

ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING

TUESDAY 26 SEPTEMBER 2023

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Public Interest Disclosure Policy

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Purpose

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the *Public Interest Disclosures Act 2022* (**PID Act**).

At Northern Beaches Council (**Council**) we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how Council will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action
- imposing duties on Council and other agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with Council's Complaints Policy, Grievance Resolution Policy and Procedure, Code of Conduct, Procedures for the Administration of the Code of Conduct, Fraud and Corruption Policy and Privacy Management Plan.

Accessibility of this policy

This policy is available on Council's publicly available website (link to internet page to be added before 1 October 2023) as well as on Council's intranet: [Public Interest Disclosure Policy](#).

A copy of the policy is also sent to all staff of on their commencement. A hard copy of the policy can be requested from Council's Complaints Resolution Team.

Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency

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- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate
- an individual in the service of the Crown
- a statutory officer
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions
- a judicial officer
- a Member of Parliament (**MP**), including a Minister
- a person employed under the Members of Parliament Staff Act 2013
- a Councillor.

The Chief Executive Officer (CEO), other nominated disclosure officers and managers within Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Public officials (listed above) who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1(i) of this policy for more information).

However, you can still make a complaint to Council. This can be done by:

- Contacting Council's internal Complaints Resolution team using email: complaintsresolution@northernbeaches.nsw.gov.au
- Submitting a complaint on Council's internet page: [Make a complaint](#)

Please refer to Council's Complaints Policy for more details. The Policy can be found on the intranet: [Complaints Policy](#), and on the internet: [Complaints Policy](#).

What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Council under the PID Act
- the names and contact details for the nominated disclosure officers in Council
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Council
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- Council procedures for dealing with disclosures
- Council procedures for managing the risk of detrimental action and reporting detrimental action
- Council record-keeping and reporting requirements
- how Council will ensure it complies with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact a nominated disclosure officer within Council, whose details are accessible via the link in Annexure A.
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

1. How to make a report of serious wrongdoing

(a) Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow Council's Complaints Policy, Grievance Resolution Policy and Procedure, Code of Conduct, Procedures for the Administration of the Code of Conduct, Fraud and Corruption Policy, and Privacy Management Plan.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

(b) When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

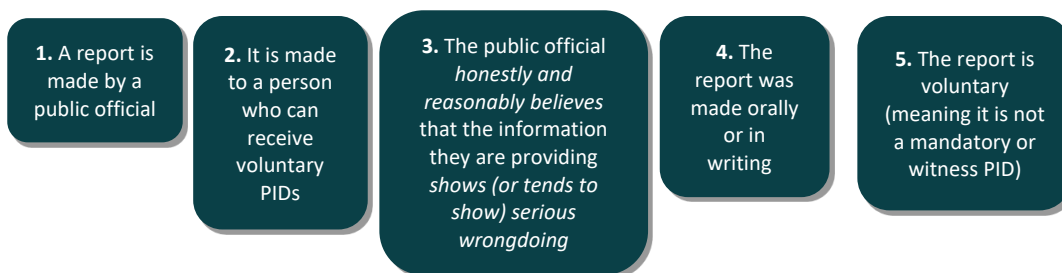
This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we may seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see ‘Who this policy applies to’. You are a public official if:

- you are employed by Council
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Council, or
- you work for an entity (such as a non-government organisation) who is contracted by Council to provide services or exercise functions on behalf of Council — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside of Council. It

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also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information (Public Access) Act 2009 application
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- *a privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database
- *a serious and substantial waste of public money* — such as Council not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(e) Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Council

You can make a report inside Council to:

- the CEO
- a nominated disclosure officer for Council, whose contact details are accessible via the link in Annexure A.
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

There are different meanings of manager for different types of public officials under section 15 of the PID Act, for example: :

- a public official who is a person *providing services or exercising functions on behalf of an agency* (including a contractor, subcontractor or volunteer) or an employee, partner or officer of an entity that provides services on behalf of an agency or exercises functions of

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an agency — their manager is taken to be the public official in that agency who oversees those services or functions, or who manages the relevant contract or volunteering arrangement

- a person *declared to be a public official in the PID Regulations* — a person declared by the regulations to be the manager of the public official for the purposes of the PID Act
- for *all other public officials* — this is the person to whom the public official reports directly or indirectly, or who supervises them directly or indirectly.

Making a report to a recipient outside of Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a *Minister or a member of a Minister's staff* but the report must be made in writing.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council:
 - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of Council decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or

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- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

(f) What form should a voluntary PID take?

You can make a voluntary PID:

- *in writing* - this could be an email or letter to a person who can receive voluntary PIDs.
- *orally* - have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- *anonymously* - write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.
- *via Council's Complaints Resolution Team's online complaints system* - an anonymous submission is also possible using the online complaints system. To do so complaints may be made via this link: [Make a complaint](#).

(g) What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

(h) What if I am not sure if my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of Council's policies for dealing with reports, allegations or complaints.

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(i) Deeming that a report is a voluntary PID

The CEO can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to CEO to request that they consider deeming your report to be a voluntary PID. This can be done by direct email to the CEO or through the Council's online complaints system: [Make a complaint](#).

A decision to deem a report to be a voluntary PID is at the discretion of the CEO or delegate. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

(j) Who can I talk to if I have questions or concerns?

You can contact your manager, nominated disclosure officer, disclosure coordinator(s) (Complaints Manager and Executive Manager Internal Audit and Complaints Resolution) or Complaints Resolution team, whose details are accessible via the link in Annexure A. All questions or concerns will be managed confidentially.

2. Protections

(a) How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
 - Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.

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- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

(b) Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- *A mandatory PID:* This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- *A witness PID:* This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

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Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> breaching a duty of secrecy or confidentiality, or breaching another restriction on disclosure. 	✓	✓

3. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Council, via a disclosure officer, disclosure coordinator(s), the Complaints Resolution Team or to an integrity agency. A list of Council's nominated disclosure officers can be accessed in the link in Appendix A. A list of integrity agencies is located at Annexure B of this policy.

4. General support

- Council may refer to the NSW Ombudsman if an employee has questions about the PID Act and reporting generally.
- Council will allocate to the maker of the report a person who will be their key contact person and who will take steps to protect their interests, for example, if they are at risk of detrimental action.
- Council can link the person who has made the report to wellbeing support through the Employee Assistance Program or another program.

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5. Roles and responsibilities of Council employees

Certain people within Council have responsibilities under the PID Act.

(a) CEO

The CEO is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring the Council complies with this policy and the PID Act
- ensuring that the Council has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
 - implementing corrective action if serious wrongdoing is found to have occurred
 - complying with reporting obligations regarding allegations or findings of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman.

(b) Disclosure coordinators

Disclosure coordinators are responsible for:

- receiving reports from disclosure officers
- providing updates to the maker of a PID
- allocating an investigation officer for the PID
- making referrals about detrimental action offences

(c) Disclosure officers

Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to one of the Complaints Resolution Team's disclosure coordinators.
- ensuring that any oral reports that have been received are recorded in writing.

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(d) Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a disclosure officer.

(e) All employees

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

6. How we will deal with voluntary PIDs

(a) How Council will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how Council deals with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you within 10 working days how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
 - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report

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- If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - o a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place
 - o information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
- Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

(b) How Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with Council's Complaints Policy, Grievance Resolution Policy and Procedure, Code of Conduct, Procedures for the Administration of the Code of Conduct, Fraud and Corruption Policy, and Privacy Management Plan or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

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Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency
- If we decide not to investigate a report and do not refer the matter to another agency, we will let you know the reasons for this and notify the NSW Ombudsman.

(c) How Council will protect the confidentiality of the maker of a voluntary PID

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or the agency reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

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We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them
- ensuring that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential
- ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker
- undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation
- providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- advise the person whose identity may become known
- update the agency's risk assessment and risk management plan
- implement strategies to minimise the risk of detrimental action
- provide additional supports to the person who has made the PID
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

(d) How Council will assess and minimise the risk of detrimental action

Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Council will take steps to assess and minimise the risk of detrimental action by:

- undertaking a risk assessment and a risk management plan (risks will be reassessed throughout the entirety of the matter). The disclosure coordinator will be responsible for undertaking a risk assessment and creating a risk management plan
- regularly communicating with the maker of the voluntary PID to identify risks
- discussing protection options with the maker which may include remote working or approved leave for the duration of the investigation
- providing access to the Employee Assistance Program.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied).

Detriment to a person includes:

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- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

(e) How Council will deal with allegations of a detrimental action offence

If Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

In addition:

- The disclosure coordinator(s) will make referrals about alleged detrimental action offences
- The victim of detrimental action should speak to the CEO or disclosure coordinator
- Council will update the person who the alleged detrimental action has been taken against regularly, including supports that will be provided (Employee Assistance Program etc).

(f) What Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

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Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

The findings of an investigation will be provided to the CEO or their delegate. The CEO or their delegate will determine what steps will be taken to address any recommendations from the investigation, what corrective action is appropriate to take, and who will be responsible for undertaking any corrective actions. The maker will be provided with a description of the results of an investigation and of any corrective actions taken, proposed or recommended.

7. Review and dispute resolution

(a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- that Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Council decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

If a review is requested, a more senior officer will conduct the review.

(b) Voluntary dispute resolution

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

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8. Other agency obligations

(a) Record-keeping requirements

Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*.

Information is stored confidentially, and managed as per Council's Privacy Management Plan. Information relating to PIDs and complaints is stored in the Complaints Resolution Teams' confidential files.

(b) Reporting of voluntary PIDs and Council annual return to the Ombudsman

Each year Council, provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July)
- action taken by Council to deal with voluntary PIDs during the return period
- how Council promoted a culture in the workplace where PIDs are encouraged.

Council's Complaints Resolution Team is responsible for collecting the information required for the annual returns. The information is stored within the Complaints Resolution team's confidential complaints system and files.

(c) How Council will ensure compliance with the PID Act and this policy

Council has mechanisms in place for monitoring the effectiveness of its PID policy and for ensuring compliance with the PID Act such as:

- oversight arrangements which are managed by the Executive Manager Internal Audit and Complaints Resolution through regular reporting to and oversight by the CEO, Audit, Risk and Improvement Committee (ARIC) and Fraud and Corruption Committee (FACC)
- the agency's compliance measures through Council's audit plan and regular reporting to ARIC and FACC
- non-compliance matters will be raised through Council's Chief Executive Team for action
- reports about compliance will be provided to ARIC and FACC.

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Responsible Officer

Executive Manager Internal Audit and Complaints Resolution

Review date

September 2027 (insert date 4 years following adoption)

Revision History

Revision	Date	Change	TRIM #
1	4 September 2023	Draft PID Policy for CET consultation, based on new Model Ombudsman Policy July 2023 submitted to ARIC for review	2023/567045

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Annexure A — Names and contact details of disclosure officers for Council

Details of disclosure officers can be found on Council's internet and intranet:

Internet:
(Link to internet page to be added before 1 October 2023)

Intranet:
[Public Disclosures Officers](#)

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Annexure B — List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: oiiecc_executive@oiiecc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

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The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
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MINUTES

COMMUNITY SAFETY ADVISORY COMMITTEE

held in Manly Town Hall on

THURSDAY 18 MAY 2023

**Minutes of the Community Safety Advisory Committee
held on Thursday 18 May 2023 in Manly Town Hall
at 9:00am**

ATTENDANCE:

Committee Members

Cr Sue Heins	Curl Curl Ward - Mayor – Chair
Supt Patrick Sharkey	Northern Beaches Police Area Command
Rob Stanley-Jones	Northern Beaches Liquor Accord
Craig Parsons	Northern Sydney Primary Health Network
Aileen Ogilvie	Northern Beaches Community Drug Action Team
Michele Bell	Northern Sydney Community Network (seniors)
Libby Paulsen	Community Representative – Frenchs Forest Ward
Lucy Band	Community Representative – Manly Ward
Mary Brearton	Community Representative – Narrabeen Ward
Sue Johansson	Community Representative – Pittwater Ward
Rory Amon MP	State Member for Pittwater
James Griffin MP	State Member for Manly
Adele Heasman	Representing James Griffin MP State Member for Manly
Peta Garrett	Representing Dr Sophie Scamps MP Federal Member for Mackellar
Nicola Penn	Representing Zali Steggall OAM MP Federal Member for Warringah
Hanna Clare	Representing Michael Regan MP State Member for Wakehurst

Council Officer Contacts

Louise Kerr	Acting Chief Executive Officer
David Kerr	Director Community and Belonging
Kylie Walshe	Executive Manager, Community, Arts and Culture
Anita Ugarkovic	Acting Executive Manager, Environmental Compliance
Will Wrathall	Manager, Youth and Community Development
Kath Young	Community Safety Coordinator
Helen Askew	Program Support Officer, Youth and Community Development

Guests

Bettina Esposito	Northern Beaches Dementia Alliance
Hema Patel	Northern Beaches Dementia Alliance
Lyn Macintosh	Northern Beaches Dementia Alliance
Sandra Fraietta	Senior Constable Northern Beaches Police Area Command
Mathew Cain	Leading Senior Constable Northern Beaches Police Area Command

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

New Committee members, including State and Local Members of Parliament, were welcomed.

2.0 APOLOGIES

Apologies were received from:

Cr Candy Bingham	Manly Ward
Cr Michael Gencher	Pittwater Ward
Cr Ruth Robins	Narrabeen Ward
Cr Michael Regan	Frenchs Forest Ward
Narelle Hand	Northern Beaches Domestic Violence Interagency
Kevin Kingsbeer	Northern Sydney Housing and Homelessness Interagency
Sam King	Northern Beaches Youth Interagency
Melissa Palermo	Northern Sydney Local Health District
Antoin Cullen	Northern Beaches Mental Health Interagency
Wendy Finianos	Community Representative – Curl Curl Ward

Members not in attendance:

Matt Cross MP State Member for Davidson

3.0 DISCLOSURES OF INTEREST

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

Committee Members were reminded of the Terms of Reference Item 11 g) in regard to Confidentiality and Privacy.

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

4.1 MINUTES OF COMMUNITY SAFETY ADVISORY COMMITTEE MEETING HELD 16 FEBRUARY 2023

The Minutes of the Community Safety Advisory Committee meeting held 16 February 2023, copies of which were previously circulated to all members, were confirmed as a true and correct record of the proceedings of that meeting.

5.0 ACTIONS UPDATE

5.1 ACTIONS UPDATE

Meeting of 16 February 2023

ITEM NO.	ACTION	RESPONSIBLE OFFICER	PROGRESS
6.2	<p>Council staff to report back to next Community Safety Advisory Committee on the:</p> <ul style="list-style-type: none"> number of staff dedicated to dog management delivery of dog ownership education. 	Azmeena Kelly	<p>Update provided within this meeting at Item 6.5</p> <p>Environmental Compliance Report</p>

6.0 AGENDA ITEMS

6.1 DEMENTIA FRIENDLY COMMUNITY ACTION PLAN

Bettina Esposito, Just Better Care and Chair of the Northern Beaches Dementia Alliance introduced her Dementia Alliance colleagues:

- Hema Patel, Sydney North Health Network who auspice the Dementia Alliance and Deputy Chair Dementia Alliance
- Lyn Macintosh, lived experienced dementia carer and Dementia Alliance member.

The Dementia Alliance works to increase awareness and understanding of dementia on the Northern Beaches, and to encourage dementia friendly communities and organisations.

Alliance representatives outlined the prevalence of dementia in the Northern Beaches and acknowledged that with an ageing population these statistics are expected to increase significantly over the next few decades. The social impact on individuals living with dementia and their carers was discussed and supported with examples of lived experience.

Representatives shared with the Committee examples of the work they have been undertaking in the community to date, and their priority actions for the next year. A [presentation](#) highlighting the Alliance's purpose, membership, funding, local statistics, current activities and priorities will be distributed to the Committee with the Minutes.

A [short video](#) prepared by the Alliance was shared with the Committee. Additionally, a hard copy of the [Handy hints when communicating with those living with dementia](#) card was circulated.

Service providers and community members are encouraged to [Become a Dementia Friend](#) which will in turn support development of the Northern Beaches as a Dementia Friendly Community.

The initiative relies on grant funding for all future activities. For more information about Dementia Alliance or support services, email info@dementiaalliancenb.com.au.

It was noted that the [Dementia Advisory Group](#) is seeking a lived experience representative.

Rob Stanley-Jones identified that he would like to explore opportunities for the Liquor Accord to make larger licensed clubs dementia friendly.

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.1	Council staff connect Liquor Accord Chair with Dementia Alliance representatives to explore opportunities for the Liquor Accord to make larger licensed clubs dementia friendly.	Kath Young Rob Stanley-Jones	ASAP

6.2 ELDER ABUSE

Senior Constable Sandra Fraietta, Crime Prevention Officer provided a presentation on elder abuse and outlined how offences may be recognised and reported. Elder abuse refers to range of offences including emotional, psychological, financial, sexual, neglect and physical abuse.

Statistics were shared both nationally and local to the Northern Beaches. While statistics indicate a low number of elder abuse incidents reported to Northern Beaches Police Area Command, it is acknowledged that, given national data and research and the nature of this crime, it is likely to be underreported.

Australian Institute of Family Studies research found that one in six older Australians (15%) reported experiencing abuse but two thirds of older people don't seek help when they are abused (61%).

Police outlined the actions they are taking to raise awareness in the community and aged care services, including webinars conducted in collaboration with Council. The community is encouraged to report any concerns about elder abuse to Police. In an emergency please call 000.

DISCUSSION

The Committee discussed opportunities to support the work of Police and elder abuse prevention activities, including:

- Northern Beaches Domestic Violence Network
- Sydney North Primary Health Network in relation to general practitioner (GP) referrals and mandatory reporting.

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.2.1	Council staff connect Northern Beaches Crime Prevention Officers with Sydney North Primary Health Network representatives to discuss systemic reporting of elder abuse in the GP network.	Kath Young Craig Parsons	ASAP
6.2.2	Council staff to increase promotion and awareness of the rights and safety of seniors by sharing relevant information with the Better Together Leadership Group and relevant Committee members.	Kath Young	17 August 2023

6.3 ONLINE SAFETY FOR SENIORS

Leading Senior Constable Matthew Cain, Crime Prevention Officer provided a presentation on the incidence of cybercrime across Australia and in the Northern Beaches and highlighted the need to raise online safety and cybercrime awareness for seniors.

Across the Northern Beaches, the majority of cybercrime reported to police involves phishing targeting those aged 55 and above. Phishing is a method of stealing confidential information via phone, fraudulent and unsolicited messages, texts, emails and social media, often including a link.

Strategies implemented by Northern Beaches Police Area Command to reduce community vulnerability to cybercrime fraud include:

- Ongoing education to seniors through face to face presentations to community groups and aged care facilities
- Fraud and safety packs given to seniors at presentations
- Ongoing education to seniors through webinars, in collaboration with Council
- Visiting seniors who have been victims ensuring they have support.

Police encourage community members to keep their personal information private, monitor bank accounts regularly, and to not click on links or answer calls from unknown numbers.

DISCUSSION

If an incident does occur, report to www.scamwatch.gov.au and also report to Police as there may be related investigations underway.

Services that support seniors with technology and online safety were discussed including:

- Northern Beaches Library runs free technology services at each library location, <https://www.northernbeaches.nsw.gov.au/library/services/technology-help>
- eSafety Commissioner <https://www.esafety.gov.au/seniors>
- Services Australia <https://www.servicesaustralia.gov.au/elder-safety?context=60057#a2>
- [Forest Computer Pals](#) (membership is required).

Connecting with Home Care Package providers was identified as an opportunity to further educate seniors.

Northern Beaches Liquor Accord's Rob Stanley-Jones noted that several of the businesses he represents would also welcome engagement with Crime Prevention Officers to present online safety for seniors at some venues.

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.3.1	Council staff connect Liquor Accord Chair with Dementia Alliance representatives to explore opportunities for the Liquor Accord to assist awareness of online safety for seniors.	Kath Young Rob Stanley-Jones	ASAP
6.3.2	Council staff connect with Home Care Package providers in relation to seniors education	Kath Young	17 August 2023

6.4 POLICE REPORT - SUPERINTENDENT PATRICK SHARKEY

Superintendent Patrick Sharkey provided an update on Northern Beaches Police Area Command matters and requested the Committee hold in confidence policing matters discussed during the meeting.

Positive results of targeted operations and engagement with the Northern Beaches Liquor Accord regarding liquor theft have impacted shoplifting statistics. All other crime categories are statistically below pre pandemic data.

DISCUSSION

State Member for Manly, James Griffin thanked Superintendent Sharkey and the Northern Beaches Police Area Command for their commitment to making the Northern Beaches a safer environment.

State Member for Pittwater, Rory Amon enquired about the crime statistics circulated with the Agenda. It was confirmed that the data was drawn from the NSW Bureau of Crime Statistics and Research Recorded Crime Reports www.bocsar.nsw.gov.au. It was requested that statewide trends also be included in the circulated statistics for future meetings.

Domestic violence statistics and anecdotal reports from support services were discussed.

Suicide prevention

Aileen Ogilvie highlighted the Mona Vale based support service MoWaNa and their recent experiences. The Committee also discussed the closing of registered charity [OneEighty](#) and the services it provided. Peta Garrett requested information about local suicide prevention initiatives, with updates included in the Agenda, and Kylie Walshe confirming Council staff would follow up on this in greater detail.

It was recognised that Northern Sydney Primary Health Network representative Craig Parsons is a new member of this Committee who also participates in the Suicide Prevention Response Steering Advisory Committee and co-ordinates the Northern Sydney Regional Mental Health, Suicide Prevention and Alcohol and Other Drugs Leadership Group.

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.4.1	Council representative to share suicide prevention collaborative initiatives with Dr Scamps office	Will Wrathall Peta Garrett	ASAP
6.4.2	Statewide trends be included in the circulated statistics.	Kath Young	17 August 2023

6.5 ENVIRONMENTAL COMPLIANCE REPORT - 15 MINUTES

Representing the Executive Manager Compliance, Anita Ugarkovic provided an overview and presentation on compliance and regulatory statistics in relation to:

- RSPCA "Keeping cats at home" program initiatives, including:

- Developing a partnership with SAFE Rehoming www.saferehoming.com.au, social media promotions and desexing vouchers.
 - Northern Beaches Council is one of eleven councils participating in this education program.
- Nightly Ranger patrols in the Manly area
- Proactive compliance:
 - Parking enforcement in school zones, Brookvale Oval and St Matthews Farm and John Fisher Reserve on weekends
 - Plant equipment and skip bin checks
 - Church Point bollards management at Cargo Wharf
 - 'Get the Site Right' campaign for building and construction sites
 - NSW EPA targeting micro plastics in Cromer Industrial Area
- Ebike signage

In response to Action Item 6.2 of the 16 February 2023 meeting, the Committee was advised that:

- Responsible Pet Ownership information sessions are scheduled in June at Dee Why and Mona Vale in September 2023.
- Popup sessions will be conducted at off leash areas Curl Curl and Rowland Reserve. Council Rangers will engage with dog owners within the community with a focus on maintaining the Companion Animal registry and ensuring registrations of dogs.
- Council has 1 dedicated Animal Management Officer and 15 Rangers involved in general dog management
- A pilot safety program held at St Joseph's Primary School Narrabeen is under evaluation.

The Environmental Compliance presentation will be distributed with the Minutes.

DISCUSSION

The following items were discussed:

- Signage around Long Reef Lagoon and Dee Why to alert the community of migrating birds and the danger presented by unleashed dogs
- Increased presence of bicycles on the Corso. Police are currently undertaking a warning and education operation regarding ebikes, helmets and riding on footpaths, most recently in the Manly beachfront area. A Police and School Principals forum held last month also focused on this growing issue.

6.6 COMMUNITY SAFETY UPDATE

The Community Safety Update was provided in the meeting Agenda.

Advice of progress against Community Safety Plan action will be delivered at the next Committee meeting.

7.0 GENERAL BUSINESS

Nil

SUMMARY OF ACTIONS

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.2.1	Council staff connect Northern Beaches Crime Prevention Officers with Sydney North Primary Health Network representatives to discuss systemic reporting of elder abuse in the GP network.	Kath Young Craig Parsons	ASAP
6.2.2	Council staff to increase promotion and awareness of the rights and safety of seniors by sharing relevant information with the Better Together Leadership Group and relevant Committee members.	Kath Young	17 August 2023
6.3.1	Council staff connect Liquor Accord Chair with Dementia Alliance representatives to explore opportunities for the Liquor Accord to assist awareness of online safety for seniors.	Kath Young Rob Stanley- Jones	ASAP
6.3.2	Council staff connect with Home Care Package providers in relation to seniors education	Kath Young	17 August 2023
6.4.1	Council representative to share suicide prevention collaborative initiatives with Dr Scamps office	Will Wrathall Peta Garrett	ASAP
6.4.2	Statewide trends be included in the circulated statistics.	Kath Young	17 August 2023

The meeting concluded at 11.09am

This is the final page of the minutes comprising 9 pages
numbered 1 to 9 of the Community Safety Advisory Committee meeting
held on Thursday 18 May 2023 and confirmed on Thursday 17 August 2023

MINUTES

ENVIRONMENT STRATEGIC REFERENCE GROUP

held in the Flannel Flower Room, Civic Centre, Dee Why on

WEDNESDAY 7 JUNE 2023

**Minutes of the Environment Strategic Reference Group
held on Wednesday 7 June 2023
in the Flannel Flower Room, Civic Centre, Dee Why
Commencing at 6:08pm**

ATTENDANCE:

Committee Members

Cr Kristyn Glanville (Chair)	Councillor
Mayor Sue Heins	Mayor (Remote)
Individual or organisation representatives with specific expertise/experience:	
Nigel Howard	Individual – Frenchs Forest Ward
Jamileh Jahangiri	Individual – Manly Ward
Roberta Conroy	Individual – Pittwater Ward
Joeline Hackman	Northern Beaches War on Waste (arrived 6:13pm and left 7:40pm)
Community members or group representatives with broad range of strategic views	
Natalie Warren	Community representative - Curl Curl Ward (Remote)
Malin Frick	Community representative – Manly Ward
Billy Bragg	Community representative – Pittwater Ward
Jacqueline Marlow	Friends of Narrabeen Lagoon Catchment representative

Council Officer Contacts

Todd Dickinson	Director Environment and Sustainability
Simon Gray	Acting Executive Manager Environment and Climate Change
Chris Munro	Manager, Bushland & Biodiversity
David Hellot	Senior Environment Officer - Catchments
Kara Taylor	Acting Manager, Environment Resilience & Climate Change
Scot Hedge	Manager, Stormwater & Floodplain Engineering
Gareth Birch	Resilience & Emergency Management Coordinator
Ed McPeake	Manager, Greener Communities
Rachel Treloar	Manager, Community Transport, Parking & Fleet
Anna Moore	Senior Advisor Governance
Lauren Reti	Senior Advisor Governance

Quorum

A majority of members including the Chair or one of the elected Councillors.

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

Apologies were received from Cr Michael Gencher, Oscar Jones and Leigh McGaghey

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

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

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

4.1 MINUTES OF ENVIRONMENT STRATEGIC REFERENCE GROUP MEETING HELD 27 APRIL 2023

OUTCOME

That the minutes of the Environment Strategic Reference Group (ESRG) meeting held 27 April 2023, copies of which were previously circulated to all members, are hereby confirmed as a true and correct record of the proceedings of that meeting.

5.0 WASTE & CIRCULAR ECONOMY

5.1 WASTE AND CIRCULAR ECONOMY STRATEGY – ACTIONS, ASPIRATIONS AND TARGETS - ANDREW WARD-HARVEY - 20 MINS

DISCUSSION

Andrew Ward-Harvey, Executive Manager Waste Management & Cleansing provided an update on the Council's draft Waste and Circular Economy Strategy and outcomes of the recent ESRG workshop. Andrew advised that the next steps for the strategy would be to take it to a Councillor briefing then depending on the final drafting, intends to take it to the August Council Meeting for approval to go on public consultation during September.

The following topics and ideas were raised by members in the discussion:

- Embodied energy
- Construction waste and down cycling
- Modular building design for minimising waste
- Storage for recycled and/or reusable construction waste.

OUTCOME

That members of the Environment Strategy Reference Group (ESRG) note the key outcomes of the 25 May workshop with ESRG members.

ACTION

Andrew Ward-Harvey to provide an advanced draft of the Waste and Circular Economy Strategy to ESRG members before the next ESRG meeting in September 2023.

6.0 ENVIRONMENTAL RESTORATION & BIODIVERSITY**6.1 AUSTRALIAN RESEARCH COUNCIL GRANT - REWILDING SYDNEY - CHRIS MUNRO - 5 MINS****DISCUSSION**

Chris Munro, Manager Bushland & Biodiversity provided an overview of the Australian Research Council Grant – Rewilding Sydney, including the intention and length of the project as well as the councils and groups involved. Concerns were raised by Mayor Sue Heins and Jacqueline Marlow including:

- That animals in the Northern Beaches Local Government Area may be relocated to other areas and reduce the rare species within Northern Beaches Local Governance Area
- The biggest concern with rehabilitating and releasing animals in the local area is danger from foxes and cats therefore there is a need to ensure any relocated animals have somewhere safe to go and do not negatively affect our local Northern Beaches wildlife areas.

OUTCOME

That the ESRG note Council's participation in the Australian Research Council – Rewilding Sydney Linkage Grant.

ACTION

Chris Munro, Manager Bushland & Biodiversity to look into an FAQ that can be provided to the group.

6.2 PROSPERITY WETLAND UPDATE - DAVID HELLOT - 20 MINS**DISCUSSION**

David Hellot, Senior Environment Officer – Catchments gave a presentation on the Prosperity Wetland project, advising that the project, weather dependent, is due to be delivered by the end of June.

Points raised by members in the discussion included:

- The impact of El-Nino over the next 3-4 years and if Council had a facility to add water if we need to in future
- Monitoring of the wetland post completion.

OUTCOME

That the information in this report and the presentation be noted.

7.0 CLIMATE CHANGE & SUSTAINABILITY**7.1 UPDATE ON ELECTRIFYING OUR FLEET - KARA TAYLOR - 20 MINS****DISCUSSION**

Rachel Treloar, Manager Community Transport, Parking & Fleet presented on Council's progress to electrify its fleet, the challenges Council is facing such as supply chain issues and no feasible utility or truck options, and how Council is supporting electric vehicles in the community.

During discussion the following points were raised by members:

- The challenges Linfox is having with tare weights of its industrial EVs
- The use of biodiesel for Council vehicles and whether Kimbriki could take waste oil
- Council's electric vehicles having wrapping which clearly displays that the vehicle is electric
- Insurance cost impacts moving to electric vehicles
- Bidirectional charging and looking at SA Standards.
- Making electric vehicles available for the public to view and or test drive to encourage take up in the community.

OUTCOME

That the ESRG note the information outlined in this report and presentation.

7.2 TRANSITION FROM GAS PLAN PROJECT - KARA TAYLOR - 15 MINS**DISCUSSION**

Kara Taylor, Acting Manager Environment Resilience & Climate Change presented to members on Council's Transition from Gas Plan Project. The project will aim to transition Council's gas-using infrastructure to electricity to reduce Council's emissions, and with the renewable energy purchased by Council it is expected this will also produce cost savings.

Topics raised by members during discussions were:

- Embodied energy
- Timing of replacement of gas infrastructure
- Geothermal heating
- Public campaign about transitioning off gas
- Impacts of gas infrastructure to the community.

OUTCOME

That the ESRG note the information in this report and the presentation.

8.0 RESILIENCE AND NATURAL HAZARDS

8.1 NARRABEEN LAGOON ENTRANCE CLEARANCE - OVERVIEW AND NEXT STEPS - SCOT HEDGE - 5 MINS

DISCUSSION

Scot Hedge, Manager Stormwater & Floodplain Engineering provided an update on entrance clearing operations at Narrabeen Lagoon, confirming sand removed from the lagoon will be taken to Collaroy (further south than previously, nearer to Frazer St). A program of communication notification will be undertaken including publishing the Review of Environmental Factors. It is expected to be reported to Council in August and works are anticipated to commence during September and be finalised prior to the summer holiday period in December 2023.

OUTCOME

That the ESRG note the information outlined in this report.

ACTION

C Zones - Strategic Planning is working through C Zone submissions. (arose in discussion about the use of C Zones to manage hazards). Todd Dickinson will confirm how Strategic Planning will be handling responses to the community from the submissions raised and circulate the response to the group (raised by Jacqui Marlow)

8.2 DRAFT BUSH FIRE MANAGEMENT PLAN UPDATE - CHRIS MUNRO - 5 MINS

DISCUSSION

Chris Munro, Manager Bushland & Biodiversity provided an update to the group on the draft Bush Fire Risk Management Plan and confirmed that it is on public exhibition until Monday 17 July on the NSW Rural Fire Service website:

<https://www.rfs.nsw.gov.au/plan-and-prepare/managing-bush-fire-risk/bush-fire-management-committees/northern-beaches> .

Members raised the following topics during the discussion:

- Updating the plan to keep up with fast changing climate
- That the plan relates to the responsibilities of land managers
- Reviewing the plan against NSW Bushfire Inquiry recommendations
- Cultural burning
- Vegetation community mix and whether it impacts fire intensity
- Government departments working against each other – one department working on reducing bushfire risk, and another department responsible for potential development in high bush fire risk locations (e.g. Lizard Rock).

OUTCOME

That the ESRG note the public exhibition of the Northern Beaches Draft Bush Fire Risk Management Plan.

8.3 LOCAL EMERGENCY MANAGEMENT OFFICER/ DISASTER FUNDING - GARETH BIRCH - 5 MINS**DISCUSSION**

Gareth Birch, Resilience & Emergency Management Coordinator provided an update to the group on the following projects that are underway to reduce and prepare for disaster risk in our Local Government Area:

- Flood warning tool upgrade
- Manly Dam scour valve investigation
- Online Disaster Dashboard.

Members raised the topic of emergency text messaging during the discussion. Todd Dickinson, provided an update on the governance of emergency text messaging and given this, Council has not adopted this as an emergency communication tool.

OUTCOME

That the ESRG notes the information outlined in this report.

9.0 SUPPORTING A SUSTAINABLE COMMUNITY**9.1 UPDATE ON PROGRESS OF THE BUSINESS POWER PURCHASE AGREEMENT AND SUSTAINABLE BUSINESS NETWORK - ED MCPEAKE - 5 MINS****DISCUSSION**

Ed McPeake, Manager Greener Communities gave an update to the group on the Business Power Purchase Agreement (PPA). Business Green Energy was appointed in March 2023 as the aggregator, and Council is aiming to execute the PPA in early 2024. Council is now encouraging businesses to sign up to our buyers group.

Ed McPeake also updated the group on the Sustainable Business Network (SBN) which assists local businesses with their sustainability goals by connecting them with other businesses to learn from each other and share knowledge and experiences. An interactive map has been developed which acts as a searchable directory for like-minded businesses.

Members were encouraging of both initiatives and raised that promotion of both within the community could be increased. Promotional suggestions were:

- A stall at Narrabeen Markets
- Posters with QR codes.

OUTCOME

That Council continue to support the ongoing strategic progress of the Business PPA and Sustainable Business Network with the local business community.

10.0 GENERAL BUSINESS

Nigel Howard presented to the group on The Climate Emergency. The presentation covered the following topics:

- Location of “Climate Emergency” on the Northern Beaches Council website
- Northern Beaches Environment and Climate Change Strategy 2040
- Disconnect between all levels of Government regarding targets
- Funding for climate emergency
- Volunteer groups working with Council
- Climate Dashboard – location on website and information on the dashboard.
- Council's actions currently won't meet its adopted targets, and the need to do substantially more particularly in relation to emissions across the Northern Beaches

The meeting concluded at 8:50pm

This is the final page of the Minutes comprising 8 pages
numbered 1 to 8 of the Environment Strategic Reference Group meeting
held on Wednesday 7 June 2023 and confirmed on Wednesday 6 September 2023



My Place: Manly
Draft Manly Place Plan
September 2023

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4

Message from the Mayor



This draft My Place: Manly is a unique place plan. It has been developed in close partnership with the local community to capture the things people love and value most about the area.

It sets out a community vision, the principles, priorities, and actions to make Manly the best place to live, work and visit.

Famed for its rich natural beauty, iconic ocean front, and laneways filled with cafes, shops, restaurants, and bars, it's no wonder that Manly is the only designated late night precinct on the Northern Beaches.

The draft plan outlines concept design ideas for key locations to bring life to the streets and spaces of Manly, while honouring its rich Aboriginal and European heritage.

With a great tradition for hosting large music, food and wine and surfing events, this plan will see Manly continue to be an integrated place bringing people together, somewhere that continues to strengthen its vibrant local economy and promote its reputation as a world-class visitor destination.

The opportunity now is to continue seeking feedback and input from the community to bring this plan to life so that Manly will continue to be the best place for everyone.



Sue Heins
Mayor

Acknowledgement of country

5

We acknowledge the Traditional Owners of this land and Elders past and present. We recognise Aboriginal people who live here today and the spirits and ancestors of the Clans that lived in this area as the original custodians of the Northern Beaches.





My Place: Manly



Manly Place Plan 2023

The My place approach

Northern Beaches Council is working to create great places that are vibrant, safe, inclusive and sustainable right across the northern beaches

We have initiated 'My Place', a place-planning approach to planning, design and management of specific centres.

The approach focuses on people's connection to their local area and encourages them to work with us.

Our approach involves watching and asking questions to the people who live, work and relax in a particular 'place' to discover their needs and their aspirations.

Community participation and involvement is essential during all aspects of My Place, so that we can develop a Place Plan that truly reflects community expectations and aspirations.

Following the success of the first My Place planning process in Avalon Beach, Manly continues the My Place planning process. We refer to this as [My Place: Manly](#).

Specific emphasis has been placed on ensuring that all members of the community have an opportunity to engage with the process and to share their ideas and thoughts about what is best for Manly now and in the future.

The outcome of this approach is a Place Plan, which is an evidence-based framework to enhance the social, economic and environmental aspects of a 'place'.

The Draft Place Plan identifies and considers the features that make Manly such a special place. It identifies what the community values most and provides an action plan that align changes with the community's current and future needs and aspirations.

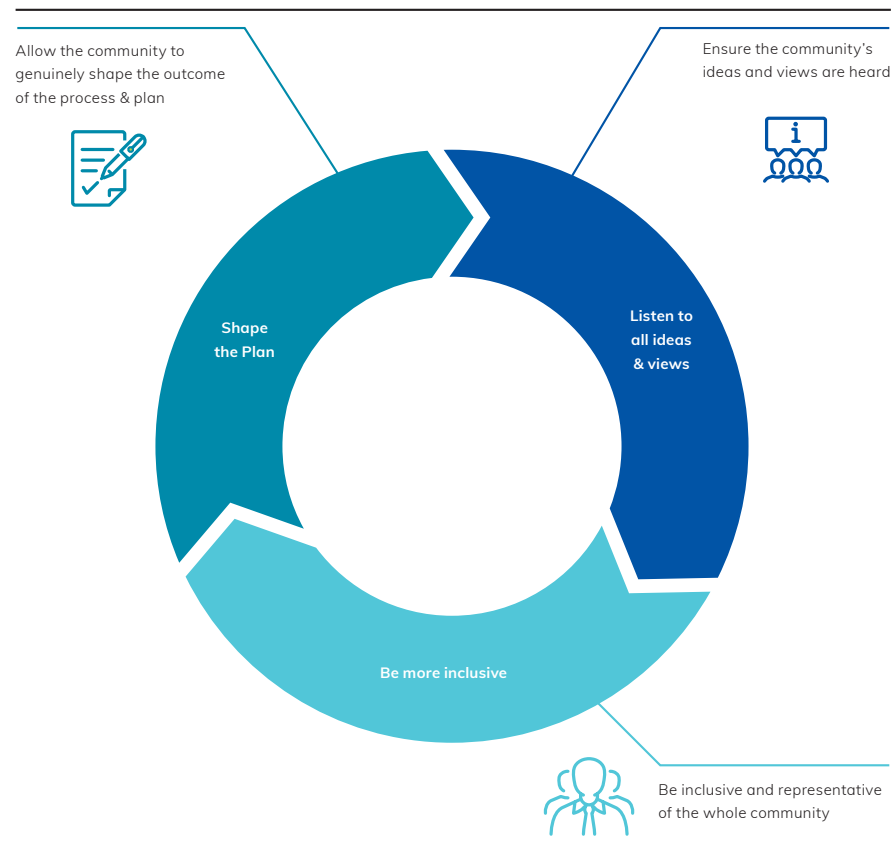
What is place planning?

In essence, place planning is about working with the community to develop local solutions for local problems.

The Draft Manly Place Plan was initially developed with targeted community consultation due to the unique circumstances at project commencement (May 2020). Extensive engagement will occur as part of the public exhibition of the Draft My Place: Manly.

It is the community that makes Manly special, and it is the community that will elevate the special qualities of Manly into the future.

Figure 01
Key Features of the 'MY Place' approach



Manly Place Plan 2023

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Strategic planning framework

Place plans are not developed in isolation; they sit within a broader strategic planning framework.

This framework involves a hierarchy of key strategic policies spanning the overarching Greater Sydney Region Plan, down to more focussed and localised strategic plans policies including Towards 2040 - the Northern Beaches Local Strategic Planning Statement and local statutory planning controls including the Manly Local Environmental Plan (LEP) 2013 and Manly Development Control Plan (DCP) 2013.

In particular, this Draft Place Plan responds directly to an identified action under Priority 26 of our Local Strategic Planning Statement (LSPS):

Action 62.1 - Prepare a place plan for Manly and develop LEP and DCP controls to respond to LEP studies, thematic history study, West Esplanade heritage activation plan, destination management plan and night-time economy to balance competing uses.

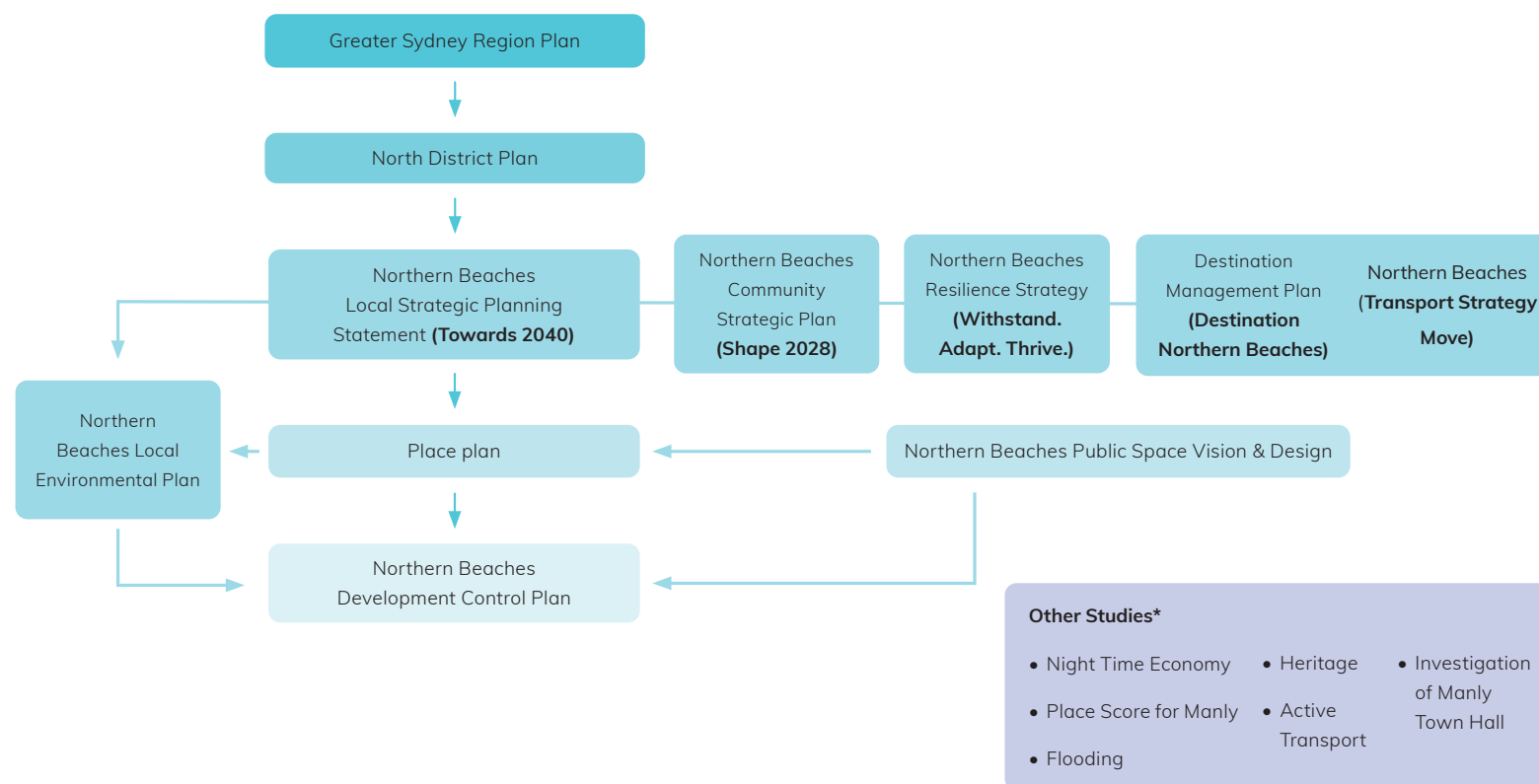
It also responds to an identified action under the Action Plan of our Destination Management Plan:

Undertake a place plan for Manly which will include a focus on tourism, local and night-time economy, street activations, recreation, signage/wayfinding, key pedestrian movement corridors, public amenity and creativity.

Council's Public Space Vision and Design Guidelines, adopted in May 2021 informs the planning, design and construction of streets, open spaces and public/private interfaces. It is the reference document for any public domain improvements anticipated for the Manly centre. These guidelines already establish that, for Manly, the 'Beach Palette' will be utilised. Designing spaces to create safe and accessible places for our community will facilitate consistency with our Community Safety Plan (2021) and Disability Inclusion Action Plan (DIAP) 2022-2026.

* Study Pathway is not an exhaustive list of studies that have been undertaken to date. See Key documents at the end of this Place Plan for a more comprehensive list of relevant documents.

Figure 02
Study pathway



Manly is the gateway to the Northern Beaches, is a successful international and domestic visitor attractor and is also a strategic centre that caters for a wide variety of commercial uses. There is a particular focus on hospitality and tourism which results in a seasonal economy and variable business conditions.

However, the current needs and future demands of Manly's residential population are well catered for with a mix of retail and non- retail uses including supermarkets, hospitality, clothing, household goods, health, education and community services. Future floor space growth is constrained by heritage values and the seaside coastal character. Our studies recommend retaining the building height controls to protect the heritage significance, and fabric and scale of the centre; and to continue self-containment and investigate opportunities for more co-working spaces as well as continue to support diversity in housing typologies and dwelling sizes.

Council's Local Housing Strategy does not identify the Manly centre for further housing investigation. My Place: Manly seeks to establish strategies to create a place that is attractive to all who visit, work, live and play in Manly; establishing a sustainable place that is fit for potential future growth. Key to this will be the implementation of the Night-Time Economy Strategy for Manly, providing certainty for all users of Manly centre, be it business owners/operators, visitors and residents. This strategy builds on other policy directions already in place such as the State Environment Planning Policy (Exempt and Complying Development Codes) 2008 which allows a range of commercial land uses operating with approval in Manly centre to expand their operating hours from 6am to 10pm without the need to seek a change to their operating hours.

Outdoor dining is available for any food and drink premises in Manly as long as the outdoor dining area is associated with the approved food and drink premises and approval for the outdoor dining area has been granted at Council's sole discretion in line with the Outdoor Dining Guidelines.

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- a. a restaurant or cafe,
- b. take away food and drink premises,
- c. a pub,
- d. a small bar.

Note – Food and drink premises are a type of retail premises.

Recommended planning controls are targeted for the Manly centre to enliven the Community Vision, Principles, the Place Priorities for each Key Place and Actions established in My Place: Manly.

Relationship to previous Manly 2015 Master Plan

This Draft Place Plan is informed and supported by a series of other studies, strategies and reports, including the Manly 2015 Master Plan, prepared and adopted by the former Manly Council.

This Draft Place Plan builds upon and replaces the previous Master Plan, with a focus on public domain improvements and programs that aim to support and build capacity within the local community. The Draft Place Plan also seeks to reinforce Manly's role as an internationally renowned destination and as the premier gateway for the Northern Beaches.

In developing the Draft Manly Place Plan, the key strategies of the Manly 2015 Master Plan were revisited to determine their relevance in considering the current context of Manly.

Some key design strategies from the Manly 2015 Master Plan have been revised or removed through development of this Draft Place Plan. Respecting previous decisions by the then Council is an important cornerstone of this Draft Place Plan however certain elements and specific design strategies of the Manly 2015 Master Plan have not been carried forward through this Draft Place Plan.

These include the following:

- Removal and redevelopment of the Whistler Street Car Park did not proceed however specific works were completed in the last five years, including remediation to structure, upgrade of amenities and bike cage.
- The construction of a car park under Ivanhoe Park did not proceed based on Council decision August 2016.
- Plans for Belgrave Street and reconfiguration of the road. On 26 October 2021, Council adopted the Landscape Masterplan and Plan of Management for Ivanhoe Park which includes frontage to Belgrave Street. The future treatment along Belgrave Street towards Manly Wharf should be consistent with the treatment adopted for the Belgrave Street frontage of Ivanhoe Park.

The Draft Place Plan has moved away from the 2015 Master Plan's focus on Manly's main thoroughfare and has branched out with a greater study area encompassing the surrounding laneways and Pittwater Road.

This Draft Place Plan carries forward and builds upon several key design strategies from the Manly 2015 Master Plan, including:

- Defining and enhancing the key gateways into the Manly centre
- Identifying Manly's Key Places and defining their future role and function,
- Redefining and balancing the competing functions of The Corso away from its historical role as a thoroughfare
- Improving the pedestrian amenity of key locations, such as Sydney Road
- Building on the centre's strengths to attract diversity in commercial uses that will contribute to the centre's vibrancy
- Reconsidering a different location for a new stage location, away from the beachfront.

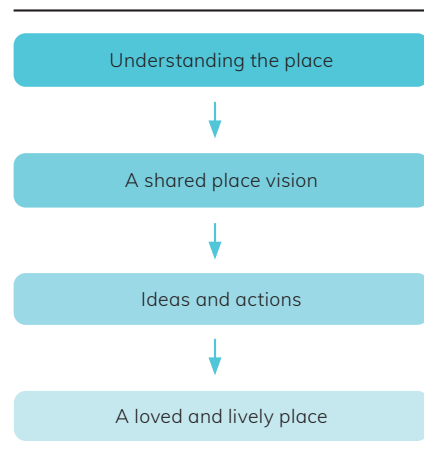
Manly is not just a strategic centre but is the premier gateway to the Northern Beaches and tourist destination. This Draft Place Plan seeks to improve the functionality and amenity of Manly as a strategic centre benefiting all stakeholders in a 24-hour period.

These strategies are further discussed in the Principles and Actions (Section 4.0) and Key Places – Place Priorities and Concept Design Ideas (Section 5.0) of this Draft Place Plan.

If adopted, My Place: Manly will replace other former master plans, public domain or landscape design plans specifically prepared for the Manly centre (wholly or in part).

Place plan framework

Figure 03
Framework



Our process

Figure 04
Process



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How to read this place plan

Manly as a special place

Sets out what we know about Manly.

What we heard

Summarises the engagement process undertaken to gain local insight on Manly.

Community vision

Outlines the community's vision and aspirations for Manly.

Key places

Identifies the areas of Manly that this place plan focuses on.

Principles

Reflects the community's vision and guides the preparation of this place plan.

Place priorities

Sets the purpose and specific objectives of each Key Place.

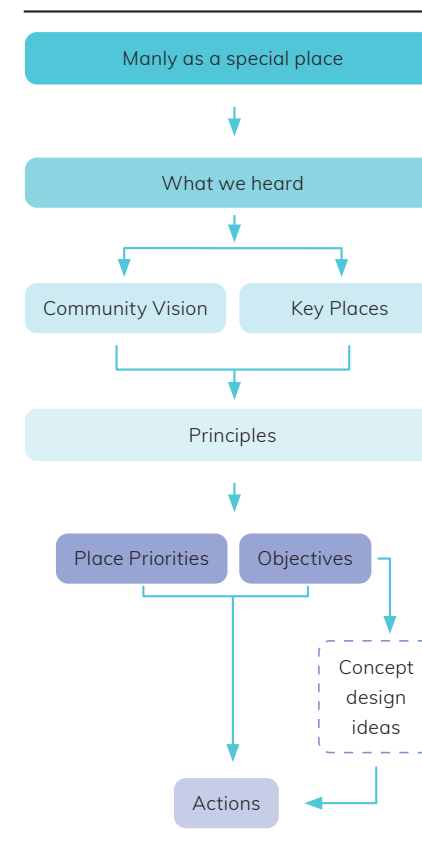
Concept design ideas

Illustrates potential design outcomes for the Key Places, which are subject to further studies and design development.

Actions

Outlines the individual initiatives and projects to deliver the Principles and place priorities.

Figure 04
Draft Manly Place Plan





Manly Place Plan 2023

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Manly as a special place

My Place: Manly



Manly Place Plan 2023

What we know about Manly

Our place

Manly sits at a unique juncture of beach and bushland, an isthmus setting cradled between the iconic blue of Manly Cove and Manly Beach and the green embrace of North Head.

Manly is Sydney's premier seaside town centre, showcasing a signature blend of a vibrant day and night economy, friendly community spaces, distinctive building character and a bespoke creative energy.

Manly provides a welcoming home for residents, a vital place for workers and embraces day and other short-term visitors drawn to this special place.

Indigenous heritage

We acknowledge and respect the Indigenous people of Manly and their connection to Country. The environment of Manly has a strong cultural heritage as a place which provided food, shelter and law.

The landscape had been shaped by its first inhabitants. Controlled fires were used to clear country for hunting, make travel easier and encouraging the growth and visibility of root vegetables. Whilst carvings on rock platforms and walls, provide an enduring and outstanding gallery of outdoor art displaying different representations and attitudes of the Indigenous people.

Manly is a special gathering place, with the spectacular North Head forming a place of cultural significance to the people of the Sydney coast and beyond. North Head is a place of trade and ceremony, as well a place of burial and mourning, where bodies of those with an ancestral and familial connection to the northern harbour were carried.

Although comparatively isolated from the first European settlement in Sydney Cove, the Indigenous people of Manly and the Northern Beaches were also the first to develop a relationship with European settlers, as a further display of the uniqueness of this place.

European heritage

The Manly Town Centre Heritage Conservation Area reflects the early development of Manly as a peripheral harbour and beachside village in the fledging colony of New South Wales. Its local heritage significance is enhanced by its role as a day trip and holiday destination in its early years following its development by Henry Gilbert Smith as a seaside resort with wide promenades and esplanades, taking inspiration from Brighton, England.

The unique streetscape of The Corso, which falls within the Manly Town Centre Heritage Conservation Area, is shaped by an uncommon grouping of fine late 19th century to early 20th century buildings, which collectively contribute to its historic streetscape. Its overall character is defined by a wide promenade flanked by fine grain buildings and important vistas to the harbour and the ocean.

The Corso's historic streetscape is further enhanced by a number of heritage listed Fig Trees and a grouping of Phoenix Palm Trees originally planted in 1928. The Corso also has additional social significance generated by a strong collective community experience and memory of its role as a visitor destination, linked to Manly's historic past as a seaside resort.

The urban character of the Pittwater Road Heritage Conservation Area to the north is underpinned by its distinctive street pattern which comprises the alignment, detailing and silhouette of the street facades and the overall building scale along Pittwater Road. While the names of a few streets have changed over time, the alignment of streets in this Heritage Conservation Area remain unaltered to this day. It also demonstrates successive waves of development with many fine examples of Victorian, Federation and Interwar residential and commercial development.

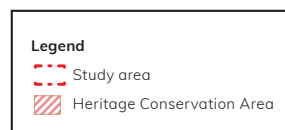


Figure 05
Manly Town Centre and Pittwater Road Heritage Conservation Areas



Local economy

Manly is one of five strategic centres ideally situated in the southern end of the Northern Beaches. It is a hotspot for retail, employment and tourism with its vibrant environment. Manly Beach attracts a variety of people from across Sydney, including domestic and international visitors and community members from within the Northern Beaches local government area

Manly functions well and is a cohesive precinct. There is a collection of cafes and restaurants close to Manly Beach, while the business strips perpendicular to Manly Wharf have a greater presence of knowledge-intensive uses. Retail, commercial, community and hospitality land uses are collectively grouped in the 'population serving sector' and will be the largest employment sector for Manly by 2036.¹

Manly accounts for a quarter of all international visitors to NSW. Additionally, Manly accounts for 3% of all domestic visitors to NSW. They mainly travelled to visit friends and relatives (42%). Their top activities were eating out at restaurants (88%), visiting friends and relatives (55%), going to the beach (51%) and sightseeing (33%).

Tourism is important to Manly's economy and the rest of the Northern Beaches. Manly is a visitor gateway to the rest of the Northern Beaches and both the Destination Management Plan for Northern Beaches and My Place: Manly aim to reinforce this and create related opportunities. For 2019 (pre-COVID) nearly 2.8 million visitors to NSW visited Manly during their trip. This included international and domestic tourist participating in day trips or overnight stays. In 2022, visitors (people living outside the Manly suburb) account for 1/3 of all spending in Manly CBD (\$213.8million). This shows that wherever visitors are coming from (neighboring suburbs, across Sydney or NSW, interstate or overseas), the visitor dollar is certainly important to supporting the local economy in Manly. (source- Spendmapp.com.au)

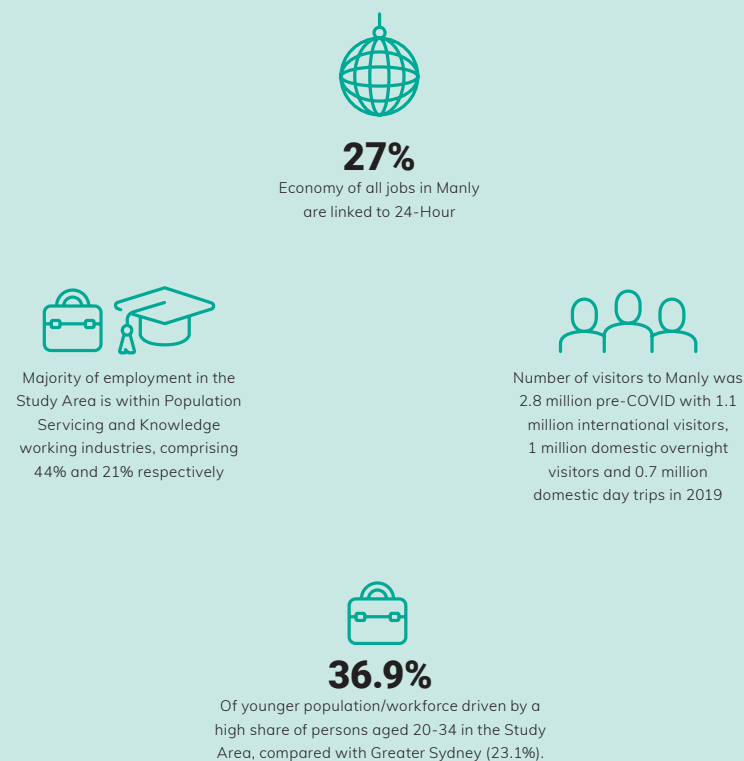
¹Northern Beaches Employment Study, SGS Economics for Northern Beaches Council (December 2019, page 74)

Manly has a thriving night-time economy supplemented by knowledge intensive uses near Manly Wharf. A strong and vibrant night-time economy has positive economic flow-on effects to other businesses and locality. The higher proportion of visitor expenditure recorded in Manly, compared to the Northern Beaches in 2021 (26 per cent and 17 per cent, respectively), reflects that Manly is a strong tourist and visitor attractor. A strong and vibrant NTE supports this sector, having positive economic flow on effects to other businesses and locality (HillPDA, 2022).

²Currently, Manly is the “only designated late-night entertainment precinct in the LGA.

²Source: Towards 2040 – Local Strategic Planning Statement 2020 (Northern Beaches Council 2020)

Figure 06



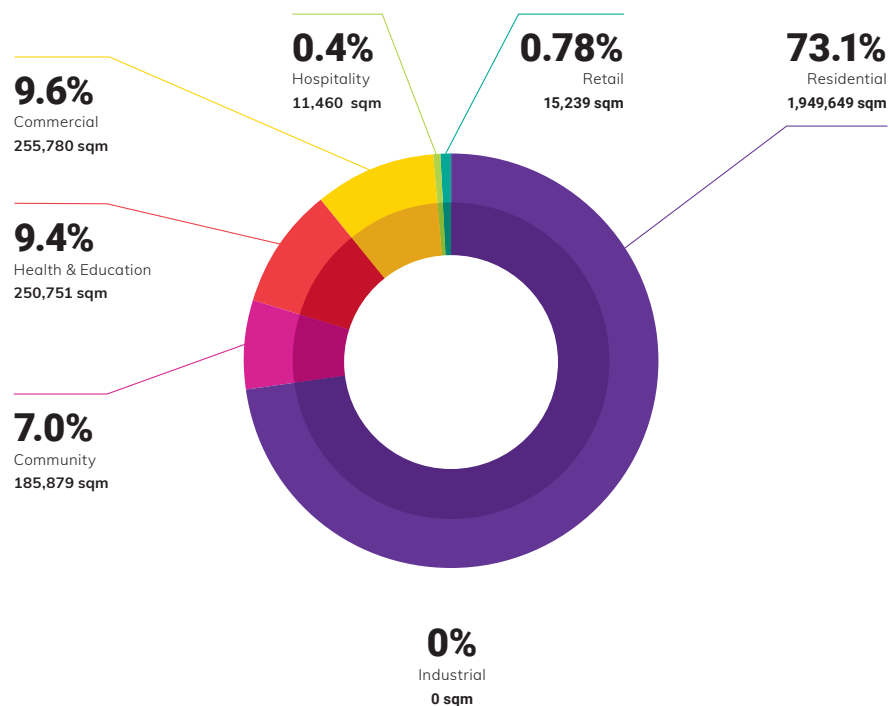
Currently, the range of land uses permitted in the Manly centre (including residential development) facilitates a diversified strategic centre. However this also has the potential to create tension within the Manly Centre. The challenge for this draft Place Plan is to develop a clear vision for Manly and balance competing land uses and expectations of all stakeholders (business owners and operators, residents and visitors).

Council's own Business on the Beaches Strategy recognises that improving the quality of public area provides inspiring spaces for innovation, promotes cultural identity of the Northern Beaches, and in turn, facilitates opportunity to increase the number of creative and cultural economy businesses and jobs.

*Source: Northern Beaches Employment Study, 2019

My Place: Manly

Figure 07
Manly Estimated Land Use*



Extent of the place plan study

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Study area

The Study area of this place plan is the Manly centre. Its boundary is generally defined by land zoned E1 Local Centre under the Manly Local Environmental Plan 2013. We recognise that a large portion of the study area falls within the Manly Town Centre Heritage Conservation Area, and a small part of the northern section falls within the Pittwater Road Heritage Conservation Area, and anything proposed within these areas will need to consider the conservation areas and their significance.

Area of influence

There are a number of key sites that sit within and in the periphery of the study area being project-managed by others. The Place Plan project team acknowledge that anything proposed for these sites will have an impact and influence on the Manly centre. Specific sites with adopted strategies or approval for development have been accounted for in the development of the draft Place Plan.

Some sites are still being investigated and the recommendations for their development will be considered against My Place: Manly

1. Manly Town Hall investigation future adaptive reuse
2. Manly Surf Life Saving Club West
3. West Esplanade (Plan of Management)
4. Ivanhoe Park (Plan of Management and Landscape Masterplan)
5. Wharf 3 Upgrade by TfNSW
6. ICMS Office (consent granted 19 March 2020)
7. Royal Far West (consent granted 20 April 2022)
8. Former Manly Sea Life investigation by TfNSW
9. Northern Beaches Coast Walk

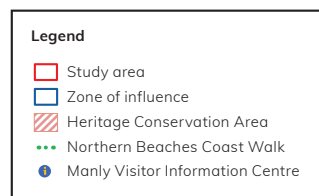


Figure 08
Manly Town Centre Heritage Conservation Area and surrounds



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Definition of Night-Time Economy (NTE)

"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 NTE 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."

Currently, Manly is the
*"only designated late-
night entertainment
precinct in the LGA."**

NSW Treasury (2020),
Sydney 24 Hour
Economy Strategy

*Towards 2040 - Local Strategic
Planning Statement 2020

My Place: Manly

Manly's night-time economy

Manly is an iconic location on the Northern Beaches and is an important tourism destination within Sydney.

It is a premier beach destination offering an eclectic mix of waterfront restaurants, bars and laneways bustling with cafes and independent traders. Its offering contributes to the local economy, culture, and community. It also makes Manly the only designated late-night precinct on the Northern Beaches (Destination Management Plan, 2021).

The (NTE) plays a vital role in positively contributing to the productivity, culture and liveability of every place on the Northern Beaches.

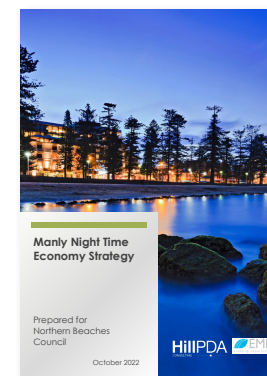


Figure 09



To better understand the significance of a night-time economy for the Manly Centre, Council commissioned the Manly Night-Time Economy Strategy (HillPDA, Consulting, October 2022).

This report designates land use clusters (being those land uses seen to be compatible with each other) to identify any commonality in their distribution and linkages to other elements in the centre. In turn, the land use clusters map informed the development of the draft Place Plan and considered the diversification of night-time economy activities in the centre. Crucial to delivering a successful night-time economy are the following objectives:

- Support for local businesses, encourage live music and performing arts by enhancing the public domain to facilitate a safe and pleasant environment.
- Foster a vibrant and safe environment especially at night.
- Get 'buy-in' from all stakeholders that it is everyone's responsibility.

To do this, we have adopted the 'agent of change' approach which, on balance, is best practice globally, and is seen to be equitable and provides certainty for all users.

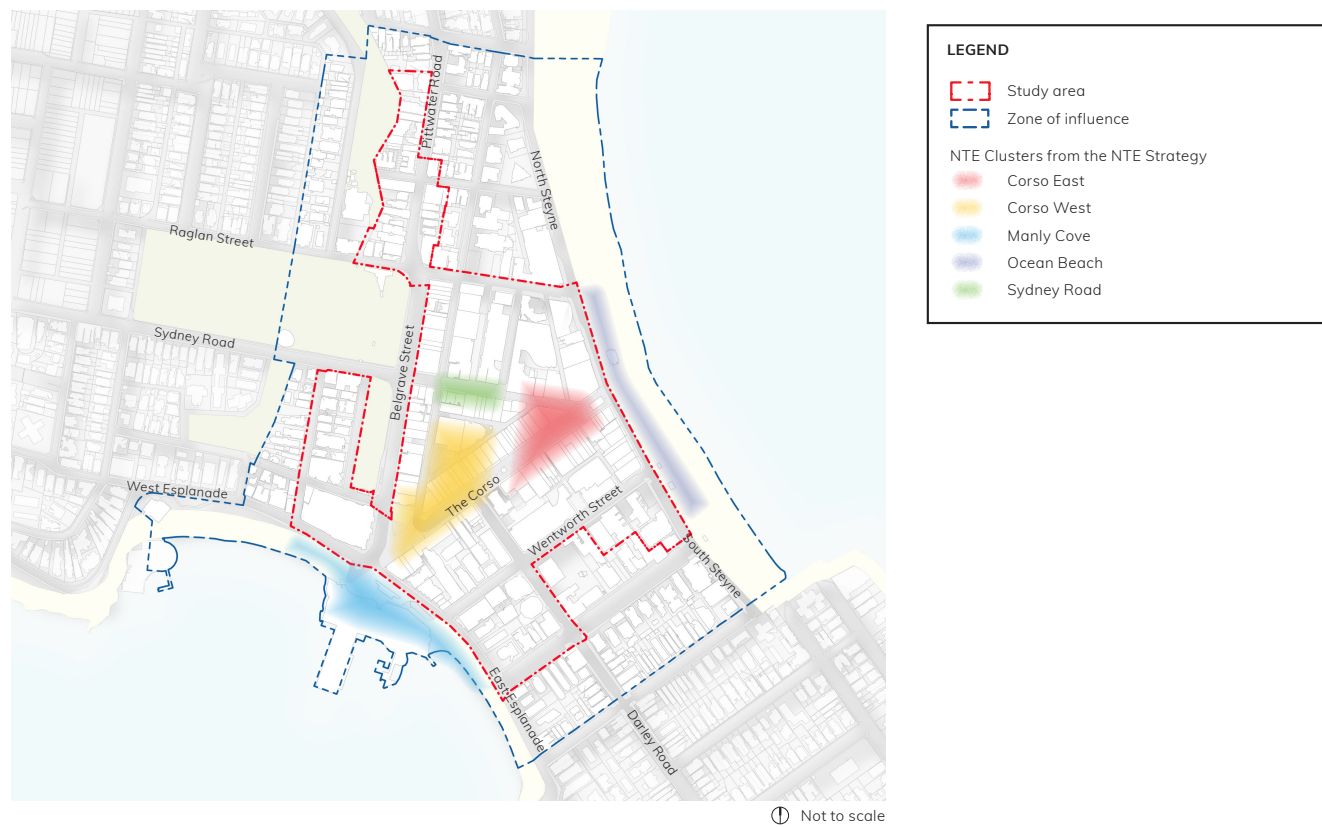
- o The 'agent of change' approach refers to the notion that each stakeholder is aware of the nature of night-time economy venues and events may affect their future and ongoing use and enjoyment of land due to operating hours, noise and other measures of these venues and events.
- o Each stakeholder is responsible for mitigating sounds it is receiving.
- o All stakeholders, business operators, residents and visitors will be aware of their obligations in contributing to a vibrant and safe night-time economy.

Principles towards a 24 hr economy

Council has developed a broad set of principles to guide us in considering a nighttime economy for all place-based investigations; assist in responding to antisocial behaviour; address tensions between conflicting land uses and create a range of activities and opportunities for all demographics. The principles for a 24-hr Economy in the Northern Beaches seek to balance the social and economic aspects of our places and positively impact all stakeholders; and assists in framing what the night-time economy could look like and guide us in improving our local economies.

In turn, these principles have been considered in the development of the Manly NTE Strategy.

Figure 10
Land Use Cluster Map



Principles



1. Foster a thriving and creative night-time economy reflecting local identity

Activate and improve public places to create comfortable, safe, and interesting places which encourage social interaction and productivity. This has informed the development of this Draft Place Plan.

The land use activity clusters will assist in enhancing activation, attracting particular businesses and managing community expectations while providing a focus for specific planning controls and requirements for developers and operators. Activity clusters with specific land uses for varying operating hours have been identified on the Land Use Activity Clusters Map.

The land use activity clusters were used to ascertain compatible land uses that may be co-located with opportunities for activations. Listing these land uses and activations is a way of managing expectations. Another way of managing community expectations will be development controls associated with land uses and buildings, and may include acoustic requirements for development.



2. Continue to build partnerships and capability for businesses and the community to deliver exciting and unique night-time experiences

Continue to build partnerships with the Manly Business Chamber and community groups and investigate opportunities for shared facilities, sponsorships, mentoring and other initiatives to support local businesses and boost innovation/productivity.

Adopt the Manly Night-time Strategy and implement the 'agent of change' approach that facilitates greater certainty for all stakeholders. This includes planning controls to implement land use clusters and acoustic requirements for buildings. The implementation of this strategy will provide certainty and consistency to all stakeholders where noise mitigation measures rest with each development in the Manly centre.



3. Encourage a diversity of night-time offerings catering to all demographic categories

Define the key places in Manly based on shared attributes and implement land use clusters to provide certainty for stakeholders and provide opportunities for a variety of compatible uses.

Council to develop a program of events to support local businesses and encourage additional family-friendly late afternoon and night-time activities. The program will span the calendar year and consider all key locations and public spaces.



4. Create a night-time economy that leverages and enhances natural beauty in the built environment

Provide flexible public spaces that complement identified land use clusters and enhance interaction with the environment. For example, The Corso East is the Northern Beaches' home of entertainment with live music, pubs, clubs, and bars. The Corso West provides a connection to culture

with its proximity to Manly Art Gallery and Town Hall. Activated public spaces in these areas must be compatible with the surrounding uses to support potential events, performances, and other temporary activities.



5. Support safe and accessible places that welcome locals, workers, and visitors

Incorporate Safer by Design principles into all public space activation and improvements.

Continue to implement alcohol-free zones in appropriate locations and times.

Figure 11

Example of potential acoustic requirements based on development type could be prepared in future



Our community

Manly enjoys a strong sense of community with many active community groups, high rates of volunteering and a history of community-led arts and cultural programming. The following provides a snapshot of our community.

Figure 12
Community Snapshot



Population of 3,125 in the Study Area in 2021.



Majority of residents in the Study Area born overseas (51.4%), with 30.7% of residents born in other major English speaking countries.



Higher than average annual household income in the Study Area (\$123,070), compared to the Greater Sydney benchmark (\$92,200).



High proportion of population in the Manly centre are SINKs and DINKs (single income no kids, dual income no kids): 38.5% SINKs and 31.4% DINKs compared to the Greater Sydney Benchmark (22.2% and 23.3% respectively).



Limited population growth within the Study Area, only experiencing an increase of +190 residents over the period 2011 to 2021.



Lower proportion of population in the Manly centre over 65 years old (14.2%) compared with the Greater Sydney benchmark (15.2%).



Number of visitors to Manly was 2.8 million pre-COVID, with 1.1 million international visitors, 1 million domestic overnight visitors and 0.7 million domestic daytrips in 2019.



High proportion of younger population/workforce in the Study Area driven by a high share of persons aged 20-34 (36.9%), compared with the Greater Sydney benchmark (23.1%).



Smaller household size in the Study Area, the portion of group (9.4%) and lone person (36.6%) households are well above the Greater Sydney benchmarks (4.6% and 21.7% respectively).



High share of rented dwellings across the Study Area (63.3%), well above the Greater Sydney benchmark (35.1%).



Almost all homes in the Study Area are attached dwellings, flat, unit or apartments (94.3%). Semi-detached, terrace house or townhouse dwellings make up the balance.



Higher proportion of unoccupied private dwellings in the Manly centre (20.6%) compared with the Greater Sydney benchmark (7.9%).

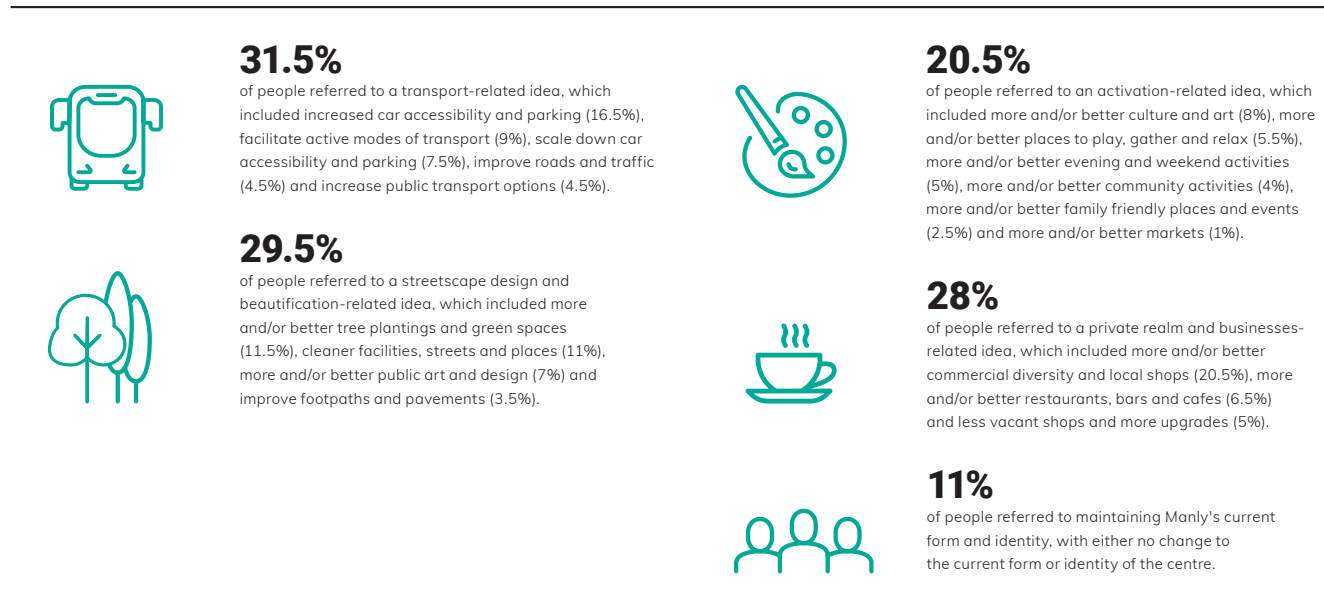


Majority of employment in the Study Area is within Population Servicing and Knowledge working industries, comprising 44% and 21% respectively.

Our community's ideas for changes

Participants of the Placescore study conducted in 2018 were asked 'What is your small or big idea to improve your local Town Centre?'. Our community's responses have been summarised into five key themes.

Figure 13
Placescore study community response summary





Project Working Group
Source: Amanda Clarke

Manly Place Plan 2023



My Place: Manly



Manly Place Plan 2023

Community engagement

Community consultation is at the heart of My Place: Manly.

We undertook a range of virtual and in-person workshops with the Manly community to gain a clear understanding of their thoughts, passions and aspirations.

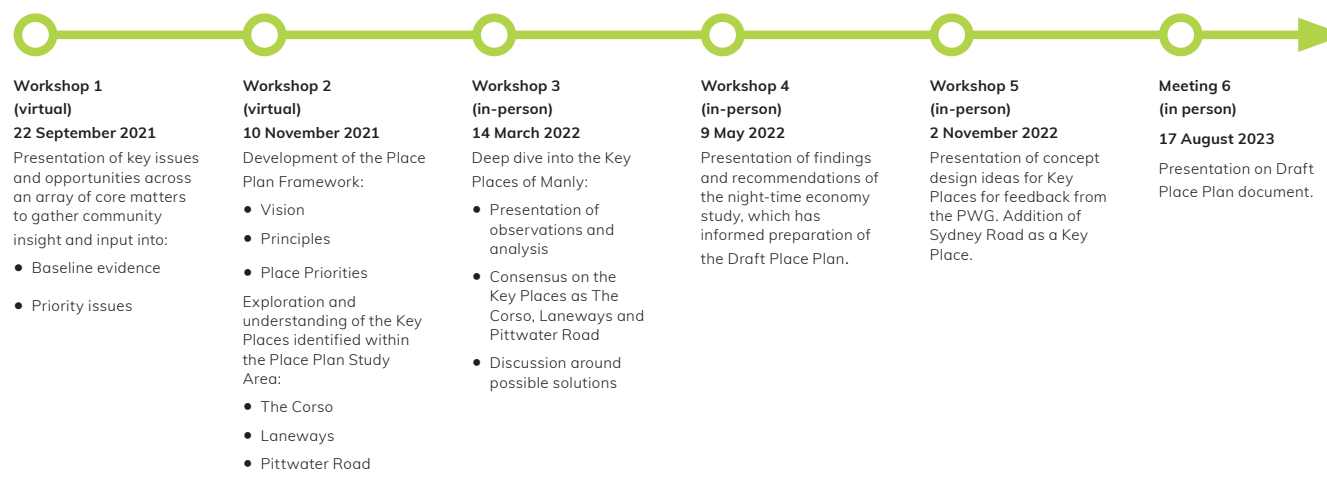
We established a Project Working Group (PWG), which represented a broad cross section of the Manly community who hold an intimate understanding of the area.

The PWG provided a forum for discussions between Council, our consultants and 15 representatives including residents, businesses, associations and representative bodies, and other special interest groups.

The PWG provided valuable insight and helped us to verify key issues, identify additional opportunities and further

develop ideas and solutions for the future of Manly. This engagement allowed the development of a framework for the Place Plan and enabled us to present a clear community vision for the future of Manly, supported by a series of principles and objectives, place priorities for each Key Place and actions to help realise the vision.

Figure 14
Manly Community workshops



Community vision for Manly

A community vision that builds on the current vision for Manly in Council's LSPS has been developed with the PWG.

This updated vision for Manly has informed the development of the Draft Place Plan and will guide decision making.

Current vision for Manly
(Priority 26 in Council's LSPS):
"Manly as Sydney's premier
seaside destination."

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Updated vision for Manly:

"Manly is a thriving and welcoming coastal town centre, uniquely positioned between a world-class beach and harbour, with a vibrant local economy, attractive and functional public spaces and rich Aboriginal and European Heritage. A place of stunning natural beauty to live, work, play and holiday!"



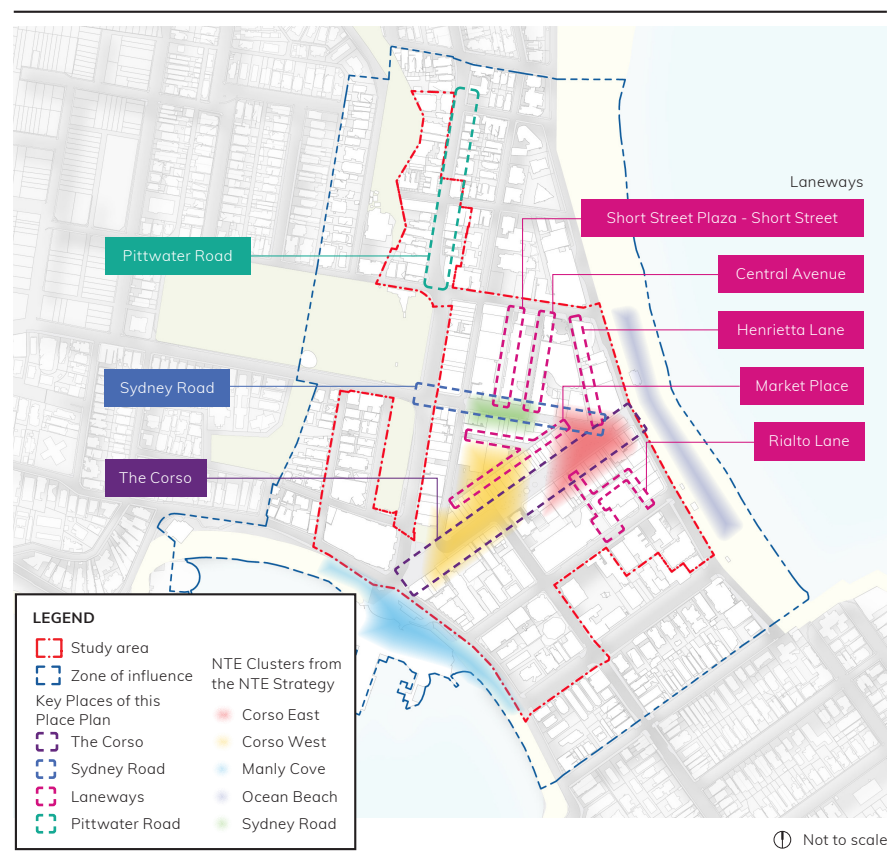
Key places of Manly

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 particularly Rialto Square, Henrietta Lane, Central Avenue and Short Street Plaza - Short Street) and Pittwater Road.

The diagram on the right illustrates how these key places relate with the land use clusters outlined in Section 2.3. The definition of these clusters has been recommended to ensure a balanced approach to supporting the night-time economy while also managing the impacts of noise and disturbance in the Manly centre. Key uses and stakeholder for each of these cluster have been identified to assist in enhancing activation, attracting particular businesses and managing community expectations with the introduction of new planning controls and requirements.

Figure 15
Key Places of Manly



The role and functions of the key places

The vision for all key places in Manly is to create flexible and activated spaces year-round, highly regarded by the community and visitors as thriving and unique places.

The Corso – the heart of Manly

The Corso is the heart of Manly in a geographical and historical sense.

The Corso is a large space with different built forms and functions. In some sections, it should feel like Manly's main street with a buzz of activity and vitality and a diversity of uses and experiences. In other sections, it should feel like a town square where locals and visitors come together and socialise through events, eating, entertainment and to experience life in a beautiful and comfortable place.

To create this vision, we need to define and design spaces within The Corso to specifically encourage people to want to spend time being entertained, playing in family-friendly spaces and eating outdoors in clean and tidy designated spaces. These areas should allow easy pedestrian flow that encourages people to slow down and enjoy the atmosphere. Additional tree canopies that will provide more shade and help enhance people's comfort and enjoyment. By decluttering and re-designing some spaces, the community could enjoy more events and activities.

The Corso plays a vital role in the local night-time economy and should be a key consideration when planning and designing spaces for after-dark experiences. The intersection of The Corso and Sydney Road (defined as Corso East) is currently the centre of Manly's nightlife. This area is the home of entertainment, live music, pubs, clubs and bars, complete with a buzz of conversation, music, and activity.

The vision for Corso West is to become Manly's cultural home where visitors, looking to experience the Northern Beaches cultural capital, rush to theatres, cinemas, and music venues. Corso West would also host community facilities that bring creatives of all ages together. Manly Town Hall and Manly Plaza are the centre of Corso West, and their envisaged vibrancy encourages visitors and locals to find out what's going on. The surrounding cafes, restaurants and other businesses enjoy the presence of a new customer base at their doorstep.

Sydney Road – Manly's dining room

Sydney Road-Belgrave Road is the gateway into Manly coming from the west. It is the entry point for people walking through and enjoying the bustling atmosphere and also for cyclists who will get off their bicycles to explore Manly by foot.

Sydney Road is Manly's dining room. From Whistler Street east, Sydney Road is a pedestrianised space with cafes, restaurants and bars supplemented by arts and craft and fresh food markets on the weekend. It offers a casual yet vibrant atmosphere, perfect for visiting, socialising and eating. We aim to build on its existing 'eat street' character to transition into evening hours, capitalising on this thriving hub that leads into the laneways and The Corso.

Market Place – village vibes

Market Place is nestled within Whistler Street, The Corso and Sydney Road, is visited by tourists, locals, musicians and creatives and has a friendly village atmosphere. Manly Library anchors this space and is surrounded by cafes, restaurants and bars with outdoor dining.

Market Place has a electric energy and hosts community facilities that enable creatives and young people to engage and collaborate. It's a creative and edgy place that has a long history with locals and visitors. The space is known for its healthy and delicious food options, street art and buskers. Arts and creative businesses will also complement the well-established food and drinks businesses.

Currently, high rental prices are causing less interest from creative businesses to invest in the centre.

New signage offering directions and information together with improvements to the public domain will help make the space feel more enjoyable and safer.

Manly's Laneways – hidden gems

Manly offers an eclectic mix of vibrant evolving laneways that offer an array of shops, cafes and services. Tourists, locals, workers, foodies and bar connoisseurs all frequent Manly's laneways for a variety of reasons, day and night.

Short Street Plaza, Central Avenue and Henrietta Lane veer from Sydney Road - Manly's dining room.

Short Street Plaza west of Central Avenue is a pedestrian-only plaza with pockets of activation. Increasing active frontages for cafe dining with lighting and public art on blank walls, as well as amenity improvements, will result in a gradual transitional entry into Manly's eat street.

Mid-block along Sydney Road is Central Avenue. Fast becoming the 'health and wellness' cluster, Central Avenue is a two-way street servicing vehicles with direct access onto Raglan Street. Pedestrian amenity and safety along Central Avenue between Sydney Road and Raglan Street are improved by widening the footpaths and planting at specific locations.

Henrietta Lane is a 6m wide lane located at the eastern end of Sydney Road, and acts as a service lane for businesses fronting the beachfront. Art installations, including lighting and murals, will bring visual interest into this space.

Rialto Lane, connecting The Corso to Wentworth Street, balances cars, people, loading docks, services and waste collection. Public artwork to existing service areas will further enhance laneway character. It leads to another hidden gem, Rialto Square; a quaint public space with outdoor dining areas then onto Wentworth Street.

Pittwater Road

Pittwater Road is a 'gateway' into Manly when travelling by road. It needs to be welcoming, vibrant and effective in showcasing its historical built form. A sense of arrival should be created that reflects the essence of Manly – a celebrated coastal town with a unique modern vibrancy.

This section of Pittwater Road, from Carlton Street to Raglan Street, is a lively residential neighbourhood with a great mix of retail, a variety of food experiences and services such as gyms and hairdressers. There is opportunity to add more life, amenity and energy into this 'great place to live' that is within close proximity to world famous Manly Beach.

We'd like to slow down traffic, add safer pedestrian crossings and enhance the green amenity with new trees and raingardens. Outdoor dining would be encouraged to occur as a hybrid arrangement with parking areas. These streetscape improvements and activations will attract visitors, encourage residents to proudly enjoy their local street and will appeal to new businesses to add to retail mix.



South Steyne
Source: Salty Dingo



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Our principles, objectives and actions

My Place: Manly



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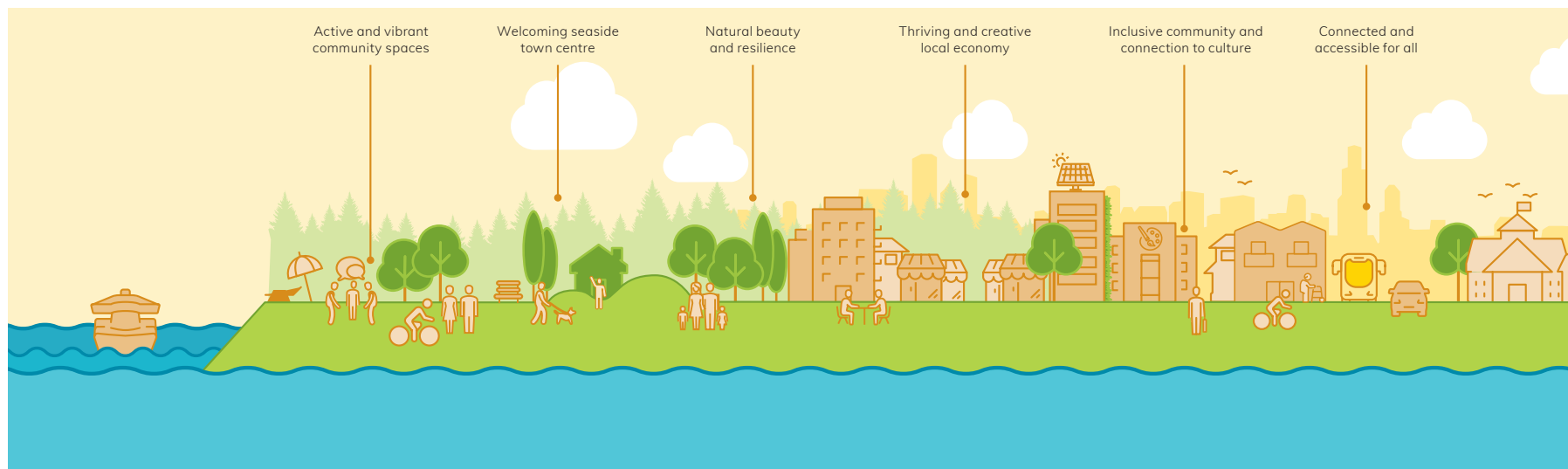
Our principles, objectives and actions

Six principles will guide the realisation of the community's vision for Manly.

Each principle is supported by a series of objectives that recommend actions to deliver the initiatives proposed by this Place Plan.

They include providing flexible spaces for a diverse range of activities such as spaces for people to meet and gather, as well as improving and enhancing the public domain to make spaces safer and more enjoyable to spend time in.

Figure 16
Manly Town Centre



My Place: Manly



Manly Corso
Source: Salty Dingo

Manly Place Plan 2023

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Principle 1

Active and vibrant community spaces

Create adaptable, friendly and unique public spaces that foster interaction and expression.

Objectives

1. Improve the overall look and feel of Manly centre.
2. Create flexible public spaces that enhance community interaction.

Actions

1. Undertake audit of existing assets/ infrastructure including utilities, pipes, public art installations, signage, street furniture (bins, seating, bollards, trees, lighting etc) and public amenities.
2. Our public spaces should embrace sustainability concepts, be exemplary and biophilic design. They are designed and constructed with sustainability and safety in mind.
3. Future-proof the public spaces and servicing of these spaces to account for temporary/pop up events, seasonal and climatic conditions. This will enable efficiencies in rollout of event or seasonal infrastructure or temporary overlay (for example lighting, park and ride etc).
4. Our public spaces create opportunities for events and activities that are attractive to broader demographics.
5. Provide a range of ambient lighting within the Manly centre.
6. Investigate ways of reconfiguring the Whistler Street ground level car park to optimise pedestrian safety and visual amenity.
7. Encourage outdoor dining areas associated with an approved food and beverage premises to be suitably located so it creates vibrancy in Manly's streets and laneways.



Manly Town Hall
Source: Ethos Urban



Pop-up piano by Yantra de Vilder at Town Hall Square during Play Manly
Source: Salty Dingo



Space to gather and dwell on The Corso during Play Manly
Source: Salty Dingo



Market Place
Source: Karen Watson photography

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Principle 2

Welcoming seaside town centre

Enhance Manly's distinctive seaside urbanity, characterised by energised laneways and excellent built form.

Objectives

1. Reinforce Manly's role as the premier visitor gateway to the Northern Beaches.
2. Positively shape Manly into a safe, easy to access centre with a range of experiences and services to suit all users.
3. Celebrate and preserve Manly's built form and landscape cultural heritage.

My Place: Manly

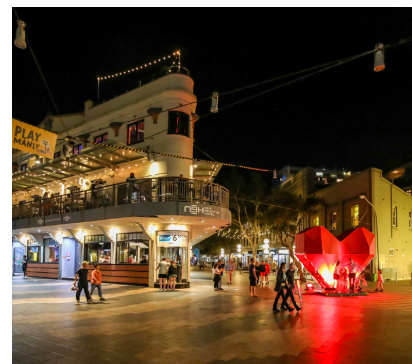
Actions

1. Continue discussions with Transport for NSW to explore opportunities to renew/enhance the plaza area at Manly Wharf and create a 'sense of arrival' to enhance the visitor arrival experience, in conjunction with Wharf 3 upgrade, redevelopment of the former Aquarium building, and Council's West Esplanade Heritage Activation Plan.
2. Explore opportunities for installation of gateway feature at the Sydney Road - Belgrave Street intersection and Pittwater Road at Carlton Street signifying these intersections as the gateways into Manly centre.
3. Create a sense of arrival in the forecourt of Manly Town Hall as people enter via this area into Manly Centre.
4. Develop a theme-based program for public art installations including light art, wall art or elements that reflect the coastal or historical setting and embrace sustainability concepts or biophilic design such as green walls. Suitable sites will be identified for the potential of such installations. The potential sites are to enhance visual interest particularly at locations where there is limited activation opportunity.
5. Explore opportunities to use light art installations at key laneway intersections to signify entry points into Manly's laneways.
6. Build on the audit of existing assets/ infrastructure and ensure a coordinated approach to upgrading assets such as signage for wayfinding, street furniture.
7. If required, review the waste collection and cleansing operations in line with the implementation of the 24- hour economy activities in the Manly centre.

8. Identify opportunities to balance visitor accommodation with housing for residents in Manly centre in line with Northern Beaches Destination Management Plan and NSW Government's short term rental accommodation framework.
9. Any public domain improvement is to be consistent with the Northern Beaches Public Space Vision and Design Guidelines for the Manly centre.
10. Preserve the low-scale historical architecture and fine grain pattern and maintain important historical view corridors such as towards the harbour and ocean. Develop specific style and character design guidelines.
11. Review development provisions to achieve a consistent treatment for awnings; and improve the streetscape and visual appearance of the built form by limiting advertising and signage on buildings.



Public art by Rachel Giddens along Rialto Lane
Source: Simone Franchi



Public art installation during Play Manly
Source: Salty Dingo



Greening of laneways Corso
Source: Salty Dingo



Existing outdoor dining in Market Place
Source: Salty Dingo

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Principle 3

Natural beauty and resilience

Stewardship of the natural environment that protects and enhances the unique local ecosystem.

Objectives

1. Embrace Manly's iconic blue and green natural features and protect unique local ecosystems.
2. Increase the urban tree canopy and create quality green streets and public spaces.
3. Encourage and empower the community to embrace everyday green practices.

My Place: Manly

Actions

1. Promote events along Manly Cove/ at Manly beach and oceanfront that celebrate Manly's iconic beach setting and does not result in adverse environmental impact.
2. Finalise the Seaforth to Manly Flood Risk Management Study/Plan and if required, a detailed stormwater study for the Study Area and the surrounding Area of Influence.
3. Integrate landscape design with water and stormwater management.
4. Increase tree and vegetation planting in the design of public spaces to increase shading and increase utility and enjoyment of these spaces.
5. Incorporate sustainability outcomes, such as green architecture and biophilic design, into development approvals process where possible.
6. Integrate greenery and vegetation into buildings, laneways and car parks such as green laneways, green walls and roofs.
7. Explore opportunities for a public art trail that connects the Manly centre with its surrounding natural assets while promoting sustainability and resilience.
8. Encourage walking and cycling throughout the Manly centre (and its surrounds) to decrease greenhouse gas emissions.
9. Explore local composting options for food waste and organics to reduce waste generated and promote circular economy solutions.



Outdoor market by the cove during Play Manly
Source: Salty Dingo



Outdoor cinema by the cove during Play Manly
Source: Salty Dingo



Water sensitive urban design
Source: Water Sensitive Cities



Composting
Source: Tara Samuelson

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Principle 4

Thriving and creative local economy

Provide a vibrant local economy which facilitates a diversity of experiences through the day and night, which make Manly an enviable place to live, work and play in.

Objectives

1. Build a diverse and resilient local economy that services and supports the needs of the local community first.
2. Embrace and build on Council's 'Business on the Beaches' economic development strategy and Manly's night-time economy strategy to support businesses and the local community.
3. Embrace and build on the focus of the Destination Northern Beaches Plan to strengthen supply, capacity and governance of tourism related assets.

My Place: Manly

Actions

1. Develop a program of events to support local business and encourage additional, family-friendly late afternoon and night-time activities.
2. Encourage unique and diverse retailers by working in collaboration with Manly Business Chamber to establish mentoring programs and initiatives to support local start-up businesses and local entrepreneurs.
3. Adopt the 'agent of change' approach in the implementation of the Manly nighttime economy strategy to improve certainty for businesses, residents, owners and creatives.
4. Undertake a trial period of late trading hours (from 10pm to 6am) for low impact land uses such as retail, health and wellness, food and drink premises of certain seating capacity (indoor and outdoor) and without a liquor licence (but not pubs).
5. Explore opportunities to commence a trial for late trading hours (from 10pm to 6am) at specific location(s).
6. Develop controls specifying acoustic requirements for development and may include preparation of a Noise Planning Level.
7. Work with Manly Business Chamber and businesses to run a 'Shop Local' campaign to highlight the importance of supporting local businesses.
8. Promote Manly to increase visitations and stays during the off-season and mid-week, particularly the winter months.
9. Investigate opportunities to facilitate a diverse range of land uses including office space, cultural/creativity activities and tourism-orientated development in the preparation of the new Local Environmental Plan for the Northern Beaches.



Outdoor stage on The Corso during Play Manly
Source: Salty Dingo



Pop-up activities along The Corso during Play Manly
Source: Salty Dingo



Family-friendly games along The Corso during Play Manly
Source: Salty Dingo



Smaller performances such as busking
Source: The Rocks



local business CRE8 with JAZ - Design & Print
Source: Karen Watson Photography



Art displays as temporary activation
Source: Ethos Urban

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Principle 5

Inclusive community and connection to culture

Recognise Manly's significant built and landscape cultural heritage, acknowledging and respecting Indigenous heritage and supporting a cohesive and creative community.

Objectives

1. Embrace and build on the Connected Through Creativity 2029 Northern Beaches Art and Creativity Strategy
2. Celebrate and promote cultural places and acknowledge and recognise Indigenous culture and stories.
3. Consider the needs of conflicting users of Manly including local families, tourists, teenage visitors, night-time visitors and people of differing cultural backgrounds.

My Place: Manly

Actions

1. Undertake a review of public art assets in Manly.
2. In developing a program for public art that includes various forms, embraces sustainability concepts and biophilic design, and reflects local historical and coastal contexts, incorporate the following elements:
 - a. create a shortlist of locations for public art installations.
 - b. reinstating the 'Bend the Truth' sculpture by Michael Snape, 1996.
3. Celebrate and support Manly's creative community, in particular ideas relating to Indigenous messages.
4. Develop a cultural program for all-year activities in Manly to improve everyday amenity and attract visitation to core events and programs and provide opportunities for new events.
5. Extend on the Connected Through Creativity 2029 through a busker program to provide entertainment in designated areas of Manly centre.
6. Investigate heritage significance of the sandstone pylons at the beach end of The Corso with the view to reinstate/ restore these pylons.
7. Foster opportunities to celebrate the community's creativity through activation of the laneways, open spaces and vacant shops via installations, galleries, art boxes and pop ups.
8. Develop greater awareness of the 'agent of change' approach so that stakeholders are aware that the person developing their property is responsible for incorporating noise measures in the design and construction of their development.
9. Investigate opportunity for public art installations as permissible development that does not require development consent.



'Catch and Release' mural by Reubszz
at Donny's Bar in Market Place
Source: Salty Dingo



Manly Corso
Source: Karen Watson Photography



Artwork created by local public school children
displayed in vacant shop window
Source: Salty Dingo



Community art classes during PlayManly
Source: Salty Dingo

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Principle 6

Connected and accessible for all

Connect the community to Manly and its iconic beach, bush and harbour, with a focus on sustainable modes of travel which improves movement for all.

Objectives

1. Prioritise people over cars by improving accessibility for all and increase walking and cycling opportunities to and within Manly centre.
2. Improve the functionality, safety and pedestrian experience in and adjacent the laneways, and along Pittwater Road from Raglan Street to Carlton Street.
3. Improve and increase bicycle parking spaces and associated facilities.
4. Improve public transport services into Manly, particularly outside of peak periods and on weekends to reduce reliance on private vehicles

My Place: Manly

Actions

1. Undertake a comprehensive Movement and Place Study to gain a holistic understanding of current and future requirements for public transport, active transport, private vehicles, parking, deliveries, services, waste collection and cleansing operations; including the feasibility of converting Henrietta Lane and Short Street to dedicated shared zones and option for a signalised intersection at Pittwater Road and Carlton Street.
2. Review current and future on-street parking requirements along Pittwater Road (from Raglan Street to Carlton Street) to inform suitable locations for footpath widening, kerb build-outs, parklets and rain gardens as indicated in the proposed design concepts in this Place Plan.
3. Continue to collaborate with Transport for NSW to optimise public transport routes and improve amenity and frequency of services.
4. Continue to advocate to Transport for NSW to retain the iconic Freshwater Class Manly Ferry.
5. Explore opportunities for shuttle bus services to better manage parking and accessibility between Manly and the Northern Beaches.
6. Transition a section of the existing bicycle paths on the promenade along North and South Steyne to a shared zone to create a safer environment for pedestrians when crossing from The Corso towards the beach.
7. Ensure that all new major public domain works proposed for Manly are universally accessible and inclusive for all, in line with Focus Area 2 - Creating Liveable Communities, outlined in Council's Disability Inclusion Action Plan 2022-2026.



Shared zone
Source: Gehl Architects



Bicycle repair station
Source: LADOT



Bicycle path along North and South Steyne
Source: Ethos Urban



Sydney Road and Whistler Street intersection
Source: Ethos Urban

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Concept design ideas for the key places

My Place: Manly



Manly Place Plan 2023

Positioning of key places within the Manly centre

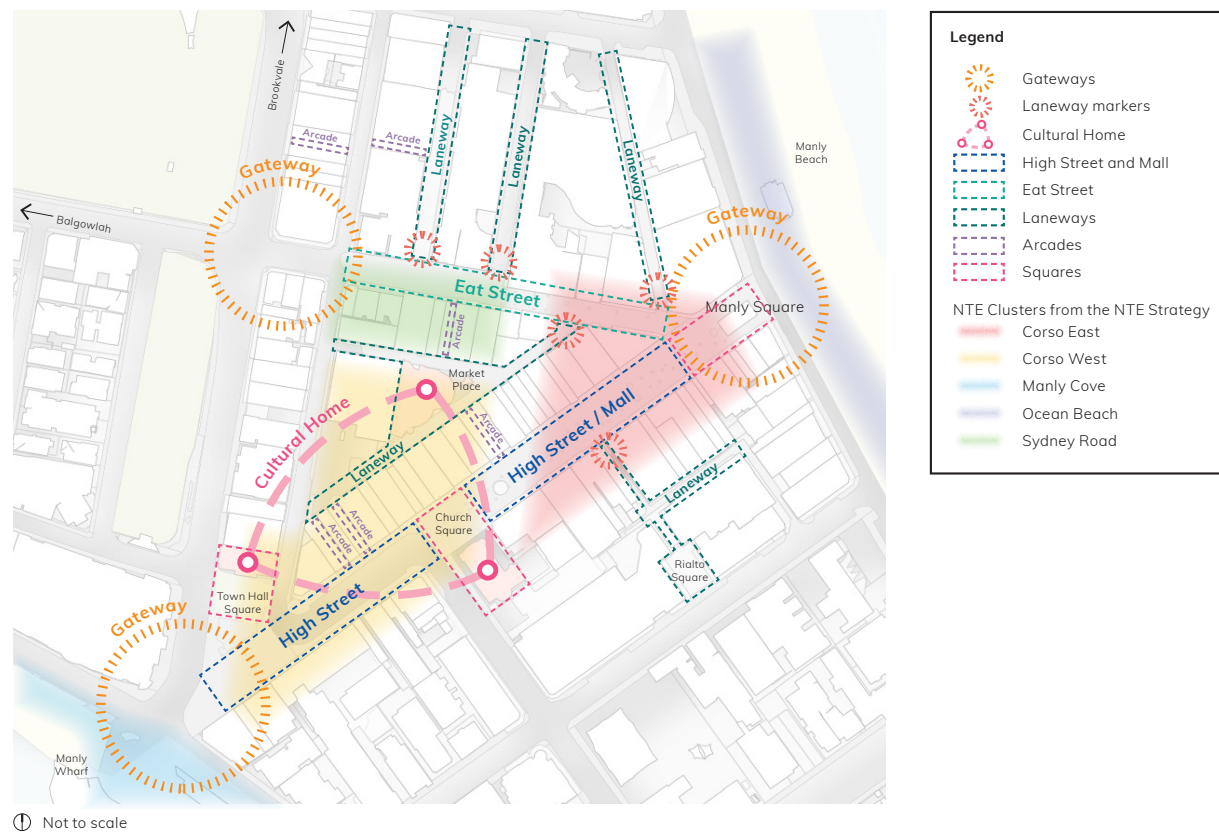
Before developing concept design ideas for the key places (The Corso, Sydney Road, Laneways and Pittwater Road), it is prudent to recognise that they are closely interlinked with other parts of the Manly centre.

The key places and the surrounding public spaces are characteristically and typologically different from one another. They each have a function and role to play that collectively make Manly the unique place that it is today and is detailed in Section 3.3. This is particularly true in the Manly centre, where the existing fine-grain character of the centre lends itself to being highly connected via a network of laneways and arcades.

We have grouped these places into the following character areas based on their shared attributes:

- Gateways
- Cultural Home
- High Street and Corso East (The Corso)
- Eat Street (Sydney Road)
- Laneways
- Laneway markers
- Arcades
- Squares
- Pittwater Road

Figure 17
Character areas within the Manly centre



Gateways

There are three 'Gateways' surrounding the Manly centre.

Manly Wharf to the south-west is the first point of contact welcoming visitors to Manly.

The Sydney Road and Belgrave Street intersection signifies the entry into the Manly centre when approaching from Balgowlah to the west. Pittwater Road heading southwards provides a transition from residential into the commercial activities for Manly. A key focus of this Place Plan is to enhance the Sydney Road and the Pittwater Road gateways and frame these edges of the centre.

Cultural Home (Corso West)

A key priority of this Place Plan is to create a 'Cultural Home' for Manly that is centered around the potential renewal of Manly Town Hall. Together with St Matthews Church, Manly Town Hall, Manly Court House and Police Station these buildings and their adjoining open spaces form synergies that anchor Manly's cultural, civic, and community uses.

High Street and Corso East

The Corso functions as a 'High Street' that connects Manly Cove/ Wharf and the beach. Its south-western end is very much a typical high street with retail frontages lining both sides of a vehicular street, whereas its north-eastern end is a pedestrian-only mall extension of this high street typology.

A focused reconfiguration of the north-eastern end, known as Corso East, will encourage a mix of activities and provide spaces for people to dwell, gather as a community and enjoy events and performances.

Eat Street

Sydney Road is seen as Manly's 'Eat Street' and is home to a variety of restaurants with outdoor dining under the shade of established trees, creating a pleasant space to dine and dwell in. Its existing character will be retained and enhanced as part of this Place Plan.

Laneways

Off to the sides of The Corso and Sydney Road are the laneways of Manly, where smaller and more intimate pockets of activity can be found. Improvements to prioritise pedestrian safety and amenity will build upon the unique characteristics of these laneways.

Laneway Markers

There is an opportunity for this Place Plan to introduce visual markers that signal entry points to the adjoining laneways. These markers could be in the form of light art installations that establish visual identities unique to each laneway.

Arcades

A series of arcades exemplify the fine-grain character of the Manly centre. These arcades currently provide and will continue to provide important through-site connections that link The Corso with Market Place and Sydney Road.

Squares

The introduction of new squares along The Corso will assist in spatially defining it while complementing the existing Town Hall Square. The new Church Square and Manly Square will provide flexible, open spaces that can support a range of uses.

Rialto Square

Accessible from Rialto Lane or Wentworth Street, Rialto Square and pockets of Rialto Lane offers a hidden oasis for locals and visitors. This hidden gem avails itself for increased activation that balances the servicing arrangement in Rialto Lane and the needs of residents that overlook Rialto Square.

Pittwater Road Neighbourhood (Pittwater Road)

While situated away from the intense activity of the Manly centre, Pittwater Road provides a range of amenity and services for local residents and plays an important role in connecting Manly with Brookvale to the north. This Place Plan seeks to prioritise pedestrian safety and amenity along a particular section of Pittwater Road and create a sense of arrival into Manly.



Source: Karen Watson Photography

The Corso

The Corso is Manly's iconic high street, connecting the cove and the world-famous Manly Beach.

It is multi-layered and complex in its typology, with its south-western portion functioning like a road with lanes for cars and bikes and its north-eastern portion being a pedestrian-only mall. In addition, it operates very differently throughout the year. It is extremely busy in summer but is relatively under-utilised in winter. These layers make it difficult to achieve consistent activation year-round, particularly along the mall portion of The Corso.

To achieve a main street with activities and diversity of user experiences, the following place priorities for The Corso are identified:

- Create flexible spaces to facilitate large gatherings, pop-ups and everyday activities for locals and visitors to increase dwell time along The Corso.
- Create an integrated 'Cultural Home' centered around Manly Town Hall by implementing adaptive reuse investigations and encouraging ancillary uses.
- Tell a story of heritage in The Corso of both an Indigenous and European nature via preserved built form and landscape, interpretive signage and public art.
- Provide directional signage as part of the entrance into Manly centre and useful signage in The Corso for public amenities and essential services.
- Improve urban tree canopy along the Corso with appropriate tree species that create shade and ambience while being resilient and aesthetically pleasing.
- Protect and retain the heritage trees.
- Promote opportunities in The Corso for public art and displays which celebrate Manly's cultural heritage and natural environment.
- Ensure there is a clear access path from Manly Wharf to Manly Beach for the full length of The Corso for all pedestrians including those with mobility limitations.
- Provide a safe environment for people to gather and sight-see, particularly with pedestrians' and cyclists' tendencies to travel fast at the beach end of The Corso.
- Investigate the opportunities for a new structure and gathering point at east end of The Corso providing a much-needed all-weather outdoor performance space.



Source: Karen Watson Photography

Manly Place Plan 2023

Key moves for The Corso

In response to our guiding principles and place priorities, particularly around increasing activity and dwell time along The Corso, the following key moves have been established to inform the potential reconfiguration of The Corso:



Maintain smooth pedestrian flow

Ensure that pedestrian movement is not impeded by any new permanent structures or trees along both sides of The Corso, taking care to avoid designing only for 'event-mode' in summer.



Retain key movement and gathering nodes

Keep these areas free of any new permanent structures or trees to retain the current Town Hall Square and to create a new 'Manly Square'.



Celebrate significance of -existing fig trees

Keep area around existing fig trees free from any new permanent structures that may detract from their significance.



Acknowledge the heritage significance of

Existing Canary Island Date Palms
Ensure that these trees, originally planted along The Corso in 1928, are retained while allowing the flexibility for them to be relocated elsewhere on The Corso if required.



Celebrate built form heritage

Keep area in front of St Matthews Manly free from any new permanent structures or trees and create a new 'Church Square'.



Introduce a new multi-purpose performance and gathering space

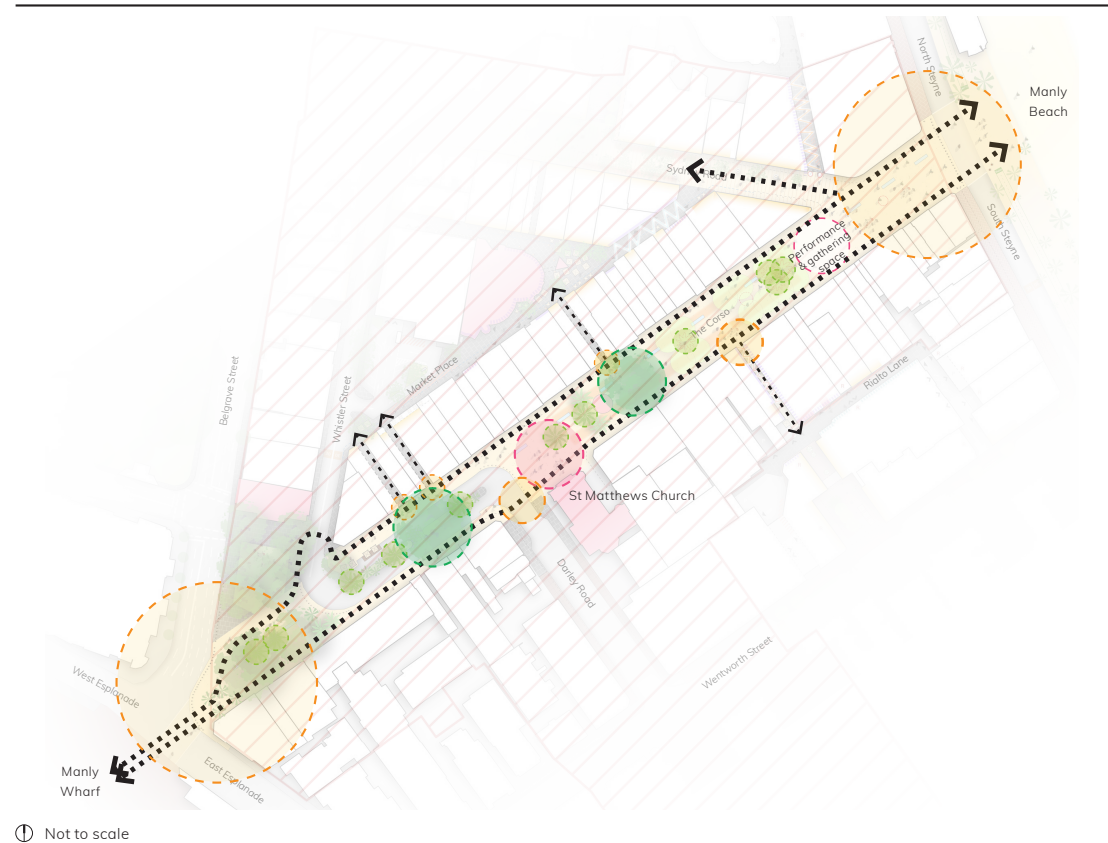
Provide an architecturally-designed structure/building that anchors the north-eastern end of The Corso.



Acknowledge the Manly Town Centre Heritage Conservation Area

Ensure that due consideration is given to the Heritage Conservation Area that The Corso sits within.

Figure 18
Key moves for The Corso



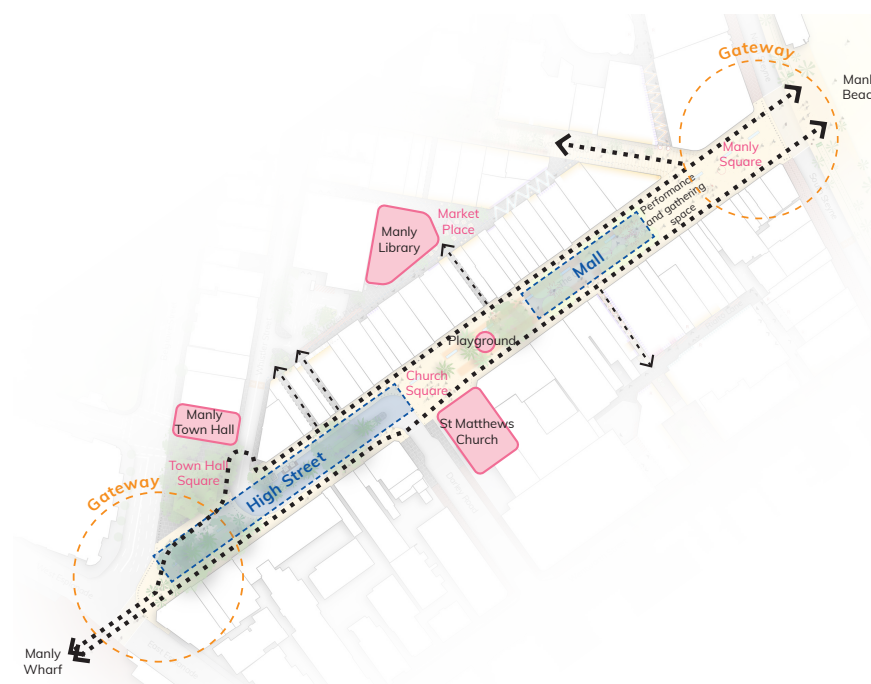
Spatial definition of The Corso

To help give definition to the types of activity that may occur on different parts of The Corso, portions of The Corso are spatially defined by different clusters of activity.

The south-western portion of The Corso is defined by Manly Wharf on one end and St Matthews Church, the new Church Square and the existing playground on the other end. This length of The Corso functions as a typical high street.

On the other side of the playground lies the north-eastern portion of The Corso, which functions as the pedestrian-only mall extension of the high street typology. The proposed performance and gathering space sits in the middle and signifies the transition towards the new Manly Square and Manly Beach.

Figure 19
Spatial definition of The Corso



① Not to scale

Concept design idea for The Corso

1. **Retain existing high street character** - No change proposed for the south-western end of The Corso. Existing carriageway compresses pedestrian activity along shopfronts and vehicular movement provides passive surveillance after dark
2. **Retain and celebrate significance of existing fig trees** - Ensure that no new permanent structures are constructed around them.
3. **Relocate four existing Canary Island Date Palms on The Corso** - Two to be relocated to near the existing playground and be clustered with two other existing Canary Island Date Palms in this location. Two to be relocated to near the existing Manly War Memorial at the south-western end of The Corso.

4. **Retain existing playground and water play fountains.**
5. **Activity zones** - Dedicated zones on both sides of The Corso that provide space for a range of activities including outdoor dining, seating, public litter bins, phone booths, water play, smaller performances and pop-ups under the shade of new trees.
6. **Provide new trees to replace existing Cabbage Palm Trees** to increase shading in the proposed activity zones. Select tree species will be subject to future detailed design.
7. **Replacing the existing John Speight Stage, with a multi purpose performance and gathering space.** Consider the existing stage as fit-for-purpose over the short-term as there may be opportunity to have a performance space and still allow for circulation around it.

In the longer term, the existing stage may be replaced with a new multi-purpose performance and gathering space anchoring the north-eastern end of The Corso.

The location and design of the new performance space will be dependent on opportunity for vista to the beach.

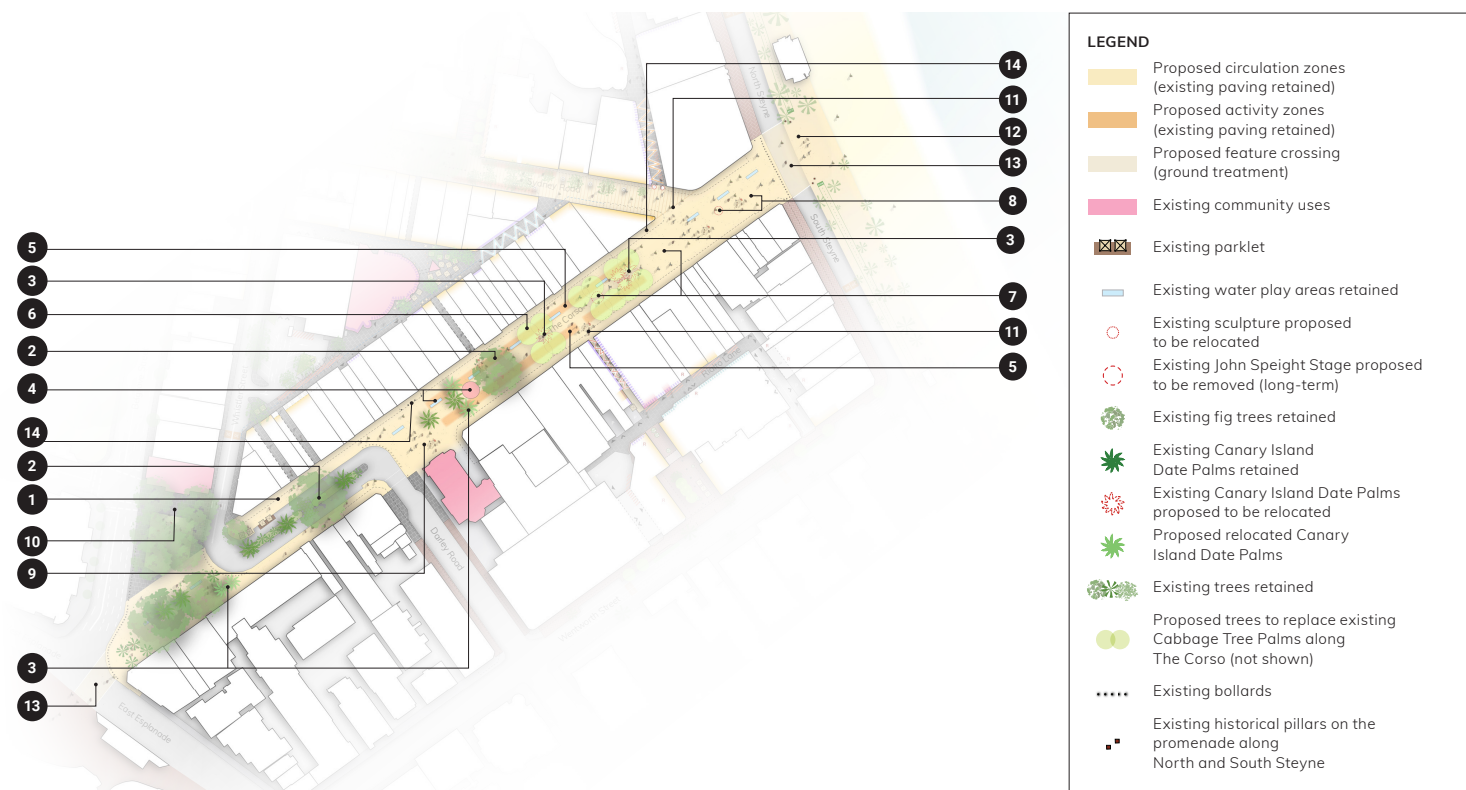
The view to Manly beach is retained with an open all weather structure that includes integrated tiered seating and flexible performance space.

This option will need to consider the Manly Town Centre Heritage Conservation Area as well as their adjacencies with existing heritage buildings along The Corso.

8. **Manly Square** - Open space for larger events and performances in front of relocated stage structure requires the relocation of existing sculpture to new activity zones on either side of The Corso.

10. **Town Hall Square** - No physical change proposed in front of the Manly Town Hall. The future reuse and renewal of the Manly Town Hall is the subject of separate investigations (currently underway).
11. **Key circulation nodes** - Open spaces with no permanent structures so as to not impede pedestrian circulation between The Corso, adjoining lanes, arcades and streets.
12. **Transition a section of the existing bicycle paths on the promenade along North and South Steyne to a shared zone** to create a safer environment for pedestrians when crossing from The Corso towards the beach, with consideration to the locations of the four existing historical pillars.
13. **Feature art crossings at both ends of The Corso** - Opportunity to create feature pedestrian crossings integrated with public art that is uniquely Manly.
14. **Provide a consistent awning treatment that is sympathetic to the quality of The Corso's streetscape within the Manly Town Centre Conservation Area.**
15. **Introduce a new LEP clause specifically for signage on The Corso** to ensure that signage, including advertisements and real estate signs, are sympathetic to the quality of The Corso's streetscape within the Manly Town Centre Conservation Area and seek to replace or remove any existing non-compliant signage over time.

Figure 20
Concept design idea for The Corso



① Not to scale

Movement along The Corso

The Corso will need to be able to support heavy foot traffic in summer and during large events such as the Manly Jazz Festival.

However, it is crucial that The Corso is not designed to be in 'event-mode' only as this would result it in being an expansive space lacking activity and an intensity of use for most of the year.

To balance movement and activity, the concept design proposes the following zones for The Corso:

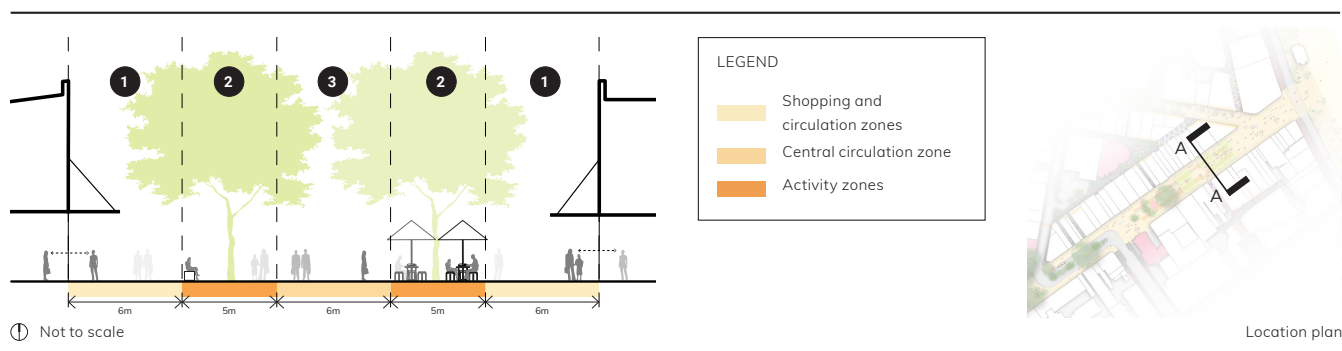
1. Shopping and circulation zones -

Circulation space compressed to 6m on both sides of The Corso to encourage interaction with shopfronts while still allowing for movement between the cove and the ocean. This zone will also be used by maintenance vehicles for waste management and cleansing services along The Corso.

2. Activity zones - 5m wide flexible zones on both sides of The Corso that provide space for a range of activities including outdoor dining, seating, public litter bins, phone booths, water play, smaller performances and pop-ups under the shade of new trees.

3. Central circulation zone - 6m wide circulation space with no new structures in between the activity zones, connecting the existing playground with the new performance and gathering space. This unobstructed zone also allows for movement between the shopfronts and activity zones on either side of The Corso.

Figure 21
Section A-A: Various zones across The Corso

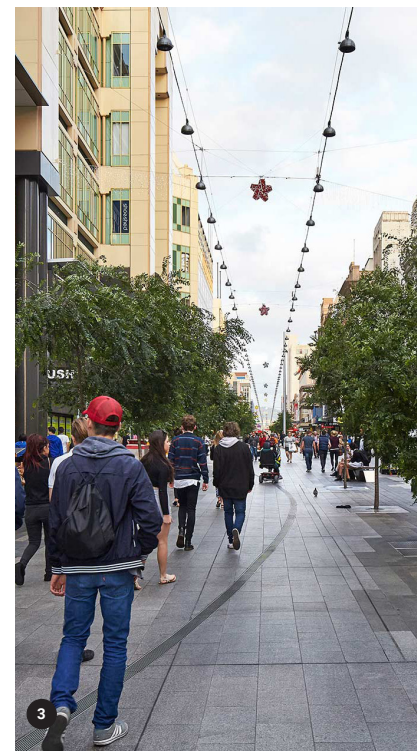




Compressed circulation space that encourages interaction with shopfronts at the south-western end of The Corso while still allowing movement exemplifies how this can be extended to the north-eastern end of The Corso
Source: Ethos Urban



Dedicated activity zones provide space for a range of activities under the shade of trees
Source: Tony Caro Architecture



Central circulation zone that is free of permanent structures and allows for movement between shopfronts on either side of the mall
Source: Peter Bennetts

Activity zones along The Corso

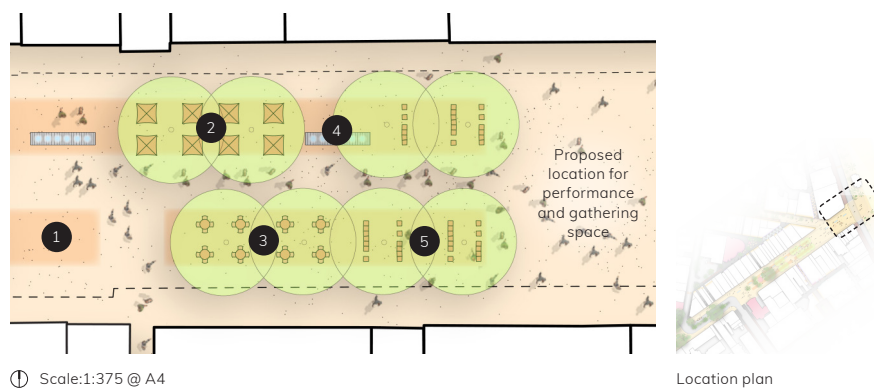
Dedicated activity zones will reduce visual clutter along The Corso by consolidating existing infrastructure with new infrastructure and flexible spaces that can facilitate a range of activities, including:

1. **Flexible performance spaces** - Open spaces within activity zones that can cater for smaller, informal performances such as busking.
2. **Pop-ups** - Flexible spaces for smaller pop-up events and market stalls.
3. **Outdoor dining** - 5m wide activity zone provides sufficient space for two rows of outdoor dining (the furniture is not delivered by Council) under the shade of new trees.
4. **Water play** - Retention of existing water play fountains within the activity zones.
5. **Spaces to dwell** - Street furniture under the shade of new trees provide spaces to gather and dwell.
6. **Supporting infrastructure** - Public litter bins, new power outlets and other infrastructure consolidated in the activity zones.

The activity zones provide a flexible framework that can be adjusted to suit the needs of adjacent retail tenancies. Spaces for outdoor dining could be provided where there are food and beverage offerings nearby. Street furniture and other infrastructure can be located elsewhere in the activity zone.

Curation of the activity zones will need to be undertaken in co-ordination with the future detailed design of The Corso.

Figure 23
Indicative configuration of proposed activity zones





1
Outdoor stage on The Corso during Play Manly
Source: Salty Dingo



2
Pop-ups and market stalls
Source: Rundle Mall



3
Existing water fountains
Source: Weekend Notes



4
Outdoor dining
Source: Daily Telegraph

Performance and gathering space

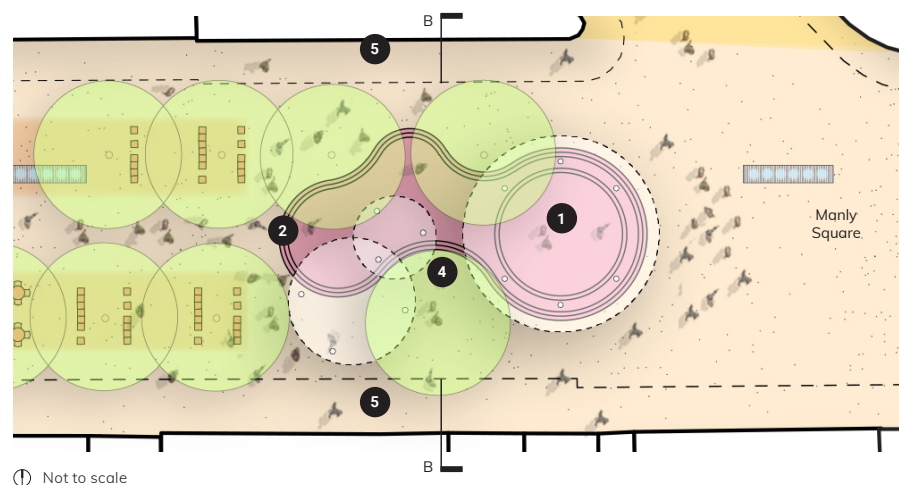
The Corso Canopy will provide an open and all-weather gathering space that is also flexible and can be utilised for a range of other activities such as live music and performances.

The concept design for this structure is illustrative only and will be subject to further investigations and design development, including consultation with the relevant stakeholders to ensure that this structure is able to meet event and operational requirements.

As a guide, the design of this structure should as a minimum:

1. Provide a permanent outdoor performance space that is sheltered from the elements.
2. Provide space for seating to encourage people to meet, gather and dwell on The Corso.

Figure 24
Plan of the Corso Canopy

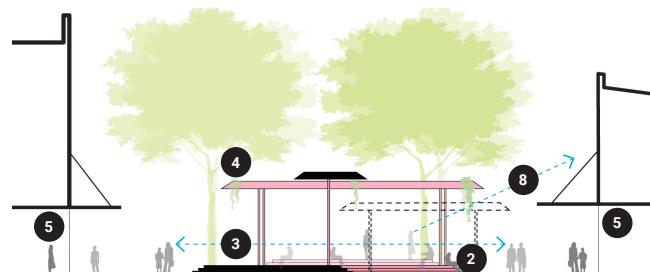


Location plan

3. Be generally open in nature so as to not obstruct sight lines and present safety concerns after dark.
4. Explore ways of integrating trees, vegetation and supporting infrastructure such as lighting, wayfinding signage and power outlets.
5. Consider its interface with existing building entries, utility services and conduits.
6. Consider curtilages to existing buildings along The Corso. To reinforce the open nature of the Corso Canopy, its roof structure should also be designed with consideration to the following:
 7. Overlapping tree cover and permanent roof structures at various heights that provide sufficient shelter where required.
 8. Roof structures that are spaced apart, similar to how the proposed trees are spaced apart, to allow for casual views of the built form facades along The Corso.

Figure 25

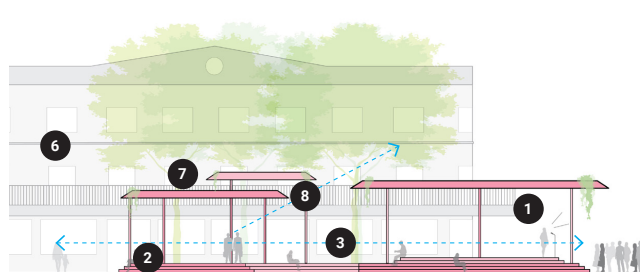
Section B-B: Cross section through The Corso and the Corso Canopy



① Scale 1:250 @ A4

Figure 26

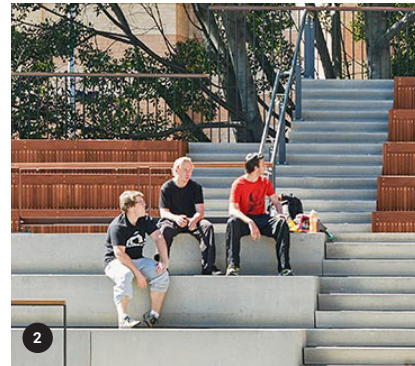
South-east elevation of the Corso Canopy



① Scale 1:250 @ A4



1
Sculpture element offering shaded seating and gathering.
By Studio Chris Fox (The Carriage works Eveleigh NSW).
Source: Liza Cordoba



2
Spaces to gather and dwell
Source: Aspect Studios



3
Open in nature so as to not obstruct sight lines
Source: ArchDaily



5 6
Consider interface with existing
buildings and heritage curtilages
Source: Ethos Urban



4
Integrated trees, lighting and seating.
Source: Landezine



Artistic Impressions: Mark Gerada

Manly Place Plan 2023

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Sydney Road

Sydney Road is seen as Manly's 'Dining Room' that branches off The Corso.

Existing tenancies along its eastern end (between Central Avenue and The Corso) include local cafes and eateries with designated outdoor dining areas supplemented by arts & craft and fresh food markets on weekends. It provides a more intimate and relaxed outdoor dining setting as compared to the high-level of activity along The Corso, with slower foot traffic that segways into the adjoining laneway network allowing for a casual yet vibrant atmosphere perfect for socializing and eating. The western end of Sydney Road has a unique spatial character as it is shaded well by four existing fig trees - a huge natural asset for this part of Manly. It is currently underutilised despite it presenting itself as the gateway into Manly from the west.

Improving the edge condition in this part of Sydney Road to emphasise the sense of arrival into the Manly centre from the and building on Sydney Road's 'eat street' character are primary for this Key Place as well as these Place Priorities:

- Emphasise its role as an anchor that leads to the adjoining laneways.
- Provide casual seating under the existing fig trees.



Sydney Road
Source: Ethos Urban



Sydney Road
Source: Karen Watson Photography



Sydney Road
Source: Ethos Urban



Sydney Road
Source: Ethos Urban



Sydney Road
Source: Karen Watson Photography



Sydney Road
Source: Karen Watson Photography

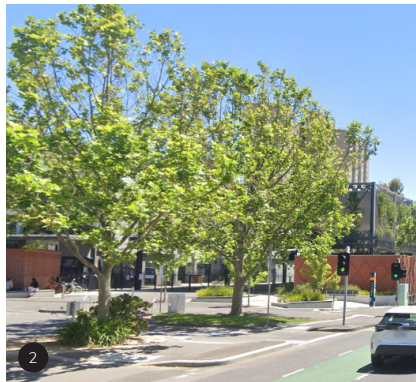
Concept design idea for Sydney Road

1. **Widen footpaths and build-out kerbs at the Sydney Road and Belgrave Street intersection and along the eastern side of Belgrave Street** to improve pedestrian amenity and extend the centre entrance from Whistler Street to Belgrave Street.
2. **Provide new large trees on the widened footpaths along the eastern side of Belgrave Street to frame the gateway entry into Manly and improve pedestrian amenity along Belgrave Street.** This natural visual marker builds upon the prominence of the existing fig trees on the pedestrian-only portion of Sydney Road.
3. **Widen footpath along the southern side of Sydney Road** to allow sufficient space to accommodate new trees.
4. **Provide new large trees on both sides of Sydney Road between Belgrave Street and Whistler Street** to frame sight lines down Sydney Road towards the existing fig trees to the east.
5. **Extend existing road stencil treatment or provide new road art between Belgrave Street and Whistler Street** to emphasise the sense of arrival into the Manly centre, while improving pedestrian safety and amenity.
6. **Provide planting on existing pedestrian refuge and median strips** along Sydney Road to soften the hardscape of the Sydney Road and Belgrave Street intersection.
7. **Provide public art on the facades of 57 Sydney Road to create a visual marker at this corner of Sydney Road and Belgrave Street.**
8. **Retain existing outdoor dining and encourage more outdoor dining along the eastern end of Sydney Road** to build on its 'Eat Street' character.
9. **Provide new lighting / light art to illuminate existing fig trees** to celebrate the significance of these natural assets on Sydney Road.
10. **Investigate opportunities for casual gathering and shared dining spaces under the existing fig trees at the western end of Sydney Road** that differentiates itself from the eastern end of Sydney Road.
11. **Consolidate supporting infrastructure in co-ordination with the new casual gathering and shared dining spaces**, including public litter bins, CCTV and light posts.
12. **Provide light art at intersections with adjoining laneways** as a wayfinding device that signifies the entryway into the laneways.
13. **Updated granite paving around Ivanhoe Park and Gilbert Park** as per the adopted Ivanhoe Park Landscape Masterplan (separate to this Place Plan).

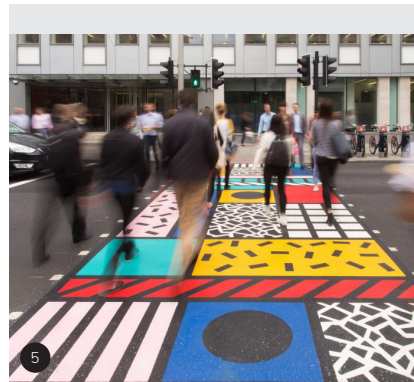
Figure 29
Concept design idea for Sydney Road



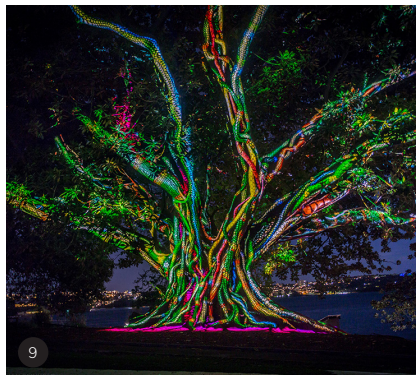
86



Large trees used as natural visual markers
Source: Google Maps



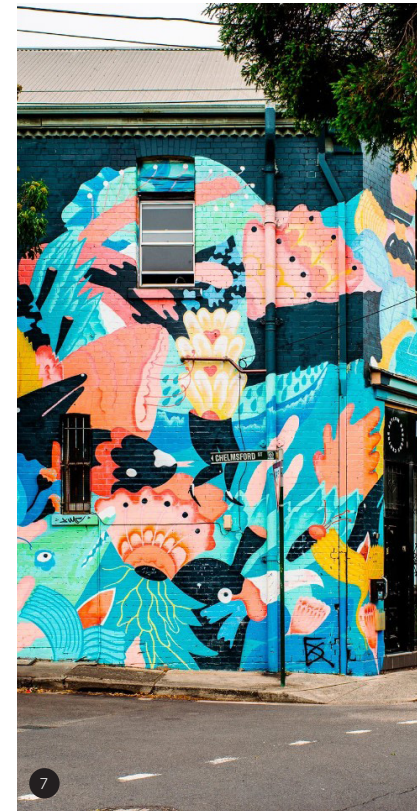
Road art
Source: Dezeen



Light art projection on fig tree as part of Vivid Sydney
Source: Ample Projects



Planting on median strips
Source: Google Maps



Public art on building as a visual marker. Artist: JUMBOist
Source: The Culture Trip



Artistic Impressions: Mark Gerada

Manly Place Plan 2023

Sydney Road East - 'Formal' outdoor dining

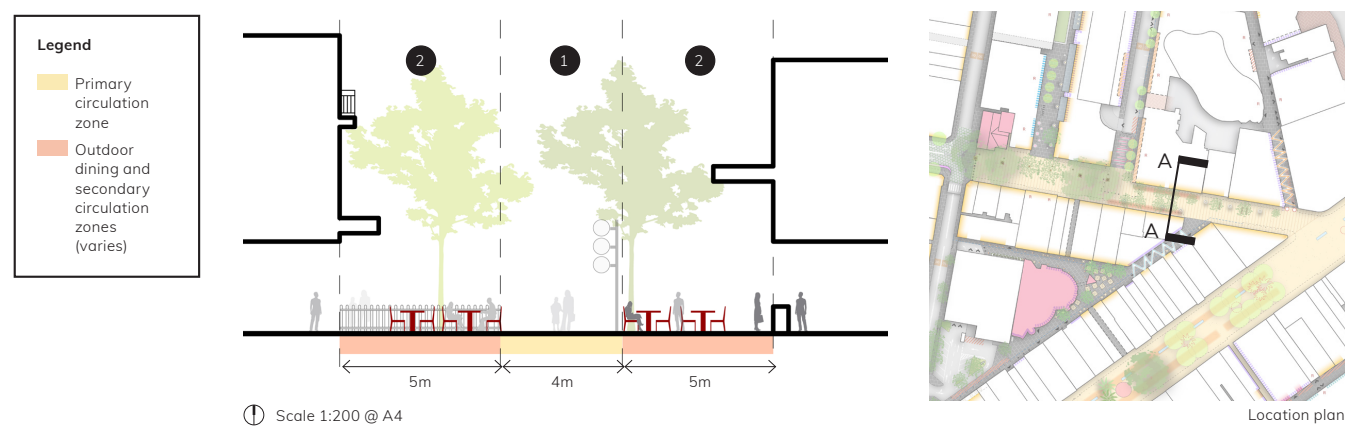
The concept design proposes to retain the existing character along the eastern end of Sydney Road and encourage more outdoor dining here to build upon its 'Eat Street' character.

1. Primary circulation zone - 4m wide circulation zone that runs along the middle of this end of Sydney Road, free of any permanent structures.

2. Activity and secondary circulation zones - 5m wide zones on both sides that provide designated areas for an activity zone such as outdoor dining area or secondary circulation zone where an activity zone is not present. This can also be interchangeable with pop-ups under the shade of existing trees.

Figure 30

Section A-A: Various zones across the eastern end of Sydney Road



Sydney Road West - Casual communal gathering

The concept design proposes to extend the existing 'Eat Street' character into the western end where its spatial character is defined by the heavy canopy of four existing fig trees.

The concept design capitalises on this natural asset and introduces street furniture under the fig trees that provide

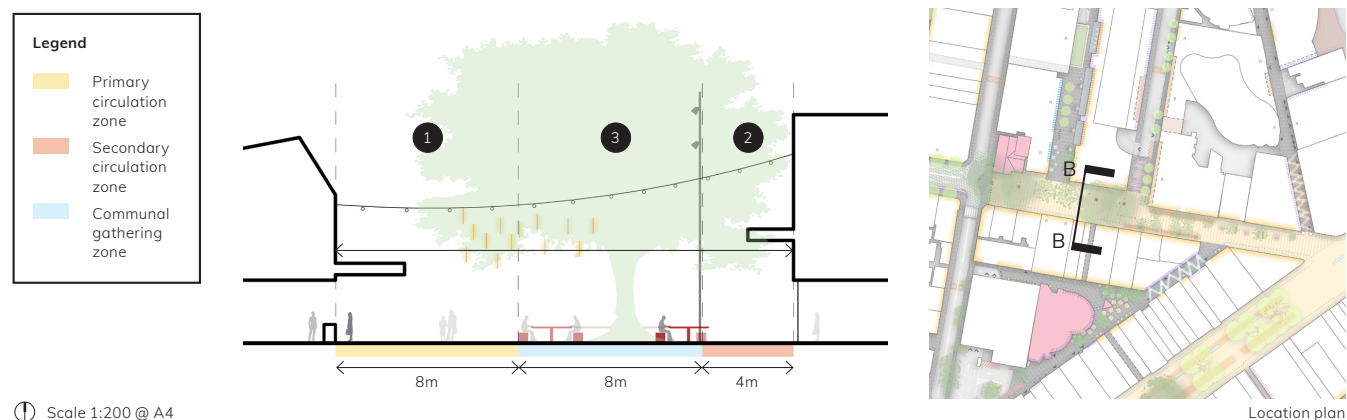
opportunities for casual interactions and is a more intimate gathering space.

1. Primary circulation zone - 8m wide zone on the southern side of this end of Sydney Road.
2. Secondary circulation zone - 4m zone on the northern side of this end of Sydney Road that provides a more compressed space between the communal gathering zone and the shopfronts.

3. Communal gathering zone - 8m zone under the canopy of the existing fig trees with area set aside for communal use.

The combination of community services and hospitality creates a vibrant and active space with fine-grain cafes, restaurants and bars lining the edges and plenty of outdoor dining in the centre of the square.

Figure 31
Section B-B: Various zones across the western end of Sydney Road



Market Place

Market Place forms an integral part of Manly's 'Cultural Home' and has been a focal point of the community for decades.

While Market Place is an active Space, people have to navigate uneven paving, bollards, wheelie bins, delivery and garbage trucks. The existing Manly Library external fire stairs, fences to the licensed areas as well as old signage and street lighting limit activity and flexibility of uses in the centre of Market Place. Furthermore, the area in front of the Whistler Street carpark building prioritises vehicles, making it unsafe for pedestrians walking through this area.

Building on its already vibrant and fine-grain character, the Place Priorities for Market Place are:

- Manly Library is the primary anchor for Market Place that fosters a creative environment.
- Investigate option of removing library fire stairs.
- Investigate opportunity to reinstate 'Bend the Truth' sculpture (Michael Snape, 1996) in an appropriate location.



Market Place
Source: Ethos Urban



Market Place
Source: Karen Watson Photography



Market Place
Source: Ethos Urban



Market Place
Source: Karen Watson Photography



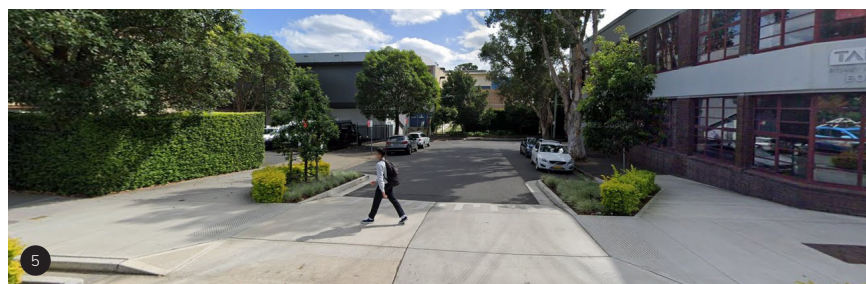
Market Place
Source: Karen Watson Photography



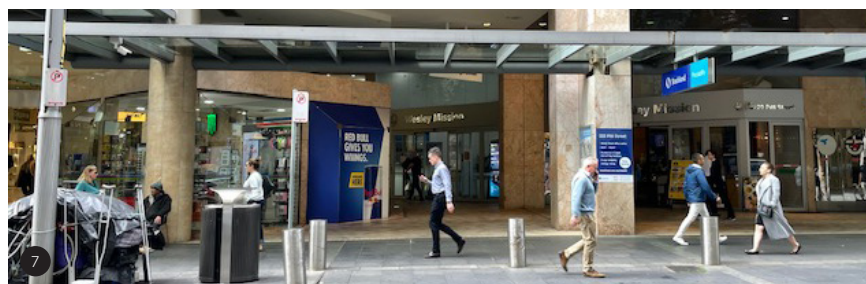
Market Place
Source: Karen Watson Photography

Concept design idea for Market Place (short-term)

1. Update paving around the library to be consistent with surrounding granite paving.
2. Consider the provision of continuous awnings to provide shade and shelter from the elements without impeding service and operational requirements.
3. Explore opportunities for more public art such as murals on blank walls and along the edges of the Manly Library.
4. Provide light art at Sydney Road intersection as a wayfinding device that signifies the entryway into Market Place.
5. Provide new raised footpaths along Whistler Street to prioritise pedestrian movement while still allowing vehicles to exit the car park to Whistler Street.
6. Raise and pave existing loading zones with revised bollards to improve pedestrian safety and amenity.
7. Make existing parklet permanent by widening existing footpath.
8. Investigate opportunities for activations/ events in Manly Library at night-time complementary to enlivening Market Place.



Raised and continuous footpath
Source: Google Maps



Paved loading zone to match footpath paving
Source: Ethos Urban

Figure 32
Concept design idea for Market Place (short-term)



Concept design idea for Market Place (long-term)

In addition to the proposed short-term improvements, the following recommendations are proposed for the long-term:

1. Explore opportunities to remove existing fire stairs outside the library.
2. Explore opportunities to renew or refurbish Manly Library, re-examine usage of current facilities and their interface with Market Place and investigate opportunities for activation events at night.
3. Consider the replacement of existing trees for a single, large and iconic tree such as a Jacaranda to better define the visual character of Market Place.
4. Consider the feasibility of using loose furniture designed specifically for Market Place to further strengthen its visual identity while also allowing promoting a flexibility of use.
5. Review and simplify bollard operations in co-ordination with the recommended review of the movement operations.



Existing external fire stairs
Source: Ethos Urban



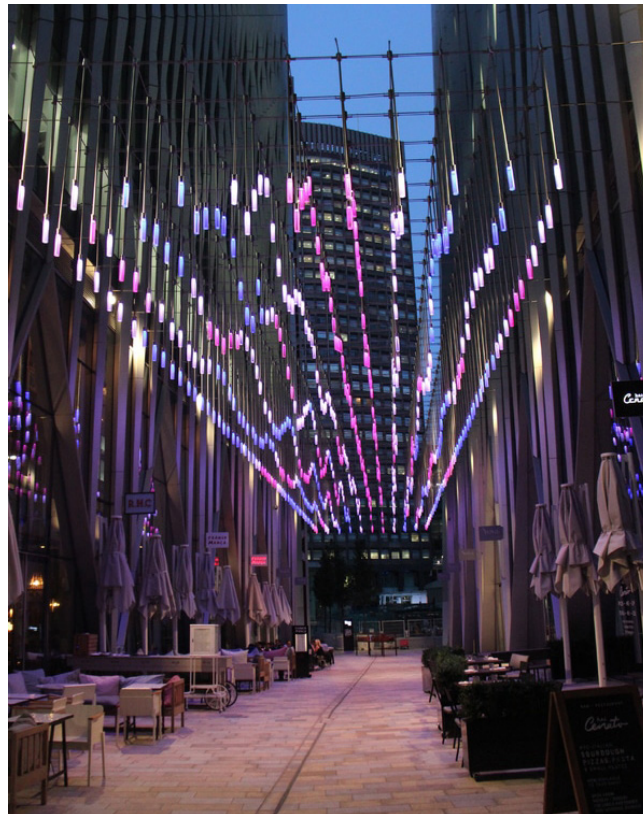
Potential library renewal
Source: Studio Hollenstein



Jacaranda trees provide a distinct visual character
Source: Destination NSW

Figure 33
Concept design idea for Market Place (long-term)





Light art by Carl Stahl Architecture to signalise entryway into laneway
Source: Christine Jakob



Consistent granite paving
Source: Ethos Urban



Public art mural opportunities. Artist: Sophi Odling
Source: Concrete Playground



Artistic Impressions: Mark Gerada

Manly Place Plan 2023

Rialto Lane and Rialto Square

Rialto Lane is a place with enormous functional requirements and pressures, balancing people, cars, loading docks, servicing and waste collection.

Changes to the eastern part of Rialto Lane will also be limited due to loading zones and ingress/egress of parking areas.

Rialto Lane leads to another hidden gem, Rialto Square. This quaint public space provides outdoor dining areas for the adjoining restaurants and cafes.

Activation in Rialto Lane occurs from its entrance at The Corso and along the northern edge of the laneway, and has benefited from the bespoke design solutions of the built form to create safe and attractive spaces for people in the lane. The southern edge of the laneway performs the servicing requirements of the Peninsula development.

The Place Priorities at this location include:

- Prioritise day time activation over night time activation to ensure residents are not at a disadvantage.

Rialto Lane

- Provide light art at The Corso intersection as a wayfinding device that signifies the entryway into Rialto Lane.
- Promote screening to existing service areas to add fine grain laneway character.
- Explore new options for waste management to free up the backs of buildings to provide additional opportunities for activation for the local cafes.

Rialto Square

- Outdoor dining areas are assigned to specific tenancies at ground level of Rialto Square, based on Development Consent DA0443/02.
- Explore opportunities for new trees at Rialto Square to provide shade without impacting the space available for outdoor dining, and along Wentworth Street to improve streetscape and pedestrian amenity.



Rialto Square
Source: Karen Watson Photography



Rialto Lane
Source: Karen Watson Photography



Rollers Bakehouse, Rialto Lane
Source: Ethos Urban



Rialto Lane
Source: Ethos Urban



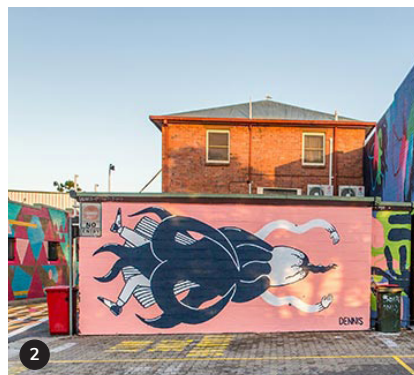
Rialto Square
Source: Karen Watson Photography



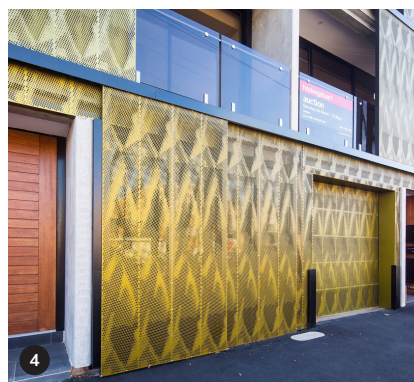
Rialto Lane
Source: Ethos Urban

Concept design idea for Rialto Lane

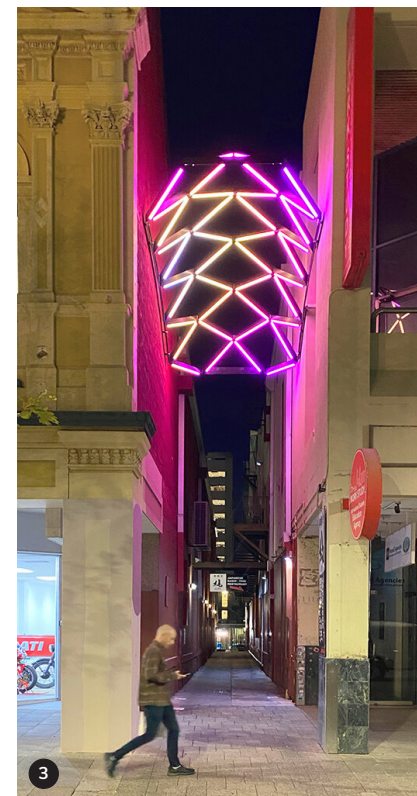
1. Review and simplify paving types to distinguish shared zone locations.
2. Explore opportunities for more public art such as murals on blank walls.
3. Provide light art at The Corso intersection as a wayfinding device that signifies the entryway into Rialto Lane.
4. Investigate feasibility of providing decorative screening to existing service areas.
5. Explore opportunities for new trees at Rialto Square to provide shade without impacting the space available for outdoor dining.
6. Explore opportunities for new trees along Wentworth Street to improve streetscape and pedestrian amenity.
7. Provide new raised footpaths along Wentworth Street to prioritise pedestrian safety while still allowing vehicles to enter from and exit to Wentworth Street.



Murals by Danny Gretscher and Andy Dennis
Source: Resene

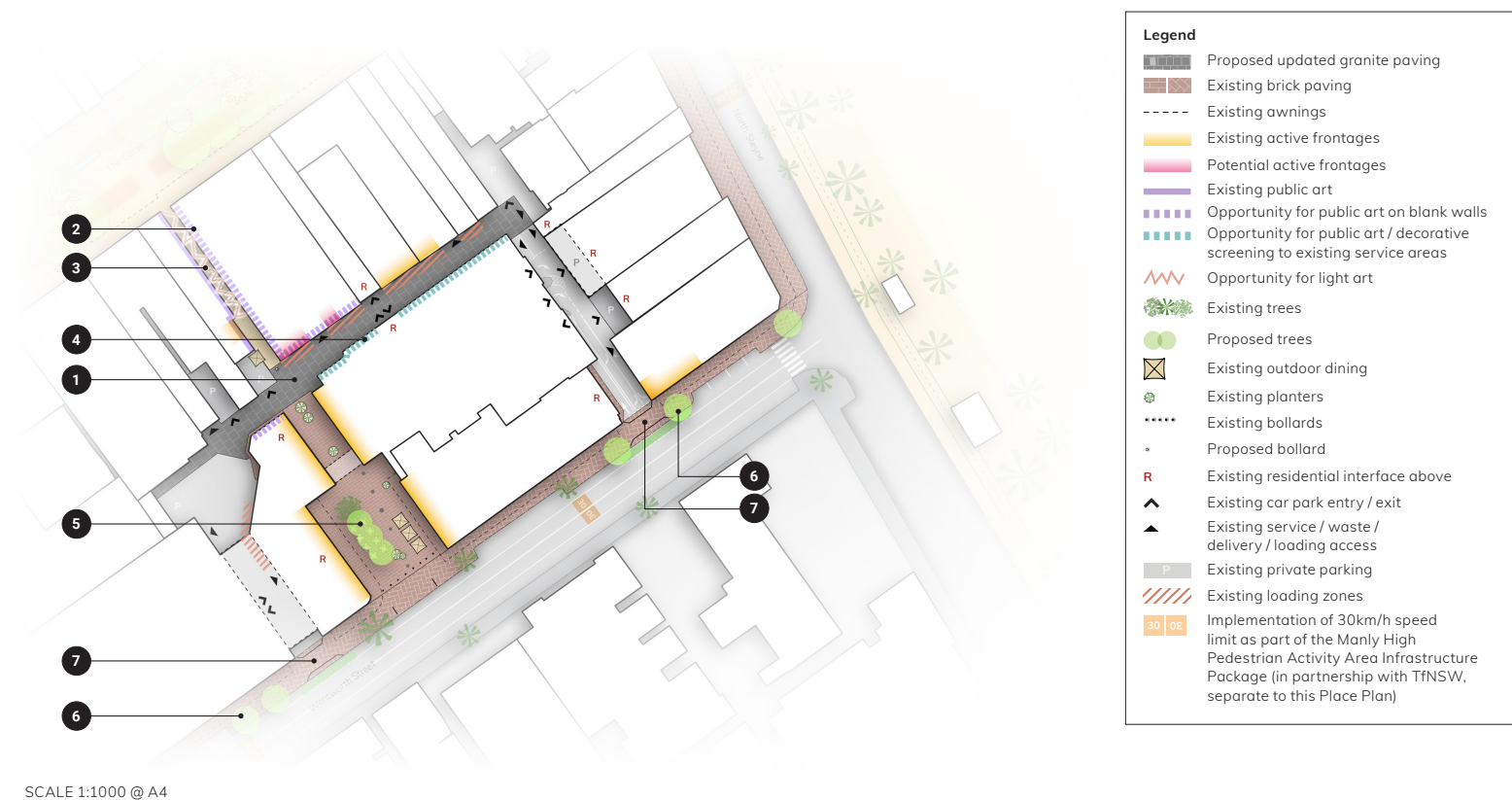


Decorative screening to car parks and service areas
Source: Locker Group



Light art to signalise entryway into laneway. 'Solaris' by Joshua Webb.
Source: Historic Heart of Perth

Figure 34
Concept design idea for Rialto Lane



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Henrietta Lane

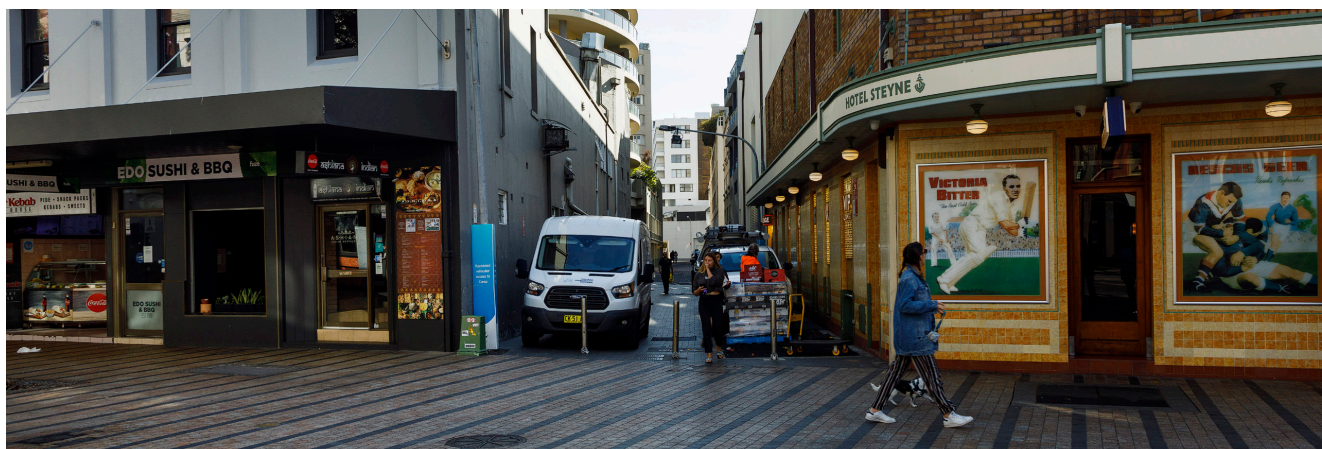
Henrietta Lane is a traditional service lane supporting buildings fronting North Steyne and the three large residential developments address at Central Avenue.

The lane is 2.7m wide and is characterised by roller doors, waste storage and service areas, and access to and from carpark with empty shop fronts at the northern end. Pedestrians need to negotiate kerbs, uneven road surfaces, wheelie bins and cars. Combined with limited street lighting, this makes pedestrian journeys feel precarious and unsafe.

Acknowledging its important service function, no structural or use changes are proposed at this location. We aim to make Henrietta Lane safer for pedestrians by turning it into a dedicated shared zone with new road surfaces, better lighting throughout and potentially some light art or mural-style public art to improve the overall quality of the space and add visual interest into an area often overlooked by the public.

Place priorities are to:

- Balance cars, people, loading docks, services and waste collection
- Upgrade and designate it as a shared zone
- Provide visual interest to the southern end and where it intersects with Sydney Road
- Explore opportunities to activate Henrietta Lane and its vacant frontages for pop-ups or 'hole in the wall' commercial activities.



Henrietta Lane viewed from Sydney Road
Source: Karen Watson Photography



Henrietta lane
Source: Karen Watson Photography



Henrietta lane
Source: Ethos Urban



Henrietta Lane
Source: Ethos Urban



Henrietta Lane
Source: Ethos Urban

Concept design idea for Henrietta Lane

1. Transition Henrietta Lane into a dedicated shared zone with consistent granite paving and clear signage at both ends of the lane.
2. Provide raised footpath along Raglan Street to prioritise pedestrian movement.
3. Explore opportunities for more public art such as murals on blank walls.
4. Provide light art at southern end of the lane as a wayfinding device that signifies the entryway into Henrietta Lane.
5. Review and investigate opportunities to improve current street lighting to improve pedestrian safety at night without visually impacting residential units that overlook Henrietta Lane.
6. Explore opportunities for pop-up or retail tenancies to activate existing vacant frontages to the north of Henrietta Lane.



Clear shared zone signage
Source: AFP

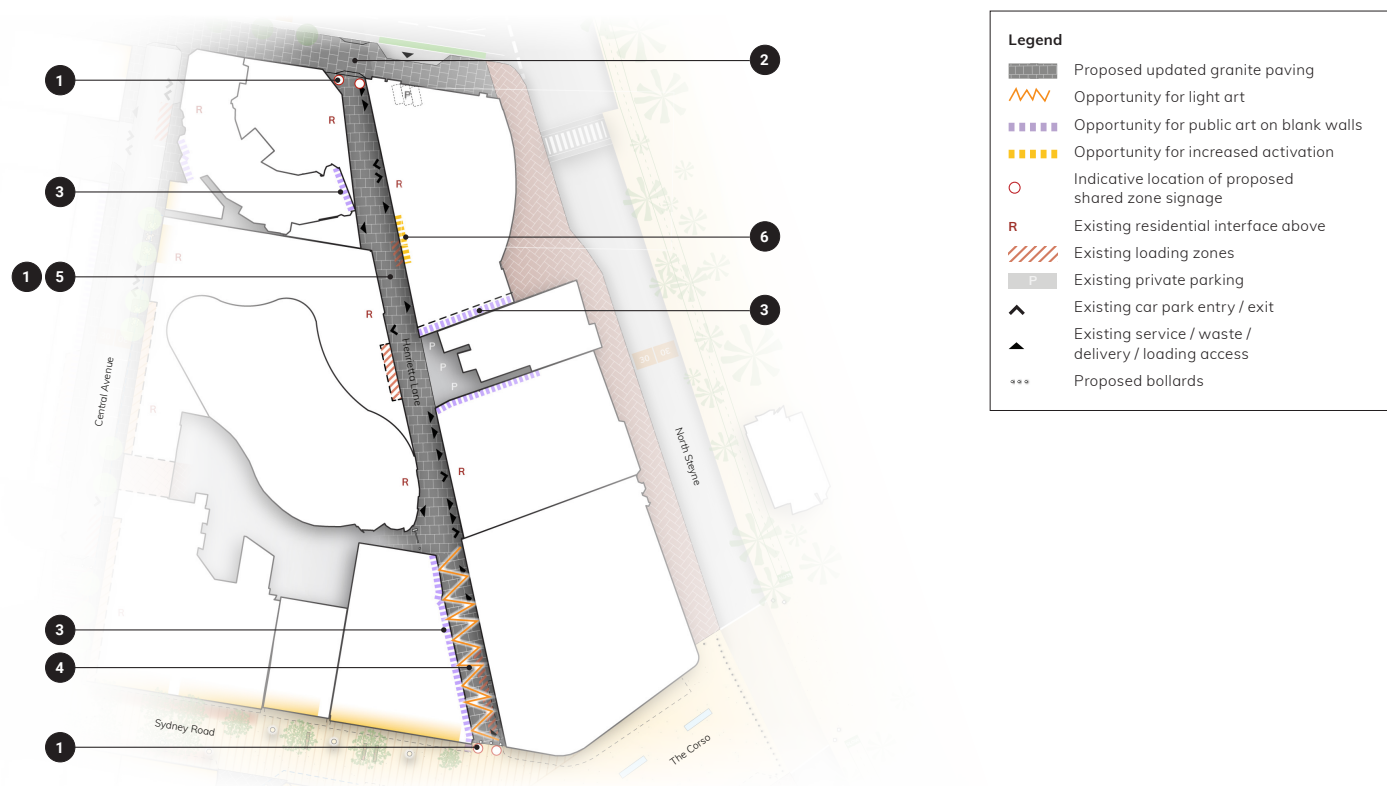


Retail tenancies to activate and provide passive surveillance to laneway
Source: Miss Never Full



'In Between Two Worlds' by Jason Wing, integrating light art, wall murals and ground treatment
Source: Salty Dingo

Figure 35
Concept design idea for Henrietta Lane



① SCALE 1:1000 @ A4

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Central Avenue

Compared to the other laneways, Central Avenue operates most like a proper street with two-way traffic, street parking, footpaths on either side and is fast becoming the 'Health and Wellness' cluster.

It provides access to Manly National and Pacific Waves public car parks, as well as a number of private car parks. There are several shops, cafes and services such as a hairdresser, massage therapist and gym. Uses are relatively fine-grain and concentrated on the eastern side of the street within the Pacific Waves development. The activation is setback from the building edge due to the existing colonnade at street level. The western side of the street has large blank walls to Manly National carpark. The combination of blank walls and recessed retail means that Central Avenue feels relatively inactive.

To improve Central Avenue, its place priorities include:

- Encouraging the establishment of a health and wellbeing landuses/ activities on and in proximity to Central Avenue
- Investigate opportunities to improve street frontage activation particularly the area underneath the colonnades
- Providing opportunity for activation and interest along the Central Avenue frontage
- Prioritising artwork to the south of Central Avenue covering the blank walls that exist to create a welcoming atmosphere when entering from Sydney Road.
- If appropriate, investigate opportunities for continuous awnings to be installed as a way of providing shade and shelter from the elements.



Central Avenue
Source: Ethos Urban



Central Avenue
Source: Karen Watson Photography



Central Avenue
Source: Karen Watson Photography



Central Avenue
Source: Karen Watson Photography

Manly Place Plan 2023

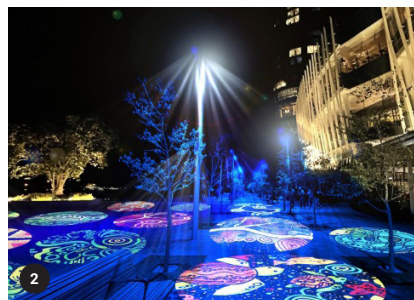
Concept design idea for Central Avenue

1. Explore opportunities as an extension of existing retail tenancies to the street edge the existing colonnade along Central Avenue.
2. Provide light art at the Sydney Road intersection as a wayfinding device that signifies the entryway into Central Avenue without impacting residential units that overlook this end of Central Avenue.
3. Provide a new raised and paved area at southern end of Central Avenue that retains existing loading zone.
4. Consider the provision of continuous awnings to provide shade and shelter from the elements.
5. Widen footpaths and provide new trees at selected points along the eastern side of Central Avenue to improve streetscape amenity and provide opportunities for outdoor dining.
6. Introduce new public art and/or green walls on existing blank walls.

7. Provide raised footpath along Raglan Street to prioritise pedestrian movement, similar to existing treatment at the intersection of Short Street and Raglan Street.



Example of retail infill in former colonnade typology
Source: Dexus

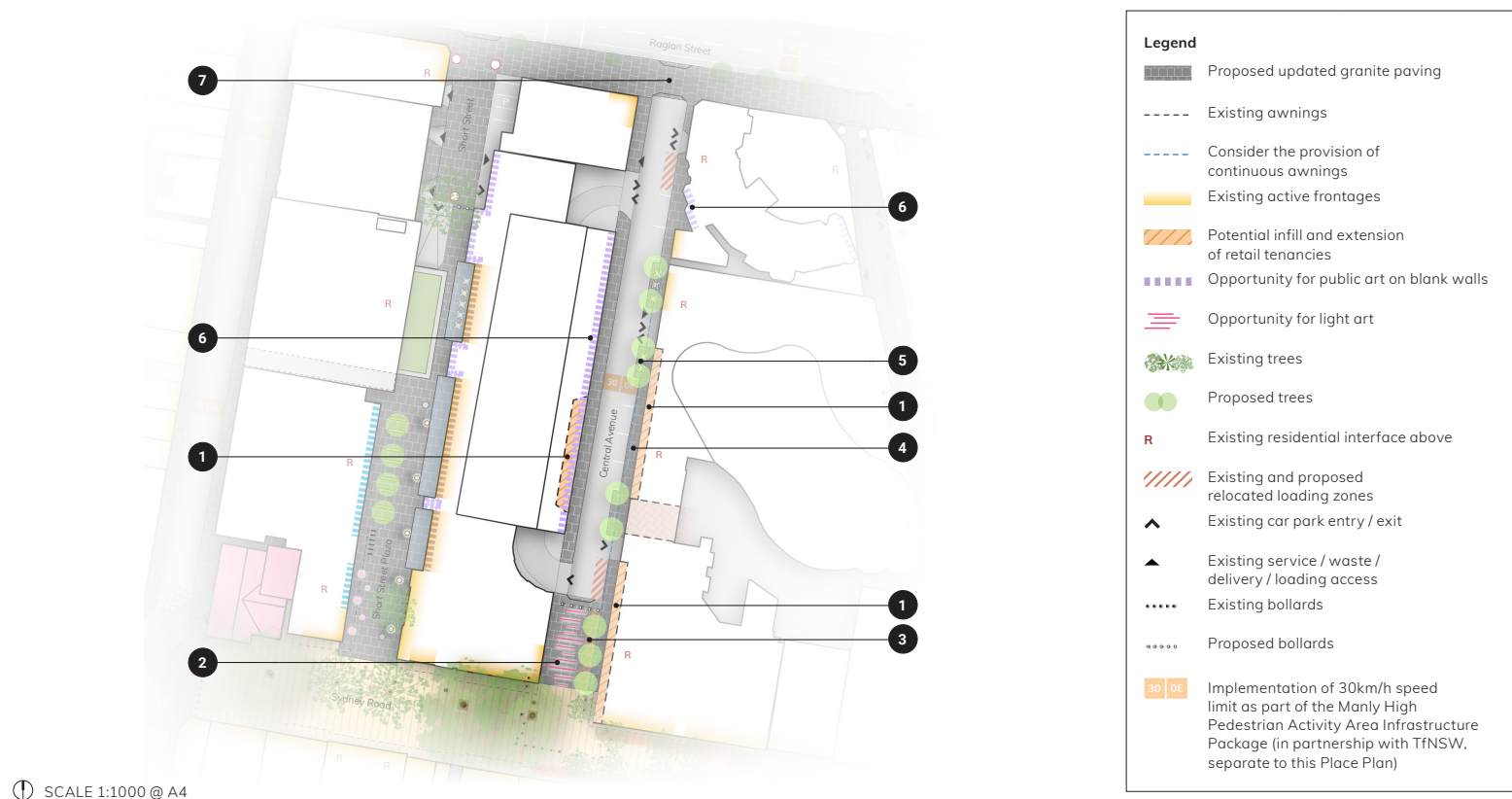


The Gallery from the Solid Ground Program
Source: Mercy Works



Public art on blank wall, Shadow by Fintan Magee
Source: Street Art News

Figure 36
Concept design idea for Central Avenue



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Short Street Plaza - Short Street

Short Street Plaza is a pedestrian-only plaza with pockets of activation.

This includes a number of allied health services, the Australian Pacific College, as well as other services like a barber and gym. Existing infrastructure in the plaza (such as bicycle racks) are well-utilised. The benches and planter boxes at the south end of the plaza appear cluttered and may present safety concerns after dark as sight lines are obstructed by planting. Similar to Central Avenue, the eastern side of the plaza is dominated by blank walls of the Manly National carpark. The northern end of the plaza is anchored by a cafe with outdoor dining. Activation in this part of the plaza is supported by a raised grassed area that is used for gathering and picnics. Activation in the rest of the plaza is limited due to wind tunnel conditions. Between the Plaza and Raglan Street, 50m of the historic Short Street remain as an access way to existing private car parks and loading docks.

In order to prioritise pedestrian safety and amenity, the Place Priorities for this Key Place are to:

- Design to create a comfortable environment by mitigating the wind-tunnel effects at this location
- Seek creative solutions to deliver visual interest to the Manly National Carpark building façade.
- Build on the presence of bicycle infrastructure and collaborate with Manly Business Chamber for a new central bicycle workshop and infrastructure to encourage active transport to the town centre.



Short Street Plaza
Source: Ethos Urban



Short Street Plaza
Source: Ethos Urban



Short Street Plaza
Source: Karen Watson Photography



Short Street Plaza
Source: Karen Watson Photography



Short Street Plaza
Source: Ethos Urban

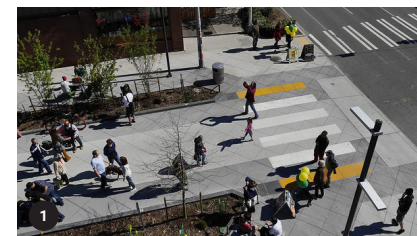


Short Street Plaza
Source: Karen Watson Photography

Concept design idea for Short Street Plaza - Short Street

1. Transition Short Street into a dedicated shared zone with raised and consistent granite paving and clear signage at both ends of the street.
2. Update paving along Short Street Plaza with consistent granite paving type throughout.
3. Explore opportunities for increased visibility into existing tenancies where they are currently obscured from Short Street Plaza to increase activation along these edges.
4. Provide light art at the Sydney Road intersection as a wayfinding device that signifies the entryway into Short Street Plaza that is designed to complement existing lamp posts.
5. Explore opportunities for new public art and/or green walls on existing blank walls.
6. Explore opportunities for new trees to increase greenery and assist in mitigating wind impacts along Short Street Plaza.

7. Replace existing street furniture and planters with new benches under the shade of new trees to provide clear lines of sight for increased pedestrian safety.
8. Mitigate wind impacts from above with street elements to create a more comfortable environment for people to spend time in, to be informed by further wind studies.
9. Investigate opportunities for a new bicycle hub (workshop / maintenance facility) to support and encourage active transport; with potential delivery by a private entity (business) or through a public-private partnership.



Shared zone to prioritise pedestrians
Source: National Association of City Transportation Officials



Steel canopy to mitigate wind impacts from above
Source: Dezeen



Bicycle repair facility
Source: Bike and Crew

Figure 37
Concept design idea for Short Street Plaza - Short Street



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Manly Vale Park n Ride (Transport for NSW)
Source: Liza Cordoba



Copenhagen
Source: Liza Cordoba

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Artistic Impressions: Mark Gerada

Manly Place Plan 2023

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Pittwater Road Neighbourhood

Travelling north along Pittwater Road away from Manly Oval and Ivanhoe Park, is a lively neighbourhood with a great mix of housing, green canopy, a mix of corner shops, cafes, restaurants, bars as well as supporting amenities such as laundromats and gyms.

Combined with a short walk to the beach this provides for a great amenity and a great place to live in. However, the speed of the traffic, the amount of cars and buses and lack of proper street crossings makes the pedestrian environment feel unsafe when crossing Pittwater Road and its adjoining side streets. Signalised intersections are 550m apart, and to move north-south pedestrians have to cross two lanes of traffic, parked cars with intersection geometries permitting cars to turn at relatively high speeds.

Pittwater Road is a 'gateway' into Manly by road and should be welcoming, vibrant and effective in showcasing its historical built form. The place Priorities:

- Create a sense of arrival into Manly as it intersects with Carlton Street by adding elements that reflect a proud community of a celebrated seaside town
- Create a more pedestrian friendly environment by widening footpaths, slowing down traffic and adding safer places to cross and navigate Pittwater Road
- Enhance and further develop Pittwater Road's unique modern vibrancy
- Showcase and preserve the historical built form along Pittwater Road to highlight its well-established position in Manly's original urban fabric
- Retain and enhance the community's understanding of built heritage in Pittwater Road
- Encourage patronage from Ivanhoe Park and Manly Oval for pre and post event food & beverage.



Pittwater road
Source: Ethos Urban



Pittwater road
Source: Karen Watson Photography

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Pittwater road
Source: Karen Watson Photography



Pittwater road
Source: Karen Watson Photography



Pittwater road
Source: Karen Watson Photography



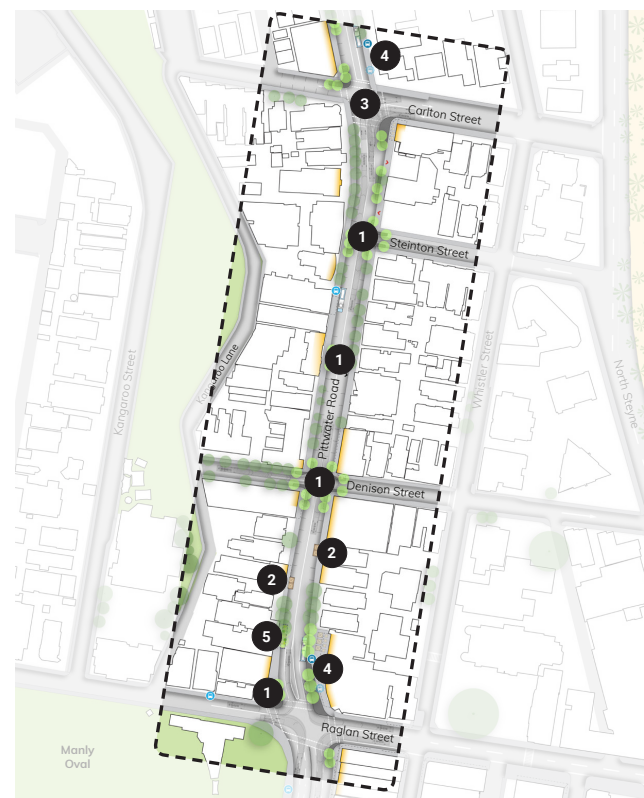
Pittwater road
Source: Karen Watson Photography

Manly Place Plan 2023

Concept design idea for Pittwater Road Neighbourhood

1. Build out kerbs at key points along Pittwater Road including existing intersections to improve pedestrian safety by shortening the distances pedestrians are required to cross the street. Provide new trees on new kerb-outs where suitable to provide shade for pedestrians and outdoor dining. Ensure that kerb build-outs do not impede turning paths of existing bus routes.
2. Trial parklets in front of existing cafes and restaurants to provide additional space for outdoor dining, with the view of widening the footpaths if parklets are successful.
3. Investigate feasibility of a new signalised intersection at Carlton Street to provide a safe means for pedestrians to cross before the next signalised intersection up north at Pine Street (220m away).
4. Relocate bus stops where required to suit new kerb build-outs at the Raglan Street intersection and potential new signalised intersection at Carlton Street.
5. Explore opportunities for rain gardens as stormwater quality improvement devices.

Figure 38
Concept design idea for Pittwater Road



① Scale 1:2500 @ A4

Figure 39
Concept design idea for Pittwater Road (Raglan Street to Denison Street)



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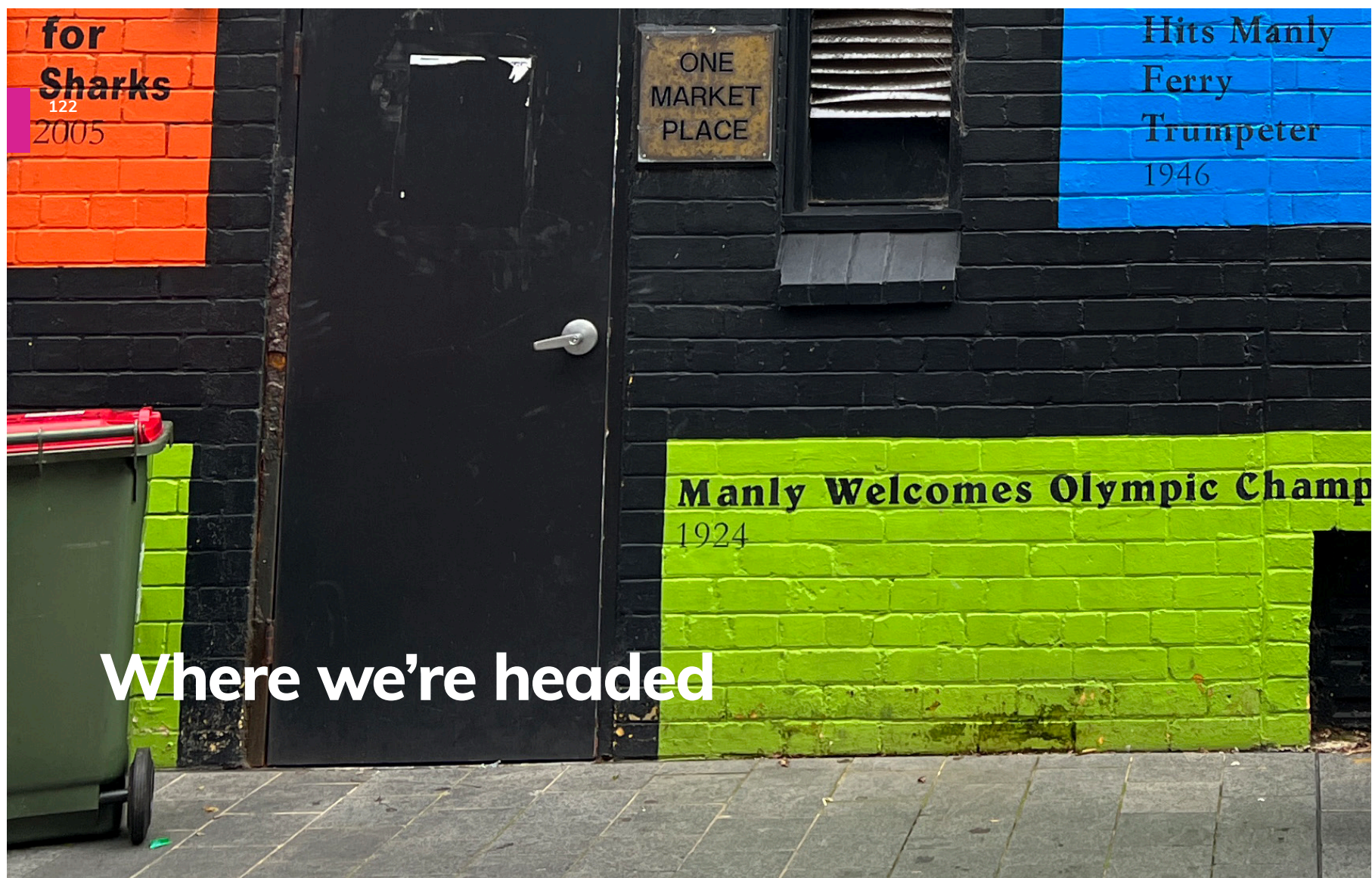
Figure 40
Concept design idea for Pittwater Road (Denison Street to Steinton Street)



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Figure 41
Concept design idea for Pittwater Road (Steinton Street to Carlton Street)







Manly Place Plan 2023

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Implementation

The Manly Place Plan is a framework for community-led action.

It seeks to achieve the community future vision for the area through actions and concept design proposals for the Key Places and provides recommendations for enhancing and revitalising Manly through public space and infrastructure improvements, programs, events and activations.

Timeframe

The Place Plan will be implemented through a staged approach, with each action allocated an indicative time frame for delivery.

Indicative timeframes include:

Figure 42
Manly Place plan delivery timeframe

Quick wins	<2 years
Short-term	1 - 3 years
Medium-term	3 - 5 years
Long-term	5 - 10 years

Funding

The Manly Place Plan recommendations will need a source of funding.

While Council is ultimately responsible for funding, there are varied methods of funding available that could be considered. These include:

- Council
 - Capital Works Program
 - Section 7.12 contributions
 - Grant applications (State/ Federal government)
- Public-private partnership

Indicative cost

Approximate cost ranges are outlined as low, medium, high or significant.

The costings are indicative only and represent a general guide.

Figure 43
Approximate cost ranges

Key		
Low	(\$0 - \$15,000)	\$
Medium	(\$15,001 - \$500,000)	\$\$
High	(\$500,001 - \$5,000,000)	\$\$\$
Significant	(\$5,000,001 upwards)	\$\$\$\$

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Action plan

Figure 44
Manly Place plan action plan

No	Action	Responsibility	Cost
Quick wins (1-2 years)			
Q1	Provide directional signage as part of the entrance into Manly centre and useful signage in The Corso for public amenities and essential services.	Council	\$
Q2	Explore opportunities to use light art installations at key laneway intersections to signify entry points into Manly's laneways.	Council in consultation with Transport for NSW	\$
Q3	Encourage outdoor dining areas associated with an approved food and beverage premises to be suitably located so it creates vibrancy in Manly's streets and laneways.	Council	
Q4	Work with Manly Business Chamber to connect landowners of vacant tenancies with individuals and groups looking for short-term or temporary space. Encourage short-term leases for pop-ups and temporary activation in current vacancies	Council and Manly Business Chamber	\$
Q5	Prioritise day-time activation overnight-time activation in Rialto Lane & Square to ensure residents are not at a disadvantage.	Council	\$
Q6	Consider opportunities to integrate landscape design with water and stormwater management.	Council	\$
Q7	Encourage walking and cycling throughout the Manly centre (and its surrounds) to decrease greenhouse gas emissions.	Council	\$
Q8	Explore local composting options for food waste and organics to reduce waste generated and promote circular economy solutions	Council	\$
Q9	Discuss opportunities with owner of 57 Sydney Road for the purposes of public art on the façade.	Council	
Q10	Investigate opportunities to repurpose engraved bricks featured on the footpath of Market Place.	Council	

No	Action	Responsibility	Cost
Short-term (1-3 years)			
S1	Undertake audit of existing assets/infrastructure including utilities, pipes, public art installations, signage, street furniture (bins, seating, bollards, trees, lighting etc.) and public amenities.	Council	\$\$
S2	Provide a range of ambient lighting within the Manly centre.	Council in consult with Transport for NSW and if required, other landowners	\$\$\$
S3	Undertake a comprehensive Movement and Place Study to gain a holistic understanding of current and future requirements for public transport, active transport, private vehicles, parking, deliveries, services, waste collection and cleansing operations; including the feasibility of converting Henrietta Lane and Short Street to dedicated shared zones and option for a signalized intersection at Pittwater Road and Carlton Street.	Council in consult with Transport for NSW	\$\$\$\$\$w
S4	The design and construction of our public spaces should embrace sustainability concepts, be exemplary and biophilic design. Tree and vegetation cover to combat heat island effect and in turn, increases the utility and enjoyment of these spaces. These spaces are to be inclusive and safety in mind; and creates opportunities for events and activities attractive to broader demographics.	Council	
S5	Future-proof the public spaces and servicing of these spaces to account for temporary/pop up events, seasonal and climatic conditions. This will enable efficiencies in rollout of event or seasonal infrastructure or temporary overlay (for example lighting, park and ride etc.).	Council	\$\$\$\$
S6	Finalise the Seaforth to Manly Flood Risk Management Study/Plan and if required, a detailed stormwater study for the Study Area and the surrounding Area of Influence).	Council	\$\$\$
S7	Continue discussions with Transport for NSW to explore opportunities to renew/enhance the plaza area at Manly Wharf and to create a 'sense of arrival' to enhance the visitor arrival experience, in conjunction with Wharf 3 upgrade, redevelopment of the former Aquarium building, and Council's West Esplanade Heritage Activation Plan.	Council and Transport for NSW	
S8	Develop a theme-based program for public art installations (including light art and wall art or elements that reflect the coastal or historical setting, embrace sustainability concepts or biophilic design such as green walls and draws inspiration from indigenous perspectives of places) and incorporate and incorporate a shortlist of locations for public art installations including opportunity to reinstate the 'Bend the Truth' sculpture by Michael Snape, 1996.	Council	\$\$\$
S9	Develop and promote events along Manly Cove/at Manly beach and oceanfront that celebrate Manly's iconic beach setting and Welcome to Country, and does not result in adverse environmental impact	Council	\$\$\$
S10	Explore opportunities for installation of gateway feature at the Sydney Road - Belgrave Street intersection and Pittwater Road at Carlton Street signifying these intersections as the gateways into Manly centre.	Council in consult with Transport for NSW	\$\$

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No	Action	Responsibility	Cost
Short-term (1-3 years)			
S11	Review current and future on-street parking requirements along Pittwater Road (from Raglan Street to Carlton Street) to inform suitable locations for footpath widening, kerb build-outs, parklets and rain gardens before/as part of detailed design for Pittwater Road Neighbourhood (Key Place).	Council in consult with Transport for NSW	\$\$
S12	Continue to collaborate with Transport for NSW to optimise public transport routes and improve amenity and frequency of services.	Council and Transport for NSW	
S13	Create an integrated 'Cultural Home' centered around Manly Town Hall in the Corso by implementing adaptive reuse investigations and encouraging ancillary uses.	Council	\$\$\$\$
S14	Explore opportunities for a public art trail that connects the Manly centre with its surrounding natural assets and ideas related to indigenous messages while promoting sustainability and resilience.	Council	\$\$
S15	Incorporate sustainability outcomes, such as green architecture and biophilic design, into the development approvals process where possible.	Council	
S16	Undertake an updated acoustic assessment to inform development of a noise planning map.	Council	\$\$
S17	<p>As part of the new LEP/DCP project:</p> <ul style="list-style-type: none"> Review development provisions to achieve a consistent treatment for awnings; and improve the streetscape and visual appearance of the built form by limiting advertising and signage on buildings Develop planning controls addressing the 'agent of change' approach to include acoustic requirements for development informed by a noise planning map identifying locations and land uses requiring greater acoustic consideration. Consider visitor accommodation and services as part of the range of permissible land uses for a vibrant centre that caters for its residents, operators and visitors. Consider for health and wellbeing land uses / activities to be a permissible use on and in proximity to Central Avenue. Develop specific style and character design guidelines that support preserving the historical significance of the urban fabric. 	Council	\$\$
S18	For identified low-impact areas, investigate and undertake a trial late-night trading hours, including shared use of public spaces and buildings.	Council in consultation with Community Safety Committee, NSW Police and Liqueur Licensing	\$\$

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No	Action	Responsibility	Cost
Short-term (1-3 years)			
S19	In collaboration with the building owner of the Manly National Carpark, seek creative solutions to enhance the visual appeal of the building facade fronting Short Street.	Council and Building Owner	\$\$
S20	Transition a section of the existing bicycle paths on the promenade along North and South Steyne to a shared zone to create a safer environment for pedestrians when crossing from The Corso towards the beach.	Council in consult with Transport for NSW/NSW Buses	\$\$
S21	Provide a safe environment for people to gather and sight-see, particularly with pedestrians and cyclists.	Council	
S22	Explore opportunities for shuttle bus services to better manage parking, in line with Destination Northern Beaches.	Council in consult with Transport for NSW/NSW Buses	\$\$

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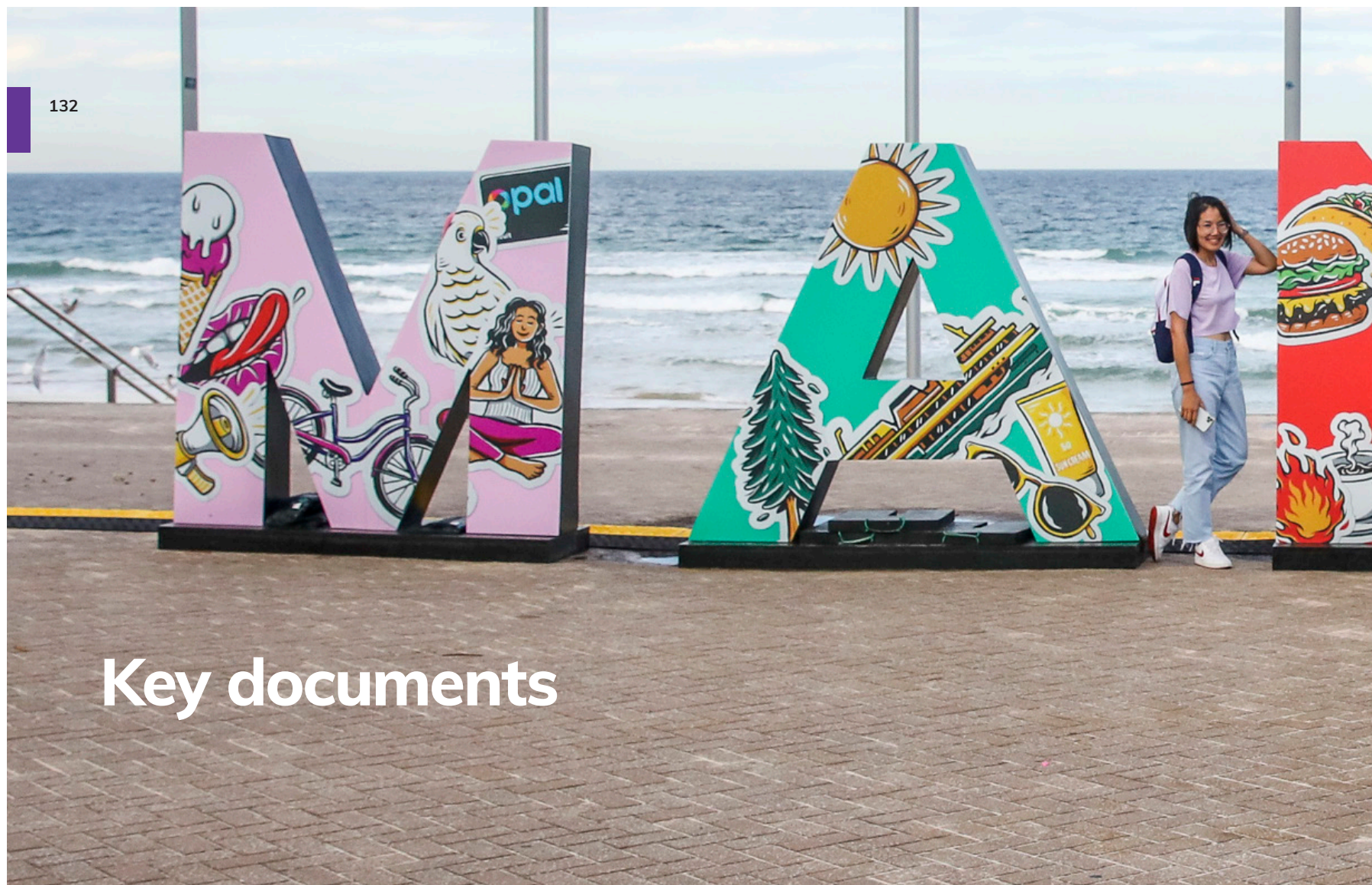
No.	Action	Responsibility	Cost
Medium term (3-5 years)			
M1	Build on the audit of existing assets/infrastructure and ensure a coordinated approach to upgrading assets	Council	
M2	Create a sense of arrival in the forecourt of Manly Town Hall as people enter via this area into Manly Centre.	Council	\$\$
M3	Create a sense of arrival into Manly at Carlton Street intersection by adding elements that reflect a proud community of a celebrated seaside town.	Council in consultation with Transport for NSW	\$\$
M4	Detailed design and construction of specific Laneway(s) based on agreed and identified priorities.	Council	\$\$\$
M5	If required, review the waste collection and cleansing operations in line with the implementation of the 24-hour economy activities in the Manly centre.	Council	\$\$
M6	Investigate and undertake a trial of late-night trading hours in the Manly Local Centre eg from 10 pm to 6am	Council in consult with Community Safety Committee, NSW Police and Liquor Licensing	\$\$
M7	Provide opportunity for activation and interest along the Central Avenue frontage.	Council	
M8	Detailed design and construction of the public domain for The Corso. Create flexible spaces in The Corso to facilitate large gatherings, markets and everyday activities for locals and visitors to increase dwell time along The Corso.	Council	\$\$\$\$
M9	Seek accreditation into the Purple Flag Program	Council	\$\$

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No.	Action	Responsibility	Cost
Long term (5-10 years)			
L1	Commence investigations for asset renewal of John Speight stage (and renewal build)	Council	\$\$\$\$
L2	Detailed design and construction of other / remaining Laneways based on agreed and identified priorities.	Council and if relevant, consult Transport for NSW	\$\$\$\$
L3	In collaboration with Transport for NSW, create a more pedestrian friendly environment by widening footpaths, slowing down traffic and adding safer places to cross and navigate Pittwater Road (Key Place)	Council and Transport for NSW	\$\$\$
L4	Investigate ways of reconfiguring the Whistler Street at grade parking area to improve pedestrian safety and visual amenity.	Council	\$\$\$
L5	Improve and prioritise pedestrian connections and safety in Pittwater Road and between Manly Cove and beach to Pittwater Road.	Council and Transport for NSW	\$\$\$

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Key documents

My Place: Manly



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Manly Place Plan 2023

State documents

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, NSW Planning
- NSW Public Spaces Charter, Transport for NSW (NSW Department of Planning and Environment, 2021)
- Sydney 24-hour Economy Strategy September 2020, NSW Treasury
- Local Infrastructure Benchmark Costs Final Report April 2014, IPART
- NSW Waste and Sustainable Material Strategy 2041, Department of Planning, Industry and Environment, published June 2021
- Manly Cove Manly Wharf 3 Upgrade and Former Manly Sea Life: Consultation Summary Report (Transport for NSW, August 2022)

Council documents

- Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013 (last amended 28 August 2017)
- Shape - Community Strategic Plan, (Northern Beaches Council, adopted 28 June 2022)
- Towards 2040 - Local Strategic Planning Statement (Northern Beaches Council, adopted 26 March 2020)
- Northern Beaches Local Housing Strategy (Northern Beaches Council, adopted 16 December 2021)
- Exhibited Draft Business in the Beaches - Economic Development Strategy, (Northern Beaches Council, exhibited from 30 January 2023 to 26 March 2023)
- Manly Night-Time Economy Study (HillPDA Consulting for Northern Beaches Council, October 2022)
- Northern Beaches Employment Study (SGS Economics for Northern Beaches Council, December 2019)
- Economic Development Paper (July 2017)
- Move, Northern Beaches Transport Strategy 2038, (Northern Beaches Council, adopted 27 November 2018)
- Northern Beaches Walking Plan (Northern Beaches Council, Adopted 17 April 2019)
- Northern Beaches Bike Plan (Northern Beaches Council, Adopted 14 August 2020)
- Manly Parking Permit Framework (Northern Beaches Council, adopted July 2020)
- Electric Vehicle Charging Infrastructure Plan (Northern Beaches Council, adopted August 2021)
- Resilience Strategy: Withstand, Adapt, Thrive - Northern Beaches Council, adopted 28 June 2022
- Manly to Seaforth Flood Study: Flood Study Report (Cardno for Northern Beaches Council, adopted 18 April 2019)
- Northern Beaches Events Strategy 2018-2023 (Northern Beaches Council, adopted June 2018)

- Connected Through Creativity 2029 - Northern Beaches Arts and Creativity Strategy (Northern Beaches Council, adopted 2019)
- Public Art Policy, (Northern Beaches Council, adopted 28 May 2019)
- Coast Walk Public Art Strategic Plan (GML Heritage for Northern Beaches Council, adopted May 2019)
- Community Centres Strategy (Northern Beaches Council, adopted March 2021)
- Better Together Social Sustainability Strategy 2040 (Northern Beaches Council, adopted August 2021)
- Disability Inclusion Action Plan (DIAP) 2022-2026, (Northern Beaches Council, adopted 28 June 2022)
- Updated Alcohol-Free Zone Map for Manly (Northern Beaches Council, adopted 28 June 2022)

- Destination Northern Beaches: Creating a sustainable visitor economy (Northern Beaches Council, adopted 28 September 2021)
- Protect Create Live - Environment Climate Change Strategy 2040 (Northern Beaches Council adopted December 2019)
- Northern Beaches Council Climate Change Action Plan (adopted Feb 2021)
- Public Space Vision & Design Guidelines, (ASPECT Studios for Northern Beaches Council, Adopted 25 May 2021)
- Manly 2015 Masterplan, last updated May 2016 (Manly Council, Adopted 2010)
- Exhibited Draft Northern Beaches Council Library Strategic Plan 2023-2028 (exhibited 4 July to 11 August 2023)

Council Policies prepared under the Local Government Act:

- Outdoor Dining and Footpath Merchandise Policy (Northern Beaches Council, 1 July 2019)
- Manly West Esplanade Heritage Activation Plan (Northern Beaches Council, adopted October 2019)
- Manly West Esplanade Precinct Masterplan (Haskoning Australia Pty Ltd for Northern Beaches Council, adopted March 2019)
- Ivanhoe Park Plan of Management (Parkland Planners for Northern Beaches Council, adopted 26 October 2021) & Ivanhoe Park Landscape Masterplan (NBRS Architecture for Northern Beaches Council, adopted 26 October 2021)
- Exhibited Draft Urban Tree Canopy Plan (Northern Beaches Council, 2023) On Exhibition until 9 July 2023

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Other documents

- Manly Place Plan: Transport Overview Report (JMT Consulting for Ethos Urban, October 2021)
- Measuring the Australian Night-Time Economy 2020-21 Report (A project for the Council of Capital City Lord Mayors by Ingenium Research, September 2022)
- Place Score Community Insights Report: Northern Beaches Town Centres and Village Centres 2018 (Place Score for Northern Beaches Council, August 2018)
- Manly High Pedestrian Activity Area Infrastructure Package (Northern Beaches Council & TfNSW, 2022)
- Fire Engineering Report: Removal of External Stair Manly Library (MCD Fire Engineering for Northern Beaches Council, 2019)

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Snapshot
Manly's 24-Hour Economy

2 The Premier Gateway into the Northern Beaches

Manly is a welcoming, bustling, and creative seaside town centre that offers a mix of cultural, tourist, retail and entertainment experiences. As an iconic tourist destination, Manly is an important employment centre and a transport and recreational hub for the Northern Beaches.

The 24-hour economy is crucial in making Manly a vibrant, safe and prosperous place. Consulting firm Hill PDA has recommended principles and strategies to strengthen Manly's 24-hour economy through implementing and delivering the Manly Place Plan. The Manly Night-Time Economy Strategy was developed to support and enhance the 24-hour economy while balancing the competing needs of all stakeholders in Manly.

Snapshot Manly's 24-Hour Economy



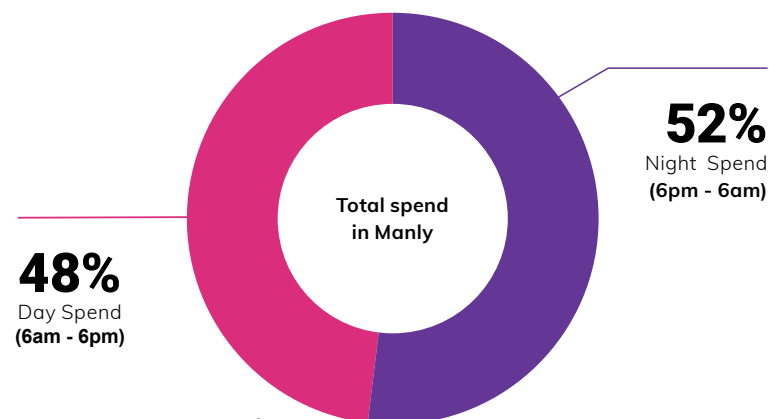
\$337m

Spent in Manly in 2022/23
between 6pm - 6am
(Spendmapp - 22/23)



34%

Expenditure in Manly
is from visitors outside of
the Northern Beaches



20%

of all cafe and
restaurant jobs on the
Northern Beaches are
in Manly



40%

of all accommodation
jobs on the Northern
Beaches are in Manly



27%

of all jobs in Manly
relate to the night-
time economy
(6pm to 6am)



16%

of all Northern
Beaches night-time
economy jobs are in
Manly



4

Principles for Manly's 24-Hour Economy

Foster a thriving and creative Night-Time Economy reflecting local identity



Manly is a place that's fun and interesting, cultural and friendly, social and entertaining. It will be significantly enhanced by activating public spaces year-round to create flexible, comfortable, and exciting spaces to dwell and interact.

Upgrading the public domain and strengthening these connections will enhance Manly's key spaces, especially where compatible land uses are co-located. For example, the western section of The Corso is the cultural hub, anchored by the Manly Town Hall and within proximity of Manly Art Gallery & Museum. The eastern section of The Corso has an existing night-time presence and is the entertainment precinct.

Certainty will be provided to stakeholders through implementing planning controls, which clearly identify the responsibility and considerations that new development must have for existing uses.

Strategies

- Implement land use clusters identified in the MAP on page 5 to manage community expectations around noise generating development and acoustic requirements for new buildings.
- Activate and improve public places to create comfortable, safe, and interesting places which encourage social interaction and productivity.

Actions

- Develop and implement concept designs for Manly's key places informed by the Manly Night-Time Economy Strategy.
- Develop a program of events supporting activities at different hours of the day and across all key places.

Snapshot Manly's 24-Hour Economy

Legend

-  Study area
-  Zone of influence
- Key Places of this Place Plan
 -  The Corso
 -  Sydney Road
 -  Laneways
 -  Pittwater Road

NTE Clusters from the NTE Strategy

-  Corso East
-  Corso West
-  Manly Cove
-  Ocean Beach
-  Sydney Road



6

Principles for Manly's 24-Hour Economy

Build partnerships and capability for businesses and the community to deliver exciting and unique night-time experiences



Businesses and Council will deliver a range of goods and services that meet the community's evolving needs and aspirations by being flexible and adaptive to emerging trends.

Businesses will be supported by safe, exciting and accessible public spaces that encourage visitors and residents to spend time and engage.

All users are aware of their shared responsibility to deliver a safe and vibrant 24-hour economy.

Strategies

- Build partnerships with the Manly Business Chamber and community groups and investigate opportunities for shared facilities, sponsorships, mentoring and other initiatives to support local businesses and boost innovation/productivity.
- Adopt the Manly Night-time Strategy and implement the 'agent of change' approach that facilitates greater certainty for all stakeholders. This includes planning controls to implement land use clusters and acoustic requirements for buildings.

Actions

- Connect landowners of vacant tenancies with individuals and groups looking for short-term or temporary space. Encourage short-term leases for pop-ups and temporary activation in current vacancies.
- Introduce planning controls that provide certainty and consistency to all stakeholders where noise mitigation measures rest with each development in the Manly centre. For example, all development (including residential) is to be designed and constructed with noise mitigation measures.
- Encourage outdoor dining in designated areas for approved food and drink premises as a complementary use subject to approval.

Snapshot Manly's 24-Hour Economy

Principles for Manly's 24-Hour Economy

Encourage a diversity of night-time offerings catering to all demographic categories



7

Manly is a place where families, young people, older people, tourists, workers and people of all abilities can come together in the evening or night- time to enjoy a diverse range of activities that broadens the appeal of Manly to a variety of users.

From outdoor dining on Sydney Road, a pop-up cinema on the beach, street art, late trading for retail, intimate live music in the vibrant laneways, to performances and gallery showings in The Corso West – there is something for everyone.

Strategies

- Identify key places based on shared attributes and implement land use clusters to provide certainty for stakeholders and provide opportunities for a variety of compatible uses.

Actions

- Develop a program of events to support local businesses and encourage additional family-friendly late afternoon and night-time activities. The program will span the calendar year and consider all key locations and public spaces
- Encourage and promote cultural activities and events e.g. gallery events, pop-ups, Indigenous storytelling, food festivals and markets.
- Investigate opportunities to trial late-night trading hours in identified low-impact areas and shared use of public spaces and buildings.

Image Right

Outdoor Cinema- Play Manly
© Salty Dingo 2022



8

Principles for Manly's 24-Hour Economy

Create a night-time economy that leverages and enhances natural beauty in the built environment



The dual water frontages to both Sydney Harbour and Manly Beach provide a high level of amenity which is highly desirable to local, domestic and international visitors, and an anchor for the local economy.

Strategies

- Provide flexible public spaces that complement identified land use clusters and enhance interaction with the environment. For example, The Corso East is the Northern Beaches' home of entertainment with live music, pubs, clubs, and bars. The Corso West provides a connection to culture with its proximity to Manly Art Gallery & Museum and Town Hall. Activated public spaces in these areas must be compatible with the surrounding uses to support potential events, performances, and other temporary activities.
- Investigate new cultural opportunities through the sensitive adaptive reuse of public and private buildings.

Actions

- Develop and deliver the public space concept plan improvements.
- Public art installations enhance and celebrate the unique landscapes, cultural and architectural fabric in Manly.

Snapshot Manly's 24-Hour Economy

Principles for Manly's 24-Hour Economy

Support safe and accessible places that welcome locals, workers, and visitors.

Activated public spaces will connect and enhance Manly's activity hubs. These spaces will increase foot traffic and provide high levels of passive surveillance. Well-lit and signposted areas link the variety of accessible transport options for locals, workers, and visitors.

Strategies

- Incorporate Safer by Design principles into all public space activation and improvements.

Actions

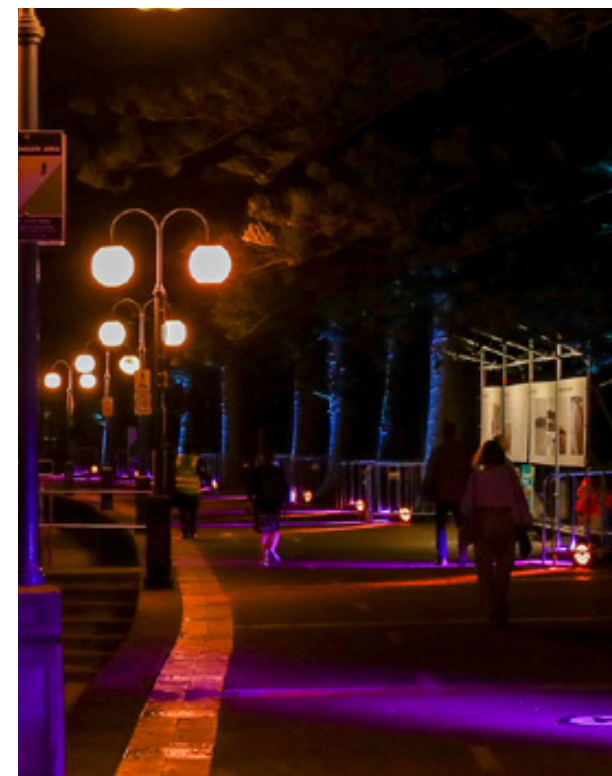
- Deliver the public space concept plan improvements, including lighting and wayfinding signage.
- Continue to implement alcohol-free zones in appropriate locations and times.

Image Right

Wayfinding Lights- Play Manly
© Salty Dingo 2022



9



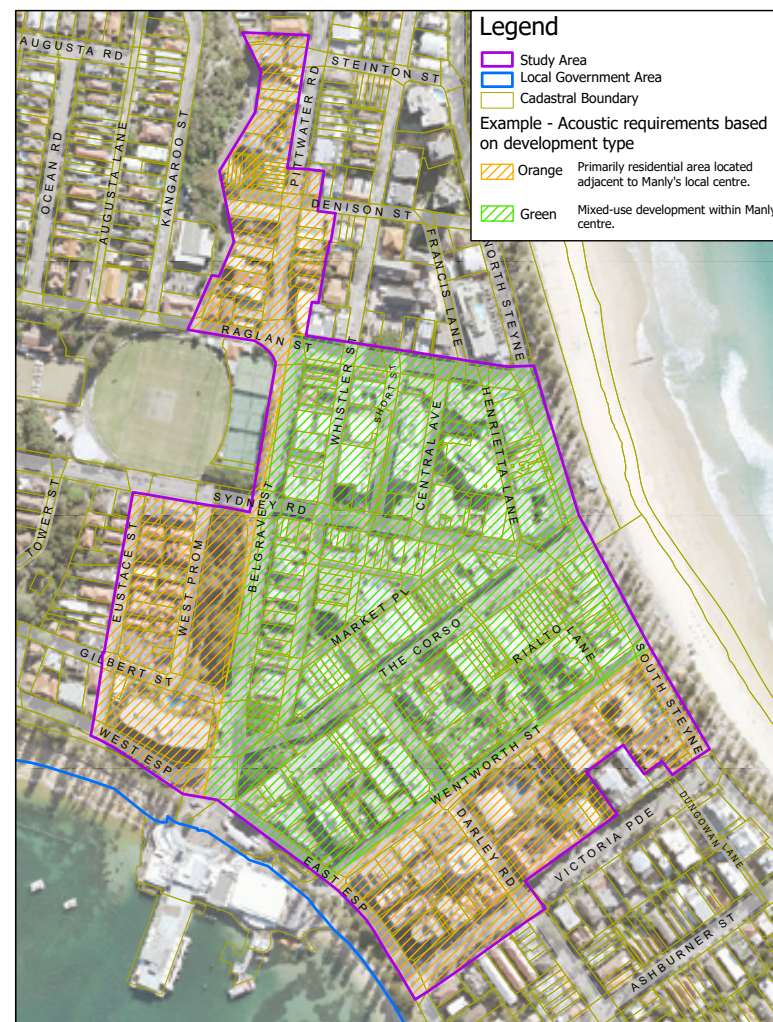
10 Pathway to a 24-Hour Economy

Actions and strategies will be implemented in a balanced and equitable way that provides certainty for all users. Business operators, residents and visitors will be aware of their obligations in contributing to a vibrant and safe night-time economy.

Council will adopt an 'agent of change' approach which recognises that the primary responsibility for noise attenuation rests with those who are proposing changes in development or land uses. This will balance activations with the protection of existing uses and noise sensitive developments.

Council will review planning controls to reduce tensions between conflicting land uses. This will include the implementation of activity clusters, review of business operating hours and acoustic requirements for new buildings.

A noise planning map will be prepared to clearly identify locations and land uses requiring greater acoustic consideration. This map will form part of new controls which must be considered in the assessment of new development.



Snapshot Manly's 24-Hour Economy



Scan for more information
on the 24 Hour Economy
and Manly Place Plan

Unclassified



File Ref. No: BFS23/890 (26579)
TRIM Ref. No: D23/18787
Contact: Mark Knowles

17 March 2023

General Manager
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Email: council@northernbeaches.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
13-15 FRANCIS STREET, DEE WHY ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 24 February 2023 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- Those parts of the building where access could be gained, which included the carpark areas on Levels 1 and 2, the fire stairs and the Level 3 retail mall area (ground floor level).
- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 5

Unclassified

Unclassified

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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

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 (i.e., 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:
 - i. Signage – Signage is not provided to identify the hydrant as a 'feed hydrant'.
 - ii. 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'.

Unclassified

1C. Portable Fire Extinguishers (PFE's):

- 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:
 - i. 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.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

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:

Unclassified

- i. 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.
- ii. 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:
 - i. 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:
 - i. 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.

Unclassified**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address item no. 1 and item no. 2 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 3 of this report.

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

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS23/890 (26579) for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Unclassified



2 MAY 2023

The Owners of Strata Plan 64757
C/- Bright & Duggan Pty Ltd
Level 1 37-43 Alexander Street
CROWS NEST NSW 2065

Dear Sir/Madam

Notice of Intention to Issue an Order (Audit)

Legislation: Notice issued under the Environmental Planning and Assessment Act
1979

Premises: 13-15 Francis Street DEE WHY NSW 2099

Ref No: EPA2023/0134 (AFSS00081)

It has been brought to the attention of Council and Fire & Rescue NSW that the abovementioned premises is deficient in terms of fire safety provisions.

Once Council is aware that an existing building is deficient in certain aspects of fire safety, it has a duty of care to ensure that the building provides an acceptable level of fire safety to the occupants of the building.

Accordingly, please find attached a Notice of Intention to Issue a Fire Safety Order on the abovementioned premises requiring a Fire Safety Audit to be carried out.

All owners and other interested persons must be advised of the Notice of Intention.

If you require any further information in relation to this matter, please contact Council's Senior Building Surveyor, Troy Sullivan on 1300 434 434 during normal business hours between 9:00am to 5:00pm or by council@northernbeaches.nsw.gov.au

Yours faithfully



Troy Sullivan
Senior Building Surveyor (Fire Safety)

cc Fire Safety Branch - Fire & Rescue NSW
Email FireSafety@fire.nsw.gov.au

cc compliance@bright-duggan.com.au



NORTHERN BEACHES COUNCIL NOTICE OF INTENTION TO GIVE A DEVELOPMENT CONTROL ORDER

*Under The Environmental Planning and Assessment Act, 1979 (NSW)
Section 9.3, Schedule 5 PART 2 (FIRE SAFETY ORDER NO: 1)*

DATE:	2 MAY 2023
TO WHOM:	The Owners of Strata Plan 64757
PREMISES:	13-15 Francis Street DEE WHY NSW 2099

You are hereby given **Notice of intention** to issue an **Order No 1** pursuant to schedule 5, part 2 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (the 'Act') that the Northern Beaches Council, as the appropriate authority under the Act, has been made aware that provisions for fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire on the above premises.

Prior to the Order being given you may make representations to Council's Fire Safety Specialist on or before **2 JUNE 2023**.

- (1) why the Order should not be given;
- (2) the terms of the Order;
- (3) the period of compliance with the Order.

In making representations you may be represented by a barrister, solicitor or agent. Alternatively, you may ignore this Notice and an Order will be given either in the same terms as intended or with modified terms.

DESCRIPTION OF THE ORDER THE COUNCIL INTENDS TO GIVE:

ORDER NO. 1

TO DO WHAT:

1. Engage the services of a Registered Building Surveyor (unrestricted or all classes of buildings) to carry out a Building Code of Australia (BCA) Fire Safety Audit of the premises, that is based on inspection(s) of the building in terms of the deemed-to-satisfy fire safety provisions. The Audit shall also address items No.1 to item No. 3 from the Fire and Rescue NSW (F&RNSW) Inspection Report dated 17 March 2023.
2. Having regard to the Fire Safety Performance Requirements of the Building Code of Australia, the **Registered Building Surveyor** is to incorporate the results of the Fire Safety Audit of the premises into a Report, Strategy and Recommendations in order to provide an adequate provision of fire safety to prevent fire, suppress fire, prevent the spread of fire and ensure or promote the safety of persons in the event of fire.

PO Box 82 Manly NSW 1655
t 1300 434 434 f 02 9976 1400
council@northernbeaches.nsw.gov.au
ABN 57 284 295 198

Dee Why Office:
725 Pittwater Road
Dee Why NSW 2099

Mona Vale Office:
1 Park Street
Mona Vale NSW 2103

Manly Office:
1 Belgrave Street
Manly NSW 2095

Avalon Office:
59A Old Barrenjoey Road
Avalon Beach NSW 2107



3. The Fire Safety Audit of the property must specifically cover all relevant clauses within section C, D and E of the current Building Code of Australia, reflecting compliance, non-compliance or not applicable in the circumstances and a suitable checklist is to accompany the Report.
4. A Schedule of existing and proposed Essential Fire Safety measures including their Standard of Performance must be included in the Strategy.
5. The Report and Recommendations must be submitted to Council for its consideration and approval prior to implementation of any proposed works.
6. A proposed timetable of works is to accompany the Recommendations.
7. Any BCA performance-based solutions prepared by other stakeholders to address fire safety matters in the premises must be fully reviewed by the suitably qualified Registered Building Surveyor accepted, incorporated and annexed into the final **BCA Fire Safety Audit Report**.

REASONS FOR THE ORDER: (Schedule 5, Part 4, clause 5 of the Act)

Fire & Rescue NSW and Council has been made aware that the existing provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure the safety of persons in the event of fire.

PERIOD OF COMPLIANCE WITH THE ORDER

Within Ninety (90) days. (Submission of Fire Safety Audit to Council)

FAILURE TO COMPLY WITH THE ORDEROFFENCE

It is an offence against the *Environmental Planning and Assessment Act 1979* (NSW) not to comply with any Order: see Part 9, of Division 9.3, Clause 9.37 of the *Environmental Planning and Assessment Act 1979* (NSW). In the event that an Order is issued and you do not comply, Council may issue penalty infringement(s) or commence Court Proceedings to compel compliance and / or undertake a criminal prosecution.

PENALTY

The maximum penalty for non-compliance with this order is (a) in case of a corporation \$5 million, and for a continuing offence a further \$50,000 for each day the offence continues; or (b) in the case of an individual \$1 million, and for a continuing offence a further \$10,000 for each day the offence continues: see Part 9, Division 9.6, Clause 9.52 of the *Environmental Planning and Assessment Act 1979* (NSW).

EXECUTION OF ORDER BY COUNCIL

If you fail to comply with the terms of an Order Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order, and may, among other things, recover from you the costs incurred by Council in so doing: see Part 11, Clause 34 of Schedule 5 of the *Environmental Planning and Assessment Act 1979*.

COMPLIANCE COSTS

Schedule 5 Part 12 of the EP&A Act 1979 and clause 281C of the Environmental Planning and Assessment Regulation 2000 allows **compliance cost notices** to be issued by Council



to you in respect to all or any reasonable costs or expenses incurred by Council in connection with:

- (a) monitoring action under the order, and
- (b) ensuring that the order is complied with, and
- (c) any costs or expenses relating to an investigation that leads to the giving of the order, and
- (d) any costs or expenses relating to the preparation or serving of the Notice of intention to give an order, and
- (e) any other matters associated with the Order.

RIGHT OF APPEAL AGAINST ORDER

If you wish to appeal against an Order you must appeal to the **Land and Environment Court**, Level 4, 225 Macquarie Street, Sydney NSW 2000, within **28 days** after the service of the Order on you: see Part 8, Division 8.5, Clause 8.18 of the *Environmental Planning and Assessment Act 1979*.

OTHER ORDERS

This Order does not prejudice Council's entitlement to serve other Orders on the premises and this Order does not regularise any illegal building works or unauthorised Use of the premises.



Troy Sullivan
Senior Building Surveyor (Fire Safety)



Date: TBC

The Owners of Strata Plan 64757
C/- Bright & Duggan Pty Ltd
Level 1 37-43 Alexander Street
CROWS NEST NSW 2065

Dear Sir/Madam

Re: Order No. 1 (Fire Safety Audit)
Environmental Planning and Assessment Act 1979
Premises: 13-15 Francis Street DEE WHY NSW 2099
Ref No: EPA2023/0134 (AFSS00081)

Council is writing to you, as it has come to the organisation's attention that a matter under your control is required to be addressed.

Please find enclosed Order No. 1 regarding the abovementioned property. The circumstances and reasons for this course of action are detailed in the formal Order documentation attached to this letter.

Council issued a Notice of Intention dated 2 May 2023. After reviewing and considering any representations made concerning the proposed Order, Council has determined to give an order with modifications made to the proposed order.

An inspection was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of F&RNSW and a Report sent to Council recommending an Audit be carried out.

All owners and other interested persons must be advised of the Order.

If you require any further information in relation to this matter, please contact Council's Senior Building Surveyor, [REDACTED] on 1300 434 434 during normal business hours between 9:00am to 5:00pm or by council@northernbeaches.nsw.gov.au

Yours faithfully

[REDACTED]
Senior Building Surveyor (Fire Safety)

cc Fire Safety Branch - Fire & Rescue NSW
Email FireSafety@fire.nsw.gov.au

cc compliance@bright-duggan.com.au

**NORTHERN BEACHES COUNCIL
DEVELOPMENT CONTROL ORDER**

*Under the Environmental Planning and Assessment Act, 1979 (NSW)
Section 9.3, Schedule 5 PART 2 (FIRE SAFETY ORDER NO: 1)*

DATE:	TBC
TO WHOM:	The Owners of Strata Plan 64757
PREMISES:	13-15 Francis Street DEE WHY NSW 2099

You are hereby given an **Order No 1** pursuant to schedule 5, part 2 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (the 'Act') that the Northern Beaches Council, as the appropriate authority under the Act, has been made aware that provisions for fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire on the above premises.

ORDER NO. 1

TO DO WHAT:

1. Engage the services of a Registered Building Surveyor (unrestricted or all classes of buildings) to carry out a Building Code of Australia (BCA) Fire Safety Audit of the premises, that is based on inspection(s) of the building in terms of the deemed-to-satisfy fire safety provisions. The Audit shall also address items No.1 to item No. 3 from the Fire and Rescue NSW (F&RNSW) Inspection Report dated 17 March 2023.
2. Having regard to the Fire Safety Performance Requirements of the Building Code of Australia, the **Registered Building Surveyor** is to incorporate the results of the Fire Safety Audit of the premises into a Report, Strategy and Recommendations in order to provide an adequate provision of fire safety to prevent fire, suppress fire, prevent the spread of fire and ensure or promote the safety of persons in the event of fire.
3. The Fire Safety Audit of the property must specifically cover all relevant clauses within section C, D and E of the current Building Code of Australia, reflecting compliance, non-compliance or not applicable in the circumstances and a suitable checklist is to accompany the Report.
4. A Schedule of existing and proposed Essential Fire Safety measures including their Standard of Performance must be included in the Strategy.
5. The Report and Recommendations must be submitted to Council for its consideration and approval prior to implementation of any proposed works.
6. A proposed timetable of works is to accompany the Recommendations.

7. Any BCA performance-based solutions prepared by other stakeholders to address fire safety matters in the premises must be fully reviewed by the suitably qualified Registered Building Surveyor accepted, incorporated and annexed into the final **BCA Fire Safety Audit Report**.

REASONS FOR THE ORDER: (Schedule 5, Part 4, clause 5 of the Act)

Council and FRNSW has been made aware that the existing provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure the safety of persons in the event of fire.

An inspection was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW and a Report sent to Council recommending an Audit be carried out.

PERIOD OF COMPLIANCE WITH THE ORDER

Within One hundred and thirty-five (135) days. (Submission of Fire Safety Audit to Council)

FAILURE TO COMPLY WITH THE ORDER

OFFENCE

It is an offence against the *Environmental Planning and Assessment Act 1979* (NSW) not to comply with any Order: see Part 9, of Division 9.3, Clause 9.37 of the *Environmental Planning and Assessment Act 1979* (NSW). In the event that an Order is issued and you do not comply, Council may issue penalty infringement(s) or commence Court Proceedings to compel compliance and / or undertake a criminal prosecution.

PENALTY

The maximum penalty for non-compliance with this order is (a) in case of a corporation \$5 million, and for a continuing offence a further \$50,000 for each day the offence continues; or (b) in the case of an individual \$1 million, and for a continuing offence a further \$10,000 for each day the offence continues: see Part 9, Division 9.6, Clause 9.52 of the *Environmental Planning and Assessment Act 1979* (NSW).

EXECUTION OF ORDER BY COUNCIL

If you fail to comply with the terms of an Order Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order, and may, among other things, recover from you the costs incurred by Council in so doing: see Part 11, Clause 34 of Schedule 5 of the *Environmental Planning and Assessment Act 1979*.

COMPLIANCE COSTS

Schedule 5 Part 12 of the EP&A Act 1979 and clause 281C of the Environmental Planning and Assessment Regulation 2000 allows **compliance cost notices** to be issued by Council to you in respect to all or any reasonable costs or expenses incurred by Council in connection with:

- (a) monitoring action under the order, and
- (b) ensuring that the order is complied with, and
- (c) any costs or expenses relating to an investigation that leads to the giving of the order, and




- (d) any costs or expenses relating to the preparation or serving of the Notice of intention to give an order, and
- (e) any other matters associated with the Order.

RIGHT OF APPEAL AGAINST ORDER

If you wish to appeal against an Order you must appeal to the **Land and Environment Court**, Level 4, 225 Macquarie Street, Sydney NSW 2000, within **28 days** after the service of the Order on you: see Part 8, Division 8.5, Clause 8.18 of the *Environmental Planning and Assessment Act 1979*.

OTHER ORDERS

This Order does not prejudice Council's entitlement to serve other Orders on the premises and this Order does not regularise any illegal building works or unauthorised use of the premises.


Senior Building Surveyor (Fire Safety)



29th May 2023

Northern Beaches Council
PO Box 82, Manly,
NSW,1655

Attention: [REDACTED]

Dear [REDACTED]

Via email to: council@northernbeaches.nsw.gov.au

Re: Representations letter against Notice of Intention to Issue a Development Control Order (Fire Safety Audit) Council Ref: EPA2023/0134 (AFSS00081) at the subject address

Address: SP 64757, 13-15 Francis St, Dee Why

We refer to Councils Notice of Intention to Issue a Development Control Order (Fire Safety Audit) dated 2nd May 2023.

I, [REDACTED] of Watt Next Management P/L (WNM) have been employed as the Fire Order project manager by the owners of SP 64757 to provide representations to the Notice of Intention to Issue a Development Control Order (Fire Safety Audit).

Below are extracts (In **blue** and *Italics*) from Councils Notice with responses to each of these items by WNM.

From Page 1 of Councils Notice

“Prior to the Order being given you may make representations to Council's Fire Safety Specialist on or before 2 JUNE 2023”.

(1) why the Order should not be given.

(2) the terms of the Order;

WNM response

See below responses from pages 2 & 3 of this letter

(3) the period of compliance with the Order

WNM response

See below response on pages 3 & 4 of this letter

From Pages 1&2 of Councils Notice

***“DESCRIPTION OF THE ORDER THE COUNCIL INTENDS TO GIVE:
ORDER NO. 1”***

“TO DO WHAT”:

1) Engage the services of a Registered Building Surveyor (unrestricted or all classes of buildings) to carry out a Building Code of Australia (BCA) Fire Safety Audit of the premises, that is based on inspection(s) of the building in terms of the deemed-to satisfy fire safety provisions.

The Audit shall also address items No.1 to item No.3 from the Fire and Rescue NSW (F&RNSW) Inspection Report dated 17 March 2023.

WNM response

Discussions have been had with [REDACTED] from Murrow Consulting. He is the likely Registered Building Surveyor (unrestricted of all classes of buildings) to be engaged on the project.

This BCA fire safety audit report would be done by the registered building surveyor and managed by WNM.

A question relating to the year version of the BCA that the BCA fire safety audit is to be carried out against.

Is the expectation that it is done to BCA 2022 or BCA 2019 Amendment 1?

2) Having regard to the Fire Safety Performance Requirements of the Building Code of Australia, the Registered Building Surveyor is to incorporate the results of the Fire Safety Audit of the premises into a Report, Strategy and Recommendations in order to provide an adequate provision of fire safety to prevent fire, suppress fire, prevent the spread of fire and ensure or promote the safety of persons in the event of fire.

WNM response

This will be done by the Registered Building Surveyor and included in the BCA fire safety audit report

*3) The Fire Safety Audit of the property must specifically cover all relevant clauses within section C, **D** and E of the current Building Code of Australia, reflecting compliance, noncompliance, or not applicable in the circumstances and a suitable checklist is to accompany the Report.*

WNM response

We note Council has stated Section **D** above.

Can Council please amend this to D1 and D2 **only** as it states Section D, which would assume Part D3 to be included in the report as well.



Part D3 is not applicable to Fire Orders and would not be covered in the proposed BCA fire safety audit report either.

Of course the above sentences relates to BCA 2019 Amdt 1 references.

The same change would also need to relate to BCA 2022 should Council confirm that this is the applicable version of the BCA (see question in point 1, on page. 2 above)

4) A Schedule of existing and proposed Essential Fire Safety measures including their Standard of Performance must be included in the Strategy.

WNM response

This will be done by the Registered Building Surveyor and included in the BCA fire safety audit report.

5) The Report and Recommendations must be submitted to Council for its consideration and approval prior to implementation of any proposed works.

WNM response

This will be issued to Council by WNM.

6) A proposed timetable of works is to accompany the Recommendations.

WNM response

This will be done by the Registered Building Surveyor and included in the BCA fire safety audit report.

7) Any BCA performance-based solutions prepared by other stakeholders to address fire safety matters in the premises must be fully reviewed by the suitably qualified Registered Building Surveyor accepted, incorporated and annexed into the final BCA Fire Safety Audit Report.

WNM response

This will be done by the Registered Building Surveyor and included in the BCA fire safety audit report.

From Page 2 of Councils Notice

PERIOD OF COMPLIANCE WITH THE ORDER

Within Ninety (90) days. (Submission of Fire Safety Audit to Council)

WNM response- we request a period of up to **135 days** rather than 90 days to allow for any BCA performance-based solutions to be prepared by other stakeholders and be review and accepted by the registered building surveyor. These will be incorporated and annexed into the *final* BCA Fire Safety Audit Report.

The **additional 45 days** is requested to ensure there is an adequate amount of time for the registered building surveyor to complete his report as well have any other stakeholders to do their performance solution reports so that they can be incorporated into the audit report.
Performance solution reports are known to take a considerable amount to prepare post issue of the BCA fire safety audit report.

These reports may be from stakeholders such as an accredited practioner (fire safety) or others specialists' consultants or practioners as the case may be.

Should you have any questions please contact the undersigned

Lastly, we look to hearing from Council soon

Regards



B Cons Mgmt (UTS), M Bldg Surveying (UWS)

Watt Next Management
PO Box 933, Bondi Junction
NSW, 1355
t 1300 928 863 | m 0405 500 570



11 September 2023

Mr Jonathan Schipp
Executive Director Infrastructure Policy
Department of Planning and Environment

Email: hpc.enquiry@planning.nsw.gov.au

Our Ref: 2023/562894

Dear Mr Schipp,

Northern Beaches Council - comments on the Draft Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

Thank you for the opportunity to provide feedback on the draft Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 ahead of the commencement of the Housing and Productivity Contribution (the 'HPC') on 1 October 2023. The HPC will be the mechanism for state and regional infrastructure contributions to be levied and collected.

On 6 September, Council staff requested an extension of time to allow the elected Council to formally endorse the council submission at the Ordinary Council Meeting to be held on Tuesday 26 September. This letter forms Council's draft submission and will be superseded by the Council endorsed submission which will be sent to the Department on 27 September 2023.

The Northern Beaches Local Government Area forms part of the broad Greater Sydney area catchment area for the collection of HPC contributions. As a result, our large LGA with a resident population of approximately 270,000 will need to compete with the other 32 local government areas in Greater Sydney for the identification of, and prioritisation for regional infrastructure investment.

Council is cognisant of likely impacts this additional charge will have on development feasibility resulting in the slowing-down of residential development and the local infrastructure contributions payable to Council. This conundrum impacts delivery of housing products to market and in turn, Council's ability to meet its housing target. This will be the case for 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.

Repealing the Frenchs Forest Special Infrastructure Contributions (SIC) on 1 October 2023 without a clear, transparent pathway for the delivery of its identified infrastructure

is incredulous 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 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 that has been planned by the Department of Planning and Environment under the Frenchs Forest Place Strategy.

Council is not requesting that Frenchs Forest be included in Schedule 4 of the Draft Ministerial Order as this increases the contribution above the base HPC rate, exacerbating feasibility of development in this area.

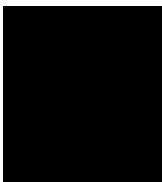
However, Council is requesting the Minister for Planning and Public Spaces to confirm the infrastructure listed in the SICs being repealed on 1 October 2023 are expressly listed in the still-to-be prepared Infrastructure Opportunities Plan for the Greater Sydney area. Listing the infrastructure on the 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.

In general terms Council supports the intentions to align infrastructure investment based on housing and jobs growth with oversight by the still-to-be-established Urban Development Program. However, it remains uncertain until it is turned into practice whether the approach is fair when it comes to prioritising the Frenchs Forest infrastructure items against other growth-enabling infrastructure across the Greater Sydney region.

Council also would like to seek an assurance that local government will not be responsible for the recovery of the HPC payable to NSW Government.

Should you require any further information or assistance in this matter, please contact my office on 8495 5327.

Yours sincerely



Joseph Hill
Executive Manager Strategic and Place Planning

Passed by both Houses



New South Wales

Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,* , 2023



New South Wales

Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023

Act No , 2023

An Act to amend the *Environmental Planning and Assessment Act 1979* to provide for housing and productivity contributions; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023
[NSW]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023
[NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

**[1] Section 4.8 Exercise of consent authority functions on behalf of councils where local
planning panel constituted**

Omit “7.24” from section 4.8(4)(b). Insert instead “7.28”.

[2] Section 4.17 Imposition of conditions

Omit section 4.17(1)(h). Insert instead—

- (h) it is authorised to be imposed under the following—
 - (i) section 4.16(3) or (5),
 - (ii) subsections (5)–(9) of this section,
 - (iii) section 7.11 or 7.12,
 - (iv) Division 7.1, Subdivision 4,
 - (v) section 7.32.

[3] Section 6.5 Functions of certifiers (including principal certifiers)

Omit “this Part” from section 6.5(5)(a). Insert instead “this part or Part 7”.

[4] Section 7.1 Definitions

Omit the definition of *special contributions area*.

[5] Section 7.4 Planning agreements

Omit section 7.4(3)(d). Insert instead—

- (d) for development—whether the agreement wholly or partly excludes the application of the following provisions—
 - (i) section 7.11,
 - (ii) section 7.12,
 - (iii) Division 7.1, Subdivision 4,

[6] Section 7.4(5A)

Omit “section 7.24”. Insert instead “Division 7.1, Subdivision 4”.

[7] Section 7.18 Contributions plans—making

Omit section 7.18(2A).

[8] Division 7.1, Subdivisions 4 and 5

Omit the subdivisions. Insert instead—

Subdivision 4 Housing and productivity contributions

7.22 Definitions

In this subdivision and Subdivision 5—

biodiversity certified land means—

- (a) land—
 - (i) the subject of an application declared to be a strategic application for biodiversity certification under the *Biodiversity Conservation Act 2016*, section 8.5(2), and

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- (ii) on which biodiversity certification has been conferred, extended or modified under that Act, Part 8, or
- (b) land taken to be biodiversity certified under that Act or otherwise subject to biodiversity certification.

HAP Fund—see section 7.31A.

housing and productivity contribution—see section 7.24(1).

measures to conserve or enhance the natural environment—see section 7.24(1).

region means an area of land identified in a Ministerial planning order as a region for the purposes of this subdivision.

regional infrastructure means the following—

- (a) public amenities or public services, including infrastructure that enhances public open space or the public domain,
- (b) affordable housing,
- (c) public housing within the meaning of the *Housing Act 2001*,
- (d) transport infrastructure,
- (e) regional or State roads,
- (f) measures to conserve or enhance the natural environment.

SBC Fund—see section 7.30(1).

strategic biodiversity component—see section 7.26(1)(f)(ii).

strategic plan has the same meaning as in Division 3.1.

transport project component—see section 7.26(1)(f)(i).

Treasury Secretary means the Secretary of the Treasury.

7.23 Effect of subdivision

Nothing in this subdivision affects the operation of Subdivision 2 or 3.

7.24 Provision of regional infrastructure

- (1) The object of this subdivision is to facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region by enabling a contribution (a **housing and productivity contribution**) to be required.
- (2) Regional infrastructure may be provided in 1 or more of the following ways—
 - (a) by providing the regional infrastructure,
 - (b) by recouping the cost of providing the regional infrastructure,
 - (c) by funding recurrent expenditure relating to providing the regional infrastructure,
 - (d) by the Minister, the Planning Ministerial Corporation or the Planning Secretary exercising the following functions in the administration of this part—
 - (i) carrying out research or investigation,
 - (ii) preparing a report or study or an instrument,
 - (iii) doing another matter or thing in connection with the administration of this part.
- (3) Regional infrastructure provided under subsection (2)(a)–(c) may be provided by making a payment to a council for the council to provide the regional infrastructure.

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- (4) A Ministerial planning order may require a housing and productivity contribution towards the provision of regional infrastructure.
- (5) A housing and productivity contribution must not be imposed on development on land in a region to provide regional infrastructure outside the region or the State, except to the extent that it is for measures to conserve or enhance the natural environment.
- (6) In this section—
provide infrastructure includes to extend or augment infrastructure.

7.25 Measures to conserve or enhance the natural environment

In this subdivision, *measures to conserve or enhance the natural environment* include the following measures implemented by the State or a council—

- (a) a measure relating to biodiversity certified land, including the following—
 - (i) an approved conservation measure specified in the order conferring biodiversity certification on the land,
 - (ii) other approved measures referred to in the *Biodiversity Conservation Act 2016*, section 8.3(3),
 - (iii) costs and expenses incurred by the Minister, the Planning Secretary, a council or another prescribed person in making an application for biodiversity certification under that Act,
- (b) a measure that directly conserves or enhances the natural environment and is undertaken—
 - (i) for the purposes of an endorsed policy, plan or program, within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, section 146A, or
 - (ii) under the conditions of an approval of the taking of actions or a class of actions under that Act, section 146B.

Note— The Commonwealth Minister for the Environment may approve the taking of actions or a class of actions in accordance with a policy, plan or program endorsed in accordance with an agreement on strategic assessment—see the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, Part 10.

7.26 Content of Ministerial planning orders requiring housing and productivity contributions

- (1) A Ministerial planning order that requires a housing and productivity contribution must specify the following—
 - (a) the level and nature of the housing and productivity contribution,
 - (b) the classes of development to which the housing and productivity contribution will apply,
 - (c) the region, or part of the region, to which the housing and productivity contribution applies,
 - (d) the way in which the housing and productivity contribution must be determined,
 - (e) the time at which the housing and productivity contribution is required,
 - (f) whether the housing and productivity contribution includes—
 - (i) a component imposed on development on land identified in the Ministerial planning order as an area that benefits, or will benefit,

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- from the provision of specified transport infrastructure (a *transport project component*), and
 - (ii) a component imposed on development on biodiversity certified land as a contribution towards a measure referred to in section 7.25 (a *strategic biodiversity component*),
 - (g) whether the housing and productivity contribution is required when a complying development certificate is issued for development.
 - (2) A Ministerial planning order that requires a housing and productivity contribution may specify the following—
 - (a) requirements relating to the form of the housing and productivity contribution,
 - (b) conditions that must be imposed by a consent authority or certifier as a condition of development consent, including the terms of the conditions,
 - (c) whether the conditions must require the person having the benefit of the development consent to obtain a decision by the Planning Secretary about—
 - (i) the housing and productivity contribution required under the Ministerial planning order, and
 - (ii) other obligations arising under the Ministerial planning order,
 - (d) exemptions from the housing and productivity contribution,
 - (e) the indexation of the housing and productivity contribution.

7.27 Making Ministerial planning orders requiring housing and productivity contributions

- (1) Before making a Ministerial planning order that requires a housing and productivity contribution, the Minister must obtain the concurrence of the Treasurer.
- (2) A Ministerial planning order that requires a housing and productivity contribution comes into force—
 - (a) when it is published on the NSW planning portal, or
 - (b) if a later day is specified in the order—on the later day.

7.28 Housing and productivity contributions imposed as conditions of development consent

- (1) If a Ministerial planning order requires a housing and productivity contribution in relation to development—
 - (a) a consent authority must impose a condition on a development consent for the development requiring the housing and productivity contribution, or
 - (b) for complying development—a certifier must impose a condition on a complying development certificate for the development requiring the housing and productivity contribution.
- (2) The condition must be imposed in accordance with the Ministerial planning order.
- (3) If the consent authority or the certifier fails to impose the condition, the condition—
 - (a) is taken to have been imposed in the terms required by the Ministerial planning order, and

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- (b) the condition has effect as if it had been imposed by the consent authority or the certifier.
- (4) A housing and productivity contribution may be required in addition to a condition imposed under section 7.11 or 7.12.
- (5) If a housing and productivity contribution is required to be made before a certificate under Part 6 or a strata certificate under the *Strata Schemes Development Act 2015* is issued for development, the certificate must not be issued until the contribution is made.
- (6) A condition imposed under this section must not be modified without the approval of the Minister.

7.29 No connection required

No connection is required between the development on which a housing and productivity contribution is imposed and the regional infrastructure provided from the contribution, except—

- (a) a transport project component of the contribution may be imposed on development on land only for transport infrastructure that benefits the area in which the land is located, and
- (b) a strategic biodiversity component of the contribution may be imposed on development on land only for measures to conserve or enhance the natural environment that were required for biodiversity certification of the land.

7.30 No appeals

A person cannot appeal to the Court under this Act in relation to a condition imposed under this subdivision.

7.31 SBC Fund

- (1) There is established in the Special Deposits Account a fund called the Strategic Biodiversity Contributions Fund (***SBC Fund***).
- (2) The SBC Fund must be administered by the Planning Secretary.
- (3) The following must be paid into the SBC Fund—
 - (a) payments relating to a strategic biodiversity component of a housing and productivity contribution,
 - (b) money appropriated by Parliament for the purposes of the SBC Fund,
 - (c) the proceeds of the investment of money in the SBC Fund,
 - (d) other money required to be paid into the SBC Fund by or under this Act, the regulations or other legislation,
 - (e) money advanced by the Treasurer for the purposes of the SBC Fund.
- (4) The assets of the SBC Fund may be applied only for the following purposes—
 - (a) payments to public authorities for the provision of regional infrastructure that is a measure referred to in section 7.25,
 - (b) money required to meet administrative expenses in relation to the SBC Fund,
 - (c) other money directed or authorised to be paid from the SBC Fund by this Act or the regulations,
 - (d) money to repay money advanced by the Treasurer under subsection (3)(e).

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- (5) A payment for the provision of regional infrastructure that is an approved conservation measure referred to in section 7.25(a)(i) must be made in accordance with the order specifying the approved conservation measure.
- (6) The Planning Secretary may make a payment out of the SBC Fund, other than a repayment of money advanced by the Treasurer, only—
 - (a) with the approval of the Minister, and
 - (b) after consultation with the Treasurer.
- (7) This section does not limit payments being made out of the HAP Fund to the Planning Secretary under section 7.31D.
- (8) The money in the SBC Fund may be invested in a way that the Minister is permitted to invest money under the *Government Sector Finance Act 2018*, Part 6.

Subdivision 5 Establishment of Housing and Productivity Fund

7.31A Establishment of HAP Fund

- (1) There is established in the Special Deposits Account a fund called the Housing and Productivity Fund (*HAP Fund*).
- (2) Different accounts must be established in the HAP Fund to ensure—
 - (a) housing and productivity contributions from development on land in a region, and proceeds from the investment of the contributions, are expended in the region as required by Subdivision 4, and
 - (b) the transport project component from development on land in an area, and proceeds from the investment of the component, are expended for the benefit of the area.
- (3) The HAP Fund must be administered by the Treasury Secretary.

7.31B Purpose of HAP Fund

- (1) The purpose of the HAP Fund is to support housing and promote economic activity in each region for which a housing and productivity contribution is required.
- (2) The HAP Fund achieves this by providing a source of funding for regional infrastructure in the region that—
 - (a) facilitates the achievement of the planning priorities identified in a strategic plan applicable in the region, and
 - (b) is able to be delivered in a reasonable time, and
 - (c) is aligned with the asset management plan of the public authority to whom funding is provided.
- (3) The planning priorities include the targets for net additional dwellings in each district referred to in section 3.4(6), definition of *planning priorities*.

7.31C Payments into HAP Fund

The following must be paid into the HAP Fund—

- (a) housing and productivity contributions made under Subdivision 4, except for amounts required to be paid into the SBC Fund,
- (b) money appropriated by Parliament for the purposes of the HAP Fund,
- (c) the proceeds of the investment of money in the HAP Fund,

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- (d) money required to be paid into the HAP Fund by or under this Act, the regulations or other legislation,
- (e) money advanced by the Treasurer for the purposes of the HAP Fund.

7.31D Payments out of HAP Fund

- (1) The following are payable from the HAP Fund—
 - (a) payments to public authorities for the provision of regional infrastructure, including associated administrative expenses,
 - (b) money required to meet administrative expenses in relation to the HAP Fund,
 - (c) money directed or authorised to be paid from the HAP Fund by this Act or the regulations,
 - (d) money to repay money advanced by the Treasurer under section 7.31C(e).
- (2) A payment for the provision of regional infrastructure may be made if the infrastructure is—
 - (a) identified in a strategic plan, or
 - (b) identified in a State infrastructure strategy or an infrastructure plan under the *Infrastructure NSW Act 2011*, Part 4, or
 - (c) recommended for funding by the Minister because the Minister considers the infrastructure assists in achieving the purpose of the HAP Fund.
- (3) In making a recommendation under subsection (2)(c), the Minister must consider any representations made, in accordance with arrangements established by the Minister, by the following—
 - (a) public authorities that deliver regional infrastructure,
 - (b) councils,
 - (c) the development industry.
- (4) The Treasury Secretary may make a payment out of the HAP Fund, other than a repayment of money advanced by the Treasurer, only—
 - (a) with the approval of the Treasurer, and
 - (b) after consulting with the Minister.
- (5) The regulations may provide for councils to make submissions to the Minister and Treasurer about future payments from the HAP Fund.

7.31E Investment of money in HAP Fund

The money in the Fund may be invested in a way that the Treasurer is permitted to invest money under the *Government Sector Finance Act 2018*, Part 6.

Subdivision 6 Report by Treasurer

7.31F Treasurer to give annual report

- (1) The Treasurer must prepare a report detailing, for each financial year, the payments made into, and from, each of the following—
 - (a) the SBC Fund,
 - (b) the HAP Fund.

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- (2) The report must be in the form required by the regulations.
- (3) The Treasurer must provide the report to each House of Parliament within 4 months of the end of the financial year to which the report relates.
- (4) In this section—
financial year means a period of 12 months commencing on 1 July.

[9] Section 7.32 Conditions requiring land or contributions for affordable housing

Omit section 7.32(6).

[10] Section 7.46 Recovery of charges etc

Insert at the end of section 7.46—

- (2) A monetary contribution required to be paid under this part may be recovered as a debt in a court of competent jurisdiction by the following—
 - (a) for a contribution under Division 7.1, Subdivision 3—the relevant consent authority or council,
 - (b) for a housing and productivity contribution under Division 7.1, Subdivision 4—the Treasury Secretary or the Planning Secretary.

[11] Schedule 4

Omit the schedule. Insert instead—

Schedule 4 Savings, transitional and other provisions

**Part 1 Provision consequent on enactment of
Environmental Planning and Assessment
Amendment (Housing and Productivity
Contributions) Act 2023**

1 Continuation of special infrastructure contributions

- (1) The former SIC provisions, including anything done under the provisions, continue to apply, subject to the regulations under subclause (4), to—
 - (a) a determination made under the former section 7.23 (a *7.23 determination*), and
 - (b) a direction made under the former section 7.24 (a *7.24 direction*), and
 - (c) a condition of development consent imposed under former section 7.24.
- (2) A 7.23 determination or 7.24 direction in force immediately before the commencement of the amending Act, Schedule 1[8] continues in force until repealed—
 - (a) under the former SIC provisions, or
 - (b) by a Ministerial planning order.
- (3) The instrument that repeals a 7.23 determination or a 7.24 direction may contain savings and transitional provisions consequent on the repeal.
- (4) The regulations may make provision about the continued application of the former SIC provisions, including the following—

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- (a) specifying determinations and directions made under the former section 7.23 and the former section 7.24, respectively, to which the former SIC provisions do not apply,
 - (b) excluding specified land, being land subject to the former SIC provisions, from the application of Division 7.1, Subdivision 4, as substituted by the amending Act,
 - (c) amending the areas to which a 7.23 determination or a 7.24 direction applies,
 - (d) providing how the Act and regulations, including former provisions, apply to the former SIC provisions.
- (5) In making a recommendation under section 7.31D(2)(c), the Minister must consider infrastructure identified in—
 - (a) a 7.23 determination, or
 - (b) a proposal publicly exhibited under former section 7.23(4)(b) in relation to which a 7.23 determination was not made.
- (6) In this clause—
 - amending Act** means the *Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023*.
 - former section 7.23** means section 7.23, as in force immediately before its substitution by the amending Act.
 - former section 7.24** means section 7.24, as in force immediately before its substitution by the amending Act.
 - former SIC provisions** means Division 7.1, Subdivisions 4 and 5 and Schedule 4, as in force immediately before the substitution of the provisions by the amending Act.



New South Wales

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, make the following Order under the
Environmental Planning and Assessment Act 1979, section 7.24, with the concurrence of the
Treasurer.

Minister for Planning and Public Spaces

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

under the

Environmental Planning and Assessment Act 1979

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Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

Part 1 Preliminary**1 Name of Order**

This Order is the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

2 Commencement

This Order commences on 1 October 2023.

3 Interpretation

- (1) Words and expressions used in this Order have the same meanings as in the Standard Instrument and the Act, unless otherwise defined in this Order.
- (2) Definitions of other words and expressions used in this Order, and provisions for the interpretation of this Order, are set out in Schedule 1.

4 Regions to which Order applies

This Order applies to land in the following regions—

- (a) the Central Coast region,
- (b) the Greater Sydney region,
- (c) the Illawarra-Shoalhaven region,
- (d) the Lower Hunter region.

Note. These regions are identified on a map approved by the Minister when making the Order.

Note. A regulation under clause 1(4)(b) of Schedule 4 to the Act will exclude land in the Western Sydney Growth Areas and Western Sydney Aerotropolis special contributions area from the housing and productivity contribution provisions of the Act until 1 July 2026.

Part 2 Development for which contribution is required and determination of contribution

Division 1 Classes of development for which contribution is required

5 Development for which a contribution is required

- (1) A housing and productivity contribution is required for development on land for which development consent is granted if it involves development of any of the following classes (a **HPC class of development**)—
 - (a) residential development,
 - (b) commercial development,
 - (c) industrial development.
- (2) For the purposes of this Order, any development in a HPC class of development is **HPC development**.
- (3) In this Order, **residential development** means—
 - (a) subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (**residential subdivision**),
 - (b) residential strata subdivision,
 - (c) development for the purposes of build-to-rent housing or seniors living consisting of a group of independent living units (**non-strata multi-dwelling development**),
 - (d) development for the purposes of a manufactured home estate.
- (4) For the purposes of clause 3(a), development for the purposes of residential accommodation is not permitted with development consent by an environmental planning instrument if the only kinds of residential accommodation permitted with development consent are any of the following—
 - (a) build-to-rent housing,
 - (b) a manufactured home estate,
 - (c) seniors living.
- (5) Schedule 2 sets out exemptions from the housing and productivity contribution. Development identified in Schedule 2 is not to be included in the determination of a housing and productivity contribution.

6 Development for which complying development certificate is issued

A housing and productivity contribution is required when a complying development certificate is issued for development if it would be required when development consent is granted for the development.

Division 2 Housing and productivity contribution amounts

7 Base component

- (1) The base component amounts that apply to the calculation of the housing and productivity contribution are the amounts set out in the following table.

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Region	HPC class of development	Amount	HPC unit
Greater Sydney	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
Central Coast Illawarra-Shoalhaven	Residential subdivision	\$8,000	new dwelling lot
	Residential strata subdivision	\$6,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$6,000	new non-strata dwelling
Lower Hunter	Manufactured home estate	\$6,000	new dwelling site
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

- (2) Each of the amounts in the table to subclause (1) is an **initial contribution amount** for the purpose of this clause and clause 9.
- (3) The base component amounts that apply at any time during the 3-month period commencing 1 January 2024, and during each subsequent quarter, are the amounts that result from the adjustment of the initial contribution amounts by clause 9.

8 Other components

- (1) A strategic biodiversity component of a housing and productivity contribution is required in the circumstances set out in Schedule 3.
- (2) A transport project component of a housing and productivity contribution is required in the circumstances set out in Schedule 4.

9 Indexation of amounts

- (1) On 1 January 2024, and on the first day of each subsequent quarter, each initial contribution amount is to be adjusted by multiplying it by the following fraction—

$$\frac{\text{latest PPI number}}{\text{base PPI number}}$$

where—

latest PPI number is the PPI number for the 2nd last quarter before the quarter in which the adjustment is made, and

base PPI number is the PPI number for the June quarter 2023 (Q2).

Note. On 1 January 2024, when the first adjustment occurs, the latest PPI number will be the PPI number for the September quarter 2023. On 1 April 2024 the latest PPI number will be the PPI number for the December quarter 2023. On 1 July 2024 the latest PPI number will be the PPI number for the March quarter 2024. On 1 October 2024 the latest PPI number will be the PPI number for the June quarter 2024, and so on.

- (2) However, if the adjustment of the initial contribution amount under this clause would result in a base component, SBC or TPC that is less than that for the preceding quarter, the amount for that preceding quarter continues to apply.

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- (3) The initial contribution amount as adjusted by this clause is an amount to the number of decimal places that the NSW planning portal is capable of storing (**adjusted contribution rate amount**).
- (4) The Planning Secretary is to publish on the NSW planning portal information about the amounts for each quarter, as adjusted by operation of this clause. The Planning Secretary may publish the adjusted contribution rate amount to only two decimal places, with rounding that the Secretary considers appropriate.
- (5) In this clause, **quarter** means each of the following three-month periods in a calendar year—
 - (a) March quarter—1 January to 31 March (Q1),
 - (b) June quarter—1 April to 30 June (Q2),
 - (c) September quarter—1 July to 30 September (Q3),
 - (d) December quarter—1 October to 31 December (Q4).

Division 3 Determination and calculation of contributions**10 Determination of housing and productivity contribution**

- (1) The total housing and productivity contribution for any HPC development is the amount calculated in accordance with this Division for each HPC class of development involved in the HPC development.
- (2) If a calculation of a monetary amount or other number results in a negative value, the amount or number is taken to be zero.
- (3) The total amount of the housing and productivity contribution is subject to adjustment at time of payment as required by clause 23.

11 Calculation of contribution for each HPC class of development

The housing and productivity contribution that is payable for each HPC class of development is the sum of—

- (a) the base component amount for the class of development multiplied by the number of HPC units for that class of development,
- (b) the SBC amount for the class of development multiplied by the number of HPC units for that class of development, and
- (c) the TPC amount for the class of development multiplied by the number of HPC units for that class of development.

Note. The table to clause 7 sets out the base component amount. Schedule 3 sets out the SBC amount and Schedule 4 sets out the TPC amount.

12 Calculation of HPC units for residential subdivision

- (1) The number of new dwelling lots that will result from residential subdivision is the number of lots authorised by the development consent for the subdivision, less—
 - (a) the number of existing potential dwelling lots, and
 - (b) the number of excluded lots.
- (2) An **existing potential dwelling lot** is a lot—
 - (a) that exists when the development application for the HPC development is made, and

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- (b) on which residential accommodation is permitted with development consent by an environmental planning instrument applying to the land when the development consent is granted.
- (3) A proposed lot is an **excluded lot** if—
 - (a) it is shown on the proposed plan of subdivision as intended to be dedicated for a public purpose such as a public road, public reserve or drainage reserve, or
 - (b) the development consent authorises only the carrying out of development for a purpose other than residential accommodation on the lot, or
 - (c) there is an existing building on the lot that—
 - (i) is or can be used for a purpose other than residential accommodation, and
 - (ii) the development consent does not authorise the demolition of the existing building, or
 - (d) it is a lot that is association property within the meaning of the *Community Land Development Act 2021*, or
 - (e) it is only created for the purpose of rectifying an encroachment on an existing lot.

13 Calculation of HPC units for residential strata subdivision

- (1) The number of new strata dwelling lots in a building that will result from residential strata subdivision is the number of lots authorised by the development consent for the subdivision that will contain a dwelling, less the number of any existing lots when the development application is made.
- (2) If the development consent authorises the residential strata subdivision of more than one building, the amount that is payable for the residential strata subdivision is the sum of the amounts calculated in accordance with this clause.
- (3) In this clause, a reference to the residential strata subdivision of a building includes the creation of a single lot for the building, and the creation of a strata lot that extends beyond the building.

14 Calculation of HPC units for non-strata multi-dwelling development

- (1) The number of new non-strata dwellings that will result from non-strata multi-dwelling development is the number of dwellings that are authorised by the development consent for the development, less the number of dwellings on the land when the development application is made.
- (2) A housing and productivity contribution for any strata subdivision of non-strata multi-dwelling development is not required.

15 Calculation of HPC units for manufactured home estate

- (1) The number of new dwelling sites in the manufactured home estate is the number of dwelling sites in the manufactured home estate less the number of any existing dwelling sites in the manufactured home estate.
- (2) A housing and productivity contribution for subdivision of the land on which the manufactured home estate is located is not required.

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16 Calculation of HPC units for commercial development

- (1) The new gross floor area of the commercial development is the sum of the gross floor areas of the commercial buildings to which the development consent relates.
- (2) The new gross floor area of a commercial building to which the development consent relates is, in the case of—
 - (a) the erection of a new building – the gross floor area of the building, and
 - (b) the alteration to, or enlargement or extension of, an existing building – the additional gross floor area that will result from the alteration, enlargement, or extension, and
 - (c) a change of use of an existing building to a commercial building – the gross floor area of the building that will be changed to use as a commercial building.

Common areas in mixed use buildings

- (3) If a building can be used for residential accommodation as well as being in part a commercial building, the gross floor area of any common area (such as a common foyer) is to be included in the new gross floor area of the commercial building.

Note. An example of a building that is both a commercial building and a residential building is one that contains shop top housing, or hotel accommodation, as well as residential flats.

- (4) Except as provided by subclause (3), the gross floor area of a commercial building does not include the gross floor area of a part of the building that may be used for development other than commercial development.
- (5) A change of use from one type of commercial building to another type of commercial building is not to be treated as change of use for the purposes of this clause.

17 Calculation of HPC units for industrial development

- (1) The new gross floor area of the industrial development is the sum of the gross floor areas of the industrial buildings to which the development consent relates.
- (2) The new gross floor area of an industrial building to which the development consent relates is, in the case of—
 - (a) the erection of a new building — the gross floor area of the building, and
 - (b) the alteration to, or enlargement or extension of, an existing building — the additional gross floor area that will result from the alteration, enlargement or extension, and
 - (c) the change of use of an existing building to use as an industrial building — the gross floor area of the building that will be changed to the new use.
- (3) The gross floor area of an industrial building does not include the gross floor area of a part of the building that may be used for development other than industrial development.

18 Calculation of contribution if development in more than one region etc

- (1) This clause applies to the following HPC development—

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- (a) HPC development that is in more than one region,
- (b) HPC development that is partly on land on which a SBC or TPC is required,
- (c) HPC development that is partly on land within a region and partly on land outside a region,
- (d) HPC development that is partly on land with a Lease Area and partly on land outside it.

Development in more than one region

- (2) If the HPC development is in more than one region, the housing and productivity contribution is to be determined separately for each part of the development in a different region. The total amount payable is the sum of those separately determined amounts.

Development only partly on land on which a SPC or TPC is required

- (3) If the HPC development is only partly on land on which a SBC or TPC is required, the housing and productivity contribution is to be separately determined for that part of the development respectively, and for that part of the development outside such land. The total amount payable is the sum of those separately determined amounts
- (4) However, if a building or proposed building, or an existing lot or proposed lot in a subdivision, in a HPC development referred to in subclause (2) or (3) straddles—
 - (a) the boundary of 2 or more regions – it is to be treated as wholly within the region to which the highest base component amount applies, and
 - (b) land on which a SBC is required and other land in the region – it is to be treated as wholly on land on which a SBC is required and accordingly the higher SBC applies in relation to it, and
 - (c) land on which a TPC is required and other land in the region – it is to be treated as wholly on land on which a TPC is required and accordingly the higher TPC applies in relation to it (to the extent that it is residential development or commercial development).

Development partly outside a region or Lease Area

- (5) If a development consent permits HPC development on land that is partly in a region and partly outside any region, or only partly in a Lease Area within a region, the housing and productivity contribution is to be determined only for that part of the development on land within the region or on land that is not within the Lease Area, respectively.
- (6) For the purpose of calculating the housing and productivity contribution for HPC development referred to in subclause (5) that—
 - (a) involves subdivision of land—
 - (i) the number of existing potential dwelling lots includes any such lot that is only partly within a region or Lease Area, and
 - (ii) any proposed lot that will result from the subdivision and that lies partly within and partly outside the region is to be treated as lying wholly outside the region or the Lease Area.

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- (b) involves the erection of a building or is residential strata subdivision (or both) that is only partly outside a region or Lease Area—the building is to be treated as lying wholly outside the region or Lease Area.

Part 3 Nature of contributions and time to be made

19 Nature of contributions

- (1) A housing and productivity contribution is to be made as a monetary contribution.
- (2) Despite subclause (1), a housing and productivity contribution (other than a contribution imposed as a condition of a complying development certificate or any TPC of the contribution) may, with the agreement of the Minister, be made in the following ways—
 - (a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the HPC development will be carried out,
 - (b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.
- (3) A housing and productivity contribution made in accordance with subclause (2) must, together with any monetary contribution, be at least equivalent in value to the amount of the contribution otherwise payable. The agreement with the Minister is to set out how it is to be determined.

20 Time by which a housing and productivity contribution must be made

- (1) The housing and productivity contribution for HPC development that consists only of residential subdivision is to be paid before the issue of the first subdivision certificate in relation to the development.
- (2) If a HPC development consists only of residential strata subdivision, the housing and productivity contribution must be paid before the issue of the first strata certificate relating to the residential strata subdivision.
- (3) A housing and productivity contribution required by a development consent for a manufactured home estate must be paid before the installation of the first manufactured home on a dwelling site, if no construction certificate is required in connection with the development.
- (4) In any other case, the housing and productivity contribution must be paid before the issue of the first construction certificate in relation to the development or before the commencement of any work authorised by the development consent (if no construction certificate is required).

21 Timing if residential subdivision is staged

- (1) This clause applies to the payment of a HPC development that consists only of residential subdivision (other than where a complying development certificate is issued).
- (2) Despite clause 20, if a subdivision certificate is sought for a plan of subdivision that would create only some of the lots that may be created under the development consent for the residential subdivision, the monetary contribution for the subdivision may be paid progressively. An instalment is to be paid before the issue of each subdivision certificate for a plan of subdivision authorised by the consent (a **subdivision certificate for a staged subdivision**).
- (3) The amount of the instalment that is to be paid before the issue of each subdivision certificate for a staged subdivision is to be calculated as if the subdivision of land to which the subdivision certificate relates comprised the entire subdivision permitted by the development consent.

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22 Discount in first 21 months

- (1) If a housing and productivity contribution is paid—
 - (a) at any time before 1 July 2024—the amount otherwise payable (apart from any TPC amount) is reduced by 50%, and
 - (b) at any time between 1 July 2024 and 30 June 2025—the amount otherwise payable (apart from any TPC amount) is reduced by 25%.
- (2) If a TPC of a housing and productivity contribution is paid at any time before 1 July 2024, the amount is reduced by 25%.
- (3) The discount does not apply to a housing and productivity contribution that is not a monetary contribution.

Part 4 Conditions of development consent

23 Terms of conditions for housing and productivity contribution

- (1) A condition requiring a housing and productivity contribution to be made must be imposed on development consent for a HPC development, but the requirement to make the contribution must be expressed as being subject to any exclusion of the application of subdivision 4 of division 7.1 of the Act to the development by a planning agreement.

Note. A planning agreement may exclude the application of the housing and productivity contribution provisions of the Act to the development to which the agreement applies—section 7.4 of the Act.

- (2) The consent authority or certifier must specify the following in the conditions of development consent—
- (a) the amount of the housing and productivity contribution as at the time development consent is granted, rounded up to the nearest whole cent,
 - (b) the amount of the contribution, if any, rounded up to the nearest whole cent,
 - (c) the amount of any strategic biodiversity component or transport project component of the contribution, rounded to the nearest cent,
 - (d) the time by which the housing and productivity contribution must be made,
 - (e) the manner in which the amount of the housing and productivity contribution, as specified in the consent, is to be adjusted at the time of payment,
 - (f) the payment must be made using the NSW planning portal,
 - (g) if the development is a residential subdivision to which clause 21 applies – the payment of the housing and productivity contribution may be made in instalments as provided in that clause,
 - (h) except in the case of a complying development certificate – if an agreement is entered into as referred to in clause 19, the housing and productivity contribution may be made wholly or partly as a non-monetary contribution (apart from any TPC amount),
 - (i) if the development consent is granted before 1 July 2025 – the amount of the housing and productivity contribution (apart from any TPC amount), if paid before 1 July 2024 or 1 July 2025, is reduced by 50% and 25%, respectively, if the contribution is made only as monetary contribution,
 - (j) if the development consent is granted before 1 July 2024 for residential development or commercial development and a TPC is required by Schedule 1, Division 1 – the amount of the transport project component is reduced by 25%, if paid before 1 July 2024.
- (3) For the purpose of complying with subclause (2)(e), the conditions of consent must specify that the contribution amount set out in the consent is to be adjusted at the time of payment by multiplying it by the following fraction—

$$\frac{\text{highest PPI number}}{\text{consent PPI number}}$$

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where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when consent was granted.

June quarter 2023 is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023.

PPI is the Producer Price Index (Road and Bridge Construction (NSW)) published by the Australian Bureau of Statistics.

The conditions of consent are also to specify that if the adjustment of the amount set out in the consent in accordance with the above results in a lesser amount, the amount set out in the consent must be paid instead.

- (4) A consent authority or certifier is to use the NSW planning portal to assist in determining conditions requiring the housing and productivity contribution.

24 Special provision for concept DAs

- (1) This clause applies to concept development applications within the meaning of section 4.22 of the Act.
- (2) Development consent to a concept development application for development in a region (the **initial development consent**) is to be granted subject to a condition that any development consent granted for a subsequent stage of development on the site to which the initial development consent relates (a **subsequent development consent**) is to be subject to a condition—
- (a) requiring a housing and productivity contribution to be made if a contribution is otherwise required for that stage of development under a Ministerial planning order in force under subdivision 4 of division 7.1 of the Act (the **applicable order**) at the time the subsequent development consent is granted, and
- (b) requiring any such contribution to be calculated in accordance with the applicable order as in force when the subsequent development consent is granted.
- (3) An initial development consent that includes consent to detailed proposals for the first stage of development that is HPC development must also include the conditions required by clause 23 for that first stage.
- (4) If an initial development consent has been granted before the commencement of this Order, a subsequent development consent for a stage that is HPC development must include the conditions required by clause 23.
- (5) The requirement in subclause (4) extends to an initial development consent that contains conditions requiring the imposition of special infrastructure contributions for subsequent stages of development on the site, in accordance with a direction under former section 7.24 of the Act (within the meaning of Schedule 4 to the Act). Accordingly, special infrastructure contributions are not required for a subsequent stage.

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25 Application to pending DAs

- (1) This Order does not apply in relation to the grant of development consent to a development application that was lodged before the commencement of this Order, even if development consent is granted after the commencement.
- (2) However, if the application is withdrawn or rejected, or development consent refused, a housing and productivity contribution may be required for the same or substantially the same development that is the subject of a new application in accordance with this Order.

26 Repeal of former 7.23 determinations and 7.24 directions

Schedule 5 repeals certain former 7.23 determinations and 7.24 directions and contains other provisions of a savings and transitional nature.

Schedule 1 Definitions and interpretation

1 Definitions

In this Order—

build-to-rent housing means development to which Part 4 of *State Environmental Planning Policy (Housing) 2021* applies and for which development consent is granted in accordance with that part to enable certain residential accommodation to be used for build-to-rent housing.

Central Coast Region means the region of that name shown on the HPC Regions Map.

commercial building means a building, or part of a building, that is used or may be used for the purpose of commercial development.

commercial development means development for any of the following purposes—

- (a) amusement centre,
- (b) animal boarding or training establishment,
- (c) centre-based child care facility,
- (d) co-living housing,
- (e) commercial premises (being business premises, office premises and retail premises),
- (f) entertainment facility,
- (g) function centre,
- (h) highway service centre,
- (i) marina,
- (j) medical centre,
- (k) registered clubs,
- (l) restricted premises,
- (m) service station,
- (n) sex services premises,
- (o) tourist and visitor accommodation, other than bed and breakfast accommodation and farm stay accommodation,
- (p) veterinary hospital,
- (q) wholesale supplies.

Note. See the Standard Instrument for definitions of the above words.

Greater Sydney Region means the region of that name identified on the HPC Regions Map.

HPC Regions Map means the map marked “Housing and Productivity Contribution Regions Map” that is—

- (a) approved by the Minister on the making of this Order for the purpose of identifying the regions to which the Order applies, and

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(b) published on the NSW planning portal.

Illawarra-Shoalhaven Region means the region of that name shown on the HPC Regions Map.

industrial building means a building, or part of a building, that is used or may be used for the purpose of industrial development.

industrial development means development for any of the following purposes—

- (a) industrial training facility,
- (b) industry (being general industry, heavy industry or light industry),
- (c) storage premises,
- (d) warehouse or distribution centre.

Note. See Standard Instrument for definitions of all of the above terms.

land includes part of the land.

lot means a lot that is created upon the registration in the Office of the Registrar-General of a plan of subdivision within the meaning of section 195 of the *Conveyancing Act 1919*.

Note. A stratum lot, being a lot that is limited in height or depth (or both), may also be created by a plan of subdivision as referred to in section 195 of the *Conveyancing Act*.

Lower Hunter Region means the region of that name shown on the HPC Regions Map.

manufactured home estate means a manufactured home estate in respect of which development consent is granted under Part 8 of *State Environmental Planning Policy (Housing) 2021*.

new gross floor area or **new GFA**—see clauses 16 and 17.

PPI means the Producer Price Index (Road and Bridge Construction (NSW)) published by the Australian Bureau of Statistics.

Pymont Peninsula (Sydney Metro) area—see Schedule 4.

residential accommodation has the same meaning as in the Standard Instrument, but does not include co-living housing.

residential strata subdivision means strata subdivision to create strata lots for dwellings.

residential subdivision—see clause 5 (3) (a).

SBC means a strategic biodiversity component of a housing and productivity contribution.

SBC amount—see Schedule 3.

social housing provider has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

Note. A social housing provider is any of the following— the Secretary of the Department of Communities and Justice, the Land and Housing Corporation, a registered community housing provider, the Aboriginal Housing Office, a registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*, a local government authority

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that provides affordable housing and a not-for-profit organisation that is a direct provider of rental housing to tenants.

Standard Instrument means the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

strata lot means a lot within the meaning of the *Strata Schemes Development Act 2015*, being a lot that is created upon the registration in the Office of the Registrar-General of a strata plan or strata plan of subdivision.

strata subdivision means the subdivision of land within the meaning of the Act by procuring the registration of a strata plan or a strata plan of subdivision within the meaning of the *Strata Schemes Development Act 2015*.

subdivision certificate—see Part 6 of the Act.

the Act means the *Environmental Planning and Assessment Act 1979*.

TPC means a transport project component of a housing and productivity contribution.

TPC amount—see Schedule 4.

Transport Project Component – Pyrmont Peninsula (Sydney Metro) Map—see Schedule 4.

2 Gross floor area

In this Order, **GFA** and **gross floor area** mean gross floor area within the meaning of the Standard Instrument. A reference to the GFA or gross floor area of part of a building is to be construed accordingly.

3 Producer Price Index ceases to be published

If the Producer Price Index (Road and Bridge Construction (NSW)) ceases to be published or issued by the Australian Bureau of Statistics, a reference in this Order to the index is taken to be a reference instead to an index designated by the Minister for the purposes of this Order.

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Schedule 2 Exemptions from housing and productivity contribution

1 Public and affordable housing and other specialist accommodation

- (1) Development for any of the following purposes—
- (a) public housing provided by or on behalf of the Land and Housing Corporation or the Aboriginal Housing Office,
 - (b) affordable housing that—
 - (i) is provided by or on behalf of a social housing provider, or
 - (ii) is required to be managed by a registered community housing provider by conditions of development consent prescribed by section 82 of the *Environmental Planning and Assessment Regulation 2021*,
 - (c) dwellings required to be dedicated, free of cost, for the purpose of providing affordable housing under section 7.32 of the Act,
 - (d) supportive accommodation within the meaning of section 34 of *State Environmental Planning Policy (Housing) 2021*,
 - (e) specialist disability accommodation within the meaning of the *National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020* of the Commonwealth,
 - (f) boarding houses,
 - (g) group homes,
 - (h) hostels,
 - (i) seniors housing other than a group of independent living units.

2 Development in Lease Area – Ports

Development on land in a Lease Area within the meaning of Chapter 5 of *State Environmental Planning Policy (Transport and Infrastructure) 2022*

Note. “Lease Areas” are located within Port Botany, Port Kembla and Port of Newcastle.

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

Schedule 3 Strategic biodiversity components

Division 1 Cumberland Plain Conservation Plan

- (1) A SBC for a housing and productivity contribution is required for HPC development on CPCP biodiversity certified land, but only if the land is CPCP biodiversity certified land when development consent for the HPC development is granted.
- (2) The SBC amounts that apply to the calculation of the housing and productivity contribution are the amounts set out in the following table.

HPC class of development	Amount	HPC unit
Residential subdivision	\$10,000	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	\$60	square metre of new GFA
Industrial development	\$30	square metre of new GFA

- (3) Each of the dollar amounts in the table to subclause (2) is an **initial contribution amount** for the purpose of this Schedule and clause 9.
- (4) The SBC amounts for CPCP biodiversity certified land that apply at any time during the 3-month period commencing 1 January 2024, and during each subsequent quarter, are the amounts that result from the adjustment of the initial contribution amounts by clause 9 each quarter.
- (5) In this Order, **CPCP biodiversity certified land** means land that has been biodiversity certified under the order made by the Minister for Environment and Heritage under section 8.2 of the *Biodiversity Conservation Act 2016* relating to the Cumberland Plain Conservation Plan and published in the NSW Government Gazette on 17 August 2022 (entitled "Order conferring strategic biodiversity certification – Cumberland Plain Conservation Plan"), as amended from time to time.

Note. When the Minister for Environment and Heritage made the order referred to above, CPCP biodiversity certified land was the land depicted on the maps set out in the order as "Certified – urban capable land" or "Certified – major transport corridor".

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

Schedule 4 Transport project components

Division 1 Pyrmont Peninsula (Sydney Metro)

- (1) A TPC for a housing and productivity contribution is required for HPC development on land in the Pyrmont Peninsula (Sydney Metro) Area, which is the area that will benefit from the Sydney Metro Pyrmont Station and its associated infrastructure.
- (2) The TPC amounts for Pyrmont Peninsula only apply if the development concerned is, partly or wholly, within the Pyrmont Peninsula (Sydney Metro) Area when development consent for the HPC development is granted.
- (3) The TPC amounts that apply to the calculation of the housing and productivity contribution are the amounts set out in the following table.

HPC class of development	Amount	HPC Unit
Residential subdivision	\$15,000	new dwelling lot
Residential strata subdivision	\$15,000	new strata dwelling lot
Non-strata multi-dwelling development	\$15,000	new non-strata dwelling
Commercial development	\$200	square metre of new GFA

- (4) Each of the dollar amounts in the table to subclause (2) is an **initial contribution amount** for the purpose of this Schedule and clause 9.
- (5) The TPC amounts for Pyrmont Peninsula that apply at any time during the 3-month period commencing 1 January 2024, and during each subsequent quarter, are the amounts that result from the adjustment of the initial contribution amounts by clause 9 each quarter.
- (6) In this Order—

Pyrmont Peninsula (Sydney Metro) Area means the land identified as Pyrmont Peninsula (Sydney Metro) land on the Transport Project Component – Pyrmont Peninsula (Sydney Metro) Map that is—

 - (a) approved by the Minister on the making of this Order for the purpose of identifying the land to which the transport project component for Sydney Metro Pyrmont Station applies, and
 - (b) published on the NSW planning portal.

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

Schedule 5 Savings and transitional matters relating to former SIC determinations

1 Interpretation

- (1) In this Schedule, the following words and expressions have the same meaning as they have in Schedule 4 to the Act—

- (a) 7.23 determination,
- (b) 7.24 direction,
- (c) amending Act,
- (d) former section 7.23,
- (e) former section 7.24,
- (f) former SIC provisions.

- (2) In this Schedule—

continuing SCA means a special contributions area continued by Schedule 4 to the Act.

former 7.23 determination means a 7.23 determination repealed by this Order.

former 7.24 direction means a 7.24 direction repealed by this Order.

former SCA means a special contributions area that is not continued in force by Schedule 4 to the Act.

2 Repeal of 7.24 determinations and 7.23 directions

The following 7.24 determinations and associated 7.23 directions are repealed on the commencement of this Order—

Former SCA	7.23 determination	7.24 direction
Bayside West SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Bayside West) Determination 2020</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Bayside West) Direction 2020</i>
Frenchs Forest SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Frenchs Forest) Determination 2021</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Frenchs Forest) Direction 2021</i>
Gosford City Centre SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Determination 2018</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Direction 2018</i>

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

Illawarra Shoalhaven SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Illawarra Shoalhaven) Determination 2021</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Illawarra Shoalhaven) Direction 2021</i>
Pymont Peninsula SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Pymont Peninsula Metro) Determination 2022</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Pymont Peninsula Metro) Direction 2022</i>
St Leonards and Crows Nest SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Determination 2020</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – St Leonards and Crows Nest) Direction 2020</i>
Warnervale Town Centre SCA	Determination made 30 October 2008 of level and nature of contribution, calculated in accordance with the plan headed “Special Infrastructure Contributions Plan Warnervale Town Centre – Special Contributions Area”	Direction given to Wyong Shire Council to impose condition in accordance with the plan for Warnervale Town Centre
Wyong Employment Zone SCA	Determination made 28 October 2008 of level and nature of contribution, calculated in accordance with the plan headed “Special Infrastructure Contributions Plan Wyong Employment Zone – Special Contributions Area”	Direction to Wyong Shire Council to impose condition in accordance with the plan for Wyong Employment Zone.

3 Continuation of 7.23 determinations and 7.24 directions

The following 7.23 determinations and 7.24 directions continue in force in accordance with clause 1 of Schedule 4 to the Act—

Continuing SCA	7.23 determination	7.24 direction
Western Sydney Aerotropolis SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Direction 2022</i>
Western Sydney Growth Areas SCA	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011</i>	<i>Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Direction 2020</i>

4 Effect of repeal

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

- (1) Despite the repeal of a former 7.23 determination and a former 7.24 direction, the determination and direction continue to apply in relation to a development application that was lodged before the commencement of this Order, but not yet finally determined.
- (2) For the purpose of subclause (1), if development consent is granted after the repeal of the former 7.23 determination, a condition of consent set out in the former 7.24 direction that requires a special infrastructure contribution to be made in accordance with a former 7.23 determination as in force when the development consent takes effect is taken to require a special infrastructure contribution to be made in accordance with the former 7.23 determination as in force immediately before its repeal.
- (3) To avoid doubt, any condition of development consent imposed in accordance with a former 7.24 direction, or by the Minister, as provided for by former section 7.24—
 - (a) is not affected by the repeal of the former 7.24 direction or the repeal of former section 7.24, and
 - (b) the former 7.23 determination referred to in the condition of consent continues to apply in relation to that condition.
- (4) If a consent authority or registered certifier fails to impose a condition in accordance with a former 7.24 direction, the condition is taken to be imposed in the terms required by the direction and has effect as if had been imposed by the consent authority or registered certifier, as provided for by former section 7.24 (3) of the Act.

5 Special infrastructure works-in-kind agreement

- (1) A special infrastructure contributions works-in-kind agreement (as defined in a former 7.23 determination) (a **SIC WIK agreement**) is not affected by the repeal of the former SIC provisions, or the repeal of a former 7.23 determination or former 7.24 direction, except as provided by this clause.
- (2) A SIC WIK agreement may be entered into, as provided for in a former 7.23 determination, after the commencement of this Order, and despite the repeal of the former 7.23 determination, in relation to a special infrastructure contribution imposed by a condition of development consent.
- (3) A reference in a SIC WIK agreement to a special infrastructure contribution, entered into before the commencement of this Order, is to be read as including a reference to a housing and productivity contribution if—
 - (a) the agreement allows the developer to apply a SIC discharge balance, as defined in the agreement, to meet an obligation to make a special infrastructure contribution that may be required to be made by a future condition of development consent, and
 - (b) a condition requiring a housing and productivity contribution is imposed for development on land in the former SCA.

To avoid doubt, a SIC discharge balance cannot be applied, by virtue of this clause, to meet an obligation to make a housing and productivity contribution in respect of development on land outside the former SCA.

Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023

However, this clause does not prevent a SIC WIK agreement being amended for that purpose.

- (4) A SIC WIK agreement is taken to be an agreement referred to in clause 19 in so far as this clause allows a SIC discharge amount to be applied to meet an obligation to make a housing and productivity contribution.

6 Development that straddles a continuing SCA and region

- (1) A special infrastructure contribution and a housing and productivity contribution for a development that is partly within a continuing SCA and partly within an adjacent region are to be determined separately for that part of the development within the continuing SCA and that part of the development in the region, respectively. The total amount payable in respect of the development is the sum of those separately determined amounts.
- (2) However, if a building or proposed building, or an existing lot or proposed lot in a residential subdivision, to which the development consent relates straddles the boundary of the continuing SCA and the region, it is to be treated as wholly within the region for the purpose of calculating any special infrastructure contribution and housing and productivity contribution, respectively, for the development authorised by the development consent.
- (3) To avoid doubt, the conditions of consent for the development are to include both the conditions required by the applicable direction under former section 7.24 and the conditions required by this Order.

Planning and Environment



Housing and Productivity Contribution

Implementation Guideline

August 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Housing and Productivity Contribution Implementation Guideline
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Introduction

The successful coordination and funding of state and regional infrastructure across our State's high growth areas will create better connections to our communities, access to jobs, improve liveability and build a strong economy.

The NSW Government is focussed on creating more homes in places where people want to live and work, located near the services people need. Infrastructure is the backbone of our cities and regions and is a vital part of achieving more housing supply and greater economic activity.

Reforming the State infrastructure contribution system is a key priority so that roads, schools, health services and open spaces are delivered in a timely manner to areas of housing growth.

On 28 June 2023, the NSW Parliament passed the *Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023*. The Housing and Productivity Contribution replaces the previous Special Infrastructure Contribution (SIC) provisions in the NSW planning legislation and is a fair and consistent development charge that will help fund the delivery of State infrastructure in high-growth areas.

The Act is planned to commence on 1 October 2023.

More information about the legislation is available [here](#).

The Housing and Productivity Contribution will be set by a Ministerial planning order.

What is a Ministerial planning order?

A Ministerial planning order is an order that is made by the Minister and published on the NSW Planning Portal (see section 1.4 of the Act). In practice, they are decisions of the Minister and can relate to a range of development issues such as nominating assessment authorities and declaring types of development as State significant.

Current Ministerial planning orders can be viewed at pp.planningportal.nsw.gov.au/Orders.

The Housing and Productivity Contribution will be implemented by a Ministerial planning order which sets out:

- when it starts
- where the contributions will apply
- the types of development that the contributions will apply to
- the amount of the contribution
- when it needs to be paid and other details about how the contributions will be administered.

The draft Ministerial planning order has been published on our website and is available to view until Friday 8 September 2023.



Ministerial planning order

When will the contribution start?

The Housing and Productivity Contribution will start on 1 October 2023 after the Ministerial planning order is made.

The Minister will obtain the concurrence of the NSW Treasurer before the Housing and Productivity Contribution order starts.

The new scheme will apply to development applications made on or after the commencement date. If a contribution is required, it will be imposed as a condition of development consent. This includes applications for a complying development certificate, as well as any new development application that follows a withdrawal or refusal (see clause 25 of the order).

An application is made once it has been submitted in the NSW Planning Portal and the application fees have been paid.

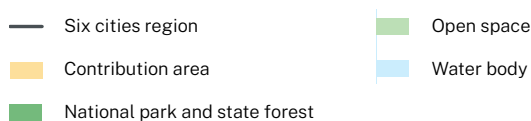
Where will the contribution apply?

The Housing and Productivity Contribution will apply in the Greater Sydney, Illawarra-Shoalhaven, Lower Hunter and Central Coast regions. The boundaries are consistent with local government area boundaries excluding the Western Sydney Growth Areas Special Contributions Area and Western Sydney Aerotropolis SCA which will transition in 2026.

The Housing and Productivity Contribution Regions Map is part of the draft Ministerial planning order and will be published on the NSW Planning Portal (see clause 4 of the order).



Figure 1: Housing and Productivity Contribution boundaries



What types of development will the contribution apply to?

The Housing and Productivity Contribution applies to development for the purposes of:



residential
development



commercial
development



industrial
development

These classes of development are defined in the draft Ministerial planning order (see clause 5 of the order).

The Ministerial planning order then sets out the ways this development is carried out for the purpose of determining the contribution amount, called a 'unit'. This is because 'new dwellings' or 'new lots' generated as a result of the residential development or 'new gross floor area' for commercial or industrial development will increase the demand for infrastructure in a region.

What will the contribution rates be?

The Housing and Productivity Contribution rates in each region and the types of development are set out in the table below (see clause 7 of the order).

Table 1: Housing and Productivity Contribution Rates

Greater Sydney		
Development class	Amount	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

Central Coast, Illawarra Shoalhaven and Lower Hunter		
Development class	Amount	Unit
Residential subdivision	\$8,000	dwelling lot
Residential strata subdivision	\$6,000	new strata dwelling lot
Non-strata multi-dwelling development	\$6,000	new non-strata dwelling
Manufactured home estate	\$6,000	new dwelling site
Commercial development	\$30	square metre of new GFA
Industrial development	\$15	square metre of new GFA

The rates in the Ministerial planning order will be adjusted to account for changes in costs of infrastructure over time. This is called indexation. The contributions will be increased in line with the Producer Price Index (Road and Bridge Construction (NSW)) that is published by the Australian Bureau of Statistics (see clause 9 of the order).

These adjusted rates will be regularly published on the NSW Planning Portal. The contribution required at the time of the approval of the development application (DA) or complying development certificate (CDC) will be calculated by the NSW Planning Portal using the adjusted rates.

The condition of consent will also provide for the contribution to be adjusted at the time of payment (see clause 22 of the order) and this will be managed through the NSW Planning Portal.



What types of development will be exempt from paying a contribution?

The Housing and Productivity Contribution is not required for development that does not generate any additional infrastructure demand. This includes replacement residential dwellings (knock down rebuilds) and refurbishment of existing commercial or industrial developments that does not increase the gross floor area.

The Housing and Productivity Contribution is also not required for any of the following types of development (see schedule 2 to the order):

- **public housing** provided by on behalf of the Land and Housing Corporation or Aboriginal Housing Office,
- **affordable housing** that:
 - is provided by or on behalf of a social housing provider (within the meaning of the Housing SEPP), or
 - is required to be managed by a registered community housing provider as a condition of development consent
- dwellings required to be dedicated, free of cost, for the purpose of providing **affordable housing** under section 7.32 of the Act,
- **supportive accommodation** within the meaning of section 34 of the Housing SEPP,
- **specialist disability accommodation** within the meaning of the Commonwealth National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020,
- **boarding houses,**
- **group homes,**
- **seniors residential care facilities and hostels** under the Housing SEPP, or
- development in the Port Botany, Port Kembla and the Port of Newcastle lease areas.

The Housing SEPP can be viewed at legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714.

How will the contribution be calculated?

The contribution will be calculated in the NSW Planning Portal and will use information about the development proposal that is submitted by the applicant (with any changes that may happen during the assessment process).

Division 3 of the order contains more detail about each part of the calculation. Some worked examples are provided in the appendix.

The requirement to pay the contribution is imposed as a condition of consent by the consent authority, using the contribution amount provided by the NSW Planning Portal.

When will the payment be made?

Clause 20 of the order sets out the timing of payment. For applications that are for residential subdivision only, the contribution is to be paid before the first subdivision certificate is issued.

For all other types of applications, the contribution is to be paid before:

- the issue of the first construction certificate in relation to the development, and
- if no construction certificate is required for the development – before the commencement of any work authorised by the development consent or complying development certificate.

For infill self-care seniors living, build to rent, and manufactured home estates the contribution is paid prior to construction certificate. If no construction certificate is required, the contribution is paid prior to installation of the first manufactured home, and any separate and subsequent subdivision does not attract a further charge.

For larger projects including large greenfield subdivisions and concept development applications, the payment can be divided into stages consistent with development approvals (see clause 21 of the order).

Other charge components in some areas

Strategic biodiversity component

The biodiversity conservation legislation allows the Minister for the Environment to grant strategic biodiversity certification for a whole region. This approach can improve biodiversity outcomes and provides a simpler approach for landholders to meet their biodiversity approval and offsetting obligations. The reformed infrastructure contributions framework allows the collection of contributions where land has the benefit of strategic biodiversity certification.

The strategic biodiversity component is additional to the base component and will only apply to new developments on land that has been biodiversity-certified under the *Biodiversity Conservation Act 2016* (BC Act).

A key objective of the strategic biodiversity component is to provide a simpler process for biodiversity offsetting by applying a charge on development and using this revenue to fund a program of conservation land acquisition, biodiversity stewardship sites and ecological restoration. The funds will be held by the Department of Planning and Environment in a special deposits account. The funds can only be spent on the direct environmental measures outlined in the biodiversity certification approval. This can include purchasing environmental offsets outside of the area where the contributions are collected from, but only in accordance with the biodiversity certification approval.

The strategic biodiversity component rates have been derived from the cost of:

- assessing direct, indirect, and cumulative impacts to biodiversity of the proposed development by a person accredited to use the Biodiversity Assessment Method
- establishing and managing new conservation lands to offset impacts to biodiversity to protect threatened ecological communities, species, and their habitats in perpetuity
- managing landscape-scale threats to biodiversity by addressing weeds, pest animals, fire, disease.

Where an area does not have the benefit of strategic biodiversity certification, legislative requirements to offset biodiversity impacts will need to be met for each individual development through the NSW Biodiversity Offsets Scheme. Development will need to manage their own costs of obtaining environmental approvals.

Strategic biodiversity certification programs

In Western Sydney there are two strategic biodiversity certification programs including Cumberland Plain Conservation Plan and the Growth Centres Biodiversity Offset Program. There are also other strategic biodiversity certification programs operating in NSW.

The strategic biodiversity component will apply to CPCP certified land from 1 October 2023 (excluding certified land within the Western Sydney Aerotropolis SIC which will transition at a later date).

The department will consider collecting strategic biodiversity component contributions from certification programs in the future. The reformed infrastructure contributions framework allows these programs (and any future programs) to collect a biodiversity contribution from areas benefitting from a strategic biodiversity certification.

Cumberland Plain Conservation Plan

The Cumberland Plain Conservation Plan is one of the largest strategic conservation plans undertaken in Australia, providing the biodiversity approvals to enable new housing, jobs and infrastructure in the Western Parkland City while protecting the region's unique native plants and animals. The Conservation Plan was approved under NSW legislation in August 2022 and removes the need for landowners to seek their own biodiversity offsets. Information about the Cumberland Plain Conservation Plan is available at www.planning.nsw.gov.au/policy-and-legislation/strategic-conservation-planning/cumberland-plain-conservation-plan.

The Cumberland Plan Conservation Plan certification includes 26 commitments and 131 actions designed to improve ecological resilience and protect biodiversity. The funds collected through the 'CPCP strategic biodiversity component' will be held by the Department of Planning and Environment in a special deposits account. The funds can only be spent on the direct environmental measures outlined in the biodiversity certification approval.

What area and types of development will be subject to the CPCP strategic biodiversity component?

A CPCP strategic biodiversity component is required for the same development as the base component.

Schedule 3 of the order provides detail on the CPCP strategic biodiversity component and where it applies.

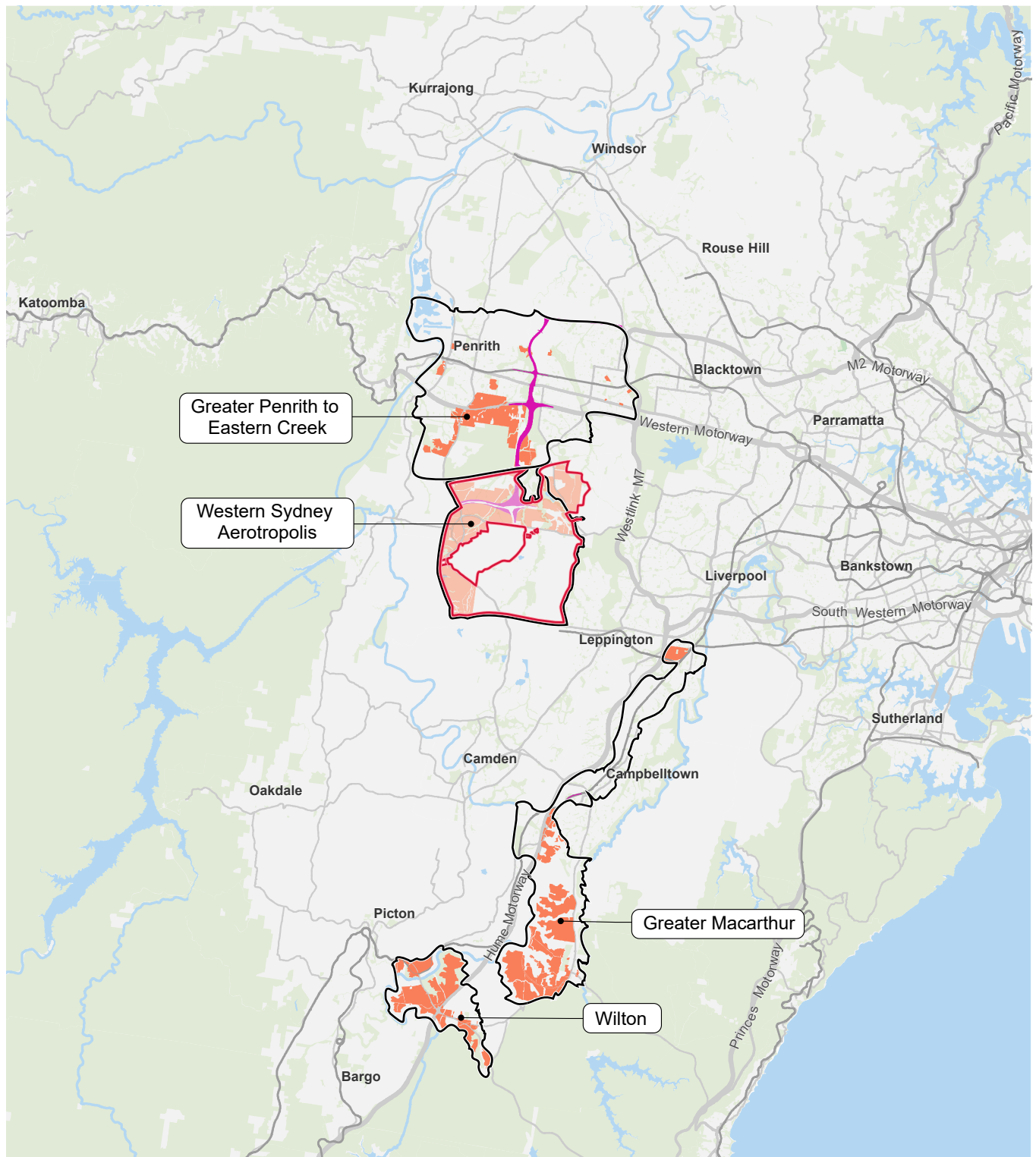
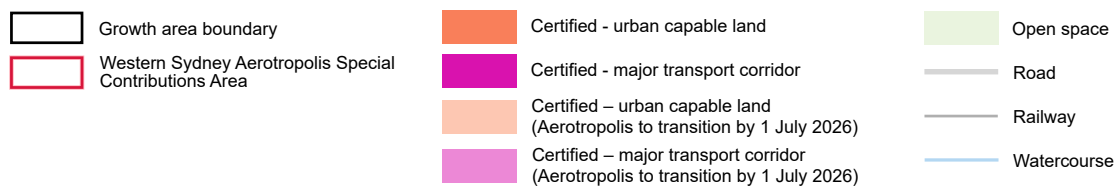


Figure 2: Strategic Biodiversity Component - CPCP



What will the CPCP strategic biodiversity component rates be?

The CPCP strategic biodiversity component rates are based on full cost recovery to deliver direct conservation measures under the Cumberland Plain Conservation Plan's program. The costs cover the establishment and management of new conservation lands to offset impacts to biodiversity to protect threatened ecological communities, species, and their habitats in perpetuity. The costs are based on known acquisition costs for new conservation reserves proposed under the conservation plan and credit costs for biodiversity stewardships agreements in Western Sydney.

The CPCP strategic biodiversity component rates are shown in Table 2 below (see Schedule 3 to the order).

Table 2: CPCP strategic biodiversity component rates

Greater Sydney CPCP biodiversity certified land		
Development class	Amount	Unit
Residential subdivision	\$10,000	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	\$60	square metre of new GFA
Industrial development	\$30	square metre of new GFA

The CPCP strategic biodiversity component will be introduced for the Cumberland Plain Conservation Plan certified land and is expected to commence on 1 October 2023. The CPCP strategic biodiversity component will follow the same phase-in approach as the Housing and Productivity Contribution base component.

The CPCP strategic biodiversity component rates have been tested through a capacity to pay assessment to understand the potential implications for development feasibility. The results of this assessment can be found at www.planning.nsw.gov.au/biodiversity-contributions.

An alternative to paying a monetary contribution is an offer to dedicate land through a voluntary planning agreement. A planning agreement is not an appropriate or practical option for all land in the Conservation Plan area. The department has published criteria to clearly outline whether land offered for dedication is of sufficient biodiversity value to reduce or remove the need to pay the CPCP strategic biodiversity component and can be found at www.planning.nsw.gov.au/biodiversity-contributions.





Transport project component

The transport project component is an additional contribution for new development on land near significant transport infrastructure investment that increases development potential. For example, land around a new metro station that benefits from increased height may be required to contribute toward the metro project.

The amount of the contribution will be determined based on a 'capacity to pay' analysis. The amount of the contribution, the areas where it applies and the type of development it applies to will be set out in the Ministerial planning order.

A transport project component can only be made in the form of a monetary contribution. It cannot be offset through a works-in-kind agreement.

The transport project component forms part of the Housing and Productivity Contribution fund administered by Treasury.

Pymont Peninsula transport project component

The Pymont Peninsula Special Infrastructure Contribution was made on 11 July 2022 to support funding of the Pymont Metro Station and will be transitioned into the Housing and Productivity Contribution as the first transport project component. This is largely an administrative shift, though there may be some minor changes to support consistency with how the Housing and Productivity Contribution works.

What area and types of development will be subject to the Pymont Peninsula transport project component?

A Pymont Peninsula transport project component is required.

Schedule 4 to the order provides detail on the Pymont Peninsula transport project component and where it applies.





Figure 3: Transport Project Component – Pyrmont Peninsula



 Transport Project Component Area

 Cadastre © NSW Spatial Services

 Light rail station

 Open space

 Light rail

The transport project component may be required for future rezoned land in this former special infrastructure contributions area

What will the Pymont Peninsula transport project component rates be?

The Pymont Peninsula transport project component rates are shown in Table 3 below (see Schedule 4 of the order).

Table 3: Pymont Peninsula transport project component rates

Pymont Peninsula (Sydney Metro) land		
HPC class of development	TPC amount	Unit
Residential subdivision	\$15,000	new dwelling lot
Residential strata subdivision	\$15,000	new strata dwelling lot
Non-strata multi-dwelling development	\$15,000	new non-strata dwelling
Commercial development	\$200	square metre of new GFA

The rules about exemptions, indexing and contribution calculations will be the same as the Housing and Productivity Contribution base component. While this is like the Pymont Peninsula Special Infrastructure Contribution applied in 2022, a difference is that **co-living housing** will be categorised as 'commercial development' for the purposes of calculating the Pymont Peninsula transport project component amount.

To assist in phasing in the Pymont Peninsula contribution, the Special Infrastructure Contribution allowed for a discount of 25% if paid before 1 July 2024. This discount will continue and is different to the discount applied to the base component. The discount for this transport project component will be applied at the time of payment and will be managed within the NSW Planning Portal.



Implementation matters

Will local contribution plans still apply?

Yes, there is no change to the way councils levy local contributions.

Transitioning existing Special Infrastructure Contributions

A Special Infrastructure Contribution (SIC) has been implemented in the following areas:

- Bayside West
- Gosford City Centre
- Frenchs Forest
- Illawarra-Shoalhaven
- Pyrmont Peninsula Metro
- St Leonards Crows Nest
- Warnervale Town Centre
- Western Sydney Aerotropolis
- Western Sydney Growth Areas
- Wyong employment zone

A draft SIC was prepared and exhibited for the following areas, but not finalised:

- Greater Macarthur
- Hunter Region
- North West Growth Area
- Rhodes
- Wilton

The implemented SICs will be transitioned as set below:

Transition on 1 October 2023

- Bayside West
- Frenchs Forest
- Gosford City Centre
- Illawarra – Shoalhaven
- Pyrmont Peninsula
- St Leonards and Crows Nest
- Warnervale Town Centre
- Wyong Employment Centre

Transition by 1 July 2026

- Western Sydney Aerotropolis
- Western Sydney Growth Areas

Phasing-in the contribution

The Housing and Productivity Contribution base component and CPCP strategic biodiversity component will be discounted in the first two years. The following discounts apply at the time payments are made.

Year	Discount rate
Initial period (1 October 2023-June 2024)	50%
Second year (July 2024-June 2025)	25%
Third year onwards (July 2025 +) *full contribution applies	0%

The Pyrmont Peninsula transport project component will receive a 25% discount for payments made by 30 June 2024.

Works-in-kind Agreements

As is currently the case, a contribution can be made either as a monetary contribution or under a works-in-kind agreement.

A works-in-kind agreement is a legal agreement that allows developers to dedicate land for infrastructure or build required infrastructure rather than make a monetary contribution. The agreed value of the works or dedication of land can offset or reduce the required monetary contribution. These arrangements are at the discretion of the Minister.

The department is preparing a decision-making framework for works-in-kind agreements for the Housing and Productivity Contribution. This framework is expected to clearly explain when works-in-kind agreements can be used, the process for entering into an agreement and how the system will be operated, including the management of credits. This work will be done in partnership with NSW Treasury as the manager of the Housing and Productivity Fund.

In preparing the framework, the Department will engage with industry stakeholders, key state agencies and growth area councils to assist in shaping the approach. This will occur later in 2023 ahead of framework implementation in early 2024.

Existing works-in-kind agreements under the SIC system will remain operational (see Schedule 5 to the order). Most of these agreements relate to the Western Sydney Growth Areas and Western Sydney Aerotropolis special infrastructure contributions schemes. These two schemes will be transitioned to the new system by 1 July 2026. The ongoing management of the existing agreements and associated credits will be considered in those transitional arrangements.

State Planning Agreements

A planning agreement is a legal agreement between a developer and a planning authority, such as a local council or the Minister.

State planning agreements secure infrastructure contributions to help cover the cost of infrastructure needed to support housing, jobs and connected communities.

The NSW Government will consider the need for new planning agreements if a developer proposes a substantial greenfield or infill rezoning that will:

- benefit the region or support broader NSW Government objectives
- result in significant demand for infrastructure that the NSW Government has not yet planned for or prioritised.

Planning agreements executed before the introduction of the Housing and Productivity Contribution will remain and continue to operate. If a planning agreement excludes the application of a SIC, then it will also exclude a Housing and Productivity Contribution.

State planning agreements have commonly been used in local environmental plans that require satisfactory arrangements for the provision of State infrastructure or the concurrence of the Planning Secretary pending the introduction of a SIC. The Housing and Productivity Contribution will enable the removal of approximately 50 satisfactory arrangements and concurrence rules within the Greater Sydney, Illawarra-Shoalhaven, Central Coast and Lower Hunter areas, creating significant time and cost savings. Outside of these areas, the satisfactory arrangements and concurrence clauses will be retained.

Digitised calculation and payments

To streamline implementation of the contribution and assist applicants and consent authorities, the department is developing additional functionalities in the NSW Planning Portal.

From 1 October 2023, the NSW Planning Portal will automatically identify whether the Housing and Productivity Contribution applies to an application and will notify the applicant that a contribution may be payable and further information is required.

This additional information will be in a 'contributions case' linked to the original application and can be amended if changes to the proposed development occur during assessment by the consent authority. Once assessment of the application has been completed the system will automatically calculate the Housing and Productivity Contribution, which becomes a condition of the development consent if it is granted.

When it comes time to pay, the applicant will pay the Housing and Productivity Contribution through the NSW Planning Portal. The amount paid will be automatically updated to reflect any indexation or discounts that may apply. Applicants who have other arrangements, such as State planning agreements, will need to request to close-off or update the outstanding monetary contribution amounts. The release of the post-consent certificates will be restricted if payment has not been made.

User training of the digital system will be provided to all stakeholders ahead of implementation on 1 October 2023.

Governance

Governance framework overview

The implementation of the Housing and Productivity Contribution requires a robust and transparent governance framework that takes a whole-of-government approach to infrastructure investment and provision. The new framework will enable better and more transparent decision-making, giving greater confidence to communities and the development industry.

Infrastructure Opportunities Plan

The Housing Productivity Contributions Infrastructure Opportunities Plan is a key component of the NSW Government's commitment to a transparent and efficient infrastructure contributions system that ensures that NSW has the right infrastructure to support the delivery of more homes for growing communities.

The Infrastructure Opportunities Plan will set 0–20-year growth expectations and infrastructure opportunities that will be eligible for contributions in the Greater Sydney, Illawarra-Shoalhaven, Lower Hunter and Central Coast regions.

The plan is being developed with state agencies, councils and industry. It draws on key strategic planning material to outline the infrastructure that is required to effectively support growth in housing and productivity.

Projects eligible for funding consideration include regional and state infrastructure projects that facilitate housing and productivity growth and achieve a line of sight to strategic growth objectives.

More detail around the Infrastructure Opportunities Plan will be published in late 2023, after the commencement of the Housing and Productivity Contribution in October.

Housing and Productivity Fund

The NSW Government considers proposed capital and recurrent expenditures through the annual budget. The Cabinet Expenditure Review Committee will consider and approve Housing and Productivity Contribution funded projects through the budget process.

The Housing and Productivity Fund will be administered by NSW Treasury in consultation with the Planning Minister. This ensures that the distribution of the funds is more aligned to the budget cycle, and funds can be used to leverage the budget more broadly towards areas requiring assistance with growth.

The strategic biodiversity component will be paid into a new account administered by the Department of Planning and Environment.

Funding for councils

Councils play a vital role in delivering infrastructure for their local communities such as local roads, drainage and local open space. There is no change to how councils collect their local contributions under the Housing and Productivity Contribution.

Some of the infrastructure councils provide function at a district or regional scale and may not be fully funded through their local contribution plans. In recognition of this, the NSW Government has committed up to \$1 billion over 10 years from the Housing and Productivity Contributions, which will be made available to councils to support funding of infrastructure aligned with the purpose of the Housing and Productivity Contribution.

This program will operate like a grants program so that councils can bring forward nominations each year. Nominations for funding are called for more frequently to respond to the nature of these projects.

The department is preparing further information on the Housing and Productivity Contribution local government grant funding as well as the administration and application details. This will be available in late 2023, ready for funding requests in 2024–2025.

Deciding infrastructure priorities for funding

The allocation of Housing and Productivity Contribution funding requires strong governance and oversight which will balance competing stakeholder demands and ensure a transparent decision-making process for funding allocation.

Decisions on the allocation of money will be made as part of the NSW Government budget process, which will be informed by a series of governance groups involving stakeholders.

The Urban Development Program (UDP), a collection of non-statutory governing bodies which monitor and forecast housing and jobs growth, will provide an evidence base behind the infrastructure priorities and help to achieve more coordinated planning and infrastructure investment outcomes.

The recommendations of each of the UDPs will feed into an Urban Development Program Oversight Committee. From there, a Government Coordination Group will review the infrastructure priority recommendations from the Urban Development Program Oversight Committee to refine a list of priority infrastructure projects to inform government funding allocation decisions.

Recommendations will factor in timeframes of 0-1 years, 2-5 years, and 6+ years to achieve a line of sight to strategic growth objectives.

Once recommendations are received from each UDP, they will be considered by the UDP Oversight Committee, which then establishes a shorter infrastructure list and priorities for expenditure via the Housing and Productivity Fund.

Proposed Governance Arrangements

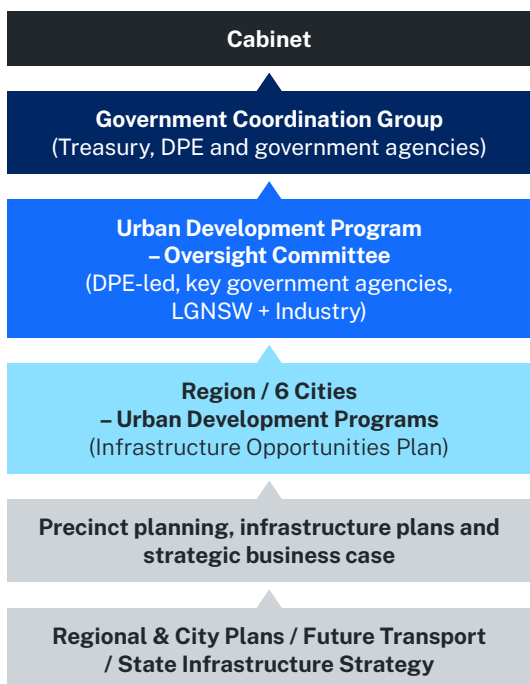


Table 4: Housing and Productivity Contribution governance arrangements

Government Coordination Group
Role and responsibilities
The Committee informs, reviews and endorses the final Infrastructure Opportunities Plan for Cabinet consideration
Membership
NSW Treasury alongside senior officers from Infrastructure NSW and the Department of Planning and Environment

Urban Development Program Oversight Committee
Role and responsibilities
The Committee will refine the infrastructure opportunities plan and prioritise investment decisions that balance the needs of the regions based on advice received from the UDPs
Membership
<ul style="list-style-type: none"> • Transport for NSW • DPE/Plan NSW (Greater Cities Commission) • Infrastructure NSW • School Infrastructure NSW • NSW Health • LGNSW representative • Development industry representative

Urban Development Programs (Lower Hunter, Central Coast, Western Parkland, Central River, Eastern Harbour and Illawarra-Shoalhaven)
Role and responsibilities
Led and supported by DPE, UDPs for each of the Six Cities Regions support and inform the development of the infrastructure opportunities plan and understand the recommended priority investment decisions for their region
Membership
<ul style="list-style-type: none"> • Local Government NSW • relevant councils • Plan NSW (Greater Cities Commission) • Regional organisations of councils • an industry representative for infill developers, and one for greenfield developers

Appendix – Examples

Calculating the Housing and Productivity Contribution amount

Development for the purpose of residential subdivision

Calculation: The number of dwelling lots that results from the development consent, *subtracted by* any excluded lots and any existing potential dwelling lots *multiplied by* the respective Housing and Productivity Contribution rate.



Example A: Dual occupancy subdivision, Greater Sydney

A developer applies to build a dual occupancy on a single existing lot and to subdivide that lot into two new lots with one dwelling on each for separate sale.

A \$12,000 contribution for the one additional lot will be required and will need to be paid prior to construction certificate.

As the new dwelling sits on a fully subdivided lot, the residential lot rate applies

Example B: 3 into 30 lot greenfield subdivision, Greater Sydney

A developer applies to subdivide a 5 hectare parcel of land that comprises 3 individual lots into 30 lots each capable of containing a dwelling.

A \$324,000 contribution for 27 additional lots will be required and will need to be paid prior to subdivision certificate.

Development for the purpose of residential strata subdivision

Calculation: The number of strata dwelling lots that results from the development consent, *subtracted* by any excluded lots and any existing lots *multiplied* by the respective Housing and Productivity Contribution rate.



Example C: 1 into 30 lot strata subdivision, Greater Sydney

A developer applies to build a residential flat building on a single existing lot and to subdivide the building into 30 new strata lots with one dwelling in each.

A \$290,000 contribution for the 29 additional lots will be required and will need to be paid prior to construction certificate. No charge is payable for common property or non-dwelling lots such as car spaces.

Example D: 5 into 30 lot strata subdivision, Greater Sydney

A developer applies to build on 5 existing lots and to subdivide the building into 30 new strata lots with one dwelling in each.

A \$250,000 contribution for 25 additional strata lots will be required and will need to be paid prior to construction certificate.

Example E: 1 into 30 strata subdivision with 5 affordable housing dwellings, Greater Sydney

A developer applies to build a residential flat building on a single existing lot and to subdivide the building into 30 new strata lots with one dwelling in each. Five of the dwellings are for affordable housing.

A contribution of \$240,000 for the 24 additional lots will need to be paid prior to construction certificate. No charge is payable for common property or non-dwelling lots such as car spaces.

Development for the purposes of build to rent housing, independent living units or manufactured home estates

Build to rent housing, independent living units and manufactured home estates are typically higher density residential developments that comprise dwellings or dwelling sites and are not always subdivided for individual sale. The infrastructure demands generated by this type of development warrants their inclusion as a type of residential accommodation that is required to pay a contribution towards state infrastructure and the lower charge rate applies.

Calculation: The amount that is payable for build to rent housing, independent living units or manufactured homes estate dwellings is the number of non-strata dwellings or dwelling sites that results from the development consent, *subtracted* by any excluded dwellings or dwelling sites and any existing dwellings or dwelling sites that are being retained, *multiplied* by the Housing and Productivity Contribution rate.



Example F: 100 dwellings of a specified development type with 30 dwellings to be used for affordable housing, Greater Sydney

A developer applies to build 100 dwellings of a specified development (100 build to rent dwellings or 100 independent living units or a manufactured home estate with 100 dwelling sites) and for 30 of those dwellings to be affordable housing.

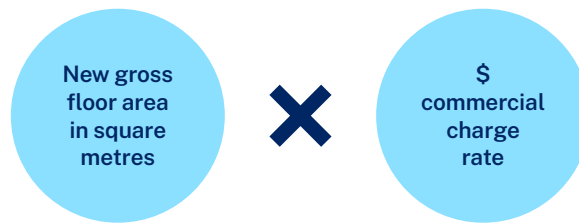
A \$ 700,000 contribution for 70 additional dwellings will be required and will need to be paid prior to construction certificate or if no such certificate is required, prior to installation of the first manufactured home. No charge is payable for the affordable housing component which is exempt from a contribution. No further contribution is payable if the development is subdivided.

Commercial development

Commercial development means development for the purposes of business premises, office premises and retail premises and development for any of the specific purposes listed in the Order.

Common areas in mixed use buildings are charged the commercial rate. If a building is, or may be, used for residential accommodation as well as being in part a commercial building, the gross floor area of any common area is to be included in the gross floor area of the commercial building.

Calculation: The amount that is payable for any commercial development is the new gross floor area in square metres, of the commercial development, *multiplied by* the Housing and Productivity Contribution commercial rate.



Example G: Construction of a new 3,000sqm commercial building in the Lower Hunter region

A developer applies to build a new commercial building on a site in Lower Hunter.

The contribution is calculated by multiplying the 3,000sqm of new gross floor area by the charge rate for commercial development. A contribution of \$90,000 will need to be paid prior to construction certificate.

Example H: Expansion of an existing commercial building to add an additional 100sqm of commercial floor space in the Lower Hunter region

A developer applies to expand an existing commercial building by 100sqm of new commercial floor space.

The contribution is calculated by multiplying the 100sqm of new gross floor area by the charge rate for commercial development. A contribution of \$3,000 will need to be paid prior to construction certificate.

Example I: Change of use from an existing industrial building to commercial in the Lower Hunter region

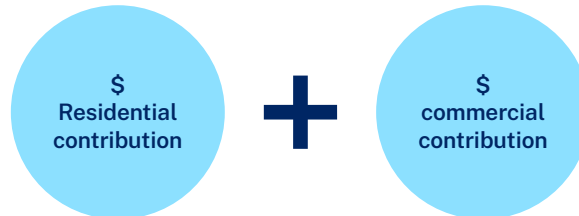
A developer applies to change the use of an existing 10,000sqm industrial building to commercial floor space.

The contribution is calculated by multiplying the 10,000sqm of floor space that will now be commercial by the charge rate for commercial development. A contribution of \$300,000 will need to be paid prior to construction certificate.

Mixed use development

Mixed use development is calculated by adding the sum of each separate Housing and Productivity Contribution class of development (ie residential, commercial or industrial development).

Calculation: The amount that is payable for any mixed use development is the sum of each Housing and Productivity Contribution class of development.



Example J: 1 lot into 60,000sqm of commercial floor space and 20 strata dwelling units

A developer applies to demolish an existing house and construct a six-story mixed use development comprising of 60,000sqm of commercial floor space and 10 strata dwelling units above.

The contribution is the sum of each separate Housing and Productivity Contribution class of development

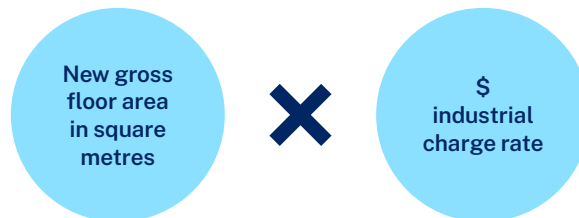
The commercial contribution is calculated by multiplying the 6,000 sqm of new gross floor area by the charge rate for commercial development (\$1,800,000). The residential contribution is the 19 additional lots multiplied by the strata dwelling lot rate (\$190,000). Any communal floor space in this building is charged at the commercial rate.

A contribution of \$1,990,000 will need to be paid prior to construction certificate.

Industrial development

Industrial development means development for the purposes of general industry, heavy industry or light industry and development for any of the specific purposes listed in the MPO.

Calculation: The amount that is payable for any industrial development is the new gross floor area in square metres, of the industrial development, *multiplied by* the Housing and Productivity Contribution industrial rate.



Example K: Construction of a 105,000sqm industrial building in the Central Coast region

A developer applies to build a new industrial building on a site in the Lower Hunter.

The contribution is calculated by multiplying the 105,000 sqm of new gross floor area by the charge rate for industrial development. A contribution of \$1,575,000 will need to be paid prior to construction certificate.

Example L: Expansion of an existing industrial building by an additional 2,500sqm industrial floor space in the Central Coast region

A developer applies to expand an existing industrial building by an additional 2,500 sqm of industrial floor space on a site in the Lower Hunter.

The contribution is calculated by multiplying the new 2,500 sqm of gross floor area by the charge rate for industrial development. A contribution of \$37,500 will need to be paid prior to construction certificate.

Planning and Environment

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Summary Report of Public Notification

Project name	Proposed lease renewal – Long Reef Golf Club
Public notification period	Friday 9 Jun to Sunday 9 Jul 2023
Background	<p>The Long Reef Golf Club have held a lease over the 18 hole golf course for over 100 years¹. The Long Reef Golf Club is a not for profit sporting club operating in accordance with the Griffith Park NSW State Crown Plan of Management.</p> <p>Council propose to grant Long Reef Golf Club Limited a 30-year lease for Lot 1/ DP1144187, Anzac Avenue Collaroy.</p> <p>The lease provides the Long Reef Golf Club Limited with ongoing tenure for the purpose of operating a golf course, clubhouse, and pro-shop.</p>
Total number of submissions	<p>A total of 143 submissions were received.</p> <ul style="list-style-type: none"> • 137 submissions online and 6 emailed submissions (112 included comments). • Of which 132 were in support, 1 was unsure, and 10 were noted as objections.
Notification approach	<p>This public notice was implemented and reported in accordance with Section 47 of the Local Government Act 1993.</p> <p>A page² was established on our Have Your Say platform and included the public notice information and the lease plan.</p> <p>The public notice was promoted through resident letters and on-site signage. This also included the three onsite signs.</p> <p>Feedback was captured through an online submission form embedded onto the project page. An open-field comments box provided community members a space to share their comments. Email and written submissions were also invited. Contact details were provided should people have questions.</p>

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

² <https://yoursay.northernbeaches.nsw.gov.au/proposed-lease-long-reef-golf-club>

Summary of Findings	<p>This report outlines the outcomes of public notification as part of a proposal to grant a new thirty year lease to the Long Reef Golf Club (the Club), who have held a lease of the community and crown land for over a 100 years.</p> <p>The respondents who were not in support had queries whether the Club was complying with the Plan of Management (POM) in relation to environmental management. Other respondents wanted further information on the public golf fees. There were comments about alternative land uses of the lease area. The feedback also included mixed views regarding the length of the lease.</p> <p>The majority of submissions were in support of the lease, stating that the golfing recreational and social amenity was valued, and that the lease would allow future planning to improve the Clubhouse and facilities.</p> <p>Council have decided to progress with the lease due to the net benefit outweighing the objections received.</p>
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How we notified	
Properties notified by letter	107 letters
No. of site signs	3 signs
Authorities notified by email	NA
Visitors to Your Say page	382 visits

Findings		
Theme	What we heard	Council response
Overall Support	There was strong support of the lease, stating that the golfing, recreational and social amenity was valued, as was the green space and birdlife habitat that it provides. Many submissions noted that the 30-year lease would allow future planning to improve the Clubhouse and facilities.	Council notes support for the proposal.
Land could have alternate use.	Several proposed alternative land uses such as housing, open parkland, sportsfields and coastal wetland habitat were mentioned.	Housing is not permitted in the current zone for the land. 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. Additionally the clubhouse lease area is utilised for its social connection, from the café and restaurant and hosting special events like weddings.
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	Under current legislation a 30-year term is the maximum term that can be offered (with Minister consent) in accordance with the <i>Local Government Act 1993</i> .

	felt a shorter lease would provide more flexibility for alternative uses in the future.	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.
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.	Where land is operated by a not-for-profit entity and is highly utilised by the community Council do not generally look at broader land use changes at the time of lease renewal. Under Council's adopted Property Management Framework where land is considered to be under-utilised Council may look to undertake further consultation regarding it's potential future use. 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 use is being considered due to low-utilisation of a facility or where Council are building a new asset on behalf of the community for example.

Environmental protection measures	A concern was raised that the environmental obligations on the golf club were potentially not sufficient to adequately protect the land.	<p>As part of the clubs 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.</p> <p>Significant environmental projects the Club has undertaken in the past 15 years include:</p> <ul style="list-style-type: none"> • Redirection and harvesting of the storm water from Griffith Park, Collaroy Basin and its surrounds. • Relocation of the Maintenance Depot from the centre of the Course and creation of the 16ML wetlands and upgrades to connecting waterways including a mudflat for the migration of birds and other wildlife. Keeping all spoil on site and improving drainage areas to encourage water flow to the designated waterways. • Maintenance and upkeep of the two prominent environmentally sensitive areas. • Supported NBC in obtaining grants from Crown Lands to provide additional labour for the upkeep of the ESA's and bush regeneration • Planted 3500+ Themeda grasses across the leased property. • Planted 100's of banksia across the property. • Improvement of the exiting waterway to Long Reef Beach and management of debris entering the property from king tides. • Improvements to waterways to reduce weed infestations and promote water flow.
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Noise from Club activities	A concern was raised around the noise generated from functions and operations of the clubhouse.	The club are required to follow a Management Plan that outlines the club's responsibilities regarding noise and patron's behaviour leaving the club. The club engage a security company during weddings and other larger functions and are currently in the process of coordinating an acoustics engineer to investigate the feedback on noise and will look to take further mitigating actions if necessary.
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During the consultation period, Council received questions or enquiries for further information either through direct contact or online.

Question raised in feedback	Council's answer
How does the LRGC lease have a positive benefit on any of these environmental elements? Have the Themeda grasslands been protected? Expanded?	<p>In the last 3 years Council's environment team has been awarded grant funding from the State Government Crown Reserves Improvement Fund (CRIF). The Club provided a letter of support yearly.</p> <p>The funds contributed to:</p> <ul style="list-style-type: none"> the headland bush regeneration and weed control project included protection of Themeda grasslands bush regeneration work within the Golf Course Lease Area. <p>For the purpose of the lease renewal, the Club will be required to provide an Environmental Management Plan (EMP) to Council, subject to Council approval. This will consider the POM management strategies and landscape plan detailing 'no mow areas' of Themeda grasslands.</p>
The manager tells me that the long reef golf club can operate until midnight 7 days a week with no acoustic level restrictions imposed and once they leave club at 12 sometimes traffic from the clubs car park is another 30 min after this time	DAs approved in 1999 and 2004 included converting a caretakers flat to a commercial kitchen, pergola, outdoor terrace, and a further terrace extension. The DA's do not specify trading hours.

<p>Could you please tell me if this is correct in their DA requirements approved by council</p>	<p>The Club liquor licence³ provides the conditions that apply (licence no LIQC300228282), for example <i>At least thirty (30) minutes before the commencement of the function and for not less than thirty (30) minutes after the conclusion of the function the persons required to be engaged or assigned pursuant to the above condition must patrol the exterior environs of the licensed premises to ensure the safe conduct of persons attending the function and that such persons do not disturb the quiet and good order of the neighbourhood.</i></p> <p>Note, the DA states that no live or amplified music is allowed to be played on the terrazzo. Additionally it required a Management Plan to address the club's responsibilities and management of noise, patrons' behaviour and patrons leaving the club in relation to the use of the outdoor terrace after 6pm.</p> <p>The Club advise:</p> <ul style="list-style-type: none"> • a security company is engaged when weddings are hosted, to facilitate guests existing quietly as part of minimising their business operations in the neighbourhood • they are in the process of coordinating an acoustics engineer to investigate noise feedback received
<p>Can I please get a copy of the proposed lease for the Long Reef Golf Club land under Lot 1 DP1144187?</p>	<p>The purpose of the public notification is to receive feedback to the proposed 30-year renewal lease term. The new lease has not yet been drafted and is not part of the public notification process.</p> <p>Information that is not considered commercial in confidence can be accessed through a GIPA application.</p>
<p>The golf club on crown land should not be granted a lease or have the public vote on this lease until the Council provides transparency on lease fees paid by the golf club, the</p>	<p>The Council publicly reports our lease and licence register, noting no rental income is shared for any of our properties publicly⁴. The Club is a non-for-profit incorporated entity and their annual report is available to</p>

³ <https://www.onegov.nsw.gov.au/PublicRegister/#/publicregisterdetails/1-11CZ-286>

<p>revenue generated by the golf club and an examination of the restrictions for public members to the golf club lease area - including the fees, timed restrictions, and access to membership to the public.</p>	<p>members and the community on their website. The report details their financial position and profit and loss statements. The new lease will be subject to a market rent review.</p> <p>The club has 33 hours of exclusive use course hours per week used for play and competitions by members under the lease.</p> <p>The current weekday price to play ranges from \$40 to \$70, and the weekend ranges from \$40 to \$80, depending on the time and day being played.</p> <p>The current membership includes a one-off fee of \$3,500, and a yearly membership subscription range of \$1830 to \$3005 (dependant on number of access days).</p> <p>Noting there is a membership waiting list, which is balanced by the Club managing course operations and public play availability.</p>
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Appendix 1 Verbatim community and stakeholder responses*

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

Yoursay Submissions with comments:

1	66954	With increasingly dense housing required to support the population growth of Sydney, open parkland for everyone to enjoy is becoming so much more important. This was borne out during the lock downs of the COVID 19 pandemic. Please take this opportunity to return such picturesque parkland to the community. There are about 10 golf courses within 10km of this site. Imagine the draw card such a park would be to attract a vastly larger number of people/tourists to the area and the boost to local businesses that would bring. Thankyou for considering my submission.
2	66953	It's an iconic hub of the Northern Beaches. Have hosted numerous Charity Golf Days there over the years and all have been fantastic. Great support of non for profit organisations .
3	66931	The area is not just for Long Reef Golf Club but for the wider community.
4	66929	The golf club is over 100 years old and has done a great job of looking after the land as well as made significant investment into facilities. Providing a 30 year lease will enable the club to continue to invest with certainty.
5	66925	The club is a community asset and over the 102 year history has been a landmark for the greater Northern Beaches. In recent times, there has been incredible investment in facilities, support of many northern beaches community organisations and brought people from all over Sydney to play a truly unique golf course.

**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.*

6	66583	<p>I live next door to long reef golf club. The current clubhouse has many functions / weddings as most do but with the acoustics of the current clubhouse is so bad that I can sing each song played at functions in my bedroom. They currently do this 7 day a week up to midnight then I have a car park outside my bedroom window that people leave for the next 30 minutes</p> <p>I think the lease should be for 5 years and see if the club can improve the acoustics and club functions say up to max 10 pm as it is in the middle of a residential area ...or do an acoustic report proving the noise levels are at an approved level at the clubhouse boundarythis closing time also goes for cars leaving after functions as everyone has a chat with a few beers to help and this can take 30 min</p> <p>If this can be achieved then look at a longer lease</p> <p>The club is currently in a refurbishment stage and I have been advised that no extra acoustic measures hav been applied so 30 more years of this ...no thanks</p>
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7	<p data-bbox="544 400 1048 430">I have been a member of LRGC for 20 years.</p> <p data-bbox="544 459 1286 801">Long Reef Golf Course is one of the jewels of the Northern Beaches. The club has operated for over 100 years and has played the major role in developing, maintaining and protecting this beautiful area. The golf club has worked co-operatively with Councils present and past and with entities such as Taronga Park Zoo to protect threatened species, both fauna and flora whilst maintaining one of the best golf courses on the East Coast. The bird life on the course is amazing and pelican flyovers during a golf round are a frequent, spectacular sight. Pelicans clearly feel right at home on the central lake area and are clearly unthreatened by golfers. Magpies are SO unthreatened they often hop onto carts and ask to be fed. (They get more than a few wins!)</p> <p data-bbox="544 831 1272 913">Long Reef GC rates repeatedly in lists of Australia's best public access golf courses. May I stress ... Long Reef is a public access course.</p> <p data-bbox="544 943 1254 1142">The club house at LRGC is showing its age. The club is undertaking renovations for both maintenance and compliance reasons at the moment, funded by the members. However the clubhouse needs major redevelopment sooner rather than later. Such redevelopment will need to address issues beyond the building itself. Parking will be high on the list of issues to be addressed.</p> <p data-bbox="544 1171 1283 1314">Since COVID arrived, there has been marked growth in the numbers of people playing golf and in the frequency of them doing so. Long Reef has made every effort to cope with this growth and has a waiting list for membership. So there is clear ongoing public demand for use of this course.</p> <p data-bbox="544 1344 1273 1458">The club needs certainty over tenure if it is to continue with development plans. If anything, 30 years is too short a period and a 49 year lease extension would be much more realistic. Council should IMHO give serious consideration to this.</p> <p data-bbox="544 1487 1272 1711">LRGC has done and continues to do an exemplary job in managing and maintaining this extraordinary course. Members have, for many years, been contributing to a building fund but would probably not want those monies used if certainty over the lease was not resolved. It is very much in the interests of all NB ratepayers for the wonderful management of this special area to be continued by LRGC. It would be a travesty if a long term lease continuation were to be refused.</p>
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8	66445	I believe the use of the land as a golf course preserves green space. From a health standpoint, golf is an excellent recreational activity. An upgraded club house will allow more people (members and non-members) to enjoy the area, both for casual meals and functions.
9	66396	The area being used by the gold course was previously farmland, but before that, it was coastal wetland habitat, of which there is not much left on the Northern Beaches. I would like to see this area rewilded, and returned to its natural state. This would provide a contiguous connection between the Long Reef Aquatic Reserve and the Themeda grasslands on the headland, with the restored wetland areas.
10	66378	The Club has an excellent track record as a manager of the property. It is a significant employer and supporter of small businesses in the area. It has been in operation for just over 100 years and throughout that time it has been a good partner for both the Council and State Government. It has delivered significant improvements over that time, sometimes wholly funded by the club and at other times funded with the help of the Council and Government. Two recent projects were the replacement and relocation of the Maintenance Shed and the replacement of the Pro shop with the joint facility that provided change rooms, bathrooms and storage for the teams that use the playing fields. Other improvements include the creation of wetlands and the capture and use of stormwater runoff. A lot of the improvements are big expensive projects that are only possible because the club is a not-for-profit organization that puts all its income back into the running of the club, improvements to the property and support for local community organizations. The extension to the lease supports that work by providing underlying certainty and enabling the next project - the much needed renovations to the clubhouse.
11	66357	As a member of the Club for 44 years I have witnessed and participated in the many benefits that the Club provides to the community such as a first class, excellently maintained and continually improved golf facility. An outstanding location for dining and weddings. Support for local charitable and sports organizations with fundraising events, Regular development programs for junior golfers. In addition as Chair of Special Olympics Sydney Northern Beaches I have been involved in the coaching and support of golfers with an intellectual disability at the club on a weekly basis plus conducted competition events. The Club Board and Management have been most supportive of this program which is inclusion at its best particularly when those involved become members and enjoy the full benefits of what the Club provides. Obviously we would want to see this program continue and grow hence the support for the lease extension.

12	66337	<p>Not only is this a world class golf course, it is one of the top venues for both local residences and visitors from around Australia and overseas. It is one of the jewels in the crown for the northern beaches.</p> <p>I support the application full heartedly.</p>
13	66266	<p>Far too long for what is technically public land. It should be 10 years maximum, also the defense of the term being a clubhouse upgrade is ridiculous. Surely that cost could be recouped over a much shorter period.</p>
14	66213	<p>I fully support the proposed lease renewal for Long Reef Golf Club. Long Reef golf course is an inclusive golf club which caters to all ages and men and women. The course also caters to golfers with disabilities. The golf course provides an opportunity to use judgment and calculation in different ways every game, providing a continually shifting set of challenges to keep minds sharp and assist the more senior members of our community. Hand-eye coordination and body posture can be incorporated as well, preventing the atrophy that often accompanies age. The club is financially accessible to the public. The course is very well maintained and is a valuable environmental asset as it provides greenery alongside Pittwater Road in a built up area. The lease should be for 50 years.</p>
15	66132	<p>Should be in perpetuity. 30 years is ridiculous.</p>
16	66052	<p>LRGC is a long established community based sporting organisation that has a track record of:</p> <ul style="list-style-type: none"> - open and inclusive club providing public access for people of all ages and abilities to play golf and socialise in the club house - supporting many local charitable organisations, Sargood, Special Olympics and Legacy to name a few - responsible environmental practices which enhance the scenic attraction of Long Reef head land and in harmony with walkers, dog owners, and other sports groups. <p>LRGC should have the stability and security of a 30 year lease so as to plan, invest, improve and be financially sustainable. A healthy and strong club means the benefits of the lease are shared between the members, community, visitors and the council. The Council is commended for acknowledging this through the awarding of a 30 year lease.</p>
17	65934	<p>LRGC has provided community golf facilities for over 100 years. In that time many improvements have been made, especially in the past 20 years or so. One example has been the wetlands project which has preserved precious wetlands and provided storage water so the club doesn't rely on Sydney Water. The wonderful outcome is the presence of birdlife where many migratory birds arrive each year.</p> <p>I understand the improved lease arrangement will give more certainty to the club allowing more such projects to be undertaken.</p>

		<p>While golf courses, such as Long Reef, offer recreational amenities to certain segments of our community, they also tend to serve a limited number of individuals. In the spirit of inclusivity and broader community benefit, we must question whether a 30-year lease aligns with the best use of this valuable public land.</p> <p>The natural beauty and location of the Long Reef area are significant assets that have the potential to benefit a broader swath of the community if returned to public space. Green, open areas provide numerous health, environmental, and social benefits. They offer places for families to enjoy together, children to play, and community members to engage in a multitude of outdoor activities. They can also serve as locations for community events, educational activities, and environmental preservation efforts.</p> <p>As we plan for our community's future, we should consider the broad demographic changes that are occurring. A growing, diverse population needs access to public spaces that cater to various interests and activities, not just those who play golf.</p> <p>I believe that at a minimum we should be considering an option where portions of the golf course could be redesigned into public space - particularly the area adjacent to the southern walkway which offer safety issues when regular stray shots come near pedestrians. This approach would cater to both golfers and the larger community who could benefit from increased access to outdoor spaces. A shorter lease term could also be considered, providing more regular opportunities for community input and ensuring the land use aligns with changing community needs.</p> <p>I strongly advocate for a thorough and transparent public consultation process on this issue. It is crucial that all community members have the opportunity to voice their opinions and contribute to the decision-making process. I do not believe a month of engagement with no additional public discussion forums and limited advertising of this is sufficient.</p> <p>In relation to the engagement - I would have hoped the council offer a broader range of options of what might be possible with this land - as an alternative to the extended lease and consider this as part of a broader future planning approach. It is hardly an open consultation when the question is simply proposed as do you want this or not - and not provide context and discussion around other options.</p>
18	65906	
19	65902	<p>30 years is a very long time for more grass to be on the headland. I think that this area should be restored to nature such as North Head and Narrabeen Lagoon. This is much better for the Beaches and world to have this. We need more natural spaces to enjoy, not grass. There are so many golf courses and more and more trees being cut down.</p>

20	65868	This is a key leisure facility on the Northern Beaches not only for golf but as a wedding venue and dining. The lease of 30 years would give the club ability to plan and invest with greater certainty.
21	65791	The golf course is a valuable asset to the local government area and is enjoyed by many people and remain a golf course for the foreseeable future.
22	65609	The course is a beautifully maintained asset that is available for use by the entire Northern Beaches Community.
23	65587	Ensures open spaces are retained. Adds to and enhances our neighbourhood.
24	65586	By keeping this land a golf course it won't be developed into housing and everyone can still enjoy the headland + play a round of golf if they want to
25	65565	<p>The golf club on crown land should not be granted a lease or have the public vote on this lease until the Council provides transparency on lease fees paid by the golf club, the revenue generated by the golf club and an examination of the restrictions for public members to the golf club lease area - including the fees, timed restrictions, and access to membership to the public.</p> <p>Additionally, Council should enforce metrics on the golf club's performance against environmental and sustainability initiatives, both against the 2011 Griffith Park management plan and the LRGC's own environmental management plan, which should have been reviewed and approved by the Northern Beaches Council. In the 2011 Griffith Park management plan, there were initiatives noted to expand environmentally sensitive areas and improve riparian zone management. Aerial photographs from 2023 do not indicate that any of these goals have been met within the lease area.</p> <p>Long reef headland is a remarkable site in terms of geology, flora and fauna, and the grassland is declared Threatened Ecological Community. How does the LRGC lease have a positive benefit on any of these environmental elements? Have the Themeda grasslands been protected? Expanded?</p> <p>Private enterprise on crown land must be robustly justified and also require these businesses to provide a positive community and environmental benefit.</p>
26	65523	I am a member of Long Reef Golf Club and have read all the information provided by them and feel duly informed to support this submission
27	65518	The Long Reef Golf Club is a tremendous asset to the Northern Beaches Community. It requires significant capital investment and maintenance each year, which the club funds. Improvements to the course increase amenities for the entire community, including substantial green space and a pleasant reasonably priced dining venue. A 30 year lease will allow another 10 years in which the club may amortise the cost of future improvements.

28	65517	It would be a wonderful place for the public to use. The dogs could be kept of fisherman's beach and long reef aquatic reserve and it could become a beautiful natural parkland instead of for a small privileged group. All would benefit after a difficult few years to have this coastal area given back to the whole population
29	65516	Long Reef Golf club is an outstanding golf course with a breathtaking view of the local beaches. It serves as both an exceptional way to exercise in an enjoyable fashion and meet others in the Northern Beaches community with a similar interest.
30	65514	I have been a member of Long Reef Golf club since 1991 and have seen immense improvements in the course itself and surrounds. The Long Reef Golf Club has spent a lot of money improving the course as well as the club house for the enjoyment of the whole community. I feel that a 30 year lease will give the club more certainty and encourage it keep investing in improvements.
31	65513	Long Reef Golf Club is known in Australia and indeed Internationally as an iconic course and as a result attracts a large number of visitors which brings many benefits to the Northern Beaches area. It has a varied membership including many retirees and mature age single people who rely on the Club for social interaction, either through playing golf or other club activities . e.g Bridge. The club is a very popular venue for weddings and other social gatherings requiring a number of staff when these events occur. Thus the Club provides many employment opportunities especially for younger people. Finally the course is kept in pristine condition by professional ground staff and volunteer club members, hence the council is relieved of a significant cost item which it would have to meet if the Golf Club was not the tenant.
32	65511	Being a local resident, Northern Beaches Council are not capable of looking after the area.
33	65510	The land should be kept as natural as it is - there also needs to be more sporting facilities on the northern beaches not less
34	65509	wonderful green space instead of development
35	65506	As a member I am in favour of a 30 year lease. The club has invested many hundreds of dollars upgrading and maintaining the golf course and a members would like to think we will be able to enjoy this local facility for as long as possible.
36	65504	LRGC has been a great sporting and social hub in the community.
37	65503	LRGC have been exceptional custodians and lessees of the land for many decades and as such have invested heavily in infrastructure and maintenance. In order for the club to continue improving the facility for use by members and public alike they require security of tenure which a 30 year lease will provide.

38	65500	The significant works the club invested in the property should allow for this extension
39	65499	Long Reef Golf Club is an important community facility. The granting of a 30 year lease will enable the club, its members and the community to benefit from its long term planning and improvements into the future.
40	65497	LRGC has maintained the land and clubhouse to a high degree making it enjoyable for everyone.
41	65496	The club is doing a good job looking after the land and club house.
42	65495	Long Reef Golf Club is a vital asset to the northern beaches and wider communities. It regularly is listed amongst in the top 10 public access courses in NSW and is loved by a wide ranging golfing community. To keep the course and clubhouse in excellent condition requires significant ongoing capital expenditure and a 30 year lease gives the club the certainty it needs to justify this expense.
43	65494	Absolutely fantastic golf course and surrounds, great club house, perfect for exercise and leisure
44	65493	Long Reef Golf Club is continually investing in the improvement of this facility, both for members and the public's use. Because of this financial commitment I would strongly encourage council to approve a 30 year lease.
45	65492	Long Reef Golf Club is a very important site for recreational and social activities for residents of the Northern Beaches Council and its visitors. In addition, the clubhouse is in dire need of improvements that can only happen if there is an assurance that the course will be preserved for a significant amount of time.
46	65491	As a senior member of LRGC I look forward to seeing my remaining years of membership with the club.
47	65489	It's possibly one of the most iconic and stunning golf courses in NSW and whether you play golf or not it's a massive feather in the northern beaches cap. Not only that, it serves a large community with fitness, fresh air and mental health benefits.
48	65488	Long Reef Golf Club deserves the certainty of a long lease...they manage both the course and club house in an excellent fashion as well as being a focal point for many of the local community
49	65486	The Golf Club must be provided with long term security of tenure if it is prepared to undergo extensive capital works at its cost.
50	65485	I think that the golf course and club is a great use of crown land. Long Reef Golf Club takes care of Long Reef and keeps it in fantastic condition. It is a public course so is available to everyone and is one of the best kept public courses in NSW.

51	65484	Long Reef Golf Course is an area for everyone to share with little impact on the environment The club is friendly and accessible and a beacon on the Eastern most point of Sydney
52	65483	The club has continually upgraded the quality of the landscape over the years and should be rewarded with an extended lease making the environment even more beautiful If that is possible.
53	65482	The amount of funding Long Reef Golf Club has, and is continuing to invest in the course and clubhouse can only benefit the local community. By securing a 30 year lease LRGC can continue to develop and provide the local people with a course and clubhouse they can be proud of.
54	65481	Long Reef Golf Club maintain this property to the highest standard. Amongst the benefits are that it provides a nature corridor for small animals and birds, providing open space with picturesque water ways that the northern beaches can be proud of. The golf club itself is welcoming with a strong focus on building community, and supporting their local community in many ways. A place to build friendships and thru the game of golf a mateship that often only develops around sport, therefore providing a healthy pursuit for all ages, both in mind and body. The restaurant provides excellent, well priced food and the conference area is s a location for local businesses and residents to hold functions within the northern beaches, showing off the best of what this area has to offer. This lease ticks so many boxes for the Northern Beaches to be able to provide an exemplary offering for both visitors to the area, and local residents.
55	65480	This is a wonderful facility used by the members and the public from far and wide It is a beautiful place and bird & wild life sanctuary too It is seen as a major asset to this area in every conceivable way
56	65478	Providing space for recreation to the community.
57	65477	Long Reef Golf Club is a well known identity in the area and as such contributes to the beauty and maintenance of the area by providing an amazing public golf course to all residents. It has invested an enormous amount of money to keep the course in pristine condition and LRGC is known as one of the most popular and stunning golf courses in Sydney.
58	65475	10 year member and can appreciate what the club has done to achieve one of the best courses in Nsw a terrific venue to frequent and many of our friends love coming over for a visit.
59	65474	The golf club fills a social environment that enables people to interact with like minded people and serves not only a sport environment but where other people enjoy the location when they attend weddings or different functions!

60	65473	The golf course plays a crucial role in providing people with access to sporting facilities and also supports the local communities through sports clubhouse facilities
61	65470	This allows LRGC to plan ahead regarding course and clubhouse development.
62	65469	This is an important facility to ensure the wellbeing of a large group on the Northern Beaches and is working well with the interests of other NB residents the use the walk around for recreational purposes as well as with the sports field and dog park creating a large area for a large variety of residents needs.
63	65468	Provides a great community service and outdoor space, the land is well maintained and the golf club and course is iconic
64	65467	LRGC do a wonderful job of making it a great place for members and public
65	65466	I am a member of LRGC and understand the need for a longer lease than we have previously struck
66	65463	A 30 year lease would enable Long Reef Golf Club to be confident in expenditure on future improvements to the club house and course.
67	65461	I support Long Reef Golf Club's application for Lease renewal. The course is maintained to world class standard, open to the public and is ranked 28th in Australian top 100 public access golf courses. Enjoy the club house which provides good public services, reasonable priced and welcomes everyone.
68	65458	Providing opens spaces to members and the public and the importance of such spaces for general health as experienced due to recent pandemic
69	65457	LRGC do a great job of looking after the land and the flora and fauna , providing a space for the young and elderly to enjoy a game of golf also their provision of facilities for the those attending the Sargood center and the Special Olympics family.
70	65456	Long Reef Golf course is a members and public access course that provides golf amenities to people from the northern beaches> As a member I know that the club is aware of its responsibility to co-exist with people using the adjoining area for passive recreation. the club house also provides an excellent area for the public to use the restaurant and function facilities. In order for the club to maintain and improve these facilities a 30 year lease would assist is the club being able to secure the finances to continue this significant public asset.
71	65455	As I am 75 I'm unsure I won't be around to enjoy all the new proposals Assume there will be an increase in yearly fees to accommodate the Capital investment

72	65453	An invaluable facility for the public and members both now and very far in to the future. The fact that a significant investment will be made to the site will see an even better facility for all to enjoy for many decades. Thus a substantial lease period is justified and necessary and fair.
73	65452	This venue provides so much for the community & residents of the Northern Beaches. A place for activity, people to meet & enjoy the wonderful outlooks including nursing homes, weddings, locals & visitors. Definitely showcases the beautiful Northern Beaches
74	65451	This is a beautiful green space with waterways providing a range of habitats for wild life. The area appears to be well managed by the golf club and provides public access to the club house for refreshments. In addition the course is open to the public for a game of golf. In my opinion the club and course are an essential local amenity and a long lease an important necessity.
75	65450	There are no public golf courses available on the Northern Beaches, of this standard. Although there are Private members, the public also have access, as well as the headland walking path. The club has also spent considerable money upgrading and maintaining the course to its current standard and world class beauty all can enjoy.
76	65449	The golf course is situated in an area that provides superb UNSPOILED views of the coast and allows members of the club and the public to enjoy this, whilst playing golf on an excellent course. A pathway around the course offers an opportunity to ALL to exercise and look over the sea and the golf course. The clubhouse, which is an essential part of the package provided, as well as the course itself, need considerable investment to maintain the high standard provided. There is a plan to commence this expenditure in the near future and therefore I support a new lease being granted of 30 years, in order to make viable, investment now and in the future.
77	65446	The Golf Club do a wonderful job in maintaining this special piece of land. The bird wildlife has increased and also is protected with the extra water areas added to the course. All visitors I bring to this headland love what the golf course adds, the views and especially a drink or meal on the clubhouse veranda.

		<p>Long Reef Golf Club is more than a golf club.</p> <p>The club:</p> <p>encourages over 20 species of native, imported and migratory birds from around the world</p> <p>provides over 60,000 games of golf for members and the public of all ages each year. (this is massive)</p> <p>with a book club, card club and other community services particularly helping older folk</p> <p>actively supports wheelchair activities including supporting the Sargood Group</p> <p>is one of the most beautiful settings IN THE WORLD for breakfast, lunch, dinner or snacks for members and the public. I have played golf at just over 100 golf courses in Australia and Overseas. Long Reef is up with the very best.</p>
78	65445	is extremely popular for weddings other functions (including wakes) and many people from overseas delight in these facilities
79	65444	Long Reef Golf Club has made substantial investments in course infrastructure and the club house amenity.
80	65443	This is an amazing facility for all Northern Beaches residents to enjoy.
81	65442	<p>The Golf Club over the years has constantly upgraded the landscape increasing wildlife habitat and making it one of the focal points of the headland.</p> <p>Several years ago the club upgraded facilities adjacent to Fox Park incorporating facilities for the local sporting teams.</p>
82	65440	I support LRGC as a good custodian of the lease property, as this provides a valuable amenity to the northern beaches community through the publicly accessible golf recreation facilities, green space, important ecosystem management, and the food and beverage outlets. Having a longer lease - e.g. 30 years - provides increased certainty for the community and the lessee such that they can plan and invest in quality infrastructure and services.
83	65439	I believe that LRGC are a good custodian of the land associated with this lease, providing a valuable amenity to the northern beaches community through the golf recreation facilities, green space, ecosystem management, and the food and beverage outlets. The 30 year leases provides a more optimal duration than 20 years as it better allows the lessee to justify their investments to ensure quality infrastructure and services can be provided over the long term.

84	65438	Long Reef Golf Club is a wonderful facility that caters for many people. The club has invested a lot of money to keep the course up to date and looking great. A 30 year lease is very appropriate.
85	65437	i had my wedding at Long Reef Golf Club and many from out of the area couldn't believe the beauty it provides. It is great watching the locals walk and golf. They often also host charity events which is part of the Northern Beaches spirit.
86	65436	I propose the council also offer 2 x 10 year extensions to the club considering the future plans for the clubhouse and long term investment from the members etc to raise funds for the proposed works
87	65435	The area is pristine and is a lovely amenity for the local community. With regular charity events it is a great venue to the Northern Beaches.
88	65434	I am in favour of the 30 year lease extension for Long Reef Golf Club. I believe that the land used for the golf course is very well looked after and adds to the natural aesthetics of the area. With some investment in the clubhouse I also believe that a world-class café, food and beverage facility can be developed and utilised by not only golfers, but walkers of the Long Reef Headland, in addition to those who utilise the beach and boat ramp.
89	65433	Long Reef Golf Club provides an important recreational service to the Northern Beaches community. It also successfully manages the environmental requirements of this pristine peninsula. As custodians of the the Long Reef Peninsula for over 100 years Long Reef Golf Club are deserving of a further 30 years lease.
90	65432	LRGC is more than a Golf Club. The Clubhouse itself is becoming a community meeting and social environment. Multiple visitors come to the Club after a walk around the headland for a drink or coffee, for a meal in the Bistro and for constant Weddings, Charity events, Birthdays and Celebrations of Life. If a 30 Year lease is secured this would allow the Club to finance significant improvements which would further enhance this broad Community experience.
91	65431	The club has made a lot of expensive improvements to the course and the club house as well as maintaining looking after the areas of the headland
92	65430	The golf course is an intergal feature of the Northern Beaches and apart from enhancing the aesthetic appeal of the glorious coastline it serves a very valuable asset for exercise/leisure in an environment being choked by overdevelopment.
93	65427	Open green space
94	65426	Great public golf initiative and program and excellent cooperation with neighbouring social activities

95	65425	LRGC has been an integral part of the Northern Beaches community for over 100 years. Being a public facility, It provides numerous services and facilities that people from around the whole of Australia can access. Providing an outdoor space where people can stay fit and healthy is crucial in today's tech-reliant world.
96	65423	The Long Reef Golf Club has provided a valuable amenity for its members and the public for many years. It has a well established track record of excellent upkeep and maintenance of this beautiful piece of land, which have fully taken in to account environmental considerations. It has invested considerably in the facility and has plans to make further significant investment, which require confidence in its long-term tenure to justify.
97	65422	The granting of a 30 year Lease will give LRGC with better security to continue its Capital Works programme over the Leased area and allow it to negotiate better financial terms to carry out these improvements, which benefits not only the recreational users but the whole surrounding Community and allow Council funds to be spent in other areas.
98	65421	LRGC Members will continue to care for & look after this magic piece of the Northern Beaches.
99	65420	LRGC plays an important role in providing services to the community.
100	65419	As a venue for golf/weddings/functions I think this location is important to remain in this capacity for as long as possible
101	65417	Fantastic amenity for the local community, should be an even longer lease to allow extensive capital works to be undertaken .
102	65416	Long Reef Golf Club and the golf course offers a tremendous facility for golfers on the Northern Beaches, both members of the Club and public golfers. It is a stunning backdrop and adds to the beauty of the Long Reef Point. The Golf course, along with the walkway and adjacent parks ensures this beautiful landscape remains in its current state.
103	65415	The club does a great job and should be allowed to continue their use of the land and do their club house improvements
104	65414	golf wins
105	65413	Community, health, lifestyle. LONG REEF SURF CLUB gives so much to the community. Fully support.
106	65405	Given the housing crisis, population growth, immigration, I think it's unethical to use this land for a golf course. There should be high density housing. People need places to live.

Emails or Letters Received

1	2023/369830	I support the 30 year lease plan
2	2023/370633	<p>Hi. Glad they made it a 30 year lease. Probably should have made it 99 years like the UK system. Not sure what the point of a shorter lease is considering NSW funds the clubs anyway. We should move to the QLD model where clubs can make money and put it back into surf life saving...</p> <p>Anyway i support the 30 years lease proposal</p>
3	2023/374274	<p>Best</p> <p>I [REDACTED] agrees with the 30 year proposal, we look forward to the club moving forward with upgrades now they know they have a long lease in place</p> <p>Kind Regards</p>
4	2023/400282	<p>To whom it concerns,</p> <p>With high inflation and rising cost I feel it is a good move by council to grant a 30 year lease. Probably cost many millions to build a new club house that is not just for its members but the whole local area. As it will then become council owned I think for all people concerned Council should make a large donation to new club house as it does for surf clubs for all no members to enjoy there time there in great comfort.</p> <p>This is a great asset for all northern beaches people so let's be very proud by all for what we build not just cheap and nasty.</p> <p>Over to council don't let the northern beaches people down. Thanks.</p>
5	2023/401152	<p>Dear general manager</p> <p>Re long reef golf club hours of club use and noise levels</p> <p>I live at [REDACTED] and the golf club has functions and weddings regularly</p> <p>As the club is very old and the acoustics of the club house are low level the noise is unacceptable during the late hours ...up to midnight regularly</p> <p>The manager tells me that the long reef golf club can operate until midnight 7 days a week with no acoustic level restrictions imposed and once they leave club at 12</p>

6	2023/402145	<p>sometimes traffic from the clubs car park is another 30 min after this time</p> <p>Could you please tell me if this is correct in their DA requirements approved by council</p> <p>Thanks Hi,</p> <p>Can I please get a copy of the proposed lease for the Long Reef Golf Club land under Lot 1 DP1144187?</p>
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Document administration	
Version	1.0
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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.



Transport
for NSW

Centre for Road Safety

Shared paths

Discussion of research findings and key safety issues

August 2015 | Version: 1

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Author: Centre For Road Safety
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Division: Freight, Strategy and Planning

1 Context

Transport systems are faced with the challenge to accommodate cyclists and pedestrians on shared paths safely and while providing amenity. To provide an overview of the safety issues and consolidate knowledge in the area, in 2013/2014 the Centre for Road Safety (CRS) commissioned three pieces of research:

- Review of relevant scientific literature and jurisdictional guidelines, rules and practice
- Observational field study and path user survey
- Shared path advisory speed warning sign study.

It was envisaged this combined research would guide the development of policy and practice guidelines on shared path safety in NSW.

2 Rationale

This research initiative addressed a priority area in the 2009 NSW BikePlan. BikePlan outlined a ten-year bicycle infrastructure plan that includes consideration of shared facilities between pedestrians and cyclists. Shared paths are generally recognised as safer for cyclists than on-road conditions.

The CRS identified a need to examine the current evidence-base on safety considerations pertaining to shared paths. A prior observational research study commissioned by the RTA in 2009 found that although there were few actual conflicts between pedestrians and cyclists, there was still scope to improve safety and the perception of safety on shared paths.

3 Research design

The scope of the literature review was to provide an overview of both empirical and jurisdictional literature on shared path safety. The report examined best practice strategies to maximise safety, including infrastructure elements and regulations. Empirical findings on key elements – path design, usage and crash outcomes, user behaviour and attitudes were also reviewed. The report also flagged gaps in the knowledge base.

The observational field study focussed on cyclist and pedestrian behaviour at 12 shared path locations in NSW over a two-month period. The scope of the report included observational analysis of shared path encounters, actual and potential conflicts, traffic volumes and travel speeds of all users. The fieldwork included 50 hours of observational measurement involving 5932 cyclists and 2408 encounters (passing or meetings) between cyclists and pedestrians. In addition, shared path users from the five busiest sites were surveyed on their knowledge and perceptions of rules, safety risks, facilities and other path users' behaviour. A limitation to the observational findings was the possibility of 'observer effect' - which is associated with socially desirable behaviour in those subject to observation. However, in this study, observer effect was potentially mitigated by the high number of observations, which in turn, added power to the findings. The number of respondents in the survey sample was nominal (n=58; 33 cyclists and 25 pedestrians). Given there is limited research on user perceptions, the survey did offer some preliminary insights into the perceptions of path users that cannot be obtained via observation. Allowing for the above caveats, the field study has provided valuable data on actual shared path behaviour in NSW.

The purpose of the shared path advisory speed warning sign study was to improve understanding of the impact of advisory speed signage on shared paths. This field study essentially measured the impact of speed signage on riding speed, lateral separation between users, other safety risks and user awareness. Two forms of advisory speed signage were trialled – a 'slow warning' 'shared path' message and an advisory speed marking of 10km/h. Both sign types were augmented with pedestrian and bicycle symbols.

The trial involved installation of signage at four treatment sites (each type of marking at two sites) and one control site. The control site was used to account for other potentially confounding factors, such as seasonal factors that may have changed path user behaviour. Before and after measurement of path user behaviour was conducted via tube count and video camera recording for approximately 200 hours. In addition, an intercept attitudinal survey was conducted with 95 (55 pedestrians and 40 cyclists) shared path users.

4 Summary and discussion of key findings

The combined research findings informed this summary and discussion. Findings reported from the two local field studies were broadly consistent with the body of evidence reported in the literature review.

4.1 Design factors

Due to the complexity of shared path use, a combination of factors should be assessed in shared path design.

Australian and overseas guidelines address adequate path width, mode of separation and intersection treatments as well as other elements related to construction maintenance and lighting. In addition to volume, Australian guidelines for determining appropriate path width include operational characteristics such as usage type (commuter vs. recreational), speed & gradient.

Importantly, these guidelines are also used to determine where segregated paths are appropriate. In high volume conditions, segregation or separation of different user groups is proposed as the most effective way to increase users capacity to use the shared path.

4.1.1 Path width

The literature identified adequate path width as a critical element to minimise conflict between cyclists and pedestrians. In NSW, shared path design and infrastructure is currently based on Austroads guidelines. The recommended minimum path width is between 2.5 and 3.0 metres. The recommended path width increases with traffic volume.

4.1.2 Commuter versus recreational use

Usage type (commuter versus recreational) has been identified in the literature as an important consideration. A primary issue is safety and amenity rather than simple capacity. It may be technically possible to carry a large number of users, but if people do not feel safe they will not use the facility.

- Current policies often focus on active travel (compared to cycling and walking for recreation) because many of the associated benefits rely on replacement of motorised transport. If cycling and walking promotion policies are to be

effective then it is crucial that transport systems accommodate both cyclists and walkers safely, and in a manner that encourages active travel.

- In instances of high traffic volumes, segregation or separation of different user groups is proposed as the most effective way to increase their capacity to use the shared path (Department of Transport and Main Roads, 2012).
- There may be a need to design multi-purpose facilities for the 'higher' types of usage where there are multiple types of users, either together or at different times. A path may be recreational (relatively slow cycling and possibly high levels of walking) at weekends but commuter-based during the week.
- Findings indicate that in the determination of shared path design, risk assessment models should include comparison of risk, amenity, and their determinants, by different path uses (commuter and recreational).
- In the observational study, cyclists were more likely to keep to the left on paths with high pedestrian volumes, but were less likely to keep to the left when cycling on wider paths.

4.1.3 Path separation versus segregation

Where feasible, officially-segregated paths are likely to be more effective than dual occupancy.

- The three main modes of separation are level surface separation (centreline), separation by level difference and separation by a barrier.
- The aspect of shared path design/infrastructure that has received most research attention is the presence of a centreline. The literature review identified centreline delineation as effective in increasing left-hand travel, as well as lowering cyclist speeds. The review cited research conducted in Sydney which found 93% of both cyclists and pedestrians kept left on shared paths with a centreline. This positive association between centre-line delineation and left-hand travel was upheld in the local observational study which found that after statistically controlling for other factors, centrelines were independently predictive of left-hand travel. However, centreline delineation was also associated with higher cycling speeds in the observational study. This finding represented a departure from the existing evidence, which had identified a negative association between a centreline and speed.
- Visual separation of cyclists and pedestrians (where an area was indicated for pedestrian travel by using different coloured pavement or an alternative treatment) was not associated with left-hand travel in the observational study. The evidence is inconclusive, due to the lack of confirmatory research on this path design feature.
- Previous findings indicating that intersections pose a particular crash risk for bi-directional cycle paths suggest a similar issue for shared paths. All guidelines advise that where shared paths intersect with roads, appropriate intersection treatment (warning lights, zebra-style/coloured or raised crossings, signals, etc.) is needed to ensure the full awareness of path users and motorists of the presence of an intersection. The observational study did not address this design feature.

4.1.4 Advisory speed signage

The speed signage trial found that neither the 10km/h advisory speed markings nor the slow markings resulted in significant reductions in cyclist speed. Only one in four cyclists reported noticing the markings and of those who did notice, one in three

indicated that the markings would cause them to ride slower. This suggested limited receptiveness from cyclists towards adjusting their speeds. Cyclists preferred the slow marking over the speed limit, however this may have been due to the 10km/h limit. That some cyclists reported they would reduce their speed if there was a speed limit, suggests that speed limit signage could be further investigated using a higher threshold. In addition, greater lateral separation between cyclists and other path users was observed across all sites after the signage was installed. More research is needed on the impact of speed signage due to the lack of comparable studies.

4.1.5 Path design models

More recently, predictive models based on empirical evidence have been developed to determine optimal path widths required for various pedestrian and cyclist volume combinations on shared paths. The method is based on the 'Level of Service' which is a method for quantifying the quality of user experience. It draws on operational as well as user perception data. The model, which originated in the USA, is based on four main factors – path width, design hour user volume, presence of a centreline and mode split (proportion of users going in each direction). Safety has not been factored into the modelling used to determine shared path width; reportedly due to the difficulty of obtaining reliable data. To date, delayed passing threshold has been used as a proxy for safety. Notably, the model was developed from a cyclist perspective. Victoria and Queensland have recently adapted and extended the model.

4.2 Path user factors

According to the evidence, left-hand travel is associated with safer behaviour among both cyclists and pedestrians and by association any design feature that is predictive of left-hand travel also represents a safer option.

4.2.1 Speeding

Shared path research has not provided conclusive evidence on the effectiveness of speed limits.

- Cyclists typically travel above the speeds that would be recommended based on safety considerations for bicycle-pedestrian collisions – 10km/h. Below about 12km/h bicycle instability increases, possibly increasing the risk of falls. Pedestrians usually walk at around 5km/h.
- In the observational study, around two in three riders cycled at an average speed of 11-20 km/h. Just 3% cycled at 10km/h or less. The overall average speed was 18.4km/h (range 4.2 – 43.2). Riders were more likely to cycle above the average speed on wider paths and paths with a centreline, and were less likely to cycle above the average speed on paths with higher pedestrian volumes.
- When observational study participants (n=58) were asked about the minimum speed a cyclist should be able to travel on a shared path for commuting by bicycle to be attractive, the greatest rider-pedestrian concurrence was observed for speeds between 15 and 20 km/h.
- In the speed signage study, two in three cyclists surveyed in the speed advisory trial sites believed a safe travel speed was between 10 and 20km/h. However, pedestrians at the same sites most commonly selected up to 10km/h as the safest travel speed.
- Slowing down - the overall evidence regarding whether cyclists slow for pedestrians is equivocal. In the observational study, only 10% were observed

to slow down when passing pedestrians and three per cent of riders were observed to warn pedestrians before passing.

Based on the available evidence, speeding does not appear to be a key issue on shared paths because generally both cyclists and pedestrians understand that a practical cycling speed is appropriate for the environment.

4.2.2 Conflict

There is very little research specifically addressing pedestrian crash risk on shared paths relative to footpaths. This is because pedestrian safety studies have tended to focus on pedestrian-MV collisions at intersections and crossings. The limited research on collisions between cyclists and pedestrians on shared paths suggests that crashes are fairly uncommon. However, according to survey research, crashes between cyclists and pedestrians are underreported and therefore underrepresented in official records.

- In the observational study, of 2408 encounters between cyclists and pedestrians, one non-injury collision and eight near misses were observed. In the speed signage study, one major conflict was observed (< 1% of encounters).
- Prior research conducted in Sydney found that bicycle-pedestrian collisions were more likely at locations with high traffic volumes and these factors:
 - relationship with co-location of bus-stops
 - curvilinear relationship with path width; narrow (<1.5m) and wide paths (>2.7m) being less safe than medium-width paths, suggesting that medium-width paths represent an optimal sufficient width
 - relationship between the distance from the roadway that depends on the speed limit of the road.
- Aggressive behaviour contributes to reduced amenity on shared paths and according to the literature such exchanges occur occasionally on shared paths. The observational study recorded a nominal number of aggressive exchanges (<1%) relative to the number of encounters between cyclists and pedestrians. However, in the survey sample, two in five cyclists and more than one in four pedestrians reported they had experienced an aggressive exchange on a shared path in the past.

4.2.3 Close passing

Close passing has been used as an index of safety (as a risk hazard) and of amenity for pedestrians in previous studies. In the observational study, passing in the same third of the path was treated as an index of close passing. In 11% of cases, cyclists and pedestrians met each other on the same third of the path. Statistical modelling showed that the chance of riders and pedestrians passing or meeting each other on the same third of the path was:

- reduced on paths wider than 3.5m compared to narrower paths, reduced during meetings compared to passings and when riders cycled at the centre of the path or on the right of the path while interacting with a pedestrian compared to riding on the left side.
- increased when 3 or more other path users were within 3m of the rider during passing compared to when no other path user was present and when pedestrians walked to the right while interacting with a rider compared to walking on the left side.

4.2.4 Path user perceptions and preferences

A noted gap in the literature was research into the views and perceptions of path users. It is worth noting, the observational study's low survey sample size limits the generalisation of its findings. Those findings showing consistency with prior research have been reported.

- Prior research has indicated that generally pedestrians feel comfortable on shared paths. Similarly, in the observational study around three-quarters of surveyed pedestrians and cyclists agreed they enjoyed shared paths, while recognising some safety concerns and annoyances with other users. According to prior work, older pedestrians are more likely to feel uncomfortable on shared paths.
- Combined results from NSW attitude surveys suggest pedestrians perceive cyclists as behaving moderately well.
- Feelings of intrusion and inappropriate closeness have been linked to conflict on shared paths. Comparably, in the observational study around seven in ten cyclists believed that pedestrians get in their way on shared paths. Most surveyed pedestrians identified cyclists as *travelling too fast, not signalling when they pass* and *passing too close*. In the speed signage study, most pedestrians perceived greater discomfort due to close passing by cyclists than for their speed.
- Surveyed path users' observations on the acceptability of countermeasures for shared path safety include:
 - widening the path and improving the surface
 - separation of different user groups when path volumes are high
 - speed control
 - clear communication of path operating rules.
- Surveyed path users' observed associations with path amenity include - a negative association with density and segregation and a positive association with width, separation from traffic and pleasant path scenery.

4.3 Regulatory factors

In Australia, bicycle riders are required to keep to the left and give way to pedestrians on shared paths and also to have a bell fitted to their bicycles. The law does not require pedestrians to keep to the left.

- Currently in NSW, councils are required to submit shared path proposals to traffic committees (including those paths that are not adjacent to state roads).
- There is very limited information on the effectiveness of using and enforcing advisory speed limits on shared paths. As already stated, the speed signage study found no net decrease in the risk of potential conflict that could be attributed to the installation of speed limit or slow markings.
- Penalties currently exist for reckless behaviour by cyclists. A potential option for deterring high-risk behaviour among cyclists is the increase of penalties for reckless behaviour.

5 Concluding remarks

Based on current evidence shared paths represent a relatively low safety risk. Overall, there was not a strong evidential basis for introducing further regulation of cyclist and pedestrian behaviour on shared path usage. In addition, as most surveyed cyclists and pedestrians stated a preference for segregated paths (cycle paths and footpaths), it is proposed that segregated paths be a policy priority where appropriate over the construction of shared paths in the first instance. Targeted design and evidence-based behavioural improvements to maximise safety and amenity are warranted for existing shared paths.

The most conclusive finding on shared path design was the positive association between centreline delineation and keeping to the left, which in turn, was associated with other safe behaviours when cyclists and pedestrians interacted. This is a non-regulatory measure that effectively communicates delineation to shared path users. From the available findings, visual separation was not associated with left-hand travel. Hence, centreline delineation would appear to be the most effective lane treatment where officially segregated paths (physical separation) are not feasible.

There is a lack of evidence on the effectiveness of advisory speed signage to support its general use on shared paths. Findings from the recent speed signage study did not provide support for the use of such signage, as it was not associated with speed reduction among cyclists.

For the construction of new shared paths, the review of shared path evidence flagged a need to establish mechanisms to promote compliance with Austroads guidelines and also to promote the use of risk assessment models.

Based on current best practice, in the design of new paths (particularly in terms of width) a range of risk factors should also be considered, including estimates of path use (commuter versus recreational), traffic volume, mode split, gradient and sight lines. NSW should review and where appropriate align current standards with best practice. In some high volume, high-risk settings, greater consideration should be given to path segregation (physical separation) to safe guard path users and their amenity. Practical considerations such as appropriateness of construction location, lighting and maintenance are additional factors that have been found to mediate the safety and appeal of shared paths.

Findings were suggestive of a need for certain behavioural and attitudinal improvements in both populations. Further promotion of considerate and safe use of shared paths for both pedestrians and cyclists may foster safer behaviours and improve amenity. Results suggest that behavioural factors requiring attention among cyclists are signalling their presence to other users, and slowing down especially when approaching pedestrians. Whereas, for pedestrians, factors such as left-hand travel and not blocking the path are indicated.

In addition, a potential option for deterring high-risk behaviour among cyclists is the increase of penalties for high-risk behaviour.

There also exists a need for ongoing monitoring of traffic volumes and crash events and further empirical evidence on user behaviours and perceptions and contributors to crash events, and emerging user trends.

E-bike and e-scooter survey results

June 2023

The survey was held on Question Pro, on the advice from the Comms team. Input on the survey questions involved staff from current and former Transport Team members and from Bicycle NSW.

The purpose was to gain the level of understanding of rules relating to bicycles/ e-bikes and e-scooters prior to an education campaign.

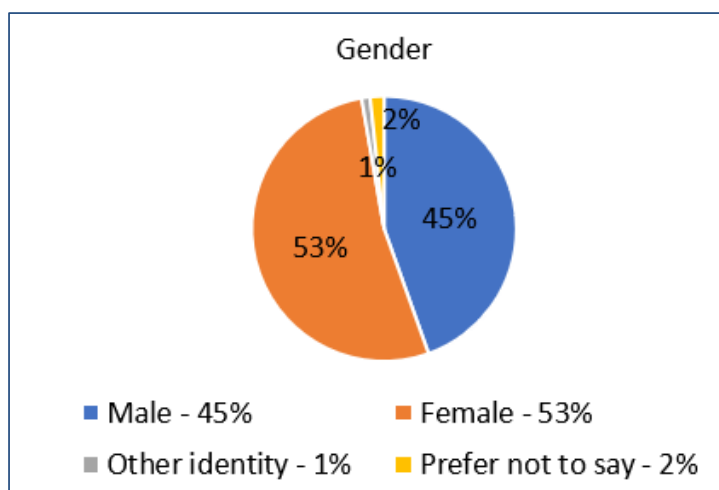
It ran from 17 May to 15 June 2023.

A. Participation

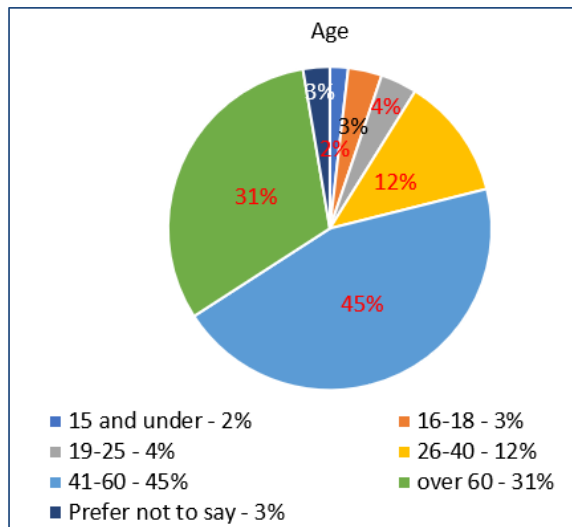
Viewed	1812
Started	960
Completed	648
Registered for survey prize	613

B. Demographics

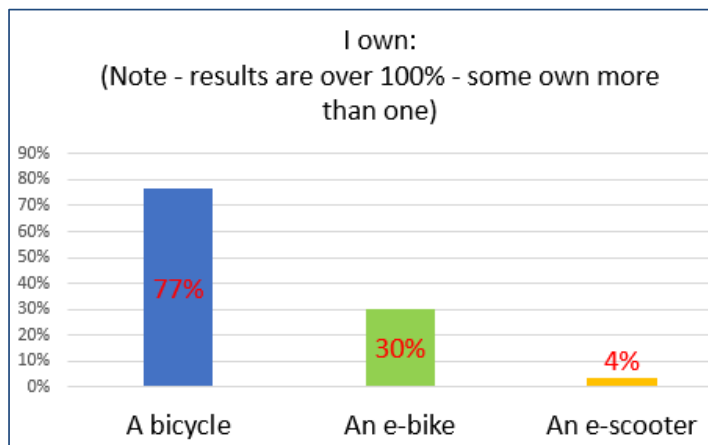
1. Gender of participants



2. Age of participants

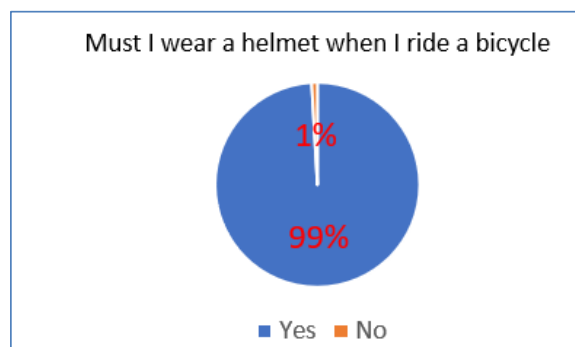


3. Device ownership

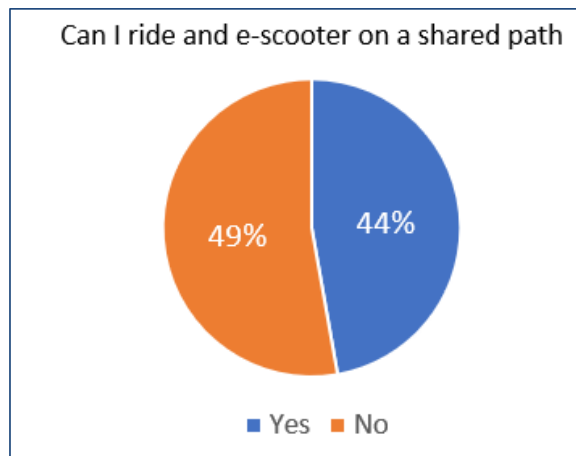


C. E-bike/ e-scooter awareness

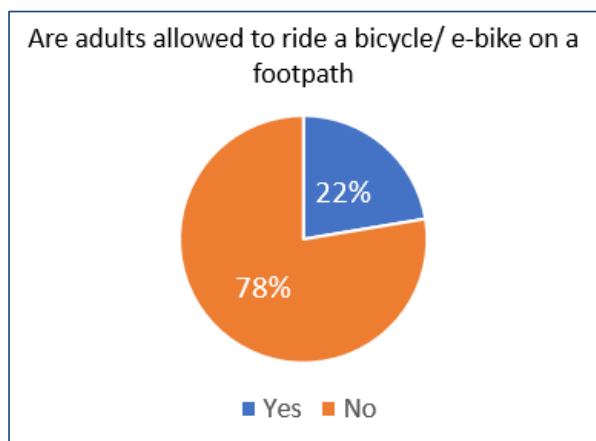
1. Must I wear a helmet when I ride a bicycle?



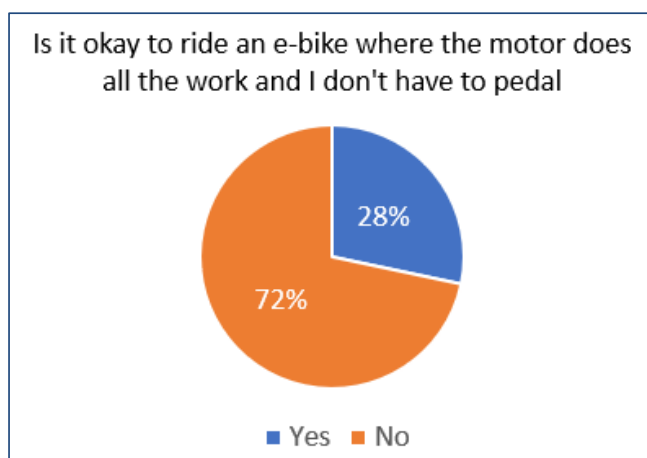
2. Can I ride an e-scooter on a shared path?



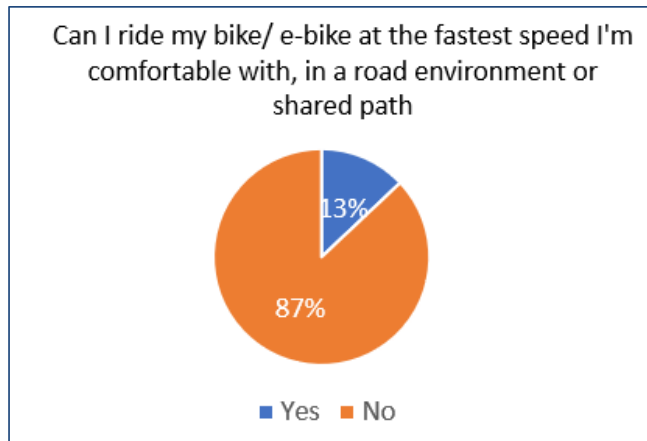
3. Are adults allowed to ride a bicycle / e-bike on a footpath?



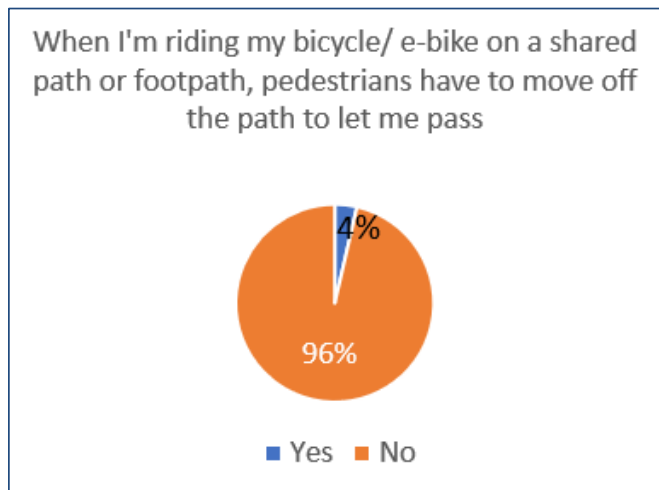
4. Is it okay to ride an e-bike where the motor does all the work and I don't have to pedal?



5. Can I ride my bike/ e-bike at the fastest speed I'm comfortable with in a road environment or shared path?



6. When I'm riding my bicycle/ e-bike on a shared path or footpath, pedestrians have to move off the path to let me pass?



D. Education recommendations

Graph #	Item	Education recommendation
1.	Helmets	Results may be influenced by the higher age bracket. Local evidence/ resident correspondence shows education is needed.
2.	E-scooters	With approximately 50% believing this is legal – education needed on the legality of use in public spaces.
3.	Adults riding bicycles on footpaths	The question could correctly be interpreted to be either true or false, since adults can ride with a child under 16. But local knowledge indicates there is general confusion over this rule – education recommended.
4.	Pedal assist e-bikes	Results suggest a lack of understanding about the pedal assist requirement of e-bikes – education needed.
5.	Speeding	It was difficult to word this question, and the results may be influenced by some ambiguity – education recommended on the speed should reflect the environment.
6.	Give way to pedestrians	Results may reflect the mature demographic. However, local knowledge indicates there is a lack of knowledge, or perhaps a lack of adherence to this rule – education recommended.

MOTORISED BICYCLES

'E-Bikes'



NSW Police Force

Some electric motorised bicycles known as 'e-bikes' are **LEGAL** to ride in public in NSW if they comply with certain **CONDITIONS**.



There are only two types of **permitted e-bikes**:

- **Power-assisted pedal cycles**
- **Electric power-assisted cycles**

BUT they must be designed to be propelled primarily by the rider. They **cannot be propelled exclusively by the motor** and **cannot exceed 25km/h**.

Bicycles powered by electric motors are intended only to assist when riding uphill or into a headwind, NOT to be the primary source of propulsion.

Electric powered bicycles which don't comply with these conditions **cannot be ridden on roads, or road related areas (such as footpaths shared paths and cycleways) in NSW, except on private land**.

Anyone caught riding an illegal electric powered bicycle on a road or road-related area in NSW can face fines starting from \$723

Further information is available at roadsafety.transport.nsw.gov.au

MOTORISED WHEELED DEVICES



NSW Police Force

Devices such as electric scooters, skateboards,
and hoverboards are **ILLEGAL** in NSW.

Although a motorised scooter, skateboard, or
hoverboard (electric or petrol powered) are considered
motor vehicles, they do not satisfy the Australian Design
Rules and for this reason, cannot be registered in NSW
and are unable to be insured.

These devices cannot be ridden on roads,
or road related areas (such as footpaths shared
paths and cycleways) in NSW, except on private land.



**Anyone caught riding a motorised device on a road or road
related area in NSW can face fines starting from \$723**

Further information is available at roadsafety.transport.nsw.gov.au





Community and Stakeholder Engagement Report

Tree Canopy Plan (draft) (Stage 1 of 1)

Consultation period: Wed 31 May to Sun 9 July 2023

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1. Summary


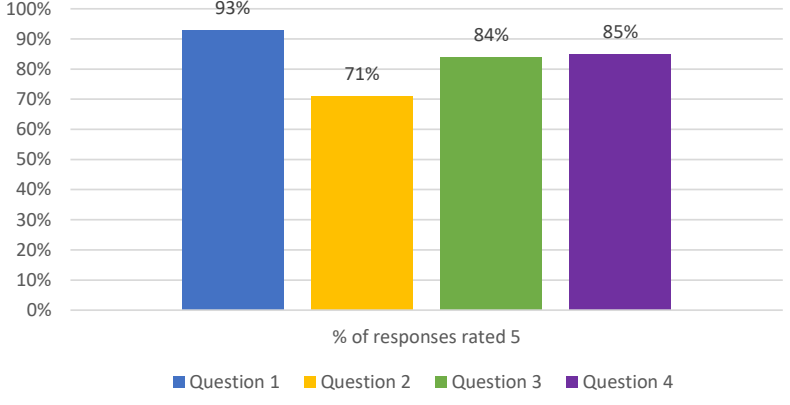

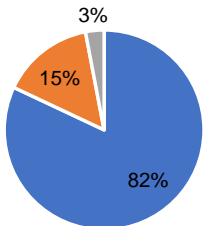

This report outlines the outcomes of community and stakeholder engagement as part of the public exhibition of the draft Tree Canopy Plan (the Plan).

The draft Tree Canopy Plan has been developed to guide future policy, planning and improvements in the management of our tree canopy cover over the next 4 years.




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 development of the new Local Environment Plan and Development Control Plan for the Northern Beaches, currently in development, needs to include better controls. Other common feedback included the need for increased compliance of unauthorised tree removals and heavier fines for those who do remove trees without approvals, specific controls for the Pittwater area, make it easier for people to remove trees, tree planting needs to be practical and the need to prioritise natives.




1.1. Key outcomes

 Total unique responses	197	
 How responses were received	Submission form Written responses (email/letter)	Completions: 136 Number received: 61
 Prioritisation questions	We asked the community to rate the following questions from 1 to 5 (5 being the highest). How important is: 1. managing public trees as essential assets to maintain canopy across public lands - streets and parks? 2. increasing the capacity of the community to participate and engage in public tree canopy and greening projects? 3. monitoring losses and gains in the canopy across the LGA and support the community to retain and protect canopy? 4. strengthening local planning frameworks to support retention, protection, replacement, and growth of private trees?	




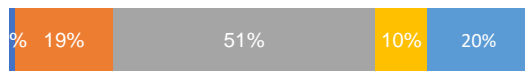
 <p>% Ratings</p>	<p>Priority Ratings</p>  <p>% of responses rated 5</p> <p>■ Question 1 ■ Question 2 ■ Question 3 ■ Question 4</p>
 <p>Online sentiment question: Would you adopt a tree?</p>	 <p>■ Yes ■ No ■ NA</p> <p>Total responses = 132</p>
 <p>Feedback themes</p>	<p>Issues, change requests and other considerations</p> <p>Highlighted in Table 1 page 6</p>

4.1. How we engaged

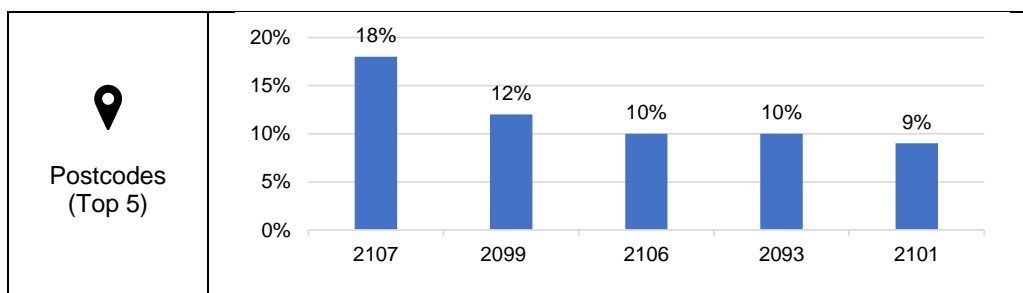
 <p>Have Your Say: visitation stats</p>	Visitors: 2,406	Visits: 3,229	Average time onsite: 2 mins 23 secs
 <p>Social media</p>	Post: 1 (Facebook)		Reach: 1.6K accounts reached Clicks: 9 Reactions
	Media release: 1 sent Pittwater Life: 1 editorial Peninsula Living: 1 ad		Date: 31/05/2023 Distribution: 32,000 Distribution: 87,000

Print media (inc editorials) and collateral	Peninsula Living (south ed.): 1 ad Northside Living: 1 editorial Manly Observer: 1 editorial Site signs used: 1	Distribution: 57,000 Distribution: 40,000 Distribution: 43,000 Number of signs: 4
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 3 editions Council (weekly) e-News: 2 editions Stakeholder email: 1 (previous submitters)	Distribution: 24,000 subscribers Distribution: 61,500 subscribers Distribution: 96
 Face-to-face sessions	Pop up / Drop in: 2 Beaches Farmers Market, Narrabeen Manly Fresh Produce Market, Manly	Attendance: 150
 Key stakeholder engagement	Interview: 5 Meetings: 10	Attendance: 12 Attendance: 25

4.2. Who responded¹

 Gender	<div> <div>Male</div> <div>Female</div> <div>Other id.</div> <div>N/A</div> </div> 
 Age groups	<div> <div><25 yrs</div> <div>26-50 yrs</div> <div>51-75 yrs</div> <div>76+ yrs</div> <div>N/A</div> </div> 

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



5. Background

The draft Tree Canopy Plan is a revision of the Urban Tree Canopy Plan that Council had exhibited in 2018.

Reporting and endorsement of the draft Urban Tree Canopy Plan was paused to take into account new directions from the NSW State Government, including to develop the overarching strategies for our area including the:

- Community Strategic Plan 2040
- Local Strategic Planning Statement - Towards 2040
- Protect. Create. Live. Environment and Climate Change Strategy 2040
- Withstand. Adapt. Thrive. Resilience Strategy 2040

The revised draft plan incorporates what we heard from the community previously. It identifies high vulnerability areas and provides focus areas and actions to manage our tree canopy to 2027.

The purpose of engagement was to inform the community about the revised plan. We wanted to know how the community prioritised our four focus areas. We wanted to know whether they thought we had it right, with the inclusion of previous feedback and the latest LiDAR study data.

Our intention was to understand the community's priorities, take into account their feedback and where possible incorporate community suggestions into the draft. Community participation with our plan is imperative to continuing to protect and manage the canopy.

6. Engagement objectives

Community and stakeholder engagement aimed to:

- inform the community of the revised draft Plan and what it means for the Northern Beaches community
- publicly exhibit the draft Northern Beaches Tree Canopy Plan, informing the community of the revised version and the background to the changes
- obtain community submissions on the draft Plan and to use them to refine the Plan before reporting back to Council for adoption
- obtain community sentiment and submissions on the revised draft Plan - have we missed anything?

7. Engagement approach

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 engagement was planned, implemented and reported in accordance with Council's [Community Engagement Strategy](#) (2022).

A project page 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. We ran the project as a news story, utilised social media posts and held two (2) community pop-up events at local fresh food markets to meet the community and give away tube-stock with a QR code inviting them to scan and comment on the plan.

Feedback was captured through an online submission form embedded onto the have your say project page. The form included four (4) questions that directly asked respondents to rank from 1 to 5, the importance of the four focus areas of the plan. A fifth question asked the community if they would adopt a tree.

An open-field comments box provided community members a space to explain or elaborate on their rankings, as well as any other feedback they wished to contribute.

Email and written comments were also invited.

8. Findings

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 argues that the new comprehensive Local Environment Plan and Development Control Plan for the Northern Beaches, currently in development, needs to include better controls. Other common feedback included the need for increased compliance of unauthorised tree removals and heavier fines for those who do remove trees without approvals, specific controls for the Pittwater area, make it easier for people to remove trees, tree planting needs to be practical and the need to prioritise natives.

Table 1: Issues, change requests and other considerations

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: 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>

Theme	Issues raised	Response
Removal of trees on private property should be easier Plan Reference: Page 6 point 3,5,6 Page 27 point 4	Private land owners should be able to undertake tree and vegetation removal without approval	Council's intent is to preserve and increase the existing canopy. Reducing the barriers to tree removal would be counterproductive to this objective.
Provide a projection of the impact of re zoning existing conservation zones on the Northern Beaches and Pittwater in the development of any new LEP and DCP. Plan Reference: Page 6 point 3,5,6 Page 26 point 15 Page 27 point 4 Page 12	Rezoning of land should include an assessment of the impact on tree canopy	The current Conservation Zones Review has considered urban tree canopy data from Council's Aerial LIDAR analysis as a criterion for Conservation 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.
Public trees should be pruned/removed to improve views and improve solar access. Plan Reference: Pages 14, 24	Public trees should be pruned to improve views and improve solar access.	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.
Increase the protection of the tree canopy on public and private lands and particularly existing canopy and old growth trees. Plan Reference: Page 6 point 3,5,6 Page 27 point 4 Page 12, 17, 20, 24 Page 26 point 12,13	Greater weight should be given to the protection of established tree canopy, particularly remnant tree populations.	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

Theme	Issues raised	Response
		"complying development", requiring the assessment of impacts on trees via the Development Application and assessment process (subject to approval by the Department of 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: 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: 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: 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 DCP with a specific description of what constitutes a significant tree in a similar way that</p>

Theme	Issues raised	Response
		the current Pittwater DCP currently does.
Consider the presence of all threatened species, ecological communities' populations and their requirements relating to tree canopy. Plan Reference: Pages 9,14	<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>
Review of tree exemption list. Plan Reference: Page 14	<ul style="list-style-type: none"> The exemption list is too broad, consider limiting exempt trees to true weed species. 	Council will review the exemption list based on impact on the environment.
Implement succession planting management Plan Reference: Page 26	<ul style="list-style-type: none"> Succession planting of key habitat, heritage and iconic trees is planned well in advance of their failure. 	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.
Manage trees as assets Plan Reference: Page 27	<ul style="list-style-type: none"> Implement sound asset management principles via a urban forest approach to trees on the northern beaches. 	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 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.

Theme	Issues raised	Response
<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: 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 continued 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: 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: 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>
<p>Needs a stronger vision statement.</p> <p>Plan Reference: Pages 4, 5</p>		<p>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.</p>

Theme	Issues raised	Response
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.

Appendix 1 Verbatim community and stakeholder responses

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadGenWebDoc.aspx?id=I%2fslBYG13IV0A60ki4OEg%3d%3d>

Document administration	
Version	2.0
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Status	Draft
Related Projects	Urban Tree Canopy Plan (2018)
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.



Draft Tree Canopy Plan 2023

Acknowledgement of Country

We acknowledge the Traditional Custodians and their Country on which we gather today. By these words we show our respect to all Aboriginal people. We acknowledge Elders past, present and emerging and the spirits and ancestors of the Clans that lived in this area.



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This Draft Tree Canopy Plan has been developed with assistance from Mosaic Insights (2022)

September 2023

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Executive Summary

While the Northern Beaches has one of the highest tree canopy covers in the Greater Sydney area, it faces the risk of losing its tree canopy at a rapid rate.

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. While the Northern Beaches has one of the highest tree canopy covers in the Greater Sydney area, it faces the risk of losing its tree canopy at a rapid rate.

Tree canopy refers to the uppermost branches of the trees, forming a more or less continuous layer of foliage from all trees above 3m and may include a variety of tree types such as natives, exotics, deciduous and evergreen trees.

Council has been focusing on improving the management of trees and greening of public and private lands and has made ongoing commitments in the Local Strategic Planning Statement and the Protect. Create. Live. Environment and Climate Change Strategy.

This Draft Tree Canopy Plan was developed with the input of Council staff through a series of workshops held between June-August 2022. It is also informed by previous community feedback which indicates that our residents value and appreciate:

- our tree canopy
- the benefits of trees
- tree planting
- the need to reduce the heat island effect
- tree canopy is a key form of green infrastructure
- engaging in public tree canopy and greening projects
- controls and policy that support the retention and protection of trees
- environmental sustainability
- role in carbon sequestration
- wellbeing benefits
- proximity to open spaces nature and views

While the Northern Beaches has good tree canopy overall, when considering all land including National Parks (at 56.73% cover), there is room for improvement to meet the State Government target of 40% canopy cover in urban areas¹. The Northern Beaches is currently sitting at 37%², however, we are tracking very well in comparison to the average for Sydney which is currently at 21% urban tree canopy cover.

¹ NSW Government's Greater Sydney Commission Our Greater Sydney 2056 North District Plan March 2018

² Northern Beaches Council Light Detection and Ranging (LiDAR) 2019

This Plan sets the framework for management of the tree canopy across the Northern Beaches. The tree canopy is considered holistically, however, the Actions are primarily focused on Council managed land, and where possible at strengthening tree canopy retention and improvement on private land. Stemming the loss of tree canopy on private land is important because Council's ongoing work to increase tree canopy on public land is not quite offsetting the losses occurring on private property.

The key pressures and challenges are varied and include the following:

- population increases and urban intensification
- climate change (more heatwaves, more trees lost to storms, worsening drought periods)
- illegal tree removal and tree vandalism
- problematic trees and weeds
- pests and diseases
- aging of mature trees
- community expectation.

Four Focus Areas have been developed to frame the Actions identified in this Plan, they are:

Focus area 1

Manage public trees as essential assets to maintain canopy across public lands - streets and parks.

Focus area 2

Increase the capacity of the community to participate and engage in public tree canopy and greening projects.

Focus area 3

Monitor losses and gains in the canopy across the Northern Beaches area and support the community to retain and protect canopy.

Focus area 4

Strengthen the local planning framework (e.g. LEP and DCP) to support retention, protection, replacement, and growth of private trees.

Commitments

Our commitments under this Plan are to:

1. Retain and improve the tree canopy on Council managed land through planting 5,000 trees per year for 20 years and maximising survival rates
2. Develop tree canopy masterplans for priority areas that are currently or emerging as vulnerable, high heat indexed and low canopy locations, including Brookvale, Mona Vale, Dee Why, Narrabeen, Naraweena, Warriewood, Manly
3. Integrate tree canopy/greening into all parts of the Local Government Area (LGA)
4. Partner with the community to protect the canopy and participate in initiatives and projects
5. Strengthen planning controls (LEP and DCP), policies and guides to ensure developments provide adequate tree canopy or greening
6. Require deep soil and tree planting on private lots and replacement planting through planning controls for any tree losses that cannot go back in the same location
7. Continue to regularly measure and monitor our canopy cover (losses and gains) across the public and private domain.

Implementation

This Plan has been developed to manage the tree canopy across the Northern Beaches. It highlights the need to collect, collate and monitor data about trees, integrate management processes across teams, and engage and involve our community to protect and further enhance the canopy cover.

The identified actions will be implemented over the next four 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 and how successful we are in protecting and maintaining a healthy and diverse canopy cover.

The success and progress of all of the Actions will be reviewed annually and the whole Plan will be revised at the end of the four year period. Any new data will be analysed and considered. The Actions of this Plan may be modified and adapted where:

- monitoring and evaluation support an alternative approach
- new data identifies additional or new priorities
- there are new advances in the field of tree canopy management
- it would be advantageous to seek new opportunities.



About this Draft Tree Canopy Plan

Northern Beaches tree canopy coverage is one of the highest in Sydney and is the envy of many other metropolitan areas.

Tree canopy contributes significantly to the liveability and resilience of the Northern Beaches as well as to its biodiversity, amenity, and character. The Northern Beaches community is committed to protecting and growing its tree canopy and this Plan sets out the Actions to be taken over the next four years.

Introduction

This Plan is the result of significant ongoing commitments included in Council's high-level strategies as well as a requirement of the Local Government Act 1993 to implement ecologically sustainable strategies. The Plan responds to strong community feedback regarding the protection of tree canopy.

Council is committed to maintaining and growing the tree canopy. Through this Action Plan Council will contribute to the NSW Government's Greater Sydney Commission Our Greater Sydney 2056 North District Plan March 2018 objective of 40% urban tree canopy cover for metropolitan Sydney by 2036, by maintaining trees in high coverage areas and increasing trees in low coverage areas.

While Northern Beaches currently enjoys a high percentage overall tree canopy cover (at 56.73%), the tree canopy is under threat from a range of pressures: development and associated tree removals; climate change (more heatwaves, loss from increased storm activity, more intense periods of drought and flood events); population increases and urban intensification. Our data shows the canopy is not equitably distributed and there has been a decline in canopy cover between 2011-2019.

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. Old growth trees are a major carbon sink, providing habitat for wildlife and in some places have significance for First Nations people.

The increasing number of residents and businesses moving into the Northern Beaches places pressure on the area's environment. In order to meet the needs of a growing population, we recognise that there will be impacts on the current canopy and that there are many challenges in managing trees and canopy as the population increases.

To meet this challenge, we must work across the public and private realm to address the loss of established tree canopy and maintain the existing tree canopy, including through succession or compensatory planting. Collaboration and cooperation are required between all levels of government and the community.

The Plan outlines the commitment to tree canopy and specific Actions to maintain and enhance it.

Where this Plan fits

The Draft Tree Canopy Plan aligns with the Northern Beaches Community Strategic Plan 2040 and supports the implementation of Council's Local Strategic Planning Statement (Towards 2040), Environment and Climate Change Strategy 2040 (Protect. Create. Live. Environment and Climate Change Strategy) and the Resilience Strategy (Withstand.Adapt.Thrive.). See Figure 1.

Greener neighbourhoods

Our goal is that the built environment integrates nature and connects our community through green and blue networks to support active travel and healthy lifestyles. We design our community around nature.

The development of the Draft Tree Canopy Plan is also guided by directions in other key strategies that look towards 2040. Figure 1 shows these strategies and makes the link from the relevant outcome/priority/direction/theme to the Draft Tree Canopy Plan.

Commitments

- increasing the existing tree canopy to expand the local green grid
- planting a minimum of 5,000 trees each year
- ensuring development integrates and supports the surrounding natural environment.

Towards 2040 principles

- Create a resilient, healthy and interconnected urban tree canopy across the Northern Beaches.
- Protect, maintain and enhance the existing urban tree canopy, including mature trees.
- Provide a diverse range of species of varying families and genera, prioritising local native tree shrub and ground cover species where possible.
- Offset tree canopy loss by planting a minimum of two trees for any one tree removed from public land. Undertake succession planning and planting ahead of end of tree life.
- Integrate the design of green, blue and grey infrastructure in support of the urban tree canopy.
- Reduce exposure to UV radiation and the urban heat island effect by increasing the urban tree canopy and green cover, incorporating water sensitive urban design and improving infrastructure and building design.
- Provide habitat for wildlife and connect to the local green grid including wildlife corridors.

Figure 1
Northern Beaches planning hierarchy relating to the Draft Tree Canopy Plan



About this Plan

This Draft Tree Canopy Plan outlines Council's commitment to managing tree canopy, and Actions to maintain and enhance it across the Northern Beaches. The Plan will support Council's vision for the community outlined in the Local Strategic Planning Statement (Towards 2040), Environment and Climate Change Strategy 2040 (Protect. Create. Live. Environment and Climate Change Strategy) and the Resilience Strategy (Withstand. Adapt. Thrive.), and provides a framework for managing Council's tree canopy for the next four years.

This Plan provides:

- the tree canopy definition for the Northern Beaches
- an assessment of the current state of the tree canopy based on available information
- a review of pressures, challenges, and opportunities associated with trees
- four key focus areas for tree canopy management in both public and private lands across the LGA and major Actions to enhance and manage the tree canopy on the Northern Beaches.

Aim of this Draft Tree Canopy Plan

In pursuing Council's goal around tree 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 biodiversity corridors.

Definitions

- **Tree canopy** refers to the uppermost branches of the trees, forming a more or less continuous layer of foliage, from all trees above 3m. It includes canopy from:
 - a variety of tree types such as natives, exotics, deciduous and evergreen trees occupying a range of environments from town and villages to local main streets and suburbs

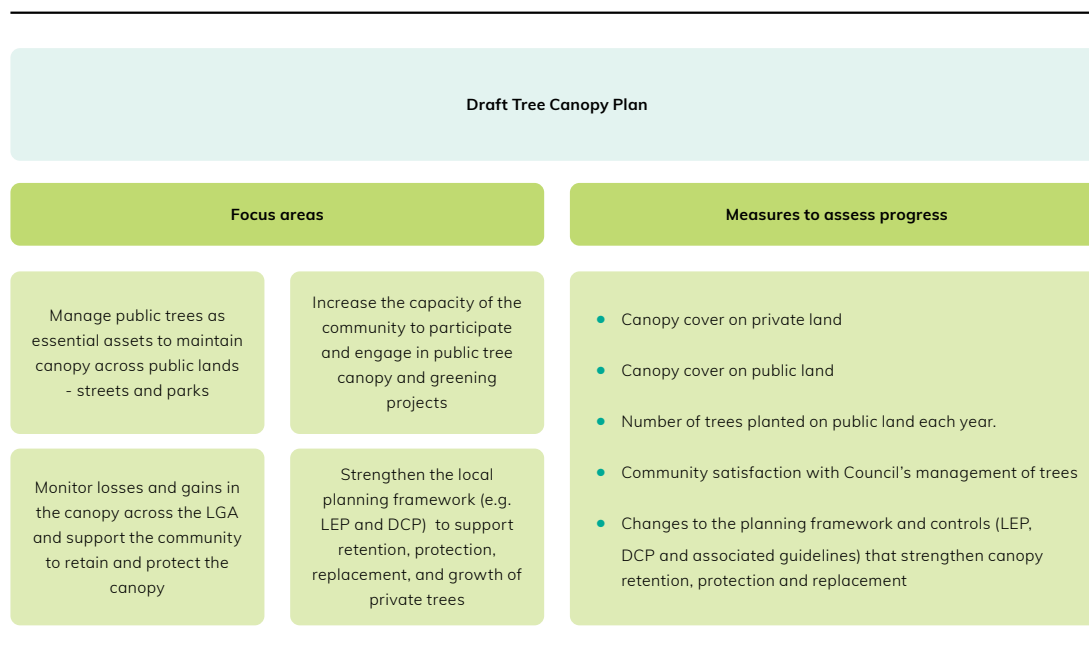
- trees on all land within the Northern Beaches.

- **Canopy cover** is a measure of the extent of the layers of leaves and branches of the trees. It is typically measured as a percentage of the total land area to determine the existing tree canopy cover and to understand changes over time.

Focus areas and measures

The focus areas for this Draft Tree Canopy Plan and measures to assess progress are outlined in Figure 2.

Figure 2
Northern Beaches - Focus Areas and Measures to Assess Progress



Current state of the tree canopy

To adequately plan for the future tree canopy across the Northern Beaches it is important to establish a baseline or a current state.

This section provides a summary of the current state of the tree canopy and related elements using available data. It highlights data gaps for future consideration.

Current canopy cover

Metropolitan context

The Greater Cities Commission (The Pulse of Greater Sydney) identified that of the nine Councils in the Sydney North District, the Northern Beaches, Ku-ring-gai and Hornsby all have over 50% tree canopy. This measure is of the tree canopy in the urban areas identified in the North District Plan and excludes tree canopy cover in National Parks and the Metropolitan Rural Area (MRA).

Northern Beaches context

The Northern Beaches tree canopy data that has informed this Plan was obtained by Council in May 2019 using a LiDAR survey. This provides our baseline canopy cover and will enable us to measure the effectiveness of this Plan and monitor our performance. Figure 3 shows the 2019 canopy cover across the LGA. Analysis of the 2019 LiDAR survey shows there is:

- 56.73% canopy cover across the whole LGA including national parks
- 56.81% canopy cover across open space and bushland.

National Parks

A significant amount of the Northern Beaches tree canopy is located in National Parks. Their presence contributes significantly to the character and beauty of the Northern Beaches. National Parks and Wildlife Service manages these areas on behalf of the State Government. In addition to protecting and preserving tree canopy, these parks play an integral role in conserving biodiversity.

This Plan excludes direct Actions within the National Parks. Nevertheless, the protection and management of the Northern Beaches tree canopy on urban and non-urban areas will support a seamless bush environment for wildlife corridors and provide ongoing support to these parks.

Northern Beaches LGA Land Area

Total Area (minus water bodies) 25,415 hectares

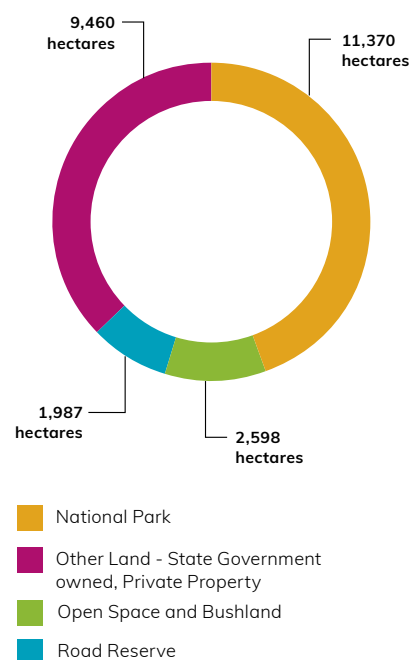
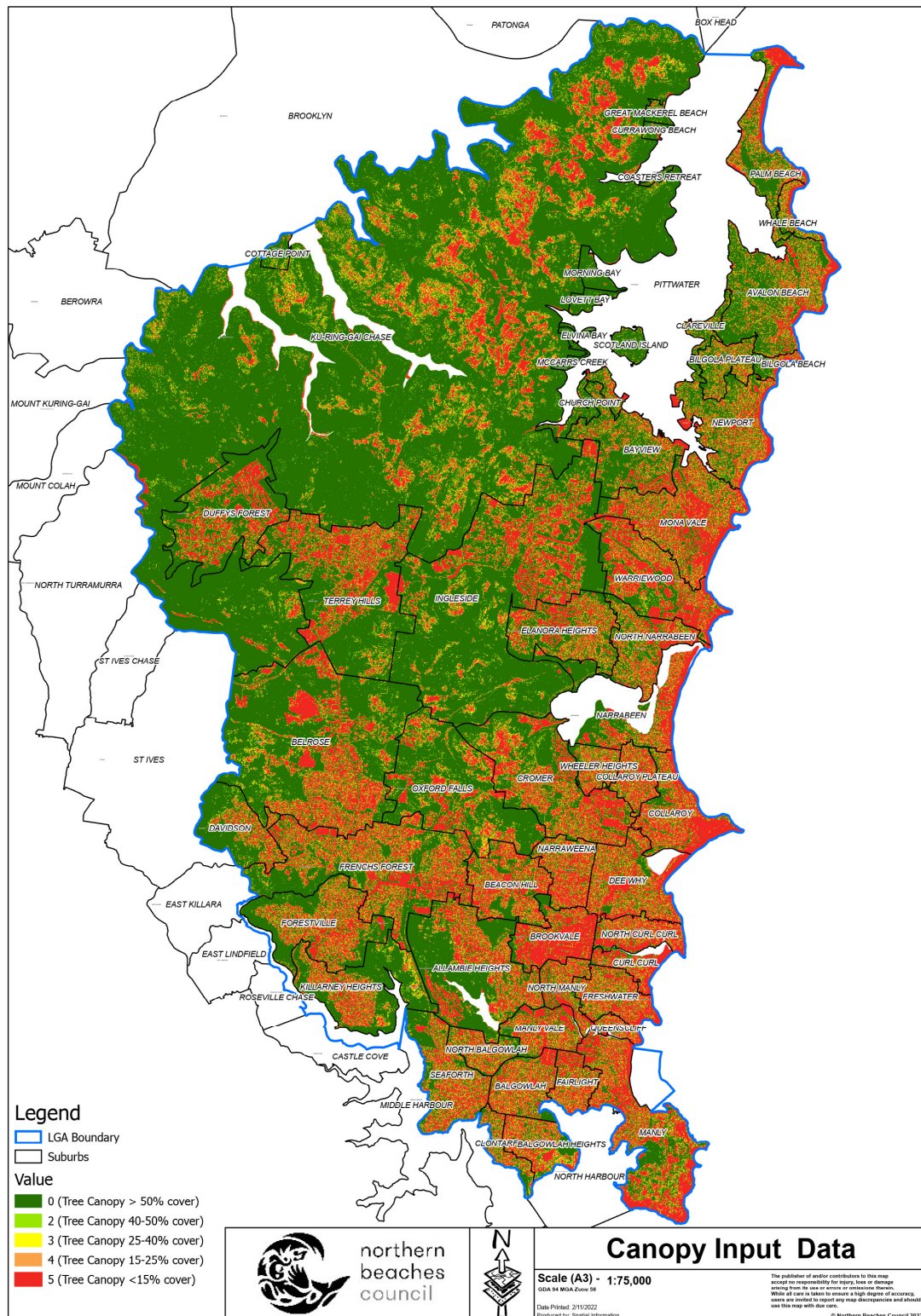


Figure 3
Map of Northern Beaches tree canopy % cover

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Council managed land

Council managed lands include the thousands of trees within parks, sportsgrounds, open space, reserves and road reserves. Of the 4,585 hectares of land that Northern Beaches Council manages more than 1,700 hectares are bushland.

Council undertakes both proactive maintenance works and reactive maintenance works. Proactive works include the regular removal and maintenance of trees which leads to a reduction in reactive work resulting from unexpected weather events posing a threat and hazard to the community. This, in turn, should reduce the level of reactive tree maintenance, as a result of climatic conditions and storm events.

Reactive maintenance such as removing dangerous branches or trees is carried out on a priority basis. Council becomes aware of maintenance works as a result of resident notifications, from their routine maintenance inspections, and in response to damage from storms or work required due to interference with infrastructure.

Street trees are very important assets for councils. They provide amenity, improve air quality by removing carbon dioxide and returning oxygen, enhance property values, provide biodiversity and provide cooling shade. Northern Beaches Council's has many trees across all land types and tens of thousands of street trees, with multiple species, that are both native and exotic, evergreen and deciduous and range in age, size and condition.

Private land

The management of the tree canopy on private property is regulated by the Environmental Planning and Assessment Act 1979, and specifically the State Environment Planning Policy (Bio Diversity & Conservation) 2021, and Councils Development Control Plan for trees and bushland preservation.

There are a number of tree species that are exempt and do not require approval to be removed regardless of their size. The exempt tree species list can be found on Council's **website** northernbeaches.nsw.gov.au/environment/trees/exempt-tree-species-list.

Additionally, there are exemptions and guidelines for tree species that are classified as part of a complying development or if the property is in a 10/50 Vegetation Clearing Entitlement Area.

This Plan supports Actions to encourage private landowners to retain canopy trees, plant more trees, and assist Council in collecting private tree data.

Suburb canopy cover

Tree canopy per suburb shows a lower percentage tree canopy in urban areas particularly along the coast (Figure 3 and Figure 4). Across the LGA there are pockets of the urban area with low canopy due to large areas of open space, coastal vegetation that may not grow above 3m in height and a desire for uninterrupted views of the coast.

Some of the suburbs with the lowest tree canopy cover include:

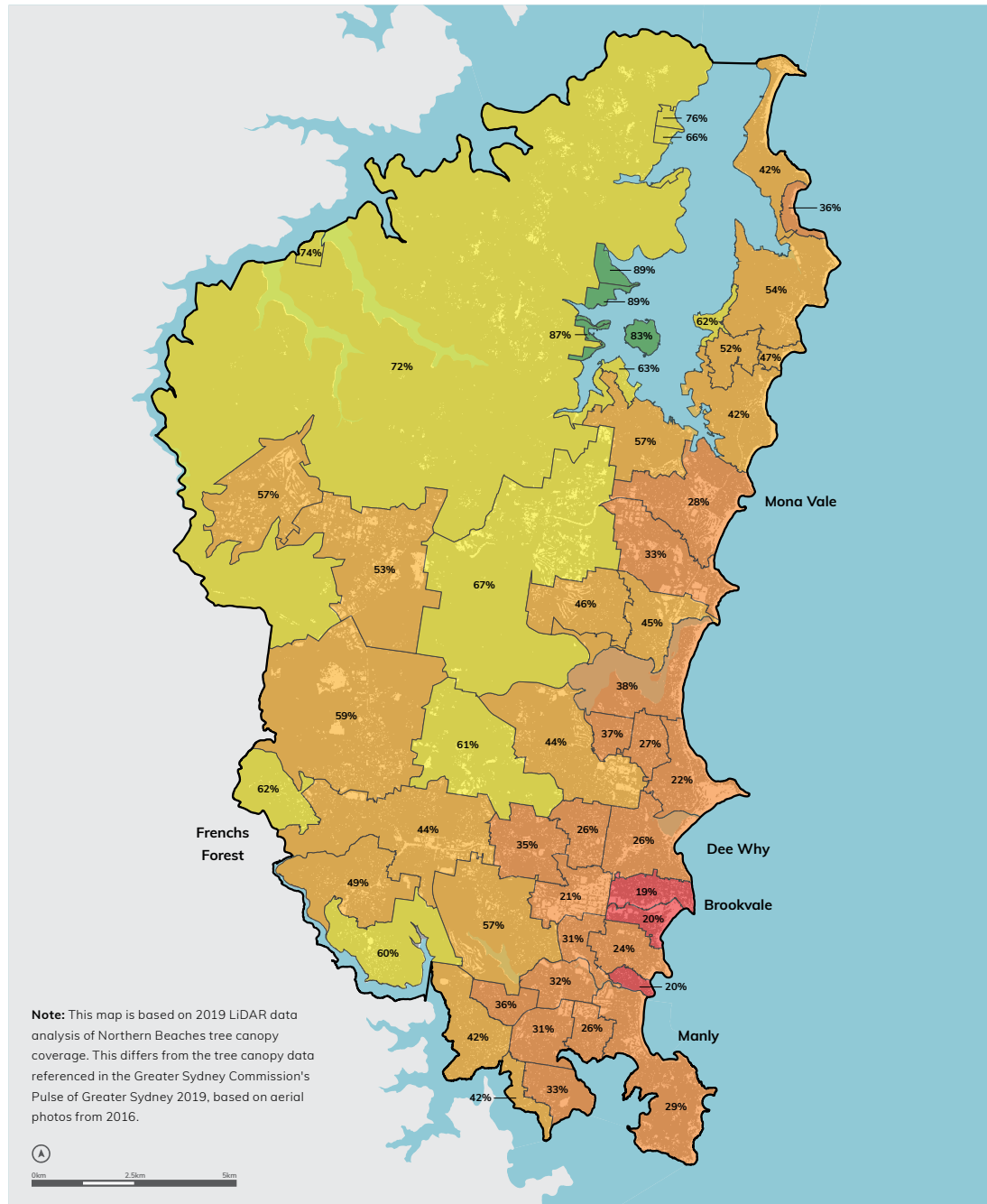
- Curl Curl (20%)
- North Curl Curl (19%), largely due to a lack of canopy at John Fisher Park
- Queenscliff (20%)
- Brookvale (21%)

Suburbs with over 80% tree canopy include the non-urban coastal communities such as Scotland Island, Morning Bay and Lovett Bay.



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Figure 4
Northern Beaches tree canopy cover (%) by suburbs



Legend

Tree canopy percentage per suburb

- 80 - 100%
- 60 - 80%
- 40 - 60%
- 20 - 40%

- Less than 20%
- Canopy > 3m
- Suburb boundary

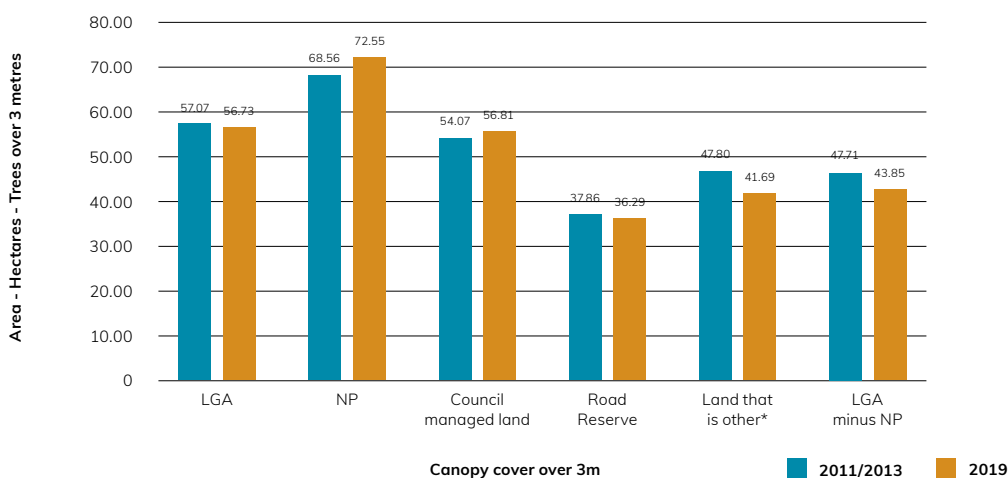
Changes in tree canopy cover

LiDAR survey for the LGA was first undertaken in 2011 and 2013 in the north and southern sections of the LGA respectively. This has been compared to the May 2019 LiDAR. While the survey methods had slight differences, the data still provides a good level of comparison and an indication of changes over time.

Figure 5 shows a comparison of canopy cover over 3 metres between 2011-13 and 2019, there has been:

- a small decrease of 0.34% in the overall canopy cover
- an increase of 3.99% in the canopy within the National Parks
- a reduction of 6.12% in the canopy on other land*
- a reduction of 1.57% in the canopy cover associated with streets and roads
- a slight increase of 2.74% in the canopy cover of open space and bushland areas.

Figure 5
Hectares of Canopy 2011-13 and 2019



* Other land = Land that is not National Park, Council managed or Water Bodies, includes eg. State owned lands, privately owned

Urban heat

The Urban Heat Island Effect (UHIE)³ can be defined as the “discernible temperature difference between urban and adjacent rural areas caused by the excess heat emitted and the solar gain trapped by the urbanised environment” (Gartland, 2008⁴). Trees provide cooling through evapotranspiration and surface shading. Often UHIEs are associated with extreme heatwaves that increase the demand for energy, water, and healthcare services.

The tree canopy is most effective at combatting the UHIE and providing protection from over-exposure to UV radiation.

More vulnerable individuals, such as the elderly, young children, people living with disability and the economically-disadvantaged, are often the most affected. Brookvale, Manly Vale, Dee Why, Narrabeen, Warriewood and Mona Vale (along with most town centres) are identified as hotspots in the Northern Beaches where the UHIE is more than 9°C higher than the reference area (Figure 6).

Tree canopy is a key form of green infrastructure most effective at combatting the UHIE and providing protection from over-exposure to UV radiation. It is complemented by other forms of green cover including hedges, grass footpaths, verges, green roofs and walls. Water sensitive urban design (WSUD) also emphasises the cooling of urban environments by incorporating biofiltration, water quality ponds, rain gardens and swales.

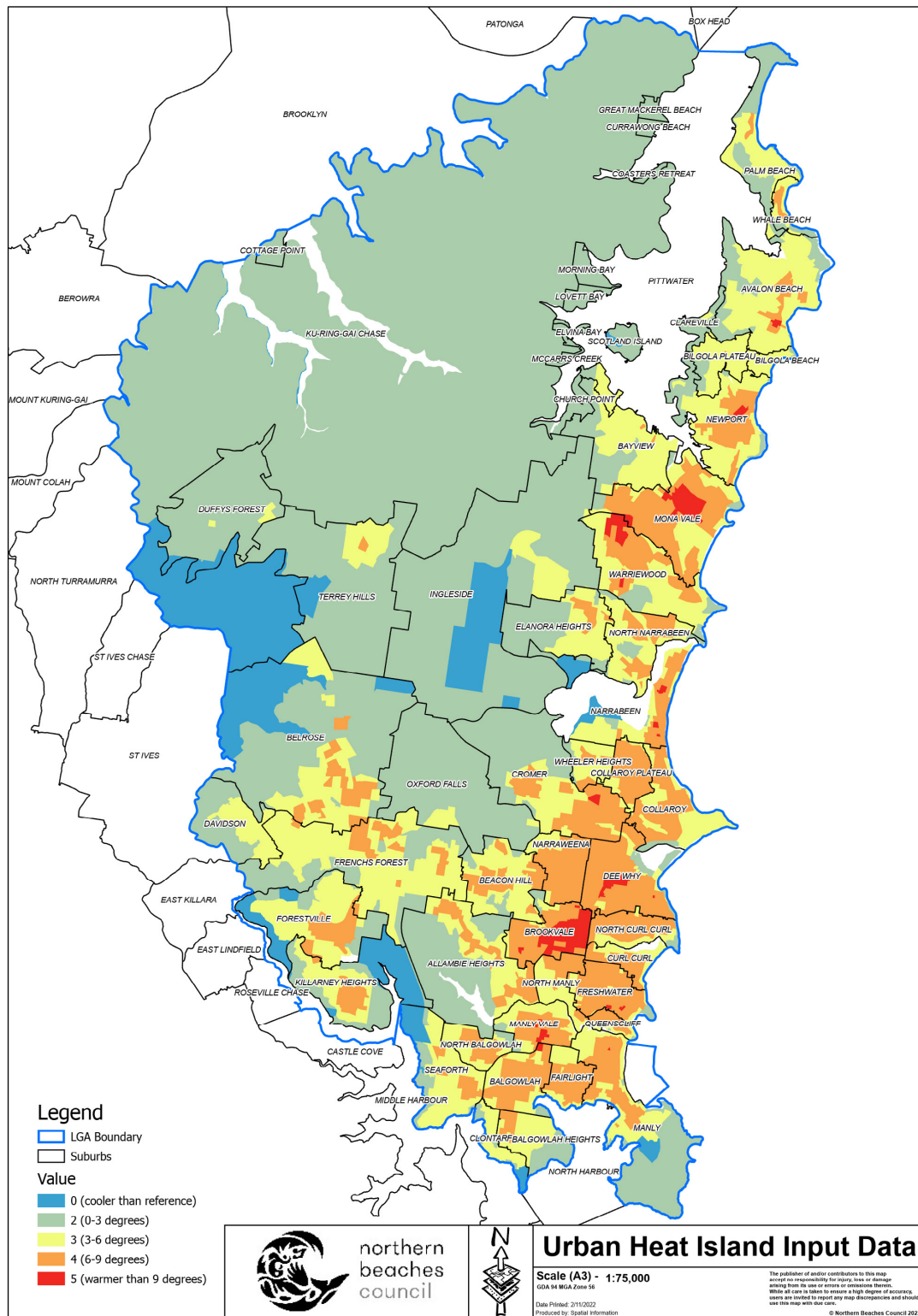


³ Gartland, L. (2008). *Heat Islands: Understanding and Mitigating Heat in Urban Areas*. Earthscan publications. United Kingdom

⁴ NSW Climate change adaptation strategy June 2022

Figure 6
Urban Heat Island (UHI) effect across the suburbs of Northern Beaches

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Priority areas

Which areas are most vulnerable?

To achieve the 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.

Data analysis

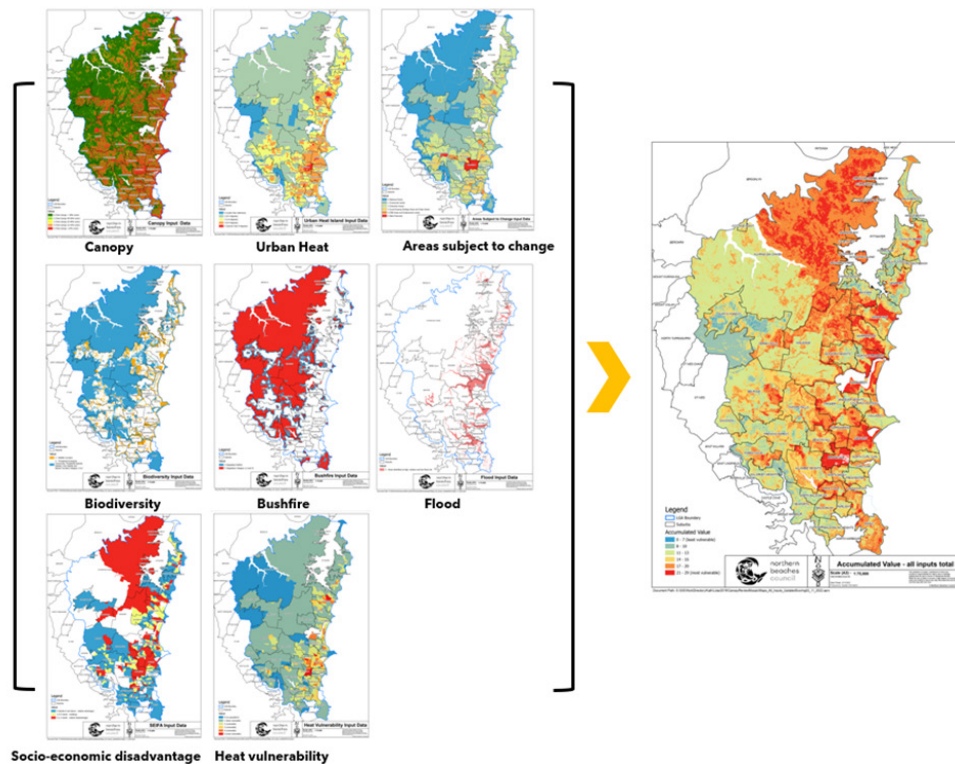
Council completed preliminary analysis of the LGA to contribute towards the development of this Plan. A prioritisation matrix to identify areas of high vulnerability was developed (as seen in Table 1 and Figure 7) to identify the most important areas across the Northern Beaches. Table 1 outlines the elements that were included in the analysis and assessment of vulnerability. Figure 7 and Figure 8 show the layers included in the analysis and the areas that are the most vulnerable. The priority of areas will change as more data becomes available. It will be important to confirm the method of priority assessment and to establish a multi-disciplinary approach that includes relevant teams across Council.

Table 1
Elements and criteria for assessment of high vulnerability areas

Element included in analysis	Criteria for assessment as being vulnerable
1. Existing canopy cover	Canopy cover is low
2. Socio-economic disadvantage (SIEFA)	Socio-economic advantages are low
3. Urban heat	Urban heat is higher
4. Areas subject to change with future development	The area is expecting increased development
5. Flooding hot spots	The area is subject to flooding
6. Biodiversity	There are threatened species present, or the area is a wildlife corridor
7. Bush fire risk	There is identified bush fire mitigation required
8. Heat vulnerability	The community is more vulnerable to urban heat

Figure 7
Elements and criteria for assessment of high vulnerability areas

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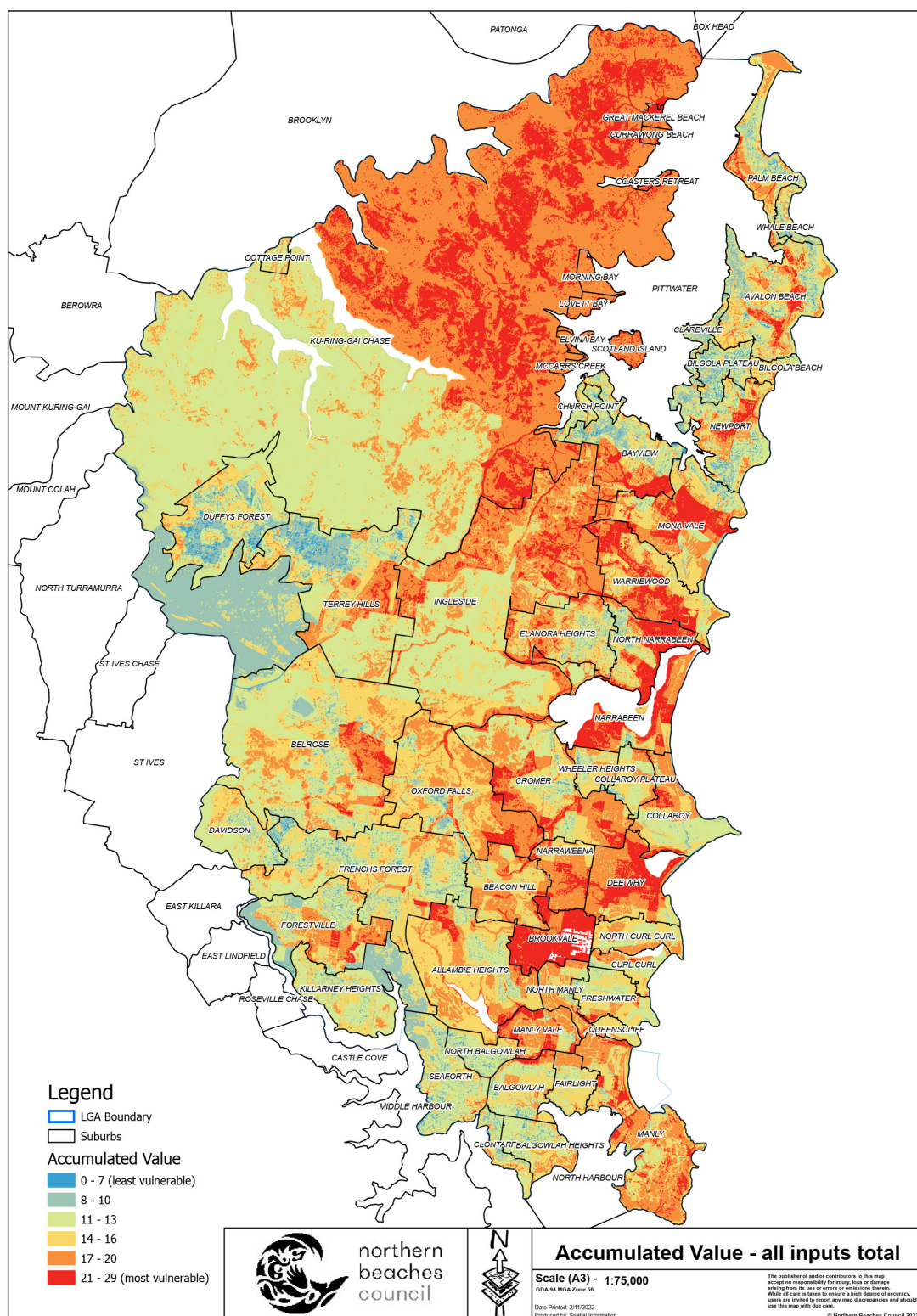
Emerging priority places for canopy Action

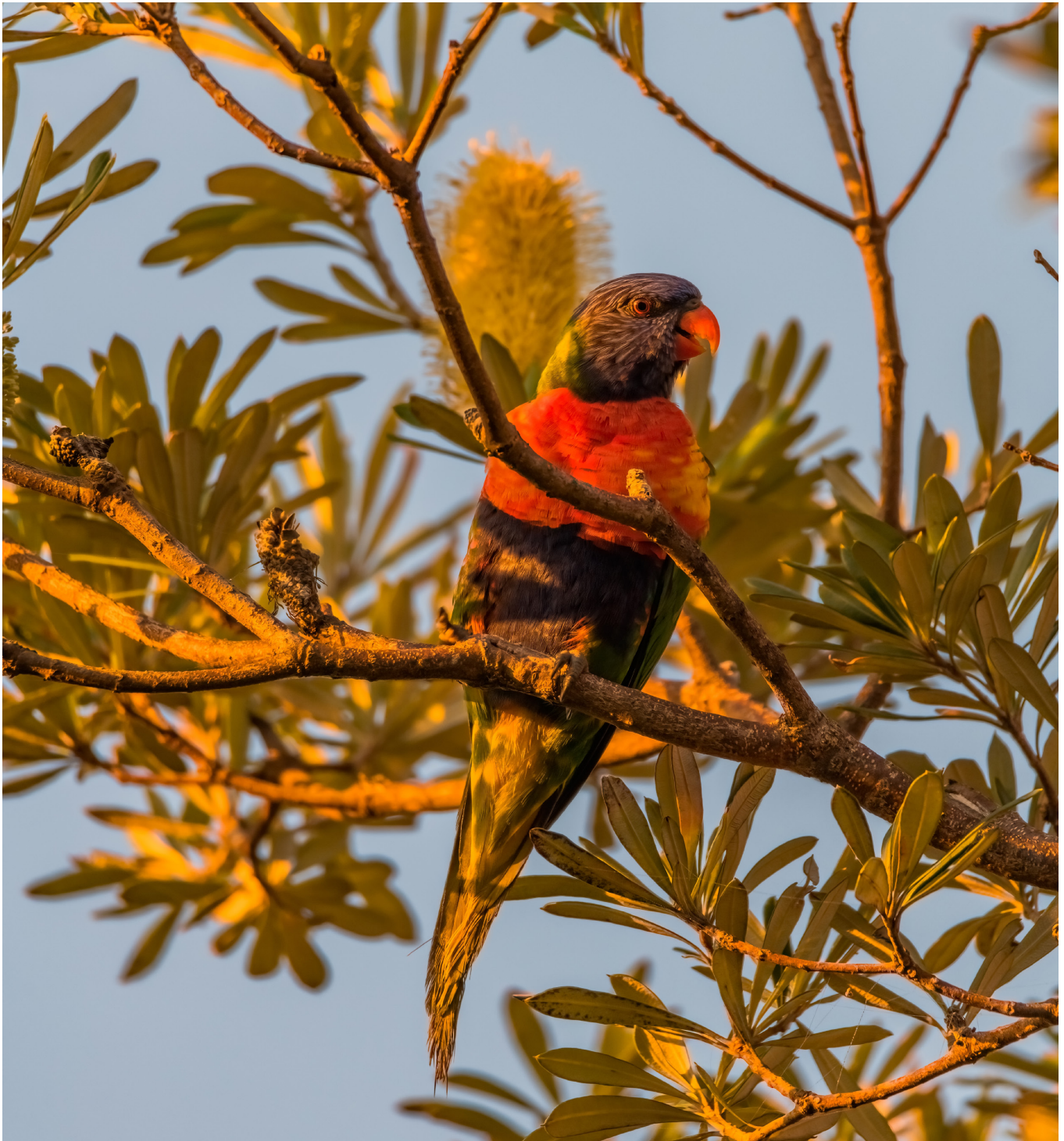
The analysis of data using the prioritisation matrix shows that the high priority areas for intervention and canopy improvements, identified as vulnerable locations because of heat island effect, low or no canopy cover, or socio-economic disadvantage (Figure 8) are:

- Brookvale
- Dee Why
- Mona Vale
- Narrabeen
- Manly
- Manly Vale
- Narrabeena
- Curl Curl
- Queenscliff
- Warriewood.

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Figure 8
Priority areas across Northern Beaches for canopy replacement





September 2023

Pressures and challenges

There are several pressures and challenges for the Northern Beaches in maintaining or growing the tree canopy.

Significant urban development, population growth and climate change all pose challenges for Council and the community.

Population increases and urban intensification

The Northern Beaches' population is expected to increase by around 39,000 people over the next 20 years, representing 3% of Greater Sydney's growth. Based on the DPIE's population projections, Council has set a target to provide 3,582 dwellings to meet the increasing housing demand in the Northern Beaches between 2021 and 2026.

In 2021, the Northern Beaches LGA had an estimated population of 270,642 people. This population is growing. By 2036, the number of people is expected to increase to 304,025 representing a 12% growth.

Future development has the potential to impact tree canopy. Examples include:

- failure to design developments with adequate space to allow the retention of existing large trees as well as new trees
- associated clearing for bush fire asset protection zones and entitlements under the 10/50 Code
- an increased preference for larger houses and maintenance free yards
- construction of secondary dwellings.

Climate change

Greater Sydney will experience rising average temperatures, more frequent and longer heatwaves, and an increased frequency and severity of bush fires due to climate change. It is expected that droughts and extreme storms will become more frequent and severe, resulting in more flooding. Maheshwari et al. (2020)⁵ showed that the climate of Sydney markedly changed during 1986-2011 compared to the reference period of 1960-1985 as a result of continued densification and expansion. According to future climate change scenarios, a shift to a hotter, drier climate would exacerbate declines in growth and health, showing that the trees are vulnerable to climate change. Climate change will likely result in:

- increased impact of disease and pests on tree health (warmer weather can increase reproductive potential and increase pest and disease development rate)
- introduction of a range of new pathogens and pests as they find the new climate conditions favourable
- premature tree death
- decline in tree health due to scorching and dehydration
- branch and tree failure of otherwise healthy trees due to high winds and heavy rains
- an increased risk of private tree removal as people become concerned about trees, perpetuating climate change impacts
- potential mass loss of canopy habitat and wildlife and other canopy benefits as a result of bush fire
- ongoing occurrence of tree failure post fire
- increased tree instability and soil erosion from heavy rains

⁵ Maheshwari, B., Pinto, U., Akbar, S., & Fahey, P. (2020). Is urbanisation also the culprit of climate change? Evidence from Australian cities. *Urban Climate*, 31, 100581.

- detrimental impact on tree health from salinity and coastal inundation
- diseases of canopy more prevalent in damp and humid conditions
- impact on tree maintenance due to the potential effects of water restrictions
- reduced available food for wildlife
- trees located in areas vulnerable to saline inundation require more energy to distil water from saline soils.

Illegal tree removal and tree vandalism

Illegal tree removal varies from single trees to large scale clearing. There are opportunities to make the community more aware of the reasons for tree retention and the reasons for following the requirements to remove trees.

Council has resolved to use banners or shrouding of affected trees where appropriate as a deterrent to vandals, or to preclude offenders from gaining the intended view. An offer of a reward of up to \$10,000 is available to persons with information leading to a successful prosecution.

Tree and vegetation vandalism can occur in a variety of forms, including poisoning, pruning, removal and destruction from clearing native understorey. Vandalism has a significant and cumulative impact on the environment. Impacts include reduced visual and community amenity, loss of environmental services such as windbreaks and erosion control, and loss of wildlife habitat. There have been incidences of tree vandalism on the Northern Beaches, especially in foreshore and non-urban areas. Removal and pruning of trees to gain a view is not considered an adequate reason for such works. Education and compliance of these issues needs to be considered and implemented.

Community expectations

An individual's behaviour and attitude towards trees on their property can be very personal. Fostering a greater awareness of the benefits and challenges of maintaining and increasing tree canopy should encourage the local community to support and enhance the work being done in the public sphere. In turn, it is hoped that the local community will translate this into action within their own sphere of influence.

Although the Northern Beaches has one of the highest tree canopy coverage rates in Greater Sydney, rates of loss are also high due to the aging of mature trees and a demand for larger detached dwellings, secondary dwellings, urban and infrastructure developments. The understanding of the importance of trees and motivating people to plant and effectively manage trees on their own properties remains important in protecting, maintaining, and enhancing the existing tree canopy, including mature trees.

Problematic trees and weeds

While trees provide a range of benefits to the community, there are some tree species that are more problematic than others. Different tree/plant species are listed as exempt species on private property under Council's Exempt Tree Species list. This list of exempt species may change over time due to the impacts of climate change and other emerging research.

Pests and disease

Climate change is likely to increase the spread and severity of pest and disease in trees. Increased international travel has also increased the risks of pests arriving. By actively monitoring tree health we can identify and treat trees affected by disease and pests. Early intervention allows for better treatment of the affected trees. Proactive management of the tree canopy and natural environment provides the best long-term protection for trees.

Actions so far

Council is committed to maintaining our tree canopy. Here are some examples of what we have already undertaken.

1. Ongoing management of more than 1,700 hectares of bushland by Council, home to 1,460 native plant species and 540 native animal species
2. Ongoing management of pseudo-arboretums including Stony Range Botanical Garden at Dee Why, Ivanhoe Park Botanical Garden in Manly and the Palm Beach Bible Garden
3. Ongoing management of our community nursery program which enlists the help of dedicated volunteers who propagate thousands of Indigenous plants, including rare species, from seed every year
4. Bushcare program with over 400 volunteers who work at over 80 different sites throughout the Northern Beaches using plants from our community nursery program
5. Ongoing annual tree planting program which includes considering succession planting, avoiding overhead or underground infrastructure, proactive new tree maintenance programs and monitoring survival rates of new trees
6. Tree giveaways at special events such as National Tree Day and market days where advice is provided, and young trees are given to the community to plant in their own gardens
7. Developed and implemented a risk-based approach to the management of trees on public land and the assessment of trees on private land
8. Developed a nature strip planting program with residents
9. Planted 36,396 trees since 2018 – 2022 with our target 100,000 by 2038
10. Cyclic tree maintenance and audit program
11. Developed the Public Open Space and Design Guidelines with professional input from arborists, planners, engineers, urban designers, biodiversity experts, landscape architects and the Northern Beaches community, including a species list to seek better outcomes in public domain projects
12. Adopted our award winning Local Strategic Planning Statement, Towards 2040, providing a strong strategic planning framework to inform new LEP & DCP controls
13. Developed a suite of Technical Studies to inform the new LEP & DCP controls, including conservation zones, as well as studies on biodiversity, waterways, stormwater, bush fire and riparian areas which are vital to support the tree canopy
14. Facilitated offset compensatory programs within the planning framework resulting in the renewal of canopy across the LGA
15. LiDAR information baseline surveying of LGA
16. Reviewed Green Cover Targets based on the Government Architects NSW Targets
17. Initiated planting program including identifying planting opportunities on public land
18. Successfully obtained grant funding of \$1.9 million for tree planting projects

Actions to 2027

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Focus areas

We will build upon our existing achievements relating to bushland and biodiversity and work towards achieving our goals, commitments and aspirations. Our areas of focus for the next four years are:

1. manage public trees as essential assets to maintain canopy across public lands - streets and parks
2. increase the capacity of the community to participate and engage in public tree canopy and greening projects
3. monitor losses and gains in the canopy across the LGA and support the community to retain and protect the canopy
4. strengthen the local planning framework (e.g. LEP and DCP) to support retention, protection, replacement, and growth of private trees.

FA 1 Manage public trees as essential assets to maintain canopy across public lands - streets and parks

Table 2
Major Actions of focus area 1

Actions	Timing/Resourcing
1. Undertake an audit of public trees in priority areas e.g. Brookvale, Mona Vale etc. and develop and implement tree masterplans to assist with continuing to meet our tree canopy target of 56%	Year 1 & 2 Within existing operational budget
2. Implement an iconic public tree register that records the scientific, social, historic and aesthetic values of the Northern Beaches most significant trees	Year 2 Within existing operational budget
3. Implement a standard tree valuation methodology to guide decisions about the protection of trees.	Year 1 Within existing operational budget
4. Continue sourcing trees, both local Indigenous and other species, for public tree works and preference local Indigenous species in biodiversity corridors	Ongoing Within existing operational budget
5. Continue with annual 5,000 trees public tree planting program which includes considering succession planting, avoiding overhead or underground infrastructure, proactive new tree maintenance programs and monitoring survival rates of new trees	Ongoing Within existing operational budget
6. Review the adopted species lists in the Public Space Vision and Design Guidelines to include high performing public trees, local Indigenous and climate resilient species to supplement the species identified within the Plant Species Vegetation Diversity Guide	Ongoing Within existing operational budget
7. Investigate the creation of carbon credits from our green infrastructure/ tree assets and implement any viable recommendations	Year 2 Within existing operational budget
8. Reduce exposure to UV radiation and the urban heat island effect by increasing the urban tree canopy and green cover, incorporating water sensitive urban design and improving infrastructure and building design	Year 2 Within existing operational budget

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FA 2 Increase the capacity of the community to participate and engage in public tree canopy and greening projects

Table 3
Major Actions of focus area 2

Actions	Timing/Resourcing
1. Develop and implement a communication and engagement Plan to educate the community about canopy initiatives , including those outlined in the Actions below	Year 2 Within existing operational budget
2. Continue a nature strip planting program in partnership with residents	Ongoing Within existing operational budget
3. Continue tree giveaway programs to support canopy growth across the LGA via special events such as National Tree Day and market days where advice is provided, and young trees are given to the community to plant in their own gardens	Ongoing Within existing operational budget
4. Raise awareness about public tree planting programs	Year 2 Within existing operational budget
5. Investigate and promote recommended species lists for private trees and include climate tolerant endemic species in this list	Year 2 Within existing operational budget
6. Investigate the development of a virtual Digital Arboretum, this is an online botanical collection of trees to show what tree species look like.	Year 2 Within existing operational budget
7. Continue to manage and support volunteers at our pseudoarboretums including Stony Range Botanical Garden at Dee Why, Ivanhoe Park Botanical Garden in Manly and the Palm Beach Bible Garden	Ongoing Within existing operational budget
8. Increase participation in our Bushcare programs particularly among young people, in line with our Youth Voice strategy, and continue to manage our Bushcare program with over 400 volunteers who work at over 80 different sites using plants from our community nursery.	Ongoing Within existing operational budget
9. Continue to manage our community nursery program which enlists the help of dedicated volunteers who propagate thousands of Indigenous plants, including rare species, from seed every year	Ongoing Within existing operational budget

FA 3 Monitor losses and gains in the canopy across the LGA and support the community to retain and protect canopy

Table 4
Major Actions of focus area 3

Actions	Timing/Resourcing
1. Measure tree canopy cover every 4 years , building on data from 2011/13 and 2019 as a baseline to quantify losses and gains over time	Year 1 Within existing operational budget
2. Create incentives for landowners to retain trees on private land (adapted from Bushland and Biodiversity Action Plan) to encourage the planting of canopy trees of sufficient scale to contribute to the diversity of the canopy on private land	Year 2 Within existing operational budget
3. Develop and implement a public awareness campaign about trees - public and private	Year 2 Within existing operational budget
4. Offset tree canopy loss by planting a minimum of two trees for any one tree removed from public land. Undertake succession planning and planting ahead of end of tree life.	Ongoing Within existing operational budget

FA 4 Strengthen the local planning framework to support retention, protection, replacement, and growth of private trees

Table 5
Major Actions of focus area 4

Actions	Timing/Resourcing
1. Address tree canopy through statutory (LEP) requirements for landscape open space, deep soil and floor space ratios. Statutory controls will be linked to DCP provisions for tree replacement ratios, planting rates, increased setbacks and other provisions such as excavation	Year 1 Within existing operational budget
2. Promote the importance of retention and protection of trees as part of the development application and tree removal application processes	Year 1 Within existing operational budget.
3. Investigate and act upon unauthorised activities that impact upon tree canopy such as illegal vegetation clearing, unauthorised recreational trails, and other environmental damage, and support Council's Compliance team to enforce penalties as required	Ongoing Within existing operational budget
4. Develop a replenishment/compensation tree planting program for private trees that considers the right tree replenishment (replacement) ratios and improves auditing of compliance with replenishment/ compensation tree planting permits	Ongoing Within existing operational budget
5. To continue with the erection of banners in response to illegally removed trees And offer rewards of up to \$10,000 for information that leads to a successful prosecution	Ongoing
6. Invest in planting advanced trees on public land where canopy cover is low in line with prioritisation matrix	Ongoing
7. Continue to work with Ausgrid on the feasibility on undergrounding and/ or the installation of aerial bundle cabling to allow for increased street tree planting opportunities. To implement there will need to be a financial contribution from Council as these works are currently unfunded	Ongoing

Measuring and monitoring

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We will measure, monitor and report on what we are doing, to ensure we are always tracking towards the goals, aspirations and commitments in the 'Protect. Create. Live – Environment and Climate Change Strategy 2040'. We will monitor, measure and report on:

- canopy cover on private land
- canopy cover on public land
- the number of trees planted on public land each year
- community satisfaction with Council's management of trees
- changes to the planning framework (LEP, DCP and associated guidelines) that strengthen canopy retention, protection and replacement.



September 2023

Guidelines for the Appointment and Oversight of General Managers

2022

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INTRODUCTION

The *Local Government Act 1993* (the Act) requires councils to appoint a person to be the council's general manager (section 334).

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager and to monitor their performance (section 223).

These Guidelines have been developed to assist councillors when performing their functions under the Act relating to the appointment of general managers and overseeing their performance. They provide guidance on:

- the role of the general manager and the importance of a good working relationship between councillors and the general manager
- the recruitment process and the appointment of a general manager
- day to day oversight of and liaison with the general manager
- the performance review process
- separation, and
- renewal of the general manager's contract.

These Guidelines are issued under section 23A of the Act and must be taken into consideration by councils when exercising their functions in relation to the recruitment and oversight of general managers. They should be read in conjunction with the relevant provisions of the Act and the *Local Government (General) Regulation 2021* (the Regulation) and the standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act (the approved standard contract).

ROLE OF THE GENERAL MANAGER

Councillors comprise the governing body of a council and make decisions by passing resolutions. It is the general manager's role to implement the lawful decisions of the council and to carry out the functions conferred on them by the Act and Regulation and other legislation.

General managers also perform other functions delegated to them by the governing body.

The governing body monitors the implementation of its decisions through the general manager's reports to council meetings.

Key functions of the general manager

The Act confers certain functions on general managers of councils (section 335). Key aspects of the general manager's role are set out below:

Management of the council

The general manager is responsible for conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies approved by the governing body of the council and implementing without undue delay, lawful decisions of the governing body.

Assisting the governing body to set the strategic direction

The general manager also plays a key role in assisting the governing body to develop the council's strategic direction. The general manager is responsible for guiding the preparation of the community strategic plan and the council's response to it via the delivery program and operational plans. The general manager is also responsible for implementing the delivery program and operational plans and reports to the governing body on their

implementation. More information on this is available on the Office of Local Government's [website](#).

Determining the organisation structure

The general manager is responsible for determining the organisation structure of the council (other than senior staff positions) following consultation with the governing body and in accordance with the budget approved by the governing body (section 332). The positions within the organisation structure of the council must be determined to give effect to the priorities set out in the council's strategic plans, including the community strategic plan and delivery program.

Appointment and direction of staff

The general manager is responsible for the appointment and direction of staff and their dismissal. The general manager must consult with the governing body before appointing or dismissing senior staff.

Supporting councillors

The general manager is also responsible for ensuring councillors are provided with the information and the advice they require to make informed decisions and to carry out their civic duties.

The general manager should ensure that council meeting business papers contain sufficient information to allow councillors to make informed decisions and to allow them to effectively monitor and review the council's operations and performance. This will assist councils in ensuring they are complying with statutory requirements, keeping within the budget approved by the council, and achieving the strategic goals set by the council in its delivery program and operational Plan.

The governing body may direct the general manager to provide councillors with advice but

cannot direct them as to the content of that advice.

Requests by councillors for assistance or information outside of meetings should be made to the general manager unless the general manager has authorised another staff member to receive such requests. The *Model Code of Conduct for Local Councils in NSW* contemplates that councils should adopt a policy to provide guidance on interactions between councillors and staff. The policy should be agreed to by both the governing body and the general manager. To assist councils, the Office of Local Government has prepared a model councillor and staff interaction policy which reflects best practice. This is available on the Office of Local Government's [website](#).

The delegation of functions to the general manager

A governing body may delegate certain functions of the council to the general manager but cannot delegate the functions set out in section 377(1) of the Act. The delegation of a council's functions must be made by resolution and be evidenced in writing. Delegations must be reviewed during the first 12 months of each term of the council (section 380).

The general manager may sub-delegate a function delegated to them by the governing body (section 378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

The importance of a good working relationship with the general manager

The position of general manager is pivotal in a council. It is the interface between the governing body which sets the strategic

direction of the council and monitors its performance, and the administrative body of the council, headed by the general manager, which implements the decisions of the governing body. A good working relationship between the general manager and the councillors is therefore critical for good governance and a well-functioning council. Where this relationship breaks down, this can quickly lead to dysfunction.

The Centre for Local Government at the University of Technology in Sydney has identified the following as key components of a good working relationship between councillors and the general manager:

- mutual trust and respect
- councillors publicly supporting the work of the general manager
- councillors dealing with any performance concerns through appropriate channels e.g., not the media or council meetings
- councillors not getting involved in the day-to-day operational matters of the council (which makes it difficult for the general manager to do their job)
- councillors having a clear understanding of how and when to approach the general manager or other staff for information or support and following agreed protocols
- regular meetings between the general manager, mayor and councillors to ask questions and share information and advice
- respect of confidentiality, and
- any conflict is dealt with professionally and quickly and where it can't be addressed informally, proper processes are followed.

RECRUITMENT AND SELECTION

Requirements of the *Local Government Act 1993*

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager (section 223).

When recruiting a new general manager, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position (section 348).

As with the appointment of all council staff, councils must ensure that the appointment of the general manager is made using merit selection principles (section 349). Recruitment using merit selection is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the role is appointed. Equal employment opportunity principles also apply to the recruitment of general managers (sections 349 and 344).

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

Councils should engage an external recruitment consultant to assist them with the recruitment process and that person should have a role in verifying that proper processes and procedures are followed in the appointment of the general manager.

There are a range of possible approaches to undertaking the recruitment of the general manager. The guidance contained in these Guidelines reflects what the Office of Local Government considers to be best practice.

The pre-interview phase

As noted above, the council's governing body is responsible for determining the process for recruiting the general manager.

The governing body should delegate the task of recruitment to a selection panel led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the council.

The selection panel should consist of at least the mayor, the deputy mayor, another councillor and a suitably qualified person independent of the council. Where practicable, the selection panel membership should remain the same throughout the entire recruitment process.

Selection panels should, where possible, have a mix of genders.

The council's governing body should delegate to one person (generally the mayor) the task of ensuring:

- the selection panel is established
- the general manager's position description is current and evaluated in terms of salary to reflect the responsibilities of the position
- the proposed salary range reflects the responsibilities and duties of the position
- the position is advertised according to the requirements of the Act
- information packages are prepared, and
- applicants selected for interview are notified.

The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

Interview phase

Interviews should be held as soon as possible after candidates are short listed.

Questions should be designed to reflect the selection criteria for the position and assist the selection panel to assess the suitability of the candidate for the position.

Interviews should be kept confidential.

All written references must be checked. The selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.

If contact with someone other than a nominated referee is required, the applicant's permission must be sought.

At least 2 referees must be contacted and asked questions about the candidate relevant to the selection criteria.

Where tertiary qualifications are relied on, they should be produced for inspection and if necessary, for verification.

Appropriate background checks must be undertaken, for example, bankruptcy and criminal records checks and whether the candidate has been disqualified from managing a corporation by the Australian Securities and Investments Commission. For guidance on better practice recruitment background checks, see the Australian Standard AS 4811:2022 [Workforce Screening](#) and the Independent Commission Against Corruption's publication, *Strengthening employment screening practices in the NSW public sector* which is available on its [website](#).

Selection panel report

The selection panel is responsible for preparing a report to the council's governing body that:

- outlines the selection process

- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of the council.

The appointment of a general manager is a non-delegable function of the council under section 377 of the Act and a general manager cannot be appointed without a formal resolution of the council.

The council's governing body must by resolution approve the position of the general manager being offered to the successful candidate before the position is offered to the candidate.

Finalising the appointment

The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer can be made by telephone.

Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of the council) can be discussed by telephone but must be confirmed in writing.

The standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used. The approved standard contract is available on the Office's [website](#). The terms of the approved standard contract must not be varied. Only the term of the contract and the schedules to the approved standard contract can be adapted by councils.

General managers must be employed for 1–5 years.

The contract governs:

- the duties and functions of general managers
- performance agreements
- the process for renewal of employment contracts
- termination of employment and termination payments
- salary increases, and
- leave entitlements.

It should be noted that the Departmental Chief Executive of the Office of Local Government cannot approve individual variations to the standard terms of the contract.

Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

Record keeping

Councils should retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate. These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER

While one of the prescribed functions of the governing body is to monitor the general manager's performance, day-to-day oversight of and liaison with the general manager should be undertaken by the mayor.

The mayor's role in the day-to-day management of the general manager should include:

- approving leave
- approving expenses incurred, and
- receiving and managing complaints about the general manager in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

The council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of and liaison with the general manager and keep those policies under regular review.

Some of the key policies the governing body should ensure are in place are those relating to:

- leave
- travel
- credit cards
- purchasing and procurement
- expenses and facilities
- petty cash, and
- financial and non-financial delegations of authority.

The governing body should also ensure there are appropriate policies in place with respect to the expenditure of council funds and reporting requirements in relation to that expenditure.

The council's governing body should satisfy itself that any policy governing the conferral of a benefit on the general manager, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the general manager's salary package in Schedule C to the approved standard contract.

PERFORMANCE MANAGEMENT

Managing the performance of the general manager

The general manager is made accountable to the council for their performance principally through their contract of employment.

The role of the governing body is to monitor the general manager's performance in accordance with their contract of employment.

The performance of the general manager must be reviewed at least annually against the agreed performance criteria for the position. Councils may also choose to undertake more frequent interim reviews of the general manager's performance.

The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract. Development of the performance agreement is discussed below.

Establishing a performance review panel

The governing body must establish a performance review panel led by the mayor, and delegate the task of undertaking the general manager's performance reviews to the panel. The extent of the delegation should be clear.

It is recommended that full responsibility for performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

Performance review panels should comprise of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager.

The council's governing body may also consider including an independent observer on the panel. Panel members should be trained in the performance management of general managers.

The role of the review panel includes:

- conducting performance reviews
- reporting the findings and recommendations of reviews to the council, and
- development of the performance agreement.

The governing body and the general manager may agree on the involvement of a suitably qualified external facilitator such as a human resources professional to assist with the performance review process and the development of a new performance agreement. That person may be selected by the governing body or the performance review panel.

Councillors who are not members of the performance review panel may be invited to contribute to the performance review process by providing feedback to the mayor on the general manager's performance relevant to the agreed performance criteria.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should report back to the governing body of the council in a closed session on the findings and recommendations of performance reviews as soon as practicable following any performance review. This should not be an opportunity to debate the results or revisit the general manager's performance review. The general manager should not be present when the matter is considered.

The performance agreement, action plan and any associated records that contain specific information about the work performance or conduct of the general manager are to remain confidential unless otherwise agreed to by the general manager or are required to be disclosed by law. The unauthorised disclosure of this information may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

Establishing the performance agreement

The performance agreement is the most important component of successful performance management. The performance agreement should include clearly defined and measurable performance indicators against which the general manager's performance can be measured.

As one of the general manager's key responsibilities is to oversee the implementation of the council's strategic direction, it is important to align the general manager's performance criteria to the goals contained in the community strategic plan, and the council's delivery program and operational plans.

The performance agreement should also include indicators relevant to the general manager's personal contribution to the council's key achievements and their core capabilities, including leadership qualities.

The performance agreement should also include indicators related to promoting and maintaining an ethical culture within the council. These could include the conduct and measurement of the outcomes from staff surveys and the promotion of whistleblowing procedures under the *Public Interest Disclosures Act 1994* and the reporting of suspected wrongdoing to appropriate oversight agencies including the Independent Commission Against Corruption and the Office of Local Government.

The performance agreement should contain but not be limited to key indicators that measure how well the general manager has met the council's expectations with respect to:

- service delivery targets in the council's delivery program and operational plans
- budget compliance
- organisational capability
- timeliness and accuracy of information and advice to councillors
- timely implementation of council resolutions
- management of organisational risks
- promotion of an ethical culture
- ensuring a safe workplace and facilitating compliance with the *Work Health and Safety Act 2011*, and
- leadership and providing a consultative and supportive working environment for staff etc.

Performance review process

The approved standard contract requires that the performance of the general manager must be formally reviewed at least annually. The governing body of the council may also undertake interim performance reviews as appropriate.

The assessment should include:

- a self-assessment by the general manager, and
- an assessment by the review panel of the general manager's performance against the performance agreement.

The performance review meeting should be scheduled with sufficient notice to all parties in accordance with clauses 7.6 and 7.7 of the approved standard contract. These require:

- the general manager to give the council 21 days' written notice that an annual performance review is due, and
- the council to give the general manager at least 10 days' written notice that the performance review is to be conducted.

The meeting should concentrate on constructive dialogue about the general manager's performance against all sections of the performance agreement.

The meeting should identify any areas of concern and agreed actions to address those concerns.

In undertaking the performance review, care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice. The appointment by the council, in agreement with the general manager, of a suitably qualified external facilitator to advise on the process (see above) should assist councils to comply with these requirements.

The council's governing body must advise the general manager, in writing, in clear terms, the outcome of any performance review.

The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period. The agreement should be presented to the governing body of the council for discussion in a closed meeting together with the outcomes of the previous review period.

REMUNERATION AND REWARD

Under the approved standard contract, general managers are entitled to an annual increase in their salary package on each anniversary of the contract, equivalent to the latest percentage increase in remuneration for NSW public sector senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal.

Councils may also approve discretionary increases to the general manager's total remuneration package under the approved standard contract as a reward for good performance. Discretionary increases may only be approved after a formal review of the general manager's performance has been undertaken and the general manager's performance has been assessed as being better than satisfactory.

Any discretionary increases should be modest and in line with community expectations and only apply for one year unless the council determines that it is to apply for the balance of the contract. All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of the council.

Councils may also on one occasion during the term of the contract approve the payment of a retention bonus to the general manager as an incentive for them to serve out their contract. If approved, the retention bonus is to be accrued on an annual, pro-rata basis for the remainder of the contract and is to be paid at the end of the contract period.

SEPARATION

Termination of the general manager's employment

The approved standard contract sets out how the general manager's employment contract can be terminated before its expiry date by either the governing body or the general manager (see clause 10 of the approved standard contract). The circumstances in which the general manager's employment contract may be terminated are set out below:

By agreement

The contract may be terminated at any time by written agreement between the council and the general manager.

Resignation

The general manager may terminate the contract by giving 4 weeks written notice to the governing body of the council.

Incapacity

A council may terminate the general manager's contract by giving them 4 weeks written notice or by paying the equivalent of 4 weeks' remuneration calculated in accordance with Schedule C of the approved standard contract where:

- the general manager has become incapacitated for 12 weeks or more
- they have exhausted their sick leave, and
- the duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

Poor performance

A council may terminate the general manager's contract by giving them 13 weeks written notice or by paying the equivalent of 13 weeks' remuneration calculated in accordance with Schedule C of the approved

standard contract on grounds of poor performance.

A council may only terminate the general manager's contract on the grounds of poor performance where:

- a performance review has been conducted, and
- the council has concluded that the general manager's performance falls short of the performance criteria or the terms of their performance agreement, and
- the general manager has been afforded a reasonable opportunity to utilise dispute resolution under clause 17 of the contract (see below).

No fault termination

A council may terminate the general manager's contract at any time by giving them 38 weeks written notice or paying the equivalent of 38 weeks remuneration calculated in accordance with Schedule C of the approved standard contract. If there are less than 38 weeks left to run in the term of the general manager's contract, the council can pay out the balance of the contract in lieu of notice.

Where the council proposes to terminate the general manager's contract on these grounds, if either party requests it and both parties agree, they may participate in mediation in relation to the proposed decision to terminate the contract. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

Where a council terminates the contract on these grounds, it must give the general manager reasons for its decision to terminate their employment where the general manager requests it.

Summary dismissal

Councils may summarily dismiss the general manager on the grounds set out under clause 10.4 of the approved standard contract. These include:

- serious or persistent breach of the employment contract
- serious and wilful disobedience of any reasonable and lawful instruction or direction given by the council,
- serious and wilful misconduct, dishonesty, insubordination or neglect in the discharge of the general manager's duties and functions under their contract,
- failure to comply with any law or council policy concerning sexual harassment or racial or religious vilification
- serious or persistent breach of the council's code of conduct
- commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the general manager's ability to perform their duties and functions satisfactorily, or that brings the council into disrepute
- absence without approval for a period of 3 or more consecutive business days.

Automatic termination

The general manager's contract of employment is automatically terminated where the general manager becomes bankrupt, or they are disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001*.

Where this occurs, the general manager's employment with the council automatically ends without the need for a decision by the council to terminate their contract of employment.

Suspension of the general manager

Councils may suspend the general manager, for example while allegations against them are

being investigated. Suspension should be on full pay for a clearly defined period. Councils should not suspend a general manager's employment without first seeking expert legal advice. It would not be appropriate to seek advice from council human resources staff on the proposed suspension of the general manager.

Any decision to suspend a general manager should be made at a closed council meeting, having first carefully considered the expert legal advice received in relation to the specific matter.

The principals of procedural fairness apply to any decision to suspend a general manager, i.e., the general manager must be advised of the circumstances leading to their suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

Dispute resolution

The approved standard contract contains a dispute resolution clause at clause 17. These provisions are designed to encourage councils and general managers to attempt to resolve disputes when they arise.

Councils are required to offer the general manager an opportunity to utilise dispute resolution before they can terminate their employment for poor performance.

Where it is proposed to terminate the contract on the "no fault" grounds (clause 10.3.1(e)), if either party requests it and both parties agree, they may participate in mediation under clause 17 in relation to the proposed decision to terminate. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

The governing body of the council should ideally resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.

If the dispute involves the mayor, then the deputy mayor should take the mayor's place. If there is no deputy mayor then the governing body should resolve to appoint another councillor to take the mayor's place.

The governing body of the council and the general manager should agree on an independent mediator to mediate the dispute. The approved standard contract allows the Departmental Chief Executive of the Office of Local Government to appoint a mediator where the parties cannot agree on one.

Councils and general managers may also agree on a mediator when the contract is made.

RENEWING THE GENERAL MANAGER'S CONTRACT

Clause 5 of the approved standard contract sets out the process for renewing the general manager's contract of employment. The key steps in the process are as follows:

- At least 9 months before the contract expires (or 6 months if the term of employment is for less than 3 years), the general manager must apply to the council in writing if seeking re-appointment to the position
- At least 6 months before the contract expires (or 3 months if the term of employment is for less than 3 years), the council must respond to the general manager's application by notifying the general manager in writing of its decision to either offer the general manager a new contract of employment (and on what terms) or to decline their application for re-appointment
- At least 3 months before the contract expires (or 1 month if the term of employment is for less than 3 years) the general manager must notify the council in writing of their decision to either accept or decline the offer made by the council.

Approval may be sought from the Departmental Chief Executive of the Office of Local Government to vary these timeframes in exceptional or unforeseen circumstances.

The terms of the new contract of employment, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body should ensure that the performance criteria of the new performance agreement adequately reflect its expectations of the general manager's performance.

The governing body should also consider previous performance reviews conducted under previous contracts.

The process of deciding whether to offer the general manager a new contract should be as follows:

- a performance review is conducted
- findings and recommendations are reported to a closed council meeting in the absence of the general manager
- the closed meeting considers and decides whether to offer a new contract of employment to the general manager and on what terms as set out in the schedules to the contract
- the mayor informs the general manager of the council's decision.

Details of the decision to offer a new contract and a salary package should be reported to an open council meeting.

Appendix 1 – Performance management timelines

Timeline	Activity	Responsibility
At commencement of each new council	Provide induction training on performance management of the general manager	Council
Within 3 months of the commencement date of the contract	A performance agreement setting out agreed performance criteria must be signed between the general manager and the council	Council or council panel General Manager
Within 2 months of the signing of the performance agreement	The general manager must prepare and submit to the council an action plan which sets out how the performance criteria are to be met	General Manager
21 days' notice (before annual review)	The general manager gives the council written notice that an annual performance review is due	General Manager
At least 10 days' notice	The council must give the general manager written notice that the performance review is to be conducted	Council or council panel
After 6 months	The council may also decide, with the agreement of the general manager, to provide interim feedback to the general manager midway through the annual review period	Council or council panel General Manager
Prior to the annual review	Ensure all councillors on the review panel have been trained in performance management of general managers	Council
Prior to the annual performance review	The general manager may submit to council a self-assessment of their performance	General Manager
Annually	The general manager's performance must be reviewed having regard to the performance criteria in the agreement	Council or council panel General Manager
Annually	The performance agreement must be reviewed and varied by agreement	Council or council panel General Manager
Within 6 weeks of the conclusion of the performance review	Council will prepare and send to the general manager a written statement with council's conclusions on the general manager's performance during the performance review period	Council or council panel
As soon as possible after receipt of the statement	The general manager and the council will agree on any variation to the performance agreement for the next period of review	Council or council panel General Manager

Appendix 2 – Stages of performance management

STAGE	ACTION	PROCESS
1. Developing performance agreement	<ul style="list-style-type: none"> Examine the position description and contract List all position responsibilities from the position description Identify stakeholder expectations List the key strategic objectives from the delivery program and operational plans Develop performance measures (identify indicators - set standards) 	<ul style="list-style-type: none"> Good planning Direct and effective communication Open negotiation Joint goal setting
2. Action planning	<ul style="list-style-type: none"> Develop specific strategies to meet strategic objectives Identify resources Delegate tasks (e.g., put these delegated tasks into the performance agreements for other senior staff) 	<ul style="list-style-type: none"> Detailed analysis Two-way communication Detailed documentation
3. Monitoring progress (feedback halfway through the review period)	<ul style="list-style-type: none"> Assess performance Give constructive feedback Adjust priorities and reset performance measures if appropriate 	<ul style="list-style-type: none"> Communication Avoid bias Counselling Coaching Joint problem solving
4. Annual	<ul style="list-style-type: none"> Assess performance against measures Give constructive feedback Identify poor performance and necessary corrective action Identify outstanding performance and show appreciation 	<ul style="list-style-type: none"> Evaluation of the reasons behind performance being as assessed Open, straightforward communication (as bias free as possible) negotiation Counselling, support, training Documenting Decision making
5. Developing revised agreement	See stage 1	See Stage 1