



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 26 September 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

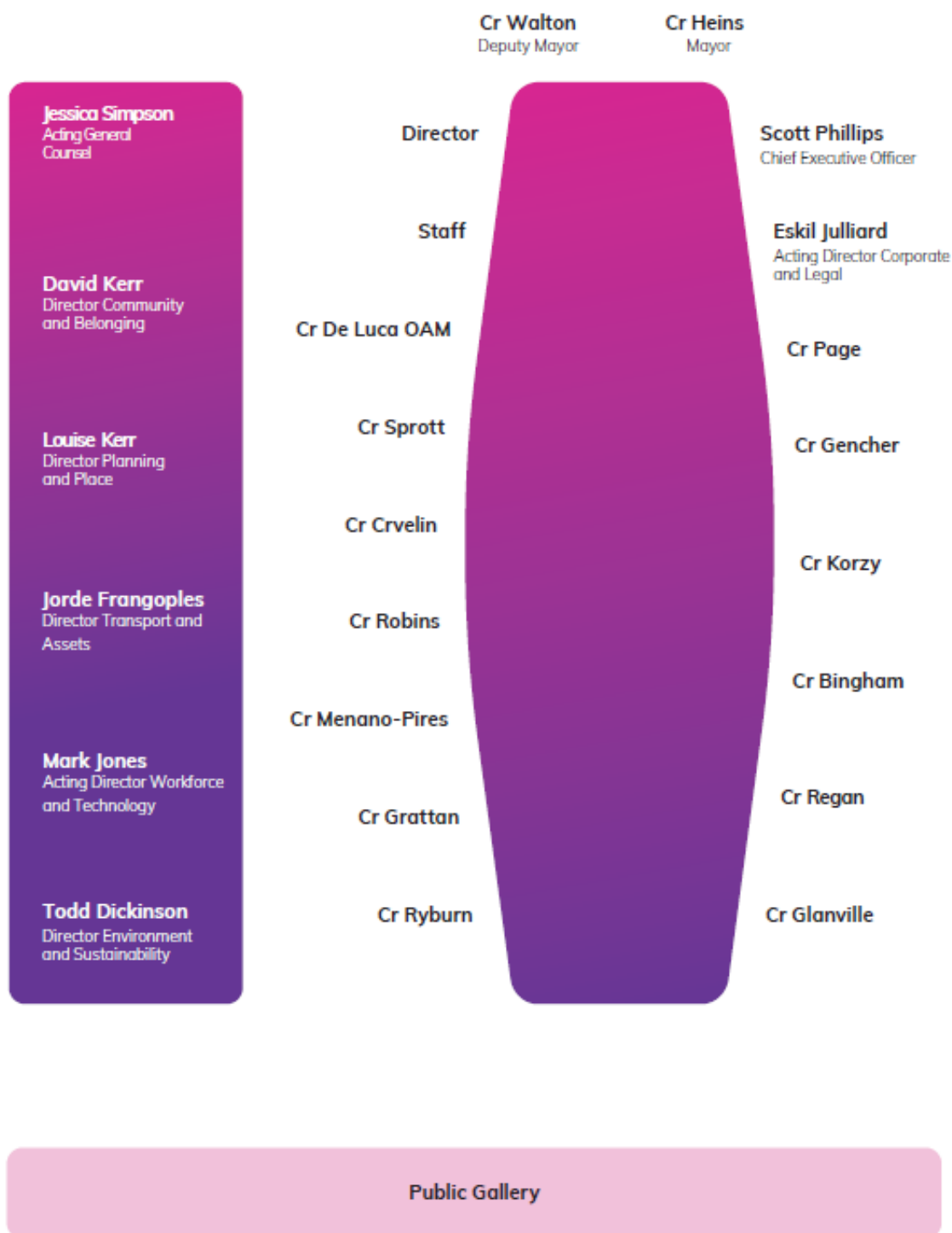
OUR VALUES

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 26 September 2023
at the Civic Centre, Dee Why
Commencing at 6:00pm**

1.0	ACKNOWLEDGEMENT OF COUNTRY	
2.0	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE	
3.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	
3.1	Minutes of Ordinary Council Meeting held 22 August 2023	4
4.0	DISCLOSURES OF INTEREST	
5.0	PUBLIC FORUM AND PUBLIC ADDRESS	
6.0	ITEMS RESOLVED BY EXCEPTION	
7.0	MAYORAL MINUTES	
	Nil	
8.0	CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS	9
8.1	Election of Mayor.....	9
8.2	Election of Deputy Mayor	15
8.3	Councillor Page Inaugural Speech	20
8.4	Northern Beaches Council Discretionary Fund Policy - proposed administrative amendments	22
8.5	Northern Beaches Council Discretionary Fund - quarterly report.....	28
9.0	CORPORATE AND LEGAL DIVISION REPORTS	31
9.1	Ordinary Council Meeting Schedule 2024	31
9.2	Public Interest Disclosure Policy.....	34
9.3	Councillor Expenses 2022/23.....	37
10.0	COMMUNITY AND BELONGING DIVISION REPORTS.....	40
10.1	Community Safety Advisory Committee - Confirmed Minutes of 18 May 2023 Meeting	40

11.0	ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS	42
11.1	Response to Notice of Motion No 11/2023 - Weed Control and Ecological Restoration.....	42
11.2	Confirmed Minutes of the Environment Strategic Reference Group Meeting - June 2023	49
12.0	PLANNING AND PLACE DIVISION REPORTS	51
12.1	Public Exhibition of the draft My Place: Manly Place Plan	51
12.2	Fire and Rescue NSW Inspection Report - 13-15 Francis Street, Dee Why NSW 2099.....	58
12.3	Submission to Draft Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Order	64
13.0	TRANSPORT AND ASSETS DIVISION REPORTS.....	69
13.1	Outcome of the Public Notice of 30-Year Lease to Long Reef Golf Club (deferred from 22 August 2023 Council meeting)	69
13.2	Response to Notion of Motion No 1/2023 - Parking Restrictions Request, Pittwater Road Collaroy (deferred from 22 August 2023 Council meeting)	75
13.3	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 (deferred from 22 August 2023 Council meeting)	97
13.4	Alternative Procurement Avalon Surf Life Saving Club Cafe and Restaurant (deferred from 22 August 2023 Council meeting)	107
13.5	Proposed Road Reserve Closure and Sale of Council Land Adjacent to 107 Clontarf Street, Seaforth (deferred from 22 August 2023 Council meeting)	112
13.6	Outcome of Public Exhibition of Draft Tree Canopy Plan.....	127
13.7	2023/24 Sport and Recreation Infrastructure Grant Program - Funding Recommendations	137
14.0	WORKFORCE AND TECHNOLOGY DIVISION REPORTS	148
14.1	Establishment of the Performance Review Panel - Chief Executive Officer	148
15.0	NOTICES OF MOTION	152
15.1	Notice of Motion No 23/2023 - Electoral Legislation Reform to Ensure Candidate Safety (deferred from 22 August 2023 Council meeting)	152
15.2	Notice of Motion No 24/2023 - Killarney Heights Shops Public Toilets (deferred from 22 August 2023 Council meeting)	153
15.3	Notice of Motion No 25/2023 - Vale Paul Dracakis OAM (deferred from 22 August 2023 Council meeting).....	154
15.4	Notice of Motion No 26/2023 - Return and Earn Scheme (deferred from 22 August 2023 Council meeting).....	155

15.5	Notice of Motion No 27/2023 - Northern Beaches Council Constitutional Referendum - Allowing Northern Beaches Voters to Directly Elect the Mayor	156
16.0	NOTICES OF RESCISSION	157
16.1	Notice of Rescission No 2/2023 - Item 15.4 - Notice of Motion No 19/2023 - Promoting Community Discussion on "The Voice" (<i>deferred from 22 August 2023 Council meeting</i>).....	157
17.0	QUESTIONS WITH NOTICE	
	Nil	
18.0	RESPONSES TO QUESTIONS WITH NOTICE.....	161
18.1	Response to Question With Notice No 10/2023 - Costs of Conservation Zones Review and next steps	161
19.0	MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION	164
19.1	RFT 2023/056 - Uniform, Workwear and Personal Protective Equipment	
19.2	RFT 2023/104 - Provision of an Apprenticeship and Traineeship Program	
19.3	RFT2023/112 – Legal Services Panel	
19.4	Public Art Procurement	
20.0	REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION	

1.0 ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Northern Beaches Council acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past, 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 22 AUGUST 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held 22 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.

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	ELECTION OF MAYOR
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/515385
ATTACHMENTS	1 Download Nomination form - Mayor

SUMMARY

PURPOSE

The purpose of this report is to facilitate an election for the mayoral term of office from September 2023 to the conclusion of the council term in September 2024.

EXECUTIVE SUMMARY

- Council is required to hold a mid-term election for its Mayor in September 2023. The length of the mayoral terms were disrupted due to the change to the timing of the most recent Local Government election in 2021.
- Nominations are open for the office of Mayor. Should more than one valid nomination be received for the office of Mayor an election will be conducted by the method determined by the council.
- Secret votes (ordinary or preferential ballot) are not able to be conducted by remote audio-visual methods.
- In the event some Councillors are granted approval by Council to participate in the council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

RECOMMENDATION

That:

1. Nominations be called for candidates for the office of Mayor.
 2. Council determine the method of voting for the election of the Mayor to be conducted by one of the following methods:
 - A. Open voting
 - B. Ordinary ballot
 - C. Preferential ballot.
 3. The election of the Mayor be held in accordance with the provisions of the Local Government (General) Regulation 2021.
-

REPORT

BACKGROUND

Section 225 of the *Local Government Act 1993* (the Act) requires a council to have a Mayor and the Northern Beaches Council must elect its Mayor in accordance with section 227(a) of the Act, that is, the council itself is to elect one of its members to the office of Mayor. Under section 230(1), a Mayor elected by Councillors holds the office of Mayor for 2 years, subject to the Act.

Councils that elect their Mayors are required under the Act to hold mid-term mayoral elections in the month of September. Due to the delays with the Local Government election, the “mid-term” mayoral elections fall due in September 2023.

Conducting the Election of the Mayor

A nomination for the office of Mayor (Attachment 1) is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

In accordance with Schedule 7 of the Local Government (General) Regulation 2021, the general manager (Northern Beaches Council’s Chief Executive Officer), or a person appointed by the general manager, is the returning officer. The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

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

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

The election is to be held at the Council meeting at which Council resolves on the method of voting. The returning officer is to conduct the ballot.

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

Secret votes are not able to be conducted by remote audio-visual methods, therefore in the event some Councillors are granted approval by the council to participate in the council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

The below procedures are in accordance with the Act and the Office of Local Government’s [Fact Sheet Election of Mayor and Deputy Mayor by Councillors](#).

Summary of Election Procedure

- Nomination papers are distributed to Councillors prior to the meeting (Attachment 1).
- Councillors will be called upon by the returning officer to submit their nomination papers.
- Nominations received will be read to the council meeting by the returning officer who will ask if any of the candidates nominated wish to decline the nomination.
- If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2021.
- Councillors will resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot.

- If a secret ballot is required:
 - ballot papers will be prepared and distributed to Councillors for marking
 - upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the returning officer and the votes will be counted
 - when the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the returning officer will announce the results at the meeting.

Detailed Procedures for Election Methods

Open voting

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

If there are only 2 candidates, the candidate with the higher number of votes is elected. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain.

Ordinary ballot

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

The formality of a ballot paper must be determined in accordance with clause 345 of the Local Government (General) Regulation 2021.

An informal ballot paper must be rejected at the count.

If there are only 2 candidates, the candidate with the higher number of votes is elected. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain.

Preferential ballot

The steps to conduct a preferential ballot are as follows:

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

An informal ballot-paper must be rejected at the count. The formality of a ballot paper is to be determined in accordance with section 345 of the Local Government (General) Regulation 2021.

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

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

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

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

Tied candidates

The steps for a tied vote are as follows:

If on any count of votes there are 2 candidates in, or remaining in the election and the numbers of votes cast for the 2 candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If on any count of votes there are 3 or more candidates in, or remaining in the election and the numbers of votes cast for 2 or more candidates are equal, and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Explanation of choosing by lots

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

TIMING

A Mayor elected by the Councillors ordinarily holds the office of Mayor for 2 years. Due to the postponement of the ordinary council elections to 4 December 2021, Mayors elected by Councillors during this term will have a shorter term than the usual 2 years.

Councils that elect their Mayors are required under the Act to hold mid-term mayoral elections in the month of September. This means that the mid-term mayoral elections are being held in September 2023.

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

SOCIAL CONSIDERATIONS

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

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

- to be the leader of the council and a leader in the local community*
- to advance community cohesion and promote civic awareness*
- to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities*
- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- to preside at meetings of the council*

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

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

The election of the Mayor is in line with sections 225 and 227 of the *Local Government Act 1993*.



Nomination Form

Office of Mayor

In accordance with section 394 and Schedule 7 of the Local Government (General) Regulation 2021,

Councillor is hereby nominated for

(name of nominee)

the office of **MAYOR** of the Northern Beaches local government area for a term as determined by Council.

Nominators

1. Councillor
(name) *(signature)*

2. Councillor
(name) *(signature)*

Nominee

I, Councillor, consent to this nomination.

(name)

.....
(signature)

.....
(date)

The returning officer is: **Scott Phillips, Chief Executive Officer**. Nominations may be provided to the returning officer via email at: **scott.phillips@northernbeaches.nsw.gov.au**

Section 394 and Schedule 7 of the Local Government (General) Regulation 2021 outline the statutory provisions for the nomination of candidates for election of **Mayor** by Councillors as follows:

Nomination

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

ITEM 8.2	ELECTION OF DEPUTY MAYOR
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/523490
ATTACHMENTS	1 ↓ Nomination form - Deputy Mayor

SUMMARY

PURPOSE

The purpose of this report is to consider the election of a Councillor to the office of Deputy Mayor for a term to be resolved by Council.

EXECUTIVE SUMMARY

- The Deputy Mayor's term concludes in September 2023 and Council may decide whether to elect a Deputy Mayor and if so, the term of office.
- If Council decides to elect a Deputy Mayor, the person may be elected for the mayoral term (up to September 2024), or a shorter term.
- Should Council resolve to elect a Deputy Mayor and more than one valid nomination is received, an election will be conducted by the method determined by Council.
- Secret votes (ordinary or preferential ballot) are not able to be conducted by remote audio-visual methods.
- In the event some Councillors are granted approval by Council to participate in the council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

RECOMMENDATION

That Council:

1. Determine whether to elect a Deputy Mayor in accordance with section 231 of the *Local Government Act 1993* and the length of term of this office.
 2. If required, nominations be called for candidates for the office of Deputy Mayor.
 3. If required, determine the method of election for the Deputy Mayor to be conducted by one of the following methods:
 - A. Open voting
 - B. Ordinary ballot
 - C. Preferential ballot
 3. Conduct any election of the Deputy Mayor in accordance with the provisions of the *Local Government (General) Regulation 2021*.
-

REPORT

BACKGROUND

At its meeting on 23 May 2023, Council resolved (125/23) to elect a Deputy Mayor for the term of office until the ordinary council meeting of September 2023.

Section 231 of the *Local Government Act 1993* (the Act) provides that Council may elect one of its members as Deputy Mayor. The Deputy Mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

Should Council resolve to elect a Deputy Mayor, nominations shall be called for candidates for the office. If a Deputy Mayor is to be elected by the Councillors, the election is to be in accordance with Schedule 7 of the Local Government (General) Regulation 2021.

If Council decides to elect a Deputy Mayor, the person may be elected for the mayoral term, or a shorter term.

Conducting the Elections of the Deputy Mayor

A nomination for the office of Deputy Mayor is to be made in writing and endorsed by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

In accordance with Schedule 7 of the Local Government (General) Regulation 2021, the general manager (Northern Beaches Council's Chief Executive Officer), or a person appointed by the general manager, is the returning officer. The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

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

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

The election is to be held at the council meeting at which the council resolved on the method of voting. The returning officer is to conduct the ballot.

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

Secret votes are not able to be conducted by remote audio-visual methods, therefore in the event some Councillors are granted approval by the council to participate in the council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

The below procedures are in accordance with the Act and the Office of Local Government's [Fact Sheet Election of Mayor and Deputy Mayor by Councillors](#).

Summary of Election Procedure

- Nomination papers are distributed to Councillors prior to the meeting (Attachment 1).
- Councillors will be called upon by the returning officer to submit their nomination papers.

- Nominations received will be read to the council meeting by the returning officer who will ask if any of the candidates nominated wish to decline the nomination.
- If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2021.
- Councillors will resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot.
- If a secret ballot is required:
 - ballot papers will be prepared and distributed to Councillors for marking
 - upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the returning officer and the votes will be counted
 - when the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the returning officer will announce the results at the meeting.

Detailed Procedures for Election Methods

Open voting

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

If there are only 2 candidates, the candidate with the higher number of votes is elected. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain.

Ordinary ballot

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

The formality of a ballot paper must be conducted in accordance with section 345 (1) (b) and (c) of the Local Government (General) Regulation 2021.

An informal ballot paper must be rejected at the count.

If there are only 2 candidates, the candidate with the higher number of votes is elected. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

If there are 3 or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only 2 candidates remain.

Preferential ballot

The steps to conduct a preferential ballot are as follows:

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

An informal ballot-paper must be rejected at the count. The formality of a ballot paper is to be determined in accordance with section 345 (1) (b) and (c) of the Local Government (General) Regulation 2021.

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

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

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

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

Tied candidates

The steps for a tied vote are as follows:

If on any count of votes there are 2 candidates in, or remaining in the election and the numbers of votes cast for the 2 candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If on any count of votes there are 3 or more candidates in, or remaining in the election and the numbers of votes cast for 2 or more candidates are equal, and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Explanation of choosing by lots

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

TIMING

Should Council decide to elect a Deputy Mayor, the Deputy Mayor may be elected for the mayoral term, or a shorter term by resolution of Council.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome/s of:

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

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The civic responsibilities and community leadership role of the Deputy Mayor are outlined under section 231 of the Act, which states that:

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

The election of the Deputy Mayor is in line with section 231 of the *Local Government Act 1993*



Nomination Form

Office of Deputy Mayor

In accordance with section 394 and Schedule 7 of the Local Government (General) Regulation 2021,

Councillor is hereby nominated for

(name of nominee)

the office of **DEPUTY MAYOR** of the Northern Beaches local government area for a term as determined by Council.

Nominators

1. Councillor
(name) *(signature)*

2. Councillor
(name) *(signature)*

Nominee

I, Councillor, consent to this nomination.

(name)

.....
(Signature)

.....
(date)

The returning officer is: **Scott Phillips, Chief Executive Officer**. Nominations may be provided to the returning officer via email at: **scott.phillips@northernbeaches.nsw.gov.au**.

Section 394 and schedule 7 of the Local Government (General) Regulation 2021 outline the statutory provisions for the nomination of candidates for election of **Deputy Mayor** by Councillors as follows:

Nomination

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

ITEM 8.3	COUNCILLOR PAGE INAUGURAL SPEECH
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/528983
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to provide Councillor Page the opportunity to make an inaugural speech to Council.

EXECUTIVE SUMMARY

- At its 27 June 2023 ordinary meeting, Council resolved (174/23) to provide Cr Page with an opportunity to make a speech of up to 5 minutes as a newly inaugurated councillor.
- This report provides notice of this item on Council's agenda at the 26 September 2023 Council meeting.

RECOMMENDATION

That Council provide Councillor Page with an opportunity to make a speech of up to 5 minutes as a newly inaugurated councillor.

REPORT

BACKGROUND

At its 27 June 2023 ordinary meeting, Council resolved (174/23) the following:

That:

1. *Council note the taking of an oath or affirmation of office by Councillor Karina Page.*
2. *At the next meeting of Council, Councillor Page be given the opportunity to make a speech of up to 5 minutes as a newly inaugurated councillor.*

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 giving of an inaugural speech poses no financial impact on Council.

SOCIAL CONSIDERATIONS

There are no adverse social considerations arising from this report.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental implications arising from this report.

GOVERNANCE AND RISK CONSIDERATIONS

This report is implementing a resolution of Council.

ITEM 8.4	NORTHERN BEACHES COUNCIL DISCRETIONARY FUND POLICY - PROPOSED ADMINISTRATIVE AMENDMENTS
REPORTING MANAGER	CHIEF EXECUTIVE OFFICER
TRIM FILE REF	2023/451740
ATTACHMENTS	1 Northern Beaches Council Discretionary Fund Policy - proposed amendments - September 2023

SUMMARY

PURPOSE

The purpose of this report is to seek Council's endorsement of administrative amendments to the Northern Beaches Council Discretionary Fund Policy.

EXECUTIVE SUMMARY

- The Northern Beaches Council Discretionary Fund serves to provide Council's financial assistance to the community to participate at events in circumstances warranting Council's support.
- The policy currently provides for funding on a case-by-case basis, which can be distorted when multiple individuals part of a single team separately seek funding.
- It is recommended that the policy be amended to make clear the eligibility criteria for funding teams so that the pool of funding is spread across as many individuals/groups as possible.
- As the proposed amendments are minor and administrative in nature, it is considered unnecessary to publicly exhibit the draft policy prior to Council's adoption.
- The recommendation is consistent with Council's Community Strategic Plan and is budget neutral.

RECOMMENDATION

That Council approve the proposed amendment to the wording under point 5 of the Northern Beaches Council Discretionary Fund Policy as follows:

Individuals can apply for funding to assist with opportunities for education and information exchange, attend as a representative at regional, national and/or international events and activities that will further develop their education or sporting endeavours at a representative level.

- If an applicant is a member of a team and subsequent requests are received from other team members that incur combined assistance over the \$1000 maximum payment under the policy, an amount of \$1,000 will be made to the team and not the individual applicants.*
 - Funding for interstate and national representation is limited to \$250 per applicant and \$500 per applicant for international representation.*
 - If an applicant who is selected to attend representative events as part of a team who for financial hardship reasons wishes to apply as an individual and not as part of the team's application, evidence will need to be provided demonstrating financial hardship for an application to be considered separately.*
-

REPORT

BACKGROUND

The Northern Beaches Council Discretionary Fund Policy (the policy) provides the opportunity for the Mayor and Councillors to respond to requests for financial assistance from individuals, community groups, community organisations and local businesses. It recognises that some activities and events arise which do not fall within the guidelines for other Northern Beaches Council funding programs but are still deserving of the support of Council.

The policy was adopted by Council on 27 September 2022. A review of the policy has been undertaken recently following multiple applications to travel overseas and compete within the same team.

The policy currently allows for discretionary consideration to be made on a case-by-case basis. However, the review has identified that where multiple applications are made by individuals for funding who are part of the same team, the intent of the policy can be distorted as it potentially allows for funding over the \$1,000 maximum payment for the same team.

To address this issue, an amendment is proposed to the eligibility criteria for funding for applicants who are part of a team to provide clarity and ensure better distribution and accessibility to funds under the policy to the broader community.

Any resident who is selected to attend representative events as part of a team who for financial hardship reasons wishes to apply as an individual and not as part of a team, will need to provide evidence of financial hardship and their application will then be separately considered.

The recent review also highlighted that further clarification should be made to the policy to state the maximum funds payable under point 5 of the eligibility criteria. This will provide applicants with the maximum amounts they can apply for when they attend as a representative at regional, national and/or international events, and for activities that further develop their education or sporting endeavours at a representative level.

While Council encourages involvement by the community in developing and reviewing its policies, the time and resource implications to support a formal 28-day exhibition process is not considered necessary. This is primarily due to the proposed changes being administrative and intended to provide further clarity and equity of funding under the policy.

The proposed changes (highlighted in Attachment 1) only relate to point 5 of the criteria.

The current policy relevantly states:

5. *Individuals can apply for funding to assist with opportunities for education and information exchange, attend as a representative at regional, national and/or international events and activities that will further develop their education or sporting endeavours at a representative level.*

It is proposed the policy be amended to relevantly state:

5. *Individuals can apply for funding to assist with opportunities for education and information exchange, attend as a representative at regional, national and/or international events and activities that will further develop their education or sporting endeavours at a representative level.*
 - (a) *If an applicant is a member of a team and subsequent requests are received from other team members that incur combined assistance over the \$1000 maximum payment under the policy, an amount of \$1,000 will be made to the team and not the individual applicants.*

- (b) *Funding for interstate and national representation is limited to \$250 per applicant and \$500 per applicant for international representation.*
- (c) *If an applicant who is selected to attend representative events as part of a team who for financial hardship reasons wishes to apply as an individual and not as part of the team's application, evidence will need to be provided demonstrating financial hardship for an application to be considered separately.*

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and belonging - Goal 7: Our community feels safe and supported
- Community and belonging - Goal 8: Our community feels safe and supported
- Partnership and participation - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community

FINANCIAL CONSIDERATIONS

The administration and allocation of funds under the Northern Beaches Discretionary Fund Policy are already provided for within current operational budgets.

ENVIRONMENTAL CONSIDERATIONS

The monies in the Northern Beaches Council Discretionary Fund Policy can be used in connection with environmental matters.

SOCIAL CONSIDERATIONS

The Northern Beaches Council Discretionary Fund supports individuals, community groups, community organisations and local businesses (both not for profit and commercial). Support is provided for initiatives and services that will benefit the local Northern Beaches community.

Individuals can receive support to assist with opportunities for education and information exchange, attend as a representative at regional, national, or international events and activities that will further develop their education or sporting endeavours at a representative level.

Under the proposed changes, consideration will be given to any resident who is selected to attend representative events as part of a team who for financial hardship reasons wishes to apply as an individual and not as part of a team. They will need to provide evidence of financial hardship and their application will then be separately considered.

GOVERNANCE AND RISK CONSIDERATIONS

Payments allocated under the Northern Beaches Council Discretionary Fund Policy need to satisfy the requirements under the eligibility criteria outlined in the policy. The approval and allocation of funds must be made in accordance with the funding and process requirements outlined in the policy.



Northern Beaches Council Discretionary Fund Policy (Proposed amendments notated in red)

The Northern Beaches Council Discretionary Fund provides the opportunity for the Mayor and Councillors to respond to requests for financial assistance from individuals and community groups, community organisations and small local businesses involved in community projects.

The Northern Beaches Council Discretionary Fund Policy recognises that some activities and events arise which do not fall within the guidelines for other Northern Beaches Council funding programs but are still deserving of support by Council.

The Policy identifies the key responsibilities of authorisation and accountability for the Mayor, Deputy Mayor, Councillors and Council staff and ensures transparency in the expenditure and reporting of funds allocated.

ELIGIBILITY CRITERIA

1. Applicants must be individuals, community groups, community organisations or small local businesses involved in community projects who either reside on the Northern Beaches or their initiatives and services will benefit the local Northern Beaches community.
2. Community groups and community organisations who make an application do not have to be incorporated.
3. Applicants will only be eligible to receive funding once within a financial year and funds must be utilised within the financial year in which they are allocated.
4. Applicants cannot apply for funding if they have applied for funding or received funding under any other Northern Beaches Council funding program during the same financial year for the same or similar activity.
5. ~~Individuals can apply for funding to assist with opportunities for education and information exchange, attend as a representative at regional, national and/or international events and activities that will further develop their education or sporting endeavours at a representative level.~~
 - 5. Individuals can apply for funding to assist with opportunities for education and information exchange, attend as a representative at regional, national and/or international events and activities that will further develop their education or sporting endeavours at a representative level.*
 - (a) If an applicant is a member of a team and subsequent requests are received from other team members that incur combined assistance over the \$1000 maximum payment under the Policy, an amount of \$1,000 will be made to the team and not the individual applicants.*
 - (b) Funding for interstate and national representation is limited to \$250 per applicant and \$500 per applicant for international representation.*
 - (c) If an applicant who is selected to attend representative events as part of a team who for financial hardship reasons wishes to apply as an individual and not as part of the team's application, evidence will need to be provided demonstrating financial hardship for an application to be considered separately.*

The Applicant must complete the Northern Beaches Discretionary Fund Application Form demonstrating their eligibility for funding under the Northern Beaches Council Discretionary Fund.

The Applicant must identify the amount of funding required where possible and clearly outline the purpose for which the funding is required.

Applicants cannot apply for funding if it is for the purpose of funding projects / programs aimed to support or promote political parties and/or candidates.

FUNDING

The amount allocated to the Fund is designated each year in the Annual Budget.

The maximum amount able to be allocated to an individual or community organisation is \$1000. (Only one payment can be made to an individual, community group, community organisation or local business within the same financial year and applicants cannot apply for funding if they have applied or received funding under any other Northern Beaches Council funding program within the same financial year for the same or similar activity).

PROCESS

1. Applications for funding under the Northern Beaches Council Discretionary Fund must be received in writing by the Council and submitted either directly to the Mayor or through a Councillor.
2. The Mayor and Councillors may put forward their own initiatives for funding under the Northern Beaches Council Discretionary Fund to an individual or group who they believe meets the eligibility criteria and, also meets with the requirements under Part 4 – Pecuniary Interests of the Northern Beaches Council Code of Conduct.
3. Applications for funding under the Northern Beaches Council Discretionary Fund will be processed by the Office of the Mayor which will be responsible for certifying that the expenditure is in accordance with the Northern Beaches Council Discretionary Fund Policy and that the funds are available within the current Budget.
4. Applications will then be submitted for consideration and approval by –
 - i. the Mayor, and
 - ii. Deputy Mayor or Councillor, and
 - iii. Chief Executive Officer or Director, Corporate and Legal
5. Applicants will be advised in writing of the outcome of their application.
6. Recipient and project details will be reported to the Elected Council quarterly.
(Individuals' details will not be identified in the report. The report will state 'resident' and provide the 'suburb' in which they reside to confirm they are a local resident).
7. Where they can be separately identified, costs associated with the Mayor, and or Councillor's participation in charity events will be deducted from their individual general expenses entitlement under the *Councillor Expense & Facilities Policy* instead of the Northern Beaches Council Discretionary Fund Budget. Any costs incurred by a Councillor is publicly tabled at a Council meeting every twelve months and published on Council's website.

Scope and application

This policy applies to the Mayor, Deputy Mayor and Councillors, employees, agents and officers of the Northern Beaches Council and members of the community.

References and related documents

Local Government Act 1993 Sect 226, Sect 356 and Sect 377

Local Government (General) Regulation 2021 Sect 207 (Responsibility for Accounting Records)

Councillor Expenses and Facilities Policy

Responsible Officer

Chief Executive Officer

Review Date

September 2026

Revision History

Revision	Date	Change	TRIM Ref
1	25/7/2017	Policy adopted by Council with no changes following exhibition	2017/136008
2	19/12/2017	Changes made by Council Resolution 187/17 including change of title, that councillors can apply for funding, that a third signatory be required for allocation of funds and that all funding allocated be reported to Council quarterly.	2017/136008
3	21/3/2022	Revised draft for review	2022/170140
4	27/09/2022	Outcome of Public Exhibition of the Draft Northern Beaches Council Discretionary Fund Policy	2022/588040

ITEM 8.5 **NORTHERN BEACHES COUNCIL DISCRETIONARY FUND -
QUARTERLY REPORT**

REPORTING MANAGER **CHIEF EXECUTIVE OFFICER**

TRIM FILE REF **2023/561883**

ATTACHMENTS **NIL**

SUMMARY

PURPOSE

The purpose of this report is to provide an update on the recipients and projects that have received an allocation from the Northern Beaches Council Discretionary Fund during the past quarter.

EXECUTIVE SUMMARY

The Northern Beaches Council Discretionary Fund provides the opportunity for Councillors to put forward requests from individuals and community organisations for financial assistance towards initiatives and services which benefit the local community or provide assistance to local residents.

Payments made for the period 21 June to 19 September 2023 totaling \$8,700 are listed below.

Recipient	Description	Allocation
Local Resident *	Financial assistance to represent Australia in the dragon boat racing competition in Thailand in August 2023	\$500
Local Resident *	Financial assistance to represent Australia in the World Archery Youth Championships in July 2023	\$500
Local Resident *	Financial assistance towards representing NSW in the U/16 state basketball team at the national championships	\$250
Local Resident *	Financial assistance towards representing NSW in the U/16 state basketball team at the national championships	\$250
Local Resident *	Financial assistance towards representing Australia at the World Hip Hop Dance Championships in the USA in August 2023	\$500
Local Resident *	Financial assistance to represent Australia in the dragon boat racing competition in Thailand in August 2023	\$500
Local Resident *	Financial assistance towards representing NSW in the NSWPSA school sport swimming team and representing Gymnastics NSW at the Australian championships	\$250

Recipient	Description	Allocation
Sydney Children's Hospital Foundation Ltd (all funds benefit Bear Cottage)	Financial assistance for Bear Cottage's annual community fundraising event	\$1,000
Local Resident *	Financial assistance to represent Australia in the dragon boat racing competition in Thailand in August 2023	\$500
Surf Life Saving Sydney Northern Beaches Inc.	Financial assistance for their annual golf charity event – September 2023	\$1,000
Lions' Club of Manly Inc.	Financial assistance towards 5 passes for children who attend Fisher Road School or Dee Why Public School (Special Ed Unit) to attend Circus Quirkus with their carers	\$600
Killarney Heights High School	Financial assistance towards Year 12 graduation presentation prizes	\$250
Creative Space Garden Club volunteers	Financial assistance towards the purchase of plants /equipment for use by the volunteers to maintain the gardens at the Creative Space, Curl Curl	\$600
Lane Cove Sustainability Inc (LCS Inc manages the account for the Ocean Action Pod program)	Financial assistance towards the maintenance and update of the Ocean Action Pod used for educational programs	\$1,000
Fisher Road School	Financial assistance towards the purchase of a new school bus for students	\$1,000

* individual recipients' details are not included in this report for privacy reasons. All residents in receipt of funds are verified as residents of the Northern Beaches.

The next Northern Beaches Council Discretionary Fund quarterly report will be provided at the ordinary Council meeting on 19 December 2023.

RECOMMENDATION

That Council note payments totalling \$8,700 have been allocated from the Northern Beaches Council Discretionary Fund for the period 21 June 2023 to 19 September 2023.

REPORT

BACKGROUND

The Northern Beaches Council Discretionary Fund Policy supports individuals and community organisations through small financial donations. It also provides assistance to local residents, including for activities that further develop their education or sporting endeavours at a representative level. The policy requires recipient and project details to be reported quarterly to Council. This report only includes allocations that have been finalised.

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

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

CONSULTATION

Requests upon the discretionary fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer for approval in accordance with the policy.

TIMING

The Northern Beaches Council Discretionary Fund Policy requires a quarterly report to Council.

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.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

The funds allocated are provided within the existing annual budget of \$30,000 for the Northern Beaches Discretionary Fund. Total expenditure of \$22,300 is remaining. No funding will be provided outside of the allocated budget in each financial year.

SOCIAL CONSIDERATIONS

The Northern Beaches Council Discretionary Fund supports individuals and community organisations and provides assistance to local residents, including for activities that further develop their education or sporting endeavours at a representative level.

ENVIRONMENTAL CONSIDERATIONS

The monies in the Northern Beaches Council Discretionary Fund can be used in connection with environmental matters.

GOVERNANCE AND RISK CONSIDERATIONS

Payments allocated under the Northern Beaches Council Discretionary Fund have satisfied the requirements of the Northern Beaches Council Discretionary Fund Policy. The next quarterly report will be provided at the ordinary Council meeting on 19 December 2023.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1 ORDINARY COUNCIL MEETING SCHEDULE 2024

REPORTING MANAGER EXECUTIVE MANAGER GOVERNANCE & RISK

TRIM FILE REF 2023/514430

ATTACHMENTS NIL

SUMMARY

PURPOSE

The purpose of this report is to propose the ordinary Council meeting schedule for 2024.

EXECUTIVE SUMMARY

- Council is required to meet at least 10 times per year, each time in a different month.
- It is proposed that ordinary Council meetings are held on the third Tuesday of the month, commencing at 6:00pm from February 2024 (except in September). This is a change to current practice where the meetings are held on the fourth Tuesday of the month.
- The proposed dates do not clash with any public holidays or any sector conferences (at time of publication). The April, July and first meeting in October will occur during the NSW public school holidays (15 – 26 April, 8 – 19 July and 30 September – 11 October 2024).
- Due to the Local Government election being held on 14 September 2024, an ordinary meeting has not been proposed for September. The NSW Electoral Commission has advised that the outcome of the election is likely to be declared in the first week of October.
- The first meeting of the newly elected Council is proposed to be an extraordinary meeting on 8 October 2024.

RECOMMENDATION

That Council adopt the following 2024 Ordinary Council meeting schedule:

Date 2024	Day	Time	Location
20 February	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 March	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
16 April	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
21 May	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
18 June	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
16 July	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
20 August	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
8 October*	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
15 October	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 November	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
17 December	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why

*Extraordinary meeting

REPORT

BACKGROUND

Section 365 of the *Local Government Act 1993* (the Act) provides that Council is to meet at least 10 times per year, each time in a different month. Clause 4.1 of Council's Code of Meeting Practice requires the Council to determine by resolution the frequency, date, time and place of its ordinary meetings.

This report proposes the convention that Ordinary Council meetings are held on the third Tuesday of the month, commencing at 6:00pm from February 2024 (except in September due to the Local Government Election). Proposed dates are below.

Date 2024	Day	Time	Location
20 February	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 March	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
16 April	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
21 May	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
18 June	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
16 July	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
20 August	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
14 September Local Government Election			
8 October*	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
15 October	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 November	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
17 December	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why

*Extraordinary meeting

Local Government election 14 September 2024

Due to the Local Government election being held on 14 September 2024, an ordinary meeting has not been scheduled in September.

The August Council meeting will fall within the caretaker period. Council is to assume a 'caretaker' role in the 4 weeks before the election day, until election day. During this time, Council must not:

- enter into any contract or undertaking involving an expenditure or receipt by Council of an amount equal to or greater than \$150,000 or 1% of Council's revenue from rates in the preceding financial year (whichever is the larger)
- determine a 'controversial development application', except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period
- appoint or reappoint Council's general manager (except for temporary appointments)

First meeting of new term of Council

The NSW Electoral Commission has advised that the election is expected to be declared in the first week of October. This timing is to allow for the receipt and counting of postal votes which close 13 days after the election.

In accordance with section 290 of the Act a council is required to undertake the election of a mayor by the councillors within 3 weeks after the election (being after the declaration of the election).

Given this, an extraordinary meeting is proposed for 8 October 2024 which will serve as the first meeting of the newly elected council. The first matters of business for a newly elected council will include taking oaths/affirmations of office, electing a mayor, deciding whether to elect a deputy mayor and determining the method by which any casual vacancies in the office of councillor are to be filled.

Council will resume ordinary business at the meeting proposed for 15 October 2024 in accordance with the meeting cycle.

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

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

SOCIAL CONSIDERATIONS

Council meetings provide an open and transparent public forum where the decisions of Council are made. Providing the schedule of meeting dates in advance provides the community with certainty and opportunity for engagement.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from this report.

GOVERNANCE AND RISK CONSIDERATIONS

The 2024 schedule is developed in line with Council's Code of Meeting Practice and section 365 of the *Local Government Act 1993*.

ITEM 9.2	PUBLIC INTEREST DISCLOSURE POLICY
REPORTING MANAGER	EXECUTIVE MANAGER INTERNAL AUDIT & COMPLAINTS RESOLUTION
TRIM FILE REF	2023/550157
ATTACHMENTS	1 ⇒ Draft Public Interest Disclosure Policy (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to present a draft Public Interest Disclosure (PID) policy for adoption by Council.

EXECUTIVE SUMMARY

- The Public Interest Disclosures Act 2022 (PID Act) commences on 1 October 2023.
- All agencies in NSW are required to have a PID policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act) from 1 October 2023.
- A draft PID policy to satisfy the requirements of section 42 has been prepared by Council staff. The draft policy is based on the NSW Ombudsman's model PID policy and sets out, among other things:
 - how Council will support and protect public officials who report serious wrongdoing
 - how Council will deal with its responsibilities under the PID Act
 - who to contact to make a report
 - how to make a report
 - the protections which are available under the PID Act.
- As the draft PID policy mirrors the NSW Ombudsman's model PID policy and is a mandatory policy, public exhibition is not required.
- The PID policy will be prominently published on Council's website and Council will ensure that public officials associated with it are made aware of the policy.

RECOMMENDATION

That the draft Public Interest Disclosure policy is adopted by Council.

REPORT

BACKGROUND

On 1 October 2023, a new public interest disclosures framework, established by the *Public Interest Disclosures Act 2022* (PID Act), will commence in NSW. This will replace the existing *Public Interest Disclosure Act 1994*.

The PID Act will apply to all NSW public sector agencies, including local government authorities such as Northern Beaches Council.

Under the PID Act, when a public official reports serious wrongdoing, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act.

If an agency such as Council receives a voluntary PID, it will be subject to special obligations under the PID Act. These include obligations:

- to investigate or otherwise appropriately deal with the PID
- to ensure that the identity of the person who has made the PID is not unlawfully revealed
- to keep the maker of the PID informed about how their report is being dealt with and the outcome of any investigation
- to provide information to the Ombudsman about the report and how it was dealt with.

The PID Act makes it a criminal offence to take detrimental action against a person because they have made a PID or will make a PID. The NSW Ombudsman has prepared guidelines on the new PID Act.

These guidelines have been published in draft form. The final version of the guidelines will be issued before 1 October 2023. In preparing for the commencement of the new PID Act, agencies should have regard to these draft guidelines.

Under section 42 of the PID Act, all agencies must have a PID policy. The guidelines contain a model PID policy which agencies can adopt, as well as guidance for agencies on how to develop a PID policy.

A draft PID policy has been prepared for Council based on the NSW Ombudsman's model PID policy. The draft PID policy sets out, among other things:

- how Council will support and protect public officials who report serious wrongdoing
- how Council will deal with its responsibilities under the PID Act
- who to contact to make a report
- how to make a report
- the protections which are available under the PID Act.

Sections 47 and 48 of the PID Act relevantly provide that the PID policy must be prominently published on Council's website and Council must ensure that public officials associated with it are made aware of the policy. These requirements will be complied with.

CONSULTATION

As the draft PID policy mirrors the NSW Ombudsman's model PID policy and is a mandatory policy which is required from 1 October 2023, public exhibition is not required.

TIMING

The PID Act requires that Council has a PID policy from 1 October 2023.

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

Funding to deal with PIDs is provided in Council's operational budget.

SOCIAL CONSIDERATIONS

The draft PID policy identifies how Council will support and protect public officials who report serious wrongdoing.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from the recommendation of this report.

GOVERNANCE AND RISK CONSIDERATIONS

Adopting the draft PID policy will ensure Council is compliant with section 42 of the PID Act. The draft PID policy, once adopted, will strengthen Council's policy framework and will be in alignment with the NSW Ombudsman's model PID policy. Adoption of the draft PID policy will ensure that appropriate measures are in place to address risks associated with PIDs.

ITEM 9.3	COUNCILLOR EXPENSES 2022/23
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/512934
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to table the expenditure of Councillors for the period 1 July 2022 to 30 June 2023 in accordance with section 15.2 of the Councillor Expenses and Facilities Policy (the policy).

EXECUTIVE SUMMARY

- Under section 15.2 of the policy, expenses reimbursed to Councillors are publicly tabled at a Council meeting every 12 months and published in full on Council's website.
- Expenses totalling \$154,414 were claimed by and reimbursed to Councillors for the 2022/23 financial year to cover costs incurred including:
 - Communication charges
 - Office equipment and stationery
 - Training and professional development
 - Subscriptions, publications and access to resource materials
 - Childcare and/or family member care
 - Attendance at functions and events
 - Use of motor vehicle/transport expenses.
- All expenses claimed and reimbursed were within the limits and budget provided by the policy.

RECOMMENDATION

That Council note the expenditure tabled in accordance with the Councillor Expenses and Facilities Policy for the period 1 July 2022 to 30 June 2023.

REPORT

BACKGROUND

Under section 252 of the *Local Government Act 1993* (the Act) Council is required to adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

The Councillor Expenses and Facilities Policy (the policy) was adopted by Council on 26 April 2022. The policy is based on a template produced by the Office of Local Government.

The provision of facilities and expenses assists the Mayor and Councillors to fulfil their roles and responsibilities under the *Local Government Act 1993* (the Act). It enables the reasonable and appropriate reimbursement for expenses incurred by Councillors in undertaking their civic duties.

The table below details the total expenditure as reimbursed to each Councillor for the period 1 July 2022 to 30 June 2023.

July 2022 to June 2023 Expenditure	
Councillor	Amount \$
Cr Amon*	1,326
Cr Bingham	9,565
Cr Crvelin	11,025
Cr De Luca	15,167
Cr Gencher	16,926
Cr Glanville	7,767
Cr Grattan	5,762
Mayor Heins#	13,266
Cr Korzy	4,040
Cr Menano-Pires	8,336
Cr Page^	0
Cr Regan**	15,201
Cr Robins	13,507
Cr Ryburn	9,377
Cr Sprott	15,720
Cr Walton	7,429
Sub total Councillors' expenditure	154,414

* Cr Amon resigned on 16 May 2023

Mayor Heins was elected to the office of Mayor on 16 May 2023

^ Cr Page was declared on 20 June 2023 and has no reportable expenditure in 2022/23

** Cr Regan served as Mayor from July 2022 to 16 May 2023

TIMING

Under section 15.2 of the policy a report detailing the provision of facilities and reimbursed expenses to councillors is to be tabled to Council every 12 months and made available on Council's website.

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 financial commitment for councillor expenses and facilities is outlined within the policy. Provision for expenses and facilities is included within the existing operational budget for the 2022/23 financial year.

SOCIAL CONSIDERATIONS

The policy provides a framework for Councillors to claim for expenses incurred and facilities required for Councillors to undertake their civic duties across the local government area.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from this report.

GOVERNANCE AND RISK CONSIDERATIONS

The policy is required under sections 252 and 253 of the Act, and 403 of the Local Government (General) Regulation 2021. The reporting of expenses reimbursed to Councillors is to be tabled at a Council meeting and made available on Council's website under section 15.2 of the policy.

Councillors are provided with a monthly expense report to support tracking of expenses. To the knowledge of staff, all expenditure identified has been incurred in accordance with the policy. All expenses claimed and reimbursed were within the limits provided by the policy.

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	COMMUNITY SAFETY ADVISORY COMMITTEE - CONFIRMED MINUTES OF 18 MAY 2023 MEETING
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2023/531584
ATTACHMENTS	1 Minutes - Community Safety Advisory Committee - 20230518 - Confirmed (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is present the minutes of the Community Safety Advisory Committee meeting held on 18 May 2023 for noting.

EXECUTIVE SUMMARY

The Community Safety Advisory Committee is a committee of Council established to provide guidance to Council on community safety issues impacting the Northern Beaches.

The meeting held on 18 May 2023 included discussion on the following items:

- Dementia Friendly Community Action Plan
- Elder abuse
- Online safety for seniors
- Police report
- Environmental compliance report.

The minutes of the Community Safety Advisory Committee meeting of 18 May 2023 (Attachment 1) were confirmed by the Committee at the meeting of 17 August 2023.

RECOMMENDATION

That Council note the minutes of the Community Safety Advisory Committee meeting held on 18 May 2023.

REPORT

BACKGROUND

This Community Safety Advisory Committee meets 4 times per year to provide guidance to Council on crime prevention and community safety issues impacting the Northern Beaches. The Committee monitors the implementation of the Community Safety Plan and informs actions within the plan.

CONSULTATION

Council seeks the guidance of this committee on issues relating to the development of Council strategies and services aimed at enhancing and improving community safety.

TIMING

Draft minutes are confirmed at the following committee meeting prior to being reported to Council.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome/s of:

- Community and belonging - Goal 8 Our community feels safe and supported

FINANCIAL CONSIDERATIONS

Funding to support the Community Safety Advisory Committee is included in the existing budget.

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

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

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	RESPONSE TO NOTICE OF MOTION NO 11/2023 - WEED CONTROL AND ECOLOGICAL RESTORATION
REPORTING MANAGER	ACTING EXECUTIVE MANAGER, ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2023/367182
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to provide a response to Notice of Motion 11/2023 – Weed Control and Ecological Restoration.

EXECUTIVE SUMMARY

- Council faces a significant financial and logistical challenge in the management of weed species across the Northern Beaches on both public and private lands.
- Council's key roles are in relation to control of weeds on its land, education on effective weed management for business and private landowners, and enforcement with respect to certain weeds under legislation.
- In response to the Notice of Motion, this report sets out:
 - Recent updates, and proposals for future updates, to Council's website to summarise key weed species that are of most concern locally.
 - Recent enhancements to Council's Bushcare program to encourage a younger cohort to become involved in Bushcare activities.
 - Activities currently undertaken to discourage and reduce the sale of invasive species in the local government area, including annual inspections of retail outlets such as nurseries, aquariums, florists, horse stock outlets, retail plant outlets and markets, and proposals for new schemes with local nurseries.
 - A review of the strategies employed by other councils and further recommendations to prevent the sale of weed species by plant nurseries and at community markets, noting that Northern Beaches Council appears to be well placed by comparison.
 - Opportunities for increasing community awareness of local priority weeds.
 - Strategies used to manage native plant species with weed potential.
- In relation to the timing of service reviews, it is noted that the current priorities were established following a workshop with Councillors in 2022 and that "Environmental Management" was not listed for action in 2023/24.

RECOMMENDATION

That Council note the information provided in this report.

REPORT

BACKGROUND

At the Council Meeting held on 23 May 2023, Council resolved (139/23) as follows;

That Council:

1. *Update the website to make the section on weed management more accessible, engaging and comprehensive, detailing all local priority weeds.*
2. *Reconsider the service review program of works to re-assess the timing and prioritisations of service reviews and the possible inclusion of “weed control and management”.*
3. *In preparation for (2), Staff provide a report within 4 months outlining matters to be included:*
 - A. *Opportunities for engaging more bushcare volunteers, especially young people, and particularly high school students, to increase the volunteer base and enable transfer of important local knowledge from older and more experienced volunteers;*
 - B. *Any current activities aimed at preventing the sale of weed species by plant nurseries and at community markets;*
 - C. *Strategies employed by other councils to prevent the sale of weed species by plant nurseries and at community markets;*
 - D. *Recommendations for ways Council could discourage the sale of weeds species by local plant nurseries and community markets;*
 - E. *Identify ways to increase community awareness of local priority weeds, their impact, means of control, and opportunities for involvement with volunteer bushcare activities, e.g. a public information campaign, regular community workshops;*
 - F. *Consider the weed potential of native plant species and ways to control their spread.*

This report provides responses to the items raised in the resolution above.

1. Update the website to make the section on weed management more accessible, engaging and comprehensive, detailing all local priority weeds

Council officers have commenced updating Council’s website with 20 priority weeds most relevant to the Northern Beaches, identified and submitted by local volunteer groups. Council’s Bushland & Biodiversity team will continue to consult with local community groups and Bushcare volunteers to provide up to date educational material on local priority weeds.

Council’s website also now includes a dedicated invasive species email address - invasivespecies@northernbeaches.nsw.gov.au enabling members of the public to send through sightings and enquiries regarding weeds and other invasive species.

All of Council’s local priority weeds are included in the NSW Department of Primary Industries’ WeedWise Fact Sheets which provide identification descriptions, control techniques and general biosecurity duty information. Links to these documents are included on Council’s webpage and hard copies have been distributed to Customer Service Centres and Libraries. Council staff are also updating the website with priority weeds identified by community groups in meetings with staff.

2. Reconsider the service review program of works to re-assess the timing and prioritisation of service reviews and the possible inclusion of “weed control and management”

Weed control and management are already considered important aspects of Council's operational planning and reporting programs. The information provided as part of item 3 below can be used to inform future service reviews.

In relation to the timing of service reviews, it is noted that the current priorities were established following a workshop with Councillors in 2022 and that 'Environmental Management' was not listed for action in 2023/24.

3. In preparation for (2), Staff provide a report within 4 months outlining matters to be included:

A. Opportunities for engaging more bush care volunteers, especially young people, and particularly high school students, to increase the volunteer base and enable transfer of important local knowledge from older and more experienced volunteers

Council's Greener Communities team is currently investigating opportunities to engage with young people and high school students. Staff are currently working with Narrabeen High School and looking to continue and expand its pilot Bushcare program. This could be offered to students as an alternative to sport and if successful rolled out to other schools.

Council is also working with local schools to propagate native plants. These plants will then be distributed to local Bushcare groups for planting by Bushcare volunteers. Other programs to engage with local high school groups include parent-led bush regeneration activities at local high schools which would involve students and teachers. These programs are currently under investigation with local high schools and will be rolled out where feasible.

Council's Bushcare program is also extending its service with 5 new Bushcare groups and a 15% increase in volunteers over the past 18 months. There are currently 60 Bushcare groups operating across the Northern Beaches. The Greener Communities team has recently developed training workshops for new and experienced volunteers to share its skills and knowledge with a specific focus on weed control, weed removal techniques, and plant identification. These workshops can also be designed to include school students.

Council's Greener Communities team has identified the annual National Tree Day events as an opportunity to encourage younger people to take an active part in caring for their local environment and join local Bushcare groups. This year 30 Northern Beaches schools participated in Schools Tree Day, and close to 500 local community participants volunteered their time at National Tree Day planting events.

Council is also exploring further opportunities to foster volunteer led plant propagation trials into local schools' activities and the volunteer program is also open to school students looking for work experience placements and participating in the Duke of Edinburgh program.

B. Any current activities aimed at preventing the sale of weed species by plant nurseries and at community markets

Council's Invasive Species officers conduct annual inspections of high-risk pathways including retail outlets such as nurseries, aquariums, florists, horse stock outlets, retail plant outlets and markets, and have power to seize prohibited matter under the *NSW Biosecurity Act 2015* as necessary.

These inspections provide an opportunity for Council officers to supply education materials to local retailers about state and regional priority weeds and those of particular relevance to our local government area as per the Local Priority Weed Plan.

To enhance reporting, the Invasive Species team has created an annual schedule listing these sites/activities with contact details for future education opportunities and inspections.

Staff are also currently investigating the *Gardening Responsibly* program, a new program developed by Nursery and Garden Industry NSW in conjunction with the NSW Department of Primary Industries, NSW Department of Planning and Environment and Macquarie University. Council officers will work with local nurseries to identify interest and potential for uptake of the scheme across the local government area (LGA).

C. Strategies employed by other councils to prevent the sale of weed species by plant nurseries and at community markets

Council's Invasive Species staff have reached out to the councils within the Sydney Regional Coastal Weeds Network (of which Northern Beaches Council is also a member) and to Blue Mountains Council, and have received the following information:

- Willoughby Council has a dedicated biosecurity officer who undertakes annual inspections of local plant outlets and florists to ensure potentially invasive plants and priority weeds are not available for sale. Educational material about weeds is also provided. Inspections of local markets are informal and not regular, with a reliance on other council officers and local environment groups who attend markets to report on any invasive plants being sold.
- Central Coast Council has 2 dedicated biosecurity officers who inspect local plant nurseries annually and provide weed education booklets. Plant retail outlets tend to be reasonably well educated about weeds and priority weeds. Community markets are inspected 3 times per year and similar information provided although officers noted that markets and online plant sales within the LGA are more difficult to monitor and awareness around priority weeds is much lower. Officers regard education as the best means to discourage sales of priority weeds via their council's website or social media platforms.
- Randwick, Waverley and Woollahra Councils currently share weed education across their environmental and bushland teams as they do not have large areas of bushland to manage. This approach seems to work effectively across the urban landscape. This area of Sydney does not have large nurseries or big community markets within the LGAs.
- North Sydney has one dedicated biosecurity officer responsible for both weed management and vertebrate pest species. The LGA has no plant nurseries and only 2 florists and 2 markets, neither of which sell plants. Inspections and information are provided annually to the 2 local florists.
- Blue Mountains Council undertakes annual inspections of local plant retailers and nurseries and has a program where local nurseries that have agreed with Council not to sell invasive plants are promoted on the council's website as being sustainable and committed to safeguarding the local environment and native vegetation. These outlets are inspected every 6 months to ensure they are continuing to comply. Prior to this scheme being implemented approval was sought from the Nursery and Garden Industry NSW.

Northern Beaches Council has 2 dedicated biosecurity officers and a team leader in the Invasive Species Team, managing both weed and vertebrate pest species across the Northern Beaches.

D. Recommendations for ways Council could discourage the sale of weeds species by local plant nurseries and community markets

Council's Invasive Species team will:

- continue to provide local plant retailers with a copy of the Local Priority Weed Plan and information relating to the impacts of invasive species and responsibilities of all stakeholders under the *NSW Biosecurity Act 2015* as part of inspections.
- continue to inspect local markets to monitor for the sale of prohibited, priority, or invasive plant species.
- expand the education package provided to local plant retailers.
- investigate the Gardening Responsibly scheme for use within the LGA and consider promotion of the scheme to local plant retailers as part of the annual nursery inspection program.
- investigate emulating the Blue Mountains Council scheme of endorsing and promoting plant nurseries, retailers and florists that agree not to sell potentially invasive plant species.

E. Identify ways to increase community awareness of local priority weeds, their impact, means of control, and opportunities for involvement with volunteer bushcare activities, eg. a public information campaign, regular community workshops

To help increase community awareness of local priority weeds, Council will provide a series of priority weed displays at scheduled events similar to the display presented at the recent Coastal Environment Centre Open Day held on Saturday 2 September 2023.

To further increase community awareness, Council officers are also investigating new programs such as accreditation certificates issued to local nurseries who do not stock or sell local priority weeds. Trained nursery staff can then raise awareness about priority weeds to potential customers and help avoid potential weed species. Council officers have discussed logistics with Blue Mountains Council which currently runs this program and are also meeting with our local nurseries to assess their requirements for rolling out the program here in the Northern Beaches. Appropriate staff training has been investigated so that the program can be launched successfully.

Council events also provide opportunities to increase community awareness of local priority weeds and engage with existing and potential Bushcare volunteers. Council staff and Bushcare volunteers will attend upcoming events to promote Bushcare and include weed information stalls with native plant giveaways.

Examples of future events where relevant team members will attend include the following currently planned events:

- Saturday 8 October 2023 – Scotland Island Garden Festival
- Friday 24 November 2023 – Warriewood Beaches Farmers Market
- Sunday 26 November 2023 - Palm Beach Markets.

Council's Invasive Species team recently met with key community groups and Bushcare members at a weeds roundtable to discuss the management of priority weeds and invasive native species. Future meetings are planned to continue consultation between Council officers, Bushcare volunteers and the community. Council's Bushcare team will also continue to organise training workshops.

Environmental articles about priority weeds and invasive native species are also included in Council's local environmental newsletter (Cooee), social media platforms and community digital newsletters. Further articles about priority weeds and potentially invasive native species will be released during September 2023 as part of Council's annual Biodiversity Month.

Staff have added improved weed content to the Council's website and intend to continue to add more information as outlined earlier in this report.

F. Consider the weed potential of native plant species and ways to control their spread

Council's Invasive Species officers are aware of exotic and potentially invasive native plants and vines such as Sweet Pittosporum (*Pittosporum undulatum*), Water Vine (*Cissus* sp.) and Tuckeroos (*Cupaniopsis anacardioides*). Council's Bushland and Biodiversity team has included clauses within bush regeneration contracts which instruct contractors to treat these native species as weeds and to remove or control their spread.

In addition, some native plant species such as Tuckeroo and Pittosporum are listed as an exempt tree for removal and are not recommended within the development application (DA) process as a suitable tree for planting. Council's Invasive Species officers work with the planning team and landscape officers to ensure native plants with weed potential are not included in DA plans.

Council staff are developing an internal biodiversity working group across the various operational parts of the business to ensure a common shared view of our priorities and action areas.

CONSULTATION

Council has consulted with local community groups and Bushcare volunteers in the preparation of the weed information for Council's website. Officers from Council's bushland, biodiversity and Bushcare teams have also attended a recent weeds roundtable meeting with local community groups. They also regularly meet with environmental groups including but not limited to Pittwater National Heritage Association, Friends of Narrabeen Lagoon Catchment and the Garigal Landcare Group. Future weed roundtable meetings are planned to continue discussions and consultation on local weed management issues.

TIMING

The Invasive Species team, in conjunction with the Sydney Coastal Weeds Network, has developed the Northern Beaches Local Priority Weed Management Plan to support and educate local residents and landholders to identify and manage priority weeds on private lands. This document is updated every 5 years with the next update due in 2026.

Council officers have commenced updating Council's website with a view to having all 20 priority weeds identified by the community and most relevant to the Northern Beaches on Council's weeds webpage by the end of September this year.

Council officers have commenced investigations into the additional programs outlined in this report, including accreditation certificates for local plant nurseries and the *Gardening Responsibly* scheme and, if feasible, will roll out these programs during this financial year.

Additional media campaigns, stories and website updates will also be ongoing in partnership with Council's communications team.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value
- Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use

FINANCIAL CONSIDERATIONS

Website updates, expansion of Bushcare volunteering, attendance at weekend events, and working with local nurseries can all be undertaken within Council's existing programs and budgets, which include State government grant funding from Local Land Services and the Department of Planning and Environment.

SOCIAL CONSIDERATIONS

There are positive social impacts associated with the ongoing consultation, events and engagement with community groups and Bushcare volunteers outlined in this report.

ENVIRONMENTAL CONSIDERATIONS

Further education, consultation, events and additional Bushcare volunteers will provide opportunities to help reduce invasive weeds across the Northern Beaches and deliver positive environmental outcomes.

GOVERNANCE AND RISK CONSIDERATIONS

Risk is considered in Council's Local Weed Management Plan, the Regional Strategic Weed Management Plan and the *NSW Biosecurity Act 2015*. There is also a potential for perceived reputational risk associated with the responsibilities for weed management on private land and multi-tenure land. This will be managed through ongoing consultation and education.

ITEM 11.2	CONFIRMED MINUTES OF THE ENVIRONMENT STRATEGIC REFERENCE GROUP MEETING - JUNE 2023
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2023/547205
ATTACHMENTS	1 ⇒ Minutes - Environment Strategic Reference Group 7 June 2023 (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to report the minutes of the Environment Strategic Reference Group (SRG) meeting, held in June 2023.

EXECUTIVE SUMMARY

- The Environment SRG meets quarterly to consider and be advised on projects aligned to the Community Strategic Plan goals and strategies.
- In accordance with the Environment SRG charter, the confirmed minutes of the meeting held on 7 June 2023 are provided at Attachment 1.
- Key items discussed at the meeting included:
 - Council's forthcoming Waste and Circular Economy Strategy
 - Council's involvement in the 'Rewilding Sydney' Australian Research Council (ARC) grant project
 - An update on progress at Prosperity Park Wetland
 - An update on Council's fleet electrification
 - Council's Transition from Gas Plan
 - Narrabeen Lagoon Entrance Clearance – proposed project
 - Bushfire management planning and disaster funding project
 - Progress of the Business Power Purchase Agreement
 - Climate Emergency Declaration and issues regarding Council's response.

RECOMMENDATION

That Council note the minutes of the Environment Strategic Reference Group meeting held on 7 June 2023

REPORT

BACKGROUND

The Environment Strategic Reference Group (SRG) is aligned to the Community Strategic Plan (CSP) outcome areas. It meets quarterly to consider and to be advised on projects aligned to the respective CSP goals and strategies. The SRG contributes advice and feedback to Council in relation to issues and initiatives outlined within its charter.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome/s of:

- Environmental sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The Environment SRG is positioned to ensure involvement and engagement with a broad range of stakeholders, community groups, associations and the wider community.

ENVIRONMENTAL CONSIDERATIONS

The Environment SRG contributes advice regarding Council's management of the environment and natural hazards.

GOVERNANCE AND RISK CONSIDERATIONS

The Environment SRG is conducted within Council's governance and committee framework. SRG minutes are reported to Council in accordance with its charter.

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	PUBLIC EXHIBITION OF THE DRAFT MY PLACE: MANLY PLACE PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2023/435814
ATTACHMENTS	1 ⇒ Draft My Place: Manly (Included In Attachments Booklet) 2 ⇒ Snapshot: Manly 24-hour Economy (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to seek Council's endorsement to publicly exhibit the draft My Place: Manly place plan.

EXECUTIVE SUMMARY

- The commitment to deliver a place plan for the Manly centre came from Council's first Community Strategic Plan (CSP) Shape 2028, and subsequent Delivery Programs. This commitment was reiterated in Council's adopted Local Strategic Planning Statement (LSPS), Towards 2040.
- The draft place plan for Manly has been developed over a 18 month period in collaboration with Council, its consultants Ethos Urban and Hill PDA, and the Manly Project Working Group (PWG). The PWG comprised of 15 members (representing Manly Business Chamber, Youth Advisory Group and local resident associations, businesses, and special interest groups) and the Manly Ward Councillors.
- The draft place plan presents what we know about Manly now, including its heritage, economy, land use, community demographics and visitor information and seeks to guide how we want Manly to evolve in the future, particularly enabling businesses to operate at night-time and balancing the likely conflicts that may arise. The 'key places' described in the place plan, are locations critical to how Manly works, its synergies with other businesses and the local community's connection and interaction with Manly as a place. The My Place: Manly place plan sets out the vision for Manly in 2040. The place plan does not propose development uplift in terms of additional floor space or dwelling numbers.
- The draft My Place: Manly place plan is proposed to be publicly exhibited for 6 weeks to ensure effective community engagement. The outcomes of the exhibition will be reported back to Council for consideration. If adopted as currently drafted, the 54 actions listed in the place plan will be implemented across the next 10 to 15 years. Concept designs have been prepared for future public domain improvements at each 'key place' in the place plan. These are indicative only and will be subject to further design and consultation in the future.

RECOMMENDATION

That:

1. Council exhibit the draft My Place: Manly place plan for a minimum of 6 weeks.
2. The outcomes of the public exhibition of the draft My Place: Manly place plan be reported back to Council.

REPORT

BACKGROUND

'My Place' is a place planning approach to planning, design and management of centres first initiated in the development of My Place: Avalon. The My Place approach, which has now been applied to Manly, focuses on people's connection to their local area and encourages them to work with us.

Manly is a gateway into the Northern Beaches. The overall objective for Manly is to deliver a place-based, tactical oriented strategy to address the current and future needs of Manly centre informed by the suite of strategic documents. (Figure 1 outlines the Strategic Framework and how it connects with other technical and supporting Council studies and policies).

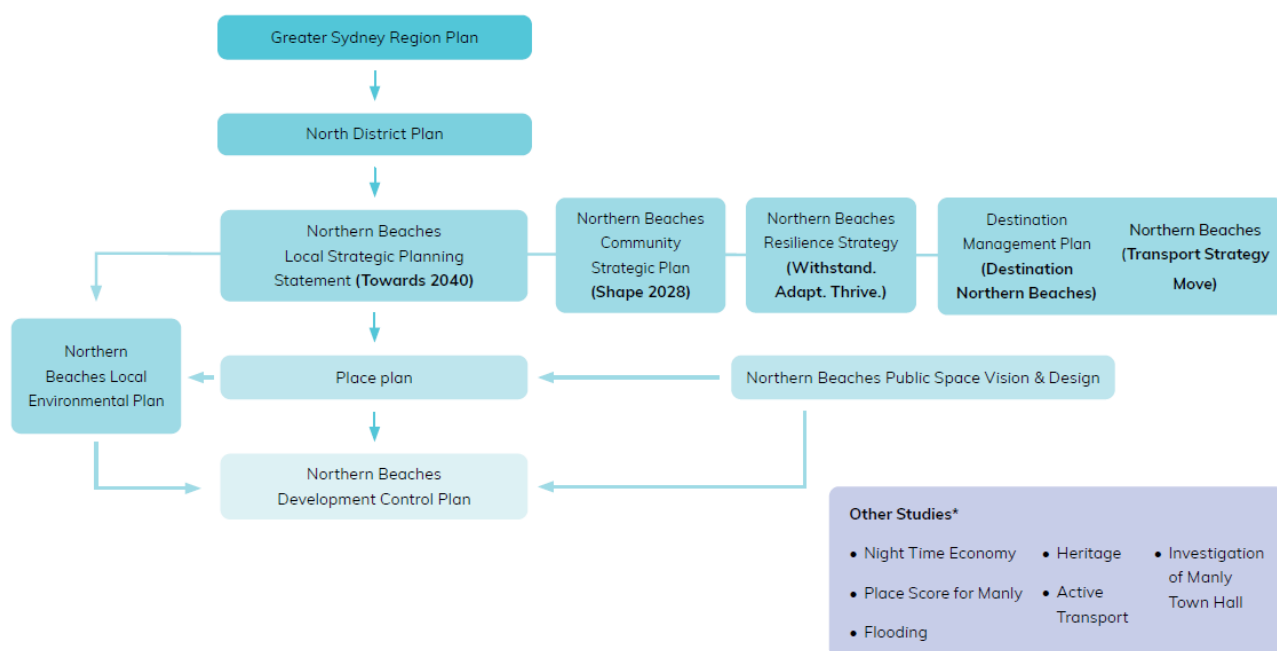


Figure 1. Strategic Planning Framework and Related Studies

The Project

Specific objectives of the Manly Place Plan project are to:

- Work with the community to create a vision and subsequent plan for Manly to align changes to ensure Manly is vibrant, safe, inclusive, and sustainable now and into the future.
- Deliver a Night-time Economy Strategy for Manly and principles to adopt across the Northern Beaches Local Government Area into the future.
- Deliver (exhibit and adopt for implementation) a place plan that responds to the outcomes and recommendations of existing strategic documents, as well as the Night-time Economy Study commissioned for this project.

The draft My Place: Manly (the place plan) is the framework of how Manly is to evolve in the future, the synergies with businesses, and the local community's connection and interaction with Manly as a place. The place plan includes initiatives that enable businesses to operate at night-time while balancing the likely conflicts that would arise. The 'Key Places' identified in the place plan are locations critical to how the Manly centre works. It is not proposing development uplift in the Manly centre as Council's adopted Local Housing Strategy and Employment Study do not identify the

Manly centre as an appropriate location for additional development uplift in terms of increased dwelling numbers or additional employment floorspace.

The place plan was developed over an 18 month period in collaboration with Council, its consultants Ethos Urban and Hill PDA, and the Manly Project Working Group (PWG). The PWG comprised of 15 members (representing Manly Business Chamber, Youth Advisory Group and local resident associations, businesses, and special interest groups) and the Manly Ward Councillors. Critical stakeholder meetings were also held throughout the project, involving Council's Community Safety Committee, NSW Police and Transport for NSW amongst others.

Manly Night-time Economy Study

Council's LSPS identifies Manly as being the only designated late-night entertainment precinct in the LGA. Investment NSW defines the night-time economy as follows:

"The night-time economy includes all the commercial activity that takes place outside the traditional business day, across the evening (6pm-9pm), night-time (9pm-2am), and late night (2am-6am). The range of industries involved in the night-time economy is diverse and broad, including core functions such as live music venues, restaurants, and bars; as well as supporting businesses including transport, retail, and accommodation services."

Council commissioned HillPDA Consulting to undertake a study on Manly's night-time economy, providing a baseline in understanding the significance of the Manly's night-time economy for this centre and the local economy of the Northern Beaches.

In 2022/23, \$337million was spent in Manly between 6pm to 6am; whilst 52% of the total spend in the Manly centre is at night-time hours. Interestingly, 27% of all jobs in the Manly centre are associated with night-time economy operations whereas 16% of night-time economy jobs in the Northern Beaches are located in Manly (Spendmapp, 2022/23). The contribution of Manly's night-time economy is significant and warrants investment into the future vibrancy of Manly centre.

Balancing the competing land uses that exist in the centre is critical for Manly's growth as it leverages on Manly's appeal as a major tourism precinct and being a night-time economy centre. Council has developed a broad set of principles guiding the night-time economy for all place-based investigations such as the place plans for Manly and Mona Vale, and the Structure Plan for Brookvale. These principles seek to balance the social and economic aspects of our places, positively impact all stakeholders, and assists in framing what the night-time economy could look like in the future. These principles are:

1. Foster a thriving and creative night-time economy reflecting local identity.
2. Build partnerships and capability for businesses and the community to deliver exciting and unique night-time experiences.
3. Encourage a diversity of night-time offerings catering to all demographic categories.
4. Create a night-time economy that leverages and enhances natural beauty in the built environment.
5. Support safe and accessible places that welcome locals, workers, and visitors.

Key to balancing the competing land uses will be the 'agent of change' approach, where there is genuine acknowledgement by all stakeholders that Manly is a mixed-use centre. The vibrancy of the centre comes from the multitude of activities and the appeal to be in the centre is its proximity to 'the action' and with this, it includes the corresponding sounds prevalent in a vibrant mixed-use centre.

The 'agent of change' approach refers to the notion that each stakeholder is:

- aware that the nature of night-time economy venues and events may affect their future and ongoing use and enjoyment of land due to operating hours, noise and other measures of these venues and events; and
- that new noise generating use will be responsible for mitigating acoustic impacts arising from their operations. For example, a new licensed venue will be required to mitigate noise impacts to existing sensitive receivers, and any new residential development will need to be designed to mitigate acoustic impacts that arise from existing commercial noise generators.

The Manly Night-time Economy Study prepared by HillPDA, October 2022 is a reference document that will be available on the Your Say project website during the public exhibition period.

The outcomes from this study have informed the development of the place plan, particularly the potential land uses within each Key Place being the focus areas in the place plan (Figure 2).

Following consultation with the PWG, four Key Places of Manly have been identified to be the focus of this Place Plan. These places provide the opportunity to build on Manly's already vibrant character and help realise the community's vision for Manly. The four Key Places are:

- The Corso
- Sydney Road
- Laneways
 - Market Place
 - Rialto Lane
 - Henrietta Lane
 - Central Avenue
 - Short Street Plaza - Short Street
- Pittwater Road

The diagram on the right illustrates how these Key Places relate with the NTE Clusters identified in the Manly Night Time Economy Report and Strategy, as previously outlined in Section 2.3.

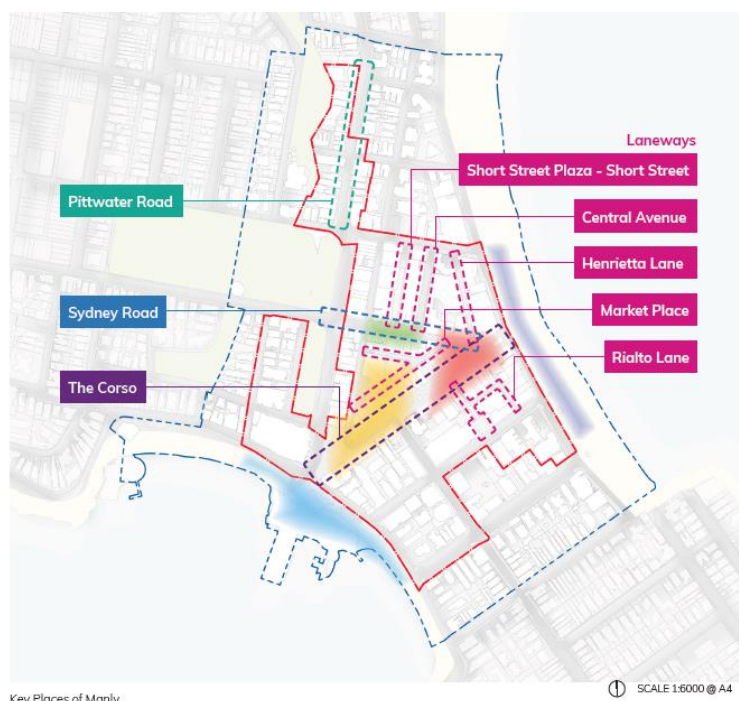
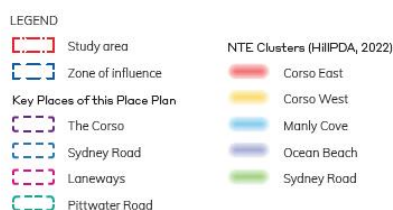


Figure 2. Manly Place Plan Project Study Area and Key Places

The Draft My Place: Manly

Manly is an iconic location on the Northern Beaches and is an important tourism destination within Sydney. Manly is not only a world renowned coastal environment and premier beach destination but also an ideal location for events and has an eclectic mix of waterfront restaurants, bars and laneways bustling with cafes and independent traders. Manly's natural and commercial offerings contribute to the local economy, culture and community of the Northern Beaches and the Night-time Economy is an integral part of this.

The place plan, informed by recommended approaches for 24-hour economy activations, seeks to enhance a safe, livable mixed-use centre, where the place making principles and concept designs closely relate to the required public domain improvements, and Council initiatives and actions clearly address specific priorities for the Manly Strategic Centre.

Four key places of Manly have been identified to be the focus of the place plan:

1. The Corso
2. Sydney Road
3. Pittwater Road
4. Laneways, being:
 - Market Place
 - Rialto Lane
 - Henrietta Lane
 - Central Avenue
 - Short Street Plaza – Short Street.

The place plan once adopted will replace the existing Manly Masterplan 2015 and other policies for the study area including specific sites in the study area. Its implementation will be through a staged approach, recognising that the place plan has a 10 to 15-year timeframe.

The 54 actions listed in the place plan include opportunities to define the planning and development controls for the Manly centre to further expand night-time activations including a diverse range of activities catering for all ages.

NEXT STEPS

The draft My Place: Manly place plan will be placed on public exhibition for a 6-week period, likely to commence on 9 October 2023. A future report on the outcomes of the public exhibition will be presented to Council.

CONSULTATION

A Community Stakeholder Engagement Plan has been developed for the exhibition phase of the draft My Place: Manly place plan document.

Promotional material of the exhibition includes a promotional video, social media presence, postcards, Council email newsletters and update of 'Your Say' project pages. Council is writing to all registered property owners in the study area, including residents and business operators.

Engagement activities have been planned across the exhibition period including presentations to targeted stakeholder groups, pop-up stalls within the study area especially at events, and hosting a community webinar that will be recorded and made available on the project website.

Feedback will be captured through an online comment form, matters raised in the community webinar and submissions received during the exhibition period. The Frequently Asked Questions on the project pages will be updated during the public exhibition.

LINK TO STRATEGY

The commitment to deliver a place plan for the Strategic Centre of Manly was originally contained in Council's Community Strategic Plan (CSP), Shape 2028, and the subsequent Delivery Programs. This commitment has been reiterated in the more recently adopted Northern Beaches Council Local Strategic Planning Statement - Towards 2040 (the 'LSPS').

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
- Community and belonging - Goal 8 Our community feels safe and supported
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs
- Vibrant local economy - Goal 13 Our businesses are resilient, well-connected and thrive in an environment that supports innovation, entrepreneurialism and economic growth
- Vibrant local economy - Goal 15 Our centres are sustainable, encompassing a diverse range of businesses that attract visitation and provide work, education, leisure, and social opportunities
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community
- Partnership and participation - Goal 21 Our community is engaged in decision making processes

FINANCIAL CONSIDERATIONS

The draft My Place: Manly place plan represents economic benefits for the local economy, building on current offerings in the tourism and hospitality sectors. Expanding commercial opportunities across a '24-hour timeframe' that are diverse and inclusive for all ages will facilitate achieving the various actions in Council's Destination Management Plan and Business on the Beaches, Northern Beaches Economic Development Strategy.

The 54 actions listed in the draft My Place: Manly place plan, including future public domain improvements, are costed to be approximately \$25.5m over a 10-15 year period. Funding for implementing actions is subject to further analysis and considerations and will be derived from several funding sources, including but not limited to developer contributions, grant funding, and the Manly Business Centre Improvement Special Rate.

SOCIAL CONSIDERATIONS

My Place: Manly aligns closely with Council's aims of social inclusiveness and connectiveness along with implementing initiatives to manage social conflict between user groups within Manly. Several guiding principles within the draft place plan address social consideration including the principles of active and vibrant community spaces (which enhance community interactions), inclusive community and connection to culture, and connected and accessibility for all (with a specific action related to Council's Disability Inclusion Action Plan).

Enhancing the 24-hour economy in the Manly centre will require balancing competing land uses to co-exist in Manly as a mixed-use strategic centre. The 'agent of change' approach involves, at its basic premise, an acknowledgement by all stakeholders that part of the appeal of the Manly centre is its vibrancy, convenience, and beautiful coastal setting; and as a consequence, an understanding by all stakeholders of the mixed land uses of the centre.

Any enhancements to the centre and its operations and will need to be monitored by agencies such as NSW Police, Council rangers and the Liquor Accord to mitigate anti-social behaviour and alcohol-related violence.

ENVIRONMENTAL CONSIDERATIONS

One of the guiding principles in the draft place plan is 'Natural Beauty and Resilience' with specific objectives that involve protecting unique ecosystems, encouraging the community to embrace green practices, and facilitating an increase in the urban tree canopy to create quality green streets and public spaces. This is in line with increasing canopy cover as a priority/action in the LSPS and District Plan and is also consistent with Council's recent Draft Tree Canopy Plan.

The unique and highly valued indigenous cultural heritage and European built heritage of Manly has likewise been recognised and represented in initiatives and actions within My Place: Manly. The relevant guiding principle within the place plan is titled 'Inclusive Community and Connection to Culture' with the aim of 'recognising Manly's significant built, landscape and cultural heritage, acknowledging and respecting indigenous heritage and supporting a cohesive creative community'.

GOVERNANCE AND RISK CONSIDERATIONS

The development and drafting of the My Place: Manly place plan are based on targeted engagement via the Manly Project Working Group and specific stakeholders.

A Community Stakeholder Engagement Plan incorporating a risk assessment has been prepared for implementation at public exhibition phase.

Exhibiting the draft My Place: Manly place plan provides opportunities to hear from the broader community. The planned engagement activities aim to ensure high level participation which will allow greater understanding of the Manly community's views for the Manly centre.

ITEM 12.2	FIRE AND RESCUE NSW INSPECTION REPORT - 13-15 FRANCIS STREET, DEE WHY NSW 2099
REPORTING MANAGER	ACTING EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2023/485977
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Fire and Rescue NSW Inspection Report, dated 17 March 2023 - 13-15 Francis Street Dee Why (Included In Attachments Booklet) 2 ⇒ Environmental Planning and Assessment Act 1979 - Notice of Intention to Give an Order (Fire Safety Order), dated 2 May 2023 - 13-15 Francis Street Dee Why (Included In Attachments Booklet) 3 ⇒ Environmental Planning and Assessment Act 1979 – Draft Development Control Order (Fire Safety Order) - 13-15 Francis Street Dee Why (Included In Attachments Booklet) 4 ⇒ Letter of Representations 13-15 Francis Street Dee Why - Redacted (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to table a report and recommendations received from Fire and Rescue NSW (FRNSW) following a fire safety inspection at 13-15 Francis Street, Dee Why and to recommend that Council determine to exercise its powers to give a fire safety order under the *Environmental Planning and Assessment Act 1979*.

EXECUTIVE SUMMARY

- FRNSW has powers under section 9.32 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to carry out inspections of buildings and is required to forward its findings and recommendations to Council.
- Council must table any reports and recommendations at a meeting of Council to determine whether it will exercise its powers to give a Fire Safety Order. Notice of Council's determination must be given to FRNSW.
- Council's Fire Safety officer has investigated the matters raised by FRNSW in relation to the property at 13-15 Francis Street, Dee Why and it is recommended that a Fire Safety Order No.1 be issued to ensure that adequate fire safety systems are provided to the property.

RECOMMENDATION

That Council:

1. Note the contents of the Fire & Rescue NSW Inspection Report dated 17 March 2023 for the property at 13-15 Francis Street Dee Why.
2. In accordance with the *Environmental Planning and Assessment Act 1979*, exercise its powers to issue a Fire Safety Order No.1 to address the identified fire safety deficiencies at property at 13-15 Francis Steet, Dee Why.
3. Provide notice to Fire & Rescue NSW of this determination.

REPORT

BACKGROUND

Council received an inspection report from Fire & Rescue NSW (FRNSW) dated 17 March 2023 in relation to a property known as 13-15 Francis Street, Dee Why as shown in Attachment 1 of this Report.

Part 8 of Schedule 5, clause 17 (2), (3) and (4) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires Council to table such reports and any recommendations made at the next meeting of Council. Council is also to determine whether to issue a Fire Safety Order pursuant to section 9.34 and part 2, Schedule 5 of the EP&A Act.

FRNSW conducted an inspection of the building on 24 February 2023 and the following items of concern were identified:

1. Essential Fire Safety Measures

1A. Automatic Smoke Detection and Alarm System – The building appears to be provided with a smoke alarm system throughout the residential parts, in accordance with Clause E2.2, Table E2.2a and Specification E2.2a (Clause 3) of the National Construction Code Volume One Building Code of Australia (NCC) and AS 3786 (ie. the reference standard listed on the AFSS). The following was observed at the time of the inspection:

- A. Smoke Alarm/Detection Coverage – The retail tenancies and mall areas on level 3 (ground floor level), did not appear to be provided with smoke alarm or smoke detection coverage throughout all areas. In this regard, coverage appeared to be scattered and randomly installed in a number of the retail tenancies only.
- B. Building Occupant Warning System (BOWS) – It could not be determined whether the building was provided with a BOWS to sound through all occupied areas of the building, in accordance with the requirements of Clause 7 of Specification E2.2a of the NCC.

1B. Fire Hydrant System:

- A. Feed fire hydrant – It appears that the building is served by a single stand-alone feed hydrant which provides water supply for use by FRNSW pumping appliance. The following issues were identified at the time of the inspection:
 - a. Signage – signage is not provided to identify the hydrant as a ‘feed hydrant’
 - b. Storz couplings, compatible with FRNSW firefighting hose connections were not provided, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, ‘and ‘FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019’.

1C. Portable Fire Extinguishers (PFEs):

- A. The PFE adjacent to the rear fire exit on level 3 (retail mall), was inaccessible at the time of the inspection. In this regard, the PFE, could not be removed from its a secured cabinet, due to the cabinet door being obstructed from fully opening, by the fire hose reel adjacent to the PFE.

1D. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. Notwithstanding this, the following issues were identified with the AFSS which may require Council to review its records:
 - a. The AFSS did not include the fire shutter and drenchers which are installed on the lower basement carpark level (Level 1). It is noted that the fire shutter was in the closed position at the time of the inspection.

2. Access and Egress

- 2A. The discharge door serving the basement level fire stairs, which discharges into the 'mall' area on level 3 (ground floor level), was not readily openable without a key from the side that faces a person seeking egress, contrary to the requirements of clause D2.21 of the NCC. It is noted that the fire door was being hold open by a wooden door chock at the time of the inspection.

3. Generally:

3A. Fire Resistance:

- A. Openings for service penetrations – Multiple service penetrations throughout 'the premises' did not appear to be adequately fire stopped in accordance with clause C3.12, clause C3.15 and specification C3.15 of the NCC. The following issues were identified at the time of the inspection:
 - a. There were multiple service penetrations through the carpark level fire wall on Level 1 (adjacent to the fire shutter) which were not adequately fire stopped.
 - b. There were multiple PVC plumbing pipes, insulated air-conditioning pipes, copper water pipes and electrical cables that were observed to be penetrating through the floor slab separating the carpark on level 2 from the retail tenancies above on level 3, which were not adequately fire stopped.

3B. Access and Egress:

- A. Exit travel distances – It appears that there are points on the floor in the carpark levels (level 1 and level 2), that are more than 20m from an exit or a point from which travel in different directions to 2 exits is available, contrary to the requirements of clause D1.4(c) of the NCC.
- B. Thresholds – The lower basement level exit door (level 1) leading to Francis Street, contained a step at the threshold of approximately 340mm, contrary to the requirements of clause D2.15 of the NCC.
- C. Swinging doors:
 - a. The discharge door serving the basement level fire stairs, which discharges into the 'mall' area on level 3 (ground floor level), did not swing in the direction of egress, contrary to the requirements of clause D2.20 of the NCC.
- D. Operation of latch:

- a. The door in the path of travel to the fire exit on carpark level 1 and the discharge door serving the basement level fire stairs, which discharges into the 'mall' area on level 3 (ground floor level) contained a round tulip style handle in lieu of a lever handle, contrary to the requirements of clause D2.21 of the NCC.

3C. Services and Equipment

- A. Exit signs and directional exit signs – It was evident that there were areas/parts within the level 2 carpark level, where the direction to the required exit was not readily apparent. Exit and directional exit signs may be required throughout the level 2 carpark, such that an exit sign or directional exit sign is clearly visible from all parts, in accordance with clause E4.5 and NSW E4.6 of the NCC.

FRNSW was of the opinion that there are inadequate provisions for fire safety within the building and recommended that Council inspect the building to address items No.1 and 2, and to also consider item No. 3 of the FRNSW report.

Council staff inspected the property on 26 April 2023, and concurred with the opinion of FRNSW that the fire safety and egress provisions are inadequate for the building. Council issued a Notice of Intention to Give an Order (Fire Safety Order) on 2 May 2023 (Attachment 2) requiring the owners to conduct a Fire Safety Audit and to address the matters listed in the FRNSW Report.

On 29 May 2023, Council received representations from the building owners in response to the Notice of Intention to Give an Order (Fire Safety Order). A copy of the representation is attached at Attachment 4. Upon consideration of the representations, it is recommended to proceed with the issue of a Fire Safety Order (Attachment 3).

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

Responding to the reports of FRNSW is funded in Council's operational budget.

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

Reports received from FRNSW following inspections under section 9.32 of the *Environmental Planning and Assessment Act 1979* are required to be tabled at a Council meeting, and the Council is required to determine, following the tabling of a report, whether to exercise its powers to give a Fire Safety Order under the Act.

With respect to risks, issuing of a Fire Safety Order is in consideration of circumstances where provision for fire safety is inadequate to prevent fire, and where the lack of maintenance of premises or the use of premises constitutes a significant fire hazard. These circumstances are

considered to arise, given the issues identified in the FRNSW inspection report for 13-15 Francis Street Dee Why. The giving of a Fire Safety Order is accordingly recommended.

ITEM 12.3	SUBMISSION TO DRAFT ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (HOUSING AND PRODUCTIVITY CONTRIBUTION) ORDER
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2023/566877
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Draft Council Submission to Department of Planning and Environment (Included In Attachments Booklet) 2 ⇒ Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Bill 2023 (Included In Attachments Booklet) 3 ⇒ Draft Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Order (Included In Attachments Booklet) 4 ⇒ Housing and Productivity Contributions Implementation Guideline (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to seek endorsement of the Council submission of the public exhibition of the draft Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Order 2023 (draft Order).

EXECUTIVE SUMMARY

On 28 June 2023, the Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Bill 2023 (the Bill) was passed by NSW Parliament. It will commence on 1 October 2023. The Housing and Productivity Contribution (HPC) is a new broad-based charge collected and spent by the NSW Government to fund the provision of regional infrastructure. The HPC replaces the existing framework for state/regional infrastructure contributions known as Special Infrastructure Contributions (SIC). This has relevance to Northern Beaches Council as there is currently a SIC in place for the Frenchs Forest precinct, which is to be repealed on 1 October 2023, and concerns are raised with this aspect of the draft Order.

On 26 August 2023, the Department of Planning and Environment (the Department) released the draft Order to be signed by the Minister for Planning and Public Spaces, and the Housing and Productivity Contribution Implementation Guide for public comment, with comments due on 11 September 2023.

A draft Council submission was submitted to the Department by the due date; however the Department has granted an extension of time to allow for Council endorsement of the final submission.

RECOMMENDATION

That Council endorse the submission on the draft Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Order 2023 and for the submission to be forwarded to the Department of Planning and Environment.

REPORT

BACKGROUND

The Housing and Productivity Contribution (the HPC) is a new broad-based charge collected and spent by the NSW Government to fund the provision of regional infrastructure 'that supports housing and promotes economic activity'. The HPC replaces the existing framework for state/regional infrastructure contributions known as Special Infrastructure Contributions (SIC). This has relevance to Northern Beaches Council as there is currently a SIC in place for the Frenchs Forest precinct, which is to be repealed on 1 October 2023, and concerns are raised with this aspect of the draft Housing and Productivity Order (draft Order).

No change is proposed to the local infrastructure contributions framework.

For the purposes of the HPC, the Northern Beaches Local Government Area (LGA) is included in the Greater Sydney region. The Greater Sydney region extends from Hawkesbury in the north, Northern Beaches in the east, Wollondilly in the south, and Blue Mountains in the west; but excludes the Western Sydney Growth Areas and Western Sydney Aerotropolis special contributions area until 1 July 2026.

Given the significant size of the Greater Sydney region, the Northern Beaches LGA with a resident population of approximately 270,000 will need to compete with the other 32 local government areas in the Greater Sydney region for the identification of, and prioritisation for regional infrastructure investment.

Whilst the NSW Government's intention to align infrastructure investment based on housing and jobs growth, with oversight by an Urban Development Program is sound, it remains uncertain as to whether this will be a fair and equitable approach, when approved small growth precincts like Frenchs Forest and associated infrastructure items are assessed against other high growth-enabling infrastructure across other parts of the Greater Sydney region.

The Draft Housing and Productivity Contribution Order

The draft Order defines development classes and contribution amounts that the HPC will apply as shown below:

HPC class of development	Amount	HPC Unit
Residential subdivision	\$12,000	New dwelling lot
Residential strata subdivision	\$10,000	New strata dwelling lot
Non-strata multi-dwelling development*	\$10,000	New non-strata dwelling
Commercial development	\$30	Square metre of new GFA
Industrial development	\$15	Square metre of new GFA

* Defined as senior housing for independent living and build-to-rent housing

On 1 October 2023, being the date of commencement of the draft Order, the following elements occur:

- The existing Frenchs Forest Special Infrastructure Contribution (SIC) is repealed.
- Any Development Applications (DAs) or Complying Development Certificates (CDCs) for a development class identified in the Order lodged on or after 1 October 2023 will be subject to the HPC. This is in addition to any local (council) development contributions and/or affordable housing contribution that may be required under other contribution plans.

- c) For any DA lodged in the Frenchs Forest SIC area prior to 1 October 2023, the SIC contribution will be imposed as a condition of consent if the DA is approved – irrespective of the date of approval.

The HPC amount payable on development will be adjusted each financial quarter from the date of determination to the date of payment, if not paid within the same quarter. This indexation approach is like Council's indexation under the Northern Beaches Section 7.12 Contributions Plan.

As the HPC is a new contribution that will be imposed across the Greater Sydney region the Government is permitting a discount to be applied on the monetary amount of HPC payable within the following timeframes:

- Payment before 1 July 2024 - the contribution payable is discounted by 50%
- Payment from 1 July 2024 to 30 June 2025 – the contribution payable is discounted by 25%.

The draft Order also enables additional contributions to be imposed on development, based on a defined catchment area, involving the following components:

- Strategic biodiversity components - for example, Cumberland Plain Conservation Plan
- Transport project components - for example, Pyrmont Peninsula (Sydney Metro).

Neither of these components currently apply to development in the Northern Beaches Local Government Area and it is not recommended that the transport items currently identified in the Frenchs Forest SIC be included in 'Schedule 4 – Transport project components' given the additional pressure this will place on development feasibility in the Frenchs Forest precinct.

However, repealing the Frenchs Forest SIC on 1 October 2023 without a clear, transparent pathway for the delivery of its identified infrastructure is problematic as this infrastructure will need to be delivered by the NSW Government commensurate with housing and jobs growth in the Frenchs Forest strategic centre.

The removal of the existing Frenchs Forest SIC means:

- there is no funding source for the Forest Way-Naree Road intersection upgrade, which is one of the main intersections for the existing Northern Beaches Hospital
- the intersection upgrade is critical at 70% build-out of the precinct otherwise the immediate road network will not meet the standard to adequately cater the traffic volumes, and this key intersection will increase its queue length from 1.4 to 2.2 kilometres
- there may be impacts to the completion of the Frenchs Forest Town Centre, planned by the Department of Planning and Environment under the Frenchs Forest Place Strategy.

To address this problem, Council seeks confirmation from the Minister for Planning and Public Spaces that the infrastructure items listed in the Frenchs Forest SIC which is proposed to be repealed on 1 October 2023 are expressly listed in the still-to-be prepared Infrastructure Opportunities Plan for the Greater Sydney area. Listing the infrastructure on the same day the SICs are repealed facilitates certainty for these SIC-identified infrastructure items and confirms they are necessary for the planned growth of those areas.

The Housing and Productivity Contribution Implementation Guide

The Implementation Guide, prepared by the Department of Planning and Environment, identifies the digital calculation of the HPC amount payable for a development based on the inputs against the relevant application in the Department's Planning Portal including payment of the monetary amount (if relevant, the discounted amount or indexed amount payable to NSW Government).

A governance framework is proposed to be established to oversee the management of the Housing and Productivity Fund, and the identification of regional infrastructure by way of a still-to-be prepared 'Infrastructure Opportunities Plan' for each region. Discussions with the Department

have so far indicated that SIC infrastructure items are anticipated to be in the Infrastructure Opportunities Plan particularly as several SICs (including Frenchs Forest) are being repealed on 1 October 2023.

The framework identifies the establishment of an Urban Development Program (UDP) for each region aimed at monitoring and forecasting housing and jobs growth that, in turn, provides an evidence base behind infrastructure priorities for a more coordinated delivery of planning and infrastructure investment. At the time of the guide's release, the Department is yet to send out invitations to councils and other stakeholders for the UDP inception.

The composition of members in the UDP for the Greater Sydney region will include councils, Local Government NSW, and the various Regional Organisations of Councils (ROC). Northern Beaches representation at the UDP will be critical as this forum will assist in the preparation of the Infrastructure Opportunities Plan, and act as a monitoring body for housing and jobs growth across the Greater Sydney region and in turn, review the prioritisation of infrastructure delivery in the region.

Local councils will not be responsible for the administration or recovery of the HPC (cash contributions) payable to NSW Government where it is imposed as a condition of development consent including the Complying Development Certificate.

In addition to the 'Infrastructure Opportunities Plan' a program is being established to allow councils to apply for funding from the Housing and Productivity Fund to deliver district or regional scale infrastructure that may not be fully funded by an adopted contribution plan. This is a \$1 billion program over a 10-year timeframe. Details for the grant funding application process will be available in late 2023 and 'ready for funding requests in 2024-2025. No further detail on this grant program is available.

CONSULTATION

The new HPC is due to commence on 1 October 2023 resulting in a relatively short notification of the Draft Order (26 August to 11 September 2023).

Council staff submitted draft comments on the Draft Order to the Department of Planning and Environment on 11 September 2023.

TIMING

Council staff requested an extension of time for submission of the final submission to allow the elected Council to consider the draft submission at the September 26 Ordinary Council meeting. If endorsed, the council submission will be forwarded to the Department of Planning and Environment on 27 September.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome/s of:

- 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 HPC is an additional contribution that the development industry must pay, and we are cognisant of likely impacts this additional charge will have on development feasibility in the LGA

resulting in the slowing-down of residential development and in turn a reduction in local infrastructure contributions payable to Council. This impacts delivery of housing products to market and in turn, Council's ability to meet its medium to long-term housing target.

One such area expected to see this impact is the Warriewood Valley Urban Release Area, which already has one of the highest section 7.11 residential contribution rates in the Greater Sydney area.

A slow-down in residential development in Warriewood Valley due to the additional infrastructure charges may make residential development not feasible and will further delay completion of the land release development and availability of section 7.11 funding to deliver the identified infrastructure commensurate for this release area. Other areas expected to be impacted are Frenchs Forest Precinct and the Dee Why Town Centre.

Council will consider the availability of future grants available to councils proposed under the Housing and Productivity Fund in the future to assist with delivery of district or regional scale infrastructure that are unlikely to be fully funded by Council's adopted contribution plan(s) once the details of the grant funding application is released later this year.

SOCIAL CONSIDERATIONS

The HPC will fund regional infrastructure 'that supports housing and promotes economic activity', however the timing and prioritisation of this infrastructure is unclear.

ENVIRONMENTAL CONSIDERATIONS

The repeal of the Frenchs Forest SIC means:

- there is no funding source for the Forest Way-Naree Road intersection upgrade
- this intersection upgrade is critical at 70% build-out otherwise the immediate road network will not meet the standard to adequately cater the traffic volumes, and this intersection will increase its queue length from 1.4 to 2.2 kilometres
- could impact completion of the Frenchs Forest Town Centre.

Even if the Frenchs Forest SIC infrastructure items are included in a still-to-be prepared Infrastructure Opportunities Plan for the Greater Sydney region, uncertainty remains on the prioritisation of these infrastructure items against other growth-enabling infrastructure across the Greater Sydney region.

The Brookvale Structure Plan and the Mona Vale Place Plan will also require regional transport improvements to facilitate their progress. Similar to Frenchs Forest, significant regional infrastructure investment is required to support development in both centres, for example, upgrades to the Barrenjoey Road-Darley Street and Warringah-Pittwater Road intersections respectively.

GOVERNANCE AND RISK CONSIDERATIONS

Council is required to implement the HPC in accordance with the requirements of the future Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 through the imposition of relevant conditions of consent on applicable development applications. Council however will not be responsible for the collection of the contributions – this will be the role of the Government.

Council representation on the proposed UDP is crucial to ensure Council's interests are addressed in the preparation of the Infrastructure Opportunities Plan for the Greater Sydney region, and in the monitoring of housing and jobs growth that, in turn, prioritises infrastructure investment in the Greater Sydney region and Northern Beaches LGA.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	OUTCOME OF THE PUBLIC NOTICE OF 30-YEAR LEASE TO LONG REEF GOLF CLUB
REPORTING MANAGER	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

NOTE: *This item was deferred from 22 August 2023 ordinary Council meeting*

PURPOSE

The purpose of this report is 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) is seeking a 30-year lease to replace its existing 20-year lease which expired 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's consent is required 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

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) has held a lease over the 18-hole golf course for over 100 years¹ and is 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) is 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 has requested to surrender its 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 serves.

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 Council's 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 for 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's 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 does 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 its 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 is 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 patrons' behaviour leaving the club.</p> <p>The club engages a security company during weddings and other larger functions and is 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 social golf 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 13.2	RESPONSE TO NOTION OF MOTION NO 1/2023 - PARKING RESTRICTIONS REQUEST, PITTWATER ROAD COLLAROY
REPORTING MANAGER	EXECUTIVE MANAGER CAPITAL PROJECTS
TRIM FILE REF	2023/537163
ATTACHMENTS	<ol style="list-style-type: none"> 1 ↓ CEO letter to Transport for NSW - Notice of Motion No 1/2023 - Parking Restrictions Request Pittwater Road, Collaroy 2 ↓ Transport for NSW response to CEO letter 3 ↓ Community Engagement Report Cars for Sale Pittwater Road 4 ↓ Cars for Sale Pittwater Road Long Reef - Additional email submissions - Verbatim comments 5 ↓ Transport for NSW - Further response 5 September 2023

SUMMARY

NOTE: *This item was deferred from 22 August 2023 ordinary Council meeting*

NOTE: *This report has been updated and attachments 4 & 5 have been added since it was originally published in the August agenda*

PURPOSE

The purpose of this report is 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 through a targeted mailout. The team also sent out 2 Council e-news articles, 2 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. Following the conclusion of the formal consultation period, local sporting groups were directly contacted in late August 2023 and invited to provide a submission.

A letter was sent on 3 April 2023 to Transport for NSW requesting Transport for NSW (TfNSW) undertake a Road Safety Audit in this area in accordance with the Council resolution. A further response was received from TfNSW on 5 September. These responses from TfNSW have been considered and are discussed in this report.

RECOMMENDATION

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".

TfNSW provided further correspondence on 5 September 2023 (Attachment 5) clarifying its response of 3 April 2023.

Notwithstanding the original suggestion 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) section 68(E2) does not apply to vehicles in the manner originally contended by the TfNSW advice.

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* 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* to enable Council to erect signage in the location.

CONSULTATION

Staff engaged with the local community through a targeted mailout to 239 properties. The team also sent out 2 Council e-news articles and 2 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 2 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.

It was identified that the local sporting groups and key users of Griffith Park had been missed in error from the original targeted mailout notifying of the community engagement process. In late August 2023 seven sporting groups were contacted and invited to provide a submission via email. Three submissions were received, and the verbatim comments are contained in Attachment 4 of this report. The key themes of these 3 submissions are generally consistent with the concerns raised in the original consultation process regarding parking for users of the beach and Griffith Park.

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."*

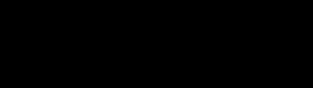
We seek your support for the Resolution of Council and request a safety audit is conducted.

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

Contents

1.	Summary.....	2
1.1.	Key outcomes	2
1.2.	How we engaged	3
1.3.	Who responded.....	4
2.	Background.....	4
3.	Engagement objectives	5
4.	Engagement approach	5
5.	Findings	6
	Appendix 1 Verbatim community and stakeholder responses	9

1. Summary




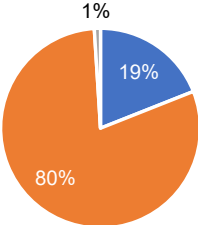
This report outlines the outcomes of community and stakeholder engagement as part of a proposal to understand any concerns and possible solutions regarding the sale of private cars along Pittwater Road between Anzac Avenue and Hadleigh Avenue, Collaroy.

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.

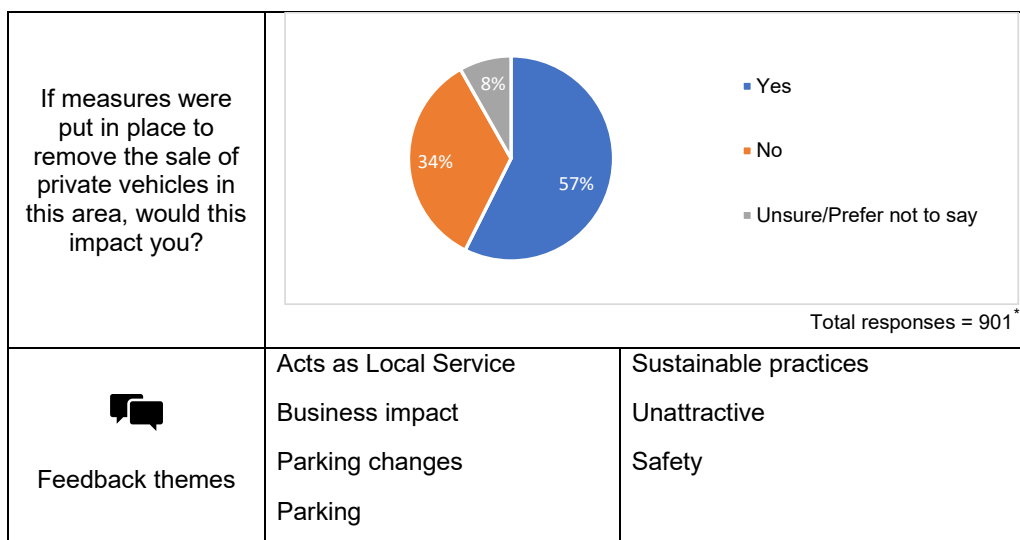
Positive feedback included a range of reasons this practice was of benefit to the community and served a valuable service in an open and safe environment.

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><div>■ Yes</div><div>■ No</div><div>■ Unsure/Prefer not to say</div></div> <div>Total responses = 899</div>	

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

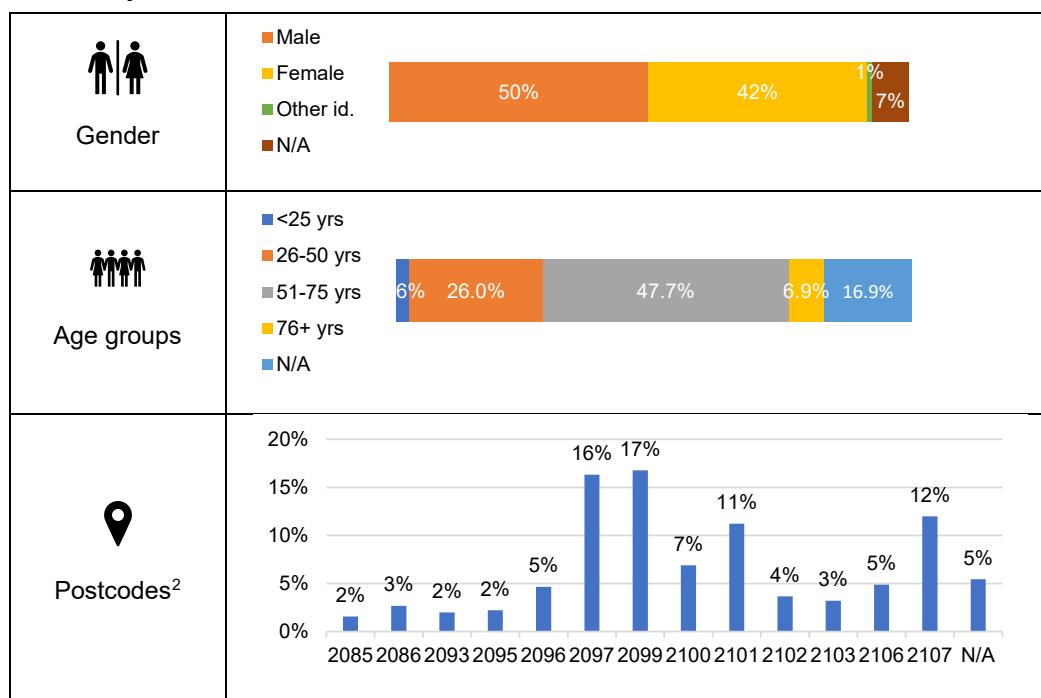


1.2. How we engaged

 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	Supports local businesses – bringing extra customers to the area	Respondents state the car sales bring in customers to other businesses in the area

		– 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.

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.	Currently TfNSW is not proposing any time restriction. It is for them to determine the safest option. Other local beach areas have parking restrictions from 2-6 hours to assist with turn over during busy periods.
---	---

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.*

Appendix – Additional verbatim community and stakeholder responses

Number	Emailed Submission
1	<p>██████████ submits that the sale of cars on Pittwater Road on Saturdays and Sundays be permitted but that such sales be restricted to the area from Anzac Avenue to no further than the U turn bay north of Hay St or at the furthest directly across from Hay Street.</p> <p>If the parking continues as it is currently permitted then that parking will continue from Anzac Avenue way past the Long Reef beach entry off Pittwater Road to the bottom of the hill which is several hundred metres to the south of that beach entrance.</p> <p>██████████ submission is made for the following reasons:</p> <p>Long Reef beach is extremely busy on many weekend with a wide variety of beach users and community members enjoying the facilities. This is in part due to Long Reef beach being largely protected from the prevailing north easterly winds. Historically it is not unusual to find the carpark and overflow carpark 100% full on a sunny summer afternoon and with the new facilities that are now available in the Long Reef beach precinct utilisation is likely to only increase.</p> <p>Long term use of public parking adjacent to a prime beach location for private sales of motor vehicles does not in our opinion represent the best possible use of the available parking spaces.</p> <p>██████████ operates its nipper program on Saturday afternoons from October to March and in many instances the parking area off Pittwater Road located adjacent to and near ██████████ new clubhouse is often full of beach goer cars often requiring additional parking which means that these cars are required to park on Pittwater Road or in surrounding streets.</p> <p>Also of concern is that ██████████ volunteer lifesavers who are rostered too patrol particularly on Saturday afternoons are often required to park as above a long way from the beach itself.</p> <p>If the car sales are permitted to remain on Saturdays as they currently are and not restricted to end either at the U turn bay or at Hay Street then that means (as they have in the past) that Long Reef beach goers are often required to park a long way away from Long Reef beach itself on the Eastern side of Pittwater Road or to park on the Western Side of Pittwater Road or in surrounding streets which would require beach goers including with young children to cross 6 lanes of busy traffic situated on a bend in both directions in Pittwater Road.</p> <p>██████████ therefore accordingly requests that Council consider limiting the car sales parking as requested above to provide additional safe parking for Long Reef beach users and volunteer surf life savers.</p>

2	<p>Thank you for providing the opportunity to make a submission regarding the cars parked southbound on Pittwater Road from Friday through to Sunday each week.</p> <p>Griffith Park and Collaroy Basin are high traffic areas for cars and pedestrians, particularly on weekends with parking in the Council carparks and surrounding streets not meeting the demand for the area.</p> <p>From 10am Friday morning until Sunday evening, there are a substantial number of cars parked southbound on Pittwater Rd between Anzac Avenue and Long Reef Surf Club, resulting in users of the off leash dog park, Headland walking track and Long Reef Beach, filtering down towards Fishermans Beach and surrounding streets within the Collaroy Basin to find a car space.</p> <p>The Council need to investigate an overall strategy to cater for the increasing demand within the Griffith Park and Collaroy Basin area. Implementing 'No Parking' restrictions on the strip of roadway will only increase the parking congestion in the area. However, the introduction of timed parking, similar to that on the southern side of Anzac Avenue, should reduce the number of cars parked long term, providing more parking opportunities for community members using the Collaroy Tennis Club, Collaroy Cougars Rugby Club, Long Reef Golf Club, Long Reef Surf Club, Long Reef Cricket Club, Dog Park, Headland walking track and greater Griffith Park and Fishermans Beach precinct.</p> <p>Should you wish to discuss this any further, please do not hesitate to contact me.</p> <p>Yours sincerely,</p> <p>██████████</p> <p>██████████████████</p>
3	<p>The ██████████ and local residents of the basin, strongly oppose the selling of cars on Pittwater Rd.</p> <p>There are approx 50 cars parked on Pittwater Rd that could be used for travelling teams to park near Griffith Park. This puts more pressure on parking in the basin area, along with dog walkers, golfers and visitors to the area. The other issue highlighted with the council is that many of these cars are then parked all week on Anzac Ave & the basin area, as they need to leave the car somewhere between selling them on the weekend.</p> <p>The basin area is under more pressure for parking as more visitors come to the area for recreational use.</p> <p>Unfortunately in July this year, a little boy called ██████ was tragically killed opposite Griffith Park. That weekend had abnormally large groups of people with 4 grades of rugby, competition golf, the long walk etc. Cars were driving around looking for parking spots, the obvious area is the 50 cars parked on Pittwater Rd.</p>

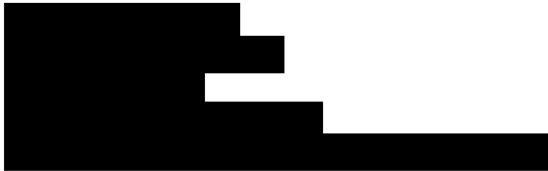
	Let me know if you need anything else? Cheers, [REDACTED]
--	--



Transport
for NSW

OFFICIAL

Ref: 01887157



I would like to clarify my response of 3 April 2023, reference 1710607.

The information provided in this letter was a suggestion made in good faith and it was not intended to provide legal advice. Northern Beaches Council (Council) has powers under the Local Government Act 1993 (Act) that it can exercise in its council area which includes the relevant part of Pittwater Road. Transport for NSW does not have powers under the Act.

Council is a public authority independent of Transport. Council must determine if they wish to take action on this matter, and if so, investigate any powers available to Council under the Act or any other legislation, relevant to this matter.

Yours sincerely



05/09/2023



Director Customer Response

OFFICIAL

ITEM 13.3	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	2023/537164
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒Transport for NSW 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

NOTE: *This item was deferred from 22 August 2023 ordinary Council meeting*

NOTE: *This report and recommendation has been updated since it was originally published in the August agenda*

PURPOSE

The purpose of this report is 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 Councils 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 the 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 has undertaken a survey of users and is 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, ie 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 NSW Minister for Roads with respect to developing community awareness and a safety campaign, and a review of legislation to improve public safety, is appropriate to address Council's concerns with respect to these issues.

RECOMMENDATION

That Council submit a late 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.
 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 indicates 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 at the 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 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.

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 related to the local government area 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 which 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 a 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 line marking and signage but without physical separation, with the pedestrian path adjoining the bicycle path, usually separated by line marking or visually through the use of different coloured 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

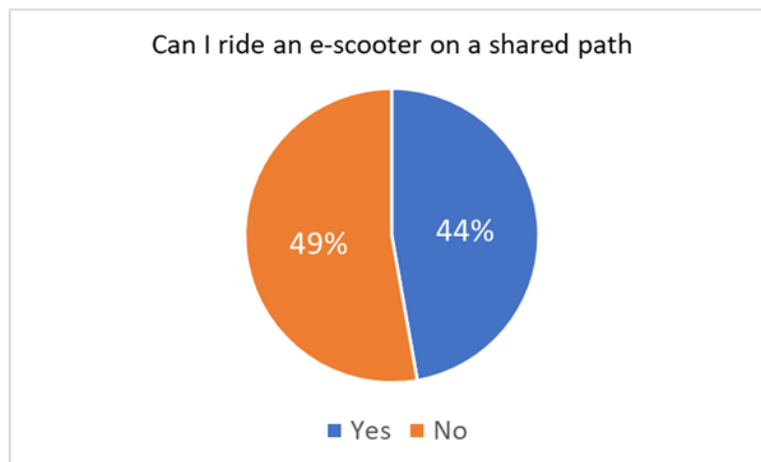
Speed restrictions and advisory or regulatory signage presents a challenge from an enforcement perspective. Staff are, however, looking at options to provide pavement signage to make riders aware of high pedestrian areas. The imposition of a 10km/h speed limit was considered (similar to Pymont Bridge), 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 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 4 cyclists reported noticing the markings and of those who did notice, one in 3 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.

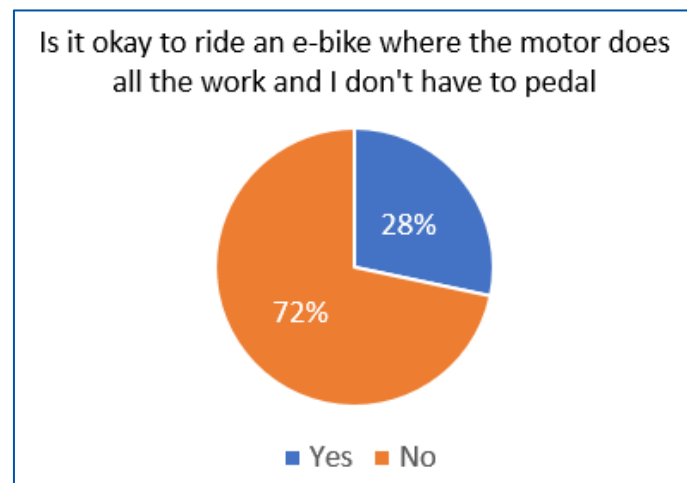
Education and communication campaign on electric bike, scooter and other bike legislative

Council's road safety team has 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 has 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 Police Traffic Command officers was the issue of younger riders who have little exposure to the requirements of the road rules, with many e-bikes 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 and the NSW 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 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, ie 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 13.4	ALTERNATIVE PROCUREMENT AVALON SURF LIFE SAVING CLUB CAFE AND RESTAURANT
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2023/537167
ATTACHMENTS	NIL

SUMMARY

NOTE: This item was deferred from 22 August 2023 ordinary Council meeting

PURPOSE

The purpose of this report is 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 current soft hospitality market 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 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

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 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, it is considered 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 September 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 3 months' rent. The leases, as currently drafted, also require director's guarantees for added security.

In the selection process, thorough reference 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 13.5	PROPOSED ROAD RESERVE CLOSURE AND SALE OF COUNCIL LAND ADJACENT TO 107 CLONTARF STREET, SEAFORTH
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2023/537185
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

NOTE: This item was deferred from 22 August 2023 ordinary Council meeting

PURPOSE

The purpose of this report is 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 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 (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

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 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

0 1.25 2.5 5 Meters

The publisher of and/or contributors to this map accept no responsibility for injury, loss or damage arising from its use or errors or omissions therein. While all care is taken to ensure a high degree of accuracy, users are invited to report any map discrepancies and should use this map with due care.

© Northern Beaches Council 2022



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.
--	--

ITEM 13.6	OUTCOME OF PUBLIC EXHIBITION OF DRAFT TREE CANOPY PLAN
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/533393
ATTACHMENTS	1 ⇒Community Engagement Report - Draft Tree Canopy Plan (Included In Attachments Booklet) 2 ⇒Draft Tree Canopy Plan (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to report on the outcome of the public exhibition of the draft Tree Canopy Plan (the plan) and seek adoption of the plan by Council.

EXECUTIVE SUMMARY

- The draft Tree Canopy Plan was placed on public exhibition between 23 May and 9 July 2023.
- 197 submissions were received during the exhibition period.
- Feedback received indicated very strong support for the plan and the protection of trees. Some key themes included:
 - strong support for increased compliance and heavier fines for illegal tree removal
 - strong support for review of statutory and development controls to support the protection of trees on private land
 - strong support for tree planting being practical and prioritising native species.
- Consideration in the plan has been given to promoting canopy in both public and private domains.
- The plan identifies high vulnerability areas and provides focus areas and actions to manage our tree canopy through to 2027 at which point the plan will be reviewed and revised.
- A number of amendments to the plan are proposed based on the analysis of the feedback received and are detailed in the body of the report.

RECOMMENDATION

That Council:

1. Note the outcomes of the public exhibition of Draft Tree Canopy Plan.
 2. Adopt the amended Draft Tree Canopy Plan
-

REPORT

BACKGROUND

The Draft Tree Canopy Plan (Plan) has been informed by community feedback, the Environment and Climate Change Strategy, the Local Strategic Planning Statement, Local Environment Plans (LEPs), Development Control Plans (DCPs), LiDAR (light detection and ranging) Survey data, and recent Your Say submissions.

The purpose of the plan is to provide a framework for the management of the tree canopy across the Northern Beaches and aims to provide actions to support the outcomes of the Environmental & Sustainability Strategy.

The plan was placed on public exhibition between 23 May and 9 July 2023.

197 submissions were received during the exhibition period and the feedback received indicated very strong support for the plan. There was some misconception that the plan could provide specific controls over the removal and replacement of trees on private property, however the plan has no statutory ability to do this. Rather, the plan strongly puts forward the position that the new Local Environment Plan (LEP) and Development Control Plan (DCP) for the Northern Beaches, currently in development, needs to include stronger controls around tree protection.

A summary of the 19 identified themes and Council's response is below:

Theme	Issues raised	Response
<p>Strengthening local planning frameworks to support retention, protection, replacement, and growth of private trees with stricter measures for development.</p> <p>Plan Reference:</p> <p>Page 6 point 3, 5,6 Page 27 point 4</p>	<ul style="list-style-type: none"> Controls for removal of trees need to be stronger The plan has no specific controls Support for tightening controls in local planning framework Lobby State Government to amend SEPPs 	<p>The plan provides strong direction that the new LEP and DCP should contain stronger controls to help prevent the removal of canopy trees and to also encourage the planting of more trees.</p> <p>Council will lobby the State Government to make tree removals through the various SEPPs more stringent whilst not preventing reasonable removals being achieved through this pathway.</p>
<p>Removal of trees on private property should be easier</p> <p>Plan Reference:</p> <p>Page 6 point 3,5,6 Page 27 point 4</p>	<p>Private land owners should be able to undertake tree and vegetation removal without approval</p>	<p>Council's intent is to preserve and increase the existing canopy. Reducing the barriers to tree removal would be counterproductive to this objective.</p>
<p>Provide a projection of the impact of re zoning existing conservation zones on the Northern Beaches and Pittwater in the development</p>	<p>Rezoning of land should include an assessment of the impact on tree canopy</p>	<p>The current Conservation Zones Review has considered urban tree canopy data from Council's Aerial LIDAR analysis as a criterion for Conservation</p>

Theme	Issues raised	Response
<p>of any new LEP and DCP.</p> <p>Plan Reference:</p> <p>Page 6 point 3,5,6 Page 26 point 15 Page 27 point 4 Page12</p>		<p>Zones. Council is considering submissions on the draft methodology and discussing alternatives with the Department of Planning and Environment. It is important to note that conservation zoning is not the only means by which Council will protect the environment. The LEP/DCP Discussion Paper outlined various measures proposed by Council for the new LEP and DCP beyond land use zoning.</p>
<p>Public trees should be pruned/removed to improve views and improve solar access.</p> <p>Plan Reference:</p> <p>Pages 14, 24</p>	<p>Public trees should be pruned to improve views and improve solar access.</p>	<p>Council's intent is to preserve and increase the existing canopy. Reducing the barriers to tree removal would be counterproductive to this objective. The siting and species of trees needs to be carefully considered before planting to ensure that they do not create issues once they reach maturity.</p>
<p>Increase the protection of the tree canopy on public and private lands and particularly existing canopy and old growth trees.</p> <p>Plan Reference:</p> <p>Page 6 point 3,5,6 Page 27 point 4 Page 12, 17, 20, 24 Page 26 point 12,13</p>	<p>Greater weight should be given to the protection of established tree canopy, particularly remnant tree populations.</p>	<p>The LEP/DCP Discussion Paper outlined various measures proposed for the new LEP and DCP to enhance the protection of established canopy trees and remnant tree populations, including improved and updated provisions covering biodiversity, environmentally sensitive areas, tree canopy (deep soil requirements and replenishment rates), landscape controls, floor space ratio controls, excavation controls, and local character statements. In areas with high biodiversity significance, Council proposes to prohibit "complying development", requiring the assessment of impacts on trees via the Development Application and assessment process (subject to approval by the Department of</p>

Theme	Issues raised	Response
		Planning and Environment).
<p>Increased compliance enforcement measures and fines for illegal tree removal and vandalism and the displaying of tree permits at property.</p> <p>Plan Reference:</p> <p>Page 25 Page 30 Table 5 point 3,5</p>	<p>Increased compliance of unauthorised tree removals.</p> <p>Increased compliance of tree replacements required under conditions of consent.</p> <p>Increased fines for unapproved tree removals.</p>	<p>A review of the Council's compliance services is currently underway, and consideration will be given as part of the service review to identifying improvements to the investigation of land clearing and tree removal concerns.</p> <p>The penalty amount of fines is set by the NSW Government, and Council has recently advocated to relevant NSW government ministers seeking a review of penalty amounts.</p>
<p>Educating private landowners and general community about the benefits of retaining trees.</p> <p>Plan Reference:</p> <p>Page 26 point 6 Page 28 Table 3 point 1,4 Page 29 Table 4 point 2 Page 30 Table 5 point 2</p>		<p>The plan has a number of actions in the short term to increase the awareness of the benefits of trees in the public and private domain. If the plan is adopted Council will launch initiatives such as the Iconic Tree Register to promote the importance of trees.</p>
<p>Iconic tree register should include private properties.</p> <p>Plan Reference:</p> <p>Page 27 Table 2 point 2</p>		<p>The Iconic Tree Register is an important tool to promote the value of trees to the community and there is nothing to preclude private trees being included but it would need to be done with the land owners consent and private trees would not be proactively managed in the same way Council will maintain iconic trees in the public domain. It is important to note the Iconic Tree Register has no statutory effect in the protection of significant trees. The mechanism for significant tree protection will sit in the new</p>

Theme	Issues raised	Response
		DCP with a specific description of what constitutes a significant tree in a similar way that the current Pittwater DCP currently does.
<p>Consider the presence of all threatened species, ecological communities' populations and their requirements relating to tree canopy.</p> <p>Plan Reference:</p> <p>Pages 9,14</p>	<ul style="list-style-type: none"> Take network approach to reinforcing or replacing habitat corridors Only plant natives When removing old trees consider providing alternative habitat whilst replacement trees grow to maturity. 	<p>Council has mapped most the major habitat corridors in the local government area and works to reinforce these through strategic planting through bush regeneration programs, but also through our street and park planting program.</p> <p>Council predominantly only plants natives that are suitable for our environment, however in certain circumstances exotic species that are not invasive are planted. Reasons for this may include replacing a exotic tree that was considered significant or because it may be more suitable in a specific urban setting.</p>
<p>Review of tree exemption list.</p> <p>Plan Reference:</p> <p>Page 14</p>	<ul style="list-style-type: none"> The exemption list is too broad, consider limiting exempt trees to true weed species. 	<p>Council will review the exemption list based on impact on the environment.</p>
<p>Implement succession planting management</p> <p>Plan Reference:</p> <p>Page 26</p>	<ul style="list-style-type: none"> Succession planting of key habitat, heritage and iconic trees is planned well in advance of their failure. 	<p>Council currently considers succession planting but in an ad-hoc manner. The plan will focus Council's succession planting through better identification and treatment of trees as assets.</p>
<p>Manage trees as assets</p> <p>Plan Reference:</p> <p>Page 27</p>	<ul style="list-style-type: none"> Implement sound asset management principles via a urban forest approach to trees on the northern beaches. 	<p>The plan includes actions to formalise the management approach to trees as treating them as assets. Sound asset management principles will be applied to tree management and these will be most obvious to the community through better</p>

Theme	Issues raised	Response
		succession planting, proactive management of iconic trees in the public domain, continuation of proactive management of trees in the public domain and placing an internal value on trees to encourage better design solutions.
<p>Acknowledgment of the traditional owners of the land and consult in far more depth and greater detail with the Aboriginal community and respected elders in this area on the environment and importance of existing tree canopy.</p> <p>Plan Reference:</p> <p>Page 2</p>	<ul style="list-style-type: none"> Acknowledgement of Country Consultation with Aboriginal community 	<p>Acknowledgement of Country to be added to front of document.</p> <p>Aboriginal community members and key Aboriginal stakeholders will continue to be consulted with in line with Council's community engagement policy.</p> <p>All residents, including Aboriginal community members, are welcome to provide feedback on Council projects and request meetings or further opportunities for input upon request.</p>
<p>Council should be developing an overarching Urban Forest Strategy should be a high priority for the near future.</p> <p>Plan Reference:</p> <p>Pages 8, 9</p>		<p>The plan in effect works like an Urban Forest Strategy when read in conjunction with its parent document the Environment and Climate Change Strategy. The title of Tree Canopy was preferred to Urban Forest to make it immediately clear to the community what this Plan was about to promote engagement on it.</p>
<p>There must be a budget allocated specifically for implementing the Tree Canopy Policy.</p> <p>Plan Reference:</p> <p>Pages 27,28,29,30</p>		<p>There is currently substantial budget available for managing the items covered by the plan and the plan provides a guiding role in ensuring that these efforts are aligned and provides Council and the community with certainty about Council's approach to the tree canopy.</p>

Theme	Issues raised	Response
Needs a stronger vision statement. Plan Reference: Pages 4, 5		The plan is a tactical plan to support the objectives and vision of the Environment and Climate Change Strategy which reads “We aspire to protect the natural and built environment from the risk and impacts of global and local pressures” and “We aspire to be leaders in managing our resources sustainably and for the long term ensuring that development is balanced with our lifestyle and environment” As such the Plan does not require a specific vision statement of its own.
Provide a total percentage of canopy cover excluding NP&WS. Plan Reference: Page 17 figure 5		Council identifies the canopy coverage of the Local Government Area excluding the National Parks, 37%, in the Executive Summary. This will also be included in other sections of the plan that quote canopy coverage.
Report on the number of trees removed/planted. Plan Reference: Pages 6, 26, 27		Council currently reports on the number of trees removed and planted annually via the Annual Report.
Bring all sections of council dealing with trees, tree canopy, parks and reserves together under the umbrella of the Environment division.	<ul style="list-style-type: none"> Having all areas dealing with trees in one division will lead to better environmental outcomes. 	Council will review the alignment of the various team and units that deal with trees through its ongoing Service Review Program.

Based on the analysis of the feedback the following amendments to the plan are proposed:

Page No	Original Statement	Amendment
Inside cover		Acknowledgement of Country added
Various		Repeat quote of “37% canopy coverage excluding National Parks” where applicable
11	Aim of this Draft Tree Canopy Plan In pursuing Council’s goal around	Aim of this Draft Tree Canopy Plan In pursuing Council’s goal around tree

Page No	Original Statement	Amendment
	tree canopy, this Plan aims to: • maintain and improve the tree canopy and prioritise actions in areas of high urban heat, socio-economic disadvantage, low canopy and in biodiversity corridors.	canopy, this Plan aims to: • Protect, retain, maintain, and improve the tree canopy on public and private land and, prioritise actions in areas of high urban heat, socio-economic disadvantage, existing established tree canopy, low canopy and in biodiversity corridors.
6	The identified Actions will be implemented over the next 4 years. Their initiation and completion depend on available resources and current Council priorities. Each Action will be considered and where relevant included in annual operational plans. Council will use available data and the 2019 canopy baseline information to monitor the impact of the actions of this Plan and how successful we are in protecting and maintaining a healthy and diverse canopy cover.	The identified actions will be implemented over the next 4 years. Their initiation and completion is a high priority for Council as a means of retaining and protecting the tree canopy, and is facilitated through a recurrent budget process, current Council priorities and available resources. Each Action will be considered and where relevant included in annual operational plans. Council will use available data and the 2019 canopy baseline information to monitor the impact of the actions of this Plan and how successful we are in protecting and maintaining a healthy and diverse canopy cover.
9	Point 4: Offset tree canopy loss by planting a minimum of 2 trees for any one tree removed from public land.	Offset tree canopy loss by planting a minimum of 2 trees for any one tree removed from public land. Undertake succession planning and planting ahead of end of tree life.
10	Box Table: Tree Canopy Plan A Plan to maintain and extend the tree canopy across the Northern Beaches.	A plan to protect, enhance and extend the tree canopy across the Northern Beaches.
17	Figure 5 the graph, Hectares of Canopy 2011-13 and 2019.	Add another graph bar to show the total percentage of canopy cover for the Local Government Area excluding National Parks.
28	Table 3 Investigate further development and expansion of a virtual (online) arboretum which would allow people to view different plants and trees online	Investigate the development of a virtual Digital Arboretum, this is an online botanical collection of trees to show what tree species look like.
27	Table 2. Point 3. Implement a standard tree valuation methodology to guide decisions about the removal of trees	Implement a standard tree valuation methodology to guide decisions about the protection of trees.
28	Action 8. Continue to manage our Bushcare program with over 400 volunteers who work at over 80 different sites throughout the	Increase participation in our Bushcare programs, particularly amongst young people, in line with our Youth Voice strategy, and continue to manage our

Page No	Original Statement	Amendment
	Northern Beaches using plants from our community nursery program.	Bushcare program with over 400 volunteers who work at over 80 different sites, using plants from our community nursery program.
29	Point 4 Offset tree canopy loss by planting a minimum of 2 trees for any one tree removed from public land	Offset tree canopy loss by planting a minimum of 2 trees for any one tree removed from public land. Undertake succession planning and planting ahead of end of tree life.
8	Fifth paragraph: There is a need to protect not just identify the significant trees on the Northern Beaches, but also trees that provide habitat, shade and cooling, and aesthetic value for both public and private lands for the benefit of our ongoing health and that of the ecosystems on which we depend.	There is a need to protect not just the significant trees on the Northern Beaches, but also trees that provide habitat, shade and cooling, and aesthetic value for both public and private lands for the benefit of our ongoing health and that of the ecosystems on which we depend. Old growth trees are a major carbon sink, providing habitat for wildlife, and in some places has significance for First Nations people.
20	Priority areas In order to achieve the overall aim of this Plan, it will be important to focus efforts in the areas most in need of tree canopy. This includes areas where the tree canopy is most at risk, areas where the community is most vulnerable and areas of low biodiversity.	To achieve the overall aim of this Plan it is necessary to focus on the tree canopy holistically, importantly protecting our established canopy sustaining it with succession planting, along with areas most at risk, reduced or non- existent areas of canopy, areas of low biodiversity, and where the community is most vulnerable.

CONSULTATION

Community and stakeholder engagement for the Draft Tree Canopy Plan was conducted between Wednesday 31 May and Sunday 9 July 2023, and consisted of a series of activities that provided opportunities for community and stakeholders to contribute.

The opportunity to comment on the plan was advertised through Council's social media platforms, community engagement register and website. In total 197 submissions were received. A comprehensive analysis of the community engagement process can be found in the Community Engagement Report attached to this report.

TIMING

Once adopted the plan's recommended actions will be considered in a delivery timeframe linked to Council's Resourcing Strategy as follows: current action (22/23) and short-term actions (23/24 to 25/26).

LINK TO STRATEGY

The Draft Tree Canopy Plan has been informed by and is integrated with Council's strategies and plans including the Community Strategic Plan, Northern Beaches Local Strategic Planning

Statement, Social Sustainability Strategy 2040, Environment and Climate Change Strategy, Development Control Plan and Local Environment Plan.

The Draft Tree Canopy Plan relates to the Community Strategic Plan Outcomes of:

- Protection of the Environment - Goal 3: Our community is well-supported in protecting the environment.
- Environment Sustainability - Goal 4: Our Council is recognised as a community leader in environment sustainability.

FINANCIAL CONSIDERATIONS

There is currently budget available for managing the items covered by the plan and the plan provides a guiding role in ensuring that these efforts are aligned and provides Council and the community with certainty about Council's approach to the tree canopy.

SOCIAL CONSIDERATIONS

The well-being of our community and our economy is linked to the quality of our tree canopy and open space network. The plan is not only a guide for how Council can manage the tree canopy but also underpins and helps support Council's commitment achieving the desired outcomes of the Environment and Climate Change Strategy and the consequential improvements to the community this will bring.

ENVIRONMENTAL CONSIDERATIONS

Our tree canopy is a key element of our natural and built environment that contributes to the health, amenity, biodiversity and character of the Northern Beaches.

The actions of this plan directly support the preservation and improvement of the natural environment and will not adversely affect it.

The Plan is a key action from the Environment and Climate Change Strategy and aims to increase the canopy coverage across the Northern Beaches that the natural environment and the community as a whole will benefit from.

GOVERNANCE AND RISK CONSIDERATIONS

The adoption of this plan will add to Council's strategic framework.

ITEM 13.7	2023/24 SPORT AND RECREATION INFRASTRUCTURE GRANT PROGRAM - FUNDING RECOMMENDATIONS
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/555798
ATTACHMENTS	1 2023/24 Sport and Recreation Infrastructure Grant Program - Overview of Applications

SUMMARY

PURPOSE

The purpose of this report is to convey the recommendations for the 2023/24 Sport and Recreation Infrastructure Grant Program.

EXECUTIVE SUMMARY

- Council's 2023/24 Sport and Recreation Infrastructure Grant Program (Grant Program) aims to improve sport and recreation facilities and to meet the following objectives: increase opportunities for participation in sport, recreation and active play, improve the viability of sport and recreation groups and develop safe, accessible, and family friendly facilities.
- Applications for the Grant Program opened on 29 July 2023 and closed on 13 August 2023.
- 19 applications were received requesting a total of \$497,456 (attachment 1).
- A total of \$100,000 (excluding GST) is included in the budget and following the Grant Program Panel's assessment, the total budget amount is recommended for allocation to 6 projects across 5 sports.
- Details of the benefits associated with the recommended projects are outlined in this report.
- Successful applicants will be required to enter into a funding agreement with Council and to complete their grant-funded projects by 30 June 2024. Unsuccessful applicants will be invited to request feedback on their applications.

RECOMMENDATION

That pursuant to section 356 of the *Local Government Act 1993* Council approve provision of funding under the 2023/24 Sport and Recreation Infrastructure Grants Program, as follows:

1. Manly Warringah Field Archers Inc; to install an all-weather structure over a target range, one disabled parking bay and new paths at the archery complex, JJ Melbourne Hills Memorial Reserve, Terrey Hills - \$30,000
 2. Northern Beaches Volleyball Association Inc; to install 2 dual-use seats with storage at North Steyne Reserve, Manly - \$20,000
 3. Allambie Heights Community Tennis Club Ltd; to convert one synthetic surface tennis court to a hard-court surface at the Allambie Heights Tennis Complex, Allambie Heights - \$18,000
 4. Avalon Beach Pickleball Association Inc; to install 6 sandstone seating blocks and a path for the multi-use courts at Avalon Beach Reserve, Avalon - \$12,000
 5. Long Reef Golf Club Ltd; to redesign and improve the bunkers at the 13th hole on the Long Reef Golf Course, Collaroy - \$10,000
 6. The Mona Vale Golf Club Ltd; to redesign and rebuild an existing golf teaching and practice facility consisting of a chipping green and bunker at the Mona Vale Golf Course, Mona Vale - \$10,000.
-

REPORT

BACKGROUND

Council's 2023/24 Sport and Recreation Infrastructure Grant Program (the Grant Program) aims to improve sport and recreation facilities and to meet the following program objectives:

- Increase opportunities for participation in sport, recreation, and active play
- Improve the viability of sport and recreation groups
- Develop safe, accessible, and family friendly facilities

There is \$100,000 in the 2023/24 Parks and Recreation capital budget for this year's grant program.

Applications for the grant program opened on 29 June 2023 and closed 13 August 2023.

Applicants could apply for a minimum of \$10,000 up to a maximum of \$35,000 for new or upgraded Council infrastructure on Council owned or managed land.

APPLICATION AND ASSESSMENT PROCESS

19 applications were received requesting a total of \$497,456 (attachment 1). Applications were submitted via the online Smarty Grants system and then checked for eligibility and assessed against these criteria:

- Level to which the project addresses the program objectives
- Addresses the principles, priorities and/or actions of Council's Strategies and/or demonstrates a community need
- Applicant's capacity and project readiness
- Value for money - applicants are not required to contribute to their project, though contributions may be considered in the assessment.

Also, consideration may be given to the geographical spread of projects and Council grant funding in prior years if required.

Eligibility criteria include that:

- The applicant is incorporated and not-for-profit
- The grant is for new infrastructure or the upgrade of existing infrastructure on a Council owned or managed facility
- The applicant has Owner's Consent from the relevant Council team
- The applicant provided detailed quotes for goods and services over \$2,000 (issued within the last 12 months).

Information about the grants program, assessment criteria, eligibility and processes were included in guidelines published on Council's website and referred to in the online application form.

11 applications were deemed eligible which requested a total of \$319,275 and were considered for funding. The details about eligible and ineligible applications are provided in attachment 1.

The assessment of eligible applications was undertaken by a panel of 4 staff from these teams: Property, Parks and Recreation and Place & Economic Development. A Terms of Reference document was used to guide Panel members.

The Panel undertook individual assessment of each eligible application and then came together at meetings held 28 August and 29 August 2023 to make recommendations as a group. This Panel meeting was chaired by a representative from the Corporate Strategy team (non-voting). Those projects which the Panel by consensus scored and ranked the highest are recommended for funding as follows:

- Manly Warringah Field Archers Inc; to install an all-weather structure over a target range, one disabled parking bay and new paths at the archery complex, JJ Melbourne Hills Memorial Reserve, Terrey Hills - \$30,000.
- Northern Beaches Volleyball Association Inc; to install two dual-use seats with storage at North Steyne Reserve, Manly - \$20,000.
- Allambie Heights Community Tennis Club Ltd; to convert one synthetic surface tennis court to a hard-court surface at the Allambie Heights Tennis Complex, Allambie Heights - \$18,000.
- Avalon Beach Pickleball Association Inc; to install six sandstone seating blocks and a path for the multi-use courts at Avalon Beach Reserve, Avalon - \$12,000.
- Long Reef Golf Club Ltd; to redesign and improve the bunkers at the 13th hole on the Long Reef Golf Course, Collaroy - \$10,000.
- The Mona Vale Golf Club Ltd; to redesign and rebuild an existing golf teaching and practice facility consisting of a chipping green and bunker at the Mona Vale Golf Course, Mona Vale - \$10,000.

CONSULTATION

Information on the Grant Program and guidelines were advertised and promoted through e-mails sent to sports and recreation groups, and via Council's website and social media platforms. The Corporate Strategy Grants team were consulted about the guidelines and the Panel's Terms of Reference document.

TIMING

Projects funded through the 2023/24 Grant Program are to be completed by 30 June 2024.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome/s of:

- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community

FINANCIAL CONSIDERATIONS

There is \$100,000 in the 2023/24 Parks and Recreation capital budget for the 2023/2024 Sport and Recreation Infrastructure Grant Program. Should the recommendations in this report be approved \$100,000 of this budget would be allocated.

SOCIAL CONSIDERATIONS

The projects recommended for funding will provide a range of sport, recreation, and community benefits as outlined below.

- Allambie Heights Tennis Complex - the conversion of one of the Allambie Heights Tennis Club's 4 synthetic surface courts to a hard-court surface will improve accessibility for people with a disability, provide players with a new surface option and reduce the club's maintenance costs.
- Archery Complex, JJ Melbourne Hills Memorial Reserve - the new disabled parking bay and paths will improve access to the Manly Warringah Field Archers facilities at the reserve. The new all-weather shelter will enable target range use during wet weather.
- Long Reef Golf Course – the upgrades to the bunkers at the 13th hole will improve playability, reduce the club's maintenance costs and improve public safety. The 13th hole is fenced along its northern edge which runs parallel to a public path. Removing the bunker on the right side of the 13th hole's green will encourage golfers to aim away from the fence line.
- Mona Vale Golf Course - the upgrade and expansion of the teaching and practice chipping green and bunker facility at this golf course will allow twice as many people to practice and have lessons at any one time.
- Multi-use Courts, Avalon Beach Reserve - the installation of sandstone seating blocks and a path at the reserve's multi-use courts will improve access and provide seating for all court users including the Avalon Pickleball Association.
- North Steyne Reserve, Manly Beach - the installation of dual-purpose seats with storage at the reserve will provide additional public seating and new storage. This storage will reduce the need for Northern Beaches Volleyball Association volunteers to transport equipment to and from the beach.

ENVIRONMENTAL CONSIDERATIONS

The granting of funding does not approve the works to proceed but does allow the applicants to complete designs with certainty around the budget they have access to. Prior to works progressing the applicant must apply to Council again with details of construction methodology and completed design at which time Council staff will assess the environmental impact and make a determination on whether works can proceed, noting the proposed works are minor in nature and the negligible environmental impacts will be able to be mitigated.

GOVERNANCE AND RISK CONSIDERATIONS

Applications received for the 2023/24 Grants Program have been processed and assessed in accordance with the Guidelines for 2023/24. Applicants recommended for grant funding have Owner's Consent from Council to lodge their application for their nominated project.

Should Council agree to the recommendations in this report successful applicants will be required to enter into a funding agreement with Council. 50% of the approved grant funding will be made available upon signing the agreement and receiving Owner's Consent to Commence Work. The remaining 50% will be paid upon successful completion of their projects and meeting Council's acquittal requirements. Unsuccessful applicants will be provided feedback on their applications upon request.

2023/24 Sports and Recreation Infrastructure Grants Program Applicant Overview

There is \$100,000 in the 2023/24 Parks and Recreation Capital Works budget for the 2023/24 Sports and Recreation Infrastructure Grants Program. The Program opened for applications on 29 July 2023 and closed on 13 August 2023. A summary of the assessment of the applications received is presented in the Tables 1, 2 and 3.

19 applications were received requesting a total of \$497,465. Twelve applications were deemed eligible (Tables 1, 2) requesting a total of \$319,275.

Eligible applications were assessed by the Grants Program Assessment Panel (the Panel) against 4 criteria:

1. Level to which the project addresses program objective(s)
 - Increase opportunities for participation in sport, recreation and active play.
 - Improve the viability of sport and recreation groups.
 - Develop safe, accessible and family friendly facilities.
2. Addresses the principles, priorities and/or actions of the Council's Strategies and/or demonstrates a community need.
3. Applicant's capacity and project readiness.
4. Value for money - applicants are not required to contribute to their project, though contributions may be considered in the assessment.

Also, consideration may be given to the geographical spread of projects and Council grant funding in prior years. Following the Panel's assessment of eligible applications, \$100,000 (excluding GST) is recommended by the Panel for allocation to six projects across five sports (Table 1).

Table 1: Eligible Projects Recommended for Funding in Ranked Order

Organisation	Project	Cost (excluding GST)	Request (excluding GST)	Recommended (excluding GST)	Comment
Avalon Beach Pickleball Association Inc (=1)	Installation of six sandstone seating blocks and a path to multi-use courts at Avalon Beach Reserve, Avalon.	\$12,000	\$12,000	\$12,000	The project will improve access to and provide seating for all users of the Avalon Beach Reserve multi- use courts.
Manly Warringah Field Archers Inc (=1)	Install an all-weather structure over a target range, one disability parking bay and new paths at the Archery Complex at the JJ Melbourne Hills Memorial Reserve, Terrey Hills.	\$40,000	\$30,000	\$30,000	The project will enable use of the target range during wet weather and improve access to the club house including one disability parking bay.
Allambie Heights Community Tennis Club (3)	Convert one of the club's 4 synthetic surface tennis court to a hard- court surface at the Allambie Heights Tennis Complex, Allambie Heights.	\$156,574	\$35,000	\$18,000	The conversion of one of the club's 4 synthetic surface courts to a hard-court surface will improve accessibility for people with a disability, provide players with a new surface option and reduce the club's maintenance costs. Club indicated minimum partial funding of \$15,000 is acceptable and that the club will fund the difference.
Mona Vale Golf Club Ltd (4)	Redesign, rebuild, expand an existing teaching, practice facility consisting of a chipping	\$30,410	\$15,000	\$10,000	The project will create a larger area allowing twice as many people to practice or have lessons at any one

Organisation	Project	Cost (excluding GST)	Request (excluding GST)	Recommended (excluding GST)	Comment
	green and bunker the at the Mona Vale Golf Course, Mona Vale.				time. Club indicated partial funding of \$10,000 is acceptable.
Northern Beaches Volleyball Association Inc. (=5)	Install two dual-use seats with storage at North Steyne Reserve, Manly.	\$28,000	\$28,000	\$20,000	The project will provide additional public seating at this beach and new storage. This storage will reduce need for volunteers to bring equipment to and from the beach. Club indicated partial funding of \$20,000 is acceptable. Works to be completed by Council.
Long Reef Golf Club Limited (=5)	Reshape two existing bunkers, remove one bunker and add one new bunker in a new location on the 13 th hole at the Long Reef Golf Course, Collaroy.	\$33,300	\$33,000	\$10,000	Upgrades to the 13 th hole bunkers will improve playability, reduce club's maintenance costs and improve public safety. The 13th hole is fenced along its northern edge which runs parallel to a public path. Removing the bunker on right side of the green will encourage golfers to aim away from the fence. Club indicated partial funding of \$10,000 is acceptable.
	Totals	\$300,284	\$153,000	\$100,000	

Table 2: Eligible Projects Not Recommended for Funding in Ranked Order

Organisation	Project	Cost (excluding GST)	Request (excluding GST)	Recommended	Comment
Tennis Northern Beaches Association (=7)	Upgrade the court lighting to a new LED system at the Keirle Park Tennis Centre, Manly	\$64,988	\$35,000	No funds recommended.	The outcome of the Panel's assessment was that these projects scored less and were ranked lower than those projects recommended for funding.
Forestville Park Tennis Club (=7)	Resurface two of the six synthetic grass tennis courts at the Forestville Park Tennis Club, Forestville.	\$100,000	\$35,000	No funds recommended.	
North Narrabeen Surf Life Saving Club Inc (=7)	To upgrade the solar panels and add 2x batteries at the North Narrabeen Surf Life Saving Club building, Narrabeen.	\$75,300	\$35,000	No funds recommended.	
Collaroy Tennis Club Inc (10)	Replace storm-damaged sails, one pole, fixings. Existing poles metalwork to be cleaned and painted at the Collaroy Tennis Club, Collaroy.	\$21,505	\$21,505	No funds recommended.	
Manly Croquet Club Inc (11)	Install two water tanks on new concrete slabs at Manly Croquet Club building, Manly.	\$29,770	\$29,770	No funds recommended.	
	Totals	\$291,563	\$156,275	\$0	

Table 3: Projects ineligible, withdrawn or with an alternative funding source

Organisation	Project	Cost (excluding GST)	Request (excluding GST)	Assessment	Comment
Cromer Rugby League Football Club	Upgrade the existing change room facilities by providing additional toilets and private showers at the clubhouse, St Matthew Farm, Cromer.	\$40,000	\$35,000	To be considered in property works programme	A suitable quote was not provided.
Manly Yacht Club	Installation of 2 ambulant toilets (1 female, 1 male), nappy change table, and a stairlift in the Manly Yacht Club building	\$24,774	\$25,000	To be considered in property works programme	A suitable quote was not provided.
Manly Warringah Kayak Club	Installation of shower cubicles in male change room at Manly Warringah Kayak Club building, Narrabeen.	\$20,000	\$10,000	To be considered in property works programme	A suitable quote was not provided.
Balgowlah Suns JAFL	Upgrade existing lighting by installing new LED, energy efficient light fittings on the 4 x poles at Balgowlah Oval, Balgowlah.	\$45,000	\$35,000	Eligible for environmental grants	The Owners Consent required from Council to submit this application was not provided.
Rotary Club of Dee Why Warringah	Install defibrillators at various locations on the Northern Beaches with a focus on beach locations.	\$12,000	\$12,000	Seek third party Grant application	The Owners Consent required from Council to submit this application was not provided.

Organisation	Project	Cost (excluding GST)	Request (excluding GST)	Assessment	Comment
Manly Malibu Board riders Club	Build a storage facility on Manly beach front.	\$25,000	\$25,000	Withdrawn	Club withdrew application as the proposed project did not align with Council's Owner's Consent Letter of Support.
Newport Bowling Club	Replace the degraded No.1 Green playing surface at the Newport Bowling Club, Newport.	\$51,570	\$23,725	Withdrawn	Club withdrew application as the delivery time for the project changed.
Northern Beaches Pickleball Association	Paint pickleball court lines & purchase nets for 2-6 Pickleball courts at Curl Curl Youth and Community Centre, Seaforth Community Centre, Lionel Watts Netball Courts & Forestville Netball Courts.	\$25,465	\$22,465	Alternative funding	Council had planned to line mark pickle ball lines at the Lionel Watts and Forestville hard courts in 2023/24.
	Totals	\$243,809	\$188,190		

14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

ITEM 14.1	ESTABLISHMENT OF THE PERFORMANCE REVIEW PANEL - CHIEF EXECUTIVE OFFICER
REPORTING MANAGER	ACTING DIRECTOR WORKFORCE & TECHNOLOGY
TRIM FILE REF	2023/496455
ATTACHMENTS	1 ⇒ Guidelines for the Appointment and Oversight of General Managers (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to appoint a Performance Review Panel to review the performance of the recently appointed Chief Executive Officer (CEO), and to delegate to the panel the performance management of the CEO having regard to the guidelines issued by the Office of Local Government, Department of Planning and Environment.

EXECUTIVE SUMMARY

- The CEO is accountable to Council, principally through his contract of employment. The contract requires that the performance of the CEO is to be reviewed at least annually against agreed performance criteria.
- Consistent with previous practice, it is considered appropriate for Council to undertake the CEO's performance management having regard to and in accordance with the Guidelines for the Appointment and Oversight of General Managers 2022, issued by the Office of Local Government, Department of Planning and Environment (the guidelines) and to delegate the performance management of the CEO to a Performance Review Panel established in accordance with the guidelines.
- The guidelines require performance criteria to be agreed within 3 months of commencement of employment and set out in an agreement (performance agreement). Within a further 2 months of the signing of the performance agreement the CEO must submit to Council an action plan establishing how the performance criteria are to be met.
- To align with Council's planning and performance cycle, it is proposed that the Year One performance cycle of the CEO be for the period 24 July 2023 to 28 June 2024.

RECOMMENDATION

That for the remainder of the Council term, Council:

1. Undertake performance management of the Chief Executive Officer having regard to the *Guidelines for the Appointment & Oversight of General Managers* 2022 issued by the Office of Local Government, Department of Planning and Environment.
 2. Establish a performance review panel to undertake performance management of the Chief Executive Officer.
 3. Resolve the composition of the Chief Executive Officer's performance review panel to consist of the Mayor, Deputy Mayor, and 2 nominated Councillors through to July 2024.
 4. Delegate to the panel responsibility for performance management of the Chief Executive Officer, including discussions about performance and performance reviews, any actions that should be taken, the determination of each new performance agreement, the reporting of performance findings and recommendations to Council, and the selection of a qualified external facilitator to assist with the performance review process, and the development of each new performance agreement.
 5. Agree to the involvement of an external facilitator to assist with the performance review process and the development of each new performance agreement.
-

REPORT

BACKGROUND

It is proposed that the performance management for the new Chief Executive Officer (CEO) of Council be undertaken in accordance with the Guidelines for the Appointment & Oversight of General Managers guidelines.

The guidelines state that Council's governing body is to establish a performance review panel and delegate the task of performance management of the CEO to this panel.

The guidelines also identify that the performance review panel be comprised of the Mayor, Deputy Mayor, a Councillor nominated by Council and a Councillor nominated by the CEO.

Being newly appointed, the CEO prefers to forgo his opportunity to nominate a Councillor, in favour of Council nominating 2 Councillors for the panel. The CEO is of the view that having 2 Council-nominated Councillors will best reflect the governing body's collective expectations of the CEO.

The guidelines recommend that full responsibility of performance management of the CEO (being the statutory General Manager) be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the initial and subsequent performance agreements. This includes the conduct of formal performance reviews and reporting of findings and recommendations to Council following performance reviews.

The guidelines also provide that:

- The governing body of Council and the CEO may agree on the involvement of an external facilitator to assist with the process of performance review and the development of a performance agreement. This person should be selected by the governing body of Council or the performance review panel.
- At all times those Councillors not on the panel can contribute to the performance review process by providing feedback to the Mayor on the performance of the CEO, relevant to the agreed performance criteria in the performance agreement.

CONSULTATION

The Mayor and the Chief Executive Officer have been consulted.

TIMING

The guidelines require completion of performance criteria (performance agreement) within 3 months of commencement of employment, which is by 24 October 2023. As noted above, it is proposed that an established panel carry out the annual performance review for the period 24 July 2023 to 28 June 2024 to coincide with Council's planning and performance cycle.

LINK TO STRATEGY

The guidelines require the CEO's performance criteria to be aligned to the goals contained in the community strategic plan, the delivery program and operational plans.

FINANCIAL CONSIDERATIONS

Funding for the engagement of an external facilitator is included in existing budgets.

SOCIAL CONSIDERATIONS

There are no social considerations associated with this report.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations associated with this report.

GOVERNANCE AND RISK CONSIDERATIONS

This report meets the requirements of the guidelines.

15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 23/2023 - ELECTORAL LEGISLATION REFORM TO ENSURE CANDIDATE SAFETY
TRIM FILE REF	2023/537187
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

NOTE: This item was deferred from 22 August 2023 ordinary Council meeting

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	2023/537189
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

NOTE: This item was deferred from 22 August 2023 ordinary Council meeting

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 reports 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; this 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 location.

Council has recently upgraded the playground facilities here, 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, eg. on weekends and in 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 Heights shops and ask for Council's 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	2023/537191
ATTACHMENTS	NIL

Submitted by: Councillor Georgia Ryburn

NOTE: This item was deferred from 22 August 2023 ordinary Council meeting

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	2023/537194
ATTACHMENTS	NIL

Submitted by: Councillor Bianca Crvelin

NOTE: This item was deferred from 22 August 2023 ordinary Council meeting

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.

ITEM 15.5**NOTICE OF MOTION NO 27/2023 - NORTHERN BEACHES
COUNCIL CONSTITUTIONAL REFERENDUM - ALLOWING
NORTHERN BEACHES VOTERS TO DIRECTLY ELECT THE
MAYOR**

TRIM FILE REF **2023/602931**
ATTACHMENTS **NIL**

Submitted by: Councillor David Walton

MOTION

That Council:

1. Notify the NSW Electoral Commission of Council's intention to conduct a constitutional referendum at the September 2024 Local Government elections, proposing:
 - A. Northern Beaches voters directly elect the Mayor at the September 2028 Local Government elections; and
 - B. To reduce the number of Wards to two, each comprising six Councillors.
 2. Advise Northern Beaches voters about the process for them to directly elect the Mayor, including that the legislative process will only allow this to occur at the earliest, at the September 2028 elections.
-

CHIEF EXECUTIVE OFFICER REPORT

In accordance with clauses 4.14 and 4.15 of Council's Code of Meeting Practice I offer the following report on this matter to assist Council in the deliberation of this motion:

Holding a referendum at the September 2024 local government election will add approximately 10 per cent to the costs charged by the NSW Electoral Commission for running the election. This will have a minor impact on the 2024/25 budget. As the cost will be foreseen prior to the preparation of the budget, it is not material.

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 **2023/537204**

ATTACHMENTS 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

NOTE: This item was deferred from 22 August 2023 ordinary Council meeting

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.



REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 15.4 - 27 JUNE 2023

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>



northern
beaches
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

Bianca Crvelin

Name of Councillor

David Walton

Name of Councillor

1/8/23
Date

1/8/2023
Date

1/8/2023
Date

TRIM: 2017/338901

18.0 RESPONSES TO QUESTIONS WITH NOTICE

ITEM 18.1 RESPONSE TO QUESTION WITH NOTICE NO 10/2023 - COSTS OF CONSERVATION ZONES REVIEW AND NEXT STEPS

TRIM FILE REF 2023/508747

ATTACHMENTS NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. What are the costs to date for Conservation Zones Review?

The cost of the Conservation Zones Review to date is \$227,923, excluding internal staff time and resources. Costs were associated with the Conservation Zones Review Report, inspections, mapping, and community engagement costs including notification and promotional material.

Approximately \$638,307 was spent on other technical studies for environmental and hazard matters which were used as inputs to the Conservation Zones Review. The studies were initiated separately from the Conservation Zones Review, to inform ongoing management of environmental and hazards in the Local Government Area as well as for development controls under other parts of Council's proposed new Local Environmental Plan e.g., biodiversity clauses.

2. Which external organisations were used as part of the review and how much money were they each respectively paid?

The table below outlines the organisations associated with the Conservation Zones Review and payments made for the project to date.

Deliverable	Vendor	Project code	Grand Total
C Zones Mapping, Report and Engagement	MERIDIAN URBAN PTY LTD	42511006	\$ 190,405
Video	QUICK CLIPS PTY LTD	42511006	\$ 11,100
Site Visits	SCLEROPHYLL FLORA SURVEYS & RESEARCH PTY	42511006	\$ 2,080
Advertising	FACEBOOK	33611000	\$ 1,479
Easy Read Copy	COUNCIL FOR INTELLECTUAL DISABILITY	36201000	\$ 2,515
Workshop letters	A & O PRINT	42511006	\$ 5,532
	AUSTRALIA POST	42511006	\$ 7,775
	STKISS	42511006	\$ 949
Workshop letters Total		42511006	\$ 14,256
Notification letters	BA PRINTING & PUBLISHING SERVICES PTY LT	42511006	\$ 1,603
	ECODESIGN ECOPRINT	42511006	\$ 3,000
	STKISS	42511006	\$ 1,358
	SUN EXPRESS TRANSPORT SOLUTIONS	42511006	\$ 127
Notification letters Total		42511006	\$ 6,088
Grand Total			\$ 227,923

Table - Conservation Zones Review Costs, organisations and costs to date

It is noted that the total value of the Meridian Urban contract is \$245,714, of which \$190,405 has been spent to date.

3. How many requests for review of Council's classification of their properties were received?

At its meeting 22 August 2022, Council resolved the following:

Note that before any lands are re-zoned following the Review, where a dispute exists between a resident and any staff recommendation following community consultation, that any proposal in respect of parcels of land subject to that dispute will be considered by an independent review, including site inspection.

Council records indicate that approximately 100 submissions received during the public exhibition of the Conservation Zones Review in 2022 requested a site visit, with many disputing the methodology.

As advised in the last community update in July 2023, Council is awaiting formal advice from the Department of Planning and Environment (DPE) regarding the Conservation Zones Review methodology. This advice may result in changes to the Conservation Zones Review methodology (see [draft methodology](#)), potentially resolving many of the requests for site visits.

4. What are the next steps and key dates and when is this matter anticipated to be finalised?

The Conservation Zones Pilot Project with the NSW Department of Planning and Environment has resulted in delays to the LEP/DCP Program. Consequently, the updated methodology for the Conservation Zones Review is likely to be finalised by late 2023 and the draft LEP/DCP will now be reported to Council in early 2024, with the statutory public exhibition taking place following gateway determination from the Department of Planning and Environment (expected to be late 2024/early 2025).

Figure 1 shows Council's project timeline is published on our website, [Yoursay POSF](#), which is updated regularly along with emails sent to registered community members.

Timeline

- ✓ **Late 2018: LEP Review and Health Check**
Reported to Council and submitted to NSW Department of Planning, Industry and Environment
- ✓ **Mar 2020: Local Strategic Planning Statement finalised**
Made and adopted by Council, supported by the Greater Sydney Commission
- ✓ **Aug 2020: Local Housing Strategy - online focus groups**
- ✓ **Aug - Sep 2020: Environmental Zones - online focus groups**
Expressions of interest closed
- ✓ **Jan - Mar 2021: Draft Local Housing Strategy**
Public exhibition.
- ✓ **Apr 2021 - Local Housing Strategy adopted by Council**
The [strategy](#) has been issued to the Department of Planning, Industry and Environment for final approval.
- ✓ **Jun 2021: Discussion Paper released**
Opportunity for the community to discuss key elements of Council's zoning framework.
- ✓ **Dec 2021 - Feb 2022: Draft Environment Study exhibited**
- ✓ **Sep - Dec 2022: Conservation Zones Review and Studies**
Public exhibition.
- ✓ **Mid 2023 - Local Character Study**
Targeted engagement on draft Local Character areas and statements has been carried out with community groups. Areas and statements to be finalised as part of the draft DCP.
- ★ **Late 2023: Finalise draft Conservation Zones methodology**
Finalise the Conservation Zones methodology following Department of Planning and Environment advice for the LEP statutory exhibition.
- ★ **Early 2024: Draft LEP / DCP report to Council**
Seeking Council endorsement of the draft LEP / DCP and to seek a Gateway Determination from the Department of Planning and Environment.
- ★ **Late 2024 / early 2025: Draft LEP / DCP statutory exhibition**
Formal public exhibition of the draft LEP and DCP following issue of a Gateway Determination from the Department of Planning and Environment.
- ★ **2025: Council adopts final LEP and DCP**
- ★ **2025: LEP gazetted and DCP commenced**
DPE gazettes new LEP following drafting by Legal Counsel, and Council makes DCP commence by formal notification.

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 RFT 2023/056 - Uniform, Workwear and Personal Protective Equipment 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.

- B. Item 19.2 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.

- C. Item 19.3 RFT2023/112 –Legal Services Panel 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 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.

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.



northern
beaches
council

