

AGENDA

Notice is hereby given that a Northern Beaches Council Meeting will be held in the Council Chambers at the Civic Centre, Dee Why on

Tuesday 26 March 2024

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.

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1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

In accordance with Part 6 of the Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council Meeting may be granted.

In accordance with Council resolution 286/21 requests by councillors to attend meetings remotely via audio-visual link will be considered by Council.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF NORTHERN BEACHES COUNCIL HELD ON 27 FEBRUARY 2024

RECOMMENDATION

That the minutes of the Northern Beaches Council held on 27 February 2024, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

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

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

7.0 MAYORAL MINUTES

ITEM 7.1	MAYORAL MINUTE NO 5/2024 - SPECIAL ENTERTAINMENT PRECINCTS
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PURPOSE

The purpose of this mayoral minute is to propose that Council submit an Expression of Interest to the Office of the 24-Hour Economy Commissioner for the establishment of Special Entertainment Precincts within the Northern Beaches.



**Sue Heins
MAYOR**

RECOMMENDATION

That:

1. Council submit an Expression of Interest to the Office of the 24-Hour Economy Commissioner for the establishment of Special Entertainment Precincts within the Northern Beaches.
 2. A councillor briefing be held within 2 months where further information on Special Entertainment Precincts is provided, including the merits or otherwise of establishing these precincts on the Northern Beaches, and the outcome of discussions with the Office of the NSW 24-Hour Economy Commissioner and Inner West Council.
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BACKGROUND

The NSW Government recently introduced legislation to enable the establishment of 'Special Entertainment Precincts' which support live entertainment through extended trading hours for live music venues and favourable noise controls to provide operational certainty for venues, neighbouring residents and businesses.

Councils can establish Special Entertainment Precincts in their local areas and the precinct framework allows councils to set requirements for amplified music and adopt their own plans to encourage more live music and performance venues.

Special Entertainment Precincts can help councils support night-time economies and embrace more creative activities. They support live music and performance venues, benefiting the venues but also supporting nearby residents and businesses by creating more vibrant districts.

The [24-Hour Economy Legislation Amendment Bill 2023](#) will improve the precinct framework to support councils to establish precincts through:

- Clearer sound governance: from mid-2024, Liquor & Gaming NSW will manage entertainment sound complaints for licensed venues while councils will set sound standards and manage noise from unlicensed venues.
- A trading extension for live music venues in Special Entertainment Precincts, including 2 hours on nights when live music is offered, and one hour on other nights.
- New powers for councils to automatically adjust trading hours on development consents to support other businesses such as shops to open later.
- Strengthening governance arrangements to support safety and collaboration.

Inner West Council recently participated in a trial of the Special Entertainment Precinct program in the Enmore Road Precinct. Following the successful trial, the Office of the 24-Hour Economy Commissioner is preparing new guidelines to support councils looking to establish Special Entertainment Precincts across NSW.

The Commissioner has opened an Expression of Interest (EOI) for councils considering establishing a Special Entertainment Precinct. The EOI and survey are open until 19 April 2024.

Given Council's commitment to the delivery of a diverse night-time economy (Priority 30 of 'Towards 2040' Local Strategic Planning Statement) and the Night-time Economy Study prepared for the draft Manly Place Plan, submitting an EOI is warranted to learn more about this program.

TRIM FILE REF	2024/197922
ATTACHMENTS	NIL

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2024 - MOTION ON FINANCIAL ASSISTANCE GRANT

PURPOSE

The purpose of this report is to submit a motion to the 2024 National General Assembly of Local Government (2024 NGA), convened by the Australian Local Government Association (ALGA), to provide greater equity and certainty in the allocation of taxation income to local government through the Financial Assistance Grant.

EXECUTIVE SUMMARY

- ALGA has invited councils to submit motions for debate at the 2024 NGA, focusing on a number of priority areas including financial sustainability.
- One of the main sources of income for local government is the Financial Assistance Grant, which is an appropriation of taxation income from the Australian Government provided under the *Local Government (Financial Assistance) Act 1995*.
- Northern Beaches Council's 2023/24 Financial Assistance Grant is \$9.2 million.
- The funding pool for the Financial Assistance Grant to local government has fallen from 1% of Commonwealth taxation revenue in 1996 to 0.5% in 2023/24, with inadequate indexation (and a 3-year indexation freeze) not keeping pace with cost pressures on councils.
- It is recommended that Council submit a motion to the 2024 NGA seeking greater equity in the allocation of the Financial Assistance Grant to provide local government nationally with capacity to deliver the services and infrastructure required to support and strengthen our communities.

RECOMMENDATION

That Council submit the following motion to the Australian Local Government Association for consideration at the 2024 National General Assembly of Local Government:

This National General Assembly calls on the Australian Government to:

1. Restore funding of the Financial Assistance Grant program to at least 1% of Commonwealth taxation revenue.
 2. Review the annual indexation methodology for Financial Assistance Grant to reflect all cost drivers for councils including significant issues such as cost shifting and climate change.
 3. Reset the payment cycle in the Commonwealth's budget to deliver a full year's Financial Assistance Grant in each year, with an additional one-off payment to address the practice of bringing forward the payments.
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BACKGROUND

The 2024 National General Assembly of Local Government (2024 NGA), convened by Australian Local Government Association (ALGA), will be held in Canberra from 2 - 4 July 2024. ALGA has released the [2024 NGA Conference Discussion Paper](#) as a call for councils to submit motions for debate at the 2024 NGA.

The theme of the 2024 NGA is 'Building Community Trust', with a focus on the role of local government and how all levels of government can help each other build, maintain and strengthen government-community relationships. The Discussion Paper focuses on 12 priority areas including financial sustainability.

One of Council's main sources of income is the Financial Assistance Grant, which is an appropriation of taxation income from the Australian Government provided under the *Local Government (Financial Assistance) Act 1995*. The quantum of the grant payable to Council for the 2023/24 financial year is \$9.2 million, comprising two components:

Component	Northern Beaches Council's 2023/24 grant
<p>General purpose</p> <p>Distributed between the states and territories according to population. Each state then distributes 30% of the funds based on population and the balance based on greatest relative disadvantage. In 2023/24 NSW received \$676 million from the \$2,150 million national allocation (31%).</p>	<p>\$6.5 million</p> <p>Based on \$24.85 per capita - the minimum grant*</p>
<p>Local roads</p> <p>Distributed between the states and territories according to fixed historical shares. In 2023/24 NSW received \$278 million from the \$960 million national allocation (29%).</p>	<p>\$2.7 million</p> <p>Based on road and bridge length and population</p>

* Councils in NSW assessed as relatively disadvantaged (generally rural and remote councils) receive an additional allocation on top of the per capita minimum.

In the 2009/10 Commonwealth Budget, the Australian Government decided to make the first quarter Financial Assistance Grant payment for 2009/10 in the 2008/09 financial year. The purpose of the accelerated provision of funding was to give 'local governments immediate use of these funds to take full advantage of the global economic recovery and prepare them for future challenges'. The Financial Assistance Grant has been partially or fully prepaid since this time, with the prepayment usually arriving in late June prior to the 1 July commencement of the financial year. The full grant was received in June 2023 for the 2023/24 financial year.

DISCUSSION

It is recommended that Council submit a motion to the 2024 NGA seeking greater equity and certainty in the allocation of taxation income to local government, building on the policy objectives of Local Government NSW. Details about the motion are outlined below:

Category:	Financial Sustainability
Discussion paper question:	'What improvements are needed to the intergovernmental financial transfer system, particularly the Commonwealth transfers to local government, to enhance the community's trust in local government and by extension all governments?'
Motion subject:	Financial Assistance Grant
Motion:	<p>This National General Assembly calls on the Australian Government to:</p> <ol style="list-style-type: none"> 1. Restore funding of the Financial Assistance Grant program to at least 1% of Commonwealth taxation revenue. 2. Review the annual indexation methodology for Financial Assistance Grant to reflect all cost drivers for councils including significant issues such as cost shifting and climate change.

-
3. Reset the payment cycle in the Commonwealth's budget to deliver a full year's Financial Assistance Grant in each year, with an additional one-off payment to address the practice of bringing forward the payments.
-

National objective: This motion can strengthen the system of local government nationally to provide the capacity to deliver the services and infrastructure required to support and strengthen our communities.

Summary of key arguments:

- The funding pool for the Financial Assistance Grant to local government has fallen to 0.5% of Commonwealth taxation revenue in 2023/24, a significant drop from 1% in 1996.
- The indexation method (CPI and population growth) does not recognise the cost pressures on councils, and this gap was further widened by the 3-year indexation freeze on the Financial Assistance Grant from 2014/15 to 2016/17.
- For almost 20 years the Financial Assistance Grant has been partially or fully prepaid. This creates uncertainty in our cashflow management and budgeting and can distort our financial results between financial years. As the purpose of the advance payment has been to stimulate local economies and support financial sustainability, resetting the payment cycle with a once off lump sum payment would truly deliver on the intended purpose of the funds.

TIMING

Motions must be lodged with ALGA by Tuesday 30 April 2024.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget. However, they seek to improve Council's future budget position. Strengthening this important funding source will assist Council in delivering services and maintaining infrastructure. Council's 2023/24 Financial Assistance Grant is \$9.2 million.

GOVERNANCE AND RISK CONSIDERATIONS

Uncertainty around the current arrangements for the indexation and the quantum of the Financial Assistance Grant each year is an ongoing financial sustainability risk identified in our Long-Term Financial Plan. Submitting a motion to the 2024 NGA is a proactive step towards a more equitable and reliable level of funding from the Australian Government.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no adverse environmental implications for Council.

SOCIAL CONSIDERATIONS

The recommendations in this report maintain social outcomes for the community through making representations to support the financial sustainability of local government.

LINK TO STRATEGY

This report relates to the following Community Strategic Plan Outcome and Goal:

- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.

REPORTING TEAM	FINANCIAL PLANNING & SYSTEMS
TRIM FILE REF	2024/130926
ATTACHMENTS	NIL

**ITEM 8.2 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND -
QUARTERLY REPORT**

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 the Mayor and Councillors to respond to requests for financial assistance from local individuals and community groups.
- The Northern Beaches Council Discretionary Fund is governed in accordance with the Northern Beaches Council Discretionary Fund Policy (Policy).
- The Policy allows Council to support local individuals and community groups through small financial donations, including for activities that further develop their education or sporting endeavours at a representative level.
- The Policy requires that details of payments be reported quarterly to Council.
- For the period 15 December 2023 to 20 March 2024, payments totalling \$5,443 have been allocated from the Northern Beaches Council Discretionary Fund to Special Olympics Australia Sydney Northern Beaches, Manly Swimming Club Inc, Balgowlah Suns Junior AFL Club Inc, Be Centre Foundation Ltd and local residents.

RECOMMENDATION

That Council note payments totalling \$5,443 have been allocated from the Northern Beaches Council Discretionary fund for the period 15 December 2023 to 20 March 2024.

BACKGROUND

The Northern Beaches Council Discretionary Fund Policy (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 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.

DISCUSSION

For the period 15 December 2023 to 20 March 2024, payments from the Northern Beaches Council Discretionary Fund totaling \$5,443 have been made. These are listed in the table below.

Recipient	Description	Allocation	Supported by Councillor **
Special Olympics Australia Sydney Northern Beaches	Financial support towards the Annual Golf Fundraising Day on 23 February 2024	\$1,000	Received directly through the Office of the Mayor
Manly Swimming Club Inc	Financial support towards the Club's Paris Centenary Celebrations to be held in 2024	\$1,000	Cr Walton Cr Grattan
Local Residents *	Financial support towards the cost of hiring Council facilities for the Croatian Language School for local students	\$943	Cr Crvelin
Balgowlah Suns Junior AFL Club Inc	Financial support towards the Club's 'Big Freeze' Charity event to raise funds for Motor Neurone Disease to be held during 2024	\$1,000	Received directly through the Office of the Mayor
Be Centre Foundation Ltd	Financial support towards the Be Centre Annual Charity Golf Day on 16 May 2024	\$1,000	Received directly through the Office of the Mayor

Recipient	Description	Allocation	Supported by Councillor **
Local Resident *	Financial support to represent the NSW Team at the Australian Youth Beach Volleyball Championships in Queensland to be held in March 2024	\$250	Received directly through the Office of the Mayor
Local Resident *	Financial support to represent the NSW Team at the FA National Futsal Championships in Queensland held in January 2024	\$250	Received directly through the 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, this column identifies applications put forward by a Councillor rather than directly to the Office of the Mayor

The next Northern Beaches Council Discretionary Fund quarterly report will be provided at the ordinary Council meeting on 25 June 2024.

CONSULTATION

Requests upon the Northern Beaches Council Discretionary Fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer for approval in accordance with the policy.

TIMING

The Policy requires a quarterly report to be presented to Council.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget. The funds allocated are provided within the existing annual budget of \$30,000 for the Northern Beaches Discretionary Fund. An amount of \$9,356 remains in the fund. No funding will be provided outside of the allocated budget in each financial year

GOVERNANCE AND RISK CONSIDERATIONS

Payments allocated under the Northern Beaches Council Discretionary Fund have satisfied the requirements of the Policy. The next quarterly report will be provided at the Ordinary Council meeting on 25 June 2024.

ENVIRONMENTAL CONSIDERATIONS

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

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.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes and Goals:

- 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.

REPORTING TEAM	CEO
TRIM FILE REF	2024/142227
ATTACHMENTS	NIL

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1 MONTHLY INVESTMENT REPORT - JANUARY 2024

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 January 2024, Council had total cash and investments of \$197,991,561 comprising:

Trading Accounts	\$2,179,396
Investments	\$195,812,165
- The portfolio achieved a return of 0.441% for the month of January, which was 0.071% above the benchmark AusBond Bank Bill Index return of 0.37%.
- The weighted average interest rate of the portfolio at month end is 5.19% compared to 5.15% for the prior month.
- Total investment income for January was \$912,998 compared to budgeted income for the month of \$525,268. Year to date income is \$6,154,434 compared to budget of \$3,899,931 principally as a result of both a higher than anticipated level of investments and higher investment interest rates.

RECOMMENDATION

That Council note the Investment Report as at 31 January 2024, including the certification by the Responsible Accounting Officer.

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.

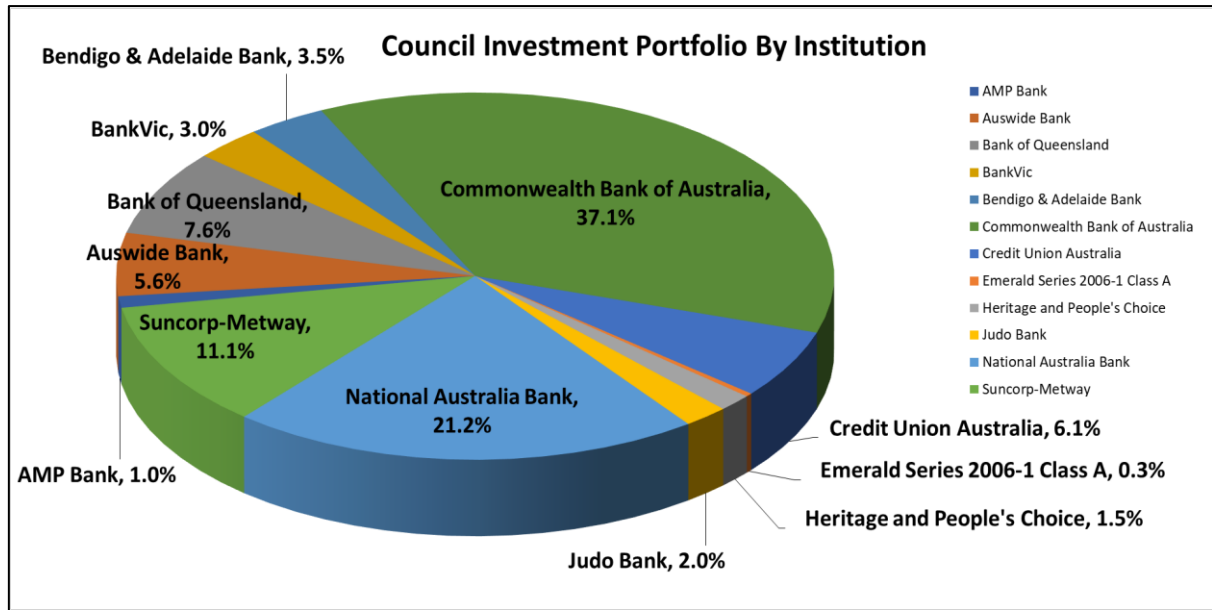
Investment Balances

INVESTMENT BALANCES					
As at 31-Jan-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,628,534			4.40%
National Australia Bank Ltd	A1+	3,403			4.35%
		1,631,937			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	5,130,569		At Call	4.40%
		5,130,569			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	601,638	17-Jul-06	21-Aug-51	4.8329%
		601,638			
Term Deposits					
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%
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%

INVESTMENT BALANCES					
As at 31-Jan-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
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%
National Australia Bank Ltd	A1+	2,000,000	12-Oct-23	25-Jun-24	5.10%
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-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%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	18-Jul-24	5.35%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	23-Jul-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	25-Jul-24	5.40%
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%
BankVic	A2	2,000,000	16-Nov-23	20-Aug-24	5.50%
BankVic	A2	2,000,000	16-Nov-23	22-Aug-24	5.50%
Suncorp-Metway Ltd	A1	3,000,000	31-Oct-23	27-Aug-24	5.42%
Judo Bank	A3	2,000,000	30-Nov-23	03-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	05-Sep-24	5.45%
National Australia Bank Ltd	A1+	3,000,000	12-Sep-23	10-Sep-24	5.20%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	12-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	17-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	19-Sep-24	5.45%
Auswide Bank Limited	A2	3,000,000	29-Nov-23	24-Sep-24	5.45%
Bank of Queensland Ltd	A2	2,000,000	30-Nov-23	26-Sep-24	5.40%
Judo Bank	A3	2,000,000	30-Nov-23	01-Oct-24	5.45%
Bank of Queensland Ltd	A2	2,000,000	05-Dec-23	03-Oct-24	5.36%
Credit Union Australia Ltd	A2	3,000,000	05-Dec-23	08-Oct-24	5.38%
Suncorp-Metway Ltd	A1	2,000,000	25-Jan-24	10-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	25-Jan-24	15-Oct-24	5.20%
Suncorp-Metway Ltd	A1	3,000,000	30-Jan-24	22-Oct-24	5.18%
		169,000,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	547,459			4.30%
		547,459			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	683,444		At Call	4.40%
Commonwealth Bank of Australia Ltd	A1+	300,156		At Call	4.40%
		983,601			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	1,000,000	06-May-23	19-Feb-24	4.62%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	04-May-23	04-Mar-24	4.62%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	05-May-23	15-Apr-24	4.83%
Commonwealth Bank of Australia Ltd	A1+	16,096,356	28-Aug-23	28-Aug-24	5.41%
		20,096,356			
Total Cash and Investments		197,991,561			

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

Portfolio Analysis



Institutional Credit Framework – Compliance with Investment Policy Requirements

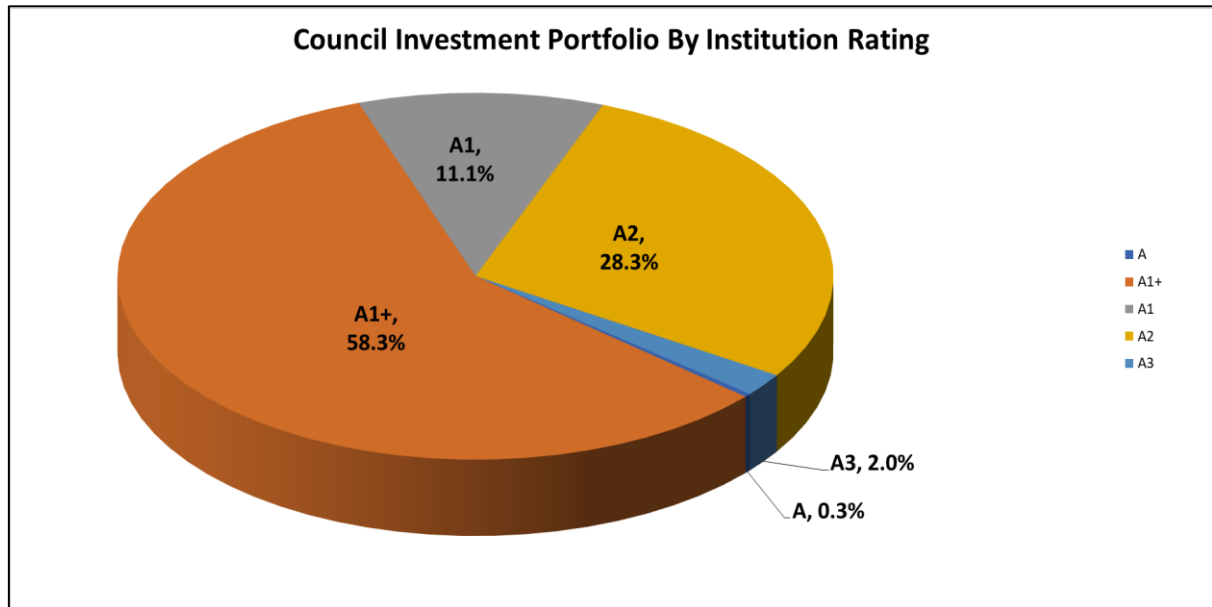
Clause 4.2.2 of Council's Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

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

* Or Moody's / Fitch equivalents

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

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



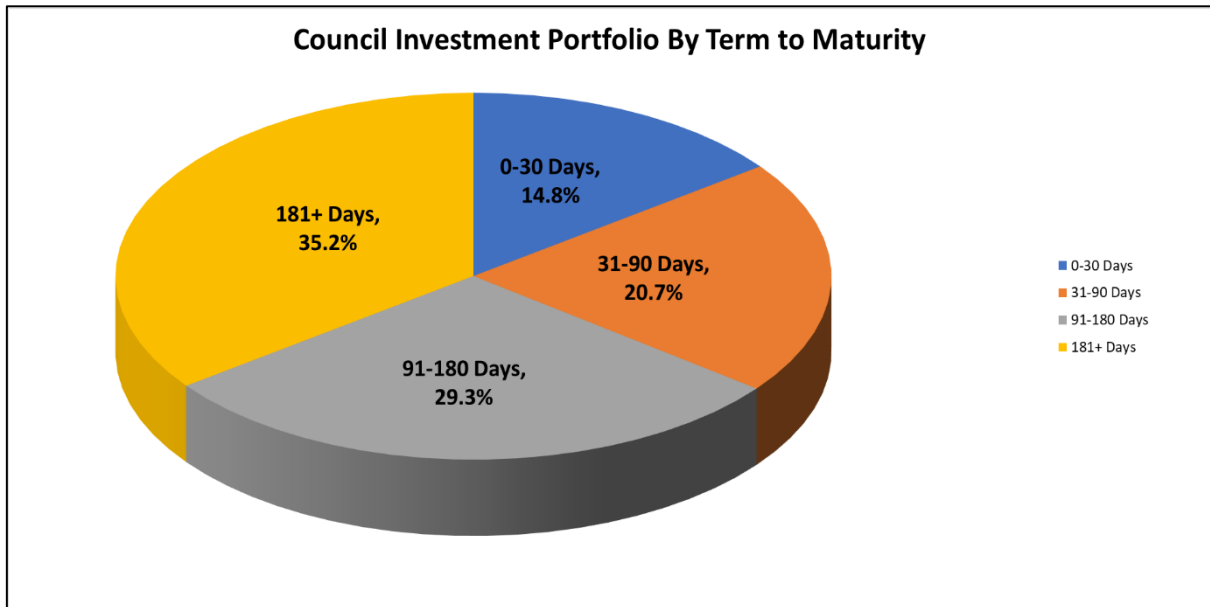
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

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

* Or Moody's / Fitch equivalents

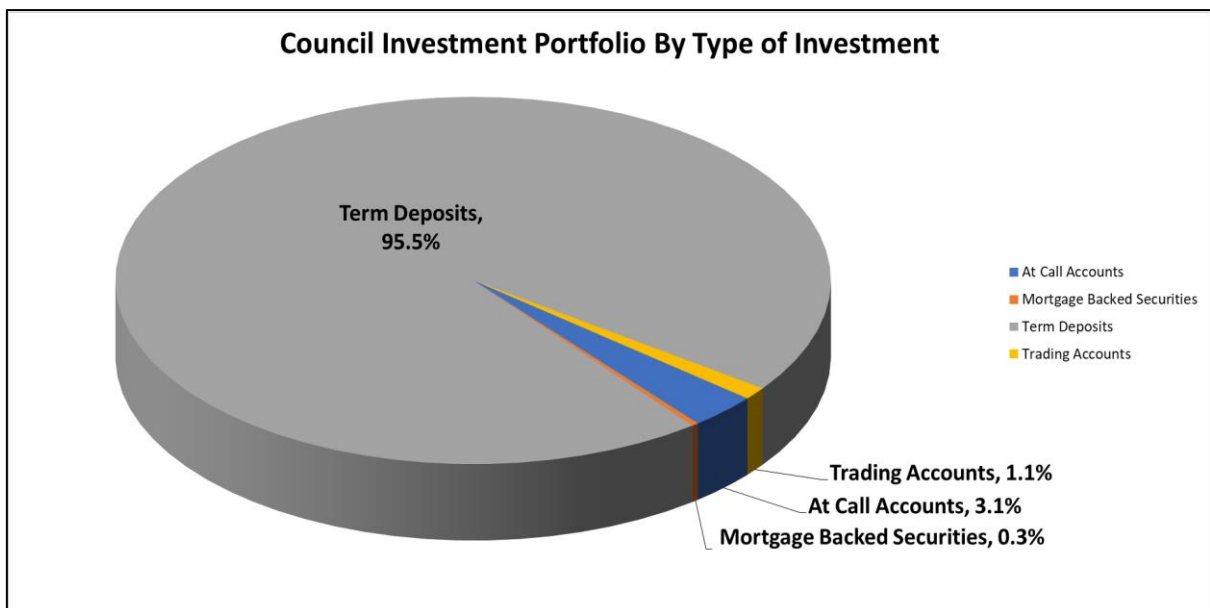
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



Term to Maturity Framework – Compliance with Investment Policy Requirements

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

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



Investment Performance vs Benchmark

a) Portfolio Return vs Benchmark

	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 Month	0.441%	0.37%
3 Months	1.313%	1.09%
FYTD	2.999%	2.53%
12 Months	4.818%	4.00%

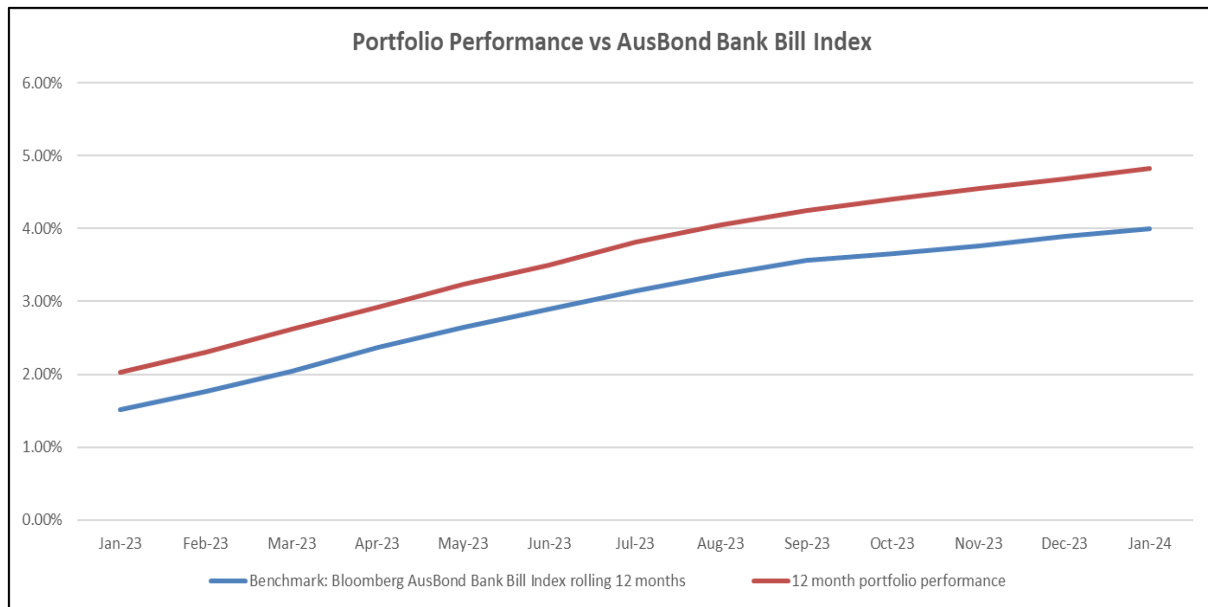
* Excludes trading account balances

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 0.441% for the month of January which was 0.071% above the benchmark AusBond Bank Bill Index return of 0.37%. For the past 12 months the portfolio achieved a return of 4.818% which was 0.818% above the benchmark AusBond Bank Bill Index return of 4.00%.



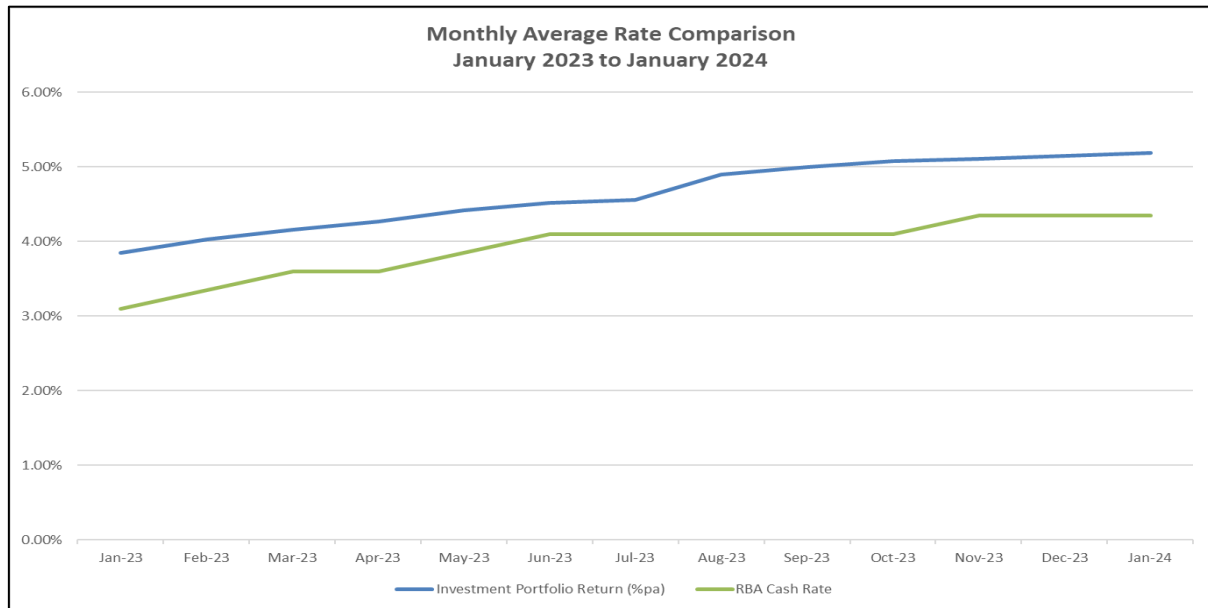
b) Portfolio Interest Rate vs Benchmark

	Weighted Average Portfolio Interest Rate (%pa) *	Average RBA Cash Rate
1 Month	5.19%	4.35%
3 Months	5.15%	4.35%
6 Months	5.07%	4.23%
FYTD	5.00%	4.21%
12 Months	4.70%	4.00%

* 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 Reserve Bank of Australia Cash Rate for the same period.

The weighted average interest rate of the portfolio is 5.19% compared to 5.15% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 4.70% compared to the average Reserve Bank of Australia Cash Rate of 4.00%.

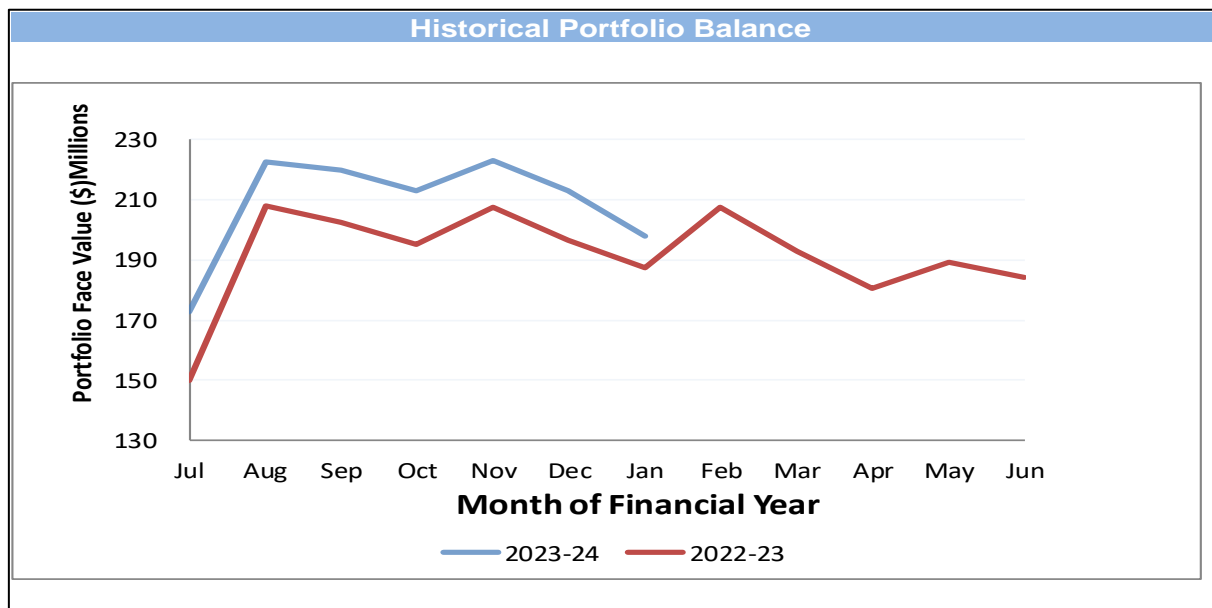


Monthly Investment Income* vs Budget

	Jan 2024 \$	Year to Date \$
Investment Income	913,002	6,135,225
Adjustment for Fair Value	(4)	19,209
Total Investment Income	912,998	6,154,434
Budgeted Income	525,268	3,899,931

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2023-24	2022-23
Jul	172,792,796	150,084,380
Aug	222,700,387	207,972,249
Sep	220,000,804	202,385,068
Oct	213,097,673	195,360,642
Nov	223,142,220	207,563,253
Dec	213,002,977	196,306,324
Jan	197,991,561	187,257,340
Feb		207,336,465
Mar		192,847,150
Apr		180,536,376
May		188,995,234
Jun		184,295,641
Average Portfolio Balance	208,961,202	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 December 2023 total cash & investments were \$213,002,977 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	57,207,368	26.86%
Internally Restricted	85,481,149	40.13%
Total Restricted	142,688,517	66.99%
Unrestricted	70,314,460	33.01%
Total	213,002,977	100.00%

ECONOMIC NOTES

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

Firmer than expected global economic growth in January, slowing progress reducing inflation, and still tight labour market conditions are causing central banks to try and hose down market expectations concerning how soon and how much official interest rates can be cut in 2024. In Australia, based mostly on quite firm economic data over the past month or so, the RBA may still need to hike the cash rate and hold it at the peak for several months before there is any real possibility of cutting the cash rate. Increasing geopolitical tension, notably in the Middle East, presents a renewed threat to global trade and supply chains that may resurrect goods price inflation, further delaying when central banks can start cutting interest rates.

In our first economic report for 2024 in mid-January, we noted that data released since the beginning of December show an economy still growing relatively strongly with a tight labour market and progress reducing inflation starting to flatline well north of the Federal Reserve's 2% target. Advance Q4 2023 GDP, released last week, saw annualised real growth at 3.3% (market expectation 2.0%) and supported by firm growth in consumer spending, 2.7% annualised growth. US consumers were spending more freely late in the quarter with December personal spending rising 0.7% m-o-m after increasing 0.4% in November. Surveys of consumer sentiment and confidence both showed a strong improvement in both November and December.

Other US leading indicators are also firming. The January manufacturing and non-manufacturing purchasing managers' indices released last week showed unexpected increases to 50.3 from 47.9 in December for the manufacturing PMI and 52.9 from 51.4 for the non-manufacturing PMI. Housing indicators have firmed mostly too with December new home sales up 8.0% m-o-m and pending home sales up 8.3% m-o-m.

In China, economic conditions remain soft with the downturn in the property sector continuing and dampening the spirits of Chinese consumers. Q4 GDP rose 1.0% q-o-q down from 1.5% in Q3 but lifting annual growth to 5.3% y-o-y from 4.9% in Q3. December monthly economic readings remain comparatively soft with fixed asset spending up 2.9% y-o-y (2.9% in November); industrial production up 6.8% y-o-y (6.6% in November) and retail sales up 7.4% y-o-y (10.1% in November). Annual growth in consumer and producer prices remained sub-zero in January at respectively -0.3% y-o-y and -2.7% y-o-y reflecting an economy with substantial excess capacity. The authorities continue to struggle to develop initiatives that can reverse over-supply in residential property and cauterize the deterioration in the balance sheets of big property developers, their customers, and their financiers. GDP growth will struggle to make 1.0% q-o-q in Q1 2024, and inevitably annual growth (y-o-y) will slide below 5%, the order of growth necessary to stem destabilising over-supply conditions in China.

In Europe, Q4 2023 GDP out later this week is expected to show another small fall (-0.1% q-o-q) leaving annual growth around 0.0% y-o-y. Europe is in mild recession that is most pronounced in its biggest economy, Germany. The European Central Bank (ECB) remains unable to respond to deteriorating economic conditions by cutting interest rates because tight labour market conditions (the unemployment rate fell to a quarter-century low 6.4% in November) are still fostering high wage growth. Although annual CPI inflation fell to 2.9% y-o-y in December, progress is likely to falter in coming months. The ECB left its deposit rate unchanged at 4.00% at its policy meeting last week and is showing little sign of being able to cut rates soon.

In Australia, economic indicators released in January paint a mixed picture. At the leading-edge, housing activity appears to have strengthened. Home building approvals in November were up 1.6% m-o-m, after rising 7.2% in October and the value of new home loans was up 0.5% m-o-m after rising 5.6% in October.

Retail spending, a key coincident indicator of economic activity, rose by 2.0% m-o-m in November to a record high, boosted by the run of sales promotions in the month. December retail sales are due this week and any rise in the month would indicate quite strong spending through late 2023.

The RBA kept the cash rate on hold at 4.35% at the 6th of February interest rate meeting, the next meeting is on the 19th of March.

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2023 to date was \$6,154,434 compared to budgeted income of \$3,899,931, a positive variance of \$2,254,503 principally as a result of both a higher than anticipated level of investments and higher investment interest rates.

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".

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.

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.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	FINANCE
TRIM FILE REF	2024/089725
ATTACHMENTS	NIL

ITEM 9.2 REVIEW AND REVOCATION OF VARIOUS POLICIES
--

PURPOSE

The purpose of this report is to seek the revocation of one policy and seek adoption of 2 Northern Beaches Council policies that have been reviewed.

EXECUTIVE SUMMARY

- Council's Policy Framework (the Framework) outlines the strategic principles for certain corporate documents including Council policies.
- Council is progressively reviewing all corporate documents covered by the Framework.
- The Public Collections/Appeals Policy has been reviewed and identified as no longer being required and is proposed to be revoked.
- The Enterprise Risk and Opportunity Management Policy has been reviewed, is considered to be still relevant and is recommended to be adopted with some minor administrative changes only.
- The Fraud and Corruption Control Policy has been reviewed and is recommended to be adopted with some amendments to align with the Independent Commission Against Corruption's sample policy.

RECOMMENDATION

That Council:

1. Revoke the Public Collections/Appeals Policy.
 2. Adopt the Enterprise Risk and Opportunity Management Policy.
 3. Adopt the Fraud and Corruption Control Policy.
-

BACKGROUND

Council adopted a Policy Framework (the 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.

DISCUSSION

Public Collections/Appeals Policy (former Pittwater)

This report proposes the revocation of the Public Collections/Appeals Policy (Attachment 1). This policy is related to the use of open space and such use is guided by the *Local Government Act 1993* and regulations, relevant Plans of Management and Council's strategies and does not by legislation require a separate Council policy.

The policy was originally adopted in 1997 to provide parameters for the approval of fundraising activities undertaken in the Pittwater Local Government Area. Among other things, the policy puts in place a limitation on the number of stalls and door knocking appeals that can be undertaken by individual charities each year.

Since the policy's establishment, the marketing and campaigning activities for charitable organisations has diversified with more digital fundraising activities undertaken. It is considered that a policy is not required to manage this issue anymore.

In addition, Council manages the use of open space and associated charity stall bookings on an individual basis. This considers whether the location is appropriate, and all risks are considered. If a requested space is not appropriate, the request is denied, and alternative sites are identified to the customer for consideration. Council does not require a specific policy to undertake these activities. Authority to approve a booking is through the *Local Government Act 1993* and Council's booking processes.

Enterprise Risk and Opportunity Management Policy

The Enterprise Risk and Opportunity Management Policy was adopted by Council on 24 November 2020 and is due to be reviewed in line with the Framework. The policy sets out the strategic principles by which Council manages risk to support a positive risk management culture across the organisation. It outlines the roles and responsibilities of key staff within the organisation with respect to risk management.

The policy has been benchmarked against the Office of Local Government's (OLG) 'Example Risk Management Policy' with no material omissions identified. The Audit, Risk and Improvement Committee reviewed and supported the minor proposed changes at its December 2022 meeting.

As Council's current policy is operating effectively, is more detailed than the OLG example policy and is already consistent with the Australian/New Zealand standard ISO31000:2018, only minor changes are proposed. The minor amendments are highlighted in tracked changes for ease of reference (Attachment 2).

Fraud and Corruption Control Policy

The Fraud and Corruption Control Policy was adopted by Council in December 2019, together with a Fraud and Corruption Control Plan. It adopts a zero-tolerance approach to fraud and corruption and articulates Council's commitment to a robust fraud and corruption prevention approach. The policy is due to be reviewed in line with the Framework.

A review has been undertaken which included input from Council's Audit, Risk and Improvement Committee and KPMG. In line with this input, amendments to the policy are proposed to align it with the NSW Independent Commission Against Corruption's (ICAC's) sample Fraud and Corruption Control Policy, with minor refinements for consistency with Council's templates, as well as better practice advice issued by organisations such as ICAC, the NSW Ombudsman and the Audit Office of NSW. The proposed policy (Attachment 3) is consistent with the existing policy in that it adopts a zero-tolerance approach to fraud and corruption and articulates Council's commitment to an agency-wide fraud and corruption framework. It has regard to the Audit Office of NSW Fraud Control Improvement Kit 2015 and the Australian Standard for Fraud and Corruption Control 2021 (AS8001-2021). As the proposed policy has a new format to align with the sample ICAC policy, it is not provided with tracked changes. However, the existing policy and the sample ICAC policy are attached for convenience (Attachments 4 and 5).

The Fraud and Corruption Control Plan is currently being reviewed and, in line with the Framework, will be updated following adoption of the Fraud and Corruption Control Policy.

CONSULTATION

Council encourages involvement by the community in developing and reviewing its policies, however the public exhibition of the revised Enterprise Risk and Opportunity Management Policy and Fraud and Corruption Control Policy is not considered necessary as the substantive provisions are not changing and/or the policies are based on best practice guidance from the NSW Government. Public exhibition is not considered necessary in relation to the proposed revocation of the Public Appeals/Collections Policy.

FINANCIAL CONSIDERATIONS

The recommendations of this report do not result in any change to the existing Council budget.

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.

The proposed revisions of the Enterprise Risk and Opportunity Management Policy and Fraud and Corruption Control Policy will strengthen Council's policy approach. There are no adverse risks associated with the revocation of the Public Appeals/Collections Policy, 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 3 former councils (Manly, Warringah and Pittwater) remain in effect until Council adopts a new policy or the former policy is revoked.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts to consider in respect of the proposed revocation of the Public Appeals/Collections Policy, nor the proposed adoption of the Enterprise Risk and Opportunity Management Policy and the Fraud and Corruption Control Policy.

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.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	GOVERNANCE & RISK
TRIM FILE REF	2024/141546
ATTACHMENTS	⇒1 Public Collections/Appeals Policy (Included In Attachments Booklet) ⇒2 Draft Enterprise Risk and Opportunity Management Policy (Included In Attachments Booklet) ⇒3 Draft Fraud and Corruption Control Policy (Included In Attachments Booklet) ⇒4 Existing Fraud and Corruption Control Policy (Included In Attachments Booklet) ⇒5 ICAC Sample Fraud and Corruption Control Policy (Included In Attachments Booklet)

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1 OUTCOME OF PUBLIC EXHIBITION - GAMBLING HARM MINIMISATION POLICY

PURPOSE

The purpose of this report is to present the outcome of the public exhibition of the draft Gambling Harm Minimisation Policy and seek endorsement of an amended policy.

EXECUTIVE SUMMARY

- Council resolved to place the re-named Gambling Harm Minimisation Policy on public exhibition from 1 September 2023 to 15 October 2023.
- Council also resolved to seek community views on an additional question: Should Council place a ban on direct gambling advertising at Council premises?
- 53 unique responses were received on the Policy and 32 responses were received on the additional question during the exhibition period, with key themes identified and addressed in the report.
- Over 100 Council leaseholders would be impacted by a ban on direct gambling advertising at Council premises and revenue from bus shelter advertising could be impacted through a ban on gambling advertising.
- Federal and state governments are better placed to implement bans on gambling advertising and it is not recommended that Council impose a ban.
- Minor updates are proposed to the draft Gambling Harm Minimisation Policy (see Attachment 2) and it is proposed that Council continue to play a role in education, advocacy and lobbying to support evidence-based approaches to minimise the harms associated with electronic gaming machines and online gambling.

RECOMMENDATION

That Council adopt the Gambling Harm Minimisation Policy.

BACKGROUND

The Gambling and Poker Machine Harm Management Policy was adopted by Council in September 2018, and was due for review in 2023. An internal review proposed several amendments to the Policy to maintain currency with legislation and community concerns regarding gambling, including legislative updates relating to gambling, inclusion of Council's role in the ClubGrants program, broadening of the scope of the Policy to include online gambling and amending the title to 'Gambling Harm Minimisation Policy' (the draft Policy) to reflect this.

The draft Policy was presented to the ordinary Council meeting held on 22 August 2023. Council resolved (226/23):

That:

1. *Council place the draft Gambling Harm Minimisation Policy on public exhibition for a minimum of 28 days.*
2. *The outcome of the public exhibition of the draft Gambling Harm Minimisation Policy be reported to Council.*
3. *Through the public exhibition process invite submissions to seek the community's view on direct gambling advertising at Council premises.*

The draft Gambling Harm Minimisation Policy, including the question on direct gambling advertising, was placed on public exhibition from Friday 1 September to Sunday 15 October 2023 to capture feedback from the community and to identify whether any further changes are required to the draft Policy.

This period included an extension of 2 weeks, as requested by a number of community members, to enable them sufficient time to consider and respond to the draft Policy. This report details the feedback received following the public exhibition period.

DISCUSSION

Responses to the draft Policy

Council received 53 submissions to the draft Policy, consisting of 47 submissions via Council's Have Your Say platform and 6 submissions received via letters and emails, outlined in Attachment 1. The adoption of the updated policy was supported by 35 submissions, with 13 of these supporting the policy with changes.

Key themes from the submissions include strong support on the role of local government in gambling harm minimisation through lobbying and education, concerns over Council's involvement in ClubGrants and using venues with electronic gaming machines (EGM), support for greater regulation of EGM venues and strong support towards reducing gambling advertising.

Most respondents viewed gambling as a social rather than an individual issue due to the harmful impact problem gambling can have on individuals, families, and the broader community. Comments reflect that gambling should be approached as a public health issue with a focus on education and awareness.

There were varying views on the role of councils in gambling harm minimisation. Most responses recognised that Council has a role to play in gambling education and advocacy, with several responses indicating that Council should play a stronger role in lobbying the NSW and Australian Governments for further legislative changes to increase regulation and reduce gambling advertising.

Support was mixed over Council's involvement in ClubGrants and whether Council should continue to be involved to ensure that grants are being issued for their legislated purpose. Concerns were also raised regarding Council use of EGM venues, with several respondents requesting that Council discontinue hosting events and activities in these venues, adding that some community members may not be able to participate in the event due to self-exclusion or other personal reasons.

Eight submissions did not support the policy with the most common objection being that this area of work is outside the scope and role of local government. Others included that Council's influence in gambling harm minimisation is limited, and that gambling is a personal choice.

Attachment 2 contains the draft Policy, highlighting amendments proposed in response to community submissions received and further investigations. Key amendments include: incorporating a public health approach to gambling harm minimisation; reinstating the addictive nature of EGMs and Council's commitment to lobbying; working with relevant agencies regarding local government involvement in the determination of EGM applications; and citing several related documents including recent reports by the NSW Council of Social Service and reports from federal and state government inquiries.

It is proposed that Council continue to play a role in education, advocacy and lobbying to support evidence-based approaches to minimise the harms associated with EGM and online gambling. Also, it is proposed that Council continue to work with local clubs, hotels and other stakeholders and continue as a key member of the Northern Beaches ClubGrants Committee.

Responses to a ban on direct gambling advertising on Council premises

During the exhibition period, Council resolved to include an additional question seeking the community's view on direct gambling advertising at Council premises.

Council received 32 unique responses to this question with 29 respondents supporting a ban on direct gambling advertising at Council premises. Responses predominantly cited concerns around the normalising of gambling behaviour to children and adults.

Council has over 500 buildings used for various purposes, some of which are leased or licensed to private operators, not for profit and community organisations such as surf and sporting clubs. There are also 182 bus shelters that contain advertising, managed by a third party contract.

With regard to direct gambling, an initial review has identified 6 leases where EGMs are contained on Council land usually associated with a bowling or recreation club.

Taking into account sports clubs, SLSCs and other associated leases, there are approximately 100 leases that are likely to be impacted.

Restrictions on Council's sportsgrounds could impact more than 108 sports groups across 17 sports (both winter and summer)

The scale of lease and licence arrangements is extremely broad across the building portfolio. They range from small scale (e.g. a kiosk operator) to larger leases such as Brookvale Oval. An assessment of each lease or licence has not been possible given the scale and complexity of the arrangements, however the following considerations are noted:

- Some leaseholders rely on third party sponsorships whereby equipment, signage banners and playing uniforms may contain gambling advertising.
- Leases currently in operation may not contain express provisions banning gambling advertising.
- Council currently allows gambling advertising on bus shelters across the local government area, subject to strict conditions.
- Not for profit and community organisations (sporting clubs and surf clubs) have historically been supported by the ClubGrants scheme which predominantly sources its funds from EGM revenue.
- Sporting groups may also have connections with local businesses that derive income from gambling related business, such as a registered club.
- Other community-focussed not for profit groups are benefitting from grants and sponsorship from registered clubs that contain EGMs. These groups hold meetings and events in Council's community centres.

Gambling Advertising on Bus Shelters

Council has 182 bus shelters with outdoor advertising managed under contract across the LGA. Gambling advertising is generally permissible in outdoor advertising contracts but is highly regulated by the [AANA Wagering Advertising & Marketing Communications Code](#). In particular, advertising must not, having regard to the theme, visuals and language used, be directed primarily to minors.

The Outdoor Media Association (OMA) School Mapping Tool ensures that products which are illegal for purchase by minors are not advertised within a 150m sightline of a primary or secondary school in Australia. This includes preventing alcohol and gambling advertising.

If Council were to impose a blanket ban on gambling advertising on all bus shelters, it would be prudent to consider the following matters:

- Advertisements that appear on bus shelters are dominated by national advertisers (+85%) and are bought as part of national campaigns. As such the advertising agencies who book campaigns do so for various clients and any unique embargos can negatively impact the perception of the bus shelter advertising medium, leading to a potential loss of revenue.
- Although this may not appear to be a significant quantity, a ban may result in a disconnect with the market which results in a more significant flow-on impact on tender pricing.
- There is no itemising of gambling revenue in industry statistics so the direct impact of a ban is difficult to quantify. Council has received advice that it may be in the order of 1-2% of revenue, noting that the 'disconnect' factor noted above would also apply here.
- Users of public transport would have less exposure to gambling related advertising.
- There are existing contracts in place for bus shelters which require consideration.

Role of Local Government

Understanding of the role of local government on this issue is central to the review of the draft Policy and consideration of the additional question seeking the community's views on a ban on direct gambling advertising at Council premises.

The following table outlines the roles of federal, state and local government in relation to gambling:

Area	Federal	State	Local
Gambling Research	Department for Social Services funds: <ul style="list-style-type: none"> • Gambling Research Australia • Australian Gambling Research Centre • Australian Institute of Family Studies 	<ul style="list-style-type: none"> • Responsible Gambling Fund (RGF) • Includes Research Agenda 2021–2024 and works with Gambling Research Australia 	Council relies on other government research.
Gambling Regulation	N/A	<ul style="list-style-type: none"> • Administered by Liquor & Gaming NSW • Independent Liquor & Gaming Authority (ILGA) as decision making body 	Nil
Gambling Reform	<ul style="list-style-type: none"> • National Consumer Protection Framework for Online Wagering • Ban on the use of credit cards for Australian licensed wagering services • BetStop, National Self-Exclusion Register 	<ul style="list-style-type: none"> • Inquiry into Money Laundering via Electronic Gaming Machines in Hotels & Clubs – implementing 8 recommendations, includes mandatory cashless gaming across all venues 	Advocacy

Area	Federal	State	Local
Gambling Information & Support	<ul style="list-style-type: none"> National Gambling Helpline Gambling Help Online website 	<ul style="list-style-type: none"> Gamble Aware NSW includes comprehensive information and support, and programs like Reclaim the Game and Gamble Aware Week in October 	Referral agency to State and Federally funded programs

As shown in the above table, federal and state government agencies are responsible for all areas of gambling including gambling research, gambling reform and the provision of gambling information and support, with states and territories responsible for gambling regulation.

As such, consideration on the regulation of gambling advertising is a matter for relevant state and federal agencies, as demonstrated in the banning of advertising by the tobacco industry. The banning of tobacco advertising is dealt with under the Commonwealth's *Tobacco Advertising Prohibition Act 1992*, the *Tobacco Plain Packaging Act 2011* and in NSW under the *Public Health (Tobacco) Act 2008 (NSW)* and the Public Health (Tobacco) Regulation 2016. These pieces of legislation make it an offence to advertise tobacco and provide clear guidelines to regulate this.

Developments in increased regulation of gambling advertising are currently underway. At a federal level, the release of the 'You win some, you lose more' report in June 2023, following a Parliamentary Inquiry into online gambling and its impacts on those who experience gambling harm, included 31 recommendations that are under consideration. Chapter 5 of this inquiry relates to Gambling Advertising, outlining community expectations and concerns. Of particular note is Recommendation 26:

The Committee recommends the Australian Government, with the cooperation of the states and territories, implement a comprehensive ban on all forms of advertising for online gambling, to be introduced in four phases, over three years, commencing immediately.....by the end of year three, prohibition on all online gambling advertising and sponsorship.

At a state level, the NSW Government is embarking on significant gaming reform commencing with the removal of external signage (e.g. VIP Lounge) from pubs and clubs across the state from 1 September 2023.

In determining whether Council should place a ban on direct gambling advertising at Council premises, consideration of the many complexities is required, both in defining the parameters of a ban, be it a blanket ban or only on the scale of advertising and in its regulation and enforcement. It is also unclear what financial impact this would have on smaller clubs and organisations that may either participate directly in gambling or be supported by a business that participates in gambling in some way.

It is not recommended that Council implement a ban on advertising of direct gambling on Council premises. This is based on consideration of the role of local government in the context of federal and state responsibilities, the number of tenants who may incur a financial impact and the complexity of implementation. In addition, as such a ban can only be implemented as leases and licences are renewed with tenants of Council premises, a ban on gambling advertising could be imposed by the appropriate federal and state agencies before many are up for renewal, as per the recommendations from the 'You win some, you lose more' report.

It is proposed that Council continue to support the provision of relevant information and support at the local level and continue to lobby and advocate on these issues on behalf of the local community when relevant, consistent with the draft Policy.

CONSULTATION

The draft Policy was placed on public exhibition for a period of 6 weeks, from 1 September to 15 October 2023. It was published on the Council's website via the 'Your Say' platform, with information provided in an accessible and easy to read format, with the page receiving 361 visits.

Feedback was captured through an online submission form embedded onto the 'Your Say' project page. The form included a question that directly asked respondents to provide comment on the policy and to respond to two key questions:

1. *Do you support the updated policy?*
2. *Should Council place a ban on direct gambling advertising at Council premises?*

The draft Policy was also shared via letter to local state and federal ministers of parliament, local RSL clubs, Clubs NSW, the Australian Hotels Association and the Alliance for Gambling Reform. Group emails were also sent to 167 tenants of Council properties, 357 hirers of open space and 450 community centre hirers.

The draft Policy was promoted through Council's regular email newsletter (EDM) channels throughout the 6-week exhibition period. It featured in:

- 2 editions of the weekly Council Northern Beaches newsletter (61,500 subscribers)
- 3 editions of the Community Engagement newsletter (22,500 subscribers)

TIMING

If adopted, the amended draft Policy will be reviewed in 4 years.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

If adopted, the Policy will set out Council's refined policy position with respect to gambling harm minimisation.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

There are social considerations related to the draft Policy. Framed within the principles of harm minimisation, the draft Policy will have positive social impacts as it is focused on reducing the harms associated with gambling, especially regarding the highly addictive nature of electronic gaming machine gambling.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2024/061626
ATTACHMENTS	1 ⇒ Community Engagement Report - Gambling Harm Minimisation Policy (Included In Attachments Booklet) 2 ⇒ Amended draft - Gambling Harm Minimisation Policy - March 2024 (Included In Attachments Booklet)

ITEM 10.2	CONFIRMED MINUTES OF COMMUNITY SAFETY ADVISORY COMMITTEE MEETING HELD ON 16 NOVEMBER 2023
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PURPOSE

The purpose of this report is to present the minutes of the Community Safety Advisory Committee meeting held on 16 November 2023 for noting.

EXECUTIVE SUMMARY

- The Community Safety Advisory Committee is a committee of Council established to provide guidance to Council on community safety issues impacting the Northern Beaches.
- The meeting held on 16 November 2023 included discussion on Resilience and Emergency Management, Alcohol Prohibited Areas and the draft Multicultural Inclusion Plan.
- Reports were also received from the NSW Police and Council's Environmental Compliance unit on current community safety initiatives and statistics.
- The minutes of the Community Safety Advisory Committee meeting of 16 November 2023 (Attachment 1) were confirmed by the Committee at its meeting of 15 February 2024.

RECOMMENDATION

That Council note the minutes of the Community Safety Advisory Committee meeting held on 16 November 2023.

BACKGROUND

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

The meeting held on 16 November 2023 included discussion on the following items:

- Resilience and Emergency Management
- Outcome of Review of Alcohol Prohibited Areas on the Northern Beaches
- Draft Multicultural Inclusion Plan
- Police report
- Environmental Compliance report.

The minutes of the meeting are at Attachment 1.

CONSULTATION

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

TIMING

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

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no adverse environmental implications for Council.

SOCIAL CONSIDERATIONS

The subject of this report will have a positive impact on social outcomes for some members and groups of the community.

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

LINK TO STRATEGY

This report relates to the following Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	COMMUNITY, ARTS & CULTURE
TRIM FILE REF	2024/119654

ATTACHMENTS

- 1 [⇒](#) Minutes - Community Safety Advisory Committee Meeting - 16 November 2023 - confirmed (Included In Attachments Booklet)

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1 OUTCOME OF PUBLIC EXHIBITION - DRAFT WASTE AND CIRCULAR ECONOMY STRATEGY

PURPOSE

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

EXECUTIVE SUMMARY

- The draft Waste and Circular Economy Strategy 2040 (draft Strategy) will be the lead strategy to help Council plan for and future proof the domestic waste and litter management services for the Northern Beaches through to 2040.
- The draft Strategy provides an important investment signal to the market, to participate and invest in circular economy opportunities (reuse, repair and recycling) in the region, stimulating local economic activity and social connection.
- At its meeting held on 24 October 2023, Council endorsed the public exhibition of the draft Strategy for a minimum of 28 days with the public exhibition period running from 27 October 2023 to 10 December 2023.
- A total of 179 submissions were received during the public exhibition, made up of 163 'Your Say' survey responses and 16 email submissions, revealing a high level of engagement and support for the draft Strategy.
- While the feedback did not indicate a need for material changes to the draft Strategy's stated directions and outcomes, minor amendments to the draft Strategy are proposed to address feedback around particular actions.
- If adopted, Council will evaluate progress of the Strategy's actions through ongoing key performance indicators and annual reporting, with a review in 5 years.

RECOMMENDATION

That Council adopt the Northern Beaches Waste and Circular Economy Strategy 2040.

BACKGROUND

Council developed the draft Waste and Circular Economy Strategy (draft Strategy), which creates a vision for a sustainable and easy to use waste and litter service that supports a thriving local circular economy and protects our environment, through to 2040.

At its meeting held on 24 October 2023, Council endorsed the public exhibition of the draft Strategy for a minimum of 28 days.

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

The development of the draft Strategy was informed by extensive research and consultation over a 12-month period with the Northern Beaches community, external stakeholders, expert consultants, the Environment Strategic Reference Group and Council staff.

Informed by this community engagement and these investigations, the draft Strategy focuses on 5 directions, each with supporting actions. These directions are: (1) Eliminating waste (2) Easy to use waste service (3) Tackling priority waste (4) Green and clean environment and (5) Council leading the way.

CONSULTATION

Community and stakeholder engagement for the draft Strategy was conducted between 27 October 2023 to 10 December 2023, and consisted of a series of opportunities for community and stakeholder engagement and contribution.

The draft Strategy was published on Council's website via the 'Your Say' platform, with information provided in an accessible and easy to read format. The 'Your Say' project page had more than 4,500 visits.

Feedback was captured through an online survey embedded onto the 'Your Say' project page. The survey included questions that directly asked respondents for their level of support of the draft Strategy and the individual directions.

An open-field comment box provided community members a space to explain or elaborate on their responses, as well as any other feedback they wished to contribute. Email and written comments were also invited.

Feedback received from external stakeholders was supportive of the directions outlined in the draft Strategy.

A summary of key initiatives that were supported through submissions and engagement is as follows.

- **Food Organics** – Support for a separate food organics collection to be prioritised, with some submissions expressing concerns about potential reductions in red bin servicing.
- **Single Use Plastics** – Support for Council to advocate for reductions to business use of single use plastics.
- **Education and Behavioural Change** – Consistent support for increased education campaigns to support households and businesses in waste avoidance, reuse, repair and recycling. Concerns that residential recycling is not happening after collection.
- **Reuse and Repair** – Consistent support for increased options for reuse and repair in the community, including a physical hub and working with community groups.
- **Advocate** – Strong support for Council to work with different government departments and industry to ensure manufacturers/businesses are made responsible for their waste.

- **Council Leading the Way** – Expectation that Council is highly visible to residents and following best practices.

A copy of the full community engagement report has been provided at Attachment 2.

Promotion

The draft Strategy was promoted through Council's regular email newsletter (EDM) channels throughout the 6-week exhibition period. A news article in the Community EDM saw high readership, with 1,414 views. In addition, information was featured in:

- One editorial in *Pittwater Life*, with a readership of 90,000, and
- One advertisement in *Peninsula Living*, with a distribution of 57,000.

Promotion was also carried out through advertisement on bus stops in Dee Why, Belrose, North Manly, Forestville and Collaroy.

A social media campaign was conducted via Facebook, Instagram, and LinkedIn, to raise awareness of the draft Strategy and to engage community members. This campaign consisted of a series of 11 posts and one story, which saw 87,339 plays of 4 video reels.

Throughout the 6-week exhibition period, Council held an online information webinar and 13 staffed pop-up / drop-in information events at various locations.

Public Exhibition of the draft Strategy

There were 179 unique responses, including 16 email submissions and 163 responses to the 'Your Say' survey form, received during the exhibition period.

The feedback indicated strong support for the draft Strategy in the 'Your Say' online portal. In particular there was strong sentiment around the 'Eliminating Waste' direction with respondents indicating it would help prevent waste and assist them in engaging in the circular economy. There was also strong sentiment around the 'Council Leading the Way' direction with feedback indicating the community believe it will help drive local change to reduce the impact of waste.

Some concerns were raised in consultation about the implementation of aspects of the draft Strategy. In response to these concerns, minor changes have been made to the draft Strategy as outlined in Table 1.

Table 1. Key Issues and responses from consultation process

Themes	Concern	Council response
Bulky Goods	<p>Concerns raised on the number of recyclable or reusable materials being sent to landfill.</p> <p>A desire to increase the volume of recyclable materials collected by bulky goods collections through reuse, scavenging or separate collections</p>	<p>Expanding Action 2.3: <i>'Provide separate collections of targeted recyclable bulky goods to divert more waste from landfill'</i>, to include exploring additional opportunities for recovering more resources from bulky goods.</p> <p>Updating Action 2.1: <i>'Options for more accessible collection for the community: • household chemicals, electronic waste and textiles • offshore communities in Pittwater • more flexible bulky goods service'</i>, to commence in 2024/25 rather than 2023/24.</p> <p>This will allow for further work with suppliers to achieve meaningful changes and outcomes.</p>

Themes	Concern	Council response
Single Use Plastics	Demand for more soft plastic collections	Expanding Action 3.5: <i>'Trial plastics recycling programs where there are markets for the recycled products and support from the retailers or manufacturers of the products being collected, to ensure producer responsibility'</i> , to investigate feasibility of soft plastic recycling options as a priority.
Community group engagement	Expand community engagement in reuse hub	Expanding Action 1.1: <i>'Pilot and implement local circular economy hub model for household items'</i> , to include working with charitable, community and other interested groups.
Cost impact	Concern about increases in costs associated with the implementation of actions outlined in the draft Strategy.	Details outlined in Financial Considerations section of this report.
Scale and Influence	Concerns on whether Council has sufficient scale or funds to implement the actions associated with the Strategy.	<p>The draft Strategy recognises that Council, local businesses, and residents need to work together to help achieve the Strategy's vision. There are also some important areas, such as product design and precinct planning, where Council's powers and influence are limited.</p> <p>As a result, the draft Strategy focuses on Council taking action where we can make the most impact, leading by example and influencing in other areas.</p>

In addition, some minor additional amendments are proposed to clarify actions and targets:

- Changing the targets for reduction in kerbside bulky waste going to landfill so that the reduction will be measured per household rather than total volumes, allowing for population growth.
- Updating the community engagement page in Section 1 to include information on the public exhibition outcomes.

TIMING

The draft Strategy includes an action plan with key initiatives to commence, or be implemented, in the first 5 years after adoption. The actions are designed to help Council, the community and business achieve the vision and goals of the draft Strategy. Progress will be assessed annually. There will be a review of the adopted Strategy and its actions 5 years after commencement.

FINANCIAL CONSIDERATIONS

A guide to costs for initiatives can be found within the draft Strategy under the section: 'Implementing the Strategy'. This section also indicates the financial year in which the initiative is expected to be implemented.

Many of the initiatives will not lead to an increase in waste charges. For domestic waste related initiatives, funding has been allocated to domestic waste innovations in future years under the domestic waste charge.

Some key initiatives, such as the introduction of food organics collections, may require an increase in the waste charge to achieve environmental and climate change benefits. Council will pilot these types of initiatives, where possible, to achieve best outcomes for the community.

Grant opportunities may be available through the NSW Environment Protection Authority (EPA).

GOVERNANCE AND RISK CONSIDERATIONS

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

Council will monitor performance against the targets and will assess progress annually. Our Annual Report will include key data and updates, and progress will be reported every 4 years in the State of the Region report, a report on the implementation and effectiveness of the Community Strategic Plan.

The major risk associated with the implementation of the draft Strategy is the availability of viable and scalable options for the processing of specific waste types, notably soft plastics and food organics, and repair/reuse at scale while meeting community expectations for these services. Council will continue to work with industry experts, other councils, and industry to ensure the most feasible and viable solutions are implemented.

ENVIRONMENTAL CONSIDERATIONS

The proposed actions in the draft Strategy will result in a beneficial environmental outcome by addressing waste at its source. This includes advocating for better product and building design to minimise waste and single use packaging; promoting repair, reuse, and recycling; and improving waste management to avoid pollution and greenhouse gas emissions.

In addition, an underlying theme of the draft Strategy is reducing the environmental impact of waste. One of the 5 strategic directions is 'Green and Clean Environment'. This responds to the strong community desire, expressed through all stages of consultation, to retain the natural beauty of the local environment.

SOCIAL CONSIDERATIONS

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

The draft Strategy also includes actions for social opportunities through the transition to a local circular economy. These opportunities can help provide social connection through reuse and repair hubs, which were strongly supported in responses during public exhibition, and potential local employment and social enterprise opportunities, promoting a more inclusive economy.

LINK TO STRATEGY

The draft Strategy is designed to complement Council's Environment and Climate Change Strategy 2040 and associated action plans. It also supports the objectives of other Council strategies and policies, including the Northern Beaches Resilience Strategy, Zero Waste to Oceans Charter, Towards 2040 – Local Strategic Planning Statement and the Northern Beaches Economic Development Strategy.

This report relates to the following Community Strategic Plan Outcomes and Goals:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value.
- Environmental sustainability - Goal 4 Our community is supported in the transition towards net zero emissions and a local circular economy.
- Environmental sustainability - Goal 5 Our built environment is developed in line with best practice sustainability principles.
- Environmental sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability.

- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.

REPORTING TEAM	WASTE MANAGEMENT & CLEANSING
TRIM FILE REF	2024/062233
ATTACHMENTS	1 ⇒ Waste & Circular Economy Strategy (Included In Attachments Booklet) 2 ⇒ Waste & Circular Economy Strategy - Community Engagement Report - Post Consultation (Included In Attachments Booklet)

ITEM 11.2 RESPONSE TO NOTICE OF MOTION NO 26/2023 - RETURN AND EARN SCHEME

PURPOSE

The purpose of this report is to respond to Council's resolution in respect of Notice of Motion No 26/2023 – Return and Earn Scheme.

EXECUTIVE SUMMARY

- Council resolved at its meeting held on 26 September 2023 to request a report from staff within 6 months on potential additional Return and Earn locations.
- Eight potential locations on Council property have been reviewed in consultation with TOMRA Collection Australia (TOMRA), the Return and Earn network operator.
- The review found that existing Plans of Management do not explicitly permit this kind of development on those locations, however as future Plans are developed this will be reconsidered.
- Council staff have encouraged TOMRA to negotiate with private property owners, such as supermarkets, for installation of Return and Earn machines, which it is understood TOMRA is doing.
- TOMRA has installed a machine in the Warriewood Square shopping centre carpark following the removal of a machine in Namona Street, North Narrabeen.
- Staff will continue to work with TOMRA to find appropriate sites for the installation of Return and Earn machines on the Northern Beaches, and consider where appropriate, their inclusion in future relevant Plans of Management.

RECOMMENDATION

That Council note the response to Notice of Motion No 26/2023 – Return and Earn Scheme.

BACKGROUND

Council at its meeting on 26 September 2023 resolved the following (275/23):

That Council:

1. *Write to the NSW Government Return and Earn Scheme operator:*
 - a. *Advising of its support for the Return and Earn scheme.*
 - b. *Requesting that Northern Beaches Council staff work with the scheme operator to identify opportunities to increase the number of Return and Earn stations in appropriate locations in the Northern Beaches LGA.*
2. *Request a report from staff within 6 months on potential additional Return and Earn locations.*

Return and Earn was launched in December 2017 as a partnership between the NSW Environment Protection Authority (EPA), scheme coordinator Exchange for Change, and network operator TOMRA Collection Australia (TOMRA).

The scheme was introduced, primarily, as a litter reduction initiative in response to the NSW Premier's goal of reducing the volume of litter in the state by 40% by 2020. At that time, drink container litter made up 44% of the volume of all litter in the state.

At the end of 2022 the NSW Government claimed that Return and Earn, in its first 5 years of operation, had led to more than 8 billion containers being returned, and had reduced drink container litter volume by 52%.

DISCUSSION

In response to the Resolution, Council wrote to the Return and Earn scheme operator, TOMRA, on 6 October 2023.

Council staff have been in direct contact with TOMRA, reviewing potential sites on Council property for the installation of Return and Earn machines and suggesting potential locations on private land for TOMRA to follow up as appropriate.

Sites considered on Council land included:

- Careel Bay ovals and tennis courts, Avalon Beach
- Dee Why Beach car park, Dee Why
- Narrabeen Park&Ride, Narrabeen
- Warriewood Park&Ride, Warriewood
- Flying Fox Park, Mona Vale
- Avalon Beach skate park, Avalon Beach
- JJ Hills Memorial Reserve car park, Thompson Drive, Terrey Hills
- Warriewood baseball field car park (North Narrabeen Reserve Field No 5), Warriewood.

Considerations in reviews included: potential impact on existing use, access to local facilities and other operational needs, proximity and impact on nearby residential properties, and permissibility under Plans of Management.

Plans of Management (PoM) do not currently specifically permit the installation of the Return and Earn machines in the listed locations. A new draft PoM has been prepared for North Narrabeen Reserve, including the Warriewood Baseball Field Carpark. Council will consider a recommendation for its public exhibition at the 26 March 2024 Council Meeting. This draft PoM includes a provision to grant a lease for the purposes of Return and Earn infrastructure, and TOMRA have been advised that the new PoM may authorise such use. TOMRA have advised that

they may be interested in the carpark at Warriewood Baseball Fields and will consider the location once the new PoM has been finalised.

Council also encouraged TOMRA to continue to negotiate with private property owners, such as shopping centres, as these are often more appropriate and convenient sites for the public.

In 2023, two machines were installed on private land on the Northern Beaches. One machine was installed in the Belrose Supa Centre carpark on the corner of Forest Way and Mona Vale Road, and the other in the Warriewood Square shopping centre carpark.

Staff will continue to liaise with TOMRA to find suitable sites and will advise them of the new PoM for North Narrabeen Reserve once it has been finalised.

CONSULTATION

All sites underwent review by Council's Parks and Recreation, Transport and Civil Infrastructure Assets, Cleansing Services, Place and Economic Development and Waste Services teams before responding to TOMRA.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

Council supports the Return and Earn scheme and the placement of Return and Earn machines in appropriate locations. PoMs may allow or prohibit various uses and development types.

ENVIRONMENTAL CONSIDERATIONS

The Return and Earn scheme is designed to encourage more recycling, and the EPA has reported that the scheme has led to a reduction in litter across NSW.

Residents can choose to return containers for collection of the deposit in Return and Earn machines or recycle them in Council's kerbside recycling service, removing these from landfill and helping promote a circular economy.

SOCIAL CONSIDERATIONS

The impact of any additional or alternate use of areas, including in PoMs, needs to be balanced with existing uses to ensure the best community outcomes.

LINK TO STRATEGY

This report relates to the following Community Strategic Plan Outcomes and Goals:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value.
- Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use.
- Environmental sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability.

REPORTING TEAM	WASTE MANAGEMENT & CLEANSING
TRIM FILE REF	2024/062243
ATTACHMENTS	NIL

ITEM 11.3 NSW BEACHWATCH PROGRAM**PURPOSE**

The purpose of this report is to advise Council of the NSW Government's decision to require coastal councils in Sydney to contribute funding to the NSW Beachwatch Program.

EXECUTIVE SUMMARY

- The NSW Beachwatch program has been operating since 1989 and provides information to the community about recreational water quality at various locations along the NSW coast.
- In December 2023, the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) unexpectedly advised that NSW councils who wish to continue participating in the Beachwatch program will be required to provide funding for it from 1 July 2024 (Attachment 1).
- In order to continue to participate in the program, Council will need to a) sign on to the program as a "partner", and b) nominate whether it will provide its own collection and analysis of water quality samples, or engage the NSW Government to undertake some or all of this work.
- Many regional councils have been funding their own sampling and analysis for many years, however unlike Sydney councils, they typically operate their own water and sewer services and undertake testing to ensure the services they provide are not impacting on downstream waters.
- It is considered that Council has no obligation to provide this service, and given the lack of engagement and the significant and imminent financial impact of this cost-shifting exercise, it is proposed that Council not sign up to the program.
- The Sydney Coastal Councils Group is taking a leading role in making representations to the NSW Minister for Environment to reverse this decision, and it is proposed that Council support Sydney Coastal Councils Group in these endeavours.
- Council is required to advise DCCEEW of its decision by 30 April 2024.

RECOMMENDATION

That Council:

1. Respond to the NSW Department of Climate Change, Energy, the Environment and Water advising that:
 - a. Council supports the continuation of the NSW Beachwatch Program.
 - b. Council objects to the decision to shift the cost of the Beachwatch Program to Sydney councils and on that basis will not be signing up as a partner.
 2. Support the Sydney Coastal Councils Group in its advocacy on this matter.
-

BACKGROUND

The NSW Government has been operating the NSW Beachwatch program since 1989. The program involves the monitoring and reporting of water quality at various NSW beaches and estuarine swimming locations, including on the Northern Beaches. The program is informed by a mix of water quality sampling and water quality forecasting based on established data and condition information.

In December 2023, the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), unexpectedly advised Sydney coastal councils that it is moving towards what it calls a “universal partnership model” (Attachment 1).

The new model means that NSW councils who wish to continue participating in the Beachwatch program will be required to provide funding for it from 1 July 2024. Further, in order to continue to participate in the program, Council will need to a) sign on to the program as a “partner”, and b) nominate whether it will provide its own collection and analysis of water quality samples or engage the NSW Government to undertake some or all of this work.

DCCEEW have advised from 1 July 2024, continuation of the daily pollution forecasts for swim sites based on current and historical water quality data and conditions “cannot be assured for councils that are not part of the Partnership program, as we require ongoing data to validate accuracy”.

DISCUSSION

The information provided by this program is highly valued and has provided an excellent long-term record of changes in water quality, which in turn have been very useful in targeting advocacy to other agencies such as Sydney Water. The changes risk the ongoing continuity of the program across Sydney and may ultimately remove an important source of information for locals and visitors who use our waterways.

Regional councils have been funding their own sampling and analysis for many years, however these councils are also typically providers of water and sewer services. This is an important distinction as these councils a) usually have their own laboratory services and staff for testing, b) have a strong interest in ensuring that their water/sewer services are not polluting waterways, and c) can often recover the costs of this analysis through their water and sewer charges. None of these circumstances apply to the Sydney councils.

There is no allocated funding in Council’s long-term financial plan for this activity, meaning any decision to participate in the program would likely require funding to be found from other services or external sources.

Should Council elect to partner in this process, there are two main options to choose from:

Option	Cost per annum
1. Council undertakes collection and sends to DCCEEW for analysis of water samples	\$198,800
2. Council engages DCCEEW to continue to collect and analyse samples	\$129,383

Under both options, DCCEEW will continue reporting on the annual state of the beaches (based on weekly sampling) as well as continue daily pollution forecasting. It has provided fee-for-service quotes to councils for Option 2 above, and requested that councils respond to these options by 30 April 2024.

Council does not consider it has any obligation to fund or provide this service, and given the lack of engagement and the significant and imminent financial impact of this cost-shifting exercise, it is proposed that Council does not sign on to the program.

The Sydney Coastal Councils Group (SCCG) has been consulting with its member councils to coordinate a response to the changes to funding of the Beachwatch Program in Sydney. All SCCG

Members oppose the DCCEEW decision on the grounds that it represents a significant cost shifting exercise for a program that benefits beach users and tourism across Sydney and NSW.

Reflecting that position, at the March SCCG Executive Committee Meeting it was resolved that:

The SCCG would write to the Minister for the Environment on behalf of its Members stating its opposition to the proposed changes.

It is proposed that Council support the SCCG in its advocacy on this matter.

CONSULTATION

Council staff have met with DCCEEW representatives to discuss their decision. These discussions have not resulted in any change in DCCEEW's position. Council staff have also been liaising with the SCCG and with other affected Sydney councils impacted by this decision. While all oppose the decision, some councils are considering the budget implications of self-funding this activity.

TIMING

Council is required to provide a response to DCCEEW regarding its acceptance of the new model (or otherwise) by 30 April 2024.

FINANCIAL CONSIDERATIONS

If Council chooses to participate in NSW Beachwatch under the new model, it will result in a financial impact of between \$129,383 and \$198,800 per annum. As this activity is not currently funded in Council's long-term financial plan, consideration would need to be given to how this activity would be funded. Declining to participate in the new model is not expected to incur any cost to Council as it does not currently contribute funding to the program.

GOVERNANCE AND RISK CONSIDERATIONS

The NSW Beachwatch program provides important information on water quality that enables beach users to understand the water quality conditions at various swimming locations. It is proposed that Council does not provide funding under the new model, which will mean that over time the Beachwatch water pollution forecasts "cannot be assured for councils that are not part of the Partnership program".

Council currently bases decisions to open and close beaches for water quality reasons on a variety of sources including local knowledge/incidents (e.g. lagoon opening or significant rainfall), or agency advice (e.g. Sydney Water overflow). The loss of Beachwatch data is not considered to be significant in this decision making.

ENVIRONMENTAL CONSIDERATIONS

The information provided by this program is highly valued and has provided an excellent long-term record of changes in water quality, which in turn have been useful in targeting advocacy to other agencies such as Sydney Water. Recreational water quality data is also a useful indicator for Council in prioritising its various upstream environmental activities.

SOCIAL CONSIDERATIONS

The recommendations in this report maintain social outcomes for the community by seeking to ensure continuity of existing levels of service.

LINK TO STRATEGY

This report relates to the following Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2024/120752
ATTACHMENTS	⇒ 1 Letter from NSW Government - NSW Beachwatch Program (Included In Attachments Booklet)

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1 RESPONSE TO NOTICE OF MOTION NO 18/2022 - LOCAL VILLAGE AND NEIGHBOURHOOD PLACE PLAN FRAMEWORK

PURPOSE

The purpose of this report is to seek endorsement of a Community Placemaking Toolkit that has been developed in response to Notice of Motion No 18/2022 – Local Village and Neighbourhood Place Plan Framework.

EXECUTIVE SUMMARY

- Council resolved on 24 May 2022 to develop and pilot a community-led framework for the development of a Village Place Plan to enable local communities to initiate projects for their local village or neighbourhood centres.
- The draft Community Placemaking Toolkit (Toolkit) was prepared in 2022 to enable communities to deliver placemaking initiatives that reflect the character and needs of their diverse communities and locations.
- The Toolkit provides guidelines and support on how to progress community led placemaking initiatives in our local centres.
- The Toolkit in its draft form has been trialled by some community groups in their planning and delivery of community place activations in the past 18 months and is currently available on Council's website.
- The Toolkit directly supports the aspirations and goals of Community Strategic Plan 2040 of creating welcoming villages and neighbourhood centres that are vibrant, accessible and support our quality of life.
- The Place & Economic Development team will continue to assist community members in developing and implementing community led projects.

RECOMMENDATION

That Council:

1. Endorse the Community Placemaking Toolkit.
 2. Promote the toolkit to the community and business groups.
-

BACKGROUND

At the Council meeting of 24 May 2022, Council in consideration of a Notice of Motion resolved (153/22):

That:

1. *Council develop and pilot a community-led framework for the development of a Village Place Plan to enable local communities to initiate projects for their local village or neighbourhood centres.*
2. *Council consider using Fairlight's engaged residents to pilot solutions with Fairlight residents and businesses owners.*
3. *Staff provide a report to Council within four months.*

A draft Community Placemaking Toolkit (Toolkit) (Attachment 1) was prepared by staff in 2022. Councillors were briefed on the draft Toolkit in November 2022.

The Toolkit covers the following aspects of community placemaking, including:

- What is placemaking.
- Council and the community's role in placemaking.
- The benefits of placemaking.
- Steps to bring ideas to life.
- An online form for the community to present their ideas to Council.
- Checklist.
- Examples of community led placemaking.
- Useful contacts and web links.

Vibrant spaces and place-making is driven by creativity of businesses and communities, with the role of Council being to support communities and businesses in activating spaces.

The Toolkit directly supports the aspirations and goals of Community Strategic Plan 2040 of creating welcoming villages and neighbourhood centres that are vibrant, accessible and support our quality of life.

The Toolkit has been developed to support businesses and the community to build their capacity in delivering their placemaking ideas successfully. The Toolkit also aligns with Council's Guide to Events on the Northern Beaches which is a comprehensive tool on how to plan and deliver events.

The Toolkit includes a simple online form for the community to submit their proposals to the Place & Economic Development team who will provide support and assistance in the planning and implementation of their ideas.

The Place & Economic Development team have piloted the toolkit with some community groups across the Northern Beaches, with the delivery of activations that support business and the wider community in their local areas. The first trial of the Toolkit was for the planning of the successful Christmas Markets held in Elanora Heights in December 2022. Feedback received from the use of the draft Toolkit informed refinements to the document.

The Place & Economic Development team will continue to collaborate and assist businesses and community members to deliver on placemaking initiatives that support local areas and assist in creating vibrant public spaces.

The Toolkit will be linked to the Placemaking grant program due to be released in July 2024.

CONSULTATION

The Community Placemaking Toolkit was prepared with input from multiple council teams and has been refined following use for some community led place activations.

The draft Toolkit has been made available on Council's website and has been promoted by the Place Coordinators to businesses and Business Chambers, as well as Northern Beaches community groups during an informal trial period. To date the Toolkit has been used by the organisers of the Elanora Heights Christmas Markets, Spring into Newport event, Layers and Living Ocean events and has been provided to other groups interested in planning community led projects.

Feedback from users of the Toolkit include:

- Layers and Living Ocean Event Organiser

The Northern Beaches Council "Community Placemaking Toolkit" has been an invaluable resource and guide for the community-based events and activations we've produced and are planning over the past 12 months. To have concise guidelines and planning tools in one simple to read document has no doubt opened the opportunities for the community to plan and execute a large range of initiatives and projects. As an event planner I understand the complexity of what goes into producing community-based events and prior to the "toolkit" I know the procedures and required paperwork was intimidating and off-putting for those who are not accustomed to multiple forms and requirements. This asset has opened the wonderful world of artistic pursuits and community gatherings to the wider audience which can only be a positive step. Great to see the council being proactive.

- Elanora Heights Christmas Market

We are fortunate to have a wonderful and close-knit community in Elanora Heights. We wanted to celebrate coming together and decided to approach Council 8 weeks out from what would be our Christmas Markets for the 2101 community. We would never have got our idea off the ground if it wasn't for the incredible and diligent support from Council. Meeting us weekly, assisting us with the logistics and their invaluable experience of putting on a community led event was the support we need. We absolutely recommend getting behind your own communities and working with council to create wonderful experiences for all residents on the beaches.

- Newport Chamber of Commerce President

Our Northern Beaches Council Place and Economic Development Team Relationship is an important and integral asset to our Business Community, its growth and its connection with residents of Newport and surrounding suburbs; driving residents to #shoplocal#dinelocal#supportlocal. The Placemaking Toolkit will help you bring your Community initiatives and ideas to life. Placemaking Data through our Placescore Survey recently conducted through Council also identifies what the Consumer and the Community needs and wants. Our Yearly Events Programme for Newport; driving the success of local Business is a Programme that is now an Annual Programme and without the input and support of our Placemaking Representative and peers and the tools that Placemaking provides this would not have been possible. The Newport Beach Chamber of Commerce values its relationship with Placemaking; and its role in building a thriving business Community on the Northern Beaches.

TIMING

The draft Toolkit is currently available on Council's website and has been made available to interested community members.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

The Toolkit will support a regulatory and decision-making process for placemaking initiatives across the Northern Beaches. This will enhance good governance, transparency, and accountability, and support the decision making of Council.

ENVIRONMENTAL CONSIDERATIONS

All placemaking initiatives will be required to comply with Council's environmental and waste management policies and plans.

SOCIAL CONSIDERATIONS

The Toolkit will assist in building community capacity to deliver placemaking initiatives on the Northern Beaches. These initiatives will contribute to the social, cultural, and economic vibrancy of our town and village centres and they play an important role in building social cohesion and contribute to a sense of connection.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes and Goals:

- Community and belonging - Goal 8 Our community feels safe and supported.
- Community and belonging - Goal 9 Our community is inclusive and connected.
- Housing, places and spaces - Goal 10 Our community has access to diverse and affordable housing options to meet their current and evolving needs.
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs.
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Partnership and participation - Goal 21 Our community is engaged in decision making processes.

REPORTING TEAM	PLACE & ECONOMIC DEVELOPMENT
TRIM FILE REF	2024/060815
ATTACHMENTS	⇒1 Draft Community Placemaking Toolkit (Included In Attachments Booklet)

ITEM 12.2 FIRE & RESCUE NSW - INSPECTION REPORT - 145 OLD PITTWATER ROAD BROOKVALE

PURPOSE

The purpose of this report is to table a report of Fire and Rescue NSW (FRNSW) following an inspection by the fire brigade at 145 Old Pittwater Road, Brookvale and to recommend that Council issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) under the provisions of the *Environmental Planning and Assessment Act 1979*.

EXECUTIVE SUMMARY

- FRNSW has powers under section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to carry out inspections of buildings and is required to forward its findings and recommendations to Council.
- Council must table any reports and recommendations at a meeting of Council to determine whether it will exercise its powers to give a Fire Safety Order and must give notice of Council's determination to FRNSW.
- Council's Fire Safety officer has investigated the matters raised by FRNSW in relation to the property at 145 Old Pittwater Road, Brookvale and recommends that a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) be issued to ensure that adequate fire safety systems are provided to the property.

RECOMMENDATION

That Council:

1. Exercise its powers under the *Environmental Planning and Assessment Act 1979* and issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) to address the fire safety deficiencies at 145 Old Pittwater Road, Brookvale.
 2. Provide notice to Fire & Rescue NSW of this determination.
-

BACKGROUND

Council received an inspection report from Fire & Rescue NSW (FRNSW) dated 4 October 2023 in relation to a property known as 145 Old Pittwater Road, Brookvale as shown in Attachment 1 of this Report.

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

The history of the matter is FRNSW received an application on 7 August 2023 to waive the Automatic Fire Alarm (AFA) False Alarm Charges for 'the premises'. Applications to waive a charge are considered under "FRNSW Guideline No.4: Application to Waive AFA False Alarm Charges", expressly where AFA activations have occurred, and a charge has been issued.

Considerations to waive a charge are typically subject to an inspection and endorsement of specific conditions. In this instance, FRNSW carried out an inspection on 5 September 2023 which revealed fire safety concerns that may require the Council as the appropriate regulatory authority to use its discretion and address the items observed at the time of the inspection.

The items listed in the comments of the FRNSW report are based on the following limitations:

- *A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.*
- *Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.*

The following items of concern were identified during the FRNSW inspection:

1. *Essential Fire Safety Measures*

1A. *Smoke Detection and Alarm System (SDAS)*

- A. *Twenty-six (26) faults and six (6) isolations were showing on the main Fire Indicator Panel (FIP).*
 - i. *All faults and isolations were accounted for by facility management due to building works and shop fit outs.*
- B. *Complaints were received by attending crews that zones were not identified block plan or zone numbering did not correlating to areas of alarm activation.*
 - i. *Management is creating a clearer layout within the Fire Control Room (FCR), as there has been some previous confusion between the Emergency Warning and Intercommunication System (EWIS) block plan and the FIP zone block plan, as the numbering systems differ.*
 - ii. *Local stations have been notified of the FCR changes and will be engaging in a site familiarisation for operational preparedness.*
- C. *FRNSW note that Westfield is a predominantly addressable system with exception to the Kmart occupancy. Firefighters have had difficulty previously locating detectors in alarm within the Kmart occupancy due to its size and complexity as it is not an addressable system.*

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. *Review item 1 of this report and conduct an inspection.*

b. Address any other deficiencies identified on “the premises”.

DISCUSSION

Council’s Fire Safety officer inspected the property on 14 December 2023, and concurred with the opinion FRNSW regarding of inadequate provisions for fire safety of the building. Accordingly, a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) requiring the owners to conduct a Fire Safety Audit and address the matters listed in the FRNSW Report is recommended to be issued.

A draft Notice of intention to give an Order (Fire Safety Order) is provided at Attachment 2.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

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

With respect to risks, issuing of a Notice of Intention to give a Fire Safety Order is in consideration of circumstances where provision for fire safety is inadequate to prevent fire, and where the lack of maintenance of premises or the use of premises constitutes a significant fire hazard. These circumstances are considered to arise, given the issues identified in the FRNSW inspection report for 145 Old Pittwater Road, Brookvale. The giving of a Notice of Intention to give a Fire Safety Order is recommended.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome for the community through ensuring adequate fire safety measures are provided within buildings.

LINK TO STRATEGY

This report relates to the following Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2024/128310
ATTACHMENTS	<p>⇒1 Draft Notice of intention to give an Order (Fire Safety Order) - 145 Old Pittwater Road Brookvale (Included In Attachments Booklet)</p> <p>⇒2 Fire & Rescue NSW - Inspection Report dated 4 October 2023 - 145 Old Pittwater Road Brookvale (Included In Attachments Booklet)</p>

**ITEM 12.3 FIRE & RESCUE NSW - INSPECTION REPORT - 49 FRENCHS
FOREST ROAD (EAST) FRENCHS FOREST**

PURPOSE

The purpose of this report is to table a report from Fire and Rescue NSW (FRNSW) following an inspection by the fire brigade at 49 Frenchs Forest Road (East) Frenchs Forest and to recommend that Council issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) under the provisions of the *Environmental Planning and Assessment Act 1979*.

EXECUTIVE SUMMARY

- FRNSW has powers under section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to carry out inspections of buildings, and is required to forward its findings and recommendations to Council.
- Council must table any reports and recommendations at a meeting of Council to determine whether it will exercise its powers to give a Fire Safety Order and must give notice of Council's determination to FRNSW.
- Council's Fire Safety officer has investigated the matters raised by FRNSW in relation to the property at 49 Frenchs Forest Road (East) Frenchs Forest and recommends that a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) be issued to ensure that adequate fire safety systems are provided to the property.

RECOMMENDATION

That Council:

1. Exercise its powers under the *Environmental Planning and Assessment Act 1979* and issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) to address fire safety deficiencies at 49 Frenchs Forest (East) Frenchs Forest.
 2. Provide notice to Fire & Rescue NSW of this determination.
-

BACKGROUND

Council received an inspection report from Fire & Rescue NSW (FRNSW) dated 6 November 2023 in relation to a property known as 49 Frenchs Forest Road (East) Frenchs Forest as shown in Attachment 1 of this Report.

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

FRNSW carried out an inspection on 12 October 2023 which revealed fire safety concerns that may require the Council as the appropriate regulatory authority to use its discretion and address the items observed at the time of the inspection.

The FRNSW reports states in part as follows:

“The items listed in the comments of the FRNSW report are based on the following limitations:

- *A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.*
- *Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.*

COMMENTS

The following items of concern were identified during the FRNSW inspection:

1. Essential Fire Safety Measures

- 1A. *The smoke alarm installed adjacent to the fire-isolated stair entry on level 1 was not mounted correctly and did not have a battery installed, contrary to the requirements of AS 3786-2014.*
- 1B. *The smoke alarm installed adjacent to the smoke alarm mentioned in point 1A above was installed less than 300 mm to a wall, contrary to the requirements of Specification 20 of the National Construction Code (NCC) and Clause 5.1.4 of AS 1670.1-2018.*
- 1C. *The fire hydrant booster and sprinkler booster are not provided with identification signage to differentiate them from each other which will interfere with firefighting operations.*
- 1D. *An exit sign above the rear exit on basement level 2 has been removed, contrary to the requirements of Clause E4D5 of the NCC.*
- 1E. *A block plan has not been provided at the sprinkler booster for building 1, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.*
- 1F. *Fire Hydrant System*
 - A. *The block plan located at the fire hydrant booster shows a plan of building 1 only. There are no other fire hydrant boosters on site. It is suspected, although unclear, that the fire hydrant booster also covers building 2.*
 - B. *Boost pressure and test pressure signage is not provided at the fire hydrant booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.*
 - C. *The fire hydrant booster is located within 10 metres of an electrical substation contrary to the requirements of Clause 3.2.2.2 (f) of AS 2419.1-2005.*
 - D. *The block plan is located too far from the fire hydrant booster assembly such that it is illegible.*

1G. Wall-wetting Sprinkler System

- A. *The control assembly did not appear to incorporate an alarm valve or brigade alarm equipment, contrary to the requirements of Clause 5.2 of AS 2118.2-1995.*
- B. *The booster did not have all inlets capped, contrary to the requirements of Subclause 5.2 (j) of AS 2118.2-1995 and Clause 5.6.4 of AS 2419.1-1994.*
- C. *Emergency instructions were not provided at the control valve assembly, contrary to the requirements of Clause 5.3 of AS 2118.2-1995.*
- D. *A location plate was not provided at the main stop valve, contrary to the requirements of Clause 5.4 of AS 2118.2-1995.*
- E. *The feed hydrant valves at the booster assembly did not have a clearance of 100 mm around the handwheels, contrary to the requirements of Subclause 5.2 (j) of AS 2118.2-1995 and Clause 5.3.3 of AS 2419.1-1994.*

2. Compartmentation and Separation

- 2A. *The doors to the rear fire-isolated stairs on the ground level and the first floor were chocked open, contrary to the requirements of Clause C4D9 of the National Construction Code (NCC). This is also an offence under Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

3. Access and Egress

- 3A. *The comms cupboard located in the path of travel to the exit near the female toilets on level 1 is not smoke sealed or enclosed in non-combustible construction contrary to the requirements of Clause D3D8 of the NCC.*
- 3B. *Egress from the lift lobby on level 2 is not available without passing through a sole-occupancy unit, contrary to the requirements of Clause D2D3 of the NCC.*
- 3C. *Direction signs are not provided in the lift lobby on level 2 to direct occupants to the nearest exit, contrary to the requirements of Clause E4D6 of the NCC.*

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. *Review items 1 to 3 of this report and conduct an inspection.*
- b. *Require a review of the installed Fire Hydrant System to be undertaken with regard to the buildings covered. The block plan should then be updated accordingly.*
- c. *Address any other deficiencies identified on “the premises”.*

DISCUSSION

Council staff inspected the property on 31 January 2024, and concurred with the opinion of FRNSW regarding inadequate provisions for fire safety of the building. Accordingly, a Notice of Intention to give a Fire Safety Order requiring the owners to conduct a Fire Safety Audit and to address the matters listed in the FRNSW Report is recommended to be issued.

A draft Notice of intention to give a Development Control Order (Fire Safety Order No.1) is provided at Attachment 2.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

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

With respect to risks, issuing of a Notice of Intention to give a Fire Safety Order is in consideration of circumstances where provision for fire safety is inadequate to prevent fire, and where the lack of maintenance of premises or the use of premises constitutes a significant fire hazard. These circumstances are considered to arise, given the issues identified in the FRNSW inspection report for 49 Frenchs Forest Road (East) Frenchs Forest. The giving of a Notice of Intention to give a Fire Safety Order is recommended.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome for the community through ensuring adequate fire safety measures are provided within buildings.

LINK TO STRATEGY

This report relates to the following Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2024/129591
ATTACHMENTS	<p>⇒1 Draft Notice of intention to give an Order (Fire Safety Order) - 49 Frenchs Forest Road (East) Frenchs Forest (Included In Attachments Booklet)</p> <p>⇒2 FRNSW Inspection Report (Included In Attachments Booklet)</p>

ITEM 12.4 FIRE & RESCUE NSW - INSPECTION REPORTS - 48-52 SYDNEY ROAD, MANLY

PURPOSE

The purpose of this report is to table a report from Fire and Rescue NSW (FRNSW) following an inspection by the fire brigade at 48-52 Sydney Road, Manly and to recommend that Council issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) under the provisions of the *Environmental Planning and Assessment Act 1979*.

EXECUTIVE SUMMARY

- FRNSW has powers under section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to carry out inspections of buildings, and is required to forward its findings and recommendations to Council.
- Council must table any reports and recommendations at a meeting of Council to determine whether it will exercise its powers to give a Fire Safety Order and must give notice of Council's determination to FRNSW.
- Council's Fire Safety officer has investigated the matters raised by FRNSW in relation to the property at 48-52 Sydney Road, Manly and recommends that a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) be issued to ensure that adequate fire safety systems are provided to the property.

RECOMMENDATION

That Council:

1. Exercise its powers under the *Environmental Planning and Assessment Act 1979* and issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) to address fire safety deficiencies at 48-52 Sydney Road, Manly.
 2. Provide notice to Fire & Rescue NSW of this determination.
-

BACKGROUND

Council received an inspection report from Fire & Rescue NSW (FRNSW) dated 18 October 2023 in relation to a property known as 48-52 Sydney Road, Manly, as shown in Attachment 1 of this Report.

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

FRNSW carried out an inspection on 5 September 2023 which revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the items observed at the time of the inspection.

The FRNSW report also notes that FRNSW issued a notice of intention to serve an order on 6 September 2023 and a fire safety order on 26 September 2023 on the building owners to repair the smoke detection and alarm system to operate automatically by removing all faults and isolations from the fire detection and control indicating equipment. A separate deficiency relating to the smoke detection and alarm system remained listed in the FRNSW Report.

Council received a further inspection report on 15 February 2024, notifying Council those subsequent inspections carried out by FRNSW on 28 November 2023 and 13 February 2024 confirmed the Order issued on 26 September 2023 had been satisfied.

The new FRNSW report identified the list of remaining non-compliances, highlighting Council's discretion to inspect and address any other deficiencies on the premises.

The FRNSW report, dated 18 October 2023, states in part as follows:

COMMENTS

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. *FRNSW observed an Ordinance 70 hydrant system installed at the premises.*

FRNSW recommends any fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier) should be upgraded to meet the requirements of the current Australian Standard AS 2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational needs of FRNSW.

- B. *FRNSW observed that the lift off door that provides access to an external single hydrant that faces Short Street Plaza. The door is not fitted with a handle to lift off the door.*

1B. Smoke Detection and Alarm System (SDAS)

- A. *FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21). FRNSW observed the following which may affect the operation of the SDAS:*

- i. *Thirteen (13) faults and one (1) isolation showing on the main Fire Indicator Panel (FIP).*
- ii. *The detector in the ground floor garbage room had large amounts of built-up insect excrement and grime that could affect its operational capability.*

1C. Access and Egress

- A. *The exit sign in the fire stair exit to lobby was not illuminated contrary to Section 81 of EPAR21.*

1D. *Compartmentation and Separation*

- A. *Door chocks were holding open multiple fire doors located on the ground floor level of the building, prohibiting the doors from self-closing in contravention with Section C4D5 of the National Construction Code (NCC) 2022.*
- B. *FRNSW observed that the basement carpark accommodates approximately fifty (50) vehicles which is not provided with sprinklers, contrary to the requirements of Section E1D9 of the NCC 2022.*

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. *Review item 1 of this report and conduct an inspection.*
- b. *Address any other deficiencies identified on the premises.*

DISCUSSION

Council's fire safety officer inspected the property on 31 January 2024, and concurred with the opinion of FRNSW regarding inadequate provisions for fire safety in the building. Accordingly, a Notice of Intention to give a Fire Safety Order, requiring the owners to conduct a Fire Safety Audit and to address the matters listed in the FRNSW Report (except for 1, 1B of the Report as FRNSW was satisfied that the item is now complied with) is recommended to be issued.

As the purpose of the subsequent FRNSW Report of 15 February 2024 was to notify Council that their fire safety order has been complied with, a further inspection by Council was not required as it did not impact the recommendation to issue a Notice of Intention to give a Fire Safety Order for the remaining fire safety deficiencies listed in the FRNSW Report.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

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

With respect to risks, issuing of a Notice of Intention to give a Fire Safety Order is in consideration of circumstances where provision for fire safety is inadequate to prevent fire, and where the lack of maintenance of premises or the use of premises constitutes a significant fire hazard. These circumstances are considered to arise, given the issues identified in the FRNSW inspection report for 48-52 Sydney Road, Manly. The giving of a Notice of Intention to give a Fire Safety Order is accordingly recommended.

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome for the community through ensuring adequate fire safety measures are provided within buildings.

LINK TO STRATEGY

This report relates to the following Community Strategic Plan Outcome and Goal:

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

REPORTING TEAM	ENVIRONMENTAL COMPLIANCE
TRIM FILE REF	2024/138893
ATTACHMENTS	<p>⇒1 Fire & Rescue NSW - Inspection Report - dated 18 October 2023 - 48-52 Sydney Road Manly (Included In Attachments Booklet)</p> <p>⇒2 Fire & Rescue NSW - Inspection Report - dated 15 February 2024 - 48-52 Sydney Road Manly (Included In Attachments Booklet)</p> <p>⇒3 Draft Notice of intention to give an Order (Fire Safety Order) - 48-52 Sydney Road Manly (Included In Attachments Booklet)</p>

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1 PUBLIC EXHIBITION - DRAFT NORTH NARRABEEN RESERVE PLAN OF MANAGEMENT

PURPOSE

The purpose of this report is to seek Council's approval to publicly exhibit the draft North Narrabeen Reserve Plan of Management.

EXECUTIVE SUMMARY

- A draft North Narrabeen Reserve Plan of Management (PoM) (Attachment 1) has been prepared in accordance with the *Local Government Act 1993* (LG Act) to guide the future use, management and development of the North Narrabeen Reserve (the Reserve).
- The Reserve has been, and continues to be, an important well used and highly valued sport, recreation and community hub for residents and visitors, sport, recreation and community groups and participants, and local businesses.
- To help Council understand what is most important to our community about the Reserve, consultation was undertaken between November 2022 and April 2023 to seek feedback on current and future use and potential improvements.
- A summary of consultation findings is outlined in this report and detailed further in the Community Engagement Report at Attachment 2.
- Feedback received from the community consultation was used to help form the development of the PoM and it is now proposed to place the draft PoM on public exhibition.

RECOMMENDATION

That Council place the draft North Narrabeen Reserve Plan of Management on public exhibition for a minimum of 42 days and the outcomes of public exhibition be reported to Council.

BACKGROUND

A draft North Narrabeen Reserve Plan of Management (PoM) (see Attachment 1) has been prepared in accordance with the *Local Government Act 1993* (LG Act) to guide the future use, management and development of the North Narrabeen Reserve (the Reserve). Once adopted, the new PoM will supersede the 2004 Plan of Management. The draft PoM has been prepared to ensure that the Reserve continues to meet community needs.

The Reserve is an integral part of the Northern Beaches network of parks and sportsgrounds. The Reserve is highly valued and well used by residents and visitors, sport, recreation and community groups, volunteers and participants and local businesses as a place for sport, recreation and play.

The Reserve has a long sporting history with sports, including AFL, baseball, touch football, football, rugby union (and the Shute Shield competition) and school sport, played here for many years. The Reserve is a venue for community events and the popular weekly Friday markets. The Reserve is also an important place for casual recreation particularly for nearby residents. Facilities include Pittwater Rugby Park (also known as Rat Park), a commercial golf driving range, sports fields and ancillary facilities, amenity buildings, park areas, car parks, roadways and paths. A Transport for NSW Park&Ride commuter carpark is also located within the Reserve and falls under a long term lease arrangement – no actions are proposed in relation to the Park&Ride facility.

Council's research, including for the Sportsgrounds Strategy (2017) and Let's Play! Open Space and Outdoor Recreation Strategy (2022), has identified that our community generally values:

- Accessible, functional and high quality sports facilities for a diverse range of sports, for all ages and for all genders.
- A variety of sport, recreation and community experiences.
- Open space for casual recreation.
- Equitable access to and management of our open spaces and sporting facilities
- Environmentally sympathetic development and management.

To help Council understand what is most important to our community about the Reserve, consultation was undertaken between November 2022 and April 2023 to seek feedback on current and future use and potential improvements. A summary of consultation findings is outlined in this report and detailed further in the Community Engagement Report at Attachment 2. The key feedback received is summarised later in this report and was used to inform the development of the draft PoM.

DISCUSSION

The draft PoM outlines a vision and actions to meet community needs. Proposed actions are subject to confirmation of funding and any required environmental, planning or other approvals. Key proposed directions in the draft PoM include:

- Formalising Field 7 as a lit sportsfield and formalising the adjacent overflow car park.
- Enabling an all-weather synthetic surface on Field 2 subject to detailed environmental investigations and the release of the Department of Planning, Housing and Infrastructure's guidelines for synthetic sportsfield planning.
- New improved amenities throughout the Reserve that provide better and equitable access for people with a disability, families and female participants.
- Improvements at the Rugby Park (Field 1) for spectators, players, sport, administration and events.
- Upgrades to the other sportsfields, ancillary facilities and the clubhouse buildings.

- New play and recreation space for children and youth.
- Additional tree plantings and new and upgraded landscaping.
- Improvements to roadways, parking and pedestrian and cycling pathways.
- Safety improvements at the golf centre.
- Authorisation of leases, licences and other agreements for use of the Reserve.

The actions proposed within the draft PoM were informed by the feedback received from the community consultation outlined below. The infrastructure improvements are presented spatially in a draft masterplan.

CONSULTATION

To help Council understand what is important to the community, an idea gathering stage of community consultation was undertaken from 4 November to 18 December 2022. This included an online feedback form on Council's YourSay platform, two drop in sessions at the Reserve and a Social Pinpoint online mapping exercise. Targeted engagement was also undertaken from September 2022 to April 2023 with key stakeholders including Warringah Rugby Club, Pittwater Junior AFL Club, Northern Beaches Touch, Baseball and other user groups / sports. Schools were invited to comment. In addition to the feedback received via the targeted stakeholder engagement 95 submissions were received through the online feedback form and via email and 253 comments received via Social Pinpoint.

We asked people:

- What they love about the Reserve.
- What they do there now and what they would like to be able to do in the future.
- Their ideas for improving the site and its facilities.

Key themes raised during community consultation include:

- Opportunities to improve sporting and recreation facilities and supporting infrastructure.
- Safety, access, inclusion and connectivity.
- Preservation of green space and the natural environment.
- Opportunities for unstructured play for children and young people.
- Traffic and parking.
- Local resident considerations.

A more detailed summary of key feedback received and staff response is presented in Table 1 below. Further detail can be found in the Community Engagement Report at Attachment 2. This community feedback helped inform the draft PoM.

Table 1: Summary extract from the Community Engagement Report – Key themes and Responses.

Theme	Summary – What we heard: issues, suggestions, requests and other considerations raised	Response
Sports and Recreation	<p>Requests were received for new and or improved sport, community and recreation facilities.</p> <p>Some requests were specifically for facilities to cater for children and youth.</p> <p>Requests included for:</p> <ul style="list-style-type: none"> • Hockey • Cricket • Netball • Basketball • Tennis • Pickle ball • Touch • Baseball • Aquatic facility, water park • Playground • Outdoor exercise equipment • Cycling track, running track • Bike park / track, skate park • Rugby Park • AFL • Rugby Union • Pony club 	<p>The focus of the draft PoM is about better accommodating the needs of existing sport, recreation, community use and the needs of local residents with the addition of facilities for children and youth.</p> <p>A range of improvements are proposed for the Rugby Park for spectators, players, sport, administration and events, which are detailed within the draft PoM.</p> <p>A range of improvements are proposed for the sportsfields including</p> <ul style="list-style-type: none"> • lighting on Field 5 for baseball • upgrade Field 7 as a lit natural turf sportsfield suitable for a range of sports including junior hockey (training), football, rugby union, touch, junior AFL (training) • all weather synthetic surface on Field 2 suitable for a range of sports including rugby union, touch, football (particularly small-sided football) <p>It is proposed to create a dedicated children and youth space south of the Rugby Park. There will be further community consultation regarding what is to be included in the detailed design e.g. multi-use hard court, playground and fitness equipment.</p> <p>A skate park is not proposed for the Reserve for reasons including that there is a regional skate park nearby at Kitchener Park, Mona Vale and Council's current research indicates there is currently a higher priority need for more outdoor bike facilities.</p> <p>It is proposed to investigate installing/formalising a small scale bike trail area (that does not impede sport use) within the Reserve in line with Council's Let's Play Open Space and Outdoor Recreation Strategy 2022.</p> <p>The request for an aquatic facility / water park at the Reserve is not included in the draft PoM. Council is intending to prepare a strategic document about aquatic facility needs for the whole of the Northern Beaches in the coming years.</p> <p>It is proposed to investigate integrating cricket nets with the existing baseball practice nets.</p> <p>The former Pony Club building has not been used for many years by a pony / horse or any</p>

Theme	Summary – What we heard: issues, suggestions, requests and other considerations raised	Response
		<p>other community club. Currently the building is used by Council to store equipment used to maintain the sportsfields. There is not a need to retain this building. It is proposed to demolish this building to provide additional space for parking – there is a need for more parking spaces particularly on weekends (when sport competition is held), on Market Days (currently on Fridays) and on weekdays during school sport events. This parking is also intended to discourage parking in nearby streets.</p> <p>A dedicated cycling and running path is not proposed in the draft PoM however a range of improvements are proposed to the pedestrian and shared path network to improve connections and safety within and through the Reserve.</p>
	Consider an all-weather multi-sport synthetic field and new sportsfields.	<p>It is proposed to investigate conversion of the natural turf playing surface on Field 2 to an all-weather synthetic field and to implement if feasible and subject to budget and environmental approval. A synthetic field has greater capacity for sport training and competition compared to a natural turf field. It is noted that Council would not be in a position to progress this project until the Department of Planning, Housing and Infrastructure releases its guidelines for synthetic sportsfield development.</p> <p>Field 7 is proposed to be upgraded to a senior size rectangular lit natural turf sportsground suitable for training and competition – increasing the capacity of this area for more sport.</p> <p>Field 5 is proposed to be lit increasing the capacity of this field for more sport.</p>
	Differing views around a dog off-leash area with some wanting an off-leash area, however, more people indicating the Reserve is not suitable for a dog off-leash area.	<p>A dog off-leash area is not proposed for the Reserve.</p> <p>It is proposed to continue to prohibit dogs within the fenced area of the Rugby Park (except for a dog that is an assistance animal as per the <i>NSW Companion Animals Act 1998</i>).</p>
Facilities and Infrastructure	Provide immediate and longer-term improvements to the Pittwater Rugby Park facilities specifically addressing lack of female friendly facilities and amenities and promoting women's participation in sport.	A draft design for additional amenities including female friendly change facilities were exhibited for public comment in late 2023, separate to the draft PoM project. Works are planned to commence on this project in the 2024-25 financial year.
	Develop and improve the Rugby Park to allow for multi-purpose sporting and community use including more	In addition to the new amenities the PoM also includes proposals to upgrade the main entry and upgrades to gym and storage facilities.

Theme	Summary – What we heard: issues, suggestions, requests and other considerations raised	Response
	storage and more accessible facilities / amenities.	Expansion of amenities will allow for greater accessibility by the community.
	Consider improvements to the baseball batting cages to maximise their use.	Roofing for baseball batting cages for all-weather to be investigated and implemented if feasible as agreed and when resources allow.
	Requests for more shaded areas.	Existing tree canopy to be preserved and selectively enhanced to increase provision of shade where appropriate. Enhancements to be informed by Council's Tree Canopy Plan 2023. Increasing natural shade is preferable to built shade structures.
Traffic and Parking	Consider additional parking requirements, particularly when events, markets, or night training are on.	Existing overflow carpark to be formalised with new sealed surfacing, lighting, rain garden beds and tree planting to meet some unmet parking demand and promote amenity of the reserve. The additional parking will assist in accommodating all users including for events, markets, sports training and game days.
	Existing overflow parking area should be formalised/sealed to allow parking and other uses.	
	Differing views regarding building an additional level in the carpark.	The draft PoM proposes improvements to the internal and external pathways of the Reserve to enhance connected pedestrian and cycling access. Commuter car park managed by Transport for NSW. No future alterations are currently being considered.
	Requests to utilise the commuter carpark for Friday market days.	
Safety and connectivity	Greater consideration of public access and pedestrian connectivity to the reserve and through its open spaces.	The draft PoM proposes improvements to the connectivity of the shared and pedestrian pathways.
	Concern about stray golf balls from the golf centre can cause possible injuries to passers-by.	Options to be considered to upgrade tee-off facilities with new golf netting protection to control stray balls.
Inclusion and accessibility	Requests for more inclusive and welcoming recreation spaces and facilities.	Accessibility audit of facilities to be undertaken, findings to be implemented as agreed and to be informed by Council's Disability Inclusion Action Plan.
	Provide female-friendly change rooms and facilities.	A draft design for additional amenities including female friendly change facilities were exhibited for public comment in late 2023, separate to the draft PoM project. Works are planned to commence in the 2024-25 financial year. The draft PoM includes improvements to the Rugby Park Eastern Hill and Sports North and South Buildings to provide female and family friendly and more accessible amenities.
	Provide accessible and inclusive toilets/amenities.	

Theme	Summary – What we heard: issues, suggestions, requests and other considerations raised	Response
Environment and green spaces	Concern about over-development and fragmenting of the green open spaces within the Reserve.	<p>Existing bushland areas are to be retained and enhanced through tree plantings and native feature gardens including along park frontages where resources allow.</p> <p>The draft PoM proposes modest improvements to the open spaces including adjacent to Field 7; formalising part of the current overflow parking area (including plantings) and the establishment of a playground and youth facilities (including plantings). Required environmental assessments will be undertaken and required environmental and other approvals will be sought.</p> <p>Improvements to the overflow parking area will improve safety for pedestrians and drivers, resolve the issues of dust during dry weather and mud and surface run-off during wet weather.</p>
	Protect and enhance existing native vegetation for local fauna habitat.	Existing native bushland areas are to be retained and enhanced through tree plantings and native feature gardens along park frontages where resources allow.
	Protect osprey nest on sports lighting between Fields 3 and 4.	<p>The Eastern osprey is listed as vulnerable and is provided protections under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>There are no plans to move the nest.</p> <p>Should there be any disturbance to the nest, Council will seek advice from the NSW National Parks and Wildlife Service and the Department of Climate Change, Energy, the Environment and Water.</p>
Local Resident Considerations	Concerns regarding additional levels to commuter carpark causing overshadowing of neighbouring residences.	The commuter car park is managed by Transport for NSW. This comment will be passed onto Transport for NSW for their information.
	Control of noise pollution to minimise impact on residents.	<p>Users of the Reserve are to abide by relevant legislation including the noise guidelines and restrictions set out in the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>Users of the Reserve are also to abide by Council's conditions of use related to noise set out in Council's approval for use. Noise conditions are generally tailored to the user's activities e.g. if a generator is to be used it is to be one that can be silenced, for major events organisers will be required to provide nearby residents with prior notification and time restrictions may be put in place to limit when noisier activities are held.</p>
	Preserve passive open space as buffer zone for neighbouring residents.	Open space areas that provide buffers between residents and organised sport areas are to be retained.

Theme	Summary – What we heard: issues, suggestions, requests and other considerations raised	Response
	Concerns of sports lighting impacting on adjoining residents.	<p>The new sportsfield lighting proposed will be designed to minimise lighting impacts (spillage) on nearby residents.</p> <p>Users of the new sportsfield lighting will be required to have Council approval and to abide by the conditions of their approval including time restrictions.</p>
	Concerns youth spaces (specifically bike park) will foster anti-social behaviour near neighbouring residences.	<p>Anti-social behaviour at the Reserve and the surrounding area will be managed by Council in partnership with the Police and the Community Services sector as required.</p> <p>The design of the proposed youth space at the Reserve will be informed by Crime Prevention Through Environmental Design principles.</p> <p>The proposal is to establish safe and welcoming places and facilities at the Reserve for young people to come together, have fun and be active. This is very important for their physical and mental well-being.</p>

TIMING

Should the recommendations within this report be supported, the draft PoM will be placed on public exhibition for a minimum of 42 days, during which time further community feedback would be sought.

The opportunity to provide feedback would be promoted via temporary signs at the Reserve, letters to surrounding residences, emails to stakeholder groups, drop-in sessions, social media advertising and through the Your Say online project page. Feedback would be collected through an online form, letters and emails.

The outcomes of the public exhibition of the draft PoM will be reported to a Council meeting following a review of community feedback received.

FINANCIAL CONSIDERATIONS

The cost to publicly exhibit the draft North Narrabeen Reserve PoM can be met from the 2023/2024 Parks and Recreation operational budget.

The proposed actions within the draft PoM are unfunded until confirmed in a Council Delivery Program for operational and capital funding. Funding for these proposed actions would be considered annually as required during the development of future Council Delivery Programs. State and Federal Government and other grants will also be sought as opportunities arise.

GOVERNANCE AND RISK CONSIDERATIONS

If adopted, following the public exhibition proposed in this report, the new PoM will supersede the 2004 PoM. A public hearing is not required as there are no proposed changes to land categories in the draft PoM.

ENVIRONMENTAL CONSIDERATIONS

The draft PoM aims to have improved environmental outcomes at the Reserve. All required environmental assessments will be undertaken and environmental approvals obtained for the

actions referred to within the draft PoM as and when actions are proposed to be progressed as approved through a future Delivery Program.

SOCIAL CONSIDERATIONS

The draft PoM, if implemented, will enhance the Reserve by providing improved sporting, recreational, community and event opportunities that will improve social, physical and mental wellbeing. The draft PoM proposes better accessibility for people with a disability, families and women within the Reserve including at the Rugby Park.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes and Goals:

- Community and belonging - Goal 9 Our community is inclusive and connected.
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Partnership and participation - Goal 21 Our community is engaged in decision making processes.

This report also relates to relevant actions and principles within the Sportsgrounds Strategy 2017 and Let's Play - the Northern Beaches Open Space and Outdoor Recreation Strategy 2022.

REPORTING TEAM	PARKS & RECREATION
TRIM FILE REF	2024/062342
ATTACHMENTS	⇒1 Draft North Narrabeen Reserve Plan of Management (Included In Attachments Booklet) ⇒2 Community Engagement Report - Stage 1 - North Narrabeen Reserve Plan of Management (Included In Attachments Booklet)

ITEM 13.2 PUBLIC EXHIBITION - DRAFT DISPLAY OF BANNERS AND PROMOTIONS ON COUNCIL FACILITIES POLICY

PURPOSE

The purpose of this report is to present the draft Display of Banners and Promotions on Council Facilities Policy to Council for consideration for public exhibition.

EXECUTIVE SUMMARY

- The draft Display of Banners and Promotions on Council Facilities Policy (Policy) has been prepared to outline Council's position on the promotion of events, programs and services displayed on banners at Council's formal banner sites or displayed on Council facilities (e.g. Manly Town Hall) as a banner, illumination or otherwise.
- The draft Policy aims to ensure a consistent, equitable and transparent approach for the management of requests to use these sites.
- It is proposed that the draft Policy be exhibited for a minimum of 28 days, after which time submissions will be considered and a final Policy presented to Council for its consideration.

RECOMMENDATION

That Council places the draft Display of Banners and Promotions on Council Facilities Policy on public exhibition for a minimum of 28 days and the outcome of the public exhibition be reported to Council.

BACKGROUND

The draft Display of Banners and Promotions on Council Facilities Policy (Policy) has been developed to replace policies adopted by the former Councils. It aims to guide Council staff when assessing applications to display a banner on a formal Council banner site and facilities.

Council currently has 12 sites that have been identified as formal banner sites and they have been made available to promote events, programs and services for the benefit of our community.

There are formal banner sites at the following locations:

- Barrenjoey Road Avalon (adjacent to the entry of the beach car park)
- Condamine Street Poles Brookvale (corner of Pittwater Rd and Condamine St)
- Condamine Street Fence Brookvale (corner of Pittwater Rd and Condamine St)
- Corso A – Manly Corso Side
- Corso B – Beach Side
- Kitchener Park Mona Vale (eastern side at Mona Vale Road intersection)
- Neptune Road Newport (beach side of Barrenjoey Rd at Neptune Rd)
- Oliver Street Freshwater (Oliver St Hill – on poles before Lawrence St)
- Pittwater Road Dee Why (Council car park on Pittwater Rd, corner of St David Ave)
- The Avenue Newport (Barrenjoey Rd - top of hill near The Avenue)
- Village Park Mona Vale (corner of Barrenjoey Rd and Pittwater Rd)
- Wakehurst Parkway North Narrabeen (eastern side of Pittwater Rd intersect)

At this stage Pittwater Road, Dee Why and Condamine Street Poles Brookvale are only available for Council use for the promotion of Council events and services. The other venues may be hired by others to display their banners.

Requests to hire our formal banner sites must be made via an application form. Each request is assessed, and the adopted fees applied once approved. A booking contract is issued outlining the terms and conditions of use. The fees are currently \$49 for a not-for-profit group for two weeks and \$150 for a commercial group for same period.

This service is managed by the Parks & Recreation Open Space Bookings team. There are plans to review and develop further formal sites across the LGA to ensure that there is access for such advertising across the region.

Council also receives requests to illuminate or project colors onto the façade of buildings such as Manly Town Hall for the purpose of promoting a community message, cause, product, or service. The requests for Manly Town Hall are specifically managed by the Place and Economic Team.

The Community Centres Team manage the installation of banners relating to their hirers at their sites and any banner requests for other Council buildings are managed by the Property Team.

DISCUSSION

The draft Policy has been prepared to clarify what can be displayed on Council facilities and therefore guide the assessment and approval of requests.

Currently there are two policies from former Councils regarding the use of formal banner sites. Recently there has been a lack of clarity regarding political advertising, especially during elections.

Council does not yet have a policy covering requests for banners or illumination on Council buildings and facilities.

The management of banners on other open spaces such as sportsgrounds, footpaths and roads are governed by current State legislation and are not included in this Policy.

CONSULTATION

The draft Policy was distributed for internal comment in January and any relevant feedback incorporated.

It is planned that the draft policy will be put on public exhibition for a period of 28 days and would follow a standard community engagement process.

TIMING

If the recommendation of this report is adopted, the draft Display of Banners and Promotions on Council Facilities Policy will be placed on public exhibition for a minimum of 28 days.

The outcome of the public exhibition of the draft Policy will be reported to Council as soon as possible after the close of the public exhibition.

FINANCIAL CONSIDERATIONS

The draft Policy does not significantly alter the groups or activities eligible to apply for a formal banner site and therefore should not have any impact on the income received from this service.

GOVERNANCE AND RISK CONSIDERATIONS

If adopted, the draft Policy is proposed to replace two current policies with the Banners on Public Land Policy - No 163 (former Pittwater) and Display of Banners within Council controlled properties and reserves – B10 (former Manly).

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no environmental implications for Council.

SOCIAL CONSIDERATIONS

The draft Policy aims to further facilitate the promotion of events, activities and services that have social, recreational, educational, cultural and environmental benefits for our community.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes and Goals:

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

REPORTING TEAM	PARKS & RECREATION
TRIM FILE REF	2024/060604
ATTACHMENTS	⇒ 1 Draft Policy - Display of Banners and Promotions on Council Facilities Policy (Included In Attachments Booklet)

15.0 NOTICES OF MOTION

ITEM 15.1 NOTICE OF MOTION NO 4/2024 - PUBLIC MEETINGS REGARDING STATE GOVERNMENT PLANNING PROPOSALS

COUNCILLORS DE LUCA OAM AND PAGE SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Conduct public education meetings (one for each ward) on the current proposals by the State Government to create increased housing development.
2. Provide at these meetings contact details for the Premier, Minister for Planning and Public Spaces, Leader of the Opposition and Cross Bench MPs, and points for residents to raise in written submissions which reflect Council's endorsed submission.
3. Advertise these meetings through media releases, Council's online newsletter, email database, contacting registered community groups and placing posters at all Community Centres and libraries.
4. Request Council's Chief Executive Officer to provide Council's planning staff attendance at these meetings, to outline the proposals and answer any questions.
5. Write to all Leaders of Parties in the NSW Legislative Council requesting they take action to establish an inquiry into the State Government's proposals and also write to all local State MPs asking them to make representations likewise.

BACKGROUND FROM COUNCILLORS DE LUCA OAM AND PAGE

Residents have asked for Council to conduct meetings to explain the State Government's proposals as well as ask questions.

Several councils, including our neighbour, Ku-ring-gai Council have conducted similar meetings and encouraged constituents to write to the State Government with concern.

These proposed meetings are in the public interest, ensure residents have correct information and can act accordingly through Council's email database.

TRIM FILE REF	2024/163133
ATTACHMENTS	NIL

ITEM 15.2 NOTICE OF MOTION NO 5/2024 - THE URBAN GREENING OF THE NORTHERN BEACHES
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COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Note the councillor briefing presentation titled, Tree Canopy to Reduce Urban Heat Effect and Protect our Roads, presented on 6 December 2022 (Attachment 1) which identified potential median strip planting sites on the Northern Beaches.
 2. Delegate authority to the Chief Executive Officer to take all necessary action in regard to negotiations with Transport for NSW to instigate tree, shrub and garden planting on the identified median strip sections of Warringah Road.
-

BACKGROUND FROM COUNCILLOR SPROTT

Planting trees beside roads offers numerous benefits to both the environment and communities. Firstly, trees act as natural air filters, absorbing pollutants and improving air quality, which is particularly crucial in urban areas with heavy traffic. Additionally, they provide shade, reducing the urban heat island effect and lowering temperatures in surrounding areas. Trees also help to mitigate noise pollution by absorbing and deflecting sound waves. Furthermore, they enhance the aesthetic appeal of roadsides, creating visually pleasing landscapes and promoting a sense of well-being among residents and commuters. Overall, tree planting beside roads contributes to healthier environments and more enjoyable urban spaces.

TRIM FILE REF	2024/177473
ATTACHMENTS	⇒ 1 Councillor Briefing Presentation - Tree Canopy to Reduce Urban Heat Effect and Protect our Roads - 6 December 2022 (Included In Attachments Booklet)

ITEM 15.3 NOTICE OF MOTION NO 6/2024 - TICKETLESS PARKING SYSTEM**COUNCILLOR GENCHER SUBMITTED THE FOLLOWING MOTION:****MOTION**

That Council:

1. Note:
 - a. The recent decision by Council to transition to a ticketless parking system, which involves the adoption of the Revenue NSW Print and Post service for issuing parking fines.
 - b. The decision to cease leaving paper/physical parking dockets on cars raises concerns among the community regarding potential inconvenience, procedural fairness and financial burdens.
 - c. The new system may hinder the ability to dispute fines or respond promptly due to reliance on email notifications, which could be misplaced or overlooked.
 - d. The Minister for Finance, the Hon Courtney Houssos MLC, has highlighted shortcomings in the ticketless parking system, particularly regarding the timeliness of notifications to drivers and the difficulty in gathering evidence for fine reviews.
2. Staff provide a report at the earliest opportunity which:
 - a. Evaluates the feasibility, possibility and legal implications of reversing the decision of Council to discontinue the ticketless parking system.
 - b. Assesses the feasibility and associated costs of introducing a paper-based parking notification system, coupled with the incorporation of Revenue NSW's Print and Post service for issuing parking fines. This evaluation should emphasise the preservation of transparency and accessibility for residents, as underscored by concerns voiced by Minister Houssos and the community. Key considerations include the provision of immediate written notifications to drivers upon fine issuance and streamlining evidence gathering processes for fine reviews.
 - c. Details the current process or procedure adopted by Council with the introduction of the ticketless parking system, aimed at identifying any gaps or missing requirements that could enhance community benefits.

BACKGROUND FROM COUNCILLOR GENCHER

The recent decision by Northern Beaches Council to transition away from paper parking dockets to a ticketless system has sparked considerable concern among residents and stakeholders. While the move is ostensibly motivated by a desire to streamline processes and reduce environmental impact, it has raised questions about its practicality and potential drawbacks. Under the new system, parking offences are recorded electronically by Council rangers and processed by Revenue NSW, with fines being sent directly to vehicle owners via email or post.

While the adoption of the Revenue NSW Print and Post service potentially offers clear benefits such as cost savings and improved environmental sustainability, it also presents challenges. One of the primary concerns is the potential for confusion and inconvenience among motorists. Unlike the traditional paper docket system, which provided immediate and tangible evidence of a parking violation, the ticketless approach relies on electronic communication, which may be easily overlooked or misplaced by recipients. This raises fears that drivers could inadvertently incur late fees or miss opportunities to dispute fines due to delays or oversights in receiving notifications.

Furthermore, the decision to eliminate paper dockets raises broader questions about transparency and accessibility in the enforcement of parking regulations. The previous system provided a straightforward and familiar process for both residents and authorities, facilitating efficient resolution of parking matters. In contrast, the ticketless system introduces an additional layer of complexity, potentially hindering residents' ability to navigate the fines process and exercise their rights to appeal or contest penalties.

In response to mounting concerns, there is a growing consensus within the community advocating for a reversal of the decision to implement the ticketless parking system. Critics contend that this decision not only neglects Council's responsibility to prioritise the welfare of its residents but also jeopardises the trust placed in the fines enforcement mechanism.

The recent remarks by Minister for Finance, the Hon Courtney Houssos MLC, highlighting the inadequacies of the ticketless parking system, and the subsequent recommendation urging councils to furnish drivers with on-the-spot written notifications, such as a conveniently placed pre-printed card on windshields upon issuing fines, only serve to emphasise the imperative for Northern Beaches Council to reassess its stance. This proposed alteration would ensure that drivers are promptly informed of any infringement by parking officers upon their return to their vehicles.

By placing a premium on transparency, timely communication and facilitating the gathering of evidence for drivers, Council can not only assuage community apprehensions but also cultivate a more efficient and equitable parking fine system overall.

TRIM FILE REF	2024/190231
ATTACHMENTS	NIL

ITEM 15.4 NOTICE OF MOTION NO 7/2024 - RIALTO CAFE, RIALTO LANE, MANLY

COUNCILLOR RYBURN SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council receive a report setting out opportunities and constraints to providing outdoor seating in front of Rollers Café, located in Rialto Lane, Manly, including but not limited to:

1. Any costs associated with works to facilitate widening of the pedestrian area to provide seating, impacts of such changes on the function of Rialto Lane as a delivery zone as identified in the Draft Manly Place Plan, pedestrian safety and/or impacts on the existing rights of other landowners/businesses.
 2. Opportunities and limitations for outdoor dining without changes to the widening of the pedestrian area. This may include planter-box or fencing options. This may also include 'decorative screening' (Draft Manly Place Plan, 'Concept design idea for Rialto Lane' pt. 4, pg. 100).
 3. Advice on opportunities to further activate Rialto Lane, including whether a shared zone could be provided at certain periods to overcome any conflicting land uses.
-

BACKGROUND FROM COUNCILLOR RYBURN

Manly's cafés and restaurants are a key driver to the vitality of our community, and outdoor dining is the heart of this culture. Opened in 2018, Rollers Bakehouse in Rialto Lane is one of these operators. Rollers has been a welcomed and acclaimed success in Manly. Bringing approximately 350,000 locals and tourists into Manly each year offering world class pastries, they have featured in domestic and international media write-ups, and amassed an online following of well over 65,000 people.

To date, 2,358 patrons have signed a petition to support outdoor dining for Rollers in Rialto Lane. The challenge to their location is that they are located in an operating laneway, which services businesses as loading zones. Therefore, I would like staff to investigate opportunities of the laneway so that Rollers, and other future businesses, may be able to operate outdoor dining in a shared zone. Safety of the community is paramount and should be considered in the report. So too should the draft Manly Place Plan, which cites 'investigating the feasibility of providing decorative screening to existing service areas', as a concept design/recommendation of Rialto Lane, as well as activations of our laneways throughout Manly.

TRIM FILE REF	2024/190250
ATTACHMENTS	NIL

ITEM 15.5 NOTICE OF MOTION NO 8/2024 - GRAFFITI TASKFORCE/WORKING GROUP

COUNCILLOR GENCHER SUBMITTED THE FOLLOWING MOTION:

MOTION

That:

1. Council note:
 - a. Council's graffiti removal program operates under a contract provision model, where costs are determined by a lump sum based on the number of contractor staff provided and the terms of the contract. Despite any rise in graffiti incidents, there is no corresponding increase in cost to Council throughout the contract period. As a result, accurately quantifying the costs of graffiti removal for each ward is not feasible. Council budgets over \$500,000 for graffiti removal each year. Currently Cleansing Services is undergoing contract negotiation with service provider UMS to establish a new combined graffiti and bus shelter cleaning contract.
 - b. Council currently lacks specific policies addressing graffiti. At the March 2020 Ordinary Council meeting, it was resolved to revoke the 3 graffiti policies previously held by the former Manly, Warringah and Pittwater Councils. These policies were deemed obsolete, as the identification, removal, and reporting of graffiti are now managed through Council's operational and procedural processes.
 - c. Under the service provision, reported graffiti incidents are to be inspected and removed and the database updated within 5 days of lodgement. Approximately 90% of graffiti is removed within 2 days. Offensive graffiti must be removed within 24 hours from the time of reporting.
 - d. Council's responsibility solely encompasses graffiti removal from assets owned by Council itself, excluding private property, state, or crown-owned assets. These include public transport facilities, sound barrier walls, fences adjoining public land, footbridges over state-designated roads, hoardings, abandoned buildings, shopfronts, utility assets such as AUSGRID poles, green kiosks, and Transport for NSW signal boxes, etc. Given that these are under the authority of their respective owners and not maintained by Council, reports concerning them are forwarded on to the respective owners and stakeholders, via the owner's reporting mechanism. Additionally, the number and frequency of reports are high which limits the ability of Council to follow up on all reports, and many asset owners do not have direct customer facing mechanism to follow up on reports.
 - e. Engaging in graffiti, whether through damaging or defacing property, constitutes an offense under the *Graffiti Control Act 2008*. While Council assumes responsibility for removing graffiti from council property and assets, enforcement and prosecution related to graffiti offenses fall under the jurisdiction of the NSW Police. Crime statistics typically do not separate graffiti as an individual category; instead, it is grouped under 'malicious damage to property.' Consequently, there is no distinct data specifically attributed to graffiti incidents of vandalism.
2. Council receive a report outlining the opportunities to establish a specialised taskforce or working group within 6 months, inclusive of essential community stakeholders such as a Councillor from each ward, local Members of Parliament, representatives from the local area command, residents' associations, local schools, sporting groups, youth organisations, chambers of commerce, local businesses, property owners, and individual community representatives. This collaborative initiative is dedicated to formulating pragmatic solutions for the various graffiti-related challenges. The goal is to develop a comprehensive graffiti mitigation strategy and action plan that addresses the distinct needs of each ward and the broader Local Government Area (LGA).

BACKGROUND FROM COUNCILLOR GENCHER

Despite Council's attempts to combat the escalating issue of graffiti vandalism - the persistent issue continues. Council has implemented various initiatives - however, these measures have so far achieved limited success. Residents and business owners continue to report frequent incidents of graffiti, indicating that the problem remains a significant concern for the community.

Graffiti stands as a form of vandalism that impacts various stakeholders, including residents, property and business owners, public transportation, utilities, and both state and local governments. Annually, substantial taxpayer funds are allocated to rectify the damage inflicted by graffiti. It's crucial to recognise that graffiti constitutes vandalism and, consequently, a criminal act — not an expression of individuality.

The challenges posed by graffiti are multifaceted and significantly affect our community. It diminishes community well-being by fostering perceptions of decreased safety and increased crime rates. Furthermore, graffiti contributes to environmental degradation through several avenues, such as chemical pollution during removal processes, litter runoff into waterways, and harm to environmental sites. Financially, graffiti imposes burdens on the community, property owners, and Council, encompassing expenses related to removal, management, and potential decreases in property values. Frankly, allocating funds to rectify negative behaviour detracts from investing in more crucial community-related causes and services.

This Notice of Motion seeks to address these challenges comprehensively and efficiently. A recent survey conducted in February 2024 revealed that 87% of respondents in Pittwater identified graffiti as a matter of "serious concern." Some of the key themes extracted from the survey responses are outlined below:

1. **Aesthetic Concerns:** Graffiti often defaces public and private property, leading to an unsightly environment. While it may not be the most serious crime, it can still negatively impact the overall appearance and appeal of an area.
2. **Property Damage:** Graffiti can cause real property damage, leading to costly repairs for property owners and the local government. This can be a financial burden for individuals, businesses, and communities.
3. **Economic Impact:** Businesses in areas with high graffiti levels may suffer from reduced foot traffic and decreased property values. This can have a direct impact on the local economy.
4. **Quality of Life:** Residents of areas with graffiti may experience a decreased quality of life due to the constant presence of vandalism. This can lead to feelings of insecurity and a decrease in overall well-being.
5. **Potential for Escalation:** While graffiti itself may not be the most severe crime, it can sometimes be a precursor to more serious criminal activity. Addressing graffiti can help prevent further criminal behaviour.
6. **Tourism and Reputation:** Graffiti can tarnish the reputation of an area, making it less attractive to tourists and potential investors. A clean and well-maintained environment is essential for a positive image.
7. **Community Safety:** Graffiti can create an atmosphere of lawlessness and disorder, which may deter residents from reporting or addressing more serious crimes in their neighbourhoods.
8. **Youth Involvement:** Often, graffiti is associated with young individuals who may not fully understand the consequences of their actions. Intervening early can help steer these individuals away from further criminal activity.
9. **Community Pride:** By addressing graffiti, communities can demonstrate a sense of pride and ownership in their surroundings, fostering a stronger sense of belonging among residents.

10. Preventive Measures: Implementing preventive measures such as improved lighting, security cameras, and community engagement programs can help deter graffiti and other petty crimes.
11. Community Engagement: Involving the community in graffiti cleanup efforts and reporting incidents can foster a sense of unity and responsibility among residents.
12. Legal Consequences: While graffiti may not be the worst crime, there should still be consequences for those who engage in it. Enforcing existing laws and regulations sends a message that vandalism is not tolerated.
13. Alternative Outlets: Communities can provide opportunities for creative expression through legal and artistic outlets, reducing the appeal of illegal graffiti.
14. Police and the Courts: The community indicates that the police and the judicial system are falling short in adequately addressing and punishing misconduct.

While graffiti may not be the most severe crime in the Northern Beaches LGA or elsewhere, it still poses several concerns related to aesthetics, property damage, economic impact, the environment, and community well-being. It's essential to strike a balance between addressing this issue to mitigate its impact on the community.

TRIM FILE REF	2024/191462
ATTACHMENTS	⇒ 1 Supporting Images (Included In Attachments Booklet)

ITEM 15.6 NOTICE OF MOTION NO 9/2024 - INFORMATION ON COUNCIL'S WEBSITE - HOW TO MAKE A SUBMISSION, INCLUDING AN OBJECTION, TO A DEVELOPMENT APPLICATION

COUNCILLORS DE LUCA OAM AND SPROTT SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Note some councils provide information on their websites and in notifications of Development Applications (DAs) on how to make a submission, including an objection to a DA (see example attached).
2. Place on its website information on how to make a submission to a DA (including where a submission may be by way of objection) and reasons that may be cited in submissions pursuant to the *Environmental Planning and Assessment Act 1979* and planning instruments.

BACKGROUND FROM COUNCILLORS DE LUCA OAM AND SPROTT

Please see attached information (Attachment 1) which is on Manningham Council's website. On a routine basis, on social media and to Councillors, residents ask how to make a submission by way of objection. The provision of such information will assist residents and also enhance the quality of submissions to Council.

CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:

The motion can be actioned within existing resources and budget.

TRIM FILE REF	2024/192651
ATTACHMENTS	⇒ 1 Making an Effective Objection - Manningham Council (Included In Attachments Booklet)

ITEM 15.7	NOTICE OF MOTION NO 10/2024 - BEAUTY DRIVE, WHALE BEACH
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COUNCILLOR PAGE SUBMITTED THE FOLLOWING MOTION:**MOTION**

That Council ask the Northern Beaches Council Local Traffic Committee to consider deferring the implementation of the No Stopping restriction on Beauty Drive, Whale Beach for a period of 6 months to determine whether the restrictions will be required on an ongoing basis once the construction works in the local area have been completed.

BACKGROUND FROM COUNCILLOR PAGE

The Northern Beaches Council Local Traffic Committee meeting on 6 February 2024 considered a matter (item 4.8) relating to the implementation of a No Stopping restriction at Beauty Drive, Whale Beach. The decision was to implement a No Stopping unbroken yellow kerb line on the eastern side of Beauty Drive, Whale Beach and to then review the matter 6 months after implementation. I have been contacted by one of the residents who is very upset by this decision and also note that during consultation a number of residents were not in favour of the proposal. Having discussed this with the resident, it was put to me that the issue of parking congestion in Beauty Drive has only become apparent due to the nearby residential construction works. Furthermore, I understand that now these works have been completed, there no longer appears to be an issue.

As such, while I understand and support the decision made by the Northern Beaches Council Local Traffic Committee, it could be that this short-term construction work has led to a solution that may now no longer be necessary. As such, I propose that Council asks the Northern Beaches Council Local Traffic Committee if it would consider leaving the status quo in place at its next meeting, and then monitor the issue for 6 months prior to any implementation, rather than after implementation. Should the parking congestion matter continue to impact residents during this time, then the implementation can progress as planned. However, should issues cease to be a problem as noted by the resident then there would be the opportunity to reconsider the decision and leave the parking situation on Beauty Drive as it currently is.

TRIM FILE REF	2024/193124
ATTACHMENTS	NIL

ITEM 15.8 NOTICE OF MOTION NO 11/2024 - E-BIKES
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COUNCILLORS WALTON AND RYBURN SUBMITTED THE FOLLOWING MOTION:

MOTION

That:

1. Northern Beaches Council, in consultation with Transport for NSW and the Northern Beaches Police Local Area Command, convene a meeting of key stakeholders to advocate for improved road rules and regulation of e-bikes to help ensure:
 - safety of pedestrians on shared pathways and footpaths
 - effective compliance and enforcement actions of e-bikes that are modified to remove pedal assist requirements, speed limiting requirements or allowing excessive power in wattage.
 2. The Northern Beaches' NSW Members of Parliament are directly engaged with the outcomes of Council's e-bike 2023 audit and this current and past Notices of Motion relevant to the proper regulation of e-bikes through improved road rules in NSW.
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BACKGROUND FROM COUNCILLORS WALTON AND RYBURN

It is recognised that bike riding and e-bike riding, as active forms of transport, are a positive thing. It reduces cars on our roads, gets young and old moving, out in the fresh air and away from computer screens and often frees up parents from transporting their children. However, Councillors have received hundreds of emails, telephone calls and social media reports of concerns and complaints about near misses of e-bikes and pedestrians on Council paths, by a minority of e-bike riders who are not riding safely or giving way to pedestrians.

In 2023, Council collaborated with the Northern Beaches Police Local Area Command to audit e-bikes and scooters on local paths. This audit confirmed several safety issues, including speed, lack of helmet usage, and limited knowledge of NSW Road Rules among young riders. Speeds in excess of 40kph were recorded on Council paths.

Northern Beaches Council previously called for a review of the current NSW Road Rules 2014 and Regulation under the *Road Transport Act 2013* to make any necessary changes to improve public safety in relation to e-bikes. This was supported by all Councils through Local Government NSW.

Council also called for Transport for NSW and the NSW Government to address in the review e-bike safety issues around:

- a. Speeding of e-bikes and bicycles on shared paths
- b. E-bike riders approaching and passing pedestrians safely
- c. The carrying of three or more pillion passengers on e-bikes and bicycles
- d. The altering of e-bike systems to prevent the requirement for pedalling or preventing top speed controls
- e. Setting an appropriate maximum size and weight of an e-bike to reduce risks to pedestrians.

Council has also called upon the NSW Government to provide capital grants to councils to assist with safety improvements to shared paths and/or the separating of e-bikes and bicycles from pedestrians.

TRIM FILE REF	2024/195237
ATTACHMENTS	NIL

18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. Item 18.1 RFT 2023/133 - Lease of Cafe/Restaurant - Flying Fox Cafe on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- B. Item 18.2 RFP 2023/169 - Provision of Conduct Review Panel on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial proposals. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- C. Item 18.3 Minutes of the Property Steering Committee Meeting Held on 2 February 2023 and 19 October 2023 on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council [10A(2)(d(ii)) *Local Government Act 1993*].

This report discusses/provides advice concerning Council assets. 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 place them at a commercial advantage.

2. The resolutions passed 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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19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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