

# AGENDA

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

**Tuesday 19 December 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*

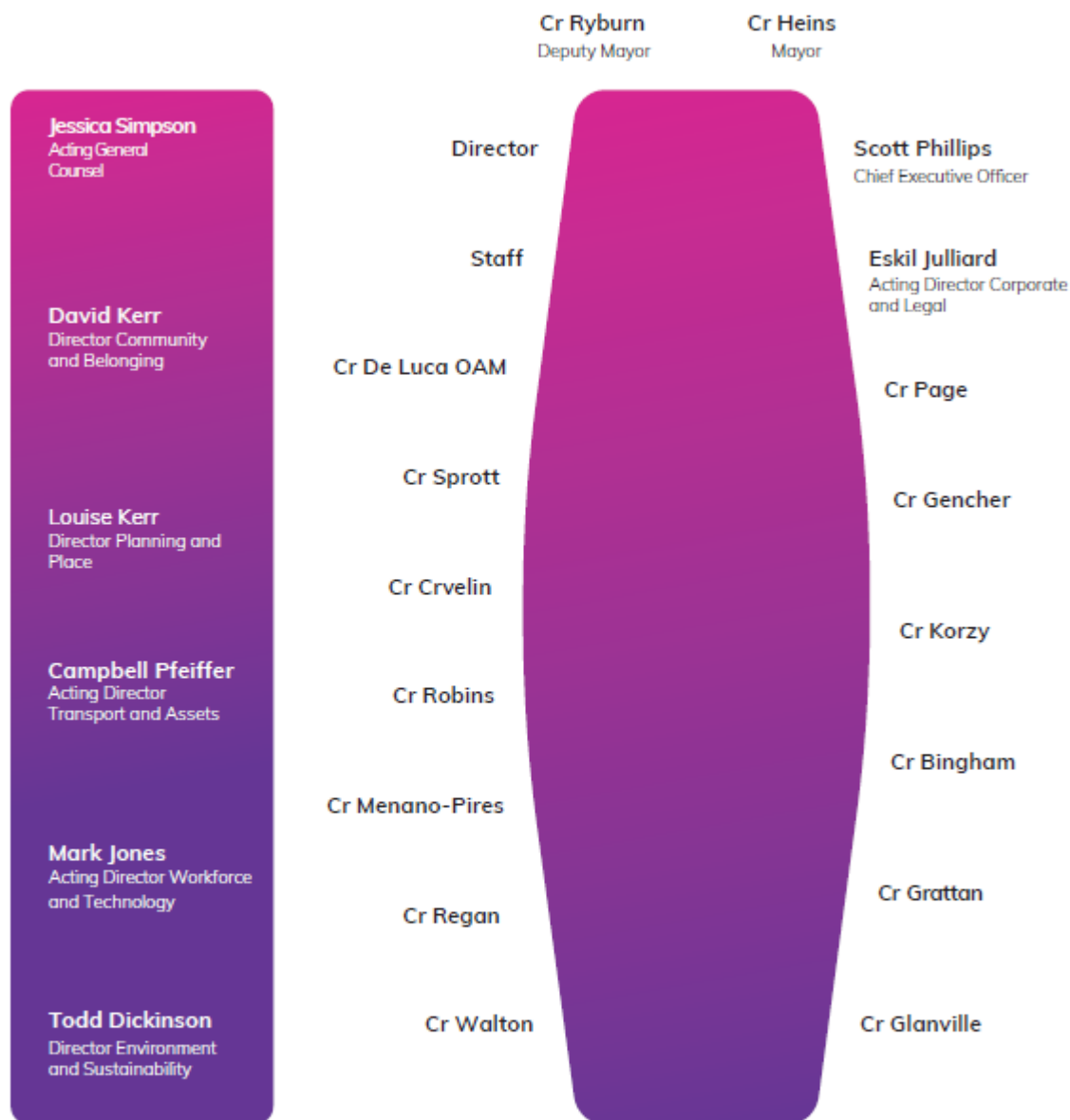
## OUR VALUES

*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 19 December 2023  
at the Civic Centre, Dee Why  
Commencing at 6:00pm**

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## 1.0 ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD ON 28 NOVEMBER 2023

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#### RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 28 November 2023, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## 4.0 DISCLOSURES OF INTEREST

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

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

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

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

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

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.

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

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

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

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## **6.0 ITEMS RESOLVED BY EXCEPTION**

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

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## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT
REPORTING MANAGER	CHIEF EXECUTIVE OFFICER
TRIM FILE REF	2023/793500
ATTACHMENTS	NIL

### SUMMARY

#### PURPOSE

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

#### EXECUTIVE SUMMARY

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

Payments made for the period 20 September 2023 to 14 December 2023 totaling \$7,500 are listed in the table below.

Recipient	Description	Allocation	Supported by Councillor **
Local Resident *	Financial assistance to represent Australia in the dragon boat racing competition in Thailand in August 2023 <i>NOTE – application received and approved prior to amendment to policy (26 September 2023)</i>	\$500	Received by Office of the Mayor
Zonta Cub of Northern Beaches Inc	Financial assistance towards the 2024 International Women's Day Breakfast on 6 March 2024	\$750	Received by Office of the Mayor
Northern Beaches Domestic Violence Network	Financial assistance to enable volunteers to attend the Gala fundraising dinner event held on 25 November 2023	\$1000	Cr Glanville
Local Resident *	Financial assistance towards representing NSW at the National Athletics Schools Championships for Track and Field	\$250	Cr Korzy
Local Resident *	Financial assistance to represent Australia at the 2023 ICF Canoe Ocean Racing World Championships held in Perth – November 2023	\$250	Received by Office of the Mayor
Northern Beaches Writers' Group	Financial assistance for the 2023/2024 Northern Beaches Writers' Competition – winners notified in April 2024	\$1000	Received by Office of the Mayor



Recipient	Description	Allocation	Supported by Councillor **
Bondi to Barrenjoey Mental Health Walk Event	Financial support for fundraising event – 4 <sup>th</sup> Annual Bondi to Barrenjoey Mental Health Walk to be held February 2024	\$1,000	Received by Office of the Mayor
Soroptimist International of Northern Beaches Incorporated	Financial assistance towards Christmas hampers for families in need who attend local Northern Beaches schools	\$1,000	Received by Office of the Mayor
Engage. Northern Beaches	Financial assistance towards the development of a Northern Beaches parents and carers community hub	\$1,000	Deputy Mayor Ryburn
Koori Kids Pty Ltd	Financial assistance towards participation by local Northern Beaches primary schools in the NAIDOC Week 2024 Schools Initiative	\$750	Received by Office of the Mayor

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

\*\*As per resolution of 26 September 2023. Indicates application put forward by a Councillor rather than directly to Office of the Mayor

The next Northern Beaches Council Discretionary Fund quarterly report will be provided at the ordinary Council meeting on 26 March 2024.

## RECOMMENDATION

That Council note payments totalling \$7,500 have been allocated from the Northern Beaches Council Discretionary Fund for the period 20 September 2023 to 14 December 2023.

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## REPORT

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### BACKGROUND

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

As required under the amended policy, adopted by Council on 26 September 2023 to reflect Resolution No 264/23, the maximum amount which may be allocated to an individual or community organisation is \$1,000 and only one payment can be made to an individual or community organisation within the same financial year.

All requests to the Northern Beaches Council Discretionary Fund are submitted to the Mayor, Deputy Mayor or a Councillor and the Chief Executive Officer to certify that the allocation is made in accordance with the policy and that the funds are available. In accordance with the resolution of Council of 26 September 2023, the table of this report includes the name of the Councillor who supported the request for the discretionary fund.

### TIMING

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

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life
- Community and belonging - Goal 8 Our community feels safe and supported
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community

### FINANCIAL CONSIDERATIONS

The funds allocated are provided within the existing annual budget of \$30,000 for the Northern Beaches Discretionary Fund. Total expenditure of \$14,800 is remaining. No funding will be provided outside of the allocated budget in each financial year.

### SOCIAL CONSIDERATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

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

**GOVERNANCE AND RISK CONSIDERATIONS**

Payments allocated under the Northern Beaches Council Discretionary Fund have satisfied the requirements of the Northern Beaches Council Discretionary Fund Policy. The next quarterly report will be provided at the Ordinary Council meeting on 26 March 2024.

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	CONFIRMED MINUTES OF SEPTEMBER AND OCTOBER AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2023/642549
ATTACHMENTS	1 <a href="#">⇒</a> ARIC Minutes - 12 September 2023 (Included In Attachments Booklet) 2 <a href="#">⇒</a> ARIC Minutes - 11 October 2023 (Included In Attachments Booklet)

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### SUMMARY

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#### PURPOSE

The purpose of this report is to provide the confirmed minutes of the Audit, Risk and Improvement Committee (ARIC) meetings of 12 September 2023 and 11 October 2023.

#### EXECUTIVE SUMMARY

- The 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 meetings held on 12 September 2023 and 11 October 2023 are reported to Council.

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#### RECOMMENDATION

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meetings held on 12 September 2023 and 11 October 2023.

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## REPORT

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### 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 meetings held on 12 September 2023 and 11 October 2023 are provided at Attachments 1 and 2 respectively.

### 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 the 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.

<b>ITEM 9.2</b>	<b>REVIEW AND REVOCATION OF VARIOUS POLICIES</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE &amp; RISK</b>
<b>TRIM FILE REF</b>	<b>2023/512581</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">⇒ Access to Information Policy (Included In Attachments Booklet)</a></li> <li>2 <a href="#">⇒ Amusement Devices Policy (Included In Attachments Booklet)</a></li> <li>3 <a href="#">⇒ Charity Clothing Bins Policy (Included In Attachments Booklet)</a></li> <li>4 <a href="#">⇒ Clothing Recycling Bins on Council Controlled Land Policy (Included In Attachments Booklet)</a></li> <li>5 <a href="#">⇒ Circuses Policy (Included In Attachments Booklet)</a></li> <li>6 <a href="#">⇒ Circuses Policy (Included In Attachments Booklet)</a></li> <li>7 <a href="#">⇒ Filming on Council Managed Land Policy (Included In Attachments Booklet)</a></li> <li>8 <a href="#">⇒ Gifts and Benefits Policy (Included In Attachments Booklet)</a></li> <li>9 <a href="#">⇒ Helicopter Landings on Council Owned and Controlled Property Policy (Included In Attachments Booklet)</a></li> <li>10 <a href="#">⇒ Helicopter Landings on Council owned and Controlled Property Policy (Included In Attachments Booklet)</a></li> <li>11 <a href="#">⇒ Councillor Induction and Professional Development Policy (Included In Attachments Booklet)</a></li> </ol>

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## SUMMARY

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### PURPOSE

The purpose of this report is to seek the revocation of eight policies of the former Councils, seek the revocation of two Northern Beaches Council policies and seek adoption of one Northern Beaches Council policy.

### EXECUTIVE SUMMARY

- Council's Policy Framework (Framework) outlines the strategic principles for certain corporate documents including Council policies.
- Council is progressively reviewing all corporate documents covered by the Framework.
- Ten Council policies which have been identified as no longer being required and not consistent with the Framework principles are proposed to be revoked.
- A review of the Councillor Induction and Professional Development Policy, which is based on the model policy provided by the Office of Local Government, has been undertaken.
- As a result of the review minor edits and the addition of relevant templates are proposed for Council's consideration.
- It is proposed the Councillor Induction and Professional Development Policy be adopted.

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**RECOMMENDATION**

That Council:

1. Revoke the following Council policies:
    - a. Access to Information Policy (Northern Beaches Council)
    - b. Amusement Devices Policy (former Pittwater Council)
    - c. Charity Clothing Bins Policy (former Warringah Council)
    - d. Clothing Recycling Bins on Council Controlled Land Policy (former Pittwater Council)
    - e. Circuses Policy (former Manly Council)
    - f. Circuses Policy (former Pittwater Council)
    - g. Filming on Council Managed Land Policy (former Warringah Council)
    - h. Gifts and Benefits Policy (Northern Beaches Council)
    - i. Helicopter Landings on Council Owned and Controlled Property Policy (former Pittwater Council)
    - j. Helicopter Landings on Council Owned and Controlled Property Policy (former Warringah Council).
  2. Adopt the Councillor Induction and Professional Development Policy.
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## REPORT

### BACKGROUND

Council adopted a Policy Framework (Framework) at the Ordinary Council meeting held on 28 November 2023. The Framework provides the strategic principles for all Council policies and sets out the governance arrangements for the establishment and review of Council policies and other internal facing corporate documents.

All existing Council policies and other relevant internal corporate documents are progressively being reviewed in accordance with the settings of the Framework which provide that Council policies:

- provide high level strategic direction, are linked to Council's Community Strategic Plan (CSP) and/or are required by relevant legislation and have community focus and/or significant public interest
- will, where appropriate, adopt and implement relevant model NSW Government policies which have been prepared for local government, rather than establish discrete Council policies on the same topic
- will not simply duplicate or re-state legislative requirements but, where appropriate, may expand on Council's application of legislation.

The Framework provides that Tier 1 documents (Council policies) are governed by resolution of the elected Council, and the management of Tier 2 and 3 documents are the operational responsibility of the Chief Executive Officer.

This report proposes the revocation of two Northern Beaches Council policies and eight policies of the former Councils which have been identified as no longer required under the Framework. Table 1 below provides the list of policies and rationale for revoking them.

Table 1 - Policy	Reason for revoking
Access to Information Policy (Northern Beaches)	This policy duplicates legislative requirements under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act). Council provides the community with information on how to access information under the GIPA Act via its website.
Amusement Devices Policy (Former Pittwater)	This policy duplicates legislative requirements including those that govern the use of open space under the <i>Local Government Act 1993</i> .
Charity Clothing Bins Policy (former Warringah)	This policy duplicates legislative requirements that govern the use of open space such as the <i>Local Government Act 1993</i> and regulations and relevant plans of management.
Clothing Recycling Bins on Council Controlled Land Policy (former Pittwater)	This policy duplicates legislative requirements that govern the use of open space such as the <i>Local Government Act 1993</i> and regulations and relevant plans of management.
Circuses Policy (former Pittwater)	<p>This policy duplicates legislative requirements that govern exhibitors provided for in the <i>Exhibited Animals Protection Act 1986</i> and <i>Exhibited Animals Protection Regulation 2021</i>. The NSW Department of Primary Industries is the regulator of circuses in NSW. More information is available on the Department of Primary Industries' website.</p> <p>This policy also duplicates legislative requirements that govern the use of open space such as the <i>Local Government Act 1993</i> and regulations and relevant plans of management.</p>



Table 1 - Policy	Reason for revoking
Circuses Policy (former Manly)	<p>This policy duplicates legislative requirements that govern exhibitors provided for in the <i>Exhibited Animals Protection Act 1986</i> and <i>Exhibited Animals Protection Regulation 2021</i>. The NSW Department of Primary Industries is the regulator of circuses in NSW. More information is available on the Department of Primary Industries' website.</p> <p>This policy also duplicates legislative requirements that govern the use of open space such as the <i>Local Government Act 1993</i> and regulations and relevant plans of management.</p>
Filming on Council Managed Land Policy (former Warringah)	This policy duplicates legislative requirements that govern the use of open space such as the <i>Local Government Act 1993</i> and regulations. Council provides information for the community on its website.
Gifts and Benefits Policy (Northern Beaches)	This policy duplicates the settings in the Northern Beaches Code of Conduct. There is also detailed operational guidance and information for staff and Councillors on how to manage and report gifts and benefits through Council's Disclosures App.
Helicopter Landings on Council Owned and Controlled Property Policy (former Pittwater)	This policy duplicates legislative requirements that govern the use of open space such as the <i>Local Government Act 1993</i> and regulations and relevant plans of management.
Helicopter Landings on Council Owned and Controlled Property Policy (former Warringah)	This policy duplicates legislative requirements that govern the use of open space such as the <i>Local Government Act 1993</i> and regulations and relevant plans of management.

Table 2 below contains a policy that has been reviewed and is considered fit for purpose and is recommended to be adopted with the minor changes highlighted in the attachment 11.

Table 2 - Policy	Comments following review
Councillor Induction and Professional Development Policy	<p>This policy is based on the model policy contained within the Office of Local Government's Councillor Induction and Professional Development Guidelines.</p> <p>Minor changes are proposed as highlighted in the attached. These changes include template documents that have been added as an appendix to the policy which are based on the NSW Government's capability framework for councillors. The next review is scheduled for the next term of Council in December 2027.</p>

## CONSULTATION

While Council encourages involvement by the community in developing and reviewing its policies, the public exhibition of the Councillor Induction and Professional Development Policy is not considered necessary as it is based on the model policy from the Office of Local Government. Public exhibition of is not considered necessary in relation to the policies proposed for revocation.

## 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 do not result in any change to the existing Council budget.

**SOCIAL CONSIDERATIONS**

Policies are an important tool for Council to communicate its strategic direction to the community and provide visibility of the governance framework in line with Council's key Community Strategic Plan outcome of Good Governance.

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental impacts to consider in respect of policies which are proposed to be revoked as the policy impact areas will continue to be addressed through existing operational guidance or relevant legislation.

**GOVERNANCE AND RISK CONSIDERATIONS**

The recommendations of this report are in line with the Framework.

The Framework provides for an improved governance outcome for the management of Council policies. There are no adverse risks associated with the revocation of these policies, as the policy impact areas continue to be managed under legislative provisions and in accordance with operational and procedural guidance.

Council has been progressively harmonising its policy environment. The Local Government (Council Amalgamations) Proclamation 2016 operates so that the policies of the three former councils (Manly, Warringah and Pittwater) remain in effect until Council adopts a new policy or the former policy is revoked.

<b>ITEM 9.3</b>	<b>MONTHLY INVESTMENT REPORT - OCTOBER 2023</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2023/485387</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### 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* (Act).

#### EXECUTIVE SUMMARY

- In accordance with section 212 of the Local Government (General) Regulation 2021 (Regulation), the Responsible Accounting Officer must provide Council with a written report on a monthly basis setting out details of all money that the 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 October 2023, Council had total cash and investments of \$213,097,673 comprising:

Trading Accounts	\$4,550,819
Investments	\$208,546,854
- The portfolio achieved a return of 0.432% for the month of October, which was 0.102% above the benchmark AusBond Bank Bill Index return of 0.33%.
- The weighted average interest rate of the portfolio at month end is 5.08% compared to 5.00% for the prior month.
- Total investment income for October was \$935,396 compared to budgeted income for the month of \$577,817. Year to date income is \$3,362,746 compared to budget of \$2,211,348.

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#### RECOMMENDATION

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

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## REPORT

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### BACKGROUND

In accordance with section 212 of the Local Government (General) Regulation 2021 (Regulation), 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 *Local Government Act 1993*, the Regulation 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 \$3,362,746 compared to budgeted income of \$2,211,348, a positive variance of \$1,151,398.

### SOCIAL CONSIDERATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

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

### GOVERNANCE AND RISK CONSIDERATIONS

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

Council's Investment Strategy was reviewed in August 2023 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".

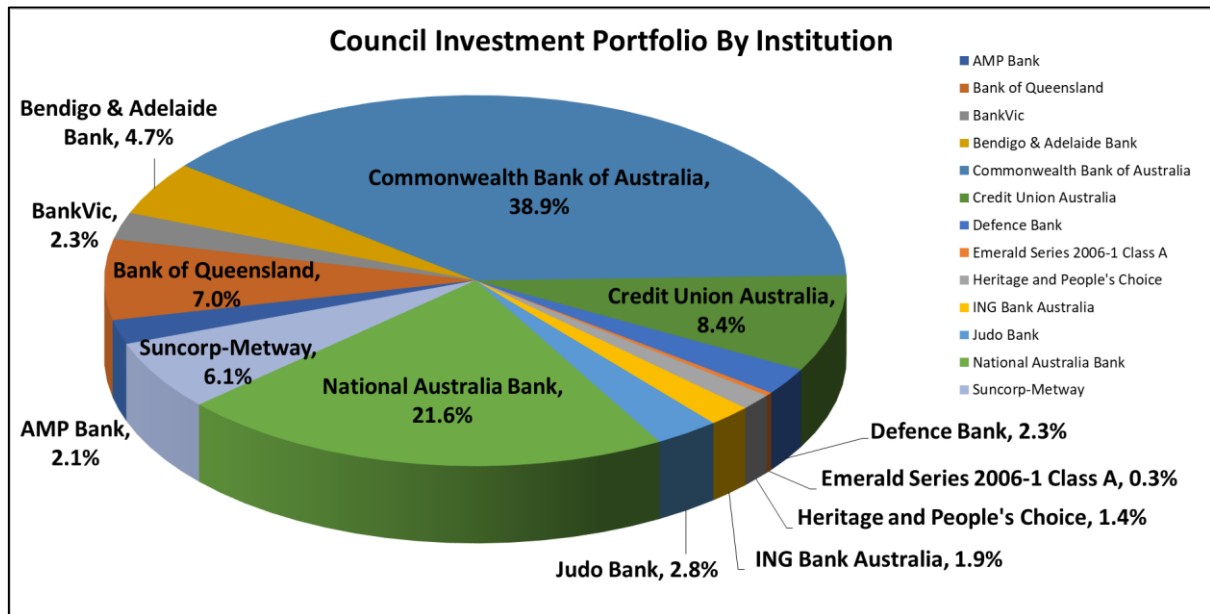
## Investment Balances

INVESTMENT BALANCES					
As at 31-Oct-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
<b>Trading Accounts</b>					
Commonwealth Bank of Australia Ltd	A1+	2,842,095			4.15%
National Australia Bank Ltd	A1+	7,331			4.10%
		<b>2,849,426</b>			
<b>At Call Accounts</b>					
Commonwealth Bank of Australia Ltd	A1+	1,242,354		At Call	4.15%
		<b>1,242,354</b>			
<b>Mortgage Backed Securities</b>					
Emerald Series 2006-1 Class A	A*	652,250	17-Jul-06	21-Aug-51	4.5943%
		<b>652,250</b>			
<b>Term Deposits</b>					
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%
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%

INVESTMENT BALANCES					
As at 31-Oct-2023					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
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	5.11%
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%
BankVic	A2	2,000,000	05-Sep-23	28-May-24	5.11%
National Australia Bank Ltd	A1+	3,000,000	29-Aug-23	04-Jun-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	06-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	11-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	13-Jun-24	5.15%
National Australia Bank Ltd	A1+	3,000,000	05-Sep-23	18-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	12-Sep-23	20-Jun-24	5.12%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	25-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	12-Oct-23	25-Jun-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	12-Sep-23	25-Jun-24	5.12%
National Australia Bank Ltd	A1+	2,000,000	12-Sep-23	27-Jun-24	5.12%
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	02-Jul-24	5.15%
Suncorp-Metway Ltd	A1	2,000,000	12-Oct-23	04-Jul-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	09-Jul-24	5.18%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	11-Jul-24	5.18%
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%
Suncorp-Metway Ltd	A1	2,000,000	31-Oct-23	15-Aug-24	5.42%
Suncorp-Metway Ltd	A1	3,000,000	31-Oct-23	27-Aug-24	5.42%
National Australia Bank Ltd	A1+	3,000,000	12-Sep-23	10-Sep-24	5.20%
		185,500,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,701,393			4.05%
		1,701,393			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	273,858		At Call	4.10%
Commonwealth Bank of Australia Ltd	A1+	1,282,036		At Call	4.10%
		1,555,893			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Aug-23	01-Nov-23	4.85%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	02-Sep-23	06-Nov-23	4.42%
Commonwealth Bank of Australia Ltd	A1+	1,500,000	04-May-23	04-Dec-23	4.43%
Commonwealth Bank of Australia Ltd	A1+	16,096,356	28-Aug-23	28-Aug-24	5.41%
		19,596,356			
Total Cash and Investments		213,097,673			

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

## Portfolio Analysis



## Institutional Credit Framework – Compliance with Investment Policy Requirements

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

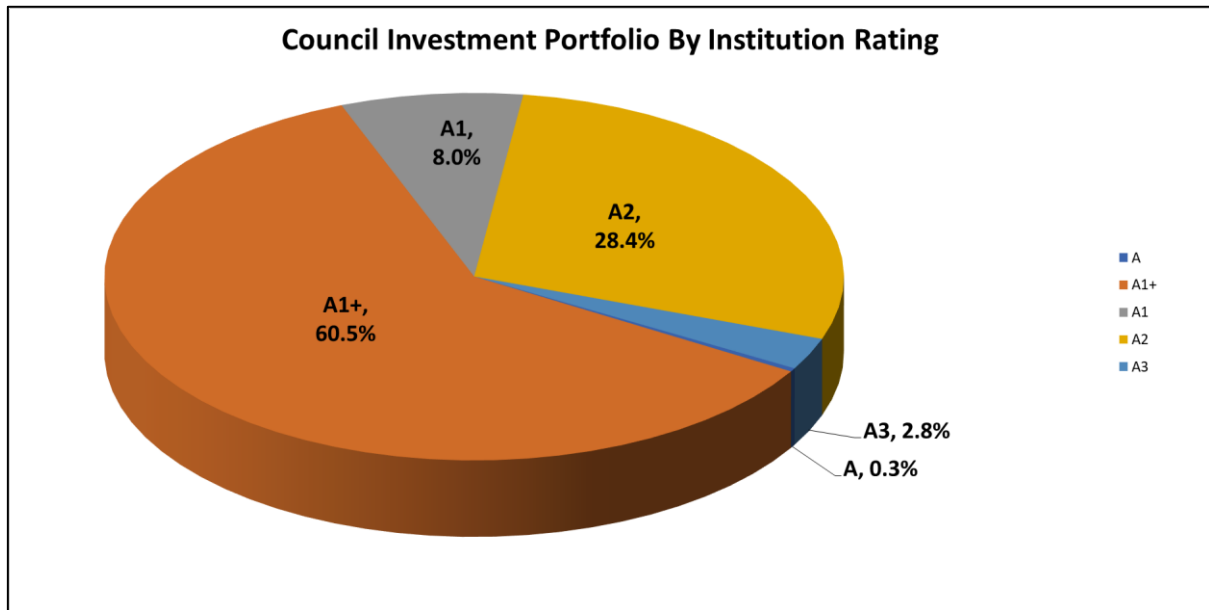
S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-			
A+	A-1	40%	Yes
A			
A-			
BBB+	A-2	30%	Yes
BBB			
BBB-			
Unrated**TCorp Funds	Unrated**	5%	Yes (\$Nil)
Unrated***ADIs	Unrated***	\$250,000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

\* Or Moody's / Fitch equivalents

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

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





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

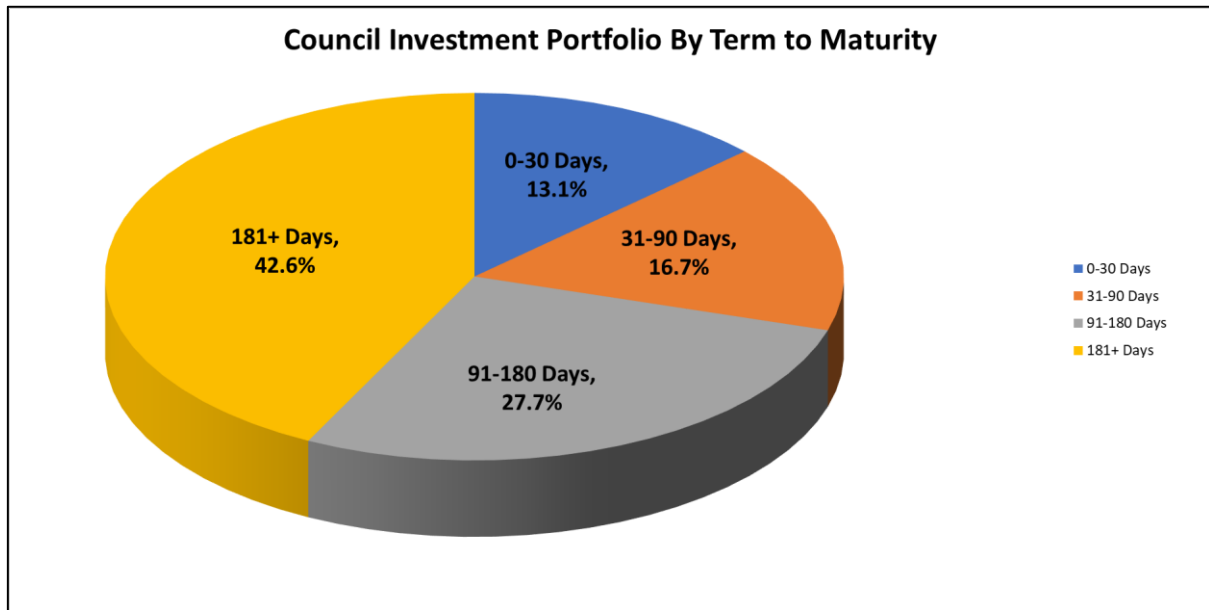
Clause 4.2.1 of Council's Investment Policy requires that the total percentage exposure within the market to any particular credit rating category be limited, as detailed in the table below:

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.

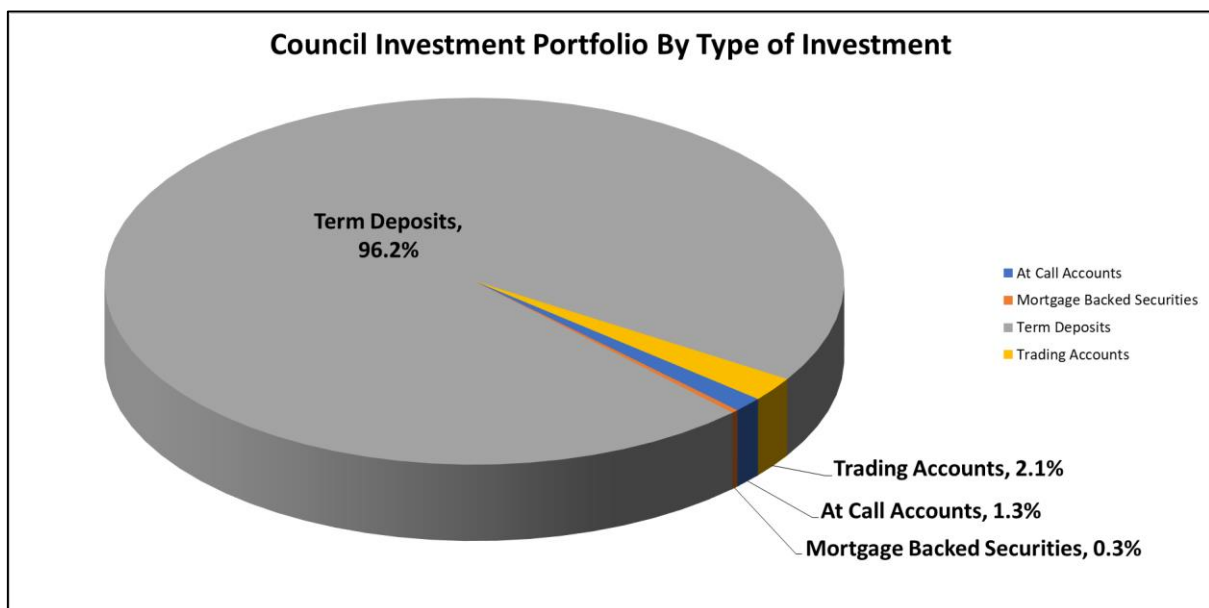




### Term to Maturity Framework – Compliance with Investment Policy Requirements

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	0.432%	0.33%
3 Months	1.260%	1.04%
FYTD	1.662%	1.42%
12 Months	4.403%	3.66%

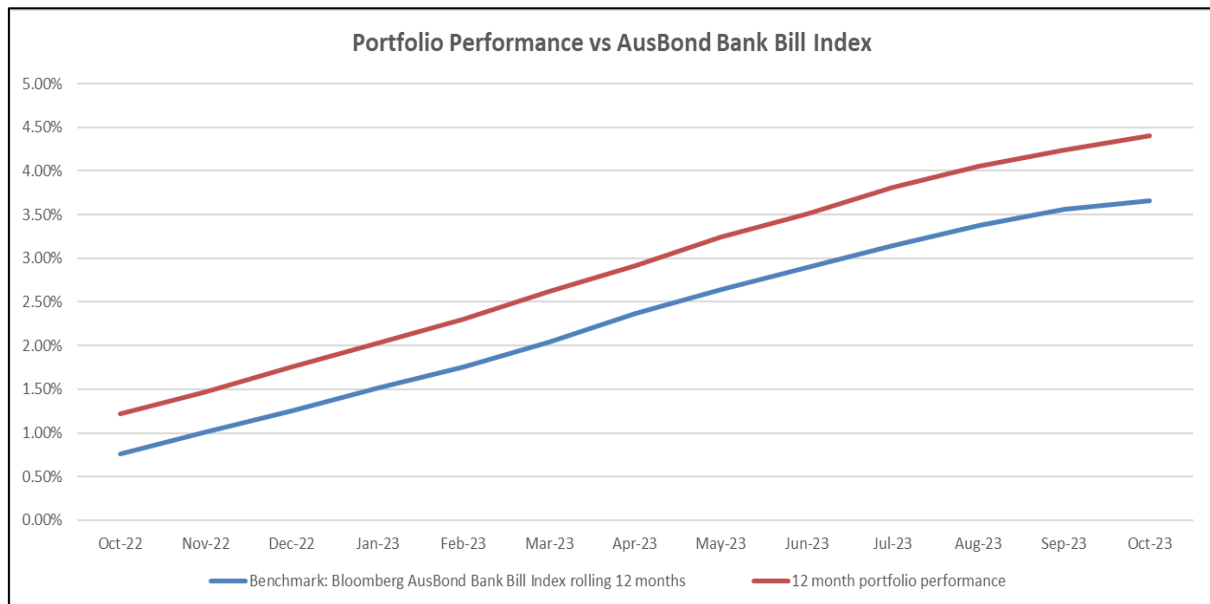
\* Excludes trading account balances

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 0.432% for the month of October which was 0.102% above the benchmark AusBond Bank Bill Index return of 0.33%. For the past 12 months the portfolio achieved a return of 4.403% which was 0.743% above the benchmark AusBond Bank Bill Index return of 3.66%.



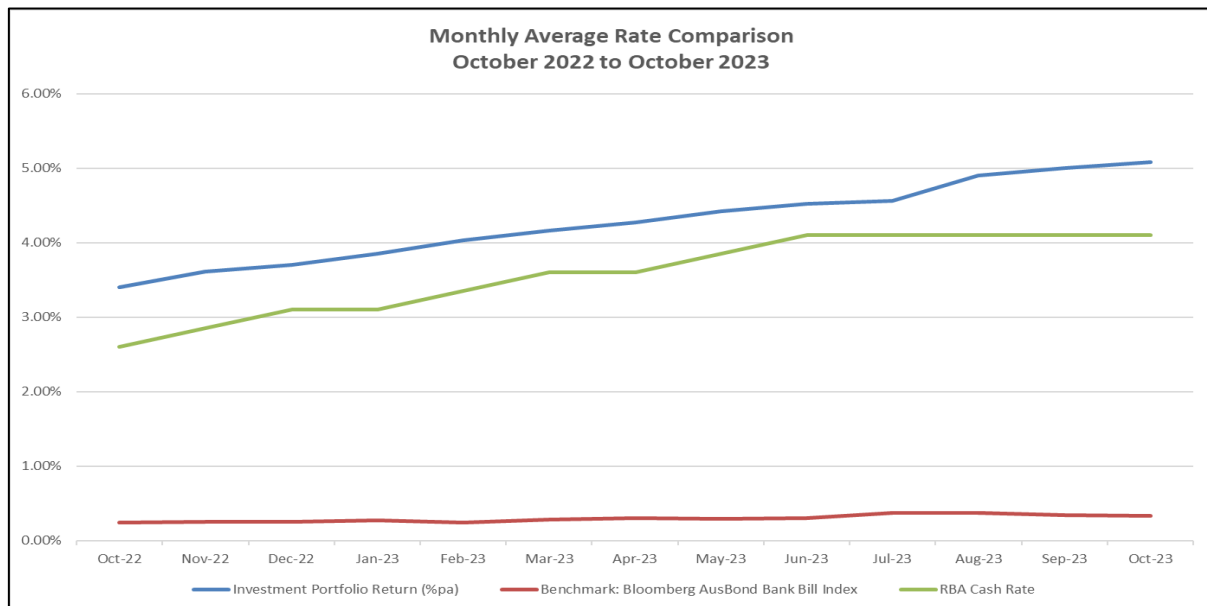
**b) Portfolio Interest Rate vs Benchmarks**

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	5.08%	0.33%	4.10%
3 Months	4.99%	0.35%	4.10%
6 Months	4.75%	0.33%	4.06%
FYTD	4.89%	0.35%	4.10%
12 Months	4.34%	0.30%	3.66%

\* 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 5.08% compared to 5.00% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 4.34% compared to the average Ausbond Bank Bill movement of 0.30% and the average Reserve Bank of Australia Cash Rate of 3.66%.

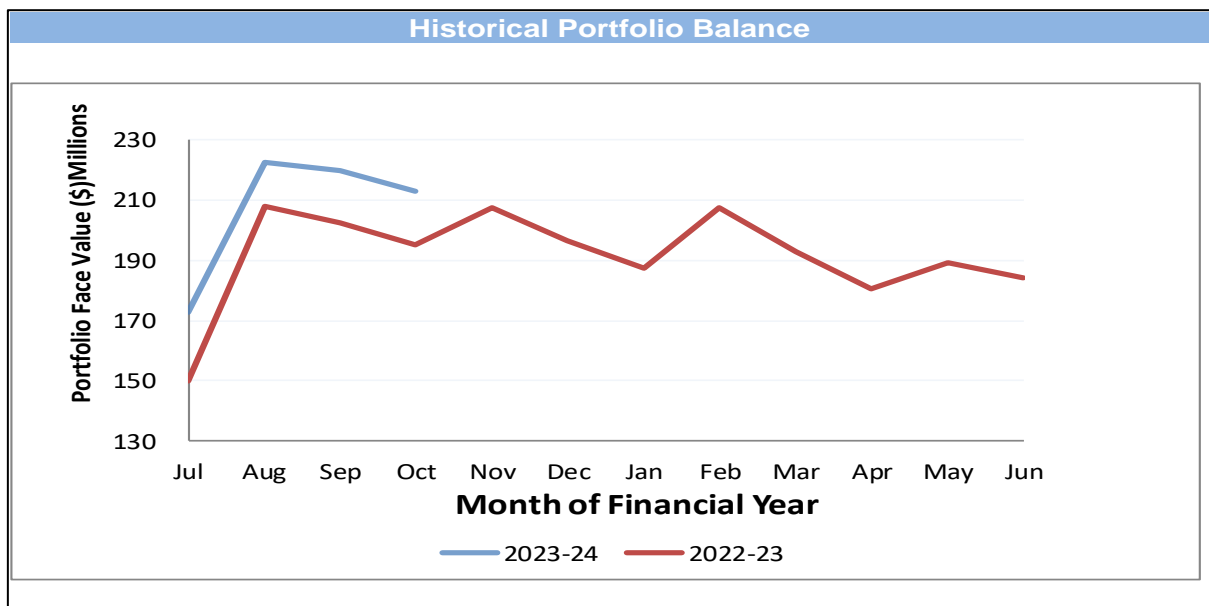


### Monthly Investment Income\* vs Budget

	Oct 2023 \$	Year to Date \$
Investment Income	935,390	3,356,186
Adjustment for Fair Value	6	6,560
Total Investment Income	935,396	3,362,746
Budgeted Income	577,817	2,211,348

\*Includes all cash and investment holdings

Historical Portfolio Balance		
	2023-24	2022-23
<b>Jul</b>	172,792,796	150,084,380
<b>Aug</b>	222,700,387	207,972,249
<b>Sep</b>	220,000,804	202,385,068
<b>Oct</b>	213,097,673	195,360,642
<b>Nov</b>		207,563,253
<b>Dec</b>		196,306,324
<b>Jan</b>		187,257,340
<b>Feb</b>		207,336,465
<b>Mar</b>		192,847,150
<b>Apr</b>		180,536,376
<b>May</b>		188,995,234
<b>Jun</b>		184,295,641
<b>Average Portfolio Balance</b>	207,147,915	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 generally 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 September 2023 total cash & investments were \$ 220,000,804 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	58,251,405	26.48%
Internally Restricted	88,493,612	40.22%
Total Restricted	146,745,017	66.70%
Unrestricted	73,255,787	33.30%
Total	220,000,804	100.00%

## ECONOMIC NOTES

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

Continued inflation pressures and military actions set a dour tone with equities, credit and government bonds all recording losses. Equities declined in emerging markets (-4.0%), Australia (-3.8%), China (-3.2%), Japan (-3.2%), Europe (-2.7%) and the US (-2.2%). Credit spreads rose across investment grade, high yield and emerging markets. Commodity prices were again mixed with gains for US natural gas (22.2%), gold (7.3%) and iron ore (2.2%), and losses for copper (-2.4%) and US oil (-10.8%).

Government bond yields rose in the US, the UK, Japan, and Australia, but mostly fell in Europe. Inflation continues to decline in the US and Europe, but concerns remain over whether it will become stuck above target levels due to higher wages, energy prices and housing costs. Australia's higher than expected quarterly inflation reading leaves it falling behind peers in the inflation battle, with Australia's rapid population growth a key reason for the divergence. The US ten-year yield jumped from 4.57% to 4.94% and the Australian equivalent leapt from 4.48% to 4.92%.

Investors are finally starting to grapple with the impact of higher interest rates on highly indebted countries, with interest a rapidly growing share of government expenditure. Europe and Japan have the added problems of minimal economic growth and poor demographics. When faced with the politically painful choices of cutting government spending or raising taxes, more governments are likely to choose monetary debasement or default.

The RBA left the cash rate unchanged at 4.10% at its early October policy meeting. It was another close call between leaving the rate unchanged or hiking according to the minutes of the meeting. New RBA Governor Michelle Bullock has made it plain that there is a risk that the cash rate may need to lift further, but contingent on a material lift in the RBA's inflation forecasts. Governor Bullock has made it clear that the RBA Board has a low tolerance for inflation staying higher for longer than indicated in its August forecasts. While recent retail sales readings (0.2% m-o-m in August) and employment growth numbers (up only 6,700) imply some slowing in growth that could help to contain inflation, the latest Q3 CPI report shows that inflation is too high at 1.2% q-o-q, 5.4% y-o-y and that it is being driven by domestic factors (non-tradables inflation 6.2% y-o-y in Q3) and stickily high service prices, 5.8% y-o-y in Q3. As a result of the high Q3 inflation reading and its worrying components the RBA is likely to revise upwards its inflation forecasts in November and that implies the need for the cash rate to lift in November by 25bps to 4.35% and probably by another 25bps in December to 4.60%. Continuing upward pressure on interest rates overseas and at home has seen bond yields rise around 30bps through November to around 4.35% for the 2-year bond and 4.80% for the 10-year bond. The revised cash rate outlook after the high Q3 CPI report implies that bond yields may push up further over the turn of the year before peaking probably in Q1 2024.

In terms of the yield curve, markets are building in the possibility of more Australian cash rate hikes after the Q3 CPI report. Short-term bond yields should lift more than long-term bond yields over the next month or two flattening the curve and possibly developing an inverse shape early in 2024. Higher forecast cash rate implies a higher risk of weak Australian growth bordering recession in the first half of 2024. It is likely that long bond yields will start to fall in the first half of 2024, but from a peak yield early in the year above 5.00%.

The RBA kept rates on hold at 4.10% in October, however, a tightening bias remains. This was the first meeting under new governor Michelle Bullock, and the fourth month in a row that there has been no change to the cash target rate however, the minutes reflected that it was another close call. Whilst retail sales and employment growth numbers imply slowing growth, the latest CPI report shows that inflation is still too high.

As expected by many economists the RBA increased the cash rate by 25-basis points in November to 4.35%.

<b>ITEM 9.4</b>	<b>CODE OF CONDUCT COMPLAINT STATISTICS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER INTERNAL AUDIT &amp; COMPLAINTS RESOLUTION</b>
<b>TRIM FILE REF</b>	<b>2023/751662</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**SUMMARY**

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**PURPOSE**

The purpose of this report is to provide Council with Code of Conduct complaint statistics for the period 1 September 2022 to 31 August 2023.

**EXECUTIVE SUMMARY**

- Council is required under Part 11 - Reporting statistics on Code of Conduct complaints about Councillors and the CEO of the Procedures for the Administration of the Code of Conduct (Procedures), to report Code of Conduct Complaint statistics to Council and the Office of Local Government (OLG) by 31 December 2023.
- During this reporting period three Code of Conduct complaints were received.
- One complaint did not proceed to investigation and two proceeded to investigation.
- Of the two complaints that proceeded to investigation, one has not been substantiated, and the other remains open.

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**RECOMMENDATION**

That Council note the Code of Conduct complaint statistics about Councillors and the Chief Executive Officer for the period 1 September 2022 to 31 August 2023 in accordance with the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

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## REPORT

### BACKGROUND

Council is required to report Code of Conduct Complaint statistics to Council and the Office of Local Government (OLG) by 31 December 2023.

Part 11 - Reporting statistics on Code of Conduct complaints about Councillors and the Chief Executive Officer (CEO) of the Procedures for the Administration of the Code of Conduct (Procedures) sets out the following requirements:

11.1 *The complaints coordinator must arrange for the following statistics to be reported to Council within 3 months of the end of September of each year:*

- a) *the total number of code of conduct complaints made about councillors and the CEO under the code of conduct in the year to September (the reporting period)*
- b) *the number of code of conduct complaints referred to a conduct reviewer during the reporting period*
- c) *the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints*
- d) *the number of code of conduct complaints investigated by a conduct reviewer during the reporting period*
- e) *without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period*
- f) *the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and*
- g) *the total cost of dealing with code of conduct complaints made about councillors and the CEO during the reporting period, including staff costs.*

11.2 *Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September each year.*

The OLG has a template reporting form which includes these and other matters.

The following summary outlines the Code of Conduct complaint statistics for Councillors and the Chief Executive Officer (CEO) for the period 1 September 2022 to 31 August 2023 using the template provided by the OLG:

Number of Complaints	
1a. The total number of complaints received in the period about councillors and the CEO under the code of conduct	3
1b. The total number of complaints finalised in the period about councillors and the CEO under the code of conduct	2
Overview of Complaints and Cost	
2a. The number of complaints finalised at the outset by alternative means by the CEO or Mayor	0
2b. The number of complaints referred to the OLG under a special complaints management arrangement	0
2c. The number of code of conduct complaints referred to a conduct reviewer	3

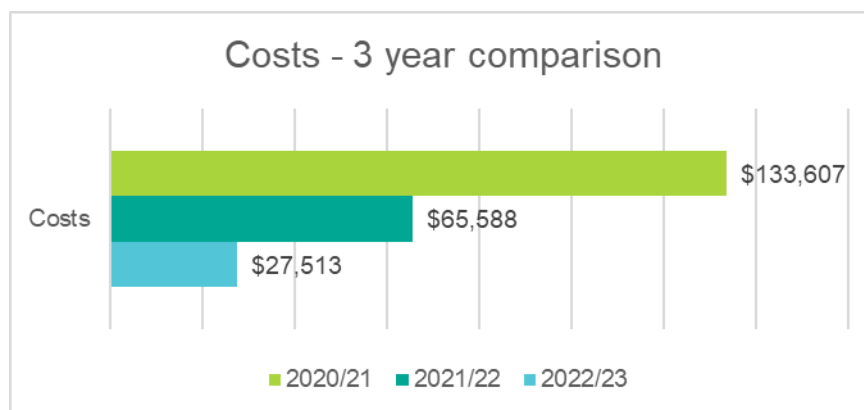


2d. The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
2e. The number of code of conduct complaints referred back to CEO or Mayor for resolution after preliminary assessment by conduct reviewer	0
2f. The number of finalised code of conduct complaints investigated by a conduct reviewer	1
2g. The number of finalised complaints investigated where there was found to be no breach	1
2h. The number of finalised complaints investigated where there was found to be a breach	0
2i. The number of complaints referred by the CEO or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
2j. The number of complaints being investigated that are not yet finalised	1
2k. The total cost of dealing with code of conduct complaints within the period made about councillors and the CEO including staff costs	\$27,513
<b>Preliminary Assessment Statistics</b>	
3. The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
3a. To take no action (clause 6.13(a) of the Procedures)	1
3b. To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the Procedures)	0
3c. To refer the matter back to the CEO or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the Procedures)	0
3d. To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the Procedures)	0
3e. To investigate the matter (clause 6.13(e) of the Procedures)	2
<b>Investigation Statistics</b>	
4. The number of investigated complaints resulting in a determination that there was no breach, in which the following recommendations were made:	
4a. That the council revise its policies or procedures	0
4b. That a person or persons undertake training or other education (clause 7.40 of the Procedures)	0
5. The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
5a. That the council revise any of its policies or procedures (clause 7.39 of the Procedures)	0
5b. In the case of a breach by the CEO, that action be taken under the CEO's contract for the breach (clause 7.37(a) of the Procedures)	0
5c. In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the <i>Local Government Act 1993</i> (clause 7.37(b) of the Procedures)	0
5d. In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the <i>Local Government Act</i>	0

1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the Procedures)	
6. Matter referred or resolved after commencement of an investigation (clause 7.20 of the Procedures)	0
<b>Categories of misconduct</b>	
7. The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
7a. General conduct (Part 3)	0
7b. Non-pecuniary conflict of interest (Part 5)	0
7c. Personal benefit (Part 6)	0
7d. Relationship between council officials (Part 7)	0
7e. Access to information and resources (Part 8)	0
<b>Outcome of determinations</b>	
8. The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewer's recommendation	0
9. The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG	0

In total, three Code of Conduct complaints were received in the reporting period. One complaint did not proceed to investigation and two proceeded to investigation. Of the two complaints that proceeded to investigation, one has not been substantiated, and the other remains open.

The total cost (including staff and conduct reviewer costs) for this reporting period is \$27,513. A comparison of the current and previous years costs is provided in the chart below:



## 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 for the investigation of Code of Conduct complaints is included in existing budgets.

**SOCIAL CONSIDERATIONS**

There are no social impacts in relation to this report.

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental impacts in relation to this report.

**GOVERNANCE AND RISK CONSIDERATIONS**

The Code of Conduct sets the minimum standards of conduct for all Council officials as prescribed by regulation. Reporting statistics on Code of Conduct complaints is a requirement under Part 11 of the Procedures.

## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	OUTCOME OF PUBLIC EXHIBITION - MIDGET FARRELLY RECOGNITION PROJECT
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2023/772441
ATTACHMENTS	1 <a href="#">Community Engagement Report - Midget Farrelly Recognition Project, Palm Beach (Included In Attachments Booklet)</a>

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### SUMMARY

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#### PURPOSE

The purpose of this report is to update Councillors on the outcome of the public exhibition of the proposed Palm Beach public art project to recognise Midget Farrelly, the first world surfing champion.

#### EXECUTIVE SUMMARY

- The Midget Farrelly Recognition project was endorsed by Council in July 2021.
- The Midget Farrelly Recognition Committee (Recognition Committee) has raised \$56,030 for an artwork to commemorate Midget Farrelly in Palm Beach.
- The Recognition Committee has identified Black Rock on Ocean Road, Palm Beach, as the preferred site for a relief rock carving.
- Community and stakeholder engagement for the proposed artwork to recognise Midget Farrelly was conducted between 27 July and 24 August 2023 and received 101 responses.
- Community feedback indicated a high level of support for the commemoration of Midget Farrelly in Palm Beach.
- Many community members, whilst supportive of the idea of commemorating Midget Farrelly, did not feel that a relief carving on Black Rock was an appropriate form of recognition.
- It is recommended that Council endorse the concept of a petroglyph carving (created by incising, picking, carving or abrading part of the rock surface) on Black Rock, Ocean Road Palm Beach.

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#### RECOMMENDATION

That Council endorse the recommendation of the Midget Farrelly Recognition Committee to install a public artwork on Black Rock at Palm Beach.

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## REPORT

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### BACKGROUND

The Midget Farrelly Recognition Committee (Recognition Committee) contacted Council with an idea to recognise Midget Farrelly in Palm Beach and presented its proposal to the Public Art Working Group in June 2021.

In July 2021, Council noted the minutes of the Public Art Working Group, which recommended that the Recognition Committee commission a sculpture that represented Midget's style, fluidity, and grace, contingent on the project receiving confirmed family support and that all funds were donated to Council to cover project costs.

The Public Art Working Group proposed the following process, as minuted at the meeting on 3 June 2021:

1. *The Organising Committee prepare a business plan for the project, including details of the fundraising strategy and timeline; and confirm family support and key financial pledges in writing as soon as possible.*
2. *With Council approval, the Organising Committee raise funds to be donated to the Manly Art Gallery & Museum, with funds restricted for the project. It was agreed that fundraising must be completed before an artwork is commissioned, with no funds to be provided by Council.*
3. *Organising Committee representatives work with Council staff to compose an Artist Brief when fundraising is completed. The amount of funding raised would determine the scope of the artwork. The Brief should invite broad interpretations of the subject, including conceptual and / or literal approaches.*
4. *Council staff would call for Expressions of Interest to design, fabricate and install the work.*
5. *The commission would be advertised to members of the Public Art Artist Panel and other Australian artists.*
6. *The artwork is selected by the Public Art Selection Panel or by an internal selection panel comprised of Council staff with expertise in public art and members of the Midget Farrelly Recognition Organising Committee, determined as per the project budget.*

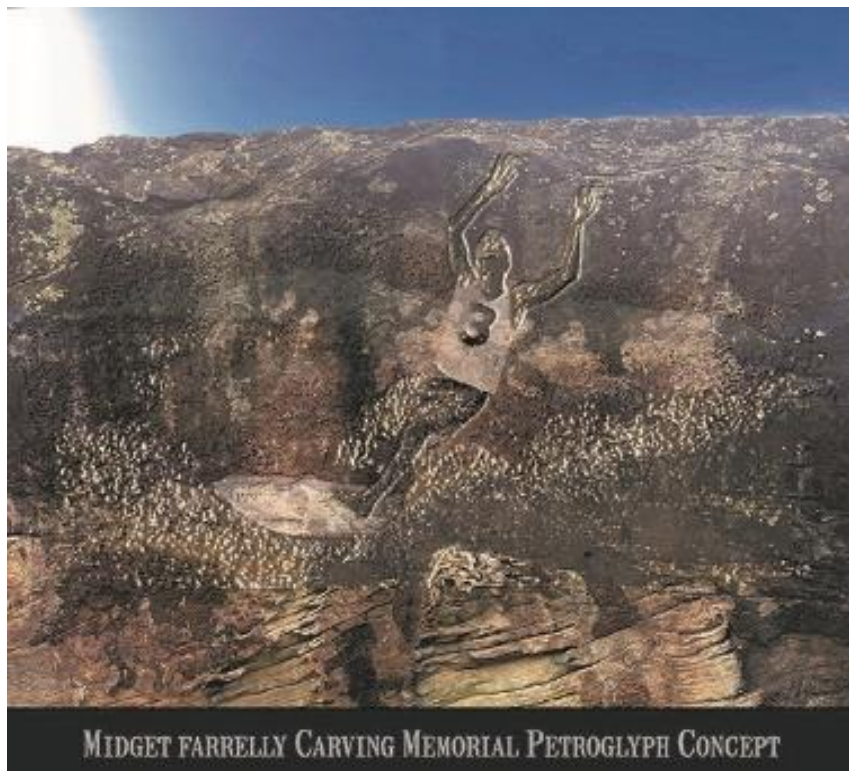
*It was noted that the sculpture would be in a prominent location, and that consultation with local Aboriginal communities and other local communities should be taken into account.*

The Recognition Committee has since raised \$56,030 for the project, that is held in the Manly Art Gallery and Museum Gift Fund.

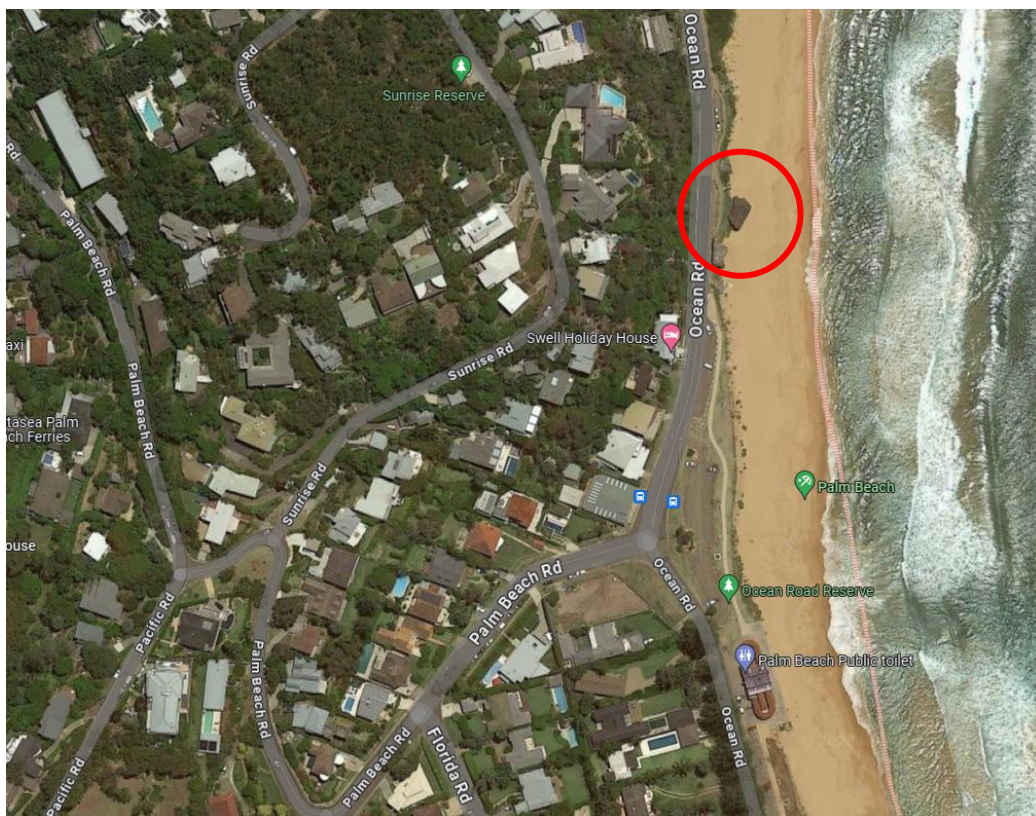
During the fundraising process, the Recognition Committee considered the most appropriate form of recognition for Midget Farrelly and felt that a free-standing sculpture was not conducive to the Palm Beach area or Midget Farrelly's character and may present safety issues.

The Recognition Committee then developed an alternate form of commemoration: a petroglyph carved on Black Rock, on Ocean Road at Palm Beach. The Recognition Committee propose that the installation would take place over several months as a community-building activity.





Proposed artwork concept provided by the Recognition Committee



Location of Black Rock on Ocean Road, Palm Beach

## CONSULTATION

The Recognition Committee commenced community and stakeholder engagement for the project in 2022 with local community groups and residents, with these discussions ongoing.

Council undertook a community engagement process on Your Say Northern Beaches from 27 July to 24 August 2023, providing opportunities for the community and stakeholders to contribute feedback on the revised concept on Black Rock, Palm Beach. The formal engagement process was promoted via a local area letterbox drop and on Council's website.

Council received 101 responses and the feedback indicated a high level of support for the proposed commemoration of Midget Farrelly in Palm Beach, with comments citing his contributions to the community and surfing culture. Feedback also indicated that many community members, whilst supportive of the idea of commemorating Midget Farrelly, did not feel that a permanent relief carving on Black Rock was an appropriate form of recognition.

Staff wrote to the Metropolitan Aboriginal Land Council on 3 August 2023 to advise of the project and seek feedback. No response has been received to date. Staff and the Recognition Committee also consulted with the Aboriginal Heritage Office (AHO) regarding the use of Black Rock as a site for the artwork and were advised by the AHO that there are no issues from a First Nations perspective.

## TIMING

If supported, an Expressions of Interest for artists will be advertised by Council in early 2024, with the project anticipated to be completed in 2024.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

## FINANCIAL CONSIDERATIONS

The Recognition Committee has raised \$56,030, which is sufficient funding for the proposed petroglyph project. The funds are held in the Manly Art Gallery and Museum Gift Fund.

There will be no financial impact on Council's budget.

## SOCIAL CONSIDERATIONS

This project recognises the contributions of a Northern Beaches resident to the development of Australian and international surfing culture.

Midget Farrelly was a world-renowned surfer and Northern Beaches resident. Born on 13 September 1944, he lived in Palm Beach for 54 years and he surfed there almost every day. His wife Beverlie continues to live in the family home. Most mornings and some evenings, Midget could be seen in the surf on one of his many short or Malibu surfboards, or his bike along the beachfront.

He was involved with the Palm Beach and Whale Beach Surf Lifesaving Clubs for over 20 years as an accomplished sweep and trainer of younger rowers. He started his first surfboard business in Palm Beach at the age of 18 years.

Midget Farrelly was the first Australian to win a major surfing title, the 1962 Makaha International Surfing Championships, the unofficial world surfing championship of the day. In 1964 he won the inaugural World Surfing Championship at Manly Beach in Sydney.

**ENVIRONMENTAL CONSIDERATIONS**

Council's Coast and Catchments team has advised that the proposal poses no issues from a coastal process perspective.

The proposal is Exempt Development under the provision of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**GOVERNANCE AND RISK CONSIDERATIONS**

Risks during the installation of the artwork will be managed by Council's Arts and Culture, Parks, and Traffic Management teams. Following installation, other risks such as graffiti will be addressed in accordance with the established processes for Council assets.

The work will be commissioned in accordance with Council's Procurement Policy and procedures. An Artist Brief will be developed and approved by the Recognition Committee.

If approved, an Expression of Interest process will commence in February 2024 for suitably qualified artists/designers to undertake the project, with the Recognition Committee participating in the selection process.



## 11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	WAKEHURST PARKWAY FLOOD MITIGATION PROJECT
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2022/688383
ATTACHMENTS	1 <a href="#">⇒</a> Correspondence from Transport for NSW - Approval of Funding Tranche 1 & 2 (Included In Attachments Booklet)

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### SUMMARY

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#### PURPOSE

The purpose of this report is to provide an update on the progress of the Wakehurst Parkway Flood Mitigation Project (Council Project), and seek endorsement to accept a further funding offer and progress the next stages of the project.

#### EXECUTIVE SUMMARY

- The Council Project includes the investigation, design and construction of works to reduce the frequent flooding of the Parkway at three main locations; Oxford Falls (Oxford Falls on Wakehurst Parkway, and Oxford Falls Road West), The Bends, and the Sydney Academy of Sport.
- Council has progressed designs and environmental approval documentation for Oxford Falls which will achieve the anticipated level of flood benefit, and has revised the options for The Bends to reduce environmental impact while potentially increasing the flood benefit. Community consultation will be undertaken for both in early 2024.
- A further offer from Transport for NSW (Transport), Tranche 2, has been received and is proposed to be accepted, bringing the funding for the project to \$31.1 million of NSW Government monies.
- The Transport Wakehurst Parkway Improvements Project (Transport Project) has had a number of implications for the Council Project, which are being resolved, including Transport now taking over the delivery of flood works at Oxford Falls on Wakehurst Parkway using \$7.108 million of Council Project funds.
- This report seeks Council's endorsement to accept the Tranche 2 funding offer, and progress the Council Project at Oxford Falls Road West, The Bends and Sydney Academy of Sport sites.

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**RECOMMENDATION**

That Council:

1. Note the investment in safety, traffic and flood improvements that has now been committed to Wakehurst Parkway.
  2. Note that Transport for NSW has agreed to incorporate flood improvements and associated approvals at Oxford Falls on Wakehurst Parkway into its Wakehurst Parkway Improvements project, utilising \$7.108 million of Tranche 2 project funding.
  3. Accept the Transport for NSW Tranche 2 funding offer of the remaining \$5.892 million subject to relevant approvals being granted, and ongoing funding support from the NSW Government.
  4. Progress the detailed design, approvals and procurement for the Oxford Falls Road West flood improvement works, including community consultation.
  5. Progress the alternative design at The Bends including concept designs, identification of likely environmental approvals and community consultation.
  6. Progress the detailed design, approvals and procurement for the Sydney Academy of Sport flood improvement works.
  7. Note that progress will depend on relevant approvals from government agencies, statutory approvals, and acceptable funding arrangements with Transport for NSW and the NSW Office of Local Government.
  8. Staff provide quarterly updates to Councillors and the community on progress of the integrated Transport for NSW and Council packages of work.
-

## REPORT

### BACKGROUND

The Wakehurst Parkway Frequent Flood Mitigation Project (Council Project) includes the investigation, design and construction of works to reduce the more frequent flooding of the Wakehurst Parkway (Parkway).

The Parkway is a major arterial road which provides an important road connection on the Northern Beaches. Flooding from Middle Creek and its tributaries results in frequent inundation of the Parkway, causing the road to close six to seven times per year on average. Three main locations are frequently flooded; Oxford Falls (incorporating 2 sites - Oxford Falls on Wakehurst Parkway and Oxford Falls Road West), The Bends and the Sydney Academy of Sport (refer to Figure 1).

In December 2017, Council was offered \$5 million in funding from the NSW Office of Local Government Stronger Communities Fund (SCF Funding). In response Council completed a number of site investigations and detailed modelling which resulted in a Flood Mitigation Feasibility Study (Feasibility Study) being completed in 2021. The Feasibility Study found that a reduction in frequent flooding was achievable through a combination of culverts, levees and sediment removal across the three sites (refer to Figure 1).

Preliminary construction cost estimates exceeded the SCF Funding, therefore additional funding was requested from Transport for New South Wales (Transport). An additional \$13.1 million was offered to Council in early 2021 (Tranche 1), and in March 2021, Council resolved to publicly exhibit the Feasibility Study, to test sentiment for the feasible options. It was found that most respondents supported works to reduce flooding (76%), but views diverged on the preferred option and there was significant concern about environmental impacts at The Bends. A Community Engagement Report was prepared and presented to the Council meeting on 22 March 2022.

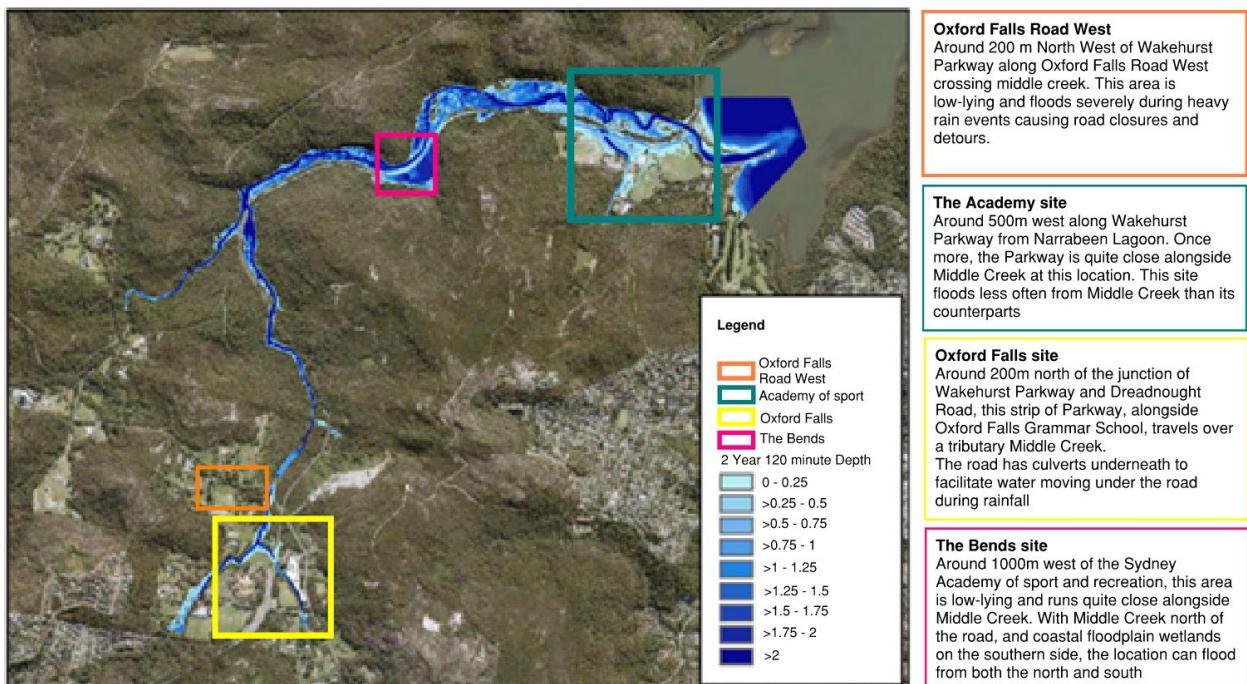


Figure 1 - Four locations frequently flooded

As a result of the community engagement, Council resolved to further refine options at The Bends to see if a reduced environmental footprint could be achieved. It also resolved to immediately progress options at Oxford Falls (noting that this included an additional site at Oxford Falls Road West).

### **Transport Project**

In November 2022, Transport proposed the “Wakehurst Parkway Improvements Project” (Transport Project) which is a \$75 million program of works on the Parkway including intersection, safety and traffic flow improvements. This will have a significant interface with the Council Project, particularly at Oxford Falls.

In response, Council has been liaising regularly with Transport in order to determine how the program may impact on the Council Project, and also to identify synergies and efficiencies for the two projects. This has had an impact on our progress, but it is essential that these two pieces of work are integrated to reduce traffic impacts, costs and unnecessary rework.

The Transport Project became subject to the NSW Strategic Infrastructure Review and ultimately did not receive funding until the September 2023 budget was released.

### **Additional Funding**

In response to changes in scope, construction cost escalations, and the likely need for more detailed environmental approvals, in early 2023 Council reviewed its anticipated expenditure and identified the need for additional funding. In response, the NSW Government confirmed additional funding of \$13 million in the September 2023 budget (Tranche 2).

Council has been liaising with Transport regarding both Tranche 1 and Tranche 2 funding for a number of months and has now resolved many of these issues (refer to the Financial Considerations section of this report for further details).

## **PROJECT UPDATE**

### **Oxford Falls – Current Status**

The design and approval documentation for culvert upgrades on Wakehurst Parkway at Oxford Falls are substantially progressed. Site investigations have been undertaken including survey, services location, geotechnical and contamination investigations. Preliminary designs have been developed and an initial draft Review of Environmental Factors (REF) has been prepared.

Transport have determined that the design on Wakehurst Parkway must accommodate a 4-lane road width to futureproof the road widening and as a result Council's design had to be amended from 2-lane to 4-lane. Preliminary cost estimates indicated a significant construction cost increase due to this design change, which was one of the drivers for the additional funding request described above.

Council has requested, and Transport has agreed, to incorporate the culvert upgrades and associated approvals into the Transport Project. Transport agreed with Council's assessed value of the work and accordingly, \$7.108 million will be reallocated from the Council Project budget to the Transport Project budget.

Council has made significant progress in both the design and approval documentation for the Oxford Falls Road West upgrades. Essential site investigations have been conducted, encompassing a range of critical assessments such as detailed surveys, locating existing services, geotechnical studies, and contamination investigations.

## Oxford Falls – Next Steps

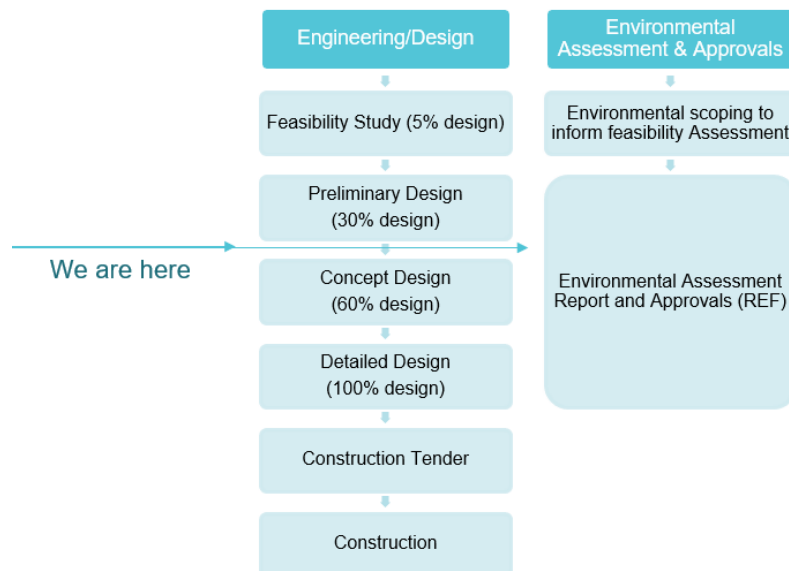
With the agreement from Transport that it will take over the Oxford Falls on Wakehurst Parkway site, Council can focus on progressing the Oxford Falls Road West site. The proposed solution at this site includes:

- A new culvert bridge over Middle Creek causeway
- Resurfacing of the road at both approaches to the culvert
- Creek works and scour protection
- Upgrade the safety barriers
- Line marking and signage

The draft proposal for Oxford Falls Road West is expected to be placed on public exhibition along with the draft REF (when finalised) early in 2024, following which Council can determine whether to proceed with the works. It is intended to commence work in the first half of 2024, prior to Transport proceeding with its works in late 2024.

An overview of the Oxford Falls project steps is shown in the Figure 2 below. Being a local rather than a State road, the approval processes are expected to be more straightforward, however its close proximity to Wakehurst Parkway, utilities and the lack of certainty over the proposed intersection works and timing could impact on the progress of this work.

It is important to note that the project would not be able to progress to implementation unless the relevant approvals including an approved REF have been secured. Accordingly, it is proposed to procure a design and construct contract with a separable construction portion, pending the outcome of the REF and design processes.



*Figure 2 Oxford Falls Road West – Key Project Stages*

## The Bends – Current Status

Following the March 2022 Council resolution, to further refine the options at The Bends, a technical review workshop was held with a range of experts, stakeholders and Council staff with the intention of delivering an optimal balance between flood mitigation and reduced environmental impact. The



attendees included state government agency representatives, technical experts, consultants, and relevant Council staff.

A range of options were considered and based on the additional modelling, technical review workshop and subsequent multicriteria analysis undertaken by workshop attendees, a refined option has been identified that 1) minimises the environmental impact by focusing sediment removal at a pinch point to improve the conveyance and 2) improves flood conveyance through this location by the construction of:

- New levee along the southern side of Wakehurst Parkway
- Top up of the existing levee along the northern side of Wakehurst Parkway
- Upgrade of existing eastern culverts to 8 x 3000mm x 900mm Reinforced Concrete Box Culverts (RCBC)
- New western culvert (8 x 3000mm x 900mm RCBC)
- Provision of a maintenance channel along the northern side of the road to facilitate periodic sediment removal.

This proposal is expected to result in vegetation clearing being reduced to as little as 1 hectare, subject to further design development. This is compared to around 3 hectares in the proposals exhibited in the Feasibility Study. This refined option (Figure 3) includes the same location of culverts and levees as included in the options in the Feasibility Study, but a significantly reduced area of sediment removal.

### **The Bends Site – Next Steps**

Now that the general area of the preferred option has been identified, additional survey data is being collected. These survey works are currently in progress. Additional geotechnical and contamination investigation may be required and is currently being considered. Further design development is required to confirm the required levee heights, channel width, culvert sizes, localised road drainage requirements and to understand any potential impacts on the adjacent coastal wetlands.

The development of the design at The Bends will require close engagement with, and approval of various sections of Transport, to ensure that the design is acceptable, can be constructed without unacceptable traffic impact, and can be maintained.

Once design requirements have been confirmed, preliminary design will be undertaken to refine the design and confirm the planning pathway and approval requirements. Following this, the project can progress to concept then detailed design and preparation of an Environmental Impact Assessment (subject to confirmation of planning requirements).

An overview of the project steps for the Bends is shown in Figure 4.

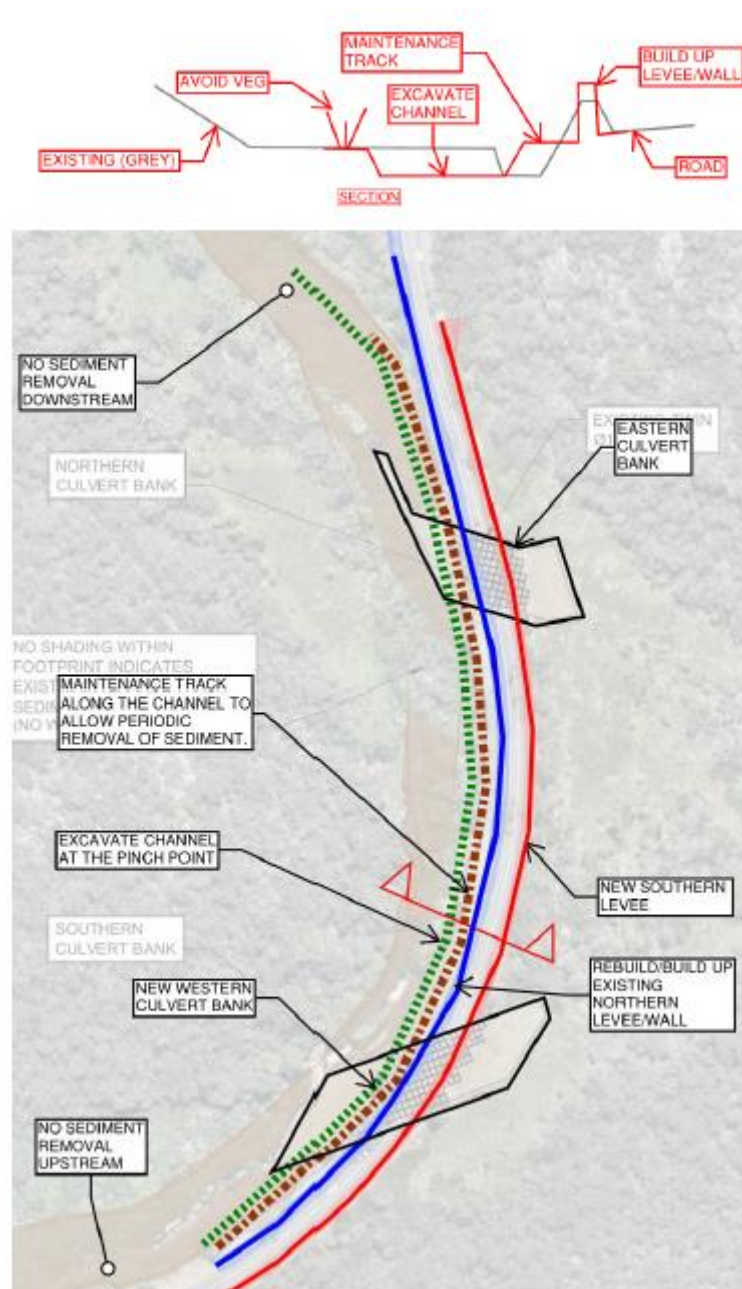


Figure 3 – Refined Option for The Bends Site

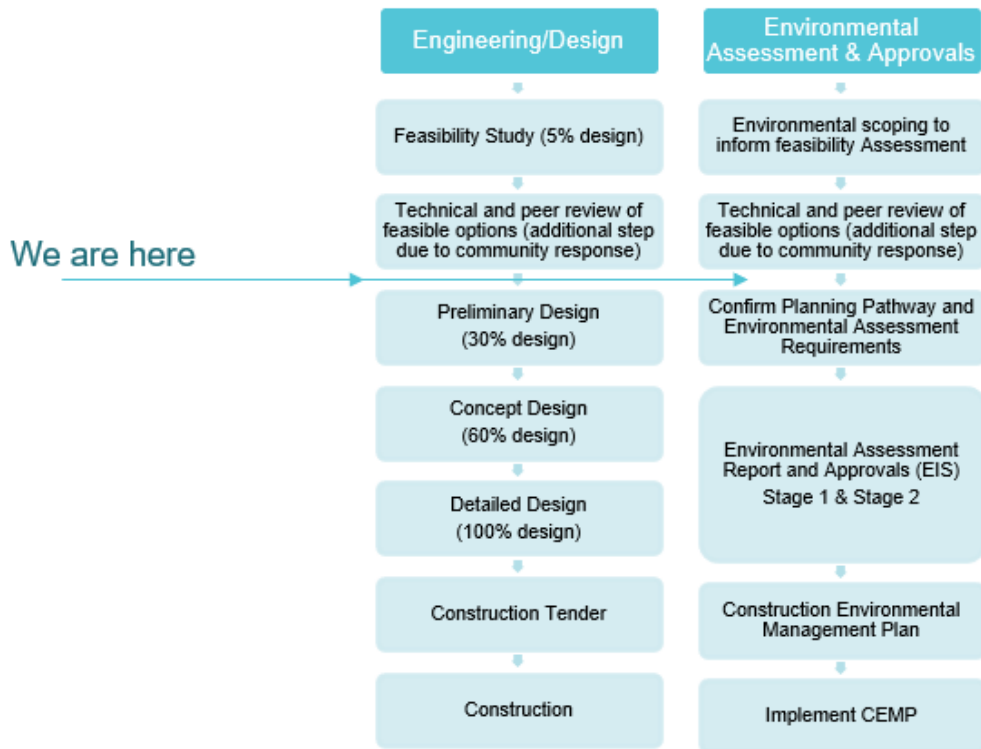


Figure 4 The Bends – Key Project Stages

## Sydney Academy of Sport

The Sydney Academy of Sport (Academy) site is downstream of The Bends and as such, the design of a preferred option here has been on hold pending the selection of the preferred option at The Bends. As noted above, a preferred option has been identified at The Bends, and as that design progresses, design work can also progress at the Academy site, along with relevant approvals.

The preferred option includes:

- bunding on road edges
- changes to the entry to the Academy
- localised low point drainage

A key consideration is how the proposed works at the Academy might interface with recently announced proposals at Elanora Road and Mirrool Street as part of the Transport Project (particularly regarding any opportunities for synergies and impacts on traffic from construction activity).

## CONSULTATION

In March 2021, Council resolved to publicly exhibit the Feasibility Study in order to provide the community with an opportunity for feedback on the potential options and determine whether other options exist that had not been identified by Council's consultants. Public exhibition was conducted between 28 May and 19 July 2021, before being reported back to Council in March 2022.

The Community Engagement Report found that most respondents support flood mitigation works, but views diverged on the preferred method and the acceptability of the environmental impact. In



terms of general sentiment, most want better connectivity, most also see environmental protection as a key issue, and many want major infrastructure for permanent flood-free access.

Approximately 50% of the community supported implementing one or the other of the proposed options, while 26% supported doing something other than the options proposed (for example permanent access options) and 24% supported doing nothing (largely on the basis of avoiding environmental impacts).

Transport has prepared and exhibited its REF for the Transport Project (which did not include any of the flood works associated with the Council Project). Council staff have been supporting Transport in its community consultation on the REF to ensure good community understanding of the two projects and their status. This has included preparation of fact sheets and attendance at the Transport led drop-in sessions.

In relation to the Council Project, now that the funding issues have been substantially resolved, Council will progress designs and undertake consultation for its works in the coming months.

## **TIMING**

A major project such as this requires significant approvals from Transport and other utility authorities including Sydney Water, Jemena, Ausgrid and NBN, in addition to relevant State agency and statutory approvals where required. The progress of all design work and the project timeline overall is contingent on obtaining these approvals and may potentially be extended if any modifications are necessary to accommodate the Transport project.

It is expected that the approval and detailed design process for the Oxford Falls Road West site will be completed within the first quarter of 2024 (contingent upon there being no conflicts with utilities and Transport, or the need for any additional statutory approvals).

The concept design, community consultation and the preliminary design phase for The Bends is expected to be completed in the third quarter of 2024. Should an Environmental Impact Statement (EIS) be required (which is considered likely based on our preliminary review), the environmental approvals may span 18 months to 2 years. The constructability and traffic impact of the potential solutions at The Bends will require extensive liaison and approvals from Transport which could further impact timeframes.

The preliminary design and approvals for the works at the Sydney Academy of Sport are expected to be relatively straightforward and can be progressed in parallel with the design work at The Bends.

The complexity of managing a multi-site project on an arterial road in concert with Transport Project works in the same corridor cannot be understated. Accordingly, the timeframes for all elements of the project are subject to further change, and it is proposed that quarterly updates be provided to Councillors and the community to ensure ongoing visibility of progress.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the environment - Goal 2 Our environment is resilient to natural hazards and climate change
- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches

## FINANCIAL CONSIDERATIONS

The Council Project is predominantly located on state-managed assets/land and it is appropriate that the NSW Government fund the work. However, one of the principal risks with this project is ensuring that there is sufficient funding for Council to complete the works, and that the funding is provided on terms acceptable to Council, including phasing and approval processes.

There are three sources of funds for the project:

- Stronger Communities Funding (SCF Funding) – This funding is provided by the NSW Office of Local Government (OLG). It offered \$5 million in funding for Council to undertake the investigations leading to the Feasibility Study and implement associated actions. There is approximately \$4.4 million remaining of these funds. In early 2022, Council wrote to OLG seeking an extension for the funding. No response was provided by OLG in respect of that request and in September 2023, the OLG commenced a review of outstanding SCF funding. The outcome of that review is pending and could have significant implications for the project.
- Transport (Tranche 1) – Following completion of the Feasibility Study, Council identified that additional funding would be required to progress any of the options to design and construction. Transport for NSW offered \$13.1 million in March 2021 which was conditionally accepted by Council in April 2021. The Feasibility Study was subsequently progressed to exhibition and reported back to Council in March 2022. Since March 2021, Council has been working with Transport to align the proposed Tranche 1 expenditure with estimated project timeframes.
- Transport (Tranche 2) - In response to changes in scope, construction cost escalations, and the likely need for more detailed environmental approvals, in late 2022 Council reviewed its anticipated expenditure and identified the need for additional funding. In response, the NSW Government confirmed additional funding of \$13 million in the September 2023 budget. At the same time, Council had been negotiating with Transport to take over the flood works on Wakehurst Parkway at Oxford Falls.

In late November 2023, Transport accepted the funding alignment proposal for Tranche 1, accepted the transfer of scope for the works on Wakehurst Parkway at Oxford Falls for a cost of \$7.108 million from Tranche 2 funding, and formally offered Council the remaining \$5.862 million in Tranche 2 funding (Attachment 1).

Transport has explained that the extensive delays associated with the phasing of funding were the result of internal NSW Government processes. Council has negotiated a more streamlined approach to future phasing requests which should reduce the risk of this occurring in the future.

The removal of any funding from the Council Project, or the occurrence of further cost escalations as Council advances through the design and approvals stage, presents a significant risk that could jeopardise the successful delivery of the project.

## SOCIAL CONSIDERATIONS

Connectivity along Wakehurst Parkway is an important issue for the local community, particularly with respect to access between the upper and lower sections of the peninsula. Reduced flood frequency improves this connectivity.

## ENVIRONMENTAL CONSIDERATIONS

Before work packages are approved by either Transport or Council, appropriate environmental assessments will be required at all locations. The nature of those assessments will be determined by the conditions at each site, with Reviews of Environmental Factors expected to be sufficient for the proposed works at Oxford Falls, Oxford Falls Road West, and Academy sites.

Options for The Bends could have significant impacts on the environment, in relation to vegetation clearance required for sediment removal, and potential impacts on the nearby wetland. During the exhibition of the Feasibility Study, our community provided feedback that there were concerns about potential environmental impacts. An expert review of options at The Bends, focused on reducing environmental impact has identified an option with reduced vegetation clearing, however it is likely that an Environmental Impact Statement will be required.

## **GOVERNANCE AND RISK CONSIDERATIONS**

Council has implemented a strong project management framework in line with its Project Management Methodology and the Enterprise Risk Framework. The project's governance structure consists of a Project Working Group and a Project Steering Group (PSG). The PSG includes representatives from various Council business units, specifically Environment and Climate Change, Capital Projects, Transport and Civil Infrastructure, and Community Engagement. This ensures that all relevant teams are actively involved and well-informed, with opportunities for their participation at crucial stages of the project.

In order to be successful, this project requires the effective management of various risks including traffic and transportation, utilities, environmental impacts, financial risks, construction challenges and reputational risks. Potential risks are identified, assessed, and managed throughout the project lifecycle as part of the project management plan and associated risk management plan. These are managed and reported to the PSG to maintain transparency and accountability. Notwithstanding these controls, the project is heavily dependent on third party funding and approvals and as such there remains significant ongoing risks concerning timing and costs in the delivery of this project .

Collaboration with Transport is vital to this project and ongoing collaboration will be undertaken as the project progresses. A Transport representative joined the PSG in October 2022, and Council's design teams have been collaborating with Transport design teams on cross-over issues at the Oxford Falls site on Wakehurst Parkway. Council has also established links with more senior members of Transport in order to escalate and resolve more strategic issues like funding, approvals, risk mitigation and engagement.

## 12.0 PLANNING AND PLACE DIVISION REPORTS

<b>ITEM 12.1</b>	<b>OUTCOME OF PUBLIC EXHIBITION - FRENCHS FOREST TOWN CENTRE CONTRIBUTIONS PLAN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC PLACE &amp; PLANNING</b>
<b>TRIM FILE REF</b>	<b>2023/693748</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">⇒</a> Letter from Department of Planning and Environment (Included In Attachments Booklet)</li> <li>2 <a href="#">⇒</a> Exhibited "3.3 S7.11 Contributions will be Imposed in Accordance with Indexed Rates" - Extract from Frenchs Forest Town Centre Contributions Plan (Included In Attachments Booklet)</li> <li>3 <a href="#">⇒</a> Frenchs Forest Town Centre Contributions Plan 2023 with track changes (Included In Attachments Booklet)</li> <li>4 <a href="#">⇒</a> Community Engagement Report (Included In Attachments Booklet)</li> </ol>

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### SUMMARY

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#### PURPOSE

The purpose of this report is to present the outcome of public exhibition to changes made to the Frenchs Forest Town Centre Contributions Plan 2022.

#### EXECUTIVE SUMMARY

- On 24 May 2022, the Frenchs Forest Town Centre Contributions Plan 2022 (the adopted Plan) was adopted by Council.
- The adopted Plan is subject to the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 which caps residential contribution rates at \$20,000 per dwelling/lot.
- The adopted Plan was submitted to the Independent Pricing and Regulatory Tribunal (IPART), to seek an exemption to the contribution cap.
- Following the IPART review, the Department of Planning and Environment wrote to Council instructing Council to amend the adopted Plan to implement IPART's recommendations, and publicly exhibit the proposed methodology for indexation of land costs (Attachment 1).
- All required amendments have been incorporated into the updated version of the Plan and is now titled, 'Frenchs Forest Town Centre Contributions Plan 2023' (Attachment 3).
- If Council agrees to adopt Frenchs Forest Town Centre Contributions Plan 2023, Council can impose the full residential contribution rates to fund delivery of identified infrastructure.

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#### RECOMMENDATION

That Council:

1. Note the outcomes of the public exhibition of Chapter 3.3 of the Frenchs Forest Town Centre Contributions Plan insofar as it amends the methodology for indexation of land costs.
  2. Adopt the Frenchs Forest Town Centre Contributions Plan 2023.
-

## REPORT

### BACKGROUND

On 17 December 2021, the NSW Government finalised the Frenchs Forest 2041 Place Strategy (the Place Strategy). The Place Strategy will deliver approximately 2,000 new dwellings and 47,000m<sup>2</sup> of non-residential floor space in the Frenchs Forest Town Centre. The new planning controls came into effect on 1 June 2022.

Council with its consultant, GLN Planning, prepared a new contributions plan for the development anticipated in the Place Strategy in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979*. This plan identifies infrastructure required to support development in the Place Strategy and would enable Council to levy contributions to deliver this infrastructure.

At its meeting held on 24 May 2022, Council unanimously resolved:

*That Council:*

1. *Note the outcomes of the public exhibition of the draft Frenchs Forest Town Centre Contributions Plan.*
2. *Adopt the draft Frenchs Forest Town Centre Contributions Plan (as amended).*
3. *Forward the adopted Frenchs Forest Town Centre Contributions Plan to the Independent Pricing and Regulatory Tribunal for review.*
4. *Notify submitters of the Council decision.*
5. *Write to the State Government to:*
  - A. *Note the constraints that Council staff have identified in being able to include community facilities, such as the Community Hub, in this plan despite the approved upzoning generating demand for such facilities.*
  - B. *Note that works are required to State owned roads and request an update on the timeframe for these works, to ensure that the road network is appropriately upgraded to facilitate this development.*
  - C. *Request that the State Government offer residents impacted by state road acquisition works early acquisitions, to avoid residents having uncertainty and financial stress of not knowing when the State Government will eventually carry out the roadworks.*

The Frenchs Forest Town Centre Contributions Plan 2022 (adopted Plan) came into effect on 1 June 2022, the same day that the new planning controls applying to the land in Frenchs Forest Town Centre came into effect. At the time, the adopted Plan identified the following contribution rates:

*Table 1 – Contributions Rates under the Adopted Plan*

<b>Residential Rate</b>	<b>Rate in Adopted Plan</b>
Per resident	\$11,974
Boarding House Room	\$16,765
Self-Contained Seniors Living Dwelling	\$17,960
1 Bedroom Dwelling	\$19,159

Residential Rate	Rate in Adopted Plan
2 Bedroom Dwelling	\$26,345
3+ Bedroom Dwelling	\$37,120
<b>Non-Residential Rate</b>	
Per m <sup>2</sup> of GFA	\$337

### Ministerial Direction

On 21 August 2012, the then Minister for Planning issued a Ministerial Direction titled Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012. This Direction:

- Caps contributions for residential development at \$20,000 per new dwelling/lot, and
- Allows councils to impose contributions that exceed the capped amounts where the relevant contributions plan has been reviewed by the Independent Pricing and Regulatory Tribunal (IPART) and agreed by the Minister.

The contribution rates in the adopted Plan for two and three-bedroom dwellings exceed the maximum permitted rate of \$20,000 per new dwelling/lot. Accordingly, the adopted Plan must be reviewed by IPART and agreed by the Minister before a rate above \$20,000 can be imposed.

### IPART Review

On 5 August 2022, the adopted Plan was submitted to IPART for review. On 20 April 2023, IPART publicly exhibited its draft assessment report. The draft report contained eight recommendations for the adopted Plan.

At its meeting on 23 May 2023, Council considered a draft submission to IPART's exhibited assessment report. At this meeting, Council unanimously resolved:

*That Council:*

1. *Make a submission, as provided at Attachment 1 of this report, to the Independent Pricing and Regulatory Tribunal for its consideration ahead of finalisation of its report on the Frenchs Forest Contributions Plan for the Minister for Planning and Public Spaces.*
2. *Write to the NSW Minister for Planning and Public Spaces, Minister for Local Government, and Member for Wakehurst seeking an exemption for Northern Beaches Council to enable the essential infrastructure list to include community facility floorspace, to enable Northern Beaches Council to collect funds for the construction of facilities which benefit the community as part of the Frenchs Forest Town Centre Contributions Plan, and to advocate for the Government's 'essential works' list to be amended to include community facility floorspace in all future contributions plan.*
3. *Be advised of the NSW Minister for Planning and Public Spaces' final determination on the Frenchs Forest Town Centre Contributions Plan.*

On 26 May 2023, the Council-endorsed submission was provided to IPART requesting several amendments to the IPART recommendations, namely:



- Retain open space embellishment costs for Rabbett Reserve which are no longer funded by a grant from the NSW Government,
- Retain costs for the construction of a community facility building, and
- Apply Council's proposed methodology for the indexation of land costs.

On 4 July 2023, IPART provided its final assessment report to the Minister for Planning and Public Spaces. The report concludes:

*We have assessed the contributions plan against the Department of Planning and Environment's (DPE) Practice Note criteria and found it satisfactory with some recommendations.*

Essential Works List <small>As per 3.2 of the practice note</small>	Nexus <small>Connection with new population</small>	Reasonable cost	Reasonable timetable	Consultation	Other relevant matters
 <b>Partially Supported</b> <small>Recommendations</small>	 <b>Supported</b> <small>Evidence Provided</small>	 <b>Partially Supported</b> <small>Recommendations</small>	 <b>Supported</b> <small>Evidence Provided</small>	 <b>Supported</b> <small>Evidence Provided</small>	 <b>Partially Supported</b> <small>Recommendations</small>

*Source: Excerpt from IPART Final Report – Frenchs Forest Contributions Plan, July 2023*

The IPART final report contains eight recommendations, updated to reflect the matters raised in Council's submission, except for the request to retain the construction costs for a community facility.

On 6 October 2023, Council received a letter from the Department of Planning and Environment (Department) advising of its decision following IPART's review (Attachment 1). The Department's letter instructs Council to:

- amend the adopted Plan to implement IPART's recommendations; and
- publicly exhibit the change made to Chapter 3.3 of the adopted Plan insofar as it describes the methodology for the indexation of land costs.

Advice was provided that once these tasks have been completed, the contributions plan will be considered an IPART-reviewed plan within the meaning of the Ministerial Direction.

### **Amendments to the Adopted Plan as required by IPART/Department of Planning and Environment**

The adopted Plan has been amended to implement IPART's recommendations. The below listed amendments to the adopted Plan were not required to be publicly exhibited and include:

- Updating the land costs to reflect Council's valuation report dated July 2022.
- Remove the open space embellishment costs for existing land at Brick Pit Reserve and Akora Reserve (as these costs are funded by grants from the NSW Government).
- Remove costs for the construction of a community facility building.
- Include an administrative cost of \$12,000 per land acquisition.

- Update the Work Schedule to reflect the latest version considered by IPART dated 7 November 2022.
- The road and stormwater works are indexed by the ABS Producer Price Index (Road and Bridge Construction NSW).
- The open space works are indexed by the ABS Producer Price Index (Non-residential Construction NSW).

The above changes have resulted in changes to the infrastructure costs and contribution rates between the adopted Plan and the updated Plan, as shown in Tables 2 and 3 below.

*Table 2 – Comparison of Infrastructure Costs*

	Adopted Plan (2022)	Updated Plan
Type of local infrastructure	Total cost	Total cost
Open space land	\$9,226,480	\$8,119,543
Open space works (includes water management)	\$21,403,204	\$19,689,064
Road and active transport land	\$26,228,866	\$17,246,124
Road and active transport works	\$19,599,845	\$22,427,623
Plan administration	\$615,045	\$631,750
<b>Total</b>	<b>\$77,073,440</b>	<b>\$68,114,104</b>

*Table 3 – Comparison of Contribution Rates*

Residential Rates	Adopted Plan (2022)	Updated Plan
Per resident	\$11,974	\$12,122
Boarding House Room	\$16,765	\$16,970
Self-Contained Seniors Living Dwelling	\$17,960	\$18,182
1 Bedroom Dwelling	\$19,159	\$18,303
2 Bedroom Dwelling	\$26,345	\$27,123
3+ Bedroom Dwelling	\$37,120	\$38,465
<b>Non-Residential Rate</b>		
per m <sup>2</sup> of Gross Floor Area (GFA)	\$337	\$292

### Amendments to the adopted Plan that required public exhibition - Indexation of Land Costs

Infrastructure costs in contribution plans are indexed to reflect the changing cost of infrastructure delivery and ensure that contribution rates are not eroded over time by inflation.



Chapter 3.3 of the adopted Plan describes the use of Consumer Price Index (CPI) (all groups Sydney), released by the Australian Bureau of Statistics, to index infrastructure costs. Changes were required to be made to this part of the adopted Plan to reflect the requirements of the Department.

The required amendments to Chapter 3.3 were completed and the changes were placed on public exhibition for 28 days in accordance with the Department's instruction. The exhibited amendment to Chapter 3.3 is included in Attachment 2.

The outcomes of this exhibition are detailed in the Consultation section of this report.

### **Final Contributions Plan – to be known as 'Frenchs Forest Town Centre Contributions Plan 2023'**

A comprehensive final version of the contributions plan which incorporated all changes required by IPART (including the amendment that required public notification) was made available during the public exhibition of the changes to Chapter 3.3. The final version of the plan is to be known as 'Frenchs Forest Town Centre Contributions Plan 2023' (Plan 2023) and is attached in Attachment 3.

## **CONSULTATION**

The changes to Chapter 3.3 of the adopted Plan, insofar as it related to methodology for indexation of land costs, was publicly exhibited for 28 days, from 27 October to 24 November 2023.

Consultation included:

- A dedicated Your Say webpage,
- Letters to all owners identified for acquisition under the adopted Plan, and
- Emails to 52 recipients who had registered their interest in the previous public exhibitions of the adopted Plan.

During the exhibition period, 1503 people viewed the Your Say page. Two submissions were received. The submissions do not relate to the amendments that were the subject of the exhibition, but rather raised concern about the Government's decision to not proceed with the Northern Beaches Tunnel project and questions about timing related to any future land acquisition. Further information on the issues raised in the two submissions are contained in the Community Engagement Report in Attachment 4.

No further amendments to the plan are recommended following submissions.

## **TIMING**

If Council adopts the Plan 2023, this plan:

- is an IPART-reviewed plan; and
- will come into force on 20 December 2023, allowing Council to impose the full residential contribution rates on residential development in the Frenchs Forest Town Centre.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes of:

- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed

- Transport, technology and connectivity - Goal 16 Our integrated transport networks meet the needs of our community and reduce carbon emissions
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community

## **FINANCIAL CONSIDERATIONS**

If the Plan 2023 is adopted, Council can levy the full residential contribution rates to fund the delivery of all identified infrastructure to support development in the Frenchs Forest Town Centre. This will provide financial sustainability by ensuring that the cost of providing infrastructure generated by the new developments is not placed on Council or the wider community.

If the Plan 2023 is not supported, residential contribution rates will continue to be capped at \$20,000 per dwelling/lot resulting in a funding shortfall.

## **SOCIAL CONSIDERATIONS**

The Plan 2023 will fund the delivery of open space infrastructure to support the anticipated development.

Alternative funding sources will be required to support the delivery of other social infrastructure not able to be funded by the Plan 2023, including new library and community facility floorspace.

## **ENVIRONMENTAL CONSIDERATIONS**

The delivery of open space includes a new park within the Town Centre. The 1.5-hectare park incorporates the retention of native vegetation as part of the embellishment of this land.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The Frenchs Forest Town Centre Contributions Plan 2023 has been prepared and exhibited in accordance with all legislative requirements.

<b>ITEM 12.2</b>	<b>VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS AND STATE ENVIRONMENTAL PLANNING POLICIES</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT</b>
<b>TRIM FILE REF</b>	<b>2023/738639</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Variations to Development Standards (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

The purpose of this report is to notify Council of the variations to development standards which have been granted in the period 1 July 2023 to 31 October 2023.

### EXECUTIVE SUMMARY

The NSW Department of Planning and Environment requires the reporting of all applications where a variation to a development standard has granted. The following is a summary of the number of the relevant applications approved under each planning instrument during the period 1 July 2023 to 31 October 2023:

- 30 variations under clause 4.6 of Manly Local Environmental Plan 2013
- 24 variations under clause 4.6 of Pittwater Local Environmental Plan 2014
- 24 variations under clause 4.6 of Warringah Local Environmental Plan 2011
- 3 variations of a development standard under SEPP (Housing) 2021
- 1 variation of a development standard under SEPP (Housing for Seniors or People with a Disability) 2004
- 1 variation of a development standard under SEPP (Affordable Rental Housing) 2009

The attachment to this report contains specific details of each application where a variation to a development standard was granted.

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### RECOMMENDATION

That Council note the Development Applications approved with variations to development standards during the period 1 July 2023 to 31 October 2023.

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## REPORT

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### BACKGROUND

The tables in the Attachment present all variations to development standards approved during the period 1 July 2023 to 31 October 2023 for each of the Local Environment Plans (LEPs) in the Northern Beaches local government area and relevant State Environmental Planning Policies (SEPP), and whether the determination was made by staff under delegated authority or by a determination panel.

A total of 83 variations under clause 4.6 were approved during this period. During this period a total of 470 Development Applications were approved while the total number of applications (including Modification and Review Applications) approved totaled 667.

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

### CONSULTATION

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

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

### FINANCIAL CONSIDERATIONS

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

### SOCIAL CONSIDERATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

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

### GOVERNANCE AND RISK CONSIDERATIONS

Reporting variations to Council satisfies the NSW Department of Planning and Environment requirements.

## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	RESPONSE TO NOTICE OF MOTION NO 39/2022 - AVOIDANCE OF CHEMICAL USE WHICH CARRIES HARM TO THE ENVIRONMENT OR HUMAN HEALTH
REPORTING MANAGER	ACTING EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2023/392583
ATTACHMENTS	NIL

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### SUMMARY

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#### PURPOSE

The purpose of this report is to provide a response to the resolution of Council at its Ordinary Meeting on 22 November 2022 in relation to Notice of Motion 39/2022 – Avoidance of Chemical Use Which Caries Harm to the Environment or Human Health.

#### EXECUTIVE SUMMARY

- Council resolved to phase out the use of Second Generation Anticoagulant Rodenticides (SGARs) on land owned or managed by Council. This is underway with a progress status provided in the report.
- Use of priority chemicals has been reviewed, including consideration of alternative methods and implications for Council, the environment and the community.
- One chemical, Thiamethoxam, is recommended to no longer be used and steam weeding is to be added to Council's integrated approach to managing weeds in certain locations.
- Opportunities to inform the public on matters relating to pesticides have been identified.

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#### RECOMMENDATION

That Council:

1. Note the progress taken towards the cessation of use of Second Generation Anticoagulant Rodenticides (SGARs) by Council, including in all future leases and licences.
  2. Continue to take a best practice Integrated Pest Management approach to pests and conduct an annual review of chemical use.
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## REPORT

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### BACKGROUND

At its Ordinary Meeting on 22 November 2022, Council resolved (Resolution 380/22) that:

1. *Council phase out use of Second-generation Anticoagulant Rodenticides (SGARs) on land owned or managed by Council.*
2. *The Chief Executive Officer report back to Council by August 2023:*
  - A. *progress of the phase out of SGARs by Council and relevant third parties (e.g. suppliers, contractors, tenants)*
  - B. *considerations as to usage of other chemicals on Council lands that may pose environment or human health risks*
  - C. *available alternative methods and implications for Council.*
3. *Council seeks opportunities to further educate the community regarding SGARs and other harmful chemicals and recommendations for safe alternatives.*

This report responds to the matters contained in the above resolution.

#### **Response to Item 1 and 2A: Phase out of Second-generation Anticoagulant Rodenticides (SGARs)**

Council has ceased the use of SGARs in its operations. A successful alternative product is called Selontra is now being used instead.

Selontra has an active ingredient called Cholecalciferol which is a type of vitamin D naturally produced by the body. When used as a rodenticide it is given in doses that cause calcification of tissues and ultimately death. Evidence indicates that secondary poisoning risks associated with Cholecalciferol are very low and unlikely to result in harm to pets or wildlife.

Lease holders and tenants of Council buildings and property generally engage their own pest control contractors. As leases are renewed conditions will be updated to stipulate that SGARs are not to be used on council owned or managed land. Current lease holders have been advised of our intention and been requested to follow this initiative moving forward with positive steps already taken by large lease holders such as golf clubs.

#### **Response to Item 2B and 2C: Considerations as to usage of other chemicals on Council lands that may pose environment or human health risks**

All chemicals and alternatives have an element of risk to human health and the environment if misused. It is important that they are only used per their Material Safety Data Sheet and label instructions and after suitable training for staff and contractors has been provided.

Council uses an Integrated Pest Management (IPM) approach to managing problems with pests in our area. An IPM approach relies on using a combination of practices and control methods to manage problems with pests. Control methods include biological, cultural, physical, environmental and chemical options.

These alternatives to chemicals are utilised where possible to reduce the need to apply pesticides in public places. Given the significant amount of area pests can impact however, the use of appropriate pesticides is an important component of an integrated approach. For example, it would not be practicable to prevent pests in 120 sports fields without spraying.

A review of our chemical use has been conducted and five of the seven chemicals which were identified in the original notice of motion as being banned overseas (mancozeb, carbaryl,

metaldehyde, spinetoram and beta cyfluthrin) are not used by Council. Two others however, neonicotinoids and glyphosate, are chemicals currently used by Council. It is proposed to cease the use of the one the two varieties of neonicotinoids called thiamethoxan, but to continue to use another variety as it is the only effective treatment of black beetle that infests figs and is applied as a tablet so is very targeted.

To identify priority chemicals for review we have compared our chemicals with a list of Dangerous Pesticides used in Australia as compiled by the World Wildlife Fund (WWF).

We also have compared our usage with chemicals that appear on the Australian Pesticide and Veterinary Medicine Authority (APVMA) chemical review list. The APVMA is responsible for the registration of pesticides, including associated labels and directions for use. Reviews are undertaken when new information or concerns about pesticides becomes available or apparent.

Chemicals used by Council on the WWF list include Glufosinate-Ammonium, Picloram, 2,4-D and MCPA. Chemical reviews currently in progress by the APVMA include SGARs and neonicotinoids (thiamethoxan and imidacloprid). Reviews that have been completed were on glyphosate, 2,4-D and Dimethylamine salt. Picloram has also been nominated for an APVMA review to investigate worker and environmental safety although this review has not yet started. The use of these chemicals is reviewed in Table 1.

**Table 1: Considerations as to usage of other chemicals**

Chemical (product) Signal Heading	Use/Comments	Risks	Alternatives/controls	Consideration
Glufosinate-Ammonium (Exonerate) Schedule 5 - Caution	<p>Used as a broad-spectrum herbicide acting on both grasses and broad leaf weeds.</p> <p>It has been used as an alternative to glyphosate when its use was discontinued in publicly accessible areas.</p> <p>Contact herbicide (controls only what it touches), not systemic. Repeat applications required for effective control.</p>	<p>The Safety Data Sheet (SDS) indicates the product 'may damage fertility or the unborn child'.</p> <p>The SDS notes the product will not accumulate in the soil or water or cause long term problems.</p>	<p>Currently not used around playgrounds or other areas where parents and children gather.</p> <p>Alternative chemicals available however needs multiple selective herbicide products to be used to control both broad leaf weeds and grasses. Result in additional chemical use and increased costs.</p> <p>Trial of steam weeding is under way in commercial centres and playgrounds. Results are favourable however method requires additional time (ie is less efficient). Transporting and set up of steam unit limits areas in which this technique could be applied.</p> <p>IPM approaches including mulching and hand removal – resource intensive to apply across all area managed by Council.</p>	<p>Continue use as part of IPM approach.</p> <p>Do not use in public open space areas used by parents and children.</p> <p>Consider the purchase a steam weeding unit for staff use in certain locations. Approximately \$30,000 per unit. Staff training would be required.</p>
Picloram (Vigilant) Schedule 5 - Caution	<p>Used to treat weeds by cutting and painting woody weed stumps and scraping and painting vines such as Morning Glory. Effective systemic herbicide is crucial to stop stumps resprouting and kill vigorous vines.</p> <p>Used as an alternative to Glyphosate</p>	<p>Toxic to aquatic life with long lasting effects.</p> <p>Has been listed for review by APVMA.</p>	<p>Applied as a gel with a sponge applicator to prevent run off and spray drift into the environment meaning health and environmental concerns are mitigated.</p> <p>Hand removal is utilized where possible</p> <p>Very limited use, only real alternative to glyphosate in some situations, but not suitable near waterways</p>	<p>Continue use as part of IPM</p> <p>Monitor outcomes of proposed APVMA review and adjust practices if required.</p>
MCPA (Spearhead) Schedule 5 - Caution	<p>MCPA is used to control broadleaf weeds in turfgrass such as playing fields and high usage public reserves.</p> <p>Weed management on sportsfields and high use reserves is required to</p>	<p>Toxic to aquatic life</p>	<p>Strictly not to be applied under weather conditions or from spraying equipment that may cause spray to drift. Re-Entry Period – Do not allow entry into treated areas until the spray has dried</p>	<p>Continue use as part of IPM</p> <p>Rotate use with alternative products with different active ingredients.</p>



	meet expectations of the community and provide fit for purpose, safe assets.		Alternative chemicals are used to prevent resistance build up in weeds but have similar risk attached.  Not possible to hand weed 120 sportsfields playing surfaces.	Continue to monitor industry for non-chemical solutions as part of annual review.
Neonicotinoids/ thiamethoxan  (Meridian Turf Insecticide)  Schedule 5 - Caution	<u>Used</u> on sports field to treat pests that are damaging the turf  Applied via broadacre boom spraying  Used in instances where preemergent insecticides such as Acelepryn have failed to prevent pest outbreaks.	Potentially highly destructive to bee colonies and toxic to aquatic life.	Alternative product Azamax being considered – a natural insecticide produced using a patented process of extracting Azadirachtin from the Neem seed kernel. Azadirachtin is one of nature's most potent and broad-spectrum insecticides.  Azamax has many modes of action against insects but is essentially an Insect Growth Regulator (IGR). Because insects need to feed on AzaMax treated plant surfaces to be affected, its impact on beneficial insects is minor.	Cease use of Thiamethoxan  Continue use of pre-emergent product Acelepryn in appropriate situations.  Continue investigation of alternative products available such as Azamax.
Neonicotinoids/imidacloprid  (Initiator Tablets)  Schedule 5 - Caution	Used very infrequently to treat large trees from insect attack and only in tablet form.  Initiator tablets are placed in the soil and the Imidacloprid is taken up through the root system to every part of the plant, these means any pest that is feeding on the tree can be affectively treated.	Toxic to aquatic life	Used only in tablet form, not sprayed.  Used only on high value tree suffering extreme pest attack, which is threatening their survival, most often used on Figs that under severe repeated attack from fig leaf beetle.  White Oil is used where possible however when trees that are over three to four meters tall, spraying them with organic pest control products such as white oil is not practical or effective	Continue use as part of IPM.
Dimethylamine salt (2,4-D)  (2,4-D Amine 600)  Schedule 6 - Poison	Used to treat Ludwigia peruviana in wetlands where there is a risk of off target species impacts from broad spectrum herbicides  Very limited use	Toxic to aquatic life	Manual harvesting being implemented.  The only other suitable licensed chemical for use around waterways that could be a viable alternative is the Glyphosate based product Roundup Biactive	Continue use as part of IPM.
Glyphosate	Mainly used for cut and paint or spot spraying applications in bush	NSW SafeWork have noted that based on a review of current	Previously ceased use in publicly accessible areas primarily as a result of community	Continue use as part of IPM.

<p>(Roundup)</p> <p>Schedule 5 - Caution</p>	<p>regeneration and dune maintenance programs, in areas not accessed by the public.</p> <p>Extremely effective and efficient as does not require multiple applications as other products do and is safer to users than the alternative acid based products if used per the Material Safety Data Sheet.</p>	<p>research evidence, the International Agency for Research on Cancer (IARC), an agency under WHO, have noted the carcinogenic status of the herbicide glyphosate as "a probable human carcinogen".</p>	<p>concern for these products. This impacted weed management programs as it required alternative products that are not as effective</p> <p>Alternatives products are acid based and not as effective and require multiple applications. These products are also hazardous for staff and contractors.</p>	<p>Ensure that it is only used by in areas that are not generally accessed by public.</p>
<p>1080</p> <p>(Foxoff Econobait)</p> <p>Schedule 7 – Dangerous Poison</p>	<p>Council implements an integrated best-practice management program to control foxes and follows the lead of the peak bodies specialising in invasive species including the Department of Primary Industries and Local Land Services who administer all control programs under the Biosecurity Act 2015.</p> <p>Animal welfare groups have raised concerns over the use of 1080 to control foxes.</p>	<p>Dangerous poison. Potentially harmful or fatal to non target domestic animals if ingested.</p>	<p>Used only in very limited bushland areas away from private residences. Used only in accordance with Council's pesticide notification plan including signage temporarily excluding access by domestic animals (e.g. dogs) during any baiting program. In preference to alternative control methods, Council has elected not to use 1080 in the most recent 2023 deployment program coordinated by the NSW Department of Primary Industries and Local Land Service</p> <p>Council is aware of current research around emerging potential control methods such as fertility control, genetic or habitat manipulation, the use of non-toxic spray deterrents, ultrasonic animal or olfactory repellents, shepherd dogs and sprinklers. To date, these methods are either not available in Australia and/or not practical in the management of bushland reserves. Some of these alternative methods are also not compliant with applicable legislation.</p> <p>Council will incorporate new control techniques should they arise particularly where they are demonstrated to be both effective and humane.</p>	<p>Continue use as part of IPM.</p>

### Available Alternative Methods and Implications

Council uses an Integrated Pest Management (IPM) approach to managing problems with pests in our area. An IPM approach relies on using a combination of practices and control methods to manage problems with pests. Control methods include:

- Biological control: including virus release to control rabbits, salvinia weevils to control salvinia weed;
- Cultural and physical control: using methods such as barriers and traps; mowing and slashing; hand removal; and
- Environmental control: planting out with native species, mulching garden beds and around trees.

These techniques are utilised where possible to reduce the need to apply pesticides in public and sensitive places. Given the significant amount of area pests can impact however, the use of appropriate pesticides is an important component of an integrated approach. With edge impacts to bushland from pathways, tracks, trails, adjoining open spaces like sportsfields, parks and car parks for example, we do not have adequate resources to apply only non-chemical methods. Similarly, removal of weeds from many hectares of turf surfaces is unviable without an integrated approach.

As noted earlier, the Australian Pesticide and Veterinary Medicine Authority (APVMA) is responsible for the registration of pesticides, including associated labels and directions for use. The APVMA website states 'the directions are designed to protect people, animals, crops and the environment'. Following label directions ensures we are operating appropriately in relation to the safe use of any particular product, including mitigating environmental impacts, as developed by the relevant experts and required by legislation.

### Steam Trial

A 6-month trial is underway for control of weeds using steam. The trial is assessing how effective a trade-marked product known as the Satusteam is at controlling weeds in paving, kerbs and gutters, garden edges and tree pits. This is being undertaken by the supplier in certain commercial centers, as well as various playgrounds. It is not a systemic method and only effects what it touches.

Results have been favourable, although there are limitations with transporting the unit due to weight and the need to have an appropriate water supply. Use of the unit will entail more staff time than traditional weed spraying techniques, however we have noted that the contractor's efficiency has been improving with repeat visits to sites. The intent is to purchase a unit for use by staff in suitable locations across the local government area. This can be expanded over time subject to appropriate funding and as technology improves.

### Research Project

Permaculture Northern Beaches and Council staff have met with representatives of Macquarie University's Professional and Community Engagement (PACE) program to investigate the possibility of a research project into alternatives to pesticide use. The program involves students engaging in real-world learning activities. The scope of the project is to be developed however it will be specifically related to identifying non-chemical options to manage pests across the Northern Beaches. The work is a component of the student degree qualification, with likely timing understood to be in the second half of 2024.

### Response to item 3: Council seek opportunities to further educate the community regarding SGARs and other harmful chemicals and recommendations for safe alternatives

Council will seek to educate the community on the dangers of SGARs as part of a concerted program including but not limited to the following:

- Council's existing communication channels including newsletters, social media etc
- Raise with targeted stakeholders such as lessees and licensees, Government agencies and departments including the Department of Education.
- Incorporate the message into environmental education initiatives.

## CONSULTATION

Consultation has been ongoing with key industry bodies, lessees and licensees and more recently Permaculture Northern Beaches.

## TIMING

Council has ceased the use of SGARS in its operations. Council has contacted its licensees, lease holders and other building operators to encourage them to cease using SGARS and inform them of the intention to formalize this through their leases and licenses as they are renewed.

It is proposed that the use of Thiamethoxam will cease immediately after consideration of this report.

The research project with students from Macquarie University and Permaculture Northern Beaches is a part of the student program and will be undertaken in the second half of 2024.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- 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

## FINANCIAL CONSIDERATIONS

Should the trial prove successful, the purchase of steam weeding units would be undertaken through normal budgeting processes.

## SOCIAL CONSIDERATIONS

The reduction of the use of pesticides around playgrounds and commercial centres will reduce the potential for public exposure to chemicals.

## ENVIRONMENTAL CONSIDERATIONS

Phasing out of SGARs will reduce risk of secondary poisoning of native animals including protected species such as the Powerful Owl. The use of the Neonicotinoid Thiamethoxam on turf surfaces will be ceased and eliminate any potential impacts to local bee populations. The use of the steam weeding unit will reduce the need to use chemicals in various locations.

Of critical importance is that all pesticides used by Council and domestically are used per the instruction on the label to reduce the risk to environmental and human health.

## GOVERNANCE AND RISK CONSIDERATIONS

Council's approach to managing pests complies with appropriate legislation.

The opportunities identified in this report will further improve Council's practices.

<b>ITEM 13.2</b>	<b>OUTCOME OF PUBLIC EXHIBITION - CHURCH POINT COMMUTER WHARF FEASIBILITY STUDY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT &amp; CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2023/015461</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">⇒ Church Point Commuter Wharf Feasibility Study (January 2023) as amended (Included In Attachments Booklet)</a></li> <li>2 <a href="#">⇒ Church Point Commuter Wharf Feasibility Study Consultation Outcomes Report (Included In Attachments Booklet)</a></li> <li>3 <a href="#">⇒ Church Point Commuter Wharf Feasibility Study Planning and Environment Constraints Report (Included In Attachments Booklet)</a></li> <li>4 <a href="#">⇒ Church Point Commuter Wharf Feasibility Study - Community Engagement Report (Included In Attachments Booklet)</a></li> </ol>

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## SUMMARY

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### PURPOSE

The purpose of the report is to inform Council of the outcome of the public exhibition of the draft Church Point Commuter Wharf Feasibility Study (the draft Study) and recommend that Council endorse the final Church Point Commuter Wharf Feasibility Study (as amended).

### EXECUTIVE SUMMARY

- Council, acting on concerns about safety and capacity of the existing Church Point commuter wharf, commissioned a report into the feasibility of providing additional capacity for commuter boats in various locations on Pittwater.
- The existing commuter wharf has capacity for 111 boats. With 300 permits, the existing commuter wharf is unable to accommodate demand and experiences frequent overcrowding and double stacking of vessels or tie ups illegally elsewhere.
- The draft Study which provided options for alternative locations to install an additional facility was placed on public exhibition from Monday 29 August 2022 until Monday 26 September 2022. A total of 128 submissions were received.
- The submissions suggest that whilst most offshore residents favour a structure at Rostrevor Reserve, onshore residents oppose the option.
- Onshore residents provided the greatest support for Option 3a at Rowlands Reserve.
- It is proposed to progress with Option 2a subject to grant or other funding being sourced.

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**RECOMMENDATION**

That Council:

1. Endorse the Church Point Commuter Wharf Feasibility Study (January 2023) as amended.
  2. Develop a grant-based capital funding bid for the installation of an additional facility at Rostrevor Reserve in the short term (Option 2a).
  3. Write to the NSW Minister for Transport seeking:
    - a. improvements to public transport options for off-shore residents in the Pittwater; and
    - b. the relocation of swing moorings to permit the extension of the existing facility in the medium to long term.
  4. Investigate opportunities to improve the management and operation of the existing facility in consultation with the community.
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## REPORT

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### BACKGROUND

The Church Point Commuter Wharf is an important transport hub for the local offshore community. Offshore residents with permits may use the Church Point Commuter Wharf to moor their boat to access the mainland. Council understands the importance of access to the mainland for the offshore community and acknowledges the significance of the locality and environment of the Church Point area to the residents, onshore and offshore, tourists and businesses of Church Point.

The existing commuter wharf has capacity for 111 boats. With 300 permits issued and 14 residents currently on the waiting list for permits, the existing commuter wharf is unable to accommodate demand and experiences frequent overcrowding. As a result, offshore commuters often double stack their vessels or tie up illegally under the boardwalk or elsewhere.

Council, acting on complaints about safety and capacity of the existing Church Point Commuter Wharf, commissioned the investigation of the feasibility of providing additional capacity for commuter boats in various locations.

To investigate options to address frequent overcrowding of the existing facility, Council received grant funding through the Boating Now Round 3 in 2020 from Transport for New South Wales (Transport). Through this grant program, Council engaged Advisian to investigate the feasibility of various options to address peak hour overcrowding at the commuter wharf and to propose alternate boat mooring facilities if necessary.

Over the years Council has increased the availability of commuter boat parking at Church Point. In 2012, Council increased the length of the wharf from 65m to 125m.

In 2016, as part of the road realignment works for Church Point Carpark project, the commuter wharf was moved north by 4m into deeper water. During the construction of the new seawall at Church Point, the tie-ups on the southern side of the commuter pontoon were unavailable, and to offset this, Council installed a temporary pontoon at Rostrevor Reserve. Once the construction on the commuter wharf was complete and Council had increased the number of tie-ups by extending each end of the wharf by 5m, to 135m, the temporary pontoon was removed.

After the removal of the temporary structure at Rostrevor Reserve, a number of residents raised concerns in 2018 and 2019 regarding overcrowding of the wharf with offshore residents having to climb over other boats to access the wharf or their boat. Some of these complaints included elderly, those with mobility constraints, and parents with young children.

The overcrowding issue is a result of demand exceeding capacity. Although Council has historically issued 300 permits (limited to one permit per household) the commuter wharf has a capacity of about 111 boats although there have been times where 139 boats (23/11/2022) have been counted off aerial photography. It is also understood that some users of the existing facility, still use it without having been able to obtain a permit.

To address these concerns, Council sought to investigate the potential for expansion of commuter wharf facilities. Following an initial scoping survey of offshore residents, six locations were identified as possibilities for expansion of the facility.

### CONSULTATION

At its meeting on 23 August 2022 Council resolved to place the draft Study on public exhibition for a period of 28 days and to report back to Council on the outcome of the public exhibition.

The draft Study was placed on public exhibition from Monday 29 August 2022 until Monday 26 September 2022. Community engagement activities included engagement via Council's Your Say webpage, Council's community engagement newsletter, two drop-in sessions, one working group



briefing, community electronic direct mail distribution, online social media, print media and mail outs to residents.

In total 128 submissions were received during the exhibition period with the most contested aspect of the draft Study being a structure at Rostrevor Reserve, current overcrowding of Church Point precinct and policing of the existing structure. The submissions suggest that whilst most offshore residents favour a structure at Rostrevor Reserve, onshore residents oppose the option. Specifically onshore residents contest the draft Study's parking ranking, its assessment of the present congestion at Church Point Precinct and its review of Option 3a at Rowland Reserve.

The Community Engagement Report and submissions are provided in Attachment 1.

### **Exhibited Materials**

The following documents were exhibited via Council's Your Say Page:

- Church Point Commuter Wharf Feasibility Study (Draft)
- Church Point Wharf Feasibility Study – Planning and Environmental Constraints Report
- Consultation Outcomes Report – Church Point Commuter Wharf Feasibility Study
- Frequently Asked Questions

The following supporting documents were also included:

- *Church Point Sydney – Plan of Management*

### **Notification to Stakeholders**

- 2,284 letters informing residents that the draft Church Point Commuter Wharf Feasibility Study was on public exhibition, including information on where to view the document and a link to Council's Have Your Say webpage, were posted to residents within the 2105, 2104, 2108 postcodes which includes the suburbs of Scotland Island, Lovett Bay, Elvina Bay, Morning Bay, Church Point, McCarrs Creek, Bayview, Great Mackerel Beach, Currawong Beach and Coasters Retreat.
- Six corflute signs were placed throughout Church Point, Scotland Island and South Elvina Wharf advertising the public exhibition of the draft Church Point Commuter Wharf Feasibility Study.

### **Online Media**

- Electronic copy of the draft Study was placed on Council's Your Say Page (<https://yoursay.northernbeaches.nsw.gov.au/church-point-commuter-wharf>) including on-line submission form.
- Emails sent via Council's electronic direct mail contacts.

### **Information Sessions**

- Two drop-ins at Thomas Stephens Reserve, Church Point on:
  - Wednesday 8 September 2022 between 9 am – 11 am
  - Saturday 17 September 2022 between 9 am – 12 pm
- Two working group briefings were scheduled online:
  - Monday 19 September 2022 between 5 pm – 6 pm (Cancelled)
  - Wednesday 21 September 2022 between 5 pm – 6 pm



## Review of the Submissions

The key feedback received and staff responses are listed in the table below. A more detailed summary of submissions can be found in the Community Engagement Report at Attachment 4.

Theme	Issues, change requests and other considerations raised	Council's response
Data on current use of the Commuter Wharf	Onshore residents raise concerns about absence of accurate data regarding current usage of the Commuter Wharf.	Should Council decide to proceed with any of the options, it will consider conducting further study.
Local traffic, parking, and transport	Numerous submissions question the draft Study's ranking of parking, expressing concern that the ranking is unsuitable for a commuter wharf.	<p>The draft Study's ranking of parking only focuses on Commuter Wharf users. Council acknowledges that with the Waterfront Café and General Store, Pasadena and Holmeport Marina in the immediate vicinity this ranking is limited and imprecise.</p> <p>Council's Transport Network will explore the option of conducting a Parking Demand Management Study at Church Point to better manage parking in the existing Church Point Reserve car park, local streets and the new Church Point car park.</p>
	Majority of onshore respondents fear that building another structure at Church Point, will put further burden on parking and the roads and exacerbate traffic.	Council's Transport Network will explore the option of conducting a Parking Demand Management Study at Church Point to better manage parking in the existing Church Point Reserve car park, local streets and the new Church Point car park.

Theme	Issues, change requests and other considerations raised	Council's response
Location suitability	<p>Offshore residents point out that the temporary structure built in Rostrevor Reserve in 2016 met the needs of the community, inferring that a similar structure will provide adequate number of tie-ups.</p> <p>On the other hand, onshore residents oppose a structure at Rostrevor Reserve due to Rostrevor Reserve being the only piece of open recreational free space along the shore of Church Point.</p> <p>Furthermore, onshore residents argue that an additional structure in the Church Point area can further exacerbate traffic and parking problems and limit the navigation of commercial vessels at Holmeport Marina and Cargo Wharf. As such, the residents argue that an alternative location away from Church Point is a more appropriate option as it will disperse the load.</p>	<p>Council will continue to explore other options including operational and capital schemes to address the issue of overcrowding at Church Point Commuter Wharf.</p> <p>To address the onshore community's concerns, it is noted that whilst the temporary structure at Rostrevor Reserve was put in place back in 2016, no issues arose regarding maneuvering room for barges using the adjacent cargo wharf, as well as private vessels accessing Holmeport Marina.</p> <p>In fact, whilst Transport are not in favour of creating any additional fingers or arms to the existing Church Point Commuter pontoon as it will push too far out into the navigation channel, they support a structure at Rostrevor Reserve as it was built back in 2016 as there were no issues concerning the obstruction of the channel.</p> <p>Nevertheless, Council will further assess concerns regarding traffic and parking and if needed explore alternative locations.</p>
Alternative – Operational and Policy Management Changes	Onshore and offshore residents and communities including West Pittwater Residents Association, Church Point Friends, and Bayview Church Point Residents Association concur that Council needs to employ frequent policing of the permits as numerous boats without permit stickers tie up at the existing commuter wharf.	We will seek the advice of our Business Operations and Rangers teams regarding the operation of current policies and possible ways to improve these policies.
	There is consensus among offshore and onshore residents that a 72-hour time limit on the use of the commuter wharf is necessary to limit the issue of users leaving their boats at the commuter wharf for days and sometimes weeks.	We will examine the Church Point Plan of Management and liaise internally and externally with Transport to explore options to further help alleviate overcrowding at Church Point Commuter Wharf.

Theme	Issues, change requests and other considerations raised	Council's response
	Several submissions propose that a higher permit fee for larger vessels would encourage the use of smaller vessels.	
	Submissions request an increase in the frequency of ferry operations for offshore residents.	As per Church Point Ferry Service's submission number 20, Church Point Ferry Services are open to discussing an after hours on demand ferry service. Council will further discuss the details with Transport and Church Point Ferry Services.
Alternative locations and solutions	<p>Whilst Rostrevor Reserve ranks first among offshore residents, it ranks last among onshore residents. Contrarily Rowland Reserve ranks first among onshore residents but attracts little opposition from offshore residents.</p> <p>The onshore community argue that whilst a structure at Rowland Reserve would be farther from the offshore community, commuters with larger vessels can safely navigate the waters. The onshore community argue that this would take the pressure off Church Point and spread the load of parking and traffic.</p>	Whilst this point is noteworthy, it is important to further assess the advantages of building a structure at this location.
	Arguments supporting a structure at Church Point reserve include its current use by commuter users, its proximity to parking and the shops and its potential to provide adequate number of boat berths.	Due to environmental concerns Council will need to undertake further environmental studies to determine the suitability of this location however due to the existence of seagrasses it is unlikely that Council will build a structure here.
	Several onshore residents argue that the construction of a bridge across the water from Church Point Reserve to Scotland Island or the provision of a vehicle punt can address the overcrowding issue in long term.	The cost of building a bridge across the water from Church Point Reserve to Scotland Island is unjustifiable. Building a bridge will require the construction of roads on Scotland Island which will further add to the ratepayers' cost. Furthermore, a bridge will only serve the residents of Scotland Island and will not improve access for residents on western foreshores.

## DISCUSSION OF SUBMISSIONS ON EACH OPTION

Stakeholders were presented on the following options considered as a part of the feasibility study:

Option 1a - Perpendicular arms existing wharf

Option 1b - Curved arm existing wharf

Option 2a - Rostrevor Reserve

Option 2b - Church Point Reserve

Option 3a - Rowland Reserve

Option 3b - McCarrs Creek

Option 3c - Bayview Baths

Stakeholders were informed that whilst Option 1a was considered initially, it was removed from further consideration as it would not provide a substantial increase in the number of berths and would potentially impact adjacent swing moorings. Stakeholders were requested to provide comments on all other options presented.

### **1b - Extension to the existing commuter wharf through the addition of another curved arm**

The extension to the existing commuter wharf through the addition of a curved arm is the second preferred option for offshore and onshore residents.

Those that support this option argue that it confines the commuter boats to the area where the existing structure is, effectively causing the least visual impact. Its proximity to parking and provision of an additional 119 tie-ups make this option favourable amongst offshore residents.

Those against this option, particularly onshore residents argue that this option will increase road traffic and congestion at Church Point which is already experiencing overcrowding.

It is also suggested that the existing commuter wharf is never at capacity, however aerial photography suggests the commuter wharf is at capacity on many occasions. Data collected by a nearby resident does indicate that there are a number of boats without permits using the wharf and if the requirement for a permit was enforced then capacity would be improved. Staff surveys have confirmed the resident's data.

### **Response**

The objective of the expansion of the commuter wharf is to reduce issues with overcrowding at the existing commuter wharf which has capacity for only 111 boats. The current capacity leads to double parking of boats with permits at the commuter wharf or "illegal" parking under the boardwalk structure. Residents who would use the additional berths associated with an expanded facility, already have vehicles parked in the precinct. In response to those submissions concerned that this option would exacerbate traffic and congestion at Church Point precinct, it is considered the provision of additional boat parking would not correlate in an increase in demand for parking. It may allow Council to reduce waiting lists for permits or ensure those using the existing facility without a permit formalise their access.

Some options may distribute parking requirements more broadly across the precinct and this will be investigated through the Parking Demand Management Study at Church Point that is subject to a budget bid for the 2023/2024 program.

Furthermore, whilst this appears to have wider support and less opposition, this option is difficult to implement in the short-term as it requires the relocation of swing moorings to maintain a clear navigation channel at this location. Transport have advised that relocation of swing moorings may

take many years due to the Pittwater waterway being at capacity for fixed swing moorings. Swing moorings may only be removed if boats are relocated, or their “ownership” is rescinded.

The enforcement of unauthorized use of the wharf would require regular inspections by Council Rangers and access to Transport boat registration details in order to issue infringements.

## **2a – Additional Structure at Rostrevor Reserve**

Offshore residents overwhelmingly support an additional structure at Rostrevor Reserve due to its proximity to existing carparking and public transport, as well as the temporary structure at Rostrevor Reserve built in 2016 meeting the needs of the community.

In contrast onshore residents oppose an additional structure at Rostrevor Reserve. The submissions identify the reserve as the only green space on the Church Point foreshore, and it complements the Rostrevor House opposite the reserve with uninterrupted views of the water. There were many submissions opposed to this option on the basis of over-development of the foreshore, the provision of excessive infrastructure and the impact on the local amenity of Church Point.

Onshore residents’ submissions prefer extension of the existing commuter wharf (Option 1b), as structure at Rostrevor Reserve would further exacerbate traffic and parking problems and limit the navigation of commercial vessels at Holmeport Marina and Cargo Wharf

## **Response**

In response to concerns regarding a structure at Rostrevor Reserve limiting the navigation of commercial vessels, there is no evidence to suggest that during the period the temporary wharf at Rostrevor Reserve was in place, access to Holmeport Marina and Cargo Wharf was impeded. Furthermore, this option is favoured by Transport due to its limited impact on the navigation channel.

In response to submissions regarding the Rostrevor Reserve and Rostrevor House accompanying one another and a structure at Rostrevor Reserve adversely affecting this harmonisation, Advisian’s Planning and Environmental Constraints Report states that a structure at Rostrevor Reserve would have no direct physical impacts to the heritage items located in the vicinity. In line with Advisian’s Planning and Environmental Constraints Report an REF would be required to assess any potential visual impacts to these items.

It is conceded that another pontoon for commuter boats is likely to impact the visual amenity of the Rostrevor Reserve outlook and that a better outcome would be to expand the existing facility, however, the offshore community might reasonably expect a timely response to their concerns.

In response to traffic and parking concerns, these are the same as 1a.

## **2b – Additional Structure at Church Point Reserve**

Those that support a structure at Church Point Reserve argue that this option is one of the only two options providing sufficient tie-up spaces for offshore commuters. Proponents of this option claim that many commuters already use this area to tie-up their boats.

On the other hand, opponents of this option argue that this option is the least environmentally appropriate option due to the presence of seagrasses. Some submissions also identified the negative impact on recreational uses of the beach frontage at this location. Like Options 1b and 2a, the onshore community object to the construction of an additional structure at Church Point Reserve due to this option negatively impacting traffic and parking at Church Point.

Some onshore residents argue that building a structure here may also be contrary to the Church Point Plan of Management’s intent in re-claiming this location for recreational use.

## Response

In support of claims regarding this option being the least environmentally appropriate option, Advisian's Planning and Environmental Constraints Report (pg. 17) states that expansive beds of Posidonia and smaller areas of Zostera seagrasses have been mapped in the vicinity of this option. These seagrasses are threatened ecological communities and a wharf structure would likely have a significant environmental impact. Furthermore, this option has been identified by NSW DPI Fisheries as one which is not preferred due to the mapped Posidonia.

In response to submissions regarding the Church Point Plan of Management's (PoM) intent in reclaiming existing parking at this location for recreational use, the Church Point Plan of Management proposes future expansion of recreational space in the Church Point study area only if alternative options for car parking become available. The PoM also suggests reclaiming the foreshore area to improve recreational outcomes and create a waterside promenade.

Although it might be feasible to incorporate a jetty into such a proposal, given the environmental impacts, this option cannot be supported.

In response to traffic and parking concerns, these are the same as 1a.

### 3a – Rowland Reserve

Of the 22% of submissions in support of a structure at Rowland Reserve, 91% were from onshore residents. Onshore residents submit that a structure at Rowland Reserve would ease congestion and improve parking availability at the Church Point Precinct, as Rowland Reserve would be able to accommodate the additional parking demand.

In addition, those supportive of a structure at Rowland Reserve argue that despite it being one of the furthest locations for commuters, it may be a suitable option for commuters with larger vessels to park their boats as well as more accessible for residents on the northern and eastern sides of Scotland Island.

Those opposed to a structure at Rowland Reserve argue that Rowland Reserve is a considerable distance from the offshore community and therefore unsafe for commuters, especially inexperienced skippers, such as teenagers with boat licences.

## Response

Rowland Reserve provides 311 car spaces and 7 accessible car spaces and is a regional facility for boating access to the Pittwater waterway and off leash beach access for dogs. Parking at Rowland Reserve is Pay & Display and users cannot use Beach Parking Permits for free parking. As such, additional parking spaces will have to be built should Council proceed with this option and an alternate parking permit scheme would need to be considered.

This location is classified as community land, hence, to determine if the use of Rowland Reserve for the construction of a jetty for boat storage/mooring is permissible, Council will need to give consideration to the provisions of the 2003 *Winnereremy Bay Plan of Management*. Whilst the installation of jetties, dinghy storage and short term licences (including the future licencing of non-exclusive berthing rights at the Rowland Reserve Jetty to commercial vessel operators) are not prohibited uses care will be needed to ensure the proposal is permissible.

In line with claims that a structure at Rowland Reserve is some distance from the offshore community and therefore unsafe for commuters, Advisian's Planning and Environmental Constraints Report states that navigational access would be slow due to the 4 knot zones between Rowlands and offshore and the narrow access channel could be difficult to navigate, especially at night. Submissions received indicate that some of the commuter vessels currently in use are of a size and capacity that is considered more than capable of safely navigating the route.



To address the above, Council may consider investigating the feasibility of providing additional boating berths at Rowland Reserve specifically for larger vessels as larger vessels are more fit for navigating through rough waters.

Council could consider the feasibility of allocating berths to specific applicants with designated parking spaces for a premium. It is understood commuter boat parking at Brooklyn operates in a similar manner. This would be subject to further consultation with the community.

### **3b – McCarrs Creek Reserve**

McCarrs Creek Reserve was identified as an option that has capacity for parking, however it is a remote site and may have potential safety and access concerns.

An additional structure at McCarrs Creek Reserve is the least preferred option amongst offshore residents. Opponents argue that McCarrs Creek waterway is narrow and overcrowded with swing moorings. The reserve has poor access to public transport and is some distance from offshore residences resulting in long travel times for boats.

There was limited support for this option with only 2% of respondents supporting this option. As such, the McCarrs Creek Reserve option is not supported.

There is no response to submissions concerning this option as the draft Study already addresses these concerns.

### **3c – Bayview Baths**

One of the main arguments against an additional structure at Bayview Baths is that parking at this location is limited. It is also some travel distance for offshore residents.

There was limited support for this option with only 4% of respondents (5) supporting this option.

There is no response to submissions concerning this option as the draft Study already addresses these concerns.

### **Alternative – Operational and Policy Management Changes**

There is strong support amongst offshore and onshore respondents for Operational and Policy Management Changes. Current policy provisions allow only one permit per household.

Despite Council issuing 300 boat permits to offshore residents, numerous submissions suggest that commuters without boat permits are utilising the spaces at the existing commuter wharf, allotted for those who have permits.

One solution for unauthorised use is for Council Rangers to monitor the existing commuter wharf on a more regular basis and to issue infringements to deter non-permit holders from using the commuter wharf. It is likely to be an unpopular solution as offshore residents have limited options for transport between homes and onshore facilities. One of the issues the Rangers face is that not all vessels need to be registered and some vessel registration identification numbers are illegible due to wear and tear. This makes it difficult for Rangers to issue an infringement to owners of unregistered vessels that do not display a permit. It is noted however that many of the boats without permits are of a size that must be registered (engine horsepower > 5hp).

Numerous submissions also indicate that some commuters leave their boats at the existing commuter wharf for extended periods and suggest that Council should implement a new policy and set a time limit on tie-ups to prevent residents with “weekenders” (notwithstanding the requirement to provide proof of permanent residency) from storing boats at the commuter wharf. Council staff consider that a 72-hour time limit may be appropriate for the tie-ups at the commuter wharf allowing for a weekend away although the Church Point PoM suggests 48 hours.



Several submissions support Council providing 'casual' tie up areas. The recently completed new boardwalk adjacent to the General Store provides short-term tie-up areas. Council may need to monitor this site as it appears boats are in breach of signposted time limits.

In their submissions, the offshore and onshore community also express their support for Council to limit the size of vessels using the commuter wharf or charging a higher permit-fee for larger vessels. Similar to setting a time limit on tie-ups, Council will need to consult with the community given the impact such a policy may have on boat owners.

Submissions by onshore residents argue that frequent ferry services for offshore residents would remove the need for additional boat berths. Ferry services to Scotland Island and Western Foreshores are run by Church Point Ferry Service between 6:20am and 7:30pm. Whilst Church Point Ferry Service operates under contract for Transport, they have shown interest in discussing an afterhours on demand ferry service from 7:30 pm to midnight with Council. This is an option that Council will further discuss with Transport and Church Point Ferry Service.

Council should, however, be mindful of the impact of changes to public transport options and the impacts on other businesses, such as, water taxis. An increase in ferry hours is likely to impact water taxi operations and may affect the viability of the water taxi service and the after hours service it provides. Such changes may impact access to offshore properties that cannot be accessed by ferry services, e.g., waterfront Airbnb properties. It is also noted that during COVID the water taxi service was forced to significantly reduce operating hours and it is only recently that the service has again been extended to 9pm/10pm.

It is further understood from submissions that offshore residents also utilise a "social media App" to operate an informal ride share service amongst offshore residents, typically outside the operating hours of current public transport operators.

Some submissions suggest that Council subsidise ferry tickets or water taxi fares. Council would need to assess the business case for this option and compare the financial cost of operating such a scheme with the cost of building and maintaining infrastructure. Council may need to consider if it is reasonable for the wider Northern Beaches community to subsidise the transport requirements of residents that have chosen to live offshore.

Some submissions by onshore residents propose the construction of a bridge or car ferry from Church Point Reserve to Scotland Island. It is highly unlikely this option would be feasible given the extremely high cost of providing such infrastructure and road upgrades on Scotland Island to accommodate vehicles for the limited benefit of residents on Scotland Island whilst not addressing the needs of residents on the western foreshore.

## Response

The draft Study currently recommends options to ease stakeholder concerns and overcrowding including:

- Imposing time limits on commuter boats and implement enforcement of permits and time limits.
- Providing casual, time limited tie ups (already implemented as part of the new boardwalk works)
- Surveying permit holders about usage and assess demand regarding current limitations on permit numbers.
- Limiting the size of vessels.
- Reviewing of ferry services

It is proposed to amend the draft Study to include other policy and management options including;

- Develop and implement a clear operational determination for commuter wharf management including boat size, time limitations and enforcement practices.
- Lobby for improved public transport options with Church Point Ferry Services and Transport
- Lobby Transport for the relocation of moorings at Church Point (Option 1b) as a long-term solution
- Seek funding for the further investigation of the Rowland Reserve option

### **Key Changes Following Exhibition**

Following consideration of submissions on the draft Study, it is considered that the assessments of the available options are a reasonable appraisal of the merits of each and the ranking of their priority. The submissions received during community exhibition of the draft Study has identified a number of new initiatives that may warrant further consideration. Council approval and funding of these initiatives would be required. They are:

- Consider a demand study on the current and future use of the existing berthing facilities providing tie-ups for the offshore community
- Review the current enforcement processes and improve policing of the existing commuter wharf
- Further investigate Option 3a at Rowland Reserve

The submissions did highlight alternative opportunities not identified in the draft Study and accordingly it is proposed that Council approve of the following key amendments to the draft Study:

Amend Section 5.8 Alternative – Operational and Policy Management Changes to include the following:

- Develop and implement a clear operational policy for commuter wharf management including boat size, time limitations and enforcement practices.
- Lobby for improved public transport options with Church Point Ferry Services and Transport
- Lobby Transport for the relocation of moorings at Church Point (Option 1b) as a long-term solution

### **TIMING**

The timing of any future works would be subject to receiving appropriate funding and approvals.

### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes of:

- Transport, technology and connectivity - Goal 16 Our integrated transport networks meet the needs of our community and reduce carbon emissions
- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches

### **FINANCIAL CONSIDERATIONS**

Design and construction of an additional commuter boat facility at Rostrevor Reserve (Option 2a) is estimated at approximately \$900,000. The 2024/25 Delivery Program provides \$310,000 towards

investigation, design and approvals. The design of such a facility may also be eligible for funding under the Transport Boating Now grant program.

A budget allocation for the construction of a facility is not currently in the capital program and would be dependent upon Council seeking grant funding for the works. The next round of Transport Boating Now grant funding is likely to be in 2024 or 2025.

This work could be reasonably staged to provide an initial 32 additional boat berths at a reduced cost and if warranted by demand, a further 25 berths as part of stage 2.

The detailed investigation of a facility at Rowland Reserve is not currently funded and would need to be considered for funding in developing the 2024/2025 budget given the recent closure of capital funding bids for 2023/2024. The estimated cost is \$60,000.

The enforcement of time limits and boat parking permits is likely to require additional funding to increase the level of service in this area otherwise services to other parts of the local government area will be impacted.

### **SOCIAL CONSIDERATIONS**

Community participation and involvement was a fundamental component of the public exhibition of the Church Point Commuter Wharf Feasibility Study and has allowed the preparation of recommendations that reflect the community submissions. Specific emphasis has been placed on ensuring all members of the community have an opportunity to engage with the process and to share their concerns about what is the best way to address overcrowding of the existing wharf.

### **ENVIRONMENTAL CONSIDERATIONS**

The impact of these facilities on the environment has been considered in the options assessment however a comprehensive Review of Environmental Factors (REF) will be required. Details are available in Appendix A – Planning and Environmental Constraints. No particular option could be carried out until the necessary assessments have been undertaken. Staff would follow the normal assessment approval pathways if funding is obtained prior to any project proceeding.

### **GOVERNANCE AND RISK CONSIDERATIONS**

There has been extensive community consultation and engagement to provide the community with multiple opportunities to participate in determining the feasible option to address overcrowding at the existing commuter wharf. This has allowed for appropriate opportunities to consider the risks and community concerns associated with the draft Study. These issues have been explored in detail above.

<b>ITEM 13.3</b>	<b>PUBLIC EXHIBITION - PROPOSED NAMES FOR FOUR COUNCIL ROADS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT &amp; CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2023/044921</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

The purpose of this report is to seek Council's endorsement to publicly exhibit proposals to rename Walworth Court, Newport, and to provide road names to three currently unnamed laneways in Seaforth, Collaroy, and Avalon.

### EXECUTIVE SUMMARY

- Two similarly named adjoining streets in Newport (Walworth Court and Walworth Avenue) are causing confusion and impacting deliveries and general community wayfinding.
- Additionally, community requests have been received to name unnamed laneways in Seaforth, Collaroy and Avalon.
- Names sourced from First Nations languages have been considered, however it has not been possible to achieve consensus between members of the Aboriginal community.
- Aboriginal Languages Trust (ALT) have recommended Council consider forgoing the use of Aboriginal Languages until there is clear direction from the Local Aboriginal Community on which Aboriginal Language(s) belong to our area.
- The recommended names are supported by Geographical Names Board of NSW and are proposed to be released for community consultation and feedback.

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### RECOMMENDATION

That:

1. Council publicly exhibit for a minimum of 28 days the proposed re-naming of the Walworth Court as Syncarpia Court, Newport and the proposed naming of the unnamed laneways as:
    - a. Spotted Gum Lane, Avalon
    - b. Fig Tree Lane, Seaforth
    - c. Hibiscus Lane, Collaroy.
  2. The outcomes of the public exhibition be reported to Council.
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## REPORT

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### BACKGROUND

At its meeting on 28 September 2021, Council resolved to place on public exhibition the proposed renaming of Walworth Court, Newport. At its meeting on 26 October 2021, Council resolved to place on public exhibition the naming of two unnamed laneways in Avalon and Seaforth.

At its meeting on 22 February 2022, a report on the Outcome of Public Exhibition to rename Walworth Court, Newport was deferred due to submissions regarding the use of local Aboriginal language/words used as street names.

When naming/renaming a street, Council is required to follow the guidelines of the Geographical Names Board of NSW (GNB) Property Addressing Policies, Guidelines and Standards and Council's Policy for the Naming of our Reserves, Facilities and Roads.

The GNB has developed standards for Property Addressing to ensure consistent and unambiguous addressing and is the authority to approve street naming proposals. These addressing standards are important for both the government and the community to accurately identify property and for the delivery of services, such as, postal, deliveries, emergency services, utilities and government agencies, as these services rely on property addressing data held by NSW Land Registry Services. These standards inform Council proposals for names, with the GNB being the final authority for approval.

The GNB Property Addressing Policies, Guidelines and Standards state that where there are less than five residential properties on a road there is no requirement for that road to be named. As such throughout the local government area (LGA) there are numerous unnamed roads. These roads are generally left unnamed until such point as there becomes a reason to name them – generally either through a new use or through a request from a resident.

### DISCUSSION

#### Aboriginal Language Use in Road Names

Council had sought to rename one road and name two further laneways with words in the local Aboriginal language.

Understanding that there are numerous indigenous languages, Council initially contacted the Aboriginal Heritage Office (AHO) to prepare a list of suitable road names in the language they believe to be appropriate. The AHO provided a list and recommended Council use Jacklin Troy's book 'The Sydney Language' for any future naming purposes.

Council has subsequently contacted the Metropolitan Local Aboriginal Land Council (MLALC) which has also recommended that 'The Sydney Language' is used.

While both the AHO and MLALC are aligned on the preferred language, there remains some local contention about the appropriate naming approach. Given the disagreement around the correct language, Council contacted the newly created NSW Government Agency the Aboriginal Languages Trust (ALT) for a recommendation on how to move forward. The ALT provided the following four recommendations:

1. *Council consider forgoing the use of Aboriginal Languages until there is clear direction from the Local Aboriginal Community on which Aboriginal Language(s) belong to your area; and*
2. *Council consult with Metropolitan Local Aboriginal Land Council (Metro LALC) as the representative body for your region; and*
3. *Council enquire with the Registrar for the Aboriginal Land Rights Act as to whether there are any Aboriginal Owner Groups within your area; and*

4. Council enquire with NTSCORP as to whether there are any Native Title Groups within your area.

Accordingly, it is recommended that Council forgo the use of any Aboriginal languages in this matter.

In response to ALT recommendations 3 and 4, advice has been received that there are no Aboriginal Owner Groups or Native Title Groups in the LGA that might assist Council in this matter.

### **Naming of Laneways**

In addition to the renaming of Walworth Court, it is proposed to name three laneways, one in each of Seaforth, Avalon and Collaroy. The three laneways have no residential or business addresses associated with them, although do provide vehicle access to adjacent property.

Whilst the laneways are used to access various business premises for deliveries, the lack of street names hinders wayfinding. It is unlikely that businesses are able to refer to the unnamed laneways as a business address, or publish it on business correspondence such as letterheads, however there are a small number of instances referencing rear laneway of Bellevue Avenue or rear laneway off Kempbridge Avenue.

One example is Chakana Day Spa in Avalon which refers to its access on its website as “Access via Rear Lane off Bellevue Avenue, 45a Avalon Parade”.

There are no residential property addresses impacted by these renaming proposals.

It is expected that naming these unnamed laneways will improve wayfinding. Council will notify all property and business owners adjoining the laneways to seek feedback on the proposals and report back to Council on completion of the notification period.

### **Road Naming Proposals**

The GNB guidelines suggest that Aboriginal names and/or names of early settlers, war servicemen and women, and other persons who have contributed to the heritage of an area, local history themes, flora, fauna, ships etc. are suitable road names.

It is recommended that alternate names be used such as local flora and fauna. It is further recommended that the following names be put on public exhibition.

Existing Name	Proposed Name
Walworth Court	Syncarpia Court
Unnamed Laneway – Seaforth	Fig Tree Lane
Unnamed Laneway – Avalon	Spotted Gum Lane
Unnamed Laneway – Collaroy	Hibiscus Lane

- **Walworth Court proposed new name**

Syncarpia Court

- Syncarpia: Turpentine tree large endemic *Syncarpia Glomulifera* tree located midway down lane and is an eminent tree for locality

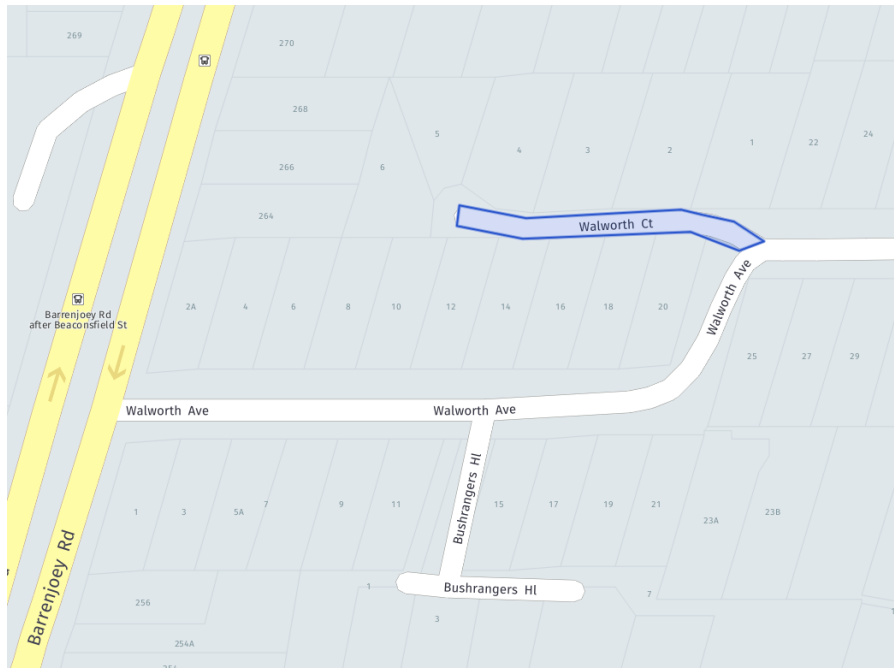


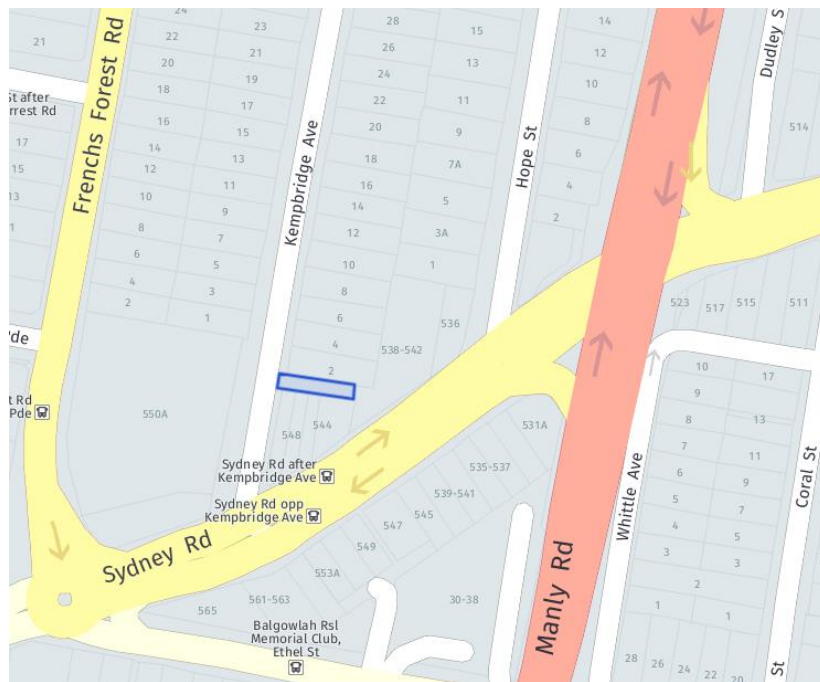
Image of Walworth Court, Newport

- **Unnamed laneway – Seaforth (off Kempbridge Avenue)**

Fig Tree Lane

- The primary use of the proposed Fig Tree Lane, Seaforth is access to the private car park of 538-540 Sydney Road. The strata managers of this building requested the road be named so businesses can provide parking instructions with greater clarity to clients and visitors.
- *Ficus Benjamina* non-native exempt species growing on private property midway down lane.



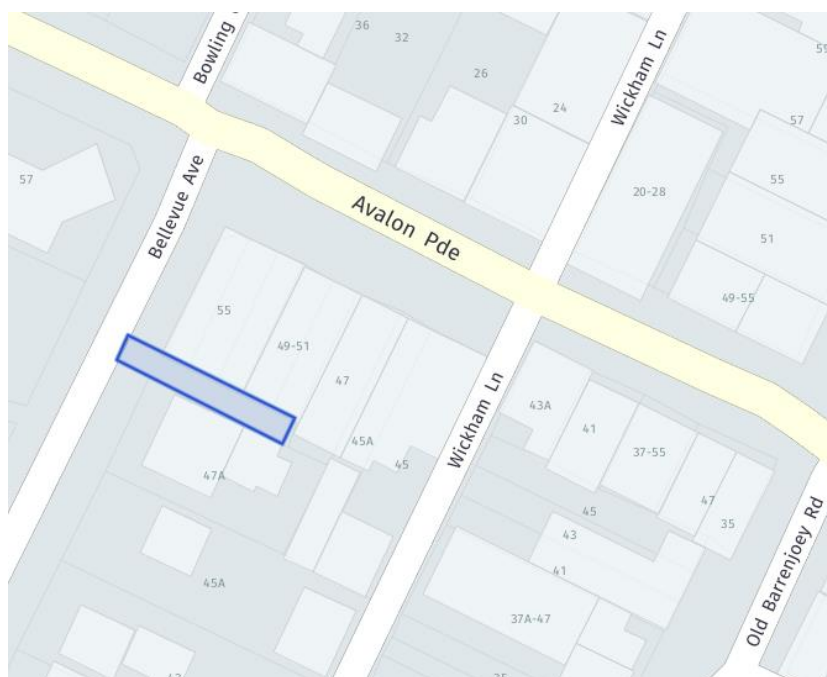


*Image of the proposed Fig Tree Lane, Seaforth*

- **Unnamed Laneway – Avalon (off Bellevue Avenue)**

Spotted Gum Lane

- The proposed Spotted Gum Lane, Avalon provides access to the driveway of the residential property 47 Bellevue Avenue, Avalon; access to Chakana Day Spa at the rear of 45A Avalon Parade; and is used by businesses from 47-55 Avalon Parade as a loading zone. A resident requested the road be named after suffering minor property damage in a car accident and seeking clarity regarding her exact location at the time.
- Local species tree that is prominent in the locality

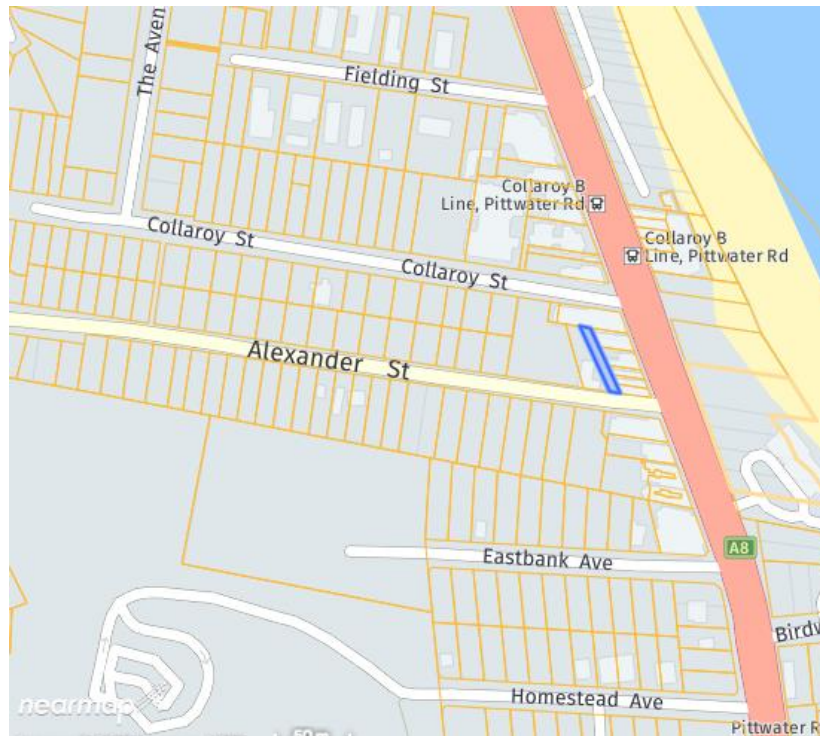


*Image of the proposed Spotted Gum Lane, Avalon*

- **Unnamed Laneway – Collaroy (off Alexander Street)**

Hibiscus Lane

- The primary use of the proposed Hibiscus Lane, Collaroy is business access to the rear of properties from 1101-1119 Pittwater Road.
- *Hibiscus*: non-native growing opposite on Alexander Street



*Image of the proposed Hibiscus Lane, Collaroy*

## CONSULTATION

The Transport and Civil Infrastructure Team have consulted with Council's Tree Management Services Team in the selection of the proposed names.

Council is required by the Roads Regulation 2018, to publish a notice of the proposed road names on its website seeking written submissions. It is recommended that submissions be received for a period of at least 28 days and the results be reported back to Council.

## TIMING

The proposed names would be placed on public exhibition for a minimum of 28 days. Following public exhibition feedback would be analysed and reported back to Council.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches

**FINANCIAL CONSIDERATIONS**

The recommendations of this report pose no financial impact on Council. Administration of the renaming process and installation of signposting the street names can be accommodated within existing operational budgets.

**SOCIAL CONSIDERATIONS**

The names proposed are consistent with GNB guidelines. Six existing properties in Walworth Court will need to amend property addressing.

**ENVIRONMENTAL CONSIDERATIONS**

The recommendations of this report pose no adverse environmental impact on Council.

**GOVERNANCE AND RISK CONSIDERATIONS**

Council is required to follow the guidelines of the GNB Property Addressing Policies, Guidelines and Standards and Council's Policy for the Naming of our Reserves, Facilities and Roads. The proposed road names are fully compliant.

<b>ITEM 13.4</b>	<b>RESPONSE TO MAYORAL MINUTE NO 18/2021 - RECOGNISING SPORTING EXCELLENCE ON THE NORTHERN BEACHES</b>
<b>REPORTING MANAGER</b>	<b>ACTING EXECUTIVE MANAGER PARKS &amp; RECREATION</b>
<b>TRIM FILE REF</b>	<b>2023/461953</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

The purpose of this report is to seek endorsement to continue the Manly Pathway of Olympians and Paralympians with expanded eligibility criteria for recognition, and to establish an online Northern Beaches Sporting Honour Roll to acknowledge other local Australian sport representatives.

### EXECUTIVE SUMMARY

- This report responds to the resolution in respect of Mayoral Minute No 18/2021 titled “The Pathway of Olympians and Paralympians” and subsequent Council resolution 254/21.
- In response a review was undertaken of ways in which Council currently recognises Olympians, Paralympians and other sporting excellence, these include:
  - Manly Pathway of Olympians and Paralympians (Manly Pathway) which recognises Olympians and Paralympians from the former Manly local government area (LGA). 110 athletes have been recognised to date.
  - Pittwater Hall of Fame which recognises sporting achievements of people from the former Pittwater LGA.
  - Warringah Aquatic Centre Hall of Fame which recognises excellence in aquatic sports.
  - Australia Day Sportsperson of the Year Award.
- The Manly Pathway is seen as a fitting way to promote and recognise our Olympians and Paralympians, however Council’s overall approach is not aligned and does not include a process for recognising Northern Beaches people representing Australia in sports that are not Olympic or Paralympic sports. There is enough space for 150 more plaques along East and West Esplanade.
- In order to provide more inclusive recognition, it is proposed that Council:
  - Continue the Manly Pathway of Olympians and Paralympians and endorse a change in the criteria so that Northern Beaches residents are eligible to apply for recognition if they have represented Australia since 2016 and have been a resident for more than five years prior to representation.
  - Establish an online Northern Beaches Sporting Honour Roll to recognise Northern Beaches residents selected to represent Australian in sport (Olympic, Paralympic and non-Olympic and non-Paralympic sports).

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**RECOMMENDATION**

That Council:

1. Endorse a change to the criteria for recognition on the Manly Pathway of Olympians and Paralympians so that residents of the Northern Beaches local government area who have been selected to represent Australia at an Olympic or Paralympic Games since 2016 are eligible for recognition on the Manly Pathway of Olympians and Paralympians provided they have been a resident of the Northern Beaches for more than five years prior to representation.
  2. Endorse the establishment of an online Northern Beaches Sporting Honour Roll to recognise Northern Beaches residents selected to represent Australian in sport as outlined in this report.
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## REPORT

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### BACKGROUND

Council, at its meeting held on 28 September 2021, considered Mayoral Minute No 18/2021 titled "The Pathway of Olympians and Paralympians". Council subsequently resolved (resolution 254/21):

*That Council:*

- 1. Provide a briefing to the new elected Council in the New Year of the proposed new Policy to acknowledge our Olympians, Paralympians and other sports people who have represented Australia.*
- 2. Consider as part of the review how we can recognise those representatives yet to be acknowledged within the Manly ward area along with representatives from 1900 until now who were or are still residing on the Northern Beaches.*
- 3. A report to be brought to Council within seven months and to include opportunities to record and acknowledge sporting history in digital and other platforms.*

### Current Approach to Recognition of Sporting Excellence

In response to this Council resolution a review was undertaken of the ways in which Council recognises Olympians, Paralympians and other sporting people. The findings are summarised below.

- Manly Pathway of Olympians and Paralympians (Manly Pathway), West and East Esplanade.

The Manly Pathway was established by the former Manly Council in 2000. Since that time over 110 athletes have been recognised with a plaque with the last induction held in 2017. To be eligible for a plaque, applicants are to be selected to represent Australia at Olympic or Paralympic Games (winter and summer) and to be a resident of the former Manly local government area (LGA).

The Manly Pathway is located in a high-profile location and is a fitting way to promote and recognise our Olympians and Paralympians. However, the criteria for recognition is not inclusive as it excludes Northern Beaches people who live outside the former Manly LGA.

- Pittwater Hall of Fame

The Pittwater Hall of Fame was established by the former Pittwater Council in 2001. The Hall of Fame comprises a large honour board, photos of inductees and a brief description of their achievements. The last biennial induction was in 2016. To be eligible for inclusion applicants are to have lived in the former Pittwater LGA for five or more years, to be selected in an Australian senior sports team and have competed in an international competition.

Currently the Honour Board is stored at Council's Boondah Depot and the photos are with Council's Library Local Studies team.

The Pittwater Hall of Fame has limited capacity to recognise new inductees and requires a secure indoor location to house the honour board and photos. This Hall of Fame is also not inclusive as it excludes Northern Beaches people who live outside the former Pittwater LGA.

- Warringah Aquatic Centre Hall of Fame

The Warringah Aquatic Centre (WAC) Hall of Fame was established by the former Warringah Council in 1999. Since that time 32 athletes and 13 officials have been recognised. Inductions occur every 10<sup>th</sup> year on the anniversary of the WAC. The last induction was in



2019. The Hall of Fame recognises athletes and officials who have represented Australia in aquatic sports and who have used the WAC for training. The Recreation Business team who manage this Hall of Fame have not proposed any changes to the current arrangements.

- Australia Day Sports person of the Year Award

Council's annual Australia Day Sports person of the Year Award acknowledges an individual who has made a positive contribution to advance their performance and their sport within the Northern Beaches LGA. This Sports person of the Year Award is a prestigious honour.

Council's current approach to recognising sporting excellence is not aligned and does not include a process for recognising Northern Beaches people who have represented Australia in sports that are not Olympic or Paralympic sports.

### **Proposed Approach to Recognition of Sporting Excellence**

In response to the review the following is proposed:

- Manly Pathway of Olympians and Paralympians

To make the Manly Pathway inclusive it is recommended that the criteria for recognition is changed so that Northern Beaches residents selected to represent Australia at an Olympic or Paralympic Games since 2016 and who have been a resident for at least five years prior to representation are eligible to apply.

To make it easier to apply for recognition it is planned that applications are made online. A Tier 3 Guideline under the Policy Framework to assess and determine applications for the Manly Pathway of Olympians and Paralympians would be developed and approved by the Chief Executive Officer.

There is currently enough space for another 150 plaques, in the current format, along East and West Esplanade. If or when these spaces are allocated other locations would need to be investigated to expand the Manly Pathway.

- Pittwater Hall of Fame - it is proposed to discontinue the Pittwater Hall of Fame. A suitable location will be found for the honour board.
- Warringah Aquatic Centre Hall of Fame - no changes proposed.
- Australia Day Sports person of the Year Award - no changes proposed.
- Establish a Northern Beaches Sporting Honour Roll online

To recognise Northern Beaches people who have represented Australia in Olympic, Paralympic, non-Olympic and non-Paralympic sports it is proposed to establish an online Northern Beaches Sporting Honour Roll on Council's website (Sporting Honour Roll). Residents of the Northern Beaches LGA who are confirmed as Australian sport representatives (including competitors, coaches and referees, juniors through to veterans) would be eligible to apply.

Applications for recognition would be made online. Applicants would be required to provide evidence of residency and sporting representation. Applications would be assessed against the relevant criteria and then recommended to the CEO for approval.

People recognised via the Manly Pathway of Olympians & Paralympians, Pittwater Hall of Fame, and the Warringah Aquatic Centre Hall of Fame or who have received the Australia Day Sports person of the Year Award would be assessed for inclusion on the Sporting Honour Roll.



## CONSULTATION

Staff have consulted with various internal teams to gain an understanding of the current models of sporting recognition. A desktop review into the ways in which other Councils recognise sporting excellence was also conducted.

## TIMING

It is proposed to launch the Sporting Honour Roll and to apply the new eligibility criteria for the Manly Pathway from 1 July 2024. Should the recommendations within this report be adopted:

Prior to 1 July 2024:

- A Tier 3 Guideline under the Policy Framework to assess and determine applications for both Manly Pathway of Olympians and Paralympians and the Northern Beaches Sporting Honour Roll would be developed and approved by the Chief Executive Officer.
- Webpage design and online application forms finalised.
- Assessment completed of those people recognised on the Manly Pathway of Olympians & Paralympians, Pittwater Hall of Fame, Warringah Aquatic Centre Hall of Fame and who have received the Australia Day Sportsperson of the Year Award for future induction on the Sporting Hall of Fame.
- A communication and promotion plan developed and implemented.

From 1 July 2024:

- The Manly Pathway and the Sporting Honour Roll webpages go live.
- The Sporting Honour Roll with new criteria opens and from this time online applications could be submitted to Council for consideration.

## LINK TO STRATEGY

This report relates to these Community Strategic Plan 2040 Outcomes and Goals:

- Community and belonging - Goal 9 Our community is inclusive and connected
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community

## FINANCIAL CONSIDERATIONS

Should the recommendation in the report be approved, budget impact will need to be monitored with regards to the funding of new plaques for the Manly Pathway. Currently, the cost to manufacture and install one new plaque is in the order of \$1,600. It is anticipated there could be more than 30 applications in the first year and that application could spike after each Olympic or Paralympic event.

The proposed Sporting Honour Roll can be implemented and administered with the existing Parks and Recreation operational budget and resources.

## SOCIAL CONSIDERATIONS

Recognising achievements in sport and other endeavours is one way that Council (on behalf of the community) can acknowledge, value and celebrate the dedication, the effort, the perseverance of individuals and groups in our community who strive for and achieve excellence. The Manly

Pathway, Australia Day Sportsperson of the Year Award, Warringah Aquatic Centre Hall of Fame and the proposed Sporting Honour Roll will together recognise the breadth of sporting excellence in our community.

### **ENVIRONMENTAL CONSIDERATIONS**

The recommendations within this report do not pose any substantive environmental impacts.

### **GOVERNANCE AND RISK CONSIDERATIONS**

Should the recommendations within this report be adopted a Tier 3 Guideline under the Policy Framework to assess and determine applications for both Manly Pathway of Olympians and Paralympians and the Northern Beaches Sporting Honour Roll would be developed and approved by the Chief Executive Officer.

<b>ITEM 13.5</b>	<b>PUBLIC EXHIBITION - DRAFT PLAN OF MANAGEMENT FOR LOT 2 DP 827733, 316 HUDSON PARADE CLAREVILLE</b>
<b>REPORTING MANAGER</b>	<b>ACTING EXECUTIVE MANAGER PARKS &amp; RECREATION</b>
<b>TRIM FILE REF</b>	<b>2023/710418</b>
<b>ATTACHMENTS</b>	<p>1 <a href="#">⇨</a> Site Location Map - Lot 2 DP 827733, 316 Hudson Parade Clareville (Included In Attachments Booklet)</p> <p>2 <a href="#">⇨</a> Draft Plan of Management for Lot 2 DP 827733, 316 Hudson Parade, Clareville (Included In Attachments Booklet)</p>

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## SUMMARY

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### PURPOSE

The purpose of this report is to seek approval to publicly exhibit the draft Plan of Management for Lot 2 DP 827733, 316 Hudson Parade, Clareville.

### EXECUTIVE SUMMARY

- The owner of Lot 1, 316 Hudson Parade, Clareville (Lot 1) has applied to enter into a 20 year licence agreement with Council to use an adjoining area of Council owned community land within Refuge Cove Reserve Lot 2 DP 827733 (the Site), (see Attachment 1) for the purpose of constructing and ongoing use of a boatshed (part of the boatshed is to be located on the Site above the Mean High Water Mark) and ongoing use of stairs which provide access to and from the boatshed, in accordance with development consent DA 2020/1762.
- This matter was the subject of a report to the Council meeting held on 26 October 2021. In response to the subsequent Council resolution 316/21 an application was made to the Office of Local Government (OLG) seeking consent to grant a 20 year licence over the Site to the owner of Lot 1.
- In 2022, the OLG advised that a Plan of Management (PoM) expressly authorising the granting of the proposed licence was required before consent could be considered. As such a new standalone draft PoM for the Site has been prepared (Attachment 2) which among other things expressly authorises the granting of a licence to the owner of Lot 1. The draft PoM also includes that the proposed licence is to continue to allow public access through the foreshore area within the Site.
- It is proposed to publicly exhibit the draft PoM for a minimum of 42 days and then to report the outcomes back to Council.

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### RECOMMENDATION

That the draft Plan of Management for Lot 2 DP 827733, 316 Hudson Parade, Clareville be placed on public exhibition for a minimum of 42 days with the outcome reported back to Council.

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## REPORT

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### BACKGROUND

The owner of Lot 1, 316 Hudson Parade, Clareville (Lot 1) has applied to enter into a 20 year licence agreement with Council to use an adjoining area of Council owned community land within Refuge Cove Reserve Lot 2 DP 827733 (the Site) ( see Attachment 1) for the purpose of constructing and ongoing use of a boatshed (part of the boatshed is to be located on the Site above the Mean High Water Mark) and ongoing use of stairs which provide access to and from the boatshed. This construction would be in accordance with development consent DA 2020/1762. The Site is approximately 58m<sup>2</sup>.

In 1993 a previous owner of 316 Hudson Parade dedicated to Council foreshore land at Refuge Cove Reserve being the Site. The transfer was conditional on a lease being provided over the access way to the foreshore and the section of the original boatshed above the Mean High Water Mark. A 20-year lease was subsequently granted by the former Pittwater Council to the owner in accordance with this condition, which lease expired in 2013. Since 2015 the current owner has been seeking to renew this agreement for a further 20-year term.

This matter was the subject of a report to the Council meeting held on 26 October 2021. In response to the subsequent Council resolution 316/21 an application was made to the Office of Local Government (OLG) seeking consent to grant a 20-year licence over the Site to the owner of Lot 1 (proposed licence). In 2022, the OLG advised that a Plan of Management expressly authorising the granting of the proposed licence was required before consent could be considered.

The Plans of Management (PoM) that apply to the Site are the *Urban Bushland Plan of Management and Inventory and Action Plan Volume 2 North Ward Reserves (1998)* and the *Pittwater Natural Areas Plan of Management (2009)*. However, the OLG have stated that they do not believe these PoMs expressly authorise leasing and licencing of the Site as proposed by Council.

As such, a draft Plan of Management (draft PoM) ( see Attachment 2) has been prepared for the Site which among other things expressly authorises the granting of a licence to the owner of Lot 1.

### CONSULTATION

Should the recommendations within this report be adopted the draft PoM will be placed on public exhibition for a minimum of 42 days, during which time community feedback will be sought. The opportunity to provide feedback will be promoted via emails to stakeholders, temporary sign(s) on-site, letters to nearby homes, Council's e-newsletter and a Your Say online project page. Feedback will be collected through an online submission form as well as letters and emails.

### TIMING

Should the recommendations within this report be adopted, the draft PoM will be publicly exhibited in January and February 2024. Following the public exhibition period the next steps include to:

- Analyse the feedback received and prepare a community engagement report.
- Review the feedback analysis and update the draft PoM if required.
- Present the final draft PoM and community engagement report to a Council meeting for Council's consideration and approval.

The proposed licence would be progressed when the PoM for the Site is approved.

**LINK TO STRATEGY**

This report relates to these Community Strategic Plan 2040 outcomes and goals:

- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community
- Partnership and participation - Goal 21 Our community is engaged in decision making processes

**FINANCIAL CONSIDERATIONS**

The costs to prepare and publicly exhibit the draft PoM can be met from the existing 2023/2024 Parks and Recreation operational budget.

**SOCIAL CONSIDERATIONS**

The Site has been used for several decades as a location for a boatshed and for stairs to access the boatshed by the owners of 316 Hudson Parade, Clareville. The proposed licencing of the Site outlined in the draft PoM aligns with this historical use of the Site and the previous lease agreement outlined in this report. The draft PoM also includes that the proposed licence is to continue to allow public access through the foreshore area within the Site.

**ENVIRONMENTAL CONSIDERATIONS**

Works on the Site would be required to be undertaken in accordance with development consent DA 2020/1762 with any additional future works being subject to relevant legislation including the *Environmental Planning and Assessment Act 1979*, any relevant environmental planning instruments, Development Control Plans and Council Policies and the approved PoM for the Site.

**GOVERNANCE AND RISK CONSIDERATIONS**

A public hearing is not required as part of the public exhibition of the draft PoM. A public hearing was held on 19 January 2016 to re-categorise the Site from Natural Area to General Community Use. This re-categorisation was endorsed by the former Pittwater Council on 7 March 2016 as per resolution C10.1 *316 Hudson Parade, Clareville - Renewal of Expired License*.

## 14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

ITEM 14.1	PUBLIC EXHIBITION - DRAFT GRANT PROGRAMS (FINANCIAL ASSISTANCE) POLICY
REPORTING MANAGER	ACTING EXECUTIVE MANAGER STRATEGY & PERFORMANCE
TRIM FILE REF	2023/275437
ATTACHMENTS	1 <a href="#">↓</a> Draft Grant Programs (Financial Assistance) Policy - changes tracked 2 <a href="#">↓</a> Draft Grant Programs (Financial Assistance) Policy - no markups

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### SUMMARY

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#### PURPOSE

The purpose of this report is to seek Council endorsement to publicly exhibit a revised policy on Grant Programs (Financial Assistance) for a minimum of 28 days.

#### EXECUTIVE SUMMARY

- The Community Grants and Partnership Policy (Policy) was adopted by Council in June 2019 and is now scheduled for review.
- An internal review has identified several amendments and the revised Policy with proposed changes in tracking is at Attachment 1. This includes the following changes:
  - Amending the title of the policy to *Grant Programs (Financial Assistance)* as it better reflects the scope of the Policy
  - Clarifying that financial assistance under the Policy is in accordance with section 356 of the *Local Government Act 1993*
  - Broadening the scope of the policy to include financial assistance provided to community libraries, surf clubs and the social service sector
  - Annual reviews of grant programs will be conducted by staff
  - Minor wording changes and reordering of content so the Policy is easier to read
  - Updating titles of Council documents referenced in the Policy.
- This report seeks Council approval to place the revised draft policy on public exhibition for 28 days to capture feedback from the community.
- The exhibition of the draft policy has no financial implications.

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#### RECOMMENDATION

That the draft Grants Programs (Financial Assistance) Policy be placed on public exhibition for a minimum of 28 days with the outcome to be reported to Council.

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## REPORT

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### BACKGROUND

Council at its meeting on 27 November 2018, considered a report on Community Grants and Partnerships and resolved to develop a Community Grants and Partnership Policy (Policy). The draft Policy was approved for exhibition at the Council meeting on 26 March 2019 and adopted by Council on 25 June 2019.

The Policy provides a framework to guide management of Council's community grants program. It contains principles that set the scene for an equitable, open and orderly process for providing assistance to the community. It also provides for greater recognition of the contribution Council makes to supporting organisations that contribute to social, cultural, environmental and economic life of the Northern Beaches.

The policy is scheduled for review to ensure it continues to meet community needs and expectations.

### Review of Policy

An internal review has identified several amendments to the Policy and the draft Policy with track changes is at Attachment 1. This includes the following changes:

- Amending the title of the policy to *Grants Programs (Financial Assistance)* as it better reflects the scope of the Policy
- Clarifying that financial assistance under the Policy is in accordance with section 356 of the *Local Government Act 1993*
- Broadening the scope of the policy to include financial assistance provided to community libraries, surf clubs and the social service sector
- Removing reference to Strategic Reference Groups' involvement in the review of outcomes of grant programs and guidelines. Annual reviews will be conducted by staff as the majority of Strategic Reference Groups were not reappointed
- Minor wording changes and reordering of content so the Policy is easier to read
- Updating titles of Council documents referenced in the Policy.

The Policy recognises that Council will establish grant programs by allocating funding in the annual operational plan or by Council resolution. The programs established will either be:

1. Open competitive grant programs where funding is untied; or
2. Financial assistance grants where funding is tied to a specific organisation and purpose.

For open competitive grant programs, the draft Policy also provides the governance framework which is to be utilised in the development of guidelines for each program. The individual guidelines will contain:

- Objectives of the program
- Priority areas for funding
- Assessment criteria
- Eligible organisations and activities
- Assessment process.



This report seeks Council approval to place the draft policy on public exhibition to capture feedback from the community.

## **CONSULTATION**

The draft Policy (including proposed edits) will be placed on public exhibition for a minimum of 28 days.

The consultation process for the exhibition period will involve:

- Information on the 'Your Say' project web page, including online submission form.
- Notification to organisations which have applied to Council's open competitive grants programs over the last 12 months and organisations currently receiving financial assistance grants.

## **TIMING**

All feedback received during the public exhibition period will be considered, with the outcome of the public exhibition reported back to Council for consideration.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes of:

- Community and belonging - Goal 8 Our community feels safe and supported
- Community and belonging - Goal 9 Our community is inclusive and connected
- 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 do not result in any change to the existing Council budget.

Funding for grant programs is allocated as part of the annual budget process and exhibited as part of Council's Operational Plan. The draft Operational Plan 2023/24 provides for \$1.5 million in grant programs for arts and creativity, community development, environmental, events, placemaking, sports and recreation, community libraries, surf lifesaving and social services.

## **SOCIAL CONSIDERATIONS**

The principles in the draft Policy ensure that decisions are based on merit, are transparent and take account of inclusion and equity.

## **ENVIRONMENTAL CONSIDERATIONS**

The draft Policy does not address environmental considerations, as this is covered in individual Programs and their respective guidelines. For example, the Environmental Program supports environmental initiatives, and the Events Grant supports events that promote environmental sustainability.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The draft Policy is a key element for administering financial support to individuals, community and business via grants and sponsorship. This review ensures the Policy remains current.

## Council Policy

### Community Grants and Partnerships Grant Programs (Financial Assistance) Policy

#### Policy Statement

Northern Beaches Council recognises and respects the vital contribution of community and business in developing and delivering projects and programs that contribute to a vibrant and sustainable community.

The Policy provides an overarching framework for Council to ~~partner with~~ support community and business providing financial ~~support~~ assistance to deliver projects and programs that build the social, cultural, environmental, and economic life of the Northern Beaches and further the achievement of the outcomes and vision of Northern Beaches Community Strategic Plan - ~~SHAPE 2028~~ 2040.

#### Forms of application

Financial assistance under the Grant Programs (Financial Assistance) Policy is in the form ~~Grants and Partnerships Policy~~ is by way of a grant or sponsorship.

A grant is financial or in-kind support provided by Council to eligible organisations and individuals through formal programs for a defined purpose and outcome within a specific time frame ~~in accordance with the Grant Guidelines~~. Council provides support in the form of both open competitive grant programs and financial assistance grants.

Sponsorship is financial or ~~value~~ in-kind support provided by Council to eligible organisations to support an activity in return for specified benefits for an event, project, service or activity, in return for agreed commercial and other benefits. ~~It is a business transaction that involves an exchange that has a measurable value to each party in commercial, communication or philanthropic terms.~~

Sponsorship is a commercial arrangement and does not include selling advertising space, joint ventures and unconditional gifts, donations, bequests or endowments.

~~Value in-kind support is an arrangement whereby the Council foregoes revenue (either in full, or a percentage) on things that would normally incur a fee. This may include park hire, venue hire, parking, waste removal and other Council services.~~

Requests for ~~D~~donations are not supported as they are discretionary with no agreed outcome or expected return.

#### Administration of Programs

The Policy provides the framework for an equitable, open and orderly process for providing assistance to the community. It allows for greater accessibility to funding and support, while and ~~ensur~~ing transparency around the provision of financial assistance across the Northern Beaches. It also provides for greater recognition of the contribution Council makes to supporting organisations that contribute to social, cultural, environmental, and economic life of the Northern Beaches. From time-to-time Council will establish programs in the Operational Plan or by resolution to support the delivery of this Policy. These programs will either be:

1. Open competitive grant programs where funding is untied. The governance framework for each open competitive grant program will be documented in program guidelines and administered by

the responsible Executive Manager. These guidelines will be publicly available and contain details on:

- Objectives of the program
- Priority areas for funding
- Assessment criteria
- Eligible organisations and activities
- Assessment process

The outcomes of each program and the guidelines will be reviewed annually ~~by Strategic Reference Groups. This will~~ to allow for refinement of the program guidelines ahead of the next round of grants.

2. Financial assistance grants where funding is tied to a specific organisation and purpose. This includes funding provided to community libraries, surf clubs and the social services sector to support their operations. Financial assistance grants will be reviewed at the end of the funding agreement.

## Principles

The following principles guide Council's grants ~~and partnership~~ programs:

- a) Priority: We will ensure outcomes of grant programs are aligned with Northern Beaches' Community Strategic Plan ~~SHAPE 2028~~ 2040 as well as other key Council social, economic, environmental strategies and plans. Funding is allocated to priority areas to meet identified community needs.
- b) Partnerships: We build and maintain constructive relationships based on mutual respect and transparency. We value the resources and skills that community groups, businesses and others ~~bring to provide~~ the grant partnership community. Programs are responsive and may adapt to changing community needs and circumstances over time.
- c) Inclusion and Equity: We support inclusion and equity in our community. ~~Applications are encouraged from people of all abilities, ethnicity, cultures, ages and sexual orientations.~~
- d) Value for money: We seek the best mix of projects to meet the needs of the community ~~and~~ business and visitors and maximise outcomes for the local government area. We support projects that represent good value for the level of cash or value-in-kind support requested.
- e) Good governance: We commit to decision making in the public interest, and effective and efficient grant management processes. The application and acquittal requirements will be proportionate to the size of the grant awarded and the expected outcomes of the grant program. We will ensure there are systems and opportunities to support applicants and provide feedback
- f) Transparency: We will ensure that grant processes are transparent and fair. Applications are assessed objectively against the assessment criteria ~~listed in the Guidelines.~~ All ~~Conflicts~~ of interests are ~~addressed and to be~~ declared as part of this process.

## Scope ~~and application~~

This Policy provides a framework for the provision of distribution of funds financial assistance under in accordance with section 356 of the Local Government Act 1993, s356.

~~The Local Government Act 1993, s356, states:~~

- ~~(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.~~
- ~~(2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.~~
- ~~(3) However, public notice is not required if:~~
- ~~(a) the financial assistance is part of a specific program, and~~
  - ~~(b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and~~
  - ~~(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and~~
  - ~~(d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.~~
- ~~(4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.~~

S377 of the Act states:

- ~~(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:~~
- ~~(g) A decision under section 356 to contribute money or otherwise grant financial assistance to persons.~~
- ~~(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:~~
- ~~(a) the financial assistance is part of a specified program, and~~
  - ~~(b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and~~
  - ~~(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and~~
  - ~~(d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.~~

For the purposes of this Policy, Council views in-kind support as financial assistance due to its indirect monetary value.

This Policy applies to any individual, organisation (for-profit or not-for-profit) or community group applying for funding assistance from Northern Beaches Council.

It does not apply to ~~the following programs or activities:~~

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

- ~~Club Grants, which is partially administered by Council on behalf of local service clubs and Clubs NSW.~~

- ~~Financial support under the draft Community Development and Services Policy~~
- ~~Financial support provided to Avalon, Balgowlah Seaforth, Harbord, Narrabeen (Booklovers Inc) and Terrey Hills Community Library for books for their collections and minor operational expenses~~
- ~~Funding approved by Council in a separate arrangement.~~

#### References and related documents

- NSW Local Government Act 1993 s356 and s377
- ~~Northern Beaches Council Discretionary Fund Policy~~
- ~~Management of Beach and Water Safety Policy, Northern Beaches Council~~
- ~~Draft Community Development and Services Social Sustainability Policy, Northern Beaches Council~~
- ~~Grant guidelines for open competitive grant programs~~

#### Definitions

**Grant** Financial or value in-kind support provided through formal programs for a defined purpose and outcome within a specific time frame ~~in accordance with the Grant Guidelines. Council provides this support in the form of both open competitive grant programs and financial assistance grants.~~

**Sponsorship** ~~Financial~~Any commercial arrangement in which Council provides financial or value in-kind support ~~for to~~ an event, project, service or eligible organisation to support an activity, in return for agreed commercial and other specified benefits. It is a business transaction that involves an exchange that has a measurable value to each party in commercial, communication or philanthropic terms. Sponsorship does not include selling advertising space, joint ventures and unconditional gifts, donations, bequests or endowments.

~~Value in-kind support~~

~~An~~In-kind support can be an arrangement where Council foregoes revenue in full, or a percentage on items which are subject to a fee in Council's Fees and Charges. This may include park hire, venue hire, garbage bins and Council services. Staff time and resources may also be included as in-kind support.

#### Responsible Officer

Executive Manager Strategy and Performance

#### Review Date

May ~~2023~~2027

#### Revision History

Revision	Date	Status	TRIM Ref
1	26 Mar 2019	First draft Community Grants and Partnerships policy	2019/096261
2	25 June 2019	<del>Adopted</del> Draft to Council <del>meeting for adoption</del> (unchanged following exhibition)	2019/096261
<u>3</u>	<u>29 March 2023</u>	<u>Initial draft developed for internal review</u>	<u>2023/209092</u>

## Council Policy

### Grant Programs (Financial Assistance) Policy

#### Policy Statement

Northern Beaches Council recognises and respects the vital contribution of community and business in developing and delivering projects and programs that contribute to a vibrant and sustainable community.

The Policy provides an overarching framework for Council to support community and business providing financial assistance to deliver projects and programs that build the social, cultural, environmental, and economic life of the Northern Beaches and further the achievement of the outcomes and vision of Northern Beaches Community Strategic Plan - 2040.

#### Forms of application

Financial assistance under the Grant Programs (Financial Assistance) Policy is in the form of a grant or sponsorship.

A grant is financial or in-kind support provided by Council to eligible organisations and individuals through formal programs for a defined purpose and outcome within a specific time frame. Council provides support in the form of both open competitive grant programs and financial assistance grants.

Sponsorship is financial or in-kind support provided by Council to eligible organisations to support an activity in return for specified benefits. Sponsorship is a commercial arrangement and does not include selling advertising space, joint ventures and unconditional gifts, donations, bequests or endowments.

Requests for donations are not supported as they are discretionary with no agreed outcome or expected return.

#### Administration of Programs

The Policy provides the framework for an equitable, open and orderly process for providing assistance to the community. It allows for greater accessibility to funding and support, while ensuring transparency around the provision of financial assistance across the Northern Beaches. It also provides for greater recognition of the contribution Council makes to supporting organisations that contribute to social, cultural, environmental, and economic life of the Northern Beaches. From time-to-time Council will establish programs in the Operational Plan or by resolution to support the delivery of this Policy. These programs will either be:

1. Open competitive grant programs where funding is untied. The governance framework for each open competitive grant program will be documented in program guidelines and administered by the responsible Executive Manager. These guidelines will be publicly available and contain details on:
  - Objectives of the program
  - Priority areas for funding
  - Assessment criteria
  - Eligible organisations and activities
  - Assessment process

The outcomes of each program and the guidelines will be reviewed annually to allow for refinement of the program guidelines ahead of the next round of grants.

2. Financial assistance grants where funding is tied to a specific organisation and purpose. This includes funding provided to community libraries, surf clubs and the social services sector to support their operations. Financial assistance grants will be reviewed at the end of the funding agreement.

### Principles

The following principles guide Council's grant programs:

- a) **Priority:** We will ensure outcomes of grant programs are aligned with Northern Beaches' Community Strategic Plan 2040 as well as other key Council social, economic, environmental strategies and plans. Funding is allocated to priority areas to meet identified community needs.
- b) **Partnerships:** We build and maintain constructive relationships based on mutual respect and transparency. We value the resources and skills that community groups, businesses and others provide the community. Programs are responsive and may adapt to changing community needs and circumstances over time.
- c) **Inclusion and Equity:** We support inclusion and equity in our community.
- d) **Value for money:** We seek the best mix of projects to meet the needs of the community, business and visitors and maximise outcomes for the local government area. We support projects that represent good value for the level of cash or value-in-kind support requested.
- e) **Good governance:** We commit to decision making in the public interest, and effective and efficient grant management processes. The application and acquittal requirements will be proportionate to the size of the grant awarded and the expected outcomes of the grant program. We will ensure there are systems and opportunities to support applicants and provide feedback
- f) **Transparency:** We will ensure that grant processes are transparent and fair. Applications are assessed objectively against the assessment criteria. Conflicts of interests are to be declared as part of this process.

### Scope

This Policy provides a framework for the provision of financial assistance in accordance with section 356 of the Local Government Act 1993.

For the purposes of this Policy, Council views in-kind support as financial assistance due to its indirect monetary value.

This Policy applies to any individual, organisation (for-profit or not-for-profit) or community group applying for assistance from Northern Beaches Council.

It does not apply to funding under the Northern Beaches Council Discretionary Fund Policy which provides the opportunity for the Mayor and Councillors, to respond to requests for financial assistance from individuals and community groups, community organisations and small local businesses involved in community projects.

### References and related documents

- NSW Local Government Act 1993 s356 and s377
- Northern Beaches Council Discretionary Fund Policy
- Management of Beach and Water Safety Policy, Northern Beaches Council
- Social Sustainability Policy, Northern Beaches Council
- Grant guidelines for open competitive grant programs



### Definitions

**Grant** Financial or value in-kind support provided through formal programs for a defined purpose and outcome within a specific time frame. Council provides this support in the form of both open competitive grant programs and financial assistance grants.

**Sponsorship** Any commercial arrangement in which Council provides financial or in-kind support to an eligible organisation to support an activity in return for specified benefits. Sponsorship does not include selling advertising space, joint ventures and unconditional gifts, donations, bequests or endowments.

### *In-kind support*

In-kind support can be an arrangement where Council foregoes revenue in full, or a percentage on items which are subject to a fee in Council's Fees and Charges. This may include park hire, venue hire, garbage bins and Council services. Staff time and resources may also be included as in-kind support.

### Responsible Officer

Executive Manager Strategy and Performance

### Review Date

May 2027

### Revision History

Revision	Date	Status	TRIM Ref
1	26 Mar 2019	First draft Community Grants and Partnerships policy	2019/096261
2	25 June 2019	Draft to Council for adoption (unchanged following exhibition)	2019/096261
3	29 March 2023	Initial draft developed for internal review	2023/209092

## 15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 34/2023 - PROHIBITING OFFSHORE PETROLEUM EXPLORATION OFF THE NORTHERN BEACHES
TRIM FILE REF	2023/802704
ATTACHMENTS	NIL

Submitted by: Councillor Kristyn Glanville

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### MOTION

That Council:

1. Oppose the decision of the NSW Legislative Assembly Committee on Environment and Planning to recommend against the proposed *Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023* which proposes to amend legislation to prohibit mining and development of offshore oil, gas, and mineral resources in NSW.
  2. Note the *Minerals and Petroleum Legislation Amendment (Seabed Mining and Drilling and Associated Development Prohibition) Bill 2023*.
  3. Call upon the NSW Government to work with the cross bench to prohibit new development consents, permits and licences relating to seabed petroleum or mineral exploration off the coast of the Northern Beaches.
  4. Write to the NSW Minister for Environment, NSW Opposition Leader, Federal Environment Minister, Federal Resources Minister, and NSW Greens Spokesperson for Healthy Oceans outlining Council's opposition to offshore gas infrastructure being built within the Northern Beaches local government area or adjacent coastal waters.
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### BACKGROUND FROM COUNCILLOR KRISTYN GLANVILLE

The community has long stood in opposition against the PEP-11 proposal for offshore gas exploration off the Eastern Seaboard, which would potentially involve offshore gas infrastructure off the coast of Manly or other coastal suburbs between the Northern Beaches and Newcastle. Community groups including Surfrider Foundation, Save our Coast, and Surfers for Climate have driven the local groundswell against the PEP-11 project, and a petition of 60,000 signatures collected by Save our Coast signed by residents between Manly and Newcastle was presented by Zali Steggall the Federal Member for Warringah.

The extent of community and grassroots opposition to PEP-11 has resulted in multi-partisan support for a ban on new petroleum projects off the east coast, due to its environmental sensitivity, potential impacts on marine wildlife, and economic impacts on existing industries including fishing and tourism. Council has also previously resolved to oppose the PEP-11 project in a motion by former Cr Natalie Warren.

The community had hoped that a Federal Labor government would follow through on its promise to end the PEP-11 project, but this has yet to be legislated by the Albanese Government. As such, it is clear that the Community and Council must keep the pressure on the State and Federal Governments to legislate against future proposals such as PEP-11 which lack social licence.

Former Councillor Amon (now Member for Pittwater) proposed the *Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023*, an Act to amend the Petroleum (Offshore) Act 1982 and other legislation to prohibit the granting of development

consent and the granting of permits and licences for the purposes of seabed petroleum exploration or recovery or development intended to facilitate seabed petroleum exploration or recovery. Unfortunately, the Labor dominated Environment and Planning Committee has recommended against this bill.

Greens MLC Cate Faehrmann, Spokesperson for Healthy Oceans, has also proposed a bill to the NSW Legislative Council titled *Minerals and Petroleum Legislation Amendment (Seabed Mining and Drilling and Associated Development Prohibition) Bill 2023*, an Act to amend the Petroleum (Offshore) Act 1982, the Offshore Minerals Act 1999 and other legislation to prohibit the granting of development consent and the granting of permits and licences for the purposes of seabed petroleum or mineral exploration or recovery or development intended to facilitate seabed petroleum or mineral exploration or recovery. As such, through this bill or other legislative reforms, there remains avenues for the State Government to progress a prohibition on projects like PEP-11. However, pressure must also be kept on the Federal Government as well, as this is an area of shared legislative responsibility.

<b>ITEM 15.2</b>	<b>NOTICE OF MOTION NO 35/2023 - SYDNEY WATER LAND NEXT TO MANLY DAM</b>
<b>TRIM FILE REF</b>	<b>2023/804860</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Kristyn Glanville

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## MOTION

That Council:

1. Note that the community has waited since 2016 for the inclusion of Sydney Water Lot 1 DP 710023 into Manly Warringah War Memorial State Park (commonly known as Manly Dam).
  2. Write to The Hon. Rose Jackson MLC, Minister for Water, requesting her intervention to have the allotment incorporated into Manly Dam.
  3. Write to Roch Cheroux, Managing Director Sydney Water, requesting that the allotment be incorporated into Manly Dam.
  4. Request the Minister for Water and Managing Director Sydney Water meet the Mayor and Council's officers to facilitate incorporating the allotment into Manly Dam at the earliest opportunity.
- 

## BACKGROUND FROM COUNCILLOR KRISTYN GLANVILLE

Lot 1 DP 710023 is a portion of land in North Balgowlah, which previously formed part of Manly Warringah War Memorial State Park (Manly Dam). Some decades ago, this Lot was transferred to Sydney Water for the purposes of building two water storage reservoirs (and associated buildings) but retained much of the natural surrounds. In around 2015, Sydney Water determined the Lot was surplus to its needs, and sought to sell the land for residential housing. Following community pressure, this proposal was abandoned in May 2016.

In October 2016, then Premier Mike Baird (former Member for Manly) wrote to Manly Vale Public School *"The Government will also transfer a parcel of land owned by Sydney Water at Seaforth and adjacent to the War Memorial Park back to the park."* (Manly Vale Public School, Bush Telegraph 13 October 2016, Term 4, Week 1).

Since this time, the community has had an expectation that the Lot would be incorporated into Manly Dam. This had been more recently reiterated by the former State Government, who indicated an intention to use the Lot as a temporary construction site for the Beaches Link Tunnel, but *"After construction, we will hand this land to the Manly Dam Reserve for the community to enjoy."* ("Beaches Link Community Update - November 2019"). As the current Government has indicated it will not be proceeding with the Beaches Link tunnel, the time is ripe for this long standing commitment to the community to be made good.

The Lot ought to be conserved in Manly Dam for a number of reasons including:

- A Biodiversity Assessment carried out by "Total Earthcare" in 2018 (commissioned by Sydney Water) revealed the site to be ecologically rich - with 5 threatened fauna species detected. Species present at this location include the endangered Eastern Pygmy Possum.
- Incorporating the Lot into the State Park would help to legally protect it from being sold for development.

- The Lot expands the buffer between surrounding residential development and the Dam, and generally forms part of the local green lungs of the Northern Beaches.

At its Council meeting on 28 May 2019, at item 12.2 E, the Council resolved that it would "[write] to the relevant Minister to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park". Given that now over 4 years has elapsed since this resolution, it is appropriate that Council renew its representations and advocacy on behalf of the community to see the Lot incorporated into Manly Dam.

The assistance of the Save Manly Dam Catchment Committee is noted in preparing this motion.



<b>ITEM 15.3</b>	<b>NOTICE OF MOTION NO 36/2023 - VALE LYNETTE ILLINGSWORTH</b>
<b>TRIM FILE REF</b>	<b>2023/816499</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Miranda Korzy

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## **MOTION**

That Council:

1. Acknowledge the enormous contribution made by the late Lynette Illingsworth;
  2. Send condolences to the family of the late Lynette Illingsworth and the bushcare community of which she was a part;
  3. Engage with the family of the late Lynette Illingsworth to explore an appropriate tribute that recognises her long-standing contribution to our local environment and community.
- 

## **BACKGROUND FROM COUNCILLOR MIRANDA KORZY**

It is with great sadness that I acknowledge the passing of one of Pittwater's most dedicated and knowledgeable bushcarers, Lynette Illingsworth, who died on October 26, 2023 and whose memorial was held at her home last month.

Lyn, with her husband John, was one of the chief protagonists for protection of bushland at Bayview that later became known as Kooroowall Reserve, and she is deeply respected for her work in its restoration. However, Lyn, a gentle but determined woman, was also an accomplished artist and school teacher. In addition, she served her community as a Brownie leader at Bilgola Primary School, volunteered for the Cat Protection Society at Ingleside for many years and for Ezy-care gardening (now known as Community Connect).

Born on January 26, 1944, Lyn grew up on isolated properties in far north Queensland and came from a family with a strong environmental ethic. Her childhood companions were her younger brother and local Aboriginal children. Lyn's education began with School of the Air and for high school she boarded in Townsville, 350 kilometers away. She then moved to Brisbane to study Art full time, and went on to teach it and Ancient History.

In the late 60s, she joined the exodus of young people to London where she met John, whom she married at her family property in 1972. She followed John back to Sydney where the couple raised two daughters in the Pittwater area.

Once the children had left home, Lyn resumed painting and, carrying on her family's interest in environmental protection, joined Pittwater's emerging bushcare movement.

In the 1960s, a weed-infested salt marsh at Mona St, Mona Vale, was earmarked for a waterfront development, adjacent to the current day Rowland Reserve, on the Bayview waterfront. Warringah Council went into partnership with a developer and to this end, cut down hundreds of ancient mangroves. Dredging works also began so that today a good portion of this land is reclaimed.

However, the project ultimately failed. After Pittwater Council was formed, it proposed establishing a works depot there and creating a home for a variety of polluting waterfront industries that had traditionally despoiled Winnererremy Bay.

At this point Lyn and John swung into action, creating the Winnererremy Anti Industrial Team (WAIT), to protect the green space, which at the time was home to goannas, echidnas and the odd swamp wallaby amongst other wildlife.

Public meetings and a petition with 3,200 signatures followed and after negotiations with the council, the site was saved. However, at this point Lyn realised the area would need a distinctive name to separate it from the Winnererremy Bay parklands. After researching local Indigenous words, she landed on "Kooroowall" - meaning bandicoot, which were plentiful at the site. She and John put it to Council and Lyn wrote to the Geographical Names Board and the Metropolitan Land Council for approval.

They then resolved to start a bushcare group to restore and improve the land. Lyn became its champion, with plantings starting in about 2002, and photographs show it looked beautiful by 2010.

Lyn remained dedicated to the site, working there every day of the week for many years, and council staff have said she: "possessed a sensitive, skilled and knowledgeable approach to the principles of bush regeneration".

In the words of staff who worked with Lyn over the years: "Lyn represented the backbone of Pittwater Council's era of bushcare and beyond following its transition to Northern Beaches (Council). It is an illusion to think that Council was responsible for the restoration of Kooroowall Reserve when in fact it was Lyn's finest environmental achievement showcasing the embodiment of her passion, dedication, determination and hard work."

I'd like to extend my deepest sympathies to Lynette's family, especially John and their daughters, Kylie and Joanna, as well as their friends and bushcare companions.



## 16.0 NOTICES OF RESCISSION

ITEM 16.1	NOTICE OF RESCISSION NO 4/2023 - ITEM 13.4 - CONTRACT EXTENSION VIA ALTERNATIVE PROCUREMENT - BUS SHELTER ADVERTISING
TRIM FILE REF	2023/788698
ATTACHMENTS	1 <a href="#">⇒</a> November Council Meeting - Item Number 13.4 - Contract Extension via Alternative Procurement - Bus Shelter Advertising (Included In Attachments Booklet) 2 <a href="#">⇒</a> Notice of Motion to Rescind or Alter a Resolution, dated 28 November 2023 (Included In Attachments Booklet)

Submitted by: Councillor Vincent De Luca OAM, Councillor Bianca Crvelin, Councillor Ruth Robins,  
and Councillor Karina Page

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### RESCISSION MOTION

That Council rescind resolution 334/23 – Item 13.4 - Contract Extension via Alternative  
Procurement - Bus Shelter Advertising, being:

*That Council:*

4. *Include the option of implementing a ban on advertising relating to gambling, alcohol, or the fossil fuels industry on bus shelters in the current bus shelter tender process.*
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## 17.0 QUESTIONS WITH NOTICE

<b>ITEM 17.1</b>	<b>QUESTION WITH NOTICE NO 11/2023 - HOP SKIP &amp; JUMP SERVICE COSTS</b>
<b>TRIM FILE REF</b>	<b>2023/816284</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Jose Menano-Pires

### QUESTION

1. Could the following information be provided for July to December 2023?
  - a. Total cost to Council for the provision of the Hop Skip & Jump Service including:
    - i. Operational costs & Maintenance costs
    - ii. Capital costs if any
    - iii. Separate fuel costs if possible
    - iv. Any other costs. E.g., Tap & Go hardware / software
  - b. Total revenue collected
  - c. Number of trips
  - d. Number of passengers

## 19.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### RECOMMENDATION

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
  - A. Item 19.1 Outcome of Expression of Interest For Use of The Former Customer Contact Centre, Avalon Recreation 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 the operations of not for profit organisations. 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 disclose commercial in confidence information.
  - B. Item 19.2 Organisation Structure on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) *Local Government Act 1993*].

This report discusses personnel matters concerning Council staff.
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.

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## 20.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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In accordance with Part 15 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.

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northern  
beaches  
council

