



northern
beaches
council

AGENDA

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

Tuesday 24 October 2023

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

Scott Phillips
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

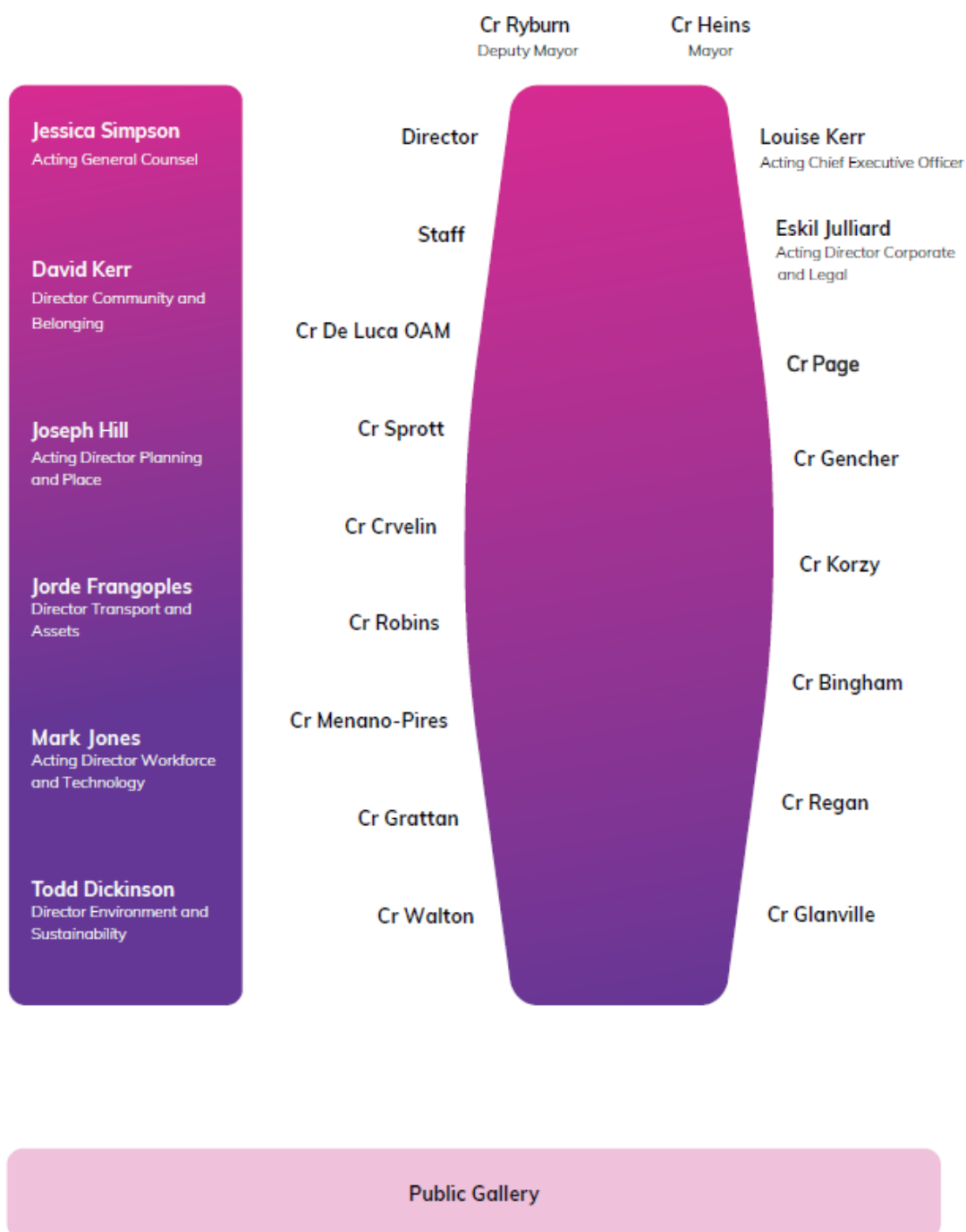
OUR VALUES

Trust Teamwork Respect Integrity Service Leadership

OUR OBLIGATIONS

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

Council Chambers Seating Plan



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 24 October 2023
at the Civic Centre, Dee Why
Commencing at 6:00pm**

1.0	ACKNOWLEDGEMENT OF COUNTRY	
2.0	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE	
3.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	
3.1	Minutes of Ordinary Council Meeting held on 26 September 2023	6
4.0	DISCLOSURES OF INTEREST	
5.0	PUBLIC FORUM AND PUBLIC ADDRESS	
6.0	ITEMS RESOLVED BY EXCEPTION	
7.0	MAYORAL MINUTES	8
7.1	Mayoral Minute No 13/2023 - Strengthening Waste Management.....	8
8.0	CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS	
	Nil	
9.0	CORPORATE AND LEGAL DIVISION REPORTS	10
9.1	Ordinary Council Meeting Schedule 2024	10
9.2	Draft 2022/23 Financial Statements	13
9.3	Christmas and New Year Recess 2023-24 Operating Hours and Council Delegated Authority	20
9.4	Tabling of Designated Persons Returns 2022/23.....	25
9.5	Monthly Investment Report - August 2023.....	28
9.6	Confirmed Minutes of Audit, Risk and Improvement Committee Meeting Held on 13 June 2023	40
10.0	COMMUNITY AND BELONGING DIVISION REPORTS.....	42
10.1	2023/24 Community Grants Program - Funding Recommendations.....	42
10.2	Outcome of Public Exhibition - Library Strategic Plan 2023-2028	53

11.0	ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS	59
11.1	Public Exhibition - Draft Waste and Circular Economy Strategy	59
12.0	PLANNING AND PLACE DIVISION REPORTS	66
12.1	2023/24 Placemaking Grants Program - Funding Recommendations.....	66
12.2	Outcome of Public Exhibition - Planning Proposal at 6 Mitchell Road, Palm Beach (PEX2022/0003).....	71
12.3	Outcome of Public Exhibition - Council-related Development Application Policy	80
12.4	Submission to Department of Planning and Environment on Patyegarang Planning Proposal at Morgan Road, Belrose (Lizard Rock)	98
12.5	Planning Proposal for the Warringah Recreation Centre, North Manly	110
13.0	TRANSPORT AND ASSETS DIVISION REPORTS.....	139
13.1	Outcome of Public Exhibition - Proposed Community Garden at Annam Road Reserve, Bayview.....	139
13.2	Temporary Changes to Alcohol Prohibited Areas for Council's Christmas Choral Concert 2023, New Year's Eve 2023 and Australia Day 2024.....	148
14.0	WORKFORCE AND TECHNOLOGY DIVISION REPORTS	
	Nil	
15.0	NOTICES OF MOTION	
	Nil	
16.0	QUESTIONS WITH NOTICE	
	Nil	
17.0	RESPONSES TO QUESTIONS WITH NOTICE	
	Nil	
18.0	MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION	153
18.1	RFT 2023/038 - Little Manly Point Amenities	
18.2	RFT Negotiation 2023/001 - Design and Construction Services for Warriewood Valley Community Centre	
18.3	RFT 2023/075 - Supply and Implementation of an Online Learning Library	
18.4	RFQ 2023/024 - Enterprise Resource Planning Platform Licences and RFQ 2023/025 - Enterprise Resource Planning Project Implementation - Next Best Offer (NBO)	
19.0	REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION	

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD ON 26 SEPTEMBER 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 26 September 2023, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

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

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

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

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

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

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

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

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

7.0 MAYORAL MINUTES

ITEM 7.1	MAYORAL MINUTE NO 13/2023 - STRENGTHENING WASTE MANAGEMENT
TRIM FILE REF	2023/615322
ATTACHMENTS	NIL

MOTION

That Council:

1. Collaborate with other Sydney metropolitan councils to reduce waste, enhance innovation, support the delivery of sustainable waste management infrastructure, and improve environmental outcomes from waste management.
2. Advocate for improved waste outcomes by writing to:
 - A. the NSW Minister for the Environment, the Hon Penny Sharpe, MLC requesting the State Government direct further revenue collected from its waste levy to NSW councils and industry initiatives that:
 - a. accelerate the transition to a circular economy, including through trials of new technologies and organic waste collection programs
 - b. build the waste infrastructure necessary to meet the growing challenges of increasing populations, loss of landfill capacity and a lack of competition in parts of the sector
 - c. educate and support communities to reduce waste.
 - B. the Commonwealth Government Minister for the Environment and Water, the Hon Tanya Plibersek, MP requesting the Commonwealth Government expedite bans on materials that cannot be recycled or recovered and to increase extended producer responsibility schemes.

BACKGROUND

While our local community is to be congratulated on its efforts to recycle more, minimise litter, reduce single use plastics, and divert more waste from landfill over recent years, we still create over 100,000 tonnes of household waste per year. This all needs to be collected, transported, sorted, and processed at waste facilities.

We are all very aware of the need to reduce pollution, lower carbon emissions and recover and reuse resources. The NSW and Commonwealth Governments have recognised this by setting resource recovery and emissions targets for waste. While the collection of waste is just one part of the bigger process, the responsibility falls on councils to make strategic directions about where this waste will go and how it will be processed.

Council has developed a draft long-term Waste and Circular Economy Strategy which is being considered at this meeting. The Strategy sets out to provide a vision of sustainability and aims to support a local circular economy and protect our environment through actions and initiatives.

While we are looking strategically at this issue, industry wide challenges persist, including a limited number of waste processors, lack of processing infrastructure and a shortage of readily accessible waste collection and transfer sites in some parts of Sydney. These challenges could present

Sydney Metropolitan councils with rising costs, increasing truck movements and pressures on capacity to recycle more material.

I understand our data demonstrates that we will not be able to meet NSW and Commonwealth resource recovery targets with the current systems and technology without significant changes which of course also means significant costs for our community.

NSW councils receive roughly 7% of around \$800 million in annual Waste Levy revenue and supplement this through contestable grants from the waste industry to fund improvements aimed to meet the targets set by State and Commonwealth agencies. Councils are expected to deliver on State targets and operate within a host of State frameworks yet receive relatively small levels of funding to support this, let alone innovate in what is such an important service to our community.

At the Metropolitan Sydney Mayoral Summit on Waste held in May this year, delegates heard from the waste industry, NSW EPA and Federal Government representatives and Sydney Mayors about initiatives and areas of influence where councils can work together in advocating for further action by the State and Federal Governments.

I therefore seek the support of Councillors to advocate along with other metropolitan councils by writing to both State and Federal Ministers seeking further actions to reduce and improve environmental outcomes from waste management, and plan for the inevitable pressures that Metropolitan Sydney will face in coming years.



Sue Heins
MAYOR

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	ORDINARY COUNCIL MEETING SCHEDULE 2024
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/624802
ATTACHMENTS	NIL

SUMMARY

PURPOSE

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

EXECUTIVE SUMMARY

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

RECOMMENDATION

That Council adopt the following 2024 ordinary Council meeting schedule:

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

*Extraordinary meeting

REPORT

BACKGROUND

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

This report was included in the 26 September 2023 Council meeting business papers and was deferred by resolution. The proposed convention is that ordinary Council meetings are held on the third Tuesday of the month, commencing at 6:00pm from February 2024 (except in September due to the Local Government Election). Proposed dates are below.

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

*Extraordinary meeting

Local Government election 14 September 2024

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

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

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

First meeting of new term of Council

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

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

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

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

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from this report.

GOVERNANCE AND RISK CONSIDERATIONS

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

ITEM 9.2	DRAFT 2022/23 FINANCIAL STATEMENTS
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2023/562987
ATTACHMENTS	<p>1 ⇒ Draft 2022/23 Financial Statements (Included In Attachments Booklet)</p> <p>2 ⇒ Statement by Councillors and Management - General Purpose Financial Statements (Included In Attachments Booklet)</p>

SUMMARY

PURPOSE

The purpose of this report is to present to Council the draft Financial Statements of Northern Beaches Council for the year ended 30 June 2023, which require certification and referral to Council's external auditor, the Audit Office of New South Wales.

EXECUTIVE SUMMARY

- Council met all financial and asset performance benchmarks set by the Office of Local Government for the 2022/23 financial year and achieved an operating surplus of \$51.7m.
- The operating surplus was \$17.8m after excluding grants and contributions received for capital purposes. In assessing the surplus, consideration needs to be given to restrictions related to domestic waste, stormwater and other items which effectively reduce this balance by \$13.7m. The remaining \$4.1m contributed funding to deliver the capital works program, repay loans and increase working capital following significant events in recent years.
- Both income and operating expenses were higher than the previous year (income ▲ \$17m (4.3%); operating expenses ▲ \$27m (7.9%)). This was largely due to:
 - Income: COVID-19 impacted services returning to pre-pandemic activity levels (\$9.4m ▲), stronger interest and investment income because of rapidly increasing interest rates (\$5.8m ▲) and an increase in operating grants (\$4.3m ▲).
 - Expenses: Higher storm related roadworks, an increase in the staff award of 2% and the legislated increase in the super guarantee of 0.5% along with the remeasurement of the employee leave entitlement provision which was negatively impacted by projected economic conditions. COVID impacted services are returning to normal, with increased expenses (related to the increased income above for these services). Additional expenses were also incurred in further improving Council's information technology security, along with an increase in the Emergency Services Levy.
- While Council met benchmarks and achieved an operating surplus in 2022/23, the 2023-33 Long Term Financial Plan forecasts a declining position, especially regarding asset renewal and maintenance and operating performance. The impact of high inflation, the \$3.1m increase in the 2023/24 Emergency Services Levy and constraints on rates income will challenge our ability to continue to sustain the same level of service to our community.
- Following significant events in recent years, restoration of working capital funds remains a priority along with exploring ways to invest more into our community infrastructure. Working capital provides funding to respond to unexpected events, invest in new opportunities, and ensure a financially sustainable position into the future. The Long Term Financial Plan illustrates an alternative scenario to strengthen our position in the future.

RECOMMENDATION

That:

1. Council resolve:
 - A. the Financial Statements for the year ended 30 June 2023 have been properly drawn up in accordance with the provisions of the *Local Government Act 1993* and the regulations made thereunder, the Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting;
 - B. to the best of Council's knowledge and belief, the Financial Statements present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records; and
 - C. Council is unaware of any matter that would render the Financial Statements false or misleading in anyway.
 2. The Mayor, a Councillor, Chief Executive Officer and Chief Financial Officer be authorised to sign the 'Statement by Councillors and Management' for the Financial Statements.
 3. The Financial Statements for the year ended 30 June 2023 be referred to Council's Auditor for audit.
 4. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's reports, to arrange for public notice to be given, in the required format on Council's website, of the Council Meeting for presentation of the audited 2022/23 Financial Statements.
-

REPORT

BACKGROUND

Preparation of the Financial Statements

The *Local Government Act 1993* (the Act) relevantly provides:

1. Section 413(2) – A council's Financial Statements must include:
 - A. a General Purpose Financial Statement
 - B. any other matter prescribed by the Regulations
 - C. a statement in the approved form by the council as to the opinion on the General Purpose Financial Statements.
2. Section 416 – A council's Financial Statements for a year must be prepared and audited within 4 months after the end of the year concerned.
3. Section 418 – Upon receiving the Auditor's reports, the Act requires council must give at least 7 days public notice of the meeting at which it proposes to present its Audited Financial Statements, together with the Auditor's reports, to the public. The public notice must include a statement that the business of the meeting will include presentation of the Audited Financial Statements, the Auditor's reports and a summary of the Financial Statements.
4. Section 420 – Any person may make submissions in respect of the council's Audited Financial Statements or the Auditor's reports. Such submissions must be in writing and lodged with council within 7 days after the public meeting at which these Statements are presented. Copies of all submissions received must be referred to the council's Auditor. The council may take such action as it considers appropriate with respect to any submissions received, including giving notice to the Office of Local Government of any matter that appears to require amendment of the council's Financial Statements.

To facilitate the above process, it is considered appropriate that council delegate to the Chief Executive Officer authority, upon receipt of the Auditor's reports by Council, to:

- A. Arrange for the public notice of this meeting, in the required format, to be placed on Council's website, advising of the meeting at which the Audited Financial Statements and the Auditor's reports will be presented.
 - B. Arrange for the council's Audited Financial Statements and a copy of the Auditor's reports to be made available for public inspection on Council's website and at Council's Customer Service Centres and Libraries.
 - C. List the Audited Financial Statements and Auditor's reports on the agenda for the next available council meeting for presentation to the public, which allows for the 7-day public notice requirement.
5. Section 428 - The Audited Financial Statements must be included in council's Annual Report.

Clause 215 of the Local Government (General) Regulation 2021 requires that the Statement under section 413(2)(c) of the Act on the Annual Financial Statements must be made by resolution of the council and signed by the Mayor, at least one other Councillor, Chief Executive Officer and Responsible Accounting Officer.

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

Council is responsible for the preparation of the Financial Statements and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, selection and application of accounting policies, and the safeguarding of the assets of Council.

The accounting records have been maintained in accordance with section 412 of the Act and in a manner that permitted the timely preparation of the Financial Statements for the year ended 30 June 2023. The update to the Local Government Code of Accounting Practice and Financial Reporting was issued in December 2022 and is relevant to this reporting period.

Financial Position and Performance as at 30 June 2023 (subject to Audit)

The principal features of the Financial Statements for 2022/23 (and prior years for comparison) are as follows:

Income Statement	2023	2022	2021	2020
Income	\$425.4m	\$408.1m	\$365.8m	\$366.0m
Operating expenses	\$373.8m	\$346.4m	\$365.7m	\$347.3m
Net operating result for the year	\$51.7m	\$61.6m	\$0.1m	\$18.6m
Result excl capital grants & contributions	\$17.8m	\$17.7m	(\$26.5m)	(\$16.5m)

Capital expenditure	2023	2022	2021	2020
New capital works	\$41.7m	\$44.2m	\$33.8m	\$36.8m
Capital renewal works	\$40.4m	\$32.7m	\$39.3m	\$46.8m
Non-cash asset dedications	\$0.8m	-	\$0.8m	\$13.6m
Total capital expenditure	\$82.9m	\$76.9m	\$73.9m	\$97.2m

Loan repayments	2023	2022	2021	2020
Total loan repayments	\$4.8m	\$5.0m	\$5.1m	\$5.2m

Cash and investments	2023	2022	2021	2020
Externally restricted	\$53.1m	\$41.5m	\$30.8m	\$39.0m
Internally allocated	\$90.8m	\$80.2m	\$83.4m	\$71.5m
Unrestricted	\$38.9m	\$36.4m	\$33.0m	\$43.8m
Total cash and investments	\$182.9m	\$158.1m	\$147.2m	\$154.3m

Cashflows	2023	2022	2021	2020
Net cash from operating activities	\$110.7m	\$90.2m	\$70.0m	\$41.4m
Net cash from investing activities*	(\$79.8m)	(\$73.0m)	(\$70.6m)	(\$76.6m)
Net cash from financing activities	(\$6.1m)	(\$6.3m)	(\$6.5m)	(\$6.4m)
Net increase / (decrease) in cash & investments	\$24.8m	\$10.9m	(\$7.1m)	(\$41.6m)

* Excludes purchase and sale of investments

Financial Position	2023	2022	2021	2020
Total assets	\$5,636.4m	\$5,421.0m	\$5,245.2m	\$5,262.7m
Total liabilities	\$187.3m	\$184.5m	\$198.6m	\$177.1m
Net assets	\$5,449.2m	\$5,236.5m	\$5,046.6m	\$5,085.5m

Performance Indicators

Financial performance indicators	2023	2022	2021	2020
Operating performance	4.46%	4.53%	(7.32%)	(4.93%)
Own source operating revenue	84.61%	82.52%	87.42%	84.85%
Unrestricted current ratio	1.92x	1.90	1.69	2.09
Debt service cover ratio	7.65x	7.25	2.81	3.72
Rates and annual charges outstanding percentage	3.57%	3.63%	3.92%	4.12%
Cash expense cover ratio	6.13 months	5.59 months	5.13 months	5.39 months

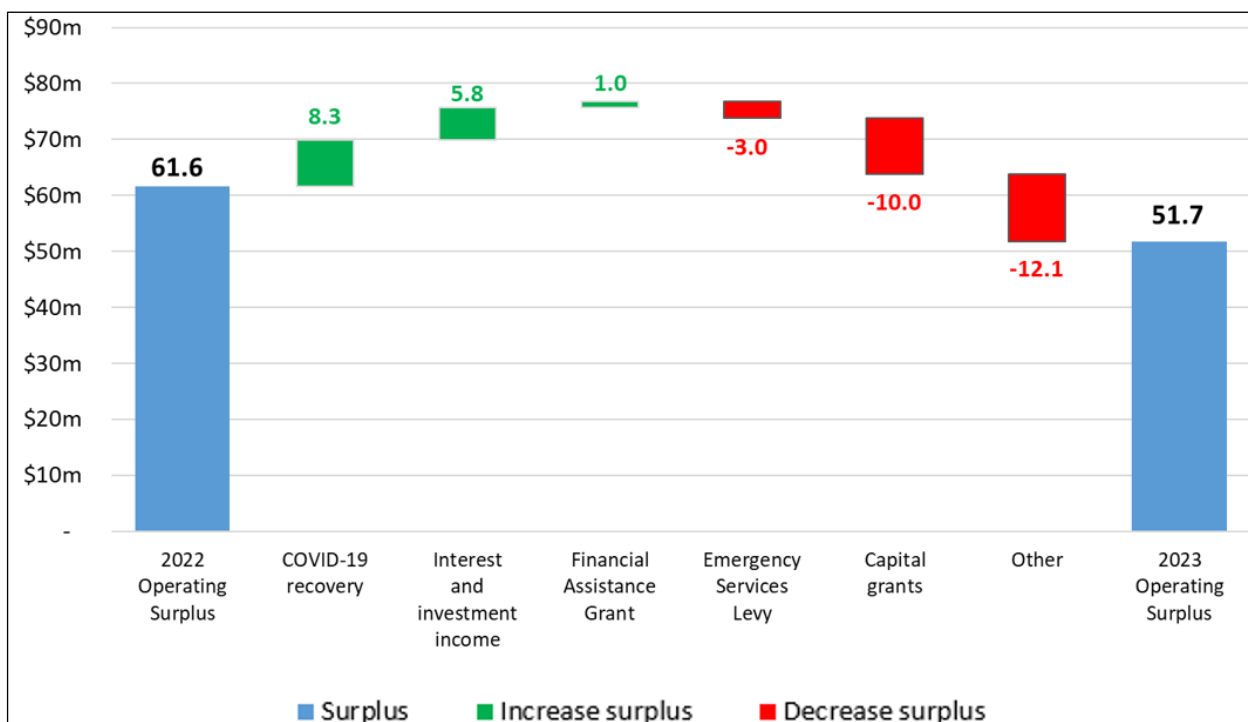
Asset performance indicators	2023	2022	2021	2020
Building and infrastructure renewals	130.77%	112.67%	117.19%	121.34%
Infrastructure backlog ratio	1.49%	1.53%	1.50%	1.37%
Asset maintenance ratio	109.69%	100.55%	106.52%	107.92%
Cost to bring assets to agreed service level	1.22%	1.26%	1.24%	1.15%

Green font indicates performance indicator has achieved the Office of Local Government benchmark
The Office of Local Government (OLG) set benchmarks for all indicators, apart from the 'Cost to bring assets to agreed service level'.

Operating Result from Continuing Operations – 2022/23 compared to 2021/22

The Operating Result from Continuing Operations for the 2022/23 financial year is \$51.7 million surplus (2021/22 \$61.6 million).

Change in surplus (incl. capital grants and contributions) 2021/22 to 2022/23 (\$'m)



The primary differences between the two financial years being:

- **COVID-19 recovery:** \$8.3m net favourable improvement in result (Income \$9.4m ▲ less expenses \$1.1m ▲) as a result of COVID-19 impacted services returning to pre-COVID levels, especially aquatic centres (\$1.8m ▲), Sydney Lakeside Holiday Park (\$1.8m ▲) and paid parking (\$2.7m ▲). Community support through subsidies were also reduced (\$2.0m ▼).
- **Interest and investment income:** was \$5.8m higher than the previous financial year as a result of rapidly increasing interest rates (half of the returns on investments relate to restricted funds).
- **Financial Assistance Grant:** \$1.0m more grant income was recognised in 2023 mainly due to changes in the portion of the grant that is paid in advance. Specifically 25% of the 2023 grant was paid in the year (\$2.3m) along with 100% of the 2024 allocation (\$9.4m).
- **Emergency Services Levy:** the net cost of the levy was \$3.0m higher in 2023. The levy increased by \$1.4m to \$7.8m and no grant was received from the NSW Government in the financial year to assist in offsetting the cost (the \$1.6m grant was paid in June 2022, and so was recognised as income in that year).
- **Capital grants and contributions:** capital grants and contributions decreased by \$10m in 2022/23. The 2021/22 year included several large grant funded projects including Local Roads & Community Infrastructure program (\$7.4m – decrease of \$5.9m) and Safer Schools Infrastructure (\$4.7m – decrease of \$4.3m).
- **Other:** includes one off favourable items in the 2021/22 financial year including remeasurement of employee leave entitlements and a confidential insurance settlement.

CONSULTATION

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

Council's Audit, Risk and Improvement Committee was provided with a draft of the Financial Statements for the year ended 30 June 2023 at a meeting on 11 October 2023 for its assessment and advice. The Committee supported the draft 2022/23 Financial Statements as suitable for consideration by Council for referral to audit with minor amendments. These amendments have been incorporated into the draft Financial Statements.

TIMING

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

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

The attached Financial Statements fairly present Council's operating result and financial position for the financial year 1 July 2022 to 30 June 2023 and accord with relevant accounting records.

The operating result for the year was a surplus of \$51.7 million (\$17.8 million surplus after excluding grants and contributions received for capital purposes). The financial result for the year included several favorable items including higher investment returns, stronger returns from COVID impacted services and the early payment of the 2023/24 Financial Assistance Grant.

There are several restrictions on funds within this operating result. When these are removed, the underlying operating result was a surplus of \$4.1m.

Underlying result	\$'m
Surplus / (deficit) excluding capital grants and contributions	17.8
Less:	
Interest on restricted Council funds	(2.4)
Domestic Waste	(2.8)
Stormwater Charge	(1.9)
Special Rates	(0.3)
Kimbriki (less dividend)	(2.7)
Mona Vale Cemetery Surplus	(0.4)
Gain on the disposal of assets	(0.2)
Financial assistance grant advance payment (net)	(2.9)
Underlying surplus / (deficit) excluding capital grants and contributions	4.1

Council met all financial and asset performance ratios and working capital is sufficient to meet Council's operating requirements. The Long Term Financial Plan provides an alternative pathway to improve working capital to provide funding to respond to unexpected events, invest in new opportunities, and ensure a financially sustainable position into the future.

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

SOCIAL CONSIDERATIONS

Various social initiatives and projects were funded and undertaken in the year ended 30 June 2023. There are no adverse social impacts arising from the recommendations of this report.

ENVIRONMENTAL CONSIDERATIONS

Various environmental initiatives and projects were funded and undertaken in the year ended 30 June 2023. There are no adverse environmental impacts arising from the recommendations of this report.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Financial Statements for the year ended 30 June 2023 were reported to the Audit, Risk and Improvement Committee, and it considered them suitable for presentation to Council with minor amendments. These amendments are reflected in the attached draft Financial Statements. The Financial Statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993* and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.

ITEM 9.3	CHRISTMAS AND NEW YEAR RECESS 2023-24 OPERATING HOURS AND COUNCIL DELEGATED AUTHORITY
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/622567
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to consider the arrangements for delegated authority of the Council and operating hours over the 2023-24 Christmas and New Year recess.

EXECUTIVE SUMMARY

- Council may consider delegating its functions over the Christmas and New Year recess to facilitate decisions, in the Council's absence, which may be required during this time.
- It is proposed that this delegation be granted to the Mayor for the 2023-24 recess from 20 December 2023 to 31 January 2024 inclusive.
- A report outlining how the delegated authority was exercised during the period will be provided to Council at the February 2024 Ordinary Council meeting. A delegation has been granted each year by Northern Beaches Council to the Mayor during the Christmas and New Year recess since 2017.
- Council will be operating with some reduced hours over this period to accommodate public holidays and align with demand for services during this time of year. Essential operational services will continue as business as usual, including waste services, rangers and cleansing/maintenance crews.

RECOMMENDATION

That:

1. Council, pursuant to section 377 of the *Local Government Act 1993*, delegate to the Mayor the functions of Council during the 2023-24 Christmas and New Year recess (being 20 December 2023 to 31 January 2024 inclusive), subject to the limitation that the functions may only be exercised by the Mayor following consultation with the Chief Executive Officer.
 2. A report be provided to the February 2024 Ordinary Council meeting outlining how the delegated authority was exercised.
-

REPORT

BACKGROUND

Delegated authority

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

For reasons of practicality, as the governing body of Council may be unavailable over the 2023-24 recess, Council's functions may be delegated to the Mayor during this period in the event that matters arise which are required to be dealt with during this time.

It is proposed that this delegation be granted to the Mayor for the 2023-24 recess from 20 December 2023 to 31 January 2024 inclusive. A report outlining how the delegated authority was exercised during the period will be provided to Council at the February 2024 Ordinary Council meeting. A delegation has been granted each year by Northern Beaches Council to the Mayor during the Christmas and New Year recess since 2017.

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

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

- the appointment of a general manager
- the making of a rate
- a determination under section 549 as to the levying of a rate
- the making of a charge
- the fixing of a fee
- the borrowing of money
- the voting of money for expenditure on its works, services or operations
- the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- the acceptance of tenders to provide services currently provided by members of staff of the council
- the adoption of an operational plan under section 405
- the adoption of a financial statement included in an annual financial report
- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
- the fixing of an amount or rate for the carrying out by the council of work on private land
- the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work
- the review of a determination made by the council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*
- the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194

- a decision under section 356 to contribute money or otherwise grant financial assistance to persons
- a decision under section 234 to grant leave of absence to the holder of a civic office
- the making of an application, or the giving of a notice, to the Governor or Minister
- this power of delegation
- any function under this or any other Act that is expressly required to be exercised by resolution of the council.

Operating hours

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

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

Customer service centres	
Friday 22 December 2023	Normal hours
Monday 25 December 2023 (Public holiday)	Closed
Tuesday 26 December 2023 (Public holiday)	Closed
Wednesday 27 December 2023	Dee Why open normal hours 8.30am–5.00pm Other Branches closed for in person visits All online and phone services available as normal
Thursday 28 January 2023	Dee Why open normal hours 8.30am–5.00pm Other Branches closed for in person visits All online and phone services available as normal
Friday 29 January 2023	Dee Why open normal hours 8.30am–5.00pm Other Branches are closed for in person visits All online and phone services available as normal
Monday 1 January 2024 (public holiday)	Closed
Aquatic Centres Warringah Aquatic Centre (WAC) & Manly Andrew Boy Charlton (MABC)	
Friday 22 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Saturday 23 December 2023	WAC normal hours 7.00am–6.00pm MABC normal hours 6.00am–7.00pm
Sunday 24 December 2023	WAC 7.00am–6.00pm MABC 6.00am–6.00pm
Monday 25 December 2023 (Public Holiday)	Closed
Tuesday 26 December 2023 (Public Holiday)	WAC normal hours 7.00am–6.00pm MABC normal hours 6.00am–7.00pm

Wednesday 27 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Thursday 28 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Friday 29 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Saturday 30 December 2023	WAC normal hours 7.00am–6.00pm MABC normal hours 6.00am–7.00pm
Sunday 31 December 2023	WAC 7.00am-6.00pm MABC 6.00am-6.00pm
Monday 1 January 2024 (Public holiday)	WAC Normal hours 7.00am–6.00pm MABC Normal hours 6.00am–7.00pm
Tuesday 2 January 2024	WAC & MABC Normal hours 5.30am–9.00pm
Wednesday 3 January 2024	WAC & MABC Normal hours 5.30am–9.00pm
Library Services *	
Friday 22 December 2023	All branches open usual hours
Saturday 23 December 2023	All branches open usual hours
Sunday 24 December 2023	All branches open usual hours
Monday 25 December 2023 (Public Holiday)	Forestville 24/7 access only
Tuesday 26 December 2023 (Public Holiday)	Forestville 24/7 access only
Wednesday 27 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Thursday 28 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Friday 29 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Saturday 30 December 2023	Warringah Mall, Manly & Mona Vale open 10am-4pm Forestville 24/7 access
Sunday 31 December 2023	Warringah Mall & Manly open 11am-4pm Mona Vale open 1pm-4pm Forestville 24/7 access
Monday 1 January 2024 (Public holiday)	Forestville 24/7 access only
Tuesday 2 January 2024	All branches open usual hours
Wednesday 3 January 2024	All branches open usual hours
Other services	
All long day care operations	Closed 23 December 2023 Reopens 9 January 2024
Manly Community and North Harbour Pre-schools	Closed 19 December 2023 Reopens 31 January 2024
Vacation Care	All closed from 23 December 2023 Cromer open from 2 January 2024

	Manly Vale and North Harbour open from 8 January 2024
Manly Art Gallery and Museum	Open: Tuesdays to Sundays 10am–5pm Closed: Mondays and Public Holidays
Glen Street Theatre Box Office	Closed from 23 December 2023 Reopens 2 January 2024

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

TIMING

This report relates to the Christmas / New Year recess period of 20 December 2023 to 31 January 2024.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

Decisions which are made using delegated functions of Council during this period may have financial considerations and will be considered on an individual basis as appropriate. Financial considerations will be advised in the report to Council (in February 2024) outlining any exercise of the delegated functions during the period. There are no financial impacts as the proposed operational hours, incorporating public holidays, as outlined in this report is included in existing budgets.

SOCIAL CONSIDERATIONS

Decisions made using delegated functions of Council during this period may have social considerations and will be considered on an individual basis. Social considerations will be advised in the report to Council (in February 2024) outlining any exercise of the delegated functions during the period.

ENVIRONMENTAL CONSIDERATIONS

Decisions made using delegated functions of Council during this period may have environmental considerations and will be considered on an individual basis. Environmental considerations will be advised in the report to Council (in February 2024) outlining any exercise of the delegated functions during the period.

GOVERNANCE AND RISK CONSIDERATIONS

It is considered a prudent practice for Council's functions to be delegated over the Christmas and New Year recess in the event of a critical or urgent matter arising. The Mayor will be required to consult with the Chief Executive Officer before exercising any delegated functions.

Decisions which are made by the holder of the delegated functions (ie Mayor) during this period may have governance and risk considerations and will be considered on an individual basis. Governance and risk considerations will be advised in the report to Council (in February 2024) outlining any exercise of the delegated functions during the period.

ITEM 9.4	TABLING OF DESIGNATED PERSONS RETURNS 2022/23
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2023/009754
ATTACHMENTS	1 2023/24 Designated Persons Positions List (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to table Council's designated persons annual disclosure of interest returns lodged under clause 4.21 of the Northern Beaches Council Code of Conduct (Code) for the 2022/23 financial year and adopt the list of designated persons positions for the 2023/24 financial year.

EXECUTIVE SUMMARY

- Council's Code requires Councillors and designated persons to make and lodge a return within 3 months of 30 June each year (annual return).
- These returns are collected in a register of returns and, in accordance with clauses 4.25 of the Code, are to be tabled at the first meeting of Council following the last day of lodgement which is 30 September.

RECOMMENDATION

That Council:

1. Note the designated persons disclosure of interest returns for the period 1 July 2022 to 30 June 2023, as tabled in accordance with clause 4.25 of Council's Code of Conduct.
 2. Adopt the list of positions for designated persons for the period 1 July 2023 to 30 June 2024 in accordance with clause 4.8 of Council's Code of Conduct.
-

REPORT

BACKGROUND

The Northern Beaches Council Code of Conduct (Code) requires Councillors and designated persons to make and lodge a return disclosing their interests within 3 months of becoming a Councillor or designated person (first return), within 3 months of 30 June each year (annual return) or as they become aware of an interest throughout the year (change return). First or change returns are to be tabled at the next Council meeting after the return is lodged.

This report tables annual returns for 2022/23 for the following:

- 15 Councillors
- 4 Audit, Risk and Improvement Committee (ARIC) members
- 283 staff in roles defined as designated persons.

All 15 current Councillors' returns were received. In accordance with 4.22(b) of the Northern Beaches Council Code of Conduct, an annual return from former Councillor Amon was not required for this reporting period.

Six designated persons (staff) are currently on parental leave, long term sick leave or extended leave. They will be asked to complete their forms when they return to work.

In addition to being publicly available on request, these returns will be published on Council's website as soon as practicable, in line with the mandatory open access requirements of the *Government Information (Public Access) Act 2009* (GIPA Act) and [Information Access Guideline 1 - For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\) September 2019](#).

In accordance with the *Local Government Act 1993* and sections 6(1) and 13 of the GIPA Act, a public interest test determined that there is an overriding public interest against the disclosure of Councillors' and designated persons' residential addresses.

The list of roles defined as designated persons is reviewed annually by the Chief Executive Team and the 2023/24 list is presented to Council for adoption (Attachment 1). This list includes 14 new positions from 2022/23 and proposes to remove 3 that were not considered to be required as designated any further (Access Administration Officer, Trainee Development Assessment, Waste Investigations Officer).

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council as dealing with returns is included in Council's operating budget.

ENVIRONMENTAL CONSIDERATIONS

There are no material environmental impacts in relation to the tabling of designated persons returns.

SOCIAL CONSIDERATIONS

The designated persons returns are tabled annually at the October Council meeting and are publicly available in accordance with clause 1(2)(a) of Schedule 1 of the Government Information (Public Access) Regulation 2018.

GOVERNANCE AND RISK CONSIDERATIONS

The collection, tabling and public release of designated persons annual returns are statutory requirements in the Code. Section 440AAB of the *Local Government Act 1993* also requires that a register of returns be kept by the Chief Executive Officer and returns be tabled at a Council meeting.

Council's Code is based on the Office of Local Government's Model Code of Conduct as prescribed by the Local Government (General) Regulation 2021. Council's Risk Appetite Statement affirms that Council has zero tolerance towards breaches of the Code of Conduct and Council therefore has measures in place to ensure full compliance with the requirement to submit and table designated persons returns.

ITEM 9.5	MONTHLY INVESTMENT REPORT - AUGUST 2023
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2023/485387
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to provide details of all money that Council has invested under section 625 of the *Local Government Act 1993* (the Act).

EXECUTIVE SUMMARY

- In accordance with section 212 of the Local Government (General) Regulation 2021 (the Regulation), the responsible accounting officer must provide Council with a written report on a monthly basis setting out details of all money that Council has invested under section 625 of the Act.
- The responsible accounting officer has certified that the investments listed in the report have been made in accordance with the Act, the Regulation and Council's Investment Policy.
- As at 31 August 2023, Council had total cash and investments of \$222,700,387 comprising:

Trading Accounts	\$8,962,679
Investments	\$213,737,708
- The portfolio achieved a return of 0.413% for the month of August, which was 0.043% above the benchmark AusBond Bank Bill Index return of 0.37%.
- The weighted average interest rate of the portfolio at month end is 4.90% compared to 4.56% for the prior month.
- Total investment income for August was \$786,844 compared to budgeted income for the month of \$537,135. Year to date income is \$1,480,254 compared to budget of \$1,019,866.

RECOMMENDATION

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

REPORT

BACKGROUND

In accordance with section 212 of the Local Government (General) Regulation 2021, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

The details of the report (the key aspects of which are in the Executive Summary) are set out below, together with the Responsible Accounting Officer's certification.

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance with section 625 of the *Local Government Act 1993*, section 212 of the Local Government (General) Regulation 2021 and existing Investment Policies.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2023 to date was \$1,480,254 compared to budgeted income of \$1,019,866, a positive variance of \$460,388.

SOCIAL CONSIDERATIONS

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of social responsibility when making investment decisions.

ENVIRONMENTAL CONSIDERATIONS

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of environmental responsibility when making investment decisions.

GOVERNANCE AND RISK CONSIDERATIONS

A revised Investment Policy (Policy) was adopted by Council at its meeting on 26 July 2022. The Policy is reviewed annually by the Audit, Risk and Improvement Committee. It was reviewed by the Committee at its meeting in December 2022, and no changes to the Policy were proposed, with the next review by the Committee due by December 2023.

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

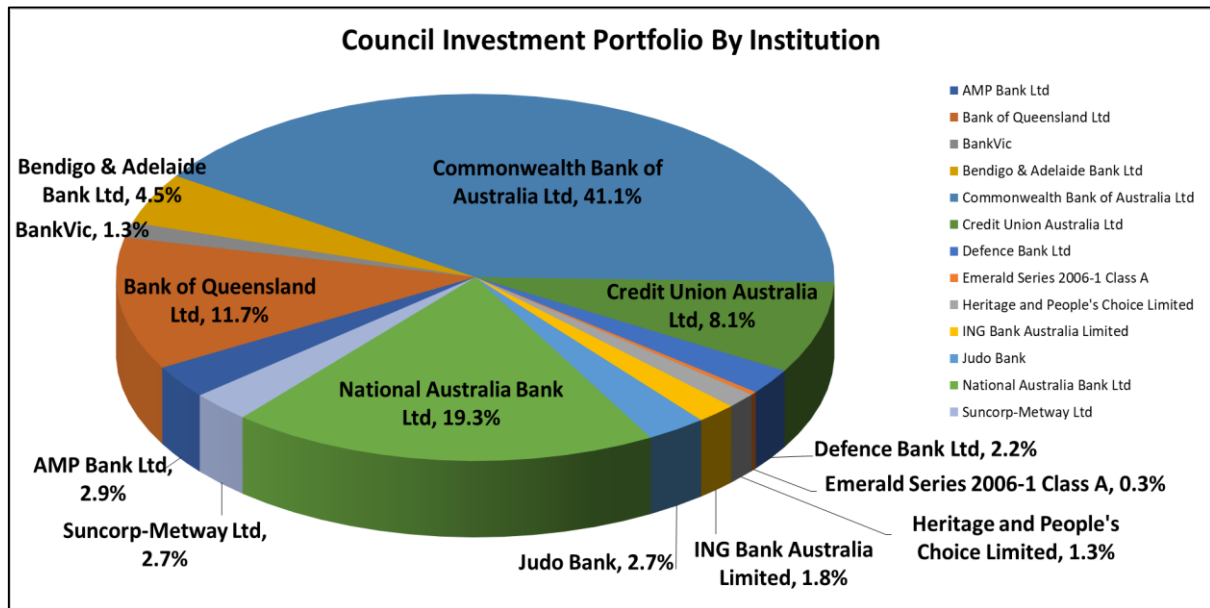
Investment Balances

INVESTMENT BALANCES					
As at 31-Aug-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	8,425,225			4.15%
National Australia Bank Ltd	A1+	10,544			4.10%
		8,435,768			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	2,225,356		At Call	4.15%
		2,225,356			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	652,248	17-Jul-06	21-Aug-51	4.5943%
		652,248			
Term Deposits					
Bank of Queensland Ltd	A2	2,000,000	25-Jan-23	05-Sep-23	4.25%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	07-Sep-23	4.55%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	12-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	14-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	19-Sep-23	4.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	21-Sep-22	21-Sep-23	4.32%
Bank of Queensland Ltd	A2	3,000,000	16-Feb-23	26-Sep-23	4.55%
Bank of Queensland Ltd	A2	2,000,000	16-Feb-23	28-Sep-23	4.55%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	03-Oct-23	4.59%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	05-Oct-23	4.60%
National Australia Bank Ltd	A1+	3,000,000	23-Feb-23	10-Oct-23	4.61%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	12-Oct-23	4.67%
National Australia Bank Ltd	A1+	2,000,000	16-Feb-23	17-Oct-23	4.60%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	19-Oct-23	4.68%
AMP Bank Ltd	A2	1,100,000	25-Oct-22	24-Oct-23	4.85%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	24-Oct-23	4.60%
AMP Bank Ltd	A2	900,000	25-Oct-22	24-Oct-23	4.85%
National Australia Bank Ltd	A1+	2,000,000	23-Feb-23	26-Oct-23	4.65%
National Australia Bank Ltd	A1+	2,000,000	28-Feb-23	31-Oct-23	4.71%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	02-Nov-23	4.72%
Bank of Queensland Ltd	A2	3,000,000	06-Apr-23	07-Nov-23	4.80%
AMP Bank Ltd	A2	2,500,000	20-Apr-23	09-Nov-23	4.95%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	27-Apr-23	14-Nov-23	4.50%
Judo Bank	A3	2,000,000	04-May-23	16-Nov-23	4.90%
Bank of Queensland Ltd	A2	1,000,000	23-Mar-23	21-Nov-23	4.60%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Dec-22	21-Nov-23	4.52%
Judo Bank	A3	2,000,000	09-May-23	23-Nov-23	4.90%
Judo Bank	A3	2,000,000	09-May-23	28-Nov-23	4.90%
ING Bank Australia Limited	A1	4,000,000	31-Jan-23	05-Dec-23	4.57%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	27-Apr-23	07-Dec-23	4.50%
Credit Union Australia Ltd	A2	3,000,000	16-May-23	12-Dec-23	4.83%
Credit Union Australia Ltd	A2	3,000,000	16-May-23	14-Dec-23	4.83%
BankVic	A2	3,000,000	16-Mar-23	19-Dec-23	4.80%
Defence Bank Ltd	A2	2,000,000	23-May-23	21-Dec-23	4.90%
Defence Bank Ltd	A2	3,000,000	23-May-23	02-Jan-24	4.90%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	04-Jan-24	5.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	09-Jan-24	5.02%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-May-23	11-Jan-24	5.02%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	31-May-23	16-Jan-24	5.02%
Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	18-Jan-24	5.47%
National Australia Bank Ltd	A1+	2,000,000	29-Jun-23	23-Jan-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	25-Jan-24	5.47%
Credit Union Australia Ltd	A2	3,000,000	31-Jan-23	30-Jan-24	4.65%
Bank of Queensland Ltd	A2	2,000,000	29-Jun-23	01-Feb-24	5.50%

INVESTMENT BALANCES					
As at 31-Aug-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
National Australia Bank Ltd	A1+	2,000,000	29-Jun-23	06-Feb-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	29-Jun-23	08-Feb-24	5.47%
Bank of Queensland Ltd	A2	3,000,000	29-Jun-23	13-Feb-24	5.50%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	03-Aug-23	15-Feb-24	5.41%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	03-Aug-23	20-Feb-24	5.41%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	03-Aug-23	22-Feb-24	5.41%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	28-Feb-23	27-Feb-24	5.02%
National Australia Bank Ltd	A1+	2,000,000	01-Mar-23	29-Feb-24	5.00%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	05-Mar-24	4.90%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	03-Aug-23	07-Mar-24	5.43%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	03-Aug-23	12-Mar-24	5.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	08-Aug-23	14-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	08-Aug-23	19-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	10-Aug-23	21-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	08-Aug-23	26-Mar-24	5.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	17-Aug-23	28-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	17-Aug-23	02-Apr-24	5.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	04-Apr-24	5.37%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	10-Aug-23	09-Apr-24	5.46%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	11-Apr-24	5.38%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Aug-23	16-Apr-24	5.51%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Aug-23	18-Apr-24	5.51%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	22-Apr-24	5.39%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	27-Jul-23	23-Apr-24	5.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	30-Apr-24	5.40%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	02-May-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	29-Aug-23	07-May-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	09-May-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	14-May-24	5.10%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	29-Aug-23	16-May-24	5.05%
Credit Union Australia Ltd	A2	3,000,000	23-May-23	21-May-24	5.11%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	29-Aug-23	23-May-24	5.05%
National Australia Bank Ltd	A1+	3,000,000	29-Aug-23	04-Jun-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	02-Jul-24	5.15%
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	16-Jul-24	5.16%
Heritage and People's Choice Limited	A2	3,000,000	25-Jul-23	30-Jul-24	5.65%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	01-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	06-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	08-Aug-24	5.20%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	15-Aug-23	13-Aug-24	5.60%
		188,500,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	526,911			
		526,911			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,763,747	At Call		4.15%
		1,763,747			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Apr-23	04-Sep-23	4.28%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	04-May-23	03-Oct-23	4.51%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Aug-23	01-Nov-23	4.85%
Commonwealth Bank of Australia Ltd	A1+	16,096,356	28-Aug-23	28-Aug-24	5.41%
		20,596,356			
Total Cash and Investments		222,700,387			

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

Portfolio Analysis



Institutional Credit Framework – Compliance with Investment Policy Requirements

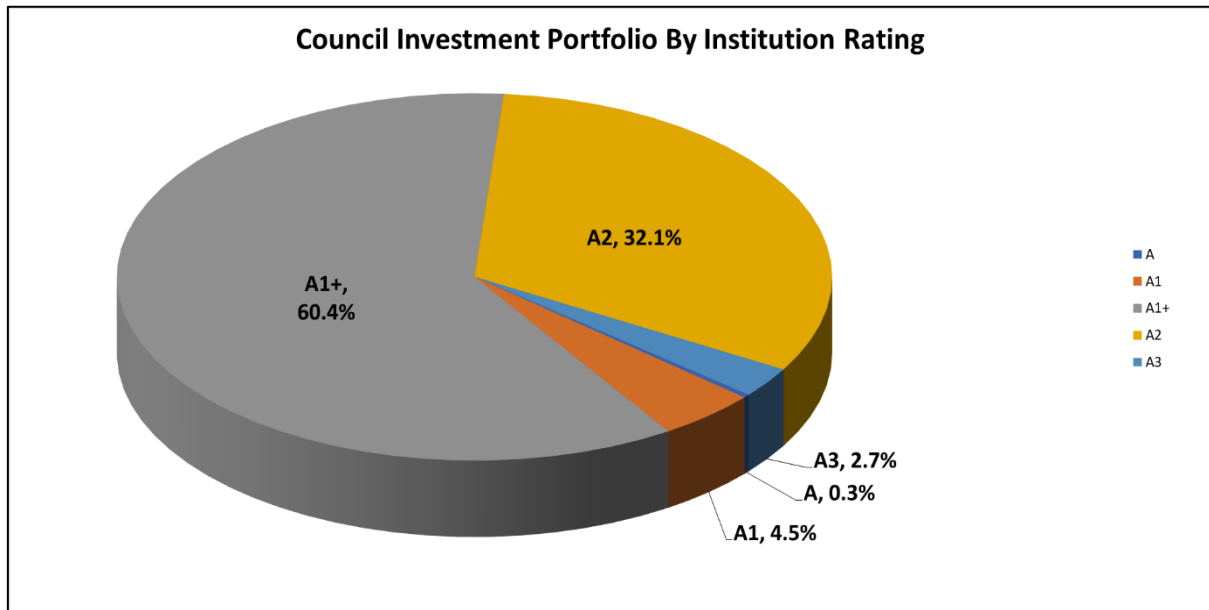
Clause 4.2.2 of Council's Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

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

* Or Moody's / Fitch equivalents

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

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



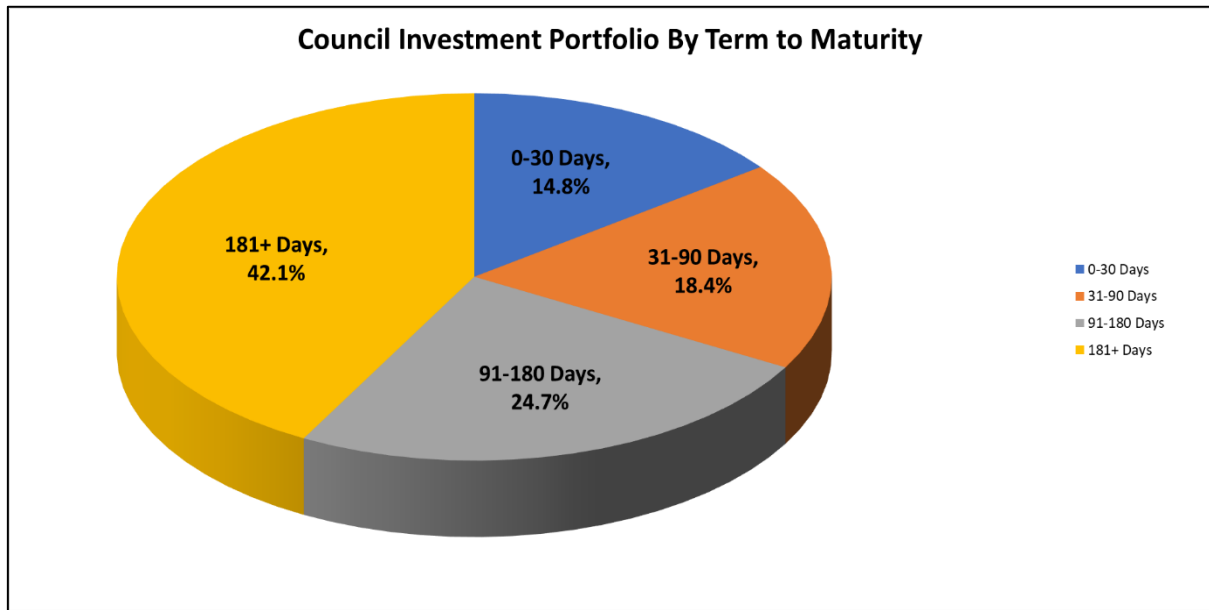
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

Clause 4.2.1 of Council's Investment Policy requires that the total percentage exposure within the market to any particular credit rating category be limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	100%	Yes
AA+			
AA			
AA-			
A+	A-1	100%	Yes
A			
A-			
BBB+	A-2	80%	Yes
BBB			
BBB-	A-3	30%	Yes
Unrated**	Unrated**	5%	Yes (\$Nil)

* Or Moody's / Fitch equivalents

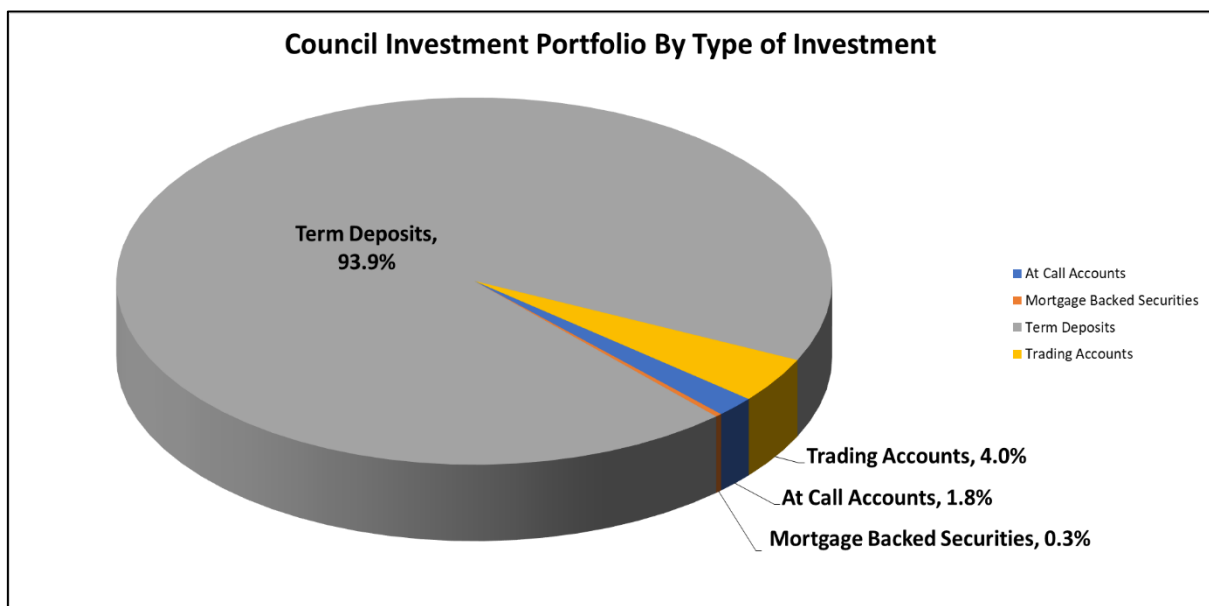
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



Term to Maturity Framework – Compliance with Investment Policy Requirements

Clause 4.2.4 of Council's Investment Policy requires Council's investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits			Portfolio Complies with Policy?
Portfolio % <1 year	Min 40%	Max 100%	Yes
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	Yes
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	Yes



Investment Performance vs Benchmark

a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 month	0.413%	0.37%
3 Months	1.191%	1.04%
FYTD	0.807%	0.74%
12 Months	4.050%	3.37%

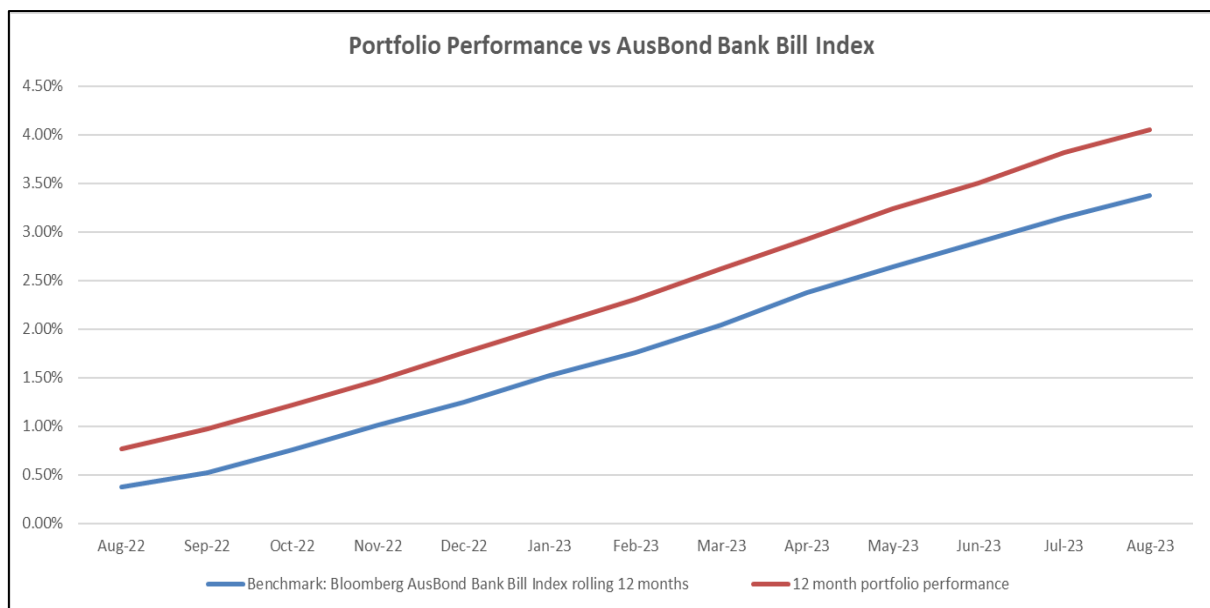
* Excludes trading account balances

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

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

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

The portfolio achieved a return of 0.413% for the month of August which was 0.043% above the benchmark AusBond Bank Bill Index return of 0.37%. For the past 12 months the portfolio achieved a return of 4.05% which was 0.68% above the benchmark AusBond Bank Bill Index return of 3.37%.



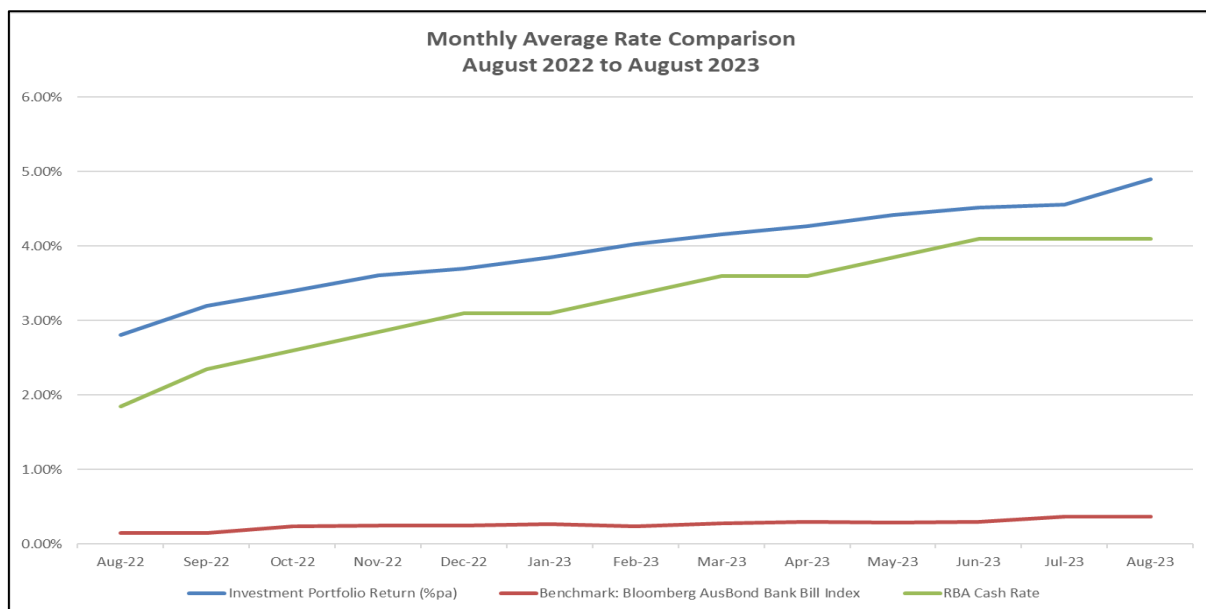
b) Portfolio Interest Rate vs Benchmarks

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	4.90%	0.37%	4.10%
3 Months	4.66%	0.35%	4.10%
6 Months	4.47%	0.32%	3.89%
FYTD	4.73%	0.37%	4.10%
12 Months	4.05%	0.28%	3.39%

* Excludes trading account balances

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

The weighted average interest rate of the portfolio is 4.90% compared to 4.56% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 4.05% compared to the average Ausbond Bank Bill movement of 0.28% and the average Reserve Bank of Australia Cash Rate of 3.39%.

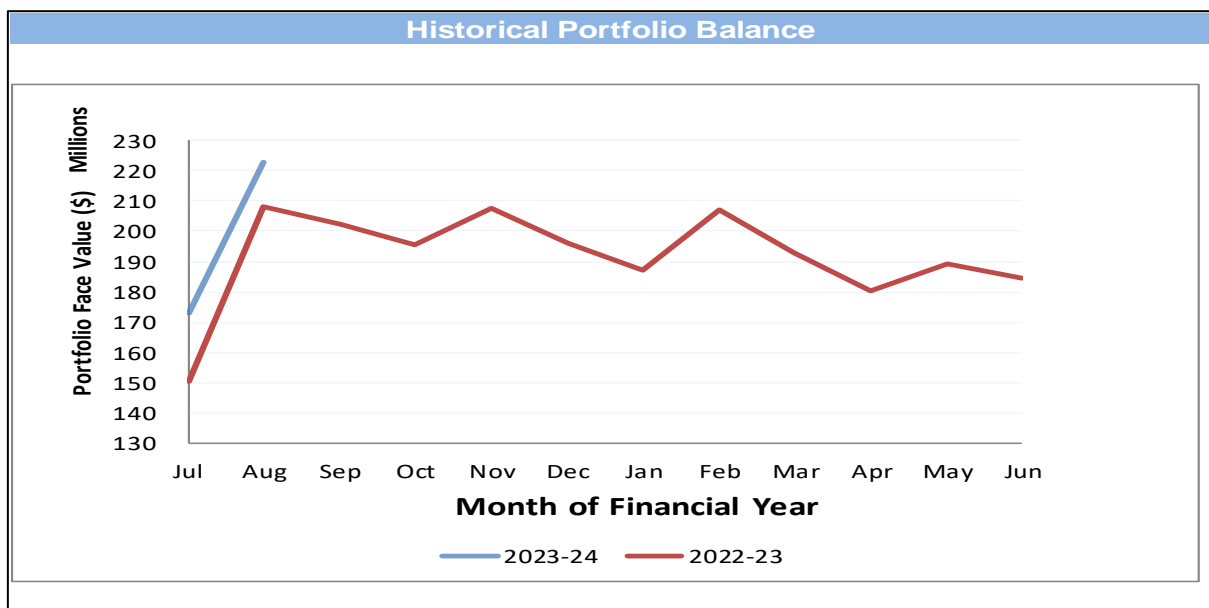


Monthly Investment Income* vs Budget

	Aug 2023 \$	Year to Date \$
Investment Income	780,278	1,473,695
Adjustment for Fair Value	6,566	6,559
Total Investment Income	786,844	1,480,254
Budgeted Income	537,135	1,019,866

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2023-24	2022-23
Jul	172,792,796	150,084,380
Aug	222,700,387	207,972,249
Sep		202,385,068
Oct		195,360,642
Nov		207,563,253
Dec		196,306,324
Jan		187,257,340
Feb		207,336,465
Mar		192,847,150
Apr		180,536,376
May		188,995,234
Jun		184,295,641
Average Portfolio Balance	197,746,592	191,745,010



Statement of Compliance

Portfolio Performance vs Bank Bill Index over 12-month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs Budget	✓	Council's income from investments did exceed monthly budget.

Investment Policy Compliance

Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

Restricted cash, cash equivalents and investments

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

At the end of July 2023 total cash & investments were \$172,792,796 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	57,016,739	33.00%
Internally Restricted	89,676,935	51.90%
Total Restricted	146,693,674	84.90%
Unrestricted	26,099,122	15.10%
Total	172,792,796	100.00%

ECONOMIC NOTES

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

Risk assets weakened in August as evidence of firmer US economic activity; Europe possibly avoiding recession; and slower progress containing inflation rekindled concern that central banks have not finished hiking interest rates. China and Australia went against the theme of resilient demand and stalling progress reducing inflation. China's growth showed more softer signs in August plus a growing threat of deflation. In Australia, signs of softer labour market conditions and falling inflation increased the probability that the RBA has finished hiking rates and allowed Australian bonds to rally a little, against the trend of rising bond yields elsewhere in August.

After strong monthly gains in June and July, major share markets fell in August with losses ranging between 1.0% for Australia's ASX200 and 8.1% for Hong Kong's Hang Seng. The US S&P 500 bolstered in June and July by increasing hopes of a soft economic landing, fell 1.8% in August faltering on Federal Reserve comments that it was too early to declare victory against inflation and interest rates will stay high for longer.

The Federal Reserve's caution that rates might need to stay high for longer placed upward pressure on US government bond yields. US bond yields out to two-years are close to 5.00% indicating that the bond market sees little opportunity for the Federal Reserve to start cutting rates in the near term. Longer-term US bond yields continued to rise in August with the 10-year bond yield up 13 basis points (bps) to 4.11% and the 30-year Treasury yield up 19bps to 4.22%. The continuing rise in US long-term bond yields above 4.00% implies that US inflation even at the bottom of the economic cycle will be higher than where it has been in the past three decades.

In contrast to rising US bond yields in August, Australian bond yields edged down after the RBA left the cash rate on hold for a second month running at 4.10%. Unlike its US and European central bank peers the RBA seemed closer to declaring victory fighting high inflation saying that there is a credible path towards taking inflation down to 2-3% target range by late 2025. Data releases in August mostly supported the RBA's declaration with employment growth taking a softer turn in July, wage growth not as high as expected in Q2 and CPI inflation in July falling below 5%.

Australia's weak growth by international comparison flowing on to the greater likelihood that Australia will experience softer labour market conditions and better progress containing domestically sourced inflation than in the US and Europe means that Australia may be able to cap interest rates lower than in the US and in Europe. The continuing pressure for the US Federal Reserve, the European Central Bank, and the Bank of England to lift their official interest rates higher will not apply in Australia.

One consequence of the Australian official cash rate holding at 4.10% while the US and British rates official rates push up towards 6.00% and the ECB's official rate pushes well above 4.00% is that the Australian dollar exchange rate will come under downward pressure from time-to-time.

That downward pressure on the exchange rate is likely to be reinforced at times by periodic downward pressure on Australia's export prices, an almost inevitable consequence of still slowing global economic growth and the problems Australia's biggest trade partner, China, is experiencing trying to promote stronger growth against the headwinds of an imploding property sector, poor returns on physical investment and a household sector preferring to save rather than spend more.

Australia, however, is more at risk of experiencing recession than most other countries. A recession would accelerate growth in non-performing loans with pronounced weakness in consumer spending placing many more businesses and households under extreme financial pressure. The issue would then become one of whether inflation is falling enough to allow the RBA to consider reducing interest rates. At this stage, while inflation is showing signs of decelerating it may still take until the middle months of 2024 before the RBA can be firmly confident that inflation will return inside target band in 2025.

ITEM 9.6	CONFIRMED MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 13 JUNE 2023
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/649954
ATTACHMENTS	1 ARIC Minutes - 13 June 2023 (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to provide the confirmed minutes of the Audit, Risk and Improvement Committee meeting of 13 June 2023.

EXECUTIVE SUMMARY

- The Audit, Risk and Improvement Committee (ARIC) plays a pivotal role providing Council with independent assurance and advice.
- All councils are required to have an ARIC.
- In accordance with the requirements of the ARIC Charter, the confirmed minutes of the ARIC meeting held on 13 June 2023 are reported to Council.

RECOMMENDATION

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 13 June 2023.

REPORT

BACKGROUND

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

In line with the requirements of the ARIC Charter, the confirmed minutes of the ARIC meeting held on 13 June 2023 are provided at Attachment 1.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

Funding to support the ARIC is included in Council's existing operational budget.

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from this report.

GOVERNANCE AND RISK CONSIDERATIONS

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

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	2023/24 COMMUNITY GRANTS PROGRAM - FUNDING RECOMMENDATIONS
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2023/550111
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Arts and Creativity Grants 2023/24 - Funding Recommendations (Included In Attachments Booklet) 2 ⇒ Community Development Grants 2023/24 - Funding Recommendations (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to seek approval to allocate funding under Council's Community Grants Program 2023/24.

EXECUTIVE SUMMARY

- The Community Grants Program 2023/24 has been developed in accordance with the adopted Community Grants and Partnerships Policy and the Guidelines for the Arts and Creativity and Community Development grants streams.
- The program comprises two components being 'Arts and Creativity' and 'Community Development', each with three funding streams, with different objectives and selection criteria.
- There is a total funding pool of \$292,000 for the two grants programs.
- Grants were advertised from 29 June 2023 until 7 August 2023. In total, 159 applications were received, requesting funds of \$1,071,950.
- 57 projects have been recommended for funding.
- The funding priorities align with the Arts and Creativity Strategy and Better Together Social Sustainability Strategy 2040.
- A summary of recommended applications, including a brief project description and assessment feedback, are detailed in Attachment 1 and Attachment 2.
- The delivery date for funded projects is from 1 November 2023 to 31 December 2024.

RECOMMENDATION

That Council, pursuant to section 356 of the *Local Government Act 1993*, approves the allocation of \$281,642 (excluding GST) under the 2023/24 Community Grants Program as outlined in Attachments 1 and 2, comprising:

1. \$122,000 in respect of the Arts and Creativity grants program (Attachment 1).
 2. \$159,642 in respect of the Community Development grants program (Attachment 2).
-

REPORT

BACKGROUND

The Community Grants Program commenced in 2018/19 and provides grants of up to \$10,000 to eligible individuals and organisations to support projects and initiatives that deliver direct benefit to local people and communities of the Northern Beaches Local Government Area.

Funding priorities have been determined from Council's Better Together Social Sustainability Strategy 2021-2040 and Arts and Creativity Strategy.

Council received the following applications to each grants program:

Grants Program	Applications Received	Eligible Applications	Eligible Applications Amount Requested	Funding Available
Arts and Creativity	84	78	\$571,804	\$122,000
Community Development	75	67	\$500,146	\$170,000
TOTAL			\$1,071,950	\$292,000

The number of applications recommended for funding are shown below:

Grants Program	Applications Recommended for Funding	Full Funding	Partial Funding	Recommended Funding (ex GST)
Arts and Creativity	27	4	23	\$122,000
Community Development	30	16	14	\$159,642
TOTAL				\$281,642

Each funding program and stream in the 2023/24 Community Grants Program is detailed individually in the following sections of the report.

1. Arts and Creativity Grants

The Arts and Creativity grants program, now in its fourth year, continues to realise the vision of the Arts and Creativity Strategy, Connected through Creativity 2029 (Strategy). The grants provide vital support for the arts sector, ensuring a vibrant, connected and engaged community.

The grants program addresses key community priorities identified in the Strategy including:

1. Foster innovation and contribute to the growth of the local arts and creative sector through collaboration and partnerships.
2. Connect with and celebrate Aboriginal and Torres Strait Islander heritage and cultures.
3. Develop the skills of local creative professionals and arts workers across all arts disciplines.
4. Increase access and community participation in arts, culture, and creativity.
5. Animate public spaces with creative initiatives, including in unexpected and unique urban environments.
6. Tell diverse stories authentic to the Northern Beaches.

Applications from eligible individuals and organisations were required to address the program objectives and meet the following assessment criteria:

1. Rationale and Impact
 - demonstrated need for the project/initiative and how outcomes will be measured.

2. Excellence and Innovation

- demonstrated history of the delivery of high-quality arts and creative projects.

3. Connection and Collaboration

- will enhance community connections to the arts and creativity in the public domain (physical or digital space)
- creative collaborations across disciplines and industries, new networks, and partnerships

4. Viability

- capacity to deliver a well-planned project including applicant experience and skills.

In 2023/24 the Arts and Creativity Grants program received a total of 84 applications. Overall, 27 applications are recommended for full or partial funding. In 2023/24 the Arts and Creativity Grants are split into three grants streams, as detailed below:

1. Individual Creative Projects
2. Creative Community Projects
3. Creative Sector Innovation Grants

Individual Creative Projects

This grant category is for projects up to \$5,000, with a total combined pool of \$122,000 shared with the Creative Community Projects and Creative Sector Innovation Projects. Applications from eligible individuals and organisations were required to address the assessment criteria listed above.

The Individual Creative Projects stream is designed to support individual artists and artistic collaborations in the production and presentation of new work, and/or professional development. This includes arts and creative workers with a demonstrated history of professional arts practice working across a range of established and emerging art forms and disciplines.

There are ten applications recommended for funding, with three projects recommended to receive the full amount requested and seven recommended to receive partial funding, as shown in the following table and in more detail in Attachment 1:

Applicant	Project Title	Recommended Funding (ex GST)
Annabella Louise La Spina	The Poetics of Motion (Spit)	\$3,000
Catharine Barrett Plummer	We Believe You Babcia	\$5,000
Craig Wiles	The Art of Craig Wiles	\$4,000
Emily Jane Lecky	Dancing on the Edge: A Vertical Dance Expedition	\$3,000
J.A Nicholson & F.C Verity	Art W..k Podcast	\$772
Katherine Edney	I Want to Lie in the Clouds with You	\$3,748

Applicant	Project Title	Recommended Funding (ex GST)
Kristina Brook Wilson	Northern Beaches Songwriter's Live Performance Development	\$3,000
Nicholas Andrew Price	Wax Rat	\$5,000
Patrick Donal Graham O'Dwyer	Oceanic Organ	\$3,800
Working Title Writers' Group	Women and Myth: An Illustrated Anthology	\$1,950
Total		\$33,270

Creative Community Projects

This grant category is for projects up to \$10,000, with a total combined pool of \$122,000 shared with the Individual Creative Projects and Creative Sector Innovation Projects. Applications from eligible individuals and organisations were required to address the assessment criteria listed above.

The Creative Community Projects stream is designed to support arts and creative projects, including community arts and cultural development, artist residencies, community workshops/activities, and programs or activities delivered in public spaces and places.

There are 16 applications recommended for funding, with one project recommended to receive the full amount requested and 15 recommended to receive partial funding, as shown in the following table and in more detail in Attachment 1:

Applicant	Project Title	Recommended Funding (ex GST)
Alex Colley Hart	Photo:Synthesis	\$8,000
Amy Frances Gopperth	Sustainable Jewellery Workshops for Community and Mindfulness	\$3,000
Emma Sinclair	Manilla to Manly – Beach to Bush: Communities in Action	\$5,700
Felicity Jane Lenehan	Life Stories: Writing Workshops and Community Anthology	\$7,665
Gaimaragal Group Pty Ltd	The Power of 8	\$8,454
Les Sculptures Incorporated	Les Sculptures Refusées	\$1,967
Linda Doreen Haigh	Pittwater Artists Trail	\$2,289
Manly Theatre Group Incorporated	Manly Theatre: Group Education Program and Theatre Production	\$3,200
Melanie Hitchcock	Cultiv8 Creative Waves Workshops	\$4,900
Nicole Megan Buckland	Collage for Carers	\$8,495

Applicant	Project Title	Recommended Funding (ex GST)
Northern Beaches Chorus Incorporated	Sing in the Season: Christmas Music Learning Program	\$1,760
Northern Beaches Readers Festival Incorporated	Northern Beaches Readers Festival	\$5,000
Reid & Meagher Pty Limited	Northern Beaches Artists: Career and Collector Fast Track	\$5,200
Scotland Island Residents Association Incorporated	Sydney's Three Underworld Queens: Tilly V Kate V Nellie	\$5,000
Streetwork Australia Limited	Changing Strokes: Empowering Young People Through Creative Art	\$7,000
Tania Murphy	Hands in Clay	\$4,100
Total		\$81,730

Creative Sector Innovation Grants

This grant category is for projects up to \$10,000, with a total combined pool of \$122,000 shared with the Individual Creative Projects and Creative Community Projects. Applications from eligible individuals and organisations were required to address the assessment criteria listed above.

The Creative Sector Innovation Projects stream is designed to support individuals and organisations investigate new ideas/designs or concepts, establish new ventures, or develop collaborative innovation projects to grow the creative industries and support sector sustainability.

There is one application recommended to receive partial funding, as shown in the following table and in more detail in Attachment 1:

Applicant	Project Title	Recommended Funding (ex GST)
Evergreen Music Pty Ltd	Tea By the Brook: Live Music Series	\$7,000
Total		\$7,000

2. Community Development Grants

Community Development grants are an important part of Council's role supporting the social services sector, with a particular focus on the most vulnerable in our community. This program aligns with the adopted Social Sustainability Policy, which outlines Council's role in community services:

Northern Beaches Council acts principally as a facilitator and enabler of social sustainability in order to build the capacity and resilience of the community to achieve individual and collective wellbeing. Community development activities are carried out in collaboration with individuals and service providers, including community groups, charitable organisations, government and non-government agencies and neighbouring Councils.

As Council has limited direct service provision, the Community Development Grants Program is an important program that contributes to the wellbeing of Northern Beaches residents.

The Community Development Grants received 75 applications, with 30 recommended for full or partial funding. In 2023/24 the Community Development Grants are split into three grants streams, as detailed below:

1. Community Development Grants
2. Small Grants
3. Youth Voice Grants

Community Development Grants

This grant stream was for projects up to \$10,000 with a total combined pool of \$120,000 shared with the small grants program. Applications from eligible individuals and organisations were required to address the following assessment criteria:

1. Has a clear rationale with identified community need.
2. Addresses at least one of the funding priority areas.
3. Addresses at least one of the project outcomes.
4. Demonstrates value for money with a detailed income and expenditure for how the funds will be used.

The 2023/24 grants program has the following two main funding priorities identified in Council's Social Sustainability Strategy:

1. Deliver programs and activities that support:
 - First Nations people
 - Older people 60+
 - People with disability
 - People with dementia and their carers.
2. Deliver programs that support mental health, build resilience, and strengthen individual and collective wellbeing.

There are twenty applications recommended for funding, with nine projects recommended to receive the full amount requested and eleven recommended to receive partial funding, as shown in the following table and in more detail in Attachment 2:

Applicant	Project Title	Recommended Funding (ex GST)
Action For People With Disability Incorporated	Clear pathways - Navigating the school system when your child has a learning disability.	\$4,000
Artability, under the auspice of the Northern Beaches Creative Leisure and Learning Incorporated	Artability, Accessible Community Creative Arts Program	\$2,302

Applicant	Project Title	Recommended Funding (ex GST)
Be Centre Foundation Limited	A unique sensory integration room for vulnerable high-needs children and their families	\$5,239
Unisson Disability Limited trading as Blue Apple Art Studios	Blue Apple Art Christmas Markets	\$1,240
Bridge Housing Limited	Narraweena Social Inclusion Group	\$4,396
Easylink Community Services Limited	Easylink Creative Social Program	\$5,633
Fusion Pride, under the auspice of Rainbow Families Incorporated	Fusion Pride Picnic	\$5,000
Literacy Network Manly Warringah Incorporated	Cross Cultural Awareness Workshop	\$3,000
Manly Wheelchair Basketball Association	Sporting program that provides social connections, peer support and elite sporting opportunities.	\$5,000
Mentoring Men Limited	Reducing Social Isolation for men on the Northern Beaches	\$4,230
MWP Care Limited	Creating Safer Homes - MWP Community Care Occupational Therapy Training Day	\$2,500
Nest Incorporated	Balkan Seniors - Place to call Home	\$2,000
Northside Enterprise Incorporated	Inclusive Bush Regeneration at Orara Reserve	\$10,000
Northern Beaches Multicultural Communities Incorporated	Maes & Madres- wellbeing group for Portuguese and Spanish Speaking women on the Northern Beaches	\$6,710
One Meal It Makes a Difference Incorporated	Breakfast and Snack Packs	\$10,000
Spanish community Care Association Incorporated	Weekly Social support group	\$3,000
Streetwork Australia Limited	Advocacy 101 - Advocacy training for Northern Beaches volunteers	\$5,000
SNPHN LTD	Compassionate Connected Senior Carers	\$5,000
Taldumande Youth Services Incorporated	Beach Reach	\$10,000
Manly Warringah Women's Resource Centre Limited trading as Women and Children First	Community Cooking Program for Parents	\$2,500
Total		\$96,750

Small Grants

The Small Grants stream is being piloted in the 2023/24 funding period for projects up to \$5,000 from the total pool of \$120,000 shared with the community development grants program.

The purpose of this grants stream was to trial offering a more accessible program focused on seed funding to help maintain and grow smaller, less established community groups, services and activities.

This grant stream supports projects that contribute to one or more of the following project outcomes:

1. Increased social connections and participation in community life
2. Improved access to information, services, programs and facilities
3. Increased sense of belonging
4. Increased community capacity to care for self and others.

To be eligible for this grant stream it was required for the applicants to have a total reported annual revenue under \$500,000 and was open to incorporated not-for-profit organisations, community organisations, unincorporated community groups, individuals and sole traders sponsored by an eligible not-for-profit organisation.

In this grant stream, applications from eligible individuals and organisations were required to address the following assessment criteria:

1. Has a clear rationale with identified community need
2. Addresses at least one of the project outcomes
3. Demonstrates value for money with a detailed income and expenditure for how the funds will be used.

This trial program saw several applications from cultural and emerging groups, aligned to the purpose of this more accessible stream.

There are six applications recommended for funding, with three projects recommended to receive the full amount requested and three recommended to receive partial funding, as shown in the following table and in more detail in Attachment 2:

Applicant	Project Title	Recommended Funding (ex GST)
Armenian Seniors Association Incorporated	The more you move, the younger you feel.	\$5,000
Mowana Safe Space Incorporated	Wednesday Workshops	\$1,250
Armenian Youth Federation of Australian Central Executive Incorporated	Youth camp - Leadership and Mental Health	\$5,000
Northern Beaches Dementia Alliance (NBDA), under the	Supporting local organisations including emergency services to become dementia friendly	\$5,000

auspice of the Sydney North Health Network		
Northern Beaches Men Incorporated	Real Men of the Beaches	\$3,500
Tibetan Community of Australia (NSW) Incorporated	Tibetan Seniors support.	\$3,500
Total		\$23,250

Youth Voice Grants

The Youth Voice Grants stream is a one-off funding opportunity for activations at the PCYC, Dee Why, with \$50,000 in funding available for grants up to \$10,000. This grants stream is funded from the Merger Savings Fund, established by an Administrator's Minute in 2017.

In this grant stream, applications from eligible individuals and organisations were required to address the following assessment criteria:

1. Has a clear rationale with identified community need.
2. Addresses at least one of the four strategic directions of the Youth Voice Action Plan 2028
3. Demonstrates consideration of sustainability beyond the pilot program
4. Demonstrates value for money with a detailed income and expenditure for how the funds will be used.

Funding priorities are aligned with the Youth Voice Action Plan 2028 - Shaping the Beaches' Future and include:

- Provide a diverse range of activations for young people (12-24 years) and/or targeted activations for vulnerable young people (12-24 years) at the PCYC, Northern Beaches, or in collaboration with PCYC outreach activities
- Demonstrates consideration of sustainability beyond the pilot program

There are four applications recommended for funding, with all projects recommended to receive the full amount requested, as shown in the following table and in more detail in Attachment 2:

Applicant	Project Title	Recommended Funding (ex GST)
KYUP! Project Limited	Self Worth and Self Defence Workshops for Mums and Daughters / Dads and Daughters	\$10,000
Streetwork Australia Limited	StreetJam	\$10,000
The Burdekin Association Incorporated	Safe Summer Workshops	\$9,892
Young Change Agents Limited	Youth Social Entrepreneurship Project	\$9,750
Total		\$39,642

The remaining \$10,358 from this funding allocation will be spent on activities and programs at the PCYC by 30 June 2024 in accordance with Council's previously resolved position. This will see the exhaustion of this funding source this financial year.

CONSULTATION

The 2023/24 Community Grants Program was open for applications from 29 June 2023 until 7 August 2023.

Four Grant Information Sessions were held in July 2023. In addition, online webinars were recorded and made available for all applicants on the Council website and staff provided additional personal assistance and guidance to applicants, where requested.

Program information and guidelines were advertised and promoted widely throughout the community, including information and emails to relevant grant, network and group distribution lists, Council's website and several broad and targeted social media platforms.

In addition to the promotion of the overarching Grants program, a specific approach was taken to develop a targeted promotional campaign for each of the streams.

Assessment Panel

Council staff conducted eligibility checks on all applications received prior to progressing to assessment by the Assessment Panels. Each stream convened separate assessment panels consisting of experts in each area with a balance of two internal and two external assessors.

The Arts and Creativity Assessment Panel comprised of:

- One Aboriginal-identified member, with expertise in arts and culture
- One local resident of the Northern Beaches with expertise in arts and culture
- Two representatives from Council's Arts and Culture team.

The Community Development Assessment Panel comprised of:

- Two representatives from Council's Community Development team
- Two community representatives with expertise in community development and services.

Assessment Panel members undertook individual online assessments and submitted a score for each application against the Assessment Criteria, resulting in a priority ranking. The Assessment Panels met in person to discuss the priority ranking and reach consensus on the projects recommended for funding. The Community Development Assessment Panel held a further online meeting to finalise their recommendations.

TIMING

The Community Grants Program 2023/24 was open for applications from 29 June until 7 August 2023.

Program funding will be distributed as soon as practicable following Council approval. Grant funded projects are to be completed by 31 December 2024 and acquitted by 31 January 2025.

LINK TO STRATEGY

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

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life
- Community and belonging - Goal 8 Our community feels safe and supported
- Community and belonging - Goal 9 Our community is inclusive and connected

FINANCIAL CONSIDERATIONS

A total of \$292,000 has been allocated from the 2023/24 budget of which \$242,000 is from the Community Grants Program.

The Youth Voice grants stream is being funded by \$50,000 from the Merger Savings Fund, established through the Administrator's Minute No 09/2017, which endorsed the allocation of funds for youth events and activities at the Dee Why PCYC. This funding will be fully expended with the allocation of the recommended Youth Voice grants and Council managed programs and activities at the PCYC by 30 June 2024.

SOCIAL CONSIDERATIONS

The Community Grants Program 2023/24 has been developed to enable the community to facilitate the delivery of community development and arts and creativity projects across the Northern Beaches.

The funding of these grants will have a significant positive impact on our local community. While it is difficult to quantify the precise social and economic value of grant funding, Council's resourcing of local individuals, community groups, services and organisations enables them to achieve community and creative outcomes that far exceeds Council's capacity to achieve these outcomes alone.

The projects supported by the Arts and Creativity grants will contribute to achieving the goals set out in the Arts and Creativity Strategy. These goals are to increase participation and engagement in creativity by our diverse communities, enable the sustainability of the local creative sector, and encourage a vibrant, creative culture authentic to the Northern Beaches.

The Community Grants Program aligns with the strategic direction of the Social Sustainability Policy, focusing on Council's role as facilitator and enabler of local groups, services, and organisations.

ENVIRONMENTAL CONSIDERATIONS

Several of these projects will promote care for the environment and have a positive impact on the local environment.

GOVERNANCE AND RISK CONSIDERATIONS

The Community Grants Program 2023/24 is in accordance with section 356 of the *Local Government Act 1993*.

Applications are assessed against pre-defined and advertised criteria and follow a clear and transparent process to ensure equity. The program was widely advertised, and external, independent community members were part of the assessment process.

The Assessment Panel was recruited in line with the Appointment of Committee Members Policy.

The Community Grants Program 2023/24 is in accordance with the adopted Community Grants and Partnerships Policy.

ITEM 10.2	OUTCOME OF PUBLIC EXHIBITION - LIBRARY STRATEGIC PLAN 2023-2028
REPORTING MANAGER	EXECUTIVE MANAGER LIBRARY SERVICES AND CUSTOMER SERVICE
TRIM FILE REF	2023/576739
ATTACHMENTS	<ol style="list-style-type: none"> 1 Library Strategic Plan 2023-2028 (Included In Attachments Booklet) 2 Plan on a Page - Draft Library Strategy (Included In Attachments Booklet) 3 Community Engagement Report - Draft Library Strategic Plan (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to seek Council's endorsement of the Library Strategic Plan 2023-2028.

EXECUTIVE SUMMARY

- The draft Library Strategic Plan 2023-2028 (Plan) sets the vision for the future of public library services on the Northern Beaches, providing clear directions for the development and delivery of contemporary and community-focused services that support and deliver on the community and belonging pillar of Council's Community Strategic Plan 2040. The draft Plan outlines 4 key directions, 12 outcomes, and is supported by a 1–5-year action plan with specific actions detailing timings of implementation and performance measures.
- The draft Plan was exhibited for six weeks from 4 July to 11 August 2023. 408 unique responses were received during the exhibition period, consisting of 32 submissions through the 'Your Say' project page, 6 direct emails from community members and stakeholders, 296 votes and 56 comments received during 6 onsite library roadshows and 18 comments received through a workshop held with the Youth Advisory Group.
- Feedback collected during the exhibition period revealed a high level of engagement and support for the draft Plan, confirming the draft Plan's strategic directions and outcomes.
- No material changes have been made to the draft Plan's stated directions and outcomes. In response to feedback, minor amendments to the draft Plan are proposed to address updates to terminology and the inclusion of references to governing legislation, policy, governance and funding links with the State Library NSW.
- If adopted, Council will evaluate progress of the Plan's actions through ongoing key performance indicators and annual reporting, with a review in five years.

RECOMMENDATION

That Council adopt the Library Strategic Plan 2023-2028.

REPORT

BACKGROUND

The draft Library Strategic Plan 2023-2028 (Plan) sets a vision for the future of public library services on the Northern Beaches, providing clear directions for the development and delivery of contemporary and community-based services that meet the diverse needs of the community who live and work on the Northern Beaches.

Northern Beaches Council operates one of the largest, well-used and respected library services in NSW. The library network has six physical branches across the Northern Beaches – Mona Vale, Manly, Dee Why, Warringah Mall (Brookvale), Forestville and Glen Street (Belrose). Northern Beaches Libraries offer an extensive range of services, programs, events and collections.

The development of the draft Plan was informed by research and consultation over a two-year-period with the Northern Beaches community, external stakeholders and Council staff. The consultation engaged library users and non-users, key stakeholders and community partners, allied Council business units and the library team. More than 4,000 individual responses were received and reviewed through the engagement period.

At the June 2023 Council meeting the draft Plan was endorsed for public exhibition. The public exhibition of the draft Plan commenced on 4 July and ran until 11 August 2023.

CONSULTATION

Community and stakeholder engagement for the draft Plan was conducted between Tuesday 4 July to Friday 11 August 2023, and consisted of a series of opportunities for community and stakeholder engagement and contribution.

The draft Plan was published on the Council's website via the 'Your Say' platform, with information provided in an accessible and easy to read format. The 'Your Say' project page had more than 1,300 visits.

Feedback was captured through an online submission form embedded onto the 'Your Say' project page. The form included a question that directly asked respondents for their level of support on the proposal.

An open-field comments box provided community members a space to explain or elaborate on their support, no support or neutral sentiment as well as any other feedback they wished to contribute. Email and written comments were also invited.

Youth were engaged directly through a workshop undertaken with the Youth Advisory Group, held on 26 June 2023. 13 participants engaged in a voting exercise on the perceived importance and value of proposed outcomes in addition to providing general feedback and comments.

Feedback was also sought from library members and visitors through onsite roadshows conducted at all 6 library branches. Roadshows were held adjacent to a range of library events including early literacy programs, student study sessions and local study talks to ensure a diversity of attending community members. A voting exercise was held at each roadshow for both adults and children with targeted signboards inviting participants to vote on the proposed directions and outcomes of the draft Plan. Verbal feedback was recorded, and community members were encouraged to provide submissions via the 'Your Say' project page.

Promotion

The draft Plan was promoted through Council's regular email newsletter (EDM) channels throughout the 6-week exhibition period. This included featuring in:

- 2 editions of the weekly Council Northern Beaches newsletter (60,409 subscribers)

- 2 editions of the monthly Library newsletter 'The Drift' (84,410 subscribers)
- 2 editions of the monthly KALOF newsletter (1,780 subscribers)
- 1 edition of the monthly Wave Disability newsletter (1,334 subscribers)

A social media campaign (Facebook and Instagram) was conducted to raise awareness of the draft Plan, engaging community members and library users. This campaign consisted of a series of 6 posts and 1 video reel and reached over 5,000 people, with 40 clicks and 3,940 plays of the video reel.

Physical and digital displays were set up at all library branches in prominent areas for the duration of the exhibition period. Displays included copies of the draft Plan, easy to read formats of the draft Plan and posters displaying QR codes that directed community members to the 'Your Say' project page.

Targeted emails were sent to 10 key stakeholders and partners, many of whom had been engaged directly in the research and development phase of the draft Plan.

Community Engagement

408 total unique responses were received during the exhibition period through the engagement opportunities. 38 written submissions were received: 32 via the Your Say submission form and 6 via email. 296 votes were received through the onsite Roadshows with 56 recorded comments and suggestions. 18 comments were received through the workshop conducted with the Youth Advisory Group.

Most respondents believe that the draft Plan is appropriate for the Northern Beaches Library Service as demonstrated in the Your Say online portal with 44% fully supportive and 53% saying the draft Plan is supported 'with changes'. Most comments from respondents in the 'Yes, with changes' group related to operational service opportunities that are explicitly addressed in the draft plan or relate to directions and outcomes to be addressed in future operational business plans. This sentiment was similarly echoed throughout the roadshows, direct emails received and workshop with the Youth Advisory Group.

Feedback demonstrated support for each of the four directions and twelve outcomes listed in the draft Plan with no redundant areas, demonstrating the varying expectations of the community for the library service. Strong support was shown towards the draft Plan's emphasis on 'experience' and 'connection' highlighting focus on the core offerings of Northern Beaches Libraries – programs, safe flexible spaces and contemporary collections. It also relates to the development of the library as a space for celebrating the Northern Beaches' unique history and culture, and for engendering a sense of belonging and pride in the Northern Beaches community.

Feedback received from primary external stakeholders was supportive of the directions outlined in the draft Plan with notable support for the library's role as a repository and interpreter of local stories. The State Library of NSW provided the following endorsement:

"The focus on the four strategic directions is an effective and coherent articulation of the library's aspiration to consolidate and grow as a key community resource."

Respondents who suggested opportunities for improvements in the draft Plan addressed the adequacy of library buildings, ongoing funding or operational processes.

Many of the suggestions or specific comments raised in submissions have already been addressed or will be addressed in future operational plans.

A summary of the themes arising through submissions and engagement is as follows;

- **diverse programming** – consistent support for library services hosting a diverse and varied programs and events calendar with suggestions received for a variety of programs for users of all ages, interests, abilities and at convenient times.
- **flexible spaces and places** – importance and value of providing flexible, welcoming community spaces that can cater to different needs including individual and group study, remote working spaces, meeting rooms and leisure spaces for recreation and hosted events.
- **extensive collections** – delivering timely, new, contemporary collections for our community with a wide and varied selection of formats, including digital content. In particular, children responded strongly to the value of books during onsite library roadshows.
- **extended opening hours** – access to library buildings at times that are convenient for community members including extension of 24/7 services and/or extended hours.
- **sense of place** – libraries as places that store, celebrate and tell local stories about the Northern Beaches' history and culture, creating pride in place and ownership of community spaces.
- **diversity and inclusion** – respondents noted support for libraries as accessible for all, highlighting the importance of housebound services and events representing all areas of the community.
- **buildings and infrastructure** – state of current buildings was identified as an issue with the size and age of current buildings suggested as needing review. Opportunities for new buildings, refurbishments and ongoing upgrades were identified as areas for consideration.

Internal Engagement

Internal stakeholder engagement was conducted alongside community engagement between Tuesday 4 July to Friday 11 August 2023 and included opportunities for engagement and feedback from Council business units and library staff.

Since preparing the draft Plan, clearer guidelines on structure and terminology of Council strategies and plans have been established within Council. These administrative terminology changes have been incorporated in the final draft Plan, together with some other changes made to the draft Plan.

Changes made to the draft Plan are listed below:

- Inclusion of the following paragraph in the preamble following a request from the State Library of NSW to include information outlining the governing legislation, policy, governance and funding links with the State Library of NSW:
'The Strategic Plan acknowledges the legislative foundation for provision of public library services in NSW – the Library Act 1939 (NSW), the Library Regulation 2018 (NSW) – the public library standards and guidelines issued by the Library Council of NSW, and the support of the State Library of NSW in working in partnership with Northern Beaches Libraries and the public library sector on matters of policy, governance and funding.'
- Change in structure/terminology: To be consistent with the new guidelines for writing Council strategies and plans the subheadings have changed from 'Goals and Actions' to 'Outcomes and Actions'.
- An expansion of the acknowledgment of the growing risks associated with technology, cybersecurity risks, emergence of Artificial Intelligence and the subsequent potential for a widening of the digital divide within the community.

- Addition of ‘# service innovations piloted in libraries’ within Key Performance Indicators as a measure of innovation and leadership, a key direction within the draft Plan.

TIMING

The draft Plan provides the framework for the delivery of contemporary, community-focused library services, captured under short and medium-term actions for the following five years. It includes measures to monitor progress towards a library service that is ‘safe, inclusive and connected’, which will be reported on annually through both Council’s standard reporting process and through annual reviews of library performance through key performance indicators.

LINK TO STRATEGY

The draft Plan is framed by, complements, and will directly contribute to achievement of the Council’s Community Strategic Plan 2040 and Better Together, Social Sustainability Strategy 2040.

This report relates to the Community Strategic Plan Outcomes of:

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life
- Community and belonging - Goal 8 Our community feels safe and supported
- Community and belonging - Goal 9 Our community is inclusive and connected
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

The draft Plan also has an important role to play in supporting achievement of several aligned Council strategies, notably the Northern Beaches Resilience Strategy, Children’s Services Strategy, Arts & Creativity Strategy, Youth Voice Action Plan, Disability Inclusion Action Plan, Multicultural Inclusion Plan and Community Centres Strategy.

FINANCIAL CONSIDERATIONS

Operational actions will be undertaken within the annual allocation of funds through the budget and operational plan approval process. Delivery of future actions are subject to normal budget processes. Additional project funding will be determined on a case-by-case basis and provided with a business case for the project.

Grant opportunities may be available through annual State Library of NSW Public Library Infrastructure Grants.

SOCIAL CONSIDERATIONS

The draft Plan has a strong synergy with and has been designed to complement the Better Together, Social Sustainability Strategy 2040.

The Better Together, Social Sustainability Strategy 2040 is centred around creating inclusive and resilient communities that have the required skills, services, people and infrastructure to respond to and recover from social, political, environmental and economic change. The draft Plan’s vision – ‘safe, inclusive, connected’ explicitly focuses on Community and Belonging Outcomes.

The implementation of the draft Plan will, if adopted, continue Council’s efforts to support and develop a safe, inclusive and connected community through the provision of innovative and contemporary library services, programs and spaces.

ENVIRONMENTAL CONSIDERATIONS

The draft Plan has minimal environmental impacts and is a good example of the circular economy in action through the circulation of a free collection across the Northern Beaches.

Any implementation of actions that require consideration of environmental perspectives will be considered in line with the underpinning community values of the Community Strategic Plan 2040.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Plan sets out a clear path for the future of public library services on the Northern Beaches and provides clear directions for the development and delivery of community-focused services that meet the diverse needs of the people who live and work on the Northern Beaches.

This plan will provide clear alignment and direction for Council teams who contribute resources, time and staff support in the delivery of innovative, contemporary and community-focused library services.

Council will evaluate the progress of key priority actions through detailed reporting and monitoring of key performance indicators alongside Council's standard monthly and annual reporting processes.

Australian Public Library Alliance – Australian Library & Information Association (APLA-ALIA) Standards, Guidelines and Outcome Measures for Australian Public Libraries form the basis of library performance standards. These standards and guidelines set the expectations for the provision of community-based public library services. In addition to evaluating the progress of key priority actions, Council will assess library performance against these standards annually.

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	PUBLIC EXHIBITION - DRAFT WASTE AND CIRCULAR ECONOMY STRATEGY
REPORTING MANAGER	EXECUTIVE MANAGER WASTE MANAGEMENT & CLEANSING
TRIM FILE REF	2023/369422
ATTACHMENTS	<ol style="list-style-type: none">1 ⇒ Draft Waste and Circular Economy Strategy 2040 (Included In Attachments Booklet)2 ⇒ Community Engagement Report - Waste and Circular Economy Strategy (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to seek Council's endorsement to publicly exhibit the draft Waste and Circular Economy Strategy 2040 (the draft Strategy).

EXECUTIVE SUMMARY

- Council has developed the draft Strategy as the lead strategy to help Council plan for and future proof the domestic waste and litter management services for the Northern Beaches through to 2040.
- The draft Strategy also provides an important investment signal to the market to participate and invest in circular economy opportunities (reuse, repair and recycling) in the region, stimulating local economic activity and social connection.
- Council has engaged extensively with the community and stakeholders on Council's waste services since December 2022 to help inform the draft Strategy.
- Through this engagement, the Northern Beaches community have told us they value the clean and green nature of the Northern Beaches' local environment. The majority are willing to change their behaviour to reduce their waste footprint, provided it is convenient to do so. The community supports Council advocating for our local area, working collaboratively with businesses, residents, and other councils to push for change.
- Council has also undertaken a range of technical studies to inform the draft Strategy. This includes an options and feasibility analysis on recycling more food and other waste, bin audits to understand composition of our waste and multi criteria analysis of proposed actions.
- Informed by this community engagement and investigations, the draft Strategy focuses on five directions, each with supporting actions: (1) Eliminating waste (2) Easy to use waste service (3) Tackling priority waste (4) Green and clean environment and (5) Council leading the way.

RECOMMENDATION

That the draft Waste and Circular Economy Strategy 2040 be placed on public exhibition for a minimum of 28 days with the outcome to be reported to Council.

REPORT

BACKGROUND

Council committed to prepare and implement a new long-term waste and circular economy strategy in its Delivery Program 2023-2027.

Waste and litter management are essential services for our community. Council's domestic waste service is its largest service, touching each household with over 11 million bin pickups across the local government area each year, with a budget of \$58.5 million for 2023/24 funded through the domestic waste management charge. Council also provides litter management and prevention services to maintain the amenity of the Northern Beaches area and protect the environment, at a cost of approximately \$7 million per year.

There have been numerous challenges for the waste and recycling industry in the past five years. Downstream markets for some recycled materials have contracted, which has led to stockpiling and landfilling of recyclable materials (as occurred with the recent collapse of the Redcycle soft plastics scheme). Understandably, there is community concern about the integrity of the recycling system (58% of Northern Beaches residents are concerned that items are not being recycled).

There are also opportunities in the transition to a circular economy, where we keep materials in use for longer through reuse, repair, and recycling. The circular economy presents potential economic, social, and environmental benefits for the local community and businesses.

Council does not have a current long-term strategy which specifically focuses on these essential services, the emerging challenges or the opportunities presented by the transition to a circular economy.

Council has now developed the draft Strategy, which is provided at Attachment 1.

Technical studies

The draft Strategy has been informed by a series of technical studies. These include:

- an analysis of the opportunities, impacts and indicative costs of separate collection and processing of waste currently being disposed of in red bins in the Northern Beaches, with a focus on food waste
- audits of domestic waste and different types of waste littered and in public place bins across the Northern Beaches, which also identify opportunities for improvement
- multi criteria analysis of key initiatives of the draft Strategy to assess their suitability for Council to implement.

Strategic directions

The draft Strategy focuses on five strategic directions, each with specific outcomes and targets. Priority actions have also been included for each direction and will be progressively implemented over the first five years of the strategy to help us achieve the outcomes.

Direction 1 – Eliminating waste

The best way to manage waste and its impacts is to avoid creating it in the first place. Preventing waste can lead to real environmental, social and economic benefits for our community and natural environment.

The draft Strategy contains two key outcomes to help eliminate waste:

- Council is a leading advocate, and supports our local community and businesses, in reducing the amount of waste created in the Northern Beaches.

- A thriving local circular economy is created which facilitates widespread reuse, repair and recycling of local products and materials.

To help achieve these outcomes, the draft Strategy includes actions for Council to:

- educate and incentivise our community to reduce their waste
- collaborate with businesses and research institutions for innovative solutions
- advocate for better product design
- implement a circular economy hub model for the Northern Beaches to facilitate local reuse, repair and recycling of used products and materials.

Direction 2 – Easy to use waste service

To ensure a sustainable domestic waste service which meets community expectations, Council needs to deliver a well-planned and supported domestic waste service. The service should be convenient, resilient to stresses and support waste reduction, sustainable recycling and the transition to a circular economy.

The draft Strategy contains two key outcomes to help achieve these objectives:

- Council's household waste collection service is reliable, accessible and flexible.
- Sustainable recycling options for household waste are implemented, with supporting local infrastructure and information about recycling provided to the community.

To help achieve these outcomes, the draft Strategy includes actions for Council to:

- recycle more types of household waste
- explore smart technology to improve our waste service
- provide education to ensure the right waste is placed in the right bin
- deliver more accessible collections for offshore communities
- improve collections for 'problem' waste such as household chemicals, electronic waste and textiles
- increase resilience of domestic waste service to external shocks (like storms and disasters).

Direction 3 – Tackling priority wastes

Organic waste (including vegetation and food waste) makes up about 50% of domestic waste collected by Council. If not managed properly, food and other organic wastes can lead to excessive processing/landfilling costs and contributes to greenhouse gas emissions. As a result, the NSW Government has stated in its *Waste and Sustainable Materials Strategy 2041* that councils will need to recover both food and garden waste by 2030.

Plastic waste can also lead to environmental challenges, as it can remain in the environment (including in our waterways), potentially harming wildlife and entering the food chain. There are currently limited genuine recycling options for a range of post-consumer plastics.

The draft Strategy contains two key outcomes for these priority wastes:

- Our households have the tools to minimise their organic waste, reuse their organics at home and access a flexible collection and recycling service which maintains the value in organics.

- Our community has access to viable and sustainable options to reduce single use plastics and to recover resources from genuinely recyclable plastics.

To help achieve these outcomes, the draft Strategy includes actions for Council to:

- adopt a phased approach to implement collection of food waste by 2030
- support initiatives to reduce the amount of food waste and plastic being created in the first place (including phase out- of single use plastics)
- trial different plastic recycling models and community composting.

Direction 4 – Green and Clean environment

The Northern Beaches community has told Council through our consultation process that they take pride in the beauty of the local natural and built environment. Litter, illegal dumping and poor waste management can threaten this natural beauty.

The draft Strategy contains two key outcomes to keep the Northern Beaches environment clean:

- The Northern Beaches has the cleanest public spaces in Sydney.
- Council minimises the environmental and climate change impacts from managing waste.

To help achieve these outcomes, the draft Strategy includes actions for Council to:

- reduce litter at source, including through working with businesses to phase out single use packaging in targeted CBDs and pilot technologies to deter litter and illegal dumping
- better manage litter by improving the litterbin network and working more with volunteers
- consider environmental and emissions impact of our waste services.

Direction 5 – Council leading the way

To help the community achieve the objectives of the draft Strategy, Council needs to lead by example in its operations and advocacy. Council has a sizeable footprint in the Northern Beaches, and can generate significant volumes of waste, particularly in construction and demolition. Council also has a role to play in the local planning framework and advocating to state and federal governments on behalf of the local community.

The draft Strategy contains two key outcomes for this direction:

- Council demonstrates leadership by reducing, reusing, repairing and recycling more in its operations and advocacy.
- Council facilitates best practice waste reduction and waste management in its local planning framework and in Council's built infrastructure.

To help achieve these outcomes, the draft Strategy includes actions for Council to:

- improve the local environment plan and other planning instruments to incorporate circular economy principles
- maximise the uptake of Council infrastructure projects using recycled materials.
- incorporate best practice waste management at Council events
- better measure Council generated waste
- trial recycling and composting services for Council waste.

Targets

The draft Strategy contains ambitious but realistic targets which will help us achieve the objectives of each Direction. This includes targets to reduce waste, litter, single use items and greenhouse gas emissions, increase recycling rates and maximise convenience of our waste services. These will also help Northern Beaches contribute towards achieving the targets in the *NSW Waste and Sustainable Materials Strategy 2041*.

Implementation

If adopted, Council will monitor performance against the targets and will assess progress annually. Our Annual Report will include key data and updates, and progress will also be reported every four years in the State of the Region report, a report on the implementation and effectiveness of the Community Strategic Plan.

CONSULTATION

Recognising the importance of developing a community focused waste and circular economy vision and strategy, Council has engaged closely with the community and other stakeholders on their thoughts about waste, Council's domestic waste service and the circular economy. An overview of the engagement can be found in Attachment 2: Community and Stakeholder Engagement Report – Waste and Circular Economy Strategy

Council coordinated a random telephone survey of 600 Northern Beaches residents in December 2022, as the first step in community engagement. The survey found strong community support for increased Council investment in recycling and the circular economy:

- 86% support Council rates being invested in trial programs and innovations to help recycle more types of waste
- >80% support Council facilitating community reuse and repair centres
- 62% feel that there are not enough accessible locations to drop off problem wastes (like batteries, paints, electronic waste, household chemicals)
- 85% are prepared to separate their food waste for collection by Council
- 98% support Council using more recycled materials in infrastructure.

On the other hand, the survey of residents also found that:

- 58% are concerned that items are not being recycled
- 30% find it too difficult to understand what they can and can not recycle
- 16% will not, or are unsure whether they would, separate their food waste for collection
- 15% are unlikely to change their habits at home to reduce the amount of waste they create.

The survey results present both opportunities and challenges for a long-term strategy. To analyse the survey findings and identify barriers to engagement and behaviour change initiatives, Council then organised a series of four focused community workshops run by behavioural science experts.

In addition to the community engagement, Council has also:

- conducted workshops on the draft Strategy with Council's key community reference groups (including the Environment Strategic Reference Group and Youth Advisory Group)
- consulted with other community and business stakeholders

- conducted internal consultation with Council stakeholders on the strategy, actions and initiatives to seek to ensure buy-in across Council for the initiatives in the Strategy.

The feedback from these activities have helped inform the draft Strategy.

TIMING

Following the six week public exhibition period all submissions received will be reviewed and any necessary changes will be made to the draft Strategy.

The consultation feedback and final draft of the Strategy will be reported back to Council for adoption.

LINK TO STRATEGY

The draft Strategy is designed to complement Council's Environment and Climate Change Strategy 2040, and associated action plans.

The draft Strategy also supports the objectives of other Council strategies and policies. This includes the Northern Beaches Resilience Strategy, Zero Waste to Oceans Charter and Towards 2040 – Local Strategic Planning Statement and the Northern Beaches Economic Development Strategy.

This report relates to the Community Strategic Plan Outcome of:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value
- Environmental sustainability - Goal 4 Our community is supported in the transition towards net zero emissions and a local circular economy
- Environmental sustainability - Goal 5 Our built environment is developed in line with best practice sustainability principles
- Environmental sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

FINANCIAL CONSIDERATIONS

Most of the key priorities and actions in the draft Strategy are already factored into Council's Long Term Financial Plan.

The draft Strategy identifies potential costs for implementing each action in the action plan. Delivery of some actions will require a service uplift and additional costs which are not currently budgeted for. These will be subject to internal budget bids as part of Council's normal process and Council will seek external funding (primarily through grants by the NSW Environment Protection Authority). The draft Strategy notes that these relevant actions are 'subject to available funding – in competitive budget bidding process'.

The highest cost item is likely to be separate food waste collection (which is anticipated to be mandated by the NSW Government by 2030). Council is currently finalising analysis and modelling on potential total costs to Council for a service uplift for food waste collections.

SOCIAL CONSIDERATIONS

The domestic waste service is an essential service Council provides for the community, and reducing the impact of waste and litter is increasingly important to tackle climate change, pollution and resource scarcity. The draft Strategy will guide how Council and the community can work together to reduce our waste footprint.

The draft Strategy also includes actions which seek to provide social opportunities through the transition to a local circular economy. This can help provide social connection through reuse and repair hubs and potential local employment and social enterprise opportunities, promoting a more inclusive economy.

ENVIRONMENTAL CONSIDERATIONS

An underlying theme of the draft Strategy is reducing the environmental impact of waste. One of the five strategic directions is 'Green and Clean Environment'. This responds to the strong community desire to retain the natural beauty of the local environment.

The draft Strategy includes numerous actions to help reduce the environmental impact of waste by addressing it at the source. This includes advocating for better product and building design to minimise waste and single use packaging, promoting repair, reuse and recycling, and improving waste management to avoid pollution and greenhouse gas emissions.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Strategy sets out the direction and plan for the future of Council's domestic waste and public place waste services. This will help guide Council, business and community investment over the duration of the strategy and prioritise Council resources and activities.

The draft Strategy strengthens Council's commitments to reduce the use of single use plastics in the Northern Beaches. Once implemented, the Strategy will replace Council's Single Use Plastics Policy.

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	2023/24 PLACEMAKING GRANTS PROGRAM - FUNDING RECOMMENDATIONS
REPORTING MANAGER	MANAGER PLACE AND ECONOMIC DEVELOPMENT
TRIM FILE REF	2023/527244
ATTACHMENTS	1 Placemaking Grants Applicants Overview 2023 and Funding Recommendation

SUMMARY

PURPOSE

The purpose of this report is to seek approval to allocate funding under Council's 2023/24 Placemaking Grants Program.

EXECUTIVE SUMMARY

- The 2023/24 Placemaking Grants Program allocates a total of \$20,000 in grants to eligible individuals and organisations to support projects and initiatives that deliver direct benefit to local people and communities within the Northern Beaches Local Government Area.
- The 2023/2024 Placemaking Grants Program has been developed in accordance with the adopted Community Grants and Partnerships Policy and the guidelines for the Placemaking grant stream.
- Six grant applications were received. Three applications were considered ineligible, one application was better aligned to the Community Development Grant and transferred to that grant program, leaving 2 eligible applications. Of the remaining 2 applications, one applicant withdrew during the assessment process. The remaining one application is supported for the Placemaking Grant.

RECOMMENDATION

That Council, pursuant to section 356 of *the Local Government Act 1993*, approves the allocation of \$4,000 (excluding GST) under the 2023/2024 Placemaking Grants Program as outlined in Attachment 1.

REPORT

BACKGROUND

The Northern Beaches Council Placemaking Grants were developed in response to increasing interest from local groups and businesses wanting to contribute to the activation and vibrancy of their local centres.

The Placemaking Grant Program provides grants to eligible individuals and organisations for projects and initiatives that deliver new and innovative activations as well as the adaption of existing activities. The budget available to the Placemaking Grant Program is a total of \$20,000. The program aims to encourage the community to deliver local activations that promote community participation and drive business to our local centres.

Applications from eligible individuals and organisations were required to address the following assessment criteria:

1. Community benefit - demonstrate significant economic, social, community, cultural and/or environmental contribution to the Northern Beaches community.
2. Priority areas – strongly relate to one or more identified Council Goals.
3. Value for money – justify the grant amount requested and included a well-researched and realistic budget, clearly indicating what Council funds would be spent on, as well as other contributions including corporate sponsorship and in-kind support.
4. Activation of places – activations must be located within Town & Village Centres or in other areas that can demonstrate that placemaking activities would directly support the surrounding businesses.
5. Environmental & waste management – the activation promotes sustainability and utilises waste avoidance principles.
6. Organisational Capacity to Deliver – the applicant has a demonstrated track record in delivering projects of the scale and type proposed and/or the application includes a thorough and realistic project delivery plan.

A total of 6 applications were received with one application recommended for funding as shown in the following table. One eligible applicant subsequently withdrew their application, one applicant was referred to the Community Development grants stream, and 3 applications were deemed ineligible.

Recommended Applicant	Project title	Recommended Funding (ex GST)
Elanora Heights Christmas Market, under the Auspices of the Town Team Movement Limited	Elanora Heights Christmas Market 2023	\$4000
TOTAL		\$4000

Note: See Attachment 1 for further detail on each of these projects.

Unsuccessful applicants will be notified with the opportunity provided to receive feedback on their application.

CONSULTATION

Applications for the 2023/24 Placemaking Grants program were open from 29 June 2023 and closed on 7 August 2023. Program information and guidelines were advertised and promoted widely throughout the community, including information and emails to relevant grant, network and group distribution lists, Council's website, and several broad and targeted social media platforms. The Place & Economic Development team distributed information through their business channels and contacts.

Assessment Panel

Council staff conducted eligibility checks on all applications received prior to progressing to assessment by the Assessment Panel.

The Placemaking Grants Assessment Panel comprised of:

- One representative from Council's Place and Economic Development team
- One representative from Council's Events team
- One representative from Council's Open Space Bookings Team

Assessment Panel members undertook individual assessments and submitted a score for each application against the Assessment Criteria, resulting in a priority ranking. The Assessment Panel met in person to discuss the priority ranking and to reach consensus on the projects recommended for funding.

TIMING

Applications opened on 29 June 2023 and closed on 7 August 2023.

Applicants will be notified as soon as practicable following Council approval.

The delivery date for any funded projects is from November 2023 to April 2024.

LINK TO STRATEGY

This grants program aligns with Council's vision and values outlined in the Community Strategic Plan and achieving the following Community Outcomes:

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life
- Community and belonging - Goal 8 Our community feels safe and supported
- Community and belonging - Goal 9 Our community is inclusive and connected
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs
- Vibrant local economy - Goal 13 Our businesses are resilient, well-connected and thrive in an environment that supports innovation, entrepreneurialism and economic growth

FINANCIAL CONSIDERATIONS

The Placemaking Grants Program 2023/24 has an allocation of \$20,000 in the adopted operational budget. All recommended grant amounts are exclusive of GST. Eligible applicants requested a total sum of \$9,300 noting that one eligible applicant subsequently withdraw from the program. \$4,000 is proposed to be allocated to the remaining eligible applicant.

The unallocated \$16,000 that remains in the Placemaking Grants Program 2023/24 will be used to reduce a projected deficit position.

SOCIAL CONSIDERATIONS

The Placemaking Grants Program 2023/24 has been developed to empower our community to facilitate the delivery of projects that will contribute to the vibrancy of our centres and support our business community.

The project supported by the Placemaking Grants will contribute to achieving the goals set out in the Grant Program. These goals are to boost the local business economy through events and to support our community organisations to deliver new and engaging events.

The funding of this grant will contribute to creating vibrant centres that connect communities by bringing people together and allow more people to deliver placemaking initiatives that reflect the character and needs of our diverse community and locations.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts, noting that the activations approved on space managed by council will operate in accordance with Council's Single Use Plastic and Waste Minimisation for Functions and events approved by Council policies.

GOVERNANCE AND RISK CONSIDERATIONS

Applications are assessed against pre-defined and advertised criteria and follow a clear and transparent process to ensure equity. The program was widely advertised and is in accordance with the adopted Community Grants and Partnerships Policy.



Placemaking Grants 2023 Applicant Overview

Council received six (6) applications to the Placemaking Grants for 2023, with two (2) proceeding to assessment after eligibility checks. The two (2) eligible applicants requested a total of \$9,300 with one applicant subsequently withdrawing their application.

The grant had the following assessment criteria:

1. Community benefit - demonstrate significant economic, social, community, cultural and/or environmental contribution to the Northern Beaches community.
2. Priority areas – strongly relate to one or more identified Council Goals.
3. Value for money – justify the grant amount requested and included a well-researched and realistic budget, clearly indicating what Council funds would be spent on, as well as other contributions including corporate sponsorship and in-kind support.
4. Activation of places – activations must be located within Town & Village Centres or in other areas that can demonstrate that placemaking activities would directly support the surrounding businesses.
5. Environmental & waste management – the activation promotes sustainability and utilises waste avoidance principles.
6. Organisational Capacity to Deliver – the applicant has a demonstrated track record in delivering projects of the scale and type proposed and/or the application includes a thorough and realistic project delivery plan.

Projects recommended for funding:

Following the assessment of the two (2) eligible applications, the Panel recommends one (1) project for grant funding amounting to \$4,000. The second eligible application was withdrawn from the grant process.

Applicant	Project	Request (Ex GST)	Rec (Ex GST)	Comment
Elanora Heights Christmas Market under the Auspices of the Town Team Movement Limited	Elanora Heights Centre activation: a Christmas market run by local businesses and community members consisting of local businesses and entertainment, food provided by local cafes and restaurants, music from school groups.	\$5,300	\$4,000	Demonstrates a clear rationale with identified community need, located in the public domain, contributes to at least one Council priority area.
Streetworks Australia Limited	Urban Art helps at-risk young people (YP) to develop aerosol and contemporary art-style skills in a safe and legal environment. The activation would deliver a permanent mural installation.	\$4,000	\$4,000	Streetworks subsequently withdrew their application due to the requirement to gain approval from building owner for the mural location.

ITEM 12.2	OUTCOME OF PUBLIC EXHIBITION - PLANNING PROPOSAL AT 6 MITCHELL ROAD, PALM BEACH (PEX2022/0003)
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2023/565772
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Submissions and Responses Table to exhibition of Planning Proposal PEX2022/0003 at 6 Mitchell Road Palm Beach (Included In Attachments Booklet) 2 ⇒ Planning Proposal - 6 Mitchell Road Palm Beach (Included In Attachments Booklet) 3 ⇒ Probity Advisor Report - Audit on assessment of Planning Proposal at 6 Mitchell Road Palm Beach (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to inform on the outcomes of the public exhibition of a Planning Proposal for land at 6 Mitchell Road, Palm Beach and seek Council's adoption of the Planning Proposal for forwarding to the Department of Planning and Environment (the Department) for finalisation.

EXECUTIVE SUMMARY

- On 28 March 2023 Council considered the Planning Proposal application and resolved to submit the Planning Proposal to the Minister for Planning and Public Spaces for Gateway Determination and publicly exhibit the Planning Proposal in accordance with any Gateway Determination by the Minister for Planning and Public Spaces.
- The Planning Proposal seeks to amend Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014) to:
 - allow a "dwelling house" on that portion of 6 Mitchell Road zoned RE1 Public recreation by way of an additional permissible use for the land, and
 - to restrict any future residential development on 6 Mitchell Road to a height of 74.5AHD.
- On 30 May 2023, a Gateway determination was obtained. The statutory exhibition of the Planning Proposal was from 30 June 2023 to 3 August 2023. Three submissions were received to this exhibition and have been considered by staff. Following exhibition, the Planning Proposal has been updated to include information on the exhibition process and submissions.
- As the adjoining property is owned by Council, a probity advisor oversaw the assessment of this Planning Proposal.

RECOMMENDATION

That:

1. Council adopt the Planning Proposal and forward it to the Minister for Planning and Public Spaces to make the *Pittwater Local Environmental Plan 2014* include:

- A. Additional permitted use of “dwelling house” on a portion of the site at 6 Mitchell Road, Palm currently zoned RE1 Public Recreation, and
 - B. A maximum building height of 74.5 AHD for any future residential development on 6 Mitchell Road Palm Beach.
- 2. The Probity Advisor’s report on the assessment of the Planning Proposal is noted.
 - 3. The applicant and submitters be advised of Council’s decision.
-

REPORT

BACKGROUND

The properties at 6 Mitchell Road (the subject of the Planning Proposal) and 6A Mitchell Road were previously one residential allotment (known as 6 Mitchell Road, Lot 2 DP 213975) with a total site area of 1,196m².

The land is naturally bisected by a cliff. The lower level of the property contained a dwelling house, and the upper level contained a garden. This garden, known as the Bible Garden, was established in 1962 and was so named as the garden contains plants mentioned in the Bible. It has been open to the public for weddings, baptisms, and informal visits since it was established in the 1960s. The land had previously been settled in a charitable trust.

From 1972 to 1994, Deaconess Beatrice Violet Robinson, as curator of the garden and Trustee of the Bible Garden Memorial Trust, maintained the Bible Garden for the public's enjoyment.

Heads of Agreement

Following the death of Beatrice Robinson in 1994, the Trustees of the Bible Garden approached the then Pittwater Council seeking advice regarding the retention of the Bible Garden curtilage whilst excising the remaining portion of land containing the dwelling house.

As a result, a Heads of Agreement was signed by Pittwater Council and the Trustees of the Bible Garden on 9 February 2004 to investigate opportunities to subdivide the property as follows:

- Excise the portion of land containing the existing dwelling from the lot containing the Bible Garden curtilage.
- The new lot containing the existing dwelling being sold as a residential allotment.
- Retain the lot containing the Bible Garden curtilage.

The Heads of Agreement included concept sketches to identify the future intent and vision of the land. The portion of land between the two allotments had been identified as the location of a potential future garage for the dwelling. A restrictive covenant would control the height of the garage and require the roof to be of load-bearing capacity suitable for use as a potential future viewing platform from the Bible Garden. A concept sketch from the Heads of Agreement is in Figure 1, clearly depicting the garage and potential viewing platform.

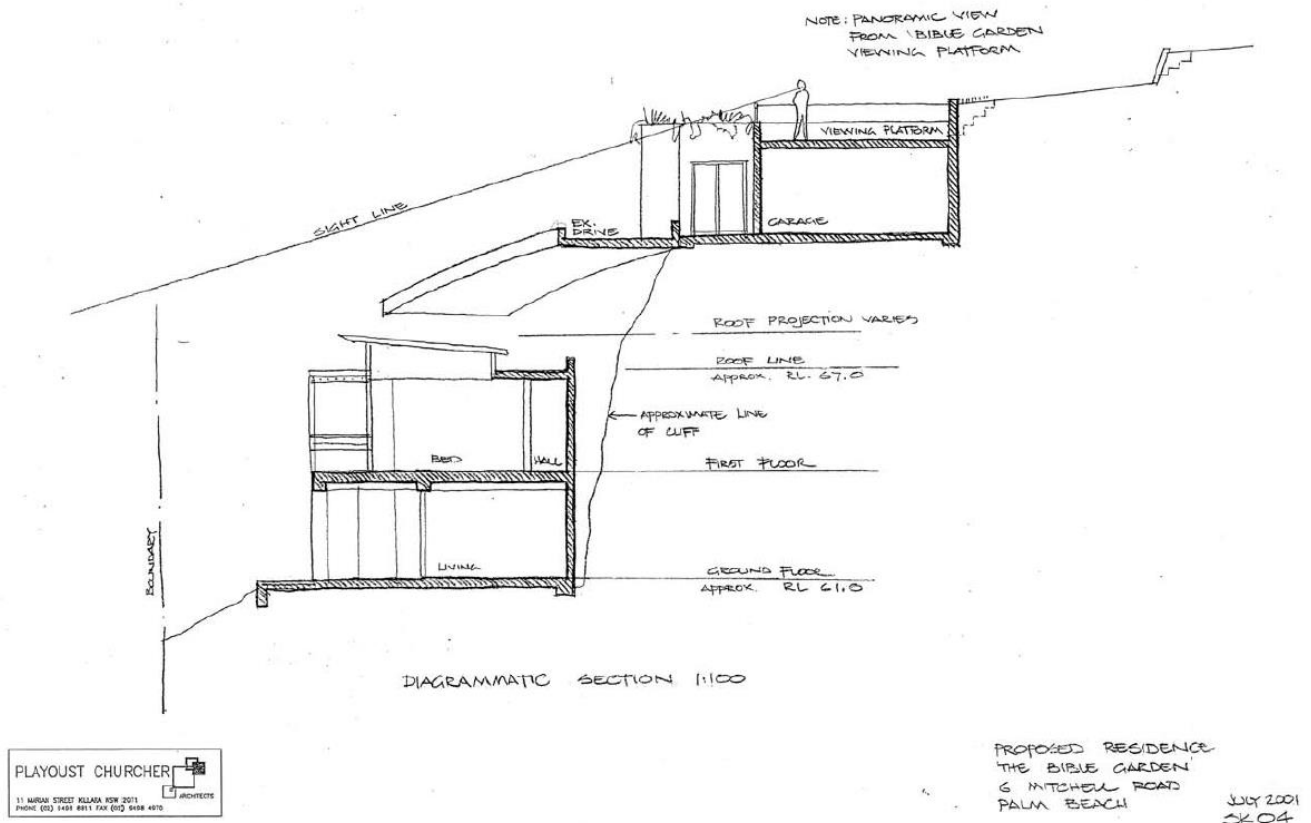


Figure 1: Concept Sketch from Heads of Agreement

Development Consent for Subdivision of Land

On 11 November 2004, a Development Application (N0824/04) to subdivide the land into two allotments was lodged with Pittwater Council. This application was consistent with the signed Heads of Agreement. On 4 April 2005, Council consented to the subdivision into two allotments subject to conditions.

The steep topography of the site and the need to maintain the viewing platform created challenges in relation to a two-dimensional subdivision, resulting in the creation of the two properties via stratum subdivision. A stratum subdivision creates allotments which are limited in height or depth, allowing properties to be effectively created on top of each other. The subdivision created the following allotments:

- Lot 1 DP1086858, now known as 6 Mitchell Road – Containing the existing dwelling and parking space underneath the viewing platform at the rear of the lot.
- Lot 2 DP1086858, now known as 6A Mitchell Road – Containing the Bible Garden and the viewing platform above the parking space on Lot 1.

A location map of 6 Mitchell Road (the subject of the Planning Proposal) and 6A Mitchell Road (the Bible Garden) is in Figure 2. The portion of land between the two allotments, identified in the Heads of Agreement for the garage and viewing platform, is subdivided in stratum, and is split between both allotments. This land is identified with the white bubble. In relation to this part of the land, the Deposited Plan and registered easements stipulate:

- Lot 1 (6 Mitchell Road) is limited in title to a height of 74.5 AHD.
- Lot 2 (6A Mitchell Road) is limited in title to a depth of 74.5 AHD.

On 7 February 2006, 6A Mitchell Road was transferred into Council ownership and classified as community land under Council's Land Register in accordance with the *Local Government Act 1993*. Although Council owns this land, it is managed by the Friends of the Bible Garden Memorial via a Management Deed signed by Council, The Trustees of the Bible Garden and then owner of 6 Mitchell Road on 23 March 2006.

On 18 December 2006, Pittwater Council adopted the Bible Garden - Palm Beach Plan of Management, which lists what land uses are permissible (as exempt development or with consent) under this adopted plan. A copy of the signed Management Deed is also appended to the adopted Plan of Management.



Figure 2: Location Map of 6 and 6A Mitchell Road, Palm Beach

Figure 3 is an excerpt from the Planning Proposal and is a picture taken from 6A Mitchell Road (the Bible Garden) looking north over 6 Mitchell Road. The red string (shown in the white bubble) identifies the stratum boundary between the properties at a height of 74.5 AHD. The yellow string represents the existing ground level (76.3 AHD) of the viewing platform on the Bible Garden.



Figure 3: Extract from Planning Proposal - Site picture with height poles

Pittwater Local Environmental Plan 2014

On 26 June 2014, the Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014), prepared under the Standard LEP Template, came into effect, repealing Pittwater Local Environmental Plan 1993.

This resulted in the properties being zoned as follows:

- 6 Mitchell Road, Palm Beach (the subject of the Planning Proposal) – The land was rezoned from Zone No. 2 (a) (Residential “A”) as follows:
 - majority of the site is zoned C4 Environmental Living; and
 - the portion of the site directly underneath the Bible Garden’s viewing platform (below 74.5 AHD) became zoned RE1 Public Recreation.
- 6A Mitchell Road, Palm Beach was rezoned from Zone No 6 (a) (Existing Recreation “A”) to RE1 Public Recreation.

An extract of the Pittwater LEP 2014 zoning map is in Figure 5.

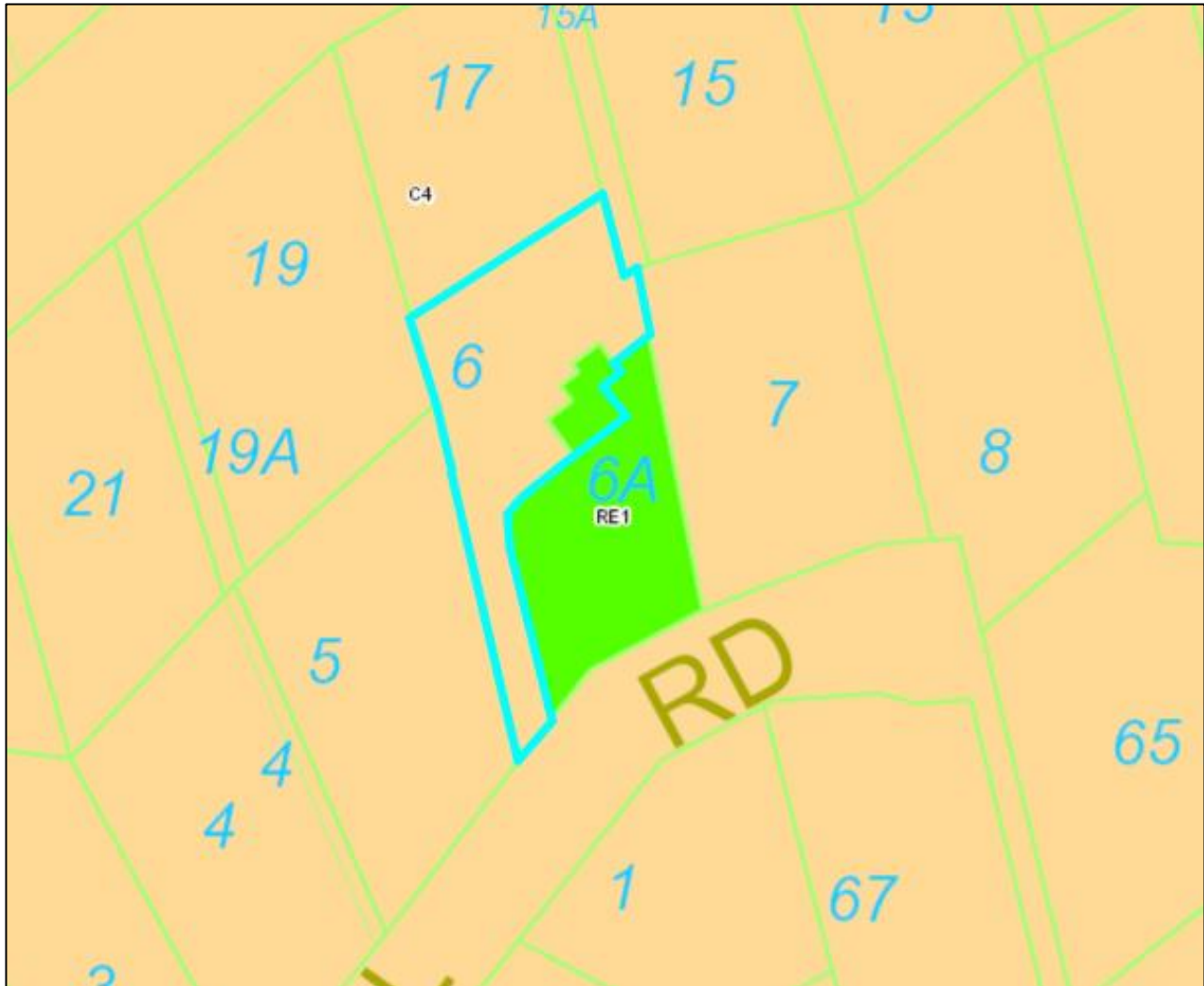


Figure 5: Zoning Map Pittwater LEP 2014

Recent Development Application

On 25 January 2021, Council received a Development Application (DA2020/1596) for 6 Mitchell Road to construct a dwelling house including a swimming pool, driveway, and garage. Components of the dwelling house, primarily the garage and lift, were proposed to be sited on that portion of land zoned RE1 Public Recreation.

On 18 August 2021, the DA2020/1596 was refused. The primary reason for refusal was that the residential development proposed to be built on that portion of the site zoned RE1 Public Recreation is prohibited under the zone.

The Planning Proposal

The intent of this Planning Proposal is to amend the Pittwater LEP 2014 to include an additional permitted use of a 'dwelling house' on the RE1 zoned portion of the site (being the land below the Bible Garden viewing platform) to facilitate future residential development in line with the intended use of the site as outlined in the Heads of Agreement, signed 9 February 2004, between the Trustees of the Bible Garden and Pittwater Council.

A provision is proposed restricting the building height of any future residential development on the site to 74.5 AHD, ensuring that the views of Palm Beach from the Bible Garden are preserved.

On 24 October 2022, Council engaged the services of external probity adviser Charles Kendall Australia to oversee Council's assessment of the Planning Proposal. Probity advice was sought to manage any potential or perceived conflict of interest arising from the assessment of a Planning Proposal on land adjacent to the Council-owned Bible Gardens.

CONSULTATION

On 30 May 2023, the Department issued a Gateway determination for the Planning Proposal, categorising the proposal as 'standard' resulting in a minimum 20 day public exhibition in accordance with the Local Environmental Plan Making Guidelines (Department of Planning, 2023).

The public exhibition comprised of the following:

- Notification letters to adjoining landowners and occupiers.
- Email to community members who had registered their interest in the project.
- An updated Council 'Your Say' page with relevant information.
- Inclusion in Council's Community News email.

The Planning Proposal was exhibited for a period of 28 days, from 30 June to 27 July 2023, in accordance with the Northern Beaches Community Participation Plan. The period was extended to 3 August, following a request from a submitter.

Three submissions were received. A summary of issues from the submissions and Council response to the issues is in Attachment 1. It is considered the issues raised in the submissions do not warrant the rejection of the Planning Proposal.

Changes to the exhibited Planning Proposal

The Planning Proposal has been updated to include detail on the submissions received during the statutory exhibition period as well as the anticipated timing of completion of the Planning Proposal. The post-exhibition changes made to the Planning Proposal are necessary to incorporate the information from the statutory exhibition phase.

The amended Planning Proposal before Council for consideration is Attachment 2.

An external probity advisor was engaged to undertake an audit of the Planning Proposal assessment process given the adjoining property is owned by Council. The audit report is Attachment 3, with the audit report concluding there were no probity concerns with the assessment of the Planning Proposal and submissions received during the statutory exhibition phase.

TIMING

If Council agrees to support the Planning Proposal, it will be forwarded to the Department with a request for the Planning Proposal to be finalised and amendment made to Pittwater LEP 2014. The timeframe for its finalisation of the Planning Proposal is expected to be approximately 3 months from the date of Council's approval.

LINK TO STRATEGY

The Planning Proposal relates to the following goals of the Northern Beaches Community Strategic Plan 2040 outcome of:

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life
- Community and belonging - Goal 8 Our community feels safe and supported

- Community and belonging - Goal 9 Our community is inclusive and connected
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed

FINANCIAL CONSIDERATIONS

The Planning Proposal is a proponent-initiated application. The proponent has paid the assessment fees stipulated in Council's Fees and Charges 2022/23.

SOCIAL CONSIDERATIONS

The proposal seeks to rectify an anomaly unique to this site and is consistent with the signed Heads of Agreement.

The Planning Proposal will maintain the existing views from the Bible Garden and is not anticipated to have any adverse social impacts.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the Planning Proposal has determined that it is unlikely to have any adverse environmental impacts on the subject site or surrounding land.

GOVERNANCE AND RISK CONSIDERATIONS

The Planning Proposal has been assessed in accordance with all statutory requirements.

Independent probity advice was sought to manage any potential or perceived conflict of interest arising from the assessment of the Planning Proposal. The audit report (Attachment 3) concluded that there were no probity concerns with the assessment of the Planning Proposal.

ITEM 12.3	OUTCOME OF PUBLIC EXHIBITION - COUNCIL-RELATED DEVELOPMENT APPLICATION POLICY
REPORTING MANAGER	EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT
TRIM FILE REF	2023/589772
ATTACHMENTS	1 Proposed changes to Council-related Development Applications Policy 2 Community Engagement Summary Report

SUMMARY

PURPOSE

The purpose of this report is to seek Council adoption of the Council-related Development Application Policy (the Policy) including minor changes made following the outcome of public exhibition.

EXECUTIVE SUMMARY

- The Policy was adopted by Council on 28 March 2023 and commenced operation on 3 April 2023.
- The Policy deals with inherent conflicts of interest where Council is the consent authority and has an interest in the land.
- The Council resolution of 28 March 2023 required that implementation of the Policy be monitored for 6 months with feedback sought from the community and that a report on the implementation and review be presented to Council in October 2023.
- Six submissions have been received from the community.
- Minor amendments to the Policy are proposed following community feedback and operational review.

RECOMMENDATION

That Council adopt the amended Council-related Development Application Policy.

REPORT

BACKGROUND

Amendments to the Environmental Planning and Assessment Regulation 2021 in late 2022 required that all NSW councils implement a Conflict-of-Interest Policy for Council-related development.

A short time frame was provided to councils to prepare and seek council endorsement of the Policy, which precluded public exhibition of the draft Policy prior to the mandated 3 April 2023 commencement date.

The Policy was drafted generally in accordance with the template provided by the NSW Department of Planning and Environment's in their 'Council-related Development Application Conflict of Interest Guidelines'. It is noted that the recommended practices required by the Policy were largely already in place at Northern Beaches Council.

All Council-related development submitted from 3 April 2023 is subject to the Policy, which was prepared in accordance with the requirements of section 66A of the Environmental Planning and Assessment Regulation 2021.

The Policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development. The Policy requires that all Council-related development be referred to Council's Executive Manager Development Assessments for a conflict-of-interest risk assessment.

At the Council meeting held on 28 March 2023, Council resolved as follows:

That:

1. *Council adopt the draft Council-related Development Applications Policy, to commence on 3 April 2023.*
2. *The implementation of the new policy be monitored for 6 months with feedback sought from the community, and a report on the implementation and review presented to Council in October 2023.*

Review of Policy and Implementation

Since the commencement of the Policy on 3 April 2023, there have been eight development applications lodged with Council/or pre-lodgement advice given which triggered operation of the Policy.

The relevant applications are shown in the below table:

Application	Description	Conflict	Outcome
DA2023/0376	Change of use from kiosk to café at Bilgola Beach	Council as applicant and land manager, commercial premises under lease.	Approved by Local Planning Panel (LPP)
DA2023/0409	Removal of unauthorised works extending onto Council land proposed to be removed at Great Mackerel Beach	Council as land manager and enforcement authority	The proposed demolition works on Council land were removed from the application. Conflict was removed

Mod2023/0376	Internal changes to Long Reef Surf Club at Collaroy	Council as land manager	Approved under delegation as provided by LPP Ministerial Directions.
Mod2023/0171	Modification of new restaurant at Palm Beach	Council as land manager	Approved by Local Planning Panel (LPP)
PLM2023/0092	Pre-lodgement meeting for 5 EV charging stations to be installed in the road reserve	Council as land manager	Advice provided to EV operator. At the time of preparing report no DA had been submitted.
PLM2023/0107	Pre-lodgement advice for alterations and additions to the North Narrabeen Surf Club	Council as land manager	Advice provided to Council as applicant. At the time of preparing report no DA had been submitted.
DA2023/0998	Alterations and additions to Freshwater SLSC	Council as land manager	Under assessment
DA2023/0720	Installation of flood lights at Balgowlah tennis court	Council as land manager	Under assessment

Implementation of Policy

Procedures and standard templates have been prepared to ensure that assessment procedures and practices are consistent with the policy. These have been reviewed over the last 6 months and have been refined to improve efficiency, consistency, and robustness of the approach to managing any potential conflicts. Improvements and refinement of operational aspects will continue over time as future applications are processed.

Policy Amendments following implementation of Policy

With regard to the Policy, two minor changes are proposed. The first relates to the preparation of a Management Strategy for each Council-related application. The Management Strategy is prepared by the Executive Manager Development Assessment (or delegate) to address the conflict-of-interest risk assessment and preparation of Management Controls. Over the last 6 months, a part of preparing the Management Strategies has been to obtain advice from the Executive Manager Internal Audit and Complaints Resolution. It is proposed that this practice be reflected in the Policy to provide a greater level of comfort to the community and robustness to the process.

It is also proposed to change the use of the word 'should' to 'must' in the Policy following community feedback as discussed in the consultation section of the report.

CONSULTATION

Public Consultation

The Policy was exhibited publicly for 28 days from 17 July 2023 to 14 August 2023 with details and explanations on *Your Say Northern Beaches* page. The page received 629 visits and 6 submissions were received. The following is a summary of the themes raised and comments in relation to each of these:

Theme	Comment
1. Stronger language should be used in the policy for example <i>MUST</i> rather than <i>SHOULD</i> be used such as "...the matter <i>MUST</i> be referred..."	<p>The language used in the Policy, including the choice of word '<i>SHOULD</i>' was contained the Department of Planning template policy.</p> <p>There is no concern with strengthening the language in the policy. The suggestions have been included in the attached proposed changes to the policy.</p>
2. Transparency in who the Executive Manager Development Assessment is to ensure complete transparency, clarity and ensure sufficient independence.	Each published Management Strategy contains the name and signature of the Executive Manager Development Assessment, noting that Council only employs one person in this position. It is also noted that the Management Strategy is to be prepared in consultation with the Executive Manager Internal Audit and Complaints Resolution.
3. Council should have a 3 rd party approve the changes.	The Policy is based on legislation and a template provided by the Department of Planning and Environment. The Northern Beaches Policy has gone beyond the requirements of the template policy in ensuring conflicts of interest are managed in regard to any legal or compliance action is required to undertaken.
4. Policy appears suitable, but what about when there is a conflict with a Council staff member?	Conflicts of interest related to staff members, councillors, members of parliament and their relatives is regulated through the Local Planning Panels Ministerial Directions, and internal procedures which were developed with the guidance of Council's Internal Audit and Complaints Resolution Team and reviewed by the Audit Office of NSW in the 2022 audit of Development Application Processes. Audit Office of NSW made no recommendations for improvement on these procedures.
5. Low risk applications have internal and non-transparent management controls.	<p>All Council related development applications require a published Management Strategy including low risk applications. Ministerial Directions for Local Planning Panels defines low risk applications which are excluded from being a conflict of interest and do not require determination by the Panel, these are:</p> <ul style="list-style-type: none"> • Internal alterations or additions to buildings that are not a heritage item. • Advertising signage • Maintenance and restoration of a heritage item, or

	<ul style="list-style-type: none"> Minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services and sun shading devices).
6. Concern that private interests gain a financial advantage at the cost of the community. Propose a community bond scheme where payments are held by Council.	This issue is not relevant to the Policy. The use of Council land for private purposes is governed under the Local Government Act 1993, and includes requirements for Plans of Management, types of leases and licences, the length of leases and licences and the process for tendering/issuing such leases and licences.

Internal consultation

Comments on the Policy were sought from internal Business Units within Council. In general, the response indicates that the Policy reflects established practices, was operating efficiently and required no further changes. The following comments/suggestions were made in response:

Comment
<p><u>Internal Audit and Complaints Management</u></p> <p>Consultation with the Executive Manager Development Assessments now occurs for all Management Strategies prior to authorisation.</p>
<p><u>Property</u></p> <p>No concerns raised as the policy formalises previous protocols of dealing with Council applications. The issues raised in the submission relating to a community bond scheme relate to provisions under the Local Government Act controlling the use of public land.</p>
<p><u>Environment and Climate Change</u></p> <p>In relation to Management Controls part (a), could the reference to staff be better clarified, i.e. council staff as Development Assessment to council staff acting as the applicant or asset manager.</p> <p>The Policy has been reworded to provide better clarity, as per proposed changes in Policy.</p>
<p><u>Parks and Recreation</u></p> <p>New processes require several additional steps in seeking advice including a pre-lodgement meeting. This will provide certainty in timing, cost and consistency in advice whilst providing transparency in decision making.</p>
<p><u>Northern Beaches Local Planning Panel Chair</u></p> <p>During discussions with the Chair of the Northern Beaches Local Planning Panel, agreement was reached that any application the subject of this Policy, would be heard in a public meeting, despite there being less than ten submissions. It is noted that under current Ministerial Directions for Panels, applications with less than ten submissions are not required to be heard in a public meeting.</p>

TIMING

The Policy is already in place, the proposed word changes do not affect current practices or implementation of the Policy.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The recommendations of this report have no social impact on Council.

ENVIRONMENTAL CONSIDERATIONS

The recommendations in this report have no environmental impacts on Council.

GOVERNANCE AND RISK CONSIDERATIONS

The recommendation in this report strengthens the governance and management of risk in management of Council-related development applications.

Council Policy

Council-related Development Applications Policy

Policy Statement

Northern Beaches Council operates as a consent authority and development regulator for most development within the Northern Beaches local government area. In some circumstances, council is also the owner of land to which an application relates, is the applicant/developer or has a commercial interest in the land. Where council has this dual role, a potential conflict can arise between the council's interest in the development and its duty as a regulator.

This policy explains how council will identify matters in which these potential conflicts arise and address them throughout the development process.

Principles

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

Scope and application

This policy applies to council-related development. It regulates all council-related development from 3 April 2023.

This policy has been prepared in accordance with the requirements of s66A of the Regulation which is to commence on 3 April 2023 and the 'Council-related Development Application Conflict of Interest Guidelines' issued by the Department of Planning and Environment.

This policy does not apply to an activity under Part 5 of the Act.

Identifying whether a potential conflict of interest exists

Where a preliminary meeting is held prior to the lodgement of an application which may involve council-related development, the matter ~~should~~ **must** be referred to the Executive Manager Development Assessment (or delegate) and the issue of appropriate management controls ~~should~~ **must** be an agenda item for discussion at the meeting, with the proposed approach recorded as part of the minutes of the meeting.

Development applications lodged with council that are for council-related development are to be referred to the Executive Manager Development Assessment (or delegate) for an initial conflict-of-interest risk assessment and preparation of a management statement **in consultation with the Executive Manager Internal Audit and Risk** in accordance with the requirements of the Regulation.

The Executive Manager Development Assessment (or delegate) is to:

- i. ~~Assess whether the application is one in which a~~ **Identify the** potential conflict of interest ~~exists,~~
- ii. Identify the phase(s) of the development process at which the identified conflict of interest arises,
- iii. Assess the level of risk involved at each phase of the development process,
- iv. Determine what (if any) additional management controls ~~should~~ **must** be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any Management Controls and Strategies outlined this policy, and
- v. Document the proposed management strategy for the proposal in a statement that is published/uploaded on the NSW Planning Portal and council's application webpage.

Assessing level of risk

Council-related development is to be assigned a level of risk in accordance with the following categories:

Low Risk

- Advertising signage on council properties.
- Internal fit outs and minor changes to the building façade.
- Internal alterations or additions to buildings that are not a heritage item.
- Council-related development in respect of which council may receive a small fee for the use of their land (such as outdoor dining areas for which fees are or may be payable under legislation).
- Alterations and additions to minor structures in parks and other public spaces (such as shade structures in playgrounds).
- Minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services).

Medium Risk

- Any council-related development for which the Northern Beaches Local Planning Panel is the consent authority.
- Any council-related development in relation to which council has resolved to provide a grant.

High Risk

- Any council-related development for which the Sydney North Planning Panel is the consent authority.
- Any council-related development which is assessed as being high risk by the CEO, due to the circumstances of the application.

Management controls and strategies

- (a) For all council-related development, other than low risk applications, council's [Development Assessment](#) staff will ensure that written records are kept of all communications with the applicant ([whether or not they are Council](#) staff) and applicant representatives (whether council staff or external consultants). Substantial discussions ~~should~~ [must](#) occur only in the context of a formal meeting and written records of such meetings are to be kept. Directors are responsible for ensuring that staff follow strict communication protocols in relation to council-related development.
- (b) All council-related development applications will be publicly exhibited for a minimum of 28 days. The management strategy for the proposal will be publicly exhibited with the application and will remain publicly available on the NSW Planning Portal and council's website.
- (c) The management strategy in relation to the assessment and determination of applications for council-related development is to be in accordance with the level of risk identified in accordance with this policy. In general, the following management strategies are to be implemented:



- Low risk – application assessed by council staff and referred to the Northern Beaches Local Planning Panel for determination if required by Ministerial Direction.
 - Medium risk – application assessed by external independent planner and referred to the Northern Beaches Local Planning Panel for determination.
 - High risk – application assessed by external independent planner and referred to the Sydney North Planning Panel for determination.
- (d) Where a council-related development becomes the subject of any proceeding before the Land and Environment Court, external legal representatives and consultants will be engaged to conduct the matter.
- (e) The management strategy in relation to the regulation of council-related development (other than low risk) is that all certification, including the issue of construction certificates and occupation certificates, will be undertaken by a private certifier.
- (f) The management strategy in relation to the undertaking of enforcement and compliance activities in relation to all council-related development is as follows:
- (i) The Executive Manager Environmental Compliance will oversee all compliance and enforcement activities related to council-related development and will provide regular updates on these activities to the Chief Executive Officer and Chief Executive Team.
 - (ii) Where a non-compliance is identified (for example, a breach of a development consent condition or failure to comply with the terms of a development control order), the matter will be escalated to the Director Corporate & Legal for review and consideration of appropriate action. This may include engaging external consultants in order to undertake investigations and/or peer review recommendations of council staff.
 - (iii) Where a matter is considered a significant breach of any law, the non-compliance will be referred by the Director Corporate & Legal to the compliance staff of the Department of Planning and Environment for advice and action as appropriate.
 - (iv) Any legal proceedings in relation to enforcement and compliance matters for council-related development will be conducted by external legal providers, who are to engage third party consultants to provide expert advice if required.

References and related documents

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*

Definitions and Interpretation

In this policy:

application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent but it does not include an application for a complying development certificate.

council means Northern Beaches Council.

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority

development process means application, assessment, determination, and enforcement.

the Act means the *Environmental Planning and Assessment Act 1979*.

the Regulation means the *Environmental Planning and Assessment Regulation 2021*

A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

Responsible Officer

Executive Manager Development Assessment

Review Date

October 2027

Revision History

Revision	Date	Status	TRIM Ref
1	28 March 2023	Adopted by Council	2023/168271
2	24 October 2023	Draft following public exhibition-seeking adoption	2023/623595



Community Engagement Summary Report

Project name	Council-related Development Applications Policy
Public notification period	Monday 17 July to Monday 14 August 2023
Background	<p>Northern Beaches Council operates as a consent authority and development regulator for most development within the Northern Beaches local government area. In some circumstances, Council is also the owner of land to which an application relates, is the applicant/developer, or has a commercial interest in the land. Where Council has this dual role, a potential conflict can arise between Council's interest in the development and its duty as a regulator.</p> <p>Recent amendments to the Environmental Planning and Assessment Regulation (EP&A Regs) 2021 required that NSW Councils implement a Conflict of Interest Policy for Council-related development.</p> <p>In response to this statutory requirement, Council, at its meeting on 28 March 2023, adopted a policy that is in line with the 'Council-related Development Application Conflict of Interest Guidelines' issued by the Department of Planning and Environment. Council also resolved to seek community feedback on the adopted policy and report back.</p>
Total number of submissions	6
Summary of findings	Changes to strengthen the wording of the policy have been recommended as a result of the submissions received.
Engagement approach	<p>Community and stakeholder engagement for the Council-related Development Applications Policy was conducted between 17 July and 14 August 2023 with details contained on the YourSay page.</p> <p>The engagement was planned, implemented and reported in accordance with Council's Community Engagement Strategy (2022).</p>

	<p>A project page was established on our have your say platform with information provided in an accessible and easy to read format.</p> <p>The project was primarily promoted through our regular email newsletter (EDM) channels.</p> <p>Feedback was captured through an online submission form embedded onto the have your say project page. An open-field comments box provided community members a space to share their comments.</p> <p>Email and written submissions were also invited. Contact details were provided should people have questions.</p>
--	--

How we notified	
Properties notified by letter	NA
Authorities notified by email	N/A
Visitors to Your Say page	629 visits

Findings		
Theme	What we heard	Council response
Language in policy	Stronger language should be used in the policy for example MUST rather than SHOULD be used such as "...the matter MUST be referred..."	The language used in the Policy, including the choice of word 'SHOULD' was contained the Department of Planning template policy. There is no concern with strengthening the language in the policy. The suggestions have been included in the attached proposed changes to the policy.
Transparency	Transparency in who the Executive Manager Development Assessment is to ensure complete transparency, clarity and ensure sufficient independence	Each published Management Strategy contains the name and signature of the Executive Manager Development Assessment, noting that Council only employs one person in this position. It is also noted that the Management Strategy is to be prepared in consultation with the Executive Manager Internal Audit and Complaints Resolution.
Approval of changes	Council should have a 3rd party approve the changes.	The Policy is based on legislation and a template provided by the Department of Planning and Environment. The Northern Beaches Policy has gone beyond the

		requirements of the template policy in ensuring conflicts of interest are managed in regard to any legal or compliance action is required to undertaken.
Staff conflicts	Policy appears suitable, but what about when there is a conflict with a Council staff member?	Conflicts of interest related to staff members, councillors, members of parliament and their relatives is regulated through the Local Planning Panels Ministerial Directions, and internal procedures which were developed with the guidance of Council's Internal Audit and Complaints Resolution Team and reviewed by the NSW Office of Audit in the 2022 audit of Development Application Processes. NSW Office of Audit made no recommendations for improvement on these procedures.
Low risk applications	Low risk applications have internal and non-transparent management controls.	<p>All Council related development applications require a published Management Strategy including low risk applications. Ministerial Directions for Local Planning Panels defines low risk applications which are excluded from being a conflict of interest and do not require determination by the Panel, these are:</p> <ul style="list-style-type: none"> • Internal alterations or additions to buildings that are not a heritage item. • Advertising signage • Maintenance and restoration of a heritage item, or • Minor building structures projecting from a building

		façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services and sun shading devices).
--	--	--

During the consultation period, Council received questions either through direct contact or online.

Question raised in feedback	Council's answer
Nil	NA

Verbatim Responses

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

No.	Submission
1	<p>Thank you for the opportunity to provide feedback regarding Northern Beaches Council's Council-related Development Applications Policy.</p> <p>As a Bilgola Beach resident, beach goer and avid coastal conservationist I have witnessed where NBC's dual roles as consent authority and development regulator can go horribly wrong. The Collaroy Narrabeen vertical seawall being the most disastrous example, with the recent Newport SLSC development coming up a close second. Broader community interest, the preservation of the public beach amenity and adherence to the NSW Coastal Management Act 2016 were swept aside whilst private interests and Council's budget concerns seemingly were prioritized.</p> <p>Whilst this draft Council policy seeks to address these conflicts of interest, weak language allows for loopholes in interpretation.</p> <p>For example: Identifying whether a potential conflict of interest exists "the matter MUST be referred..." not "should be referred."</p> <p>Management controls and strategies (a) Substantial discussions MUST occur in the context of a formal meeting and written records must be kept."</p> <p>Adherence to the policy has to be compulsory and not an optional</p>

	<p>obligation.</p> <p>Hopefully attention to a new policy will assist NBC to identify matters where conflict of interest arises and help to address the issues more effectively throughout the development process.</p>
2	<p>It sounds good and is no doubt consistent with all published guidelines and the policy adopted by other councils. However everything will depend on the Executive Manager Development Assessment (or delegate). There should be complete clarity and transparency as to who that person or those persons will be – to ensure they have sufficient independence from the council itself.</p>
3	<p>The council, like every paying rate payer, should have a 3rd party approve any changes. NBC has made that many errors with our roads, it is laughable and needs to stop. They need to be held accountable.</p>
4	<p>The policy appears suitable for potential conflicts of interest with Council as the entity. What about when there are potential conflicts of interest with Council Officers or staff? What policy controls those circumstances?</p>
5	<p>Dear Northern Beaches Council,</p> <p>Thank you for the opportunity to comment on the Council-related Development Applications Policy- Managing conflicts of interest. <i>Surfrider Foundation Northern Beaches (Surfrider NB)</i> has read the policy and would like to provide the following feedback.</p> <p>As Northern Beaches Council operates as a consent authority and development regulator and is also the owner of land to which an application can relate, is the applicant/developer, or has a commercial interest in the asset, a conflict of interest policy and quick adoption is very much welcomed. The reason <i>SRFNB</i> supports this policy in concept is because we perceive all council-related development applications inherently have a conflict of interest and council should publicly communicate that fact to ensure transparency.</p> <p><i>SRFNB</i> believe the policy is brief in nature and does not use strong enough words and therefore does not address the Environmental Planning and Assessment Regulation (EP&A Regs) 2021. For example, the change the word should to must in the following management process, “<i>Where a preliminary meeting is held prior to the lodgement of an application which may involve council-related development, the matter should be referred to the Executive Manager Development Assessment (or delegate) and the issue of appropriate management controls should be an agenda item for discussion at the meeting, with the proposed approach recorded as part of the minutes of the meeting.</i>” Identifying these conflicts of interest early and finding ways to address them is crucial to good governance.</p> <p><i>SRFNB</i> object to the Executive Manager Development Assessment (or delegate) is to “<i>Assess whether the application is one in which a potential</i></p>

	<p><i>conflict of interest exists</i>". Instead given a development application is lodged with council for council-related development the authority "must identify this application has a conflict of interest". In addition, <i>Surfrider NB</i> rejects that low risk applications have internal and non-transparent management controls and strategies. For example "<i>Low risk – application assessed by council staff and referred to the Northern Beaches Local Planning Panel for determination if required by Ministerial Direction.</i>" <i>Surfrider NB</i> hope that all council related development applications proposed management strategy is published/uploaded on the NSW Planning Portal and council's application webpage.</p> <p>In summary, the policy in concept is supported and <i>Surfrider NB</i> hope to see the document elaborated on in light of community perception that all council assets with development applications have a potential conflict of interest by default.</p>
6	<p>The direction issued by the Department of Planning and Environment under amendments to Environmental Planning and Assessment Regulation (EP&A Reg's 2021) Section 66A, seeks to ensure that private interests do not gain a financial advantage by having a development application by a developer proposed to be built on council land; passed by council to the detriment of the ratepayers.</p> <p>Further, the amendments seek to ensure that no one councillor, group of councillors or their financial backers and assigns gain a financial advantage to the detriment of the community.</p> <p>To alleviate all classes of risk I would propose a 'Community Bond' scheme where any development application proposed to be built on council owned land has a refundable bond paid into an interest bearing Community Trust Bond Account by the developer as follows (NBC Council Exempt):</p> <p>Assessed as Low risk: A\$100,000.00 Assessed as Medium risk: A\$1,000,000.00 Assessed as High risk: A\$10,000,000.00</p> <p>Where NBC council does completes a development on council owned land and then leases the developed site to outside parties then the leasee payment into the interest bearing Community Trust Bond Account payment is reduced by 50% as follows:</p> <p>Assessed as Low risk: A\$50,000.00 Assessed as Medium risk: A\$500,000.00 Assessed as High risk: A\$5,000,000.00</p>

Document administration	
Version	1.0
Date	28 September 2023
Approval	Content provided and approved by the Business Systems and Administration team.
Status	Final
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

ITEM 12.4	SUBMISSION TO DEPARTMENT OF PLANNING AND ENVIRONMENT ON PATYEGARANG PLANNING PROPOSAL AT MORGAN ROAD, BELROSE (LIZARD ROCK)
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2023/608035
ATTACHMENTS	NIL

SUMMARY

PURPOSE

The purpose of this report is to advise Council of the statutory public exhibition of the Patyegarang, Morgan Road (Lizard Rock) Planning Proposal (the Planning Proposal), outline the changes that have been made to the Planning Proposal, and seek approval for a submission to be forwarded to the NSW Department of Planning and Environment (DPE), reiterating Council's strong objection to the proposal.

EXECUTIVE SUMMARY

- On 26 September 2023, the Sydney North Planning Panel (SNPP), commenced the public exhibition of the Planning Proposal. The Planning Proposal can be viewed on DPE's planning portal [here](#). The statutory exhibition period is six weeks, closing on 7 November 2023.
- The exhibited Planning Proposal (Gyde, July 2023) has been prepared on behalf of the proponent Metropolitan Local Aboriginal Land Council to rezone land in Morgan Road, Belrose for residential development of up to 450 dwellings, a cultural centre, private open space, and environmental conservation.
- The Planning Proposal was revised to address the conditions of the Gateway Determination issued by DPE on 9 June 2023 by:
 - Proposing a statutory model to create a 450-dwelling cap for the site
 - Proposing a R2 low density residential zone with dual occupancies as an additional use
 - Removing references to Seniors Housing and a proposed E1 Local Centre zone
 - Proposing an RE2 private recreation zone to incorporate asset protection zones (bushfire)
 - Identifying minimum allotment sizes of 200, 450, and 600 sqm for different areas of the site
 - Discussing Council's Affordable Housing Contribution Scheme requirements
 - Preparing a draft Development Control Plan to accompany the Local Environmental Plan.
- The revised Planning Proposal fails to address most of the concerns raised by Council in its submission to the SNPP in November 2022, including: severe bush fire risks, major impacts upon biodiversity, inconsistency with Council's Local Strategic Planning Statement and Local Housing Strategy, and concerns regarding the required acquisition of Council land in Forest Way for a slip lane to evacuate the area.

- At the Ordinary Council meeting held on 26 September 2023, Council resolved (Resolution 263/23) among other things that it receive a report at the next Council meeting outlining the changes that have been incorporated into the Planning Proposal.
-

RECOMMENDATION

That Council prepare a submission to the NSW Department of Planning and Environment objecting to the currently exhibited Patyegarang Planning Proposal for the site at Morgan Road, Belrose (also known as “Lizard Rock”) based on the concerns raised in this report.

REPORT

BACKGROUND

The Site and the Proposal

The subject site comprises undeveloped bushland and is an amalgamation of 22 allotments and 2 roads with a total area of 701,000sqm (70.1ha) – see Figure 1 below.



Figure 1 - Aerial view of site, outlined in white (Source: Nearmap).

The land is owned by the Metropolitan Local Aboriginal Land Council (MLALC). A Crown Road purchase application has been made to acquire the unformed roads.

The site is identified as a 'Deferred Matter' under Warringah Local Environmental Plan (LEP) 2000. The revised Planning Proposal seeks to:

- transfer the site from Warringah LEP 2000 to Warringah LEP 2011 and implement standard instrument zones as follows:
 - R2 Low Density Residential zone for areas to be developed as housing
 - C2 Environmental Conservation zone for areas to be conserved
 - RE2 Private Recreation zone for areas of open space, some riparian corridors, and a cultural facility – also permitting environmental management works, bushfire works, Asset Protection Zones and stormwater services.
- permit dual occupancies as an additional permitted use within the R2 Low Density Residential zone subject to a minimum allotment size of 600sqm
- introduce maximum building heights (8.5 meters)
- introduce a range of small, medium to large residential lot sizes – 200sqm, 450 sqm and 600 sqm for different parts of the site
- introduce a dwelling cap across the entire site of 450 dwellings

The revised Planning Proposal does not include any specific provisions or commitments regarding affordable housing, instead stating that this will be subject to financial viability assessment once detailed design has been completed (Planning Proposal, page 115). However, a letter from MLALC dated 18 August 2023 – and included in the exhibited materials – states that MLALC seeks to provide an estimated 20 dwellings that will be earmarked for affordable housing for at least 15 years.

Chronology

The following key phases in the strategic planning process have occurred:

Phase 1: DDP exhibition and adoption

Between 7 February and 21 March 2022, the Department of Planning and Environment (DPE) exhibited an Explanation of Intended Effect (EIE) and a draft Northern Beaches Aboriginal Land Development Delivery Plan (DDP). The DDP considered the high-level opportunities and constraints associated with potential future development of 6 sites to be included in the Planning Systems State Environmental Planning Policy (SEPP), previously known as the Aboriginal Lands SEPP.

The sites subject to Chapter 3 of the Planning Systems SEPP are shown in Figure 2 below, identifying Lizard Rock (Patyegarang).



Figure 2: Land Application Map, showing MLALC land subject to Chapter 3 of the Planning Systems SEPP (Source: NSW Legislation)

The public exhibition of the draft DDP generated a total of 1,132 submissions. A high-level summary of the engagement outcomes was included in DPE's Finalisation Report. The top five concerns raised by the community were biodiversity and threatened species impacts (76%), infrastructure (60%), strategic framework and urban development (47%), culture and heritage (41%), bushfire (31%). The only referenced support for the proposed development of the Lizard Rock site was from NSW Aboriginal Land Council.

On 5 August 2022, the SEPP was amended to include the six sites and the Northern Beaches Aboriginal Land DDP was approved by the Minister.

Phase 2: Draft Planning Proposal (pre-Gateway)

On 27 October 2022, Council was notified that a Planning Proposal for Morgan Road, Belrose (Lizard Rock) had been submitted for independent review by the Strategic Planning Panel of the Sydney North Planning Panel (SNPP).

At its meeting 22 November 2022, Council resolved to provide its submission to SNPP opposing the Planning Proposal and lodged its submission by letter dated 24 November 2022.

On 22 December 2022, the SNPP determined that the Planning Proposal should be submitted to DPE for a Gateway determination subject to the following qualifications:

- The number of dwellings to be capped at 450
- 10% affordable housing to be provided
- The final zoning arrangements and boundaries to be resolved to maximise the retention of important biodiversity values
- A site specific DCP, to guide future development to deliver on the objectives and intended outcomes of the Proposal, to be finalised in consultation with Council and the Department before exhibition of the planning proposal.

This decision was considered at the extraordinary Council meeting held on 24 January 2023, the minutes can be viewed [here](#).

Phase 3: Gateway determination

On 9 June 2023, DPE issued a Gateway determination, stipulating that the Planning Proposal could proceed to public exhibition subject to several conditions, including: updating the Planning Proposal to provide further information about a range of matters that had been insufficiently or inconsistently described, (i.e. proposed land use zone/s, dwelling cap, developable area and physical constraints of the site, affordable housing, minimum lot sizes, and permissible land uses); preparation of a site-specific Development Control Plan; and providing affordable housing commitments in a manner consistent with the Northern Beaches Affordable Housing Contribution Scheme supported by financial viability assessment, prior to making the LEP.

Phase 4: Revised Planning Proposal (Patyegarang) and public exhibition

On 1 September 2023, the SNPP, being the PPA for the Planning Proposal, determined that the revised Planning Proposal (Gyde, July 2023) addressing the Gateway conditions was suitable for public exhibition. DPE subsequently supported the Panel's recommendation to exhibit the Planning Proposal.

The public exhibition of the Planning Proposal commenced on 26 September and will be open for submissions for a period of six weeks until 7 November 2023. The public exhibition consists of the Planning Proposal, 24 Appendices, and 5 background documents. The exhibited documents are available from DPE's planning portal which can be viewed [here](#).

The planning portal also includes a form for members of the public to provide submissions.

At the Ordinary Council meeting held on 26 September 2023, Council resolved (Resolution 263/23) among other things that it receive a report at the next Council meeting outlining the changes that have been incorporated into the revised Planning Proposal. The decision of Council can be viewed in the minutes [here](#).

DISCUSSION

A review of the revised Planning Proposal shows that there are no substantial changes to the Planning Proposal originally considered by the SNPP.

The Planning Proposal was revised to address the conditions of the Gateway determination issued by DPE on 9 June 2023 by:

- Proposing a statutory model to create a 450-dwelling cap for the site
- Proposing a R2 low density residential zone with dual occupancies as an additional use
- Removing references to Seniors Housing and a proposed E1 Local Centre zone
- Proposing an RE2 private recreation zone to incorporate asset protection zones (bushfire)
- Identifying minimum allotment sizes of 200, 450, and 600 sqm for different areas of the site
- Discussing Council's Affordable Housing Contribution Scheme requirements
- Preparing a draft Development Control Plan to accompany the Local Environmental Plan.

Due to the short time frames and the volume of the exhibited materials (estimated at approximately 3,000 pages in total including the two versions of each of the submitted materials), it has not been possible to complete a detailed review of the revised Planning Proposal in time for this Council Report. Hence, it is a recommendation of this report that a detailed submission be prepared and submitted by 7 November 2023, as per the public exhibition times.

Council staff sought an extension to the submission timeframe to enable a more detailed report to be tabled to the November Council meeting. DPE advised that whilst appreciating the need to report to Council, it would still require a submission highlighting any new issues Northern Beaches Council has identified compared to previous submissions on this matter by the end of the exhibition period being 7 November. To that end, should the need arise to recommit Council's final submission it can be submitted on 29 November 2023, the day after the ordinary Council meeting in November.

Elements of the Planning Proposal that remain the same

The proposal still provides for the development of 450 dwellings in a highly bushfire prone area with very restricted evacuation and transport routes. The proposal still would involve the clearing of approximately 70% of the 70.1 ha site in an undisturbed bushland area with high conservation value. The proposed rezoning to R2 low density residential and RE2 private recreation remains inconsistent with the North District Plan, Council's Local Strategic Planning Statement and Local Housing Strategy, and Council's most recent and extensive work underpinning proposals for zoning of the Deferred Lands area under the new consolidated LEP for the whole of the LGA.

The revised Planning Proposal still does not provide sufficient information or evidence to support the proposed re-zoning. Nor have any new or significant mitigation measures or actions been identified to respond in a meaningful way to the concerns Council raised in its submission on the draft Planning Proposal (November 2022).

The overarching concerns remain unchanged, namely significant loss of high biodiversity habitat, major impacts on waterways, bushfire risk and reliance on Council land to implement required evacuation measures, and inconsistency with key strategic planning documents and current and proposed future zoning of the land. Council staff also continue to have concern about the significant inconsistencies and gaps in the underpinning information, particularly regarding urban design and location of dwellings, lack of flood modelling, stormwater management, traffic modelling, visual impact assessments and calculations for the affordable housing component.

As the revised Planning Proposal is similar to the original draft, Council's submission in November 2022 is still relevant and will form the basis of an updated submission, subject to Council approval. In addition, the key changes outlined below raise further issues that will be addressed in Council's submission.

Elements of the Planning Proposal that have changed

The following key changes and potential implications have been identified based on a page-by-page review of the draft and the revised Planning Proposals. This is indicative only. Additional items will be included in Council's submission.

1. Changes to land use zoning

The revised Planning Proposal has introduced RE2 Private Recreation land use zone – in addition to the originally proposed zones of R2 Low Density Residential and C2 Environmental Conservation, as shown in Figure 3 below. Council staff are concerned that the proposed residential zoning is inconsistent with current LEPs as well as Conservation Zones Review methodology which seeks to protect lands with high environmental values such as the proposed site.

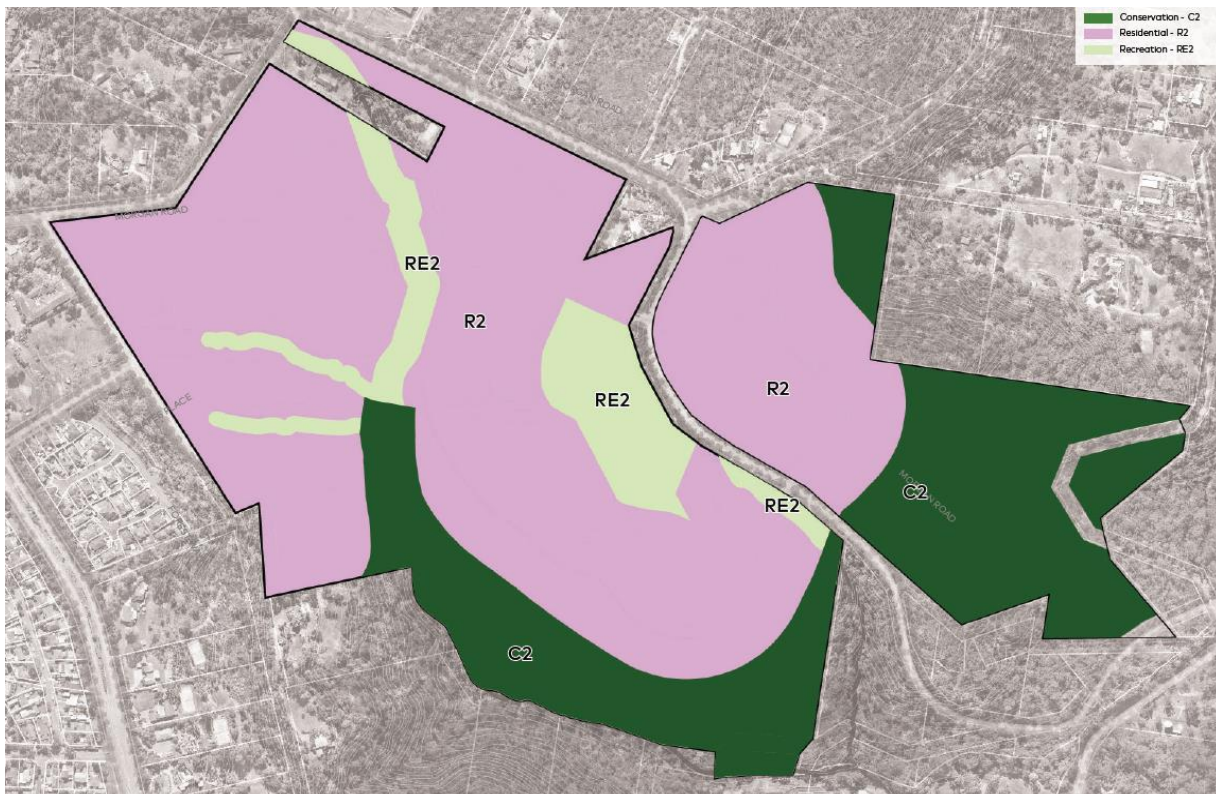


Figure 3: Proposed land use zoning (Source: Figure 30 in Revised Planning Proposal)

2. Minimum lot sizes

The revised Planning Proposal specifies and maps minimum lot sizes of 200m², 400m², and 600 m² (See Figure 4 below). Council staff have significant concerns with the implications of this, particularly regarding potential biodiversity loss resulting from the location of bushfire Asset Protections Zones (APZs), underestimation of impacts on water quality and on-site detention, and visual impacts/ loss of landscaping resulting from APZs being located along any roads, including Morgan Road.



Figure 4: Minimum lot sizes (Source: Figure 30 in Revised Planning Proposal)

3. Site Specific DCP

Inclusion of Site-Specific Development Control Plan (DCP) prepared by Gyde Consulting and COX, July 2023. (Appendix 24). Key concerns include:

- The provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Exempt and Complying Development), State Environmental Planning Policy (Housing) 2021 (SEPP Housing), and National Construction Code (NCC) will override any DCP controls.
- The requirement for clearing of land in Bushfire Asset Protection Zones is inconsistent with and will override requirements in the DCP to retain existing bushland and significant trees.
- References to proposed timber construction to “fit” with the local environment are unlikely to meet bushfire requirements.

4. Changes and inconsistencies in the urban design principles

The urban design principles in the revised Planning Proposal are identical to the design principles in the draft version, with one very notable exception: one of the 15 urban design principles has now been amended to include the following caveat (our emphasis in underscored font) “*Protect the natural bushland interface by containing APZs within developable areas where possible and practical*”.

Furthermore, there are differences between the wording of the Design Principles in the GYDE report, the Urban Design Report, and the draft DCP, as follows:

- The Planning Proposal Report states, '*Protect the natural bushland interface by containing APZs within developable areas where possible and practical*', whereas the Urban Design 2023 Report states, '*Protect the natural bushland interface by containing APZs within developable areas*'. *Four of the other design principles differ very slightly between the GYDE report and the Urban Design Report.*
- The Urban Design Principles in the new Site-Specific (DCP) differ significantly from the Design Principles in the Urban Design Report. It is unclear if there is any relationship between the Design Principles in the Concept Development Plan and the new DCP.

5. Slip lane

The draft Planning Proposal included a description and map of the proposed slip lane for evacuation purposes as required by the RFS (left turn slip lane from Morgan Road and allow traffic to bypass the traffic lights and directly enter Forest Way – see Figure 5 below), requiring acquisition of Council land. No discussion in relation to this matter has been undertaken.

The revised Planning Proposal states that "If Council refuse to negotiate then Transport for NSW have the powers to compulsorily acquire the land". Council will object to the acquisition of its land to facilitate this development. Further consideration of Council's property rights is being given to this matter.



Figure 5: Morgan Road slip lane (Source: Near map)

Conclusion

Given that the proposed changes to the revised Planning Proposal are minimal, it is recommended that Council's submission on the revised Planning Proposal is based on the submission on the draft Planning Proposal dated 24 November 2022. It is therefore considered that the key issues below will form core aspects of the submission on the Planning Proposal on exhibition.

Contested strategic merit:

- Inconsistency with North District Plan particularly with respect to increasing housing density in the Metropolitan Rural Area and environmental impacts.
- Inconsistency with Council's Local Strategic Planning Statement
- Inconsistency with Council's Local Housing Strategy which seeks to focus housing growth in identified established centres, close to public transport and services.
- Inconsistency with Council's Affordable Housing Policy which seeks 10% affordable rental housing for all planning proposals for up-zoning.
- Inconsistency with Council's Conservation Zones Review which recommends applying a C3 Environmental Management Zone to most of the site due its high environmental value.

Contested site-specific merit:

- Bushfire Risk - The site is bushfire prone (vegetation category 1) and yet safe evacuation routes have not been demonstrated and development density is unclear and relies on compulsory acquisition of Council land for the development of a slip lane on Morgan Road. Even if the proponent is successful in acquiring this land, it is questionable whether the development of the slip lane significantly would alleviate the severe to catastrophic bushfire risk posed by the development. This issue is being investigated further.
- Major loss of high biodiversity habitat – The proposal would facilitate the clearing of approx. 44.7 hectares (an area equivalent to around 45 rugby fields) and a further 6.9 hectares including threatened species subject to indirect impacts. This is likely to be accentuated by the minimum lot sizes of relatively small lots.
- Significant uncertainties around public benefits to be derived from the project, namely affordable housing, open space and (viable) active and sustainable transport network that connects beyond the site itself.
- Major impacts on waterways - The Planning Proposal would result in significant environmental impacts within the Snake Creek / Narrabeen Lagoon catchment. The proposal is a major catchment disturbance that will affect the value of the valley setting and receiving waters, and impact riparian land. Furthermore, on-site storm water retention, especially for smaller lots, have not been adequately considered.
- Insufficient information to adequately consider considerable infrastructure upgrades necessary to support the development (e.g., new roads, stormwater detention) and impact on social infrastructure capacity (e.g., libraries).
- Insufficient modelling of traffic and transport and Active Transport proposals – the modelling fails to consider impacts on the broader Morgan Road corridor.
- Some roads are unwalkable and inconsistent with Austroads standards. There are a number of proposed roads to be constructed within the valley slopes and whilst no design details have been provided road gradients will be more than the maximum grades recommended by Austroads (section 8.5.3) which are 9-10%. The Transport Assessment by JMT Consulting has not addressed this potential issue and the feasibility of road construction within the valley slopes. Additionally, to achieve complying gradients excessive cut and fill will need to be undertaken resulting in excessively high retaining walls of which no detail has been provided.

CONSULTATION

The public exhibition of the Planning Proposal is led and managed by the Sydney North Planning Panel. Council is not undertaking any legislative engagement activities on this project as it is a statutory process, prescribed and managed through the NSW Government.

Council is, however, implementing its resolution (Resolution 263/23) in respect of [Mayoral Minute No 12/2023](#) in relation to this matter. Among other things, Council resolved to utilise its communication channels throughout the exhibition period to inform the Northern Beaches community of the details of the Planning Proposal and the importance of making a submission directly to the DPE public exhibition.

TIMING

The submission is due to DPE by the close of the public exhibition period, 7 November 2023.

LINK TO STRATEGY

This report relates to the following key strategies:

Local Strategic Planning Statement – Toward 2040

Local Housing Strategy

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value
- Protection of the environment - Goal 2 Our environment is resilient to natural hazards and climate change
- Environmental sustainability - Goal 5 Our built environment is developed in line with best practice sustainability principles
- Environmental sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability
- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches

FINANCIAL CONSIDERATIONS

The recommendation to prepare a submission may incur a cost for consultancy services to obtain expert advice (e.g., regarding reviewing the bushfire planning aspects of the proposal). Such costs are not expected to exceed \$8,000 (excl GST) and would be covered in the existing budget.

SOCIAL CONSIDERATIONS

Council has received communications from the community in respect of the revised Planning Proposal.

ENVIRONMENTAL CONSIDERATIONS

If the development proposed in the Planning Proposal proceeds, it would have the environmental impacts outlined in the report.

GOVERNANCE AND RISK CONSIDERATIONS

As part of the DPE's public exhibition of the Planning Proposal there is an opportunity to lodge a submission.

ITEM 12.5	PLANNING PROPOSAL FOR THE WARRINGAH RECREATION CENTRE, NORTH MANLY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2023/611504
ATTACHMENTS	1 ⇒GHD Consulting Assessment Report (In Attachments Booklet) 2 ⇒Planning Proposal (In Attachments Booklet) 3 ⇒Procure Group Probity Audit (In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to seek endorsement to submit a Planning Proposal for land at the Warringah Recreation Centre, North Manly (part of Lot 2742 DP 752038) to the Department of Planning and Environment for a Gateway Determination.

EXECUTIVE SUMMARY

- A Planning Proposal application has been received for part of the land at Lot 2742 DP 752038, known as the Warringah Recreation Centre. The land is owned by Council and the application has been submitted by Council's property team.
- The land is zoned RE1 Public Recreation under the Warringah Local Environmental Plan 2011 (WLEP). The Planning Proposal seeks to amend Schedule 1 of WLEP to allow 'registered club' as an additional permitted use on 2,700m² of land at the Warringah Recreation Centre. The additional permitted use is intended to apply to the part of the land that will accommodate a new Warringah Golf Course clubhouse. The proposal will facilitate the future lawful operation of a registered club (subject to consent), which is defined in WLEP as "*a club that holds a club licence under the Liquor Act 2007.*"
- Probity measures have been implemented to manage the assessment of the application to ensure the appropriate separation of Council's responsibilities as a landowner and a planning authority. An independent planning consultant (GHD Consulting) was engaged to assess the application and a probity advisor (Procure Group) was engaged to oversee Council's role in this assessment.
- The application was placed on non-statutory public exhibition for two weeks, from 1 July 2023 to 16 July 2023 inclusive. 39 submissions were received, of which 33 were in support of the application.
- On 4 October 2023, the Northern Beaches Local Planning Panel considered the Planning Proposal and supporting documentation and recommended that Council support the Planning Proposal.

RECOMMENDATION

That Council:

1. Forward the Planning Proposal for land at the Warringah Recreation Centre, North Manly to the Minister for Planning and Public Spaces for Gateway Determination.
 2. Publicly exhibit the Planning Proposal in accordance with Council's Community Participation Plan and any Gateway determination.
-

REPORT

BACKGROUND

The Warringah Golf Club is located at 379 Condamine Street, Allambie Heights and is not within the confines of the golf course. The Golf Club currently operates as a registered club under the *Liquor Act 2007*.

Council's Property Team has been in discussions with the Golf Club regarding the relocation of the clubhouse for a number of years. At its meeting on 25 February 2020, Council resolved:

That Council:

1. *Agrees in principle to the proposal for the Warringah Golf Club to build a new clubhouse on the current Warringah Recreation Centre site, subject to appropriate terms being agreed by the parties.*
2. *Delegates to the Chief Executive Officer to carry out all things necessary to give effect to this resolution including the execution of any required documentation under Delegated Authority, subject to his satisfaction that the terms agreed have met with Council's requirements.*

Development application for construction of a golf clubhouse

On 9 February 2023, the Golf Club submitted a development application (DA) for the construction of a new clubhouse on part of the land at the Warringah Recreation Centre.

The DA asserts that the construction of a clubhouse is permissible within the RE1 zone under the Warringah Local Environmental Plan 2011 (WLEP) as it is ancillary to the golf course use and meets the definition of a 'Recreation Facility Outdoor'. The DA is currently under assessment.

A Planning Proposal application (PEX2023/0002) was received on 19 June 2023 and states:

Notwithstanding the lodgement of the DA, Council's Property Team is of the view that a 'registered club' should be added as an Additional Permitted Use in the WLEP 2011 to avoid any ambiguity around the permissibility of the use and to enable the operation of the Warringah Golf Club in its own right.

SITE DESCRIPTION

The subject site is Lot 2742 DP 752038. The allotment is approximately 17.56 hectares in size and has frontages to Pittwater Road, Condamine Street and Kentwell Road. Vehicular access is from Kentwell Road. The allotment contains the Warringah Golf Course, pro shop, and the Warringah Recreation Centre. A locality map is provided in Figure 1.

The Warringah Recreation Centre is located in the south-eastern corner of the subject site and is approximately 10,225m² in size. The Warringah Recreation Centre contains tennis, squash, and futsal courts.

The land is owned by Council and is zoned RE1 Public Recreation under the WLEP. A zoning map is provided in Figure 2.

The subject site is within the 62-hectare District Park which also includes several nearby sporting reserves. The site is classified as 'community' land under the Local Government Act 1993 and is subject to the District Park Plan of Management (DPPOM), adopted by Council on 25 August 2015.

The DPPOM contemplates the relocation of the clubhouse to District Park. Table 5 in the DPPOM also permits the lease/licence of community land in District Park for combined sports and community club buildings for "activities for which a registered club would be licenced".



Figure 1 - Locality map

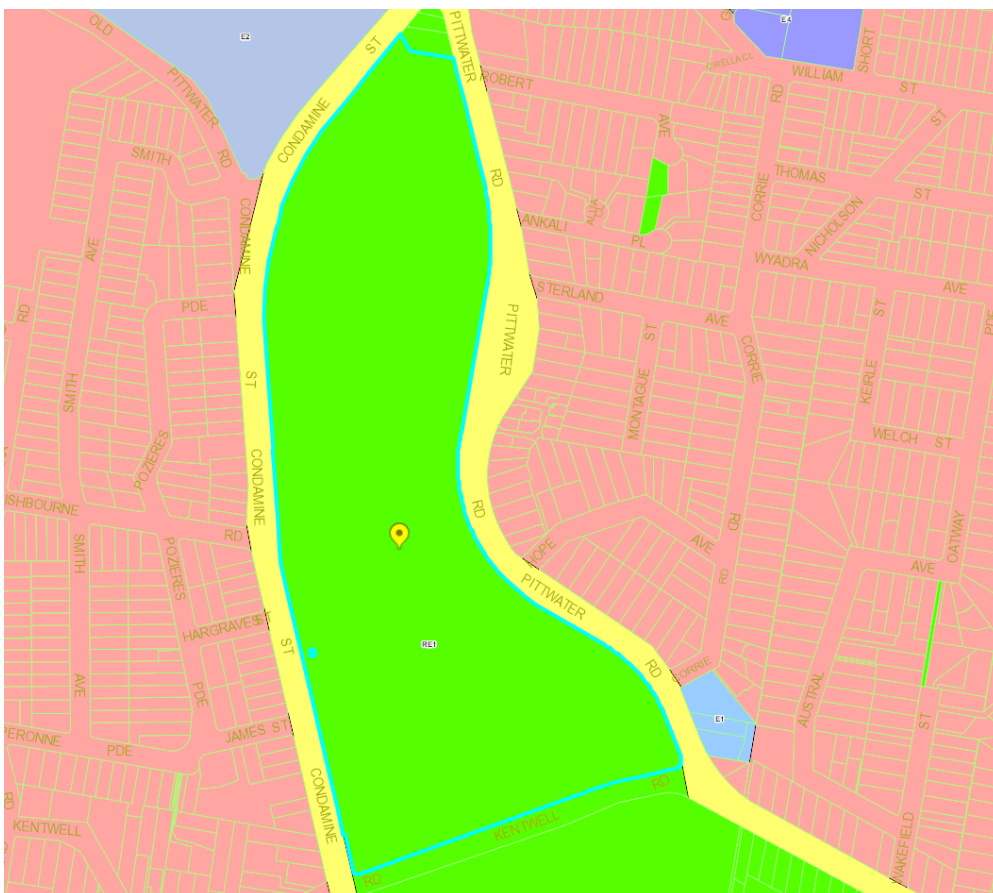


Figure 2 – Zoning map

THE PROPOSAL

A Planning Proposal application (PEX2023/0002) was received on 19 June 2023 and was submitted by Council's Property Team. The application was prepared by MG Planning and is supported by the following technical studies:

- Flora and Fauna Constraints Assessment – Narla Environment, dated December 2020.
- Waste Classification Report – Alliance Geotechnical, dated December 2020.
- Flood Assessment Report and Stormwater Plan – Stellen Civil Engineering, dated May 2023 and October 2022 respectively.
- Acid Sulphate Assessment and Management Plan – Ideal Geotech, dated November 2022.

The application seeks to amend WLEP to allow 'registered club' as an additional permitted use on part of the land in the south-eastern corner of the site, 2,700m² in size. The additional permitted use is intended to apply to the land that will contain the future Warringah Golf clubhouse.

A land identification map showing the extent of the requested additional permitted use is in Figure 3.

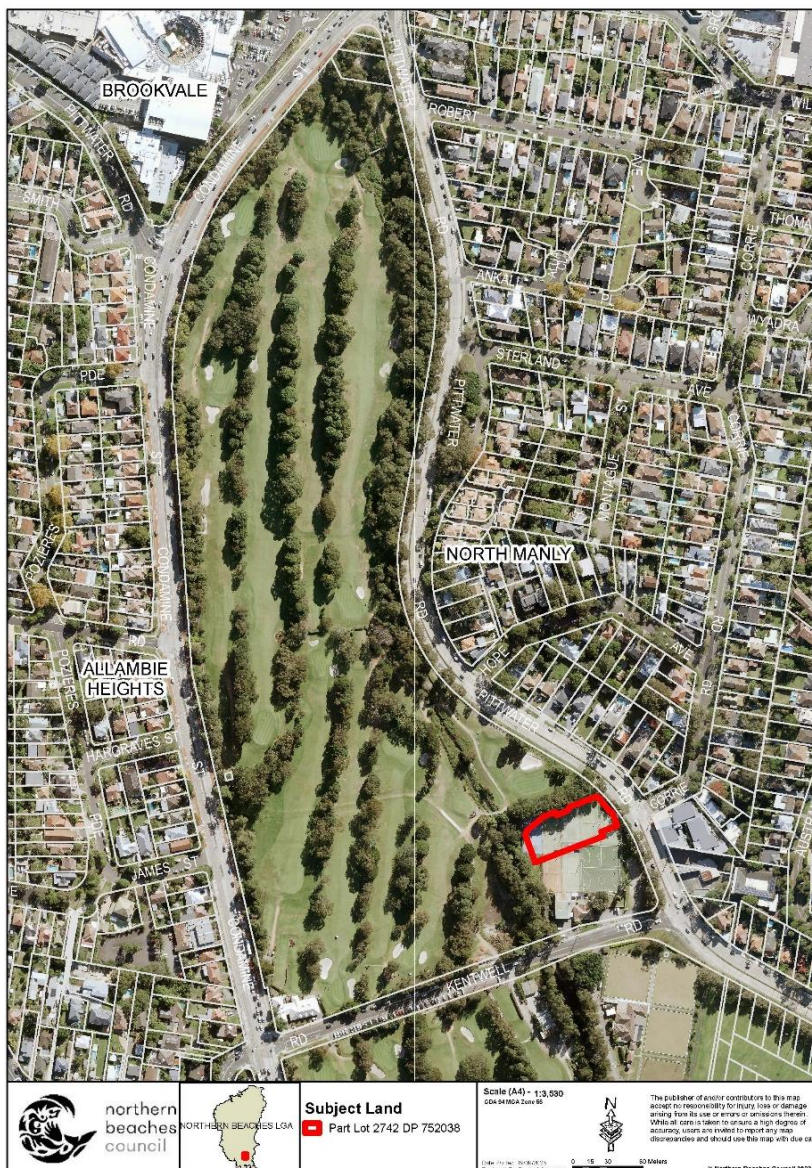


Figure 3 – Land identification map

ASSESSMENT OF THE PLANNING PROPOSAL

Probity measures have been implemented to manage the assessment of the Planning Proposal application. These measures ensure the appropriate separation of Council's responsibilities as a landowner and a planning authority. An independent planning consultant (GHD Consulting) was engaged to assess the application and a probity advisor (Procure Group) was engaged to oversee Council's role in this assessment.

An assessment of the application was undertaken by GHD Consulting in accordance with the NSW Government's Local Environmental Plan Making Guideline (August 2023). The GHD assessment report is in Attachment 1.

As required as part of the assessment process, GHD have also prepared a draft Planning Proposal which is available on Council's application tracking webpage. This draft Planning Proposal has been updated by Strategic and Place Planning to ensure consistency with the Local Environmental Plan Making Guideline and provide additional clarification to support GHD's recommendation. The updated Planning Proposal is provided in Attachment 2.

A summary of GHD's assessment is presented below.

Part 1 – Objectives and intended outcomes

The application states:

The objective of this Planning Proposal is to facilitate the development of a new golf clubhouse within the site of the existing Warringah Recreation Centre.

The intended outcome is to enable the broader redevelopment of the Centre for community sports and recreation facilities as well as upgraded car parking. The new golf club will replace the existing golf club which is currently located at 379 Condamine Street, Allambie Heights. This will enable the Warringah Golf Club to realise the value of their existing asset to reinvest in the construction of new facilities and course improvements.

Response

The Planning Proposal has been amended to ensure the objectives and intended outcomes relate to the proposed WLEP amendment as follows:

Objective

To amend WLEP to make the additional land use of a 'registered club' permissible, under Schedule 1 of the LEP, pursuant to Clause 2.5 of the LEP.

Intended outcomes

- To remove any ambiguity in relation to the permissibility of a registered club at the site.
- To permit the lawful operation of a future golf clubhouse as a registered club (subject to consent).

Part 2 – Explanation of provisions

The application states:

It is proposed to amend Schedule 1 of WLEP 2011 to allow a 'registered club' as an Additional Permitted Use on the Warringah Recreation Centre site.

No further information was provided to specify the required amendments to Schedule 1.

Response

Clause 19 in Schedule 1 permits the additional permitted use of a registered club for other identified land in the RE1 zone where it is incidental or ancillary to a recreational facility.

The Planning Proposal seeks to:

- Amend the WLEP Additional Permitted Uses Map (Sheet APU_008) to identify a portion of the subject site as Area 19E, and
- Amend clause 19 in Schedule 1 of WLEP to add a new point e) as identified in **bold** below:
 - 19 Use of certain land in Zone RE1
 - (1) This clause applies to the following land—
 - (a) land at Collaroy, known as Long Reef Golf Club, being Lot 1, DP 1144187, shown as “Area 19A” on the Additional Permitted Uses Map,
 - (b) land at Manly Vale, known as Manly Vale Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19B” on that map,
 - (c) land at North Balgowlah, known as Wakehurst Golf Club, being Lot 2730, DP 752038, shown as “Area 19C” on that map,
 - (d) land at North Manly, known as North Manly Bowling Club, being part of Lot 2743, DP 752038, shown as “Area 19D” on that map.
 - (e) land at North Manly, known as the Warringah Golf Club, being part of Lot 2742, DP 752038, shown as “Area 19E” on that map.**
 - (2) Development for the purposes of registered clubs is permitted with consent if the registered club is incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

Part 3 – Justification of Strategic and Site-Specific Merit

Section A – need for the Planning Proposal

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

The application states:

The draft Planning Proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study or report. It is the result of extensive negotiations between the Warringah Golf Club and Council officers to re-locate the Club’s existing clubhouse to a more suitable location. Following detailed examination of various sites, the Warringah Recreation Centre (WRC) was chosen for the proposed relocation of the Clubhouse for the following reasons:

- *The WRC is itself an aging structure, which is in need of rejuvenation.*
- *The WRC has existing vehicular access which is important, as Kentwell Rd is the only road frontage for the Warringah Golf Club which is not a classified road, and Transport for NSW will not authorise additional vehicular access onto classified roads where there is an alternative.*
- *While the land is flood prone, it has been determined that a building could be constructed in accordance with Council’s planning controls. There are no alternate*

sites within the golf course which are less flood prone with appropriate vehicular access.

Having regard to these considerations Council resolved at its meeting of 25 February 2020 as follows:

- Agreed in principle to the proposal for the Warringah Golf Club to build a new clubhouse on the current Warringah Recreation Centre site, subject to appropriate terms being agreed by the parties.*
- Delegated to the Chief Executive Officer to carry out all things necessary to give effect to this resolution including the execution of any required documentation under Delegated Authority, subject to his satisfaction that the terms agreed have met with Council's requirements.*

Response

Whilst the application is not the result of an endorsed Local Strategic Planning Statement (LSPS), strategic study, or report, it is consistent with the intent of Councils LSPS, Northern Beaches Community Strategic Plan 2040 (the 'CSP') and the DPPOM.

A Council resolution was made on 25 February 2020 that provided in-principle agreement to the construction of a new clubhouse on the Warringah Recreation Centre (WRC) site, subject to the agreement of appropriate terms.

The proposed amendment will enable the lodgement of a future DA for a 'registered club' ancillary to a 'recreation facility (indoor)', 'recreation facility (major)' or 'recreation facility (outdoor)'. The proposed amendments will ensure that the planning controls are consistent with Council's expectations for the future development of the WRC site.

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

The application states:

A DA has been lodged by the Warringah Golf Club for a new clubhouse which relies on the facility being considered an 'ancillary use'. While Council's Property Team considers that this interpretation is valid, it potentially imposes limitations on the operations of the club. In the Property Team's view, the Planning Proposal is the best means to allow for the use of the site for the Club's clubhouse and in turn facilitate the redevelopment of the WRC, including the construction of new facilities and the improvement of the golf course.

Rezoning the site from its current RE1 zone to an alternative zone that permits registered clubs (for example, RE2 Private Recreation) would not be appropriate given that the WRC is located on land owned by Council which is a public reserve.

Response

The Planning Proposal is the best means of achieving the objectives and intended outcomes. The Proposal utilises the existing carparking and access to the WRC site and maximises the efficient use of the site proximate to the existing facilities on site.

The proponent has lodged a DA for construction of a golf clubhouse ancillary to the Warringah Golf Course, which is defined in WLEP as 'recreation facility (outdoor)'. A 'recreation facility (outdoor)' is permitted with consent in the RE1 zone. Notwithstanding the lodgment of this DA, the permissibility is not explicit, and the functions of the golf clubhouse may be limited in terms of the 'recreation facility (outdoor)' land use definition. The Planning Proposal will enable a DA to be lodged for use as a 'registered club'.

A Planning Proposal to rezone the site to an alternative zone that permits registered clubs would not be appropriate given that the site is located on land owned by Council which is a public reserve. The Planning Proposal as set out in this document is the best means of achieving the objectives and intended outcomes, that will give Council certainty of the development outcomes expected for the site.

The proposed LEP amendment will permit the additional use whilst maintaining the existing RE1 zoning and providing the community with certainty that this will remain the primary use of the site into the future.

Council owns the land, and therefore has control over DAs lodged on the property. The WRC site is not currently subject to built form controls (maximum building height and floor space ratio). Accordingly, the Planning Proposal does not impose additional restrictions to the built form controls as Council has control over these future development outcomes.

Section B – Relationship to the Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The application has provided an assessment against the relevant planning strategies and states that it is not inconsistent with these strategies.

Response

The Planning Proposal gives effect to the objectives and priorities of the Region Plan and District Plan. An assessment against these plans is contained in Tables 1 and 2.

Table 1 – Greater Sydney Region Plan (A Metropolis of Three Cities)

Direction	Objective/s	Alignment
A city supported by infrastructure	Objective 4 Infrastructure use is optimised	The location of the proposed 'registered club' at the site is adjacent to Pittwater Road, one of the area's main roads. A northbound bus stop is located on the site's eastern boundary, and a southbound bus stop is located on the opposite side of Pittwater Road. The co-location of the 'registered club' on the existing golf club site is a logical placement of the clubhouse, utilising the existing sporting and recreational infrastructure on the site.
A city for people	Objective 6 Services and infrastructure meet communities' changing needs Objective 7 Communities are healthy, resilient and socially connected.	This objective includes the following commentary: <i>"Publicly owned land and social housing renewal may provide opportunities to co-locate social infrastructure and provide mixed uses at the heart of neighbourhoods.</i> <i>Improved health, public transport and accessibility outcomes can be achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed use places co-located with social infrastructure and local services (refer to Objective 7 and Objective 14).</i> <i>Good accessibility to local services for young people, older people and culturally and linguistically diverse communities is an important way of enabling people to age within their community. This contributes to</i>

Direction	Objective/s	Alignment
		<p><i>improved mental and physical health and wellbeing outcomes”.</i></p> <p>The central location of the WRC site, co-located with existing community sporting and recreational facilities achieves the intent of this objective. Importantly this objective includes Strategy 6.2:</p> <p><i>“Optimise the use of available public land for social infrastructure”.</i></p> <p>The Proposal is consistent with this strategy. The Proposal achieves the intent of Objective 7 for the reasons outlined in relation to Objective 6.</p>
A city of great places	<p>Objective 12</p> <p>Great places that bring people together</p>	<p>This objective includes the following commentary:</p> <p><i>“Social infrastructure and opportunity: great places are inclusive of people of all ages and abilities, with a range of authentic local experiences and opportunities for social interaction and connections”.</i></p> <p>The Proposal achieves the intent of Objective 12 for the reasons outlined in relation to Objective 6.</p>
A city in its landscape	<p>Objective 31</p> <p>Public open space is accessible, protected and enhanced</p>	<p>The Proposal is consistent with Strategy 31.1, to:</p> <p><i>“Maximise the use of existing open space and protect, enhance and expand public open space by:</i></p> <ul style="list-style-type: none"> <i>• providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow”.</i>

Table 2 – North District Plan

Planning Priority	Planning Priority Comment	Alignment
<p>Planning Priority N1 – Planning for a city supported by infrastructure</p> <p>Objective 4- Infrastructure use is optimised</p>	Nil.	<p>This priority includes the following commentary:</p> <p><i>“Aligning land use and infrastructure planning will maximise the use of existing infrastructure”</i></p> <p>The central location of the WRC site, co-located with existing community sporting and recreational facilities achieves the intent of this priority.</p>
<p>Planning Priority N3 - Providing services and social infrastructure to meet people’s changing needs</p>	The Planning Proposal will enable the golf clubhouse and WRC recreation facilities to be upgraded to help meet the community’s	<p>This priority includes the following commentary:</p> <p><i>“The district is expected to see and 85 per cent proportional increase in the 65-85 age group and a 47 per cent increase in the 65-84 age group is expected by 2036. This means 20 per cent of the District’s</i></p>

Planning Priority	Planning Priority Comment	Alignment						
	needs now and into the future.	<p><i>population will be aged 65 or over in 2036, up from 16 per cent in 2016”.</i></p> <p>The Proposal has not provided any data in relation to the demographics of the expected users of the registered club. However, anecdotally, it is expected that the Golf Course and clubhouse would be frequented by an older demographic.</p>						
Planning Priority N4 - Fostering healthy, creative, culturally rich and socially connected communities.	Social connectivity, as well as access to opportunities for recreational physical activity are essential to improved mental and physical health outcomes. By relocating the golf clubhouse and co-locating it with an upgraded WRC, the Planning Proposal will improve opportunities for recreational activities and social connectivity	<p>The District Park Plan of Management contemplates the future relocation of the golf club to the District Park and Table 5 authorises the lease/licence of community land for registered clubs:</p> <table border="1"> <thead> <tr> <th>Proposed use</th><th>Land to which authorisation applies</th><th>Express authorisation of lease, licence or other estate for:</th></tr> </thead> <tbody> <tr> <td>Combined sports community club building</td><td>Land categorised as Sportsground for the use of the new combined sports club</td><td>Distribution of alcoholic beverages, restaurant food and entertainment, along with the sale and hire of sports equipment associated with use of the park. Any other activities for which a registered club would be licensed.</td></tr> </tbody> </table> <p>The Proposal is therefore consistent with the Plan of Management. The co-location with other sporting facilities and the existing golf course would likely assist with creating socially connected communities given the range of activities available at the site.</p>	Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:	Combined sports community club building	Land categorised as Sportsground for the use of the new combined sports club	Distribution of alcoholic beverages, restaurant food and entertainment, along with the sale and hire of sports equipment associated with use of the park. Any other activities for which a registered club would be licensed.
Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:						
Combined sports community club building	Land categorised as Sportsground for the use of the new combined sports club	Distribution of alcoholic beverages, restaurant food and entertainment, along with the sale and hire of sports equipment associated with use of the park. Any other activities for which a registered club would be licensed.						
Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District’s heritage	District Park is one of Council’s most significant open spaces. The Park is well used and valued by the community. The Planning Proposal will facilitate and enable the golf club and WRC to foster the development of a social and recreational hub that will bring the community together for range of social and recreation purposes.	The addition of a ‘registered club’ will revitalise the site and provide a greater diversity of activities at the site.						

4. Is the Planning Proposal consistent with a Council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Cities Commission, or another endorsed local strategy or strategic plan?

The application identifies relevant priorities and goals within the Northern Beaches Local Strategic Planning Statement and the Community Strategic Plan. The application concludes that the proposal is consistent with the intent of those priorities and actions.

Response

The Proposal is consistent with the following Council adopted plans: Local Strategic Planning Statement (Towards 2040), Community Strategic Plan (Northern Beaches Community Strategic Plan 2040), and the District Park Plan of Management. An assessment against these plans is contained in Tables 3-5. It is also noted that Council's LSPS was supported by the then Greater Sydney Commission on 20 March 2020 for consistency with the Greater Sydney Region Plan and North District Plan.

Table 3 – Local Strategic Planning Statement (Towards 2040)

Priority	Alignment
Sustainability Priority 6 High quality open space for recreation	The Planning Proposal will redevelop the site for a multifunctional purpose, providing opportunities for social interaction close to transport and a local centre that will accommodate a greater range of compatible uses than that currently permitted. The use as a registered club must be ancillary to a recreational use.
People Priority 11- Community facilities and services that meet changing community needs Priority 12- An inclusive, healthy, safe and socially connected community	The Planning Proposal will enable the lodgement of a DA that will allow for the delivery of social infrastructure that will address the changing needs of the community, including those of the ageing population. The redevelopment of the site will adopt a place-based approach, conserving its local identity and social significance through the adaptive reuse of the site.
Jobs and Skills Priority 30 - A diverse night time economy	The Planning Proposal will provide additional employment opportunities.

Table 4 – Community Strategic Plan 2040

Goal	Alignment
Outcome – Community and belonging Goal 9 – Influence - Our community is inclusive and connected.	The Planning Proposal will redevelop the site for a multifunctional purpose, providing opportunities for social interaction close to transport and a local centre that will accommodate a greater range of compatible uses to that currently permitted.
Outcome- Housing, Places and Spaces	The Planning Proposal will enable the lodgement of a DA that will allow for the delivery of social infrastructure that will address the changing needs of the community, including those of the ageing population.

Goal	Alignment
Goal 11 – Influence - Our local centres are vibrant and healthy, catering for diverse economic and social needs.	The redevelopment of the site will adopt a place-based approach, conserving its local identity and social significance through the adaptive reuse of the site.
Goal 12 – Influence - Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.	The Planning Proposal contributes to the diversity of creative opportunities that can be enjoyed at the WRC site.
Outcome – Vibrant Local Economy Goal 15- Influence - Our centres are sustainable encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities.	In addition to the above, the Planning Proposal will provide additional employment opportunities.

Table 5 – District Park Plan of Management

Objective	Alignment
Establish a balanced and values-based approach to the management of the Park.	Community consultation undertaken to date is overwhelmingly in support of the Planning Proposal.
Provide a flexible framework within which Council can respond to current needs and opportunities, as well as to future directions and pressures as demands on the Park change.	As above. The Plan of Management contemplates the future relocation of the golf club to the District Park and authorises the lease/licence of community land for combined sports and community club buildings for “activities for which a registered club would be licenced”.
Reflect the values and expectations of the Warringah and wider community and people who will use and enjoy the Park”.	As above.
Address the recommendations of State, metropolitan, regional and local strategic plans and studies on needs and demands for sporting, recreation and community facilities.	The Planning Proposal is consistent with applicable strategic plans.
Be consistent with Warringah’s Community Strategic Plan and other strategies, plans and policies.	As above.

Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The application has not identified any other applicable state or regional studies.

Response*NSW State Plan 2021*

The NSW State Plan 2021 sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The current focus of the Government is outlined in five strategies and 32 goals. The Planning Proposal is consistent with the following goals:

- Goal 24 - Make it easier for people to be involved in their communities.
- Goal 25 - Increase opportunities for seniors in NSW to fully participate in community life.
- Goal 27 - Enhance cultural, creative, sporting and recreation opportunities.

NSW State Infrastructure Strategy 2022-2042

The NSW State Infrastructure Strategy 2022-2042 (the Strategy) sets out the NSW Government's infrastructure vision for the State over the next 20 years. The Strategy aligns with the Greater Sydney Region Plan. The Strategy identifies that to optimise land use where infrastructure capacity exists (Section 10.1), *"The NSW Government is increasingly focused on connecting people with jobs, services and amenity by planning for growth and development around public transport infrastructure, such as passenger rail stations, interchange hubs and freight routes"*.

The Planning Proposal is consistent with the above given the proposal will facilitate the co-location of a registered club with existing community facilities proximate to public transport and the existing local access network.

Future Transport Strategy

The Future Transport Strategy sets the strategic directions for Transport to achieve world-leading mobility for customers, communities, businesses and our people. It is part of a suite of government strategies, policies and plans that integrate and guide land use and transport planning across NSW. The strategy nominates a number of key priorities. The following priorities are of relevance to the proposal:

- C1- Connectivity is improved across NSW.
- P1- Supporting growth through smarter planning.

NSW Ageing Strategy 2016 – 2020

The NSW Ageing Strategy 2016 – 2020 establishes the key priorities to address the needs of the ageing population across NSW. These priorities support the overarching vision for the NSW population to experience the benefits of living longer and having the opportunity to be included in their communities. The priorities and associated objectives are as follows:

- Priority 1: Health and Wellbeing – Older people in NSW are encouraged to live active and healthy lives with improved physical and mental wellbeing.
- Priority 2: Working and Retiring – Older people in NSW have opportunities to remain in the workforce, are financially secure and independent in retirement, and plan their finances based on their circumstances and needs.
- Priority 3: Housing Choices – Older people in NSW live in affordable accessible, adaptable and stable housing.

- Priority 4: Getting Around – Older people in NSW travel safely and appropriately to participate in social and economic life and access to services.
- Priority 5: Inclusive Communities – Older people in NSW stay connected and contribute to their communities.

The Planning Proposal is consistent with the NSW Ageing Strategy 2016 – 2020 in that it will expand the range of permissible uses on part of the site to facilitate the provision of a registered club. As discussed throughout this report, it is understood that the facility is valued by older persons within the community.

5. Is the planning proposal consistent with applicable SEPPs?

The application provides an assessment against relevant SEPPs and concludes that the Planning Proposal is consistent with all relevant SEPPs.

Response

The Planning Proposal is generally consistent with the applicable State Environmental Planning Policies identified in Table 6.

Table 6 – Compliance with State Environmental Planning Policies (SEPPs)

SEPPs (as of June 2023)	Applicable	Consistent	Comment
(Biodiversity and Conservation) 2021	Yes	Yes	The Planning Proposal itself does not propose to clear vegetation or affect land subject to potential koala habitats, foreshore or waterways areas, water catchments, strategic conservation areas. Further information will be required at the DA stage to assess the impacts of proposed vegetation removal that would be required to facilitate the proposal.
(Building Sustainability Index: BASIX) 2004	Yes	Yes	The Planning Proposal does not propose any controls that override BASIX provisions.
(Exempt and Complying Development Codes) 2008	Yes	Yes	The Planning Proposal does not propose any building works or changes to this policy.
(Housing) 2021	Yes	Yes	The Planning Proposal does not propose building works or changes to this policy.
(Industry and Employment) 2021	Yes	Yes	The Planning Proposal does not propose any changes to advertising and signage. The land is not located in the Western Sydney employment area.
No 65 – Design Quality of Residential Apartment Development	Yes	Yes	The Planning Proposal does not propose building works or changes to this policy.

SEPPs (as of June 2023)	Applicable	Consistent	Comment
(Planning Systems) 2021	Yes	Yes	The Planning Proposal does not affect the assessment of any State significant development, State significant infrastructure, regionally significant development or land subject to a Development Delivery Plan.
(Precincts – Central River City) 2021	Yes	Yes	Land subject to the Planning Proposal is not identified within a State Significant Precinct, Sydney Region Growth Centre, Homebush Bay area or Kurnell Peninsula area.
(Precincts – Eastern Harbour City) 2021	Yes	Yes	Land subject to the Planning Proposal is not identified within a State Significant Precinct, Darling Harbour, City West, Walsh Bay, Cooks Cove or Moore Park Showground.
(Precincts – Regional) 2021	Yes	Yes	Land subject to the Planning Proposal is not identified within a State Significant Precinct, Activation Precinct, Kosciuszko Alpine Region or Gosford City Centre.
(Precincts – Western Parkland City) 2021	Yes	Yes	Land subject to the Planning Proposal is not identified within a State Significant Precinct, Sydney Region Growth Centre, Western Sydney Aerotropolis Penrith Lakes, St Marys or Western Sydney Parklands.
(Primary Production) 2021	Yes	Yes	Land subject to the Planning Proposal is not primary production and rural development, state significant agricultural land, a farm dam and other small-scale and low risk artificial waterbody, a livestock industry, sustainable aquaculture or within the Central Coast plateau area.
(Resilience and Hazards) 2021	Yes	Yes	<p>The site is not mapped as containing land identified as ‘coastal wetlands’, ‘littoral rainforest’, or proximity to either on the ‘Coastal Wetlands and Littoral Rainforests Area Map’.</p> <p>The site is located within a ‘coastal use area’ and a ‘coastal environment area’. The SEPP requires consideration of certain environmental issues which are required to be addressed at DA stage.</p> <p>The site is located within an urbanised area located more than 2km from the coastal foreshore. The Planning Proposal will not adversely affect any ecological, natural or scenic qualities of the foreshore or broader coastal zone. The Planning Proposal will not cause any loss or disruption of public access to the foreshore area.</p>

SEPPs (as of June 2023)	Applicable	Consistent	Comment
(Resources and Energy) 2021	Yes	Yes	The Planning Proposal does not affect any land containing mineral, petroleum and extractive material resources.
(Transport and Infrastructure) 2021	Yes	Yes	The Planning Proposal does not propose building works or changes to this policy. If the proposal receives a Gateway determination, referrals to state agencies will be undertaken during the statutory exhibition stage.

6. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The application has provided an assessment against applicable Ministerial Directions and concludes that the proposal is consistent with all relevant Ministerial Directions.

Response

The Proposal is consistent with the following applicable Ministerial Directions:

Table 7 – Compliance with Ministerial Directions

Directions (as of August 2023)		Applicable	Consistent	Comment
Focus area 1: Planning Systems				
1.1	Implementation of Regional Plans	Yes	Yes	The Planning Proposal is consistent with the objectives and actions of the Region Plan (see Section B, Question 3).
1.3	Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not include any provisions that require the concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4	Site Specific Provisions	Yes	Yes	The Planning Proposal does not amend another environmental planning instrument and does not contain or refer to drawings that show details of any proposed development.
Focus area 3: Biodiversity and Conservation				
3.2	Heritage Conservation	Yes	Yes	The Planning Proposal does not affect existing heritage provisions in Warringah Local Environmental Plan 2011.

Directions (as of August 2023)		Applicable	Consistent	Comment
3.5	Recreation Vehicle Areas	Yes	Yes	The Planning Proposal does not enable land to be redeveloped for a recreation vehicle area.
3.7	Public Bushland	Yes	Yes	Further information will be required at the DA stage to assess the impacts of proposed vegetation removal that would be required to facilitate the Planning Proposal
Focus area 4: Resilience and Hazards				
4.1	Flooding	Yes	Yes	The Planning Proposal does not rezone any land. There are no objections to the Proposal in relation to flooding.
4.2	Coastal Management	Yes	Yes	This matter will be assessed at the DA Stage.
4.4	Remediation of Contaminated Land	Yes	Yes	Based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.
4.5	Acid Sulfate Soils	Yes	Yes	The presence of acid sulfate soils can be mitigated by way of the acid sulfate soils management plan.
Focus area 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport	Yes	Yes	The additional permitted use will require an assessment of traffic impacts, however based on the size of the proposal, this can be assessed at the DA stage.
5.2	Reserving Land for Public Purposes	Yes	Yes	The Planning Proposal alters the permitted uses on Council owned "community" land consistent with the Plan of Management.

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The application states:

A Flora and Fauna Constraints Assessment has been prepared by Narla Environmental to determine the ecological constraints on the site.

Two vegetation communities within the site were identified during field survey:

- *Estuarine Swamp Oak Forest*
- *Weeds and Exotics.*

*The Estuarine Swamp Oak Forest was identified as being of low-moderate condition as much of the groundcover and mid-storey species are dominated by exotic species. A native canopy of *Casuarina glauca* dominated areas mapped under this community. Areas mapped as 'Weeds and Exotics' were dominated by exotic grasses and bordered the eastern and western extent of the Estuarine Swamp Oak Forest.*

*The characteristics of the site, including the presence of saltmarsh species such as *Phragmites australis* and canopy dominated by *Casuarina glauca*, are consistent with that of the Estuarine Swamp Oak Forest vegetation community. Estuarine Swamp Oak Forest conforms to the Biodiversity Conservation Act 2016 (BC Act) listed EEC 'Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions' and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listed Coastal Swamp Oak (*Casuarina glauca*) Forest of South-east Queensland and New South Wales.*

*Potential suitable habitat is also present for the BC Act listed *Callistemon linearifolius*.*

A few predominantly native, common avian and reptile fauna species were identified within and surrounding the site during the assessment. All native fauna species encountered were listed as 'protected' under the BC Act. No threatened fauna species were observed within site during the field survey.

*Narla Environmental has developed a Biodiversity Development Constraints map. The broader redevelopment of the recreation centre will also seek to avoid impacts on the riparian zone, EEC and any potential threatened species habitat. Any proposed clearing of the EEC or *Callistemon linearifolius* requires appropriate assessment in accordance with the requirements of the Biodiversity Conservation Act and the EPBC Act.*

Response

The Flora and Fauna Constraints Report provides an assessment of the biodiversity conditions at the site and the potential implications for the proposal. GHD's ecologist undertook a technical review of this report and identified multiple inconsistencies and information gaps. However, for the purpose of the assessment of the Planning Proposal, these gaps and inconsistencies do not preclude the Planning Proposal from being supported from an ecological perspective. Rather, the review provides details of requirements for the accurate assessment of the DA, that would enable a decision to be made. This aligns with the referral comments from Council's Biodiversity Team which raise concerns regarding the DA but states "The current Planning Proposal to amend *Schedule 1 Additional Permitted Use for a 'registered club' on the site does not raise any additional key biodiversity issues or major impact concerns that would warrant rejection*".

8. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Traffic

The application states:

- *The site has ready access to the surrounding regional road network with Kentwell Road providing direct vehicle access to Pittwater Road and Condamine Street.*
- *The site is also situated within 400 metres of several bus stops located along Pittwater Road and Condamine Street, servicing 10 bus routes.*

- Council is currently finalising the site masterplan which anticipates the provision of approximately 124 parking spaces on site. Further, the Traffic Impact Assessment undertaken for the clubhouse DA (PDC Consultants, November 2022) notes that:
... it is evident that in the vicinity of the site there is an abundance of spare car parking spaces on both a typical weekday and Saturday, noting that the parking demand does not exceed 48% along Kentwell Road and 11% within the bowling club during a typical weekday, while during the weekend, the parking demand did not exceed 84% along Kentwell Road and 29% within the bowling club car park during a typical weekday.
Given the relationship of the site to the surrounding regional road network and the provision of both existing and proposed parking, the traffic and parking impacts of the Planning Proposal can be appropriately addressed at DA stage.

Response

A referral response was received from Council's Traffic Engineering Coordinator who identified that additional information would be required to support a future DA however *"there are no traffic engineering issues associated with the additional permitted use outlined in the Planning Proposal and hence no objections"*.

Riparian impacts

The application states:

Brookvale Creek is located to the west of the existing Warringah Recreation Centre. Brookvale Creek is a Strahler third order stream. Works occurring within 30 metres of the highest bank of the creek would be considered a controlled activity under the Water Management Act 2000 and approval from the NSW Natural Resources Access Regulator is required before commencing the controlled activity. It is noted that the clubhouse DA is 'integrated' and that general terms of approval from the NRAR will be sought as part of the DA determination.

Response

The site is mapped in the coastal use and coastal environment area. It is unlikely that the additional permitted use will have any impacts on the matters for consideration in this SEPP.

A referral response was received from Council's Coasts and Catchments Team who advised:

The Proposal has been assessed in regard to riparian and water management issues and there are no concerns with the Proposal. Riparian and water management issues were covered in the referral process for Development Application (DA2022/2081). There are no other riparian and water management issues identified with the Planning Proposal and hence no objections.

A referral response was received from Council's Landscape Architect who advised:

It is noted that the applicable District Park Plan of Management recognised this location for relocation of the Warringah Golf Clubhouse. The proposed location in terms of a landscape setting is considered appropriate as the location is predominantly over area occupied by existing tennis hardcourt.

The proposed location of the Warringah Golf Clubhouse and associated infrastructure works such as stormwater provisions are likely to impact upon the existing stand of Swamp She-Oak trees planted post WW2 that exist between the existing tennis courts and the existing golf course practice green.

However, it is considered that adequate land area is available for tree replacement to offset any canopy loss, and additionally replacement tree planting along the existing Brookvale

Creek riparian watercourse in close proximity provides opportunity to enhance the riparian environment within the golf course as an environmental benefit.

Flooding and stormwater management

The application outlines the following in relation to flooding and stormwater management:

The site is flood affected. An assessment of the Planning Proposal has been undertaken by Stellen Consulting against the flood controls contained within the following:

- *Warringah Development Control Plan 2011 – E11 Flood Prone Land.*
- *Guidelines for Development on Flood Prone Land (Guidelines for development on flood prone land Northern Beaches Council)*
- *Northern Beaches Council Water Management Policy – Flood Risk Management (2017)*
- *Floodplain Development Manual (NSW Government, 2005)*
- *Considering flooding in land use planning guideline (2021)*
- *Ministerial Direction 9.1 – 4.1 Flood Prone Land (2022).*

The report indicates that during the 1% AEP event, the existing District Park Tennis and Squash Centre will be inundated with floodwaters arising from flooding within Brookvale Creek. However, the depth across the site during a 1% AEP event peak is not more than 0.3m and the velocity x depth product is less than $0.3m_{2s-1}$. A Flood Planning Level of 300mm freeboard is therefore considered sufficient for the proposed planning for the registered club.

Stellen Consulting concludes as follows:

For any future development which includes a Registered Club use type, compliance with the controls contained within the Warringah DCP E11 ... would mean that the Planning Proposal is consistent with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005 and accordingly permissible under Ministerial Section 9.1 Direction 4.1. Based on the detailed review of the flooding constraints applicable to the site, the Planning Proposal, if carried out in accordance with the recommendations of the attached report, is consistent with the relevant requirements of the policies and guidelines above and is supported by Stellen Consulting.

Response

GHD undertook a peer review of the Stormwater Management Plan, and Flooding Assessment. The review provides the following findings and conclusions:

- Generally, the findings of the flooding assessment are supported, with the exception of the hydraulic hazard for the site which should be updated.
- The assessment against the relevant provisions of the Council LEP and DCP using the “medium flood risk precinct” controls for Business and Industrial land uses is considered appropriate given the intended use of the development for a registered club.
- Consideration should be made as to the potential for flood impacts associated with infill development and raising the floor level of the proposed building to the 1% AEP flood level plus 0.3 m freeboard once plans for the site have been further developed and acceptable flood afflux criteria have been confirmed with Council.

Notwithstanding that the hydraulic hazard for the site which should be updated, and further detail required at the DA stage, GHD is generally supportive of the flood assessment.

A referral response was received from Council's Team Leader, Floodplain Planning & Response who advised:

The location in the lot is flood fringe in a 1% AEP flood and affected by the medium flood risk precinct. The flood planning at the site is 3.6 – 3.8m AHD. The PMF is 5.7mAHD.

Climate Change has been considered. Based on the Manly Lagoon Flood Study (2013), the peak flood level of the 30% Rainfall intensity and 0.9m Sea Level Rise 1% AEP scenario is lower than the Flood Planning Level.

The proposal is not seen as a change which will allow a significant increase in the development density of the land (in regard to requirements of Ministerial direction 9.1 – 4.1).

The proposal is not expected to adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood (in regard to requirements of Clause 5.21 of the Warringah LEP). It is however, recommended that the proposal is sent to the NSW SES for review.

The proposal is supported as being compliant with: Part 4.1 of Ministerial Direction 9.1; Chapter 10.0 of the Northern Beaches Council Water Management for Development Policy; and principles of the Floodplain Development Manual 2005.

It is supported that a registered club development at the site can be achieved that is compliant with Clause 5.21 of the Warringah LEP and Part E11 of the Warringah DCP. The flood referral body has no objections to the proposal.

A referral response was also received from Council's Development Engineer who advised:

There are no other development engineering issues identified with the planning proposal and hence no objections.

Noise

The application outlines the following in relation to noise:

Potential noise impacts associated with the establishment of a registered club on the site can be dealt with by way of compliance with the recommendations of an acoustic assessment and operation in accordance with an appropriate plan of management. It is noted that the clubhouse DA is accompanied by an Acoustic Assessment and Operational Plan of Management.

Response

Any DA lodged will be subject to assessment by Council's Environmental Health Officer. Acoustic impacts will be assessed at this stage and can be mitigated by way of conditions of consent.

Contamination

The application outlines the following in relation to contamination:

Preliminary Site Investigation (PSI) prepared for the clubhouse DA (NEO Consulting, February 2023) noted that the continuous use of the land as recreational indicates low potential impact of any contamination. The PSI found no exceedance of the NEPM Health and Ecological Assessment Criteria for Commercial/Industrial (D) sites from soil samples and no visible indications of contamination or contaminating sources. NEO Consulting concluded that the required considerations of Cl 4.6 of the Resilience and Hazards SEPP are satisfied.

Response

The Preliminary Site Investigation referenced above did not form part of the application, and thus has not been reviewed as a part of this assessment. Notwithstanding, based on the existing land

use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.

Acid sulfate soils

The application is supported by the following reports:

- Indicative Waste Classification Report, Alliance Geotechnical, 1 December 2020
- Acid Sulfate Soils Assessment, Ideal Geotech, November 2022
- Acid Sulfate Soils Management Plan, Ideal Geotech, November 2022.

Response

The reports identify the presence of acid sulfate soils (ASS) on site and an indicative waste classification of General Solid Waste (pending treatment to neutralise ASS) at the five borehole locations.

The overall conclusions of the reports are supported, and the findings and conclusions are adequate for the purpose of informing the Planning Proposal.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The application outlines the following in relation to social and economic impacts:

The Planning Proposal will provide significant positive social and economic impacts associated with the construction of new community and recreation facilities. The purpose of the Planning Proposal is to support the development of a new golf clubhouse within the site of the existing Warringah Recreation Centre which in turn will enable the broader redevelopment of the Centre for community sports and recreation facilities as well as upgraded car parking. The new golf club will replace the existing golf club which is currently located at 379 Condamine Street, Allambie Heights. This will enable the Warringah Golf Club to realise the value of their existing asset to reinvest in the construction of new facilities and course improvements.

The proposal will result in positive social flow-on effects for the local area. The recreational facilities enabled by the proposal will contribute to maintaining and promoting active lifestyles for the community that will use the facility. Moreover, the facility will act as a community meeting place where social interaction and community events can occur.

Response

GHD acknowledges there is a need for the relocation of the golf clubhouse. It is logical that the clubhouse be co-located with the golf course and other facilities. Council may consider further studies in relation to the types of recreational facilities located in District Park which may impact the siting of the proposed clubhouse. Such a study could be completed at the DA stage if required.

Section D – Infrastructure (Local, State and Commonwealth)

10. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will not require any changes to the delivery of public infrastructure to any of the land included in the Planning Proposal.

The site is in an established urban area and benefits from access to a range of existing facilities and services, including utilities. The site is in close proximity to a number of public transport services, including bus services along Pittwater Road adjacent the site which provide connections to the Manly Town Centre and the Northern Beaches. The site is located approximately 3.5 km from the Manly Town Centre, which provides additional public transport connections to the Sydney CBD, North Sydney CBD and Chatswood.

Section E – State and Commonwealth Interests

11. What are the views of the state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The application states *“Relevant public authorities will be consulted following the Gateway determination”*.

The application does not nominate which State and Commonwealth Public Authorities that it should be referred to. It does state that the Planning Proposal may require consultation with Transport for NSW and the NSW Natural Resources Access Regulator. Based on the proposal scope, referral to State Agencies is not required at this stage and will be undertaken during the statutory exhibition if a Gateway determination is received.

Part 4 – Maps

The Planning Proposal will amend the WLEP Additional Permitted Uses Map (Sheet APU_008) to identify a portion of the subject site as ‘Area 19E’.

An excerpt of the existing Additional Permitted Uses Map is shown in Figure 4. An excerpt of the proposed Additional Permitted Uses Map is shown in Figure 5.

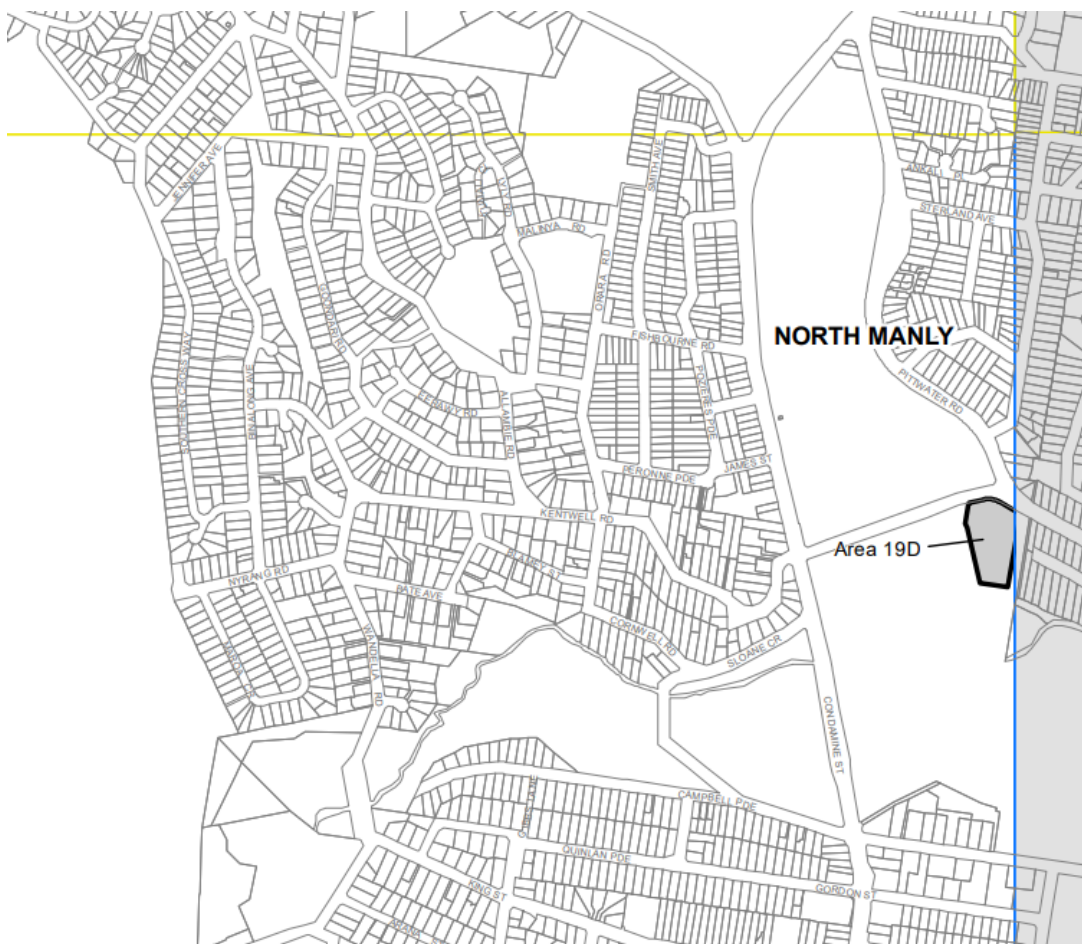


Figure 4 – Excerpt of the existing WLEP Additional Permitted Uses Map (Sheet APU_008)

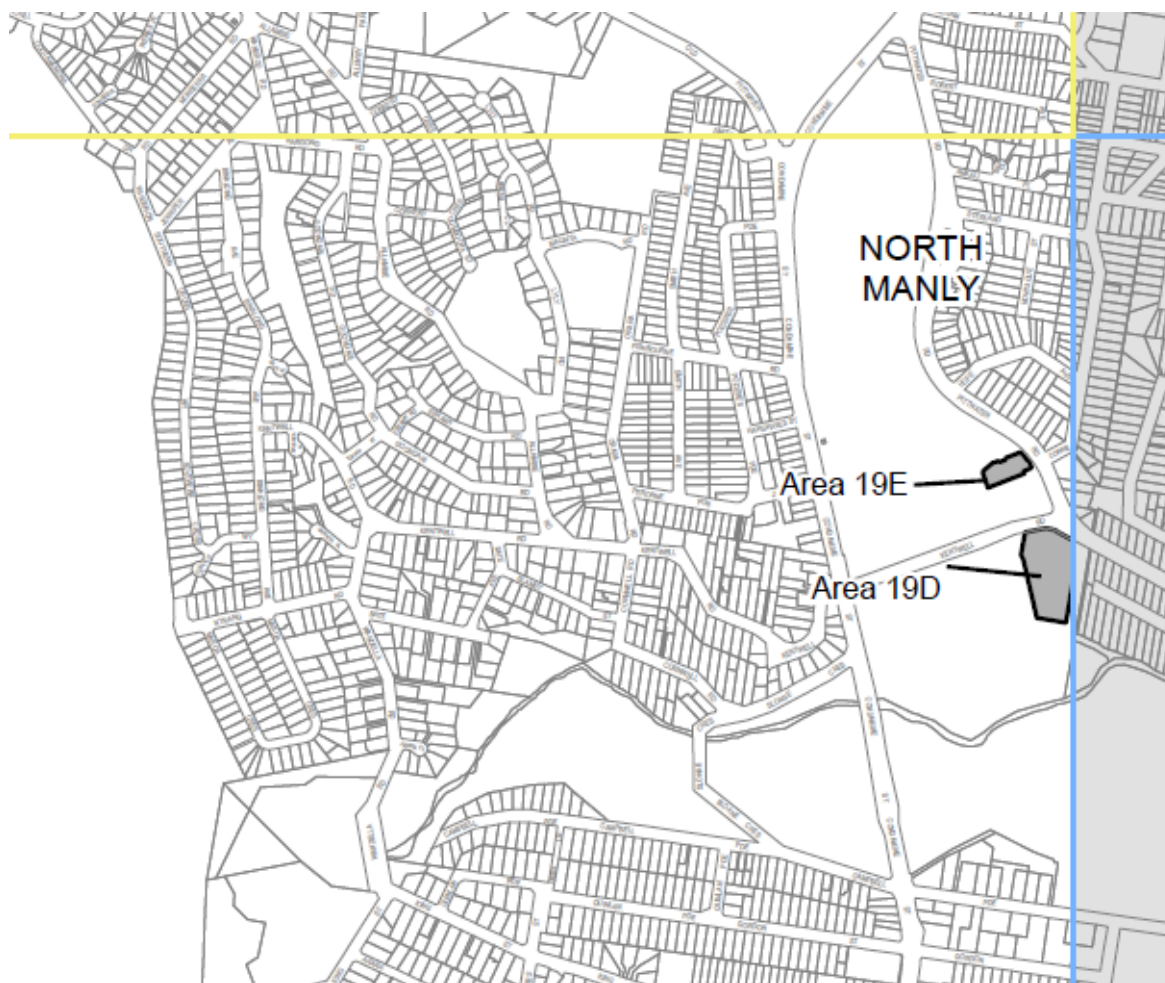


Figure 5 – Excerpt of the proposed WLEP Additional Permitted Uses Map (Sheet APU_008)

Part 5 – Community Consultation

A Scoping Proposal was not prepared, and no pre-lodgement meeting was held. No consultation was undertaken with any State Agencies. The application states that the Warringah Golf Club:

Has been working with Council officers on the proposition to re-locate the Club's existing clubhouse from 397 Condamine Street, Allambie Heights to a location adjacent to the golf course.

and:

The site identified by the Club as the most suitable for their future clubhouse is the current Warringah Recreation Centre site. This site is in average condition and in need of rejuvenation. This Planning Proposal will facilitate the proposed re-location of the clubhouse which is seen as highly important by the Club and the community to not only deliver a greater user experience, but also to realise the value within their existing property to be able to invest both in the construction of new facilities and the improvement of the course.

Council has prepared a draft master plan for the site which will incorporate the clubhouse and a new tennis centre (refer Figure 1). The intention is for the joint development of the subject site between Council and Warringah Golf Club (WGC) to deliver the wider Masterplan intentions.

GHD has not seen any documented evidence of earlier consultation with Council. It is understood that any masterplan will be subject to future community consultation.

Council publicly exhibited the application for 14 days (non-statutory exhibition). 39 public submissions were received, of which 33 were in support of the proposal, three objected to the application, and three appeared to be neutral. Submissions are available on Council's application tracking webpage. A summary of the matters raised in the objections to the Proposal is provided in Table 8.

Table 8 – Issues raised in public submissions

Objections	Comment
Loss of sports courts identified in the District Park Plan of Management.	<p>Section 4.2.3 of the District Park Plan of Management (DPPOM) provides background information relating to District Park, including that the Warringah Recreation Centre has six tennis courts, three squash courts and futsal courts. The DPPOM Actions include:</p> <ul style="list-style-type: none"> • Support provision of additional futsal/multi-use synthetic courts at locations which could include Warringah Recreation Centre and the Calabria Club. • Investigate upgrading tennis and squash courts at Warringah Recreation Centre • Identify suitable locations for multi-purpose sports courts catering for informal netball, basketball and other court sports at locations which could include Warringah Recreation Centre and Nolan Reserve. • Investigate the feasibility of additional squash courts. <p>Whilst the approval of the DA would prevent the provision of additional courts at the Warringah Recreation Centre, and reduce the number already constructed, it does not 'approve the clubhouse', as the approval of the DA is required. Nor does the DPPOM strictly outline that the Warringah Recreation Centre (WRC) must accommodate any additional courts or sporting facilities. The DPPOM suggests further investigations.</p> <p>The proposal is consistent with the DPPOM. Council is preparing a masterplan for the WRC site which will be subject to future consultation. Notwithstanding, the loss of sports courts does not preclude support of the Planning Proposal.</p> <p>The Planning Proposal ensures that the use as a registered club must be ancillary to a recreational use. Therefore, the Planning Proposal will not result in a change to the quantum of land used for recreation purposes.</p>
Vegetation removal	The Flora and Fauna Constraints Report has been reviewed by GHD's Ecologist and Council's Biodiversity Team. Whilst some gaps and inconsistencies have been identified in the report, these can be addressed at the DA stage.
Licensed alcohol and gambling venue	The objection expresses concern at the social impacts of alcohol and gambling if the venue is a licensed venue.

	<p>The proposal does not stipulate whether or not gambling would be permitted at the club. By definition a Registered Club “means a club that holds a club licence under the Liquor Act 2007”.</p> <p>The consumption of alcohol does contribute to social problems, as discussed in the objection and as is commonly understood. Notwithstanding, GHD understand that the existing Warringah Golf Club currently operates as a ‘registered club’. The proposal will therefore not result in a net increase in registered clubs. This is, however, not strictly a planning matter.</p>
Traffic	As discussed in this report, Council’s Traffic Engineering Coordinator has no objections to the proposal.
Golf is an elitist sport	Golf as an activity may not be financially accessible to all, however this is not strictly a matter for planning consideration. The equitable provision of a variety of activities is within the remit of Council.
The land should be used for a better purpose or more public recreation	<p>The proposal is consistent with the DPPOM. Council is preparing a masterplan for the WRC site which will be subject to future consultation.</p> <p>The proposal ensures that the use as a registered club must be ancillary to a recreational use. Therefore, the Planning Proposal will not result in a change to the quantum of land used for recreation purposes.</p>
Encroachment into the riparian lands including earthworks and increased impervious areas	The Flora and Fauna Constraints Report has been reviewed by GHD’s Ecologist and Council’s Biodiversity Team. Whilst some gaps and inconsistencies have been identified in the report, these can be addressed at the DA stage.
Impacts of the proposal on Brookvale Creek, vegetation, Flooding and Acid Sulphate soils as identified in the District Park Plan of Management	These matters have been addressed in Section C of this report and do not preclude supporting the Proposal.

The matters raised in the submissions in support of the Planning Proposal are summarised as follows:

- Gathering place for families
- Food and relaxed atmosphere
- Indoor and outdoor areas
- Funded by the Golf Club
- Golf facilities
- No poker machines
- DPPOM contains a provision for a licensed club

- Noise mitigation measures
- Ample parking and public transport
- Function venue
- Use of funds generated for local sporting bodies
- Licensed venue
- Utilisation of the site
- Traffic management provisions
- Playing golf is an active option for seniors
- Provide a venue of this type that the local community can utilise and not have to travel farther afield to access
- Sufficient studies have been completed in relation to traffic and parking, environmental impacts and noise that demonstrate positive outcomes
- The design is sympathetic to the local environment, is sustainable and the landscaping proposed will enhance the areas adjacent to Brookvale Creek
- It is not intended to be a 'mega club'
- Council ownership
- It assists in balancing the needs of various sporting communities

In summary, the issues raised in most of the objections can be addressed at the DA stage. The impacts of the proposed location of the clubhouse reducing the availability/ variety of other courts is the subject of the future masterplan for the WRC site. The majority of the submissions were in support of the Planning Proposal.

GHD has concluded that the community is generally supportive of the Planning Proposal, and that the objections raised are matters for assessment at the DA stage.

Part 6 – Project Timeline

Table 9 – Project Timeline

Stage	
Consideration by Council	October
Council Decision	October
Gateway Determination	Late-2023
Commencement and completion of public exhibition period	Early-2024
Consideration of submissions	Early-2024
Post-exhibition review and additional studies	Early-2024
Submission to the Department for finalisation (where applicable)	Mid-2024
Gazettal of LEP amendment	Mid-2024

CONSULTATION

The application was placed on non-statutory public exhibition for two weeks, from 1 July 2023 to 16 July 2023 inclusive. 39 submissions were received, of which 33 were in support of the application. The outcomes of this exhibition were considered by GHD and are contained in Part 5 of the assessment, above.

On 4 October 2023, an assessment of the Planning Proposal was presented to the Northern Beaches Local Planning Panel. The Local Planning Panel recommended:

RECOMMENDATION OF PLANNING PANEL

*That the Northern Beaches Local Planning Panel **advises** Council that it is appropriate for Council to forward the planning proposal to the Minister for a Gateway determination under section 3.34(1) of the Environmental Planning & Assessment Act 1979, as recommended in the report of GHD Pty Ltd dated 13 September 2023.*

If a Gateway determination is received, the Planning Proposal will be placed on statutory public exhibition for at least 20 days. This statutory exhibition will include consultation with relevant State agencies. The outcomes of the statutory exhibition will be reported to Council for consideration.

TIMING

If agreed by Council, the Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination. It is anticipated that the timeframe for completion of the Planning Proposal is approximately 12 months from the date of Council's approval to request a gateway determination.

LINK TO STRATEGY

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

- Community and belonging - Goal 9 Our community is inclusive and connected
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed
- Vibrant local economy - Goal 15 Our centres are sustainable, encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community
- Partnership and participation - Goal 21 Our community is engaged in decision making processes
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no adverse financial impact on Council. The future lease/licence of a registered club may provide an income source for Council.

SOCIAL CONSIDERATIONS

The Planning Proposal will allow the additional permitted use of a registered club which will facilitate opportunities for social interaction.

ENVIRONMENTAL CONSIDERATIONS

An assessment of environmental impacts has been undertaken. There are no environmental issues that would preclude the progression of the Planning Proposal. Additional environmental assessment will be required at the DA stage to support the construction and operation of any future building.

GOVERNANCE AND RISK CONSIDERATIONS

An independent planning consultant was engaged to assess the application. A probity advisor was engaged to oversee Council's role in this assessment. The probity advisor's Audit Report is in Attachment 3 and concludes that there were no probity concerns with the assessment of the Planning Proposal.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	OUTCOME OF PUBLIC EXHIBITION - PROPOSED COMMUNITY GARDEN AT ANNAM ROAD RESERVE, BAYVIEW
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/436792
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒Community Engagement Report - Proposed Community Garden at Annam Road Reserve, Bayview (Included In Attachments Booklet) 2 ⇒Final Site Plan of Proposed Annam Road Reserve Community Garden, Bayview (Included In Attachments Booklet) 3 ⇒Review Environmental Factors - Proposed Community Garden at Annam Road Reserve, Bayview (Included In Attachments Booklet)

SUMMARY

PURPOSE

The purpose of this report is to advise of the outcome of public exhibition of the proposed community garden at Annam Road Reserve, Bayview and seek approval to proceed with the community garden.

EXECUTIVE SUMMARY

- A proposal for a community garden at Annam Road Reserve in Bayview was reported to the 28 March 2023 Council meeting where it was resolved (Resolution 053/23) to place the proposal on public exhibition.
- Public exhibition occurred between 26 April and 28 May 2023. A total of 39 submissions were received, with the majority of submissions being supportive of the proposal or supportive with changes.
- Key feedback and staff responses are outlined in this report and a more detailed summary of submissions can be found in the Community Engagement Report (Attachment 1).
- In response to submissions some minor amendments have been made to the proposal, including repositioning of the proposed garden area to reduce potential impacts on neighbours and to attract more sunlight into the garden (see revised location at Attachment 2).
- The Review of Environmental Factors (REF)(Attachment 3) has been undertaken to assess the proposal, concluding that the proposal is not likely to significantly affect the environment. Minor changes to the REF have been made following public exhibition as outlined in this report.
- The proposal is consistent with Council's Community Gardens Policy and Guidelines.
- If Council resolves to approve the community garden, a written agreement between Council and the garden group will be developed and agreed prior to the commencement of any works.

RECOMMENDATION

That Council:

1. Note the outcome of the public exhibition of the proposed community garden at Annam Road Reserve, Bayview.
 2. In relation to the requirements of Part 5 of the *Environmental Planning and Assessment Act 1979*:
 - A. Note its consideration of the environmental assessment at Attachment 3 of the report for this item in relation to the proposed community garden as set out in, and incorporating the mitigation measures and conditions in, Attachment 3 (Activity).
 - B. Note that it has taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the Activity.
 - C. Determine that the Activity will not significantly affect the environment.
 3. Approve the Activity, being the proposed community garden at Annam Road Reserve in Bayview.
 4. Enter into an agreement with the Bayview Community Garden Incorporated in respect of the community garden.
 5. Delegate authority to the Chief Executive Officer to do all things and execute all necessary documentation to give effect to this resolution.
-

REPORT

BACKGROUND

An application has been received from a group of residents to establish a community garden at Annam Road Reserve, Bayview. The garden group, Bayview Community Garden Incorporated, is intending to grow organic produce (fruit and vegetables) and flowering plants, promote sustainable lifestyles, provide a neighbourhood meeting place and opportunities for social interaction, and promote physical activity. The adopted community garden guidelines require the group to be incorporated before any work to develop the garden can take place.

Annam Road Reserve (the Reserve) is community land under the *Local Government Act 1993*, located in a residential area, bordered by Bayview Golf Course to the south-west, low density residential homes to the north-west and south-east and opposite a retirement village. The Reserve is approximately 4,220m² in size with established trees around its perimeter and is not intensively used and has no park infrastructure. The community garden is proposed to be approximately 450m² leaving the remainder of the reserve for other community recreational uses and enjoyment.

The proposal was reported to the Ordinary Council meeting held on 28 March 2023 where it was resolved (Resolution 053/23) that:

1. *Council place the proposal for a new community garden at Annam Road Reserve, Bayview on public exhibition for a minimum of 28 days.*
2. *The outcome of the public exhibition be reported back to Council.*

Comments on the proposal were sought from the following internal teams during the initial site analysis: Parks and Recreation, Environment and Climate Change, Development Assessment and Transport and Civil Infrastructure. Comments received were considered for in the preparation of the draft Review of Environmental Factors (REF).

The community garden proposal is consistent with the plan of management and land zoning (RE1 Public Recreation) applicable to this reserve and aligns with Council's Community Gardens Policy and Guidelines (2020). The REF indicates that the potential impacts are minor or negligible with the mitigation measures proposed (Attachment 3).

This community garden proposal has been assessed in accordance with Council's Community Gardens Policy and Guidelines (2020). This policy supports a community led approach for the development of new community gardens.

CONSULTATION

Public exhibition was undertaken to obtain community feedback on the proposal and was conducted between Wednesday 26 April and Sunday 28 May 2023. Public exhibition included:

- Your Say page with an online feedback form
- Letterbox drop to neighbouring residences
- Drop-in session at the Reserve on Saturday 20 May 2023
- Council weekly e-News
- Stakeholder emails
- Follow up letters and/or phone calls with immediate neighbours

An article about the proposal featured in in Pittwater Life May 2023 edition.

39 submissions were received during public exhibition. The majority of submissions were supportive of the proposal or supportive with changes.

A summary of the key themes raised through submissions received include:

- Benefits of community gardens, e.g., social, health, environmental and sustainability
- Position of community garden within the reserve
- Environmental and aesthetic concerns
- Concern about trespassing on private accessway between the reserve and the golf course
- Access and parking
- Questioning the need for a community garden and lack of supporting amenities

Some of the key feedback received and Council's responses are listed in the table below. A more detailed summary of community engagement activities and submissions can be found in the Community Engagement Report at Attachment 1.

Theme	Issues, change requests and other considerations raised	Council's response
Benefits, e.g., social, health, environmental and sustainability	<p>The most frequently stated comments received related to positive social and environmental outcomes, such as:</p> <p>A place with a garden focus is very appealing. Joyful.</p> <p>Meeting place to connect with others for a purpose – education, physical activity and mental well-being.</p> <p>Promoting sustainable lifestyles - connect with the earth, grow produce, composting of the local community's kitchen scraps.</p>	<p>The comments received are consistent with peer-reviewed publications on the benefits of community gardens.</p>
Position of community garden within the reserve	<p>Support was expressed for establishing a community garden within the Reserve which would improve the outlook from neighbouring homes and increase use and opportunities for community members to come together.</p> <p>Some respondents requested that the community garden be relocated within the Reserve. Options suggested included moving the community garden to the western side of the</p>	<p>The location and shape of the community garden has been changed to minimise the visual and potential noise impacts on neighbours and to attract more sunlight. The revised location can be seen at Attachment 2, and has been incorporated into the REF.</p> <p>The hours for garden activities proposed in the REF are 7am to 7pm (Attachment 3 p. 11).</p>

Theme	Issues, change requests and other considerations raised	Council's response
	<p>reserve or moving it further south within the reserve.</p> <p>Concern was raised that a community garden would negatively impact the outlook from neighbouring homes and result in increased noise disturbance.</p> <p>Concern expressed that youth to congregate in the reserve at night.</p> <p>Concern the proposed location would not attract enough sunlight for a community garden.</p>	<p>Noise will be managed in accordance with the Protection of the Environment Operations Act, 1997.</p> <p>As mentioned in the previous Council report (28 March 2023), inclusion of wind chimes and the like is not supported by Council due to potential disturbance of neighbouring residences.</p> <p>Crime Prevention Through Environmental Design (CPTED) principles will continue to be considered as Council works with the applicants on the final design of the garden prior to granting Owners Consent to commence works.</p>
Environmental concerns	<p>Annam Road Reserve is adjacent to a threatened ecological community and a Wildlife Corridor.</p> <p>The vegetable plots will need netting to prohibit wildlife. Wildlife can be caught in the netting, in particular micro bats.</p>	<p>The REF indicates that "Impact on flora and fauna are considered minor." P. 12.</p> <p>No threatened species have been recorded at Annam Road Reserve.</p> <p>Annam Road Reserve is mostly turfed open space with trees near the boundaries. The community garden would be located on the turfed area.</p> <p>Mitigation measures recommended in the REF will be included in the agreement between the garden group and Council and monitored by Council.</p> <p>'Wires' (wildlife rescue) support wildlife friendly netting with a mesh size of less than 5mm. Council has not received feedback about wildlife being caught in the netting at the other Northern Beaches community gardens.</p> <p>The REF has been amended to include reference to fauna friendly netting. This will also be included in</p>

Theme	Issues, change requests and other considerations raised	Council's response
		the written agreement between Council and the garden group.
Aesthetic concerns	<p>The netting will change the visual amenity of the area.</p> <p>Materials stockpiled on the nature strip waiting to be carried up to the garden will impact on the visual amenity of the streetscape.</p>	<p>The proposed community garden is a formalised space with a mix of open space, flower beds, fruit trees and vegetable plots.</p> <p>The location of the garden towards the rear of the Reserve will mean that the garden and any associated netting will not likely be visible from the road. The location has been revised to minimise the visual impact from neighbouring properties.</p> <p>The group will be required to apply for approval should they need to temporarily stockpile materials on the nature strip as outlined in the REF (p. 17).</p>
Concern about trespassing on adjoining private accessway	There is a private dirt access road between the reserve and Bayview Golf Club. Concern raised about garden members trespassing on this private land. A fence has been requested.	<p>A swale is located along the boundary between the Reserve and the private dirt access road which deter some people to traverse to access the golf course.</p> <p>Additional tree planting is proposed along the southern edge of the Reserve to deter people from accessing the private access road.</p> <p>Either Council or the private landowners may erect a sign.</p> <p>The owners of the adjoining private access way are responsible for constructing a fence on their land.</p>
Access and parking concerns	<p>Steep entrance to the Reserve.</p> <p>Trucks entering could be dangerous.</p> <p>Limited parking due to motorhomes and boats parked on the verge.</p>	<p>It is expected that the community garden would be used by people living nearby and that some would attend on foot and not by vehicle. Use of the garden is not anticipated to create substantive increases in parking demand.</p> <p>Should it be required / agreed with Council vehicle and pedestrian</p>

Theme	Issues, change requests and other considerations raised	Council's response
		<p>access would be considered and addressed through a separate process (see Attachment 3 REF).</p> <p>Once the community garden is established there will be limited truck deliveries. A Working on Reserves permit is generally required for vehicle access to reserves and access would be conditional on meeting WHS and other safety requirements.</p>
Question the need	Most community gardens are in high density areas and there is not enough community support.	The application and the number of submissions in support of the community garden indicates there is a reasonable amount of support to establish a community garden, including interest from the retirement village across the road.
Lack of supporting amenities	There is no toilet.	The community garden is proposed for use by people living nearby who can return home if required to use their own amenities. It is not planned to establish amenities in this reserve.

In response to the application and matters raised in the submissions received it is recommended to endorse the community garden proposal with the amendments outlined in this report. No significant concerns have been raised and the REF indicates that the impacts will be negligible or minor in line with mitigation measures that have been identified such that the proposal is not likely to significantly affect the environment. Based on the feedback received the proposal is largely supported by the community.

TIMING

Should Council approve the establishment of a new community garden at Annam Road Reserve an agreement between Council and the garden group would be negotiated and executed. This agreement would define, among other things, the roles and responsibilities of Council and the garden group for the development, ongoing maintenance and management of the garden and the final garden design.

Works to establish the new garden would not commence until a range of matters are concluded to the satisfaction of Council, including: the garden agreement, final design, owner's consent and costings and funding secured.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed
- Community and belonging - Goal 9 Our community is inclusive and connected

FINANCIAL CONSIDERATIONS

Funding to install a community garden sign and a tap at the proposed community garden can be met from the Parks and Recreation 2023/2024 operational budget.

Like all community gardens the intent is for the community garden group to meet costs to establish, maintain and operate the garden. Council may consider and provide financial or in-kind assistance from time to time. These financial arrangements will form part of the agreement between Council and the garden group which must be executed before the proposed garden can be constructed. The garden group will be encouraged to seek external grant funding, including Council's own grant programs, - in this instance Council would provide letters of support for their grant applications.

SOCIAL CONSIDERATIONS

Community gardening is a recreational activity that contributes to the health and well-being of our community as well as providing a range of environmental, social and educational benefits.

This is a community-led proposal by a group of residents whose vision includes creating a unique, safe and supportive garden for Bayview and the local community. Its objectives include:

- To promote a sense of community where trust, effort, knowledge, skills, and responsibility are shared, where creativity and the environment are nurtured, and where philanthropy can flourish.
- To become a happy, enjoyable meeting place for the local community. A place where shared ideas of organic food growing, food preparation and eating become the norm and where education, peer learning and sustainable use of land as a valuable food resource is shared with the local community.
- To work collaboratively with the community, government and businesses to establish a network to facilitate the establishment and on-going support of the Bayview Community Garden to make it a successful social activity for the local community.

Potential impacts on neighboring properties raised through submissions have been considered and amendments have been made in response as outlined in this report. One of the conditions of Council's agreement with the garden group will be to minimize and be mindful of potential impacts on nearby residents.

ENVIRONMENTAL CONSIDERATIONS

The community garden proposal is consistent with the Pittwater Natural Areas Plan of Management and land zoning (RE1 Public Recreation) which are applicable to this reserve and aligns with Council's Community Gardens Policy and Guidelines (2020). The REF indicates that the potential impacts are minor or negligible with the mitigation measures proposed such that the proposal is not likely to significantly affect the environment (Attachment 3).

Should Council support the community garden proposal the establishment, maintenance and management of the new community garden would be undertaken in accordance with all relevant environmental legislation and regulations and Council policies.

Environmental matters have been considered for the REF (Attachment 3). Some key points from the REF include:

- No trees or vegetation are required to be removed for this proposal.
- The reserve does not contain any known threatened native vegetation communities.
- The reserve is land to which the koala habitat protection provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* apply - threatened fauna species associated with the adjoining bushland and golf course may visit the reserve. Possible fauna in the area includes long-nosed bandicoots, blue tongue lizards and water dragons. To mitigate impacts on flora and fauna, the proposed garden would be located on the turf area away from the canopy trees.
- Fauna friendly netting to be used as required.

The community garden, if approved, will support the Environment and Climate Change Strategy and Resilience Strategy.

GOVERNANCE AND RISK CONSIDERATIONS

Should Council approve the establishment of a new community garden at Annam Road Reserve an agreement between Council and the garden group would be negotiated and executed for the development, ongoing maintenance and management of the garden and the garden design.

The process for assessing the proposed community garden has been consistent with Council's Community Gardens Policy and Guidelines. .

ITEM 13.2	TEMPORARY CHANGES TO ALCOHOL PROHIBITED AREAS FOR COUNCIL'S CHRISTMAS CHORAL CONCERT 2023, NEW YEAR'S EVE 2023 AND AUSTRALIA DAY 2024
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/539643
ATTACHMENTS	1 Letter from Northern Beaches Police Area Command Regarding Temporary Changes to Alcohol Prohibited Areas, 9 August 2023

SUMMARY

PURPOSE

The purpose of this report is to consider declaring temporary 24-hour Alcohol Prohibited Areas on New Years Eve 2023 and Australia Day 2024, and suspending the Alcohol Prohibited Area at Manly Oval on 7 December 2023 for Council's Christmas Choral Concert.

EXECUTIVE SUMMARY

- In recent years, at the request of the Northern Beaches Police Area Command (Police), Council has declared temporary 24-hour Alcohol Prohibited Areas at Rowland Reserve, Bayview on New Year's Eve and at reserves, parks and the sand area at all beaches on Australia Day.
- This joint initiative assists Police in managing alcohol related antisocial behaviour.
- The Police have requested that Council declare temporary 24-hour Alcohol Prohibited Areas at Rowland Reserve on New Year's Eve 2023 and at all reserves and parks and the sand area at all beaches on Australia Day 2024 (Attachment 1).
- It is also proposed that the 24-hour Alcohol Prohibited Area at Manly Oval, be suspended for Council's annual Christmas Choral Concert and alcohol has been permitted at this concert in prior years without incident on Thursday 7 December 2023 from 5:00pm to 8:30pm - the Police have no objections.

RECOMMENDATION

That Council:

1. Note the request of the Northern Beaches Local Area Command of the NSW Police to declare temporary 24-hour Alcohol Prohibited Areas at Rowland Reserve, Bayview on New Year's Eve and at reserves, parks and the sand area at all beaches on Australia Day 2024.
2. Declare a temporary Alcohol Prohibited Area at Rowland Reserve, Bayview for New Year's Eve from 6:00am on 31 December 2023 for a period of 24 hours until 6:00am on 1 January 2024.
3. Declare temporary Alcohol Prohibited Areas at all reserves and parks and the sand areas at all beaches within the Northern Beaches Local Government Area for Australia Day from 6:00am on 26 January 2024 for a period of 24 hours until 6:00am on 27 January 2024.
4. Suspend the operation of the Alcohol Prohibited Area at Manly Oval on 7 December 2023 from 5:00pm until 8:30pm for Council's Christmas Choral Concert.

5. Publish notices of the above as required and pursuant to the relevant sections of the *Local Government Act 1993*.
 6. Install temporary signage at Manly Oval, Rowland Reserve, beaches and high use reserves within the Northern Beaches Local Government Area as outlined in this report.
-

REPORT

BACKGROUND

Temporary 24-hour Alcohol Prohibited Areas - New Year's Eve 2023 and Australia Day 2024

In recent years Council has, at the request of the Northern Beaches Police Area Command (Police), declared temporary 24-hour Alcohol Prohibited Areas at Rowland Reserve, Bayview on New Year's Eve and at reserves and parks and the sand area of all beaches on Australia Day. This joint initiative assists the Police in managing alcohol related antisocial behaviour.

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

- Rowland Reserve, Bayview on New Year's Eve 31 December 2023. This reserve is a well-known location for viewing the Pittwater New Year's Eve fireworks.
- All reserves and parks and the sand area at all beaches within the Northern Beaches Local Government Area on Australia Day 26 January 2024.

In response it is recommended that:

- A temporary 24-hour Alcohol Prohibited Area be declared at Rowland Reserve, Bayview for New Year's Eve from 6:00am on 31 December 2023 until 6:00am on 1 January 2024.
- Temporary 24-hour Alcohol Prohibited Areas be declared at all reserves and parks and the sand area at all beaches within the Northern Beaches Local Government Area for Australia Day from 6:00am on 26 January 2024 until 6:00am on 27 January 2024.

Suspension of the 24-hour Alcohol Prohibited Area at Manly Oval for Council's Christmas Choral Concert 7 December 2023

Council's annual Christmas Choral Concert at Manly Oval will be held on Thursday 7 December 2023.

The Events and Partnership Team, who coordinates this event, has requested the 24-hour Alcohol Prohibited Area at Manly Oval be suspended to allow attendees to bring alcohol to this event for their own consumption. Police have no objections to this proposal for Manly Oval.

Alcohol has been permitted at this concert in recent years without incident. Measures are put in place to manage alcohol related matters including that no alcohol is sold on-site, no glass permitted on the oval and security are engaged to manage crowd behaviour.

In response it is recommended that:

- The operation of the Alcohol Prohibited Area at Manly Oval be suspended on 7 December 2023 from 5pm to 8:30pm for Council's Christmas Choral Concert.

CONSULTATION

Staff have consulted with the Police regarding their request for temporary 24-hour Alcohol Prohibited Areas on New Year's Eve 2023 and Australia Day 2024 and Council's proposal for suspending the Alcohol Prohibited Area at Manly Oval.

TIMING

Should the recommendations in this report be approved, the public will be notified about the changes to the Alcohol Prohibited Areas via Council's website and on temporary signs prior to the

commencement of these arrangements. Temporary signs will be installed at Manly Oval, Rowland Reserve, beaches and high use reserves.

LINK TO STRATEGY

This report relates to these Northern Beaches Community Strategic Plan 2040 goals:

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

FINANCIAL CONSIDERATIONS

The costs to make, install and remove temporary signs notifying the public about the changes to Alcohol Prohibited Areas outlined in this report can be met with funds available in the 2023/2024 Parks and Recreation operational budget.

SOCIAL CONSIDERATIONS

The proposals for temporary 24-hour Alcohol Prohibited Areas on New Year's Eve 2023 and Australia Day 2024 as outlined in this report will assist Police in managing alcohol related antisocial behaviour.

The proposed suspension of the Alcohol Prohibited Area at Manly Oval for the 2023 Christmas Choral Concert will enhance the experience for some attendees.

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

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

Alcohol has been permitted at Council's Christmas Choral Concert at Manly Oval in recent years without incident. For the 2023 concert a range of risk management measures will be put in place to manage alcohol related matters including that no alcohol will be sold on-site, no glass permitted on the oval and security will be engaged to manage crowd behaviour.

Should the recommendations in this report be approved notices regarding changes to Alcohol Prohibited Areas will be published as required and pursuant to the *Local Government Act 1993*. Following the cessation of these changes the respective Alcohol Prohibited Areas shall operate as normal.

For Official Use Only



9 August 2023

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

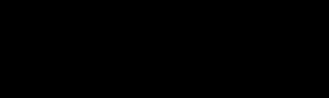
Dear Ray,

Request for Alcohol Prohibited Area – NYE 23-24 & Australia Day 2024
As per Section 632A Local Government Act 1993

I am writing to seek your assistance to have all reserves, parks and the sands of all beaches within the Northern Beaches Council declared as 'Alcohol Prohibited Areas' for Australia Day 26 January 2024 from 6:00am to 6:00am 27 January 2024. Furthermore, I seek your assistance for New Year's Eve 23-24 to have Rowland Reserve Bayview declared an Alcohol Prohibited Area from 6:00am 31 December 2023 to 6:00am 1 January 2024.

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

Yours faithfully,



Sergeant Mick Stepanian
Licensing Unit
Northern Beaches Police Area Command

Northern Beaches Police Area Command

3 Belgrave Street MANLY NSW 2095

T 02 9976 8099 W www.police.nsw.gov.au

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

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

For Official Use Only

18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. Item 18.1 RFT 2023/038 - Little Manly Point Amenities on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- B. Item 18.2 RFT Negotiation 2023/001 - Design and Construction Services for Warriewood Valley Community Centre on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- C. Item 18.3 RFT 2023/075 - Supply and Implementation of an Online Learning Library on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- D. Item 18.4 RFQ 2023/024 - Enterprise Resource Planning Platform Licences and RFQ 2023/025 - Enterprise Resource Planning Project Implementation - Next Best Offer (NBO) on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

-
2. The resolutions made by Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.
-

19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

In accordance with Part 15 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.



northern
beaches
council

