potholes on regional roads.

However, no such commitment was made for city councils.

### **CHIEF EXECUTIVE OFFICER REPORT**

Staff will use best endeavours to return information requested in this motion to the December 2022 Council meeting, however, it is likely that the information will not be provided until the February 2023 meeting due to the short turnaround time between the November and December meetings.

**ITEM 15.2                    NOTICE OF MOTION NO 37/2022 - PROPOSED CROWN ROAD  
SALE AT DUFFYS FOREST**

**TRIM FILE REF            2022/724265**  
**ATTACHMENTS        1   [Cluster](#) - Agency Referencing**

Submitted by: Councillor Rory Amon

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**MOTION**

That Council write to the Department of Planning and Environment and the Hon. Rob Stokes MP and:

1. Advise that Council is opposed to the sale of the road reserve referenced in the **attached** document and supports The Duffys Forest Resident's Association opposition to that proposed sale.
2. Request that the subject land be transferred to Council for no charge.

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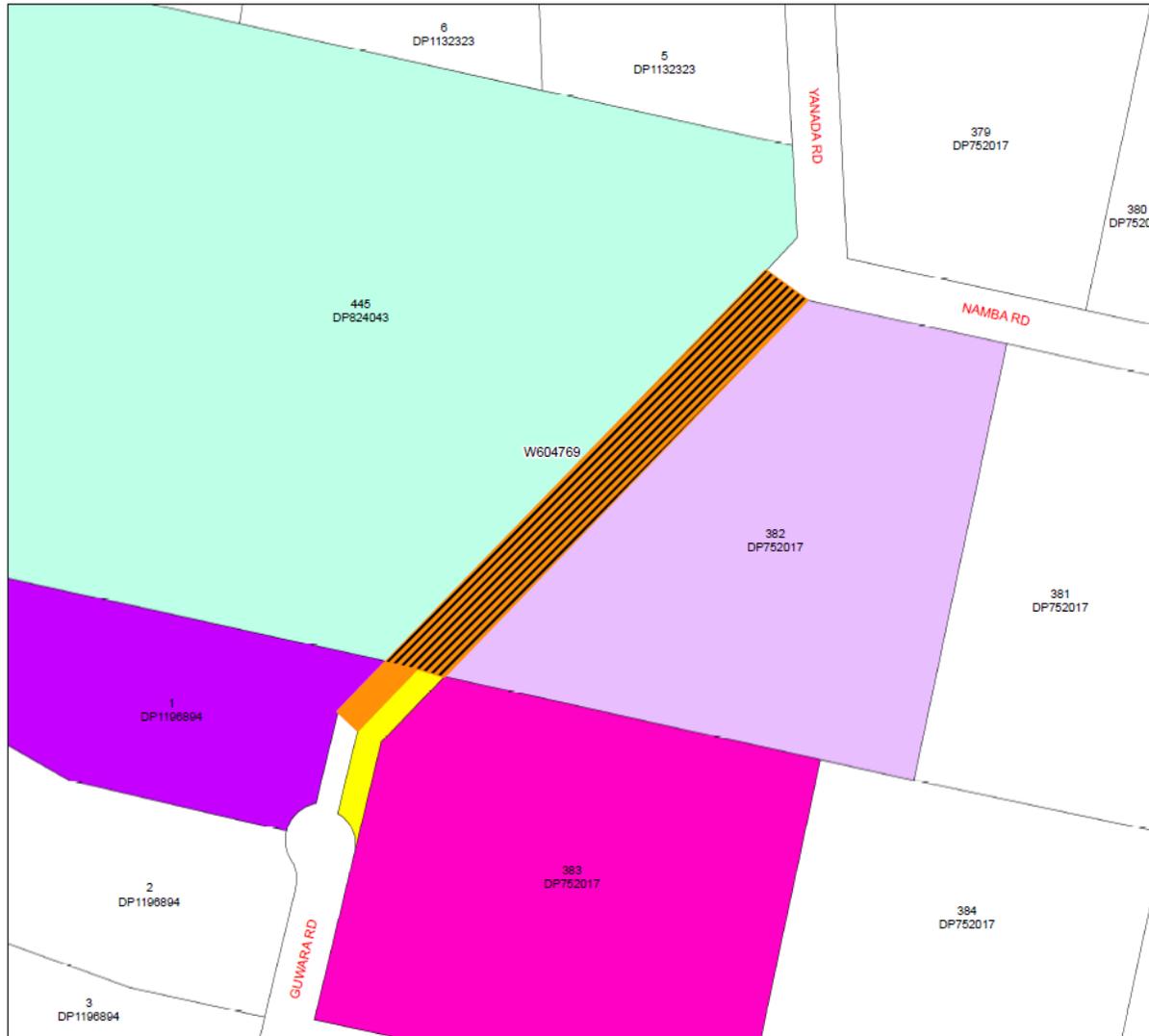
**BACKGROUND FROM COUNCILLOR RORY AMON**

The Department of Planning and Environment has written to Council advising that it is considering selling the road reserve referenced in the **attached** document.

The Duffys Forest Resident's Association has informed Council that it opposes the selling of the road reserve as it provides essential access through Duffys Forest for many members of the community, and visitors to Duffys Forest.

Case Officer: WALKEA01 Date: 23/09/2022 File ref: 22/06445

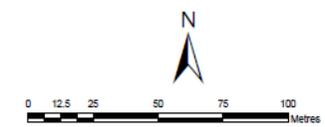
Proposed Closure of Public Roads  
Cluster 637226



LGA: NORTHERN BEACHES  
LOCALITY: DUFFYS FOREST  
PARISH: BROKEN BAY  
COUNTY: CUMBERLAND

**Legend**

- MICHELLE SIROKY
- LINDA LAWSON
- LINDA LAWSON
- NICHOLAS MASSELOS
- METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL
- CROWN ROADS UNDER APPLICATION & PROPOSED FOR CLOSURE
- CROWN ROADS NO APPLICATION & PROPOSED FOR CLOSURE



Disclaimer: The information contained in this map has been provided in good faith. Whilst all effort has been made to ensure the accuracy and completeness of this information, the data providers take no responsibility for errors or omissions nor any loss or damage that may result from the use of this information.

Copyright: Department of Planning, Industry and Environment - Crown Lands, 2022



**ITEM 15.4**

**NOTICE OF MOTION NO 39/2022 - AVOIDANCE OF  
CHEMICAL USE WHICH CARRIES HARM TO THE  
ENVIRONMENT OR HUMAN HEALTH**

**TRIM FILE REF**                      **2022/725173**  
**ATTACHMENTS**                    **NIL**

Submitted by: Councillor Kristyn Glanville

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**MOTION**

That:

1. Council use best endeavours to phase out by April 2023 all use of Second-generation Anticoagulant Rodenticides (SGARs) by Council's employees, contractors, and tenants on land owned or managed by Council.
  2. The Chief Executive Officer (CEO) provide a briefing to Councillors in May 2023 regarding:
    - A. An update as to whether the phase out has been completed;
    - B. If incomplete, why the phase out is incomplete, and
    - C. Recommendations as to how the phase out might be completed in a timely manner.
  3. Council delegate to the CEO responsibility to negotiate an appropriate contractual term in future agreements with its contractors and tenants, which obliges them not to use SGARs on land owned or managed by Council.
  4. The Chief Executive Officer provide a report back to Council in May 2023 on the following:
    - A. Identifying what types of chemicals are used by Council or its contractors on Council owned or managed land for the following activities:
      - i. Herbicides
      - ii. Fungicides
      - iii. Pesticides / insecticides
      - iv. Rodenticides
      - v. Chemical management of vertebrate animals
    - B. Adopting a precautionary principle approach, whether any chemicals currently used should be phased out (either temporarily or permanently) due to their potential impacts on human health or the environment, or current lack of scientific certainty as to their safety.
    - C. Recommendations as to implementing such a phase out.
  5. Opportunities to provide information to our community regarding what chemicals are used by Council for its environmental programs and under what circumstances.
-

## BACKGROUND FROM COUNCILLOR KRISTYN GLANVILLE

### Rodenticides

The campaign to raise awareness about the harmful ecological impacts of second-generation Anticoagulant Rodenticides (SGARs) is being driven by leading bird conservation organisations including Birdlife Australia. SGARs include brodifacoum, bromadiolone, difenacoum, difethialone, and flocoumafen.

SGARs are used by Councils to control rodents in council-managed buildings and spaces. SGARs work by causing internal bleeding, but when rats and mice eat baits poisoned with SGARs, they become poisonous themselves. SGARs can unintentionally poison and kill native wildlife like owls, eagles, magpies, and quolls, that are higher order predators and scavengers. Poisoned rodents may also be accidentally consumed by family pets such as cats and dogs. A lethal dose can be ingested in a single feeding, and SGARs are slower to break down than first generation anti-coagulants, hence posing a higher risk of secondary poisoning to non-target animals.

For this reason, SGARs are heavily regulated or banned in Europe and North America. The Australian Pesticides and Veterinary Medicines Authority (APVMA) has commenced a reconsideration of anticoagulant rodenticide approvals and registrations to reassess the potential risks associated with the use of these products and consider whether labels carry adequate instructions to protect the health and safety of people, animals, and the environment. This review is underway.

Studies in Australia have found harmful, and often fatal levels of SGARs in dead birds of prey, including Southern Boobooks, Wedge-tailed Eagles, and Powerful Owls, for example see (1).

Alternatives to use of SGARs include:

- Non-poison pest control, like snap traps
- “Natural” alternatives: These usually use salt to dehydrate rodents until they die.
- First Generation rodenticides with Active Constituents like Warfarin and Coumatetralyl. FGARs break down in rodents quicker than second generation anticoagulant rodenticides, so there is less chance of secondary poisoning occurring in non-target animals if they eat rodents poisoned with a FGAR.

Council currently undertakes rodent control programs in various locations, which includes both SGARs and first-generation anticoagulant rodenticides, in addition to other measures such as nest removal, clean-up of bin enclosures to avoid attracting rodents, etc. As such, phase out of SGARs would still allow council staff and contractors sufficient options for managing rodents.

### Vertebrate baiting program

Other pest animals such as rabbits and foxes are managed by the Council's Invasive Species Team through Council's Vertebrate Pest Control Program. This includes use of 1080 baits and fumigation of nests or dens, amongst other measures including traps. 1080 baits have the potential to inadvertently poison domestic pets.

### Pesticides and herbicides

A number of chemicals which are used to control weeds and pests are banned or significantly restricted overseas, which are still available for sale and use in Australia. While some contain labelling to assist users in more safely using those substances, this requires users to follow those labels consistently, which can be unrealistic when users are under time pressures or unaware of the impacts/risks.

Examples of such substances which are legal for use in Australia, but are suspected to cause unintended harm to human health or the environment include:

- Glyphosate – The World Health Organization’s cancer research arm, the International Agency for Research on Cancer (IARC), concluded that glyphosate is “probably carcinogenic to humans”. This has prompted the EU to review its safety, Germany to phase it out by 2024, and Vietnam has opted to ban its use.
- Neonicotinoids – These substances may inadvertently kill off-target insects, including bees which are critical to pollination and ecosystem health. A review is currently being undertaken by APVMA concerning these substances, and a consumer campaign has led to these chemicals being voluntarily withdrawn for sale by Bunnings.
- Mancozeb – This fungicide is believed to be an endocrine disruptor and toxic to reproduction. Use of the chemical ended in the European Union in January 2021.
- Carbaryl – This insecticide is a cholinesterase inhibitor and is classified as a likely human carcinogen by the United States Environmental Protection Agency. In Europe it is heavily restricted and must carry a warning.
- Metaldehyde – This insecticide has been banned in the United Kingdom due to concerns for wildlife coming in contact with the pellets, as well as concerns by water authorities over drinking water quality as the chemical is difficult to remove through treatment.
- Spinetoram - an insecticide that is being phased out in the European Union by June 2024.
- Beta cyfluthrin – an insecticide that was phased out in the European Union in 2020 due to impacts on off-target insects and wildlife.

#### Sources

- (1) <https://pubmed.ncbi.nlm.nih.gov/29936157/>
- (2) <https://www.theguardian.com/australia-news/2022/oct/02/gardeners-beware-household-chemicals-banned-overseas-are-still-used-in-australia>
- (3) <https://www.actforbirds.org/talk-to-your-council-about-sgars>

<b>ITEM 15.5</b>	<b>NOTICE OF MOTION NO 41/2022 - TENDERS TO BE BROUGHT TO COUNCIL WITH ONE MONTH NOTICE</b>
<b>TRIM FILE REF</b>	<b>2022/727713</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Miranda Korzy

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## **MOTION**

That Council adopt a policy that any report seeking a decision by councillors on whether or not to approve a tender for services should be brought to a Council meeting at least one month before the proposed start date for services commencing under that contract.

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## **BACKGROUND FROM COUNCILLOR MIRANDA KORZY**

A number of reports from staff proposing acceptance of large tenders have been brought to Council this year, at meetings which normally occur in the third week of the month, for decisions on contracts proposed to start at the beginning of the following month.

The timing of these reports means that:

1. Businesses successfully tendering have very little time to prepare for the start of the contract.
2. Unsuccessful tenderers are left hanging until close to the proposed start of tender date.
3. Staff have very little or no time to negotiate with a tenderer before the commencement of the contract, either to seek further information under councillors' instruction or to negotiate on issues that could improve the physical or financial outcome of the tender.

With the current nationwide shortage of workers, financial stress that many businesses are currently experiencing post-COVID, and Council's current difficulty attracting tenders, it is important that Council make decisions on tenders in a timely fashion, so that it is able to attract the widest possible range of businesses to make tenders (including smaller local businesses that might be more dependent on cashflow) and to ensure the best outcome for the community.

<b>ITEM 15.6</b>	<b>NOTICE OF MOTION NO 42/2022 - STAFF CHRISTMAS AND THANK YOU FUNCTION</b>
<b>TRIM FILE REF</b>	<b>2022/728153</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott

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## **MOTION**

That this council support the Chief Executive Officer to organise a special staff Christmas function to celebrate Christmas and acknowledge and celebrate the achievements of staff for winning the AR Bluett Memorial Award.

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## **BACKGROUND FROM COUNCILLOR STUART SPROTT**

It has been a hard few years with COVID and natural disasters and our staff have not only managed to come through all these while still providing great service but also achieve winning the very prestigious AR Bluett Memorial Award. I see it only fitting that we acknowledge their hard work with a celebration through a Christmas and end of year party.

**ITEM 15.7****NOTICE OF MOTION NO 43/2022 - NEW ARTIFICIAL INTELLIGENCE TECHNOLOGY FOR THE IDENTIFICATION OF POTHOLES AND ROAD DEFECTS**

**TRIM FILE REF**                      **2022/728382**  
**ATTACHMENTS**                    **NIL**

Submitted by: Councillor David Walton, Councillor Stuart Sprott

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**MOTION**

That:

1. Council investigate the use of new artificial intelligence technology for the identification of potholes and other road defects, being installed on Council garbage trucks and Council contractor URM garbage trucks.
2. The Chief Executive Officer conduct a briefing on the outcome of this investigation with Councillors in the first quarter of 2023. That the briefing include, amongst other issues the Chief Executive Officer finds appropriate, a cost benefit analysis of partnering with the NSW Government's Asset AI™ project which is funded by the NSW Digital Restart Fund and expected to be available to all NSW Local Government areas in late 2023.

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**BACKGROUND FROM COUNCILLORS DAVID WALTON AND STUART SPROTT**

Many Northern Beaches residents have been vocal with their concerns about potholes and other road defects on Council and Transport for NSW roads.

There can be significant costs to residents and Council caused from damage to car wheels and tyres from potholes. There will always be potholes in our roads, particularly after the prolonged rain events we have seen recently. However, with the use of smart technologies available today, we can better predict deterioration, streamline maintenance and get to better outcomes much faster for our residents.

A trial of this pothole identification technology was undertaken with Canterbury-Bankstown Council and is now being developed with initial camera and sensor trials underway across Greater Sydney. Further testing is being rolled out across regional and metropolitan regions including Georges River, Blayney, Central Coast, Liverpool, Wingecarribee, Sutherland, Warren Shire, Liverpool Plains, Griffith, Tamworth, Wollongong and Murray River Councils.

The Asset AI™ project is funded by the NSW Digital Restart Fund and is expected to be available to all NSW Local Government areas in late 2023.

<b>ITEM 15.8</b>	<b>NOTICE OF MOTION NO 40/2022 - SOFT PLASTICS RECYCLING</b>
<b>TRIM FILE REF</b>	<b>2022/725226</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Kristyn Glanville

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## **MOTION**

That staff provide a report to Council within three months, addressing the following:

1. Any immediate, further, measures Council can take to enable recycling of soft plastics, in light of the current suspension of activities by REDcycle.
2. What measures Council could implement or investigate in the longer term to:
  - A. facilitate soft plastics recycling, including local processing capability; and/or
  - B. facilitate reduction and eventual elimination of use of soft plastics.

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## **BACKGROUND FROM COUNCILLOR KRISTYN GLANVILLE**

REDcycle, a commercial soft plastics recycling business, has recently announced that it has temporarily suspended its soft plastics recycling scheme at supermarkets. The company was unable to pass on the materials to recycling partners for processing and had been stockpiling it in warehouses, and unfortunately its Melbourne processing plant caught fire and is not currently operating. REDcycle is now advising people to put their soft plastics in their standard landfill rubbish bins.

Soft plastics are not currently collected by Council in the yellow bin plastics recycling, and Council does not otherwise directly facilitate its recycling, collection, or processing. Reduced collection of soft plastics has implications for Council, as soft plastics collected by the community at supermarkets is diverted away from red bins.

Almost all soft plastic is derived from materials (like ethylene and propylene) made from fossil fuels (mostly oil and gas). The process of extracting and transporting those fuels, then manufacturing plastic creates billions of tonnes of greenhouse gases. For example, 4% of the world's annual petroleum production is diverted to making plastic, and another 4% gets burned in the refining process.<sup>1</sup> When plastics decompose in landfill, they release methane,<sup>2</sup> a powerful greenhouse gas. As such, reducing production of new plastic, and reducing overall demand for plastic, makes an important contribution to reducing overall greenhouse gas emissions.

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<sup>1</sup> <https://www.wwf.org.au/news/blogs/plastic-waste-and-climate-change-whats-the-connection>

<sup>2</sup> <https://www.greenpeace.org.au/blog/plastic-pollution-recycling/>

<b>ITEM 15.9</b>	<b>NOTICE OF MOTION NO 44/2022 - ARTS AND CULTURE EVENTS ACTION PLAN AND FUNDRAISING STRATEGY</b>
<b>TRIM FILE REF</b>	<b>2022/730338</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon

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## MOTION

That:

1. Within the next six months, Council staff prepare a long term and ongoing draft fundraising strategy to raise funds that contribute to the development of public art programs including for the Northern Beaches Coast Walk Art Trail, the future growth of the Manly Art Gallery & Museum, including its upcoming centenary celebrations and for other arts and cultural programs across the Northern Beaches LGA.
2. The draft fundraising strategy consider / include the appointment of an experienced and professional dedicated development expert to develop programs, build relationships and attract targeted financial resources.
3. Within the next six months, Council staff prepare an action plan to integrate Council and the Northern Beaches arts and cultural programs into major event circuits including: the Sydney Film Festival, Sydney Writer's Festival, Festival of Sydney, VIVID, Heritage Week, NAIDOC Week, Byron Bay Blue's Fest and other identified major events.
4. The above documents be prepared in consultation with relevant Northern Beaches arts and cultural organisations including the Barrenjoey Alliance for Arts and Culture and the Manly Art Gallery and Museum Society, local historical associations, and other identified organisations.

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## BACKGROUND FROM COUNCILLOR RORY AMON

The Northern Beaches has a rich environmental, historical, artistic, cultural heritage, and a community with significant skills and interests in these areas.

There are significant opportunities for Council to improve upon its cultural and artistic attributes by developing a fundraising strategy to assist fund the completion of the Northern Beaches Coast Walk Art Trail, the future growth of the Manly Art Galley & Museum, including its upcoming centenary, as well as other arts and cultural programs. Council currently has a tax deductible vehicle through which donations can be made to such programs, but an wholistic strategy is required.

Developing these opportunities through a well-considered fundraising strategy will provide great community benefit and economic outcomes as well.

The same can be said of the art and culture events circuits, many do which do not visit the Northern Beaches. Taking steps to engage our area in these circuits would be of great benefit to the community and local economy.



<b>ITEM 16.2</b>	<b>QUESTION WITH NOTICE NO 20/2022 - URBAN TREE CANOPY PLAN</b>
<b>TRIM FILE REF</b>	<b>2022/710580</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Miranda Korzy

**QUESTION**

1. When will the Council's new draft of the Urban Tree Canopy Plan be completed?
2. Given the substantial reworking being done by consultants and time elapsed since preparation of the 2018 draft, will the new draft go on public exhibition, and if so, when?
3. When will the final draft of the Urban Tree Canopy Plan come to council for approval?

<b>ITEM 16.3</b>	<b>QUESTION WITH NOTICE NO 21/2022 - NEWPORT SURF LIFE SAVING CLUB</b>
<b>TRIM FILE REF</b>	<b>2022/724595</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon

#### **QUESTION**

Could Council officers please provide information on the following matters:

1. The recent outcome of the Development Application regarding the Newport Surf Life Saving Club.
2. A summary of the reasons the application was refused by the independent panel.
3. Next steps (and timings) Council will take in relation to progressing the Development Application
4. How the Application will be varied to maximise chances of success?

**ITEM 16.4**

**QUESTION WITH NOTICE NO 22/2022 - DEVELOPMENT  
APPLICATION OUTCOMES FOR FORMER PITTWATER  
LOCAL GOVERNMENT AREA**

**TRIM FILE REF**

**2022/727435**

**ATTACHMENTS**

**NIL**

Submitted by: Councillor Miranda Korzy

**QUESTION**

1. How many Development Applications (DAs) has Northern Beaches Council received for the former Pittwater Council area since 2016?
2. How many of these DAs has council supported?
3. How many of these DAs has Council opposed through to the Land and Environment Court?
4. How many of these resulted in the court rejecting the DA?
5. How many resulted in a negotiated outcome?

## 17.0 Responses to Questions With Notice

ITEM 17.1	<b>RESPONSE TO QUESTION WITH NOTICE NO 13/2022 - CHURCH POINT PLAN OF MANAGEMENT</b>
TRIM FILE REF	<b>2022/644199</b>
ATTACHMENTS	<b>NIL</b>

Submitted by: Councillor Rory Amon

### QUESTION

Could staff please advise the status of each action item set out in the Church Point Plan of Management 2009, whether that item is complete, when the item was complete, what items are outstanding and why, and whether it is anticipated that an action item cannot be implemented as proposed and the reason why.

### RESPONSE

A list of actions with their current status is listed below:

Management Issue	Strategy	Action	Status
<b>Table 4 - Church Point Action Plan</b>			
<b>PRECINCT 1 - McCARRS CREEK ROAD</b> (refer Figure 6.1 - Precinct 1 : McCarrs Creek Road Management Strategy)			
Parking areas to the west of HolmePort Marina are utilised by off-shore residents, spaces are limited and vehicle manoeuvres can be dangerous	<b>McCarrs Creek Road – Parking</b> Incorporate as part of ongoing parking management strategy Investigate options for increased parking in designated car park area Coordinate future proposed upgrades with potential HolmePort Marina car parking options	Develop schematic plan for revised car park layouts along road and within car park.  Church Point Parking Demand Management Strategy was adopted in 2016 with a staged implementation in 2017.	All work in the Plan of management completed in 2017, with the Transport Network team looking to improve parking where possible with any future works along the northern side of McCarrs Creek Road.
Rostrevor Reserve lacks high quality amenities such as seating and lighting	<b>1. Rostrevor Reserve</b> Improve water access, seating, lighting and landscape quality in accordance with the masterplan in consultation with local residents. ■ Establish 'no tie-up' zone	Develop Landscape / works Plan for public consultation / implementation Liaise with STA regarding bus stop provision / location	Upgrade completed and fishing platform added. Opened to the public in early 2019.

Management Issue	Strategy	Action	Status
	<ul style="list-style-type: none"> <li>■ Maintain open space 'kick-about' area</li> </ul>		
<p>Cargo Wharf is unsightly and operates in a manner that is unsafe</p> <p>Key number of local operators need to become responsible for asset and service to public</p>	<p><b>2. Cargo Wharf</b></p> <ul style="list-style-type: none"> <li>■ Conduct an EOI for the operation of the wharf based on responsible management of the facility; OH&amp;S regulations; ongoing improvements to the facility and better service to local residents.</li> <li>■ Fees and Charges to be developed to offset ongoing maintenance and improvement of facility</li> <li>■ Prepare a site management plan / typical economic model of fees / charges, ongoing improvements, lease details (basis for EOI)</li> <li>■ Site management plan to incorporate:               <ul style="list-style-type: none"> <li>■ operation regulations (as per Council Policy)</li> <li>■ improved visual amenity through landscaping</li> <li>■ parking, loading zones, access requirements</li> <li>■ fixtures/fittings for the operation and access to the facility</li> <li>■ central site office</li> <li>■ lighting</li> <li>■ pedestrian access into/across site</li> <li>■ ongoing asset management appraisal of wharf structure</li> <li>■ ongoing OH&amp;S audit of operations</li> </ul> </li> <li>· Wharf operation is not based on revenue</li> </ul>	<ul style="list-style-type: none"> <li>■ Review and amend Cargo Wharf Operation Regulations (Council Policy 32)</li> <li>■ Develop criteria for EOI</li> <li>■ Develop advertisement for EOI</li> <li>■ Implement lease, fees/charges, asset improvement and OH&amp;S safety checks</li> <li>■ Monitor ongoing management improvements and services to public.</li> </ul>	<p>Cargo Wharf upgrade completed early 2019.</p> <p>The access to the wharf is controlled through the use of bollards and managed by the Rangers team, however the ongoing management of the site has not been brought up to the level of operation in the PoM.</p> <p>Fees are only charged for high risk or booked activities and not the day to day operation of the wharf.</p> <p>Compliance signage has been installed to manage access, parking and storage of materials.</p>

Management Issue	Strategy	Action	Status
	<p>generation but will channel all funds to improvement of the asset and service to the public</p> <ul style="list-style-type: none"> <li>· Detailed compliance signage to be developed and policed by Council Rangers on behalf of Trust</li> </ul>		
<p>Commuter Wharf is too small for the number of users and therefore unsafe as boats have to be tied up three to four deep. Serious public safety issue</p>	<p><b>3. Commuter Wharf</b></p> <ul style="list-style-type: none"> <li>■ Develop detail masterplan for dinghy/pontoon facility as shown in the masterplan</li> <li>■ Approvals sought through Infrastructure SEPP or Part V of EP&amp;A Act</li> <li>■ Liaison with Department of Primary Industries (Fisheries), MSB Waterways, local residents/users</li> <li>■ Mooring allocation system to be developed/managed by Council staff. System to be based on fee for use and construction of asset</li> <li>■ Fees/Charges will be set in accordance with fees and charges as recommended in this plan and to be adopted under Council's Management Plan</li> <li>■ Generated revenue to be kept specific to the facility for ongoing development management and replacement cost as required by the CLA.</li> <li>■ Central shelter (strong architectural theme) to incorporate notice board/ seating/bins/community space</li> <li>■ Detailed compliance signage to be developed</li> </ul>	<ul style="list-style-type: none"> <li>■ Develop detail design for commuter dinghy facility</li> <li>■ Liaison with user groups/ government/ governance</li> <li>■ Liaison with DPI (Fisheries) and attain approvals</li> <li>■ Public exhibition</li> <li>■ Costing / Funding Strategy (implement user-pays system)</li> <li>■ Implementation</li> <li>■ Preparation of EIS or Part V application for approval of works</li> </ul>	<p>Design completed after consultation with government departments, community groups (both on and off shore) and fisheries approval granted.</p> <p>User- pay system introduced for the commuter dinghy facilities.</p> <p>Commuter dinghy facilities upgraded in late 2017.</p> <p>Commuter Wharf was expanded in 2012. A small extension was completed in 2018. Council is currently investigating feasibility of additional capacity.</p> <p>Rangers are policing the usage on an ad hoc basis when complaints received.</p>

Management Issue	Strategy	Action	Status
	and policed by Council Rangers on behalf of Trust		
<p>McCarrs Creek Road is unsafe as:</p> <ul style="list-style-type: none"> <li>■ It is too close to the walkway;</li> <li>■ There are no safety measures for pedestrians crossing the road; and</li> <li>■ It is lacking in traffic calming devices</li> </ul>	<p><b>4. McCarrs Creek Road</b></p> <ul style="list-style-type: none"> <li>■ Realignment of McCarrs Creek Road as indicated in masterplan to reduce curvature and generally improve sight lines and pedestrian safety. Land swap to occur with RTA and Land and Property Management Authority to relocate road reserve as indicated and create further leased area for parking purposes</li> <li>■ Construct seawall as indicated in Master Plan. Seawall to ensure habitat for aquatic organisms</li> <li>■ Provide 2.4m cycleway/pedestrian path along foreshore as per master plan</li> <li>■ Liaise and gain approval from RTA in relation to road realignment, land swap and ultimate approval of sector proposal</li> <li>■ Establish carpark adjacent to cliff line (approximately 69 spaces) incorporating strong landscape theme/accommodation of small car spaces, motorbike and bicycle spaces. Develop central</li> </ul>	<ul style="list-style-type: none"> <li>■ Develop detail design as part of overall Master Plan</li> <li>■ Develop detail engineering / traffic / landscape plans</li> <li>■ Liaison with DPI (Fisheries) concerning reclamation and attain approvals</li> <li>■ Costing / funding strategy</li> <li>■ Arrange for public tender of works or preferred contractor scheme</li> <li>■ Develop land swap strategy between Land and Property Management Authority / RTA</li> <li>■ Finalise traffic review and approval by RTA</li> <li>■ Undertake preliminary investigations into Stage 2 deck option for suspended car park including: <ul style="list-style-type: none"> <li>- Visual Impact Assessment</li> <li>- Geotechnical Assessment</li> <li>- Traffic and Access Studies</li> <li>- Initial Costings</li> </ul> </li> </ul>	<p>Construction was completed in 2018 of:</p> <ul style="list-style-type: none"> <li>- the new approximately 120 space Church Point Car park on McCarrs Creeks Rd</li> <li>- Shared path width boardwalk along the foreshore</li> <li>- Seawall and McCarrs Creek road works including a raised pedestrian crossing to link the car park and boardwalk.</li> </ul> <p>Realignment of Pittwater Rd / McCarrs Creek portion still to be completed. Concept design has been developed for this upgrade and funding will be sought for construction as part of a future capital works program.</p>

Management Issue	Strategy	Action	Status
	<p>crossing to foreshore generally as indicated in the master plan</p> <ul style="list-style-type: none"> <li>■ Carpark to be subject to parking management scheme as developed by Council</li> <li>■ Geotechnical assessment of cliff line to ensure long term safety of carpark area</li> <li>■ Investigate a stage 2 deck option for a multi-level car park as proposed by Bayview Church Point Residents' Association (refer Appendices). Proposal subject to further detailed study and community consultation.</li> </ul>	<p>further detailed analysis and design development including community consultation / public exhibition prior to approval process.</p>	
<p>Need to recognise geotechnical / cliff line management of reserve adjacent to carpark. Area of local bushland, public road, vegetation and cliff line to proposed western car park needs to be managed for ongoing perpetuity.</p>	<p><b>5. Public Road / Residential Accessway</b></p> <ul style="list-style-type: none"> <li>■ Undertake vegetation assessment/management plan for bushland vegetation. Establish management criteria/bushland regeneration/fire hazard reduction/geotechnical issues</li> <li>■ Undertake costing of road / drainage scheme for public roadway</li> <li>■ Remove any encroachments on the road</li> <li>■ Initiate detail geotechnical assessment of cliff-face given location of proposed western carpark at its base</li> </ul>	<ul style="list-style-type: none"> <li>■ Develop detail plans to seal / drain public road</li> <li>■ Initiate studies for bushland management</li> <li>■ Geotechnical safety assessment of cliff line</li> </ul>	<p>A geotechnical assessment of the cliff line was undertaken in conjunction with the development of the multistorey carpark. The required slope stability measures have been implemented as part of the works as noted on the design plans (Ref: JK GEOTECHNICS Report 29253SY).</p> <p>This was undertaken in 2017 and is being reviewed regularly as low risk location.</p>
<p><b>PRECINCT 2 - VILLAGE SQUARE</b> (Refer Figure 6.2 - Precinct 2: Village Square Management Strategy)</p>			

Management Issue	Strategy	Action	Status
Need to recognise transport safety and management	<p>6. Ferry Masters' Quarters / Kiosk Public Lease Opportunity</p> <ul style="list-style-type: none"> <li>■ Construction / lease for new shelter light building</li> <li>■ Lease to be established with Church Point Ferry Services and/or other and Council as Trust Manager</li> <li>■ Building use to manage ferry operation and include opportunity for small kiosk lease / licence</li> <li>■ Council to construct basic structure shell / fit-out by leasee</li> <li>■ Floor space provided in new building for Ferry Masters' Quarters to be identical to floor space in previous lease</li> <li>■ Council to investigate opportunity for small kiosk outlet in association with the structure as outlined. To be examined under a separate community consultation as required by the Crown Food &amp; Beverage Policy</li> </ul>	<ul style="list-style-type: none"> <li>■ Establish lease for building operation</li> <li>■ Detail design/construct</li> <li>■ 50/50 shared development cost with Council</li> <li>■ Undertake feasibility study and community consultation for small kiosk outlet</li> </ul>	This Proposal is not being progressed at this time. This was a Crown responsibility and current tenancies are in place.
Areas require Kiss and Drop Zone	<p><b>7. Harbour Tie-Up</b></p> <ul style="list-style-type: none"> <li>■ Establish steps/ramp access to the water and location of pontoon</li> <li>■ Short term tie-up (max 15 mins)</li> <li>■ Allocate mooring berth to northern end of pontoon for ferry operator use only</li> </ul>	Install clear signage to delineate area (see below).	<p>There is a section of kiss and drop parking directly opposite the western car park on Mc Carrs Creek Road.</p> <p>Short Term Tie-ups - implemented in 2018 with extension of commuter wharf. - in progress with current boardwalk and pontoon adjacent to General Store. Ferry Mooring - no current plans to</p>

Management Issue	Strategy	Action	Status
			implement – refer to answer to Action 8.
	<p><b>8. Ferry Wharf / Pontoon</b></p> <ul style="list-style-type: none"> <li>■ Relocate existing ferry pontoon to new central wharf / deck area</li> <li>■ Ongoing liaison with Church Point Ferry Services</li> <li>■ Commercial vessel tie-up only</li> </ul>	Liaison with DPI (Fisheries) and attain approvals	The current boardwalk extension project does not include funding to progress the relocation of the ferry wharf. During the detailed design process for the boardwalk TfNSW raised concerns in relation to navigational safety to the Church Point Commuter Wharf and Church Point Cargo Wharf . It was further noted that several swing moorings would need to be removed in order to make this relocation of the ferry pontoon viable. Any further work on the relocation would require TfNSW approval and need to compete for funding with other capital works on a priority basis.
Commercial lease area requires specific access for viability	<p><b>9. General Store Water Access</b></p> <ul style="list-style-type: none"> <li>■ Tie-up area specific to operation of General Store. Short term tie-up</li> <li>■ Link to lease</li> </ul>	Install clear signage to delineate area	The lease for the General Store is managed by Crown Lands. The store will have access to the public tie up area. Signage is being installed in 2022 as part of boardwalk/pontoon works.

Management Issue	Strategy	Action	Status
Identified heritage characteristics of existing wharf need to be recognised in any redevelopment	<p><b>10. Existing Wharf / Heritage Listing</b></p> <ul style="list-style-type: none"> <li>■ In conjunction with detail construction drawings for new central wharf / deck incorporate heritage recommendations from Design 5 Heritage Report and ongoing professional heritage liaison in relation to detail finishes</li> <li>■ Wharf area to be generally short term tie up (15-30 minutes)</li> <li>■ Facility for light goods transfer ie. white goods</li> </ul>	<ul style="list-style-type: none"> <li>■ Install clear signage to delineate use</li> <li>■ Incorporate detail design into overall deck construction</li> <li>■ Liaison with Design 5 in design development</li> </ul>	<p>Signage installed</p> <p>Construction of the boardwalk around the general store is nearing completion and is expected to be finalised in late 2022.</p> <p>Light goods are generally collected from either the Commuter wharf area or from cargo wharf depending on the time of day, tides and the type of cargo.</p>
<ul style="list-style-type: none"> <li>■ The General Store and Wharf area are cluttered and access to the wharf is unclear.</li> <li>■ Uncontrolled dinghy tie ups impact on the economic viability of the General Store.</li> <li>■ Movement around the General Store is unsafe and offers limited social interaction</li> </ul>	<p><b>11 &amp; 13. Central Wharf and General Store</b></p> <ul style="list-style-type: none"> <li>■ Construction of large central deck area to be built to facilitate</li> <li>■ Ferry / marine transport interchange</li> <li>■ Short term dinghy tie up for pickup/drop off (15-30mins)</li> <li>■ General short term tie facility</li> <li>■ Access to the central mainland facilities and carpark/general store</li> <li>■ Central deck to be constructed in liaison with General Store leaseholder to assist seamless fit. The deck will centralise the General Store building for both social and commercial activities. Part of the deck area to be available for lease at adopted rate per m<sup>2</sup> for commercial use based on Council's Outdoor Seating Policy and/or other appropriate</li> <li>Detail construction drawings to be developed for the construction of the deck area generally as</li> </ul>	<ul style="list-style-type: none"> <li>■ Detail design / tender package for central deck / pontoon / redevelopment as per Master Plan</li> <li>■ Liaison with DPI (Fisheries) / NSW Maritime</li> <li>■ Prepare Part V approval</li> <li>■ Seek dollar for dollar grant funding from NSW Maritime and Department of Transport</li> <li>■ Re-allocation of Environmental Infrastructure Levy Funding</li> </ul>	<p>Construction of the boardwalk around the general store is nearing completion and is expected to be finalised in late 2022. Works include pontoon with short term dinghy tie ups.</p> <p>Outdoor Dining Licence is in place.</p>

Management Issue	Strategy	Action	Status
	<p>per the masterplan layout. Design to cater for disabled access, provide access to all points and consider the heritage nature of the existing wharf area</p> <ul style="list-style-type: none"> <li>■ Opportunity for small kiosk and associated outdoor seating to be investigated (refer 6. Ferry Master's Quarters) leases / licences.</li> </ul>		
<p>Ongoing need for goods transfer area for offshore resident pick up/use</p>	<p><b>12. Offshore Co-Operative</b> Construction / lease for shelter / light building for the use of offshore residents as a storage / goods handling area. Lease to be established between SIRA and Council as Trust Manager for ongoing operation management. Cost for construction to be shared between all parties in lease agreement. Structure to be used for community purposes only</p>	<ul style="list-style-type: none"> <li>■ Establish lease for building operation</li> <li>■ Detail design/construct</li> <li>■ 50/50 shared development cost with Council</li> </ul>	<p>This Proposal is not being progressed at this time.</p> <p>Council is currently not progressing this action as recent improvements to various wharves and pontoons has mitigated the need for dedicated storage for offshore residents.</p> <p>The shelter on the main ferry wharf is used for this type of storage at this time.</p>
	<p><b>14. Thomas Stephens Reserve</b></p> <ul style="list-style-type: none"> <li>■ General opening up of reserve to water</li> <li>■ Develop detail concept/construction plan for reserve redevelopment in conjunction with local residents/community groups</li> <li>■ Provide ability to allow part time commercial applications</li> <li>■ Strong 'village square' theme, use of landscaping, lighting and seating/open steps to beach</li> <li>■ Detailed compliance</li> </ul>	<p>Detail Design of Reserve to be developed / exhibited</p>	<p>Detailed design nearing completion and will be tendered at beginning of 2023</p>

Management Issue	Strategy	Action	Status
	<p>signage to be developed and policed by Council Rangers on behalf of Trust</p> <ul style="list-style-type: none"> <li>■ Establish 'no tie-up' zone</li> </ul>		'No tie-up' zone has been established.
Need to recognise existing short term commercial access	<p><b>15. Pasadena frontage</b></p> <ul style="list-style-type: none"> <li>■ Pittwater Road frontage (road reserve area) to be constructed by leasee in accordance with approved plans, the Master Plan or further detail drawings as developed by Council and the leasee</li> <li>■ Short term free parking (15-30mins), including provision of one loading bay.</li> </ul>	Detail road / parking design subject to traffic and access audit	<p>To be undertaken as part of the road upgrade where possible.</p> <p>Budget bid in 2023/24 to undertake the capital works required.</p> <p>Short term parking and loading zone has been implemented.</p>
Need to recognise existing commercial development in development of area	<p><b>16. Pasadena</b></p> <ul style="list-style-type: none"> <li>■ Generally building redevelopment to proceed as per approved plans/building envelope to be reduced and site curtilage constructed as per certified approved plans and masterplan</li> <li>■ Reconstruction of building curtilage areas to be borne by lessee as part of development cost and approval directions</li> <li>■ Current lease area to the northern edge to be reduced by one third to comply with negotiated lease terms with Land and Property Management Authority</li> <li>■ Landscape finish to external function/lease area, to be liaised with Council as Trust Manager, with lease area delineated by strong landscape theme</li> </ul>		Pasadena works have been completed in accordance with the DA and liaison regarding lease areas in front of premises have been directly with Crown Lands.

Management Issue	Strategy	Action	Status
Need to minimise short term dinghy access	<p><b>17. Wharf / Promenade Area</b></p> <ul style="list-style-type: none"> <li>■ Construction wharf/tie-up facility to allow medium term tie-up (1-2 hours) and commercial access to Pasadena specifically for functions. To include western viewing platform/deck</li> <li>■ Include as part of detail construction documentation of central wharf /deck area</li> </ul>	Liaison with DPI (Fisheries) and attain approvals	<p>This proposal is not being progressed at this time.</p> <p>The Pasadena has a dedicated wharf for the use of guests and functions.</p>
	<p><b>18. Pasadena Waterside Park</b></p> <p>Development as foreshore reserve and part of public open space to accommodate pedestrian connection to Thomas Stephens Reserve</p>	Detail Design of Waterside Park to be developed / exhibited with reference to Thomas Stephens Reserve and Church Point Reserve proposals	Minor upgrades to the existing path are scheduled for 2023.
<b>PRECINCT 3 - CHURCH POINT RESERVE</b> (refer Figure 6.3 - Precinct 3: Church Point Reserve Management Strategy)			
<ul style="list-style-type: none"> <li>■ Carpark area needs to maximise open space potential and economy of car storage</li> <li>■ Need to recognise parking as social consequence of reserve location and historic use</li> <li>■ Maximise open space potential, access to water and connection to precinct Two</li> </ul>	<p><b>19. Church Point Carpark Area</b></p> <ul style="list-style-type: none"> <li>■ Develop seating and drainage, detail plan for carpark including line marking, lighting and definition of spaces as per the masterplan and parking requirements</li> <li>■ Review existing vegetation, develop detailed Landscape Plan. Existing trees to be retained until landscape plan implemented and trees replaced with avenue plantings of indigenous species.</li> <li>■ Development of parking management scheme based on yearly payment for use of Crown reserve as commuter carpark area. All</li> </ul>	<ul style="list-style-type: none"> <li>■ Develop detail design/tender for carpark, surface finish, drainage, line marking, lighting, landscaping etc</li> <li>■ Undertake existing vegetation assessment and prepare Landscape Plan</li> <li>■ Develop parking management scheme and introduction process (user-pays system)</li> <li>■ Upgrade signage / ticket display / machines</li> </ul>	<p>The design for the upgrade of the at grade parking area has been completed but works not commenced due to concerns raised by residents that it will result in less spaces available.</p> <p>Church Point Parking demand management strategy in place with some outcomes to be further reviewed.</p> <p>Upgraded signage installed in 2019.</p> <p>Ticket machines are now capable of</p>

Management Issue	Strategy	Action	Status
	<p>generated funding to be used for ongoing development of Church Point precinct as per master plan</p> <ul style="list-style-type: none"> <li>■ Sign mark agreed 20 spaces available for public short term 4 hour parking as identified on masterplan</li> <li>■ Allocate 2-5 initial spaces for car share scheme and / or other sustainable transport initiatives. Spaces to be clearly marked and policed.</li> <li>■ Provide bicycle / motorbike parking facility</li> <li>■ Recognise identified area for reduction of further car spaces at the south eastern end of the reserve should further public spaces become available through schemes such as the redevelopment of HolmePort Marina or the like</li> <li>■ Detailed compliance signage to be developed and policed by Council Rangers on behalf of Trust</li> </ul>		<p>ticketless parking with pay by app.</p> <p>Additional changes will be considered in future program based on the outcomes and recommendations of the review of the parking demand study.</p> <p>Bike parking provided in both the western carpark and near the Pasadena and bus shelter.</p>
	<p><b>20. Public Amenities / Bus Stop</b></p> <ul style="list-style-type: none"> <li>■ Building (current toilet block/interchange facility) to be redeveloped to accommodate bus turn-in and transport interchange area/disabled parking</li> <li>■ Design to create high quality amenities, transport interchange, comfort spot.</li> <li>■ Opportunity for small commercial coffee / papers outlet as part of building refurbishment</li> </ul>	<ul style="list-style-type: none"> <li>■ Detail design / construct drawings</li> <li>■ Liaison with State Transit Authority</li> <li>■ Undertake feasibility study and community consultation for small commercial coffee / papers outlet</li> </ul>	<p>The existing shelter is considered adequate for the level of usage with road improvement of stopping area to be undertaken as part of the alignment project in 2023/24.</p> <p>The amenities are due to be renewed in the next four years but within the existing footprint. Any expansion of the footprint or relocation</p>

Management Issue	Strategy	Action	Status
	<p>could be examined under a separate community consultation as required by the Crown Food and Beverage Policy</p>		<p>of the amenities in the same general area will likely require the removal of the significant fig tree that provides much of the character of the area.</p>
<p>Maximise open space potential, access to water and connection to Precinct Two Transport Interchange</p>	<p><b>21. Waterfront Promenade / Local Park</b></p> <ul style="list-style-type: none"> <li>■ Reserve to be extended as per the Master Plan through infill into Pittwater. Existing stone/rockwork to be utilised in foreshore retention works. Infill works to create a waterside boulevard reserve incorporating the pedestrian walkway/cycleway, seating, lighting and access to the water at set intervals; removal of every second Casuarina along the frontage to provide increased solar access and allow an ongoing planting strategy</li> <li>■ Reduce the size of the existing boat ramp to accommodate kayak, dinghy and emergency use only, and better suit the area as parkland. Security controls to be considered.</li> <li>■ Further infill proposed for the northern edge of the carpark reserve to create a local park (Bennetts Point) as indicated in the Master Plan. Park to incorporate seating, lighting, amenity / shade planting, possible small play facility. Infill not to impact on Bennetts Beach</li> </ul>	<ul style="list-style-type: none"> <li>■ Develop detail design / tender documents</li> <li>■ Liaison with DPI (Fisheries) and attain approvals</li> <li>■ Planting/view sharing policy for waterfront planting</li> <li>■ Liaise with STA regarding bus stop provision / location</li> </ul>	<p>Church Point Park: Council is currently not considering extending the park into the waterway due to potential environmental impact'</p> <p>The draft Outdoor Recreation Strategy has not identified a need for a playground in Church Point.</p> <p>An upgrade of the crushed rock path has been scheduled for construction in 2023 and the boat ramp improvement works scheduled for the 2024/2025 financial year.</p>

Management Issue	Strategy	Action	Status
	<ul style="list-style-type: none"> <li>■ Establish 'no tie-up zones'</li> <li>■ Provide non-powered watercraft tie-up facility / kayak &amp; sailboard storage</li> <li>■ Incorporate access / viewing areas along foreshore</li> </ul>		Kayak and sailboard storage was installed in mid 2014.
	<p><b>Church Point Reserve (Waterway)</b></p> <ul style="list-style-type: none"> <li>■ Reserve to be created within Church Point study area (as identified) with Council appointed Trust Manager</li> <li>■ Waterway to be policed by Council compliance staff to ensure ongoing compliance with marked time zones and watercraft management across the area</li> </ul>		Council appointed Crown Reserve Manager of Lot 1 DP 1249367 on 21 February 2020.
Need to recognise heritage significance of graveyard to birth of Church Point	<p><b>22. Church Point Cemetery</b></p> <p>Upgrade of cemetery in partnership with Uniting Church. Development of heritage strategy works program. Needs to deal with:</p> <ul style="list-style-type: none"> <li>■ fencing</li> <li>■ access pathways</li> <li>■ interpretation</li> <li>■ lighting</li> <li>■ ongoing management</li> </ul>	<ul style="list-style-type: none"> <li>■ Initiate discussions with Uniting Church re: heritage grant funding to match Council contribution for upgrade works</li> <li>■ Develop Heritage Assessment Works Program</li> <li>■ Detail design / tender drawings</li> <li>■ Interpretation Strategy</li> <li>■ Ongoing management to be equally shared between Council / Uniting Church</li> </ul>	Currently no further works scheduled. The land is currently owned by the Church. Discussions have been held with the Pittwater Uniting Church over the past 10 years. A Heritage Near Me grant facilitated the installation of historical grave markers and interpretive signage. There have been no further discussions with the Church as to transferring ownership of the land over the past five years.
	<p><b>23. Quarter Sessions Road Reserve / Public Footpath</b></p> <ul style="list-style-type: none"> <li>■ Upgrade of pedestrian accessway to</li> </ul>	<ul style="list-style-type: none"> <li>■ Detail design / tender drawings</li> </ul>	Completed in April 2019

Management Issue	Strategy	Action	Status
	<p>include better grades, steps, seating/lighting and entries. Bushland regeneration/landscaping of remaining open space areas/verges</p> <ul style="list-style-type: none"> <li>■ fencing</li> <li>■ access pathways</li> <li>■ drainage</li> <li>■ interpretation</li> <li>■ lighting</li> <li>■ ongoing management</li> </ul>		
	<p><b>24. Quarter Sessions Reserve</b></p> <ul style="list-style-type: none"> <li>■ As part of the proposed overall funding strategy, rezoning of two Council land parcels to residential zoning for sale to fund creation of proposed open space, i.e. waterfront Boulevard/Park</li> <li>■ Detailed house envelopes to be established to maximise tree retention / neighbourhood amenity</li> <li>■ Ongoing liaison of footprints / development strategy with neighbouring residents / community</li> </ul>	<ul style="list-style-type: none"> <li>■ Undertake preliminary investigations re development of subject land as residential housing (Lots 15 &amp; 15a in DP10583) <ul style="list-style-type: none"> <li>- Vegetation Study / Species Impact Assessment</li> <li>- Survey Land Titles search</li> <li>- Prepare Town Planning / Architectural Proposal</li> <li>- Valuation</li> <li>- Case for Public Hearing to Council</li> <li>- Refer to Department of Planning / DECC</li> <li>- LEP change / rezoning</li> </ul> </li> </ul> <p>Proposal subject to further detailed analysis and design development including community consultation / public exhibition as part of approval process</p>	<p>There have been two planning proposals on the site to rezone and reclassify the land. The most recent one was in 2013. The planning proposal was lodged by Council following the adoption of the Church Point POM in 2009, and subsequently withdrawn following advice from Strategic Planning that the external consultant engaged to review the proposal had recommended refusal on the grounds of flora and fauna impact, potential adverse impacts on Aboriginal and European heritage, stormwater management and lack of suitable vehicular access to the site.</p>

<b>ITEM 17.2</b>	<b>RESPONSE TO QUESTION WITH NOTICE NO 14/2022 - BAYVIEW BATHS</b>
<b>TRIM FILE REF</b>	<b>2022/644210</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon

## QUESTION

On 27 March 2018, Council resolved as below.

074/18 **RESOLVED**

**Cr McTaggart / Cr Ferguson**

*That:*

- A. *Council work with Sydney Water and Beachwatch (OEH) to review recreational water quality data for what is known as the Bayview Baths in order to determine if it would be feasible to potentially restore/renew the pool and provide a briefing back to Council within 3 months.*
- B. *In the event of a favourable report Council may move to a second stage of risk assessment and a refurbishment process subject to budget availability.*

Could staff please advise:

1. The latest update regarding water quality data at the Bayview Baths.
2. Whether a future budget allocation has been made (including the amount allocated and the financial year the allocation has been made) for the future restoration / renewal of the Bayview Baths.
3. The process to be followed in order to secure the restoration / renewal of the Bayview Baths.

## RESPONSE

1. The NSW Department of Planning and Environment (DPE) measures water quality at Bayview Baths through its Beachwatch program. The site has been monitored since 1995. Beachwatch reports regularly state that enterococci (faecal bacteria) generally increase with increasing rainfall, and that stormwater and sewage overflows and blockages are the key sources.

In 2018/19 the Baths achieved a 'Good' rating in that year's Beachwatch Annual Report. This followed a 'Good' rating in the 2017/18 and the 2016/17 reports. The two years prior to this (2014/15 and 2015/16) the Baths received a 'Poor' rating.

In recent years water quality at the Baths has varied. While the 2019/20 and the 2020/21 years, the Baths received a 'Good' rating in the respective Beachwatch Annual Reports, in 2021/22 the Baths have received a 'Poor' rating. Notably, the rainfall in the 19/20 and 20/21 years was 958mm and 1,431mm respectively, whereas the rainfall for 21/22 was over 2,000mm.

While the DPE recommendation for estuarine swimming areas is to avoid swimming for three days following rainfall, water quality at Bayview Baths can take longer to recover from stormwater events than other Pittwater swimming sites due to lower levels of tidal flushing.

2. Council has identified projects in its Tidal Pool Renewal Program in the Delivery Plan 2022-2026. Current priorities include Clontarf Tidal Pool (Winter 2023) and Paradise Beach Tidal Pool (Winter 2025).

The scheduling of renewal works at Bayview Baths is currently planned to commence with investigations and scoping in 2024/2025 with consideration for construction in winter of 2026 (25/26 & 26/27). Given current cost escalation and inflationary pressures, the current budget estimates are being refined as part of the Capital Works budget development for 2024/2025.

3. The process to be followed is Council's capital works budget process.

**ITEM 17.3                      RESPONSE TO QUESTION WITH NOTICE NO 15/2022 - DEE WHY LAGOON WILDLIFE REFUGE PLAN OF MANAGEMENT**

**TRIM FILE REF                2022/638010**

**ATTACHMENTS            1    [Summary of PoM Actions - Response to Question - Dee Why Lagoon Wildlife Refuge Plan of Management](#)**

Submitted by: Councillor Kristyn Glanville

**QUESTION**

With respect to the Dee Why Lagoon Wildlife Refuge Plan of Management:

1.    What is the status of each action item described as “high priority”, in particular:
  - A.    Whether that item has been implemented/completed?
  - B.    Whether that item is in the process of being implemented?
  - C.    Whether that item has not been completed, and if so, reason why it has not been completed?
  - D.    Whether there are any items that cannot be implemented as proposed, and reason why it cannot be implemented?
  
2.    For the action items described as “medium” and “low” priority:
  - A.    How many items have been completed?
  - B.    How many items are expected to be completed in the current Council term?
  - C.    How many items are viewed as no longer relevant or necessary?

**RESPONSE**

The Dee Why Lagoon Wildlife Refuge Plan of Management was adopted by Council in 2002 and amended in 2021 (Action 63 Dee Why Surf Club). The Refuge covers an area of 77 Ha. with approximately 30 Ha. being the lagoon. The remaining 47 hectares are above the high tide water mark and include remnant native bushland and wetlands. The reserve was declared a Wildlife Refuge in 1974 for the purposes of preserving and conserving the natural environments. Today the reserve is a listed under the NSW Biodiversity Conservation Act 2016 and contains several listed threatened ecological communities.

A list of actions with their current status is provided in the Attachment.

1.    The status of each action item described as “high priority” is presented in Table 1. Actions marked as ongoing/ being implemented form part of Council programs rather than discrete actions.

Table 1 – High Priority Actions

Actions by Priority	Total actions	Complete	Ongoing/ being implemented	Partially Completed	Not Completed
High	35	10	25	0	0

2. The status of each action item described as “medium” and “low” priority is presented in Table 2. Actions marked as ongoing/ being implemented form part of Council programs rather than discrete actions.

Table 2 – Medium and Low Priority Actions

<b>Actions by Priority</b>	<b>Total actions</b>	<b>Complete</b>	<b>Ongoing/ being implemented</b>	<b>Partially Completed</b>	<b>Not Completed</b>
Medium	33	8	15	3	7
Low	6	1	1	0	4
<b>Total</b>	39	9	16	3	11

- 2.B. There are 14 medium and low priority actions that are partially completed or not completed. One (Action 68) is identified to commence this financial year. Reasons for not planning to undertake these actions are provided below in the response to 2.C.

- 2.C. Of the 11 medium and low priority items not completed, 9 have been identified as not relevant, necessary or a priority action at this stage due to:

- Environmental impacts
- Social impacts
- Alternative Council initiatives being completed
- Low benefit to carrying out action

The remaining two items have not been progressed due to the land in question being the subject of Aboriginal land claim under the *Aboriginal Land Rights Act 1983*.

Actions not completed or partially completed include drainage works, boardwalks, footpaths, viewing platforms, lighting, recreation infrastructure, fish surveys, marketing plan, change in size of the Refuge to exclude the SLSC area and change to crown land public purpose category.

While this is the current status, this may change in the future and actions may be implemented with detailed environmental investigation and community engagement.

**Action Table 1. Category - Natural Areas**

The actions listed within this table are in relation to the areas of the Refuge categorised as Natural Areas. The actions are in accordance with the core objectives for Natural Areas. Additional objectives derived from the National Parks and Wildlife Act 1974 and community values are also listed.

Value	Relevant Management Issues	Performance Target (strategies)	Means of Achievement (Management Actions)	Means of Assessment (of the actions)	Priority	Status
<p><b>Natural Area: Bushland - Core Objectives:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land;</li> <li><input type="checkbox"/> To protect the aesthetic, heritage, recreational, educational and scientific values of the land;</li> <li><input type="checkbox"/> To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion;</li> <li><input type="checkbox"/> To restore degraded bushland;</li> <li><input type="checkbox"/> To protect existing landforms such as natural drainage lines, watercourses and foreshores;</li> <li><input type="checkbox"/> To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and</li> <li><input type="checkbox"/> To protect bushland as a natural stabiliser of soil surface.</li> </ul> <p><b>Natural Area: Wetland - Core Objectives:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> To protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands;</li> <li><input type="checkbox"/> To restore and regenerate degraded wetlands; and</li> <li><input type="checkbox"/> To facilitate community education in relation to wetlands and the community use of wetlands, without compromising the ecological values of the wetlands.</li> </ul> <p><b>Natural Area: Watercourse - Core Objectives:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows;</li> <li><input type="checkbox"/> To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability;</li> <li><input type="checkbox"/> To restore degraded watercourses; and</li> <li><input type="checkbox"/> To promote community education and community access to and use of the watercourse, without compromising the other core objectives of the category.</li> </ul> <p><b>Natural Area: Foreshore - Core Objectives</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area; and</li> <li><input type="checkbox"/> To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</li> </ul> <p><b>Additional Objectives in accordance with the National Parks and Wildlife Act 1974:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conservation of wildlife;</li> <li><input type="checkbox"/> Preservation of the Wildlife Refuge and the protection of the special features of the Refuge;</li> <li><input type="checkbox"/> Prohibition of the execution of any works adversely affecting the natural condition or special features of the Refuge;</li> <li><input type="checkbox"/> Preservation of each historical site or subject within the Wildlife Refuge; and</li> <li><input type="checkbox"/> Encouragement and regulation of the appropriate use, understanding and enjoyment of the Refuge.</li> </ul> <p><b>Additional Objectives:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> To facilitate community education in relation to bushland, without compromising the ecological values or the core objectives;</li> <li><input type="checkbox"/> To manage the Refuge for the protection of waterbirds and their habitat; and</li> <li><input type="checkbox"/> To preserve and manage the beaches and coastal open space as the peoples space, ensuring broad community access and availability to a diversity of recreational settings and opportunities for current and future generations.</li> </ul>						
Natural Environment and Aesthetics	Protect bushland from impacts of surrounding land and infrastructure.	1. Undertake a landscape maintenance program within the Dee Why Lagoon Wildlife Refuge which protects the bushland from impacts of the surrounding land use. This relates to areas categorised as Natural Area and Park.	1. Turf areas are to be mown regularly to avoid grass seeding into bushland.	Record and monitor frequency of mowing.	High	ongoing
			2. Where necessary mowing barriers between bushland and turf areas are to be constructed.	Mowing barriers implemented.	Medium	complete
			3. Review current mowing techniques to prevent grass clippings going into natural areas.	Monitor mowing techniques and impact on surrounding natural areas.	High	complete
			4. Landscaped beds outside the bushland area should be heavily mulched, regularly weeded and contain only plants which are endemic to the Refuge. Ongoing replacement planting of aging species.	Record and monitor landscaped beds.	Medium	ongoing
			5. Trees growing within the park areas should be endemic to the Refuge, and suited to their micro-environment location. Care should be taken during mowing and weeding to avoid damage to the tree trunks.	Assess trees within park area and replace where necessary. Liaison with maintenance staff to ensure trees are not damaged.	High	ongoing
			6. Weed vines are to be regularly removed from boundary fences.	Record and monitor removal of weeds.	High	ongoing
Natural Environment and Aesthetics			7. 'Cubby houses' and other dwellings are to be removed from bushland and the site rehabilitated within one month following detection.	Monitor response time and rehabilitation of areas disturbed.	Medium	ongoing
			8. Informal access paths through bushland are to be blocked using cut vegetation and temporary fencing if required, within one month of detection.	Monitor response time and effectiveness of blocking informal access paths.	Medium	ongoing
			9. Sediment detention basins and gross pollutant traps located within the Refuge are to be monitored and maintained at least every three months and following heavy rain events.	Record and monitor maintenance of sediment detention basins and gross pollutant traps.	High	ongoing
			10. Review current maintenance of stormwater outlets and increase monitoring and maintenance where necessary.	Review complete. Appropriate monitoring and maintenance of outlets followed.	High	complete
			11. Investigate consolidation of drains along Pittwater Road to reduce fragmentation of bushland and investigate directly piping stormwater into the lagoon.	Investigations complete, recommendations implemented.	Medium	partially completed
Natural Environment	Protect the natural habitats and lagoon waterbody from negative impacts of public recreation.	3. Discourage public recreation which damages the natural bushland areas of the Refuge.	12. This Plan of Management expressly authorises the erection of boundary fences, which are of similar design to existing boundary fences of the Refuge, on an as needs basis. Priority should be given to those areas where recreational or bushland management activity has increased or usage changed. Inconspicuous accessways/gates should be included to allow for bush-regeneration and other management activities and low-key use by the Friends of Dee Why Lagoon, Council staff and the public.	Fences installed. Monitor reduction of public access to natural bushland areas.	Medium	ongoing
			13. Limit access to the waterbody to ensure protection of natural area values, in particular to prevent damage to habitat. Refer to the Estuary Management Plan for guidance on specific waterway and refuge zones to minimise conflict between recreational activities and fishery and bird habitats.	Record infringements against waterway and refuge zones. Monitor impact of access to waterbody on habitat.	High	ongoing
Natural Environment and Education	Identification of vegetation.	5. Identify and assess aquatic and wetland vegetation.	14. Undertake a study of the aquatic and saltmarsh vegetation which addresses the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Classification of vegetation communities;</li> <li><input type="checkbox"/> List of native and weed species;</li> <li><input type="checkbox"/> Local and regional conservation status of the vegetation communities;</li> <li><input type="checkbox"/> Identification of the causes of long term degradation;</li> <li><input type="checkbox"/> Management priorities and recommendations; and</li> <li><input type="checkbox"/> Mapping and incorporation of data in a Geographic Information System.</li> </ul>	Study complete, management priorities and recommendations developed and information incorporated into a Geographic Information System.	High	ongoing
			15. Based on the results and recommendations of the aquatic and saltmarsh vegetation study, develop management actions to conserve and rehabilitate the saltmarsh and aquatic plant communities. Ensure that habitat for water birds remains the primary objective.	Management actions developed and implemented. Monitor impact of actions once implemented.	Medium	ongoing
aesthetic	Bush regeneration.	6. Undertake bush regeneration.	16. This Plan of Management expressly authorises the gradual movement of mowing barriers to reduce amount of turfed area along Clarence Avenue (see Masterplan). This work is to be in accordance with the Vegetation Management Plan.	Monitor effectiveness of reducing grassed areas. Ensure adjacent bushland is not negatively impacted by weeds.	Medium	ongoing

Natural Environment, A and Education			17. This Plan of Management expressly authorises revegetation works at the end of Richmond Ave, near Clyde Ave. This is a Greenlink Grant Site. Works include the removal of fill and the restoration of a combination of brackish and freshwater wetland conditions and subsequent revegetation.	Completion and successful implementation of works in accordance with the grant.	High	ongoing	
			18. This Plan of Management expressly authorises regeneration works in accordance with the Vegetation Management Plan.	Regeneration works undertaken.	High	ongoing	
Natural Environment, Aesthetic and Education		7. Develop a long term bush regeneration program.	19. In consultation with bush-regeneration contractors currently working within the Refuge, and consistent with the Vegetation Management Plan, plan and cost a long-term bush regeneration program. The program is to be undertaken by professional bush regeneration contractors. It should be based on a rolling five year time frame and reviewed annually by Council and the Friends of Dee Why Lagoon.	Council to oversee the implementation of the five year bush regeneration program and revise the objectives if necessary. All areas which have been worked under the five year bush regeneration program are to receive annual monitoring and maintenance.	High	ongoing	
			20. A brief bi-annual bushland management report (in accordance with contracts) for Dee Why Lagoon Wildlife Refuge is to be produced to document: <input type="checkbox"/> All bush regeneration undertaken by contractors, Council and volunteers; <input type="checkbox"/> Other bushland and dune management works, and <input type="checkbox"/> Bushland management objectives for the following year.	Report produced and reviewed.	Medium	ongoing	
		8. Encourage bush regeneration.	21. Council to continue to assist and support community based volunteer regeneration groups working in the Refuge and ensure that both the professional and volunteer regeneration programs are complementary.	Monitor level of support provided by Council.	High	ongoing	
Natural Environment	Bushfire Management and fire management activities.	9. Develop a fire management regime and encourage ecological burns where appropriate.	22. Using available knowledge and results from fire trials carried out in the Dee Why Lagoon Wildlife Refuge, develop a fire management regime to conserve the structure and species diversity of the Refuge's vegetation communities.	Ecological burns undertaken subject to the fire regime and existing vegetation communities.	High	complete	
Natural Environment			23. When the dual objectives of protecting life and property and protecting environmental values cannot be achieved then, in accordance with the Rural Fires Act 1997 and Bush Fire Coordinating Committee Policy, management priority is to be given to the protection of life and property.	Appropriate management priority given.	High	ongoing	
			24. Before any fire management activities (eg ecological burns) can proceed a Review of Environmental Factors is required in accordance with the Warringah Pittwater Bush Fire Risk Management Plan which is a legislative requirement of the Rural Fires Act 1997. This is the responsibility of the land manager.	Review of Environmental Factors undertaken before any fire management activities.	High	ongoing	
		Dune System.	10. Management of Dune System.	25. Council to devise and cost an annual maintenance program for the Dee Why Beach dunes. The program is to include the following objectives: <input type="checkbox"/> Fences, accessways, and other structures are to be maintained in good repair; <input type="checkbox"/> Dune blowouts are to be stabilised as soon as possible following detection; <input type="checkbox"/> Bitou bush clumps and seedling regrowth are to be treated annually; <input type="checkbox"/> Other weed species are to be effectively managed; <input type="checkbox"/> Closure of informal tracks; and <input type="checkbox"/> Ongoing replacement planting using a diverse range of indigenous species.	Program devised and costed. Objectives to be effectively implemented.	High	ongoing
			26. Maintenance is to ensure minimal disturbance to adjoining natural areas. Use of the existing track behind the dune system by maintenance vehicles is to be discouraged and only to be used when no other route is available and maintenance is essential for emergency events.	Monitor disturbance from maintenance.	Medium	ongoing	
Natural Environment			27. Extend existing dune and stabilisation works in front of the northern end of Dee Why Surf Life Saving Club and existing amenities. Fence and maintain existing tracks, or similar.	Completion and effective implementation of dune stabilisation works.	High	complete	
Natural Environment, Aesthetic and Cultural	Lagoon foreshore.	11. Reinstatement of wetland vegetation communities along the foreshore adjoining James Meehan Reserve.	28. Investigate possibilities of reinstating the foreshore adjoining James Meehan Reserve. Develop management actions based on the investigations.	Investigation complete and management actions developed.	Medium	ongoing	
		12. Wooden pylons in south east corner of Lagoon.	29. Remains of WWII tank traps to be left in their present condition unless they become a safety hazard or require removal for improvement of the natural environment.	Tank traps remain unless they become a safety hazard or require removal for environmental purposes.	Low	ongoing	
Natural Environment	Conservation and enhancement of the biodiversity of the lagoon.	13. Dredging of lagoon.	30. Undertake a dredging feasibility assessment as part of the Dee Why Lagoon Estuary Management Study and Management Plan.  31. This Plan of Management expressly authorises the dredging of Dee Why Lagoon should it be a recommendation of the Estuary Management Plan, so long as it is not in conflict with this Plan of Management. Dredging of the lagoon may only be carried out with approval from NSW Fisheries and other appropriate regulatory authorities.	Studies and Plan complete.  Recommendations of the Plan implemented.	High  Medium	complete  complete	
		14. Improve water quality.	32. This Plan of Management expressly authorises the recommendations of the Estuary Management Plan and the construction of water quality treatment devices in accordance with the Estuary Management Plan.	Recommendations of the Plan implemented.	High	ongoing	
		15. Manage lagoon entrance to ensure long-term sustainability of lagoon and environs.	33. Appropriate environmental assessment conducted to determine the impact of the current entrance opening regime.	Assessment complete.	High	complete	
Natural Environment		16. Adhere to Threatened Species Conservation Act 1995.	34. Any works which may impact on vegetation or vegetation communities listed under the Threatened Species Conservation Act 1995 must apply for a Section 91 licence issued by the National Parks & Wildlife Service.	Applications for Section 91 licence submitted when appropriate.	High	ongoing	
Conservation of indigenous fauna.		17. Conserve and manage indigenous fauna including invertebrates within the Dee Why Lagoon Wildlife Refuge.	35. Undertake a fauna study of mammals, birds, reptiles, and amphibians within the Dee Why Lagoon Wildlife Refuge. Existing records should be reviewed. The study should also identify feral animals, their impact upon wildlife and include wildlife management recommendations. Determine the requirements for on-going surveys (monitoring regimes).	Fauna study complete. Management actions recommended and implemented by Council.	High	complete	
			36. Following the study of waterbirds, develop a set of management actions which reflect the high conservation status of water birds utilising Dee Why Lagoon Wildlife Refuge. Actions to be in accordance with the National Parks and Wildlife Act 1974 for the management of Wildlife Refuges.	Management actions developed in consultation with the National Parks and Wildlife Service.	High	ongoing	

Natural Environment Education			37. Undertake a survey of selected aquatic and terrestrial invertebrates and fish utilising the Dee Why Lagoon Wildlife Refuge. The study is to include a review of existing records, an assessment of the impact of fishing and bait collection activities carried out by amateur fishermen and invertebrate management recommendations.	Survey complete.	Medium	partially complete
Natural Environment Education			38. All bush regeneration projects and other works taking place within the Dee Why Lagoon Wildlife Refuge are to be planned to cause minimal impact upon wildlife and habitat.	Impact on wildlife recognised when planning bush regeneration projects and other works within the Refuge.	High	ongoing
			39. Identify and where appropriate enhance wildlife corridors between the Dee Why Lagoon Wildlife Refuge, Long Reef Headland and other natural areas.	Wildlife corridors identified and areas to be enhanced identified.	High	ongoing
			40. Undertake a feral animal control program within Dee Why Lagoon Wildlife Refuge. Consideration must be given to the dynamic relationship between different feral species.	Monitor feral animal and native wildlife populations.	High	ongoing
Natural Environment, Education			41. Effectively enforce the ban on dogs in the Dee Why Lagoon Wildlife Refuge through a program of community education and ordinance policing. The ban on dogs is in accordance with the National Parks and Wildlife Act, 1974 and the designation of the area as a Wildlife Refuge. Install regulatory signs to this effect.	Survey percentage reduction of dogs within the Refuge.	High	ongoing
	Increase community awareness.	18. Increase community awareness of the value of Dee Why Lagoon Wildlife Refuge.	42. Notify the community when the results of studies are available.	Community notified.	Medium	ongoing
			43. Develop a coordinated environmental education marketing plan(s) for increasing awareness of key values within the Refuge.	Survey increase in community awareness.	Medium	partially complete
			44. Encourage tertiary students to carry out further research by providing Council resources to assist in undertaking their project. Disseminate research information through Council's public outlets. Encourage particularly in areas where there are data gaps.	Research projects undertaken. Information available through Council's public outlets.	Medium	ongoing
Natural Environment, Education			45. This Plan of Management expressly authorises interpretive signage throughout the Refuge. The signs should be developed in a consistent format for the entire Refuge and should also complement signs developed for the Bicentennial Coastal Walkway and not impact on the aesthetics of the lagoon. It is preferable for signs positioned near the Lagoon or wetland areas to be at or close to ground level.	Interpretative signs developed and implemented.	High	complete
Natural Environment, Education	Further Studies.	19. Integrated Planning.	46. Set up a working party to: <ul style="list-style-type: none"> <li><input type="checkbox"/> Review the results of the further studies recommended in this Plan of Management.</li> <li><input type="checkbox"/> Develop priorities from the studies.</li> <li><input type="checkbox"/> Develop management actions to achieve these priorities.</li> </ul>	Working party convened, results of studies reviewed and priorities developed.	Medium	ongoing
Natural Environment, Recreation, Access	Passive Recreation.	20. Low key recreation.	47. This Plan of Management expressly authorises the construction of a board walk leading to a public viewing platform with associated interpretive signage on the lagoon shoreline. The boardwalk and viewing platform are to enable disabled and elderly access. The exact location of the boardwalk and platform is to be determined in accordance with the study of migratory and resident water birds. The location should take into account environmental and social issues and values and should be consistent with designs for the Bicentennial Coastal Walkway.	Viewing platform, boardwalk and interpretive signage constructed in accordance with study of migratory birds and environmental and social values.	Medium	not completed
			48. This Plan of Management expressly authorises the development of a multi-use pathway between Hawkesbury Avenue and Pittwater Road, to connect with the existing pathway. The bushland interface must be fenced prior to the development of pathways adjoining bushland.	Multi-use pathway developed.	Medium	complete
			49. This Plan of Management expressly authorises the provision of low key lighting of the proposed multi-use pathway between Hawkesbury Avenue and Pittwater Road. Install lighting with minimum spill of light to ensure it does not negatively impact on surrounding residents.	Lighting upgraded. Monitor complaints.	Low	not completed
Natural Environment, Recreation, Education, Aesthetic, Social, Heritage, Access	Development.	21. Ensure all development complies with the Local Government Act 1993 and is for use by the community.	50. Investigate the development of a low key viewing platform near the Dee Why Surf Life Saving Club which is accessible by frail and mobility impaired people. The viewing platform is to be located near the existing disabled parking area and the proposed amenities block. The viewing platform should not negatively impact on the environmental integrity of the dune system or the functions of the Dee Why Surf Life Saving Club. The platform should be not be visually intrusive.	Assess development and it's purpose against policies.	Medium	complete
			51. This Plan of Management expressly authorises the development of a low key viewing platform if the investigation concludes that the platform will not negatively impact on the environmental integrity of the dune system or the functions of the Dee Why Surf Life Saving Club.	Assess against investigation.	Low	complete
			52. This Plan of Management expressly authorises development of the periodic boardwalk, 'gateway' and informal rests in accordance with the 'Bicentennial Coastal Walkway' document. These improvements are for the existing track behind the dunes (see Figure 1, Masterplan). The periodic boardwalk is to be constructed in areas prone to waterlogging to reduce the creation of informal tracks through the dunes.	Improvements to existing track complete.	Medium	not completed

**Action Table 2. Category - Park**

The actions listed within this table are in relation to that area of the Refuge categorised as Park. The actions are in accordance with the core objectives for Park. Additional objectives derived from the community values area also listed.

<p><b>Core Objectives:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;</li> <li><input type="checkbox"/> To provide for passive recreational activities or pastimes and for the casual playing of games; and</li> <li><input type="checkbox"/> To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul> <p><b>Additional Objectives:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> To manage any use, including recreational use, of Warringah's coastal open space in a manner which protects and enhances its environmental, aesthetic, cultural, heritage and recreational qualities.</li> </ul>						
Value	Relevant Management Issues	Performance Target (strategies)	Means of Achievement (Management Actions)	Means of Assessment (of the actions)	Priority	Status
Recreation	Passive Recreation.	22. Provide for a range of passive recreational opportunities within the park which complement the natural values of the Wildlife Refuge.	53. Ensure the open space area of James Meehan Reserve is available to all. Passive recreational pursuits are to be encouraged.	Monitor recreational use of James Meehan Reserve.	Medium	ongoing

Recreation, Aesthetic, Social, Access	Embellishment.	23. Embellishment of park areas.	54. This Plan of Management expressly authorises the installation of picnic tables and bins where necessary within James Meehan Reserve and in the park area opposite Clyde Road. Ensure picnic tables and bins are sympathetic to the designs of the Dee Why Beach region and the designs identified within the "Dee Why Beach / The Strand Urban Design Study, 1995" and the "Design Guidelines – Public Open Spaces (in preparation)."	Picnic tables and bins installed and design is sympathetic to those of the Dee Why Beach Region.	Medium	complete
		24. Link with Town Centre.	55. This Plan of Management expressly authorises the provision of low key lighting to the existing multi-use pathway and children's playground. Install lighting with minimum spill of light to ensure it does not negatively impact on surrounding residents.	Lighting upgraded. Monitor complaints.	Low	not completed
			56. This Plan of Management expressly authorises the development of a tree shaded plaza with tables and chairs at the southern end of Dee Why Surf Life Saving Club, as described in the "Dee Why Beach/The Strand Urban Design Study". This area must be for use by the whole community.	Tables and chairs available for whole community.	Low	not completed
Recreation, Aesthetic, Social, Access	Development.	25. Ensure all development complies with the Local Government Act 1993 and is for use by the community.	57. This Plan of Management expressly authorises the installation of low key recreational features such as seating, bubbler and shelter in the park area opposite the Avon Road / Richmond Avenue junction. This action is to be implemented once the Dee Why Parade to Richmond Avenue boardwalk is constructed (over the existing drain) to this point.	Low key recreational features installed.	Low	not completed
		26. Link with existing pathways.	58. This Plan of Management expressly authorises the development of a public amenities block on the land adjacent the existing disabled car parking area. The building is to be no greater than one storey in height and the dimensions of the building are to be no greater than 13 metres by 9 metres.	Assess development and it's purpose against policies.	High	complete
Natural Environment, Recreation, Education, Aesthetic, Social, Heritage, Access	Development.	27. Safer use of car park at night.	59. This Plan of Management expressly authorises the development of a low key pathway to link the existing track behind sand dunes to the existing multi-use pathway (near the Clyde Rd and Richmond Ave junction). The pathway must not negatively impact on the natural or recreational values of the Reserve or the riparian environment.	Pathway developed.	Medium	not completed
		28. Reconfiguration of car park.	60. This Plan of Management expressly authorises the upgrading of security lighting along the existing entrance road leading to the car park for greater utilisation of the car park after dark. Install lighting with minimum spill of light to ensure it does not negatively impact on surrounding residents.	Lighting upgraded. Monitor complaints.	Medium	complete
Natural Environment, Recreation, Education, Aesthetic, Social, Heritage, Access	Development.	29. Shade trees.	61. This Plan of Management expressly authorises the reconfiguration of the existing car park in accordance with the "Dee Why Beach / The Strand – Urban Design Study, 1995". This reconfiguration is not to increase the size, in area, of the car park.	Reconfiguration complete.	Medium	complete
		30. Ensure all development complies with the Local Government Act 1993 and is for use by the community.	62. This Plan of Management expressly authorises the planting of tree species endemic to the Refuge for provision of shade areas to the car park.	Shade trees planted.	Medium	complete
			63. This Plan of Management expressly authorises the development of the Dee Why Surf Life Saving Club of up to an additional 30% of floor space. The Surf Life Saving Club is to remain a 2 storey building. Development is for the purpose of surf life saving activities, storage and a kiosk. This development may also incorporate an area for a commercial activity such as a food & beverage outlet or a gym. The 30% increase in floor space is to include the conversion of the existing amenity to an alternative use and development over the first floor of the existing amenity, including a balcony extending eastwards from the first floor. The amenity however are to be replaced on the northern side of the Club building across the beach access road. Action 63 was amended on 27 April 2021 - Council resolution (088/21) to: 63. This Plan of Management expressly authorises an extension to the northern end of the Dee Why Surf Life Saving Club building of not more than 6.5 metres by 14 metres on the ground floor for storage space and 6.5 by 17 metres for a balcony overhead. There is to be no roof or screening on the balcony in order to retain ocean views and amenity from the surrounding area. The Dee Why Surf Life Saving Club building is to remain a two storey building. Safe general public pedestrian access around the building is to be integrated into the design. Development is for the purposes of Club storage particularly for surf lifesaving equipment and surf craft and a balcony to meet the current and future needs of the Dee Why Surf Life Saving Club.	Assess development and it's purpose against policies.	High	ongoing
64. In approving any modifications to the Surf Life Saving Club Building consideration must be given to: <input type="checkbox"/> Minimising the further loss of open space; <input type="checkbox"/> Principles of shared use (including the appropriate placement of lifeguard facilities for Council's operations, eg areas for storage and first aid); <input type="checkbox"/> Maintenance burden to Council & the community; <input type="checkbox"/> Impact on neighbouring properties; and <input type="checkbox"/> Council's Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah.	Assess development and it's purpose against policies.	High	ongoing			

**Action Table 3. Category – General Community Use**

The actions listed within this table are in relation to that area of the Refuge categorised as General Community Use. The actions are in accordance with the core objectives for General Community Use.

**Core Objectives – are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:**

- In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
- In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Value	Relevant Management Issues	Performance Target (strategies)	Means of Achievement (Management Actions)	Means of Assessment (of the actions)	Priority	Status
<b>Action Table 3. Category – General Community Use</b>						
Access Aesthetic	Car park.	27. Safer use of car park at night.	60. This Plan of Management expressly authorises the upgrading of security lighting along the existing entrance road leading to the car park for greater utilisation of the car park after dark. Install lighting with minimum spill of light to ensure it does not negatively impact on surrounding residents.	Lighting upgraded. Monitor complaints.	Medium	complete
		28. Reconfiguration of car park.	61. This Plan of Management expressly authorises the reconfiguration of the existing car park in accordance with the "Dee Why Beach / The Strand – Urban Design Study, 1995". This reconfiguration is not to increase the size, in area, of the car park.	Reconfiguration complete.	Medium	complete
		29. Shade trees.	62. This Plan of Management expressly authorises the planting of tree species endemic to the Refuge for provision of shade areas to the car park.	Shade trees planted.	Medium	complete
Natural Environment, Recreation, Aesthetic, Social, Access	Development.	30. Ensure all development complies with the Local Government Act 1993 and is for use by the community.	63. This Plan of Management expressly authorises the development of the Dee Why Surf Life Saving Club of up to an additional 30% of floor space. The Surf Life Saving Club is to remain a 2 storey building. Development is for the purpose of surf life saving activities, storage and a kiosk. This development may also incorporate an area for a commercial activity such as a food & beverage outlet or a gym. The 30% increase in floor space is to include the conversion of the existing amenity to an alternative use and development over the first floor of the existing amenity, including a balcony extending eastwards from the first floor. The amenity however are to be replaced on the northern side of the Club building across the beach access road. Action 63 was amended on 27 April 2021 - Council resolution (088/21) to: 63. This Plan of Management expressly authorises an extension to the northern end of the Dee Why Surf Life Saving Club building of not more than 6.5 metres by 14 metres on the ground floor for storage space and 6.5 by 17 metres for a balcony overhead. There is to be no roof or screening on the balcony in order to retain ocean views and amenity from the surrounding area. The Dee Why Surf Life Saving Club building is to remain a two storey building. Safe general public pedestrian access around the building is to be integrated into the design. Development is for the purposes of Club storage particularly for surf lifesaving equipment and surf craft and a balcony to meet the current and future needs of the Dee Why Surf Life Saving Club.	Assess development and it's purpose against policies.	High	ongoing
		64. In approving any modifications to the Surf Life Saving Club Building consideration must be given to: <input type="checkbox"/> Minimising the further loss of open space; <input type="checkbox"/> Principles of shared use (including the appropriate placement of lifeguard facilities for Council's operations, eg areas for storage and first aid); <input type="checkbox"/> Maintenance burden to Council & the community; <input type="checkbox"/> Impact on neighbouring properties; and <input type="checkbox"/> Council's Interim Policy on the Management of the Commercial Use of Beaches, Reserves & Buildings/Facilities in Warringah.	Assess development and it's purpose against policies.	High	ongoing	

Action 63 was amended on 27 April 2021. See details of the adopted resolution of the amendment at Attachment F. Amended Action 63 is as follows:  
This Plan of Management expressly authorises an extension to the northern end of the Dee Why Surf Life Saving Club building of not more than 6.5 metres by 14 metres on the ground floor for storage space and 6.5 by 17 metres for a balcony overhead. There is to be no roof or screening on the balcony in order to retain ocean views and amenity from the surrounding area. The Dee Why Surf Life Saving Club building is to remain a two storey building. Safe general public pedestrian access around the building is to be integrated into the design. Development is for the purposes of Club storage particularly for surf lifesaving equipment and surf craft and a balcony to meet the current and future needs of the Dee Why Surf Life Saving Club.

**Action Table 4. General Objectives**

The actions listed within this table are in relation to the whole Refuge and are derived from the community values and consultation with Council staff.

**Objectives – To apply to all land parcels covered by this Plan of Management**

- To establish guidelines for assessing leases, licences and other estates;
- To establish guidelines for assessing development proposals and impacts; and
- To enhance the recreational experience of beach and coastal open space users through provision of quality recreation facilities and settings which cater for all groups in the community.

Value	Relevant Management Issues	Performance Target (strategies)	Means of Achievement (Management Actions)	Means of Assessment (of the actions)	Priority	Status
<b>Action Table 4 - General Objectives</b>						
Natural Environment	Wildlife Refuge	51. Revocation of Wildlife Refuge under Section 68 of National Parks & Wildlife Act from SLSC, carpark, playground and landscaped area.	65. Liaise with National Parks and Wildlife Service to discuss revocation of the SLSC, carpark, playground and landscaped area from the Wildlife Refuge. Ensure this will not adversely impact on the natural areas or the intent of this Plan of Management.	Liaison carried out, subject area revoked from Wildlife Refuge.	Medium	not completed

Access	Access	32. To encourage increased access to, and use of, Community Land by all members of the community. To improve access and use for those members who are restricted due to age, limited mobility and other physical or social barriers.	66. Address the objectives of the Disability Discrimination Act 1992 and Warringah Council's Disability Discrimination Action Plan when constructing accessways and new facilities.	Assess new accessways and facilities against the objectives of the Disability Discrimination Act 1992 and the Disability Discrimination Action Plan.	High	ongoing
Natural Environment, Education, Social	Waste Management	33. Major events for which Council requires an official booking of a Council reserve shall be required to submit a waste management plan with their application.	67. Upon application for a reserve booking, Council shall provide copies of the Waste Boards' education materials, such as 'Seven Steps to a Waste Wise Event'. Council will provide advice on ways in which waste may be reduced for events.	Survey waste reduction during events and compliance with the Waste Minimisation Act 1995.	Medium	ongoing
Natural Environment, Recreation	Management of Crown Land	34. Address public purpose issues for Crown Land parcels.	68. Expand existing Crown Reserve 100181 designated Public Purpose from "Public Recreation" to "Public Recreation and Environmental Protection".	Subject land provided appropriate status.	Medium	not completed
			69. Create a new reserve for Public Recreation and Environmental Protection in place of Crown Reserve 56146. A survey plan may be required to define the parcel of land required for the new reserve.	Subject land provided appropriate status and reserve defined.	Medium	not completed
Natural Environment, Recreation		35. Council to manage Crown Reserve 100181 and 56146.	70. Request to Department of Land and Water Conservation for Council to be appointed trust manager of Reserve 100181.	Application submitted and Council appointed trustee of Crown Reserve 100181.	Medium	complete
			71. Request to Department of Land and Water Conservation for Council to be appointed trust manager of new Reserve for Public Purpose and Environmental Protection (existing Reserve 56146).	Application submitted and Council appointed trustee of new Reserve (existing Reserve 56146).	Medium	not completed
Aesthetics	Embellishment	36. Enable embellishment of pre-existing facilities.	72. This Plan of Management expressly authorises the embellishment of pre-existing facilities. Ensure embellishment is in accordance with the Local Government Act 1993 and is for use by the community.	Assess embellishment and it's purpose against the Local Government Act 1993 and policies.	High	ongoing
			73. This Plan of Management expressly authorises recommendations of the "Dee Why Beach / The Strand Urban Design Study, 1995" to the extent that such recommendations are not in conflict with this Plan of Management.	Works carried out in accordance with Study.	High	complete
Natural Environment, Recreation, Education, Aesthetic, Social, Heritage, Access	Development	37. Ensure all development complies with the Local Government Act, 1993 and is for use by the community.	74. Any development should be in accordance with the development control guidelines as stipulated within the Warringah Local Environment Plan 2000. Development proposals should also address the following: <input type="checkbox"/> Environmental sustainability and protection of identified values; <input type="checkbox"/> Consistent with character and scale of existing facilities and intensity of use; <input type="checkbox"/> Adequately provide for public access, equity and broad community use; <input type="checkbox"/> Ensure future permitted uses, scale and intensity of use are consistent with Refuge's existing natural, environmental and scenic values; <input type="checkbox"/> Ensure that open space is not alienated or fragmented by development; <input type="checkbox"/> Maintain amenity and public safety in relation to noise emissions and pollutants, building surface glare and reflection; <input type="checkbox"/> Maintain and enhance public safety and security; <input type="checkbox"/> Minimise traffic hazards and pedestrian conflict in relation to vehicular access, car parking, service and delivery areas; <input type="checkbox"/> Ensure appropriate indigenous planting/screening in accordance with site specific environmental constraints. <input type="checkbox"/> Protection of visual and environmental amenity.	Assess development and it's purpose against policies.	High	ongoing

<b>ITEM 17.4</b>	<b>RESPONSE TO QUESTION WITH NOTICE NO 16/2022 - AMENITIES AT FRESHWATER</b>
<b>TRIM FILE REF</b>	<b>2022/637981</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Kristyn Glanville

#### **QUESTION**

1. Regarding the proposed relocation of the public bathrooms currently located at Freshwater Surf Life Saving Club; in what financial year will Council carry out those works?
2. Regarding the proposed upgrade of the public bathrooms currently located adjacent to the Pocket Park (behind 31 Lawrence St); in what financial year will Council carry out those works?

#### **RESPONSE**

1. The timing of the design and construction of the proposed new Freshwater beach public amenities has been aligned with the implementation of the greater Freshwater Masterplan works. Subject to final approval of funding by Council, it is intended to complete the design of the building in the 2023/24 financial year with the construction to be completed within the 2024/25 financial year.
2. The renewal and improvement of the public amenities adjacent to the Aboriginal Heritage Office in Lawrence St, Freshwater are currently planned to be delivered as part of the 2023/24 Public Amenities renewal program.

<b>ITEM 17.5</b>	<b>RESPONSE TO QUESTION WITH NOTICE NO 17/2022 - UPDATE ON NORTHERN BEACHES COAST WALK</b>
<b>TRIM FILE REF</b>	<b>2022/637932</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon

### **QUESTION**

Could Council officers please:

1. Provide a detailed update as to progress on the Northern Beaches Coast Walk and, in particular, the Newport to Avalon section.
2. Provide a timeline of next steps from now until the anticipated completion of the Northern Beaches Coast Walk.

### **RESPONSE**

1. The Coast Walk between Manly and Newport is complete. Sections of the Coast Walk still to be completed are between Newport and Avalon and Whale Beach Road from Norma Road to Florida Road, Palm Beach.

Community consultation was undertaken on the concept plans for the Newport to Avalon Pedestrian and cycle link in 2018 and again in 2020. Consideration of the feedback received and further investigations have been ongoing.

The design for the footpath along Whale Beach Road from Norma Road to Florida Road has been separated into two stages. Detailed design for Stage 1 is complete, with the design development for Stage 2 still in progress.

Due to significant geotechnical engineering challenges, identified during the design process the current construction estimates to complete the Coast Walk exceed the funds currently available.

Remaining works will therefore need to be prioritised, and a forward works program established for the finalisation of the Coast Walk. Additional funding will be sought through grant applications, and future capital works programs.

2. A Councillor Briefing is scheduled for November 2022 to provide a project update, community feedback, details of suggested priority sections and available funding.

The plans for priority sections within available funding will be issued to the community and feedback from community sought in late 2022 or early 2023. A final report will then be brought to Council with a recommendation to progress with construction.

<b>ITEM 17.6</b>	<b>RESPONSE TO QUESTION WITH NOTICE NO 18/2022 - NORTHERN BEACHES INDOOR SPORTS CENTRE SITE, WARRIEWOOD</b>
<b>TRIM FILE REF</b>	<b>2022/638031</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a>Letter from School Infrastructure NSW regarding Narrabeen Sports High School New Joint Use Sports Facilities dated 15 December 2021</b> <b>2 <a href="#">↓</a>Letter to School Infrastructure NSW regarding Narrabeen Sports High School New Joint Use Sports Facilities dated 22 February 2022</b> <b>3 <a href="#">↓</a>Letter to School Infrastructure NSW regarding Narrabeen Sports High School New Joint Use Sports Facilities dated 7 April 2022</b> <b>4 <a href="#">↓</a>Letter from School Infrastructure NSW cancelling the proposed agreement for Narrabeen Sports High School dated 2 June 2022</b>

Submitted by: Councillor Rory Amon

## QUESTION

Could staff please advise what correspondence and communications Council has had with the NSW Department of Education or other State Government bodies, since the start of 2022 regarding the redevelopment of the North Narrabeen Public School site and/or Narrabeen Sports High and the impacts this may have on the Northern Beaches Indoor Sports Centre leased area and car park.

Please provide a summary and a copy of any correspondence between Council and State Government bodies regarding these matters since the start of 2022.

## RESPONSE

In 2020, Council signed a memorandum of understanding with the NSW Department of Education to explore partnership opportunities to benefit Northern Beaches schools and the Northern Beaches community.

In a letter dated 15 December 2021 the NSW Department of Education's School Infrastructure NSW (the Department) put to Council a proposal regarding new joint use sports facilities at the Narrabeen Sports High School (Attachment 1). Council's preliminary response was outlined in a letter to the Department dated 22 February 2022 (Attachment 2). On 15 March 2022 the Department sent to Council a high level concept design plan for the proposal (marked Cabinet Confidential).

The Department's proposal was considered at Council's New Projects and Strategies Panel Meeting held 17 March 2022 at which it was resolved that:

- 1. The Panel support the arrangement outlined in the Letter of Intent dated 15 December 2021 from the Department of Education's School Infrastructure NSW regarding new joint use facilities at the Narrabeen Sports High School and recommend to the Chief Executive Officer to sign it.*
- 2. A report be provided to the Panel regarding the draft Project Deed and draft License.*

In response to the Panel's decision a letter dated 7 April 2022 was sent to the Department outlining Council's support for the Narrabeen Sports High School proposal (Attachment 3). In April and May 2022 discussions about this matter were held between Council and Department staff. The

Department in its letter dated 2 June 2022 informed Council it had cancelled the proposed agreement for the Narrabeen Sports High School (Attachment 4). The Department stated in their letter:

*I regret to advise that following a review of the proposal the Department has decided to cancel the JVA; to avoid demolishing Building G which is currently and will into the future be required for school use as well as having to early terminate the Pittwater Sports Centre car parking licence. These facilities would have been required to be removed to make way for development of the new synthetic grass sports field.*

At the time of writing there has been no further communication between Council and the Department regarding new joint use facilities at the Narrabeen Sports High School.

Council staff meet monthly with the Asset Activations team of Schools Infrastructure NSW for the purpose of engaging in opportunities for community use of school infrastructure and the promotion of the School Infrastructure NSW Share our Spaces access. The Narrabeen North Public School was raised at the October 2022 meeting, with regard to discussions within Schools Infrastructure NSW about the Return and Earn collection point located on Namona Street. Council advised that if an alternative site were to be considered on any Council land, then further consultation with Council staff would be required.



15 December 2021

AMD21/29812

[REDACTED]  
Chief Executive Officer,  
Northern Beaches Council  
Transmission via email

**Letter of Intent – Narrabeen Sports High School (HS) New Joint Use Sports facilities.**

[REDACTED]  
The intention of this letter is to summarise the discussions between the Department of Education (Department) and the Northern Beaches Council (jointly, the Parties) regarding the proposed new Joint Use Sporting facilities (Project), to be constructed at Narrabeen Sports HS.

This letter is non-binding on the Parties until each party confirms it has received funding for the Project, and both a Project Deed and Licence are executed (Pre-Conditions).

The Project will include the upgrading of the existing tennis courts, and construction of the new games courts, cricket nets and synthetic sports field at an estimated cost of \$7.0 million plus GST. If the Pre-Conditions are satisfied, the Parties agree to share the costs equally, with each paying \$3.5 million plus GST.

Once agreement has been reached on the final boundary of the field and carparking, the Project Deed has been executed and the Licence terms and conditions are agreed; the Department agrees in principle to grant the required Licence to Northern Beaches Council to use the facility.

If you agree to the contents of this letter, please sign where indicated below and return to the Manager, Leases and Licences [REDACTED] so that we may progress to the next stage of documentation.

[REDACTED]

Dear [REDACTED]

The above project and funding contribution are agreed by the Northern Beaches Council, [REDACTED] Conditions.

[REDACTED]  
Chief Executive Officer  
Northern Beaches Council  
Date 7 April 2022



22 February 2022

██████████  
Chief Executive  
School Infrastructure – New South Wales  
GPO Box 33  
Sydney NSW 2001

Our Ref: 2022/070822

Dear ██████████

**Letter of Intent – Narrabeen Sports High School New Joint Use Sports Facilities**

Thank you for the Letter of Intent dated 15 December 2021 regarding New Joint Use Sporting Facilities at the Narrabeen Sports High School.

As indicated in our discussions with the Department of Education the Council is very supportive of the partnership for shared use of new sporting facilities at the Narrabeen Sports High School.

Prior to signing the Letter of Intent, endorsement is required from Council's New Projects and Strategies Panel. I am presenting a report recommending endorsement at a Panel meeting on 17 March 2022. Council's financial contribution to the project is also subject to the next revision of the Warriewood Valley Development Contributions Plan being adopted by Council later this year. After both these conditions are met we will be able to sign a letter of intent.

Council is appreciative of the opportunity to build on our partnership with the Department of Education to provide new and improved sporting facilities for our Northern Beaches sporting community and schools.

Should you require any further information about the matters raised in this letter, please contact my office on ██████████





7 April 2022

██████████  
Chief Executive  
School Infrastructure – New South Wales  
GPO Box 33  
Sydney NSW 2001

Our Ref: 2022/191765

Dear ██████████

**Letter of Intent – Narrabeen Sports High School New Joint Use Sports Facilities**

As outlined in our letter to School Infrastructure - New South Wales dated 22 February 2022 the signing of the Letter of Intent - Narrabeen Sports High School New Joint Use Sports Facilities was considered at the meeting of Council's New Projects and Strategies Panel held 17 March 2022. The Panel supported the arrangement outlined in the Letter of Intent.

Council has signed the Letter of Intent (enclosed) conditional on Council's funding contribution being limited to up to \$3.5 million plus GST for agreed works.

I look forward to working with School Infrastructure - New South Wales to finalising the arrangements for and the provision of new and improved sports facilities for the Narrabeen Sports High School and the Northern Beaches community.

Should you require any further information about the matters raised in this letter, please contact my office on ██████████

██████████  
██  
██████████  
██  
██████████



Education

Our Ref : AMD22/8449

[REDACTED]  
Chief Executive Officer,  
Northern Beaches Council

Dear [REDACTED]

RE: Narrabeen Sports High School (HS) Joint Venture Agreement for new Sports Facilities

I refer to my letter dated 15 December 2021 advising the intention for the Department of Education and Northern Beaches Council to enter into a Joint Venture Agreement (JVA) for development and sharing new and upgraded sports facilities at Narrabeen Sports High School. You counter signed this letter on 7 April 2022 agreeing to the funding contribution and preconditions for development of the facilities.

I regret to advise that following a review of the proposal the Department has decided to cancel the JVA; to avoid demolishing Building G which is currently and will into the future be required for school use as well as having to early terminate the Pittwater Sports Centre car parking licence. These facilities would have been required to be removed to make way for development of the new synthetic grass sports field.

I would like to thank the Northern Beaches Council for its participation to date and hope to be able to revisit this proposal in the future. In the meantime, it would be appreciated if you could notify interested community and other stakeholders about the cancellation.

If you have any questions about the Departments' decision cancelling the JVA, please contact:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Chief Executive, School Infrastructure NSW**

[Click here to enter a date.](#)

SCHOOL INFRASTRUCTURE NSW  
259 George Street Sydney NSW 2000 PO Box 33 Sydney NSW 2001 T 9273 9200  
education.nsw.gov.au

<b>ITEM 17.7</b>	<b>RESPONSE TO QUESTION TAKEN ON NOTICE NO 08/2019 - ITEM 18.1 - RFT 2022/061 - PARKS &amp; RECREATION MOWING SERVICES TENDER OUTCOME</b>
<b>TRIM FILE REF</b>	<b>2022/669755</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Taken on notice at the Council meeting on 18 October 2022 from Councillor Sarah Grattan

### QUESTION

In relation to Councillor Glanville's point about Aruma Services, I note Council's new procurement policy, which we passed tonight, includes environmental sustainability and social equity considerations and in the criteria on page 13 this was deemed about a 30% weighting. For Aruma Services, was there a weighting applied for this disability service tender?

If not, is this something we need to look at in future in applying these criteria, particularly the social equity criteria?

### RESPONSE

Environmental sustainability, social equity, quality assurance and methodology were assessed together with a combined weighting of 30%.

Each of these components were considered for all tenderers and Aruma Services was assessed positively on the social equity component of this weighting. For all criteria this service was scored on a level playing field with the other tenderers.

An open tender process was conducted to obtain up to 5 suitably qualified contractors, to undertake the services across the Northern Beaches Council area. Aruma Services was not in the top 5 ranked tenderers and as such not put forward for the acceptance of its tender.

The evaluation committee consisted of 3 experienced staff from the Parks Operations team, an independent member from the Environment and Climate team with oversight and advice from a procurement specialist.

The State Government regulations around tendering do not direct agencies to provide a separate weighting for social enterprises. Council's methodology with this tender met all legislative requirements as required under the *Local Government Act 1993*.

The State Government achieves social equity outcomes through enabling direct engagement of bodies approved as disability employment organisations under the Public Works and Procurement Regulation 2019. Such organisations are now also exempt from the tendering requirements under s55 of the *Local Government Act 1993*.

This exemption will provide flexibility in the procurement of services from disability employment organisations and allow Council to identify and build relationships with local disability employment service providers to support the provision of meaningful employment to people with disability in accordance with Council's Draft Disability Inclusion Action Plan 2022-2026.

## 18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### 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 18.1 RFQ 2022/083 - Coast Walk Public Art 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 quotations. 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.
  - B. Item 18.2 RFT 2022/059 - Tree Maintenance Services Panel Tender Outcome 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.
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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## 19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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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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