



northern
beaches
council

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 28 May 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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Nil

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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, Council will consider apologies, requests for leave of absence, and requests to attend meetings remotely via audio-visual link.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF NORTHERN BEACHES COUNCIL MEETINGS HELD ON 30 APRIL 2024 AND 14 MAY 2024

RECOMMENDATION

That the minutes of the Northern Beaches Council meetings held on 30 April 2024 and 14 May 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.

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

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

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

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

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

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1 PRELIMINARY DESKTOP DEMERGER ANALYSIS AND PROPOSED COMMUNITY ENGAGEMENT STRATEGY

PURPOSE

The purpose of this report is to provide a preliminary desktop analysis of the financial implications of a demerger of the Northern Beaches to reconstitute the 3 former council areas of Pittwater, Warringah and Manly, as well as a strategy for gathering community feedback on the analysis and the cost of conducting a poll at the 2024 local government elections.

EXECUTIVE SUMMARY

- Analysis of recent industry demerger proposals indicate that initial one off costs associated with a demerger of a merged council by reconstituting the former areas ranged from \$31 million to \$53 million, followed by an additional cost to operate separate smaller councils ranging from \$21 million to \$25 million per annum in 2023 dollars.
- The high level estimate of the cost to demerge Northern Beaches Council and reconstitute the former Manly, Warringah and Pittwater Councils is a one-off cost of \$43 million (\$412 per ratepayer), followed by an additional cost of \$25 million per annum (\$241 per ratepayer) to operate 3 separate smaller councils in 2023 dollars (subject to Ministerial funding to offset de-amalgamation costs under an Act recently assented to).
- A strategy for gathering community feedback via 'Your Say' on the analysis and the cost of conducting a poll at the local government elections would include various communication channels including electronic newsletters, media release, social media and the corporate website homepage, with the results reported to the Ordinary Council Meeting on 24 June 2024.
- The cost of conducting a poll at the 2024 local government election with respect to demerging Northern Beaches Council, and supporting engagement, is estimated at \$348,000.

RECOMMENDATION

That Council:

1. Note the preliminary desktop analysis of the financial implications of a demerger.
2. Note the community's current high customer satisfaction scores regarding Northern Beaches Council's delivery of a diverse range of core services.
3. Take no further action with respect to Council resolution 85/2024 (including in relation to gathering community feedback on the analysis, a report to the Council meeting in June 2024 and facilitating a poll at the September 2024 local government elections) as:
 - a. The estimated financial implications of a demerger would most likely result in the new councils being financially unsustainable.
 - b. The process of undertaking a poll at the September 2024 local government election would be costly, is time pressured and does not meet the legislative requirements contained in the *Local Government Amendment (De-amalgamations) Act 2024* recently assented to.
 - c. Taking further action would likely lead to unnecessary disruption and uncertainty for residents, businesses and customers.

BACKGROUND

Council, at its Ordinary Meeting held on 30 April 2024, considered *Notice of Motion No 17/2024 - Holding a poll at the September 2024 Local Government Elections regarding community support for a Council de-amalgamation.*

Council resolved (Council resolution 85/2024) as follows:

“That noting the very late tabling of this business at the April ordinary meeting without prior consultation, and the significant financial implications of conducting a Poll, Council:

1. *Receives an urgent briefing prior to the May ordinary meeting on the outcome of an internal preliminary desktop analysis of the financial implications of a demerger of the three former council areas of Pittwater, Warringah and Manly.*
2. *Receives an urgent report at the May ordinary meeting setting out:*
 - a. *The details of the analysis; and*
 - b. *A strategy for gathering community feedback on the analysis and the cost of conducting a Poll at the local government elections via ‘Your Say’, including to receive community or other professional analysis undertaken on the Council’s analysis.*
3. *Receives a report, at the June ordinary meeting, summarising the outcome of the community feedback and implications of conducting a Poll.*
4. *Notes that, if it so chooses, it can resolve at its June meeting to hold a Poll regarding de-amalgamation or any other matter.*

This report provides Council with a preliminary desktop analysis of the financial implications of a demerger of the Northern Beaches to reconstitute the 3 former council areas of Pittwater, Warringah and Manly, as well as a strategy for gathering community feedback on the analysis and the cost of conducting a poll at the local government elections.

DISCUSSION

The information presented within this report has been prepared within a very tight timeframe and while all efforts have been made to ensure it reflects industry analysis, the high level estimates and extrapolation of data contained in this report are provided on an "as is" basis with no guarantees of future accuracy. The information therefore should not be relied upon to make any binding financial decisions to demerge the Northern Beaches Council into 3 new entities (reflective of the former council areas).

New Legislative Process to Demerge a Merged Council

By way of background, a Bill which contains a new process to facilitate a demerger of a merged council was passed by the NSW Parliament on 9 May 2024 and was assented to and formalised into legislation on 20 May 2024. It will commence on a day or days to be appointed by proclamation which have not yet been announced.

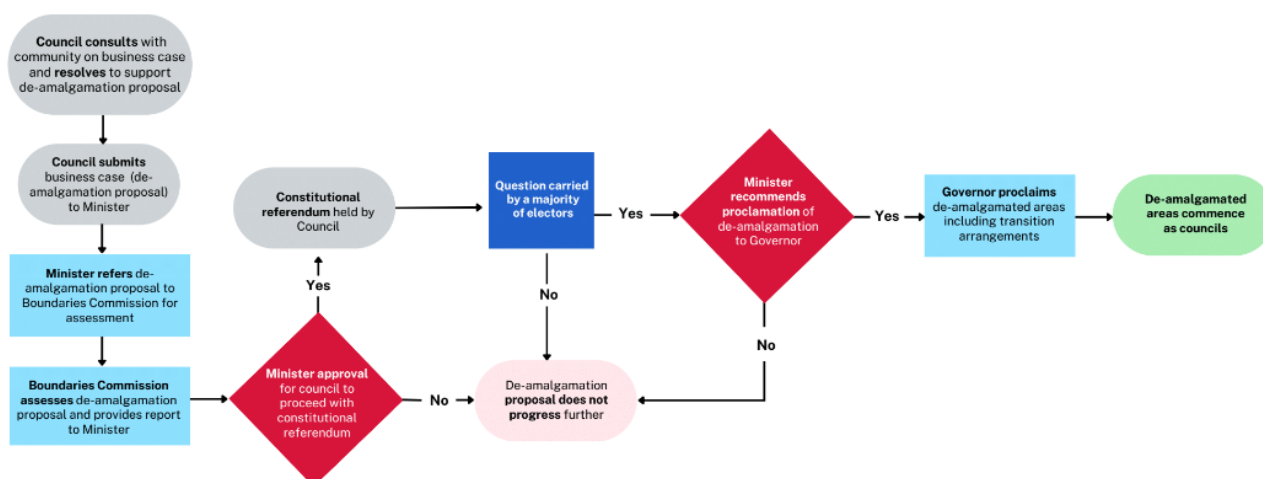
The amending Act, entitled the *Local Government Amendment (De-amalgamations) Act 2024* (Act), will amend the *Local Government Act 1993* and sets out a new legal pathway for a merged NSW council seeking to demerge. Under the changes, a constitutional referendum would be compulsory. However, a constitutional referendum can only be held if the Minister consents to the referendum under section 218CD(7) which provides:

“An amalgamated council must not hold a referendum of any kind about a de-amalgamation proposal unless the Minister has approved the holding of a referendum under subsection (5)”

The following flow chart issued by the Office of Local Government sets out the de-amalgamation process in the Act as follows:



PROPOSED DE-AMALGAMATION PROCESS



Accordingly, the requested process to undertake a poll at the September 2024 local government election does not meet the legislative requirements soon to be implemented to facilitate a demerger of a merged council in NSW.

Preliminary Desktop Analysis of the Financial Implications of a Demerger

Source Information and Calculation Data Set

In undertaking this preliminary desktop analysis, information has been largely drawn from publicly available data contained within the demerger proposals of Inner West and Canterbury-Bankstown Councils.

To be consistent with these reports and their nominal demerger date of 1 July 2023, the following data set (as of 1 July 2023) in Table 1 has been used as a basis for calculation of the information.

Table 1. Demerger costs data set

Council	Population*	Population as a % of NBC	Rateable properties**	Rateable properties as a % of NBC
Northern Beaches Council (NBC)	267,921	100%	103,883	100%
Canterbury-Bankstown	379,829	142%	123,246	119%
Inner West	188,325	70%	79,489	77%

* Population - 2023 Estimated Resident Population (ABS) ** Rateable properties - as at 1 July 2023

Post 1 July 2023, indexation has been projected as 3.5% to June 2024, 2.6% to June 2025, 2.5% for all years to June 2028 and 2.4% to June 2029, based on data provided by Deloitte Access Economics – Business Outlook (March 2024).

One Off Upfront Demerger Costs

The estimated one off upfront costs associated with the demerger of the Northern Beaches Council by reconstituting the former areas could be in the order of \$43 million (2023 dollars) or \$412 per rateable assessment based on an extrapolated comparison with Inner West Council and Canterbury-Bankstown Council. Applying indexation, this estimate could be as high as \$50 million or \$483 per rateable assessment if the demerger took place in 2029, being potentially the earliest date after the 2028 local government elections. (Staff understand that, under the amending Act, the Minister may approve a grant not exceeding \$5 million and/or loan funds to offset and/or defray de-amalgamation costs).

These costs (excluding any financial assistance from the Minister) are summarised in Table 2 below.

Table 2. Demerger costs (one off)

Council	Population *	Rateable properties **	Rateable properties as a % of NBC	Estimated demerger costs	
				one-off costs	per rateable property
Northern Beaches Council (1 into 3)	267,921	103,883	100%	\$42,819,431	\$412
Canterbury-Bankstown (1 into 2)	379,829	123,246	119%	\$53,200,000	\$432
Inner West (1 into 3)	188,325	79,489	77%	\$31,217,000	\$393

* Population - 2023 Estimated Resident Population (ABS) ** Rateable properties - as at 1 July 2023

Source: Inner West data has been sourced from its Demerger Report as submitted to the Minister of Local Government - December 2022.

Canterbury-Bankstown data has been sourced from its Report to the Ordinary Meeting of Council - 26/7/2022 - Proposal to De-amalgamate.

Northern Beaches Council (NBC) estimates have been extrapolated from a weighted average of upfront costs associated with the demerger estimates of Inner West Council and Canterbury-Bankstown Council using rateable properties.

In analysing the Inner West and Canterbury-Bankstown Demerger Reports, it appears that a number of tasks would be required to ensure the 3 new entities created by the demerger of Northern Beaches Council are functional and operational, can deliver sustainable services and have the capacity and capability to create and plan for the future of their respective communities. Based on these reports, the following would need to be considered and/or implemented as part of the upfront demerger process:

Transition Considerations

- Transition management - best practice is to establish a demerger transition process where an administrator or a transition committee is formed to guide the process and the fair division of assets and liabilities without conflict and to avoid additional legal costs. The secession of Pittwater Council from Warringah Shire Council resulted in a legal case to resolve issues with staff transfers and redundancy liabilities (*Warringah Shire Council v Pittwater Provisional Council* (1992) 26 NSWLR 491).
- Establishment of new Integrated Planning and Reporting documents, such as the Community Strategic Plan and Delivery Program, and the associated community engagement.
- Conduct a review of services, delivery and standards – the economies of scale achieved through the merger would be reversed, resulting in the need to re-assess services levels and/or re-assess income levels. Some services may also no longer be provided in a demerged area, e.g. aquatic centres, theatres etc.
- Establish new organisational structures, corporate visions and employee values.

Establish New Information Technology Platforms and Systems

- New Information and Digital Technology (IDT) systems would be required for each of the demerged councils. IDT system establishment is usually the most singular expensive cost and can amount to over 60% of the total estimated cost of transition.
- Demerged councils would need to procure and deploy the requisite hardware, screens, laptops, remote communications, associated data, cyber security systems and supporting management protocols.
- Data transfer, record and access to information systems would need to be established.

Organisational Operating Systems and Practices

- Each new council would need to establish financial, assets, payroll, rating structures, booking and customer service systems, supported by the necessary software licences.
- Demerged councils would need to re-establish workshops, stores, storage, adequate plant and equipment and operational practices.
- Costs to establish the new service delivery, structure and staffing and associated redundancies would be incurred.
- New supplier and revenue contracts and policies would need to be established.
- Other matters that would need to be addressed include staff relocation costs, project management office/frameworks, uniforms, training costs, delivery of capital works, union engagement, position descriptions, salary systems, contract arrangements, leave liabilities, HR policies and support.

Additional (Ongoing) Costs Associated with Operating 3 Smaller Councils

The estimated ongoing costs associated with the demerger of Northern Beaches Council and creating 3 smaller councils could be in the order of \$25 million per annum (2023 dollars) or \$241 per rateable assessment per annum based on an extrapolated comparison with Inner West and Canterbury-Bankstown Councils. Applying indexation, this estimate could be as high as \$29 million per annum, or \$282 per rateable assessment per annum if the demerger took place in 2029, being potentially the earliest date after the 2028 local government elections.

These costs (excluding any financial assistance from the Minister) are summarised in Table 3 below.

Table 3. Ongoing additional costs

Council	Population *	Rateable properties **	Rateable properties as a % of NBC	Estimated ongoing additional costs	
				per annum	per rateable property per annum
Northern Beaches Council (NBC)	267,921	103,883	100%	\$25,016,860	\$241
Canterbury-Bankstown	379,829	123,246	119%	\$20,900,000	\$170
Inner West	188,325	79,489	77%	\$24,805,000	\$312

* Population - 2023 Estimated Resident Population (ABS) ** Rateable properties - as at 1 July 2023

Source: Inner West data has been sourced from its Demerger Report as submitted to the Minister of Local Government- December 2022.

Canterbury-Bankstown data has been sourced from its Report to the Ordinary Meeting of Council - 26/7/2022 - Proposal to De-amalgamate

Northern Beaches Council (NBC) estimates have been extrapolated from a weighted average of ongoing costs associated with the demerger estimates of Inner West Council and Canterbury-Bankstown Council using rateable properties.

In analysing the Inner West and Canterbury-Bankstown Demerger Reports, a number of tasks will be required to ensure the 3 new councils are functional and operational, can deliver sustainable services and have the capacity and capability to create and plan for the future of their respective communities. Based on these reports, the following would need to be considered and/or implemented as part of the ongoing operation of three new councils:

- Additional costs associated with multiple audit risk and improvement committee.
- Costs of additional councillors and support staff for the demerged councils. It is anticipated that the current 15 councillors would need to expand to premerger levels of 28 councillors, including 3 mayors.
- Employment of the executive and management teams will be required across each of the new demerged councils.

- Through a demerger process, it could be anticipated that a re-alignment from front line delivery staff to back-office staff may be required due to corporate operational requirements and fixed budgets therefore seeing service delivery impacted.
- Staff training, policy and systems development would be required with significant costs.
- The replacement of signs on buildings, parks, streets would be required.
- Council administration buildings would need to be re-established and maintained.

These costs are factored into the figures in Table 3.

Summary of Projected Upfront Cost to Demerge and the Ongoing Cost Associated with Operating 3 Smaller Councils

In summary, based on an extrapolated comparison with the Inner West and Canterbury-Bankstown Councils, the estimated one off upfront costs associated with the demerger of the Northern Beaches Council could be in the order of \$43 million (2023 dollars) or \$412 per rateable assessment, which would be equivalent to \$50 million (\$483 per rateable assessment) in 2029, which is potentially the earliest date a demerger could occur. (Staff understand that, under the amending Act, the Minister may approve a grant not exceeding \$5 million and/or loan the funds to offset and/or defray de-amalgamation costs).

Further, to ensure the newly formed councils are functional and operational, can deliver sustainable services and have the capacity and capability to create and plan for the future of their respective communities, the estimated ongoing costs associated with the demerger of the Northern Beaches Council could be in the order of \$25 million per annum (2023 dollars) or \$241 per rateable assessment per annum. In 2029, this is equivalent to \$29 million per annum or \$282 per rateable assessment per annum after indexation.

These figures are summarised in the table below.

Table 4. Demerger and ongoing additional costs

	2023 Dollars	Per rateable property	2029 Dollars	*Per rateable property
Estimated one off costs associated with a demerger	\$42,819,431	\$412	\$50,141,827	\$483
Estimated ongoing costs associated with a demerger (p.a.)	\$25,016,860	\$241	\$29,294,903	\$282

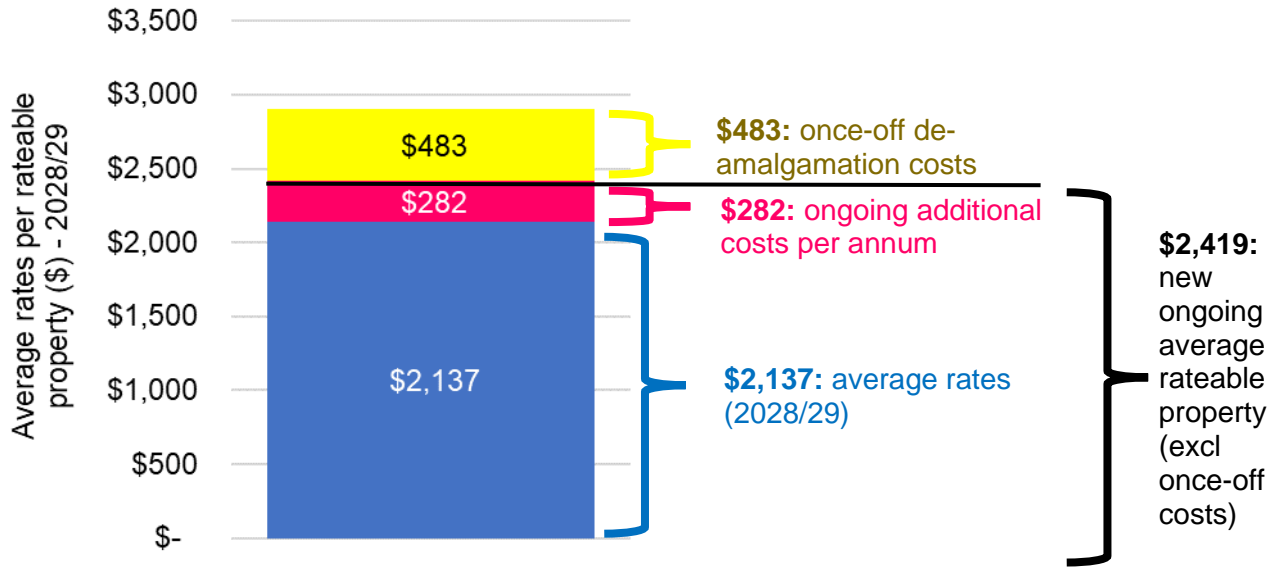
* Rateable property growth has been estimated at between 0.1% and 0.8% per annum. It does not include the financial assistance from the Minister.

This position would be unsustainable without service reductions or increases in income. A demerger business case would be required to demonstrate a funding plan for the initial transition costs along with the ongoing financial sustainability and service delivery capacity of the new demerged councils.

Financial impact on the average ratepayer

The impact of an increase in rates income to fund the demerger costs for the average rateable property in 2029 is \$765 in the first year (36% increase) followed by an additional \$282 per annum to meet the ongoing costs of the smaller councils (13% increase). This is shown in Figure 1 below.

Figure 1. Impact on average rateable property rates of a demerger - 2029



Note: The above graph is based on 2023/24 rates (indexed by forecast rate pegs in the LTFP) to express it in 2029 dollars.

Workforce Considerations

The re-establishment of the workforce for each council would involve the creation of new executive and management teams, refinement to functional and service teams and the associated redundancy and recruitment costs.

A key challenge in this space is to ensure there is adequate strategic capacity for each council to undertake the necessary strategic, operational, asset, service, and financial planning. Whilst recruitment of staff would be required some redundancies may also be necessary. The level of redundancies can have an impact on a council’s strategic capacity in terms of staff numbers and their roles.

The Queensland Audit Office (QAO) prepared a report that included an estimate of 138 redundancies resulting from 4 mergers. The average redundancy was 11.5% of the total positions for the separating councils. In the demerger of Noosa from Sunshine Coast Council in 2013, around 80 positions were made redundant. Accordingly, any demerger process would likely come with staff redundancies, although it is noted that the amending Act contains protections for non-senior staff for 3 years.

The management of the workforce through a demerger process would be critical in ensuring the continuity of service standards and delivery especially, in the initial phase. Each council would need to quickly develop and implement an extensive recruitment and retention program for key executives, managers, coordinators, technical and other positions, to ensure the resources are available to manage and deliver on the new council’s services and governance requirements.

Other matters that would need to be addressed include staff relocation costs, project management office/framework, uniforms, training costs, delivery of capital works, union engagement, position descriptions and salary systems, contract arrangements, leave liabilities, HR policies and support.

Current Customer Satisfaction Results

Customer satisfaction survey data is collected from customers who submit a customer request to council. Once a request is closed, customers who have provided an email address are sent a survey to gather feedback on Council’s performance and to gauge their level of satisfaction with the outcome of the request.

The following service areas of Council are included in survey results: development assessment, environment and climate change, parks and recreation, environmental compliance, property, transport and civil infrastructure, waste management and cleansing.

During 2024, Council has processed 37,139 requests with 27,261 surveys issued and a response rate of 3,625 or 13% (typical response rates for surveys fall between 10-30%). An overall average rating of 4.07 (out of a maximum of 5.0) was received over a range of questions including whether the customer felt valued, was kept up to date, what service they experienced, the ability of staff, time to complete request and the outcome of the request. Over 50% of respondents gave a maximum score of 5.0.

A summary of the customer satisfaction questions and results for 2024 is as follows:



This is indicative of a high level of satisfaction from our community in the service areas referenced above.

Identifiable Risks

There are a number of significant potential financial and non-financial risks arising from the process of demerging Council that would need to be considered. These include the following:

- Transition structure, approach and process for the demerger.
- Efficiencies and/or economies of scale generated by Northern Beaches Council may not be delivered by the new councils.
- Implementation costs may be higher than projected.
- Decisions subsequent to the demerger may increase costs of the demerged councils.
- Unwinding of existing contracts may be costly.
- Establishing an efficiently functioning new council structure, given skills are difficult to source in the current employment market, especially within the Northern Beaches area.
- The cultural separation of Northern Beaches Council may result in low morale, increased staff turnover rate etc. This may reduce business performance and prolong the time it takes for transition.
- Service levels have risen across the merged council and community dissatisfaction may occur if services are returned to the original lower levels e.g. the Northern Beaches parking sticker.
- Little to no capacity to increase services in demerged council areas where they may no longer be available.
- The financial performance of the demerged councils is less than that modelled, resulting in the need to either reduce services, find efficiency gains and/or increase rates to address the operating deficit.

Strategy for Gathering Community Feedback on the Analysis and the Cost of Conducting a Poll at the Local Government Elections

The objective of community and stakeholder engagement is to:

- build community and stakeholder awareness
- provide clear, accurate, and accessible information so community and stakeholders can participate in a meaningful way
- transparently report back to our community to show how we considered the feedback received.

A strategy for gathering community feedback on the analysis and the cost of conducting a poll at the local government elections of a demerger of the Northern Beaches to reconstitute the 3 former council areas of Pittwater, Warringah and Manly is as follows.

Engagement approach

Community consultation and engagement would be planned and reported in accordance with [Council's Community Engagement Strategy \(2023\)](#). This consultation project would be categorised a level 1 project, as it would have a high impact on the whole region.

The consultation would have 2 stages. The first stage would be designed to ascertain community support for or against a poll at the 2024 Local Government Election, asking residents if they support the local government area being demerged, to restore the former local government areas of Manly, Warringah and Pittwater. This is the work contemplated in the Council resolution of 28 April 2024. Stage 2 would be designed to raise community awareness, understanding and engagement in the lead up to the poll at the 2024 Local Government Election.

Stage 1: Your Say feedback on a poll at the 2024 Local Government Election

To meet the resolution and provide a report to the June Ordinary meeting, a summary of the outcome of the community feedback and implications of conducting a poll, the public exhibition period would only run for 14 days. This is not in line with Council's [Community Engagement Policy \(2023\)](#) which prescribes a minimum of 28 days for public exhibition.

While feedback would be received via Council's your Say web platform, the project must be promoted through several Council communication channels to ensure some degree of awareness of the opportunity to provide feedback. This is a requirement of the Community Engagement Strategy and may include:

- Your Say webpage (yoursay.northernbeaches.nsw.gov.au) including an online survey asking the community:
 - Do you support a poll at the 2024 Local Government Election to ask residents on the Northern Beaches if they support the local government area being demerged, to reconstitute the former local government areas of Manly, Warringah and Pittwater, noting that:
 1. the estimated cost of the poll is \$348,000; and
 2. Council's preliminary high level extrapolated analysis of the financial implications of a demerger estimates that the upfront cost would be an estimated \$43 million (subject to Ministerial grants), and the ongoing costs would be estimated to be an additional \$25 million per annum, which would be required to be paid for by the ratepayers of the three demerged councils.

Yes/ No (tick box).
- To promote the Your Say page, the following additional communication initiatives would be required:

- community electronic newsletters (EDMs)
- media release
- social media
- corporate website homepage (carousel).

Due to the limited time for public exhibition many communication activities such as a letter box drop, random telephone survey, drop-in sessions, online forums, video etc would not be achievable. Feedback will be received via:

- Your Say website (yoursay.northernbeaches.nsw.gov.au)
- survey
- email
- post.

All feedback would be reviewed, consolidated and reported to Council.

It should be noted that the data would not be statistically relevant, as it would not be a representative sample. It could not be relied upon to provide any insight into overall community sentiment.

With respect to the request in Council's resolution to seek "*community or other professional analysis undertaken on the Council's analysis*", this is not feasible due to time constraints and because Council's financial analysis is simply an extrapolation and comparison of the Inner West and Canterbury-Bankstown Councils' estimated upfront and ongoing costs associated with a demerger.

Stage 2 – Proposed engagement and awareness campaign

If Council resolved to undertake a poll at the September 2024 local government election, the estimated cost of a poll and associated awareness and communication activities that would be required to ensure an appropriate level of engagement with all ratepayers and our community would be \$348,000 as set out in the following table (which also identifies the estimated cost of Stage 1 works):

Estimated cost of conducting a poll and associated engagement and awareness activities

Estimated cost of engagement, awareness, and poll - Stage 1 & 2	
Description	Estimated cost \$'000
Proposed Stage 1 – Your Say feedback on a poll	
Website & Have your Say development (including survey)	19
Promotion (EDMs, Media Release, Facebook)	7
Analysis and reporting	21
Proposed Stage 2 – Engagement and awareness campaign	
Promotion (EDMs, Media Release, Facebook, flyers, letterbox drop, posters)	170
Community information sessions (online and face to face)	8
Total cost – Proposed Your Say poll (Stage 1 & 2)	225
Council poll – conducted in September 2024	170
Total cost – Proposed engagement and awareness plan and Poll	395

Note: Data is based on extrapolation from Canterbury-Bankstown De-Merger Report, September 2022 and estimate of polling cost obtained from the NSW Electoral Commission. The cost directly associated with the poll at the Local Government Election in September 2024 (Stage 2 engagement and poll costs) would be \$348,000.

ACKNOWLEDGEMENT

It is acknowledged that in the preparation of this report data has been obtained from the publicly available demerger reports of both Inner West Council and Canterbury-Bankstown Council for background information or to make assumptions. It is further acknowledged that, as a part of these publicly available demerger reports, data from industry consultants Morrison Low was also used for background information or to make assumptions. However, as Morrison Low, Inner West Council and Canterbury Bankstown Council were not consulted or involved in the preparation of this report, any errors or omissions in this report are solely the responsibility of Northern Beaches Council.

CONSULTATION

Community consultation will be in line with the method outlined in the Community Engagement Costs and Strategy section of this report.

TIMING

Outcomes of this report would need to be considered with respect to whether they can be implemented within required timeframes.

FINANCIAL CONSIDERATIONS

Additional funds would be required in the 2024/25 Budget if Council resolves to conduct a poll at the 2024 local government election with respect to a proposed demerger of the Northern Beaches Council.

GOVERNANCE AND RISK CONSIDERATIONS

The subject of this report has considerable governance and risk considerations for Council, as outlined in the report.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The recommendations in this report do not impact current social outcomes for the community based on Council’s strategic plans and budget, however some considerations of the report may create uncertainty within the community.

LINK TO STRATEGY

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

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

Reporting team	Workforce & Technology
TRIM file ref	2024/318722
Attachments	Nil

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1 SUBMISSIONS TO THE INQUIRIES INTO THE FINANCIAL SUSTAINABILITY OF LOCAL GOVERNMENT

PURPOSE

The purpose of this report is to seek Council's endorsement and noting (as applicable) of submissions to the Federal and State Parliamentary inquiries into local government sustainability and the ability of local government to fund infrastructure and services.

EXECUTIVE SUMMARY

- High inflation, severe weather events, the COVID-19 pandemic and significant increases in costs like the Emergency Services Levy, insurance and gas, alongside constraints on rates income, have placed significant pressure on the ability of local government to maintain infrastructure and services at the required level.
- Recognising that local government provides important essential services to communities and is facing financial sustainability concerns, both the Federal and NSW Governments have announced inquiries into the matter.
- The NSW Parliament's Legislative Council Standing Committee on State Development is seeking submissions to its inquiry into the ability of local governments to fund infrastructure and services and a submission has been lodged in accordance with Council's resolution of 26 March 2024.
- The Parliament of Australia's House of Representatives Standing Committee on Regional Development, Infrastructure and Transport is also seeking submissions to its inquiry into local government sustainability and a submission has been prepared for Council's consideration in accordance with Council's resolution of 26 March 2024.
- The submissions seek to strengthen Council's ability to deliver important community infrastructure and services in a financially sustainable and equitable way.

RECOMMENDATION

That Council:

1. Endorse the submission to the inquiry by the Parliament of Australia's House of Representatives Standing Committee on Regional Development, Infrastructure and Transport into local government sustainability.
2. Note the final submission to the inquiry by the NSW Parliament's Legislative Council Standing Committee on State Development into the ability of local governments to fund infrastructure and services.
3. Authorise the Chief Executive Officer, or his delegate, to give evidence to either of these inquiries, if invited to do so.
4. Provide a copy of both submissions to Local Government NSW to assist in its advocacy.

BACKGROUND

At the Ordinary Council Meeting held on 26 March 2024, Council resolved:

That:

1. *A submission to the inquiry by the NSW Parliament's Legislative Council Standing Committee on State Development into the ability of local governments to fund infrastructure and services be prepared by Council staff and circulated to Councillors via memorandum for feedback prior to lodgement.*
2. *A submission to the inquiry by the Parliament of Australia's House of Representatives Standing Committee on Regional Development, Infrastructure and Transport into local government sustainability be prepared by Council staff and presented to the April 2024 Ordinary Council Meeting.*

NSW Parliamentary Inquiry

The inquiry by the NSW Parliament's Legislative Council Standing Committee on State Development into the ability of local governments to fund infrastructure and services (NSW Parliamentary Inquiry) was established on 14 March 2024, with submissions closing on 26 April 2024.

In a media release the Hon Emily Suvaal MLC, Chair of the Standing Committee on State Development, said:

'Councils are experiencing significant financial challenges which are threatening the long-term sustainability of the sector. As the level of government closest to the people of this state, we owe it to councils to ensure they can continue to deliver the important services communities expect and deserve.'

'This inquiry will examine the level of income councils require to adequately meet the needs of their communities, and give consideration to the current levels of service delivery and financial sustainability in local government.'

'The committee will also assess the social and economic impacts of the rate peg in New South Wales and compare the rate peg, as it currently exists, with other jurisdictions and alternative approaches with regards to the outcomes for ratepayers, councils and council staff.' 'In addition, the committee will also review the operation of the special rate variation process and its effectiveness in providing the level of income councils require to adequately meet the needs of their communities.'

The Terms of Reference for this inquiry are provided at Attachment 1.

Federal Parliamentary Inquiry

The inquiry into local government sustainability by the Parliament of Australia's House of Representatives Standing Committee on Regional Development, Infrastructure and Transport (Federal Parliamentary Inquiry) was established on 21 March 2024, with submissions closing on 31 May 2024.

As part of the inquiry, the Committee will examine financial sustainability and funding frameworks of local governments, alongside changing infrastructure requirements and service delivery obligations.

The Committee will also inquire into issues relating to skills development and job security, along with labour hire and retention trends and practices to identify barriers and opportunities to support job security and local government service delivery obligations.

The Terms of Reference for this inquiry are provided at Attachment 2.

DISCUSSION

NSW Parliamentary Inquiry

A submission to the NSW Parliamentary Inquiry is provided at Attachment 3. In accordance with the resolution at the Ordinary Council meeting held on 26 March 2024, the submission was lodged by Council prior to closing date on 26 April 2024.

In summary, the submission raises the following issues:

- Legislated and other government-imposed restrictions on income are resulting in a growing gap between costs and income, with factors including the rate peg's inability to keep pace with inflation and the stormwater charge which has not increased since it was introduced almost 20 years ago.
- Rising costs associated with an increasing number of severe weather events, changing community expectations and risk tolerances, cyber security risks and cost shifting from other levels of government.
- Limitations in the current legislation that restrict Council's ability to establish an equitable rating system including the use of unimproved land values and rates exemptions.

Federal Parliamentary Inquiry

A draft submission to the Federal Parliamentary Inquiry is provided at Attachment 4 for the consideration of Council.

In summary the submission outlines:

- Financial sustainability issues including concerns 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.
- Infrastructure challenges including the burden the under-investment in infrastructure renewal is placing on future ratepayers and the impact of climate change and population growth.
- Challenges in attracting and retaining staff in local government, particularly engineers, ICT professionals, planners and tradespersons.

CONSULTATION

Submissions in relation to the NSW Parliamentary Inquiry were due by 26 April 2024. As such, staff circulated a draft submission to Councillors via memorandum out of session so that Councillors could provide feedback prior to the finalisation and lodgment of this submission before the closing date. The submission was lodged on 26 April 2024.

TIMING

The submission in relation to the NSW Parliamentary Inquiry was lodged on 26 April 2024.

Submissions in relation to the Federal Parliamentary Inquiry are due by 31 May 2024.

FINANCIAL CONSIDERATIONS

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

Submissions to both inquiries are appropriate to highlight the ongoing issues that challenge the financial sustainability of local government.

GOVERNANCE AND RISK CONSIDERATIONS

It is important that Council participates in these inquiries to provide input into industry issues which impact Council's financial sustainability.

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 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	2024/265986
Attachments	<ul style="list-style-type: none"> ⇒1 Terms of Reference - NSW Parliament's Standing Committee on State Development - Ability of local governments to fund infrastructure and services (Included In Attachments Booklet) ⇒2 Terms of Reference - House of Representatives Standing Committee on Regional Development, Infrastructure and Transport - Inquiry into local government sustainability (Included In Attachments Booklet) ⇒3 Submission - NSW Parliament's Standing Committee on State Development - Ability of local governments to fund infrastructure and services (Included In Attachments Booklet) ⇒4 Submission - House of Representatives Standing Committee on Regional Development, Infrastructure and Transport - Inquiry into local government sustainability (Included In Attachments Booklet)

ITEM 9.2 REVIEW AND REVOCATION OF POLICIES

PURPOSE

The purpose of this report is to seek the revocation of 3 policies and seek the adoption of one Northern Beaches Council policy.

EXECUTIVE SUMMARY

- Council's Policy Framework (Framework) outlines the strategic principles for certain corporate documents including Council policies.
- Council is progressively reviewing all corporate documents covered by the Framework.
- The Grants and Partnerships (Financial Assistance) Policy has been reviewed, with public exhibition undertaken, and is recommended to be adopted with minor changes.
- It is proposed that 3 policies be revoked which have been identified as no longer being required and not consistent with the Framework principles, being the Storage of Watercraft on Council Foreshores Policy, Temporary Storage on Council Land Policy and Smoke Free Zones Policy.

RECOMMENDATION

That Council:

1. Adopt the Grants and Partnerships (Financial Assistance) Policy as a replacement of the Community Grants and Partnership Policy.
2. Revoke the following policies:
 - a. Storage of Watercraft on Council Foreshores Policy
 - b. Temporary Storage on Council Land Policy
 - c. Smoke Free Zones Policy.

BACKGROUND

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

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

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

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

DISCUSSION

Storage of Watercraft on Council Foreshores Policy (Northern Beaches)

This report proposes the revocation of the Storage of Watercraft on Council Foreshores Policy (Attachment 1). This policy is related to the appropriate storage of watercraft on Council foreshores whilst maintaining safe public access and minimising environmental impact. This policy is related to 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.

This policy was originally adopted in 2017 to provide a visible means to align the 3 former Councils' practices.

The policy is not required to manage the storage of watercraft on reserves, as this is done through approvals under the *Local Government Act 1993*. The consistent practice established by Northern Beaches Council through implementing this policy has become accepted within the community and no longer needs a policy.

Temporary Storage on Council Land Policy (former Pittwater)

This report proposes the revocation of the Temporary Storage on Council Land Policy (Attachment 2). This policy is related to the temporary storage of building materials, plant or equipment or soil on Council reserves. Such use is approved through the *Local Government Act 1993* and regulations, as well as relevant plans of management and does not require a separate Council policy.

This policy was last adopted in October 2011.

The policy details a process that is quite prescriptive and does not allow flexibility for managing all circumstances. There is also no equivalent policy for the former Warringah and Manly Council areas. A new policy for all the Northern Beaches is not considered necessary to manage this issue.

Smoke Free Zones Policy

This report proposes the revocation of the Smoke Free Zones Policy (Attachment 3). This Policy relates to the prohibition of smoking in public spaces. NSW Health is the authority responsible for the administration and enforcement of the *Smoke-free Environment Act 2000*.

This Policy was adopted in 2020, replacing similar policies of the former councils, to provide community leadership in taking measures to prohibit smoking within public places, to protect members of the community from the health and social impacts from exposure to cigarette smoke in public places, to improve the public amenity and enjoyment of Council owned buildings, parks, and other recreational spaces and to minimise the adverse environmental impacts of litter resulting from discarded cigarette butts.

It is recommended that this policy be revoked on the basis that the restriction of smoking within public areas is administered by the *Smoke-free Environment Act 2000*, with NSW Health being the authority responsible for the administration and enforcement of this legislation. NSW Police also have powers under the legislation. Additionally, Council can restrict smoking on land which it owns and manages without the need for a policy to do so (for example through leases and licences) and with the installation of relevant signage to control activities undertaken on public land using Council's powers under the *Local Government Act 1993*. Litter and waste continue to be regulated by Council under the *Protection of the Environment Operations Act 1997*.

The revocation of the policy is not intended to affect any existing restrictions and controls imposed on public land, including beaches, as these are imposed and administered using appropriate powers under the *Local Government Act 1993*.

Grants and Partnerships (Financial Assistance) Policy

The draft Grants and Partnerships (Financial Assistance) Policy (draft Policy) provides an overarching framework for Council to partner with the community and business by providing financial support to deliver projects and programs that build the social, cultural, environmental, and economic life of the Northern Beaches and further achieve the outcomes and vision of Northern Beaches Community Strategic Plan. Council resolved to place the draft Policy on public exhibition for a minimum of 28 days at its meeting on 19 December 2023.

The draft Policy was exhibited from 1 February to 28 February 2024. A further round of engagement was undertaken between 12 April and 30 April 2024 targeting surf clubs, community libraries and social service organisations currently receiving financial assistance from Council.

The outcome of the exhibition is as follows:

- A total of 28 submissions were received, 22 via the 'Your Say' platform and 5 in writing.
- 23 submissions supported the adoption of the draft Policy, which included 7 submissions supporting the draft Policy with changes.
- Key themes raised by submissions in support of the draft Policy (with changes) included changes to strengthen communication about the grant programs, the provision of greater support of the community through Council's grant programs and better governance of the Northern Beaches Discretionary Fund.
- Three submissions did not support the draft Policy. One stated Council should cut spending to reduce taxes (rates). The second objected to the extension of the draft Policy to cover financial assistance to social service organisations and the potential loss of funding. The third was concerned about the lack of detail on the funding agreement which may result in additional administrative burden.
- Two other submissions were neutral noting that there was not sufficient information provided to see what had changed.

An analysis of the submissions along with staff responses to the issues raised is in the Community Engagement Report at Attachment 5.

In response to submissions, amendments are proposed to the draft Policy. These are highlighted in tracked changes for ease of reference at Attachment 4.

The first relates to the title of the Policy. The current Policy is titled Community Grants and Partnerships Policy. As part of the review of the Policy the title was amended in the draft to Grant Programs (Financial Assistance) Policy to align more closely with the wording in section 356 of the *Local Government Act 1993* which specifically refers to financial assistance. The change in title has been raised in a submission and to ensure the policy is accessible and easily understood it is recommended the title be amended to read Grants and Partnerships (Financial Assistance) Policy.

The second relates to a submission which supported the draft Policy but noted it is important for unsuccessful grant applicants to receive timely feedback. The draft Policy currently discusses feedback in the *Principle on Good Governance* - "We will ensure there are systems and opportunities to support applicants and provide feedback". It is proposed that this section be strengthened in the draft Policy at Attachment 4 to include the word timely and by also adding in a time commitment. This section now reads:

"We will ensure there are systems and opportunities to support applicants and provide timely feedback. We will endeavor to provide feedback within 10 working days of a request for feedback being received."

The final proposed change relates to financial assistance grants to community libraries, social services organisations and surf clubs and whether the allocation of funding to organisations is determined by Council resolution or by staff under delegation. It is proposed that the policy be amended to clarify that the allocation of funding will be determined by Council resolution, with the addition of the following sentence in the policy:

The allocation of funding to organisations for the financial assistance program will be determined through a Council resolution.

The draft Policy once adopted will guide the provision of financial assistance by Council to the community under the guidelines for each grant program. It will replace the existing Community Grants and Partnership Policy (title changed as part of reviewing the policy) which only deals with financial assistance provided under competitive grant programs.

CONSULTATION

Council encourages involvement by the community in developing and reviewing its policies.

The draft Grants and Partnerships (Financial Assistance) Policy was placed on public exhibition for a period of 28 days in February 2024. It was published on Council's website via the 'Have Your Say' platform, with information provided in an accessible and easy to read format, with the project page receiving 482 visits.

The draft Policy was promoted through Council's regular email newsletter (EDM) channels throughout the 28-day exhibition period as well as emails to local State and Federal Members of Parliament, Northern Beaches' five local business chambers, agencies in the Community Development network, and 1,141 previous grant applicants.

A further round of targeted engagement was undertaken for surf clubs, community libraries and social services organisations that currently receive financial assistance. This involved emailing these organisations directly and inviting submissions between 12 April and 30 April 2024.

FINANCIAL CONSIDERATIONS

The recommendations of this report do not result in any change to the existing Council budget. Funding for individual grant programs is allocated as part of the annual budget process and is part of Council's Operational Plan. The process of allocating funding is independent of the Policy.

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.

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 environmental impacts to consider in respect of policies which are proposed to be revoked as the policy impact areas will continue to be addressed through existing operational guidance or relevant legislation.

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	2024/268065
Attachments	<ul style="list-style-type: none"> ⇒1 Storage of Watercraft on Council Foreshores Policy (Northern Beaches) (Included In Attachments Booklet) ⇒2 Temporary Storage on Council Land (Pittwater) (Included In Attachments Booklet) ⇒3 Smoke Free Zones Policy (Included In Attachments Booklet) ⇒4 Draft Grants and Partnerships (Financial Assistance) Policy (Included In Attachments Booklet) ⇒5 Community and Stakeholder Engagement Report (Included In Attachments Booklet)

ITEM 9.3 MONTHLY INVESTMENT REPORT - MARCH 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 March 2024, Council had total cash and investments of \$202,989,895 comprising:

Trading Accounts	\$2,875,336
Investments	\$200,114,559

- The portfolio achieved a return of 0.438% for the month of March, which was 0.068% above the benchmark AusBond Bank Bill Index return of 0.37%.
- The weighted average interest rate of the portfolio at month end is 5.13%, unchanged from the prior month's rate of 5.13%.

Total investment income for March was \$941,584 compared to budgeted income for the month of \$503,025. Year to date income is \$7,931,996 compared to budget of \$4,900,027 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 March 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

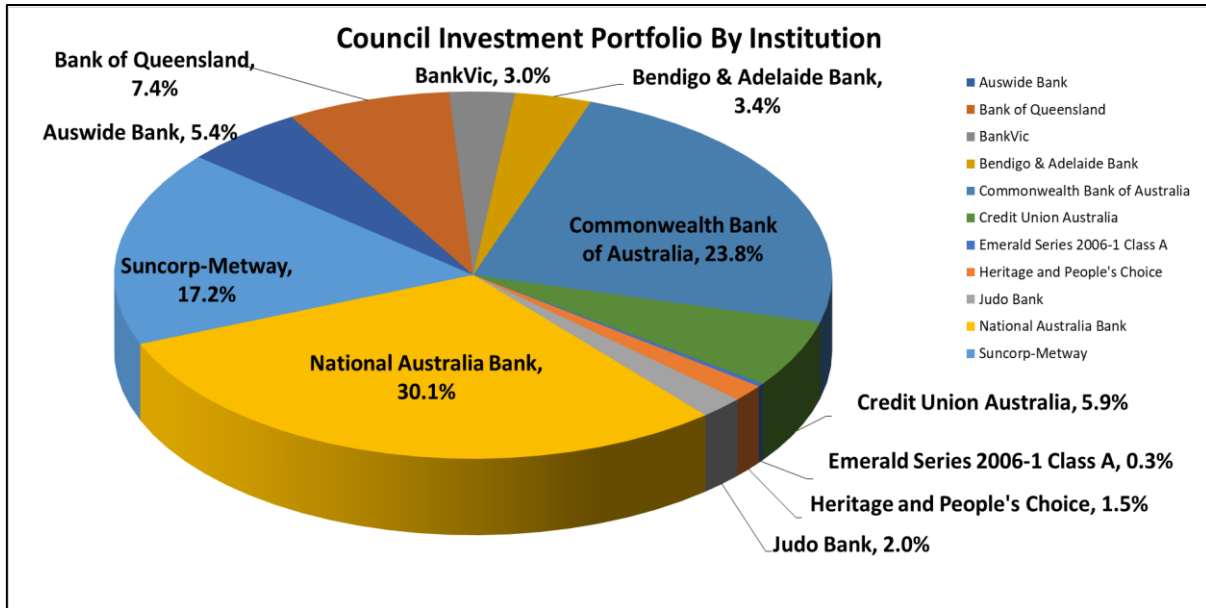
INVESTMENT BALANCES					
As at 31-Mar-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,437,291			4.40%
National Australia Bank Ltd	A1+	5,707			4.35%
		1,442,998			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	4,171,133		At Call	4.40%
		4,171,133			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	582,668	17-Jul-06	21-Aug-51	4.7826%
		582,668			
Term Deposits					
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%
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-Sep-23	25-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	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%

ITEM 9.3 NORTHERN BEACHES COUNCIL MEETING - 28 MAY 2024

INVESTMENT BALANCES					
As at 31-Mar-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
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	01-Feb-24	08-Oct-24	5.14%
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	2,000,000	01-Feb-24	17-Oct-24	5.14%
Suncorp-Metway Ltd	A1	3,000,000	30-Jan-24	22-Oct-24	5.18%
Suncorp-Metway Ltd	A1	2,000,000	08-Feb-24	22-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	08-Feb-24	24-Oct-24	5.20%
Bank of Queensland Ltd	A2	2,000,000	22-Feb-24	29-Oct-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	22-Feb-24	31-Oct-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	13-Feb-24	05-Nov-24	5.15%
Bank of Queensland Ltd	A2	1,000,000	22-Feb-24	05-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	27-Feb-24	07-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	27-Feb-24	12-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	14-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	27-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	21-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	26-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	29-Feb-24	03-Dec-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	05-Dec-24	5.10%
Suncorp-Metway Ltd	A1	2,000,000	07-Mar-24	10-Dec-24	5.17%
Suncorp-Metway Ltd	A1	2,000,000	07-Mar-24	12-Dec-24	5.17%
Suncorp-Metway Ltd	A1	3,000,000	07-Mar-24	17-Dec-24	5.17%
		174,000,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,432,338			4.30%
		1,432,338			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	958,930		At Call	4.40%
Commonwealth Bank of Australia Ltd	A1+	1,305,472		At Call	4.40%
		2,264,402			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	1,000,000	15-Jan-24	15-Apr-24	4.83%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Mar-24	06-May-24	4.58%
Commonwealth Bank of Australia Ltd	A1+	16,096,356	28-Aug-23	28-Aug-24	5.41%
		19,096,356			
Total Cash and Investments		202,989,895			

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

Portfolio Analysis



Institutional Credit Framework – Compliance with Investment Policy Requirements

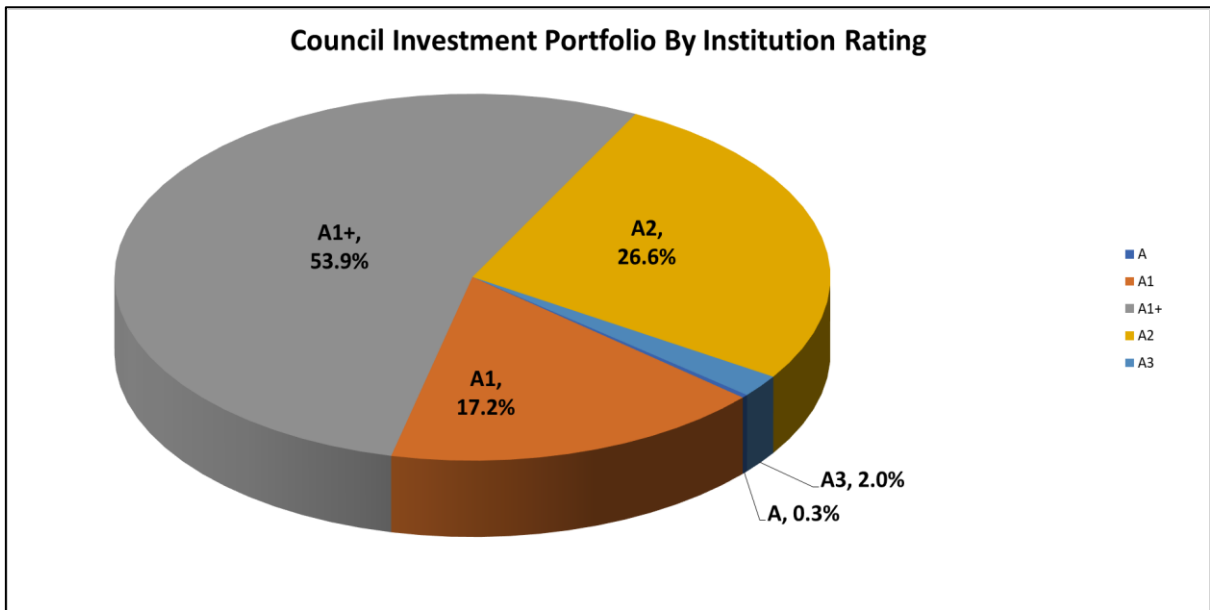
Clause 4.2.2 of Council’s Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

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

* Or Moody’s / Fitch equivalents

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

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



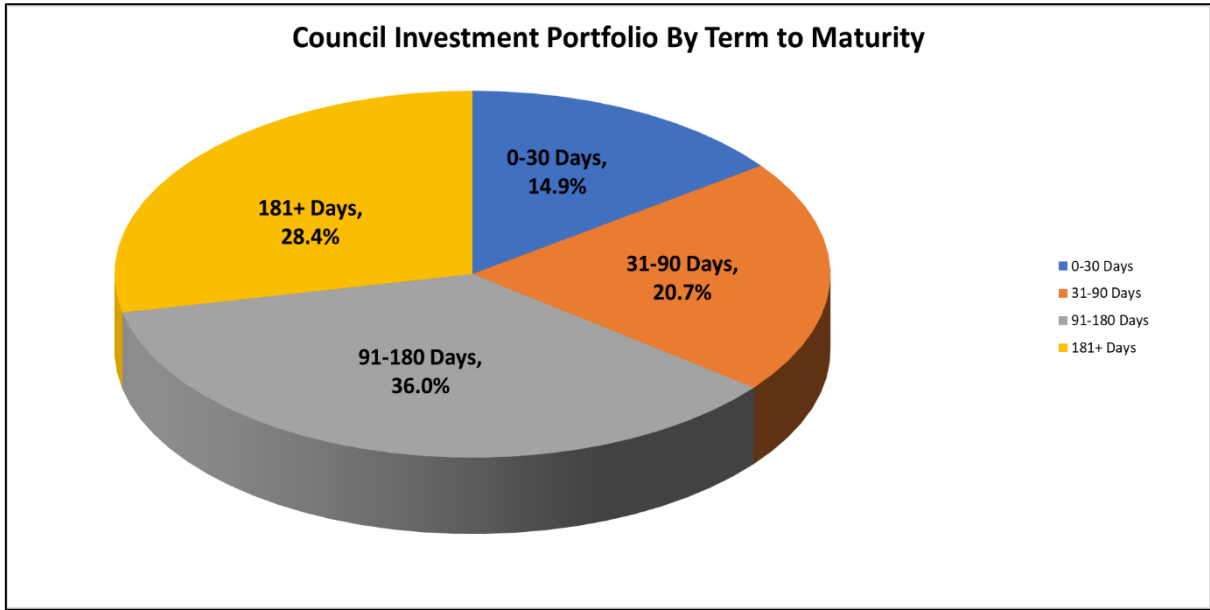
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

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

* Or Moody’s / Fitch equivalents

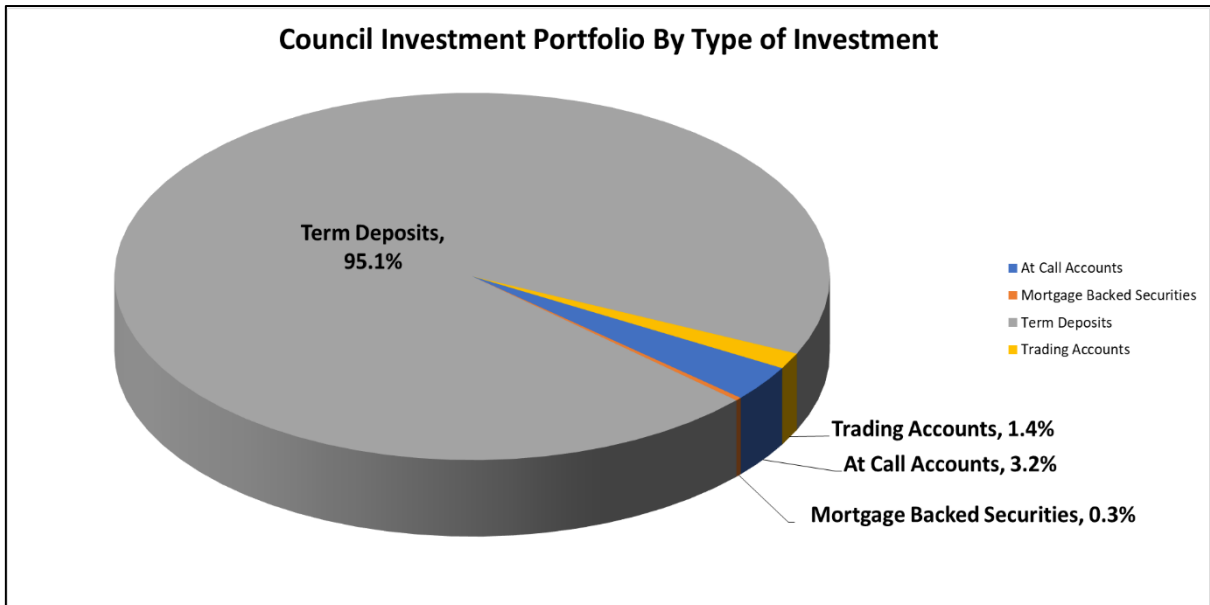
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



Term to Maturity Framework – Compliance with Investment Policy Requirements

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

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



Investment Performance vs Benchmark

a) Portfolio Return vs Benchmark

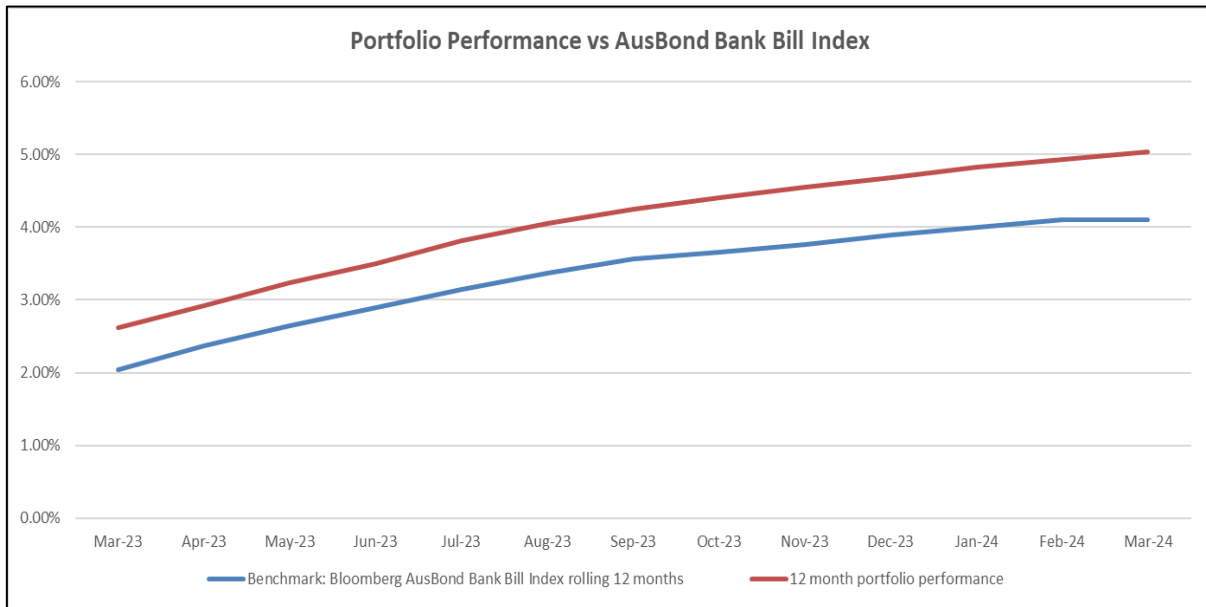
	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 Month	0.438%	0.37%
3 Months	1.297%	1.09%
FYTD	3.879%	3.26%
12 Months	5.032%	4.19%

* 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 0.438% for the month of March which was 0.068% above the benchmark AusBond Bank Bill Index return of 0.37%. For the past 12 months the portfolio achieved a return of 5.032% which was 0.842% above the benchmark AusBond Bank Bill Index return of 4.19%.



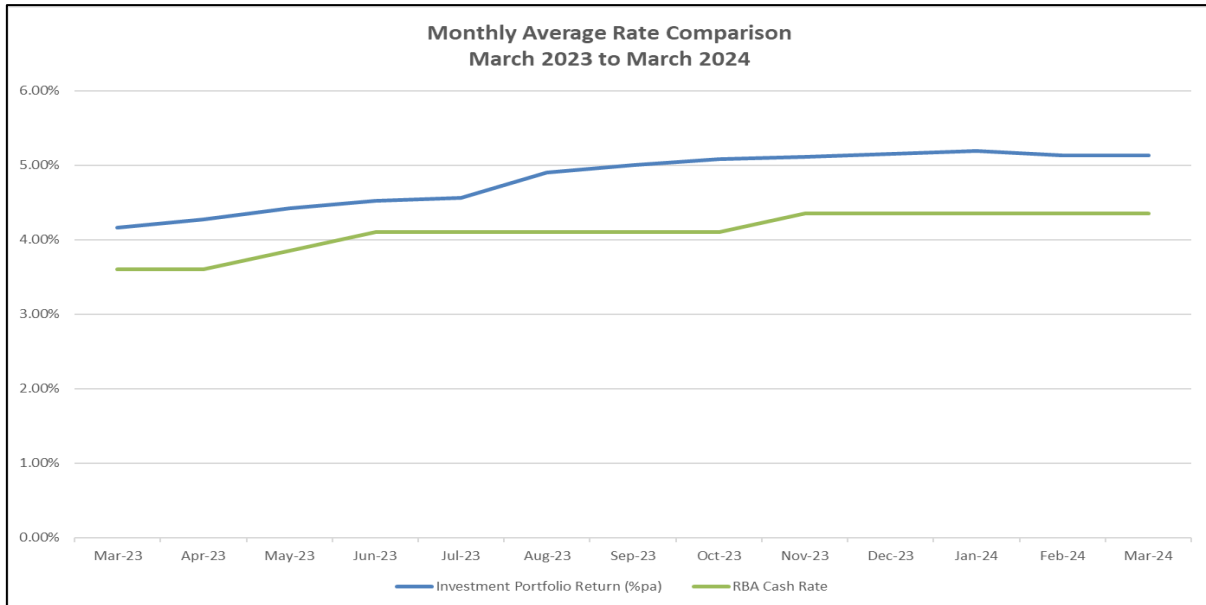
b) Portfolio Interest Rate vs Benchmark

	Weighted Average Portfolio Interest Rate (%pa) *	Average RBA Cash Rate
1 Month	5.13%	4.35%
3 Months	5.15%	4.35%
6 Months	5.13%	4.31%
FYTD	5.03%	4.24%
12 Months	4.87%	4.14%

* 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 5.13%, unchanged from the prior month's rate of 5.13%. For the past 12 months the weighted average interest rate of the portfolio was 4.87% compared to the average Reserve Bank of Australia Cash Rate of 4.14%.

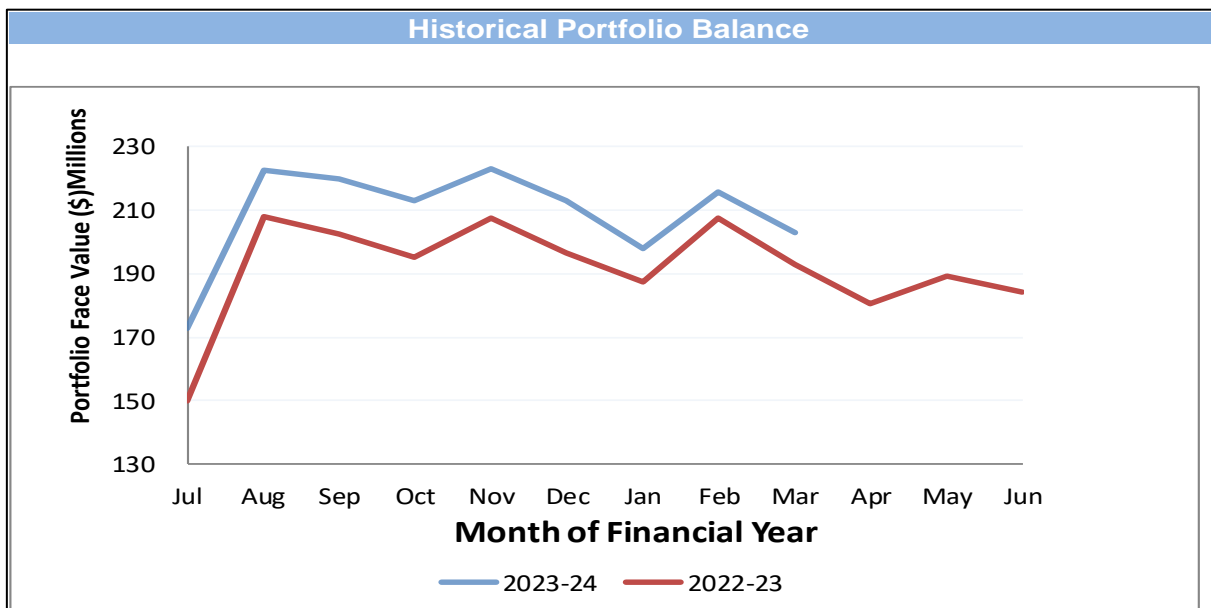


Monthly Investment Income* vs Budget

	Mar 2024 \$	Year to Date \$
Investment Income	941,585	7,908,044
Adjustment for Fair Value	(1)	23,952
Total Investment Income	941,584	7,931,996
Budgeted Income	503,025	4,900,027

* 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	215,827,161	207,336,465
Mar	202,989,895	192,847,150
Apr		180,536,376
May		188,995,234
Jun		184,295,641
Average Portfolio Balance	209,060,608	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 February 2024 total cash and investments were \$215,827,161 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	59,247,696	27.45%
Internally Restricted	86,041,868	39.87%
Total Restricted	145,289,564	67.32%
Unrestricted	70,537,597	32.68%
Total	215,827,161	100.00%

ECONOMIC NOTES

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

The rally in risk assets continued strongly again in March with almost all major share and credit markets making gains. Economic indicators released in March in the US and Australia were mostly quite firm reducing the likelihood of recession soon. Inflation has fallen in most regions, but progress is showing signs of stalling and firmer economic readings imply that central banks still have work to do to get inflation back to their targets.

Government bond yields edged a little lower in March amid hope that most major central banks will start to cut interest rates from the middle of this year. The increasing risk is that rate-cutting hopes may be dashed if growth stays strong enough to underpin inflation at levels above the central bank's targets.

Major share markets performed strongly in March with several, including the US S&P 500 and Australia's ASX 200 making record highs during the month. Performances ranged from flat performance (0.0% change) for China's CSE to a 4.6% gain for Germany's DAX. The US S&P 500 rose by 3.1% while Australia's ASX 200 rose by 2.6% and at one stage traded above 7,900 for the first time.

The strong performance by share markets was again reflected in rallying credit markets. While concerns remain about weak US commercial real estate and regional banks there is also a belief that the banking authorities including the Federal Reserve can and probably will use bespoke initiatives to support the balance sheets of banks that may experience difficulties. Also, while inflation is not back to the Federal Reserve's target, it is low enough to provide some leeway to deploy lower interest rates to help deal with any financial crisis that may arise.

In Australia, households and businesses are under pressure from comparatively high interest rates but continue to cope better than might have been expected given predominantly floating interest rates on borrowings and a high household debt burden by international comparison. High and rising house prices mean that the still small cohort of households defaulting on home loans are not making losses on home sales.

Also, strong employment growth, low unemployment and rising wages allow most households to cope with higher interest rates, even though they are not happy about them. Narrowing Australian credit spreads may continue while the economy remains out of recession. Economic releases in March indicate that the risk of recession in Australia has lessened.

Government bond markets in March rallied a touch and traded on the premise that rate cuts are approaching in the US from the middle of this year and in Australia late this year. These expectations of rate cuts approaching seemed to be fanned by official comments from both the Federal Reserve and the RBA at their respective March policy meetings. Both of those policy meetings left official interest rates unchanged at 5.50% for the US funds rate and 4.35% for the Australian cash rate but there were indications that rates could be cut this year if progress continued reducing inflation towards the Federal Reserve's target of 2% and the RBA's 2-3% target range. Both central banks seemed less hawkish, allowing government bonds to rally a touch.

Australian bonds rallied a little more than their US counterparts with the 2-year bond yield down by 4bps to 3.75% and the 10-year bond yield down by 17bps to 3.96%. The small March rallies in both bond markets seem at risk of retracing in April mostly because data releases in both the US and Australia since the Federal Reserve's and RBA's March interest rate setting meetings have taken a stronger turn that could limit progress reducing inflation in the months ahead.

In the US recent releases of upwardly revised Q4 GDP (3.4% annualised growth from 3.2%), a stronger Q1 2024 GDP tracker from the Atlanta Fed (now 2.8% annualised), strong February personal spending, up 0.8% m-o-m, and the March ISM manufacturing purchasing managers' index breaking above 50 (50.3 from 47.8 in February) all point to strength in the US economy consolidating. All the February inflation readings in the US released in March point to annual inflation being sticky at 3.2% y-o-y for the February CPI and 2.8% y-o-y for the personal consumption expenditure price deflator. If these strong growth/sticky inflation readings persist it is unlikely that the Fed will be able to start cutting rates in June as the US bond market is hoping.

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2023 to date was \$7,931,996 compared to budgeted income of \$4,900,027, a positive variance of \$3,031,969 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	2024/268102
Attachments	Nil

ITEM 9.4 QUARTERLY REVIEW - MARCH 2024

PURPOSE

The purpose of this report is to present financial and service performance results for the period ended 31 March 2024 and provide a progress report on the expenditure from the \$36.1 million Stronger Communities Fund (SCF) provided by the NSW Government.

EXECUTIVE SUMMARY

- The operating result (including capital grants and contributions) for the financial year is forecast to increase by \$0.022 million to a surplus of \$32.0 million.
- The operating result (excluding capital grants and contributions) for the financial year is forecast to increase by \$2.9 million to a surplus of \$5.0 million which would be an underlying deficit of \$2.9 million if restrictions are removed.
- Strengthening the underlying position in the future is essential to addressing long-term financial sustainability concerns and is explored in the draft Long-Term Financial Plan 2024-2034 which is currently on public exhibition.
- Capital expenditure is forecast to decrease by \$8.7 million to \$79.8 million for the full financial year, primarily due to the rephasing of projects into the 2024/25 financial year.
- Of the 171 actions relating to operational and capital projects in Council's 2023/24 Operational Plan, the majority (83%) are progressing on schedule including 26 completed, while 82% of the 38 performance measures have met or approached their targets.
- Work is continuing on Council's remaining SCF projects (being Wakehurst Parkway flood mitigation and Connecting Northern Beaches Coast Walk pathway).

RECOMMENDATION

That Council:

1. Note the Quarterly Report on Service Performance for the period ended March 2024.
2. Note the March 2024 Quarterly Budget Review Statement.
3. Approve the changes to the Current Forecast in the March 2024 Quarterly Budget Review Statement, including:
 - a. an increase in the forecast surplus from continuing operations, which includes capital grants and contributions, of \$0.022 million to \$32.038 million.
 - b. a decrease in Capital Expenditure of \$8.735 million to \$79.793 million.
4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended March 2024.

BACKGROUND

Northern Beaches Council’s Operational Plan 2023/24 was adopted on 27 June 2023. The Operational Plan is for the period 1 July 2023 to 30 June 2024.

The Quarterly Budget Review Statement is a regular progress report against the Operational Plan 2023/24. It has been prepared in accordance with the requirements of the Local Government (General) Regulation 2021 (section 203) and essential element 4.9 of the Integrated Planning and Reporting Guidelines (September 2021), namely that the Responsible Accounting Officer report quarterly on a budget review statement and the Chief Executive Officer report at least every 6 months on the principal activities.

The Quarterly Budget Review Statement provides reporting to adequately disclose Council’s overall financial position as well as provide sufficient information to enable informed decision making while ensuring transparency.

The Quarterly Report on Service Performance discloses the progress of key services in the delivery of projects and against performance measures.

This report includes updates for the period ended 31 March 2024 on:

- service performance
- financial performance and position, contracts and recommended changes to the budget
- the outcomes delivered from the \$36.1 million Stronger Communities Fund.

DISCUSSION

Overview of service performance

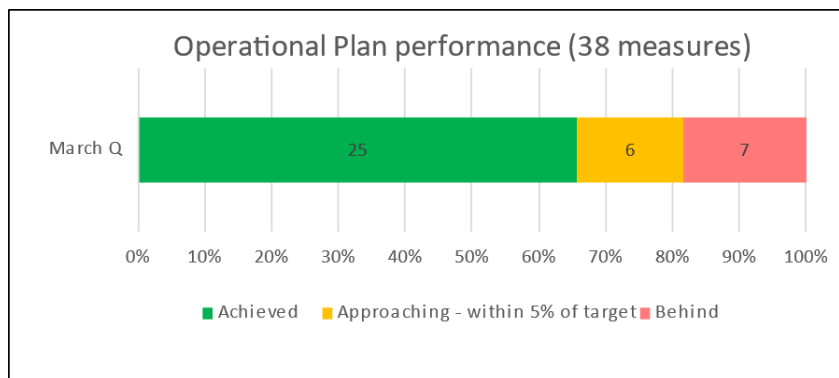
A report on Council’s service performance is provided at Attachment 1. This is a comprehensive report on Council’s 171 operational and capital projects, 38 service performance measures, 12 workload measures and service highlights across our 16 key services.

Council is making good progress towards achieving its performance targets and delivering operational and capital projects.

A summary of our performance is outlined below.

Performance measures

Overall 82% of Council’s 38 performance measures met or were approaching the target. Of measures that are behind this was mainly due to availability of staff resources, impacts of the summer holiday period and review of or changes to procedures to ensure safety and that programs remain fit for purpose.

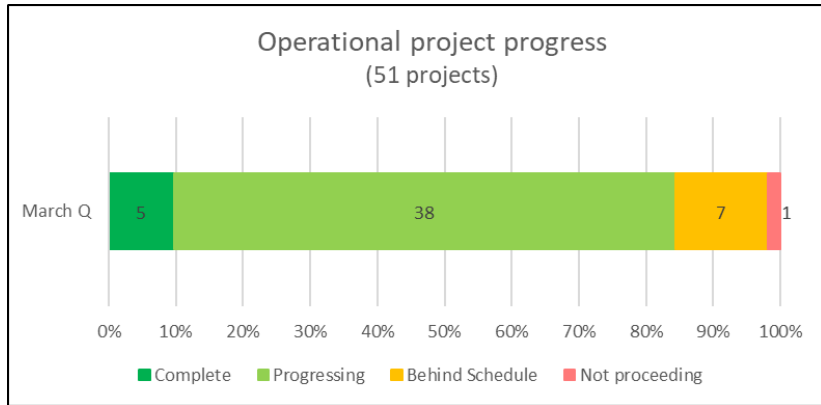


Operational project progress

Of the 51 operational projects, 84% are complete or progressing on schedule.

Of the 7 projects behind schedule, 5 are due to delays caused by third-party issues and the remaining 2 relate to resources being committed to other projects.

Target: 80% complete/on schedule as at 30 June 2024



Of the projects completed, two were finalised in this quarter – the Youth Voice Grants Program was implemented, and the service review of roads maintenance was completed.

One project is not proceeding this year – Undertake a service review of Customer Services. The Customer Service team has been recently restructured. Additional time is required for the outcomes of the restructure to be clear, prior to commencement of a service review.

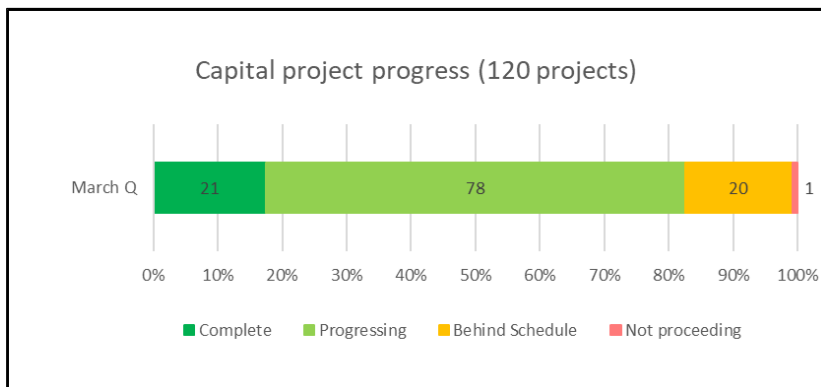
Capital project progress

Of the 120 capital projects, 83% are complete or progressing on schedule.

Of the 20 projects behind schedule, 8 are due to third-party issues, 4 had extended community engagement, 4 have been rephased to optimise the timing of the works, 2 were due to resourcing, one project has increased in complexity and one has been adjusted as the cost of the works exceeds the budget.

One project is not proceeding this year – Creative Arts Space, Mona Vale Design Works. A report regarding planning is complete and will go to Council for consideration. The capital works will be revisited in the 2024/25 financial year, following Council’s review of the report.

Target: 80% complete/on schedule as at 30 June 2024



Of the 21 projects complete, 8 were completed this quarter:

- Church Point commuter wharf expansion
- Triangle Park North - Dee Why Town Centre
- Kimbriki future cell development
- Triangle Park North - Dee Why Town Centre
- Kimbriki future cell development
- Warringah Aquatic Centre renewal works
- Pittwater Golf Driving Range, Warriewood renewal works
- Warriewood Creepline works

Stronger Communities Fund (SCF)

Attachment 3 outlines the progress of projects funded by the NSW Government's SCF. Work is continuing on the remaining projects being Wakehurst Parkway flood mitigation and Connecting Northern Beaches Coast Walk pathway.

Overview of Financial Performance

Responsible Accounting Officer Budget Review Statement

The following statement is made in accordance with section 203(2) of the Local Government (General) Regulation 2021:

"It is my opinion that the Budget Review Statement for Northern Beaches Council for the period ending 31 March 2024 indicates that Council's projected financial position at 30 June 2024 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure."

David Walsh, Chief Financial Officer, Northern Beaches Council.

Income Statement – progress and forecast changes

The attached Quarterly Budget Review Statement (QBRs) provides an overview of Council's progress against the annual budget at the end of the March 2024 quarter and provides explanations for major variations that result in recommendations for budget changes.

For the 9 months to 31 March 2024, the operating result (including capital grants and contributions) is \$10.0 million ahead of budget.

Income is \$2.3 million more than budget while operating expenditure is \$7.7 million less than budget. Development contribution income and user charges and fees are ahead of budget. Expenditure on the domestic waste service was less than budget due to lower waste disposal costs and expenditure was delayed on some projects, including a number funded by operating grants.

The operating result (including capital grants and contributions) for the financial year is forecast to increase by \$0.02 million to \$32.0 million for the full year. Income is forecast to decrease by \$1.485 million while operating expenses will decrease \$1.506 million (primarily due to the rephasing of a number of capital and operating grant funded projects to future financial years).

The operating result (excluding capital grants and contributions) for the financial year is forecast to increase by \$2.5 million to a \$5.0 million surplus. This is primarily due to re-forecasts for Kimbriki – \$0.6m, Domestic Waste - \$1.2m and road permit and hoarding fees income – \$0.7m.

These overall movements are summarised in the table below, under the 'Recommended Changes' column.

Operating budget as at 31 March 2024 – annual budget and actual result to date summary

\$'000	Annual*				Actual	Year to date		Variance
	ORIGINAL Budget	REVISED Budget	Recommended changes	CURRENT Forecast		YTD Budget		
Income	437,384	436,057	(1,485)	434,572	386,684	384,379	2,305	1%
Operating expenses	(404,689)	(404,041)	1,506	(402,534)	(285,290)	(292,979)	7,689	3%
Surplus / (Deficit)	32,695	32,016	21	32,038	101,394	91,400	9,994	11%
Surplus / (Deficit) before Capital Grants & Contri	406	2,093	2,871	4,965	82,207	72,578	9,629	13%

* Original Budget (adopted June 2023), Revised Budget (adopted February 2024 through the December Quarterly Review), Current Forecast (proposed for adoption in this report)

Attachment 2 'Quarterly Budget Review Statement - March 2024' provides further information on the proposed variations to the budget.

Income Year to Date (YTD) Analysis

Total income at the end of March 2024 is \$386.7 million which is \$2.3 million above the forecast. The principal reasons for this variance are outlined in the following table.

Income as at 31 March 2024 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
(149)	Rates and Annual Charges
1,667	User Charges & Fees <ul style="list-style-type: none"> • Stronger than anticipated income: <ul style="list-style-type: none"> ○ Aquatic centres \$0.7m ○ Planning and building regulatory \$0.4m ○ Restoration charges \$0.4m ○ Golf course and driving range \$0.3m ○ Currawong accommodation \$0.1m • Lower than anticipated income: <ul style="list-style-type: none"> ○ Community centres \$0.2m ○ Parking areas \$0.1m
331	Investment Fees and Revenues <ul style="list-style-type: none"> • Higher returns on investments
1,215	Other Revenue <ul style="list-style-type: none"> • Higher income including: <ul style="list-style-type: none"> ○ Sale of inventory \$0.4m ○ Advertising on Council structures \$0.2m ○ Kimbriki revenue \$0.2m ○ Legal fees recovered \$0.2m ○ Property agreements \$0.1m
(1,531)	Grants and Contributions – Operating Purposes <ul style="list-style-type: none"> • Timing of revenue recognition of grants to match expenditure of funds including Rural Fire Service Local Government Program, accelerated streetlight replacement program, Currawong Environmental project, Collaroy-Narrabeen coastal protection private works.
365	Grants and Contributions – Capital Purposes <ul style="list-style-type: none"> • Development contributions are higher than expected \$2.5m • Timing of revenue recognition of grants to match expenditure of funds including: <ul style="list-style-type: none"> ○ Road Resheeting Program \$0.7m ○ Freshwater beach masterplan \$0.5m ○ New traffic facilities (\$1.2m)

YTD Variance \$'000	Details – Favourable / (Unfavourable)
	<ul style="list-style-type: none"> ○ New footpaths (\$0.8m) ○ Manly Dam boardwalk (\$0.4m) ○ Manly Dam memorial shelter (\$0.3m) ○ South Collaroy Foreshore (\$0.2m)
149	Other Income
258	Gain on disposal of assets <ul style="list-style-type: none"> • Timing of proceeds on sale of plant & equipment
2,305	TOTAL INCOME VARIANCE – YTD ACTUALS WITH YTD BUDGET

Operating Expenses Year to Date (YTD) Analysis

Total operating expenses at the end of March 2024 are \$285.3 million, which is \$7.7 million less than forecast. The principal variances include:

Operating expenses as at 31 March 2024 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
(595)	Employee Benefits and Oncosts Primarily due to higher utilisation of casual staff within Childrens Services and the impact of remeasuring the Employee Leave Entitlements provision within the context of falling Commonwealth bond rates. This was partially offset by vacancies in Transport and Civil Infrastructure, Digital and IT and Environmental Compliance.
93	Borrowing Costs
7,670	Materials and Services <ul style="list-style-type: none"> • Timing of works: <ul style="list-style-type: none"> ○ Accelerated Streetlight replacement (roadwork) \$0.8m ○ IT and communications \$0.6m ○ Environment and floodplain \$0.5m (incl grant funded projects) ○ Recreation and sportsfields \$0.4m ○ Utilities \$0.4m ○ Bush regeneration (RFS Local Govt Program) \$0.2m ○ Land use planning \$0.2m • Lower than anticipated expenditure: <ul style="list-style-type: none"> ○ Waste disposal & processing costs \$2.2m ○ Children's Services agency staff \$0.2m • Higher than anticipated expenditure: <ul style="list-style-type: none"> ○ Golf course and driving range (\$0.1m)
(76)	Depreciation and Amortisation
595	Other Expenses <ul style="list-style-type: none"> • Timing of Collaroy-Narrabeen coastal protection private works \$0.4m

- Lower Waste Levy payable due to lower volumes at Kimbriki \$0.2m

7,689 TOTAL OPERATING EXPENSES VARIANCE - YTD ACTUALS WITH YTD BUDGET

Capital Budget Statement

Capital expenditure is forecast to decrease by \$8.7 million to \$79.8 million, primarily due to the re-phasing of \$10.6 million of project expenditure to the 2024/25 financial year offset by a net increase in capital works of \$1.9 million including projects brought forward from future years of \$1.2m and grant and contributions funded works of \$0.4m.

Capital budget as at 31 March 2024 – annual budget and actual result to date summary

\$'000	Annual*				Year to date			
	ORIGINAL Budget	REVISED Budget	Recommended changes	CURRENT Forecast	Actual	YTD Budget	Variance	
Renewal Works	44,292	49,173	(3,252)	45,921	31,126	32,684	1,557	5%
New Works	57,806	39,355	(5,483)	33,872	18,753	20,599	1,846	9%
Total Capital Expenditure	102,098	88,528	(8,735)	79,793	49,879	53,283	3,403	6%

* Original Budget (adopted June 2023), Revised Budget (adopted February 2024 through the December Quarterly Review), Current Forecast (proposed for adoption in this report)

Proposed variations to the capital expenditure budget are outlined in Attachment 2 'Quarterly Budget Review Statement - March 2024' and include the following projects rephased to future years:

- \$1.0m South Collaroy foreshore renewal - The project is deferred to avoid construction over the busy summer period
- \$1.0m New traffic facilities – Project deferred due to delays in roundabouts and pedestrian crossing works at various locations
- \$1.1m Light Fleet renewal – Rephased to align with anticipated vehicle delivery dates
- \$1.0m Manly Dam boardwalk – Rephased to align with the revised construction schedule
- \$1.0m Frenchs Forest precinct park upgrades – Project behind schedule due to delays in finalising procurement stage.

Capital Expenditure Year to Date (YTD) Analysis

Expenditure on capital works for the 9 months ended 31 March 2024 is \$49.9 million against a year-to-date budget of \$53.3 million.

The principal variances in expenditure versus the year-to-date budget are as follows:

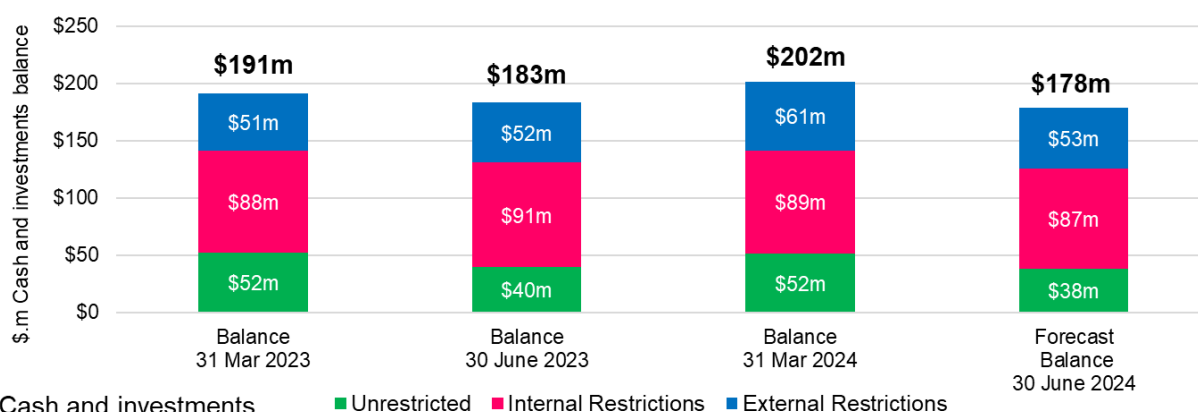
YTD Variance \$'000	Details – Favourable / (Unfavourable) YTD Variance
1,846	Capital Expenditure – New Projects <ul style="list-style-type: none"> • Primarily due to projects behind schedule including new traffic facilities \$0.8m, Church Point new infrastructure \$0.3m, Kimbriki future cell development \$0.3m, Manly Dam memorial shelter \$0.3m, and Manly Life Saving Club \$0.2m.
1,557	Capital Expenditure – Renewal Projects <ul style="list-style-type: none"> • Primarily due to projects behind schedule including major plant renewal \$0.3m, Wharves works program \$0.3m, Sportsfields renewal program \$0.2m, road resheeting program \$0.2m and operational building works program \$0.2m.
3,403	TOTAL CAPITAL EXPENDITURE VARIANCE – YTD ACTUALS WITH YTD BUDGET

Further information on the progress of capital projects is available within Attachment 2 ‘Quarterly Report on Service Performance’.

Cash and Investments

The balance of cash and investments as at 31 March 2024 was \$202 million. The projected balance on 30 June 2024 has been revised to \$178 million, \$16 million higher than the December Review Budget forecast of \$162 million. The increase is primarily due to the proposed rephasing of expenditure to the 2024/25 financial year, new grants and contributions including the increase in development contributions.

Cash and investments – as at 31 March 2024



Further information is available on cash and investments within Attachment 2 ‘Quarterly Budget Review Statement - March 2024’ to this report.

Financial Performance Measures

The financial performance measures indicate that Council will meet the following Office of Local Government benchmarks.

\$ '000	Forecast result 30/6/2024	Forecast indicator 30/6/2024	Benchmark
1. Operating Performance			
Total continuing operating revenue ¹ excluding capital grants and contributions less operating expenses	4,620	1.14%	✓ >0%
Total continuing operating revenue ¹ excluding capital grants and contributions	407,075		
¹ Excludes fair value adjustments, reversal of revaluation decrements and net gain on sale of assets.			
This ratio measures Council’s achievement of containing operating expenditure within operating revenue. It is important to distinguish that this ratio focuses on operating performance and hence capital grants and contributions, fair value adjustments, net gain on sale of assets and reversal of revaluation decrements are excluded.			
For the 2023/24 financial year, the forecast result is above the benchmark, and has improved from the 0.44% forecast in the December 2023 Quarterly Budget Review due to the improvement in the operating result. The ratio is impacted by the early payment of the 2023/24 Financial Assistance Grant in the 2022/23 financial year along with costs for the replacement of the Council’s core operating system.			
\$ '000	Forecast result 30/6/2024	Forecast indicator 30/6/2024	Benchmark
2. Unrestricted Current Ratio			
Current assets less all external restrictions	142,831	1.93x	✓ >1.5x
Current liabilities less specific purpose liabilities	73,990		
The Unrestricted Current Ratio is specific to local government and is designed to represent a Council’s ability to meet short term obligations as they fall due. Restrictions placed on various funding sources (e.g.,			

development contributions and domestic waste income) complicate the traditional current ratio used to assess liquidity of businesses as cash allocated to specific projects is restricted and cannot be used to meet a Council's other operating and borrowing costs – these funding sources are removed from this ratio.

For the 2023/24 financial year, the forecast result will continue to meet the benchmark. The ratio has slightly reduced from the 1.99x forecast in the December 2023 Quarterly Budget Review as the expenditure of some grant liabilities and externally restricted reserve funded works has been rephased to the next financial year.

TIMING

The Quarterly Budget Review Statement meets the requirements of the *Local Government Act 1993* and Local Government (General) Regulation 2021 (section 203), namely that Council report quarterly on a budget review statement, and at least every 6 months on the principal activities of its Operational Plan.

FINANCIAL CONSIDERATIONS

The operating surplus (which includes capital grants and contributions) for the financial year is forecast to slightly increase by \$0.022 million to a surplus of \$32.0 million. Excluding capital grants and contributions the result for the year is forecast to improve by \$2.9 million, from a surplus of \$2.1 million, to a surplus of \$5.0 million.

There are several restrictions on funds within the operating result. When these are removed, the underlying operating result is forecast to be a deficit of \$2.9 million (a \$0.7 million improvement on the last forecast of a \$3.6 million deficit).

	<u>\$m</u>
Underlying result	
Surplus / (deficit) excluding capital grants and contributions	5.0
Less:	
Interest on restricted Council funds	(3.7)
Domestic Waste	(3.0)
Stormwater Charge net opex	(1.8)
Special Rates	(0.3)
Externally restricted grants (net)	0.6
Kimbriki (less dividend)	(1.3)
Mona Vale Cemetery	-
Gain on the disposal of assets	(0.4)
Financial assistance grant advance payment (net)	5.0
Recovery of natural disaster expenditure in prior year	(1.0)
Enterprise Resource Planning system replacement and digital parking permits projects - rephase to 2024/25	(2.0)
Underlying surplus / (deficit) excluding capital grants and contributions	(2.9)

Capital expenditure is forecast to decrease by \$8.7 million to \$79.8 million, primarily due the proposed rollover of projects into the 2024/25 financial year.

Council's budget remains balanced and is expected to meet all financial and asset performance benchmarks this financial year, with the exception of the Asset Maintenance Ratio which is forecast to be 99.6% (compared to the benchmark of greater than 100%). The Operating Performance Ratio is weak due to the low operating surplus forecast and an underlying deficit remains. Strengthening this position in the future is explored in the Long-Term Financial Plan.

GOVERNANCE AND RISK CONSIDERATIONS

The Quarterly Budget Review Statement meets the statutory reporting requirements for progress at the end of the quarter i.e. implementation of the Operational Plan and Council's overall financial

position. It is provided to enable informed decision making while also ensuring transparency on Council’s governance.

ENVIRONMENTAL CONSIDERATIONS

The report provides progress on implementing the Operational Plan which includes a range of projects to protect and enhance our natural environment including by managing our coast, bush and biodiversity; implementing catchment management initiatives; and a variety of on-ground works and education in our urban and natural settings.

SOCIAL CONSIDERATIONS

The report discloses progress on implementing the Operational Plan. This includes the continued delivery of services and capital works that support our community and economy. These initiatives will have a positive social and economic impact on the community.

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	Financial Planning & Systems
TRIM file ref	2024/322338
Attachments	<ul style="list-style-type: none"> ⇒1 Quarterly Report on Service Performance - March 2024 (Included In Attachments Booklet) ⇒2 Quarterly Budget Review Statement - March 2024 (Included In Attachments Booklet) ⇒3 Stronger Communities Funds - March 2024 (Included In Attachments Booklet)

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1 STATE HERITAGE REGISTER LISTING OF THE WARRINGAH CIVIC CENTRE

PURPOSE

The purpose of this report is to advise Council of the Heritage Council of NSW's notice of intention to consider listing the Warringah Civic Centre Precinct on the State Heritage Register and subsequent commencement of the formal public exhibition, and to seek a Council position on the proposal.

EXECUTIVE SUMMARY

- In May 2016, Heritage NSW informed Northern Beaches Council of the nomination and its intention to proceed with the State Heritage Listing process for the Warringah Civic Centre Precinct as recognition of its significant example of 20th century civic design and its harmonious integration with the rugged bushland site.
- Council formally requested that the then Minister responsible for Heritage, the Hon Don Harwin MLC not proceed with the State Heritage Listing nomination until Heritage NSW held formal discussions with Northern Beaches Councillors.
- On 28 March 2024, the Minister for Heritage, the Hon Penny Sharpe MLC formally refused the listing due to the extended timeframe since the original Heritage Council of NSW resolution to nominate the Warringah Civic Centre Precinct and directed Heritage NSW to reconsider the matter.
- Council staff, in discussions with Heritage NSW, have sought a reduction in the original proposed heritage curtilage to ensure insignificant buildings and community car parking areas are excluded from the proposed listing. Heritage NSW supports the revised curtilage.
- On 7 May 2024, the Heritage Council of NSW resolved to proceed with the State Heritage assessment and gave notice of its intention to list the item on the State Heritage Register, with the matter on public exhibition until 23 May 2024. Council has been granted an extension to 31 May 2024 to make a formal Council-endorsed submission.

RECOMMENDATION

That Council:

1. Acknowledge the Heritage Council of NSW resolution of 7 May 2024 to give notice of its intention to consider listing Warringah Civic Centre Precinct on the State Heritage Register and commencement of public exhibition.
2. Write to the Minister for Heritage, the Hon Penny Sharpe MLC requesting a meeting to discuss the notice of intention to list Warringah Civic Centre Precinct on the State Heritage Register and advise that an informed Council decision on the proposal will not be made until after the meeting has occurred.

BACKGROUND

The Warringah Civic Centre was first nominated by the Australian Institute of Architects (AIA) as part of the Warringah Community Based Heritage Study Review (the Review) in May 2011. The nomination was assessed, and the Review recommended that the Warringah Civic Centre be listed in Warringah Local Environmental Plan 2011 as a local heritage item. Warringah Council did not proceed with the listing of the Warringah Civic Centre in the LEP; however, the Civic Centre landscaping is listed as a local heritage item (Item number 1137) and the heritage curtilage of the Dee Why Public Library which is also a local heritage item (item number 150).

In March 2015, the NSW Heritage Council received a nomination to list the Warringah Civic Centre and Library Precinct on the State Heritage Register (the nomination) in recognition of its significant example of 20th century civic design and its harmonious integration with the rugged bushland site. In addition, the landscape component of the Warringah Civic Centre Precinct (the Precinct) is also considered significant. The landscape was designed by distinguished architects Colin Madigan and Christopher Kringas in conjunction with Bruce Mackenzie, a leading figure in the establishment of landscape design in Australia. The Precinct represents Mackenzie's innovative ideas of preserving and using remnant bushland with its native flora and landscape elements.

The NSW Heritage Council, in May 2016, informed Northern Beaches Council of its intention to proceed with the listing (the Notice of Intention). Discussions between Council staff and NSW Heritage followed, focusing on the process and potential exemptions from future Heritage Approvals. Council staff raised concerns with the extent of the original heritage curtilage proposed as it covered the entire precinct which incorporated insignificant outbuildings and community car parking areas that were not associated with the original design of the Civic Centre or contribute to its heritage significance.

Subsequent discussions between Council's property team, heritage staff, and Heritage NSW led to a reduction in the curtilage to only cover significant components of the precinct. The original proposed heritage curtilage is shown in Map 1 and the revised heritage curtilage is shown in Map 2 below.



Map 1 Original Heritage Curtilage

Heritage Council of New South Wales



State Heritage Register - Proposed Curtilage for Investigation:
 Warringah Civic Centre and Precinct
 725 Pittwater Road, Dee Why. Plan: 2772

0 10 20 40
 Meters

Scale: 1:1,000 @A4

Datum/Projection: GCS GDA 1994

Date: 20/07/2022



Legend

- Proposed Curtilage
- SHR Curtilage
- LGAs
- Suburbs
- Land Parcels

Map 2 - Revised Heritage Curtilage

The timing of the first Notice of Intention coincided with the early phase of Council amalgamation in which Council was under an administrator. On this basis the Council formally requested that the then Minister responsible for Heritage, the Hon. Don Harwin MLC, not proceed with the nomination

until Heritage NSW formally presented the proposal to Northern Beaches councillors and sought their opinion. Unfortunately, COVID-19 lockdowns and restrictions were in place in relation to face-to-face meetings and this delayed attempts to schedule presentation meetings between Council and Heritage NSW in June 2020 and May 2021. An online briefing with Councillors and Heritage NSW was finally held on 6 April 2022, with varied opinions on the proposed listing expressed by Councillors.

Given the time elapsed since the original assessment and resolution of the Heritage Council to list the Warringah Civic Centre Precinct, the Minister for Heritage, the Hon. Penny Sharpe MLC refused the listing on 28 March 2024 (Attachment 1) and directed the Heritage Council to reconsider the matter. Following the Minister's decision, the Mayor requested a meeting (Attachment 4) with the Minister for Heritage and her staff to discuss the decision and its potential impacts (letter dated 10 April 2024) The meeting has not yet been held.

The Heritage Council, at its meeting of 7 May 2024, resolved to proceed with the assessment of listing Warringah Civic Centre Precinct, incorporating a revised curtilage, and gave notice of its intention to list the item onto the State Heritage Register (new Notice of Intention). The Heritage Council of NSW proceeded with the formal advertising of the new Notice of Intention (Attachment 2) which commenced on the 8 May 2024, with submissions closing on 23 May 2024. Council has been granted an extension to enable consideration by the elected Council at the 28 May Council meeting.

DISCUSSION

The proposed listing of the Precinct, in accordance with the new Notice of Intention, incorporates a revised curtilage as suggested by Council staff and shown in Map 2.

The Heritage Council of NSW has developed seven criteria to establish if an item is of State significance. To be considered for State Heritage listing an item must meet at least two of the seven criteria. The seven criteria are:

1. an item is important in the course, or pattern, of NSW's cultural or natural history
2. an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history
3. an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW
4. an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons
5. an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history
6. an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history
7. an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments.

The significance of the Warringah Civic Centre Precinct assessed against the Heritage NSW criteria is outlined below. Council's heritage staff have reviewed the assessment of heritage significance and supporting documentation and recognise the merits of State listing.

Concerns raised in the past with the first nomination in 2017, from a property/landowner's perspective, related to the extent of the proposed heritage curtilage, which included the entire area of Lot 100, DP1041823. The original curtilage would have unnecessarily complicated any future redevelopment of the Warringah Civic Centre Precinct.

Following discussions between council staff and NSW Heritage, the proposed curtilage has been substantially reduced as detailed in Map 2. The revised, smaller curtilage excludes areas identified for potential, future redevelopment in existing masterplans.

Site specific exemptions for the Warringah Civic Centre Precinct

If the Warringah Civic Centre Precinct is listed as an Item on the State Heritage Register, NSW Heritage are proposing that a list of works and activities would be prescribed to be 'exempt' from requiring approvals from the NSW Heritage Office.

A list of 26 site-specific exemptions (Attachment 3) was prepared in 2017. The site-specific exemptions allow a variety of works to be undertaken without consent. These works allow for the on-going maintenance and management of the Precinct, permit emergency repairs and damage controls to be implemented, and office related fit outs, reconfiguration and internal uses to be undertaken. Table 1 provides some examples of the site-specific exemptions.

More discussions on the exemption are required and should be finalised before Council, as the owner of the Civic Centre determines a final position on the proposed State Listing, given potential financial implications.

It is recommended that a Council meet with the Minister for Heritage, Hon Penny Sharpe MLC and Heritage NSW to better understand the benefits and impacts of State listing, before an informed decision on the proposed listing of Warringah Civic Centre on the State Heritage Register can be made.

Exemption	Reason/Comment
Works and activities associated with the maintenance and upkeep of landscaped gardens and grounds, including mowing, tree surgery, removal or pruning of trees considered a danger to the public or considered necessary for the health of the tree.	To allow for the management of lawns, garden beds, hard landscaping and vegetation.
Maintenance, repair and renewal of existing roads, paths, steps, railings, seats, fences, garden edges, lighting, retaining walls, parking spaces and gates. The work will follow a 'like for like' approach to repair in terms of materials, paint schemes and planting types, where required.	To allow for maintenance and repair.
Works and activities associated with the repair of damage to the buildings and landscape within the precinct, caused by storm or other weather events. The work will follow a 'like for like' approach to the repair in terms of materials, paint schemes and planting types.	To allow for emergency repair and damage control.
Internal fitout, or reconfiguration of the Civic Centre or Dee Why Library buildings, as long as there is no removal of original fabric and where works are reversible.	To allow for accommodation of new offices/other internal uses where required.
All internal alterations and works to non-significant fabric, which are reversible and which do not materially impact upon original building fabric.	To allow for accommodation of new offices/other internal uses where required.
Works and activities associated with the installation of computing, telephony, lighting and audio-visual equipment, which follow existing conduits, where such conduits exist and are suitable to service the new equipment.	To allow for accommodation of new offices/other internal uses where required.

Table 1 – Examples of Site-Specific Exemptions

CONSULTATION

The Notice of Intention is on formal public exhibition until 23 May 2024 and Council has been granted an extension to 31 May 2024 to make a formal submission. The public exhibition period has been limited and given the significance of the proposal, further time to consider the matter should be provided to key stakeholders.

TIMING

After the closure of the formal public exhibition phase, Heritage NSW will review, assess, and report all submissions received to the Heritage Council of NSW for final approval. Heritage NSW anticipates that the Warringah Civic Centre Precinct State Heritage Listing Nomination will be tabled at the 4 June 2024 State Heritage Register Committee meeting to seek a formal recommendation to list the Precinct on the State Heritage Register.

It would be premature for the State Heritage Register Committee to make a decision on the proposed listing in the absence of a Council position on the proposed State Heritage listing.

FINANCIAL CONSIDERATIONS

The recommendations of this report (deferral of consideration) pose no financial impact on Council.

GOVERNANCE AND RISK CONSIDERATIONS

The Warringah Civic Centre Precinct is not currently listed as a local heritage item under Warringah Local Environmental Plan 2011, although the precinct landscaping and Dee Why library building are listed as local items in the LEP.

The site-specific heritage exemption currently being prepared in consultation with Heritage NSW will ensure that routine works, maintenance and repairs will continue to be permitted without the need for additional approvals or consent. It is important that Council as the owner of the land receive the proposed exemption list prior to a final consideration of the matter.

ENVIRONMENTAL CONSIDERATIONS

The listing of Warringah Civic Centre Precinct could ensure the conservation of the heritage significance of Civic Centre Precinct including its significant bushland setting.

SOCIAL CONSIDERATIONS

The State listing may have a positive social outcome for the community through the preservation and safeguarding of the heritage and cultural significance of the area for future generations contributing to the vitality and resilience of the local community by maintaining connections to its past, promoting civic pride, and enhancing the overall quality of life for residents.

LINK TO STRATEGY

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

- 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	Strategic & Place Planning
TRIM file ref	2024/345893
Attachments	⇒1 Heritage NSW Notice of Minister's Decision to not list on State Heritage Register April 2024 (Included In Attachments Booklet)

- ⇒2 Heritage NSW Notice of Intention to consider listing on the State Heritage Register May 2024 (Included In Attachments Booklet)
- ⇒3 Site Specific Exemptions 2017 (Included In Attachments Booklet)
- ⇒4 Request for Meeting - Warringah Civic Centre Precinct - April 2024 (Included In Attachments Booklet)

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1 OUTCOMES OF THE ALCOHOL PROHIBITED AREA REVIEW

PURPOSE

The purpose of this report is to seek endorsement to establish and/or confirm Alcohol Prohibited Areas (APAs) on Council beaches and parks and reserves.

EXECUTIVE SUMMARY

- Council's Community Safety Advisory Committee at its meeting on 16 November 2023 considered and supported Item 6.4, titled Outcome of Review of Alcohol Prohibited Areas on the Northern Beaches.
- An Alcohol Prohibited Area (APA) is a non-road related public place, for example a park, reserve or a beach, where drinking alcohol is prohibited.
- Councils can declare any non-road related public place or part of a place to be an APA at all times, or only for specific days, times or events.
- The proposed APAs are supported by the Police and are a practical way in which Council can assist Police to improve public safety and reduce anti-social behaviour associated with alcohol consumption.

RECOMMENDATION

That Council:

1. Declare the following as 24-hour Alcohol Prohibited Areas:
 - a. Howard Avenue Reserve, Dee Why
 - b. Village Park, Mona Vale
 - c. Wingara Reserve, Belrose
 - d. Boardwalk (part), Church Point Reserve, Church Point (as outlined within the report for this item).
2. Declare all Council beaches (ocean and inner waterway beaches) as 24-hour Alcohol Prohibited Areas.
3. Declare all Council parks and reserves as Alcohol Prohibited Areas from 8pm to 8am, except for those declared as 24-hour Alcohol Prohibited Areas.

BACKGROUND

Council's Community Safety Advisory Committee at its meeting of 16 November 2023 considered Item 6.4, titled Outcome of Review of Alcohol Prohibited Areas on the Northern Beaches. The Committee subsequently supported the proposal to:

1. *Establish four new 24 hour Alcohol Prohibited Areas at Wingara Reserve at Belrose, Village Park at Mona Vale, Howard Avenue Reserve (also known as St Davids Avenue Park) at Dee Why, and the new boardwalk at Church Point.*
2. *Establish all Council reserves and parks within the Northern Beaches LGA as Alcohol Prohibited Areas 8pm to 8am, except for 24 hour Alcohol Prohibited Areas.*
3. *Confirm all Council beaches as 24 hour APAs.*

An Alcohol Prohibited Area (APA) is a non-road related public place, for example a park, reserve or a beach, where drinking alcohol is prohibited. Section 632A of the *Local Government Act 1993* (LG Act) enables councils to declare any non-road related public place or part of a place to be an APA at all times, or only for specific days, times or events - except for those road-related public places (roads, footpaths and car parks) which are dealt with under the Alcohol Free Zone (AFZ) provisions of the LG Act. Establishing an APA requires Police approval. APAs do not have an expiry date.

The purpose of this report is to seek endorsement of these proposals for APAs contemplated and supported by the Community Safety Advisory Committee on 16 November 2023. This Committee includes senior representatives from the Northern Beaches Police Area Command (the Police), Council (Councillors), Community Services Sector, local community and representatives of State and Federal Members of Parliament. The Police at this Community Safety Advisory Committee meeting supported these APA proposals.

The proposals for APAs recommended within this report are a practical way in which Council can assist the Police to improve public safety and to reduce anti-social behaviour associated with alcohol consumption on the Northern Beaches. The current 24-hour APAs are also to be retained (Attachment 1).

It is Council's practice that establishment of new APAs and amendments to existing APAs are presented to an ordinary meeting of Council for a resolution following consideration by the Community Safety Advisory Committee and the Police.

DISCUSSION

Review of Alcohol Prohibited Areas on the Northern Beaches

A review of APAs on the Northern Beaches, including a review of a request to establish a 24-hour APA at Wingara Reserve in Belrose, was undertaken in response to the following Council resolutions:

Council resolution 142/21, which provided:

That:

1. *Council staff provide a report on the establishment of a 24 hour Alcohol Prohibited Area at Wingara Reserve, Belrose.*
2. *Consultation with the local community occur in relation to the proposal to establish a 24 hour Alcohol Prohibited Area at Wingara Reserve, Belrose.*
3. *Council conduct a general signage audit, inviting members of the public to identify any out of date or damaged signs within the Northern Beaches area.*

Council resolution 249/21, which provided:

That Council note:

1. *An awareness campaign will be launched next quarter promoting the reporting of damaged and outdated signs.*
2. *Wingara Reserve, Belrose will be considered as part of the broader review of Alcohol Prohibited Area across the LGA, which will include broad community engagement.*
3. *Reserve signage is being audited and replaced in a timely manner.*

The findings of the review and feedback from the Police is summarised below:

- Council's current APAs (see Attachment 1) are inconsistent as they reflect the differing approaches of the former councils. That is:
 - The former Manly Council established 24-hour and time-restricted APAs in specific locations. Some parks and reserves were not declared APAs.
 - The former Warringah Council established APAs in all parks and reserves from 10pm to 8am and 24-hour APAs in specific locations.
 - The former Pittwater Council established 24-hour and time-restricted APAs in specific locations. Some parks and reserves were not declared APAs.
 - All 3 former councils installed signs at ocean beaches notifying that the beaches are 24-hour APAs.
- Detailed information about APAs is not easily accessible for staff, Police and the community.
- Signage related to APAs has been captured in an online tool and is being replaced and updated as needed. A Manly CBD signage audit is currently underway - this project will include the review of APA signage and upgrades/replacements as required.
- Council's Community Safety Committee at its meeting of 6 December 2018 endorsed the recommendation that all existing APAs be designated as 8pm - 8am or 24 hours unless otherwise requested by Police. Subsequently, Council at its meeting of 26 February 2019 resolved (resolution 020/19) to note the minutes of this meeting.
- Wingara Reserve - The Belrose Davidson and Frenchs Forest Neighbourhood Watch has reported increasing consumption of alcohol and anti-social behaviour in this reserve and made representations to Council and Police to consider a 24-hour APA. Consultation including with the management of the adjoining shopping centre has indicated support for a 24-APA as a means to improve public safety.
- Police have requested:
 - a uniform approach to APAs across the Northern Beaches, specifically from 8pm to 8am in all locations, to provide certainty for Police, and Council Rangers, as to the restrictions
 - new 24-hour APAs for Village Park at Mona Vale and Howard Avenue Reserve (also known as St Davids Park) at Dee Why. This request is in response to ongoing anti-social behaviour, offences and alcohol consumption at these locations.
- Police support:
 - retaining the current 24 hour APAs on the Northern Beaches (Attachment 1). The 24 hour APAs include the current arrangement at Thomas Stephens Reserve at Church Point and all beaches
 - the proposal for a 24-hour APA at Wingara Reserve in Belrose
 - the community request for a 24-hour APA at the new boardwalk within Church Point Reserve that adjoins the Crown land currently leased to the operators Waterfront Café

and General Store (1860 Pittwater Road); this request was contemplated and supported at the Police Council Operational Meeting of 12 October 2023.

- Functions and events with alcohol in APAs such as parks and reserves after 8pm
 - An APA would not apply when an approved function and event is held in a Council building within a Council park or reserve and/or in a Council park or reserve if the organiser has all the required liquor licence(s), Police approval, Council approval and any other required approvals.
 - This is consistent with the general approach to Council's current APAs.
- Plans of Management (PoM)
 - The current PoMs have an inconsistent approach to alcohol consumption and provision of APAs. However, section 632A of the LG Act is not contingent on a PoM authorising the APA. In the future, Council staff will propose to regularise the treatment of APAs in the Generic Parks and Sportsground PoM which is proposed to start development in the 2024/2025 financial year.
- A summary of the proposed APAs (should the recommendations within this report be approved) is presented in Attachment 2.

CONSULTATION

The Police were consulted about the APA proposals recommended within this report. The Police were supportive of these proposals particularly as a means to assist them manage public safety and anti-social behaviour associated with alcohol consumption and to provide Police with certainty on alcohol restrictions at each location. Their feedback is outlined in the discussion section of this report.

Relevant internal teams were also consulted including Environmental Compliance and Community Arts and Culture. These teams were supportive of these APA proposals particularly as a means to improve public safety and public amenity and to reduce anti-social behaviour.

Staff also sought general advice on APAs from the NSW Office of Local Government.

TIMING

Should the recommendations within this report be approved, new APA signage will be installed in accordance with the LG Act. Given there would be signs required to be installed at many locations, this work would be undertaken over time when funds are available and in this priority order:

- 24-hour APAs (new)
- highest profile and highest use locations particularly in the vicinity of the Manly CBD.
- all other locations as required.

FINANCIAL CONSIDERATIONS

Should the recommendations within this report be approved new APA signs will be installed at the 4 new APAs in 2023/2024. The cost to produce and install new signs and to remove existing signs at these locations is in the order of \$8,000. There are funds available in the 2023/2024 Parks and Recreation operational budget to meet this cost.

The installation of new APA signs in other required locations will be delivered through Council's existing operational budgets across several financial years, prioritised in collaboration with the NSW Police based on need. To reduce costs existing signs and poles will be reused where possible. New APA signs are not required where there are no changes to the APA status, for example at the existing 24-hour APA locations and parks and reserves which are APAs from 8pm to 8am and the signs are current.

GOVERNANCE AND RISK CONSIDERATIONS

An APA is a non-road related public place, for example a park, reserve or a beach, where drinking alcohol is prohibited. Section 632A of the LG Act enables councils to declare any non-road related public place or part of a place to be an APA at all times, or only for specific days, times or events - except for those road-related public places (roads, footpaths and car parks) which are dealt with under the Alcohol Free Zone (AFZ) provisions of the LG Act.

Prior to declaring the proposals for APAs within this report, approval is required from the Northern Beaches Police Area Command. The Northern Beaches Police Area Command supports these APA proposals (as outlined in this report).

Should the recommendations within this report be approved:

- signs clearly showing restrictions, including places and times at which alcohol consumption is prohibited will be installed in accordance with the LG Act (and as outlined in the Timing and Financial Consideration sections of this report)
- the existing APAs that are affected will be superseded
- information about APAs will be updated on Council’s website and spatial information systems.

The NSW Government in its ‘Alcohol Free Zones and Alcohol Prohibited Areas in NSW Fact Sheet’ indicates APAs are ongoing though it is best practice to review APAs within 4 years.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The APA proposals recommended within this report are a practical way in which Council can assist the Police to improve public safety and reduce anti-social behaviour associated with alcohol consumption on the Northern Beaches and will establish a uniform approach to APAs across the Northern Beaches Local Government Area.

APAs enable Police and Council’s Rangers (enforcement officers) to, among other things, tip out or otherwise dispose of alcohol being consumed to deter irresponsible drinking. The priority is to manage public safety risks and anti-social behaviour rather than benign situations.

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.
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.

Reporting team	Parks & Recreation
TRIM file ref	2024/267439
Attachments	<ul style="list-style-type: none"> ⇒1 Current Alcohol Prohibited Areas - Northern Beaches, as at March 2024 (Included In Attachments Booklet) ⇒2 Proposed Alcohol Prohibited Areas, Northern Beaches (Included In Attachments Booklet)

ITEM 13.2 DUFFYS FOREST COMMUNITY BRIDLE TRAIL DRAFT ACTION PLAN**PURPOSE**

The purpose of this report is to present to Council the draft Community Bridle Trail Action Plan for consideration.

EXECUTIVE SUMMARY

- Council staff, in consultation with both the Duffys Forest Residents Association and Terrey Hills Progress Association, have prepared a draft Community Bridle Trail Action Plan (the Action Plan) detailing the steps which need to be taken in the short, medium and long term, to restore and enhance the trail.
- A detailed assessment was conducted of the existing trail corridor in terms of safety, environment and rider experience, taking into consideration the key issues and needs raised by the associations.
- The Action Plan has divided the trail into 9 key sections and outlines for each section a site description/condition, specific issues, current risk rating, and recommended actions and controls required.
- A number of recommended minor works have already been undertaken by Council.
- Council is in receipt of \$50,000 from the Local Small Commitments Program for this project and it is proposed to use this on the Weemala Road Reserve section which has an Extreme Risk rating.
- Remaining actions will be undertaken under relevant maintenance and renewal programs and will be prioritised based on risk relative to other demands on those budgets.

RECOMMENDATION

That Council adopt the Community Bridle Trail Action Plan.

BACKGROUND

The Community Bridle Trail is a unique and naturally formed recreational trail through Terrey Hills and Duffys Forest, which provides important amenity for walkers, runners, bike riders and horse riders.

The trail provides connection between the 2 key horse-riding facilities located within JJ Melbourne Hills Reserve and Anembo Reserve. The 6.5km long trail runs along the existing roadside corridor, starting at the underpass on Mona Vale Road and terminating at the rear of the RFS Station at Anembo Reserve.

The Duffys Forest Residents Association and Terrey Hills Progress Association have raised concerns on the degraded condition, user safety and maintenance of the trail that require addressing to cater for the unique requirements of horse riders along the trail.

In response to this, Council resolved at the 28 March 2023 Ordinary Council meeting:

That:

1. *In consultation with the Duffys Forest Residents Association and Terrey Hills Progress Association, Council Officers prepare a draft "Community Bridle Trail Action Plan" detailing the steps which need to be taken in the short, medium, and long term, to repair and enhance the Community Bridle Trail.*
2. *A report be brought back to Council in 3 months providing a draft Action Plan and next steps for Council's consideration.*

The purpose of the draft Action Plan is to provide a list of actions that addresses the concerns raised by users of the trail.

DISCUSSION

Trail Audit Process

Council developed the Action Plan by undertaking the following steps:

- Council staff initially conducted a review of all previous community correspondence, key issues and concerns raised by the Associations, and previous audits undertaken.
- Council held 4 site meetings with key stakeholders between 13 May 2023 and 6 March 2024, to assess the full length of the existing trail corridor in terms of safety, environment, and rider experience.
- Key considerations were existing surface condition, sight lines, conflict zones of vehicles and riders, stormwater and flooding, existing vegetation, delineation and branding of the trail.

Action Plan

The Action Plan has divided the trail into 9 key sections and outlines for each section a site description/condition, specific issues, current risk rating, and recommended actions and controls required.

Indicative costings were also prepared for restoring the overall trail and itemised costs for each section.

CONSULTATION

The Action Plan has been prepared in consultation with the Duffys Forest Residents Association and Terrey Hills Progress Association, and the various relevant departments within Council including Transport and Civil Infrastructure and Environment and Climate Change.

Council staff have been working closely with both associations to understand their needs and address them in the Action Plan through identified restoration and improvement works as well as proactive maintenance tasks to ensure in the long-term sustainable management of the trail.

TIMING

Some minor works identified have been actioned within existing budgets. Work on the Weemala Road Reserve section will commence early next financial year funded by the Local Small Commitments Allocation Program.

FINANCIAL CONSIDERATIONS

The recommendations in this report will result in a financial impact of approximately \$170,000 for trail works along with additional future costs for traffic facilities, stormwater drainage and earthworks. Council is in receipt of \$50,000 from the Local Small Commitment Allocation Program for the Community Bridle Trail and after consultation with the Duffys Forest Resident Association and the Terrey Hills Progress Association it is proposed to use this for the Weemala Road Reserve section.

Remaining works will be carried out as maintenance and renewal budgets allow, based on the level of risk.

The proposed traffic facilities at Cooyong Road and Kallaroo Road will require further detailed design and approval of the Traffic Committee and will be prioritised for delivery through the New Traffic Facilities program as budget allows.

GOVERNANCE AND RISK CONSIDERATIONS

Council engaged with key stakeholders, consistent with the Community Engagement Framework. Improvements will be prioritised and undertaken over a period to manage risk.

ENVIRONMENTAL CONSIDERATIONS

The proposed actions in this report will result in a beneficial environmental outcome by identifying actions for erosion and sediment control to mitigate any environmental impacts and avoid sedimentation affecting downstream catchments. All required environmental assessments will be undertaken when actions are proposed to be delivered through future delivery programs.

SOCIAL CONSIDERATIONS

The recommendations in this report will have positive social outcomes for the community through ensuring the sustainable management of this unique community asset. The Community Bridle Trail provides important amenity for walkers, runners, bike riders and horse riders, reflecting the special rural character of Terrey Hills and Duffys Forest.

LINK TO STRATEGY

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

- 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	2024/268298
Attachments	⇒1 Draft Community Bridle Trail Action Plan 2024 (Included In Attachments Booklet)

15.0 NOTICES OF MOTION

ITEM 15.1 NOTICE OF MOTION NO 18/2024 - NAMING OF BOONDAH HARD COURTS AFTER THE LATE MRS RONDA ALTERATOR OAM

COUNCILLOR DE LUCA OAM SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Note with sadness the passing on 10 April 2024 of community leader, Mrs Ronda Alterator OAM.
2. Note the request of Narrabeen Youth Club Netball in the explanatory note below.
3. Acknowledge the outstanding service Mrs Alterator gave to the Northern Beaches community for over 42 years.
4. Undertake all necessary actions to propose the hard courts at Boondah Reserve be named the Ronda Alterator OAM Netball Courts in honour of her outstanding service to the community.
5. Extend its sympathy to Mrs Alterator's family on their loss.

BACKGROUND FROM COUNCILLOR DE LUCA OAM

Michelle Mills, Narrabeen Youth Club (NYC) Netball President, wrote the following email on Thursday 9 May to the Chief Executive Officer and myself requesting to name Warriewood Valley hard courts after Ronda Alterator OAM:

"I am writing to you as President of Narrabeen Youth Club Netball to request your consideration to name the Warriewood Valley Hardcourts, Boondah Rd, Warriewood after Ronda Alterator OAM.

Ronda passed away on 10 April 2024 after a battle with MSA. Ronda was a dedicated and committed member of Narrabeen Youth Club for 42 years. Ronda was a successful coach, Vice President, President, Net Set Go Co-Ordinator, Umpires Convenor and was on the grading committee for many years. Ronda was also a part of many MWNA committees, including Net Set Go, Grading, Competition and Coaching committees.

Ronda was recognised for her contribution to netball locally with life membership of NYC, a MWNA Service Award, a Pittwater Council Volunteer Award and more recently an Order of Australia Medal.

Her contribution to our club cannot be underestimated and the loss of Ronda has been felt by so many of our Committee and players.

Ronda's outstanding service has not just been limited to Netball, but she has been the heart and soul of the Narrabeen community, serving on various local P&Cs raising much needed funds for local schools as well as being involved in programs to help senior citizens and ensure inclusion.

Ronda was instrumental in leading the fight to have our hardcourts replaced after they were given over to parking at the Nelson Heather Centre when it was built.

Taking some many years we finally saw the hardcourts reinstated down the road at their current location.

We see it fitting that these courts are named the Ronda Alterator Memorial Courts to recognise her contributions to local Community Sport and respectfully request your consideration.

Michelle Mills
President NYC Netball”

TRIM file ref	2024/339193
Attachments	Nil

**ITEM 15.2 NOTICE OF MOTION NO 19/2024 - TOMMY 'LOONEY' WALKER
PUBLIC ART RECOGNITION**

COUNCILLOR RYBURN SUBMITTED THE FOLLOWING MOTION:

MOTION

That:

1. Council invite the Tommy Walker Community Group to meet with staff to present its concept of a Public Artwork in Manly that recognises the contribution of Tommy Walker to the Manly Surfing community, including a business plan, funding proposal, project milestones and consultation strategy.
2. Council seek community input on the concept of recognising Tommy Walker and his contribution to Manly by undertaking broad community engagement through a Your Say page.
3. Following the completion of the above that the matter be brought back to Council for further consideration.

BACKGROUND FROM COUNCILLOR RYBURN

There is substantial evidence that proves Tommy Walker was one of the first surfers in Australia. Tommy would wow crowds in Manly and Yamba alike, in his signature surfing move: surfing upside down while whistling the Tipperary. He was a true showman, larrikin, and embodied much of what Manly's surf culture continues to be today.

As Tawny Frogmouth writes (Dec 27 2023): *"moving to Manly in his youth, Tommy was described in 1911 as "the well-known shark-catching sportsman who is practically as much at home in the water as a duck and who is continually up to all kinds of jokes." Nicknamed Looney "because of his daredevil acts in the water due to the big waves he would tackle off Manly, and because he dived into shark-infested waters to retrieve his fishing bait."*

This motion intends to be the first step in working with an active and enthusiastic Community Group who seeks to acknowledge this history and lively stories of Tommy Walker, as one of the most influential surfing people of Australia (circa 1909-1913).

This NOM is in line with our Community Strategic Plan 2040, as well as goals within our Destination Management Plan, Art and Creative Strategy and Public Art Strategic Plan, including:

- share local stories
- infuse public places with creativity
- make room for creative expression
- enable creative sector vitality
- collaborate to innovate.

Further notes regarding this project:

As per other community-led art projects, the funding and fundraising efforts of this project rest on the Community Group. This would include all project management costs associated with delivery of the project.

The Manly Art Gallery & Museum gift fund would provide an appropriate mechanism to collect funds and restrict them for the project, should the project progress.

In accordance with Council's Public Art Policy, the Committee representatives would then work with Council staff to compose an Artist Brief when fundraising is completed. The amount of funding raised would determine the scope of the artwork, in line with Council's policies and guidelines.

Community engagement would also be undertaken regarding the proposed artist brief and location, prior to coming back to Council.

TRIM file ref	2024/367993
Attachments	Nil

17.0 RESPONSES TO QUESTIONS

ITEM 17.1 RESPONSE TO QUESTION WITH NOTICE NO 3/2024 - DEVELOPMENT AND ENVIRONMENT RELATED NON-COMPLIANCE PROCEEDINGS

COUNCILLOR GLANVILLE SUBMITTED THE FOLLOWING QUESTION:

1. During the past 5 years, how many proceedings have been brought by Council in relation to development or environment related non-compliance:
 - a. In Class 4 of the Land and Environment Court
 - b. In Class 5 of the Land and Environment Court
 - c. Local Court.
2. Of those proceedings, how many proceeded by way of the following outcome:
 - a. Council was successful
 - b. The defendant was successful
 - c. Council resolved the proceedings by way of consent orders
 - d. Council withdrew the proceedings.

RESPONSE:

During the past 5 years,* how many proceedings have been brought by Council in relation to development or environment related non-compliance in:		
a.	Class 4 of the Land and Environment Court	3
b.	Class 5 of the Land and Environment Court	0
c.	Local Court	51
Of those proceedings,** how many proceeded by way of the following outcome:		
a.	Council was successful	37
b.	The defendant was successful	1
c.	Council resolved the proceedings by way of consent orders	2
d.	Council withdrew the proceedings	12

*The data in this table is for the period from 1 January 2019 to 30 April 2024.

**Council was a party to various other legal proceedings in relation to development or environment related non-compliance, including appeals in respect of orders given by Council. There are also other enforcement options that Council uses that reflect an escalation response that is proportionate to the level of risk of harm to public safety or the natural environment, the seriousness of the breach and the need for a deterrent and/or remedy.

TRIM file ref 2024/268480
Attachments Nil