



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 August 2023

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

Scott Phillips
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

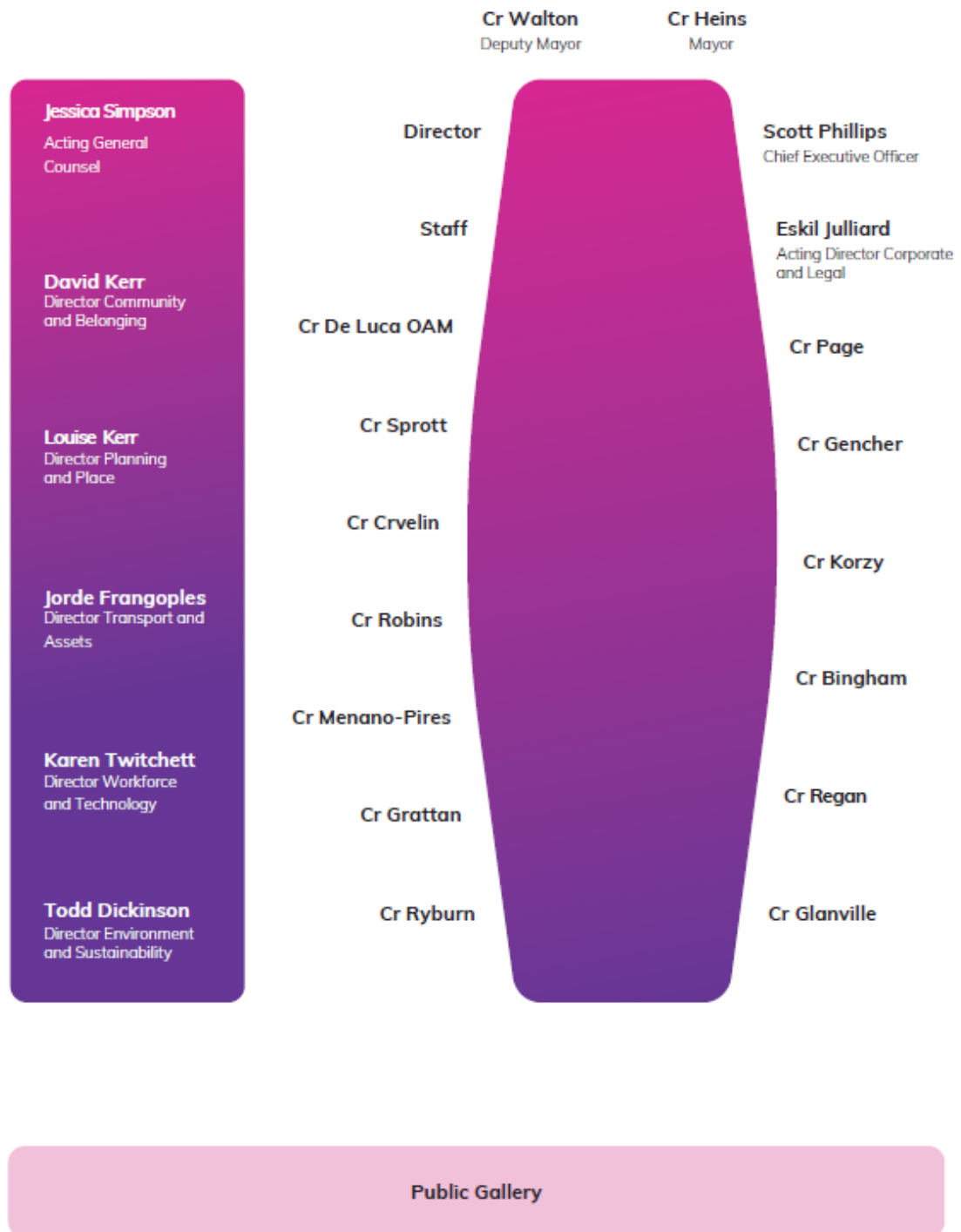
OUR VALUES

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



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 22 August 2023
at the Civic Centre, Dee Why
Commencing at 6:00pm**

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1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 JUNE 2023 AND 1 AUGUST 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 27 June 2023 and 1 August 2023, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

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

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.

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.

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

7.0 MAYORAL MINUTES

ITEM 7.1	MAYORAL MINUTE NO 8/2023 - RECOGNITION OF CHILDREN'S SERVICES
TRIM FILE REF	2023/451731
ATTACHMENTS	NIL

MOTION

That Council acknowledge the efforts of all the staff and educators who work in Cromer Vacation Care, Brookvale Children's Centre and Belrose Children's Centre and thank them for their contribution to being recognised as 'Exceeding the National Quality Standard' under the National Quality Framework.

BACKGROUND

Northern Beaches Cromer Vacation Care, Brookvale Children's Centre (Pine St) and Belrose Children's Centre have again been recognised as 'Exceeding the National Quality Standard' under the National Quality Framework.

The National Quality Standard (NQS) sets the national benchmark for the quality of children's education and care services across Australia. Northern Beaches Council's children's services are now sitting in the top 10% of Outside School Hours Care services in the State exceeding the standard of service we provide to our families and children.

Reaching this high standard is not easy and assessment is made against 7 key areas including health and safety, education programs, relationships with children and leadership.

As an example of the quality care provided by Cromer Vacation Care, the assessment officer commented:

"Your service is commended on its achievements in providing quality outcomes for children. In particular, reflective practice, continued learning and willingness to collaborate with families and other community organisations to enhance children's learning and wellbeing demonstrate the commitment to quality by educators at your service."

As an example of the quality care provided by Brookvale Children's Centre, the assessment officer commented:

"Your service is commended on its achievements in providing quality outcomes for children. In particular, a commitment to respectfully engaging with the local Aboriginal and Torres Strait Islander community, a child and family centered approach to practice, and willingness to collaborate with other community organisations to enhance children's learning and wellbeing demonstrate the commitment to quality by educators at your service."

As an example of the quality care provided by Belrose Children's Centre, the assessment officer commented:

"Your service is commended on its achievements in Exceeding the National Quality Standard. In particular, careful planning, reflective practice and willingness to collaborate with families and other community organisations to enhance children's learning and wellbeing demonstrate the commitment to quality by educators at your service. Management and educators demonstrate a willingness to consistently reflect on service processes to ensure the best possible outcomes for children and families. Practices within

service delivery are fostered around meaningful engagement with families and the wider community.”

This is a significant achievement and stands testament to the passion, professionalism and commitment of our managers, educators and staff who continue to provide highly quality care for children aged zero to 12 years.

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



Sue Heins
MAYOR

ITEM 7.2	MAYORAL MINUTE NO 9/2023 - SAFETY AT DEE WHY BEACH AND DUNES
TRIM FILE REF	2023/509971
ATTACHMENTS	NIL

MOTION

That the Chief Executive Officer work closely with the NSW Police and homelessness support agencies to provide a resolution to the issue of safety at Dee Why Beach and the adjacent sand dune area.

BACKGROUND

In response to incidents at Dee Why Beach Reserve involving people experiencing homelessness and the escalation of behaviours that create a safety risk to our community, it is timely that Council takes appropriate action.

The area in which the camps are situated contains the Sydney Coastal Heath vegetation community which is considered locally significant. Significant damage has occurred with the erection of makeshift camps with site clearing and people living in this area. Council has plans to continue to regenerate this area and the presence of the camps has damaged some areas of the vegetation community and reduced available habitat.

The NSW Police have reported several incidents of anti-social behaviour in and around the dune area to the west of Dee Why Beach in recent months. It is also noted that several people have well established makeshift camps in the dune area. NSW Police attended the sites in October 2022, March 2023 and most recently August 2023 in response to concerns for safety.

Council continues to work closely with local housing and homelessness services towards sustainable housing solutions for people experiencing homelessness on the Northern Beaches. Council is guided by a Homeless Persons Protocol which seeks to balance the rights of all members of the community, including those who are homeless, to use public spaces.

Council is an active participant in the Northern Beaches Housing and Homelessness Interagency and a Homelessness and Housing Case Coordination Group which meet regularly to identify solutions for individuals who are experiencing homelessness. As a complex issue, finding sustainable solutions to homelessness requires a coordinated response from a range of agencies. In relation to the people living at Dee Why dunes, the individuals have been offered support by local agencies but have not been receptive to other housing options to date.

I call on Councillors to support a motion that authorises the Chief Executive Officer to work closely with the NSW Police and homelessness support agencies to provide a resolution to this issue. This could include further offers of assistance for housing and/or removal of material from the area.



Sue Heins
MAYOR

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	FUNDING ROLLOVER FROM 2022/23 BUDGET AND CHANGES TO THE BUDGET
REPORTING MANAGER	EXECUTIVE MANAGER FINANCIAL PLANNING & SYSTEMS
TRIM FILE REF	2023/409934
ATTACHMENTS	1 ⇒ Capital and Operational Expenditure - Net Rollovers from 2022/23 to 2023/24 Financial Year (Included In Attachments Booklet)

SUMMARY

PURPOSE

To roll over unspent funds from the 2022/23 financial year to the 2023/24 budget for specific projects and to reduce the 2023/24 budget for projects ahead of schedule.

EXECUTIVE SUMMARY

For the period 1 July 2022 to 30 June 2023, Council undertook \$82 million in capital expenditure (excluding dedicated assets and subject to audit of financial statements). This results in \$9.2 million remaining (9%) against the \$91 million approved forecast.

A review has been undertaken of remaining project funding, new funding received and projects ahead of schedule. Supply issues caused some delays to the progress of projects, while we have also provided additional time for some projects to respond to community feedback post consultation and grant applications.

This report recommends the rollover of unspent funds for capital (\$10.2 million) and operational (\$4.4 million) projects from 2022/23 to the 2023/24 financial year. This includes expenditure for projects underway and projects with new grant funding.

Reductions to the 2023/24 budget are also proposed due to multi-year capital (\$1.0 million) and operating (\$1.4 million) projects ahead of schedule that utilised 2023/24 budgeted funds in 2022/23. Grant income budget increases are also proposed for natural disaster claims along with adjustments for the early receipt of the 2023/24 Financial Assistance Grant.

The net operating and capital expenditure budget rollover to 2023/24 proposed is \$12.2 million. The revised operating result excluding capital grants and contributions will reduce from a surplus of \$0.4 million to a deficit of \$4.8 million primarily due to the early payment of the Financial Assistance Grant in June 2023. The budget remains balanced.

A full list of these projects and their funding is itemised as an attachment to this report.

RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL

That Council:

1. Roll over the following from the 2022/23 budget to the 2023/24 budget for the items identified in the report:
 - A. \$4,421,289 in operational projects expenditure and associated funding
 - B. \$10,238,139 in capital projects expenditure and associated funding.
 2. Reduce the 2023/24 budget for works undertaken in 2022/23 and budgeted in 2023/24 for the items identified in the report:
 - A. \$1,420,245 in operational projects expenditure and associated funding
 - B. \$1,046,017 in capital projects expenditure and associated funding.
-

REPORT

BACKGROUND

Council undertakes a programmed and disciplined approach to financial planning and management, with a review of all projects at the end of the financial year to ensure available unspent funds on incomplete projects and new grants are considered for roll over to the following financial year.

Further, the budgets for projects ahead of schedule that have utilised funds allocated in the 2023/24 financial year are proposed for a forecast reduction.

The total net expenditure amount proposed for rolling forward into the 2023/24 budget is \$12 million as outlined below in Table 1.

Table 1. Net budget roll over from 2022/23 to 2023/24

	Bring forward from 2023/24 to 2022/23	Roll over from 2022/23 to 2023/24	Net roll over from 2022/23 to 2023/24
Capital expenditure	(1,046,017)	10,238,139	9,192,122
Operating expenditure	(1,420,245)	4,421,289	3,001,044
TOTAL	(2,466,262)	14,659,428	12,193,166
Less Kimbriki	-	(1,526,470)	(1,526,470)
TOTAL excl Kimbriki	(2,466,262)	13,132,958	10,666,696

This amount is matched with funding including new and unexpended grants, development contributions, other externally and internally restricted funds and working capital.

Supply issues resulted in delays in the progress of some projects along with waiting for actions by external parties. Council also delayed the commencement of construction of some projects to provide further time for consultation. Collaroy-Narrabeen coastal protection private works grants were delayed due to complexity and timing of applications. A full list of proposed projects for rollover and their funding is itemised as an attachment to this report. Major rollovers are outlined below in Table 2.

Table 2. Net budget roll overs – major projects list

Project	\$	Type
38531010. Storm Feb-Mar 2022 – Reconstruction Works - AGRN 1012	2,206,600	Opex
CN01194. Kimbriki future cell development	1,153,008	Capex
CR05043. Sport buildings works program	953,767	Capex
CR05007. Planned stormwater renewal works	857,857	Capex
39531016. Collaroy-Narrabeen Coastal Protection Private Works	700,000	Opex
CR05070. Major plant renewal	674,638	Capex

A number of weather events in recent years were declared natural disasters, providing access to Federal Government funding towards clean up and restoration costs. Council is yet to receive funding for a number of these claims and proposes to carry forward a conservative forecast budget of \$0.5 million in anticipation of the acceptance of our claims. The 2023/24 Financial Assistance Grant was received on 27 June 2023, so an adjustment is proposed to this budget in the 2023/24 financial year due to this timing difference. This grant is recognised as income when it is paid, regardless of the period to which it relates.

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 total net amount proposed for roll over into the 2023/24 budget is \$3.0 million for operational expenditure and \$9.2 million for capital expenditure. This amount is matched with funding including new and unexpended grants, development contributions, other externally and internally restricted funds and working capital.

If the recommendation is adopted, committed and unexpended 2022/23 budgets and grants will be carried over into the 2023/24 adopted budget for the projects outlined in Attachment 1. Council has already set aside funds for these projects, and this funding also rolls forward with these projects into the 2023/24 budget. While the budget remains balanced, the operating result will reduce to a deficit of \$4.8 million (excluding capital grants and contributions) primarily due to the early payment of the 2023/24 Financial Assistance Grant on 27 June 2023.

SOCIAL CONSIDERATIONS

There are no significant social considerations relating to this report.

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations relating to this report.

GOVERNANCE AND RISK CONSIDERATIONS

The information in this report is provided to enable informed decision making while also ensuring transparency on Council's governance and financial sustainability in accordance with the Local Government (General) Regulation 2021 (section 211).

ITEM 9.2	LOCAL GOVERNMENT NSW 2023 ANNUAL CONFERENCE CHANGE TO VOTING DELEGATES
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/517875
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to consider replacement voting delegates for the Local Government NSW (LGNSW) Annual Conference to be held on Sunday 12 to Tuesday 14 November 2023.

EXECUTIVE SUMMARY

- Council, at its meeting on 27 June 2023, nominated 10 voting delegates for motions and the board election at the LGNSW Annual Conference (Resolution 184/23).
- Since this time, 2 councillors have advised they are no longer able to attend. As Council is entitled to 10 voting delegates, Council can resolve to nominate 2 alternative voting delegates if it so wishes.
- The deadline for the nomination of voting delegates is 27 October 2023.

RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL

That Council:

1. Nominate up to 2 further voting delegates for motions and the board election at the Local Government NSW Annual Conference 2023.
 2. Delegate authority to the Mayor to authorise any further voting delegates in circumstances where a voting delegate is no longer able to participate or attend.
-

REPORT

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

Budget is available for Councillor attendance at conferences in accordance with the Councillor Expenses and Facilities Policy.

SOCIAL CONSIDERATIONS

There is benefit in Councillors interacting with other metropolitan, regional and rural councils to share knowledge of trends and ideas across the sector.

ENVIRONMENTAL CONSIDERATIONS

The LGNSW Conference informs the LGNSW advocacy program which includes environmental issues relevant to the sector.

GOVERNANCE AND RISK CONSIDERATIONS

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

ITEM 9.3	MONTHLY INVESTMENT REPORT - JUNE 2023
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2023/438856
ATTACHMENTS	NIL

SUMMARY

PURPOSE

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

EXECUTIVE SUMMARY

In accordance with 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 \$184,295,641 comprising:

- Trading Accounts \$1,920,386
- Investments \$182,375,255

The portfolio achieved a return of 0.376% for the month of June, which was 0.076% above the benchmark AusBond Bank Bill Index return of 0.30%. For the past 12 months the portfolio achieved a return of 3.535%, which was 0.645% above the benchmark AusBond Bank Bill Index return of 2.89%.

The weighted average interest rate of the portfolio is 4.52% compared to 4.42% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 3.64% compared to the average Ausbond Bank Bill movement of 0.24% and the average Reserve Bank of Australia Cash Rate of 2.98%.

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.

RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 30 June 2023, including the certification by the Responsible Accounting Officer.

REPORT

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 \$6,733,212 compared to budgeted income of \$605,000, a positive variance of \$6,128,212.

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. It was reviewed by the Committee at their meeting in December 2022, and no changes to the Policy were proposed, with the next review by the Committee due by December 2023.

Council's Investment Strategy was reviewed in November 2022 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy "remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet" and that they "do not recommend any changes to the list of approved investments or credit limit frameworks".

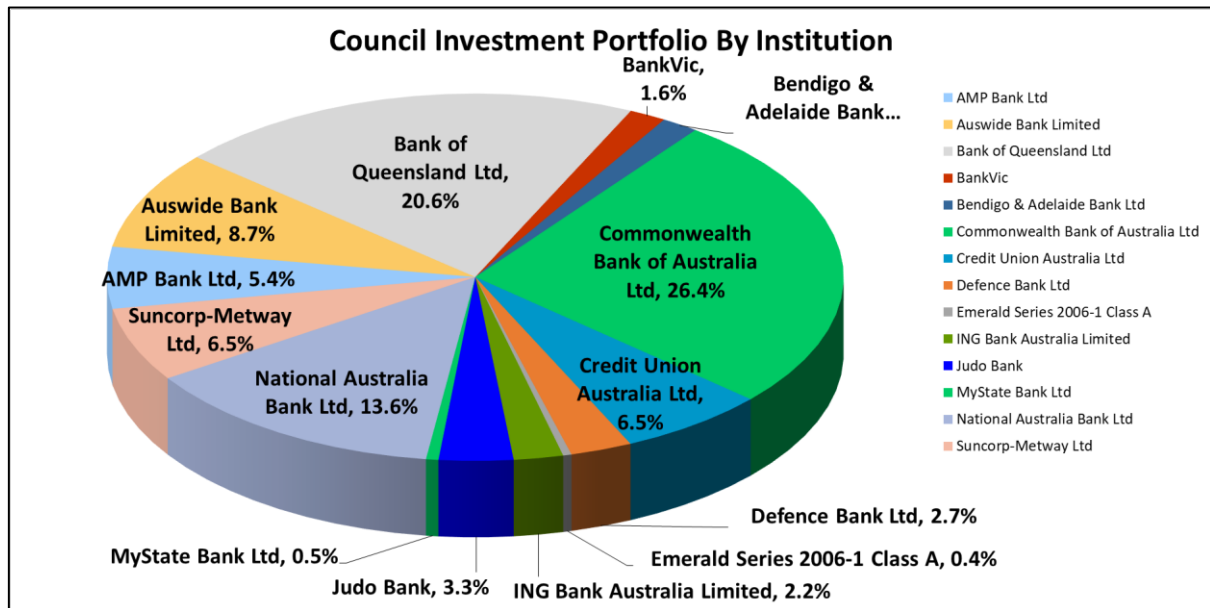
Investment Balances

INVESTMENT BALANCES					
As at 30-Jun-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,156,150			4.15%
National Australia Bank Ltd	A1+	14,855			4.10%
		1,171,005			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	4,033,582		At Call	4.15%
		4,033,582			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	678,496	17-Jul-06	21-Aug-51	4.3667%
		678,496			
Term Deposits					
AMP Bank Ltd	A2	3,500,000	25-Aug-22	04-Jul-23	4.10%
Auswide Bank Limited	A2	2,000,000	07-Dec-22	06-Jul-23	4.40%
MyState Bank Ltd	A2	1,000,000	29-Sep-22	06-Jul-23	4.35%
Suncorp-Metway Ltd	A1	2,000,000	17-Nov-22	11-Jul-23	4.21%
Suncorp-Metway Ltd	A1	2,000,000	17-Nov-22	13-Jul-23	4.21%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	01-Sep-22	18-Jul-23	4.02%
Suncorp-Metway Ltd	A1	2,000,000	22-Nov-22	20-Jul-23	4.24%
Auswide Bank Limited	A2	3,000,000	30-Nov-22	25-Jul-23	4.40%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	27-Jul-23	4.40%
Bank of Queensland Ltd	A2	3,000,000	30-Aug-22	01-Aug-23	4.05%
Bank of Queensland Ltd	A2	2,000,000	01-Sep-22	03-Aug-23	4.05%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	08-Aug-23	4.40%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	10-Aug-23	4.40%
Auswide Bank Limited	A2	3,000,000	30-Nov-22	15-Aug-23	4.40%
Auswide Bank Limited	A2	2,000,000	07-Dec-22	17-Aug-23	4.40%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	22-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	24-Aug-23	4.25%
Bank of Queensland Ltd	A2	3,000,000	25-Jan-23	29-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	05-Sep-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	07-Sep-23	4.55%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	12-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	14-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	19-Sep-23	4.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Sep-22	21-Sep-23	4.32%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	26-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	28-Sep-23	4.55%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	03-Oct-23	4.59%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	05-Oct-23	4.60%
National Australia Bank Ltd	A1+	3,000,000	23-Feb-23	10-Oct-23	4.61%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	12-Oct-23	4.67%
National Australia Bank Ltd	A1+	2,000,000	16-Feb-23	17-Oct-23	4.60%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	19-Oct-23	4.68%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	24-Oct-23	4.60%
AMP Bank Ltd	A2	900,000	25-Oct-22	24-Oct-23	4.85%
AMP Bank Ltd	A2	1,100,000	25-Oct-22	24-Oct-23	4.85%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	26-Oct-23	4.65%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	31-Oct-23	4.71%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	02-Nov-23	4.72%
Bank of Queensland Ltd	A2	3,000,000	06-Apr-23	07-Nov-23	4.80%

INVESTMENT BALANCES					
As at 30-Jun-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
AMP Bank Ltd	A2	2,500,000	20-Apr-23	09-Nov-23	4.95%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	27-Apr-23	14-Nov-23	4.50%
Judo Bank	A3	2,000,000	04-May-23	16-Nov-23	4.90%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	21-Nov-23	4.60%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Dec-22	21-Nov-23	4.52%
Judo Bank	A3	2,000,000	09-May-23	23-Nov-23	4.90%
Judo Bank	A3	2,000,000	09-May-23	28-Nov-23	4.90%
ING Bank Australia Limited	A1	4,000,000	31-Jan-23	05-Dec-23	4.57%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	27-Apr-23	07-Dec-23	4.50%
Credit Union Australia Ltd	A2	3,000,000	16-May-23	12-Dec-23	4.83%
Credit Union Australia Ltd	A2	3,000,000	16-May-23	14-Dec-23	4.83%
BankVic	A2	3,000,000	16-Mar-23	19-Dec-23	4.80%
Defence Bank Ltd	A2	2,000,000	23-May-23	21-Dec-23	4.90%
Defence Bank Ltd	A2	3,000,000	23-May-23	02-Jan-24	4.90%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	04-Jan-24	5.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	09-Jan-24	5.02%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	11-Jan-24	5.02%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	31-May-23	16-Jan-24	5.02%
Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	18-Jan-24	5.47%
National Australia Bank Ltd	A1+	2,000,000	29-Jun-23	23-Jan-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	25-Jan-24	5.47%
Credit Union Australia Ltd	A2	3,000,000	31-Jan-23	30-Jan-24	4.65%
Bank of Queensland Ltd	A2	2,000,000	29-Jun-23	01-Feb-24	5.50%
National Australia Bank Ltd	A1+	2,000,000	29-Jun-23	06-Feb-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	08-Feb-24	5.47%
Bank of Queensland Ltd	A2	3,000,000	29-Jun-23	13-Feb-24	5.50%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	28-Feb-23	27-Feb-24	5.02%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	29-Feb-24	5.00%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	05-Mar-24	4.90%
Credit Union Australia Ltd	A2	3,000,000	23-May-23	21-May-24	5.11%
		154,000,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	749,381			4.05%
		749,381			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	794,480			4.15%
Commonwealth Bank of Australia Ltd	A1+	1,245,317			4.15%
		2,039,796			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	1,000,000	09-Jan-23	07-Jul-23	4.37%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	01-Feb-23	01-Aug-23	4.37%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	06-Feb-23	01-Aug-23	4.38%
Commonwealth Bank of Australia Ltd	A1+	13,893,187	28-Aug-22	28-Aug-23	4.12%
Commonwealth Bank of Australia Ltd	A1+	730,194	09-Jan-23	28-Aug-23	4.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Apr-23	04-Sep-23	4.28%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	04-May-23	03-Oct-23	4.51%
		21,623,382			
Total Cash and Investments		184,295,641			

*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

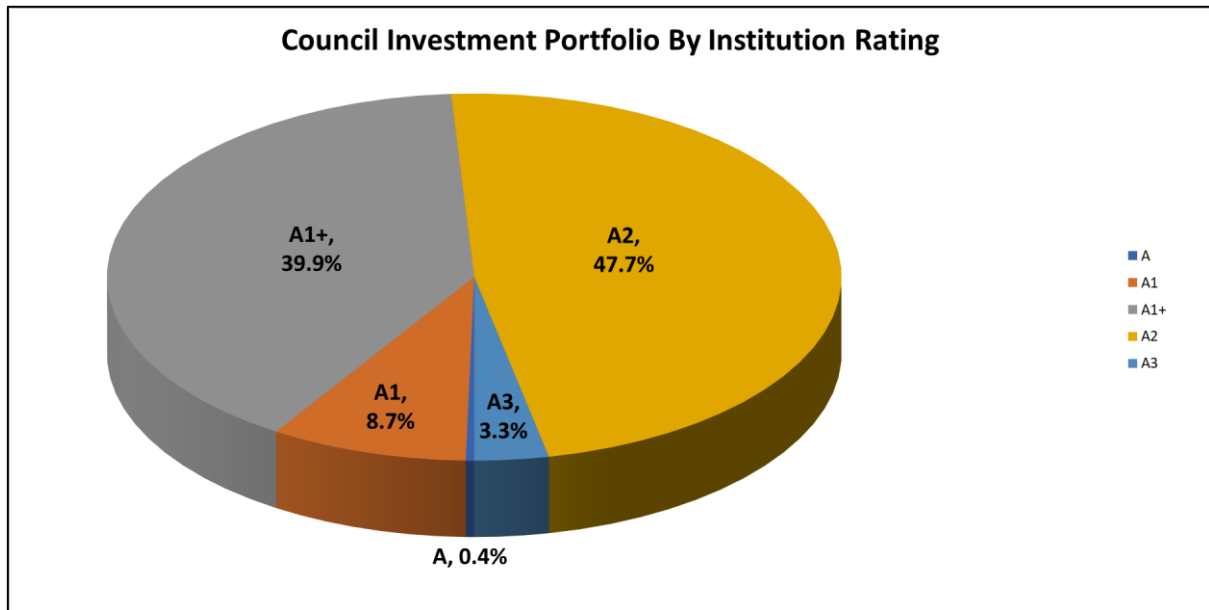
Clause 4.2.2 of Council's Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

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-	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.



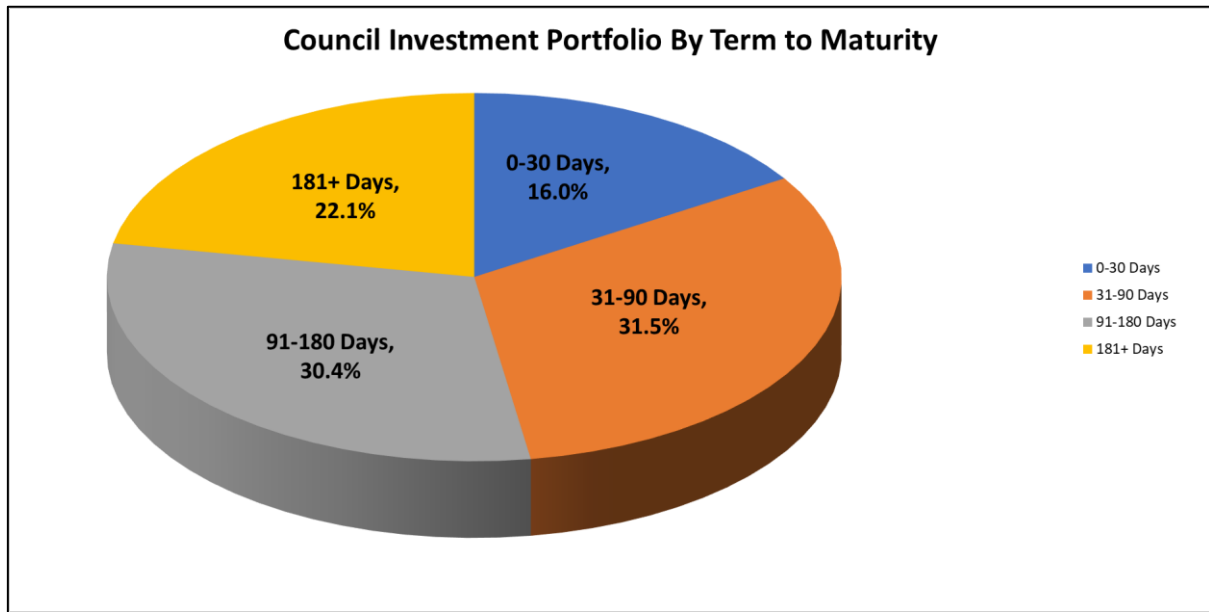
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

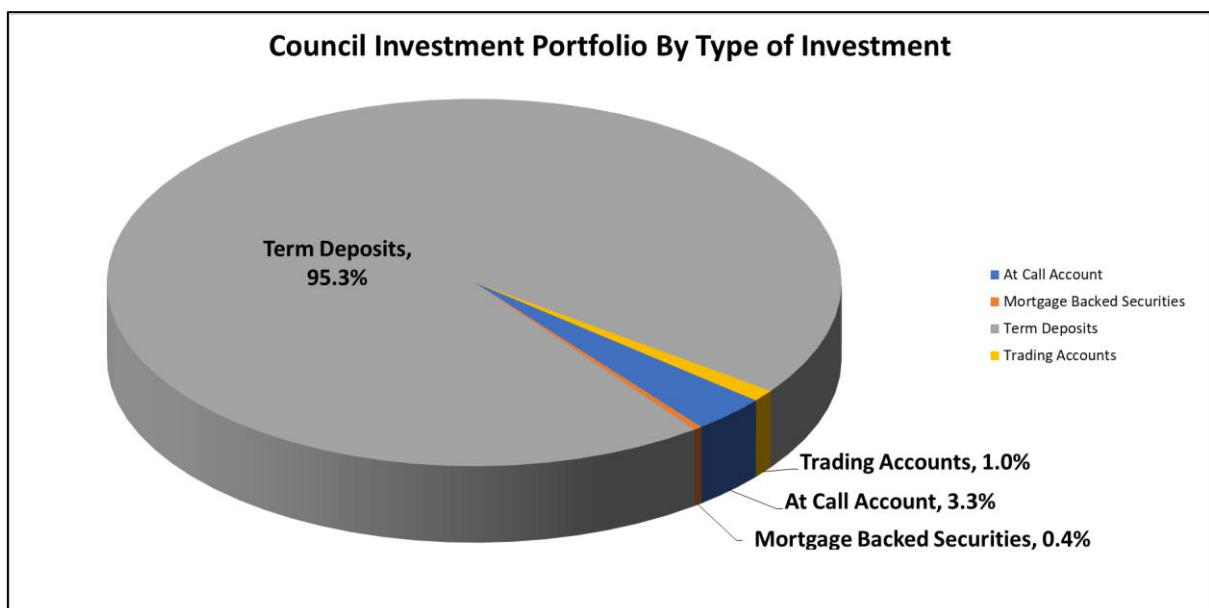
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



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%	Yes
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	Yes
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	Yes



Investment Performance vs Benchmark

a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 month	0.376%	0.30%
3 Months	1.109%	0.90%
FYTD	3.535%	2.89%
12 Months	3.535%	2.89%

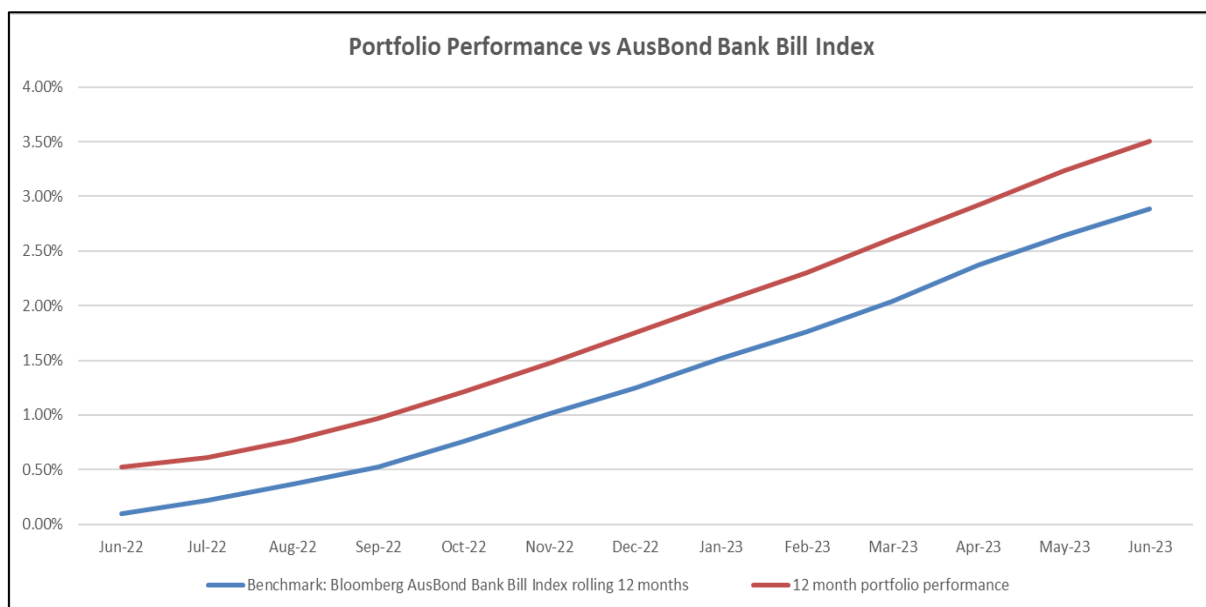
* Excludes trading account balances

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 0.376% for the month of June which was 0.076% above the benchmark AusBond Bank Bill Index return of 0.30%. For the past 12 months the portfolio achieved a return of 3.535% which was 0.645% above the benchmark AusBond Bank Bill Index return of 2.89%.



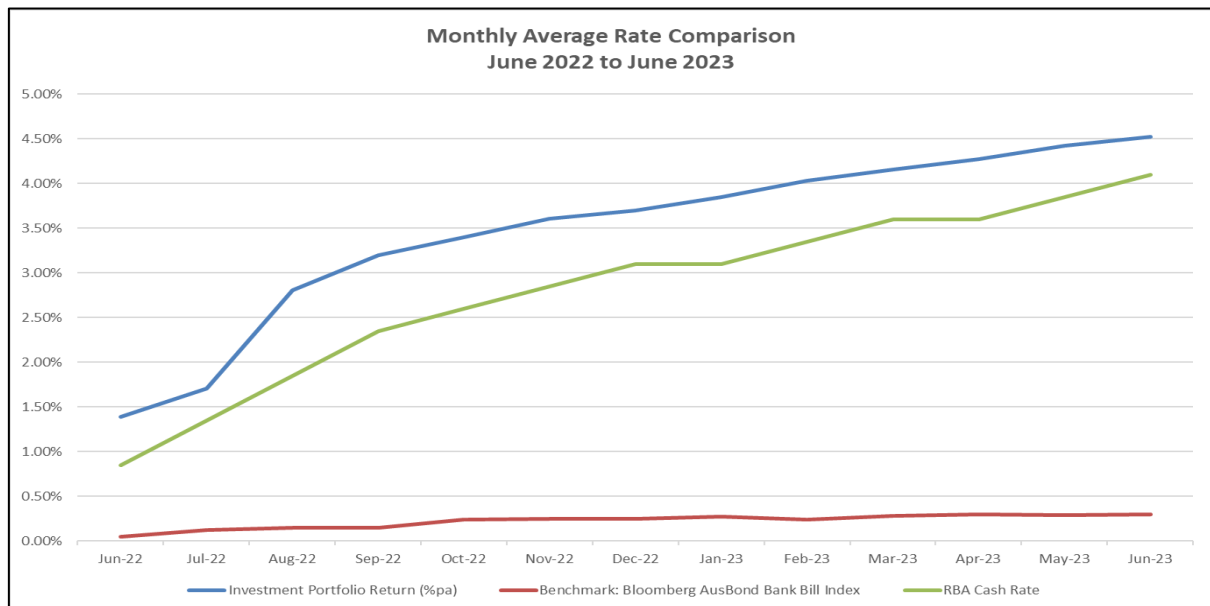
b) Portfolio Interest Rate vs Benchmarks

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	4.52%	0.30%	4.10%
3 Months	4.40%	0.30%	3.85%
6 Months	4.21%	0.28%	3.60%
FYTD	3.64%	0.24%	2.98%
12 Months	3.64%	0.24%	2.98%

* 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 4.52% compared to 4.42% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 3.64% compared to the average Ausbond Bank Bill movement of 0.24% and the average Reserve bank of Australia Cash Rate of 2.98%.

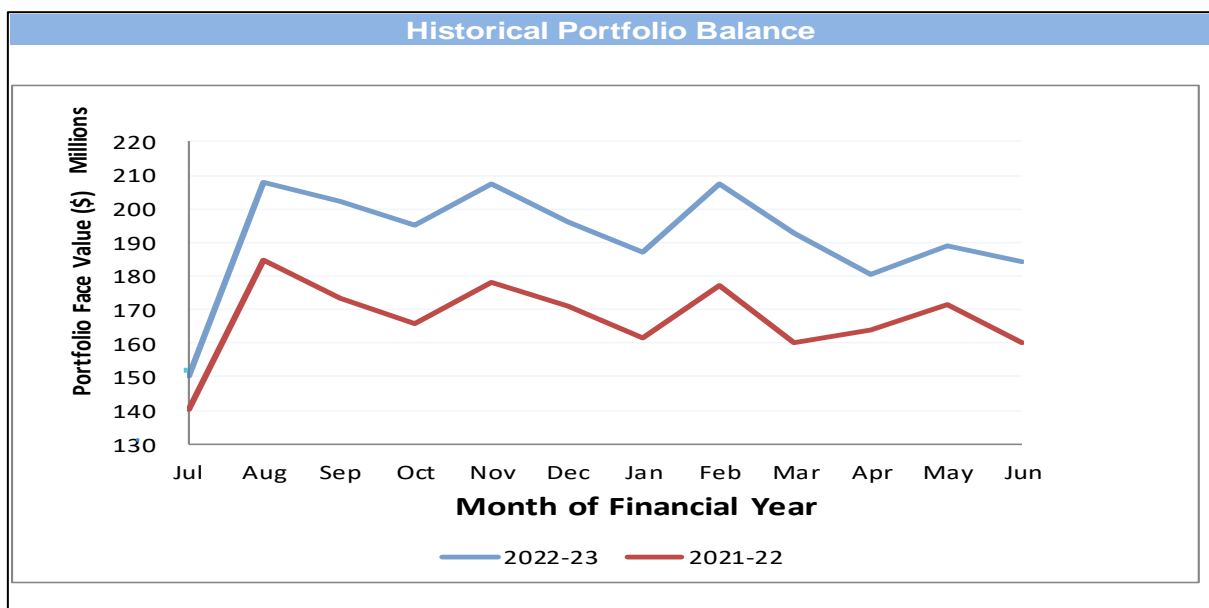


Monthly Investment Income* vs Budget

	Jun 2023 \$	Year to Date \$
Investment Income	690,429	6,712,778
Adjustment for Fair Value	1	20,434
Total Investment Income	690,430	6,733,212
Budgeted Income	48,200	605,000

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2022-23	2021-22
Jul	150,084,380	140,264,007
Aug	207,972,249	184,686,438
Sep	202,385,068	173,325,287
Oct	195,360,642	166,006,688
Nov	207,563,253	178,085,861
Dec	196,306,324	170,911,655
Jan	187,257,340	161,545,259
Feb	207,336,465	176,973,362
Mar	192,847,150	160,133,548
Apr	180,536,376	163,852,294
May	188,995,234	171,636,374
Jun	184,295,641	160,160,643
Average Portfolio Balance	191,745,010	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 Report. Accordingly, the total cash and investments and restrictions related thereto are presented for the previous month.

At the end of May 2023 total cash & investments were \$188,995,234 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	52,093,808	27.56%
Internally Restricted	85,900,134	45.45%
Total Restricted	137,993,942	73.01%
Unrestricted	51,001,292	26.99%
Total	188,995,234	100.00%

ECONOMIC NOTES

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

Risk assets had a strong month in June undeterred by rising official interest rates and higher government bond yields. Economic data releases in the US during the month show an economy still a long way from recession fostering hope that even if interest rates have a little further to rise and stay at their peak for longer than usual, a rare soft landing for the US economy is possible. China's economic recovery from earlier restrictions is proving lack lustre. Europe is in mild recession and in Australia the risk of recession is increasing. European and Australian risk assets seem impervious to mounting downside risks to economic growth prospects and company earnings, at least for the time being.

Major share markets mostly rose strongly in June with the notable exceptions of China's CSI index, down 0.5%, and Hong Kong's Hang Seng, down 0.2%. Elsewhere, gains ranged from 0.8% for Australia's ASX 200 to 6.5% for the US S&P 500. Over the Australian financial year, the gains in many major share markets have been impressive and seemingly at odds with sharply rising interest rates and concerns of recession ahead. In 2022-23 in own-currency terms the ASX 200 rose 10.1%, but that gain was far out-paced by the 17.6% gain in the US S&P 500, and even bigger gains in Europe's Eurostoxx 50, up 27.6% and Japan's Nikkei, up 28.0%.

In contrast to the strong performance in share-markets in June, government bond yields continued to rise reflecting that central banks are still mostly hiking official interest rates and because of sticky inflation, when official interest rates peak, they are likely to stay at their peak for longer.

The US Federal Reserve (Fed) was a rarity in June pausing rate hikes and leaving its funds rate at 5.25%. The Bank of England, European Central Bank and RBA all hiked their key policy rates respectively by 50bps to 5.00%; 25bps to 3.50%; and 25bps to 4.10%. Even though the Fed left the funds rate on hold, it warned that getting inflation down to 2 % target would take a long time and implied two more rate hikes in the current cycle. Most shorter maturity government bond yields out to two years moved sharply higher steepening the inversion in bond yield curves and marking the bond market's belief that recession lies ahead.

In the US bond market, the 12 month and 2-year bond yields lifted respectively 22bps to 5.39% and 50bps to 4.90%. Yield increases were less pronounced for longer-date US bonds with the 10-year yield up 20bps to 3.84% and the 30-year Treasury yield flat at 3.86%. The US bond yield curve is steeply inverse out to 10-years and while bond yield curve inversion does not always end in recession, the Fed promising to keep lifting rates one year after US inflation peaked back in mid-2022 would still seem to make a US recession later this year or in 2024, a high risk and a risk that the US share market is ignoring.

Australian government bond yields also rose sharply in June after the RBA delivered another 25bps rate hike at its early June policy meeting. Essentially, the RBA is singing from the same song book as other major central banks, while inflation is moderating (the May CPI showed a bigger-than-expected fall to 5.6% y-o-y from 6.8%) it remains too high and the path down to 2-3% target remains too long and uncertain risking destabilising inflation expectations. The RBA can pause from hiking rates if recent economic data permits, but more rate hikes are likely to be needed to ensure it meets its inflation target.

Returning to our RBA rate view, we note that comments from senior RBA officials during June have stressed, even more, the importance of getting inflation down to 2-3% target in a reasonable time frame. Rising house prices and the still very tight labour market point to a too long battle to get inflation down, even allowing for the reduction in annual inflation in May to 5.6%. We pencil in two more rate hikes in the current cycle taking the cash rate up to 4.60% in September or October and then a long stay at the peak until mid-2024 before the RBA has any opportunity to start cutting the cash rate.

ITEM 9.4	MONTHLY INVESTMENT REPORT - JULY 2023
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2023/485387
ATTACHMENTS	NIL

SUMMARY

PURPOSE

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

EXECUTIVE SUMMARY

In accordance with 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 \$172,792,796 comprising:

- Trading Accounts \$7,789,707
- Investments \$165,003,089

The portfolio achieved a return of 0.393% for the month of June, which was 0.023% above the benchmark AusBond Bank Bill Index return of 0.37%. For the past 12 months the portfolio achieved a return of 3.813%, which was 0.663% above the benchmark AusBond Bank Bill Index return of 3.15%.

The weighted average interest rate of the portfolio is 4.56% compared to 4.52% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 3.88% compared to the average Ausbond Bank Bill movement of 0.26% and the average Reserve Bank of Australia Cash Rate of 3.20%.

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.

RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 31 July 2023, including the certification by the Responsible Accounting Officer.

REPORT

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 2023 to date was \$693,411 compared to budgeted income of \$482,731, a positive variance of \$210,680.

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. It was reviewed by the Committee at their meeting in December 2022, and no changes to the Policy were proposed, with the next review by the Committee due by December 2023.

Council's Investment Strategy was reviewed in November 2022 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy "remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet" and that they "do not recommend any changes to the list of approved investments or credit limit frameworks".

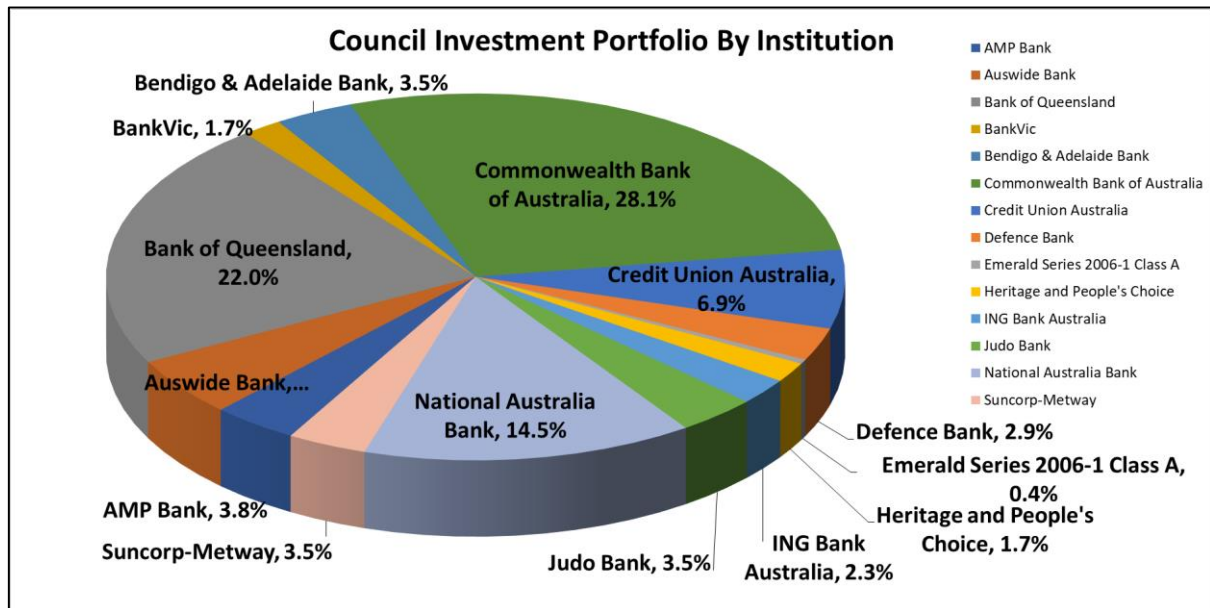
Investment Balances

INVESTMENT BALANCES					
As at 31-Jul-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	6,678,029			4.15%
National Australia Bank Ltd	A1+	13,232			4.10%
		6,691,260			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	2,364,793		At Call	4.15%
		2,364,793			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	678,488	17-Jul-06	21-Aug-51	4.3667%
		678,488			
Term Deposits					
Bank of Queensland Ltd	A2	3,000,000	30-Aug-22	01-Aug-23	4.05%
Bank of Queensland Ltd	A2	2,000,000	01-Sep-22	03-Aug-23	4.05%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	08-Aug-23	4.40%
Auswide Bank Limited	A2	2,000,000	30-Nov-22	10-Aug-23	4.40%
Auswide Bank Limited	A2	3,000,000	30-Nov-22	15-Aug-23	4.40%
Auswide Bank Limited	A2	2,000,000	07-Dec-22	17-Aug-23	4.40%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	22-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	24-Aug-23	4.25%
Bank of Queensland Ltd	A2	3,000,000	25-Jan-23	29-Aug-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	05-Sep-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	07-Sep-23	4.55%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	12-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	14-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	19-Sep-23	4.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Sep-22	21-Sep-23	4.32%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	26-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	28-Sep-23	4.55%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	03-Oct-23	4.59%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	05-Oct-23	4.60%
National Australia Bank Ltd	A1+	3,000,000	23-Feb-23	10-Oct-23	4.61%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	12-Oct-23	4.67%
National Australia Bank Ltd	A1+	2,000,000	16-Feb-23	17-Oct-23	4.60%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	19-Oct-23	4.68%
AMP Bank Ltd	A2	1,100,000	25-Oct-22	24-Oct-23	4.85%
AMP Bank Ltd	A2	900,000	25-Oct-22	24-Oct-23	4.85%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	24-Oct-23	4.60%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	26-Oct-23	4.65%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	31-Oct-23	4.71%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	02-Nov-23	4.72%
Bank of Queensland Ltd	A2	3,000,000	06-Apr-23	07-Nov-23	4.80%
AMP Bank Ltd	A2	2,500,000	20-Apr-23	09-Nov-23	4.95%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	27-Apr-23	14-Nov-23	4.50%
Judo Bank	A3	2,000,000	04-May-23	16-Nov-23	4.90%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Dec-22	21-Nov-23	4.52%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	21-Nov-23	4.60%
Judo Bank	A3	2,000,000	09-May-23	23-Nov-23	4.90%
Judo Bank	A3	2,000,000	09-May-23	28-Nov-23	4.90%

INVESTMENT BALANCES					
As at 31-Jul-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
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ING Bank Australia Limited	A1	4,000,000	31-Jan-23	05-Dec-23	4.57%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	27-Apr-23	07-Dec-23	4.50%
Credit Union Australia Ltd	A2	3,000,000	16-May-23	12-Dec-23	4.83%
Credit Union Australia Ltd	A2	3,000,000	16-May-23	14-Dec-23	4.83%
BankVic	A2	3,000,000	16-Mar-23	19-Dec-23	4.80%
Defence Bank Ltd	A2	2,000,000	23-May-23	21-Dec-23	4.90%
Defence Bank Ltd	A2	3,000,000	23-May-23	02-Jan-24	4.90%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	04-Jan-24	5.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	09-Jan-24	5.02%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	11-Jan-24	5.02%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	31-May-23	16-Jan-24	5.02%
Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	18-Jan-24	5.47%
National Australia Bank Ltd	A1+	2,000,000	29-Jun-23	23-Jan-24	5.40%
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Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	08-Feb-24	5.47%
Bank of Queensland Ltd	A2	3,000,000	29-Jun-23	13-Feb-24	5.50%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	28-Feb-23	27-Feb-24	5.02%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	29-Feb-24	5.00%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	05-Mar-24	4.90%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	27-Jul-23	23-Apr-24	5.45%
Credit Union Australia Ltd	A2	3,000,000	23-May-23	21-May-24	5.11%
Heritage and People's Choice Limited	A2	3,000,000	25-Jul-23	30-Jul-24	5.65%
		139,500,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,098,447			4.05%
		1,098,447			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	755,626			4.15%
		755,626			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	1,500,000	01-Feb-23	01-Aug-23	4.37%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	06-Feb-23	01-Aug-23	4.38%
Commonwealth Bank of Australia Ltd	A1+	1,080,801	04-Jul-23	28-Aug-23	4.52%
Commonwealth Bank of Australia Ltd	A1+	13,893,187	28-Aug-22	28-Aug-23	4.12%
Commonwealth Bank of Australia Ltd	A1+	730,194	09-Jan-23	28-Aug-23	4.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Apr-23	04-Sep-23	4.28%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	04-May-23	03-Oct-23	4.51%
		21,704,182			
Total Cash and Investments		172,792,796			

*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

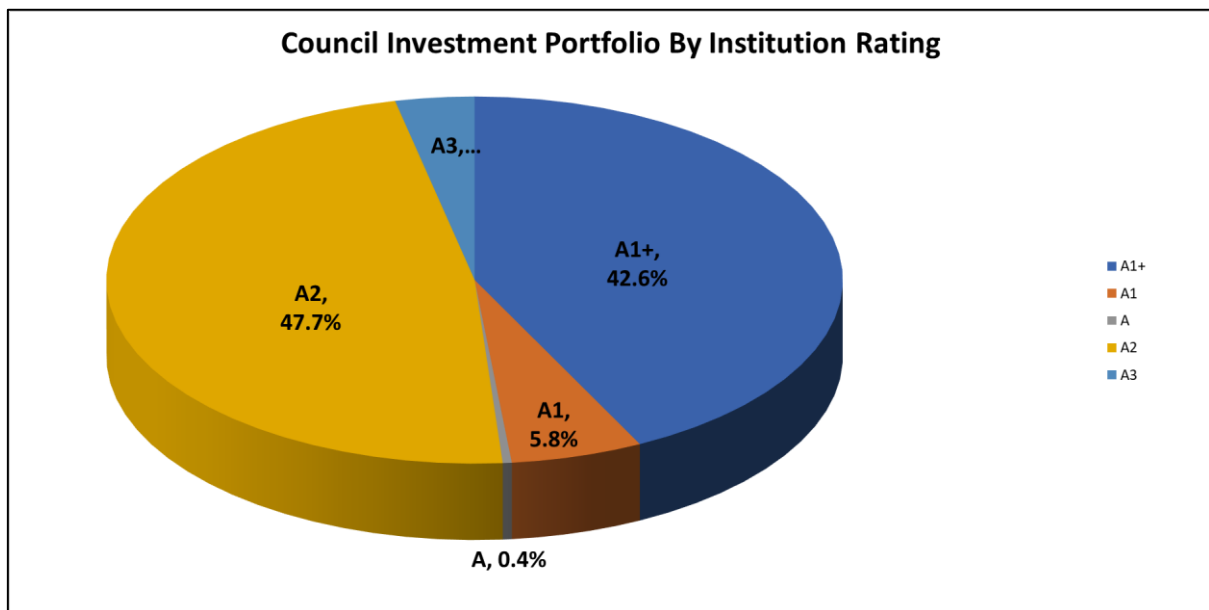
Clause 4.2.2 of Council's Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

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-	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.



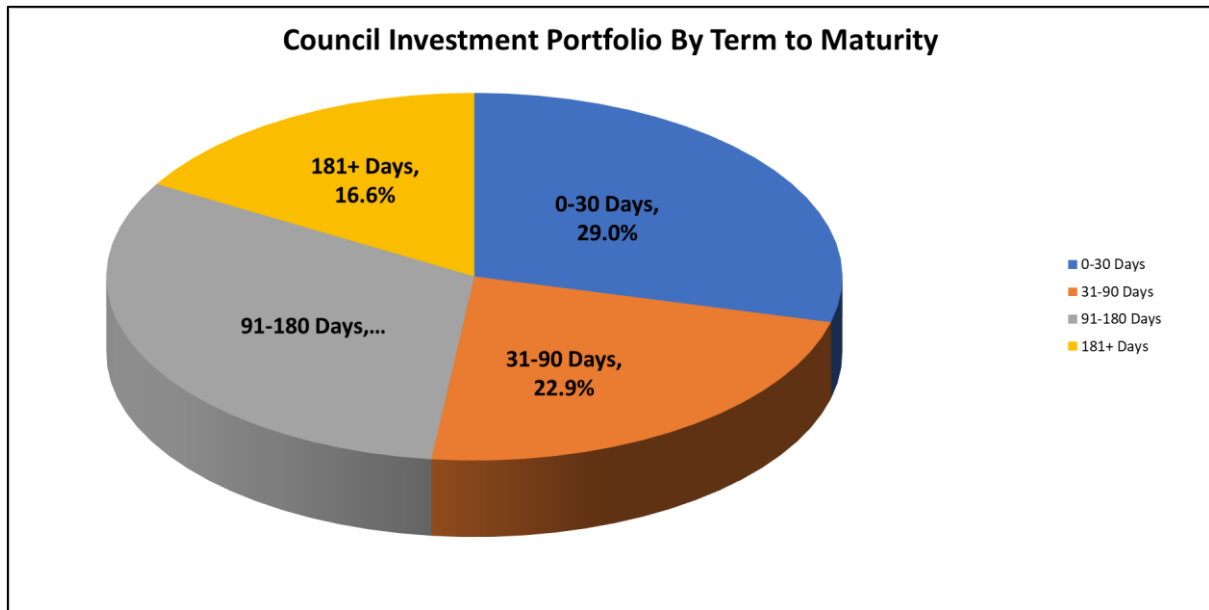
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

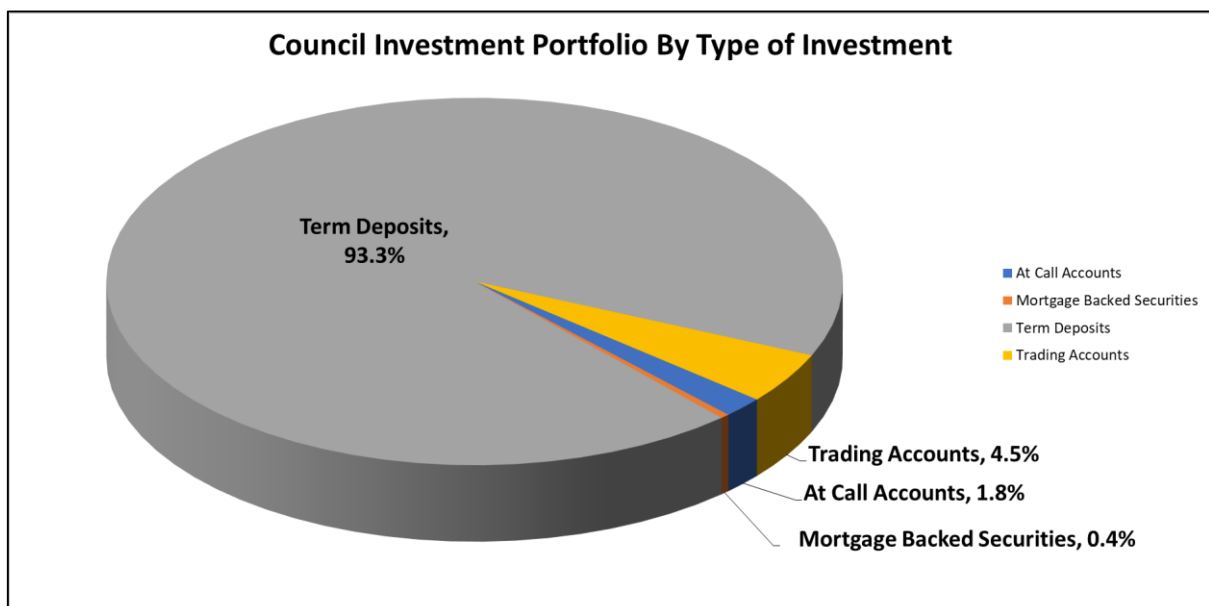
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



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%	Yes
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	Yes
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	Yes



Investment Performance vs Benchmark

a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 month	0.393%	0.37%
3 Months	1.153%	0.97%
FYTD	0.393%	0.37%
12 Months	3.813%	3.15%

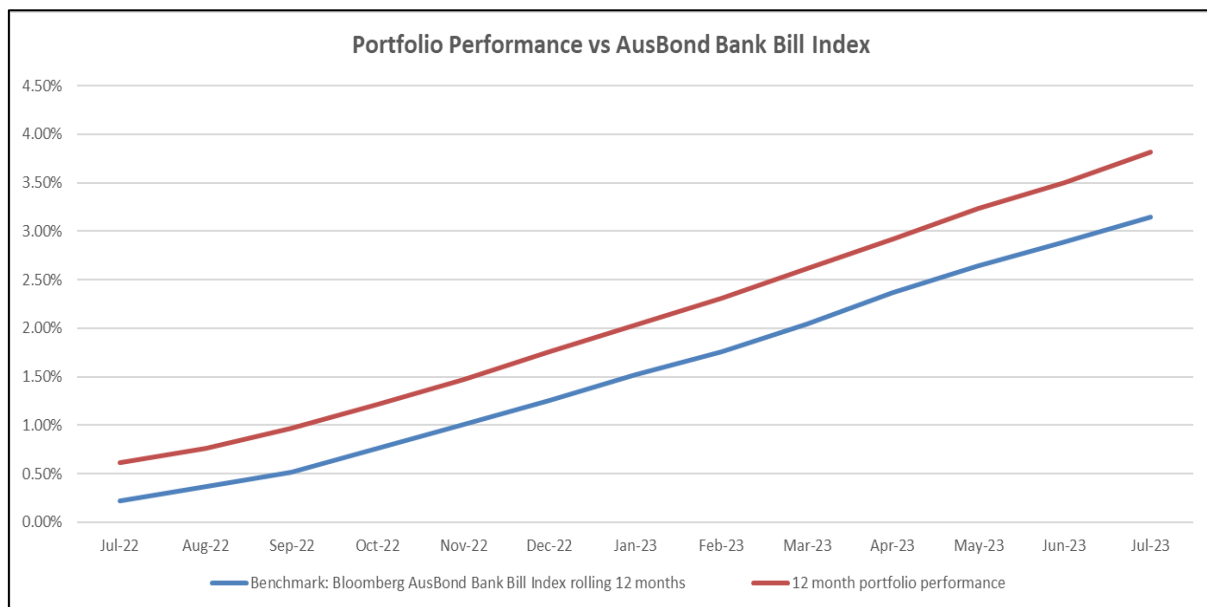
* Excludes trading account balances

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 0.393% for the month of July which was 0.023% above the benchmark AusBond Bank Bill Index return of 0.37%. For the past 12 months the portfolio achieved a return of 3.813% which was 0.663% above the benchmark AusBond Bank Bill Index return of 3.15%.



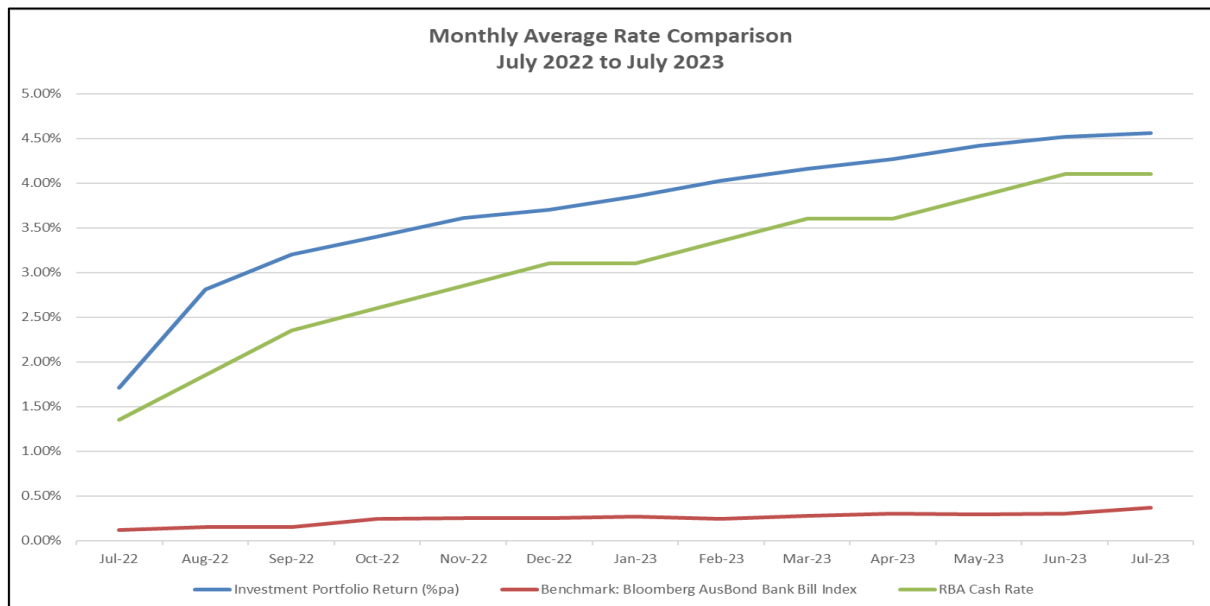
b) Portfolio Interest Rate vs Benchmarks

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	4.56%	0.37%	4.10%
3 Months	4.50%	0.32%	4.02%
6 Months	4.33%	0.30%	3.77%
FYTD	4.56%	0.37%	4.10%
12 Months	3.88%	0.26%	3.20%

* 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 4.56% compared to 4.52% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 3.88% compared to the average Ausbond Bank Bill movement of 0.26% and the average Reserve bank of Australia Cash Rate of 3.20%.

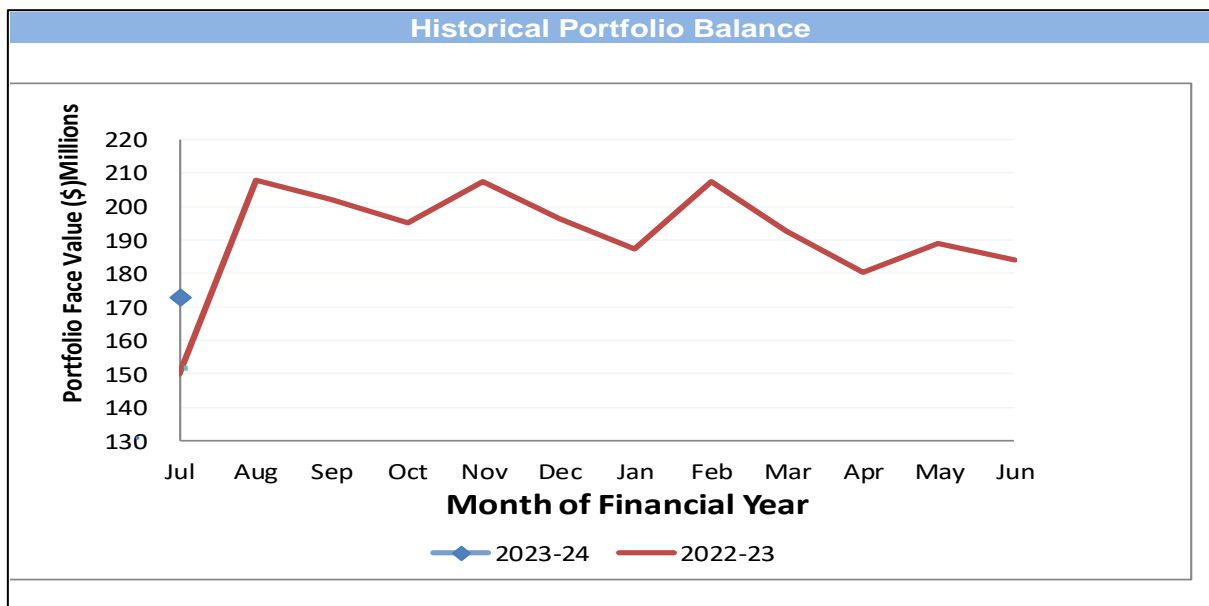


Monthly Investment Income* vs Budget

	Jul 2023 \$	Year to Date \$
Investment Income	693,418	693,418
Adjustment for Fair Value	(7)	(7)
Total Investment Income	693,411	693,411
Budgeted Income	482,731	482,731

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2023-24	2022-23
Jul	172,792,796	150,084,380
Aug		207,972,249
Sep		202,385,068
Oct		195,360,642
Nov		207,563,253
Dec		196,306,324
Jan		187,257,340
Feb		207,336,465
Mar		192,847,150
Apr		180,536,376
May		188,995,234
Jun		184,295,641
Average Portfolio Balance	172,792,796	191,745,010



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 Report. Accordingly, the total cash and investments and restrictions related thereto are presented for the previous month.

At the end of June 2023 total cash & investments were \$184,295,641 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	54,175,282	29.40%
Internally Restricted	90,832,732	49.28%
Total Restricted	145,008,014	78.68%
Unrestricted	39,287,627	21.32%
Total	184,295,641	100.00%

ECONOMIC NOTES

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

In July, inflation cooled while major economies such as the US seemed less likely to experience recession and labour markets remained tight. Central banks remained cautious about recent reductions in annual inflation with some continuing to hike official interest rates. The US Federal Reserve (Fed) and the European Central Bank (ECB) both hiked rates 25bps at their July policy meetings and both warn that the fight to reduce inflation to their respective targets may have further to run. Financial markets are discounting the warnings and consider that the current interest rate hiking cycle is complete. That optimism is understandable given falling annual inflation rates, but probably misplaced given the potential for tight labour market conditions to keep inflation above central bank targets for a protracted period.

In the US, most reports released in July show firm economic activity. The advance reading of Q2 GDP rose at 2.4% annualised pace, compared with 2.0% in Q1. Q2 consumer spending at 1.6% annualised, although softer than in Q1, is still firm. June retail sales are up 0.2% m-o-m after gaining 0.5% in May and July consumer confidence is up sharply at 117.0 from 110.1 in June. Household spending in the US appears to be gaining a second wind even in the face of higher interest rates. The strong US labour market (non-farm payrolls rose 209,000 in June after lifting 306,000 in May with the unemployment rate down one notch to 3.6%) is contributing to real income growth. Average hourly earnings rose in June by 0.4% m-o-m, 4.4% y-o-y against the CPI up 0.2% m-o-m, 3.0% y-o-y.

In China, economic recovery remains lack-lustre. Q2 GDP rose less than expected by 0.8% q-o-q (+2.2% q-o-q in Q1) and while the weak, lock-down impacted GDP base in Q2 2022 saw annual GDP growth rise to 7.3% y-o-y in Q2 2023 from 4.5% y-o-y in Q1, annual growth is set to falter in the second half of 2023. June readings were mostly soft. Exports fell 12.4% y-o-y (May -7.5%) and imports were down 6.8% y-o-y (May -4.5%). June fixed asset investment spending and retail sales both moderated to respectively 3.8% y-o-y (May 4.0%) and 3.1% y-o-y (May 12.7% y-o-y). The only major indicator showing acceleration in June is industrial production, up 4.4% y-o-y from 3.5% in May. The slow Chinese economic recovery from the phase of policy restrictions and lockdowns last year has left an economy with excess capacity causing downward pressure on prices. China's CPI fell 0.2% m-o-m in June generating zero annual inflation. June producer prices fell 5.4% y-o-y.

Europe remains on the border of recession in July with weak spending on goods offset by still strong spending on services. Europe's labour market remains tight with the unemployment rate in May sticking at a quarter-century low of 6.5%. Inflation is falling, down to 5.5% y-o-y in June, but elevated wage settlements make it unlikely that inflation will fall to the ECB's target over the next year or two. At the ECB's July policy meeting the ECB hiked the deposit rate 25bps to 3.75% and indicated that further hikes will be needed to contain inflation. Britain continues to face higher inflation than most, although it has receded just below 8% y-o-y. Wage claims are particularly high in Britain and the Bank of England meeting later this week is likely to hike the base rate 25bps to 5.25%.

In Australia, spending on housing is holding up for the time being in the face of higher interest rates, but retail spending is weakening. June retail sales fell by 0.8% after lifting 0.8% in May and it seems likely that Q2 real retail sales due out this week will be down around the -0.6% q-o-q recorded in Q1. Household consumption contribution to Q2 GDP will be soft and possibly negative. The weakness in household spending, however, has not been reflected in labour market conditions, which remain strong.

Employment growth was stronger-than-expected again in June with employment up 32,600 after rising by an even greater 76,600 in May. The unemployment rate has held down at 3.5% in both May and June, close to a 50-year low and low enough to add to existing upward wage pressure in the economy and making the RBA's task of reducing inflation to 2-3% target harder. The Q2 wage price index out in mid-August may show annual wage growth above 4% y-o-y.

ITEM 9.5 **AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL
REPORT 2022 AND CONFIRMED MINUTES OF 14 MARCH 2023
COMMITTEE MEETING****REPORTING MANAGER** **EXECUTIVE MANAGER GOVERNANCE & RISK****TRIM FILE REF** **2022/315483****ATTACHMENTS** 1 [⇒](#) **ARIC Annual Report 2022 (Included In Attachments
Booklet)**
2 [⇒](#) **Confirmed Minutes - Audit, Risk and Improvement
Committee - 14 March 2023 (Included In Attachments
Booklet)**

BRIEF REPORT

PURPOSE

To report to Council relevant matters in accordance with the Audit, Risk and Improvement Committee Charter (Charter).

REPORT

The Audit, Risk and Improvement Committee (ARIC) plays a pivotal role providing Council with independent assurance and advice in the areas of internal audit, financial management, risk management, compliance and control, and organisational performance and improvement, along with external accountability responsibilities.

In line with the reporting requirements outlined in clause 5.1 of the Charter, the Chair of the ARIC has submitted an Annual Report to the Council on the Committee's operations. The ARIC Annual Report, provided at Attachment 1, highlights its activities over 2022. Further, in accordance with the reporting requirements for the ARIC, the confirmed minutes of the ARIC meeting held on 14 March 2023 are provided at Attachment 2.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

Funding to support the Audit, Risk and Improvement Committee is included in Council's existing operational budget.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from this report.

SOCIAL CONSIDERATIONS

Council is accountable to the community for the delivery of the Community Strategic Plan. The objective and focus of the ARIC is to provide independent assurance and assistance to the Council on risk management, control, governance, internal audits, organisational performance and improvement and external accountability responsibilities.

GOVERNANCE AND RISK CONSIDERATIONS

Councils are required to have an ARIC in accordance with section 428A of the *Local Government Act 1993*. The ARIC Charter outlines that a key function of the ARIC is to assess and provide advice on Council's governance, compliance and risk management functions. ARIC's oversight aims to ensure that appropriate controls are in place for risk exposures as they relate to the strategic objectives of Council, and to satisfy itself that Council is taking a fully informed risk-based approach.

RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL

That Council note the:

1. Audit, Risk and Improvement Committee Annual Report for 2022.
 2. Confirmed minutes of the Audit, Risk and Improvement Committee meeting held 14 March 2023.
-

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	AVALON CUSTOMER CONTACT CENTRE
REPORTING MANAGER	EXECUTIVE MANAGER EARLY LEARNING AND CUSTOMER SERVICES
TRIM FILE REF	2023/271702
ATTACHMENTS	1 Avalon Customer Contact Centre promotional photos 2 Avalon Customer Contact Centre visitation data

SUMMARY

PURPOSE

The purpose of this report is to bring back to Council the report on the future of the Avalon Customer Contact Centre as per Council resolutions 400/22 and 134/23.

EXECUTIVE SUMMARY

Council has previously considered reports on the future of the Avalon Customer Contact Centre in December 2022 and May 2023. Data on customer contacts has been collected for the period 1 March 2022 to 30 June 2023. The data demonstrates the Avalon branch is visited on average of 13 times per day.

The operational costs of the service are higher than other centres, with each customer visit costing the ratepayer \$87.50 compared to the average of \$15.90 across all branches. Many of these visits are simple enquiries or not core business of Council, such as Justice of the Peace services.

Council operational costs are approximately \$270,000 per annum to provide this service.

As Council continues to evolve its business systems, there is a strong emphasis on creating customer-centric processes and using advances in technology to provide opportunities to enhance the customer experience. At present nearly all transactions with Council can be undertaken without the need to attend in person.

Council staff have met with local resident associations to present the data collected on the use of the service by the local community. Some services provided at the Avalon Customer Contact Centre are already provided at the local Post Office or other nearby businesses.

Based on the evidence gathered, it is recommended that Council transition out of face-to-face service in Avalon.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That:

1. Council transition out of face-to-face service at the Avalon Customer Contact Centre by the end of November 2023.
 2. Community information be provided on alternative service options and locations.
-

REPORT

BACKGROUND

At its meeting held on 13 December 2022, Council resolved (Resolution 400/22):

1. *The CEO defers and reviews this matter until after road and civil works towards the Avalon Shared Spaces project are complete or the March 2023 Council meeting – whichever is later.*
2. *Staff immediately improve signposting for the Avalon Customer Contact Centre and inform residents that it is operational via social media and local print media.*
3. *Staff investigate ways of improving the centre, including establishing of a tourist information bureau or other services.*

At its meeting held on 23 May 2023, Council resolved (Resolution 134/23):

That item 10.1 be deferred to the first meeting following the third Pittwater Councillor being declared.

The declaration of a new councillor for the Pittwater ward occurred in June 2023. It is timely that this matter be brought back to Council for decision.

EVIDENCE BASE

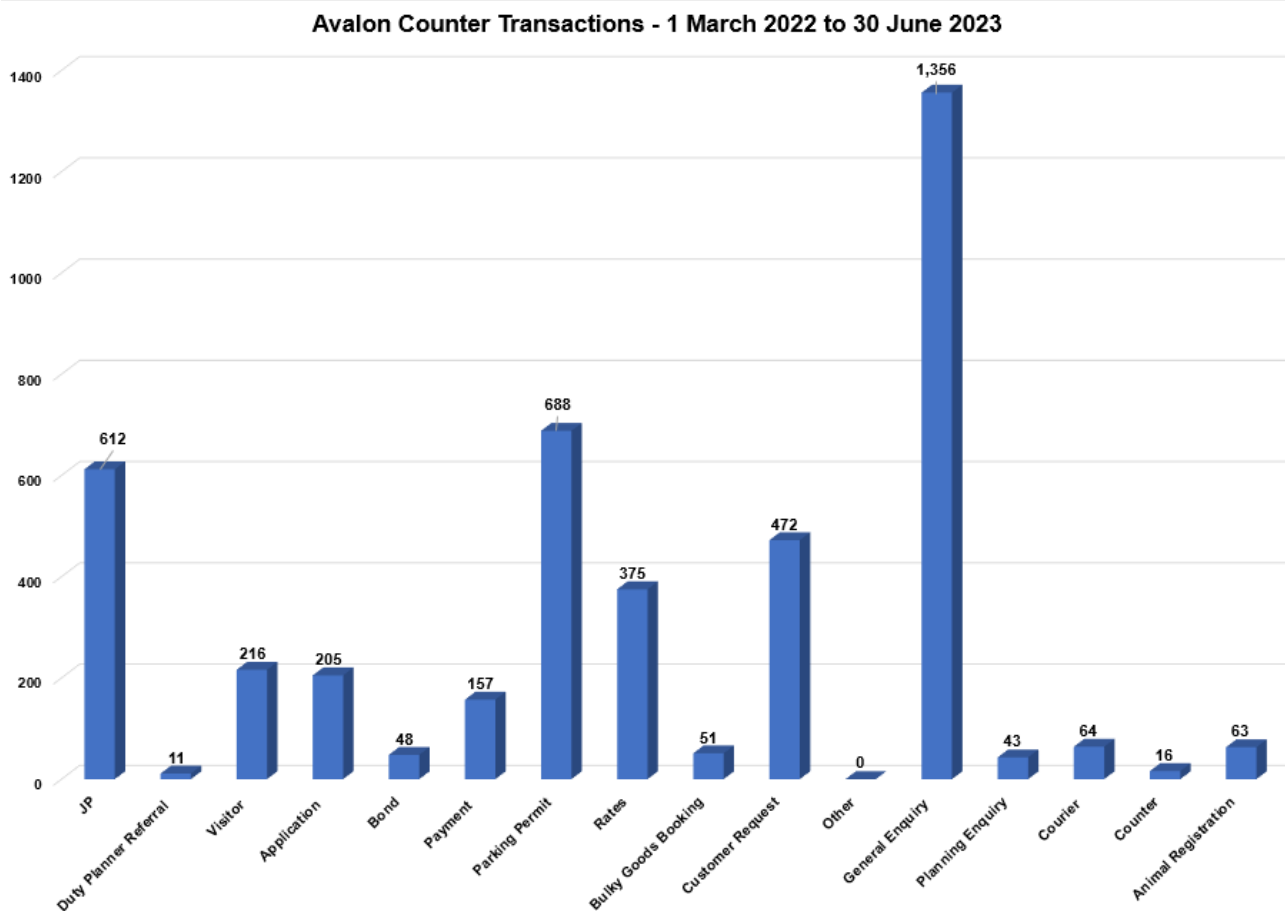
The Avalon Customer Contact Centre when operating at full capacity (ie not closed at lunch) is required to be staffed by 3 full time equivalent positions to ensure adequate coverage for cash handling, security of Council documents and Workplace Health and Safety considerations. The Avalon Customer Contact Centre operates at a cost of approximately \$270,000 per annum chiefly in staffing costs.

Data has been gathered on the number of customer visits over the period 1 March 2022 to 30 June 2023 (16 months). Over this time a total of 4344 visitors were recorded. This represents on average 13 customers per day using this facility. Attachment 2 provides greater detail on the evidence base relied upon for the recommendations of this report.

To determine the cost per visit, the total cost of operations over 16 months was divided by the number of visitors, representing a cost of \$87.50 per visit. Comparatively this is greater than average of \$15.90 for all transactions across all branches.

The following graph provides a breakdown of the type of enquiry undertaken at the Avalon Customer Contact Centre.

The graph shows the most common enquiry types are General Enquiry (When does the library open?) followed by Parking permits and Justice of the Peace services. It is noted that since August 2022 Parking permits have been available for purchase online. Justice of the Peace services are not a core function of Council.



Analysis of Data

The data gathered provides an insight into the various habits of customers who visit all of Council's Customer Contact Centres. It is apparent that the location of each service has an influence on the customer numbers. There are other contributing factors such as the population density and distance a customer may have to travel which could influence how they conduct business with Council.

Some residents of the northern part of the local government area have additional challenges to access including offshore communities (Great Mackerel Beach and Coasters Retreat) and as such would benefit from digital service options being provided to undertake business with Council.

The data (detailed in Attachment 2) also shows that very few transactions (payments) are being undertaken each day at the Avalon Customer contact centre, with 2 per day during the reporting period. To support payments, Council staff have additional cash handling procedures if a customer seeks to make a cash payment. During the 332-day reporting period there were 91 cash payments made. The remaining transactions were with credit or debit cards.

The data provides evidence that each visitor (4,344) to the Avalon Customer Contact Centre generates a cost per visit of approximately \$87.50 compared to the average cost of \$15.90 from all enquiries. Whilst there may be strong local support for retaining the service due to its convenience for residents, the evidence demonstrates a higher average cost for ratepayers. The prioritisation and delivery of online transactions and a strong digital presence would provide alternative ways to deliver more effective and efficient service and remain in line with broader customer expectations.

Council resolved on 13 December 2022 to improve signposting and provide further information to residents about the service. This resolution has been implemented. However, the additional 6 months of promotional material and new signage has seen a minimal increase in usage of 1 customer on average per day.

OTHER CONSIDERATIONS

The landscape of Customer Service more broadly is continually changing. Businesses generally have been moving to digital solutions for service and online requests and payments now provide alternative access for customers. Some of the key areas where Council has increased its service options in lieu of face-to-face transactions include:

- All Development Applications are now lodged online through the NSW Planning Portal.
- All Statutory Exhibitions and Community consultation is undertaken on the “Yoursay” Web platform (DA Plans are no longer on display in hard copy).
- Northern Beaches Parking Permits can be purchased online.
- Legal documents requiring witnessing by a Justice of the Peace have reduced (driven by the COVID-19 pandemic) and local alternative service providers are available.
- All rate payments can be made via BPay or at Australia Post branches.
- Online bookings and payments for Community Centres and Parks are live.
- Online Service Request portal is available.

These changes have seen a steady decline in the number of customers who visit branches to undertake transactions, lodge requests or view documents. It is also noted that the closure of services during the COVID-19 pandemic provided the opportunity to increase the number of customer transactions that could be completed online.

In 2018, Council considered a report to establish a new Customer Contact Centre in the Forest Ward. It is noted that analysis of the other customer contact centres was included and found that visitor numbers at Avalon represented 10% of all in-person visits. In 2022/23, this figure has remained constant at 10% as noted in the table below.

Location	Total Visits 1/3/22 – 30/06/23	Average Visits per day	% of Customer Visits
Avalon	4,344	13	9.7
Mona Vale	10,322	31	23.0
Dee Why	12,706	38	28.3
Manly	17,486	53	39.0
TOTAL	26,045	135	100.00

Location

The Avalon Recreation Centre is classified as a “district” sized community facility and includes one full size indoor multipurpose Court, 5 community rooms for hire and associated public toilets. The primary users of the site are sports groups, health and recreational activities and community support meetings, with 59% of income derived from Not for Profit / Community Organisations and 41% from commercial hires. The 5 community rooms are varying in size and are well appointed with excellent natural light and ventilation. The site adjoins Dunbar Park to the north and is centrally located within the Avalon Commercial area.

The Customer Contact Centre is located within the Avalon Recreation Centre, which was significantly altered, and additions completed in 2003. During this refurbishment of the community facility, space was allocated in the building to a customer contact centre. Prior to 2003 the customer service contact centre was in Warriewood.

Adjoining the Customer Contact Centre are rooms presently used for community purposes including an Early Childhood Health Clinic and youth wellbeing hub. Each of these uses are well patronised by the local community. Additionally, within the Avalon Recreation Centre are the Avalon Community Library and community rooms for hire.

The first floor of the Recreation Centre is the home of the Avalon Community Library which is the largest of Council's Community Libraries and is run by volunteers. Council allocates approximately \$90,000 per annum to support the operation of this service.

Improved signposting and promotion for the Avalon Customer Contact Centre

As per Council's December 2022 resolution, additional signage was displayed at Avalon from 11 January 2023 to increase the visibility of the Contact Centre: In addition, Council staff undertook the following improvements:

- media outreach in the January edition of Pittwater Life magazine
- social media posts targeted to the local area and more broadly across Council's social media channels
- trimming of garden hedges at the site to increase visibility of the Customer Contact Centre
- additional permanent signage at the front of the building
- two banner flags installed to signify that the centre is open for business.

Targeted social media promotion

To further promote awareness of the centre a targeted social media campaign was run over 41 days in January, February and March 2023. Council generated 315 clicks on links and a reach of 24,363 people over the period. This campaign cost approximately \$600. Further information can be found in Attachment 2.

Benchmarking

In October 2022, benchmarking was completed with other metropolitan councils to understand how Council's service levels compared with other similar local government areas. Each benchmarked organisation is a medium to large metropolitan council.

The benchmarking data indicates Northern Beaches residents are provided with greater access to customer service counters, do less online requests for service and generally make fewer enquiries and requests for service. The benchmarking data at this stage does not provide any trend data but highlights the variations in levels of service provided across the local government sector. The details of the benchmarking can be found in Attachment 2.

Establishing of a tourist information centre or other services.

In December 2022, Council resolved in part to look at alternative uses to compliment the customer contact centre including the creation of a Tourist / Visitor Information Centre.

In 2018 and 2019 as part of the development of the Destination Management Plan for the Northern Beaches, Council conducted a series of intercept surveys with visitors to the Palm Beach / Avalon area. The survey data indicated:

- 92% of visitors indicated the Beach was the primary attractor, 56% sightseeing and 49% restaurants.
- 88% of visitor are day-trippers (most common length of visit was between 2 and 4 hours).

- Data noted also that many visitors are day trippers to well-known and established locations such as Barrenjoey Lighthouse and the local Beaches).

To further explore the option of establishing a tourist information centre, funding sources would need to be identified to progress this concept including.

- Information brochures, maps and other collateral would need to be developed and printed.
- Tourism services advertised to potential visitors via social and digital marketing with greater emphasis on weekends and peak holiday periods.
- Implement a tourism experience booking platform for local operators ie. Surf School, Stand Up Paddle Boarding and Boat hire.
- Staff re-skilling and staffing beyond current weekday opening hours including consideration of weekend and holiday opening for both Tourism and Customer service enquiries.

Regarding other services, should the Customer Contact centre remain in place, there are limited opportunities to use the space after hours or for alternative purposes due to the security requirements and configuration of the existing internal space. As noted above a use such as a Tourist Information Centre or the like would need to be always staffed.

If the Customer Contact centre was withdrawn, the space would become vacant for an alternative use. The space being located within the Avalon Recreation Centre lends itself to an alternative use that is consistent with the Recreation or Community needs of the local area. The present zoning of the land as RE1 – Public Recreation would limit any proposed retail or commercial uses on this site.

Alternative Uses

The site is accessible for people with a disability and centrally located in the heart of the Avalon Commercial precinct. It is a matter for Council to determine the future use of the site as a Customer Contact Centre. A reduction in hours of service would not allow the site to be re-purposed due to the need for workstations to remain and security of other operational material.

There is strong demand from the local community to provide for more community space and services particularly in mental health and the vulnerability of young people in the Avalon area. Adjoining the site is the Avalon Early Childhood Centre which is co-tenanted with the Avalon Youth Hub, Council's community centre office is located to the north.

Service Implications

Avalon Beach, Whale Beach and Palm Beach are located at the most northern tip of the Barrenjoey Peninsula which comprises predominantly low-density residential suburbs. Avalon commercial precinct is identified as a "Coastal Village" in Council's adopted Local Strategic Planning Statement. "My Place – Avalon" adopted by Council in July 2022 envisages 1.6% population growth over the period 2018-2036. Extensive growth in local population is not expected in the current planning horizon and it is unlikely that the demand for service will change because of population factors.

Should Council resolve to transition the service from the Avalon Customer Contact Centre, the nearest available in-person centre will be located at Park Street, Mona Vale. Mona Vale is a higher order "Strategic Centre" and has a larger commercial and employment precinct. Mona Vale is 6km by road from Avalon Beach and approximately 10 minutes by car. Public transport services are available from Avalon via the existing Sydney Buses service and the Keoride on-demand public transport service. The on-demand service is designed to connect residents to designated transport hubs, B-Line and other key bus stops, and popular destinations like shopping centres.

To assist customers with any change, a transitional period with detailed information would need to be provided at Avalon and through digital channels about the nearest location for service and other options available in the vicinity for Justice of the Peace and Rate payments.

CONCLUSION

The evidence base presented provides a case for Council to consider the future of the Avalon Customer Contact Centre. As residents and businesses move to a digital future it is expected that customers will demand a greater digital presence from Council and a lesser reliance on traditional service models.

It is recommended that the Avalon Customer Contact Centre be transitioned to an online service with face-to-face service at Mona Vale, Dee Why or Manly Contact Centres and Council promote alternative methods of accessing services through a community information campaign.

The establishment of a Tourist Information Centre or the like would need further investigation and planning including a business case and funding plan. The use of the space if vacated could enhance service to the community through an alternative community or recreational use.

CONSULTATION

Council staff met with local community associations during 2020 and 2021 to provide updates on the re-opening of the service. Some residents raised concerns in 2021 that the closure of the Avalon Branch was related to the amalgamation and creation of Northern Beaches Council. This perception may have been created when the Avalon Branch remained closed due to it being used by NSW Health and then the NSW Electoral Commission to provide services to the local community during the COVID-19 pandemic.

In late 2022, following collection of data, Council staff have further engaged with community associations such as the Palm Beach and Whale Beach Association, Avalon Preservation Association, Mackerel Beach Association, Clareville and Bilgola Plateau Residents Association and the Bilgola Beach Residents Association to present the evidence gathered regarding customer numbers.

During 2020 and 2021, Council staff had direct contact from 4 local residents who were unhappy the Contact Centre was closed. In each case the customers' needs were evaluated, and alternatives offered to provide the service. One resident request could not be accommodated over the phone or through an online transaction. This related to the disposal of used batteries that was previously accessed at the Customer Contact Centre. It is noted that a used battery disposal bin is provided at the recently refurbished supermarket in Avalon.

Council's Community Engagement Policy also notes in its purpose:

"... involves communicating with, and listening to, our community prior to, during and following decision making".

Council has been engaging and responding to its customers through various channels such as direct enquiries, customer feedback, visitation data and an increased customer demand for digital transformation.

TIMING

Should Council resolve to transition the service, this could occur by November 2023. A detailed community information program will be developed to ensure information about alternative service methods is provided.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community
- Transport, technology and connectivity - Goal 18 Our community can easily connect and communicate through reliable communication technologies

FINANCIAL CONSIDERATIONS

The 2023/24 operating budget includes provision for operations at the Avalon Customer Contact Centre. Should Council resolve to transition the service, staff would be redeployed to vacant customer service positions.

An ongoing operational saving in the order of \$270,000 per annum would be realised if the service were to be transitioned away from Avalon.

SOCIAL CONSIDERATIONS

The Avalon Customer Contact Centre is not well-utilised by the community compared to other locations. Opportunity exists to transition the service to other locations and reduce costs and provide alternative benefit to the residents.

If the services were proposed to be transitioned, access to services on digital platforms may also be seen as a barrier for older persons or those without an internet connection. In 2021 the Australian Communications and Media Authority released a report titled "The Digital Lives of Older Australians" which noted 93% of older people in Australia had an internet connection in their home.

Whilst results are not yet available from the 2021 census, it is noted in 2016 that 5.7% of households in the 2107 postcode (Avalon) and 5.9% in the 2108 postcode (Whale Beach and Palm Beach) did not have an internet connection. At the 2011 census this was around 10% for these postcodes, further demonstrating the growth in digital access for the community.

Council's service offering at Mona Vale Customer Contact Centre would continue to provide face-to-face service, accept cash payments and assist customers should the Avalon Centre be withdrawn. Justice of the Peace services are already available in multiple locations in Avalon including legal firms, the existing supermarket and Post Office.

There may be customers who are inconvenienced should the Avalon Customer Contact Centre close. The desires of these customers must be balanced with Council's responsibility to the wider community to provide the most effective and efficient services.

ENVIRONMENTAL CONSIDERATIONS

A transition of operating hours of the Avalon Customer Service Contact Centre would have a minimal environmental impact.

GOVERNANCE AND RISK CONSIDERATIONS

Council has a responsibility to its community to provide effective and efficient service that is value for money. There is an evolving digital landscape driven by customer expectations that has led to increased demand for services on digital platforms. The evidence provided in this report indicates that fewer people are using in-person customer service particularly as more services are offered on a digital platform. Further the NSW Government is supporting digital service provision with the ServiceNSW App and NSW Planning Portal.

The changing landscape of customer service, driven by customer experience has seen a change in the expectations and behaviours of customers, many of whom prefer to transact online, at their convenience, 24 hours per day. The provision of a 5 day per week Customer Contact Centre at Avalon based on the evidence provided is an inefficient use of funds and does not meet the needs of the wider community.

In considering the risks associated with this transition, it is noted that rate payments can be made at the Avalon Beach Post Office some 100m away and Justice of the Peace services are available at numerous other businesses in Avalon. Public transport connections to Mona Vale are frequent and reliable including the Keoride on-demand service to provide customers with access to the Mona Vale Customer Contact Centre.

Local community associations have been consulted and provided the evidence base to support the recommended outcome. It is expected that some members of the local community will not be supportive of the recommended action.







Northern Beaches Council

Just now · 🌐

A reminder that Avalon Customer Service is open: Monday to Friday
9am to 12pm & 1pm to 4.30pm (except public holidays).



[HTTPS://WWW.NORTHERNBEACHES.NSW.GOV.AU/SERVICES/CUSTOMER-SERVI...](https://www.northernbeaches.nsw.gov.au/services/customer-servi...)

Contact Council

Handling 14,000 enquiries every month and with a customer approva...



Like



Comment



Share

Attachment 2 – Avalon Customer Contact Centre Visitation Data

Background

Since 1 March 2022, all four Customer Contact Centres have been in full operation, following the relaxation of Public Health Orders. Data is being collected daily from each branch, including customer numbers, purpose of visit and type of transaction.

This dataset from the period 1 March 2022 to 30 September 2022 has been used to inform the recommendations of this report. Additional data has been added from 1 October 2022 to 30 June 2023 to provide further insights into customer demand and comparison with the earlier data. The two reporting ranges relate directly to the preparation of a previous report to Council in December 2023.

The reporting period of 1 March 2022 to 30 June 2023 provides 16 months of representative data as to how the community is using a Customer Contact Centre. It covers 5 rate instalment periods (including the first instalment), the renewal of beach parking permits and end of the financial year, all notable times where customer volume increases. During this time Council also conducted community engagement for the Avalon Place Plan, a major planning document, that generated significant community interest. The Avalon Beach Streets as Shared Spaces project has been implemented with a 6-month trial running from April to September.

The evidence base demonstrates Avalon Customer Contact Centre has the smallest volume of customers, with **4,344 visitors**. Over the reporting period this represents on average 13 customers per day. The following tables compare the number of visitors per day at each branch as well as a percentage of total visits. It is noted here that a "visitor" or "customer" is defined as a person who approaches or is assisted by the Customer Service staff at that venue. It does not include staff or Councillors attending the sites or visitors for events such as citizenship ceremonies or Council meetings. From 1/10/22 to 30/04/23 there was a nominal increase of foot traffic across all 4 branches.

Location	Total Visits 1/3/22 – 30/9/22	Average Visits per day	% of Customer Visits
Avalon	1,709	11	9.1
Mona Vale	4,743	32	25.2
Dee Why	5,361	36	28.5
Manly	7,000	47	37.2
TOTAL	18,813	126	100

Location	Total Visits 1/10/22 – 30/06/23	Average Visits per day	% of Customer Visits
Avalon	2,635	14	10.1
Mona Vale	5,579	31	21.4
Dee Why	7,345	39	28.2
Manly	10,486	57	40.26

TOTAL	26,045	141	100.00
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Customer Data

The figures below show the number of visitors per day since the additional signage and promotion was implemented at Avalon across all branches. (January 11, 2023)

Customer Data after signage and promotion through social media (Council resolution)

Location	Total Visits 11/01/23 – 30/06/23	Average Visits per day
Avalon	1,629	14
Mona Vale	3,564	30
Dee Why	4,605	39
Manly	6,123	52
TOTAL	15,921	135

Payments and Receipts

The following tables provide a breakdown of where customers are making payments, known as “receipts”. Receipts are those visits where a customer has made a payment which could be for multiple purposes such as animal registration, payment of a bond or payment of rates or other charges. Manly Customer Contact Centre has a far higher volume of receipts as this branch also receipts all online and mail transactions received by Council.

Location	Total Receipts 1/3/22 – 30/9/22	% of Receipts
Avalon	384	2.71
Mona Vale	1,943	13.73
Dee Why	1,972	13.93
Manly	9,853	69.62
TOTAL	14,152	100
Location	Total Receipts 1/10/22 – 30/06/23	% of Receipts
Avalon	448	2.72
Mona Vale	1,803	10.95
Dee Why	1,839	11.16
Manly	12,382	75.17
TOTAL	16,472	100

Cash Payments

The following tables show the volume of transactions where the primary form of payment is **cash**, compared to credit / debit cards and cheques.

1/03/2022 to 30/09/2022

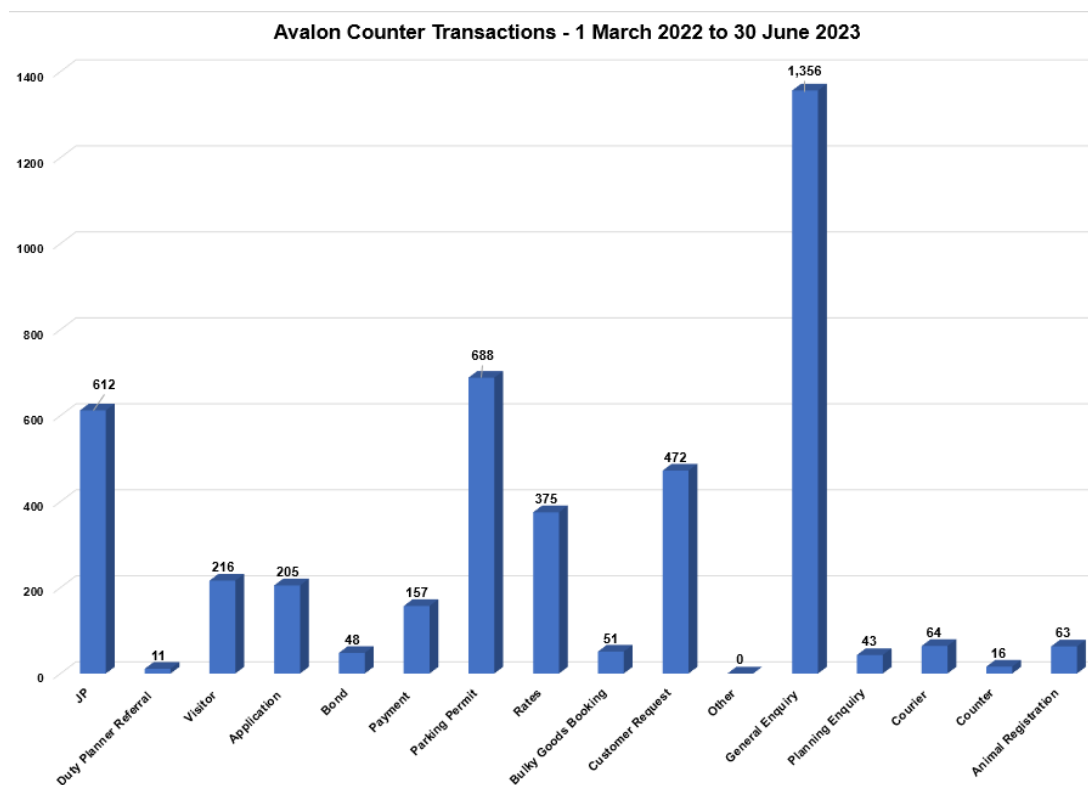
Branch	Cash In	Credit Card / Cheque	All Payment types per day
Avalon	45	345	2.6
Mona Vale	282	1,747	13.6
Dee Why	272	1,735	13.5
Manly	311	6,119	43.2
Total	910	9,953	

1/10/2022 to 30/06/2023

Branch	Cash In	Credit Card / Cheque	All Payment types per day
Avalon	46	400	2.7
Mona Vale	322	1,479	10.1
Dee Why	304	1,533	10.1
Manly	398	7,212	69.3
Total	1,070	10,624	

- The Avalon Customer Contact Centre records one cash transaction on average every 3 days, whilst other branches record cash payments on average twice per business day.
- During the reporting period the evidence base shows over 90% of transactions are made with either cheque, credit or debit cards.
- Each Customer Contact Centre deals with numerous transaction types. The table below provides data for different types of transaction or purpose of visit to Avalon Customer Contact Centre.

Customer Visits – Including transactions



The data indicates the top 5 purposes for a visit to Avalon Customer Service Centre are:

- General enquiry – could be related to Council's business (What time is the library open?).
- Parking Permits - since August 2022 parking permits are available online.
- Justice of the Peace – witnessing and signing of legal documents.
- Customer Request – staff member enters information into the online Customer Request system on behalf of the customer.
- Rates – payments or enquiries.

The top 5 customer enquiries from 1/03/22 to 30/6/23 at all branches are as follows.

Rank	Avalon	Mona Vale	Dee Why	Manly	All Branches
1	General Enquiry	Parking Permit	Parking Permit	Parking Permit	Parking Permit
2	Parking Permit	General Enquiry	Visitor	General Enquiry	General Enquiry
3	Justice of the Peace	Rates	Rates	Rates	Rates

4	Customer Request	Justice of the Peace	General Enquiry	Customer Request	Customer Request
5	Rates	Customer Request	Customer Request	Application	Application

External Data Sources

In 2021 the Australian Government released the paper entitled “Digital Lives of Older Australians”. The paper provides a comparative analysis as to the digital literacy of older Australians and compares levels in 2017 to 2020. The data was collected in June 2020 and the report released in May 2021.

This report is relevant as the population of Avalon, Whale Beach and Palm Beach has a larger proportion of residents (30.6%) than that of the Northern Beaches (23.8%), aged over 60 as at the 2021 census. The census also indicates fastest growth in residents aged 70-84 and 60-69 compared with the 2016 census.

The report notes several trends including a 25% increase (2017-2020) in the number of older people with an internet connection in their home. The report states 93% of older people in Australia have internet connections in their home.

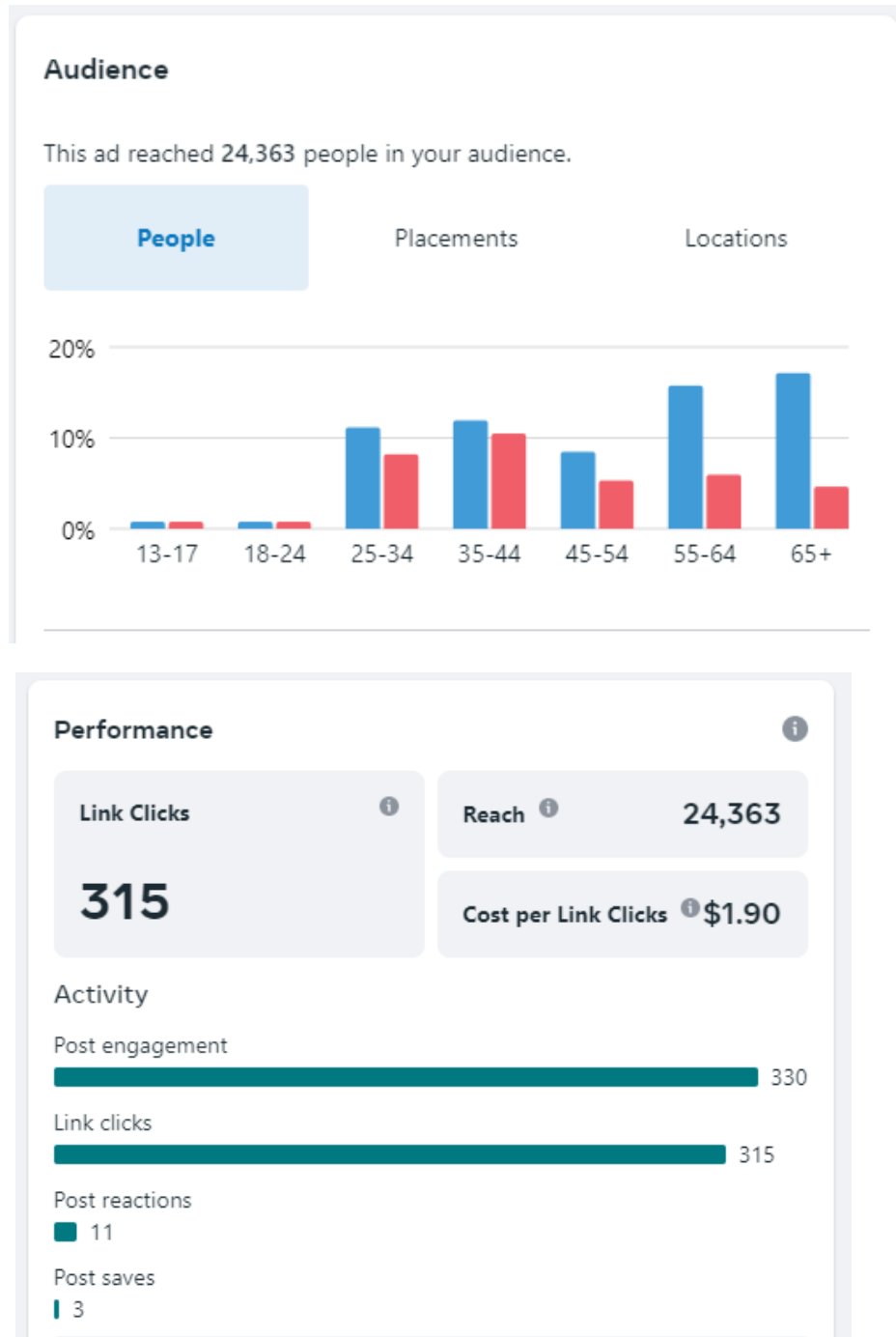
Further, this paper noted significant growth in how older Australians were using technology, including an increase to 26% of older Australians who used more than 5 different devices (eg smart phones, tablets, laptops and digital TVs with streaming services) compared to 6% in 2017. Conversely the percentage of older Australians with 2 or less devices has fallen from 62% in 2017 to 32% in 2020.

The table below provides data on the most popular devices for internet connectivity in June 2017 and June 2020 for older Australians.

Device	% used in 6 months to June 2017	% used in 6 months to June 2020	% change June 2017 to June 2020
Mobile phone	51	78	27
Tablet	42	59	17
Laptop	50	58	8
Desktop	52	47	-5
TV or smart TV	14	48	34
Digital media player	<1	17	17

Whilst detailed internet connectivity results are not yet available from the 2021 census, it is noted the 2016 census demonstrated 5.7% of households in the 2107 postcode (Avalon) and 5.9% in the 2108 postcode (Whale Beach and Palm Beach) did not have an internet connection. At the 2011 census this was around 10% for these postcodes, further demonstrating the growth in digital access for the community.

Social media statistics



Benchmarking

In October 2022, benchmarking was completed with other metropolitan councils to understand how Council's service levels compared with other similar local government areas. Each benchmarked organisation is a medium to large metropolitan council. Results are shown in the following table:

Description	Northern Beaches Council	Council 1	Council 2	Council 3	Council 4
No. of calls (p.a.)	170,407	184,351	257,408	88,360	164,946
No. counter mail, email and online enquires (p.a.)	105,801	90,786	70,130	(No data)	235,037
Total No. calls/counter/mail/email/online	276,208	275,137	327,538	Incomplete data	399,983
Average enquiries per resident	1.04	1.38	0.88	N/A	1.65
No. of customer requests (p.a.)	112,864	124,020	143,490	(No data)	231,390
% Customer requests lodged online	41,201 (36.5%)	64,416 (51.9%)	14,260 (9.9%)	8,106 (N/A%)	137,096 (59.2%)
No. of Physical Locations	4	3	2	(No data)	4
Call Centre Hours of Operation per day)	9.5 hours	9.5 hours	9 hours	8.5 hours	8 hours
Counter Hours of Operation	Mon - Fri 8:30am - 5pm	Mon - Fri 8:30am - 5pm	Mon – Fri 10am-3pm	Mon - Fri 8:30am - 5pm	Loc 1: Mon - Fri 9:00am - 5pm Loc 2: Mon & Fri 10:00am - 4:30pm Loc 3: Tues & Thurs 10:00am - 4:30pm Loc 4: Wed 10:00am - 4:30pm

The benchmarking data indicates Northern Beaches residents are provided with greater access to customer service counters, do less online requests for service and generally make fewer enquiries and requests for service. The benchmarking data at this stage does not provide any trend data but highlights the variations in levels of service provided across the local government sector.

ITEM 10.2	PUBLIC EXHIBITION OF THE DRAFT GAMBLING HARM MINIMISATION POLICY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2023/275437
ATTACHMENTS	1 ↓ Marked up draft Gambling Harm Minimisation Policy - August 2023

SUMMARY

PURPOSE

The purpose of this report is to seek Council endorsement to publicly exhibit the revised draft Gambling Harm Minimisation Policy for a minimum of 28 days.

EXECUTIVE SUMMARY

The Gambling and Poker Machine Harm Management Policy was adopted by Council in September 2018.

An internal review has identified several amendments to the policy to maintain currency with legislation and community concerns regarding gambling. This includes legislative updates relating to:

- Gambling
- Inclusion of Council's role in the ClubGRANTS program
- Broadening of the scope of the Policy to include online gambling
- Amending the title to 'Gambling Harm Minimisation Policy' (the draft policy) to reflect this.

This report seeks Council approval to place the amended draft policy on public exhibition for 28 days to capture feedback from the community and to identify whether any further changes are required.

The exhibition of the draft policy has no financial implications.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That:

1. Council place the draft Gambling Harm Minimisation Policy on public exhibition for a minimum of 28 days.
 2. The outcome of the public exhibition of the draft Gambling Harm Minimisation Policy be reported to Council.
-

REPORT

BACKGROUND

A Notice of Motion was adopted at the Council meeting of 28 November 2017 which relevantly provided:

- C. *Staff bring back a report within four months advising strategies, including the creation of a Northern Beaches Council Gambling and Poker Machine Harm Management Strategy, in relation to what council can do to restrict the proliferation of poker machines in the Northern Beaches Local Government area. This is completely separate to any action the State Government may take on the issue.*

The draft strategy was reported to the Council Meeting of 17 April 2018 where it was relevantly resolved that:

- A. *Council place the Draft Northern Beaches Council Gambling and Poker Machine Harm Management Strategy on public exhibition for a minimum of two (2) months.*
- B. *The outcomes of the public exhibition are reported back to Council.*

The Gambling and Poker Machine Harm Management Policy and the Gambling and Poker Machine Harm Management Plan were adopted at the Council meeting of 25 September 2018.

The policy is now due for its scheduled review.

Recent gambling reform

The NSW Government has recently implemented a number of reforms and initiatives in the area of poker machine and online gaming. A 12-month trial of cashless gaming for electronic gaming machines (EGMs) in venues across NSW with over 500 machines began on 1 July 2023.

Other reforms the Government has already implemented include reducing cash input limits to \$500 on new gaming machines from 1 July 2023, reducing the existing cap on gaming machine entitlements in NSW and commencing a staged approach to banning external gaming related signage by 1 September 2023.

Since the adoption of Council's policy focused on poker machine harm, there has been a significant increase in online gambling as a related area of community concern. The Australian Government, together with the State and Territory Governments, has introduced a National Framework, including 10 measures to empower individuals and minimise the harm from online gambling and provide consumer protections for people who gamble online. BetStop, the National Self-Exclusion Register, is the final measure to complete, which will launch in August 2023, to enable people to self-exclude from all licensed interactive wagering services for a minimum of 3 months and up to a lifetime.

In September 2022, the Australian Government Standing Committee on Social Policy and Legal Affairs adopted an inquiry into online gambling and its impacts on problem gamblers. Submissions closed in November 2022 and the Committee completed hearings in April 2023.

The *You win some, you lose more* report, published by Federal Parliament's standing committee on social policy and legal affairs, was released in June 2023 and makes 31 recommendations, including a national gambling regulator and a ban on online gambling advertising. The commitments of the Australian Government on these recommendations will remain unclear for several months. Regulation of online and poker machine gambling is primarily a matter for the Australian Government with the role of local government absent in these recommendations.

Role of Council in gambling harm minimisation

Despite the limited role of local government in gambling reform, several actions are relevant to local government particularly relating to the provision of community information and support. As such, it is proposed to include online gambling within the scope of Council's policy, noting the primary role of local government is the provision of relevant community information regarding available services and supports and harm minimisation measures.

As a part of the review of the adopted policy, an internal review has identified a number of amendments to the policy to maintain currency with legislation and community concerns regarding gambling. This includes legislative updates relating to gambling, the inclusion of Council's role in the ClubGRANTS program, the broadening of the scope of the policy to include online gambling and amending the title to 'Gambling Harm Minimisation Policy' (the draft policy) to reflect this. The amended draft policy is at Attachment 1.

Council's adopted Gambling and Poker Machine Harm Management Plan 2018 to 2023 identified 7 actions for implementation by Council. Updates on each are listed below.

1. That Council continues to lobby State and Federal Ministers to minimise EGMs and other gambling harms.

Comment: Council has written to relevant Ministers in relation to this issue and will continue to comment on any changes to legislation, in line with the amended draft policy.

2. That Council approaches Local Government NSW to lead lobbying efforts to State and Federal Ministers to minimise EGMs and other gambling harms on behalf of local councils in NSW.

Comment: Council approached Local Government NSW on the adoption of the management plan and will continue to lobby and comment on any changes to legislation, in line with the amended draft policy.

3. Council considers each request for increased EGMs coming via Liquor and Gaming NSW through a Local Impact Assessment (LIA) on its merits, including the potential individual and community harms it may cause.

Comment: The LIA process is overseen by Liquor and Gaming NSW and ensures local councils, police and residents have a say in what happens in their community when an organisation wants to introduce more EGMs into an area or when a hotel or club changes location. Council will continue to be involved, when requested by Liquor and Gaming, noting that this is infrequent.

4. Council provides community information on the harms of gambling and services available on Council's website, in collaboration with local clubs, hotels and other relevant bodies/stakeholders.

Comment: Council introduced a webpage with information regarding available gambling supports and services on its website. Council has also conducted workshops and webinars in partnership with local services, including 4 webinars since 2020, with an additional one scheduled for late 2023 targeting young people. The provision of community information is the primary role of local government on this issue and will continue to be a part of business as usual.

5. That Council staff continue as a key member of the Northern Beaches ClubGRANTS Committee, working with local clubs to ensure fair and equitable distribution of funds to a range of community organisations.

Comment: The role of the Northern Beaches ClubGRANTS Committee is advisory, and its objective is to identify local priorities for community development and discuss assessment of the applications. Council staff convene the committee and establish a sub-committee that conducts the assessment for all applications received and ranks them as High, Medium or Low. The Board of

Directors of the Clubs, however, retains the final decision-making power over what projects or organisations are funded.

This action was not included in the original adopted policy, and is included in the amended draft policy, to continue Council's commitment to involvement in the ClubGRANTS program.

6. Council explores the option to ban the future advertising of gambling on its buildings and properties and in any form of sponsorship. This does not include general promotions for clubs, ClubGRANTS and hotels, or their other services and activities.

Comment: This has been explored with a recommendation to Council not to proceed with such a ban. It is anticipated that this would affect some commercial and non-commercial groups using Council facilities including golf clubs, tennis clubs/groups, community centre users, sporting groups using sports fields, indoor sports centres and parks, surf lifesaving clubs and swimming clubs. Any further action on this would require consultation with these groups to understand the potential financial implications on local groups resulting from a ban.

7. That Council continues to monitor legislative change to ensure the policy and the plan remain up to date and relevant.

Comment: This action will be implemented with the amended draft Gambling Harm Minimisation Policy and will continue at each policy review.

As detailed above, actions and investigations have been completed, completing the Gambling and Poker Machine Harm Strategy 2018 to 2023. It is not considered that a new management plan is required as staff will continue to provide community education and advocacy for gambling reform, in accordance with the amended draft policy presented for public exhibition.

CONSULTATION

The draft policy will be placed on public exhibition for a minimum of 28 days.

The consultation process for the exhibition period will involve:

- Information on the 'Your Say' project web page, including online submission form.
- Distribution to local clubs for feedback.

TIMING

All feedback received during the public exhibition period will be considered, after which the final policy will be reported back to Council for consideration before its adoption.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and Belonging - Goal 11: Our community feels safe and supported.
- Community and Belonging - Goal 12: Our community is friendly and supportive.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

The exhibition of the draft policy has no financial impact on Council.

SOCIAL CONSIDERATIONS

There are many social considerations related to the policy. Framed within the principles of harm minimisation, the policy is focused on reducing the harms associated with gambling, particularly recognising the role of local government in providing relevant community information.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations.

GOVERNANCE AND RISK CONSIDERATIONS

The draft policy demonstrates Council leadership on a complex social issue, noting the limited role of local government in regulating and addressing this issue.



Council Policy

Gambling and Poker Machine Harm Management Minimisation

Policy Statement

Northern Beaches Council is committed to minimising the harms associated with poker machine gambling on the Northern Beaches and online gambling.

Gambling through electronic gambling machines (EGMs) or 'poker machines' and online gambling can be entertaining for people and not result in any adverse effects. Some people, however, and their community experience significant harm associated with gambling via these methods.

Principles

- ~~Electronic gambling machine (EGM) gambling is a legal and enjoyable activity for many Australians, and while the majority participate without adverse effects, a proportion of individuals, and their community experience significant harms associated with gambling~~
- ~~EGMs are designed to maximise spending and EGM machine usage and are highly addictive~~
- Harm minimisation seeks to reduce the negative effects of EGM gambling through considering the health, social and economic consequences of EGM gambling on both the individual and the community ~~as a whole~~
- Local councils have a significant role to play in ~~lobbying~~ education and advocacy to support evidence-based approaches to minimise the harms associated with poker machine and online gambling.
- Local councils have a responsibility to demonstrate community leadership on this issue.
- Council ~~shall~~ support evidence-based approaches to prevent and reduce gambling harm
- Council ~~shall~~ work in collaboration with local ~~clubs~~, Hotels and other relevant bodies/stakeholders, where appropriate, regarding community education and harm minimisation programs.
- Council shall continue as a key member of the Northern Beaches Club Grants Committee, working with local clubs to ensure fair and equitable distribution of funds to a range of community organisations.
- Council considers requests for increased EGMs from Liquor and Gaming NSW through a Local Impact Assessment on its merits, including the potential individual and community harms it may cause.

Scope and Application

This policy recognises there are a range of legal gambling opportunities available to the community including EGMs, Club Keno, casino table games, lotteries, wagering (racing or sports betting) and online gambling. This policy is focused on EGM and online gambling ~~as in line with~~ current research suggesting ~~these~~ causes the greatest harm in our communities. This policy also recognises the limited role local councils can play in the regulation of EGMs and online gambling and acknowledges the powers of the state and federal governments to create the most effective policy frameworks to address this complex issue.

~~The scope of this policy is influenced by the Gaming Machines Act 2001 (with Gaming Machines Amendment Act 2008). The Gaming Machines Act provides for the regulation, control and management of gaming machines in hotels and clubs and for related purposes. The Act amends~~



~~the Liquor Act 1982, the Registered Clubs Act 1976, the Casino Control Act 1992 and certain other Acts with respect to gaming machines and other matters; for other purposes:-~~

~~In NSW, gambling via EGMs and online gambling is regulated under various pieces of both State and Federal legislation including the *Interactive Gambling Act 2001* (Cth) and *Gaming Machines Act 2001* (Gaming Act). This legislation does not generally include a role for local councils, with the exception of the Gaming Act that requires certain applications to increase gaming machine thresholds to be provided to the relevant council.~~

~~Section 209(1) of the Gaming Act provides that an environmental planning instrument under the *Environmental Planning and Assessment Act 1979* cannot prohibit or require development consent for or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in hotels or on the premises of clubs or any other premises.~~

Section 209(3) of the ~~NSW~~ Gaming ~~Machines~~ Act ~~2001~~ provides:

A consent authority (within the meaning of the Environmental Planning and Assessment Act 1979) cannot:

- (a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or
- (b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.

This prevents ~~gambling-gaming machines~~ from being considered in social and economic assessments undertaken according to the Environmental Planning & Assessment Act 1979 as part of the determination of applications for development. Restriction or reference to gambling cannot be included in local environment plans, planning proposals or planning schemes. Most importantly, Council cannot place conditions of consent on developments that prohibit or restrict electronic gambling machines. While local government assesses the social and economic impacts of most development, Council is prevented from refusing or limiting development based on EGMs. Local government, therefore, does not have any jurisdiction in relation to gambling and is therefore restricted in its capacity to limit any local harm to the community.

The policy statement and principles of this policy will guide and inform Council actions on this issue, ~~including the Gambling and Poker Machine Harm Management Plan~~. This policy recognises the need to monitor ongoing reforms in ~~gambling-machine~~ legislation and amendments will be made when required to either this policy or relevant ~~plans and~~ actions.

References and related documents

Model Code of Conduct 2015

~~Northern Beaches Council Gambling and Poker Machine Harm Management Plan 2018-2023~~

Definitions

EGM: Electronic Gam~~bling~~ Machine, or Poker Machine

Responsible Officer

Executive Manager Community, Arts and Culture

Review Date

August ~~2023~~2027

Revision History

Version 42	22 August 2023	Gambling Harm and Poker Machine Harm ManagementMinimisation Policy	2023/484970 202 3/423356	Page 2 of 3
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Revision	Date	Details	TRIM Ref
1	25 Sept 2018	Gambling and Poker Machine Harm Management Policy adopted by Council on 25 September 2018.	2018/546043
2	22 August 2023	Amended draft Gambling Minimisation Policy presented to Council for public exhibition	2023/484970

DRAFT

ITEM 10.3**OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT
COMMUNITY SERVICE AWARDS POLICY****REPORTING MANAGER****EXECUTIVE MANAGER COMMUNITY, ARTS & CULTURE****TRIM FILE REF****2023/459918****ATTACHMENTS**

- 1 [⇒](#) Draft Community Service Awards Policy (Included In Attachments Booklet)**
- 2 [⇒](#) Community Engagement Report - Public Exhibition - Community Service Awards Policy (Included In Attachments Booklet)**

PURPOSE

The purpose of this report is to provide the outcome of the public exhibition of the draft Community Service Awards Policy and recommend its adoption.

EXECUTIVE SUMMARY

At the 27 June 2023 Ordinary Council meeting, Council resolved (Resolution165/23) that:

- 1. Council place the draft Community Services Award Policy on public exhibition for a minimum of 28 days.*
- 2. The outcome of the public exhibition of the draft Community Services Award Policy be reported to Council.*

The Community Services Award Policy (the policy) provides the framework for Council to recognise the outstanding contributions of people making a difference in the community.

A draft version of the policy, containing a proposed amendment, was placed on public exhibition from Monday 3 July to Monday 31 July 2023.

There were 18 submissions received during the public exhibition period, 17 through the 'Your Say' project page and one written submission via email.

The submissions demonstrated high level support for the proposed changes with 13 respondents indicating 'yes' they were supportive, two indicating 'yes they were supportive with changes', and two responding 'no' they were not supportive. The written submission also expressed support for all proposed amendments and changes.

The funding of the Community Services Awards program is available within the adopted Operational Budget 2023/24.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council adopt the Community Service Awards Policy.

REPORT

BACKGROUND

The current Community Services Award Policy was adopted at the Ordinary Council Meeting of 26 November 2019. The scheduled review of the policy is now due.

In reviewing the policy, one amendment was proposed to include a new category for Community Group of the Year to recognise the collective contribution of groups making a positive impact on the community.

Two operational changes were also identified to:

- allow non-Australian citizens to be eligible for the Outstanding Community Service Awards
- invite the current Citizen of the Year to be on the judging panel for the next year.

The feedback collected during consultation indicated a high level of support for the proposed amendment to include the Community Group of the Year category and the two operational changes. Many respondents noted the important contributions being made by community groups and non- Australian citizens and supported the collective and more inclusive recognition for the positive impact these community members are making to the Northern Beaches.

The proposed amendment has now been included in the Community Services Award Policy at Attachment 1, presented to Council for adoption. The operational changes will be included in the delivery of the 2024 Australia Day Awards.

CONSULTATION

The draft Community Service Awards Policy was placed on public exhibition from Monday 3 July to Monday 31 July 2023.

A 'Your Say' project page was developed to capture responses to the sentiment question, *Do you support the proposed amendments to the policy and guidelines?* and gather feedback from the community on the proposed changes.

The public exhibition was communicated through a range of Council electronic newsletters: Council e-News, Community Engagement, Drift Library Newsletter, Cooee Environment Newsletter, Wave Disability Newsletter, and KALOF Newsletter. Past award recipients and judges were contacted via email and encouraged to provide feedback through the 'Your Say' project page.

Council received 18 submissions during the public exhibition period. Of these, 17 submissions were received through the 'Your Say' project page, and 14 of those also provided written commentary to support their selection on the sentiment question. One written submission was received by email.

There were 13 respondents that indicated they were supportive of the proposed policy amendment and operational changes, with many recognising the important contributions of community groups, residents that are not Australian citizens and non-residents in volunteering their time to make the Northern Beaches a better place for all.

Two respondents indicated support for the proposal with changes. Two submissions questioned the proposed operational change to allow non-Australian citizens to be eligible for the Outstanding Community Service Awards. One respondent's view was the awards should only be open to Australian citizens while the second respondent questioned if they would need to be a resident and what criteria would apply to assessing their contribution to the community.

Comments and advice received have been taken into consideration and amendments based on those comments are included in the draft Policy at Attachment 1.

A full summary of the stakeholder consultation is included in the Community Engagement Report at Attachment 2.

TIMING

If adopted, it is intended that the policy will apply for the next 4 years, providing the necessary guidance for the annual delivery of the Australia Day Awards program. It is expected that the policy be scheduled for review by 30 August 2027.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and belonging - Goal 9 Our community is inclusive and connected

FINANCIAL CONSIDERATIONS

Funding to deliver the annual awards program is included in the Operational Budget 2023/24 and the Long-Term Financial Plan.

SOCIAL CONSIDERATIONS

The implementation of this policy makes a positive contribution towards achieving the aspirations for an inclusive and connected community. By recognising and celebrating the outstanding volunteers in our community, Council is demonstrating the vitally important role of volunteering in delivering programs, services, events, and activities that build social connections and allow people to participate in community life. Showcasing these incredible members of our community motivates and inspires others to volunteer, which will further improve inclusion and connection on the Northern Beaches.

The addition of the new Community Group of the Year category and allowing nominations for non-Australian citizens for the Outstanding Community Service Awards, further enhances the inclusiveness of this important recognition program.

ENVIRONMENTAL CONSIDERATIONS

The recommendations of this report pose no environmental impact on Council. In recent years, winners of the Australia Day Citizen of the Year Awards have received a trophy made of reclaimed timber and the winners of the Outstanding Community Service Awards have received a native plant seedling.

GOVERNANCE AND RISK CONSIDERATIONS

The Community Service Awards Policy provides an effective governance framework for Council to follow when delivering the annual Australia Day Citizen of the Year and Outstanding Community Service Awards.

ITEM 10.4	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT PUBLIC ART POLICY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2023/038508
ATTACHMENTS	1 ⇒ Draft Public Art Policy (Included In Attachments Booklet) 2 ⇒ Community Engagement Report - Public Art Policy (Included In Attachments Booklet)

PURPOSE

The purpose of this report is to report the outcome of the public exhibition of the draft Public Art Policy and recommend its adoption.

EXECUTIVE SUMMARY

- The Public Art Policy provides a framework of principles that express Council's commitment to the vital role of public art for the Northern Beaches.
- As part of its scheduled review Council endorsed the unamended draft Public Art Policy for a public exhibition period of a minimum of 28 days at the Ordinary Council meeting held on 22 November 2022 to encourage community feedback. The draft policy is Attachment 1.
- This report outlines the outcomes of community and stakeholder engagement undertaken as part of the review of the policy. The responses have been reviewed and no amendments are recommended due to the matters raised during the community engagement process.
- Nine submissions were received.
- The adoption of the policy has no financial implications.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council adopt the Public Art Policy.

REPORT

BACKGROUND

The Public Art Policy, adopted at the May 2019 Council meeting, provides a framework of principles that express Council's commitment to the vital role of public art for the Northern Beaches. This policy is due for its scheduled review and was exhibited for over 28 days.

CONSULTATION

Prior to presenting to Council an internal review of the Public Art Policy confirmed there were no suggested amendments from internal stakeholders. At the 22 November 2022 Ordinary Council meeting it was resolved to place the existing Public Art Policy, renamed the draft Public Art Policy, on public exhibition.

There were 9 unique responses collected during the exhibition period, indicating a moderate level of support for the draft policy. Comments cited various suggestions for improvement in the delivery of public art on the Northern Beaches and suggested Council should consider giving more support to local artists and arts organisations.

Respondents who were not supportive of the draft policy felt that funds were better spent on essential services, that art should not be placed outdoors in competition with the natural environment, and that public art must be culturally appropriate.

The draft policy can be viewed in Attachment 1.

Full details of community feedback may be viewed in Attachment 2. All feedback from the community has been reviewed and no amendments are recommended to the policy due to the matters raised during the community engagement process.

TIMING

Community and stakeholder engagement for the draft policy was conducted between 7 December 2022 and 29 January 2023. The consultation period was extended beyond the 28-day statutory requirement due to the holiday period.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and belonging - Goal 9 Our community is inclusive and connected

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The development of the original Public Art Policy included involvement and engagement with a broad range of stakeholders, with broad support for the policy. The readoption of the policy confirms principles to be followed in the procurement of public art that will enrich the public domain and cultural vibrancy of the Northern Beaches.

ENVIRONMENTAL CONSIDERATIONS

The policy includes a principle relating to encouraging and ensuring that public art is in keeping with natural environments.

GOVERNANCE AND RISK CONSIDERATIONS

The policy provides an effective governance framework for Council to follow when considering matters related to public art.

ITEM 10.5	COMMUNITY LIBRARY FUNDING 2023/24
REPORTING MANAGER	EXECUTIVE MANAGER LIBRARY SERVICES
TRIM FILE REF	2023/434080
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to seek approval to provide funding for the Northern Beaches community libraries to operate library services and develop library collections for the 2023/24 financial year.

EXECUTIVE SUMMARY

- Council has a long history of providing an annual subsidy to the community libraries of Avalon, Terrey Hills, Balgowlah Seaforth, and the Booklovers' Club Northern Beaches Inc.
- The funding provided is a cost-effective approach to the delivery of baseline public library services and is critical to the ongoing management of community library operations.
- Each community library submits an annual formal application for financial support to continue their operations.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council provide:

1. Financial assistance for 2023/24 to the community libraries to the value of:
 - A. \$69,290 (excluding GST) to Avalon Community Library Incorporated.
 - B. \$25,584 (excluding GST) to Balgowlah Seaforth Community Library.
 - C. \$2,132 (excluding GST) to Booklovers' Club Northern Beaches Incorporated.
 - D. \$27,716 (excluding GST) to Terrey Hills Community Library.
 2. The funding as detailed above to community libraries once the previous year's grant acquittals are received and finalised in line with acquittal processes.
-

REPORT

BACKGROUND

Run by dedicated volunteers, Avalon, Terrey Hills, Balgowlah Seaforth, and the Booklovers' Club community libraries are free for all residents of the Northern Beaches local government area.

Council has historically provided these community libraries with an annual subsidy to operate library services and develop collections for the benefit of library patrons and visitors. The funding is a reliable source of income for each of the libraries and is critical to the ongoing management of community library operations.

All community libraries are located within Council managed buildings for the purposes of delivering library services to local communities.

Community libraries' services include:

- Engaging library collections.
- Access to comfortable spaces and places for educational and recreational purposes.
- Access to Wi-Fi and public computers.
- Delivery of events and programs such as story time and local author talks.
- Opportunities for community volunteering.

Council historically budgets for and has provided the community libraries a consistent annual subsidy (excluding GST and indexed to CPI).

Following COVID 2021/22 lockdowns, Council provided funding at a pro rata basis in 2021/22:

- Avalon Community Library - \$48,750.
- Balgowlah Seaforth Community Library - \$18,000.
- Booklovers' Club Northern Beaches Incorporated - \$1,500.
- Terrey Hills Community Library - \$19,500.

In 2022-23, with a full return to service operations, Council approved and provided the following funding:

- Avalon Community Library - \$65,000.
- Balgowlah Seaforth Community Library - \$24,000.
- Booklovers' Club Northern Beaches Incorporated - \$2,000.
- Terrey Hills Community Library - \$26,000.

In line with the 2023 June quarter indexation rate of 6.6%, it is recommended that Council provide financial assistance to the community libraries to the value of:

- Avalon Community Library - \$69,290.
- Balgowlah Seaforth Community Library - \$25,584.
- Booklovers' Club Northern Beaches Incorporated - \$2,132.
- Terrey Hills Community Library - \$27,716.

CONSULTATION

Council consulted with the community in the 2022 community satisfaction survey which continued to highlight the ongoing positive performance and attributed value by our community on the provision of library services.

Library Services also undertakes regular user engagement and consultation as part of ongoing and embedded continuous improvement processes. Northern Beaches community libraries form part of the wider network of library services which continues to be highly valued by dedicated volunteers and community members.

TIMING

The disbursement of the grant funds to community libraries occurs between September and the following May each year after the submission of financial acquittals and a formal funding request.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life
- Community and belonging - Goal 9 Our community is inclusive and connected

This report relates to the draft Library Strategic Plan 2023-2028 which relevantly provides:

- Direction 3 Partnerships and Collaboration - Action 3.1.3 In collaboration with Northern Beaches Community Libraries, plan for ongoing sustainability and service delivery.

FINANCIAL CONSIDERATIONS

Funding to support the community libraries is included in the existing Northern Beaches Library Services operational budget.

SOCIAL CONSIDERATIONS

Avalon, Terrey Hills, Balgowlah Seaforth, and the Booklovers' Club community libraries are valued social and community assets. Community libraries not only provide library services to community members but also create engaging opportunities for volunteering within our communities contributing to community connectedness and improving outcomes for social inclusion and resilience.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

Under section 356 of the *Local Government Act 1993*, Council may resolve to grant financial assistance to an external body.

ITEM 10.6	PUBLIC EXHIBITION OF THE DRAFT CULTURAL POLICY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2023/496675
ATTACHMENTS	1 Draft Cultural Policy - August 2023

SUMMARY

PURPOSE

The purpose of this report is to seek Council's endorsement to publicly exhibit the draft Cultural Policy for 28 days.

EXECUTIVE SUMMARY

- The Cultural Policy was adopted by Council in 2020 and is now scheduled for review.
- Staff have completed an internal review and do not propose any changes to the previously adopted policy.
- It is proposed to seek community feedback and input into the draft policy for a minimum of 28 days.
- The recommendations of this report can be completed within allocated budgets and do not present any financial impacts on Council.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That:

1. Council place the draft Cultural Policy on public exhibition for a minimum of 28 days.
 2. The outcomes of the public exhibition of the draft Cultural Policy be reported to Council.
-

REPORT

BACKGROUND

The Cultural Policy (the policy) provides a framework of principles that articulates Council's position on local arts, culture, and creativity. The policy states the Council's commitment to fostering the unique culture of the Northern Beaches and outlines commitment to supporting creativity and exploring new ways of working with the community. The policy is provided at Attachment 1.

The Cultural Policy was adopted at the Council meeting of 25 February 2020 and is due for its scheduled review. The policy has been reviewed internally and no amendments are proposed. It aligns with the adopted Arts and Creativity Strategy: Connected through Creativity 2029 and the Arts and Culture Action Plan.

In recognition that Council needs to be adaptive and responsive, the policy review will ensure it continues to meet community needs and expectations. It is proposed to publicly exhibit the policy for a minimum of 28 days, seeking community feedback.

The Cultural Policy operates in conjunction with Council's Arts and Creativity Strategy: Connected through Creativity 2029, adopted in October 2019. The strategy is a blueprint for Council to realise its vision of a community enriched through the arts and connected through creativity.

The combined commitments to both the Cultural Policy and Arts and Creativity Strategy support and grow a vibrant and creative culture that is authentic to the Northern Beaches.

CONSULTATION

The draft policy will be placed on public exhibition for a minimum of 28 days.

The consultation process for the exhibition period will involve:

- Information on the 'Your Say' project web page, including online submission form.
- Promotion in Creative News and Manly Art Gallery and Museum email newsletters (reach of 6000 email addresses).

TIMING

All feedback received during the public exhibition period will be considered and outcomes reported to Council for consideration of any proposed amendments.

LINK TO 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
- Community and belonging - Goal 8 Our community feels safe and supported
- Community and belonging - Goal 9 Our community is inclusive and connected

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The draft Cultural Policy provides a clear statement of intent for the Council in developing local arts, culture, and creativity, unique to the Northern Beaches.

ENVIRONMENTAL CONSIDERATIONS

The draft policy acknowledges the importance of the arts, culture, and creativity in contributing to a thriving environmental future.

GOVERNANCE AND RISK CONSIDERATIONS

Reviewing Council policies in accordance with their review cycle ensures they remain relevant, effective and in keeping with community expectations.

Cultural Policy

Purpose

This Policy states the Council's commitment to fostering the unique culture of the Northern Beaches.

Policy Statement

Council will:

- recognise Aboriginal people as the original custodians of the Northern Beaches and acknowledge the traditional owners of this land and elders past and present. Aboriginal culture is integral to our understanding of belonging, community and care of the land.
- work collaboratively to ensure Aboriginal heritage and areas of cultural significance are preserved and celebrated as the heart of the area's living heritage and rich cultural assets.
- support local creativity at all stages of life as essential to our community's spirit of belonging as proudly expressed by the diversity of communities brought to the area through migration, lifestyle choice and love of its natural beauty.
- celebrate diversity in all forms as essential to an inclusive and engaged community. Council supports residents' freedom to choose their creative life and expressions of culture.
- foster our community's innate creativity, imagination and connection to place, as realised through our heritage and contemporary arts, vital to generating the big ideas and new ways that will deliver our thriving social, environmental and economic future.
- recognise that local creative industries are essential to cultural vitality. Council will actively support sector growth and innovation for change.
- enable established and emerging creatives through places and spaces, partnerships, programs and services to share local stories, engage, inspire and connect our community and visitors to the Northern Beaches.
- support the growth of Northern Beaches as a destination for arts, culture and creativity through leadership, with an outward-focused and inclusive approach achieving the best possible outcomes for our community.

Principles

This policy operates under the following principles:

- Local Aboriginal communities have the right to self-determination, including the sharing of culture, and the right to access and contribute to the region's cultural and creative life.
- Northern Beaches' residents and visitors have the right to self-expression and the right to access and contribute to the region's cultural and creative life.
- Place and spaces for the arts, cultural expressions and creativity, including experimentation and cross-disciplinary collaboration, are fundamental to community wellbeing, innovation and industry growth.



- Participation and engagement in arts and culture supports our community to express shared values, negotiate diverse beliefs, and increase connection to each other, promoting understanding and a sense of belonging.
- The arts can explore and respond to complex cultural, social, and environmental issues, revealing new possibilities and perspectives that provide opportunities to transform communities.
- Design excellence and artistic expression in the public domain embed creativity and strengthen our connection to place.

Scope and application

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

Application

This policy will be implemented through key Council documents, principally the *Arts and Creativity Strategy - Connected through Creativity 2029* that provides a framework for embedding creativity and expanding arts and culture across the Northern Beaches over the next decade.

Council's role

Council understands that thriving arts and creativity in diverse and inclusive communities will keep our cultural ecosystem strong, producing ideas that will allow us to meet challenges now and into the future. We recognise that creative communities need creative Councils to understand and support them, and we are committed to exploring new ways of working with the community. Council recognises that it needs to be adaptive and responsive and will review the policy periodically to ensure it continues to meet community needs and expectations.

References and related documents

Northern Beaches Council Community Strategic Plan *Shape 2028 2018-2028* (2018)
 Northern Beaches Council Draft Arts & Creativity Strategy *Connected through Creativity 2029* (2019)
 Northern Beaches Council Cultural Collection Management and Gifts Policy (2018)
 Northern Beaches Council Community Development and Services Policy (2019)
 Northern Beaches Council Draft Community Centres Strategy
 Northern Beaches Council Public Art Policy (2018)
 Northern Beaches Council Northern Beaches Coast Walk Strategic Plan (2018)
 Northern Beaches Events Strategy 2018 – 2025 (2018)
 Northern Beaches Council Draft Local Strategic Planning Statement, Towards 2040
 Northern Beaches Council Social Plan (in development)
 Local Government Act (1993)
 UNESCO, Universal Declaration on Cultural Diversity, adopted 2 November (2001)
 Arts NSW, Create in NSW: NSW Arts and Cultural Policy Framework (2015)

Definitions

Council considers art to be the manifestations of culture encompassing visual and performing arts, crafts, fashion and design, film and screen-based works, literature, digital and new media, and hybrid and new forms of creative thinking and expression. It also includes community arts, exhibitions, museums and galleries, and activations in public space.

Culture is considered as an inclusive term incorporating creativity, community, diversity, knowledge, heritage and expressed imagination that creates the way of life unique to the Northern Beaches.

Creative industries include a range of businesses that use creativity and knowledge as their primary source of economic generation. This may include:

- Aboriginal arts
- Advertising
- Audio-visual
- Craft
- Cultural heritage
- Design, including architecture, fashion and graphic, industrial and interior design
- Radio, film and television
- Makers
- Media and digital media music
- Publishing
- Performing arts
- Visual arts

Responsible Officer

Executive Manager Community, Arts and Culture

Review Date

~~July 2023~~ [August 2027](#)

Revision History

Revision	Date	Status	TRIM Ref
1	25/09/2019	First draft Cultural Policy	2019/554576
2	22/10/2019	Approved Northern Beaches Cultural Policy	2019/554576
3	25/02/2020	Adopted Northern Beaches Cultural Policy	2019/554576
4	22/08/2023	Draft Cultural Policy presented to Council for public exhibition	2023/513118

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT REVIEW OF ENVIRONMENTAL FACTORS FOR THE PROPOSED TRIAL DOG OFF-LEASH AREAS AT PALM BEACH (NORTH) AND MONA VALE BEACH (SOUTH)
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2023/038095
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒Community Engagement Report - Review of Environmental Factors - Proposed dog off-leash trial areas Palm Beach (north) and Mona Vale Beach (south) (Included In Attachments Booklet) 2 ⇒Community Engagement Report - Appendix A - Comments by theme (Included In Attachments Booklet) 3 ⇒Community Engagement Report - Appendix B - Verbatim comments (Included In Attachments Booklet) 4 ⇒Revised Draft Review of Environmental Factors - Proposed dog off-leash trial areas Palm Beach (north) and Mona Vale Beach (south) (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report, in accordance with Council Resolution 172/22, on the:

- Outcomes of the public exhibition and consultation on the draft Review of Environmental Factors (draft REF) for the 'Proposed Trial of Palm Beach (North) and Mona Vale Beach (South) Dog Off-Leash Areas' (the Trial).
- Investigations undertaken into requirements that must be addressed before the Trial may be implemented by Council, including under the relevant sections of the *Local Government Act 1993* (LG Act), *Crown Land Management Act 2016* (CLM Act) including with respect to plans of management, *Companion Animals Act 1998* (CA Act) and *Environmental Planning and Assessment Act 1979* (EP&A Act).

EXECUTIVE SUMMARY

Council at its meeting of 28 June 2022 considered a report about the draft REF prepared for the Trial. Council subsequently resolved (Resolution 172/22) to publicly exhibit and consult on the draft REF, investigate any further requirements that must be addressed and report back to Council.

In response to Resolution 172/22:

- A draft REF was placed on public exhibition from 11 August 2022 to 11 September 2022 for community feedback. Comments were also sought from NSW National Parks and Wildlife Service (NPWS), NSW Department of Primary Industries – Fisheries (Fisheries), and the NSW Department of Planning and Environment, Crown Lands (Crown Lands).
- Following the exhibition period, a detailed review and analysis of the 879 submissions was undertaken and is set out in a draft Community Engagement Report (Attachments 1, 2 and 3). Of these submissions, 1,583 discrete issues were coded against 18 themes, with some submissions raising multiple issues. A summary is provided in the consultation section of this report, with further detail in the attachments.

- The feedback from the NSW Government agencies that were consulted confirms that one of the next steps is the preparation of Plans for Management (POM) for the reserves that are the subject of the proposed Trial.
- A revised draft REF (Attachment 4) has been prepared based on the review of feedback received. The findings and conclusions of the revised draft REF remain substantially unchanged from that reported to Council on 28 June 2022. In particular, the potential impacts of the proposed Trial are considered unlikely to significantly affect the environment.
- The revised draft REF and Community Engagement Report are now reported to Council in accordance with Resolution 172/22 for its further consideration.
- Detailed investigations have also been undertaken that have identified that there are several steps required before Council could be in a position to make a lawful decision regarding proceeding with an off-leash trial.
- In summary, these steps include Council becoming the Crown land manager or obtaining a licence over relevant Crown land below Mean High Water Mark, an initial categorisation being undertaken of the relevant Crown land under section 3.23 of the CLM Act, the preparation of plans of management in respect of the relevant land under the CLM Act and LG Act (including, where applicable, adoption by the relevant Minister), the completion of any further environmental assessments under the EP&A Act, the variation or revocation of the Pittwater Council Dog Control Policy (No 30) in respect of the relevant land and the making of orders under the CA Act declaring the relevant land to be an off-leash area.

Council has allowed for the creation of a new Plan of Management for Governor Phillip Park under the LG Act and CLM Act, commencing in the 2023/24 financial year. As such it is recommended that Council proceed with this work, in accordance with the relevant legislative requirements.

Council has also identified funding to allow for Plan/s of Management to be made for Mona Vale Beach from the Parks and Recreation operational budget.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Note the draft Community Engagement Report at Attachments 1, 2 and 3.
2. Note the findings of the revised draft Review of Environmental Factors at Attachment 4.
3. Negotiate with Crown Lands for Council to obtain care, control and management of as much land as is necessary to effect progress of the draft Plans of Management and proposed off-leash dog trials.
4. Take the necessary steps to assign categories to the relevant Crown land at Palm Beach (North) and Mona Vale Beach (South) under section 3.23 of the *Crown Land Management Act 2016*.
5. Prepare a draft Plan of Management under the *Crown Land Management Act 2016* for Governor Phillip Park incorporating a proposal for an off-leash dog trial as described in Attachment 4.
6. Prepare the necessary draft Plan/s of Management under the *Local Government Act 1993* and the *Crown Land Management Act 2016*:
 - A. for the management areas of Mona Vale Beach indicated in Figure 11 of the Ocean Beaches Plan of Management (2005), extending as far north as Golf Avenue; and
 - B. that incorporate/s a proposal for an off-leash dog trial at Mona Vale Beach as described in Attachment 4.

REPORT

BACKGROUND

Council at its meeting of 28 June 2022 considered a report titled *Environmental Assessments for the Proposed Trial of Dog Off-leash Areas at Palm Beach (North) and Mona Vale Beach (South)*. Council subsequently resolved (Resolution 172/22):

That Council:

1. *Notes its consideration of the draft Community Engagement Report at Attachment 3 of the report for this item, and the draft Review of Environmental Factors in relation to the Proposed trial, being an off-leash dog area trial for 12 months at Palm Beach (North) and Mona Vale Beach (South) as set out in and incorporating the mitigation measures and conditions in Attachment 4.*
2. *In relation to exhibition and consultation:*
 - A. *Authorises the CEO to facilitate any amendments to the draft Review of Environmental Factors by Council and Council's consultants as necessary or appropriate prior to undertaking the exhibition outlined in 2B.*
 - B. *Authorises exhibition and consultation with the community and relevant government agencies on the draft Review of Environmental Factors in accordance with Council's Community Engagement Policy and Community Engagement Matrix for a period of not less than 28 days.*
 - C. *Requires a further report to Council on the outcomes of the exhibition and consultation process for its further consideration.*
3. *Investigates any further requirements that must be addressed before the Proposed trial may be implemented by Council, including under the Local Government Act 1993 and Crown Land Management Act 2016 (including with respect to plans of management), Companion Animals Act 1998 and Environmental Planning and Assessment Act 1979, with a further report to be brought to Council on the findings.*
4. *Authorises the Chief Executive Officer to do all things necessary to give effect to this resolution.*

The proposed trial of dog off-leash areas at Palm Beach (North) and Mona Vale Beach (South) (Trial) contemplated in Council Resolution 172/22 would allow dogs to be exercised off-leash within the signposted Trial areas, and use of the Trial areas would be subject to the following restricted times of use:

- 5.30am to 10.00am and 5.00pm to 9.00pm, Monday to Sunday (seven days a week). **Australian Eastern Daylight Time** (ie. between the first Sunday in October to the first Sunday in April)
- 6.00am to 10.00am and 4.00pm to 7.00pm, Monday to Sunday (seven days a week). **Australian Eastern Standard Time** (ie. the remainder of the year)

Draft Review of Environmental Factors

In accordance with Part 2.A of Council Resolution 172/22, Council conducted a pre-exhibition review of the draft Review of Environmental Factors (draft REF) that was prepared by Niche Environment & Heritage (Niche) in respect of the Trial and was considered at the Council meeting of 28 June 2022. Minor changes were then made to this draft REF including:

- Amendments to figures to reflect the Trial areas and parameters agreed by Council at its meeting of 22 February 2022 (resolution 023/22)
- Clarification of land tenure within the Trial areas
- Updates to the threatened species assessments of significance
- Updated information about investigations undertaken on the level of faecal bacteria specific to dogs at a number of Northern Beaches locations
- Amendments to the proposed environmental mitigation and management measures.

In response to Part 2.B of Council Resolution 172/22, the amended draft REF was publicly exhibited for community feedback from 11 August 2022 to 11 September 2022. Feedback was also sought from NSW National Parks & Wildlife Service (NPWS), NSW Department of Primary Industries – Fisheries (Fisheries), and the NSW Department of Planning and Environment, Crown Lands (Crown Lands).

879 individual submissions were received during the public exhibition period. The findings of the review and analysis of these submissions is detailed in a Community Engagement Report (Attachments 1, 2 and 3). In addition, Council received feedback from the State agencies listed above. Feedback has been summarised in the Consultation section of this Council report.

Revised Draft Review of Environmental Factors

Following the public exhibition and consultation undertaken in respect of the draft REF, Niche has now provided Council with a revised draft REF dated 20 June 2023 (Attachment 4).

The purpose of the revised draft REF is to document and assess the likely impacts of the Trial on the environment and detail any mitigation and management measures that will be implemented.

The revised draft REF helps to fulfil the requirements of Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by assessing all matters affecting or likely to affect the environment by reason of the Trial, so that Council may examine and take into account to the fullest extent possible those matters. As part of that process, Council will need to determine whether the Trial is likely to significantly affect the environment.

The revised draft REF considers a range of matters in relation to the use of the land for the proposed Trial and the potential for impacts to the environment.

The main potential environmental impacts associated with the Trial include:

- Biodiversity
- Traffic (Access and Parking)
- Waste Management
- Noise
- Aboriginal Archaeology
- Historic Heritage
- Human Health and Water Quality
- Socio economic / Land use.

Potential impacts to these aspects have been assessed as minor or negligible.

The potential for impacts to soil and groundwater contamination, greenhouse gas emissions, and air quality have also been considered and it has been concluded that adverse impacts are unlikely.

To minimise potential environmental and social impacts from the Trial, the size and location of the Trial areas have been considered. Residual impacts identified through the assessment process are proposed to be further minimised through the incorporation of mitigation and management safeguards. These mitigation and management safeguards have been consolidated in Table 27 of the revised draft REF (Attachment 4). The mapping for Palm Beach (North) in the draft REF indicates proposed changes to dog access in the vegetated area at the northern end of Governor Phillip Park. It is noted that on-leash dog access already exists in this area, and this inconsistency will be considered further as part of the development of the Plan of Management and the final version of the REF.

The biodiversity assessment in the revised draft REF indicates that the proposed Trial is not likely to significantly affect threatened species, however a number of mitigation and management measures are proposed to be implemented should a decision be made to implement the Trial. The proposed Trial will not impact on any Matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

Having regard to the above, the revised draft REF concludes that the proposed Trial is not likely to significantly affect the environment and therefore an Environmental Impact Statement is not required.

INVESTIGATIONS

In response to Part 3 of Council Resolution 172/22, a range of investigations have been undertaken into the requirements that must be addressed before the proposed Trial may be implemented by Council. A summary of these investigations and the relevance that they have on the commencement of the Trial is detailed in this section.

In summary, several further steps are required before Council could be in a position to make a lawful decision regarding proceeding with the Trial and it is not open to Council to determine to proceed with the Trial at this stage.

Planning Pathway under the EP&A Act

The EP&A Act regulates, amongst other things, development of land. "Development" is defined broadly and includes a "use of land". The proposed Trial will involve development which comprises the use of existing recreational areas and supporting infrastructure by members of the public.

Pittwater Local Environmental Plan 2014 (PLEP) applies to both proposed Trial areas. The areas are zoned as 'RE1 Public Recreation'. 'Recreation areas' is a type of development permitted with consent in Zone RE1. It is noted the Trial area at Palm Beach (North) does not extend into the adjacent C2 (Conservation) zone.

Council commissioned an extensive investigation of the historic recreational uses of both Palm Beach and Mona Vale Beach set out in Annex 1 of the revised draft REF (Cama Report). The Cama Report concludes that both Palm Beach (North) and Mona Vale Beach (South) have been used for public recreation areas since at least the early 1900s.

Accordingly, it is considered that the Trial would constitute a continuation of the existing use of Palm Beach (North) and Mona Vale Beach (South) for recreation under section 4.68 of the EP&A Act, and would therefore not involve a change in use. It is further considered that the trial would not result in the enlargement, expansion or intensification of the use. As such, it is considered that development consent under Part 4 of the EP&A Act would not be required.

The threshold requirements for the Trial to be subject to assessment under Division 5.1 of Part 5 of the EP&A Act include whether there is an 'activity' that requires 'approval' from a 'determining authority'.

While it is considered that development consent under Part 4 of the EP&A Act is not required, the Pittwater Council Dog Control Policy (No 30) (Dog Policy), made under the *Companion Animals Act 1998* (CA Act), prohibits dogs on all beaches within the local government area. In order to authorise the Trial, Council must first revoke or vary the Dog Policy and make orders under the CA Act.

As a result, it is considered that Council is a determining authority for the purposes of Part 5 of the EP&A Act and will need to comply with Division 5.1 of Part 5 of the EP&A Act.

Before making a decision on the carrying out of an activity or granting of approvals, determining authorities have a duty to take into account, to the fullest extent possible, all matters affecting or likely to affect the environment by reason of undertaking an activity (section 5.5 of the EP&A Act). The purpose of the REF is to assess and record such matters for Council's consideration when making a decision.

The revised draft REF assesses the Trial by reference to the factors in Section 171 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the *Guidelines for Division 5.1 assessments* (Department of Planning and Environment, June 2022) (Guidelines). The regulatory framework under the EP&A Act is considered in more detail at Section 4.1.1 of the revised draft REF.

As indicated above, the revised draft REF concludes that the proposed Trial is not likely to significantly affect the environment and therefore an environmental impact statement is not required.

Other controls regulating the Trial

Notwithstanding the conclusion of the revised draft REF, the statutory regime which applies to the Trial includes various other controls which must be complied with. These include the following.

Controls under the Local Government Act 1993 and Crown Land Management Act 2016 including in respect of Plans of Management

The LG Act regulates certain public land including Council owned land that is classified as community land. The LG Act imposes strict controls on the use and management of community land.

Among other things:

- Section 35 of the LG Act relevantly provides that community land is required to be used and managed in accordance with the plan of management (POM) applying to the land and Division 2 of Part 2 of Chapter 6 of the LG Act.
- Section 44 of the LG Act provides that pending the adoption of a POM for community land, the nature and use of the land must not be changed.

Pursuant to Division 3.4 of Part 3 of the CLM Act, various provisions of the LG Act with respect to community land also apply to Crown land in respect of which Council is the Crown land manager.

As indicated in the revised draft REF:

- The land proposed for the Trial at Palm Beach (North) is comprised of Crown land in respect of which Council is the Crown land manager and, below the Mean High Water Mark, Crown land in respect of which Council is not the Crown land manager.

- The land proposed for the Trial at Mona Vale Beach (South) is comprised of community land owned by Council, Crown land in respect of which Council is the Crown land manager and, below the Mean High Water Mark, Crown land in respect of which Council is not the Crown land manager.

Crown Lands has informed Council that the Trial would change the nature and use of the land for the purposes of the CLM Act and LG Act, which cannot occur without a new POM adopted in accordance with those Acts. This is by reason of section 44 of the LG Act.

Given the advice from Crown Lands and the provisions of section 35 and 44 of the LG Act, it is necessary to consider whether the Trial is authorised under relevant POMs.

Documents referred to as 'Plans of Management' exist for parts of each of the Trial areas and we consider each in turn.

Governor Phillip Park - Governor Phillip Park Plan of Management

The Governor Phillip Park Plan of Management (2002) (Governor Phillip Park POM) covers the Crown land that comprises this reserve. It does not expressly prohibit animals. The land use planning table in Section 3.8, page 36 of the Governor Phillip Park POM provides that 'Unleashed dog exercise / training area' is one of the "Permissible uses not requiring development consent (these may require approval under Part V of the EPA Act 1979)." However, no specific area is identified for having dogs off-leash.

The Governor Phillip Park POM was prepared and adopted by the then Pittwater Council consistent with the then CL Act and forwarded to the relevant Minister for approval. Advice from Crown Lands indicates Ministerial approval was never formally granted. As such, Crown Lands consider the Governor Phillip Park POM was never in force under the CL Act. Council's investigations into the status of the Governor Phillip Park POM have confirmed the information provided by Crown Lands.

Further, the CL Act has since been replaced by the CLM Act and, as the Governor Phillip Park POM was not in force under the CL Act, transitional provisions under the CLM Act (which save POMs in force under the CL Act) do not apply to it. As such, a POM would need to be prepared under the CLM Act and LG Act. Further, the Governor Phillip POM cannot simply be re-submitted for approval by the Minister; a new POM is required which complies with the requirements of the CLM Act and LG Act. Consideration would also need to be given to whether Council wants to include in the Trial Crown land below the Mean High Water Mark which is currently administered by Crown Lands. Crown Lands has indicated that it would prefer Council to become Crown land manager of the land below the Mean High Water Mark, rather than issue a licence to Council.

Mona Vale Beach (South) - Ocean Beaches Plan of Management

The Ocean Beaches Plan of Management (2005) (Ocean Beaches POM) applies to Mona Vale Beach, including the proposed Trial area. It also covers various other beaches including Avalon, Bilgola, Newport, Bungan, Warriewood and Turimetta, as well as North Narrabeen Rock Pool. In relation to Mona Vale Beach (South), the Ocean Beaches POM covers Council owned community land and Crown land. The Ocean Beaches POM was adopted by the then Pittwater Council. However, unlike the Governor Phillip POM, the Ocean Beaches POM expressly prohibits animals on Mona Vale Beach, except guide dogs.

Similar to the Governor Phillip Park POM, Ministerial approval was never formally granted in respect of the Ocean Beaches POM insofar as it covers Crown land. As such, the Ocean Beaches POM was never in force under the CL Act.

Before the proposed Trial can be considered for approval by Council, a POM will need to be prepared to address the current prohibition on dogs. Under the LG Act, a POM adopted under the LG Act can only be amended by the preparation of a new POM. Further, as the Ocean Beaches

POM was never in force under the CL Act, the transitional provisions under the CLM Act (which save POMs in force under the CL Act) do not apply to it. As such, a POM which complies with the requirements of the CLM Act and LG Act would need to be prepared in respect of the applicable Crown land. Consideration would also need to be given to whether Council wants to include in the Trial Crown land below the Mean High Water Mark which is currently administered by Crown Lands. Crown Lands has indicated that it would prefer Council to become Crown land manager of the land below the Mean High Water Mark, rather than issue a licence to Council.

Other comments on POMs

As indicated above, Crown Lands has informed Council that the Trial would change the nature and use of the land for the purposes of the CLM Act and LG Act, which cannot occur without a new POM adopted in accordance with the CLM Act. This is by reason of section 44 of the LG Act. Council's investigations into the status of the existing POMs have confirmed the information provided by Crown Lands. Accordingly, it would be necessary for Council to adopt POMs for the proposed Trial to proceed.

The amendment and adoption of a POM must comply with the provisions of the LG Act and the CLM Act, as applicable. If making POMs, it is recommended that Council ensure the POMs cover both the Trial and ongoing use of the relevant land for off-leash dog areas. This is to avoid the need to make further amendments to the POMs, should Council decide that the dog off-leash areas continue beyond the Trial.

Council has also investigated whether a POM could apply to a limited part of a Crown reserve, being only the part on which the proposed Trials are to be conducted (such that if a POM is required it can be limited in scope). There does not appear to be anything in either the CLM Act or LG Act that would prevent Council from preparing a draft POM relating only to the part of a reserve which will be included in the Trials.

However, insofar as a POM would require the approval of the Minister administering the CLM Act, it is uncertain whether the Minister would approve a POM of such limited application. Further it is considered that the administrative steps involved in a smaller POM are still significant and so there would be limited benefit in this approach.

In relation to Mona Vale Beach (South), it is recommended that a new draft POM/s be directed to the management areas indicated in Figure 11 of the Ocean Beaches Plan of Management 2005 extending as far north as Golf Avenue, rather than incorporate the all of Mona Vale beach and the other beaches covered by that POM. Funding has been identified for this work from the Parks and Recreation operational budget.

Process considerations for creating/amending Plans of Management

The following general comments are provided in respect of the POM process under the LG Act:

- Council may amend a POM adopted under this Division by means only of a POM so adopted: section 41.
- Before adopting a POM under the LG Act, Council must first prepare a draft plan of management: section 36.
- Council must give public notice of the draft POM, including exhibition for at least 28 days, and a period of at least 42 days after the first day of public exhibition during which submissions may be made to the Council: section 38.
- The POM should be exhibited with other matters necessary to enable the draft plan and its implications to be understood: section 38(4).

- Council must hold a public hearing in respect of a proposed POM (including a POM that amends another POM) if the proposed POM would have the effect of categorising, or altering the categorisation of, community land: section 40A.
- The POM may be adopted by Council after considering all submissions received: section 40.
- If Council decides to amend the draft POM it must publicly exhibit it again, unless it is of the opinion that the amendments are not substantial: section 40(2)(b).

The process in respect of Crown land under the CLM Act and POMs pertaining to such land also involves additional requirements, including:

- If categories are being applied to the land for the first time, these must also be notified to the Minister for Lands and Water: section 3.23(4). Categories have not been applied to the relevant land as yet and the *Guidelines for Council Crown land managers – Developing plans of management for community land Crown reserves* (Department of Planning, Industry and Environment, September 2021) provide that the CLM Act requires councils to assign one or more categories of community land referred to in section 36 of the LG Act to all reserves as an initial step, before POM are prepared (page 9). It is noted that where a POM would have the effect of recategorising community Crown land, Council is not required to hold a public hearing: *Crown Land Management Regulations 2018*, clause 70A.
- Council will need to provide the draft POM to the Minister for Lands and Water and obtain the Minister's consent: *Crown Land Management Regulations 2018* clause 70B.
- Council cannot approve a POM until it has received advice from a qualified native title manager that the POM complies with any applicable provisions of Commonwealth native title legislation: section 8.7.

It is important to note that any POM would need to deal with all uses on the relevant land and would not be confined to the Trial.

Controls under the Companion Animals Act 1998

For an area to be designated an off-leash area, an order under section 13(6) of the CA Act is required. In relation to the Trial, Council would also need to revoke or vary the current order under section 14(1) prohibiting dogs on beaches in the local government area as the Dog Policy currently prohibits dogs on beaches.

Accordingly, after appropriately varying or revoking the Dog Policy, Council must then make an order that the Trial areas are dog off-leash areas, subject to any necessary mitigation actions (e.g. those actions proposed in the revised draft REF), pursuant to Council's power under section 13(6) of the CA Act.

Section 13(6) provides:

A local authority can by order declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period or periods of the day or to different periods of different days. However, there must at all times be at least one public place in the area of a local authority that is an off-leash area.

Varying or revoking the Dog Policy in this way and making of an order under section 13(6) of the CA Act declaring a public place to be an off-leash area would need to be accompanied by the relevant environmental assessment. The revised draft REF is for this purpose.

Summary of the implications of the investigations for the Trial

Palm Beach (North)

- Under the LG Act and CLM Act, the nature and use of Crown land in respect of which Council is the Crown land manager must not be changed pending the adoption of a valid POM that applies to the land.
- The Trial area is entirely on Crown land.
- The Governor Phillip Park POM, although adopted by Pittwater Council, was not approved by the relevant Minister. As such, it is not a POM under the CL Act or the new CLM Act.
- A POM which allows the Trial needs to be prepared and made under the CLM Act. The POM would need to be adopted by the relevant Minister.
- In addition, Council will need to determine the “categorisation” of the land, as well as determine whether it seeks care, control and management of the Crown land in the Trial area below the Mean High Water Mark. The necessary steps would need to be followed in respect of these matters.
- Should the POM permit the use of the land for the Trial, Council would then need to determine whether to proceed with the Trial, and if determines to do so, vary the existing Dog Policy, and make orders under the CA Act to permit off-leash dogs for the purpose of the Trial.
- The decision to proceed would need to be accompanied by relevant environmental assessments in line with the judgment in *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156 and the requirements of the EP&A Act.

Mona Vale Beach (South)

- Under the LG Act and the CLM Act, the nature and use of Council owned community land and Crown land in respect of which Council is the Crown land manager must not be changed pending the adoption of a valid POM that applies to the land.
- The Trial area covers a section of Council owned community land, as well as sections of Crown land.
- The Ocean Beaches POM was adopted by Pittwater Council and is considered to be in force under the LG Act for the Council owned community land portion of the Trial area.
- The POM was not approved by the relevant Minister, and as such, for the Crown Land sections of the Trial area, it is not a valid POM under the CL Act or the new CLM Act.
- The POM also expressly prohibits animals on the beach with the exception of guide dogs for the visually impaired.
- A new POM would need to be prepared under the CLM Act and LG Act, however the existing Ocean Beaches POM also incorporates a number of other beach locations. The POM would need to be adopted by the relevant Minister in respect of the applicable Crown land.
- Council will need to determine the “categorisation” of the land, as well as determine whether it seeks care, control and management of the Crown land in the Trial area below the Mean High Water Mark. The necessary steps would need to be followed in respect of these matters.
- Should the POM permit the use of the land for the Trial, Council would then need to determine whether to proceed with the Trial, and if determines to do so, vary the existing Dog Policy, and make orders under the CA Act to permit off-leash dogs for the purpose of the Trial.

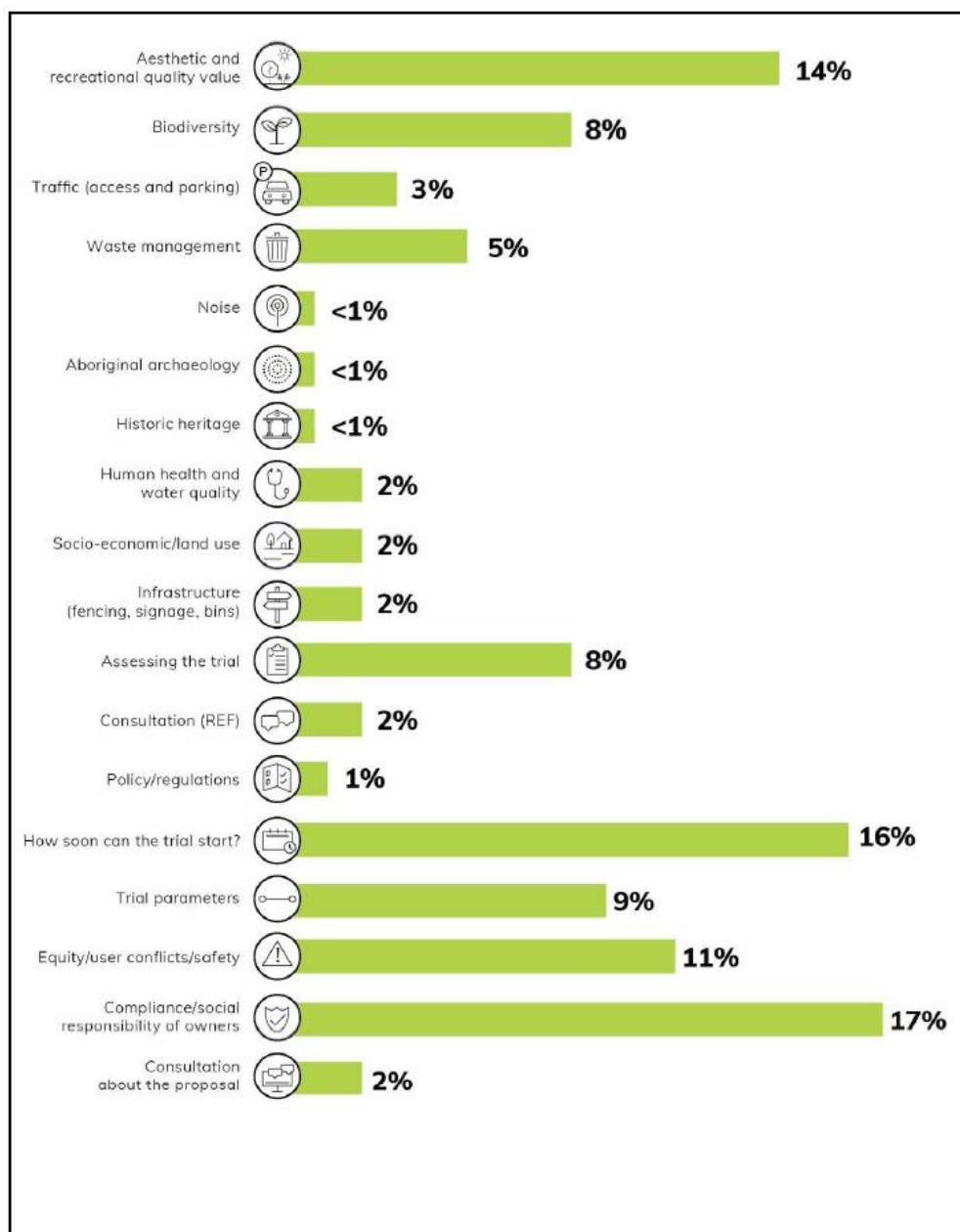
- The decision to proceed would need to be accompanied by relevant environmental assessments in line with the judgment in *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156 and the requirements of the EP&A Act.

CONSULTATION

In response to Part 2.B of Council Resolution 172/22, the draft REF was publicly exhibited for community feedback for 32 days from 11 August 2022 to 11 September 2022 and feedback was sought from Crown Lands, NPWS and Fisheries.

879 individual submissions were received from the community during the public exhibition period. The review and analysis of these submissions is detailed in a Community Engagement Report prepared by Barbara Company and Associates for Council (Attachments 1,2 and 3).

A summary of the feedback received is outlined in the figure and text below:



- Comments in relation to owner compliance and social responsibility accounted for 17% of overall comments. This was the single largest concern for most respondents, with multiple

comments made across different sub-themes. Of the comments in this category, 24% indicated support for dogs off-leash but also raised concerns about owners not picking up dog faeces, 13% said dogs were already off-leash in undesignated areas, 44% spoke about issues with enforcing compliance, and 18% suggested the majority of dog owners are responsible.

- Approximately 16% of comments made remarks about when the Trial is due to commence. Of these, 68% requested that Council proceed with the Trial, 11% said that more off-leash areas were needed, 13% commented on dog policies in other local government areas, and 8% asked about why the Trial is taking so long to commence.
- Comments in relation to aesthetic and recreational quality value accounted for 14% of comments overall. The majority of these comments (60%) felt that the benefits of the Trial would be positive, while a minority (18%) disagreed. There were suggestions that dogs being off-leash would both negatively and positively impact recreational spaces
- Just over 11% of comments discussed equity/user conflicts/safety. The majority (61%) described personal fears with off-leash dogs. Others discussed user conflicts with competing activities (e.g. weddings and markets). Other comments stated that the proposed times would be incompatible with existing users. A small portion of these comments (3%) suggested only allowing dogs on the beach if leashed. A further 7% said dogs should never be allowed on beaches, no matter the circumstance.
- Comments in relation to parameters of the Trial accounted for 9% of overall comments. Of these, 29% supported the proposed times and locations of the Trial, 27% requested more locations and extended hours, and 20% opposed the suggested locations. The remaining 8% suggested there were already enough off-leash areas.
- Comments in relation to biodiversity accounted for 8% of comments overall. The majority of those expressed concerns about the biodiversity impacts of the Trial. The majority commented on the Council's ability to adequately protect the flora and fauna from dogs running freely and expressed doubt as to dog-owner compliance. A minority of submissions agreed that the mitigation and management measurements proposed would be enough to reduce the impacts of the Trial, that dog owners love and respect the environment and are likely to comply with relevant regulatory requirements, and that other areas similar to the Trial exist elsewhere.
- Comments about assessing the Trial accounted for 8% of overall comments. The majority (75%) agreed with the draft REF findings and the way in which the assessment was completed. A minority (25%) did not agree.
- Comments in relation to waste management accounted for 5% of comments overall. The majority of those comments focussed on owner compliance in collecting dog faeces, suggesting that this is already an existing issue and that the management and mitigation measures proposed by the draft REF were inadequate. A minority suggested that humans cause more waste impacts than dogs through littering.
- Comments in relation to traffic and parking accounted for less than 3% of comments overall. The majority of those comments (80%) felt that parking would be a problem and that further studies are required. A minority (15%) felt that parking would be adequately addressed by the measures proposed in the draft REF.
- Around 1% of the comments overall related to policy/regulations. The majority (74%) of those raised concerns that the Trial is in breach of existing policy. Of the remaining comments, 13% said that regulatory requirements had not been fulfilled, 9% stated that further assessment was required, and 4% said that the draft REF met minimum regulatory requirements.

- Just over 2% of comments discussed human health and water quality. Just over half of these focussed on the impact of dog faeces and urine in the water. Other comments suggested that such fears were misplaced.
- Comments in relation to social and economic land use matters accounted for 2% of comments overall. The majority of comments in this category felt there needed to be greater transparency of the cost-benefit analysis of the Trial. Some suggested quantitative data is required. Others expressed concerns about the additional burden on Council resources if the Trial proceeds.
- Comments about infrastructure accounted for 2% of overall comments. Almost half of these expressed concern that the cost of additional services (e.g. installing new fences, bins, and signage) would be borne by all rate payers when only dog owners benefit. Other submissions commented on issues such as the placement of new fences, bins, and signage. One quarter of the submission in this category noted that dog owners are unlikely to comply with new fences, bins, and signage.
- Comments in relation to consultation on the draft REF accounted for 2% of overall comments. Less than half the comments in this category supported the extent of consultation undertaken for the draft REF, and/or suggested that no further consultation was required. The remainder of submissions expressed concerns about the Council's capacity to manage complaints from the Trial.
- Just over 2% of comments discussed consultation about the Trial. Of the comments in this category, 8% suggested that community members have not contributed to consultation because the issue is so divisive, with 26% stating that they were concerned about the consultation process. Others commented that consultation was taking too long.
- Less than 1% of comments discussed European heritage, focussing on the proximity of the Palm Beach (north) Trial area to the Barrenjoey Heritage Conservation Area.
- Less than 1% of comments discussed Aboriginal archaeology, noting the potential for the Trial to impact Aboriginal Heritage sites and whether the impacts had been assessed.
- Less than 1% of comments discussed noise impacts, noting the potential for the disturbance of peace and quiet by the Trial.

Feedback was also received from the three NSW government agencies consulted about the draft REF. This feedback is summarised below:

- NPWS
 - NPWS requested a compliance strategy for the operation of the Trial area at Palm Beach (North) and clear and well-placed signage.
 - NPWS reiterated their request for the northern boundary of the proposed Palm Beach (North) Trial area to be moved further south away from the Ku-ring-gai Chase National Park as a means to reduce the risk of dogs entering the National Park.
 - Notwithstanding the position of NPWS, the revised draft REF suggests that there is unlikely to be a significant environmental impact with Council's adopted Trial parameters. Moving the Trial further south at Palm Beach (North) reduces the distance to other potential activities such as the surf club and public carpark. However, a range of management measures such as signage are proposed in the draft REF which is consistent with the NPWS comment.
- Fisheries
 - Fisheries have no objections to the Trial proceeding.

- Crown Lands
 - Council wrote to Crown Lands on 2 September 2022 requesting comments on the draft REF.
 - At Council's request on 28 October 2022 a meeting was held with representatives from Crown Lands to discuss the draft REF, the proposed Trial, tenure for Crown land, POMs, boundary matters, and permissibility.
 - On 21 January 2023, Council wrote to Crown Lands confirming the discussions held on 28 October 2022 and seeking advice on the options available to Council for undertaking the proposed Trials on Crown land and on the approach in other local government areas. In its response dated 10 March 2023 the Department (Crown Lands) indicated, among other things, that:
 - Council will still need to formalise a POM for all reserves involved.
 - Crown Lands prefers that Council become Crown Land Manager of all affected reserves.

The Community Engagement Report (Attachments 1, 2 and 3) relating to the public exhibition of the draft REF was provided to Niche for the preparation of a revised draft REF for Council.

Further community consultation would be required as part of the next steps should Council decide to progress towards a Trial.

TIMING

As outlined in the "Investigations" section above, there are several steps required before Council could be in a position to make a lawful decision regarding proceeding with an off-leash trial.

A minimum of 12 months would be required to develop POMs and to undertake any required community engagement and other steps for the proposed Trial, however this is contingent upon the scope of the POMs, and the level of engagement required (including with Crown Lands), and the time it takes for the Minister to approve any POM.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.
- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- 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.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

The cost of the next steps is dependent on how Council determines to proceed.

Due to the size, profile, and range of issues beyond just the proposed off leash dog trial, it is expected that the preparation of the Plan of Management, masterplan, environmental assessment and community engagement for Governor Phillip Park will cost in the order of \$80,000 in consultancy fees with a significant investment of staff resources in addition to this.

Preparing similar documentation for the management area at Mona Vale Beach is expected to be less at an estimated cost of \$60,000 plus staff resourcing, however that will ultimately depend on the issues raised during the POM process, and the amount of supporting information required. Funding for this has been identified with the Parks and Recreation operational budget.

SOCIAL CONSIDERATIONS

Many dog owners have expressed their views that there is a need for more off-leash areas in our parks and for multiple beach locations to be considered. Council has also received community feedback that dogs should not be allowed on any beaches, no matter whether on or off-leash. The social considerations are further outlined above in this report, and in the engagement report (Attachments 1, 2 and 3).

ENVIRONMENTAL CONSIDERATIONS

The revised draft REF takes into account environmental considerations, having regard to the requirements of the EP&A Act, EP&A Regulation and Guidelines. The revised draft REF concludes that the proposed Trial is not likely to significantly affect the environment, including threatened species, populations, ecological communities, or their habitats. The revised draft REF recommends the implementation of a range of measures as part of the Trial to eliminate, ameliorate, or further minimise the predicted impacts. The proposed Trial will not impact on any Matters of National Environmental Significance under the EPBC Act.

It is considered that neither an Environmental Impact Statement, Species Impact Statement, nor a Biodiversity Development Assessment Report is required, and referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water under the EPBC Act is also not required.

GOVERNANCE AND RISK CONSIDERATIONS

In the judgment of the Land and Environment Court in *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156, the Court found that Council failed to undertake the requisite environmental assessments, with the result that Council decisions in August and December 2019 regarding Station Beach were declared invalid.

As outlined in this report and attachments, Council is not yet in a position to determine whether to proceed with the Trial. In order for the Trials to proceed, further steps will need to be taken, including the potential amendment and/or adoption of the requisite PoMs, as detailed above in the "Investigations" section.

Council has an adopted enterprise risk framework, and will need to have due regard for its risk appetite as it considers the potential next steps associated with the Trial.

ITEM 11.2	OUTCOME OF THE PUBLIC EXHIBITION OF THE GREENDALE CREEK FLOOD STUDY
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2023/430165
ATTACHMENTS	1 ⇒ Greendale Creek Flood Study (Included In Attachments Booklet) 2 ⇒ Greendale Creek Flood Study - Appendices (Included In Attachments Booklet) 3 ⇒ Community Engagement Report - Public Exhibition of Draft Greendale Creek Flood Study (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the outcome of the public exhibition of the draft Greendale Creek Flood Study.

EXECUTIVE SUMMARY

Greendale Creek is the main creek flowing into Curl Curl Lagoon. The catchment includes parts of Beacon Hill, Brookvale, Curl Curl, Freshwater and North Curl Curl. The Greendale Creek Flood Study (Attachments 1 and 2) has been prepared for Council to define existing and future flood behaviour in the study area which in turn assists in determining how to best manage the identified flood risks.

Results from this study will supersede those from the previous Curl Curl Lagoon Flood Study (2004). The study was undertaken over a much larger study area than the 2004 study and in addition to updated modelling methodologies includes more of the Probable Maximum Flood (PMF) area and areas affected by overland flow flooding.

As reported to Council last year, the larger study area results in a larger number of properties being identified as flood affected. The number of lots identified as being within the Flood Planning Area (FPA) has risen from 406 to 563. The total number of lots identified as flood affected, ie. those within the PMF extent, has risen from 480 to 1,420.

Public exhibition of the draft study was held from 29 March 2023 until 7 May 2023. A community engagement report has been prepared (Attachment 3). In response to community feedback, several site inspections were conducted to confirm site conditions, such as localised depressions or retaining walls, and where relevant, the modelling was updated. In some cases, this resulted in minor adjustments of the mapped flood extent.

Following adoption of this study, flood planning levels will be amended which will be reflected through planning controls and planning certificates for properties identified as being subject to flood related development controls in the FPA and PMF areas.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Adopt the Greendale Creek Flood Study (July 2023).
 2. Update Flood Planning Levels for those properties identified in the Greendale Creek Flood Study (July 2023) as being subject to flood related development controls, noting that this will update associated data on planning certificates.
-

REPORT

BACKGROUND

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

Under the NSW Government's Flood Prone Land Policy, the management of flood affected land is the responsibility of local councils. The NSW Government supports councils in undertaking flood risk management through providing guidelines, technical assistance, and funding to enable the sustainable use of floodplain environments, solutions to flooding problems and a means of ensuring that new development is compatible with the flood hazard. This study has been two-thirds funded by the NSW Government's Flood Management Program and follows the prescribed process which has 5 sequential stages: 1) collection of data; 2) flood study; 3) floodplain risk management study; 4) floodplain risk management plan; and 5) implementation of the plan. This study fulfils Stage 2 of the process and will be followed in the future by a floodplain risk management study and subsequent plan.

The Study Area

The study area as shown in Figure 1 below covers approximately 4.7 km², comprising the Greendale Creek catchment including Curl Curl Lagoon. Curl Curl Lagoon is an intermittently closed and open lagoon and a significant feature of the lower catchment with Greendale Creek and most of the study area draining to it, while parts of the eastern most portion of the catchment to the north and south drain directly to the Tasman Sea. The Greendale Creek Catchment includes parts of the suburbs of Beacon Hill, Brookvale, Curl Curl, North Curl Curl and Freshwater.

The land use within the study area consists primarily of medium and high density urban residential development with a considerable amount of industrial development in the suburb of Brookvale, together with extensive parks and sporting ovals adjacent to Curl Curl Lagoon.

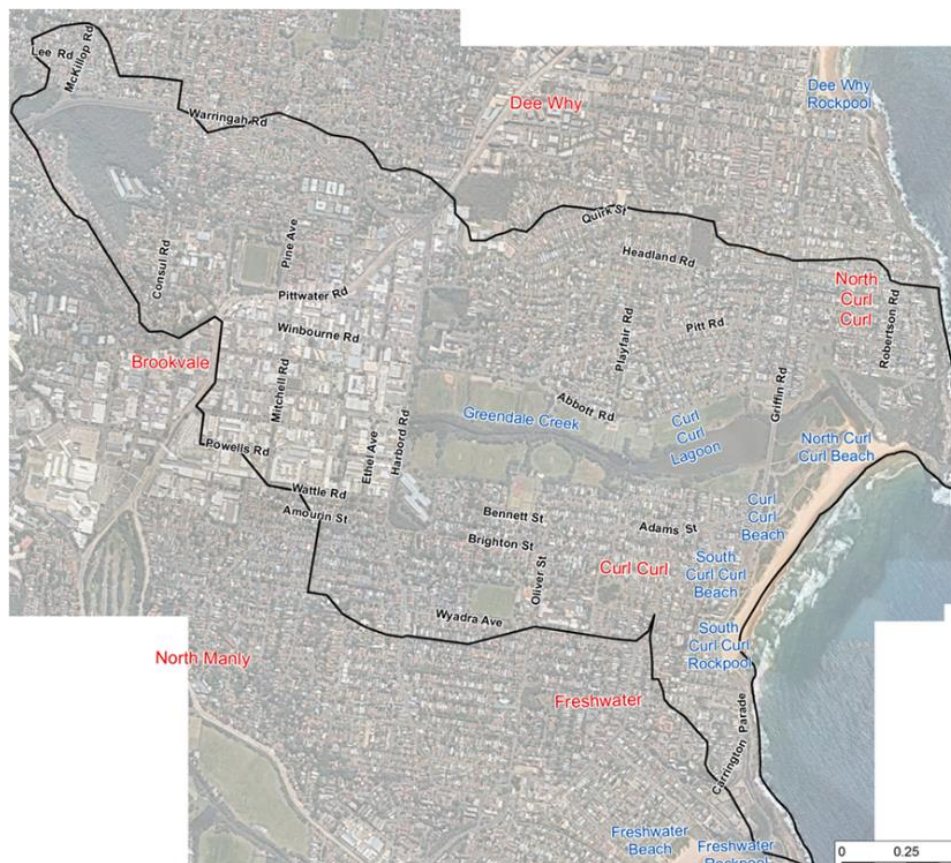


Figure 1 – Study area for the Greendale Creek Flood Study

Previous Study

Current flood information is based on the Curl Curl Lagoon Flood Study (2004). The study area was focused on the catchment east of Harbord Road, with only limited investigation west of Harbord Road, and no investigation into overland flow flooding. While the 2004 study used data and models that were appropriate for the time, more advanced methods are now available and have been used in the current Study.

Figure 2 below shows the flood information currently used by Council for planning purposes and assessing development applications. The Flood Planning Area (FPA) (shaded blue) has the same extent as the Medium Flood Risk Precinct and the Probable Maximum Flood (PMF) (shaded green) has the same extent as the Low Flood Risk Precinct.

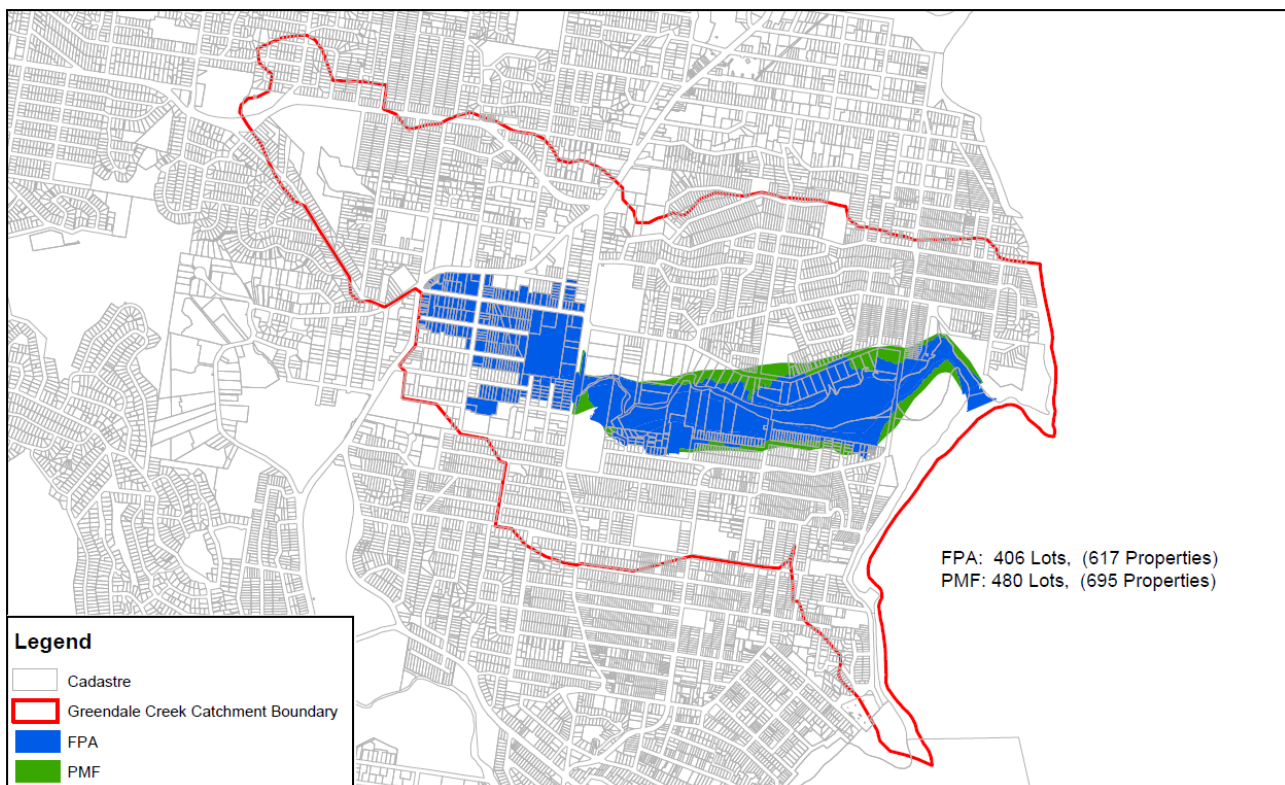


Figure 2 – Current flood information used by Council for the Greendale Creek catchment

Greendale Creek Flood Study

The key objective of the study is to gain a comprehensive understanding of flood risk in the study area, using current best information and practice to provide the foundation for determining how best to manage identified flood risks. The study considers current catchment conditions, potential impacts of climate change, delineates overland flow paths and utilises the most up-to-date topographical data and floodplain modelling techniques.

The key outputs of the flood study include the identification of flood information for a range of design flood events such as peak flood levels and velocities, flood hazards (which inform the flood risk), categorisation of the hydraulic flows and flood planning extents.

Update to the Flood Planning Area and Probable Maximum Flood Extent

Land use planning is an effective means of minimising flood risk and damages from flooding. The Flood Planning Level (FPL) is a measure used to set heights such as minimum floor levels for new development. It is based upon the 1% AEP flood level combined with a freeboard (typically 0.5m). The FPA identifies land below the FPL which is subject to flood related development controls. Properties outside of the FPA but within the PMF extent are only subject to flood related

development controls for vulnerable and critical land uses, such as hospitals, senior living and schools. Figure 3 below shows the new FPA (shaded blue) and PMF area (shaded green).

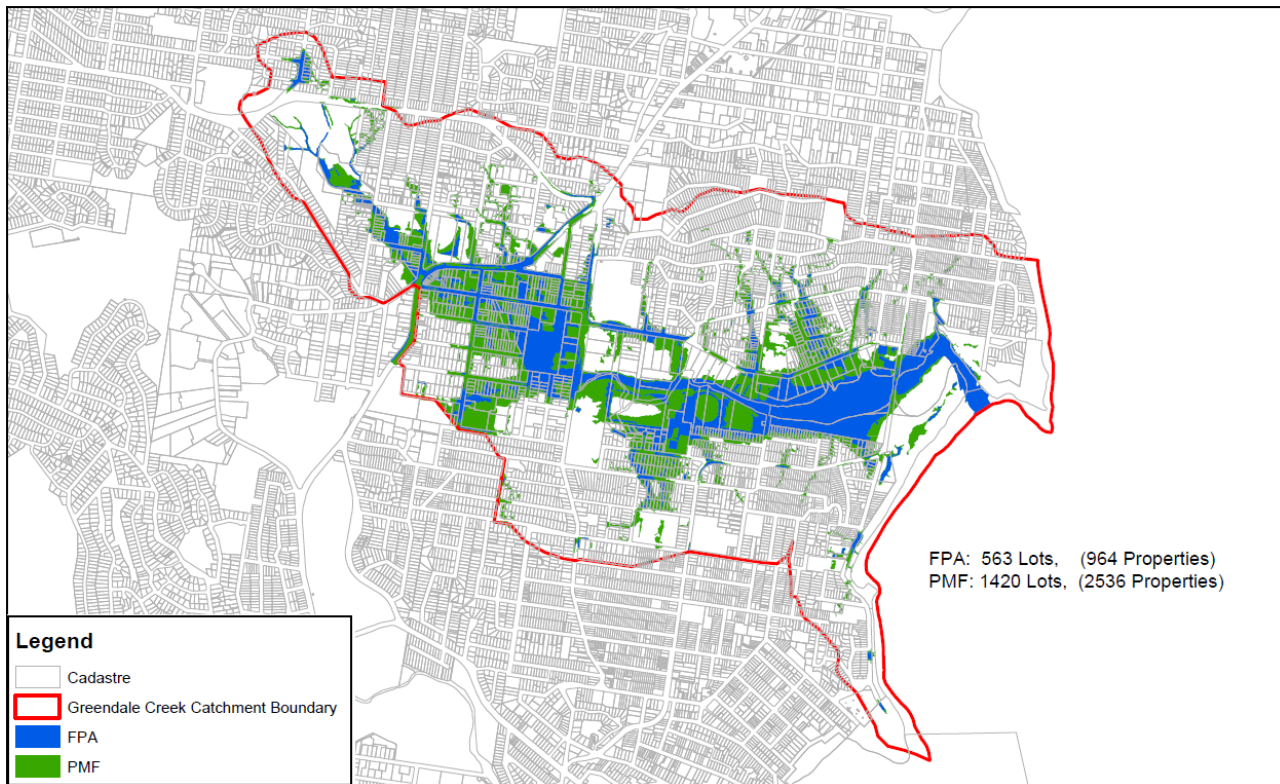


Figure 3 – Updated FPA and PMF Extent

Overall many more properties are now identified as flood affected compared to the 2004 study. This is due to the much larger scale of the recent study particularly for areas affected by the PMF (which was previously only determined downstream of Harbord Road), the inclusion of areas affected by overland flow flooding, and a greater degree of accuracy in the updated modelling methodology (including better computer modelling and improved rainfall data based on longer available rainfall records).

The number of lots identified as being within the FPA has risen from 406 to 563 (from 617 to 964 properties). The total number of lots identified as flood affected, ie those within the PMF extent, has risen from 480 to 1,420 (from 695 to 2,536 properties). The number of properties includes multiple units on one lot.

Compared with the current situation, 283 lots have been newly added to the FPA, of which 272 were not previously identified as flood affected and 11 were identified as flood affected in the PMF but not in the FPA. As well, 126 lots have been removed from the FPA, of which 118 are still identified as flood affected in the PMF and 8 are no longer identified as flood affected at all. These numbers include a number of adjustments made after the public exhibition, as described below.

Planning Certificates

Under the *Environmental Planning and Assessment Act 1979*, Council is required to place a 'notation' on a planning certificate (previously called a section 149 (2) certificate) if: (1) a property is subject to flood related development controls in the FPA; and (2) if it is subject to flood related development controls in the PMF. For most types of development, controls only apply within the FPA. There are only controls for properties within the PMF but outside of the FPA for vulnerable and critical development, such as hospitals, schools and senior living developments. Following adoption of this study, planning certificates will need to be updated.

CONSULTATION

A questionnaire was distributed to residents in the study area in August 2019 at the beginning of the project. The purpose of the questionnaire was to identify which residents had experienced problems with flooding and to collate historical flood data. A total of 113 responses were received, via both written and online submissions.

Council approved the draft flood study for public exhibition on 22 March 2022 and this was conducted from 29 March until 7 May 2023. The public exhibition had to be postponed after the major flooding event in March 2022, which placed significant demands on our resources.

A total of 2,402 letters were sent to affected property owners. Four information sessions were held where residents could discuss the study one-on-one with Council staff and the consultant. A 'Your Say' project webpage was established and information was provided through targeted Facebook posts and at Council's customer service centres and libraries.

During the public exhibition, there were 74 one-on-one appointments attended by residents in the study area, numerous phone conversations and 1,414 visits to the project webpage from 981 different visitors. A total of 37 submissions were received.

The primary concerns for the community were how the study was going to affect insurance premiums, house prices and future development potential. Based on community feedback, some changes were made to the flood model and flood extents. For the 37 submissions, 12 lots were removed from the FPA and 2 were removed from the PMF. These have been accounted for in the total numbers provided above.

The majority of concerns raised included:

- Concern about the identification of a property as flood affected, or about how the study in general may affect house insurance premiums
- Concern about the identification of a property as flood affected, or about how the study in general may affect house prices
- Concern about how the identification of a property as flood affected affects current or future redevelopment plans
- Queries about how a property could be flood affected when it is much higher than Curl Curl Lagoon. The overland flow approach of the study was explained in this case. Some queries also related to the fact that flooding was due to inadequate drainage. The design of the stormwater network for frequent events was explained and that in large events overland flow is to be expected. The follow up question was typically "what is Council going to do about the flooding issues". It was explained that the next stage of the NSW Flood Program is to conduct a floodplain risk management study to investigate flood risk mitigation options
- Requests to be removed from the Flood Planning Area. In some cases, it was identified that only a minor portion of the lot was affected. The selection criteria for flood affectation were reviewed in detail and it was considered reasonable that properties with minor affectation of the Flood Planning Area be removed. Additional filtering criteria at the lot level was applied to ensure a consistent approach for all properties across the catchment. In other cases, the identification of the lot as flood affected remained.

Several community members also raised the recent March 2022 storm event. This storm took place in the same month that the draft report was presented to Council with a request for public exhibition, and as such it has not been considered in this study. In general, comments were made regarding:

- The fact that a property was not affected by the March 2022 storm event, however, is still identified as flood-affected. In this case it was explained that the storm event was most likely smaller than a 1% AEP event in this vicinity.
- Confirmation of the flood modelling results, with observations from the March 2022 storm event aligning with the flood modelling results that were mapped. Where people noted flood inundation, this was mapped as such in the design flood events.

TIMING

Pending Council's decision and available funding, the floodplain risk management study and plan are expected to commence in the 2024/25 financial year.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Protection of the environment - Goal 2 Our environment is resilient to natural hazards and climate change

FINANCIAL CONSIDERATIONS

The study was two-thirds funded through the NSW Flood Management Program and the other third through Council's Delivery Program. Funding will be applied for through the same program for the subsequent floodplain risk management study and plan relating to this work.

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

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

ITEM 11.3	MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 7 MARCH 2023
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2023/454936
ATTACHMENTS	1 Minutes of the Bush Fire Management Committee Meeting held 7 March 2023

REPORT

PURPOSE

To report the minutes of the Northern Beaches Bush Fire Management Committee (BFMC) meeting held on 7 March 2023.

REPORT

The Northern Beaches BFMC area comprises of 23,525 hectares, of which Council has care, control and management of approximately 13% of the land. The remainder of the area is managed by NSW National Parks and Wildlife Service (NPWS) (46%), private tenure (36%), or by other government agencies (5%).

Under the *Rural Fires Act 1997* landowners are responsible for managing bush fire risk on their land. The BFMC consists of a range of agencies and stakeholders such as the fire authorities, land management agencies and community organisations. The BFMC is responsible for coordinating bush fire management across the Local Government Area (LGA) and Council actively participates in the Committee and sub-committees. BFMC meetings are held quarterly.

An Ordinary Meeting of the BFMC was held on 7 March 2023, the minutes of which were adopted at the BFMC meeting held on 6 June 2023. A copy of the minutes is attached to this report (Attachment 1).

Matters discussed at the meeting relevant to Council included the following:

- Election of Chairperson, Acceptance of Minutes, Matters Arising and Correspondence In/Out
- Pipeline Active Transport Corridor Update
- 2022/23 Hazard Reduction Program Update
- 2023/24 Hazard Reduction Program Update
- 2022/23 Agency Mitigation Reports
- Bush Fire Risk Management Plan (BFRMP)
- Ingleside Community Protection Plan (CPP)
- Neighbourhood Safer Places (NSP)
- Ignition Prevention Plan (IPP)
- Fire Access and Fire Trail Plan (FAFT)
- Section 52 Operations Plan
- General Business

LINK TO COUNCIL STRATEGY

Council's participation in the BFMC, and its bush fire management activities throughout the Northern Beaches is in line with the following outcomes in the Community Strategic Plan:

- 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.

FINANCIAL CONSIDERATIONS

Funding to support bush fire management is included in existing operational budgets and supported by NSW Rural Fire Service (RFS) grants annually.

ENVIRONMENTAL CONSIDERATIONS

Council staff work with RFS, Fire & Rescue NSW (FRNSW) and contractors to manage environmental risks associated with fire management works, such as fire trail preparation, Asset Protection Zone works on Council lands, and prescribed burns. Bush Fire Hazard Reduction Certificates, Reviews of Environmental Factors or approvals under other legislative pathways are undertaken for specific sites as required. Council is working with BFMC partners to encourage and undertake ecological/low intensity Hazard Reduction burns within the LGA.

SOCIAL CONSIDERATIONS

The BFMC provides valuable information and advice relating to risk and safety of the community to support their resilience. It includes participation and engagement with a number of key state agency stakeholders. Council works with the fire agencies through this Committee to facilitate community preparedness before and during the bush fire season.

GOVERNANCE AND RISK CONSIDERATIONS

The BFMC is conducted in accordance with the governance arrangements outlined in the *Rural Fires Act 1997*. Council's participation in the BFMC also satisfies the relevant requirements of Council's Bush Fire Management Policy 2021.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council note the minutes of the Northern Beaches Bush Fire Management Committee Meeting held on 7 March 2023.

Minutes Northern Beaches BUSH FIRE MANAGEMENT COMMITTEE MINUTES

Meeting:	001/2023
Convened by:	Councillor David Walton – Northern Beaches Council
Location:	Northern Beaches Rural Fire Service District Office, Gate 4 Thompson Drive, Terrey Hills / Online Teams.
Date and time:	Tuesday, 7 March 2023 - 1000hrs
Minutes by:	Scott Molenaar – RFS

Table 1: Attendance Record

Members (* Voting member)	Organisation	Present	Apology	
Ben Robb	NPWS	X		
Rod Clark	NPWS	X		
Khrystina Rydzewski	Sydney Water	X		
Paul Gamosh	Sydney Water		X	
Guy Munro	Ausgrid	From 11:10		
Kel McNamara	FRNSW	X		
Mathew Mildwater	FRNSW		X	
Andrew Gibson	FRNSW	X		
Guy Baddock	RFS		X	
Scott Crosweller	RFS		X	
Warren Cree	RFS	X		
George Sheppard	RFS	X		
Scott Molenaar	RFS	X		
Gary Hansen	RFS (GSA)		X	
Bryan Germain	RFS (GSA)	X		
Chris Harris	RFS (GSA)	X		
Councillor David Walton *	NBC	X		
Councillor Sue Heins – Alternate	NBC		X	
Todd Dickinson	NBC		X	

Members (* Voting Member)	Organisation	Present	Apology	
Yianni Mentis *	NBC		X	
Chris Munro – Alternate	NBC	X		
Ben Fallowfield	NBC (LEMO)	X		
Matt Horwood	NBC	X		
Chris Buckley	NBC		X	
Isobel Smith	NBC	X		
Nick Skelton	NCC	X		
Judy Lambert	NCC	X		
Anthony Parrello	Planning	X		

Table 2: Documents Referred to in the Meeting

Document title	Author	Date
IMZ Draft Proposal & List for BFMC 7-3-23	NSW RFS	17-2-23
Final Minutes 6-12-22 BFMC	NSW RFS	28-2-23
Briefing Note & Maps on the Review of NSPs	NSW RFS	28-2-23
Crown Lands – BFMC Organisation Report - NB	Crown Lands	7-3-23
NBC – ECC – Bush Fire Activities BFMC Report	NBC	7-3-23
NB BFMC – NSW DPE OSL Report	NSW DPE OSL	7-3-23
NB BFMC – Organisation Report	NSW RFS GSA	7-3-23
NB BFMC HR Program – Update 7-3-23	NSW RFS	7-3-23

Minutes

Item 1	Welcome	Chair
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Councillor David Walton – Northern Beaches Council

BFMC Chairperson

Item 2	Apologies	Chair
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As above.

Item 3	Election of Chairperson	NSW RFS
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Election of BFMC Chairperson and Alternate for 2023

Chairperson: Councillor David Walton – Northern Beaches Council

Alternate Chairperson: Councillor Sue Heinz – Northern Beaches Council

Moved: Chris Munro (NBC) Seconded: Kel McNamara (FRNSW) Carried

Item 4	Acceptance of Minutes	Chair
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Minutes of BFMC Meeting – 6 December 2022

Moved: Nick Skelton (NCC) Seconded: Chris Munro (NBC) Carried

Item 5	Matters Arising	Chair
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Matt Horwood tabled minor changes to the minutes and it was accepted they be amended on the approved minutes for 6-12-22.

Item 6	Correspondence In	Chair
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- Nil

Item 7	Correspondence Out	Chair
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- 19-12-22 – Draft IMZ Sub-committee minutes from 25-10-22
- 20-12-22 – Executive Officer request for review of draft IMZs
- 17-2-23 – IMZ Draft Proposal for BFMC 7-3-23
- 21-2-23 – Update with NBC IMZ submission
- 28-2-23 – Approved BFMC Minutes from 6 September 2022
- 28-2-23 – Briefing Note & Maps on the Review of NSPs
- 28-2-23 – Hazard Reduction report from 6-12-22
- 23-2-23 – Draft Minutes (V1.2) 6-12-22 BFMC Minutes

Item 8	Pipeline Trail / Bike trail	Chair
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- Northern Beaches Council (NBC) are looking into turning three current fire trails (Manly Dam Pipeline, Davidson and Sorlie Pipeline Fire Trails) alongside the main Sydney Water Pipeline into a sealed recreational shared bike/walking path between Middle Harbour and Allambie Heights.
- General discussion
- NBC have agreed to ensure that the bike path will be capable of meeting where possible the fire trail standards, in particular weight requirements, so that fire trucks can safely drive on it. These three trails may later be reclassified in the FAFT Plan to 'Other Fire Access' as their primary purpose will not be for firefighting, but accessible if required.

Item 9	2022-23 Hazard Reduction Program	NSWRFS
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Following a recent burn completed by NBC/FRNSW the status of completed BFMC HRs is:

- o 14 completed.
- o 256 hectares.
- o 450 homes protected.
- Weather outlook is indicating we should see favourable weather for HR burning into Autumn and maybe further.
- Update from agencies on HR preparation:
 - o FRNSW - Have 30 HRs in Northern Beaches with 12 ready and awaiting favourable weather.
 - o NBC – Completed one small HR at Bilgola Plateau in mid-January with FRNSW, looking to implement further with both RFS/FRNSW in the coming weeks/months if dry enough. Tentatively have two scheduled for later this week with FRNSW.
 - o NPWS – Awaiting fuel moisture levels to drop.
 - o Sydney Water – Look at hydrant maps for best filling points and give them notification before HRs commence that may require larger amounts of water so they can ensure surrounding storages are full.

Item 10	2023/24 Hazard Reduction Program	NSWRFS
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HR Sub-committee to meet over March / April to develop the Draft 2023-24 Hazard Reduction Program to be tabled at the June BFMC meeting. All stakeholders including Harbour Trust will be invited to these meetings.

Item 11 2022/23 Manual (APZ) Hazard Reductions**Reports:**

- NBC tabled report (attached).
- Crown Lands report tabled (attached).
- Office of Strategic Lands (NSW DPE) tabled report (attached), 36 APZs treated.
- NPWS reported 44 APZs treated.
- Sydney Water report APZs for 'Water' infrastructure treated.

Funding Claims

- A reminder that funding claims should be made when works are completed.

Item 12 Bush Fire Risk Management Plan (BFRMP)

Discussion on Ignition Management Zones (IMZs), acceptance by the BFMC of the Draft IMZs following the sub-committee meeting and follow up correspondence. The final list and map was tabled (attached).

- Motion: *'the Northern Beaches Bush Fire Management Committee recommend that four Ignition Management Zones, as per the map 13-2-23, be added to the draft Northern Beaches Bush Fire Management Plan to allow the plan to be approved by the Bush Fire Coordinating Committee to allow the BFRMP to be placed on display for public comment'*.

Moved: Nick Skelton (NCC) Seconded: Chris Munro (NBC) Carried

The BFMC sub-committee will review of the BFRMP whilst on public exhibition. This will re look at focus areas and update on Fire/HR history and align the 5-year HR plan to start in 2023/24.

Item 13 Ingleside Community Protection Plan (CPP)

The Ingleside CPP has been approved by the NB BFMC and submitted to the BFCC for final approval.

Item 14 Neighbourhood Safer Places (NSP)

RFS provided an update to the committee.

- A review of the Northern Beaches NSPs has begun due to concerns regarding access to public and private building 24/7 as per the draft list & maps (attached). Following general discuss the RFS are seeking more advice regarding such a proposal.
- An additional four NSPs for the Northern Beaches as per the draft list & maps (attached) were also discussed. These include 1 in Cottage Point, 1 in Oxford Falls and 2 in Ingleside. At this stage the RFS will need to undertake assessment to confirm the viability of the locations.

NBC provided an update to the committee.

- NBC indicated that they have also been reviewing the location and accessibility of the current NSPs through a similar lens. NBC will provide details of their review to the RFS for consideration.

Item 15 Update Northern Beaches BFMC – Ignition Prevention Plan

The Ignition Prevention Plan (IPP) includes specific actions in relation to Fire Danger Ratings (FDR) including:

- Areas/roads to be closed
- Increased patrols etc. by land managers, fire agency & Police patrols linked to FDRs.
- Specific investigation into strategies for high ignition areas such as Dee Why Lagoon.
- Nick Skelton discuss that MLALC should be involved if they wish

Item 16 Fire Trails / FAFT Plan

Current works completed:

- NPWS
 - o Elvina Trail to the community in the east excluding trails in Elvina Bay, Lovett Bay & McCarrs Creek
 - o Towlers Trail to the community in the east excluding trails in Lovett Bay, the Chase & Morning Bay.
 - o Basin Trail (complete trail)
 - o Resolute Trail
- Bryan from RFS GSA noted the work completed by NPWS is to an excellent standard

Works currently being scoped:

- NPWS
 - o Long Trail
 - o Perimeter Trail
 - o Terrey Hill Complex
 - o Kierans Creek Complex
 - o Bare Creek Complex
- NBC
 - o Elvina (community) Complex including Sturdee East/West, Wirringulla and Douglas Estate Fire Trails. Will be investigate capacity as part of scoping, likely to achieve only Cat 7 due to restrictions in width.
 - ~~o Towlers (community) Complex including Lovett Bay, the Chase & Morning Bay. Most of these trails will most likely no longer be Cat 1 rated due to not enough width available.~~
 - o Manly Dam Complex including Manly Dam, Martin Luther, Martin Luther North, Southern Cross, Nyrang and Gibbs Fire Trails.

NBC also reported that they have completed recent vegetation maintenance works along portions of the Oxford Heights Trail with additional vegetation/surface works planned for sections of the Cromer, Cook, Booralie, Mackerel, Guardian/Brooker Fire Trails. Works are being investigated for Bates Creek and Bridgeview Fire Trails.

Ausgrid reported they are working on Electrical Asset trails that are available for fire services to utilise. Raise any urgent trail works with Ausgrid, if required for access for Hazard Reduction works

The BFMC fire trail program is targeted at achieving the priorities set out by the FAFT and we continue develop a FAFT Works Schedule for 2023/24. This may include any Harbour Trust trails.

Item 17 Update on the Section 52 Operations Plan

RFS provided an update to the committee. Reminder: Please keep list updated.

Item 18 General Business

- Judy (NCC) – Save the date 24-26 May for the Nature Conservation Council event Bi-Annual conference.
- Nick (NCC) – Hypothetical question posed to the BFMC 'if Lantana could be eradicated would the bush fire risk be reduced'. General discussion and opinion is yes.
- Bryan RFS GSA – Reported that most likely all mitigation fund claims will need to be submitted by 31 May 2023
- Bryan RFS GSA – Portable weather measuring equipment is available from the RFS if required for HRs & Operations
- Bryan RFS GSA – The BFMC forum is proposed for the 9 – 10 May 2023. More details to follow.
- Khrystina Sydney Water – Provided updated details for Paul Gamosh & Rebecca Gonzalez
- Matt Horwood (NBC) – Can cultural burning be an avenue for greater engagement of MLALC into the BFMC? General discussion had, some challenges highlighted and consensus that further discussion required. Council very eager to participate in cultural burning wherever possible.

Meeting Closed 11:20 hrs

Next Meeting:

- 6 June 2023 at commencing at 1000hrs

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	OUTCOME OF PUBLIC EXHIBITION OF THE DRAFT ECONOMIC DEVELOPMENT STRATEGY 'BUSINESS ON THE BEACHES'
REPORTING MANAGER	MANAGER, PLACE & ECONOMIC DEVELOPMENT
TRIM FILE REF	2023/273472
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Economic Development Strategy (Included In Attachments Booklet) 2 ⇒ Terms of Reference Northern Beaches Business & Industry Stakeholder Committee (Included In Attachments Booklet) 3 ⇒ Community Engagement Report Draft Economic Development Strategy (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report on the outcome of the public exhibition of the draft Economic Development Strategy 'Business on the Beaches' and seek Council's endorsement of the final strategy.

EXECUTIVE SUMMARY

- The Economic Development Strategy (EDS) is the lead strategy to deliver on the economic pillar of Council's Community Strategic Plan, The EDS sets a 10-year vision to build 'a more diverse, innovative, vibrant and green economy'. The EDS is supported by a 1-to-4-year action plan with specific actions detailing timing of implementation, responsibilities, and performance/success measures.
- The draft EDS was exhibited for 8 weeks from 30 January to 26 March 2023. The 'Your Say' project page received over 2,000 visits during the exhibition and 23 submissions were received. There was strong support for the draft EDS, with calls for further recognition of the need to protect employment lands, encourage greater business diversity in town centres, and tackle skills shortages and housing affordability.
- Amendments to the EDS are proposed to address issues identified in submissions and include:
 - Strengthened action plan with additional performance measures/targets to grow jobs, businesses, spend and visitation across the Northern Beaches over the next 5 years. Targets to measure progress towards a greener economy has also been established.
 - Current data on the economic value of employment precincts to reinforce the importance and value of employment land.
 - Identification of the new LEP/DCP to retain and support new commercial/retail floor space and mix of land uses.
 - Development of a Welcome Kit for Businesses to inform prospective businesses and landlords of existing business mix and council processes.
- To monitor the implementation of the EDS a Northern Beaches Business and Industry Stakeholder Committee will be established. The committee will be a high-level industry forum to understand changing economic and business needs and opportunities across the Northern Beaches, and to advocate these to all levels of government. It will include representatives of the industry sectors that reflect the economic profile of the local government area.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Adopt the Economic Development Strategy 'Business on the Beaches'.
 2. Approve the establishment of a Northern Beaches Business and Industry Stakeholder Committee to monitor implementation of the Economic Development Strategy in accordance with Terms of Reference attached.
 3. Nominate 4 councillors, along with the Mayor or their representative, to become members of the Northern Beaches Business and Industry Stakeholder Committee for a period of 2 years or until election caretaker period (anticipated August 2024), whichever is the earlier.
-

REPORT

BACKGROUND

Council has prepared its first Northern Beaches Economic Development Strategy (EDS) 'Business on the Beaches'. The EDS sets a vision that 'The Northern Beaches is a more diverse, innovative, vibrant, and green economy' and outlines the key economic challenges, opportunities, and aspirations for the local government area over the next 10 years. The EDS seeks to assist local businesses in their post COVID-19 recovery while planning for a sustainable economy long into the future.

The EDS sets out how Northern Beaches Council can attract, sustain, and support businesses, under four directions: diverse economy, innovative economy, vibrant economy, and green economy.

At the December 2022 Council Meeting the draft Economic Development Strategy was endorsed to go on public exhibition for 8 weeks. The public exhibition of the draft EDS commenced on 30 January 2023 and ran until 26 March 2023.

CONSULTATION

The draft EDS was published on Council's website via the 'Your Say' platform, with information provided in an accessible and easy to read format. This included a Frequently Asked Question section, snapshot of sections of the draft EDS, as well as a 5-minute voice over presentation, outlining the purpose and content of the draft strategy. The 'Your Say' project page had over 2,000 visits.

Feedback was captured through an online submission form embedded onto the 'Your Say' project page. An open-field comments box provided community members with a space to explain or elaborate on their support, not support or neutral sentiment, as well as any other feedback they wished to contribute. We invited the community to let us know if they thought that we had missed anything regarding the themes, objectives, and action plans. Email and written comments were also invited.

Promotion:

The draft EDS was primarily promoted through Council's regular email newsletter (EDM) channels, throughout the 8-week exhibition period. This included featuring in:

- 3 editions of the fortnightly Community Engagement newsletter (24,000 subscribers)
- 2 editions of the weekly Community eDM (61,500 subscribers)
- 2 editions of the monthly Business eDM Beaches Biz (14,000 subscribers)

A social media campaign (LinkedIn and Facebook) to raise awareness of the draft EDS, encouraging businesses and residents to review was also conducted. This campaign involved a series of 8 posts and reached nearly 46,000 people, with over 600 clicks.

The draft EDS was also promoted at face-to-face meetings with local businesses, including a business briefing for the Brookvale Structure Plan and a Warringah Chamber of Commerce Breakfast with the Mayor, both held in February 2023.

Targeted emails were sent to 32 key stakeholders, including local business chambers and industry representatives, many of whom had been interviewed as part of the development of the draft EDS. The 100 businesses who had completed the Business Survey which informed the draft EDS, were also emailed notifying them of the public exhibition and seeking feedback.

Submissions:

23 submissions were received: 18 via the Your Say submission form and 5 via email. Of the 14 respondents who completed the online sentiment question, two-thirds supported the draft EDS, with half of these citing support subject to changes. 11% of respondents did not support the draft EDS and a further 22% were neutral.

The feedback collected during the consultation stage revealed a high level of support for the vision and directions of the draft EDS (i.e., a Diverse, Innovative, Vibrant and Green Economy).

There was strong support for the protection and enhancement of key employment lands, encouraging more diversity in town centres, and addressing challenges around access to skilled workers and housing affordability. Whilst not directly related to the EDS, concerns about lack of car parking in town centres, internet capacity, cost of outdoor dining and council procurement processes, were also raised in some of the submissions.

Many of the issues or specific suggestions raised in submissions, will be addressed by other council strategies/processes, or are beyond the direct control of local government.

The Community and Stakeholder Engagement Report (Attachment 1) provides more detail on the issues raised, staff responses, and where relevant, subsequent changes proposed to the draft EDS.

A summary of the themes arising through the submissions is as follows: -

- **Business Diversity** - a need for greater diversity of business offerings in town centres, with concern there are too many similar businesses (such as hairdressers and take-away premises) concentrated in centres. This issue was seen as leading to oversupply/competition and more seasonal volatility in some centres.
- **Employment Lands** - importance of protecting and enhancing existing employment lands (industrial lands and business parks) and opportunities to consider new employment lands, to address rising rental costs, and improve amenity of existing employment lands.
- **Skills/Education** – calls for a university presence on the Northern Beaches, along with expansion of TAFE and education providers to supply the future local workforce.
- **Affordable Housing** – this was identified as a challenge for getting/retaining skilled workers. Opportunities to develop Council owned affordable housing on its land were suggested, along with a potential shared equity scheme for lower income workers.
- **Enabling Infrastructure** – poor internet was raised as an impediment to running a business and there were calls for cable in all landline locations. Investment in community infrastructure, such as theatres and pools, were also identified to provide all year-round attraction for visitors.
- **Parking** – this was identified as vital for retail and local businesses. Submissions called for Council to provide new car parks as part of future centre redevelopments. Challenges of balancing parking with pedestrian space were recognised. There were calls for a comprehensive parking supply and management strategy for key centres.
- **Outdoor dining** - calls for more sustainable outdoor dining fees and consideration of the re-introduction of zero outdoor dining fees (such as City of Sydney). Opportunities for more outdoor dining was also raised.
- **Procurement/financing** - several ideas were raised to fund business start-ups, including rent-free hubs (via vacancy tax), a venture capital investment fund and voucher scheme to spend at local businesses. There were also calls for council to encourage more procurement from local suppliers, through greater notification of tenders and potentially preferential weighting for local suppliers.

Changes to the draft Economic Development Strategy

Since preparing the draft EDS, clearer guidelines on structure and terminology of Council strategies and plans have been established within Council, and these administrative changes have been incorporated into the final Economic Development Strategy.

Change in structure/terminology: To be consistent with the new guidelines for writing Council strategies and plans the subheadings in the section “A strategy to meet the vision” have changed from: *Theme; Goal; Objectives; Actions* to *Direction; Outcomes; Actions*. Rather than having an action table underneath each Theme/Direction, these have been grouped and an Action Table covering all actions has been placed at the back of the EDS. Therefore, if actions need updating this can occur whilst the rest of the strategy remains intact.

Other significant changes to the EDS are listed below:

Highlight the **economic role of employment lands**, including adding new statistics on recent job growth/decline and the value of manufacturing output of key employment precincts, and reinforcing the need for protection of employment lands in structure plans.

Greater recognition of the **lack of business diversity** and concentration of businesses of similar type, leading to oversupply and high seasonality in some centres. Under the SWOT section of the EDS, information has been added about the fragmented land ownership and lack of incentives for landlords, making it harder to redevelop or lease vacant spaces in smaller centres. Identification of opportunities through new LEP/DCP to encourage redevelopment that retains and supports a mix of commercial and retail uses are also now included.

A new action has been added “*Prepare a welcome kit identifying how council supports businesses and profiles the business mix of different centres*”. The Welcome Kit will be tailored to different centres and made available to prospective businesses, landlords and real estate agents to encourage greater business mix.

The EDS also includes a set of **quantifiable targets** to enable greater measuring of progress towards the vision of the strategy to become a more diverse, innovative, vibrant, and green economy. These targets have been informed by historic analysis of trends in local job and business creation and spending and other economic data, to establish aspiring but realistic 5-year targets. There are eight target (two for each Direction):

Direction 1 - Diverse Economy Targets:

- Increase number of local jobs by 5% (5,500 new jobs) over next 5 years, from 110,500 in 2022 to 116,000 jobs by 2027.
- Increase manufacturing output by 10% (\$400 million) over the next 5 years, from \$4 billion in 2022 to \$4.4 billion in 2027.

Direction 2: Innovative Economy Targets:

- Increase number of local businesses by 10% (3,500 new businesses) over next 5 years, from 36,500 businesses in 2022 to 40,000 businesses by 2027.
- Increase Jobs to Resident Worker Ratio for Knowledge-Based Jobs over the next 5 years, from 0.4 in 2022 to 0.5 by 2027, meaning there would be one local knowledge-based job for every two residents employed in those industries.

Direction 3: Vibrant Economy Targets:

- Increase number of visitor nights to above pre-COVID-19 levels, from 1.28 million in 2022 to 5 million by 2027.
- Increase total local spending by 10% (\$800 million) from \$7.8 billion in 2022 to \$8.6 billion in 2027.

Direction 4: Green Economy Targets:

- Increase number of local jobs in “green industries” by 10% over next 5 years (need to establish baseline).
- Increase number of businesses using “green energy” by 50% over the next 5 years (need to establish baseline).

TIMING

The EDS provides the framework for sustainable economic development in the Northern Beaches over the next 10 years, with short-term 1 to 4 actions. It includes measures to monitor progress towards the vision that ‘The Northern Beaches is a more diverse, innovative, vibrant and green economy’, which will be reported on every two years, including quantifiable 5-year targets.

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.

The EDS will be the lead strategy for the economic pillar of Council and responds to commitments in the Delivery Program 2022-2026 and the Local Strategic Planning Statement (Towards 2040) to develop an Economic Development Strategy. It will sit alongside the lead strategies for the social and environmental pillars, namely the Social Sustainability Strategy and Environment and Climate Change Strategy.

FINANCIAL CONSIDERATIONS

Funding to support the Economic Development Strategy is included in the existing operational budget of the Place and Economic Team.

The EDS identifies potential costs for implementing each action in the action plan table. We have used the same costing categories as other recent strategies/plans namely: \$ = low 0-\$15k; \$\$=medium \$15k-\$500k; \$\$\$ = high \$500k to \$5million; \$\$\$\$=significant +\$5million.

A lot of the actions are low cost as they constitute ‘business as usual’ and continuation of existing council programs, such as the Business Support Service, or ongoing research. A few actions would require new research/consultancy, such as measuring the value of the green economy, but these are likely to have a relatively small cost and approval would be sought as part of normal business budget planning, over the life of the EDS.

Where there are actions which require ‘high’ or ‘significant costs’ (over \$500k or over \$5 million), such as implementing Place Plans or Structure Plans, these would be subject to separate budget bidding processes, whilst noting that the EDS is not the primary plan implementing them.

SOCIAL CONSIDERATIONS

The recent impact of COVID-19 and natural disasters has highlighted the vulnerability of parts of the Northern Beaches economy, but also its resilience. Having a strategy in place to guide how

Council and external partners can work together to support economic recovery and plan for prosperity, has become more important.

The EDS includes actions to help businesses adapt to economic shocks and stresses, including promoting services and programs to help businesses prepare, adapt, and thrive. It also includes actions to enable the Northern Beaches to become an inclusive economy by sharing of inclusive employment and business practices and promoting local training and emerging job opportunities.

ENVIRONMENTAL CONSIDERATIONS

Becoming a greener economy has emerged as one of the guiding directions for the EDS, recognising we have a unique natural environment and that our businesses and local customers are passionate about sustainability.

This EDS includes actions to help local businesses transition to a low carbon economy, through uptake of renewable energy and energy reduction. It also looks at ways we can encourage a more circular economy, through supporting businesses to repair, reuse and recycle.

In the final EDS, we have added targets around increasing the number of jobs in the “green economy”, as well as number of businesses using “green energy”, over the next 5 years, acknowledging we need to establish a baseline for both these measures.

GOVERNANCE AND RISK CONSIDERATIONS

To monitor implementation of the EDS and to provide an ongoing forum to hear from the business community, one of the actions in the strategy is to establish a Northern Beaches Business and Industry Stakeholder Committee. This was identified in the draft EDS, under the heading Innovative Economy, and was referred to in the draft document as the Northern Beaches Business Advisory Forum. The proposed committee has been renamed (post exhibition) to align with naming convention in Council’s Committee Framework.

The committee will be high-level industry forum to understand changing economic and business needs and opportunities across the Northern Beaches, and to advocate to all levels of government. It will include monitoring of the targets or measures of success set out in strategy.

Membership would be made-up of locally based industry leaders, which reflect the broad economic profile of the LGA, including tourism, hospitality, creative industry, health and education, construction, manufacturing, and professional services. Representation from State Government would also be sought.

It is proposed that the committee would meet bi-annually (6 monthly meeting) to discuss key issues facing businesses across the Northern Beaches and reporting on delivery of the Economic Development Strategy.

Further details are outlined in the attached Terms of Reference for the Northern Beaches Business and Industry Stakeholder Committee (Attachment 2).

ITEM 12.2	VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS REPORT
REPORTING MANAGER	EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT
TRIM FILE REF	2023/448718
ATTACHMENTS	1 ↓ Clause 4.6 - Quarter 2 2023 - Variations to development standards

SUMMARY

PURPOSE

To report to Council 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) and State Environmental Planning Policies, as required by the NSW Department of Planning and Environment.

EXECUTIVE SUMMARY

During the period 1 April 2023 to 30 June 2023, the following variations were granted:

- 34 variations under clause 4.6 of Manly Local Environmental Plan 2013
- 16 variations under clause 4.6 of Pittwater Local Environmental Plan 2014
- 11 variations under clause 4.6 of Warringah Local Environmental Plan 2011

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council note the Development Applications approved with variations to development standards during the period 1 April 2023 to 30 June 2023.

REPORT

BACKGROUND

Attachment 1 details the clause 4.6 variations to development standards approved during the period 1 April 2023 to 30 June 2023 for each of the Local Environment Plans (LEPs) in the Northern Beaches Local Government Area. Of the 344 Development Applications determined during the quarter, there were 58 variations to development standards approved under clause 4.6 in the quarter.

Attachment 1 also details whether the determination was made by staff under delegated authority or by a determination panel.

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 LEP. The development standards of all the existing LEPs are being reviewed as part of the new LEP, with the review considering the extent and circumstances in which the existing development standards of the LEPs have been varied by the use of clause 4.6.

CONSULTATION

Variations to development standards lodged as part of a Development Application are made 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.

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 clause 4.6 variations are part of the Development Application assessment process and part of the operational budget of the DA team.

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 the NSW Department of Planning and Environment's requirement and provides transparency in decision making. Publishing this information on Council's website also reduces risk to the organisation.

The following applications had a Clause 4.6 variation request granted during the period of 1 April 2023 to 30 June 2023.

Manly LEP 2013

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/2170	11 Darley Road MANLY NSW 2095	Alterations and additions to a semi-detached dwelling including a carport	Residential - Alterations and additions	4.4 Floor space ratio	0.75:1 (165.9m ²)	0.755:1 (166.9m ²)	0.6%	Staff exercising delegated authority
DA2022/2148	200 -204 Condamine Street BALGOWLAH NSW 2093	Demolition works and construction of a building for use as a specialised retail premises including signage	Commercial/Retail/Office	4.3 Height of buildings	11m	11.497m	4.5%	Staff exercising delegated authority
DA2022/2053	16 Richmond Road SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.4:1 (204.32m ²)	9m 0.425:1 (216.91m ²)	5.9% 6.25%	DDP
DA2022/2274	133 Seaforth Crescent SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3A Special height provisions 4.3 Height of buildings	RL 62.99 8.5m	RL 67.049 9.079m	6.5% 7%	Staff exercising delegated authority
DA2023/0429	13 Bareena Drive BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.1m	7%	Staff exercising delegated authority
DA2022/2133	23 Osborne Road MANLY NSW 2095	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.5m 0.6:1 (165.72m ²)	8.7m 0.65:1 (179.2m ²)	2.4% 8.1%	DDP
DA2022/1652	1/75, 2/75 & 75 Collingwood Street MANLY NSW 2095	Demolition works and construction of shop top housing	Mixed	4.4 Floor space ratio	1:1 (234.9m ²)	1.089:1 (256.04m ²)	8.9%	Staff exercising delegated authority

DA2022/1815	22 Curban Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.3m	9.4%	Staff exercising delegated authority
DA2022/0736	35 Pine Street MANLY NSW 2095	Alterations and additions including a change of use from backpackers accommodation to a pair of semi-detached dwellings including subdivision, construction of new two (2) swimming pools and ancillary works.	Residential - Single new detached dwelling	4.4 Floor space ratio	Lot A: 0.6:1 (224.8m ²) Lot B: 0.6:1 (205.7m ²)	Lot A: 0.61:1 (229.9m ²) Lot B: 0.67:1 (228.7m ²)	Lot A: 2.2% Lot B: 11.1%	DDP
DA2022/1046	8 Bligh Crescent SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.47m	11.14%	DDP
DA2023/0071	15 Princes Promenade SEAFORTH NSW 2092	Alterations and additions to an approved dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.5m	11.7%	DDP
DA2022/0670	18 Margaret Street FAIRLIGHT NSW 2094	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (173m ²)	0.67:1 (195.3m ²)	12.8%	DDP
DA2022/2135	1 Wattle Avenue FAIRLIGHT NSW 2094	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (109m ²)	0.677:1 (123.1m ²)	12.9%	DDP
DA2022/1784	35 Fisher Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house including a swimming pool and carport	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.7m	14.1%	DDP
DA2022/1760	82 Seaforth Crescent SEAFORTH NSW 2092	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.83m	15.6%	DDP

DA2022/1244	9 Sandy Bay Road CLONTARF 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 0.4:1 (406.8m ²)	10m 0.45:1 (458.0m ²)	17.6% 12.5%	DDP
DA2022/1953	52 Castle Circuit SEAFORTH NSW 2092	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.1m	18.8%	DDP
DA2022/2223	20 Bareena Drive BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house including demolition works and carport.	Residential - Alterations and additions	4.4 Floor space ratio	0.4:1 (247.9m ²)	0.48:1 (297.4m ²)	20%	DDP

Manly LEP 2013 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/2134	25 Osborne Road MANLY NSW 2095	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (161.2m ²)	0.73:1 (196.7m ²)	22%	DDP
Description: The breach in the floor space ratio arises from a 19.3m ² increase in floorspace. The additional floorspace has been concealed behind the existing roof form. The proposal does not result in adverse building bulk and the works remain visually consistent with the existing built form, particularly as it integrates with the approved design of additions to the adjoining semi at No. 23 Osborne Road.								
DA2022/1718	2 Woodland Street BALGOWLAH HEIGHTS 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 0.4:1 (259.76 m ²)	11.6m (existing – unchanged) 10.5m (proposed 'level 2' window) 0.41:1 (268 m ²) (existing) 0.49:1 (319.5m ²) (proposed)	23.5% 22.5%	DDP

<p>Description: The non-compliance with FSR standards arise from a 51.5m² increase in floorspace. The site is consistent with Exceptions to FSR for Undersized Lots pursuant to the Manly Development Control Plan. The additional floorspace does not result in an unacceptable increase in the bulk or scale of the building.</p> <p>The non-compliance with the Height of Buildings development standard arises from internal works at a height greater than 8.5 metres as the existing dwelling has an established building height of 11.6 metres.</p>								
DA2023/0085	49 Alexander Street MANLY NSW 2095	Alterations and additions including a front fence, to an existing semi-attached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (132.9m ²)	0.77:1 (170.6m ²)	28.36%	DDP
<p>Description: The Clause 4.6 variation request for the non-compliance with FSR standard arises due to an undersized allotment. The maximum FSR requirement for site is 0.6:1 (or 132.9m²). The proposed development seeks an FSR of 0.77:1 (or 170.6m²), which presents a variation of 28.36%. Whilst the extent of breach to the FSR is large, it is noted that the resultant built form is consistent with and copies the existing built form of the semi attached dwelling at 49 Alexander Street.</p>								
DA2022/1675	57 Cutler Road 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 (230.6m ²)	9.14m 0.517:1 (298.14m ²)	7.52% 29.25%	DDP
<p>Description: The Clause 4.6 variation request for the non-compliance with FSR standard arises from an 81.62m² increase in floorspace. The existing building has an existing floorspace of 216.52m² (or 0.375:1). The proposal is consistent with the Exceptions to FSR for undersized lot FSR pursuant of the Manly Development Control Plan. The additional floorspace increases the building mass, yet remains commensurate with developments within the vicinity of the subject site.</p> <p>The Clause 4.6 variation request for the non-compliance with height standard arises as a result of the proposed first floor level sited over an existing excavated portion of the site, as measured in accordance with <i>Merman Investments Pty Ltd Woollahra Municipal Council</i> [2021] NSWLEC 1582. From an extrapolated measurement as done so within <i>Bettar v Council of City of Sydney</i> [2014] NSWLEC 1070, the proposed development would achieve compliance with Clause 4.3 Height of Buildings. The proposed first floor level will be commensurate with developments within the vicinity of the subject site.</p>								
DA2023/0176	8 Adelaide Street BALGOWLAH HEIGHTS NSW 2093	Demolition works and construction of a dwelling house including a swimming pool	Residential - Single new detached dwelling	4.4 Floor space ratio	0.4:1 (218.8m ²)	0.524:1 (286.6m ²)	31%	DDP
<p>Description: The Clause 4.6 variation request regarding the non-compliance with FSR development standard arises due to the site being classified as an undersized allotment. the proposed development demonstrates compliance with the with the Exceptions to FSR pursuant of the Manly Development Control Plan for undersized allotments.</p>								
DA2022/2263	2 A Golf Parade MANLY NSW 2095	Alterations and additions to an existing building for use as a residential dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (167.5m ²)	0.82:1 (229m ²)	36.7%	DDP
<p>Description: The Clause 4.6 variation request regarding the non-compliance with FSR development standard arises from the existing building having a non-compliant FSR, which is 50% above compliance with the LEP. The proposal significantly decreases the extent of FSR non-compliance to 36.7% and does not unreasonably increase the bulk or scale of the building or lead to adverse amenity impacts upon adjacent properties or the public domain.</p>								

DA2022/1929	11 Beatty Street BALGOWLAH HEIGHTS NSW 2093	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.4 Floor space ratio	0.4:1 (273.9m ²)	0.563:1 (386.1m ²) (proposed) 0.4:1 (273.9m ²) (approved under DA2021/2393) 0.476:1 (326.1m ²) (proposed under Mod2022/0629)	40%	DDP
Description: The Clause 4.6 variation request for the non-compliance with FSR standard arises from a 60m ² increase in floorspace at basement level. The existing approved building has an existing floorspace which is at 0.4:1 which is compliant with the LEP. The additional floorspace does not increase the bulk or scale of the building or its external appearance.								
DA2022/2013	15 Pine Street MANLY NSW 2095	Alterations and additions to a semi-detached dwelling	Residential - Alterations and additions	4.4 Floor space ratio	0.6:1 (90.72m ²)	0.85:1 (128.71m ²)	41.9%	NBLPP
Description: The Clause 4.6 variation request for the non-compliance with the floor space standard arises from the amount of existing floor space on site, on an undersized allotment. However, the enclosure of the balcony results in a minor increase of gross floor area and the proposed floor area does not exceed the maximum variation to FSR under the Exceptions to FSR pursuant of the Manly Development Control Plan for undersized allotments. Given the minor nature of the works and that the bulk and scale of the building does not change, the proposal is considered acceptable.								
DA2022/1941	24 A Beatty Street BALGOWLAH HEIGHTS 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 0.4:1 (400.5m ²)	13.54m (Existing maximum is 13.54m) 0.502:1 (503m ²)	59.29% 25.6%	DDP
Description: The Clause 4.6 variation request for the non-compliance with FSR standard arises from a 15m ² increase in floorspace. The existing building a Floor Space Ratio which is currently 21.7% above compliance with the LEP. The proposal increases this to 25.5% (or an addition 15m ²). A portion of the additional floorspace is a result of a subterranean bathroom on level 3 which adds 5m ² to the overall floor space, however does not increase the bulk or scale of the building. The remaining 10m ² of addition floor space is located on the fourth level as a result of in-filling and squaring off portions of the existing balconies.								
The Clause 4.6 variation request for the non-compliance with height standard arises as the existing upper-level balcony is already over the existing height limit and the new works involve portions of the balcony being squared off and infilled, therefore resulting in non-compliance with the building height.								

Pittwater LEP 2014

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/0272	10 Hunter Street South WARRIEWOOD NSW 2102	Alterations and additions to a dwelling house including a carport	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.789m	3.4%	Staff exercising delegated authority
DA2021/2231	31 Morella Road WHALE BEACH NSW 2107	Demolition works and construction of a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.8m	4.2%	DDP
DA2022/2017	47 Norma Road PALM BEACH NSW 2108	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	8.9m	4.5%	Staff exercising delegated authority
DA2022/1681	19 Grandview Parade MONA VALE NSW 2103	Demolition works and construction of a dwelling house including swimming pool	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	8.99m	5.78%	Staff exercising delegated authority
DA2022/1972	1740 Pittwater Road BAYVIEW NSW 2104	Construction of a dwelling house including a swimming pool and boat shed	Residential - Single new detached dwelling	4.3 Height of buildings 7.8 Limited development on foreshore area	8.5m Building footprint must not extend into the foreshore area	Non numeric standard	Non-numerical development standard	NBLPP
Description of works within foreshore area: Proposed building footprint extends into the foreshore area by 2.9m which involves a balcony and 1m ² of habitable floorspace. This development delivers a net reduction of 6.7m ² of building footprint from the foreshore area and a significant increase in landscaped open space.								
DA2022/1425	132 A Queens Parade East NEWPORT NSW 2106	Demolition works, construction of a dwelling house with partial retention of existing structure and new swimming pool	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.347m	9.97%	Staff exercising delegated authority

DA2022/0133	182 McCarrs Creek Road CHURCH POINT NSW 2105	Demolition works and construction of a dwelling house, detached garage, inclinator and boat shed	Residential - Single new detached dwelling	4.3 Height of buildings 7.8 Limited development on foreshore area	8.5m Building footprint must not extend into the foreshore area	Non numeric standard	Non-numerical development standard	NBLPP
Description of works within foreshore area: The proposed works within the foreshore area involve retaining walls around a boatshed (boatsheds are permissible in foreshore areas) an inclinator and widened stairs to the waterfront.								
DA2022/1248	2191 Pittwater Road CHURCH POINT NSW 2105	Construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	9.9m	16.40%	DDP
DA2022/1875	108 Cabarita Road AVALON BEACH NSW 2107	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.95m	17.1%	DDP
DA2022/1951	199 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	10.15m	19%	DDP
DA2022/1048	15 Sturdee Lane ELVINA BAY NSW 2105	Construction of an incline lift	Residential - Alterations and additions	7.8 Limited development on foreshore area	Building footprint must not extend into the foreshore area	Non numeric standard	Non-numerical development standard	NBLPP
Description of works within foreshore area: The proposed works within the foreshore area involve the construction on an inclinator and associated retaining wall structures. The footprint of these structures have been minimised and given the property has no road access, primary access is gained from the foreshore and the inclinator provides a means of equitable access.								

Pittwater LEP 2014 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/1649	6 & 10 Namona Street NORTH NARRABEEN NSW 2101	Alterations and additions to an educational establishment	Infrastructure	4.3 Height of buildings	8.5m	10.69m	25.8%	SNPP
<p>Description: This development had two Clause 4.6 variation requests for building height variations on the following sites;</p> <ul style="list-style-type: none"> 6 Namona Street (Public School - NNPS) 10 Namona Street (High School - NSHS) <p>In the case of 6 Namona Street, the Clause 4.6 variation request for the non-compliance with building height standard arises from the site being flood affected, which necessitates buildings be elevated above the existing ground level, thereby contributing to the extent of the proposed building height variation. In addition, the proposal has been designed at such a height to improve the visual presentation and landscape setting of the item.</p> <p>In the case of 10 Namona Street, the Clause 4.6 variation request for the non-compliance with building height standard arises as a result of the minimum required internal ceiling heights and the roof parapet element. In addition, the proposed height is significantly below the maximum height of school buildings envisaged by the Infrastructure and Transport SEPP, notwithstanding the breach of the PLEP control.</p>								
DA2022/1422	70 Cheryl Crescent NEWPORT NSW 2106	Demolition works and construction of a dwelling house	Residential - Single new detached dwelling	4.3 Height of buildings	8.5m	10.9m	28.2%	DDP
<p>Description: The Clause 4.6 variation request for the non-compliance with Clause 4.3 Building Height standard arises due to the steep topography of the site and unusual vehicular access arrangements for the site. Access to the site is via right of carriageway along the northern boundary, which establishes the garage level at the top of the site. The site has slope of 54% beneath the building footprint and qualifies for portions of the building to be up to 10m in accordance Clause 4.3(2D) PLEP 2014. However, a minor portion of the building protrudes above the 10m height control (10.9m).</p>								
DA2023/0253	2 Pindari Place BAYVIEW NSW 2104	Alterations and additions to a dwelling house, construction of a cabana and landscaping works	Residential - Alterations and additions	4.3 Height of buildings	8.5m	11.7m	37.6%	DDP
<p>Description: The application has been accompanied by a written Clause 4.6 variation request for the non-compliance. The height standard breach arises from the steep nature of the site with a substantial fall from southern boundary to the northern boundary and a crossfall from the eastern boundary to the western boundary creating a 37.6% variation for a small portion of the altered dwelling.</p>								

Warringah LEP 2011

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2023/0328	36 Monash Parade DEE WHY NSW 2099	Alterations and additions to a dwelling house including a swimming pool	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.1m	7%	Staff exercising delegated authority
DA2022/1193	20-26 Avon Road DEE WHY NSW 2099	Demolition works and construction of a residential flat building including strata subdivision	Residential - New multi-unit	4.3 Height of buildings	11m	11.8m	7.2%	NBLPP
DA2022/1610	35 Bushey Place DEE WHY NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.5m	11.7%	DDP
DA2022/1689	14 Aitken Avenue QUEENSCLIFF NSW 2096	Alterations and additions to a dual occupancy	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.62m	13.18%	NBLPP
DA2022/1742	899 Pittwater Road 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	9.85m	15.88%	DDP
DA2022/1783	49 Collaroy Street COLLARROY NSW 2097	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	9.89m	16.35%	DDP
DA2022/2161	13 Abingdon Street NORTH BALGOWLAH NSW 2093	Alterations and additions to a dwelling house including swimming pool and secondary dwelling	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.06m	18.35%	DDP
DA2022/1573	32 Ian Avenue NORTH CURL CURL NSW 2099	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	10.2m	20%	DDP

Warringah LEP 2011 - Variations over 20%

App No.	Address	Proposal	Category of Development	Development Standard Varied	Allowed	Proposed	Variation	Determined By
DA2022/1468	26 Wandella Road ALLAMBIE HEIGHTS NSW 2100	Demolition works, Subdivision of one lot into two, construction of a dwelling house upon each lot and one swimming pool	Residential - New second occupancy	4.1 Minimum subdivision lot size	Lot 100: (600m ²) Lot 101: (600m ²)	Lot 100: (573.1m ²) Lot 101: (456m ²)	Lot 100: 4.5% Lot 101: 24%	NBLPP
Description: The Clause 4.6 variation request for the non-compliance with minimum lot size standard arises from the compatibility and pattern of subdivision within the street. The existing lot while non-compliant with the minimum lot size development for two lots, is one of the last remaining lots on the western side of Wandella Road, Allambie Heights that has not been subdivided. The lot sizes proposed are consistent and in character with that of other battle-axe allotments within the direct locality. Critical assessment issues included Clause 4.1 Minimum subdivision lot size of WLEP 2011.								
DA2023/0219	12 Glentrees Avenue FORESTVILLE NSW 2087	Alterations and additions to a dwelling house	Residential - Alterations and additions	4.3 Height of buildings	8.5m	11.15m	31.18%	DDP
Description: The Clause 4.6 variation request for the non-compliance with height standard arises from the steeply sloping site that contains a rock cliff face that the existing dwelling house is built upon. The subject site slopes steeply from the existing carport to the existing dwelling house, and the proposed lift structure to provide accessibility presents a variation of 31.18% (2.65 metres) to the required 8.5 metres development standard.								
DA2023/0082	1 A Myoora Road TERREY HILLS NSW 2084	Alterations and additions to an existing recreation facility (outdoor) including upgrades to the existing driving range, installation of new netting, construction of a new mini-golf course, conversion of the existing baseball nets into a children's play area, expansion of licensed areas and signage	Other	4.3 Height of buildings	8.5m	46.411m	446%	NBLPP
Description: The Clause 4.6 variation request for the noncompliance with height standard arises from the proposed supporting poles and netting which enclose the golf driving range that breaches the maximum building height (46.411 metres), resulting in a variation of 446%. The existing poles and netting is at a maximum height of 25 metres that presents an existing non-compliant height. The increased height of the poles and netting of the driving range is proposed to capture the golf balls within the subject site and prevent them from entering the adjoining National Park.								

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	OUTCOME OF THE PUBLIC NOTICE OF 30-YEAR LEASE TO LONG REEF SURF LIFE SAVING CLUB
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2023/333365
ATTACHMENTS	1 Public Notification Summary Report - Proposed 30-year lease to Long Reef SLSC

SUMMARY

PURPOSE

To report the outcome of the public notice and seek Council approval, in accordance with sections 47(5) - (9) of the *Local Government Act 1993*, to apply to the Minister for Local Government for consent to grant a 30-year lease to Long Reef Surf Life Saving Club.

EXECUTIVE SUMMARY

Long Reef Surf Life Saving Club (the Club) had a 99-year lease expiring 29 August 2070 for their former clubhouse. Following a rebuild of the site in 2022 the Club requested a lease term of 30-years, being the maximum lease term permissible under the current legislation.

Public notice of the proposal to grant the lease was given in accordance with section 47 of the *Local Government Act 1993* (the Act) from 1 June 2023 to 29 June 2023, which resulted in a total of 15 submissions. The feedback received was wholly positive, with all respondents expressing support for the lease, recognising the Club's valuable contributions to the local community. The attached report details the content of the submissions for Council's consideration regarding the proposed lease.

The Act provides that, if the proposed lease tenure is for a period exceeding 21 years, consent of the Minister for Local Government (the Minister) is required. Accordingly, should Council wish to proceed with the lease, Council will need to apply to the Minister for consent to grant the lease.

RECOMMENDATION OF ACTING DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note that it has considered all submissions received in respect of the proposed lease of part of Griffith Park Reserve, known as Lot 11 DP 1193189 (being part of Lot 11 DP1193189), for a term of 30-years to Long Reef Surf Life Saving Club Inc (ABN 78 012 537 376).
 2. 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.
 3. Subject to the consent of the Minister for Local Government, grant the proposed lease.
 4. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including execute all necessary documentation.
-

REPORT

BACKGROUND

Council has been working closely with 16 of the 21 Surf Life Saving Clubs (SLSCs) on the Northern Beaches to secure their tenure by executing 20-year leases in line with the new surf life saving lease template. The newly constructed Long Reef Surf Life Saving Club clubhouse, which includes a café, community storage, public amenities, and the clubhouse itself, was officially opened on 11 February 2023. To accommodate the new facility, a new lease is now required.

As part of the original Memorandum of Understanding relating to the redevelopment of the Long Reef Surf Life Saving Club building, Council committed to the Club, which held a 99-year lease over the former clubhouse expiring on 29 August 2070, to *“Request and use its best endeavours to have the Minister for Lands and Forestry approve a lease term of 20 years with one additional lease term of 20 years as defined in Schedule 1 Item 8 of the standard Crown Lands lease for surf life saving clubs”*. As such, it is now proposed to progress the maximum lease term possible of 30 years, taking into account the 47 years remaining on the prior lease.

The public notification period, conducted in accordance with section 47 of the *Local Government Act 1993*, took place from Thursday 1 June 2023 to Thursday 29 June 2023. During this time, 15 submissions were received, all of which expressed support for the proposal to grant a 30-year lease.

This report provides an overview of the submissions received, with further detail for Council's consideration provided in the attached Public Notification Report.

CONSULTATION

During the public notification period, a total of 15 submissions were received in response to the proposal to grant a 30-year lease to the Club. All submissions were in support of granting the 30-year lease. The submissions emphasised the Club's service to and involvement in the local community.

For a comprehensive breakdown of the submissions, please refer to the Public Notification Summary Report attached. The submissions by theme are summarised below along with staff responses.

Findings		
Theme	What we heard	Council's response
Overall support	All submissions were in support of the proposal to grant a 30-year lease to the club. Support for the clubs community involvement and service are noted.	Council notes support for the proposal.
Term of proposed lease should be longer	Comments were made suggesting Council should offer a lease term of more than 30 years.	In line with the current legislation under Section 46 of the Local Government Act 1993, the longest tenure of lease that Council is able to enter into is 30-years with Ministerial consent.

TIMING

Council propose to enter into a 30-year lease with Long Reef Surf Life Saving Club, with commencement backdated to 1 July 2023, noting the new lease agreement is subject to Ministerial approval.

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
- 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 Long Reef Surf Life Saving Club lease is based on a subsidised rent model and is in keeping with the charges in place under the 20-year leases commencing 2023 that were negotiated for the majority of SLSCs on the Northern Beaches. This subsidised rental will be included in future operational budgets and recognises the value that SLSCs provide to the community.

SOCIAL CONSIDERATIONS

Long Reef Surf Life Saving Club provides a highly valuable community service to the community. Providing surety of tenure over the coming 30-years will allow them to plan for their ongoing, long-term operation and make investments in their Council owned facilities, allowing them to maintain and improve the services offered to the community.

ENVIRONMENTAL CONSIDERATIONS

Council has included responsibilities in the lease documents regarding the disposal of rubbish, keeping the premises clean and adherence to Council Policies. Club's must use their best endeavours to comply with Council's "Single use plastic policy" as well as its "Waste minimisation for functions and events policy".

GOVERNANCE AND RISK CONSIDERATIONS

Consent of the Minister for Local Government under Section 47 of the *Local Government Act 1993* is required in respect of the proposed lease agreement. Should the Minister not consent to the 30-year agreement Council may instead proceed with a 20-year lease agreement in line with the other SLSC agreements recently executed.



Summary Report of Public Notification

Project name	Proposal to lease Long Reef SLSC Clubhouse to Long Reef SLSC – Public notice
Your Say notification period	Thursday 1 June to Thursday 29 June 2023
Background	<p>Long Reef SLSC previously held a 99-year lease with Council over the former clubhouse which had 47 years remaining. The maximum lease term permissible under current legislation is 30 years.</p> <p>We are proposing to grant a 30-year lease term to Long Reef SLSC (ABN 78 012 537 376), ensuring continued use of the premises for volunteer surf lifesaving services by the club.</p>
Total number of submissions	15 (14 via online form, 1 email)
Summary of findings	<p>This report presents the results of the public notification process for the proposed 30-year lease to Long Reef Surf Life Saving Club, starting on July 1, 2023.</p> <p>The feedback received was overwhelmingly positive, with all respondents expressing support for the lease, recognising the Club's valuable contributions to the local community.</p>
Approach	<p>The engagement was planned, implemented and reported in accordance with Section 47 of the Local Government Act 1993.</p> <p>A project page¹ was established on our Your Say platform and included project information and the road reserve closure area plan.</p> <p>The project was primarily promoted through resident letter notifications and signage positioned in a visible location at the entrance of the Club.</p> <p>Feedback was captured through an online submission form embedded onto the project page. An open-field comments box provided community members a space to share their comments. Email and written submissions were also invited. Contact details were provided should people have questions.</p>

¹ <https://yoursay.northernbeaches.nsw.gov.au/proposal-lease-long-reef-slsc-clubhouse-long-reef-slsc>

How we engaged	
Properties notified by letter	106 letters
Signage installed on site	1 sign
Visitors to Your Say page	80 visitors

Findings		
Theme	What we heard	Council's response
Overall support	All submissions were in support of the proposal to grant a 30-year lease to the club. Support for the Club's community involvement and service are noted.	Council notes support for the proposal.
Term of proposed lease should be longer	Comments were made suggesting Council should offer a lease term of more than 30-years.	In line with the current legislation under Section 46 of the Local Government Act 1993, the longest tenure of lease that Council is able to enter into is 30 years with Ministerial consent.

Verbatim community and stakeholder responses ²	
Number	Verbatim submission
1	<p>I am writing to express my strong support for granting Long Reef Surf Lifesaving Club a 30-year lease on its building. As an active member of the community and a passionate advocate for water safety, I believe that granting this long-term lease will greatly benefit both the club and the community it serves.</p> <p>The Long Reef Surf Lifesaving Club has been an integral part of our community for many years, providing essential lifesaving services, promoting beach safety, and fostering a sense of camaraderie among its members. The club's dedicated volunteers work tirelessly to ensure the safety of beachgoers and respond to</p>

² Personal details have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.

Verbatim community and stakeholder responses ²	
Number	Verbatim submission
	<p>emergencies promptly. Their commitment to saving lives and preventing accidents is commendable.</p> <p>Granting a 30-year lease to the Long Reef Surf Lifesaving Club would offer numerous advantages. Firstly, it would provide the club with a stable and secure operating environment. With a long-term lease, the club can plan for the future, and continue to provide high-quality services to the community.</p> <p>Moreover, the Long Reef Surf Lifesaving Club serves as a hub for community engagement and social activities. It organizes educational programs, training sessions, and awareness campaigns that benefit people of all ages. The club fosters a sense of belonging and community spirit among its members, promoting a healthy and active lifestyle. By granting a long-term lease, the council would contribute to the longevity and sustainability of these vital community initiatives.</p> <p>In conclusion, a 30-year lease to the Long Reef Surf Lifesaving Club is an excellent idea. Doing so would acknowledge the club's exceptional contributions to the community, provide long-term stability, and facilitate its continued efforts in saving lives, promoting beach safety, and fostering community engagement. I believe that this lease agreement would be a win-win situation for all parties involved.</p>
2	<p>I am writing to express my strong support for extending the lease of Long Reef Surf Life Saving Club. This club has been crucial in ensuring beach safety, youth development, and social well-being in our community. Granting the lease extension will allow them to continue their valuable work.</p> <p>The lifeguards of Long Reef Surf Life Saving Club provide a sense of security for swimmers and beachgoers, making our shores safer. Extending their lease will ensure the continuity of this essential service, benefiting residents and visitors alike.</p> <p>The club's Nippers program plays a vital role in youth skills development, fostering a sense of community, teamwork, and leadership. By extending the lease, we invest in our community's future, empowering our youth with valuable life skills and a deep appreciation for the ocean.</p> <p>Furthermore, the club serves as a sanctuary, promoting social and mental well-being among its members. It provides a supportive and inclusive environment, fostering belonging and camaraderie. Extending the lease will sustain these invaluable benefits, promoting resilience, connection, and community cohesion.</p> <p>In conclusion, I urge you to consider the immense impact that Long Reef Surf Life Saving Club has had on our community. Their commitment to safety, youth development, and social well-being makes them an invaluable asset. Granting an extension to their lease will support their ongoing contributions and benefit our community as a whole.</p> <p>Thank you for your attention to this matter. If you require further information or need any assistance, please do not hesitate to contact me.</p>
3	<p>Long Reef SLSC should be granted the 30 year lease on the clubhouse. The surf club has contributed invaluable to the local community over many decades. The security of a 30 year lease will allow the surf club to continue to provide</p>

Verbatim community and stakeholder responses ²	
Number	Verbatim submission
	services to the community and it's members, past, present and future, with a level of confidence that may otherwise be lacking.
4	With a thriving volunteer community, LR SLSC is a club of proud and passionate caretakers of a beautiful piece of coastline. The council couldn't ask for better tenants for both the clubhouse and the beach.
5	I am fully supportive of this lease proposal and look forward to the Club's contributions to the area over that period and beyond.
6	I support the 30 year lease to LRSLS.
7	Hi there. I am a member of Long Reef SLSC and fully support the 30-year lease for this great club. The level of community support which we offer through patrolling the beaches during summer, training our members to become proficient in essential skills (e.g. First Aid, CPR, etc.), as well as teaching the younger generation essential swimming and ocean-awareness skills, is second to none. Our brand-new clubhouse will help us further expand our volunteering activities to the benefit of the broader community. Another big thank you to the NBC for their continued support.
8	Having a 30 Year lease at Long Reef SLSC is a necessity, not a 'nice to have'. It's paramount to ensure the beach is safe and volunteers have a home from which to keep their skills up to date, train for new skills and to interact positively with the community, educating them to stay safe and swim between the flags.
9	Long reef is a great community and keep our beaches safe
10	Long reef have done a great job for many years looking after the community. I fully support Long Reef Surf Life Saving club.
11	I fully support the increase to the Long Reef SLSC proposed Lease. As advised Long Reef SLSC gave up a much longer occupation of the old clubhouse for this proposed new lease over its new clubhouse. I have to admit my conflict [REDACTED] of Long Reef SLSC having been a member of Long Reef SLSC for over 60 years but Long Reef SLSC requires long term security of tenure over its new clubhouse to enable the volunteer Long Reef SLSC members to continue their lifesaving commitment to its and their community
12	I agree that Long Reef Surf Lifesaving Club should be given a lease of at least 30 years. The club makes a significant contribution to the local community by keeping the beach safe, educating adults and children in beach safety and first aid and volunteering to assist with other community events such as fund raising for suicide prevention charities.
13	It would be most appropriate for the Council to agree to an extended lease to Long Reef Surf Club due to numerous factors. These include; The volunteer services that the members have provided to the community over many, many decades to create a safe swimming environment, Provide first aid to swimmers and board riders,

Verbatim community and stakeholder responses ²	
Number	Verbatim submission
	<p>Assist thousands of visitors over the years,</p> <p>Teach hundreds of young people the potential dangers of the surf environment,</p> <p>Promotes a healthy and community minded environment,</p> <p>And provides the community with care and a sense of belonging no matter what the age.</p> <p>The Surf Club has also invested decades of effort to seek approval, liaise with community and Council, design and build a new facility for current and future community needs.</p> <p>For these reasons it would be incomprehensible for Council NOT to support the Club with an extended lease.</p> <p>It could also be reasonably argued that the lease should be for at least 50 years.</p>
14	<p>I would like to support the granting of a 30 year lease for Long Reef Surf Lifesaving Club in the newly constructed clubhouse at Long Reef Beach. I have been a member of LRSLSLSC for the last 25 years and was on the community consultation group with Northern Beaches Council prior to construction beginning. I have held club management committee positions including as [REDACTED]. The clubhouse is fabulous asset we can all be very proud of, it's a beautiful building which will hold our activities and equipment in great form into the future. I think Council will do well to ensure that the Surf Club have surety of tenancy and function within the clubhouse for the next 30 years by granting a lease of this length.</p>
15	<p>Glad they made it a 30 year lease. Probably should have made it 99 years like the UK system. Not sure what the point of a shorter lease is considering NSW funds the clubs anyway. We should move to the QLD model where clubs can make money and put it back into surf life saving...</p> <p>Anyway i support the 30 years lease proposal</p>

Document administration	
Version	1.0
Date	19 July 2023
Approval	Content provided and approved by Property Commercial & Tourist Assets Team Responsible Manager: Kristie Debney
Status	Final
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.

ITEM 13.2	OUTCOME OF THE PUBLIC NOTICE OF 30-YEAR LEASE TO LONG REEF GOLF CLUB
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2023/333610
ATTACHMENTS	1 ⇒Public Notification Summary Report Long Reef Golf Club 30-Year Lease (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the outcome of the public notice and seek Council approval, in accordance with sections 47(5) - (9) of the *Local Government Act 1993*, to apply to the Minister for Local Government for consent to grant a 30-year lease to Long Reef Golf Club.

EXECUTIVE SUMMARY

The Long Reef Golf Club (the Club) are seeking a 30-year lease to replace their existing 20-year lease which is due to expire on 14 August 2026. The new lease term will provide security of tenure and enable the Club to plan and undertake significant capital improvement works and long term continued operation of the golf course.

Public notice of the proposal to grant the lease was given in accordance with section 47 of the *Local Government Act 1993* (the Act) from 9 June 2023 to 9 July 2023, which resulted in a total of 143 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 in the attached Public Notification Summary Report.

The Act 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 without the consent of the Minister for Local Government (the Minister). The Minister is also required to provide consent for any lease tenure exceeding 21 years. Accordingly, should Council wish to grant the lease, Council will need to apply to the Minister for consent to do so.

Whilst several objections against the proposal were received from members of the public, there was also strong support for the lease renewal, and having regard to all relevant circumstances, it is recommended that Council seek the consent of the Minister to grant the lease.

RECOMMENDATION OF ACTING DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note that it has considered all submissions received in respect of the proposed lease of part of Griffith Park Reserve, known as Lot 1 DP 1144187, for a term of 30-years with Long Reef Golf Club Limited (ACN 000 043 121).
2. 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.
3. Subject to the consent of the Minister for Local Government, grant the proposed lease.
4. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including execution of all necessary documentation.

REPORT

BACKGROUND

The Long Reef Golf Club (the Club) have held a lease over the 18 hole golf course for over 100 years¹ and are a not for profit sporting club operating in accordance with the [Griffith Park NSW State Crown Plan of Management](#) (POM).

The NSW State Government (Crown Lands) are the owner of the land. Council is the Crown land manager and is managing the proposed lease renewal process.

The Club is proposing a major clubhouse renovation and have requested to surrender their current lease to implement a new 30-year lease. The longer lease term is requested to assist in securing funding for the capital improvement works and implement multi-phased projects that align with the changing demands and aspirations of the community the club serve.

In light of the Club's special circumstances a proposal to grant Long Reef Golf Club Ltd (ACN 000 043 121) a 30-year lease renewal for Lot 1 DP 1144187, Anzac Avenue Collaroy has been publicly exhibited.

The public notification period, conducted in accordance with section 47 of *the Local Government Act 1993*, took place from Friday 9 June 2023 to Sunday 9 July 2023. During this time, 143 submissions were received.

This report provides an overview of the submissions received, with further detail for Council's consideration provided in the attached Public Notification Summary Report.

CONSULTATION

The public consultation included writing to the surrounding neighbours, on site signage, and information on the Council website.

During the public notification period, a total of 143 submissions were received in response to the proposal to grant a 30-year lease to the Club. Overall there was strong support for the proposed lease and agreement that a longer lease term than usual was needed, several suggesting the lease should be longer yet. There were also a number of submissions that felt the proposed lease term was too long or they thought the land should have an alternative use.

For a comprehensive breakdown of the submissions, please refer to the Public Notification Summary Report attached. The submissions by theme are summarised below along with staff responses.

Findings		
Theme	What we heard	Council response
Overall Support	There was strong support of the lease, stating that the golfing, recreational and social amenity was valued, as was the green space and birdlife habitat that it provides. Many submissions noted that the 30-year lease would allow future planning to	Council notes support for the proposal.

¹ https://longreefgolfclub.com.au/wp-content/uploads/2021/06/2021_NEW_MASTER-COPY_Long-Reef-Golf-Club-The-First-One-Hundred-Years-1.pdf

	improve the Clubhouse and facilities.	
Land could have alternate use.	Several proposed alternative land uses such as housing, open parkland, sportsfields and coastal wetland habitat were mentioned.	<p>Housing is not permitted in the current zone for the land.</p> <p>Whilst additional parkland and environmental land is always welcomed the site is currently very well utilised as a golf course with over 60,000 games being played in 2023 providing a great recreational facility for the community.</p> <p>Additionally the clubhouse lease area is utilised for its social connection, from the café and restaurant and hosting special events like weddings.</p>
Length of lease term	Whilst there was strong support for the longer lease term and some proposing even longer there were also a couple of submissions that felt a shorter lease would provide more flexibility for alternative uses in the future.	<p>Under current legislation a 30-year term is the maximum term that can be offered (with Minister consent) in accordance with the <i>Local Government Act 1993</i>.</p> <p>Whilst a shorter lease term provides flexibility it does not meet the need for security of tenure when undertaking significant capital investment that requires borrowings.</p>
Broader community engagement regarding the future of the land	One submission requested a longer public notification period and engagement process outlining alternative uses for the land.	<p>Where land is operated by a not-for-profit entity and is highly utilised by the community Council do not generally look at broader land use changes at the time of lease renewal. Under Council's adopted Property Management Framework where land is considered to be under-utilised Council may look to undertake further consultation regarding it's potential future use.</p> <p>Council is required to meet legislative public notification requirements, which entails a 28-day notification of proposed leases. Engagement is carried out on a broader scale where an alternative land is being considered due to low-utilisation of a facility or where Council are building a new asset on behalf of the community for example.</p>

Environmental protection measures	A concern was raised that the environmental obligations on the golf club were potentially not sufficient to adequately protect the land.	As part of the Club's current lease a number of environmental projects were required to be completed which the club has carried out. Under the new lease the Club will be required to adhere to an Environment Management Plan to be prepared by the Club and approved by Council.
Noise from Club activities	A concern was raised around the noise generated from functions and operations of the clubhouse.	<p>The Club is required to follow a Management Plan that outlines the club's responsibilities regarding noise and patron's behaviour leaving the club.</p> <p>The Club engages a security company during weddings and other larger functions and are currently in the process of coordinating an acoustics engineer to investigate the feedback on noise and will look to take further mitigating actions if necessary.</p>

TIMING

If it is approved that Council enter into a 30-year lease with Long Reef Golf Club, the commencement date is anticipated to be in late 2023 subject to drafting and execution of the new lease, noting the new lease agreement is subject to Ministerial approval.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value
- 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

The lease will provide market rental to Council for the 30-year term. Maintenance and capital works within the lease area is the responsibility of the lessee including all operational expenditure required to run the golf course and clubhouse to a high standard.

SOCIAL CONSIDERATIONS

Long Reef Golf Club provides a valuable public recreation and social amenity to the community.

Increased golf social play by the public and members was reported during the COVID-19 period, which has proven beneficial to the community with numbers remaining higher post-COVID than pre-COVID.

ENVIRONMENTAL CONSIDERATIONS

The Plan of Management includes environmental responsibilities that are to be adhered to as part of managing the lease area. As such the current and future lease will include environmental lease provisions. Additionally, as part of the new lease the Club will be required to provide an Environment Management Plan subject to the approval of Council.

GOVERNANCE AND RISK CONSIDERATIONS

The consent of the Minister for Local Government under section 47 of the *Local Government Act 1993* is required in respect of the proposed lease agreement. Should a 30-year term not be supported by the Minister Council can seek consent for a new 21-year lease term which is at the discretion of the Minister.

A risk to the community of issuing a longer-term lease is that it would inhibit future activation of the site for other purposes. This risk is balanced with the return to the community from maintaining the golf-course as a recreation facility in the years to come and the improvements planned by the club to the site which require a longer term lease to warrant the significant capital expenditure proposed.

ITEM 13.3	RESPONSE TO NOTION OF MOTION NO 1/2023 - PARKING RESTRICTIONS REQUEST, PITTWATER ROAD COLLAROY
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT & CIVIL INFRASTRUCTURE
TRIM FILE REF	2023/414090
ATTACHMENTS	<p>1 CEO letter to Transport for NSW - Notice of Motion No 1/2023 - Parking Restrictions Request Pittwater Road, Collaroy</p> <p>2 Transport for NSW response to CEO letter</p> <p>3 Community Engagement Report Cars for Sale Pittwater Road</p>

SUMMARY

PURPOSE

To provide a report on the community consultation undertaken in relation to Council's resolution in respect of Notice of Motion No 1/2023 - Parking Restrictions Request, Pittwater Road, Collaroy and the response from Transport for NSW.

EXECUTIVE SUMMARY

Council's Transport Network team has undertaken a significant engagement program in response to the Notice of Motion No 1/2023 - Parking Restrictions Request, Pittwater Road, Collaroy as adopted at the Council meeting on 28 March 2023 (Resolution 062/23). Resolution 06/23 provides:

That Council:

1. *Formally write to Transport for NSW requesting that Transport for NSW conduct a safety audit on the formal "car yard" at Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.*
2. *Undertake public consultation through exhibition on the Council Your Say page and meeting with the community to understand their concerns and possible solutions regarding the sale of vehicles along Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy. Stakeholders to include residents, relevant local sporting clubs, shop owners and other identified stakeholders.*
3. *Staff to provide a report back to Council within 3 months on the results and possible solutions that would then be outlined in further correspondence to the NSW Minister and Shadow Minister for Roads.*

Staff engaged in public consultation with the local community, including user groups for Griffiths Park, Long Reef Golf Course and the Tennis Centres through a targeted mail out. The team also sent out two Council e-news articles, two Council community engagement newsletters, and 3 stakeholder emails.

Staff from both the Transport Network and Community engagement teams also undertook a popup event in Griffith Park on Saturday 1 July 2023, attended by 42 residents.

A letter was sent on 3 April 2023 to Transport for NSW requesting Transport for NSW undertake a Road Safety Audit in this area in accordance with the Council resolution. The response to Council's letter and Council's consideration of that response is discussed in this report.

RECOMMENDATION OF ACTING DIRECTOR TRANSPORT AND ASSETS

That Council note:

1. The response from Transport for NSW in relation to the request for a safety audit of Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.
 2. The results of the Community consultation undertaken in relation to the sale of vehicles along Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.
 3. The possible solutions provided in this report to manage the sale of vehicles parked on Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.
 4. That Transport for NSW propose to review the parking restrictions along this section of the Pittwater Road corridor.
-

REPORT

BACKGROUND

Council's decision in respect of Notice of Motion No 1/2023 - Parking Restrictions Request, Pittwater Road, Collaroy as resolved at the Council meeting held on 28 March 2023 (Resolution 062/23) is as follows:

That Council:

1. *Formally write to Transport for NSW requesting that Transport for NSW conduct a safety audit on the formal "car yard" at Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.*
2. *Undertake public consultation through exhibition on the Council Your Say page and meeting with the community to understand their concerns and possible solutions regarding the sale of vehicles along Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy. Stakeholders to include residents, relevant local sporting clubs, shop owners and other identified stakeholders.*
3. *Staff to provide a report back to Council within 3 months on the results and possible solutions that would then be outlined in further correspondence to the NSW Minister and Shadow Minister for Roads.*

In accordance with item 1 above, Council wrote to Transport for NSW (TfNSW) on 3 April 2023 (Attachment 1) requesting a safety review of the location. Council has received a response from the Network and Safety Team at TfNSW on 1 August 2023 (Attachment 2) stating that TfNSW is reviewing the existing parking restrictions at this location and will not undertake a road safety audit. The response also states:

"It is illegal to advertise a vehicle for sale on a public road or in a public place under the Local Government Act 1993 – Section 68, Part E (2), and as such a safety audit is not considered appropriate".

Notwithstanding the advice from TfNSW in respect of Part E(2) of the Table to section 68 of the *Local Government Act 1993*, it is considered that Part E(2)sections 68(E2) and may not apply to vehicles in the manner contended by TfNSW such that there is no limitation on parking vehicles for sale at that location on Pittwater Road, and no power to prosecute owners of vehicles offered for sale for an offence, under these provisions of the *Local Government Act 1993*.

Council staff have written to TfNSW to seek further clarification with respect to the matter but a response has not been received at the date of this report.

However, it is considered that an amendment to the Local Government (General) Regulation 2021 may be possible to prescribe the area for the purposes of section 632 (2B) and (3) of the *Local Government Act 1993* in order to enable Council to erect signs limiting parking there. Enforcement in respect of signage could then be carried out by Council in accordance with its normal regulatory and enforcement processes. Alternatively, TfNSW may consider parking restrictions as part of its review.

Staff also undertook a review of incidents along the southbound carriageway of Pittwater Road between Anzac Avenue and Hadleigh Avenue. In the period between 1 January 2017 and 30 June 2022 (latest reporting period) there have been 12 reported accidents in total, with 8 on the southbound side of Pittwater Road and 4 northbound. Of these accidents 5 (orange) occurred during the hours where the vehicles for sale are parked in this location, Friday 10am to Monday 6am. There appears to be no direct correlation between these incidents and the sale of vehicles, noting that 7 of the 12 accidents occurred outside the nominal sale period.

Incident Number	Primary direction of travel	Vehicle 1 (primary)	Vehicle 2 (secondary)	Description	Date/time	Level of injury	Day
1161826	Northbound	Multiple	Multiple	5 vehicle same direction accident	17/8/2017 16.30	Moderate injury	Fri
1186509	Northbound	Car	Truck	Car collided with parked/stationary truck	29/7/2018 07.30	Moderate injury	Sun
1162889	Northbound	Car	Motorcycle	Car turned left from lane 2 and collided with motorcycle in lane 1.	24/1/2018 17.00	Minor injury	Wed
1258930	Northbound	Cycle	Van	Van pulled out of Hadleigh Avenue and was hit by cyclist	26/1/2021 09.10	Minor Injury	Tue
1244183	Southbound	4WD	Van	Right turning 4WD sideswiped by Van avoiding stationary turning 4WD	13/10/2020 13.30	Non-casualty	Tue
1239192	Southbound	Car	4WD	Car collided with rear of vehicle travelling same direction	19/8/2020 11.40	Minor injury	Thu
1177436	Southbound	Car	Equipment	Car drove into stationary roadwork equipment	17/5/2018 22.50	Serious injury	Thu
1177199	Southbound	Motorcycle	Light Truck	Motorcycle collided with parked truck	18/7/2018 20.45	Serious injury	Sat
1165604	Southbound	Car	Cycle	Car collided with cyclist from rear	6/3/2018 19.00	Serious injury	Tue
1283946	Southbound	Light Truck	4WD	Light Truck collided with 4WD from rear	20/2/2022 14.12	Non-casualty	Sun
1207057	Southbound	Large Rigid Truck	Car	Large truck collided with car unknown cause.	12/7/2019 14.40	Non-casualty	Fri
1173008	Southbound	Cycle	Light Truck	Truck opened door on cyclist	9/5/2019 15.40	Moderate injury	Wed

POSSIBLE SOLUTIONS

Staff have considered possible solutions, as contemplated by Resolution 062/23. Possible solutions to the issue include:

- Maintain the status quo and continue to monitor the location.
- Request TfNSW consider parking restrictions in the location.
- Write to the Minister for Local Government to request that the Local Government (General) Regulation 2021 be amended to prescribe the section of Pittwater Road for the purpose of section 632(2B) and (3) of the *Local Government Act 1993* in order to enable Council to erect signage in the location.

CONSULTATION

Staff engaged with the local community, including user groups for Griffiths Park, Long Reef Golf Course and the Tennis Centres through a targeted mailout. The team also sent out two Council e-news articles and two Council community engagement newsletters.

Staff from both the Transport Network and Community Engagement teams also undertook a popup event in Griffith Park on Saturday 1 July 2023, attended by 42 residents.

Council received 899 responses to Your Say and two email responses as seen in the Community Engagement Report (attachment 3).

The feedback from the community was overwhelmingly supportive of the sale of private cars along Pittwater Road between Anzac Avenue and Hadleigh Avenue, Collaroy with 80% of respondents having no concerns regarding the practice.

Supportive feedback included a range of reasons this practice was of benefit to the community and served a valuable service. Many stated that the free, convenient, and safe method of selling or buying a car in this manner made it highly valuable to the community. It is seen as a tradition and part of the fabric of the Northern Beaches to undertake local, sustainable trading opportunities.

A key finding was that if measures were put in place to remove the sale of private vehicles in this area, the impact would be negative for many respondents. Options on privately selling and buying cars locally is currently limited to online and paid services, which had their own downfalls, including scammers, safety issues, pressure to buy and need to go out of area to view potential vehicles.

A proportion of the community raised concerns about the practice. A key concern was the practice used the available parking for this purpose rather than for local use. It was felt that the parking should be available for reserve and beach users, and for local customers of the businesses and residents, particularly in the busy summer season.

TIMING

Any changes to parking restrictions on Pittwater Road would need to be made by way of signs erected by TfNSW or by way of an amendment to the Local Government (General) Regulation 2021 to prescribe the area for the purpose of section 632 (2B) and (3) of the *Local Government Act 1993*.

LINK TO STRATEGY

This report includes actions that broadly relate to the MOVE Transport Strategy and Northern Beaches Road Safety Plan.

This report relates to the Community Strategic Plan Outcome of:

- Vibrant local economy - Goal 13 Our businesses are resilient, well-connected and thrive in an environment that supports innovation, entrepreneurialism and economic growth.
- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches.

FINANCIAL CONSIDERATIONS

This report has the potential to require operational funding to install signage and to enforce signage should signs be erected prohibiting the sale of or imposing parking restrictions in the location.

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

SOCIAL CONSIDERATIONS

The use of the road reserve for the ad hoc sale of vehicles by community members can be seen as providing a service for the community, providing connection for the community. The alternate point of view is that sale of vehicles has an undesirable impact on the adjoining land uses, including the dog park, businesses, sports groups, beach access and residential areas opposite.

ENVIRONMENTAL CONSIDERATIONS

There is no direct environmental impact from the recommendations, although the additional signage that would need to be installed could be seen as an adverse environmental impact.

GOVERNANCE AND RISK CONSIDERATIONS

There is a risk to the reputation of Council if it takes steps to restrict or prohibit the sale of vehicles in the location when the practice has widespread support in the community.



3 April 2023

Mr Shane Schneider
Director Network Management Eastern
Transport for NSW
Planning and Programs | Greater Sydney
shane.schneider@transport.nsw.gov.au

Our Ref: 2023/204702

Dear Mr Schneider

Parking Restrictions Request, Pittwater Road, Collaroy

On 28 March 2023, Council resolved, in part, to write to Transport for NSW in relation to the parking restrictions on Pittwater Road, Collaroy following a Notice of Motion outlining safety concerns about the sale of vehicles along that road.

"That Council:

- 1. Formally write to Transport for NSW requesting that Transport for NSW conduct a safety audit on the informal "car yard" at Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy."*

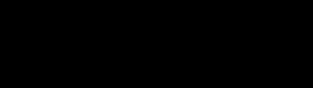
We seek your support for the Resolution of Council and request a safety audit is conducted.

Council will also be undertaking public consultation through exhibition and meeting with the community to understand their concerns and discuss possible solutions regarding the sale of vehicles along the abovementioned section of Pittwater Road.

I have attached a copy of the resolution for your information.

I look forward to your response regarding our request and if your staff have any questions, please do not hesitate to contact my office on 02 8495 6286.

Yours faithfully



Louise Kerr
Interim Chief Executive Officer

Attach

Attachment**Notice of Motion No 1/2023 - Parking Restrictions Request, Pittwater Road, Collaroy**062/23 **RESOLVED****Cr De Luca / Cr Robins**

That Council:

1. Formally write to Transport for NSW requesting that Transport for NSW conduct a safety audit on the formal "car yard" at Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.
2. Undertake public consultation through exhibition on the Council YourSay page and meeting with the community to understand their concerns and possible solutions regarding the sale of vehicles along Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy. Stakeholders to include residents, relevant local sporting clubs, shop owners and other identified stakeholders.
3. Staff to provide a report back to Council within 3 months on the results and possible solutions that would then be outlined in further correspondence to the NSW Minister and Shadow Minister for Roads.

VOTING**FOR:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan**ABSENT:** Cr Regan**CARRIED**

Phillip Devon

From: TfNSW Customer Relations <customer@transport.nsw.gov.au>
Sent: Thursday, 3 August 2023 3:40 PM
To: Phillip Devon
Subject: 01859504 - Reply from Transport for NSW (TfNSW) [ref:_00D28HSVA._5008q1xs3N:ref]



Dear Louise,

Thank you for your correspondence regarding the parking restrictions on Pittwater Road, Collaroy.

Transport for NSW is investigating additional parking restrictions along Pittwater Road, Collaroy. Additional enforcement has been requested and discussed with Northern Beaches Council.

It is illegal to advertise a vehicle for sale on a public road or in a public place under the Local Government Act 1993 – Section 68, Part E (2), and as such a safety audit is not considered appropriate.

I hope this has been of assistance. If you have any further questions, Vicky Walker, A/Network and Safety Manager, at Transport for NSW would be pleased to take your call on 02 8849 2681.

Sincerely,

Transport for NSW

OFFICIAL



ref:_00D28HSVA._5008q1xs3N:ref



Community and Stakeholder Engagement Report

Cars for Sale along Pittwater Road, Long Reef

Consultation period: 16 June 2023 – 23 July 2023

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1. Summary




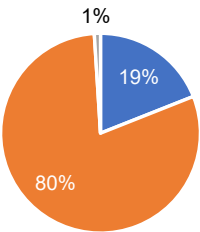
This report outlines the outcomes of community and stakeholder engagement as part of a proposal to understand any concerns and possible solutions regarding the sale of private cars along Pittwater Road between Anzac Avenue and Hadleigh Avenue, Collaroy.

The feedback from the community was overwhelmingly supportive for the sale of private cars along this section of Pittwater Road, Collaroy with 80% having no concerns regarding the practice.

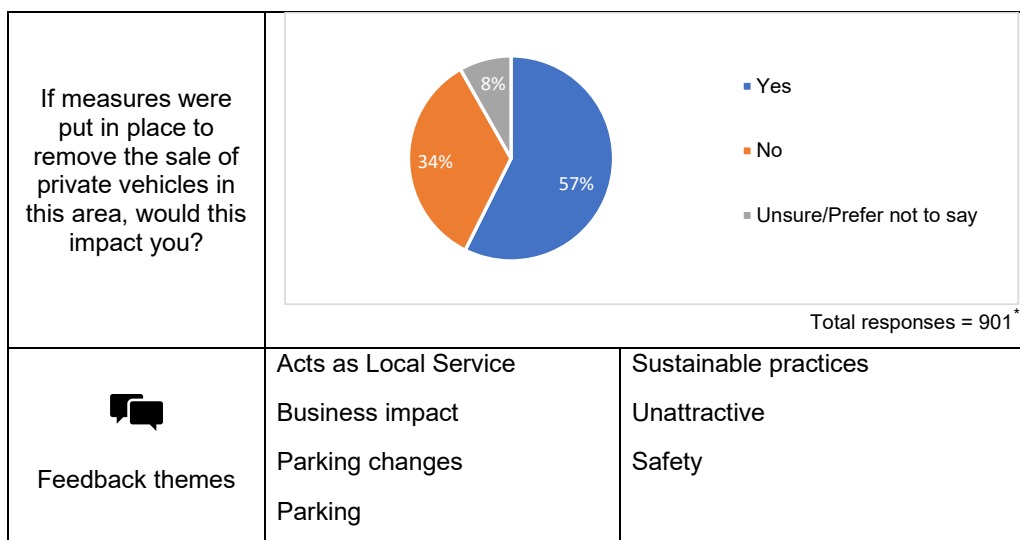
Positive feedback included a range of reasons this practice was of benefit to the community and served a valuable service in an open and safe environment.

Respondents who had raised issues regarding the practice stated parking conflicts as the primary concern. They also raised safety concerns of the practice for motorists, pedestrians and cyclists.

1.1. Key outcomes

 Total unique responses	901*	
 How responses were received	Submission form Written responses (email/letter)	Completions: 899 Number received: 2
 Online sentiment question: Do you have any concerns regarding the sale of private vehicles along Pittwater Road Collaroy (between Anzac Avenue and Hadleigh Avenue)?	<div data-bbox="735 1249 935 1480">  </div> <div data-bbox="1034 1308 1273 1451"> <ul style="list-style-type: none"> ■ Yes ■ No ■ Unsure/Prefer not to say </div> <p>Total responses = 899</p>	

*Not every respondent made a comment in addition to answering the sentiment question.

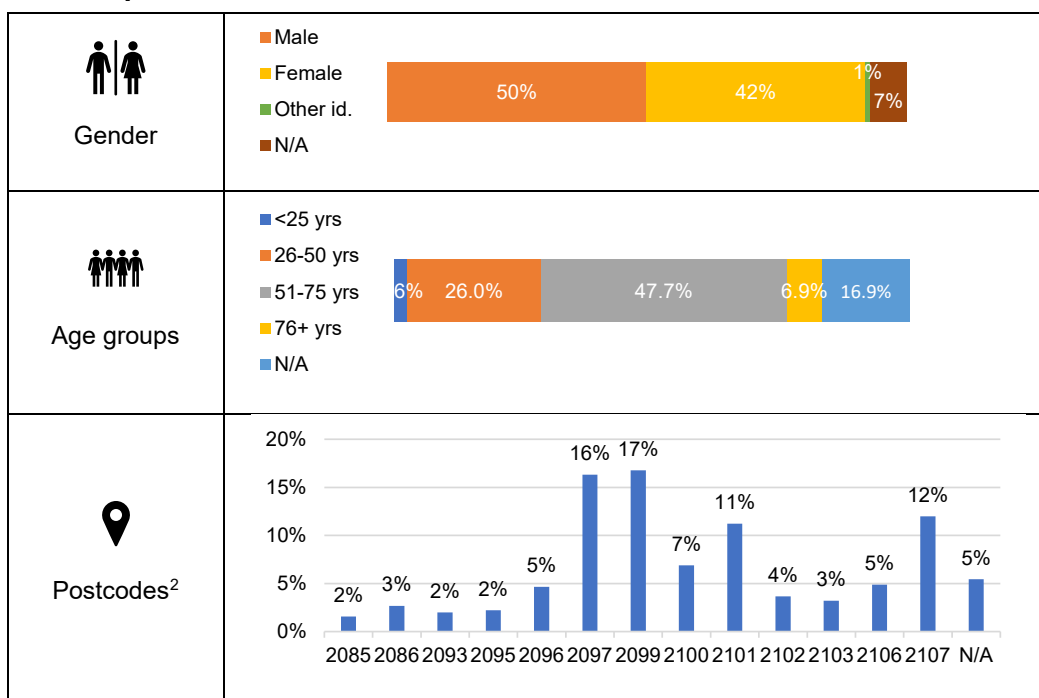


1.2. How we engaged

 Have Your Say: visitation stats	Visitors: 5,645	Visits: 6,692	Average time onsite: 1 min 49 secs
 Print media and collateral	Letterbox drop: 2097		Distribution: 239
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions Council (weekly) e-News: 2 editions		Distribution: 23,000 subscribers Distribution: 61,500 subscribers
 Face-to-face sessions	Pop up / Drop in: 1		Attendance: 42

*Some respondents made a second submission with a different answer to the sentiment question – these have been counted in the statistical analysis but counted as one unique submission.

1.3. Who responded¹



2. Background

It was resolved at the 28 March 2023 Council meeting to engage with the community to understand any concerns and possible solutions regarding the sale of private cars along Pittwater Road between Anzac Avenue and Hadleigh Avenue, Collaroy.

Under Notice of Motion 15.1 - Parking restrictions request, Pittwater Road, Collaroy, it was resolved:

That Council:

1. Formally write to Transport for NSW requesting that Transport for NSW conduct a safety audit on the formal "car yard" at Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.
2. Undertake public consultation through exhibition on the Council YourSay page and meeting with the community to understand their concerns and possible solutions regarding the sale of vehicles along Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy. Stakeholders to include residents, relevant local sporting clubs, shop owners and other identified stakeholders.
3. Staff to provide a report back to Council within 3 months on the results and possible solutions that would then be outlined in further correspondence to the NSW Minister and Shadow Minister for Roads.

¹ Demographic data was gathered by request only. The data represented only includes those respondents who provided this detail.

² Post code with 10 or more responses

Vehicles are being parked along Pittwater Road on the inside lane between Anzac Avenue and Hadleigh Avenue, Collaroy with the aim to advertise their car for sale. This is a main arterial road that is under the care and control of the Roads & Maritime Services (RMS). Vehicles can park in this location unrestricted between 10am Friday to 6am Monday. Outside this time, it is a Bus lane.

3. Engagement objectives

Community and stakeholder engagement aimed to:

- build community and stakeholder awareness of participation activities
- provide accessible information so community and stakeholders can participate in a meaningful way
- provide balanced and objective information to assist in understanding the problem, alternatives and/or solutions
- identify community and stakeholder concerns, local knowledge and values.

4. Engagement approach

Community and stakeholder engagement for the Cars for Sale along Pittwater Road, Collaroy was conducted between Friday 16 June and Sunday 23 July 2023, 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 Strategy](#) (2022).

A project page³ 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. Staff also held a pop up on site on 1 July 2023 between 10am and 12.15pm

Feedback was captured through an online submission form embedded onto the have your say project page. The form included two questions that directly asked respondents the following questions:

- Do you have any concerns regarding the sale of private vehicles along Pittwater Road Collaroy (between Anzac Avenue and Hadleigh Avenue)?
- If measures were put in place to remove the sale of private vehicles in this area, would this impact you?

An open-field additional comments box provided community members a space to explain or elaborate on their response.

Email and written comments were also invited.

³ <https://yoursay.northernbeaches.nsw.gov.au/weekend-parking-pittwater-road-collaroy>

5. Findings

The feedback from the community was overwhelmingly supportive for the sale of private cars along this section of Pittwater Road, Collaroy with 80% having no concerns regarding the practice.

Positive feedback included a range of reasons this practice was of benefit to the community and served a valuable service. Many stated that the free, convenient and safe method of selling or buying a car in this manner made it highly valuable to members of the community. It is seen as a tradition and part of the fabric of the Northern Beaches to undertake local, sustainable trading opportunities.

A key finding was that if measures were put in place to remove the sale of private vehicles in this area, the impact would be negative for many respondents. Options on privately selling and buying cars locally is currently limited to online and paid services, which had their own downsides, including scammers, safety issues, pressure to buy and need to go out of area to view vehicles.

A proportion of the community raised concerns about the practice. A key concern was the practice took up parking that should be available for local use. It was felt that the parking should be available for reserve and beach users, customers of the local businesses and residents, particularly in the summer during the busy season.

Some of the community wanted to explore timed restrictions along this stretch or suggested a clearway 7 days a week to allow for safe traffic movement through to Dee Why. A small number of community members raised safety concerns regarding motorists rubber necking and slowing down, cyclists having to use the second lane in fast traffic and pedestrians inspecting vehicles on the road.

Table 1: Issues, change requests and other considerations.

Theme	Issues, change requests and other considerations raised	Council's response
Acts as Local Service	<p>Considerations for this issue included the valuable service it provides:</p> <ul style="list-style-type: none"> • free, convenient, removes pressure to buy • tradition, local character, Northern Beaches culture, too much regulation • well located, not impacting anyone, there is no problem. <p>Find an alternative or it will move somewhere else</p>	<p>Feedback from the community is noted.</p> <p>If parking is removed by TfNSW, Council could consider other locations</p>
Business impact	<p>Supports local businesses – bringing extra customers to the area</p>	<p>Respondents state the car sales bring in customers to other businesses in the area</p>

		– limited evidence of this is visible
	Concern is that it is being used by commercial operators	Council notes this concern and will investigate the matter
Parking changes	It is a bus lane and it should be a clearway. Buses are being delayed due to the parked vehicles over the weekend.	This would be a matter for TfNSW as it is a state road corridor.
	Can parking restrictions 2-8P be considered to limit the parking so the community can use it for local access	This would be a matter for TfNSW as it is a state road corridor
Parking	Parking conflicts with beach/reserve/residents/business users	Prior to any changes to parking restrictions, Council will advocate for a parking analysis for the local area.
Safety	Danger to motorists and pedestrians – motorists are slowing down to look at the vehicles and pedestrians walking on the road to inspect the vehicles	As part of this engagement process, Council has reviewed the crash analysis for the area. The data does not indicate a safety issue in this location. Review of the local road safety data reveals three incidents have occurred over the last four years during the weekend period at this location.
	Danger to cyclists – parked cars in the bus lane at weekend means they have to use the second lane. It is a slow uphill section for cyclists, however the traffic is fast on this stretch of road	Removing the car sales would not impact on the safety for cyclists as cars would still park in this location. In Council's bike plan, dedicated cycle routes are a priority to enhance cyclist safety whilst riding on the road.
	With the option to view and sell at this open location, it avoids transactions at strangers' houses or strangers coming to your property	Council notes community sentiment regarding the need for a safe open environment for this activity
Sustainable practices	Trading of second-hand cars is a sustainable practice – in this	Encouraging local trading of vehicles has a wider benefit to the community both

	case, it is local sales and directly supporting the local economy	environmentally and economically.
	One place, saves multiple trips	Council notes community sentiment regarding the practice of having one location to view privately sold cars. Reducing multiple car trips when purchasing a second hand vehicle has benefits for the local environment and the community.
Unattractive	Some respondents claim the practice creates an unsightly, unpleasant view with all cars parked all weekend	Removing the car sales would not impact on the view as other cars would still park in this location.

During the consultation/exhibition. Council received a number of questions either through direct contact or within feedback received.

Table 2: Questions raised and Council's answers

Question raised in feedback	Council's answer
Why is the Council using rate-payers money to chase down this minor issue?	Council has a resolution to investigate the matter.
It's an essential community support service. If it can't happen at this location - then where can it? Are you going to supply a designated area? What solutions are you going to implement?	The outcome will be determined by the elected Council. If parking cars for sale here were to be removed by TfNSW, Council could consider other locations.
Is it illegal to just have a for sale sign displayed in your vehicle? What distinguishes a vehicle parked legally to one parked for the purposes of selling?	It is considered that vehicles parking here with "for sale" sign displayed are currently not illegally parked. However, Council could seek legislative amendments to install signage prohibiting the sale of vehicles at this location. This would then need to be enforced by the rangers. A 'for sale' sign on a vehicle would distinguish the vehicle for sale or not.
What business is affected by parked vehicles?	Feedback has been received from local businesses about the lack of parking.
With regard to safety concerns, have there been incidents?	Review of the local road safety data, reveals three incidents have occurred over the last four years during the weekend period at this location.

<p>If hourly restrictions are imposed what restriction is Council hoping for timewise? On the weekend? If cars have to be moved frequently to satisfy that, it will create more dangerous traffic movements.</p>	<p>Currently TfNSW is not proposing any time restriction. It is for them to determine the safest option.</p> <p>Other local beach areas have parking restrictions from 2-6 hours to assist with turn over during busy periods.</p>
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Appendix 1 Verbatim community and stakeholder responses*

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/Document.aspx?t=webdoc&id=4GU%2BzIJOJNAV0A60ki4OEg==>

Document administration	
Version	1.0
Date	9 August 2023
Approval	Content provided and approved by Transport Network Team. Responsible manager: Phil Devon
Status	Final
Related Projects	Northern Beaches Bike Plan
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.

**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.*

ITEM 13.4	RESPONSE TO NOTICE OF MOTION NO 7/2023 - URGENT REQUEST FOR A SAFETY AUDIT OF ELECTRIC BIKE, ELECTRIC SCOOTER AND OTHER BIKE USAGE ON NORTHERN BEACHES SHARED PATHS, BIKE PATHS AND FOOTPATHS
REPORTING MANAGER	ACTING EXECUTIVE MANAGER TRANSPORT & CIVIL INFRASTRUCTURE
TRIM FILE REF	2023/414085
ATTACHMENTS	<ol style="list-style-type: none"> 1 ➡ TfNSW Centre for Road Safety Shared Paths - Research Findings (Included In Attachments Booklet) 2 ➡ Council Bike campaign survey report with charts (Included In Attachments Booklet) 3 ➡ NSW Police Motorised Bicycles - Flyer (Included In Attachments Booklet) 4 ➡ NSW Police Motorised Wheeled Devices - Flyer (Included In Attachments Booklet)

SUMMARY

PURPOSE

To respond to Council's resolution in respect of Notice of Motion No 7/2023 - Urgent Request for a Safety Audit of Electric Bike, Electric Scooter and Other Bike Usage on Northern Beaches Shared Paths, Bike Paths and Footpaths.

EXECUTIVE SUMMARY

Council at its meeting on 28 March 2023 resolved the following:

That:

1. *The Northern Beaches Council Local Traffic Committee, in partnership with the Northern Beaches Police Area Command, conduct an urgent safety audit of electric bike, electric scooter, electric rollerblades, electric skateboards and other bike usage, on Northern Beaches shared paths, bike paths, and footpaths. The safety audit should include consideration of, but not be limited to:*
 - A. *Speeding*
 - B. *Shared path design models and factors*
 - C. *Path separation versus segregation*
 - D. *Advisory speed signage*
 - E. *Education and communication campaign on electric bike, scooter and other bike legislative responsibilities*
 - F. *Regulatory factors, including Council Ranger and Police operations to target non-compliance with Road Rules applicable to electric bikes, scooters and other bikes*
 - G. *Review whether Council has appropriate regulatory powers to deal with unauthorised use of public space by cyclists/e-bikes (such as cycling on pedestrian footpaths).*

2. *The outcomes of the safety audit and the results of the Council's in NSW and ACT trials be reported back to Council as a matter of urgency, with recommendations to mitigate the increasing risks associated with these safety issues.*

A broad safety audit considering the following has been undertaken:

- Speeding.
- Shared path design models and factors.
- Path separation versus segregation.
- Advisory speed signage.
- Education and communication campaign on electric bike, scooter and other bike legislative responsibilities.
- Regulatory factors, including Council Ranger and Police operations to address non-compliance with Road Rules applicable to electric bikes, scooters and other bikes.
- Review of whether Council has appropriate regulatory powers to deal with unauthorised use of public space by cyclists/e-bikes (such as cycling on pedestrian footpaths).

Transport Network staff have undertaken some speed monitoring across existing network of Shared User Paths.

The design of the infrastructure is a key area where Council can implement actions that are likely to have tangible safety improvement outcomes.

Advisory speed signage could be installed, however speed reductions are difficult to enforce across the network as under current regulatory provisions, NSW Police is the only authority that can enforce speed limits on public roads and road related areas.

Council's Road Safety team have undertaken a survey of users and participating in operations with the NSW Police – Traffic Command to drive awareness of the requirements for the use of E-Bikes and other powered micro mobility devices, and their legality in general.

Resourcing to undertake compliance by NSW Police, and Council's Rangers where there is appropriate signage in place under Section 632 of the *Local Government Act 1993* is an issue that has been raised during the stakeholder conversations held to date.

Council Rangers do not have an ability to regulate the use of e-bikes or other micro mobility devices on footpaths or other road related areas, unless there is specific signage erected in a public place under section 632 of the *Local Government Act 1993* prohibiting an action, i.e., similar to the signage in place on Marine Parade or on The Corso.

There is a lack of clear data relating to incidents involving e-bikes or other micro mobility devices as they are aggregated with all bike accidents. NSW Police commenced referencing the type of vehicle in accident reports in May 2023, however this data is incomplete as the vehicle is not always recorded at the time of the incident.

It is considered that bringing a motion to the Local Government NSW Conference to be held in November 2023 and writing to Transport for NSW and the State Minister for Roads with respect to the development of community awareness and safety campaign, and a review of legislation to improve public safety, is appropriate to address Council's concerns with respect to these issues.

RECOMMENDATION OF ACTING DIRECTOR TRANSPORT AND ASSETS

That Council submit a motion to the Local Government NSW 2023 Annual Conference, and write to Transport for NSW and the Minister for Roads, seeking:

1. the development of a community awareness and safety campaign to improve pedestrian and rider safety in respect of e-bikes, including but not limited to education on the current laws in respect of all electric micro mobility devices; and
 2. a review of the current NSW Road Rules 2014 and Regulations under the Road Transport Act 2013 to make any necessary changes to improve public safety.
-

REPORT

BACKGROUND

In response to the Notice of Motion No 7/2023 - Urgent Request for a Safety Audit of Electric Bike, Electric Scooter and Other Bike usage on Northern Beaches Shared Paths, Bike Paths and Footpaths, Council's Transport Network team have led a program of audit and education in partnership with NSW Police and Transport for NSW.

The broad safety audit considered the following:

- Speeding.
- Shared path design models and factors.
- Path separation versus segregation.
- Advisory speed signage.
- Education and communication campaign on electric bike, scooter and other bike legislative responsibilities.
- Regulatory factors, including Council Ranger and Police operations to address non-compliance with Road Rules applicable to electric bikes, scooters and other bikes.
- Review whether Council has appropriate regulatory powers to deal with unauthorised use of public space by cyclists/e-bikes (such as cycling on pedestrian footpaths).

Speeding

Council has both fixed and mobile technology to identify the speed of bicycles on shared user paths, and other road related areas.

Fixed infrastructure at the approach to the new Shared User Bridge at Narrabeen indicate the overall bike speed, shown below is within the levels considered by the review of Shared User Paths undertaken by Transport for NSW, Centre for Road Safety (Attachment 1). The portable equipment assessment undertaken in Manly beachfront indicated that the average speed is 16km/h however there were several occasions, particularly on the weekend when the peak speed (42km/h) was higher than the adjoining road speed of 30km/h.

NBC002

Narrabeen Lagoon Trail

Speed Summary(2023)

	South			North			Both directions		
	Weekday	Weekend	All Week	Weekday	Weekend	All Week	Weekday	Weekend	All Week
85th	19.19	20.81	20.20	20.59	22.50	21.82	20.02	21.71	21.10
Avg	14.87	16.27	15.70	16.02	17.68	16.99	15.48	17.03	16.38

Permanent Count Station Data 2023.

Speed Summary - mobile 25B05 - Location 5-2023-002

Coord. -33.797015, 151.288142	South			North			Both Directions		
North Steyne nr The Corso facing northbound.	Weekday	Weekend	All Week	Weekday	Weekend	All Week	Weekday	Weekend	All Week
85th	22.32	19.81	21.12	23.81	20.45	22.13	23.12	20.19	23.05
Average	17.54	14.85	16.21	17.98	16.08	17.13	17.75	15.48	16.31

Mobile data collection – May 2023.

The majority of the issues raised by the community relate to inappropriate speed by riders in general, with the main group referred to the community, being younger riders using the shared

path and footpath network. It is not unlawful for persons under the age of 16 to use a bicycle on a shared path or footpath Road Rules.

Staff have received over 40 complaints this calendar year related specifically to e-Bikes, e-scooters and other micro mobility devices. Complaints were originally confined to the Manly area; however, this is now relate to the LGA more broadly.

Shared path design models and factors

Historically shared user path construction was undertaken to provide for a widened footpath in the space available, generally between the existing kerb and the adjoining property boundary, without consideration of the number of future users, types of users, and the location of existing services etc. The current network of 56 km of shared user paths consists of a range of widths between 1.8m and 3.0m, although with obstructions the usable space is often less than a metre at pinch points in the network. It is often a trade-off between project cost / feasibility and local amenity, when retrofitting the infrastructure into an existing road corridor. Some locations are more restrictive than others, with the intent to provide the safest possible solution, with the least impact on the adjoining properties.

The network also consists of a variety of materials with different maintenance requirements that can present different hazards to the users of the network, often resulting in issues for less experienced riders, or those who are not riding appropriately.

An ideal two-way bicycle path on a priority regional route should maintain a preferred width of 4.0m. This allows for safe overtaking, caters for future growth in ridership, and accommodates riders of all ages and abilities. A minimum 3.0m (preferably 4.0m) wide two-way bicycle path will also allow for higher speeds along the bicycle path to cater for commuters and the emergence of innovative forms of micro mobility. It is noted that best practice may not be achievable in the areas where the infrastructure is being retrofitted into the existing road reserve allocation.

In constrained areas where insufficient usable space is available, a narrower bicycle path can be considered. As a minimum, the bicycle path of 2.4m may be suitable for specific locations. Austroads guidance is that 2.0m is the absolute minimum where there is very low use, although this is not suitable for priority or commuter cycle routes.

The preferred design criteria need to also consider the main user group that would primarily use the infrastructure. As the use of e-bikes and other micro mobility solutions increase, which is a key direction of the adopted Transport Strategy – MOVE, consideration will need to be given to the type of infrastructure, the number and type of those using the infrastructure, and the hierarchy of the route in the overall network. Another consideration for the selection of the design is the advent of the cargo bike, which is becoming more popular to transport families, shopping, and general movement in areas suitable for their use for short and medium distance trips.

In response to the growth of e-bike use and the demographic of the user groups, staff are undertaking review of the provision of regional and district routes under the current bike plan to determine the feasibility of moving to a separated cycleway design to improve the safety of all road users. This will require a reallocation of road space and potentially remove on-street parking to provide sufficient road space to install the infrastructure given the existing constraints.

Path separation versus segregation

Separated infrastructure is where the footpath and cycleway are contained in a different allocation of space within the road reserve. Segregated infrastructure is where the shared user path has a dedicated cycleway component, generally indicated through linemarking and signage, but without physical separation with the pedestrian path is adjoining to the bicycle path, usually separated by linemarking or visually through the use of different colour pavements.

There are several issues with the segregated design model, including the lack of a physical barrier between cyclists and pedestrians, the width (3.5m minimum) required to provide the suitable outcome to provide for pedestrian safety and space for cycling concurrently. As a result of the impact on the street scape this is the least favoured solution for regional and district routes, but could be considered in locations where the existing road reserve width allows, or the adjoining road speed limit is greater than 50km/h.

Local routes (as defined in Council's adopted Bike Plan) could be suitable for the use of shared user paths due to the lower volume and speed of bikes using these routes.

Advisory speed signage

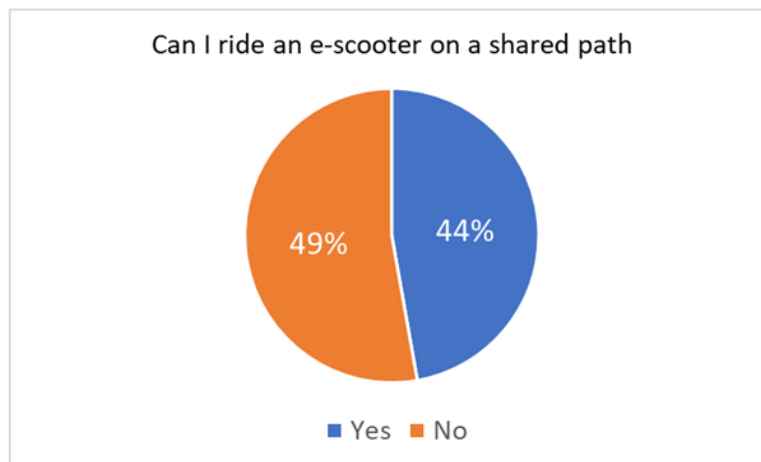
Speed restrictions and advisory or regulatory signage presents a challenge from an enforcement perspective. Staff are however looking at options to provide pavement signage to make riders aware of high pedestrian areas. The imposition of a 10km/h speed limit was considered (similar to Pyrmont Bridge), however it is difficult for cyclists to actually maintain that speed. This can be used in locations where the pavement signage does not have the desired effect. One primary concern was the street clutter caused by a large number of signs leading to an overload of information and as such leads to a lower level of compliance.

The speed signage trial found that neither the 10km/h advisory speed markings nor the slow markings resulted in significant reductions in cyclist speed. Only one in four cyclists reported noticing the markings and of those who did notice, one in three indicated that the markings would cause them to ride slower. This suggested limited receptiveness from cyclists towards adjusting their speeds. Cyclists preferred the slow marking over the speed limit; however, this may have been due to the 10km/h limit. That some cyclists reported they would reduce their speed if there was a speed limit, suggests that speed limit signage could be further investigated using a higher threshold. In addition, greater lateral separation between cyclists and other path users was observed across all sites after the signage was installed. More research is needed on the impact of speed signage due to the lack of comparable studies.

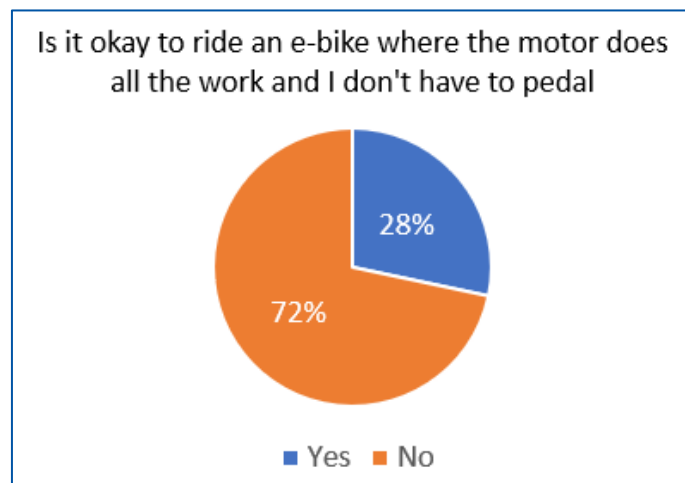
Education and communication campaign on electric bike, scooter and other bike legislative responsibilities

Council's Road Safety team have undertaken some preliminary work on an education and communication program with a survey undertaken to determine the general awareness of some key issues within the community. The results are contained in the report (Attachment 2) prepared by the Road Safety team to assist in the further development of the next steps to deliver the education and communications campaign to reduce the instances of unsafe rider behaviour.

NSW Police have also produced some educational flyers to assist in improving compliance in the community and general awareness of the Road Rules. One main concern shared by both Council and the Police was the prevalence of e-scooters and other non-complaint devices that are being used in the community, and the assumption by those that were surveyed that they are legal.



The second issue was the type of e-bike that maybe circulating in the community and the issue around legality and the difficulty in judging compliance without the conveyance being stopped.



One matter that was raised in the discussion between Council and the Traffic Command officers was the issue of younger riders who have little exposure to the requirements of the Road Rules, with many e-bikes etc. being ridden by teenagers who are too young to hold a driver's licence or learner permit.

There is also a significant difference in the type of e-bike that is being used in other areas where it is more related to commuting rather than general mobility for the younger riders. It was noted that locally it is the number of devices carrying pillion passengers, often without helmets and at speed, which also comes back to the lack of knowledge of the Road Rules.

There are issues around the proliferation of e-scooters within the community and the perception that they are legal on Shared User Paths, although they are illegal on all roads and road related areas in NSW, with the exception of share scooter schemes in the prescribed trial areas (not in the Northern Beaches area).

The Road Safety team in partnership with the NSW Police and Transport for NSW teams plan on working through a suite of tools to provide education and communication to the community to improve community and rider safety, along with information on the types of e-bikes that can be used and where they are allowed, subject to the applicable legislation.

Regulatory factors, including Council Ranger and Police operations to target non-compliance with Road Rules applicable to electric bikes, scooters and other bikes.

Staff in partnership with NSW Traffic Command police have undertaken 3 pop-up events to date on the beachfront in Manly to enhance compliance with the Road Rules and issue warnings to riders not complying with the basic Road Rules. It is noted that E-scooters are currently illegal on NSW roads and footpaths.

The technology has outstripped the regulations to a degree which has led to an increase in the number of imported devices that can be converted from compliant devices to illegal vehicles that do not comply with the relevant Australian Design Rules and the technical requirements of the road rules related to e-bikes and micro mobility devices (Attachments 3 and 4).

Review whether Council has appropriate regulatory powers to deal with unauthorised use of public space by cyclists/e-bikes (such as cycling on pedestrian footpaths).

Council compliance staff can action the unauthorised use of the devices in public places where appropriate signage is in place under section 632 of the *Local Government Act 1993*. The issue arises regarding the powers to stop and seek appropriate identification, which is why the majority of the enforcement is undertaken by the NSW Police.

One issue that arose during the operation was the use of e-bikes by children under 16 years on the footpath travelling at speed. In accordance with the Road Rules all other areas children under 16 and adults accompanying children under 16 are allowed to ride on the footpath unless prohibited by signage

Conclusion

Under ideal circumstances the community should rely on rider behaviour to resolve the ongoing issues of appropriate speed, awareness of other users and their responsibility under the Road Rules. However, based on the initial finding of the survey and associated interventions of the NSW Police there are actions required to be implemented ranging from education, infrastructure improvement, and enforcement to tackle the ongoing issues raised by the community.

The Local Government NSW Annual Conference is to be held from 12 to 14 November 2023. Council has an opportunity to submit motions to the Conference. It is considered that bringing a motion to the Local Government NSW Conference with respect to the development of a community awareness and safety campaign, and a review of legislation to improve public safety, is appropriate to address Council's concerns with respect to these issues. It is also considered appropriate to write to Transport for NSW the State Minister for Roads in respect of these matters.

CONSULTATION

Consultation with the key stakeholders has been undertaken to determine the issues that have been raised and the most appropriate way forward to improve safety within the community.

Further consultation will be required with the local communities as staff implement the outcomes of the audit, including ongoing education as to why these decisions have been made and how the community can also take ownership of the issues related to the rider behaviour.

Ongoing dialogue between Council, Community, Police and TfNSW will be required to ultimately resolve the issues raised in the audit.

Council in partnership with the Local Highway Patrol officers undertook 3 proactive sessions in Manly with the following direction provided to the relevant teams.

Council's Road Safety Team - To raise awareness on legal and safety issues of bike riding, especially e-bikes and e-scooters. And to promote awareness of cycling routes, including the safe cycling network i.e., shared paths/ separated cycle ways.

Local Highway Patrol Police - To stop all bicycle riders on the shared path who were displaying unsafe/ illegal behaviour, especially not wearing helmet. Police also stop and spoke with users of e-scooters informing them of the illegal nature of them being used in a public space.

These people were given a formal warning, and their details taken. Plus, they were given education on the legal and safety issues of riding.

The outcomes of each session are detailed below.

1. Wednesday 17 May 2023 (mid-week during school term)

Council team engaged with about 150 people.

Police engaged with 60 people.

2. Thursday 6 July 2023 (mid-week school holidays)

Council team engaged with about 200 people.

Police engaged with 140 people.

3. Saturday 22 July 2023 (Saturday during school term)

Council team engaged with 174 people. This included clarifying with many people that e-scooters are currently illegal in NSW.

Police engaged with 56 people.

TIMING

The short-term development of the education resources and behaviour change resources will be developed in time for the peak summer period where the problems increase due to the use of the devices to access beach and other recreational areas.

The medium to long term solutions for infrastructure upgrades are subject to the provision of funding from either Council's Capital Works program or from grant funding opportunities through the Get Active NSW program from Transport for NSW.

Long term consideration needs to be given to the regulations around the technology and the ease at which the modifications can be made to de-limit some e-bikes.

Transport for NSW should also undertake a review of the Road Rules around the use of micro mobility devices on footpaths by the various age groups similar to actions in other jurisdictions.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches.

The report also relates to the Northern Beaches Transport Strategy, Theme 2 – Active Travel

1. Prioritise smart, active travel network improvements (through technology, end of trip facilities, and way-finding signage). Expand footpath and shared path networks to improve connectivity and safety, making walking and cycling attractive alternatives to the car.
2. Deliver safe, active travel across all modes of transport for school aged children and young people.

3. Provide a safe environment, both on and off-road for all users and end of trip facilities to make it a realistic option for commuting.
4. Expand cycle network to reduce conflict between road users.

There are also actions in the Road Safety Plan and Bike Plan that relate directly to the recommendations in this report.

FINANCIAL CONSIDERATIONS

Council staff can undertake the education and communication programs using existing budgets as the Road Safety Team had planned to undertake additional programs in the 2023/24 program to address the increase in the number of complaints related to e-bikes and micro mobility devices to date.

The delivery of infrastructure upgrades will be subject to capital works and grant funding applications in future years. The review of the future program for the delivery of the safe cycling network will be undertaken during the 2023/24 project development cycle and approval sought from the appropriate panel for any grant funding opportunities.

SOCIAL CONSIDERATIONS

The implementation of the recommendations has a positive social outcome, both in terms of improved community safety and also in terms of the health benefits from Active Transport.

There may be an impact in the reduction in on-street parking in some locations to deliver the safest outcome for both pedestrians and cyclists where walkability improvements are made to the network, such as pedestrian crossings.

ENVIRONMENTAL CONSIDERATIONS

The use of e-bikes and other micro mobility devices has a benefit in reducing short vehicle trips. This has the potential to reduce congestion and vehicle emissions producing the positive environmental outcomes.

GOVERNANCE AND RISK CONSIDERATIONS

There is the potential for real or perceived impacts on community safety that if not addressed by Council and other agencies there is an increased risk of ongoing non-compliance will continue to detract from the benefits of the uptake of Active Transport on the overall community.

ITEM 13.5	ALTERNATIVE PROCUREMENT AVALON SURF LIFE SAVING CLUB CAFE AND RESTAURANT
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2023/474074
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek Council approval, in accordance with section 55(3)(i) of the *Local Government Act 1993*, for exemption from tendering for tenants to occupy and operate one or both of the restaurant and café premises located within Avalon Surf Life Saving Club Building.

EXECUTIVE SUMMARY

Council recently conducted a tender process to identify new hospitality tenants for the café and restaurant located within the Avalon Surf Life Saving Club, 558A Barrenjoey Road, Avalon Beach.

Following Council's resolution of 27 June 2023 to negotiate with the highest-ranking tenderer, Council staff entered negotiations from which the proposed tenant has ultimately withdrawn.

Considering the soft hospitality market currently and Council's recent experience of receiving very low numbers of submissions for its hospitality tenders, it is proposed to adopt an alternative procurement process rather than pursuing another tender process.

This approach aligns with the market norm in the hospitality industry, where tenants secure suitable premises through commercial discussions with a leasing agents or owners, bypassing a formal tender process. This alternative procurement process is in accordance with section 55(3)(i) of the *Local Government Act 1993* (the Act), which permits deviation from tendering when extenuating circumstances exist, and a satisfactory result would not be achieved through a standard tender.

The financial return to Council would be at market rental with an appropriate security deposit, financial capacity check of the organisation and reference checks would be required prior to entering into a lease agreement with a proposed tenant.

The proposed tenant recommendations would be reviewed by the Chief Executive Officer, before finalising lease arrangements. This approach maximises Council's likelihood of attracting experienced operators who can successfully deliver an exceptional community facility that enhances the beachfront, while ensuring an efficient and effective use of Council resources. The Chief Executive Officer will inform councillors of the outcome of the process.

RECOMMENDATION OF ACTING DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Resolve pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the lease of the café and/or restaurant at Avalon Beach Surf Life Saving Club because of the unavailability of competitive or reliable tenderers for the following reasons:
 - A. Council has recently run a tender process for the restaurant and cafe premises which did not result in a successful outcome.
 - B. The current soft market conditions for hospitality businesses has resulted in fewer operators seeking new locations and opportunities to invest capital in new sites.
 - C. Over the past few years Council has received a low number of submissions for its hospitality public tenders. Additionally, a large proportion of submissions received through these processes have been unable to provide the comprehensive information required in a Council tender process.
 - D. It is common practice within the hospitality industry for tenants to secure suitable premises through commercial discussions with a leasing agent / owner rather than participating in tender processes.
 2. Engage a leasing agent to find suitably qualified food and beverage operators to lease the restaurant and/or café located within Council Community Land Lot 202 DP 1107408 forming part of Avalon Surf Life Saving Club, 558A Barrenjoey Road, Avalon Beach.
 3. Delegate authority to the Chief Executive Officer to appoint a suitably qualified operator or operators for the restaurant and/or café.
 4. Delegate authority to the Chief Executive Officer to do all things necessary and execute all relevant documentation to give effect to this resolution.
-

REPORT

BACKGROUND

At the Council meeting on 27 June 2023 Council resolved to decline to accept any of the tenders received for RFT 2022/205 – For Lease Café and/or Restaurant at Avalon Beach Surf Life Saving Club and instead negotiate with the highest ranking tenderer. The resolution was:

That Council:

1. *In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders received for RFT 2022/205 – For Lease Café and/or Restaurant at Avalon Beach Surf Life Saving Club.*
2. *In accordance with section 178(3)(e) of Local Government (General) Regulation 2021, enter into negotiations with Aimelie Pty Ltd trading as Guinguette Café Bistro Francais (Emilie Mathel) with a view to entering into a lease of the café for the reasons as outlined below.*
3. *Decline all tenders for the restaurant and hold the proposed lease of the restaurant in abeyance for 6 months from the date of the lease for the café while the operation of the café is evaluated. After 6 months, enter into negotiations with Aimelie Pty Ltd trading as Guinguette Café Bistro Francais (Emilie Mathel) for the lease of the restaurant. If those negotiations are unsuccessful, invite fresh tenders for the lease of the restaurant.*
4. *In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that: 2023/412806 Page 2 of 2*
 - A. *Given the processes undertaken, inviting fresh tenders or applications would be unlikely to result in a significantly different outcome or an improved result for Council, including in light of the reasons in point 5 below; and*
 - B. *In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation.*
5. *In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations with Aimelie Pty Ltd trading as Guinguette Café Bistro Francais (Emilie Mathel) are:*
 - A. *The tender from Emilie Mathel demonstrated strong industry experience and the capability to deliver the desired tender outcomes; and*
 - B. *The tender from Emilie Mathel demonstrated a thorough understanding of the project risks through the submitted methodology.*
6. *Delegate authority to the Chief Executive Officer to enter into agreements with Aimelie Pty Ltd in relation to the subject matter of the tender and to execute all necessary documentation to give effect to this resolution subject to the Chief Executive Officer being satisfied with the outcome of the negotiations detailed in points 1-5.*

The Council resolution and approach was discussed with Emilie Mathel, the director of Aimelie Pty Ltd. While negotiations were initially progressing positively, after further consideration Emilie has decided not to progress with the negotiations for the leases.

In light of the failed tender process, it is now proposed to seek tenants for the vacant premises at Avalon Beach Surf Life Saving Club (Avalon Beach SLSC) through an alternative procurement process rather than pursuing another tender process. This alternative procurement process is in accordance with section 55(3)(i) of the Act, which permits deviation from tendering when extenuating circumstances exist, and a satisfactory result would not be achieved through a standard tender process.

Section 55(3)(i) of the Act states:

“(3) This section does not apply to the following contracts:

- (i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.”*

It is proposed that Council not call for fresh tenders for the proposed leases in this extenuating circumstance for following reasons:

- Soft hospitality market - The hospitality market is currently experiencing challenges even after the major impacts of COVID have subsided. Businesses are grappling with staff shortages and rising costs of produce and operations. This situation has resulted in fewer operators seeking new locations and opportunities to invest capital in new sites.
- Limited and basic submissions – After running a strong public marketing campaign, Council received only 2 submissions for the restaurant and café and 2 submissions for the cafe, all of which, bar the submission from Aimelie Pty Ltd, did not achieve the minimum acceptable score in the evaluation. One submission did not contain enough information to be assessed at all. Over the past few years Council has received a low number of submissions for its hospitality public tenders. Additionally, a large proportion of submissions received through these processes have struggled to provide the comprehensive information required in a Council tender process.
- Market norm for hospitality businesses - It is common practice within the hospitality industry for tenants to secure suitable premises through commercial discussions with a leasing agent / owner rather than participating in tender processes. In choosing to engage with the market not via a tender, we hope to tap into a wider network of potential operators who may be attracted to the opportunity, increasing the chances of finding a suitable lessee.

By engaging a leasing agent, the Council can uphold a competitive market process while ensuring the probity and arm's length transaction, which is typically associated with a tender, is maintained.

Any recommended tenant would be required to show suitable experience to operate the site, pay market rental rate for the premises and must be able to provide the requested security deposit and financial capacity to invest adequately in the site. It is proposed that the Chief Executive officer review the proposed tenants, before committing to lease arrangements. The Chief Executive Officer will inform Councillors of the outcome of the process.

In light of the above-mentioned reasons, we believe that pursuing an alternative procurement process through a commercial leasing agent is the most suitable course of action to find a food and beverage operator/s for the vacant premises at Avalon Beach SLSC.

TIMING

If approved it is proposed that an agent be appointed before the end of the month and a tenant sourced as a priority ideally looking to identify someone that can operate at least the café space during the majority of the 2023/24 summer season.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs

- 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

Council is currently not receiving any income from these tenancies while they are vacant. The prior tender had a minimum rental of \$50,000 and \$80,000 per annum excluding GST for the lease of the café and restaurant respectively. The actual annual rental amount and any turnover rental received will be determined by the market and negotiated under the delegation of the Chief Executive Officer in line with current market conditions.

The cost of the leasing agent engaged would be approximately 10% to 15% of the first year's lease fees.

SOCIAL CONSIDERATIONS

The operation of a café and restaurant within Avalon Beach SLSC supports the community's use of this prime beach side location and encourages social connectedness.

ENVIRONMENTAL CONSIDERATIONS

Best practice waste management initiatives are required to be carried out under the lease which stipulates adherence to Council's Waste Minimisation for Functions and Events policy and Council's Single Use Plastics Policy - aimed at eliminating the use of single use plastics including plastic bags, balloons, straws, plates and cutlery.

The permitted use in the lease is in accordance with planning approvals for the site.

GOVERNANCE AND RISK CONSIDERATIONS

Section 55 of the Act stipulates that Council must invite tenders for contracts involving an estimated expenditure or receipt of \$250,000 or more, with certain exceptions. Section 55(3)(i) allows for deviation from the tendering requirement when extenuating circumstances, remoteness of locality, or unavailability of competitive or reliable tenders exist, and Council decides, through a resolution stating the reasons, that inviting tenders would not lead to a satisfactory outcome.

As an income generating site the primary risks involve ensuring the lessee's capability to meet the ongoing rental payments, their ability to serve the community and collaborate effectively with the surf club, potential damage to the premises, and the potential reputational risk should the lessee fail to operate successfully.

To mitigate these risks, the proposed lease agreements provide insurance and indemnity clauses to safeguard Council's interests. Additionally, lessees will be required to provide a security deposit or bond equivalent to a minimum of three months' rent. The leases, as currently drafted, also require director's guarantees for added security.

In the selection process, thorough references checks would be conducted on potential tenants, and background financial information requested to assess their financial stability and operational viability. This approach aims to ensure that only qualified and reliable operators are considered for the lease, enhancing the likelihood of a successful and sustainable business operation that benefits both the community and Council.

ITEM 13.6	PROPOSED ROAD RESERVE CLOSURE AND SALE OF COUNCIL LAND ADJACENT TO 107 CLONTARF STREET, SEAFORTH
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2023/418317
ATTACHMENTS	1 Road Reserve Closure Plan - 107 Clontarf Street, Seaforth 2 Summary Report of Public Notification - Proposed Road Reserve Closure adjacent to 107 Clontarf Street Seaforth

SUMMARY

PURPOSE

To consider a proposal to close and sell a portion of road reserve adjacent to 107 Clontarf Street, Seaforth, to the owners of 107 Clontarf Street, Seaforth.

EXECUTIVE SUMMARY

A Road Reserve Closure and Sale of Council land application has been received from the property owners of 107 Clontarf Street, Seaforth (the applicants) as follows:

- That Council close a section of road reserve adjacent to the applicants' property in accordance with section 38A of the *Roads Act 1993*; and
- To subsequently purchase the relevant land from Council.

The application was made to the purchase, subdivide and consolidate a portion of road reserve into 107 Clontarf Street, Seaforth (Lot 1 DP 119074) (Subject Land), following a Land and Environment Court (the Court) decision to uphold the development consent for among the other things, the construction of a garage on the Subject Land.

The Court found that demolition of the encroaching garage structure was not warranted and the Court did not set aside the development consent. The sale and consolidation of the Subject Land is proposed to regularise the encroachment of the garage on the Subject Land, which has an area of approximately 75.6sqm.

The road reserve closure process was undertaken in accordance with section 38A of the *Roads Act 1993* and the proposed road closure meets the requirements of that provision. The location of the Subject Land is shown in Attachment 1 of this report.

On 23 June 2023, this matter was reported to Council. Council resolved (Resolution 138/23) "*That the matter be deferred until August 2023 to allow for an investigation of alternative options for the Subject Land.*"

Council has considered and evaluated options alternative to sale, following which the recommendation remains to progress with the closure and disposal of the Subject Land.

RECOMMENDATION OF ACTING DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note that it has considered all submissions in respect of the proposed closure of a portion of road identified in Attachment 1 of this report, being part Clontarf Street, Seaforth adjacent to 107 Clontarf Street, Seaforth (Subject Land).
 2. Close the Subject Land as a public road under the provisions of the *Roads Act 1993* and take the necessary steps to give effect to that closure.
 3. Subject to the formal closure of the Subject Land as a Public Road, authorise disposal of the Subject Land to the registered proprietors of 107 Clontarf Street, Seaforth (the applicants) for an amount assessed in a formal valuation undertaken by an independent, qualified valuer, and conditional upon the Subject Land being subdivided from the road reserve and consolidated with the adjoining land at 107 Clontarf Street, Seaforth.
 4. Require all costs associated with the proposal referred to in this resolution, including but not limited to Council's application fees, valuation costs, legal costs and GST if applicable, be paid for by the applicants.
 5. Delegate authority to the Chief Executive Officer to do all things necessary and execute the necessary documentation to give effect to this resolution.
-

REPORT

BACKGROUND

The owners of 107 Clontarf Street, Seaforth (the applicants) have applied to Council as follows:

- That Council formally close a section of road reserve adjoining the frontage of 107 Clontarf Street, Seaforth which is comprised in Lot 1 DP 119074 (Subject Land) in accordance with the *Roads Act 1993*; and
- That Council sell the Subject Land to the applicants.

The application will enable the potential purchase, subdivision and consolidation of the Subject Land into 107 Clontarf Street, Seaforth (Lot 1 DP 119074), following a Land and Environment Court judgement. The litigation was commenced by the applicants' neighbours following the discovery that, due to a mapping error and without Council's knowledge, a garage, which was built in accordance with a development consent granted by Council in respect of 107 Clontarf Street, Seaforth, had been partially built on Council's road reserve.

The Court judgement found that demolition of the encroaching garage structure was not warranted and the Court did not set aside the development consent. The sale and consolidation of the Subject Land is proposed to regularise the encroachment of the garage on Council's land.

The Subject Land has an area of approximately 75.6sqm. The location of the subject land is shown in Attachment 1 of this report.

Provisions of *Roads Act 1993*

Section 38A of the *Roads Act 1993* provides:

"38A When council may close council public road

A council may propose the closure of a council public road for which it is the roads authority if—

(a) the road is not reasonably required as a road for public use (whether for present or future needs), and

(b) the road is not required to provide continuity for an existing road network, and

(c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land."

Section 38B provides for the notification of a proposal to close council public road.

Section 38C relevantly provides:

"38C Public submissions and formal objections

(1) Any person may make submissions to the council with respect to the closing of the road in the manner and within the period specified in the notice published under section 38B.

(2) Without limiting subsection (1), a notifiable authority in relation to the road may include a statement in the authority's submission to the effect that the authority formally objects to the closing of the road. The authority may withdraw the objection any time by written notice given to the council.

Note—

If a formal objection is made, section 38D (2) provides that the road may not be closed until the objection is withdrawn by the authority or set aside by the Land and Environment Court under this section...."

Section 38D relevantly provides that after considering any submissions that have been duly made with respect to the proposal, the council may, by notice published in the Gazette, close the public road concerned.

Section 38E(1) relevantly provides that on publication of the notice closing the council public road concerned the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. The land comprising a former road in the case of a public road that was previously vested in a council ordinarily remains vested in the council.

Section 43 of the *Roads Act 1993* provides:

"43 Disposal of land comprising former public road owned by council

(1) This section applies to land vested in a council and forming part of a former public road.

(2) Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the council, the council resolves that it is to be community land, in which case the land is community land.

(3) If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.

(4) Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads."

Further comments

In the circumstances, it is considered that the requirements of the *Roads Act 1993* (including section 38A) are satisfied such that it is open to Council to close the Subject Land as a public road and subsequently sell this land to the applicants. If this is approved, Council should require that the Subject Land be consolidated with the adjoining land owned by the applicants upon sale.

On 23 June 2023, a report was submitted to Council to consider a road reserve closure and sale of Council land. Council resolved as follows:

138/23 RESOLVED

Cr Grattan / Cr Ryburn

That the matter be deferred until August 2023 to allow for an investigation of alternative options for the Subject Land.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

Following this resolution, advice was sought on options alternative to the sale of the Subject Land. Options, including options alternative to sale of the Subject Land, are canvassed in the table below:

Option Summary	Considerations
<p>Part closure of Clontarf Street and sale to the owners of 107 Clontarf Street</p> <p>Upon road reserve closure the Subject Land becomes operational land for Council to sell to applicants. The Subject Land is subdivided from the remainder of the road reserve and is consolidated into 107 Clontarf Street.</p>	<p>The Court has determined that the development consent should not be set aside and as such, the Subject Land cannot be used by the general public.</p> <p>There is no future use identified for the Subject Land and it has been deemed not required for Council's future infrastructure needs.</p> <p>This option permanently deals with this road reserve encroachment and removes any ongoing management, liability and administration by Council.</p> <p>There will be full return on the value of Subject Land to Council, which can then contribute towards roadworks required in the local area.</p>
<p>Short term lease of the relevant part of Clontarf Street</p> <p>5-year road lease in accordance with the <i>Roads Act 1993</i></p> <p>Road reserve closure not required</p>	<p>This option is inconsistent with the statutory requirements for leases of a road given there is a permanent structure (ie. garage) on the road reserve land and road reserve leases are only permitted for temporary structures (<i>Roads Act 1993</i> section.157(3)).</p> <p>While this option will result in a financial return for Council in the form of rent payments, this option requires ongoing management and administration by Council (by way of lease renewal every 5 years) and Council ultimately remains liable in respect of the Subject Land, including all structures on the Subject Land.</p> <p>This option is likely to be objected by the property owners.</p>
<p>Positive Covenant (PC) on Title</p> <p>Road reserve closure not required.</p> <p>PC registered on the title of 107 Clontarf Street.</p>	<p>This could impose obligations upon applicants for the ongoing maintenance, repair, insurance, annual occupation fee etc. of the garage structure on the road reserve.</p> <p>A PC alone, for a considerable structure such as this garage, is insufficient as it does not specifically deal with conditions of tenure and mode of occupation of the garage structure site.</p> <p>This option would require ongoing management and administration by Council and Council ultimately remains liable in respect of the land, including all structures on the land.</p>
<p>Easement</p> <p>Road reserve closure not required</p> <p>Compensation is received via third party valuation.</p> <p>A PC could also be imposed on 107 Clontarf Street.</p>	<p>This could provide for ongoing maintenance, and repair of the garage, as well as extinguishment of the easement upon any redevelopment of 107 Clontarf Street.</p> <p>Council is in effect disposing of the Subject Land as the easement would provide for exclusive occupancy of the land yet compensation for the easement is likely much lower than that of a sale.</p> <p>Council ultimately remains liable in respect of the Subject Land</p>

	<p>from which it gains little benefit (other than the one-off easement payment).</p> <p>Enforcement of the easement terms may require Supreme Court action if there is non-compliance.</p>
<p>Deed and Caveat</p> <p>Road reserve closure not required.</p> <p>Deed to allow the existing structure / occupation / licence, subject to conditions and obligations set by Council.</p> <p>Can include an indemnity and charge to Council.</p>	<p>Council could lodge a Caveat which requires future owners of 107 Clontarf Street to enter into and be bound by deed and indemnity.</p> <p>This option can be cumbersome to manage and is an ongoing cost to landowners when any dealing is to be registered against their land.</p> <p>This option is likely to be objected by the property owners.</p> <p>Council ultimately remains liable in respect of the Subject Land.</p>
<p>Part closure road reserve and lease of the Subject Land</p> <p>Upon successful closure of the road reserve, the Subject Land is made operational land and reverts to Council's ownership for private lease.</p> <p>Council could set the terms of the lease, options, rent review and payment of outgoings etc.</p>	<p>Lease terms can include ongoing maintenance, repair, insurance and removal of the garage structure upon any re-development of the Subject Land, payment of Council's costs and indemnity to Council. Council could include conditions on the lease prohibiting subleasing or assignment without Council's consent. Rental would be received and as determined by third party valuation.</p> <p>This option requires ongoing administration and management of issues associated with leasing land such as default in rent payment and what Council could do with the garage given the courts have determined that the garage can stay should there be a default on lease terms.</p> <p>A lease of land over 3 years needs to be registered which creates on-going administration costs with expiry of a lease or change of ownership.</p> <p>Council ultimately remains liable in respect of the land.</p>

CONSULTATION

Council's Transport & Civil Infrastructure Assets Team has assessed that the subject area of road reserve will not be required for future public use and has no objections to the road reserve closure and sale.

Council staff have reviewed and considered the submissions received and have noted the concerns raised about the disposal of public land, however it is considered that the proposed closure does not have a material impact on the use of the road reserve. It is considered that the submissions/objections to the proposed road reserve closure do not raise issues that would prevent the closure and sale of the road reserve.

TIMING

If approved, the proposed road reserve closure and sale of land is expected to be completed within the next 24 months.

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
- Good governance - Goal 19(c) - Ensure the long-term financial sustainability of Council through strategic management of assets
- 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

Proposed sale of land

If the closure of the road reserve is approved and implemented, Council would proceed to sell the Subject Land in accordance with independent qualified valuation advice.

The applicants have requested an extended settlement on the purchase. The proposed sale terms will include a two-year settlement or upon completed exchange of contracts of sale on the applicants' property (whichever occurs earlier).

Use of funds from road closure and sale

Section 43(4) of the *Roads Act 1993* provides that money received by a council from the proceeds of the sale of land is not to be used for Council except for acquiring land for public roads or for carrying out road work on public roads.

Such road works may include pavement strengthening, retaining structures, footpaths or streetscape improvements.

If the sale of the Subject Land is approved, sale proceeds will 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

The sale of non-core road reserve land assets provides funding for higher priority road outcomes, in particular footpath construction. This helps to accelerate the provision of additional high priority pedestrian linkages to connect communities and improve safety and amenity.

ENVIRONMENTAL CONSIDERATIONS

The sale of these portions of road reserve will allow the respective landowners to provide off-street parking contributing to safer pedestrian and vehicular access along Clontarf Street.

GOVERNANCE AND RISK CONSIDERATIONS

In accordance with section 38F of the *Roads Act 1993*, an owner of land adjoining the subject road reserve, a notifiable authority or any other person prescribed by the regulations may appeal to the Land and Environment Court against the closure of a Council public road by Council.

If the proposed road closure and sale is approved, the consolidation of the smaller parcel into the larger site will be a requirement upon settlement.

Proposed Road Reserve Closure Plan

Adjacent to 107 Clontarf Street, Seaforth NSW 2092



Legend

- Proposed Road Reserve Closure
- Land Parcel Boundary



northern
beaches
council

Document Path: G:\GIS\ArcMap\Docs\Property\RoadClosure_107ClontarfSt_Seaforth.mxd

Scale (A4) - 1:300
GDA 94 MGA Zone 56



Date Printed: 8/08/2022
Produced By: Spatial Information

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Summary Report of Public Notification

Project name	Proposed Road Reserve Closure adjacent to 107 Clontarf Street, Seaforth
Your Say notification period	9 September to 10 October 2022
Background	<p>We gave public notice of our intention to consider an application for the formal closure of a portion of public road reserve land in front of 107 Clontarf Street, Seaforth.</p> <p>The public notice of the proposed road reserve closure was in accordance with Section 38B of the Roads Act 1993.</p> <p>The proposed area of the road reserve closure is approximately 75.6sqm (12.19m by 6.2m).</p> <p>The purpose of the closure is to enable the sale of the subject land to the adjoining owner at 107 Clontarf Street (Lot 1 DP 119074). This will resolve ownership of the road reserve land upon which part of a garage is constructed.</p>
Total number of submissions	22 submissions (19 online + 3 emailed submissions)
Summary of findings	<p>The feedback collected during the consultation from residents and government authorities indicated a high level of support for the proposed road reserve closure adjacent to 107 Clontarf Street, Seaforth with 13 submissions supportive.</p> <p>Some respondents who were supportive of the proposal agreed that it would assist to resolve the ownership of the land, in light of the related Land and Environment Court judgement that did not require the demolition of the garage. Others indicated that the funds received by Council from the sale of the land could be injected into much needed infrastructure.</p> <p>Some respondents who were not supportive of the proposal felt that the sale of this land could set a precedent for illegal works to occur on public land. Others generally felt that public land should be retained for the enjoyment of the wider community.</p>

	There were a total of 7 submissions that were not supportive and another 2 were neither directly supportive or against the proposal.
Engagement approach	<p>The engagement was planned, implemented and reported in accordance with the Northern Beaches Council Community Engagement Matrix (2017).</p> <p>A project page¹ was established on our Have Your Say platform and included project information and the road reserve closure area plan.</p> <p>The project was primarily promoted through onsite signage, resident letter notifications, Council's E-News and our Have Your Say community engagement newsletter.</p> <p>Feedback was captured through an online submission form embedded onto the project page. An open-field comments box provided community members a space to share their comments. Email and written submissions were also invited. Contact details were provided should people have questions.</p>

How we engaged	
Properties notified by letter	15 letters
Authorities notified by email	23 authorities
Signage installed onsite	1 sign
Visitors to Your Say page	1183
Have Your Say newsletter	2 editions (newsletter distribution approx. 20,000)
Council's E-News	1 edition (newsletter distribution approx. 160,000)

¹ <https://yoursay.northernbeaches.nsw.gov.au/road-reserve-closure-adj-107-clontarf-street-seaforth>

Findings		
Theme	What we heard	Council Response
Loss of access to public land	Council should not sell the land as it belongs to everyone.	This road reserve is not currently being used by local residents. When the road reserve is closed, there will still be approximately four (4) metres from the front of the garage to the edge of the kerb for public use
Compensation for sale of land	If Council is to sell the land, then it needs to make sure it does not sell it for a bargain.	Council's Asset Owner has assessed the application and deemed the area as surplus. Staff will arrange for a valuation of the land by an independent qualified valuer. The valuer will take into consideration the added benefit this road reserve land will provide to the adjacent property owner/applicant.
Illegal works and precedent being set	<p>The garage has been illegally built and should be demolished.</p> <p>The sale of this land will set a precedent for anyone to build on public land and get away with it.</p>	<p>On 9 May 2017, Council granted Development Consent DA 359/2016 (the Consent) for additions and alterations to the existing dwelling including the construction of a new detached garage with roof terrace and associated landscaping at 107 Clontarf Street.</p> <p>The garage was subsequently erected in accordance with the approved plans, and this involved the carrying out of works within the public road reserve adjacent to 107 Clontarf Street. Council was not aware that the approved works encroached onto public land at the time that the Consent was granted and as such no owner's consent was given by Council in this regard.</p> <p>The validity of the Consent was subsequently challenged in the Land and Environment Court. The Court ultimately found that although there was a breach of the <i>Environmental Planning and Assessment Act 1979</i>, the Court did not find that demolition of the encroaching garage structure was warranted and did not set aside the Consent (in <i>Lu v Walding (No 2)</i> [2021] NSWLEC 21).</p>

Other opportunities for road reserve closure	Road reserve closures should be made available to other properties, not just those at 103, 105, 107, 109, 111 and 113 Clontarf Street. They should be allowed to apply to close a portion of the road reserve adjacent to their properties.	Any resident wishing to apply for closure and sale of a road reserve, should visit Council's website and download the Road Reserve Closure Application Form and the Purchase of Council Land Application Form. Prior to applying it may be appropriate to contact the Transport Civil and Infrastructure Assets Team on 1300 434 434 to determine whether the road reserve is potentially surplus to Council needs.
Support of Application	The land is not useable to other ratepayers and Council can use the funds from the sale of this land to improve other infrastructure.	Council will be able to enter a Contract for Sale of Land with the owner of 107 Clontarf Street once the road reserve closure has been successful and title is issued to Council. Any money obtained through the sale of the road reserve will be used for the provision of infrastructure across the Council area.

Verbatim responses	
<i>*Personal details have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.</i>	
No.	Submission
1	No issue with this, the approved garage is already on the reserve so it has no other use.
2	This sets a precedent that anyone rich enough can build on rate payers land and get away with it. Please tell us what price it is getting sold for. Probably for a bargain for the land owner. xx
3	This is an unfortunate state of affairs from a reading of Lu v Walding (No2) [2021] NSWLEC 21. As a long term Seaforth resident I find it incredulous that the occupiers and Council were not aware of the road reserve. The site including lots 103 / 111 were not developed forward of the legal boundary. This was and remains obvious to any observer. With small lots and land prices it would have surely begged the question as to why there was no development on that land. Contrary to the statement of environmental effects the land was only grassed with a driveway crossing it (consistent with the rest of the road reserve). The DA 0359/2016 survey of 22/12/2016 appears negligent as it did not properly define the boundaries of the lot. The survey of 24/5/2019 was easily able to achieve this. What a colossal stuff up by the surveyor, lot owner, solicitor or conveyancer when the transfer to the current Registered Proprietors was done and Council.
3	But what is to be done. Rectification is not possible following the decision and selling

	the land as a percentage of the current market value of Lot 107 would seem the fairest return to ratepayers. This places lot 109,111 and to a lesser extent Lot 105- (who have achieved the same outcome as the Waldings but have done it legally within the boundaries of their Lot). Clearly they were alert to the diagonal front boundary across their lot 105 when they constructed their garage. They would probably have no desire to expend funds should they have such funds. My view is that these 5 lots (including lot 107) should be free to purchase the portion of the road reserve for market value as a sq metre % if their existing Lot value - inclusive of all legal / administrative/ regulatory costs- due to Council's complicity in creating this mischief by giving consent. The position should remain either in perpetuity or for say 60 years to allow future lot owners to avail themselves of the current proposal should they wish.
4	This same issue with excessive road reserve on Clontarf Street exists elsewhere on Clontarf St including from 29-57 Clontarf St. The same should be available to other adjacent properties in Clontarf St not just 103, 105, 107, 111 and 113.
5	So let me get this straight - Someone got away with building an unappealing cinderblock garage which encroaches onto council property, is not in line with the rest of the street or the area because council 'wasn't aware' of something? Unbelievable, there's setting dangerous precedents and then there is this. Forget about it! Council need to pay these homeowners the cost of the build plus interest and then have it removed. This is completely unacceptable. Do not sell this land. We're losing too much green space as it is and letting far too many ugly buildings pop up like sore thumbs all over our beautiful suburb.
6	Hope council is valuing land to be sold on the rate of adjoining properties without any discounting for being a road reserve as the recent Woollahra Council decision in May 2022.
7	No issues with the owners adjacent being able to purchase the land. I would also like to purchase roads land of the equivalent size out the front of my nearby property on xxx xxxxx Clontarf street in accordance with Section 38A of the Road Act 1993.
8	As a local resident, I am supportive of the closure of the land in order for the residents of 107 Clontarf street to purchase said land.
9	I support this proposal of sale of Road Reserves in Clontarf St, Seaforth. As stated, the road reserve is not currently being used by local residents. I also believe the Council should sell all Road Reserves where there is no intention of widening the road. The funds from these sales can be used for much needed provision of infrastructure across the Council area.
10	This proposal should be rejected. It seems that the garage has been built illegally on Council land and should be demolished. To retrospectively try to gain consent and ownership of council owned land is deceitful and wrong. It will set a precedent to other neighboring properties to do the same thing - which judging by the aerial shot, lots 103 & 105 have already done too. A case of greed and entitlement at its best here!
11	First of all, great job NBC, what a stuff up! Whatever is done here, room should be retained for installation of a footpath. This section of clontarf st has no footpath and is an extremely dangerous section of road for walking. It is on the route of many parents taking their children to KU pre-school (4a Alto Ave). The council should really install a footpath along this section as a matter of urgency. Perhaps the sale of these parcels of land could be used to fund this much needed work. It appears there is room on the opposite side of the road, currently too slopey and muddy for pedestrians. I attach my proposed path, which extends all the way to KU, Alto ave similarly lacks a footpath.
12	As neighbours on Clontarf Street, we have no objection to the proposed public road reserve closure adjacent to 107 Clontarf St.

13	I am against this proposal. Too many property owners build on public land in the expectation that they will be able to buy the land from the council later - under favourable terms as there is no other possible buyer. This property owner MUST be forced to demolish their illegal structure.
14	Why was the garage allowed to be built on council land? Why was it not knocked down? I don't think we should reward people for breaking the law by letting them get away with things. I do not approve of this proposed road reserve closure. The land belongs to everyone not the owner of 107 Clontarf Rd, Seaforth.
15	I am always opposed to ANY public land especially in high value waterside locations to be made available to private interests that further consolidate the wealth of those already in privileged positions. I am always opposed to any public land particularly in high value waterside locations, being transferred into private hands for the purpose of consolidating the wealth of already privileged individuals. These residents do not require more land.
16	Seeing this too much, this land does not belong to the house but it is our land for the enjoyment of all. Take a drive along Veterans Parade and see how many cars are parked on the nature strip and how many home owners have taken possession of our land and no one does anything to stop it. May as well concrete it all.
17	The reserve isn't being used for anything, the garage is already built on it and I think it will improve the streetscape.
18	Support road reserve closure plan. Area of land not large and is of no use to council. It can not be used for the benefit of ratepayers. Front aspect of property improved by owners. All properties affected by the reserve should be given legal ownership of the land. Improve the visual aspect of the road with no lack of utility to the Council.
19	I am supporting this proposal. Thank you
20	I am submitting my support for the formal closure of road reserve as set out in your letter of 9 September. I agree 107 owners should have the ability to purchase that land in the future. I am the owner of xxxx Clontarf Street.
21	No Objection. XXXXXXXX xxxx xxx Clontarf Street, North Balgowlah.
22	Hi Council Sir/Madam, I received a letter about the above Notification. I am the owner of xxx Clontarf Street Seaforth. I am interested in purchasing the road reserve area in front of the property. Could you please provide information about the application process and associated costs? Best Regards, xxxx xxxx xxx xxxx xxx xxx

Document administration	
Version	1.0
Date	12 October 2022
Approval	Content provided and approved by Property Commercial & Tourist Assets Team. Responsible manager: Manager, Property Commercial & Tourist Assets
Status	Final
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.
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15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 23/2023 - ELECTORAL LEGISLATION REFORM TO ENSURE CANDIDATE SAFETY
TRIM FILE REF	2023/514011
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

MOTION

That Council:

1. Note with concern that at the last Council election, unlike at previous elections whereby a PO Box could be used, candidates or their Party's Agents were required to document a street address on any material authorised for distribution or advertising, resulting in many candidates having to disclose their home address which exposes the authorising person to potential safety risks.
 2. Note under the current Regulation there is not discretion granted to the Electoral Commission to grant exemptions to persons who are silent electors, subject to the protection of Apprehended Personal Violence Orders or Family Court or other Court Orders.
 3. Write to the NSW Premier, Minister for Local Government, Special Minister of State and the NSW Parliament's Electoral Matters Committee calling for this Regulation to be urgently amended so that a PO Box can be used when authorising electoral materials so as to ensure the safety of candidates and Party Agents.
 4. Write to the NSW Leader of the Opposition, all local State MPs, and the Leaders and Spokespersons for Special Minister of State and Local Government of the Greens Party, Shooters Fishers and Farmers Party, Liberal Democrats Party and One Nation Party asking them to also ensure legislative reform as outlined in point 3 above.
-

ITEM 15.2	NOTICE OF MOTION NO 24/2023 - KILLARNEY HEIGHTS SHOPS PUBLIC TOILETS
TRIM FILE REF	2023/514795
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That Council:

1. Staff provide a report to Council on the cost and potential timeline for providing Killarney Heights shops with much needed public toilets.
 2. Investigate the need and priority through business and community surveys, engagement and feedback and report its findings in the report back to Council.
-

BACKGROUND FROM COUNCILLOR STUART SPROTT

Killarney Heights shops are located across the road from the Killarney Heights primary school and is a very well used village centre. It is often used as an after-school meeting place for families and friends as the afternoon school pick up.

Council has recently upgraded the playground facilities there creating the perfect place for this type of meeting but there are no amenities, making it difficult for these after-school playdates. This is where parents can get together while children play.

These times and meetings are essential for building strong healthy communities and Council has a role in helping to develop these relationships by providing basic infrastructure like public toilets.

These are not the only times these shops are used, and public toilets needed, e.g. weekends and school holidays. In fact these toilets are so badly needed there is a constant demand from residents requesting these facilities be built.

I ask we develop a plan to deliver these much-needed public toilets to Killarney Height shops and ask for Councils support to deliver this project in a timely manner.

ITEM 15.3	NOTICE OF MOTION NO 25/2023 - VALE PAUL DRACAKIS OAM
TRIM FILE REF	2023/514833
ATTACHMENTS	NIL

Submitted by: Councillor Georgia Ryburn

MOTION

That Council:

1. Acknowledge the enormous contribution made by the late Paul Dracakis OAM.
 2. Send our condolences to the family of the late Paul Dracakis OAM.
-

BACKGROUND FROM COUNCILLOR GEORGIA RYBURN

Paul Dracakis OAM was a pillar of the Northern Beaches community; opening his first jewellery business in Manly in 1980 (which later expanded to multiple, thriving retail businesses across the Northern Beaches and lower North Shore), serving as an Alderman on Manly Council (1983-1987), and awarded OAM for his contribution to the business community on the Northern Beaches and beyond.

Touted as a 'fixture in the Manly-Warringah community', Paul was actively involved in sporting teams, events, local banks, and of course, the jewellery industry, as well as being a proud husband, father and grandfather.

Dracakis Jewellers, announced their loss on 7 August: "We are deeply saddened to announce the passing of Paul Dracakis, a remarkable man who was not only a loving father, devoted husband, and cherished grandfather but also a true inspiration to all who knew him... As we mourn the loss of this extraordinary soul, let us also celebrate the beautiful life he led and the profound impact he made on each of us. Rest in peace, dear Paul. Your legacy of love and kindness will continue to shine brightly through the lives you touched."

Paul Dracakis OAM will be greatly missed by many in our Northern Beaches and wider community, having given so much over so many years. Our thoughts are with his family and friends at this difficult time, and we extend our deepest sympathies to all the lives he touched.

ITEM 15.4	NOTICE OF MOTION NO 26/2023 - RETURN AND EARN SCHEME
TRIM FILE REF	2023/515272
ATTACHMENTS	NIL

Submitted by: Councillor Bianca Crvelin

MOTION

That Council:

1. Write to the NSW Government Return and Earn Scheme operator:
 - A. Advising of its support for the Return and Earn scheme.
 - B. Requesting that the scheme operator identify opportunities to increase the number of Return and Earn stations in appropriate locations in the Northern Beaches LGA.
 2. Request a report from staff within 6 months on potential additional Return and Earn locations.
-

BACKGROUND FROM COUNCILLOR BIANCA CRVELIN

Council has been very supportive of the NSW Government's Return and Earn container deposit scheme, and I am aware that our staff routinely engage with the scheme operator on opportunities for additional sites.

I understand that there are a number of factors that drive the selection of sites for a Return and Earn facility (including permissibility), and the addition (or removal) of sites is ultimately a matter for the scheme operator.

While there are currently 7 reverse vending machines on the Northern Beaches, earlier this year we lost one at North Narrabeen (end of Namona Street) and the machine located at Pittwater RSL is also going to be removed. I believe our community wants to see more of these, and therefore it is appropriate that we place on the record our support as Councillors for an increase in the number of sites at appropriate locations.

16.0 NOTICES OF RESCISSION

ITEM 16.1	NOTICE OF RESCISSION NO 2/2023 - ITEM 15.4 - NOTICE OF MOTION NO 19/2023 - PROMOTING COMMUNITY DISCUSSION ON "THE VOICE"
TRIM FILE REF	2023/485992
ATTACHMENTS	<ol style="list-style-type: none">1 June Council Meeting Report - Item 15.4 - Notice of Motion No 19/2023 - Promoting Community Discussion on "The Voice"2 Notice of Motion to Rescind or Alter a Resolution, dated 1 August 2023

Submitted by: Councillor Georgia Ryburn; Councillor Crvelin; Councillor Walton

MOTION

That Council rescind resolution 197/23 – Item 15.4 – Notice of Motion No 19/2023 – Promoting Community Discussion on ‘the Voice’, being:

That:

1. Staff consult with the local community and relevant organisations regarding their views on:
 - A. Amending the Australian Constitution to create a ‘Voice’ to Parliament,
 - B. Any local events or activities they already are planning/participating in regarding the Voice.
 - C. What local role, activations, or activities, if any, Council could take to promote discussion and sharing of ideas regarding the Voice.
 2. Staff report back to Councillors regarding point 1 at a Councillor briefing.
 3. A working group comprised of Councillors Bingham, Glanville and Grattan and other Councillors, and staff be formed to:
 - A. Consider the feedback obtained further to point 1 above.
 - B. Identify and action any events or activities Council could facilitate, within existing budgets, to promote discussion and sharing of ideas regarding the Voice. This could be, for example, a local ‘Town Hall’ of speakers with a range of well-informed views.
 - C. Identify and action any financial or in-kind support, within existing budgets, Council could offer to assist Aboriginal stakeholders/organisations planning their own local activities and events concerning the Voice.
 4. Staff provide an update report on the activities of the working group to the September Council meeting.
 5. In the meantime, Council print additional copies of the Government’s Information Booklet ‘Recognising Aboriginal and Torres Strait Islander Peoples Through a Voice’ for distribution at Council’s libraries and by request by community groups.
-

ITEM 15.4	NOTICE OF MOTION NO 19/2023 - PROMOTING COMMUNITY DISCUSSION ON "THE VOICE"
TRIM FILE REF	2023/378433
ATTACHMENTS	NIL

Submitted by: Councillor Kristyn Glanville

MOTION

That:

1. Staff consult with local Aboriginal community and organisations regarding their views on:
 - A. Amending the Australian Constitution to create a "Voice" to Parliament,
 - B. Any local events or activities they already are planning/participating in regarding the Voice.
 - C. What local role, activations, or activities, if any, Council could take to promote discussion and sharing of ideas regarding the Voice.
2. Staff report back to Councillors regarding 1) at a Councillor briefing.
3. A working group comprised of Councillors Glanville, other Councillors, and staff be formed to:
 - A. Consider the feedback obtained further to point 1 above,
 - B. Identify and action any events or activities council could facilitate, within existing budgets, to promote discussion and sharing of ideas regarding the Voice. This could be, for example, a local "Town Hall" of speakers with a range of well-informed views.
 - C. Identify and action any financial or in-kind support, within existing budgets, Council could offer to assist Aboriginal Stakeholders/organisation planning their own local activities and events concerning the Voice.
4. Staff provide an update report on the activities of the working group to the August Council meeting.

BACKGROUND FROM COUNCILLOR KRISTYN GLANVILLE

As part of the Australian Government's commitment to implement the Uluru Statement from the Heart, a referendum will be held between October and December 2023 to recognise Aboriginal and Torres Strait Islander peoples in the Constitution by establishing an Aboriginal and Torres Strait Islander Voice. This is referred to as the "Voice" to Parliament, and stands along side the other priorities of the Uluru Statement, including establishment of a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about Australia's history.

Referendums provide important opportunities for democratic discussion and sharing of ideas about the principles and structure of our foundational legal document, the Australian Constitution. It is important the community has access to a range of well informed views, to decide how to vote in the referendum.



REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 15.4 - 27 JUNE 2023

Based on 2021 census data, approximately 1,700 people live in the Northern Beaches with Aboriginal or Torres Strait Islander ancestry, including people directly descended from the original tribes of the Northern Beaches. The Aboriginal Heritage Office operates on the Northern Beaches, as well as many other Aboriginal organisations and businesses, including:

- The Aboriginal Support Group Manly Warringah Pittwater
- Metropolitan Local Aboriginal Land Council
- Bush to Bowl
- The Gaimaragal Group

There are already some plans underway within the community to hold engagement activities which Council could complement or assist. For example, ASGMWP is planning a forum in September 2023.

Some Councils have made the decision to actively endorse a Voice, such as Blue Mountains City Council.¹

As the community considers whether the Australian Constitution should be amended to provide an advisory voice to Federal Parliament, there is also an opportunity to consider whether Northern Beaches Council should also have an advisory group on a local level. There is existing work underway by the Community team within Council to consider these possibilities, and this will be dealt with at a future meeting.

¹ <https://www.bmcc.nsw.gov.au/voice-to-parliament>



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council

To: The Chief Executive Officer
Northern Beaches Council

Notice of Motion to Rescind or Alter a Resolution

in accordance with s372(1) of the Local Government Act, 1993.

Passed By Council on 1/8/2023

We give notice of the following motion to rescind or alter a resolution of Council:

"That Council's resolution relating to Item No 15.4, points _____

adopted at the Council Meeting held on 1/8/2023 be rescinded".

Notice of Replacement Motion

in accordance with clauses 18.3 to 18.14 of the Northern Beaches Council Code of Meeting Practice.

Should the motion to rescind or alter a resolution be adopted we give notice that it is our intention to move the following motion:

Georgia Ryburn

Name of Councillor

1/8/23
Date

Bianca Crvelin

Name of Councillor

1/8/2023
Date

David Walton

Name of Councillor

1/8/2023
Date

TRIM: 2017/338901

ITEM 16.2 NOTICE OF RESCISSION NO 3/2023 - ITEM 13.1 - REVIEW OF THE STRAND STREETS AS SHARED SPACES PROJECT**TRIM FILE REF 2023/513940**

ATTACHMENTS

- 1 ➡ June Council Meeting Report - Item 13.1 - Review of The Strand Streets as Shared Spaces Project (Included In Attachments Booklet)
- 2 ➡ Notice of Motion to Rescind or Alter a Resolution, dated 10 August 2023 (Included In Attachments Booklet)

Submitted by: Councillor Vincent De Luca OAM; Councillor Bianca Crvelin; Councillor Stuart Sprott
Attachments 1-4 of the June Council report are available [here](#).

MOTION

That Council rescind resolution 170/23 – Item 13.1 - Review of The Strand Streets as Shared Spaces Project, being:

That Council:

1. *Note the ongoing benefit to the overall community and businesses along the Dee Why beachfront of the current arrangements.*
2. *Note the impacts of the changes on the residents in adjoining streets.*
3. *Endorse the Streets as Shared Spaces infrastructure remain in place.*
4. *Seek grant funding to allow the installation of permanent infrastructure along the extent of The Strand, noting that the project is currently not a funded project and will be part of future consideration with the long-term financial plan.*
5. *Undertake community meetings and other consultation to engage Dee Why residents and other Dee Why visitors, in a preferred infrastructure outcome at the Strand when project funding is obtained.*

Should the rescission motion be adopted, we give notice that it is our intention to move the following motion in lieu thereof of which due notice is hereby given:

1. That Council note:
 - A. No formal Business Case has ever been written by Council in support of the The Strand's one way trial or making it permanent.
 - B. Unfortunately, the Survey undertaken did not differentiate between local residences, residents and businesses and non-locals.
 - C. The data regarding businesses and trading was for the entire 2099 post code and not specific to the businesses on the The Strand, nor have formal written responses ever been received from these businesses by Council.
 - D. No formal consultation via direct mail out was sent by Council to residences on The Strand and adjoining streets where traffic has been re-directed, so as to assess any adverse impacts on amenity, pedestrian safety and roads.
 - E. Council staff advised at the meeting of 27 June 2023 that should the NSW Labor Government not award grant funds, to continue with the one-way this will cost rate-payers between \$2.5 to \$3 million.
2. That Council restores The Strand to two ways.

17.0 QUESTIONS WITH NOTICE

ITEM 17.1	QUESTION WITH NOTICE NO 10/2023 - COSTS OF CONSERVATION ZONES REVIEW AND NEXT STEPS
TRIM FILE REF	2023/506961
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. What are the costs to date for Conservation Zones Review?
2. Which external organisations were used as part of the review and how much money were they each respectively paid?
3. How many requests for Review of Council's classification of their properties were received?
4. What are the next steps and key dates and when is this matter anticipated to be finalised?

19.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

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

- A. Item 19.1 Audit, Risk and Improvement Committee - Recruitment on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].

This report discusses/provides advice concerning personnel matters of persons other than councillors.

- B. Item 19.2 Public Art Procurement 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 matters pertaining to a contract with Council. 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 release commercial information about a contract with Council.

- C. Item 19.3 RFT 2023/044 - Stage 2 Air Conditioning System Upgrade at Glen Street Theatre 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.

- D. Item 19.4 RFT 2023/054 - Roof Membrane Upgrade and Associated Works for Dee Why Civic Centre and Library on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- E. Item 19.5 RFT 2023/104 - Provision of an Apprenticeship and Traineeship Program on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/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.

- F. Item 19.6 RFT 2023/111 - Water Feature & Splash Park Maintenance on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- G. Item 19.7 RFT 2023/118 - Narrabeen Lagoon Entrance Clearance Works 2023 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.

- H. Item 19.8 Notice of Motion No 22/2023 - Nomination to Premier's Department on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].

This report discusses/provides advice concerning persons other than councillors.

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.

20.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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



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