



northern
beaches
council

AGENDA

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

Tuesday 30 July 2024

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

Scott Phillips
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

OUR VALUES

Trust Teamwork Respect Integrity Service Leadership

OUR OBLIGATIONS

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

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1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

In accordance with Part 6 of the Code of Meeting Practice, 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 THE ORDINARY NORTHERN BEACHES COUNCIL MEETING HELD ON 25 JUNE 2024

RECOMMENDATION

That the minutes of the Ordinary Northern Beaches Council Meeting held on 25 June 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.

7.0 MAYORAL MINUTES

ITEM 7.1 MAYORAL MINUTE NO 12/2024 - RECOGNITION OF SERVICES TO LOCAL GOVERNMENT - MICHAEL REGAN

PURPOSE

The purpose of this mayoral minute is to present Councillor Michael Regan with the Local Government NSW Emeritus Mayor Award.



**Sue Heins
MAYOR**

RECOMMENDATION

That Council note Local Government NSW bestowing the award of Emeritus Mayor on Councillor Michael Regan.

BACKGROUND

Local Government NSW (LGNSW) supports and advocates on behalf of its member councils to help strengthen and protect an effective, democratic system of local government across NSW.

It also recognises and acknowledges significant achievements of councils, councillors and individual local government employees through its Service Awards Program.

The Local Government NSW Emeritus Mayor Award is a prestigious accolade bestowed upon retired councillors who have demonstrated exemplary service during their lengthy tenure as Mayor.

I have the great honour tonight of being asked to present this award on behalf of the President of LGNSW, Councillor Darriea Turley AM to Councillor Michael Regan.

Michael served his community for over 15 years as the Mayor of the former Warringah Council from 2008 to 2016 and then was elected the first Mayor of Northern Beaches Council in 2017 until he stood down in May 2023 to take up his appointment as the State Member for Wakehurst.

I would also like to take this opportunity to say that our community has been fortunate to have been served by many dedicated and passionate people over many years and I think it is important that we reflect and celebrate some of our more recent former mayors at this time.

Former Manly Council

Emeritus Mayor, Jean Hay AM
Emeritus Mayor, Dr Peter Macdonald OAM

Former Pittwater Council

Emeritus Mayor, Patricia Giles AM
Emeritus Mayor, the late Harvey Rose

Former Warringah Council

Emeritus Mayor, Julie Sutton OAM
Emeritus Mayor, the late Brian Green OAM

I ask my fellow Councillors to join me in congratulating Michael as he joins this esteemed list of former leaders who have served our community with great distinction.

TRIM file ref	2024/506911
Attachments	Nil

ITEM 7.2 MAYORAL MINUTE NO 13/2024 - KADDY TRANSPORT

PURPOSE

The purpose of this mayoral minute is to acknowledge the extraordinary services of KADDY Disability Transport which recently ceased operations after 43 years.



**Sue Heins
MAYOR**

RECOMMENDATION

That Council acknowledge the extraordinary services of KADDY Disability Transport and the management committee and volunteers who have given so generously of their time to serve our community over the last 43 years.

BACKGROUND

KADDY was a charity organisation that assisted people with disabilities to get to their doctor and hospital appointments. For over 43 years it has relied on the wonderful and dedicated volunteers and donations. They were never in receipt of government funding, so it is extraordinary they have operated for so long on the goodwill of our community.

It began when Ms Val Rayward, who was herself disabled after contracting Polio, gathered community members from St David’s Uniting Church in Dee Why together and they were able to raise funds for their first bus in 1981. There were no services available on the Northern Beaches and clients had to depend on unreliable taxis. It meant so much to the disabled community who could now get out to medical appointments and come together for other social activities. Our community got behind KADDY and they have continued until now to provide an extraordinary service. In one year, it was reported the service covered some 32,000 kilometres and transport for around 1,000 wheelchair clients and 700 walking people with disabilities all around the beaches. Quite remarkable for a completely volunteer run organisation.

Councillors may recall the late Allan Hale OAM who passed away in 2022. Allan began working with Kaddy back in 1983 as a driver providing community transport for those with disabilities and then went on to become Chairman, a position he held for thirty plus years. Along with Allan there has been a wonderfully dedicated Management Committee guiding the service but now have sadly had to make the decision to cease operations due to the lack of drivers and funding.

Fortunately, Easylink, another wonderful community service has undertaken to provide transport to existing KADDY clients and will look after any new clients into the future.

There have been too many dedicated volunteers to mention here who have given of their time to help others, so I want to take the opportunity to put on record our grateful thanks to them on behalf of our community.

TRIM file ref	2024/476046
Attachments	Nil

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1 DIPLOMATIC TIES AND CIVIC RELATIONSHIPS

PURPOSE

The purpose of this report is to update Councillors on diplomatic ties and civic relationships with Northern Beaches Council.

EXECUTIVE SUMMARY

- In 2019, Council resolved to undertake public consultation on a draft Diplomatic Ties and Civic Relationships Policy, however this matter remained in abeyance and is now being reported back to Council.
- Council has 4 active partnerships with Brewarrina and Gunnedah in NSW, along with Odawara and Tadaoka in Japan, however no activities have occurred in recent years.
- There are 9 other partnerships/exchanges that were formed by the former Warringah, Pittwater and Manly Councils which are inactive.
- The Mayors of Gunnedah Shire Council and Brewarrina Shire Council have expressed interest in exploring opportunities under the active partnerships we have with their councils.
- Council contacted 22 local secondary schools about the Odawara youth exchange and there was very limited interest or capacity, noting some schools already have their own exchange programs.

RECOMMENDATION

That Council:

1. Not proceed with the draft Diplomatic Ties and Civic Relationships Policy.
2. Write to the Mayors of Brewarrina Shire Council and Gunnedah Shire Council seeking interest in establishing new opportunities that are meaningful and beneficial for their respective communities and the Northern Beaches community.
3. Revoke the former Manly Council Policy, Sister Cities - Policy on Visits to Council by Overseas Tourists.

BACKGROUND

As resolved by Council, the draft Diplomatic Ties and Civic Relationships Policy was developed in 2019 following a review of sister city/friendship agreements and exchanges which had been honoured since the amalgamation of the 3 former Councils. It was intended that the new policy and guidelines would outline the approach by Northern Beaches Council to civic relationships such as Sister Cities, Friendship Cities and cooperative agreements. The draft policy is at **Attachment 1**.

It was also intended that Council consider rescinding the former Manly Council Policy, Sister Cities - Policy on Visits to Council by Overseas Tourists.

Due to the impact of COVID (including ongoing uncertainty with international travel and providing support and assistance to our local community to recover post-COVID), natural disasters impacting the Northern Beaches, the Local Government Elections in 2021, and other competing priorities for Council, the project has remained in abeyance.

This report is in response to the resolution of Council to present the outcome of the public consultation and to consider the adoption of the draft Diplomatic Ties and Civic Relationships Policy.

At present, Council has 4 active partnerships with Brewarrina and Gunnedah in New South Wales, along with Odawara and Tadaoka in Japan, however no activities have occurred in recent years.

There has been recent communication with the Mayor of Gunnedah Shire Council and the Mayor and General Manager of Brewarrina Shire Council who are keen to explore opportunities.

There are 9 other partnerships/exchanges that were formed by the former Warringah, Pittwater and Manly Councils which are inactive:

- Former Manly Council Partnerships/ Exchanges
 - Bath, United Kingdom
 - Huntington Beach, California, USA
 - Jing'an, Shanghai, China
 - Taito-Ku, Japan
 - Yeongdo-Gu, South Korea
- Former Pittwater Council Partnerships / Exchanges
 - Soibada, East Timor
- Former Warringah Council Partnerships / Exchanges
 - Alas, East Timor
 - Chichibu, Japan
 - Waikiki, Hawaii.

Youth exchanges with Odawara in Japan were suspended in 2020, however the Odawara City has corresponded about re-establishing the youth exchange program. Council contacted 22 local secondary schools about the Odawara youth exchange and there was very limited interest or capacity, noting some schools already have their own exchange programs. Council has not made provision in the long term financial plan for the resources required to undertake the program.

DISCUSSION

This report proposes that the draft Diplomatic Ties and Civic Relationships Policy is no longer required in the current climate as a Council policy. It also recommends that Council pursue opportunities with both Brewarrina Shire Council and Gunnedah Shire Council to look for

opportunities that are meaningful, beneficial and accountable to the Northern Beaches community and align with the outcomes and goals of the Community Plan.

Opportunities with other countries, including our active partnerships could still be considered, however it is recommended that these opportunities be assessed on a case by case basis to ensure there is a benefit to our community. Any proposals received requiring Council to commit resources would be put to Council for consideration.

Due to a lack of resourcing and engagement from local schools to participate in a youth exchange program with Odawara, it is recommended we continue to suspend the youth exchange program with Odawara and consider interest from local secondary schools in the future and resourcing in future budgets.

The intention in 2019 was to rescind the former Manly Council Policy, Sister Cities - Policy on Visits to Council by Overseas Tourists. Given the current climate there remains no need for this policy be retained.

CONSULTATION

Public consultation on the draft Diplomatic Ties and Civic Relationships Policy was undertaken from 28 September to 27 October 2019 and Council received a total of 71 submissions. Submissions received were mostly from former secondary Northern Beaches school students, overseas students who participated in the Odawara youth exchanges, current and former secondary school teachers, parents of students who participated in both the Brewarrina and Odawara exchange programs, members of the former Manly Sister Cities Committee and members of the community. A summary of the submissions received in 2019 can be found in **Attachment 2**.

The submissions demonstrated participants valued the experience and while there was overwhelming support for the youth exchange programs, it should be noted this was 5 years ago. More recently, Council consulted with 22 local secondary schools to ascertain interest in the Odawara Youth Exchange. Only 2 schools expressed interest and they could not commit the resources to partner with Council. Other schools have already established youth exchange programs.

TIMING

While there are no timing implications, action is needed on a resolution of Council from 2019 to prepare a draft Diplomatic Ties and Civic Relationships Policy and report the findings back to Council. The recommendations of this report if adopted will fulfil the requirements of the this resolution.

FINANCIAL CONSIDERATIONS

The recommendations of this report do not result in any change to the existing Council budget for Sister Cities. The current adopted budget does not include funding for international youth exchange programs.

Any opportunities and funding implications for international activities will be a decision for Council.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Diplomatic Ties and Civic Relationships Policy was a new policy which sought to clarify diplomatic relationships 5 years ago, however given the current climate it is considered this policy is no longer required.

The resolution of 2019 also sought to revoke the former Manly Council's Sister Cities – Policy on Visits to Council by Overseas Tourists. It is recommended that this policy be revoked as it is also no longer required.

Risk is limited in many respects due to the dormant nature of many agreements; they are simply no longer a priority for schools or Council. There is considerable value in nurturing and connecting with Gunnedah and Brewarrina to deliver wider benefits for all our communities.

Opportunities with other countries, including our active partnerships, could still be considered however it is recommended that these opportunities could be assessed on a case by case basis to ensure there was a benefit to our community. Any proposals received requiring Council to commit resources would be put to Council for consideration.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The recommendations in this report will maintain social outcomes for our local community and by assessing activities case-by-case, Council will be able to ensure these opportunities are meaningful, beneficial and accountable to the Northern Beaches community and align with the outcomes and goals of the Community Plan. We have much to learn from Gunnedah and Brewarrina, particularly how regional councils are working with Aboriginal communities, creating sustainable outcomes and building social cohesion. There would also be significant value for staff exchanges for both Brewarrina and Gunnedah.

LINK TO STRATEGY

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

- Community and belonging - Goal 9 Our community is inclusive and connected.
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

Reporting team	CEO
TRIM file ref	2024/476219
Attachments	<p>⇒1 Draft Diplomatic Ties and Civic Relationships - Policy (Included In Attachments Booklet)</p> <p>⇒2 Engagement Summary - Diplomatic Ties and Civic Relationships Policy -2019 (Included In Attachments Booklet)</p>

9.0 CORPORATE SERVICES DIVISION REPORTS

ITEM 9.1 MONTHLY INVESTMENT REPORT - MAY 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 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 May 2024, Council had total cash and investments of \$206,476,518 comprising:

Trading Accounts	\$8,932,171
Investments	\$197,544,347
- The portfolio achieved a return of 0.43% for the month of May, which was 0.06% above the benchmark AusBond Bank Bill Index return of 0.37%.
- The weighted average interest rate of the portfolio at month end is 5.07% compared to 5.08% for the prior month.
- Total investment income for May was \$861,923 compared to budgeted income for the month of \$441,200. Year to date income is \$9,647,147 compared to budget of \$5,790,075 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 May 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 – *David Walsh Chief Financial Officer*.

INVESTMENT REPORT

Investment Balances

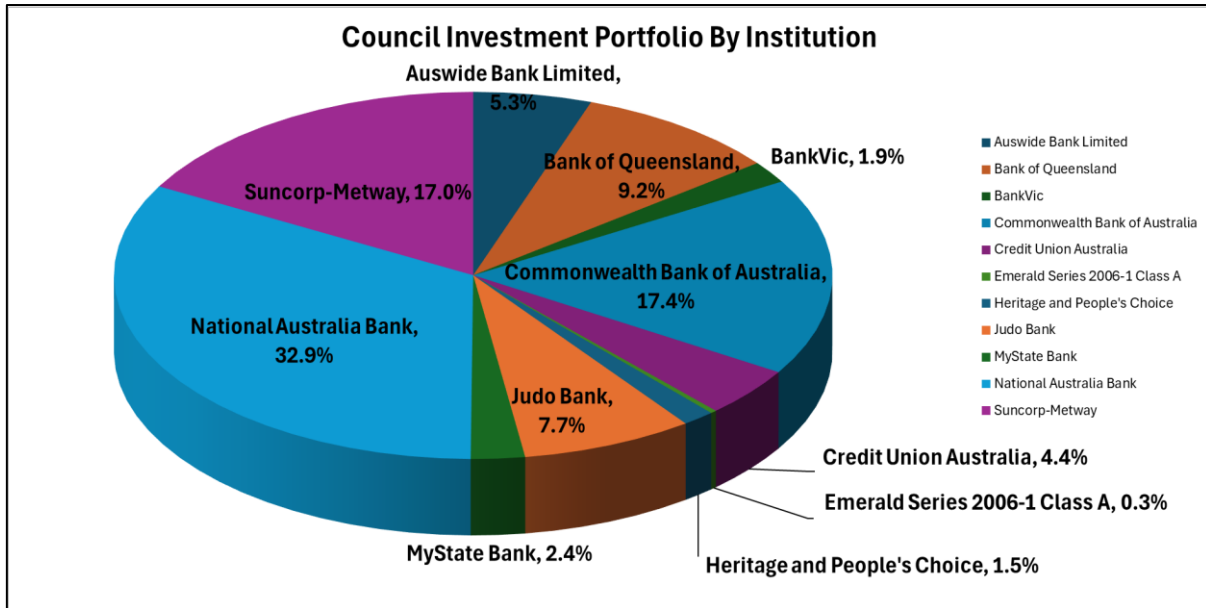
INVESTMENT BALANCES					
As at 31-May-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	7,493,563			4.40%
National Australia Bank Ltd	A1+	7,671			4.35%
		<u>7,501,233</u>			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,319,419		At Call	4.45%
		<u>1,319,419</u>			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	576,937	17-Jul-06	21-Aug-51	5.6926%
		<u>576,937</u>			
Term Deposits					
National Australia Bank Ltd	A1+	3,000,000	29-Aug-23	04-Jun-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	06-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	11-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	13-Jun-24	5.15%
National Australia Bank Ltd	A1+	3,000,000	29-Aug-23	18-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	23-May-23	20-Jun-24	5.12%
Bank of Queensland Ltd	A2	2,000,000	29-Aug-23	25-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	25-Jun-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	25-Jun-24	5.12%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	27-Jun-24	5.12%
National Australia Bank Ltd	A1+	3,000,000	05-Sep-23	02-Jul-24	5.15%
Suncorp-Metway Ltd	A1	2,000,000	05-Sep-23	04-Jul-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	05-Sep-23	09-Jul-24	5.18%
Bank of Queensland Ltd	A2	2,000,000	12-Sep-23	11-Jul-24	5.18%
National Australia Bank Ltd	A1+	3,000,000	12-Sep-23	16-Jul-24	5.16%
Suncorp-Metway Ltd	A1	2,000,000	12-Oct-23	18-Jul-24	5.35%
Suncorp-Metway Ltd	A1	2,000,000	23-Oct-23	23-Jul-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	12-Sep-23	25-Jul-24	5.40%
Heritage and People's Choice Limited	A2	3,000,000	31-Aug-23	30-Jul-24	5.65%
Credit Union Australia Ltd	A2	2,000,000	12-Oct-23	01-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	23-Oct-23	06-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	23-Oct-23	08-Aug-24	5.20%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	31-Aug-23	13-Aug-24	5.60%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	15-Aug-24	5.42%
BankVic	A2	2,000,000	14-Nov-23	20-Aug-24	5.50%
BankVic	A2	2,000,000	14-Nov-23	22-Aug-24	5.50%
Suncorp-Metway Ltd	A1	3,000,000	25-Jul-23	27-Aug-24	5.42%
Judo Bank	A2	2,000,000	31-Aug-23	03-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	31-Aug-23	05-Sep-24	5.45%
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	10-Sep-24	5.20%
Auswide Bank Limited	A2	2,000,000	15-Aug-23	12-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	31-Oct-23	17-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	16-Nov-23	19-Sep-24	5.45%
Auswide Bank Limited	A2	3,000,000	16-Nov-23	24-Sep-24	5.45%
Bank of Queensland Ltd	A2	2,000,000	31-Oct-23	26-Sep-24	5.40%

ITEM 9.1 NORTHERN BEACHES COUNCIL MEETING - 30 JULY 2024

INVESTMENT BALANCES					
As at 31-May-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
Judo Bank	A2	2,000,000	30-Nov-23	01-Oct-24	5.45%
Bank of Queensland Ltd	A2	2,000,000	29-Nov-23	03-Oct-24	5.36%
Suncorp-Metway Ltd	A1	2,000,000	12-Sep-23	08-Oct-24	5.14%
Credit Union Australia Ltd	A2	3,000,000	29-Nov-23	08-Oct-24	5.38%
Suncorp-Metway Ltd	A1	2,000,000	29-Nov-23	10-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	29-Nov-23	15-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	29-Nov-23	17-Oct-24	5.14%
Suncorp-Metway Ltd	A1	2,000,000	30-Nov-23	22-Oct-24	5.20%
Suncorp-Metway Ltd	A1	3,000,000	30-Nov-23	22-Oct-24	5.18%
Suncorp-Metway Ltd	A1	2,000,000	05-Dec-23	24-Oct-24	5.20%
Bank of Queensland Ltd	A2	2,000,000	05-Dec-23	29-Oct-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	01-Feb-24	31-Oct-24	5.10%
Bank of Queensland Ltd	A2	1,000,000	25-Jan-24	05-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	25-Jan-24	05-Nov-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	01-Feb-24	07-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	30-Jan-24	12-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	08-Feb-24	14-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	08-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	22-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	22-Feb-24	21-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	13-Feb-24	26-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	22-Feb-24	03-Dec-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	27-Feb-24	05-Dec-24	5.10%
Suncorp-Metway Ltd	A1	2,000,000	27-Feb-24	10-Dec-24	5.17%
Suncorp-Metway Ltd	A1	2,000,000	29-Feb-24	12-Dec-24	5.17%
National Australia Bank Ltd	A1+	1,000,000	27-Feb-24	17-Dec-24	5.05%
Suncorp-Metway Ltd	A1	3,000,000	29-Feb-24	17-Dec-24	5.17%
Judo Bank	A2	2,000,000	29-Feb-24	19-Dec-24	5.10%
Judo Bank	A2	2,000,000	29-Feb-24	23-Dec-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	02-Jan-25	5.20%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	07-Jan-25	5.05%
National Australia Bank Ltd	A1+	2,000,000	07-Mar-24	09-Jan-25	5.20%
Judo Bank	A2	4,000,000	07-Mar-24	14-Jan-25	5.20%
Bank of Queensland Ltd	A2	2,000,000	11-Apr-24	16-Jan-25	5.10%
Bank of Queensland Ltd	A2	2,000,000	07-Mar-24	21-Jan-25	5.10%
National Australia Bank Ltd	A1+	2,000,000	11-Apr-24	23-Jan-25	5.15%
National Australia Bank Ltd	A1+	3,000,000	11-Apr-24	28-Jan-25	5.20%
MyState Bank Ltd	A2	2,000,000	30-Apr-24	30-Jan-25	5.15%
National Australia Bank Ltd	A1+	2,000,000	11-Apr-24	04-Feb-25	5.15%
National Australia Bank Ltd	A1+	2,000,000	30-Apr-24	06-Feb-25	5.15%
Judo Bank	A2	4,000,000	07-Mar-24	11-Feb-25	5.15%
MyState Bank Ltd	A2	3,000,000	07-Mar-24	25-Feb-25	5.20%
		173,000,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,430,938			4.30%
		1,430,938			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,236,544			At Call 4.40%
Commonwealth Bank of Australia Ltd	A1+	1,315,089			At Call 4.40%
		2,551,634			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	1,000,000	04-Apr-24	04-Jun-24	4.54%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	17-Apr-24	17-Jun-24	4.54%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Mar-24	08-Jul-24	4.57%
Commonwealth Bank of Australia Ltd	A1+	16,096,356	28-Aug-23	28-Aug-24	5.41%
		20,096,356			
Total Cash and Investments		206,476,518			

*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

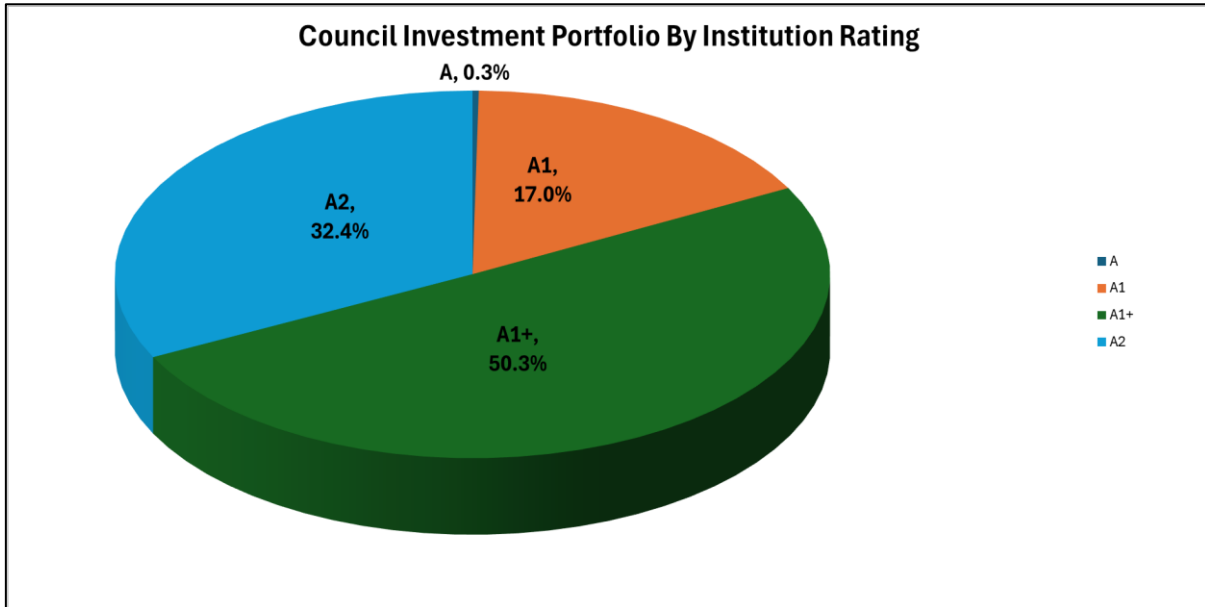
Clause 4.2.2 of Council’s Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

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.



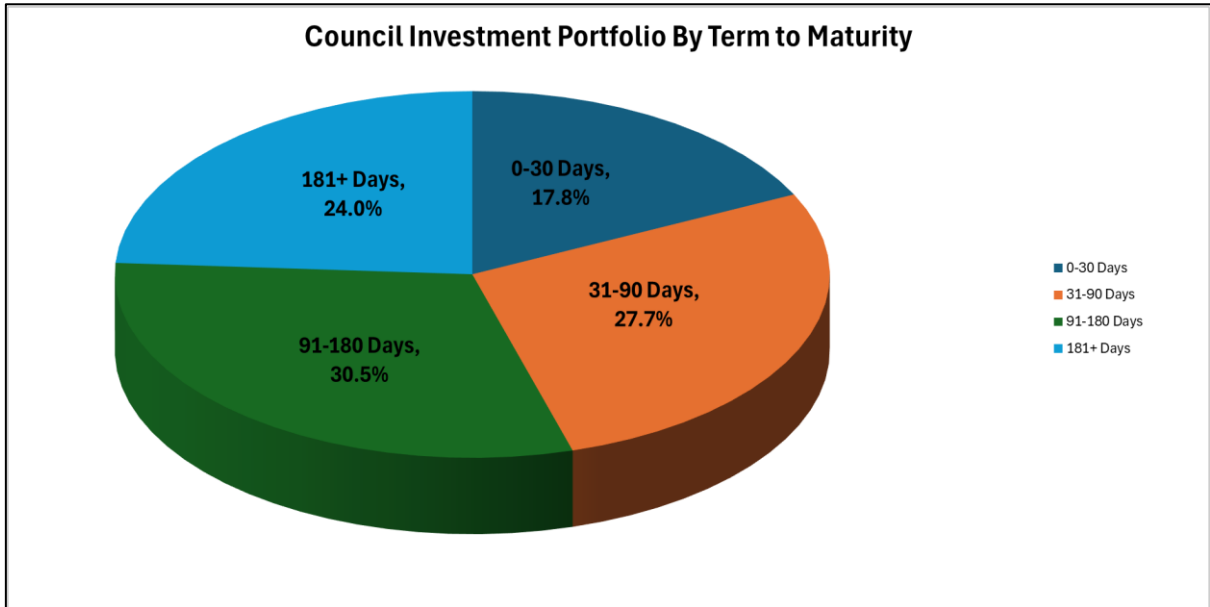
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

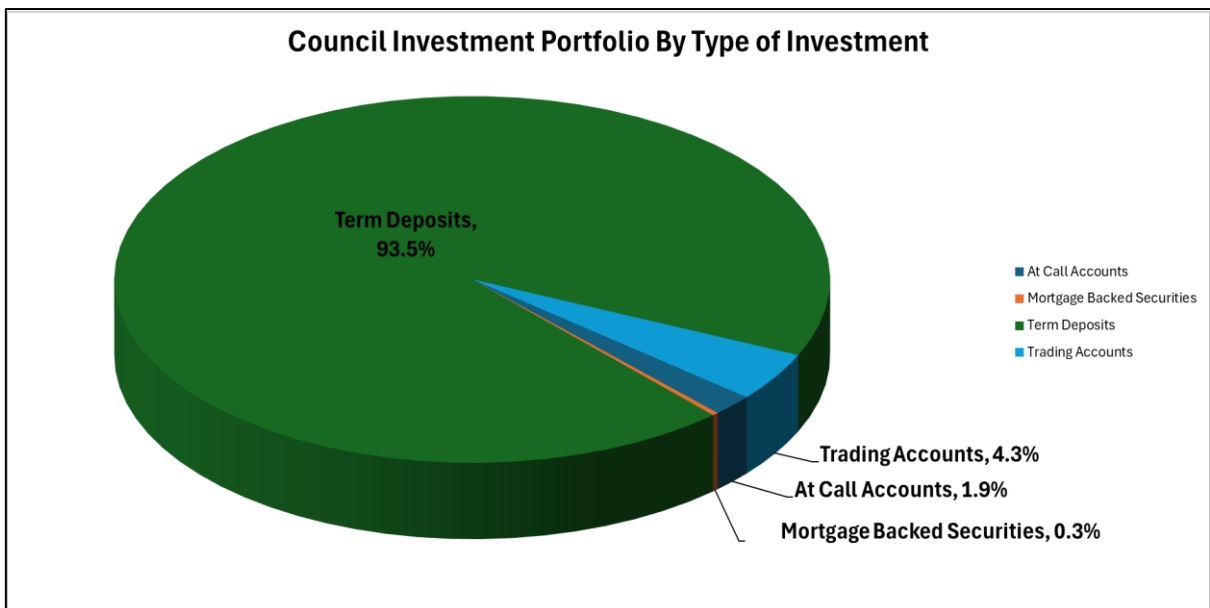
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



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

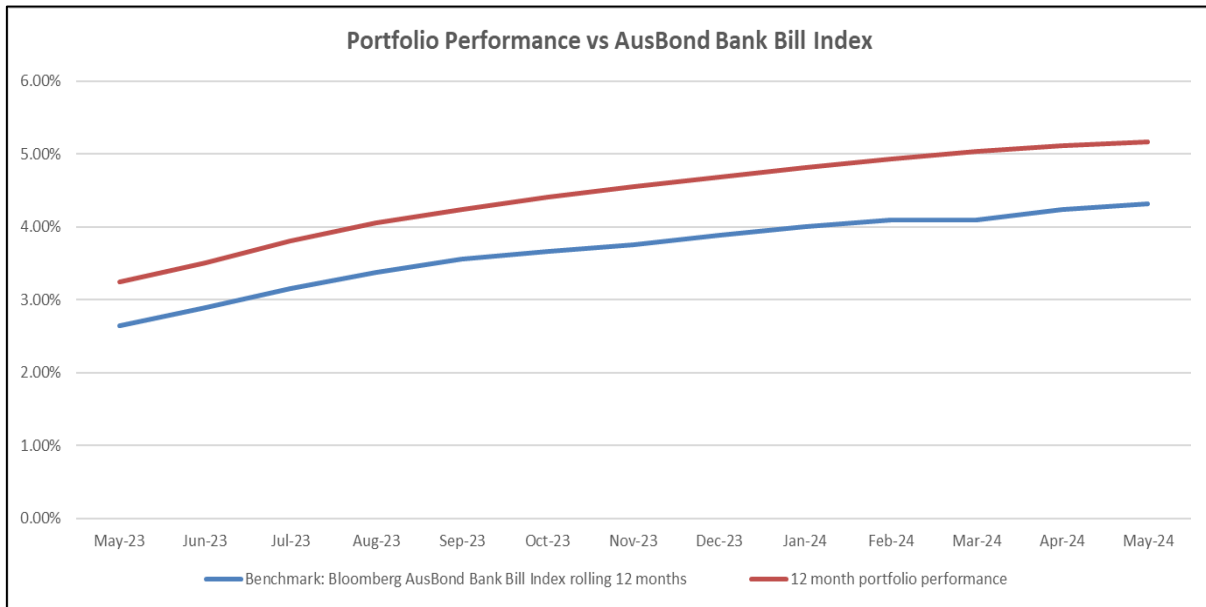
	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 Month	0.430%	0.37%
3 Months	1.300%	1.10%
FYTD	4.774%	4.01%
12 Months	5.168%	4.32%

* 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 0.43% for the month of May which was 0.06% above the benchmark AusBond Bank Bill Index return of 0.37%. For the past 12 months the portfolio achieved a return of 5.168% which was 0.848% above the benchmark AusBond Bank Bill Index return of 4.32%.



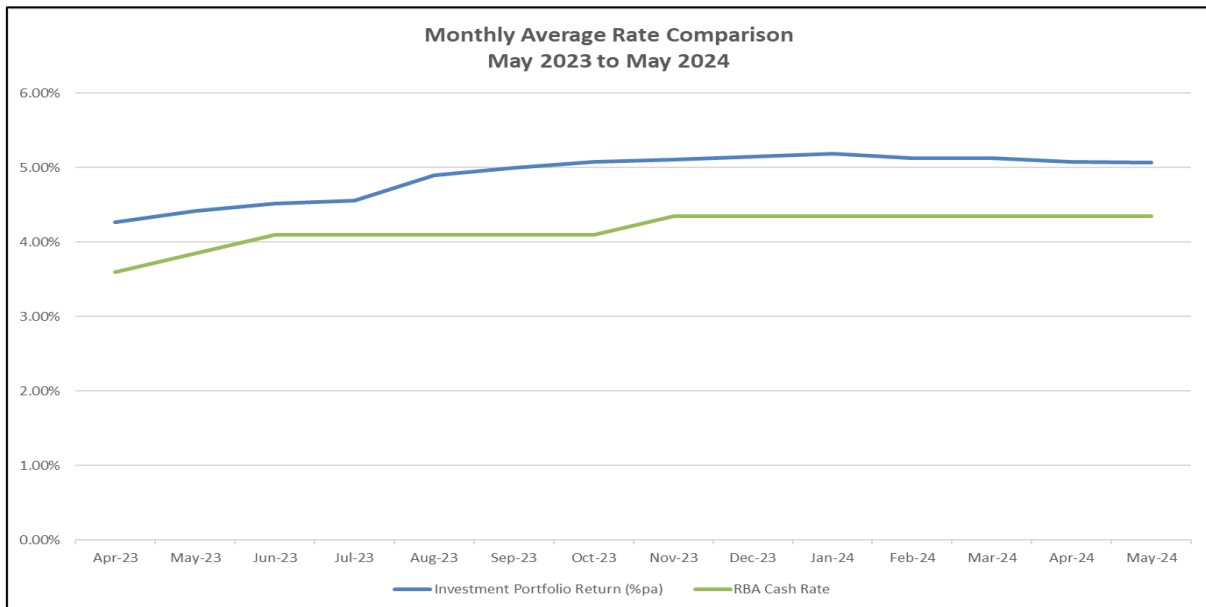
b) Portfolio Interest Rate vs Benchmark

	Weighted Average Portfolio Interest Rate (%pa) *	Average RBA Cash Rate
1 Month	5.07%	4.35%
3 Months	5.09%	4.35%
6 Months	5.13%	4.35%
FYTD	5.04%	4.26%
12 Months	4.99%	4.25%

* 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 5.07% compared to prior month's rate of 5.08%. For the past 12 months the weighted average interest rate of the portfolio was 4.99% compared to the average Reserve Bank of Australia Cash Rate of 4.25%.

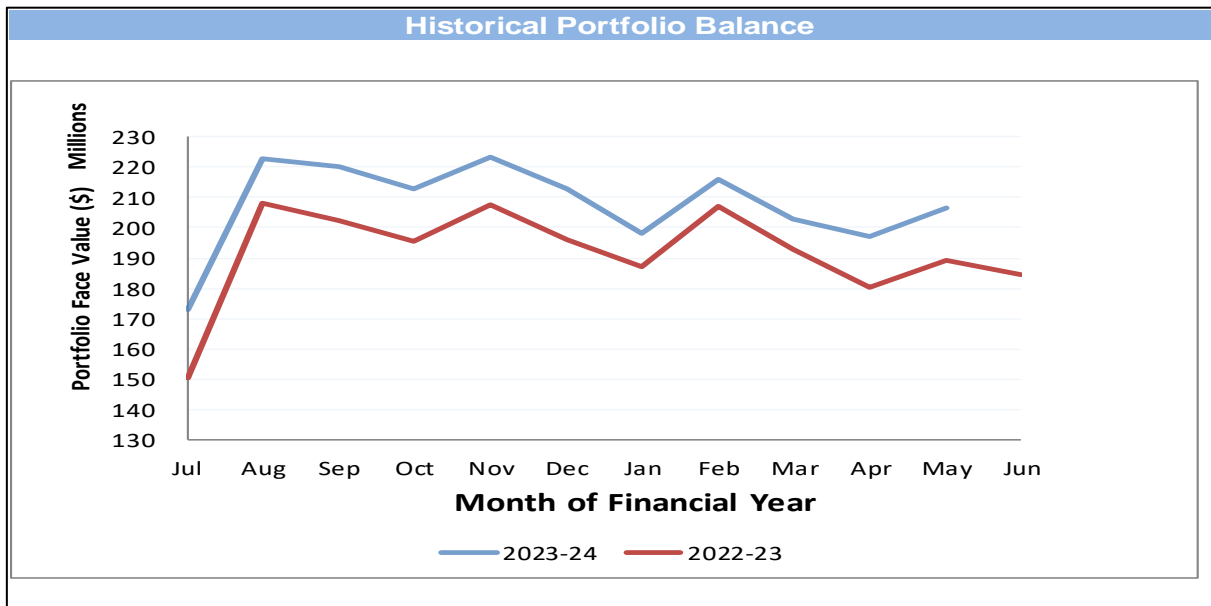


Monthly Investment Income* vs Budget

	May 2024 \$	Year to Date \$
Investment Income	860,489	9,621,761
Adjustment for Fair Value	1,434	25,386
Total Investment Income	861,923	9,647,147
Budgeted Income	441,200	5,790,075

*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	197,263,664	180,536,376
May	206,476,518	188,995,234
Jun		184,295,641
Average Portfolio Balance	207,753,241	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

At the end of May 2024 total cash & investments were \$206,476,518 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	64,371,371	31.18%
Internally Restricted	87,045,209	42.16%
Total Restricted	151,416,580	73.33%
Unrestricted	55,059,938	26.67%
Total	206,476,518	100.00%

ECONOMIC NOTES

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

The Australian economic and interest rate outlook is little changed from what seemed likely back in late-April. Economic growth has slowed, but not to stalling point with real GDP up 0.1% q-o-q in Q1 reducing annual growth to 1.1% y-o-y from an upwardly revised 1.6% y-o-y in Q4 2023.

Inflation remains sticky with the monthly CPI showing annual inflation rising from 3.4% y-o-y in February, to 3.5% in March and 3.6% in April. Unsurprisingly, the RBA is still many months away from being able to cut the 4.35% cash rate and there is a small threat of a possible rate hike before any rate cut. We doubt whether a rate hike will occur, but the lingering threat implies Australian bond yields above 4% rather than below through much of the remainder of this year.

Returning to the Q1 GDP report, while the quarter-change in GDP was quite soft, cutting inside the data there were some stronger elements relating to domestic spending and the ability of households to keep spending in coming months. Gross national expenditure, a measure of domestic spending, rose 1.0% q-o-q and by 2.1% y-o-y.

Within domestic spending, household consumption expenditure was firm, up in real terms by 0.4% q-o-q in Q1 and by 1.3% y-o-y. Gross household disposable income rose by 1.1% q-o-q in Q1 and further big quarterly increases are likely in Q2 and especially Q3 when income tax cuts come into play. In short, it is reasonable to expect relatively firm growth in household consumption spending to continue in Q2 and probably the second half of 2024 as well.

Firm growth in household consumption expenditure is also likely to be reinforced by positive real growth in government spending. The Federal Government's 2024-25 Budget announced last month included a net increase in real government spending.

Another area of spending that continues to rise is purchase of homes either by owner-occupiers or investors. In April, new housing finance commitments rose in value by 4.8% m-o-m and by 24.6% y-o-y. The value of owner-occupier loans rose 4.3% m-o-m, 18.7% y-o-y while housing investor loans were up 5.6% m-o-m, 36.1% y-o-y. While construction of new homes remains weak and will continue to detract from GDP growth, home purchases look set to contribute positively to GDP for the remainder of this year.

Also supporting demand is the continuing strength of the labour market. Although the unemployment rate lifted in April by 0.2 percentage points to 4.1% it still sits well below the 5% rate on average in the months ahead of the covid pandemic back in early-2019. Employment growth remains strong, up 38,500 in April and up 150,000 in the three months ending April. Over the year ending April, employment rose 394,000, or 2.8% y-o-y and continues to rise more strongly than forecast by the RBA.

Wage growth is running above inflation at 4.1% y-o-y according to the Q1 wage price index report. There are some signs that wage growth could decelerate. While the labour market is still tight it is not as tight as when the unemployment rate was tracking below 4% through much of 2022 and 2023.

Also, the most recent minimum wage decisions came in below 4%, with the Commission recognising that low productivity change limited the ability of employers to pay higher wages. Wage growth close to 4% y-o-y, however, will continue to limit progress reducing inflation towards the RBA's 2-3% target.

In early May, the RBA in the latest quarterly Monetary Policy Statement needed to tweak higher its near-term inflation forecasts. In the Budget, the Government's \$300 electricity rebate for everyone will reduce headline CPI inflation later this year, perhaps taking annual inflation below 3% y-o-y, but the impact will be temporary. That means when the RBA produces its next forecasts in early August it will reduce its end-2024 CPI forecast, but not its forecast of underlying inflation.

RBA Governor, Michelle Bullock, said recently that the RBA will read through the impact of the electricity rebate on the CPI and will focus on underlying, or trimmed mean, inflation. Underlying inflation is still tracking above 4% y-o-y and in an environment of resilient demand as indicated earlier will make only patchy and slow progress towards the RBA's 2-3% target.

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2023 to date was \$9,647,147 compared to budgeted income of \$5,790,075, a positive variance of \$3,857,072 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 its 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	2024/417861
Attachments	Nil

ITEM 9.2 PUBLIC EXHIBITION - DRAFT CODE OF MEETING PRACTICE

PURPOSE

The purpose of this report is to seek Council approval to place the draft Code of Meeting Practice on public exhibition.

EXECUTIVE SUMMARY

- Council is required to review and adopt a Code of Meeting Practice which is consistent with the Model Code of Meeting Practice within 12 months of an election of councillors.
- In preparation for the new term of Council, a preliminary review of the Code of Meeting Practice has been undertaken with changes proposed that will assist with the efficiency and administration of Council meetings.
- The proposed changes to the draft Code of Meeting Practice are recommended to go on public exhibition for a period of 28 days with the outcome to be reported to Council.

RECOMMENDATION

That Council place the draft Code of Meeting Practice on public exhibition for a period of 28 days with the outcome of the public exhibition to be reported to Council.

BACKGROUND

In accordance with section 360 of the *Local Government Act 1993*, Councils are required to review and adopt a Code of Meeting Practice which is consistent with the Model Code of Meeting Practice within 12 months of an election of councillors.

The Northern Beaches Code of Meeting Practice was adopted by Council at its meeting on 24 May 2022.

In preparation for the upcoming new term of Council, staff undertook a review of the Code of Meeting Practice. A revised draft was presented to the February 2024 Council meeting with a recommendation to place the draft on public exhibition. The Council resolved that the matter be deferred to a councillor briefing. The briefing was held on 9 July 2024.

DISCUSSION

The draft Code of Meeting Practice (Attachment 1) includes some potential amendments which have been identified to provide greater efficiency during the Council meeting and provide clarification in relation to minor administrative matters. The changes proposed are as follows (these have been highlighted as tracked changes in the attachment for ease of reference):

- Bringing forward the deadline for Councillors to submit notices of motion and questions with notice by one day. This will assist in the timely production of the business papers and facilitate consideration of any legal, strategic, financial or policy implications.
- Reducing the duration of all speeches from three minutes to two minutes, with the exception of the mover of a motion who would be granted three minutes (excluding right of reply).
- Setting an earlier finish time for the Council meeting, being 10.30pm, with one optional 30 minute extension (to 11pm).
- Clarifying the provisions in relation to rescission motions, specifically that notice is ordinarily required for any alternative motion.
- Confirming that resolutions passed prior to any meeting adjournment may be implemented prior to the resumption of the adjourned meeting, in line with current practice.
- Other minor changes relate to formalising and clarifying Council's current practices regarding additions and complaints, the chairperson having regard to attendance of members of the public for the order of business, photographs in the chambers, titles and general numbering references.

CONSULTATION

The proposed changes to the draft Code of Meeting Practice are recommended to be placed on public exhibition for a period of 28 days.

TIMING

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

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

Under section 360 of the *Local Government Act 1993*, Council is required to adopt a Code of Meeting Practice within 12 months after an ordinary election. The Code is to incorporate the mandatory provisions of the Model Code and may also include non-mandatory and other

provisions. The draft Northern Beaches Council Code of Meeting Practice complies with these requirements.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts to consider in respect of placing the draft Code of Meeting Practice on public exhibition.

SOCIAL CONSIDERATIONS

The exhibition of the draft Northern Beaches Council Code of Meeting Practice will provide the opportunity for the community to consider and comment on the regulatory and decision-making framework of Council meetings.

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	2024/469189
Attachments	⇒ 1 Draft Code of Meeting Practice (Included In Attachments Booklet)

10.0 COMMUNITY AND RECREATION DIVISION REPORTS

ITEM 10.1 TOY LIBRARY TRIAL OUTCOMES

PURPOSE

The purpose of this report is to seek Council approval to enter into a partnership with Early Ed Cubby House Toy Library to be reviewed in 5 years.

EXECUTIVE SUMMARY

- On 28 June 2022, Council resolved to approve a 12 month trial partnering with Early Education Inc to provide a toy library.
- The trial commenced in April 2023, and concluded in April 2024.
- The trial has been well received by community members with good take up of the service as evidenced by 103 members signing up for the service and borrowing 997 items during the trial period.
- Early Education Cubby House Toy Library is seeking to continue providing Toy Library Services as an ongoing service in partnership with Northern Beaches Libraries.
- It is recommended that Council continue the partnership with the Early Education Inc Toy Library service for a further 5 years.

RECOMMENDATION

That Council:

1. Approve a 5-year partnership with Early Ed (Early Education Inc) Cubby House Toy Library, subject to ongoing, regular performance and partnership reviews.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

BACKGROUND

On 26 October 2021, Council resolved (Resolution 44/2021):

That Council:

1. *Request staff to bring a report back to Council within 4 months detailing how a new Council run toy library could be set up over the 2022-23 financial year, including potential locations and operating and funding options.*
2. *Conduct community engagement on the toy library concept within the same timeframe.*

Background to the adopted Notice of Motion was:

The objectives of the toy library are to increase sustainability and to be a community-based service that would potentially foster greater social cohesion. There are so many cheap plastic toys marketed to children that break or they get bored of within five minutes, and so if we can reduce this by operating a borrowing facility instead then it means less waste, less dumped plastic, lower emissions plus a greater variety of stimulating toys for children.

There are many toy libraries operating in many LGA's and a few different operating models. This motion calls for a report to discuss the options for a Council run Northern Beaches toy library, including how and where to do this. Community engagement is also key.

Following Resolution 44/2021, community engagement was undertaken with the Northern Beaches community from November 2021 to January 2022. Key themes identified that:

- Among respondents there was significant support for the toy library concept as our community would value a shared resource and the opportunity to borrow quality educational toys suited to children's age and stage of development.
- There was praise for the existing Cubby House Toy Library with suggestions to increase community awareness and expand its operations.
- Praise for Peninsula Toy Repairers with suggestions to include more drop off points plus the inclusion of bikes and scooters for repair and sale.
- A handful of comments were regarding the creation of a beach toy library where sand/water play toys can be left, borrowed and/or swapped, similar to a street library for books.
- It was suggested that Northern Beaches Libraries expands to include a toy library collection.
- Several respondents expressed frustration that they do not know how or where to donate unwanted toys.

Following the community engagement process, staff reported back to Council on 24 May 2022 and recommended that Council:

1. Establish a toy collection with Manly and Mona Vale Libraries for a trial period of 12 months, operating under a Click & Collect model with a report presented back to Council at the completion of the trial period.
2. Commence discussions with existing services offering toy library and toy recycling services, aiming to increase community access and knowledge of these services.

Further considerations of the operational and ongoing cleanliness and maintenance of toys were considered; including a submission from Early Ed (Early Education Inc) Cubby House Toy Library which highlighted the significant staff time and logistics in maintaining a hygienic collection including ongoing repairs and maintenance of a toy library collection.

On 24 May 2022, Council resolved (Resolution 146/22):

That Council defer the recommendation and staff have further discussions with Early Ed (Early Education Inc) Cubby House Toy Library with regard to entering into a partnership and report back to Council at the next Council meeting.

Following discussions held with Early Ed (Early Education Inc), staff reported back to Council on 28 June 2022 having identified several opportunities for Council to work with Cubby House Toy Library including:

- providing access to library meeting rooms for click and collect purposes
- working with Cubby House Toy Library to promote and invite engagement with library programs and events
- promoting Cubby House Toy Library volunteer opportunities.

On 28 May 2022, Council resolved (Resolution 189/22):

That Council approve a 12-month trial partnership with Early Ed (Early Education Inc) Cubby House Toy Library, with advice provided back at the completion of the trial period.

DISCUSSION

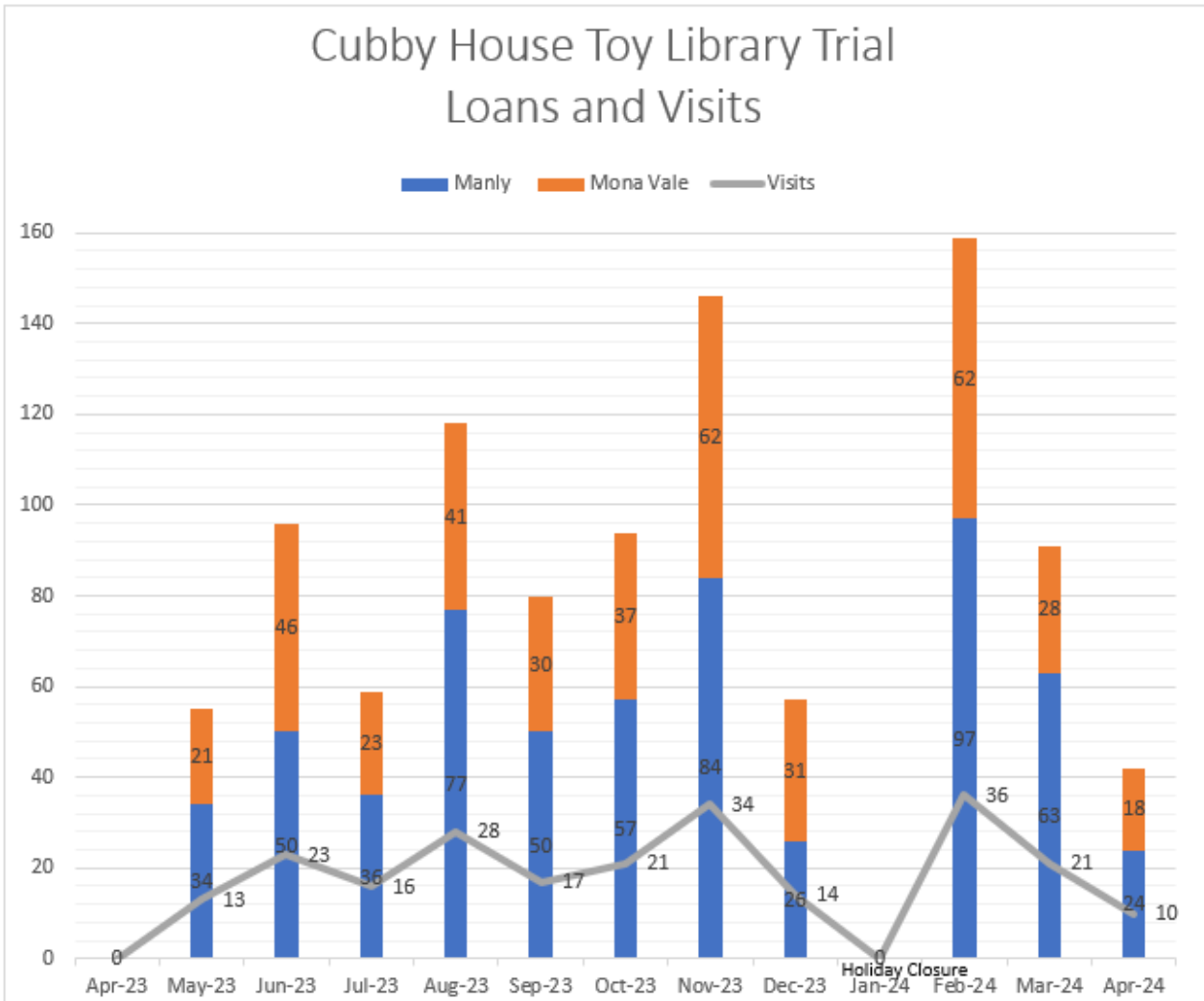
Early Ed (Early Education Inc) is a NDIS provider and non-for-profit organisation providing early childhood intervention services for children and their families. Cubby House Toy Library is an arm of Early Ed, offering a large range of quality educational toys, games and therapy/gross motor equipment operating out of Forestville. Council supports Cubby House Toy Library with ongoing accommodation at the Forestville Senior Citizens Centre.

A memorandum of understanding (MOU) was signed with Early Ed (Early Education Inc) and Northern Beaches Council on 23 February 2023, with a toy library trial commencing on 27 April 2023.

The partnership operates as a Click & Collect service at Manly and Mona Vale Libraries on a weekly basis during school terms. Cubby House Toy Library members choose items from an online catalogue and reserve items for collection at their preferred location. Cubby House Toy Library volunteers transport the toys for collection and pick up at Manly and Mona Vale Libraries.

The Toy Library service has been well received by community members with good take up of the service and positive feedback from users.

Cubby House Toy Library partnership			
Trial period April 2023-April 2024	Click & Collect location		
	Manly Library	Mona Vale Library	Total
Number of toys loaned	598	399	997
Number of new members	70	33	103
Number of member visits	140	93	233



Northern Beaches Libraries received two written comments regarding the Toy Library service during the trial period:

- *Fabulous bringing a fun and learning toy library and much needed service to our children, families and carers, providing for our children especially in difficult times it makes a huge difference to know our community is cared for, keep up the good work Northern Beaches Council.*
- *Absolutely love the idea of the toy library, it is done so well in other states. Unfortunately, most parents have to work, the only pick up time is an hour on a Thursday morning... I can never use this opportunity.*

Early Ed (Early Education Inc) Cubby House Toy Library has received 20 written comments from users of the service, largely demonstrating positive engagement with the service. Comments include:

- *Amazing service and would be happy to pay more to enhance the services.*
- *Please continue this service!*
- *Incredibly valuable to be able to click and collect from Manly.*
- *In Manly the ladies are super lovely, and timing works well with kid's story time.*
- *Excellent way to save money and minimise environmental waste from excess toys. We love the toy library.*

- *Sadly, most of the good toys are always on loan and there seems to be no waiting list to ensure we get them when they are available. A lot of plastic not many good quality toys. Can't borrow books when picking up from Manly.*
- *Huge value and it would be great to see a bit of a refresh of the functionality and operation to make it more streamlined. The volunteers are a huge part of the network, and it would be great to see a paid position take the service to the next level.*
- *Love the service and it would be great if they could extend the collecting times and location.*

CONSULTATION

Consultation was undertaken with the CEO Early Ed (Early Education Inc) on 19 January 2024 and the CEO formally wrote to Council on 14 June 2024 requesting support for an ongoing partnership in the provision of Toy Library Services .

TIMING

There are no implications for service delivery. Cubby House Toy Library has continued operating a toy library service in partnership with Northern Beaches Libraries since the conclusion of the trial period.

It is proposed to enter into a further 5-year agreement with Early Ed which facilitates space in Council's libraries to enable a broad ranging service to be offered. It is important to note that Council's role is not as the service provider, this function remains with the Cubby House Toy Library (Early Education Inc)

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

There may be a reputational risk that Council is supporting an organisation that requires membership fees to join.

Cubby House Toy Library membership costs:

- General public: \$100 pa plus \$30 bond (refundable at end of membership)
- Early Ed families: \$80 pa (no bond).

Early Ed (Early Education Inc) Cubby House Toy Library is a non-for-profit organisation and a registered NDIS provider. Early Ed (Early Education Inc) may waive fees for concession card holders and families requiring financial assistance.

No complaints have been received by Northern Beaches Libraries regarding membership fees during the trial period.

There may be a risk in creating expectations that Council can support other non-for-profit organisations or charities in a similar manner.

A risk evaluation has been conducted and finds that there is a low risk to Council in the provision of community services through an arrangement with a registered disability provider Early Ed (Early Education Inc).

ENVIRONMENTAL CONSIDERATIONS

The proposed actions in this report will result in a beneficial environmental outcome by supporting a circular loop approach to sustainable use of toys. Toy libraries promote and encourage

sustainable approaches to waste through the reduction of plastic waste and encourage families to engage in environmentally friendly practices.

SOCIAL CONSIDERATIONS

The recommendations in this report will have positive, social outcomes for the community. Toy libraries have the capacity to support social inclusion, community connectedness and facilitate child development. Our community has demonstrated interest, good will and positive engagement in the Toy library service with an expectation of ongoing service delivery.

LINK TO STRATEGY

This report relates to the Library Strategic Plan 2023-2028 Outcome:

- Outcome 3.2 Community Engagement – Seek out and foster community-based partnerships with education, welfare, cultural and business organisations that efficiently leverage library resources, build community capacity and celebrate local culture and heritage.

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

- Environmental sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability.
- Community and belonging - Goal 9 Our community is inclusive and connected.

Reporting team	Library Services
TRIM file ref	2024/386515
Attachments	Nil

ITEM 10.2 RESPONSE TO MAYORAL MINUTE 7/2024 - ENGAGING WITH THE NORTHERN BEACHES ABORIGINAL COMMUNITY

PURPOSE

The purpose of this report is to provide a response to a Council resolution in respect of Mayoral Minute 7/2024 on engaging with the Northern Beaches Aboriginal community.

EXECUTIVE SUMMARY

- Resolution 103/24 required that the Chief Executive Officer provide a report back to Council within 3 months on establishing an Aboriginal Community Advisory Group to review a range of indigenous issues including but not limited to: a Reconciliation Action Plan, culturally appropriate protocols /communications, and Council projects and activities.
- Council currently engages with local Aboriginal and Torres Strait Islander peoples and stakeholder groups on a project by project basis for a range of topics and Council activities.
- A Reconciliation Action Plan (RAP) is a locally relevant and actionable plan that improves the local context for Aboriginal and Torres Strait Islander peoples while also supporting the national reconciliation movement.
- Many councils across NSW and Australia have established either Aboriginal and Torres Strait Islander Advisory Groups for ongoing consultation with local First Nations peoples or Reconciliation Action Plan Working Groups/Committees for the specific purpose of developing and implementing a RAP.
- The establishment of an Advisory or Working Group should be designed and planned in a collaborative and co-designed approach with Aboriginal and Torres Strait Islander Peoples and stakeholders.
- The coordination of an Aboriginal and Torres Strait Islander Reconciliation Action Plan Working or Advisory Group would require Council to reprioritise projects to enable the allocation of required resources.
- Council liaises with the Metropolitan Local Aboriginal Land Council (MLALC) as the statutory body under the *New South Wales Aboriginal Land Rights Act 1983* for Aboriginal land, culture and heritage in the area.

RECOMMENDATION

That Council note the report.

BACKGROUND

At the April 2024 Ordinary Council meeting, Council resolved (Resolution 103/24) as follows in respect of Mayoral Minute 7/2024:

That the Chief Executive Officer provide a report back to Council within 3 months on establishing an Aboriginal Community Advisory Group to review a range of indigenous issues including but not limited to:

1. *A Reconciliation Action Plan*
2. *Culturally appropriate protocols /communications*
3. *Council projects and activities.*

This report provides a summary of the existing engagement mechanisms on the Northern Beaches, current practice across the NSW Local Government sector, potential options for future engagement, Reconciliation Actions Plans (RAPs) and guidance material for establishing Aboriginal and Torres Strait Islander Advisory/Working Groups, and a proposed way forward for Council.

Aboriginal peoples are the traditional custodians of the lands within the Northern Beaches. According to the 2021 Census, there are over 1,700 Aboriginal and Torres Strait Islander people living on the Northern Beaches.

The Northern Beaches Council area is one of 20 Local Government Areas (LGAs) included in the lands of the Metropolitan Local Aboriginal Land Council (MLALC). Under the *New South Wales Aboriginal Land Rights Act 1983*, the MLALC has legislative functions in respect of land acquisition, land use and management, promotion and protection of Aboriginal culture and heritage, and provision of financial stewardship. Council consults with the MLALC on a range of topics relating to its legislative functions.

Council is committed to engaging with the local Aboriginal and Torres Strait Islander peoples living in the community. The former Councils facilitated this engagement through a range of plans, events, and opportunities including the:

- Northern Sydney Aboriginal Social Plan 2007-2011 (involvement from three former Councils)
- Reconciliation Action Plan 2008 – former Warringah Council
- Manly Council Policy last reviewed in 2014: *Reconciliation between Indigenous and Non-Indigenous Australians.*

Northern Beaches Council continues to support and engage with the community through:

- Northern Beaches Council Children's Services, in consultation with Narragunnawali Reconciliation in Education, developed a service specific Reconciliation Action Plan in 2019
- consideration of Aboriginal names for public space/ places
- ongoing involvement in the Gai Mariagal Festival, formerly known as the Guringai Festival
- annual NAIDOC and National Sorry Day events and activities.

Community feedback across a range of Council projects and activities has demonstrated a high community desire to understand and connect with Aboriginal history of the Northern Beaches.

Key strategic documents adopted over the past 5 years have all identified the need for greater action in this area, including Towards 2040 Local Strategic Planning Statement (LSPS), Connected through Creativity Arts and Creativity Strategy, Better Together 2040 Social Sustainability Strategy, and Resilience Strategy Withstand Adapt Thrive. These adopted documents state Council's role includes to listen, support, and better connect in collaboration with Aboriginal and Torres Strait

Islander peoples to promote, preserve, celebrate, and protect Aboriginal and Torres Strait Islander heritage and culture on the Northern Beaches.

Between June 2019 and February 2021, 9 local Aboriginal community stakeholder meetings brought together local Aboriginal and Torres Strait Islander community leaders known to Council, the Mayor and staff from the Aboriginal Heritage Office. Participants determined frequency, locations and physical setting of the meetings that were facilitated by Council staff and led by the Mayor.

The focus of these meetings was to gather feedback from local Aboriginal and Torres Strait Islander peoples on a range of projects. It generated conversations regarding how cultural practices and protocols were being observed within the community.

Attendance varied across meetings, with attendance declining over the 2020 and 2021 period. In addition to the impact of the COVID-19 pandemic, feedback from participants identified that the allocation of resources and a commitment by Council to ongoing engagement was required for meaningful change and reconciliation to occur.

DISCUSSION

Current State - Existing engagement and advisory mechanisms on the Northern Beaches

There are several primary Aboriginal and Torres Strait Islander stakeholder groups which Council has ongoing consultation with including:

- Targeted engagement with local Aboriginal and Torres Strait Islander peoples known to Council, and through general community engagement for the whole community.
- Metropolitan Local Aboriginal Land Council (MLALC).
- The Aboriginal Heritage Office (AHO) is a partnership of six local Sydney Councils, including Northern Beaches Council, working to protect Aboriginal sites and promote Aboriginal history and heritage in each of Councils' areas. The AHO focuses on three main activities: site management, Council support, and education.
- Aboriginal and Torres Strait Islander led organisations/groups including the Aboriginal Education Consultative Group (AECG) and Manly Warringah Pittwater Aboriginal Support Group (MWP ASG).

Currently, engagement with the local Aboriginal and Torres Strait Islander community by Council is on specific projects or issues and often as a component of broader stakeholder engagement. Engagement on a project-by-project basis is incorporated into existing workplans and resourcing and has no additional cost to Council.

Engagement examples include Aboriginal heritage advice, cultural practice advice, public art projects and exhibitions or performances curated within Council assets, communications and signage advice (e.g. Northern Beaches entry markers), place naming proposals, land use planning, public events, and other Aboriginal activities and programs delivered through Council services.

Advisory Groups across Local Government

Many councils in NSW and across Australia have established Aboriginal and Torres Strait Islander Advisory Groups aiming to facilitate an ongoing dialogue with local Aboriginal and Torres Strait Islander peoples.

Desktop analysis of 33 Metro Sydney Councils revealed the following*:

- Councils with an Aboriginal Advisory Group/Committee = **15**
- Councils with Reconciliation Action Plan (RAP) Working Group/Committee = **8**
- Councils that had an Aboriginal Advisory Group/Committee previously = **2**

- Councils with no Aboriginal Advisory Group/Committee or RAP Working Group = 8

**Information collected from council websites and available documents online. Numbers might differ slightly depending on accuracy and currency of information on each website.*

The following provides an overview of the main functional components of the Aboriginal and Torres Strait Islander Advisory/Working Groups identified through this desktop research.

Purpose and Principles:

Aboriginal and Torres Strait Island Advisory/Working Groups are founded on a clear purpose, set of principles, and Terms of Reference (TOR) that guide delivery and measure success.

Membership and tenure:

The number of members varied from as few as 6 to as many as 18. In some cases, this included Council staff and elected representatives with no voting rights. The tenure of the groups varies between 2 to 4 years, with several aligned with the elected Council term.

Group members are established through an Expression of Interest (EOI) process advertised on Council websites and through relevant local channels. Nominations are assessed by an internal Council panel.

For most of the Groups, members must be Aboriginal or Torres Strait Islander peoples that live, work or study in the LGA. Designated roles are provided for Traditional Owners, where that is relevant, and representatives from Local Aboriginal Land Councils.

Key functions:

The function of the identified groups can be summarised as:

- Advise on all matters of importance to local Aboriginal and Torres Strait Islander communities, including infrastructure projects, heritage, Council strategies and plans, including the development of a Reconciliation Action Plan.
- Promote and increase knowledge and understanding of Aboriginal and Torres Strait Islander society, history, and culture in the LGA.
- Develop and maintain relationships and facilitate communication between Council and Aboriginal and Torres Strait Islander communities.
- Support and promote significant celebrations/events.
- Provide a forum for indigenous and non-indigenous community members to raise and address issues and needs.

Administrative support:

Many of the Councils with an Aboriginal Advisory or Working Group have an Aboriginal and Torres Strait Islander identified staff position that coordinates the group as part of a broader community liaison and capacity building role.

Council does not currently have an Aboriginal Liaison Officer or equivalent to lead the engagement and development aspects of this project. This lived experience is important to lead effective ongoing engagement with the Aboriginal community and deliver actions identified in a Reconciliation Action Plan. Successful delivery of the development of a RAP will be dependent on the engagement of a suitably qualified external specialist, supported by Council staff to conduct engagement with the Working Group and the broader community.

Provision of remuneration through sitting fees per member per meeting and/or reimbursement for transport and other expenses varies across the different Councils. An approach to this would need to be determined for an Advisory/Working Group, impacting on the required budget.

Cultural protocols:

Other councils work with Advisory/Working Groups to develop and implement local cultural protocols which provide the following important guidance for the functioning of the Advisory/Working Groups, more broadly across council practice, and in the community:

- Traditional owners of the area
- First Nations history including history of the local area
- Traditional protocols:
 - Acknowledgment of Elders
 - Gender protocols
 - Welcome to Country
 - Acknowledgement of Country
 - Smoking Ceremonies
- Respecting Culture and Heritage
- Culturally appropriate engagement practices
- Culturally appropriate language
- Important dates for Aboriginal and Torres Strait Islander community
- Signage and Flags.

Many cultural protocols from other councils recognise the important role of the Local Aboriginal Land Council as the primary source of information on Aboriginal heritage and culture, and for inclusion when consulting with the local Aboriginal and Torres Strait Islander community.

Reconciliation Action Plans

The development of a Reconciliation Action Plan (RAP) would advance reconciliation in the Northern Beaches.

Reconciliation Australia has an established and recognised framework which provides organisations with a process and resources to develop a RAP. The Reconciliation Australia RAP framework has 3 core pillars: relationships, respect, and opportunities. Defining a plan for reconciliation around these core pillars enables organisations to establish a locally relevant and actionable plan which improves the local context while also supporting the national reconciliation movement.

The RAP Framework provides a graduated 4-level approach to RAP development – Reflect, Innovate, Stretch and Elevate. This allows organisations to develop a RAP that is consistent with their local context and place on the path to reconciliation with a roadmap for continuously building on this commitment.

It is anticipated that Northern Beaches Council would start by developing a Reflect RAP which would build reconciliation foundations through a set of actions to be delivered over a 12-18 month period. This would likely include actions relating to the development of cultural protocols and a process for ongoing engagement with the community.

Based on advice from Reconciliation Australia, the process to develop a Reflect RAP would take approximately 12-18 months including reporting to Council for public exhibition and adoption.

Options for Northern Beaches Council

Each of the following options would achieve Council's role outlined in adopted Strategic documents to varying degrees, given the depth and breadth of involvement proposed for each.

Option 1: Status Quo

- Council continues to engage with local Aboriginal and Torres Strait Islander peoples, MLALC, AHO, and other Aboriginal led community groups and organisations on a project-by-project basis.
- There is no additional funding required for this option as the activities required would be included in existing project workplans.
- The number of people who are reached and participate in consultation is limited and may not be representative of the whole local Aboriginal and Torres Strait Islander community.
- This approach would not facilitate discussion between people with differing views and ideas, which is fundamental to the development of a Reconciliation Action Plan (RAP) and Cultural Protocols.
- Reconciliation Australia is unlikely to endorse a RAP without a Working Group to develop, consistent with its guidelines.

Option 1 will be achieved if Council supports the recommendation and resolves to note the report.

Option 2: Establish an Aboriginal and Torres Strait Islander Advisory Group

- Council establishes an ongoing commitment to an Aboriginal and Torres Strait Islander Advisory Group to review a range of issues as outlined in the Mayoral Minute. This includes the development of a Reconciliation Action Plan (RAP), establishment of Cultural Protocols and facilitating ongoing dialogue between Council and the Aboriginal and Torres Strait Islander community.
- Clear purpose, principles, and Terms of Reference (TOR) would need to be developed in consultation with local Aboriginal and Torres Strait Islander peoples prior to establishing the Advisory Group.
- Membership is limited, which would result in a group that is not wholly representative of the local community, requiring ongoing project specific consultation targeting the community more broadly.
- The tenure of the group should be defined and limited to provide opportunity for a range of community members to participate over time.
- The focus and agenda of the group would need to be determined and agreed to by members. A divergence in participant views and ideas is expected which is likely to impact the time required to reach agreement on priorities and move forward as a group.
- Requirement for expert staff resources, such as an identified position, to manage the establishment and implementation of the Advisory Group, development of cultural protocols, a RAP and other projects advised by the Group. This staff position would provide coordination and support functions for the Advisory Group and not be a participating member.
- The identified position would need to engage an expert First Nations consultancy to draft and deliver the RAP.
- This option requires additional funding for staffing and program costs associated with the coordination of the Advisory Group and delivery of any actions identified by the group and endorsed by Council. The funding for this option would be ongoing for the life of the Advisory Group.

Should Council seek to adopt Option 2, an appropriate motion would be:

That Council:

- *Identify projects that can be delayed or deferred and approve the reallocation of ongoing funding and resources, including establishing an Aboriginal identified position of staff.*
- *Establish an Aboriginal and Torres Strait Islander Advisory Group, in consultation with Aboriginal and Torres Strait Islander Stakeholders.*

Option 3: Establish an Aboriginal and Torres Strait Islander Reconciliation Action Plan Working Group

- Council establishes an Aboriginal and Torres Strait Islander RAP Working Group to inform the development of a RAP, as outlined in Reconciliation Australia RAP Drafting Resource (Attachment 1).
- This option would present clear direction for the role of the group and the resulting RAP would provide strategic direction and tangible actions for Council to pursue reconciliation into the future (subject to Council's adoption).
- Defined scope, timeframe and Terms of Reference (TOR) would need to be developed in consultation with local Aboriginal and Torres Strait Islander peoples prior to establishing the Working Group.
- Broad community consultation would be incorporated into the stakeholder engagement for the development of the RAP to provide an opportunity to hear from Aboriginal and Torres Strait Islander people living on the Northern Beaches.
- There would still be a need for ongoing project by project consultation for other activities across Council whilst a RAP is under development.
- A RAP would identify actions informed by the community to begin the process of developing cultural protocols and an approach to ongoing consultation and involvement of local Aboriginal and Torres Strait Islander peoples and stakeholder groups, including the Metropolitan Local Aboriginal Land Council.
- This option would require expert resources and program costs, including the procurement of a suitably qualified First Nations consultant to manage the engagement of the Working Group, stakeholders and broad community and delivery of a RAP.
- The additional funding required for this option would be time bound to the required duration of the Working Group. Additional staffing and program costs would be required to deliver the actions of a final Council adopted RAP.

Should Council seek to adopt Option 3, an appropriate motion would be:

That Council:

- *Identify projects that can be delayed or deferred and approve the reallocation of funding and resources in the 2024/25 and 2025/26 financial years.*
- *Establish an Aboriginal and Torres Strait Islander Reconciliation Action Plan Working Group to inform the development of a Reconciliation Action Plan for Northern Beaches Council, in consultation with Aboriginal and Torres Strait Islander Stakeholders.*

CONSULTATION

The detail in this report incorporates feedback from local Aboriginal and Torres Strait Islander peoples known to Council, other individual community members received during development of

Council strategies and plans, and the professional knowledge of Council staff involved in ongoing engagement with local Aboriginal and Torres Strait Island peoples.

If Council resolves to proceed with the establishment of an Aboriginal and Torres Strait Islander Advisory Group or Reconciliation Action Plan Working Group, it is recommended that community consultation be conducted prior to its commencement to invite a broad range of views from local Aboriginal and Torres Strait Islander community members and stakeholder groups. This will provide direction on the most culturally appropriate way to establish and coordinate the group through a clear purpose, principles, and Terms of Reference.

Reconciliation Australia's RAP Drafting Resource (Attachment 1) and Collaborate NSW through its *Local government and Aboriginal communities working together* website provide guidance that Council can follow to establish a Working Group. There are a range of other guidance materials from Federal and State Government departments that have been sourced and can provide reference material for engaging with Aboriginal and Torres Strait Islander peoples.

Engagement would also occur with the MLALC and other NSW councils with established Aboriginal and Torres Strait Islander Advisory Groups or RAP Working Groups to learn from their experience.

TIMING

If Council approves funding in the September 2024 Quarterly Review to implement Option 2 or 3, the preliminary consultation process will commence in late 2024 with an Advisory Group or RAP Working Group established in the first half of 2025.

An Advisory Group would be ongoing and have long term timing implications for Council planning and resourcing.

It is expected that the process to establish a Reconciliation Action Plan Working Group, engage a suitably qualified First Nations consultant, and develop a RAP would be a minimum of 2 years. This includes approximately 6 months to establish the Working Group, 3 months to procure a suitable qualified consultant and up to 18 months to develop the RAP and finalise the project.

FINANCIAL CONSIDERATIONS

To establish Options 2 or 3 to deliver an Aboriginal and Torres Strait Islander Advisory Group or RAP Working Group would require funding for program costs, requiring reprioritisation of projects and allocation of resources in the 2024/25 Operational Budget.

Option 2, establishing an Advisory Group, requires funding for a new Aboriginal identified staff position and additional program funding for the life of the Advisory Group anticipated at between \$150,000-\$200,000 per annum. This option would also require funding for contract services to engage a suitably qualified First Nations consultant and program funding for other project related costs for the development of a RAP, anticipated to be \$150,000 to deliver the RAP. This option would require Council to identify projects to be delayed or deferred to enable ongoing funding of between \$150,000-\$200,000 per annum and an additional \$150,000 spread across 2024/25 and 2025/26 financial years to be redirected for this purpose.

Option 3, establishing a RAP Working Group and delivery of a RAP, requires budget for contract services to engage a suitably qualified First Nations consultant and program funding for other project related costs expected to be approximately \$150,000 to deliver the project. This option would require Council to identify projects to be delayed or deferred to enable funding of \$150,000 spread across 2024/25 and 2025/26 financial years to be redirected for this purpose.

Determining program costs relies on several future decisions including; whether the Advisory or Working Group members would be paid sitting fees, be reimbursed for expenses, the size of the group membership, the number and frequency of Advisory or Working Group meetings required, and the scope of other external stakeholder engagement required.

Staff from several areas across Council would be required to effectively deliver the agreed outputs of either an Advisory or Working Group. This would require reprioritisation of existing workplans and resourcing.

The required funding would need to be identified and Council approval sought through the September 2024 Quarterly budget review process to implement either option 2 or 3.

Actions included in a RAP would be subject to Council's normal governance, planning, and budget decision making processes. This would mean program costs for the implementation of a RAP would be determined and approved as part of the adoption of a RAP and ongoing Delivery Program, Operational Plan, and Budget approval process.

GOVERNANCE AND RISK CONSIDERATIONS

The Aboriginal history of the Northern Beaches is unique and complex, and the establishment of an Advisory Group or RAP Working Group would operate within this complexity, with the future development of cultural protocols also influenced by this local context.

As with any community, the local Aboriginal and Torres Strait Islander community have different personal experience, knowledge, beliefs, and cultural views. The implementation of an Advisory Group or RAP Working Group will bring together diverse stakeholders and allow dialogue representing a range of viewpoints, however it is unlikely to be seen as wholly representative by the community. As a result, consultation with local Aboriginal and Torres Strait Islander people would need to be maintained on a project-by-project basis to ensure a broad range of local Aboriginal and Torres Strait Islander voices are captured to inform Council decision making.

Expectations of Advisory Group or RAP Working Group members on the role, functions, and outputs of both the Group and Council staff is a key consideration and has the potential for reputational and political impacts on Council. These expectations would need to be considered and addressed in the preliminary consultation to establish the group, and then managed once established with appropriate resourcing and governance from Council. Regardless of which option is implemented, the Terms of Reference for options 2 or 3 would clearly articulate that the function is advisory only and not directly involved in making decisions of Council.

There is an ongoing reputational risk for Council operating without identified cultural protocols. Consistency and accuracy of Council's and the broader community's approach to recognising and celebrating Aboriginal culture and history is inhibited by the absence of this important guidance material. Developing a RAP in a co-designed approach with local Aboriginal and Torres Strait Islander people and stakeholder groups presents an opportunity to begin development of this important document and work toward addressing this reputational risk.

It should be noted that given the wide-ranging views of the local Aboriginal and Torres Strait Islander community, the development of cultural protocols is not likely to result in all local Aboriginal and Torres Strait Islander people's views being represented. The accuracy and currency of a Cultural Protocols document would need to be continually monitored, reviewed and updated over time.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

This report has the potential to deliver enhanced social outcomes for the community, particularly local Aboriginal and Torres Strait Islander peoples who are identified as a priority population within the Better Together 2040 Social Sustainability Strategy. Providing opportunities for active participation in consultation and engagement is an essential element of self-determination. Greater commitment to engaging with local Aboriginal and Torres Strait Islander peoples would achieve positive outcomes at the individual and community level.

The development of a RAP would further demonstrate Council's commitment to recognising and celebrating our Aboriginal and Torres Strait Islander peoples and strengthen our relationships with the community and stakeholder groups.

Consideration of this report could impact social outcomes through the consideration and decision making about ongoing consultation and engagement with local Aboriginal and Torres Strait Islander peoples. Dialogue and debate about how to engage with local Aboriginal and Torres Strait Islander peoples has the potential to cause emotional and psychological harm to the community.

LINK TO STRATEGY

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

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life.
- Community and belonging - Goal 8 Our community feels safe and supported.
- Community and belonging - Goal 9 Our community is inclusive and connected.
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Partnership and participation - Goal 21 Our community is engaged in decision making processes.
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

Reporting team	Community, Arts & Culture
TRIM file ref	2024/323839
Attachments	⇒ 1 Reconciliation Australia - Establishing and maintaining an effective RAP Working Group (Included In Attachments Booklet)

11.0 ENVIRONMENT AND OPEN SPACE DIVISION REPORTS

ITEM 11.1 CONFIRMED MINUTES OF THE ENVIRONMENT STRATEGIC REFERENCE GROUP - 7 MARCH 2024 AND 30 NOVEMBER 2023

PURPOSE

The purpose of this report is to provide the minutes of the Environment Strategic Reference Group (ESRG) meetings, held on 30 November 2023 and 7 March 2024.

EXECUTIVE SUMMARY

- The ESRG meets quarterly to consider and be advised on projects aligned to the Community Strategic Plan goals and strategies.
- Key items discussed at the November 2023 meeting included the Litter Roadmap, Bushland Condition Mapping, Electric Vehicle Charging Update, Floodplain Management Activities and 100% Renewable Power Purchase Agreement for local businesses.
- Key items discussed at the March 2024 meeting included the Waste and Circular Economy Strategy, Valley View Wetland project, Wakehurst Parkway Flood Mitigation project, and a workshop to provide input into the harmonisation of key Council environmental policies.
- Minutes of the ESRG meetings held 30 November 2023 and 7 March 2024 were confirmed by the ESRG at its meeting on 11 June 2024 and are presented to Council for noting.

RECOMMENDATION

That Council note the minutes of the Environment Strategic Reference Group meetings held on 30 November 2023 and 7 March 2024.

BACKGROUND

The Environment Strategic Reference Group (ESRG) is aligned to the Community Strategic Plan (CSP) outcome areas. It meets quarterly to consider and to be advised on projects aligned to the respective CSP goals and strategies. The SRG contributes advice and feedback to Council in relation to issues and initiatives outlined within its charter.

The minutes of the meetings held on 7 March 2024 and 30 November 2023 were only confirmed at the ESRG meeting held on 11 June 2024 and are now presented to Council for noting.

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

The Environment SRG is conducted within Council’s governance and committee framework. ESRG minutes are reported to Council in accordance with its charter.

ENVIRONMENTAL CONSIDERATIONS

The Environment SRG contributes advice and feedback regarding Council’s strategic management of the environment and natural hazards.

SOCIAL CONSIDERATIONS

The Environment SRG is positioned to ensure involvement and engagement with a broad range of stakeholders, community groups, associations and the wider community.

LINK TO STRATEGY

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

- Environmental Sustainability - Goal 6 Our Council is recognised as a leader in environmental sustainability.
- 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	2024/451372
Attachments	⇒1 Minutes - Environment Strategic Reference Group 30 November 2023 (Included In Attachments Booklet) ⇒2 Minutes - Environment Strategic Reference Group 7 March 2024 (Included In Attachments Booklet)

ITEM 11.2 OUTCOME OF PUBLIC EXHIBITION - DISPLAY OF BANNERS AND PROMOTIONS ON COUNCIL FACILITIES POLICY

PURPOSE

The purpose of this report is to provide Council with the outcome of the public exhibition of the draft Display of Banners and Promotions on Council Facilities Policy and seek adoption of the amended Policy.

EXECUTIVE SUMMARY

- The draft Display of Banners and Promotions on Council Facilities Policy (Policy) was placed on public exhibition between 3 April and 5 May 2024 and a consultation report has been prepared (Attachment 1).
- Twenty submissions were received during the exhibition period.
- The large majority expressed support for the policy as originally drafted, or with some amendments, while only a small number of submissions did not support the draft Policy.
- The issues raised in community feedback mainly related to seeking clarification on how the principles of the Policy would be applied, who was permitted to promote on Council facilities and clarification about the restrictions on what could or could not be advertised.
- There were 2 detailed submissions requesting the scope of the benefit to the community be broader than the draft Policy describes, and a number of other comments were also made regarding the fees and charges and other operational matters that are not within the scope of the Policy.
- Amendments have been made to the draft Policy to address the issues raised during exhibition and improve readability.
- The draft Policy is now presented to Council for adoption.

RECOMMENDATION

That Council:

1. Adopt the revised draft Display of Banners and Promotions on Council Facilities Policy (Attachment 2).
2. Revoke the:
 - a. Banners on Public Land Policy - No 163 (former Pittwater)
 - b. Display of Banners within Council controlled properties and reserves – B10 (former Manly).

BACKGROUND

The draft Display of Banners and Promotions on Council Facilities Policy (Policy) outlines Council’s position on the promotion of events, programs and services displayed on banners at Council’s formal banner sites or displayed on Council facilities (e.g. Manly Town Hall) as a banner, illumination or otherwise. It has been prepared to provide a consistent and transparent position on what can be displayed at these locations and is a harmonisation of former Council policies.

Once adopted, the Policy is intended to replace policies adopted by the former Councils:

- Banners on Public Land Policy - No 163 (former Pittwater).
- Banners – Display of Banners within Council Controlled properties and Reserves – B10 (former Manly).

The draft Policy was presented to Council at its meeting on 26 March 2024 and it was subsequently resolved (Resolution 046/24):

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

Accordingly, the draft Policy was placed on public exhibition between 3 April and 5 May 2024. A detailed report on the consultation process and the feedback received is set out in Attachment 1 of this report.

DISCUSSION

Twenty submissions were received during the consultation period. While most submissions were broadly supportive of the draft Policy, some proposed amendments. In response, several minor changes have been proposed which aim to further clarify the application of the guiding principles and broaden the opportunities to promote events, programs, and support services to our community. A summary of the feedback and Council’s response is set out in the table below.

Issue	Response
Clarification of how the principles are to be applied. The wording in the draft Policy could be interpreted as requiring an application to meet all principles.	The phrasing of what applications are eligible has been changed to “one or more” to remove any confusion that applications had to meet all criteria. Minor amendments have also been made to improve readability and interpretation.
Not for profit groups to be the only groups able to promote on Council facilities and that commercial operators are not permitted to use this service.	Council is committed to supporting business on the Northern Beaches and eligible events or activities that are compliant with criteria are able to be approved under the Policy. Not for profit groups would be given priority.
Restriction on any promotions relating to a religious view would impact on events related to Christmas, Ramadan, and other such events.	Banners aligned with the principles of the Policy will be considered such as promoting events and activities organised by a religious organisation such as a religious school fete or Christmas markets arranged through a Church.

Issue	Response
<p>The principles be broadened to allow for the promotion of support services that would directly benefit our residents. It was acknowledged in the submission that Council facilities should not be used for political electioneering, as noted in the draft Policy.</p>	<p>It is acknowledged that activities that are not within the local area may still be of relevance or significance to our residents. The principle which stated: “Primarily relates to an activity taking place in the Northern Beaches” has been changed to the following:</p> <p style="text-align: center;"><i>Primarily relates to an activity taking place in the Northern Beaches or is relevant to our Local Government Area and our community.</i></p> <p>Additional amendments have also been made to the second principle so that it now reads:</p> <p style="text-align: center;"><i>Provides environmental, recreational, social, educational, and cultural benefits and/or support services for our community.</i></p>
<p>Comments on operational matters including the fees and charges, the length of time that a banner can be hung and how many banners should be at each site.</p>	<p>Comments on operational matters have been noted and will be covered in the Displaying Banners at Formal Banner sites and Council Facilities Guidelines. All fees and charges are determined after consideration of the Pricing Policy and are adopted each year by Council through the annual Delivery Plan.</p>

Two additional changes have also been made by staff. The first clarifies that the preservation of the historic integrity of a building should apply to all Council facilities not just Manly Town Hall. The second encourages applicants to use sustainable materials in banners and/or reuse banners where possible.

CONSULTATION

The draft Policy was placed on public exhibition between 3 April and 5 May 2024 which consisted of the draft Policy being advertised through Council’s social media platforms and website. Emails outlining the exhibition period and process were also sent directly to those groups who have hired Council’s banners or had requested to illuminate Manly Town Hall in the past.

During the exhibition period, 20 submissions were received, 18 via the Your Say page and 2 emails. Of the submissions, a significant majority supported the draft Policy in its original form or supported it with some minor changes and clarifications. A small number of submissions did not support the Policy.

A comprehensive analysis of the community engagement process can be found in the Community Engagement Report attached to this report at Attachment 1.

TIMING

Should Council accept the staff recommendation, the revised draft Policy will come into effect immediately, and the existing policies of the former councils will be revoked also with immediate effect. The adopted Policy will be published on Council’s website as soon as possible.

FINANCIAL CONSIDERATIONS

The adoption of the Policy does not materially alter the number of groups or activities eligible to apply for a formal banner site or Council facilities and therefore should not have any impact on the income received from this service.

GOVERNANCE AND RISK CONSIDERATIONS

If the revised Policy is adopted, it is proposed to revoke the following policies of the former Councils:

1. Banners on Public Land Policy - No 163 (former Pittwater)
2. Display of Banners within Council controlled properties and reserves – B10 (former Manly).

ENVIRONMENTAL CONSIDERATIONS

The subject of this report has no adverse environmental implications for Council. Modifications to the draft Policy have been included that encourage the recycling of banners and/or use of sustainable materials.

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome for the community. The Policy aims to further facilitate the promotion of events, activities and services that have social, recreational, educational, cultural, and environmental benefits and directly provide support services for our community. Having a consistent policy across the Northern Beaches will provide the community with greater certainty and generate less confusion when applying for different sites.

LINK TO STRATEGY

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

- Community and belonging - Goal 9 Our community is inclusive and connected.
- Housing, places, and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting, and recreational opportunities to be enjoyed.

Reporting team	Parks & Open Space
TRIM file ref	2024/435868
Attachments	<p>⇒1 Community Engagement Report - Display of Banners And Promotions on Council Facilities - Policy (Included In Attachments Booklet)</p> <p>⇒2 Draft Policy - Display of Banners and Promotions on Council Facilities (Included In Attachments Booklet)</p>

ITEM 11.3 MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 5 DECEMBER 2023

PURPOSE

The purpose of this report is to note the minutes of the Northern Beaches Bush Fire Management Committee (BFMC) meeting held on 5 December 2023.

EXECUTIVE SUMMARY

- The BFMC consists of a range of agencies and stakeholders including the fire authorities, land managers and community organisations, and is responsible for coordinating bush fire management throughout the Northern Beaches.
- An ordinary meeting of the BFMC was held on 5 December 2023, the minutes of which were adopted at the BFMC meeting held on 5 March 2024, and circulated to Council on 18 June 2024.
- A number of coordinated programs and hazard reduction initiatives from the 23/24 financial year were discussed at the meeting and a summary of matters relevant to Council is included in this report.
- The minutes adopted by the BFMC are included as an attachment to this report and it is proposed that Council notes these in accordance with the recommendation below.

RECOMMENDATION

That Council note the minutes of the Northern Beaches Bush Fire Management Committee meeting held on 5 December 2023.

BACKGROUND

The Northern Beaches Bush Fire Management Committee (BFMC) area comprises 23,525 hectares, of which Council has care, control and management of approximately 13% of the land. The remainder of the area is managed by NSW National Parks and Wildlife Service (NPWS) (46%), private tenure (36%), or by other government agencies (5%).

Under the *Rural Fires Act 1997* landowners are responsible for managing bush fire risk on their land. The BFMC consists of a range of agencies and stakeholders such as the fire authorities, land managers and community organisations. The BFMC is responsible for coordinating bush fire management across the Local Government Area (LGA) and Council actively participates in the Committee and sub-committees.

Ordinary BFMC meetings are held quarterly, and the release of final minutes takes some time due to the preparation process. This process includes the draft minutes from each meeting being prepared by the Rural Fire Service's Executive Officer and RFS staff which are then circulated to member agencies for review. At the subsequent meeting, any changes proposed by member agencies are discussed and agreed, and the BFMC moves to accept and adopt the minutes. Once adopted, the final minutes are released by the Executive Officer.

DISCUSSION

An ordinary meeting of the BFMC was held on 5 December 2023, the minutes of which were adopted at the BFMC meeting held on 5 March 2024. The Executive Officer provided a copy of the final minutes to Council on 18 June 2024 and a copy is attached to this report (Attachment 1).

Matters discussed at the meeting relevant to Council included the following:

- Acceptance of minutes, matters arising and correspondence in/out;
- Hazard reduction program update;
- Bush Fire Risk Management Plan (BFRMP) update;
- Ignition Prevention Plan (IPP) update;
- Fire Access and Fire Trail Plan (FAFT) update; and
- General business.

CONSULTATION

There are no consultation requirements associated with the recommendation of this report. The BFMC undertakes stakeholder and community consultation independently from Council for relevant plans and initiatives in accordance with governance requirements outlined in legislation and Bush Fire Coordinating Committee (BFCC) policy. Council and its partners on the BFMC collaborate to support and assist the Committee with any consultation initiatives as required.

TIMING

There are no timing implications associated with the recommendation of this report. The BFMC does prioritise various bush fire hazard reduction initiatives each year in accordance with risk reduction priorities as set out in the Bush Fire Risk Management Plan. Council and our partners on the BFMC work together on the implementation of the various bush fire hazard reduction programs and initiatives, with a particular focus on the lead up to and/or throughout the Bush Fire Danger Period.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council. Funding to support bush fire management is included in existing operational budgets and supported by NSW Rural Fire Service (RFS) grants annually.

GOVERNANCE AND RISK CONSIDERATIONS

The BFMC is conducted in accordance with the governance arrangements outlined in the *Rural Fires Act 1997*. Council's participation in the BFMC also satisfies the relevant requirements of Council's Bush Fire Management Policy 2021.

ENVIRONMENTAL CONSIDERATIONS

The initiatives and actions of the BFMC may have an environmental impact. The impact is assessed in accordance with the requirements of the relevant legislation including the *Rural Fires Act 1997*. Council continues to work with our BFMC partners to encourage due consideration of the environment in bush fire hazard reduction initiatives and to promote ecological/low intensity burns within the LGA.

SOCIAL CONSIDERATIONS

The subject of this report will have a positive impact on social outcomes for some members/groups of the community. The BFMC provides valuable information and advice relating to risk and the safety of the community to support their resilience. It includes participation and engagement with several key state agency stakeholders. Council works with the fire agencies through this Committee to facilitate community preparedness before and during the bush fire season.

LINK TO STRATEGY

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

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value.
- Protection of the environment - Goal 2 Our environment is resilient to natural hazards and climate change.

Reporting team	Environment & Climate Change
TRIM file ref	2024/437884
Attachments	⇒ 1 Minutes of the Bush Fire Management Committee Meeting held 5 December 2023 (Included In Attachments Booklet)

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1 PLANNING PROPOSAL FOR LOT 2 DP 1174201 WINBOURNE ROAD, BROOKVALE (PEX2024/0003)

PURPOSE

The purpose of this report is to seek endorsement to submit a Planning Proposal for land at Winbourne Road, Brookvale (Lot 2 DP1174201) to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

EXECUTIVE SUMMARY

- Council has received a Planning Proposal request to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to rezone Lot 2 DP1174201 at Winbourne Road, Brookvale from RE1 Public Recreation to E4 General Industrial, and to reclassify the land from *Community* to *Operational*.
- The site is a small Council-owned drainage reserve that is no longer required for drainage.
- The Planning Proposal was initiated by the owners of adjoining industrial properties who are seeking to purchase the site from Council, after it is rezoned and reclassified, and then to consolidate and develop the site for purposes consistent with the E4 General Industrial Zone.
- The current RE1 Public Recreation zoning and Community classification are an anomaly as the site has never been used for recreation and is not accessible by the public.
- Council has specifically indicated its intention to rezone the site to E4 General Industrial in the recommendations of the Brookvale Structure Plan, which was endorsed in 2023.
- Feedback from all relevant internal units of Council is supportive of the proposal.
- No submissions were received through the 14 day non-statutory public exhibition period.
- For probity reasons, an independent planning consultant DFP Planning (DFP) was engaged to assess the Proposal, and DFP's assessment has recommended that Council support the progression of the Proposal for a Gateway determination.

RECOMMENDATION

That Council forward the Planning Proposal for Lot 2 DP 1174201 at Winbourne Road, Brookvale to the Minister for Planning and Public Spaces for a Gateway Determination.

BACKGROUND

The subject site is a narrow Council-owned strip of land that was dedicated as a drainage reserve when the area was subdivided in the early 1900s. The original drainage reserve extended south through to Chard Road. However, the southern half of the reserve was reclassified in 2008, subdivided, and sold to the owner of adjoining land in or around 2011, and later developed.

The Planning Proposal has been initiated by a proponent on behalf of the owners of the adjoining industrial properties who ultimately aim to purchase the land from Council to amalgamate with adjoining properties to achieve a larger development site. No development is proposed at this stage. Any development would be subject to a future application for development consent under the site’s new zoning if the Planning Proposal is progressed.

Pre-lodgement discussions were held in 2023 and technical advice was sought internally from the relevant teams within Council and externally from the NSW Environment & Heritage Group (EHG).

Council gave owner’s consent for the application to be lodged.

SITE DESCRIPTION

The site is located on Winbourne Road in the eastern industrial precinct of Brookvale. It has an area of 92sqm, being approximately 1.83m wide and 50.28m (see Figures 1, 2 and 3 below).

Its surface is largely concrete hardstand and has been partly encroached on by structures and storage associated with the adjoining industrial activities which are primarily automotive servicing and repairs.

The site’s current RE1 Public Recreation zoning and Community classification are anomalies as it has never been used for recreation and is not accessible to the public. It is too small and narrow to be of value as open space, and as the reserve no longer connects through to Chard Road, it is of no utility as a pathway.

The site does not serve any drainage function and is not required for this purpose. An existing underground stormwater pipe runs diagonally across the tip of the site’s north-west corner, and on through adjoining land.

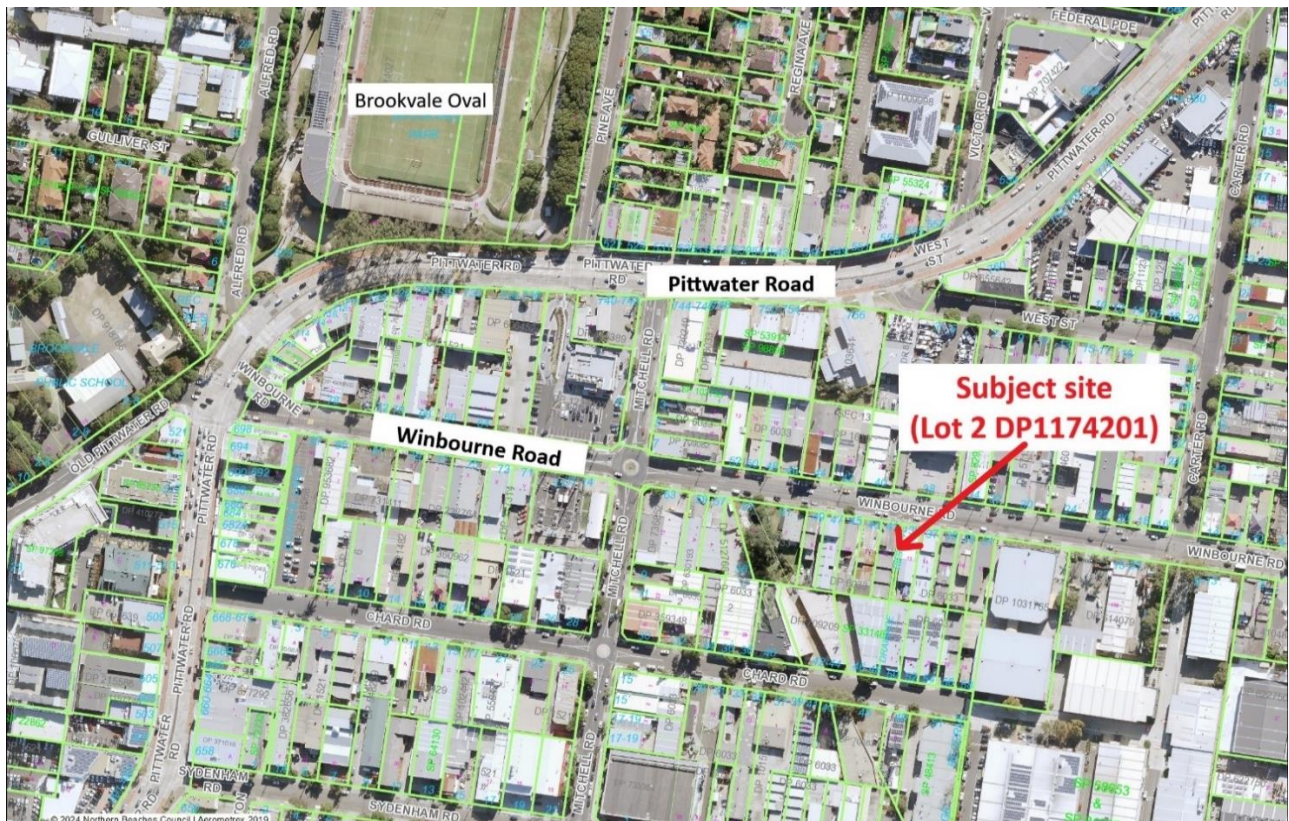


Figure 1 Location



Figure 2 Subject Site (outlined in red)



Figure 3 Streetview (subject site runs between the two buildings pictured)

PROPOSAL

The Planning Proposal has been initiated by the owners of adjoining land to each side, who seek to purchase the land from Council, consolidate it with the adjoining properties, and ultimately develop it as part of a larger development site. No development is proposed at this stage.

The Planning Proposal seeks to amend WLEP 2011 by:

- rezoning the land from RE1 Public Recreation to E4 General Industrial;
- applying a maximum building height of 11m on the Height of Buildings Map;
- applying a minimum lot size of 4,000sqm on the Lot Size Map; and
- listing the land in Part 2 of Schedule 4 to reclassify the land as Operational.

The first three amendments would bring the site under the same statutory planning controls as the adjoining properties and the broader industrial area in Brookvale. The reclassification would allow the site to be leased or sold.

Summary details of the Proposal and supporting information are as follows:

Proposed WLEP 2011 Amendments		
	Current	Proposed
Zoning	RE1 Public Recreation	E4 General Industrial
Height of Buildings	nil	11m maximum
Lot Size	nil	4,000sqm minimum
Classification	Community	Operational

Technical Studies and Supporting Information		
Title	Author	Date
Planning Proposal document	Planning Direction Pty Ltd	May 2024
Flood Impact and Risk Review	Costin Roe Consulting Pty Ltd	25 March 2024
Preliminary Contamination Assessment	Alliance Geotechnical Pty Ltd	2 May 2024
Civil Sketch - Service Overlay Co14488.00-SKC01 (v2)	Costin Roe Consulting Pty Ltd	25 March 2024
Site Survey - Detail and Levels Drawing: 693detail 1 Rev b	Waterview Surveying Services	11 March 2024

An updated Planning Proposal document (Attachment 1) based on the document submitted by the proponent, has been prepared for Council who, as the Planning Proposal Authority, is responsible for submitting it for Gateway determination.

The updated Planning Proposal document includes the existing and proposed WLEP 2011 mapping and the proposed wording for a listing in Part 2 of Schedule 4 of WLEP 2011 to effect the reclassification.

Extracts of the existing and proposed zoning maps are provided in Figures 4 and 5 below.

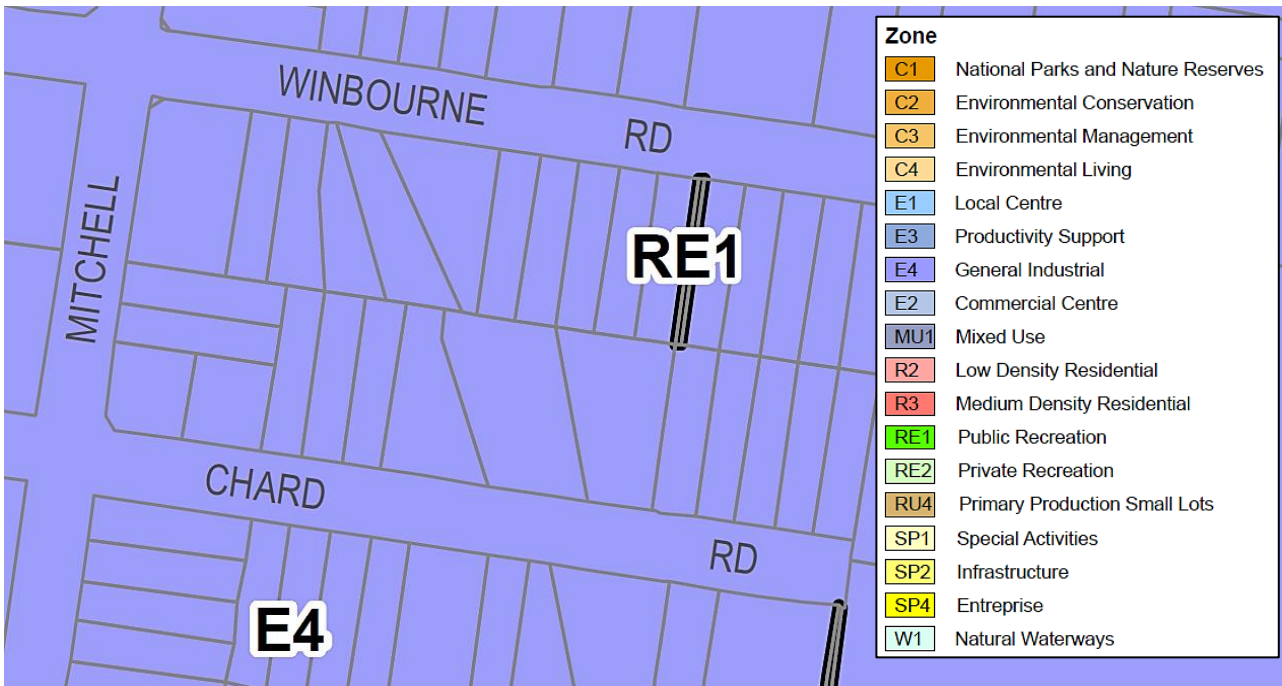


Figure 4 Existing Land Zoning Map – Sheet LZN_010A (extract)

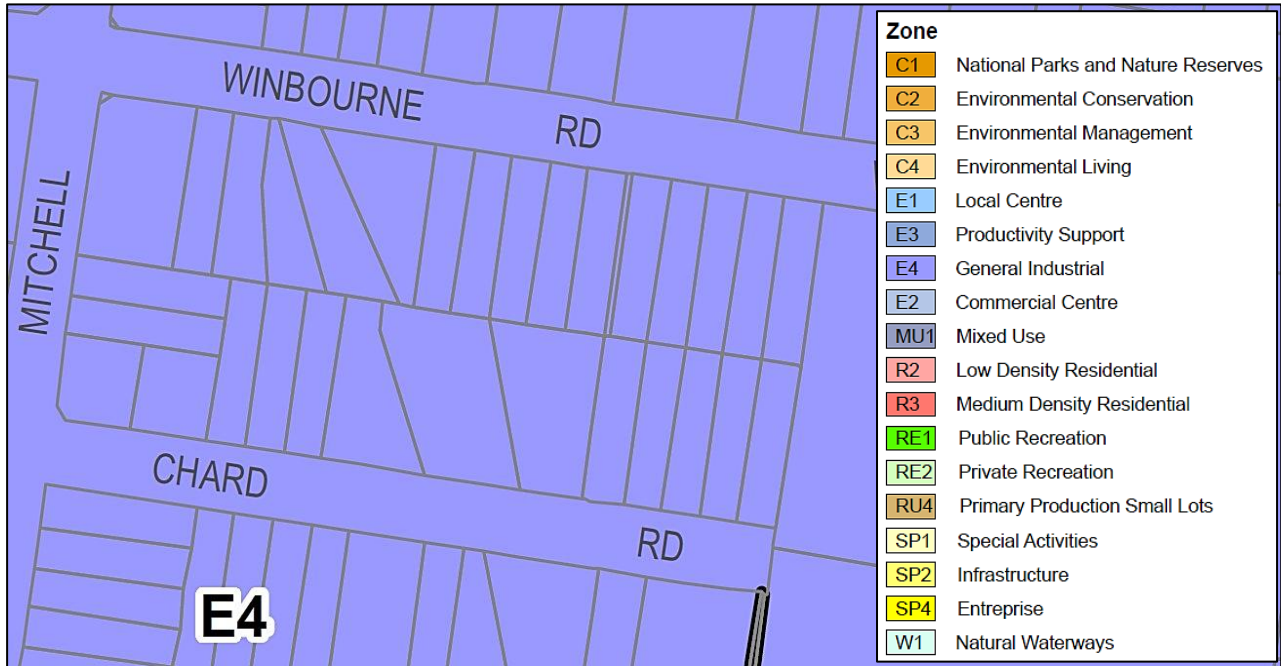


Figure 5 Proposed Land Zoning Map – Sheet LZN_010A (extract)

DISCUSSION

Internal Referrals

The Planning Proposal has been referred to Council’s Property, Floodplain Planning, Stormwater Operations, Environmental Health, Transport Network, and Development Advisory Service teams.

Feedback from these teams did not raise any objection to the proposal.

Council’s Environment and Climate Change unit as the ‘asset owner’ provided owner’s consent to the Planning Proposal request being made.

Independent Assessment

The independent planning assessment by DFP (Attachment 2) considers the advice received from Council's specialist teams, as well as advice received at pre-lodgement from the relevant NSW State Government agency regarding flooding aspects.

DFP undertook an assessment of the Proposal in accordance with the NSW Government's Local Environmental Plan Making Guideline (August 2023) and has recommended:

'That Council support the progression of the Proposal for a Gateway determination from DPHI under section 3.34(1) of the EP&A Act'.

DFP's assessment provides a sound justification for the Planning Proposal in terms of site and strategic merit. Of note, the Planning Proposal will:

- rectify a zoning and land classification anomaly
- provide additional E4 zoned land within an important industrial precinct
- enable consolidation of industrial properties to allow surrounding industrial businesses to expand, or new businesses to establish
- increase development options and enable more efficient utilisation of industrial land
- give effect to the objectives and actions of the Sydney Region Plan and North District Plan
- align with key a planning priority to retain and manage industrial land and encourage employment opportunities and economic growth, as envisaged by both the Northern Beaches Local Strategic Planning Statement (LSPS) and Brookvale Structure Plan (BSP)
- expedite the implementation of a key action of the BSP which specifically nominates the site for rezoning to E4 Industrial
- align with all applicable State strategies, SEPPs, and Ministerial Directions.

KEY ISSUES

Flooding

Council's Flood Hazard Mapping shows Low and Medium Risk precincts affecting the site. The proponent obtained a Flood Information Report from Council and provided a Flood Impact and Risk report which has been reviewed by Council's Floodplain Planning team.

In relation to Ministerial Direction 4.1 - Flooding, Council's Floodplain Planning team advised that the proposed rezoning is of minor significance in terms of flood risk having regard to the site's size and shape, the zoning of adjacent land, the layout of existing infrastructure, practical constraints on the construction of flood mitigation infrastructure, and the ability to achieve compliance with WLEP 2011 and DCP controls.

While Direction 4.1 states that a planning proposal must not rezone land in the flood planning area from a Recreation zone to an Industrial zone, it also provides that a planning proposal may be inconsistent with Direction 4.1 if the proposal is supported by a flood and risk assessment accepted by and consistent with the requirements of the planning authority. As the proponent's flood impact and risk assessment satisfies Council's requirements, the proposal is deemed to comply with the Direction.

Detailed investigation of stormwater management and flood impact would be required at DA stage for any future development.

Contamination

A Preliminary Contamination Assessment (Phase 1 Site Investigation) undertaken by Alliance Geotechnical and Environmental Services was submitted in support of the proposal, with the following conclusions:

- The potential for land contamination to be present at the site because of current and previous land use activities is considered to be low to moderate;
- If there is land contamination on the site, and that land contamination presented an unacceptable human health or ecological exposure risk, there are readily available and proven technologies available to manage and/or remediate the contaminants of potential concern identified for the site;
- The site would be suitable for the proposed rezoning to E4 General Industrial, in the context of land contamination.

Council's Environmental Health team advised that it concurs with the conclusions of the Preliminary Contamination Assessment and the land is suitable for the proposed rezoning. This is sufficient to satisfy Ministerial Direction 4.4 - Remediation of Contaminated Land. More detailed investigation of contamination would be required at DA stage for any future development.

Reclassification and Rezoning of Public Land

The site is no longer required for drainage purposes, has never been used for public recreation, and is not useful for any other public purpose such as open space or pathways.

The existing RE1 Public Recreation zoning and Community classification do not reflect the site's physical characteristics or the nature of its use and are out of character with the area.

Council has specifically indicated its intention to rezone the site, in the recommendations of the Brookvale Structure Plan, which was endorsed in 2023.

An E4 General Industrial zoning consistent with the surrounding area would optimise its utilisation for the broader community benefit in terms of employment and economic growth.

Reclassification to Operational would allow Council to sell the site and it potentially be consolidated with properties adjoining to each side, achieving a larger development site with greater flexibility for utilisation for purposes consistent with the E4 General Industrial zone.

To do nothing would result in an unusable parcel of land remaining inappropriately identified for public recreational use and would not be consistent with the Brookvale Structure Plan.

There is no public benefit in maintaining the site's Community land classification and RE1 Public Recreation zoning. Greater public benefit will be derived from allowing the land to be amalgamated with adjoining land to increase the options for development for industrial purposes which will support employment opportunities and economic growth on the Northern Beaches.

Northern Beaches Local Planning Panel

Ministerial Directions from 2018 requires the referral of all Planning Proposal to Local Planning Panels for advice prior to Council's consideration of referral to Gateway determination.

The Northern Beaches Local Planning Panel considered this matter at its meeting on 17 July 2024 (Item 4.1) and the minutes (Attachment 3) provide the following advice:

That Northern Beaches Local Planning Panel recommends that Council endorse the Planning Proposal for Lot 2 Winbourne Road, Brookvale to be forwarded to the Department of Planning, Housing, and Infrastructure for a Gateway Determination.

CONSULTATION

The Planning Proposal as lodged was placed on non-statutory public exhibition for 14 days for the period 3 - 16 June 2024. No submissions were received, apart from one online submission which was later withdrawn as the submitter mistook the site for a different location.

A period of statutory public exhibition would be required post Gateway determination, should the Planning Proposal proceed. As the proposal involves reclassification of public land, the legislation also requires a public hearing to be held after the post-Gateway exhibition.

The public hearing would be an opportunity for community members to express and have their views considered by an independent chairperson who will report back to Council.

Any sale of the land would be managed by Council’s Property Team in a separate transparent process at a later stage, after the Planning Proposal is finalised.

TIMING

The 90 days deadline that applies to this Planning Proposal is 14 August 2024. This deadline is for Council to indicate its support or otherwise and is met upon a recommendation from the LPP. The 90-day deadline has been satisfied.

An indicative timing of the various stages of progressing the Planning Proposal is shown below.

Stage	Timeframe
Consideration by Local Planning Panel	July 2024
Consideration by Council	June-August 2024
Council Decision	August 2024
Gateway Determination	September 2024
Public exhibition and consideration of submissions	September 2024
Public hearing and reporting	October 2024
Post-exhibition review and additional studies	October 2024
Submission to the Department for finalisation	November 2024
Gazettal of LEP amendment	December 2024

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council. If Council resolves to progress the Planning Proposal, costs associated with the ongoing assessment and processing and holding a public hearing for reclassification will be covered by the application fees paid by the proponent.

If the Planning Proposal is progressed and finalised, potential sale of the land would provide revenue for Council. Any future sale of the land will be a separate transparent process managed by Council’s Property team.

GOVERNANCE AND RISK CONSIDERATIONS

For probity reasons, given the land is owned by Council, an independent planning consultant was engaged to assess the proposal. A separate independent person will be engaged to chair the public hearing and report back to Council. The hearing will take place after Gateway determination.

ENVIRONMENTAL CONSIDERATIONS

Environmental considerations formed part of the planning assessment.

Given the site’s small area and isolated location in an established industrial precinct, any remaining vegetation is unlikely to be of value in terms of biodiversity or habitat. Information submitted by the proponent in relation to flooding and contamination has been reviewed by Council’s Floodplain Planning, Stormwater Operations, Environmental Health, Development Advisory Services, and

Traffic teams. Feedback provided by these teams indicates that the site is considered suitable for the proposed rezoning and reclassification.

No development is proposed at this stage. Detailed assessment would be required at the DA stage as part of any future proposal for development of the site.

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome.

The site no longer serves a drainage purpose. It is not suitable for use as open space, recreation, pathway or for any other public purpose. The site currently provides no benefit to the community, and it's current zoning and classification do not reflect its physical characteristics, the nature of its use or the character of the surrounding area.

The Planning Proposal will result in a positive economic outcome for the community through the provision of additional industrial zoned land. Social benefit will be derived from allowing the land to be divested by Council and amalgamated with adjoining land to increase the development options for industrial purposes which will further support employment opportunities and economic growth.

LINK TO STRATEGY

This report relates to the Brookvale Structure Plan, endorsed by Council in 2023, which specifically identifies the site as one of two Council-owned drainage reserves to be rezoned from RE1 Public Recreation to E4 General Industrial.

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

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value.
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.
- Vibrant local economy - Goal 13 Our businesses are resilient, well-connected and thrive in an environment that supports innovation, entrepreneurialism and economic growth.
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Partnership and participation - Goal 21 Our community is engaged in decision making processes.

Reporting team	Strategic & Place Planning
TRIM file ref	2024/455169
Attachments	<ul style="list-style-type: none"> ⇒1 Planning Proposal (Included In Attachments Booklet) ⇒2 Independent Planning Review by DFP Planning (Included In Attachments Booklet) ⇒3 Minutes of Northern Beaches Local Planning Panel (Included In Attachments Booklet)

**ITEM 12.2 RESPONSE TO NOTICE OF MOTION 12/2024 - RESPONSIBLE DOG
AND CAT OWNERSHIP**

PURPOSE

The purpose of this report is to provide the information requested in Council's resolution in respect of Notice of Motion No 12/2024 – Responsible Dog and Cat Ownership.

EXECUTIVE SUMMARY

- Resolution 088/24 required the Chief Executive Officer to, among other things, provide a report on activities undertaken by Council to encourage responsible dog and cat ownership, and options to increase responsible dog and cat ownership.
- The *Companion Animals Act 1998* (the Act) outlines the obligations on dog and cat owners to responsibly manage their pets to minimise safety, amenity and environmental impacts.
- Council has powers to enforce the Act in connection with the failure to effectively control companion animals (dogs and cats).
- A number of educational and training activities are being undertaken by Council staff in partnership with local vets, NSW RSPCA and animal behaviour experts to improve awareness, confidence and etiquette in the use of public spaces to exercise dogs.
- Additional targeted training and information sessions are planned in hot spot areas, incentivised with free training sessions and complimentary giveaways and promotional material.
- The Office of Local Government (OLG) is currently reviewing the allocation and utilisation of the NSW Companion Animals Fund. Council staff have advocated on behalf of Council to the OLG, identifying opportunities to improve the statutory framework around the management of dogs and cats.

RECOMMENDATION

That Council note the report outlining Council's administration of the *Companion Animals Act 1998*.

BACKGROUND

On 30 April 2024 Council resolved (Resolution 088/24):

That:

1. *Council note resourcing of the compliance team is currently being considered as part of an ongoing service review, which will consider the level of staff resourcing for rangers.*
2. *The Chief Executive Officer provide a report within 4 months on:*
 - a. *the activities undertaken by Council at present to encourage responsible dog and cat ownership*
 - b. *options for further educational campaigns which could be developed to educate local residents on responsible dog and cat ownership, and the potential cost of any such options*
 - c. *options for incentives which could be offered to local residents to encourage them to take their dog to training classes, and the potential cost of such options*
 - d. *any other opportunities to encourage responsible dog and cat ownership*
 - e. *any representations which could be made to the State Government concerning the function of the Companion Animals Act 1998 and its resourcing in this area.*

DISCUSSION

Overview

The *Companion Animals Act 1998 (NSW)* places obligations on the owners of companion animals (dogs and cats), including the requirement for the animals to be microchipped and registered on the NSW Companion Animal Register by 12 weeks of age, and unless there is a valid exemption, to ensure that their dogs are under the effective control at all times when out in public.

In addition to keeping effective control of the animal, dog owners are also obliged to clean up immediately after their dog if it defecates in a public place or on any other place to which the public are entitled to use.

At present, cats can roam freely outside the property on which they are normally kept, except for designated cat prohibited zones such as a wildlife protection area. Cats must not however, make persistent noise that unreasonably interferes with the peace, comfort, or convenience of any person in any other premises, or to repeatedly damage anything outside the property on which they are ordinarily kept.

Council is a regulatory agency and can enforce breaches of the Act.

Within the Northern Beaches local government area, there are 248,143 registered and microchipped dogs and 98,860 registered and microchipped cats. Council sends out registration reminders to customers and follows up with enforcement action where appropriate.

Council's Rangers team undertake proactive and reactive patrols of local parks and reserves and employ a mix of enforcement and education to inform dog owners in particular of their responsibilities and to encourage responsible and equitable use of our public spaces.

The Rangers team also undertake mailouts to encourage registration of animals, and to ensure that current registrations are kept up to date. For example, the Act requires animal owners to ensure changes in an animal's ownership status are updated on the NSW Government's Companion Animals Register, or if an animal has passed away.

Council is also a regular participant on the regional companion animal network of local councils, which is also attended by the Office of Local Government, and Council staff actively participate in this forum to share information and advocate on behalf of Council.

A dedicated Animal Education Officer (AEO) role is currently being developed for the Rangers team and is anticipated to be filled by the end of 2024. The focus of this role will be to educate and inform pet owners to improve responsible dog and cat ownership within the community. The AEO will also work closely with the NSW RSPCA, local vets and other animal agencies to organise community events in key hot spot locations, develop educational materials and identify opportunities to engage proactively with the community.

Current initiatives to educate and raise awareness

Over the past year number of actions are underway to educate animal owners and to encourage responsible dog and cat ownership within the community.

Dogs

On 26 July 2023 Council held a free Responsible Dog Ownership session in Dee Why, facilitated by a respected animal behavioural expert. The session addressed dog behaviour and training tips, information on dealing with aggressive dogs, what to do if attacked by a dog, responsible dog ownership and registrations of animals.

More recently, 2 of 3 planned free Barking Dog/Enrichment Seminars were held over 17 June 2024 (Mona Vale) and 25 June 2024 (Dee Why), with the third session planned for Manly on 22 July 2024. The events are jointly facilitated by Council staff and animal behavioural experts the Pet Professional Guild Australia. These sessions focussed on creating an enriched environment to alleviate barking, crating tips and updating registration details on the Companion Animal Register.

A pop-up information event was held at Bunnings Balgowlah in October 2023 a further event is scheduled for August 2024. Another event at Manly Beach front was held in partnership with the RSPCA in January 2024.

Information and publicity for all events are circulated through local media, social media and through Council's local vets.

Additional opportunities

In addition to the above, the following events and activities are also currently being planned:

1. Free educational days supported by Council's pound providers and veterinary specialists focusing on barking and nuisance dogs.

The key areas of focus will be:

- a. reduction of nuisance barking
 - b. strategies to reduce dog and cat noise pollution
 - c. addressing community concerns arising from nuisance dog and cat behaviours.
2. Two puppy pre-schools are planned to be run on an annual basis in partnership with Council's pound providers and veterinary specialists implementing puppy preschool sessions between the ages of 8 weeks and 6 months. To attend, puppies would need to be must fully vaccinated and identified in the Companion Animal Registry. The cost of puppy preschools would be \$250 for 5 lessons.
 3. A mailout to all primary schools in the local area to provide information on the 'Living Safely with Pets School Program'. This school program targets students in Grades K to 2 and educates children on 'What it means to be a responsible pet owner and how to live safely with dogs'. This information will also be provided on Council's website and shared via community e-news and social media platforms to support this program.
 4. Assistance Animals – Developing mail out materials to educate the community about Assistance Animals.

5. Four Weekend pop-ups are planned on an annual basis to provide information and assistance off leash guidelines, updating registration details and what to do if your dog is attacked.
6. Promotional and educational materials such as leashes, balls, toys are currently being sourced to be used for complimentary giveaways at training and educational events.

Cats

1. As a member of the NSW RSPCA Keeping Cats Safe at Home Program, Council continues to engage with the community to normalise containment of cats to encourage behaviour change and deter undesirable feline behaviours such as night-time roaming and unwanted litters.
2. Council staff undertook a community education program including providing hundreds of copies of our 'Protect Your Cat, Protect Your Wildlife' brochure to residents living near Manly's penguin critical habitat area.
3. Council offers school holiday programs on responsible cat ownership through the Coastal Environment Centre's school holiday program (Kids on the Coast).
4. A promotional competition gave away 50 cat enclosures to community members on the basis that they agree to become ambassadors for the program to promote indoor cat enclosures. The competition provided 50 x \$500 vouchers to spend at Cat Nets (NSW RSPCA partner).
5. In 2023, also Council ran a competition for owners to win a \$1,000 voucher towards building cat enclosures at home.
6. Council is continuing its grant support to assist our 2 Northern Beaches animal pounds with management of stray and pet cats with subsidised de-sexing to decrease unwanted litters and roaming/hunting behaviours, microchipping programs, and waiving or reducing Council cat registration fees.
7. Council is continuing its partnership with Safe Re-homing to enable cats unable to be rehomed on the Northern Beaches to be given the opportunity of rehoming elsewhere.

Advocacy

The Office of Local Government (OLG) is currently undertaking a range of reviews and inquiries into animal welfare and management, including consideration of the appropriate application of the Companion Animals Fund.

As part of this exercise, in April 2024 the OLG undertook a survey across councils in NSW, which gave Council staff an opportunity to advocate on behalf of Council on key aspects of concern and opportunities for improvement within the current statutory framework, including potential opportunities to incentivise or mandate behavioural training.

The following matters were identified opportunities to strengthen the current statutory framework around the management of companion animals:

1. implementing a requirement for mandatory behavioural training of dogs/puppies at time of registration or within 6 months of purchase for example, with accompanying penalties for failure to do so
2. reviewing the statutory provisions for the management of cats, particularly management of nuisance/roaming cats and strengthening this area, as local councils often have challenges with responding to community concerns regarding destructive behaviours of roaming cats, particularly towards wildlife
3. reviewing the penalty amounts, particularly for dog attacks, and for penalty amounts to be based on the severity of incidents

4. introducing a mechanism to ban persons from owning a dog in serious circumstances
5. incentivising desexing dogs and cats older than 6 months of age.

CONSULTATION

The actions and initiatives within this report are developed in consultation with Council’s animal pound suppliers and local vets, and partner behavioural experts.

TIMING

There are no timing issues.

FINANCIAL CONSIDERATIONS

These events were included in the existing budget, funded from a range of sources including an allocation from NSW Office of Local Government Companion Animal Fund.

GOVERNANCE AND RISK CONSIDERATIONS

The actions undertaken and proposed minimise risk of adverse interactions and potential harm to native wildlife and other animals on public and private land.

ENVIRONMENTAL CONSIDERATIONS

The proposed actions in this report will result in a beneficial environmental outcome by minimising harm to wildlife and flora.

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome for the community by raising awareness of responsible companion animal ownership.

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	Environmental Compliance
TRIM file ref	2024/367880
Attachments	Nil

ITEM 12.3 FIRE & RESCUE NSW - INSPECTION REPORT AND FIRE SAFETY ORDER - 195-197 SYDNEY ROAD FAIRLIGHT

PURPOSE

The purpose of this report is to table a report from Fire and Rescue NSW (FRNSW) following an inspection by the fire brigade at 195-197 Sydney Road, Fairlight.

EXECUTIVE SUMMARY

- FRNSW has powers under section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to carry out inspections of buildings, and is required to forward its findings and recommendations to Council.
- FRNSW also has powers under the EP&A Act to issue Fire Safety Orders to address fire safety deficiencies in buildings.
- Council must table any reports and recommendations made by FRNSW at a meeting of Council to determine whether it will exercise its powers to give a Fire Safety Order, and must provide notice of the determination to FRNSW.
- Council's Fire Safety officer has investigated the matters raised by FRNSW in relation to the property at 195-197 Sydney Road, Fairlight.
- It is recommended that a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) not to be issued by Council as FRNSW has issued a Fire Safety Order to address the fire safety deficiencies of the building, and the order has been complied with.

RECOMMENDATION

That Council:

1. Determine not to exercise its powers to issue an Order under the *Environmental Planning and Assessment Act 1979*, as Fire & Rescue NSW has issued a Fire Safety Order on the property, and the order has been complied with.
2. Provide notice of this determination to Fire & Rescue NSW.

BACKGROUND

Council received an inspection report from Fire & Rescue NSW (FRNSW) dated 15 May 2024 in relation to a boarding house that is currently under construction at the property known as 195-197 Sydney Road, Fairlight as shown in Attachment 1 of this Report.

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

The FRNSW inspection report indicated that FRNSW carried out an inspection of the development on 2 May 2024 after receiving correspondence from the NSW Building Commissioner concerning the adequacy of the provisions for fire safety in or in connection with the premises.

The correspondence from the NSW Building Commissioner, stated in part that:

- *The building under construction has reached a height of 12 metres and did not have a fire hydrant installed.*

The FRNSW report also included a copy of the Notice of Intention to give a Development Control Order pursuant to the EP&A Act, dated 3 May 2024 (Attachment 1) that was issued on the building owners to install a fire hydrant system.

FRNSW issued a Fire Safety Order on 22 May 2024 (Attachment 2) for the building owners to install a fire hydrant system in accordance with Clause E1D16 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) as there was inadequate provisions for fire safety within the building.

As FRNSW issued a Fire Safety Order, there is no requirement for Council to take further action. The inspection report has been provided to Council for its information and as such, the report is tabled to Council for noting only.

The terms and reasons of the Fire Safety Order issued by FRNSW on 22 May 2024, state as follows:

BOARDING HOUSE DEVELOPMENT

195-197 SYDNEY ROAD FAIRLIGHT ("the premises")

a. to do, or refrain from doing, the following things:

1. *Install a fire hydrant system in accordance with Clause E1D16 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).*

b. The reasons for the issue of this Fire Safety Order - Order No.1 are:

- a. *At the time of inspection, the Boarding House Development, was under construction.*
- b. *Adequate firefighting equipment was not installed in the building, which was under construction and had reached an effective height of 12 metres.*
- c. *Attack fire hydrants were not installed in the building on all levels, excluding the two uppermost storeys - as per the requirements of E1D16(b)(i) of the NCC.*
- d. *The required booster connections were not installed at the boundary of the premises.*
- e. *To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety.*

c. The terms of this Fire Safety Order - Order No.1 are to be complied with:

By no later than 5:00pm on the 10 June 2024.

FRNSW has advised that the terms of the order have now been complied with.

DISCUSSION

Council’s fire safety officer inspected the matter and concurred with the terms of the Fire Safety Order issued by FRNSW on 22 March 2024 and their Report dated 15 May 2024 regarding inadequate provisions for a fire hydrant in the building (under construction).

The purpose of the FRNSW Report was merely to notify Council that they were pursuing enforcement action under delegated authority to resolve inadequate fire safety provisions for the development.

No action is required by Council to act on the FRNSW Report of their Order. Additionally, on 21 June 2024, FRNSW confirmed that the terms of the Order have been complied with.

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

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

With respect to risks, FRNSW issued a Fire Safety Order in consideration of circumstances where provision for fire safety is inadequate to prevent fire, and where the lack of maintenance of premises or the use of premises constitutes a significant fire hazard. These circumstances are considered to arise, given the issues identified in the FRNSW inspection report and with the issue of their Fire Safety Order for 195-197 Sydney Road, Fairlight. The giving of a Notice of Intention to give a Fire Safety Order by Council is not warranted.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

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	Environmental Compliance
TRIM file ref	2024/444242
Attachments	<ul style="list-style-type: none"> ⇒1 Fire & Rescue NSW - Inspection Report dated 15 May 2024 - 195-197 Sydney Road Fairlight (Included In Attachments Booklet) ⇒2 Fire & Rescue NSW - Fire Safety Order dated 22 May 2024 - 195-197 Sydney Road Fairlight (Included In Attachments Booklet) ⇒3 Fire & Rescue NSW - Fire Safety Order Complied dated 22 May 2024 - 195-197 Sydney Road Fairlight (Included In Attachments Booklet)

ITEM 12.4 OUTCOME OF PUBLIC EXHIBITION - MY PLACE: MANLY (MANLY PLACE PLAN)

PURPOSE

The purpose of this report is to inform Council of the outcome of the public exhibition of the Draft My Place: Manly (Manly Place Plan) and is recommending Council adopt the My Place: Manly updated post-exhibition.

EXECUTIVE SUMMARY

- At the Ordinary Council meeting held on 25 June 2024, Council resolved (Resolution 152/24) to defer the consideration of the Manly Place Plan to the July Ordinary Council meeting.
- The development of a place plan for the Manly strategic centre was identified as an action in Council's Community Strategic Plan - Shape 2028 and the Northern Beaches Local Strategic Planning Statement - Towards 2040.
- The aim of the the place plan is to provide a framework for how the Manly centre will evolve to meet community needs and aspirations through proposed actions, place priorities and concept design ideas for The Corso, the CBD laneways, Pittwater Road and Sydney Road.
- The draft My Place: Manly builds on the Manly2015 Masterplan and is informed by recently completed Council-wide studies and strategies, plans and reports including the Manly Night-Time Economy Strategy (HillPDA,2022) which identifies a number of principles and strategies to support and enhance the night-time economy while balancing the competing needs of all stakeholders in Manly.
- The draft My Place: Manly was publicly exhibited from 9 October 2023 to 3 December 2023 and engagement activities included online surveys, pop-up information stalls and a webinar, resulting in 125 written submissions and 505 survey responses being received.
- Community feedback showed strong support for improved event and cultural offerings and outdoor dining; improving streetscapes, increased green spaces and tree canopy; a bike hub; as well as concerns regarding night-time economy impacts on residential amenity and reduced car accessibility and parking.
- Minor amendments have been made to the exhibited plan to improve readability and clarity in response to legislative updates and feedback from the community and state agencies. No changes were made to the plan presented at the June 2024 Council meeting.
- Of the estimated \$25.9 million required for the public domain improvements, there is a shortfall of \$17.6 million where Council will need to identify additional funding sources to deliver all actions in the plan.

RECOMMENDATION

That Council adopt My Place: Manly to replace the Manly2015 Masterplan.

BACKGROUND

‘My Place’ is Council’s place-based approach to planning, design and management of centres, first initiated in the development of My Place: Avalon. The ‘My Place’ approach, which has now been applied to Manly, focuses on people’s connection to their local area and encourages them to work with Council to capture community expectations and aspirations for the area.

My Place: Manly sits within a broader strategic planning framework (see Figure 1), is informed by numerous plans, strategies and studies, and builds on the Manly2015 Masterplan.

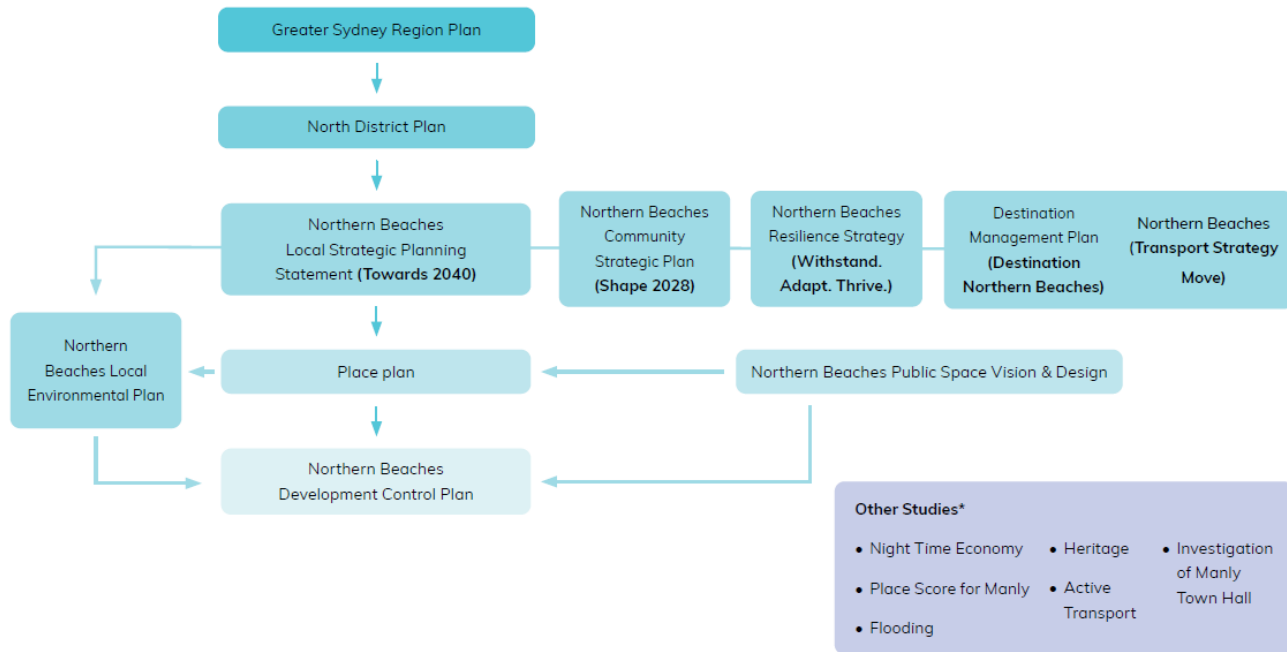


Figure 1. Northern Beaches strategic planning framework and related studies

Council resolution at the June 2024 meeting

The adoption of the place plan was originally considered at the 25 June 2024 Ordinary Council meeting as item 12.1 “Outcome of Public Exhibition - My Place: Manly (Manly Place Plan)”. At that meeting, Council resolved as follows:

1. *Defer consideration of the My Place: Manly to replace the Manly2015 Masterplan until the July 2024 Ordinary Council meeting.*
2. *In the meantime:*
 - a. *prepare design options to trial the introduction of temporary street furniture in parts of the Corso to encourage informal seating and dining opportunities for the public. The temporary furniture is to include seating/chairs, tables, and small shade structures.*
 - b. *consult with the Manly Ward Councillors during the design phase, with installation to be completed by end of 2024.*
3. *Consider as part of the September Quarterly review bringing forward funds from the Manly Special Rate Reserve to fund the temporary street furniture installation.*

The Project

The place plan was developed over an 18-month period in collaboration with Council, its consultants Ethos Urban and HillPDA, and the Manly Project Working Group (PWG). The PWG comprised of 15 members (representing Manly Business Chamber, Youth Advisory Group and local resident associations, businesses, and special interest groups) and the Manly Ward

Councillors. Critical stakeholder meetings were also held throughout the project, involving Council's Community Safety Committee, NSW Police and Transport for NSW amongst others.

Council commissioned HillPDA to prepare the Manly Night-time Economy Study, which provided a baseline in understanding the significance of Manly's night-time economy. The outcomes of the study informed the development of the place plan and how Council can manage impacts and competing land uses in the Manly centre to create a diverse, safe and thriving night-time environment.

Specific objectives of the Manly place plan project are to:

- work with the community to create a vision and subsequent plan for Manly to align changes to ensure Manly is vibrant, safe, inclusive, and sustainable now and into the future
- deliver a Night-time Economy Strategy for Manly and principles to adopt across the Northern Beaches Local Government Area (LGA) into the future
- deliver (exhibit and adopt for implementation) a place plan that responds to the outcomes and recommendations of existing strategic documents, as well as the Manly Night-time Economy Study commissioned for this project.

Once adopted, My Place: Manly will replace the existing Manly2015 Masterplan and other policies for the study area.

My Place: Manly

The place plan identifies 6 principles to guide the realisation of the community's vision for Manly:

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

Four key places critical to how the Manly centre works have been identified to be the focus of the place plan: The Corso, Sydney Road, Pittwater Road and the CBD laneways (Market Place, Rialto Lane, Henrietta Lane, Central Avenue and Short Street). The concept design ideas for the key places and actions identified in the plan clearly address the plan's guiding principles, objectives and place priorities for the Manly strategic centre.

Proposed actions and concept design ideas in the plan include preparing a comprehensive Movement and Place Study to assess current and future transport requirements, public domain improvements to create flexible spaces for events and activations, public art installations, a trial of extended trading hours for specific businesses, and encouraging outdoor dining in suitable locations including The Corso.

Council decision for exhibition

At its meeting on 26 September 2023, Council resolved as follows:

That:

1. *Council exhibit the draft My Place: Manly place plan for a minimum of 6 weeks.*
2. *The outcomes of the public exhibition of the draft My Place: Manly place plan be reported back to Council.*

The Draft My Place: Manly was placed on public exhibition from 9 October 2023 to 3 December 2023. The issues raised in submissions, including surveys, and responses to the matters raised are detailed in the Community Engagement Report.

Post exhibition changes

Since the exhibition, legislative reforms were introduced by the NSW Government namely:

- The NSW Vibrancy reform package - The *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023* and the *24-Hour Economy Commissioner Act 2023*, commenced on 1 December 2023. These reforms, being implemented in stages, include changes to standard trading periods, future changes to the NSW 24-hour Economy Strategy 2024 to address the needs of night-time workers, and sensible sound management and regulations. The place plan has been updated to include an action under Principle 1 to “review ongoing NSW Vibrancy Reforms for relevance to Manly”.
- The NSW Government commenced a review of the short-term rental accommodation (STRA) framework in NSW. The review is considering how well the current framework is balancing benefits to the tourism industry with the potential costs for housing availability and affordability, and potential policy options to encourage property investors to make homes available for long-term rental accommodation. As this review is still in the development phase, a new action has been added to the Action Plan, “consider and if required, implement changes from the updated short-term rental accommodation framework that assist in balancing visitor accommodation and housing in Manly centre.”
- The NSW Government has placed on exhibition an *Explanation of intended effect* for proposed changes to create low and mid-rise housing. The reforms relate R2 Low Density and R3 Medium Density residential zoned land. For Manly, this has potential implications in the ‘zone of influence,’ being the area north of Raglan Street and south of Wentworth Street zoned R3. If the reforms progress, the future Movement and Place study will need to include potential changes to dwelling numbers in its modelling.

Other amendments resulting from feedback from the community and state agencies, e.g. Transport for NSW, have been made to My Place: Manly (Attachment 1), including changes to:

- text to improve clarity and the readability of the content where required, e.g. formatting and punctuation
- the ‘Community engagement’ section to detail the public exhibition recently completed
- the Objectives, including:
 - adding an objective under Principle 1 to “Make a positive impact on community health and well-being”
- the Actions under the Principles including:
 - amending Action 8 under Principle 3 to include encourage walking and cycling to “decrease congestion and increase amenity and health benefits”
- the Place Priorities including:
 - amending “explore new options for waste management to free up the backs of buildings to provide additional opportunities for activation for the local cafes” to “explore new options for waste management to free up the backs of buildings to provide additional activation or visual treatment options”
- the amending Concept Design Idea 12 for The Corso by:
 - deleting the words “transition a section of the existing bicycle paths on the promenade along North and South Steyne to a shared zone” to read as “investigate safety measures on the promenade to minimise conflict between pedestrians and cyclists”
- the Action Plan including:
 - adding a quick win action to “extend on Connected Through Creativity 2029 through a busker program to provide entertainment in designated areas of Manly centre”

- amending Action S17 to include “investigate opportunities to facilitate a diverse range of land uses including office space, cultural creative activities and tourism-oriented development” as part of the new LEP/DCP project
- amending Action S18 to read: “Investigate and undertake a trial of late-night trading for low impact land uses such as retail, health and wellness, food and drink premises (without liquor licence)”.

The following principles have also been added into the Action Plan:

- “Investigate heritage significance of the sandstone pylons at the beach end of The Corso with the view to reinstate/ restore these pylons” as a short-term action.
- “Continue to advocate to Transport for NSW to retain the iconic Freshwater Class Manly Ferry” as a short-term action.
- “Consider and if required, implement changes from the updated short-term rental accommodation framework that assist in balancing visitor accommodation and housing in Manly centre” and is a medium-term action.

If adopted, the action plan within My Place: Manly will commence being implemented with a series of “quick wins” and has a timeframe of up to 2 years. One such quick win earmarked for implementation involves outdoor dining areas for an approved food and drink premises in suitable locations including The Corso under Action Q3. Currently, the Manly Development Control Plan (the ‘Manly DCP’) refers to a plan that restricts outdoor dining areas to 2 locations in The Corso and it is necessary to amend the Manly DCP as soon as practicable.

Additionally, key studies have been identified and will need to be funded and resourced to inform the future public domain improvements in the Manly centre including an Audit of Existing Assets/ Infrastructure (Action S1), a Comprehensive Movement and Place Study (Action S3), and the Manly to Seaforth Flood Risk Management Study and Plan (scheduled for completion in FY 2025-26).

The delivery timeframe has been increased to 15 years, from 10 years, reflecting Council’s ability to deliver the actions within its current forward program of works and the ability to secure funding. Delivery of the actions in the plan will be subject to funding being received.

CONSULTATION

The Draft My Place: Manly was initially placed on public exhibition from 9 October to 19 November 2023, and then extended to 3 December 2023 (for total 8 weeks). This included the principles for a 24-hour Economy as it related to Manly centre.

This is in-line with the Northern Beaches Community Participation Plan and this project’s Community Engagement Strategy.

Engagement Activities During Public Exhibition

Promotion and notification

- The project and associated engagement activities were primarily promoted through our regular email newsletter (EDM) and social media channels.
- A promotional video was made to accompany digital promotion.
- Fifteen toblorone signs were placed throughout the study area with QR codes directing users to the project Your Say page.
- Notification letters were mailed to all landowners and business operators/residents.

- Hard copies of the draft place plan and Manly's 24-hour Economy Strategy were available to view at Manly Library, Council's Manly customer service and the Manly Visitor Information Centre.

Online

- Your Say project pages and surveys were created for both the draft My Place: Manly and Manly's 24-hour Economy Strategy, and all related documents were available to view online.
- Feedback was received via survey participation and written submissions via email and mail.
- A webinar was held on 18 October 2023 (5:30-7pm) on the project page where members of the project team outlined the project and answered questions that were submitted through the online chat function by registered community members. Afterwards, the webinar recording and slides were available on the project Your Say page.
- A 'Frequently Asked Questions' page was included on the project Your Say page and was updated to include questions from the webinar event.

Face-to-face

- Four x 3-hour pop-up information stall sessions were held across the study area (Manly Wharf forecourt, along The Corso and in the Manly Markets). Project staff were available to chat to community members about the project and encourage them to provide feedback online via the survey or email.

Enquiries

- Project enquiries could be made through a dedicated phone line, via email or in-person at the pop-up information stalls.

Stakeholder discussions

- The project team met and consulted with the Manly Community Forum and the Manly Business Chamber, Council's Community Safety Committee and Transport for NSW.
- The project team also met with NSW Police and Council's Youth Advisory Group.

Feedback and key themes

Council received 123 written submissions and 505 completed surveys for the draft place plan and 149 for the Manly 24-hour Night-Time Economy. Key themes are:

- The most important guiding principle in the plan is 'Natural beauty and resilience'.
- Strong support for encouraging outdoor dining and entertainment in The Corso, CBD laneways and Sydney Road.
- Strong support for proposed public domain improvements, improved streetscapes including trees and gardens, public art installations, more public street furniture and green spaces.
- Strong support for pedestrian-friendly infrastructure on Pittwater Road.
- Support for a 6-month trial of late-night trading hours with a preference for hospitality and retail uses.
- Support for a bike hub/workshop maintenance facility on Short Street.
- Concerns for loss of on-street parking in Manly centre, especially from residents.
- Concerns regarding anti-social behavior and residential amenity (noise) impacts associated with increased night-time activity.
- Concerns regarding pedestrian safety, in particular the use of e-bikes on The Corso.

Suggestions to the draft concept plans go to details that will need to be investigated further at the detailed design stage for each key place, ensuring the priorities of the key place are addressed; for example, innovative solutions to mitigating windy conditions which could result in enhancing the environment.

The Community Engagement Report (Attachment 2) includes survey results and Council responses to the verbatim written submissions. Persons who made a submission will be thanked for their contribution and advised of Council's decision.

TIMING

Upon Council adoption of My Place: Manly, the Manly2015 Masterplan will be repealed.

Adopting My Place: Manly makes clear Council's intent that an approved outdoor dining area associated with an approved food and drink premises can operate in the Manly centre, particularly The Corso. Additionally, enhancing the night-time economy of Manly will require careful management and cooperation with all stakeholders of the centre to facilitate a pleasing and safe environment at night-time.

Implementation of the place plan will commence through a staged approach. Indicative timeframes for delivery over 10 to 15 years in terms of quick wins, short-term, medium-term and long-term (Years 5-15), have been allocated to each action in the plan's Action Plan, subject to funding.

FINANCIAL CONSIDERATIONS

The public domain improvements identified in the 'Key Places' concept designs are estimated to cost approximately \$25.9 million, mostly prioritised in the medium to long term (4-15 years).

The Draft Northern Beaches Section 7.12 Contributions Plan 2024 seeks to allocate \$6.8 million towards actions in the Plan over the next 10 years and \$1.5 million is also forecast through the Manly Special Rate funded Manly Laneways program. There is a funding gap of \$17.6 million.

Council has not adopted a 4-year Delivery Program or a Long-Term Financial Plan that provides general revenue (rates) funding for new assets such as those proposed in this Plan. Further, the Council's Asset Management Plan identifies an additional \$15.1 million per year is required to maintain and renew existing assets across the Northern Beaches, along with \$10.4 million per year to uplift service levels and provide high priority new assets required by the community. This does not include the extra \$17.6 million for the new assets proposed in the My Place Manly Plan.

Council would need to consider the requirements of the My Place Manly Plan in the next iteration of Council's Asset Management Plan as a further known unfunded asset demand.

GOVERNANCE AND RISK CONSIDERATIONS

The development and drafting of My Place: Manly is based on targeted engagement via the Manly Project Working Group, specific stakeholders and the community. A 'Community Stakeholder Engagement Plan' incorporating a risk assessment was prepared and included appropriate opportunities to consider the risks and community concerns associated with the place plan and its proposed actions.

ENVIRONMENTAL CONSIDERATIONS

The actions in My Place: Manly will result in a beneficial environmental outcome by contributing to one of the place plan's guiding principles – 'Natural beauty and resilience'. The principle has specific objectives that involve protecting unique ecosystems, encouraging the community to embrace green practices, and facilitating an increase in the urban tree canopy to create quality green streets and public spaces. This is in line with increasing canopy cover as a priority/action in the Local Strategic Planning Statement- Towards 2040 (LSPS) and District Plan and is also consistent with Council's recently adopted Tree Canopy Plan.

SOCIAL CONSIDERATIONS

My Place: Manly aligns closely with Council's aims of social inclusiveness and connectiveness along with implementing initiatives to manage social conflict between user groups within Manly. Several guiding principles in the place plan address social consideration including the principles of 'Active and vibrant community spaces' (which enhance community interactions), 'Inclusive community and connection to culture', and 'Connected and accessible for all' (with a specific action related to Council's Disability Inclusion Action Plan).

Enhancing the 24-hour economy in the Manly centre will require balancing competing land uses to co-exist in Manly as a mixed-use strategic centre, leveraging on its appeal as a major tourism precinct and being a night-time economy centre. A whole of government approach will be required for activities/land uses to operate cohesively for example, night-time scheduling and frequency of public transport. The 'agent of change' approach involves, at its basic premise, an acknowledgement by all stakeholders that part of the appeal of the Manly centre is its vibrancy, convenience, and beautiful coastal setting, and as a consequence, an understanding by all stakeholders of the mixed land uses of the centre.

Council and the Community Safety Advisory Committee will work with relevant organisations including NSW Police and the Northern Beaches Liquor Accord to pro-actively address the potential anti-social behavior and alcohol-related violence.

The unique and highly valued indigenous cultural heritage and European built heritage of Manly has likewise been recognised and represented in initiatives and actions within My Place: Manly. The relevant guiding principle within the place plan is titled 'Inclusive Community and Connection to Culture' with the aim of 'recognising Manly's significant built, landscape and cultural heritage, acknowledging and respecting indigenous heritage and supporting a cohesive creative community'.

LINK TO STRATEGY

The commitment to deliver a place plan for the Strategic Centre of Manly was originally contained in Council's Community Strategic Plan, Shape 2028, and the subsequent Delivery Programs. This commitment has been reiterated in the LSPS.

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

- Environmental sustainability - Goal 5 Our built environment is developed in line with best practice sustainability principles.
- Community and belonging - Goal 8 Our community feels safe and supported.
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs.
- Vibrant local economy - Goal 13 Our businesses are resilient, well-connected and thrive in an environment that supports innovation, entrepreneurialism and economic growth.
- Vibrant local economy - Goal 15 Our centres are sustainable, encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities.
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Partnership and participation - Goal 21 Our community is engaged in decision making processes.

Reporting team	Strategic & Place Planning
TRIM file ref	2024/468488
Attachments	⇒1 Final document - My Place: Manly (Included In Attachments Booklet) ⇒2 Community Engagement Report - My Place:Manly (Included In Attachments Booklet)

ITEM 12.5 STATE HERITAGE LISTING NOMINATION - WARRINGAH CIVIC CENTRE PRECINCT
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PURPOSE

The purpose of this report is to advise Council of the decision of the Heritage Council of NSW to recommend to the Minister of Heritage that the Warringah Civic Centre Precinct is listed on the State Heritage Register and to seek Council's support of that recommendation.

EXECUTIVE SUMMARY

- The Heritage Council resolved to proceed with an assessment of the Warringah Civic Centre for listing on the State Heritage Register in May 2024.
- At its meeting on 28 May 2024, Council resolved (Resolution 127/24) to seek a meeting with the Minister for Heritage to discuss the proposed listing.
- The Minister subsequently advised that she could not instruct the Heritage Council and forwarded Council's correspondence to the Heritage Council for action.
- At its meeting on 4 June 2024, the Heritage Council resolved to recommend to the Minister to list the Precinct on the State Heritage Register.
- Senior officers of Heritage NSW briefed Councillors on the proposal on 9 July 2024.
- The proposed listing will not impact on the normal operations or maintenance of the buildings within the precinct

RECOMMENDATION

That Council write to Heritage NSW expressing gratitude for the detailed briefing to Councillors on the proposal and confirm support for the intention to list the revised Warringah Civic Centre Precinct (Map 2), 725 Pittwater Road, Dee Why on the State Heritage Register, including the revised Site-Specific Exemptions as detailed in Attachment 1.

BACKGROUND

The Heritage Council of NSW, at its meeting of 7 May 2024, resolved to proceed with the assessment of listing Warringah Civic Centre Precinct (the Precinct) and gave notice of its intention to list the item on the State Heritage Register (new Notice of Intention).

The Heritage Council of NSW proceeded with the formal advertising of the new Notice of Intention for a period of 14 days from 8 May 2024 to 23 May 2024. Heritage NSW granted Council an extension to 31 May to allow Council the opportunity to consider the proposal, at the Council meeting of 28 May 2024, and make a formal Council-endorsed submission.

The proposed listing of the Precinct incorporates a revised curtilage as negotiated by Council's Property team and heritage staff that only covers significant components of the Precinct and excludes car parking and areas identified for potential, future redevelopment in existing masterplans.

The original curtilage included the entire area of Lot 100, DP1041823 and would have complicated any future redevelopment of the Precinct. The original proposed heritage curtilage/precinct is shown in Map 1 and the revised heritage curtilage/precinct is shown in Map 2 below.



Map 1 Original Heritage Precinct

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 Precinct

Council staff were also provided the opportunity to review and update the 2017 Site Specific Exemptions (SSE) (Attachment 1) which were previously developed in collaboration with Heritage NSW, and Council's Property and Heritage teams. The SSE is an extensive list of works and

activities prescribed as 'exempt' from requiring approvals from the NSW Heritage Office. The SSE allow a variety of works to be undertaken without consent, including works associated with the on-going maintenance and management of the Precinct, emergency repairs and damage controls, office related fit outs, and reconfiguration and changes to internal uses. The SSE has been reviewed by Council staff with several minor amendments incorporated.

Council considered a report on the State Heritage Register Listing of the Warringah Civic Centre Precinct at its meeting held on 28 May 2024, where it was resolved (Resolution 127/24):

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.*

On 30 May 2024, the Mayor wrote to the Minister for Heritage, the Hon Penny Sharpe MLC requesting a meeting to discuss the Notice of Intention (Attachment 2) to gain a greater understanding of the proposal and its potential implications for the future maintenance, management, and development of the Precinct. This letter was in addition to an earlier written request for a meeting with the Minister dated 10 April 2024.

Council also prepared a submission (Attachment 3) and forwarded it to Heritage NSW on 31 May 2024, outlining Council's resolution, Council's concerns with the short 2-week public exhibition period set by Heritage NSW, and formally requesting a deferral of consideration of the State Heritage Listing until such time as the requested meeting between Northern Beaches Council and the Minister for Heritage had occurred and Council had formed a position on the proposal.

The submission also reiterated that Council staff would accept the invitation extended by Heritage NSW to present to the State Heritage Register Committee meeting of 4 June 2024. Unfortunately, Heritage NSW revoked the earlier invitation and confirmed that it was not possible for senior Council staff to attend the Heritage Council meeting as the agenda had been finalised and there was no capacity to add a Council presentation.

The Minister's office responded to the Mayors letter on the 5 June 2024 indicating that *'the Minister cannot instruct Heritage Council'* and Council's correspondence (Attachment 4) had been referred to Heritage NSW to contact Council to discuss the matter.

DISCUSSION

The Heritage Council of NSW (Heritage Council) considered the matter at its meeting of 4 June 2024 and resolved to recommend to the Minister to list the Precinct on the State Heritage Register.

The Summary Paper prepared by Heritage NSW for the Heritage Council's consideration recommended several options:

'Option A – Recommend the Precinct for listing with the site-specific exemptions attached at Tab D. Given that the Minister recently refused the previous listing due to Council's request for additional, more current, consultation there is a reasonable risk that a recommendation would not result in listing

Option B – Recommend the Precinct for listing and defer decision on the site-specific exemptions until a later meeting. This would follow the statutory SHR listing process and provide time for further consultation with Council on how the significance could be managed via site specific exemptions, potentially including a meeting between the Minister and Councillors. Given the history of Council withdrawing support or providing incomplete support despite extensive consultation it is possible that this will also not result in successful listing.

Option C – Do not recommend listing. HNSW has consulted extensively with Council over eight years, and most recently over six months. As all Council concerns and requests have been addressed, including the revised curtilage and 12-month delay to allow for Council's plans for an adjacent development, it is unlikely further areas of compromise can be negotiated to gain consolidated support'.

The Heritage Council of NSW proceeded with a resolution in line with Option A (see Attachment 5), as outlined above, formally resolving to recommend to the Minister to list the Precinct on the State Heritage Register.

On 25 June 2024 the Mayor, Chief Executive Officer and Council staff met with senior Heritage NSW staff to discuss the Heritage Council of NSW resolution of 4 June 2024. Council expressed concerns about procedural fairness, insufficient time provided for public consultation on the proposed listing, and of the insufficient time provided to engage with and fully brief the elected council on the proposal.

The meeting outcome was positive with Heritage NSW agreeing to present to Councillors at the briefing session on 9 July 2024.

Senior Heritage NSW staff attended the Councillor briefing session of the 9 July 2024 to fully inform Councillors of the proposal, including the extensive history related to the nomination, negotiation with Council staff to significantly reduce the heritage curtilage/precinct and preparation and finalisation of the Site Specific Exemptions for the Precinct to permit maintenance and repair of the buildings and support the continued operation of the Precinct as an administration building.

CONSULTATION

The Notice of Intention was placed on public exhibition for 14 days from 8 May until 23 May 2024. Council formally requested and was subsequently granted an extension of time to 31 May 2024 to make a formal submission on the proposal.

The extension provided the opportunity for the matter to be reported to Council on 28 May 2024 to obtain a formal Council position on the proposal. Council staff had previously raised concerns with the short exhibition period, noting that a longer exhibition period was possible and established precedents for providing government authorities a 28-day exhibition period.

TIMING

After the closure of the formal public exhibition phase, Heritage NSW reviewed, assessed, and reported all submissions received to the Heritage Council of NSW. The Heritage NSW summary paper confirmed 10 submissions were received during the exhibition period and two late submissions received after the closure of the exhibition period. In total 13 submissions were received including Council's.

The assessment report was tabled at the Heritage Council of NSW meeting of 4 June 2024 with a recommendation to list the Precinct on the State Heritage Register. While the Heritage NSW summary paper outlined three options for the State Heritage Council to consider, the State Heritage Council resolved to proceed with the nomination and recommend the Minister list the Precinct on the State Heritage Register.

The Minister for Heritage has final responsibility for determining whether to list a site on the State Heritage Register.

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

The Warringah Civic Centre Precinct is not 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 heritage items.

The revised site-specific exemptions 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.

ENVIRONMENTAL CONSIDERATIONS

The listing of Warringah Civic Centre Precinct on the State Heritage Register would assist in conserving the heritage significance of the Precinct including its significant bushland setting.

SOCIAL CONSIDERATIONS

The recommendations in this report will have positive social outcomes 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	2024/469341
Attachments	<ul style="list-style-type: none"> ⇒1 Site Specific Exemptions (Included In Attachments Booklet) ⇒2 Letter to Minister for Heritage (Included In Attachments Booklet) ⇒3 Council Submission (Included In Attachments Booklet) ⇒4 Minister response to meeting request (Included In Attachments Booklet) ⇒5 Heritage Council of NSW State Heritage Register Committee - Resolutions - 4 June 2024 (Included In Attachments Booklet)

ITEM 12.6 INTERIM HERITAGE ORDER - 71 WHISTLER STREET, MANLY

PURPOSE

The purpose of this report is to place an Interim Heritage Order (IHO) on the property known as 71 Whistler Street, Manly (Lot 1 DP 799776) to protect the property from demolition while further heritage investigations are undertaken.

EXECUTIVE SUMMARY

- The property is subject of DA2024/0591, which proposes demolition of all existing structures and the construction of a 3-storey dwelling.
- The building on the site is not listed as a local heritage item under Manly Local Environmental Plan 2013, however Council's development assessment has identified the building as having substantial heritage significance.
- The cottage was proposed for local heritage listing in 2001 under the Manly LEP 1988, but the listing did not proceed, for reasons not yet known.
- Council can temporarily protect the building from demolition for a period of 6 months by placing of an Interim Heritage Order (IHO) on the site under the *Heritage Act 1977*.
- The IHO would allow time for further investigation of the heritage value of the building and for Council to consider whether a Planning Proposal should be prepared to amend the Manly LEP to make the building a heritage item.

RECOMMENDATION

That:

1. Pursuant to the Ministerial Order dated 22 April 2013, make an Interim Heritage Order, under section 25 of the *Heritage Act 1977*, for the property known as 71 Whistler Street, Manly, being Lot 1 DP 799776, Council:
 - a. Publish the Order on the NSW Legislation website.
 - b. Note this Interim Heritage Order will lapse after 6 months from the date it is made, unless Council has resolved to place the item on the heritage schedule of Manly Local Environmental Plan 2013.
 - c. Advise the applicant for DA2024/0591 of this resolution.

BACKGROUND

The property known as 71 Whistler Street, Manly (Lot 1 DP 799776) is not currently listed as a local heritage item within Schedule 5 of Manly Local Environmental Plan 2013, nor is it within the Manly Town Centre or Pittwater Road heritage conservation areas.

However, the site is located adjacent to a heritage listed item - *Item 12 - All stone kerbs - Manly municipal area*. A current development application for this site, DA2024/0591, proposes demolition of all structures on site for the construction of a 3-storey dwelling.

The proposed development includes partial demolition of the heritage listed stone kerbs along the majority of the property frontage to provide vehicular access to the site. During the assessment of DA2024/0591, the potential heritage significance of the building on the site was identified, meeting five of the seven criteria required to substantiate local heritage listing, only one criteria is required.

During the heritage referral assessment process it was identified that 71 Whistler Street had previously been identified, assessed and recommended as a potential local heritage listing in 2001.



Figure 1: Location Plan of the subject site with heritage items coloured beige



Figure 2: View to the front facade of the subject site

Independent Heritage Advice, 2001

In 2001, Design Plus Consultancy was engaged by the former Manly Council to undertake a review of the proposed Pittwater Road Conservation Area. This study recommended listing of 71 Whistler Street, Manly to Manly LEP 1988.

This study led to the inclusion of 71 Whistler Street, Manly in the Draft Amendment No 51 to Manly Local Environmental Plan 1988 (Draft Amendment No. 51) (Manly LEP 1988) (Attachment 1).

A Heritage Inventory Sheet (SHI Number - 2020594) was prepared in 2001 for the subject property (Attachment 2). The dwelling was assessed to meet three of the assessment criteria required for a local heritage listing, being:

- Historical Significance - Demonstrates the pattern of development of Manly particularly in association with the flat area north of Manly Village.
- Aesthetic Significance - Is a relatively intact example of a late Nineteenth century small timber gable fronted cottage. The cottage is an important element in the Whistler Street streetscape.
- Representative Significance - Is an uncommon example of its kind in Whistler Street and a representative example of its kind in Manly.

The property was included in the Draft Amendment No 51 during the public exhibition phase, as documented in a newspaper article from November 27, 2001, from *Manly Daily* (Attachment 3).

The records relating to Amendment No. 51 have been placed in archive. The heritage team is working with records staff to source the records related to the decision, however, at the time of preparing this report, the search has been unsuccessful. A broader archival search is currently being undertaken.

The minutes of the Council Meetings of the 10 December 2001 and 15 April 2002 have been located (Attachment 4 and Attachment 5). The Council Minutes of the 10 December 2001 confirm that Council resolved to remove four properties from the list of recommended draft Heritage Items, being 57 Pittwater Road, 4 Malvern Avenue, 26 Golf Parade and 16 Golf Parade and defer the decision until early 2002 to allow for further notification of owners.

71 Whistler Street remained as a recommended draft Heritage Item at this point. The Minutes of the Council Meeting of 15 April 2002 indicate that Council resolved to amend the Draft LEP No. 51 to remove certain properties, including 71 Whistler Street and list the deleted properties as 'contributory items' under the Pittwater Road Heritage Conservation Area (Pittwater Road HCA).

71 Whistler Street, was not located within the boundary of the Pittwater Road HCA and therefore was inadvertently excluded as being afforded heritage protection as a 'contributory item' in the Pittwater Road HCA.

Unfortunately, the Council Resolution does not provide reasoning for the removal of 71 Whistler Street, Manly from listing.

Current Preliminary Assessment

The assessment of the current Development Application, DA2024/0591, identified that the site meets five assessment criteria, including Social Significance and Rarity, in addition to the three criteria identified in the previous assessment.

DISCUSSION

The additional two significance criterion are outlined below.

- **Social Significance**: The weatherboard cottage at 71 Whistler Street holds significant social value within the community of Manly. Built in 1899 in the Brighton Estate by Edward Hind, a notable carpenter and prominent member of the Manly Bowling Club, it reflects a period of local craftsmanship and community involvement. Hind, who had previously built his own cottage on the adjacent southern part of the then Lot 23 in 1886, owned both properties. His association with the Manly Bowling Club, where he served as captain and achieved championship status, underscores his influence in local social circles. The cottage at 71 Whistler Street also served as a rental property, providing a home for families like that of Ray Seib, whose autobiographical account in "Never Give Up" (2009) vividly describes the modest living conditions typical of mid-20th-century Manly. Seib's recollections add a personal dimension to the cottage's history, highlighting its role as a stable and cherished home within the neighbourhood.
- **Rarity** - The dwelling at 71 Whistler Street, Manly, presents a striking example of rarity in its architectural context. Amidst a landscape where similar late nineteenth-century structures have often been lost to demolition or modernisation, this small-scale gable-fronted cottage with a timber verandah stands resilient. It not only highlights the distinctive architectural style of its era but also serves as a reminder of Manly's early architectural heritage. The survival of this cottage amidst significant local development underscores its historical and cultural value.

Based on the above findings, Council staff are of the opinion that the property has heritage significance, however additional time is required to fully research its history to confirm the degree of heritage value of the building.

In the interim period, the building is unprotected by any heritage listing, and subject to an active DA for demolition which places the property under significant threat. The risk of demolition is further heightened as the owner can also seek demolition through a Complying Development Certificate (CDC).

The only way to protect the building from demolition is to place an Interim Heritage Order which will provide Council six (6) months to undertake further detailed research on the building's significance. This will allow a more informed view whether to list the property, and identify whether the significance relates to parts or the whole of the existing structure as a local heritage item under Manly Local Environmental Plan 2013 (Manly LEP 2013). Prior to the six-month timeframe lapsing, Council must determine whether the property should be listed as a local heritage item and resolve whether to commence the statutory listing process via a planning proposal.

Council can only issue an Interim Heritage Order in accordance with the conditions of the authorisation conferred by the Minister for Heritage. The current authorisation is an order which was gazetted in 2013 (Ministerial Authorisation) (Attachment 6).

The Applicant has a right of appeal to the Land and Environment Court against an IHO made by Council. The Court, in recent cases (being *Holt Avenue Cremorne Pty Ltd v North Sydney Council* (2022) NSW LEC 1428 and *Helm No.18 Pty Ltd v North Sydney Council* (2022) NSW LEC1406) has confirmed that Council need not be satisfied that an item warrants heritage listing to place an IHO, but rather the item may be likely on further inquiry or investigation to be found to be of local heritage significance.

CONDITIONS TO MAKE INTERIM HERITAGE ORDERS

A Ministerial Order dated 22 April 2013 and gazetted on 12 July 2013, by the former Minister for Heritage, provided authorisation for Local Councils to make Interim Heritage Orders in accordance with section 25 of the *Heritage Act 1977* and subject to a range of conditions outlined in Schedule 2 of the Order.

The conditions can be seen in full in Attachment 6, but are summarised as follows:

Condition	Compliance
<p>(1) Council must not make an IHO unless:</p> <ul style="list-style-type: none"> (a) a Local Environmental Plan with a schedule of heritage items, derived from a heritage study and provisions for management of these items, is in force (b) it has considered a preliminary heritage assessment of the item by a person with appropriate heritage knowledge, skills and experience, and this assessment considers that: <ul style="list-style-type: none"> (i) the item is likely to be of local heritage significance (ii) the item is being or likely to be harmed (iii) the IHO is confined to the item under threat. (c) where an IHO is made over land which includes an item which may be of significance to Aboriginal people, Council must refer the proposal to make an IHO to the Office of Environment and Heritage for assessment. 	<p>Manly LEP has schedule of heritage items.</p> <p>Independent assessment from 2001 and Council's own recent assessment considers that the item is <u>likely</u> to be of local significance and <u>likely</u> to be harmed.</p>
<p>(2) Council must not make an IHO where:</p> <ul style="list-style-type: none"> (a) the item is listed in an environmental planning instrument as an item of environmental heritage or within a heritage conservation area, or (b) the item is covered by an order under s.136 of the <i>Heritage Act 1977</i>, or (c) the Council has previously placed an IHO on the item, or (d) a development consent (other than a complying certificate), has been granted and permits the item to be harmed, or (e) a complying development certificate has been granted for demolition of an existing single dwelling and the erection of a new dwelling, and the certificate is still in force. 	<p>The building is not listed as an item or within a conservation area or covered by another order or subject to a current consent or complying certificate.</p>

<p>(3) Council must not make an IHO in relation to an item located on land:</p> <ul style="list-style-type: none"> (a) that is Crown land, or (b) which is being developed by or on behalf of the Crown, or (c) which is subject to a development for which the Minister for Planning and Infrastructure is the consent authority. 	This site is not Crown land.
<p>(4) Council must not make an IHO in respect of an item that is subject to an approval, consent, license, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown.</p>	There are no current approvals issued by the Crown.
<p>(5) An IHO made by a Council must contain a condition which specifies that the IHO will lapse after six months from the date it is made unless the council has passed a resolution before that date. In the case of an item which is considered to be of local significance, the resolution must seek to place the item on the heritage schedule of a local environmental plan, with appropriate provisions for protecting and managing the item.</p>	A condition will be included on IHO.

CONSULTATION

No consultation with the property owner or the general community is required prior to placing an Interim Heritage Order on a property. Council has authorisation under the *Heritage Act 1977*, to make Interim Heritage Orders, subject to a number of conditions being met, as outlined above.

However the applicant has been informed of the proposed IHO. If Council proceeds to place an IHO on the property, the Applicant has a right of appeal to the Court against Council's decision.

TIMING

Once Council resolves to make the Interim Heritage Order (IHO), it needs to be published on the NSW legislation website as soon as possible as the IHO has no effect until such time as it is published.

Once in effect the IHO will safeguard the property for a temporary period of up to 12 months to afford time for further investigations and any consequent heritage listing to occur. The IHO will lapse after 6 months unless Council formally resolves to list the item as a local heritage item under Manly LEP 2013

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

A Ministerial Order dated 22 April 2013 and gazetted on 12 July 2013, by the former Minister for Heritage, provided authorisation for Local Councils to make Interim Heritage Orders in accordance with section 25 of the *Heritage Act 1977* and subject to a range of conditions outlined in Schedule 2 of the order. The relevant conditions as outlined in Schedule 2 of the Ministerial Order have been

met in the circumstance of 71 Whistler Street, Manly. If Council does not proceed with the IHO, there is a significant risk the property will be demolished and lost.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome for the community. It provides opportunities for significant items from our history to be protected and preserved for future generations to enjoy and providing a valuable physical link to our past.

LINK TO STRATEGY

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

- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs. The recommendations in this report will ensure the preservation of the area's cultural identity, thereby supporting the vibrant, diverse economic and social needs of our local centres, aligning with this goal.

Reporting team	Strategic & Place Planning
TRIM file ref	2024/493887
Attachments	<ul style="list-style-type: none"> ⇒1 Manly LEP 1988 - Draft Amendment 51 (Included In Attachments Booklet) ⇒2 Manly Heritage Inventory - 71 Whistler Street, Manly (Included In Attachments Booklet) ⇒3 Manly Daily Article - 27 November 2001 (Included In Attachments Booklet) ⇒4 Council Meeting Minutes of 10 December 2001 - Manly Local Environmental Plan 1988 (Amendment No. 51) (Included In Attachments Booklet) ⇒5 Council Meeting Minutes of 15 April 2002 - Manly Draft Local Environmental Plan (Amendment No.51) (Included In Attachments Booklet) ⇒6 Ministerial Order - Authorisation for Local Councils to make Interim Heritage Orders (Included In Attachments Booklet)

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1 RESPONSE TO NOTICE OF MOTION NO 24/2023 - KILLARNEY HEIGHTS SHOPS PUBLIC TOILETS

PURPOSE

The purpose of this report is present the findings in relation to investigations undertaken in response to Council's resolution (Resolution 273/23) at its Ordinary Meeting on 26 September 2023 with respect of Notice of Motion No 24/2023 - Killarney Heights Shops Public Toilets.

EXECUTIVE SUMMARY

- In response to Resolution 273/23 in respect of Notice of Motion No 24/2023 - Killarney Heights Shops Public Toilets, investigations were undertaken into the potential provision of public toilets in the Killarney Heights shopping area, the community's views with respect to need and the costs involved.
- Killarney Heights has a small shopping area with a variety of retail shops, cafes, a bakery, a pizza gelato bar and other commercial businesses including a dance studio.
- Community surveys undertaken identified strong support for the provision of public amenities in Killarney Heights shopping village.
- Council owns land adjacent to the Killarney Heights shopping area where it may be feasible to locate a new toilet block
- Capital costs for a new public toilet are estimated to be around \$400,000 and maintenance and operational costs are estimated at approximately \$30,500 annually.
- Council does not currently have funds allocated in the Long Term Financial Plan for the construction and maintenance of these additional public amenities.

RECOMMENDATION

That Council note the report.

BACKGROUND

On 26 September 2023, Council resolved (Resolution 273/23) the following:

That Council:

1. *Staff provide a report to Council on the cost and potential timeline for providing Killarney Heights shops with much needed public toilets.*
2. *Investigate the need and priority through business and community surveys, engagement and feedback and reports its findings in the report back to Council.*

DISCUSSION

Killarney Heights has a small shopping area within Tramore Place, located across the road from Killarney Heights primary school. The shopping area includes a variety of retail shops, cafes, a bakery, a pizza gelato bar and other commercial businesses, including a dance studio.

Council has recently upgraded the playground and public space around the shops at Killarney Heights, including new equipment suitable for all ages, soft fall and synthetic turf, landscaping, additional seating, a shade net and footpath lighting along the Tramore Place pathway. These upgrades have increased the popularity of the area and encouraged longer visits.

Currently, there are no public amenities in the area, although there are bathroom facilities for shop staff. A small plot of land with grass, a path, and several trees at Lot 969 Tramore Place, east of the former Talking Heads Café, has water supply and sewer connections within 20 meters, making it a feasible location for new public toilets.



Based on the recent construction of amenities in Forestville and at Little Manly Point, a new public toilet facility in Killarney Heights would cost approximately \$400,000. Annual running costs would be around \$30,500, including cleaning, consumables, sanitary bins, maintenance, and depreciation over a 40-year lifespan.

CONSULTATION

As per the resolution, consultation has been undertaken through direct approach to local businesses and a subsequent online survey:

- The first survey directly asked local businesses if they supported the provision of a public amenity, receiving unanimous support.
- The second survey, conducted from late May to the end of June 2024, targeted users of Killarney Heights shops through signs with QR codes and a direct mail-out to local businesses. Of the 217 responses, 154 (71%) supported the provision of a public toilet. Other suggestions included a bubbler, improved lighting, improved seating, and further playground enhancements. Respondents included 6% visitors, 85% local residents, 2% businesses, and 4% business owners who were also local residents. Feedback from the

survey has been shared with Council team to consider further improvements in line with suggestions when funding is available.

TIMING

The project is currently unfunded and not considered in Council’s 4 year Delivery Program or the Long Term Financial Plan.

FINANCIAL CONSIDERATIONS

The provision of public amenities at Killarney Heights is not allocated in the current 4 year Delivery Program or the Long Term Financial Plan. As adopted at the June Council meeting, Council’s Asset Management Plan notes that there are funding shortfalls in the forward plan with respect to asset maintenance, asset renewal, uplift in asset service for the community and new assets. This shortfall is currently estimated at \$255m for the next 10 years of which \$37m is known new asset demand. It is proposed that the provision of these additional amenities is included within the next iteration of Council’s Asset Management Plan as a further known unfunded asset demand.

GOVERNANCE AND RISK CONSIDERATIONS

Should Council prioritise the construction of these amenities in a future budget, Council would manage the design and construction tender process in line with standard tendering procedures.

ENVIRONMENTAL CONSIDERATIONS

Adding public amenities in Killarney Heights would result in a small loss of green open space, but environmental impacts would likely be minimal.

SOCIAL CONSIDERATIONS

The provision of public amenities would positively impact social outcomes for community members. It would enable users of the shops and play area to spend longer in the area, fostering greater social interaction and community cohesion.

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.
- Vibrant local economy - Goal 15 Our centres are sustainable, encompassing a diverse range of businesses that attract visitation and provide work, education, leisure and social opportunities.

Reporting team	Property, Building & Beach Services
TRIM file ref	2024/268356
Attachments	Nil

14.0 NOTICES OF MOTION

ITEM 14.1 NOTICE OF MOTION NO 20/2024 - NORTHERN BEACHES SURFING HERITAGE INTERPRETATION PLAN

NOTE: *This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting.*

COUNCILLORS GLANVILLE AND RYBURN SUBMITTED THE FOLLOWING MOTION:

MOTION

That the Chief Executive Officer prepare a report on the options for developing a heritage interpretation plan relating to surfing history on the Northern Beaches, including engagement with relevant stakeholders and opportunities to:

1. Update the Freshwater Surfing 'Walk of Fame'.
2. Update/expand the surfing heritage walk map to reflect the existing and proposed surfing heritage recognition projects.
3. Update/modernise the signage at existing recognition sites on the Northern Beaches.
4. Find ways to celebrate local female surfing stories and pioneers.
5. Identify any other suitable opportunities.

BACKGROUND FROM COUNCILLORS GLANVILLE AND RYBURN

The Northern Beaches is the birthplace of Australian surfing, with Manly and Freshwater beaches hosting the first demonstrations of surfing by locals including Tommy Walker and international surfers including Duke Kahanamoku. Our local community is proud of this history, with many existing initiatives to recognise this surfing history including:

- the Freshwater Headland 'Walk of Fame' featuring mosaics of past surfing legends and a statue of 'The Duke'.
- the Freshwater surfing history and Heritage Walk map
- the Midget Farrelly recognition project underway at Palm Beach
- the proposed Tommy Walker recognition project at Manly
- the proposed surfing museum at Freshwater SLSC
- the naming of "Surfrider Gardens" at Narrabeen in recognition of the late Tom Kirsop AM and contributions of Surfrider Foundation to surf and ocean conservation
- the "Blue Plaque" on the heritage building at Freshwater SLSC recognising the Duke as having popularised surfing through his demonstration at that beach
- the recognition of the Manly – Freshwater World Surfing Reserve which reflects its heritage, and ongoing significance for surfing.

While these individual items are cherished by their local community, there is no particular strategy which links these items together. For example, a surfing heritage online map or signage which might generate interest from locals and tourists to seek out and learn more about the other heritage items. Some existing recognition items could be enhanced and modernised by (for example) including a QR code for people to find out more or through refreshed signage.

The Freshwater “Walk of Fame” in particular is in need of a refresh to include recognition of more recent local surfers that have excelled, particularly our local female surfers.

ITEM 14.2 NOTICE OF MOTION NO 21/2024 - URGENT FRESHWATER VILLAGE SAFETY, TRAFFIC, MAINTENANCE AND OPERATIONAL ISSUES

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLOR WALTON SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Invite the Manly Chamber of Commerce Freshwater Sub Committee to meet with Council management to address and improve the maintenance, safety, and community engagement of Freshwater Village.
2. Investigate opportunities to address the following matters:
 - a. Maintenance including Sunshade - ensure regular maintenance of public areas, with a focus on repairing and installing sunshades in common areas to provide relief from the sun and enhance comfort for residents and visitors.
 - b. Cleansing - implement a more frequent and thorough cleansing schedule for all public spaces, including streets, parks, and common areas, to maintain cleanliness and hygiene standards.
 - c. Community Board - install a community board in a central location to facilitate communication among residents and keep the community informed about local events, notices, and initiatives.
 - d. Bubblers - install a drinking water bubbler in a strategic locations, in alignment with the Friends of Freshwater efforts, to provide accessible and clean drinking water to the public.
 - e. Bins - increase the number of waste bins in public areas and ensure they are regularly emptied to prevent littering and maintain cleanliness. The bins should include recycling bins.
 - f. Lighting - improve and expand lighting in public spaces to enhance safety and visibility during evening and nighttime hours, ensuring well-lit pathways and common areas. Introduce String Lighting around the main square to create community feeling at night.
 - g. Signage - install clear and informative signage to guide residents and visitors towards the beach and along main roads. This includes directional signs and road signs to improve navigation and accessibility from other suburbs into Freshwater. There is not sign to direct drivers to Freshwater main strip and beach at the corner of Oliver and Laurence Street.
 - h. Traffic safety - coloured road mapping, introduce coloured road mapping at key intersections, pedestrian crossings, and high-traffic areas. This will involve painting sections of the road in bright, easily distinguishable colours to increase visibility and alert drivers to potential hazards and pedestrian zones.
 - i. Reduced Speed Limit - implement a reduced speed limit, lowering the speed limit will help to reduce the likelihood and severity of accidents, creating a safer environment for all road users. The current speed limit is 40 Km/H.

3. Investigate the following for inclusion in a future capital expenditure plan:
 - a. Landscaping Improvements - develop and implement a comprehensive landscaping plan for the main square to include the planting of new, shrubs, flowers, and other greenery. Raising the current soil level to existing planter boxes will enhance the visual appeal and provide a pleasant environment for residents and visitors.
 - b. Provision of a disabled public toilet - construct a disabled-accessible public toilet in or near the main square to ensure that facilities are available for all members of the community, including those with disabilities. This facility should meet all relevant accessibility standards and be maintained regularly. These toilets could be placed near the existing public toilets at the rear of the Harbord Literacy Institute.
 - c. Wider disabled access pathways - expand and improve pathways to provide wider and more accessible routes for disabled individuals between the beach and the village. This includes ensuring pathways are smooth, well-maintained, and compliant with accessibility standards to facilitate easy and safe movement for all residents and visitors. The current footpath at times becomes very narrow, uneven and hard to be used.
4. Staff provide a report to Council on items 2 and 3 within 6 months.

BACKGROUND FROM COUNCILLOR WALTON

Freshwater has a bustling high street hub located along Albert Street and Lawrence Street. The Freshwater village is known for its high street, which features boutique fashion and surf-wear, homewares, cafes, bars, beauticians and bakeries. The village services the populations of the surrounding suburbs of Freshwater, Queenscliff, Curl Curl, North Manly and Brookvale. Its shops and services also include pre-schools, a community library and general practices.

It is a great place to shop, dine and frequent, however it is in need of improvements to traffic safety, maintenance and upgrades to improve its amenity and liveability for residents, visitors and businesses. As a result, The Manly Business Chamber and its Freshwater Sub Committee has consulted widely with key stakeholders in the Freshwater area, to put together these suggestions which would bring short term, medium term and long term improvements to Freshwater.

The Freshwater Sub Committee wants Council to listen to its local businesses on how we can work together for mutual benefit and ultimately a prosperous local economy which benefits all residents. It believes that the Freshwater Village has been for a number of years somewhat neglected compared to other parts of the Northern Beaches local government area and these modest short and long term improvements will make a significant difference.

TRIM file ref	2024/457476
Attachments	Nil

ITEM 14.3 NOTICE OF MOTION NO 22/2024 - TOWARDS NET ZERO

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLOR KORZY SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Staff provide a report to Councillors within 4 months outlining a proposal for inclusion in the new harmonised Development Control Plan (DCP) for all new development (residential and non-residential) across the Northern Beaches local government area (LGA) to be all-electric, based on the successful Lane Cove Council approach.
2. Staff identify other LGAs committed to climate action, reducing carbon emissions, and prepare a report on how Northern Beaches Council could collaborate with these councils to achieve NSW and Federal Government commitments to Net Zero in BASIX and National Construction Code provisions.
3. Write to all Local, State and Federal Members of Parliament, asking them to advocate with governments for mandating Net Zero in BASIX and the National Construction Code.
4. Write to NSW and Federal Environment, Planning and Energy Ministers, outlining the impact scientists expect climate change will have on the Northern Beaches, in terms of coastal erosion and inundation, species loss and extinction, flooding and bushfires, and ask them to commit to Net Zero provisions in BASIX and the National Construction Code.

BACKGROUND FROM COUNCILLOR KORZY

Everyday Australians are currently in the midst of a housing and cost-of-living crisis. As interest rates and rents continue to rise, more people are struggling to pay their increasing energy bills. According to the Australian Energy Regulator, since July this year, NSW residential energy customers faced gas price increases of as much as 23.7%.

Rising gas prices are impacting on families and households already struggling with spiralling housing and food costs. A recent Energy Consumers Australia survey of 2,500 people found that more than one quarter of households are struggling to pay their energy bills. Local businesses, particularly small businesses, are reporting that spiralling energy costs are impacting on their viability.

Gas is also highly toxic to human health. Decades of scientific medical research demonstrates the alarming health impacts that gas pollution causes when used indoors. For example, a recent Australian study found that gas cooktops are associated with around 12% of childhood asthma in Australia. US researchers from Stanford University have linked gas stoves and ovens to carcinogenic chemicals like benzene and nitrous oxides. Long-term exposure to benzene is linked to acute lymphocytic leukaemia, chronic lymphocytic leukaemia, multiple myeloma, childhood leukaemia, and non-Hodgkin lymphoma.

The harmful human health impacts of gas are so serious that doctors and health professionals have banded together to ask governments to phase out gas from homes, businesses and public buildings like hospitals.

The drafting of our new harmonised planning instruments offer an opportunity to extend this transition to newly built local homes and businesses. Minimum efficiency standards in NSW are

determined by BASIX (Building Sustainability Index) - setting standards sets energy and water targets - and the National Construction Code.

Unfortunately, these unambitious targets are out of date, with BASIX having received only mild improvements since it was established in 2004. They fall far short of ensuring that Australia meets its Paris commitment to reduce carbon emissions, locking in higher carbon emissions and utility costs for the life of the building, unless significant improvements are made to improve the buildings efficiency performance.

However, Lane Cove Council has recently passed a new Development Control Plan which requires all new developments (residential and non-residential), plus major alterations, to be all-electric without gas.

Whilst Lane Cove has led the way on electrification in NSW, Waverley, Parramatta and Newcastle Councils have followed in their path, with another 8 councils including Hornsby, North Sydney, Sydney, Inner West, Blue Mountains, Canada Bay, Ryde and Canterbury-Bankstown Councils, are in the process of making similar changes to achieve the electrification of new homes and businesses.

Northern Beaches Council declared a climate emergency during its first term and has made good on its intention to decarbonise our own assets. However, we can help create healthy, new homes and neighbourhoods that are safe and affordable for future generations with this motion.

TRIM file ref	2024/457478
Attachments	Nil

ITEM 14.4 NOTICE OF MOTION NO 23/2024 - BOAT AND TRAILER PARKING IN RESIDENTIAL AND INDUSTRIAL STREETS

NOTE: *This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting*

COUNCILLOR PAGE SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Staff provide a detailed report to a Council meeting within 4 months on measures to prevent boats and trailers from parking in residential and industrial streets including various types of signage. The report is to include:
 - a. a summary of the powers currently available to Council for preventing boats and trailers parking for long periods of time without movement on local roads
 - b. the possibility of designated parking areas for boats and trailers
 - c. an assessment of the impact of boat and trailer parking on residential and industrial streets on residents and businesses, including safety, traffic flow and amenity considerations, including the impact of reduced parking for residents.
2. Write to all State Members of Parliament on the Northern Beaches to lobby the State Government for legislative changes to allow Council to develop and enforce rules consistent with its residents' needs.

BACKGROUND FROM COUNCILLOR PAGE

The presence of boats and trailers parked in residential and industrial streets is consistently growing and impacting our community. It is important to ensure that all of our streets remain safe and pleasant for all of our community. By conducting a thorough review and exploring available measures, Council can develop an effective strategy to address these concerns which balances the needs and interests of the entire community.

TRIM file ref	2024/457484
Attachments	Nil

ITEM 14.5 NOTICE OF MOTION NO 24/2024 - CATS AND DOGS

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:**MOTION**

That Council write to the NSW Minister for Local Government calling for amendments to the *Companion Animals Act 1998* ensuring that responsibilities for the control of cats are the same as the current control responsibilities for dogs.

BACKGROUND FROM COUNCILLOR SPROTT

We know feral cats pose a massive threat to wildlife. Across Australia, feral cats collectively kill more than 3 billion animals annually. Cats have significantly contributed to 34 mammal extinctions in Australia since 1788 and are a major factor in the decline of at least 123 other threatened native species.

Pet cats also cause substantial harm. New analysis, which compiles results from 66 different studies, assesses the impact of Australia's pet cat population on the country's wildlife. The findings are staggering: on average, each roaming pet cat kills 186 reptiles, birds, and mammals per year, most of them native to Australia. This amounts to 4,440 to 8,100 animals per square kilometre annually in areas inhabited by pet cats.

To protect wildlife, pet owners should keep their cats indoors. In Australia, 1.1 million pet cats are kept inside 24 hours a day by responsible owners. However, 2.7 million pet cats, or 71% of the total, are allowed to roam and hunt. Moreover, a radio tracking study in Adelaide found that 39% of cats, believed by their owners to be inside at night, were actually sneaking out for nocturnal adventures.

Information sourced from "The Conversation" Australia and New Zealand is a unique collaboration between academics and journalists and is the world's leading publisher of research-based news and analysis.

TRIM file ref 2024/457496

Attachments Nil

ITEM 14.6 NOTICE OF MOTION NO 25/2024 - TRUCK EXHAUST BRAKE RESTRICTIONS AT FRENCHS FOREST

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council write to Transport for NSW bringing to its attention to the acoustic impacts caused to residential amenity from heavy vehicle engine compression brake noise in the vicinity of the Warringah Road bypass at Frenchs Forest and request the installation of appropriate signage on the roadway to remind heavy vehicle drivers to reduce compression brake noise.

BACKGROUND FROM COUNCILLOR SPROTT

The design of the new Frenchs Forest bypass, with its hard concrete walls and canyon-like structure, creates the perfect environment where excessive noise can reverberate and travel into the surrounding community. Trucks using their exhaust braking systems in the early morning hours generate unnecessarily loud noise.

TRIM file ref	2024/457502
Attachments	Nil

ITEM 14.7 NOTICE OF MOTION NO 26/2024 - YOUTH MENTAL HEALTH FACILITIES AND SERVICES ON THE NORTHERN BEACHES

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLORS DE LUCA OAM AND PAGE SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Note that on 23 June 2022, then Minister for Health, The Hon Brad Hazzard MP announced “\$11.4 million to boost Northern Beaches youth mental health services” and that “Children and young people in the Northern Beaches will benefit from significantly enhanced mental health services with a \$11.4 million investment under the 2022-23 NSW Budget ... the funding will be used to expand hospital and community services, including establishing acute paediatric specialist mental health beds at Northern Beaches Hospital and supporting local community mental health and drug and alcohol treatment services” and particularly:

“The \$11.4 million for child and youth mental health services in the Northern Beaches includes:

- \$7.5 million to establish four dedicated acute paediatric specialist mental health beds at Northern Beaches Hospital, which will provide for the establishment and operation of the beds.
 - \$1.4 million to employ additional staff, including senior multi-disciplinary clinicians, to support Northern Beaches Child Youth Mental Health Service in the Brookvale Community Health Centre.
 - \$1.1 million to recruit additional staff, including peer workers and clinicians, to support and operate the Northern Beaches Youth Response Team service out of Mona Vale Community Health Centre seven days a week.
 - \$1 million to develop a new youth drug and alcohol community treatment service in Northern Sydney Local Health District, including employing senior medical, nursing and allied health clinicians to operate the service.
 - \$365,000 to provide a full-time child and youth psychiatrist at Northern Beaches Hospital.”
2. Note that on Thursday 22 February 2024 NSW Minister for Homelessness, Mental Health and Youth, The Hon Rose Jackson MLC announced “that the previously announced commitment to four mental health beds at Northern Beaches Hospital was ‘not feasible’”.
 3. Note that on 22 February 2024, the Federal Member for Mackellar Dr Sophie Scamps MP was publicly quoted as previously stating, “At a time when we have a youth mental health crisis on the Northern Beaches, it’s simply not good enough that the management at the Northern Beaches Hospital haven’t even committed to a timeline for these beds” and she reiterated on 22 February 2024 “it is disappointing that more than two years after the former NSW Government announced funding for a four-bed youth mental health unit, the Northern Beaches Hospital management has refused to provide the services.”
 4. Notes that on 28 February 2024 in the NSW Legislative Council’s Budget Estimates Committee Inquiry into Health, in the transcript on pages 74 and 75, The Hon Natasha

Maclaren Jones MLC, asked the following questions of NSW Health Official, Ms Deb Willcox:

“The Hon. NATASHA MACLAREN-JONES:

In relation to mental health, the Minister recently announced \$7.5 million, I think it was, for mental health support for young people on the northern beaches. Previously it was budgeted for \$11.4 million. What's happening to the \$4.5 million that had been originally marked for adolescent mental health in that area?

DEB WILLCOX:

The Northern Beaches Hospital has four beds available for admission for young people who require admission, but we have enhanced significantly our community-based mental health services at Brookvale in their child and adolescent mental health service there.

The Hon. NATASHA MACLAREN-JONES:

Those four beds are currently interim beds. Will they become permanent?

DEB WILLCOX:

No, they're permanent.

The Hon. NATASHA MACLAREN-JONES: They're permanent?

DEB WILLCOX: Yes, they are permanent. The initial announcement looked for a capital solution to create a pod. That wasn't possible just within the designs of the hospital itself, but they have allocated four available beds for young people who may require admission. Any young person that is extremely unwell and would require beyond a couple of days, they would probably be transferred to the Brolga unit, which is the child and adolescent mental health unit at Hornsby.”

5. Note that on 11 April 2024 in the Sydney Morning Herald, “Maternity, mental health staff cut as unrest swirls at Northern Beaches Hospital” and it was revealed “Northern Beaches Hospital is cutting staff from its mental health and maternity units” ... “The changes to staffing levels come two months after the state government abandoned plans to invest \$7.5 million in mental health services at the hospital, saying the previous government had promised the funding without guaranteeing the hospital could deliver the promised youth mental health beds.”
6. Note the Royal Australian and New Zealand College of Psychiatrists concerns: “Access to child and adolescent psychiatrist care remains a persistent problem in Australia and New Zealand. There is a shortage of child and adolescent psychiatrists as well as a shortage of child and adolescent psychiatry training posts. Coverage is particularly poor in rural and remote areas” and “9 in 10 psychiatrists say workforce shortages are risking patient care in Australia” ... “Australia has a critical and chronic shortage of psychiatrists. Not only are there not enough, but they are also unevenly distributed across the country” said Dr Moore.
7. Write to the Premier, Leader of the Opposition, Minister for Health, Minister for Mental Health and respective Shadow Minister’s and Party Spokespersons:
 - a. regarding allegations about the management practices at the Northern Beaches Hospital
 - b. condemning the decision of the NSW Government to abandon previous promised funding for 4 permanent children/adolescent mental health beds at Northern

- Beaches Hospital and call on the NSW Government to urgently return funding for these beds
- c. condemning the staffing cuts to the maternity and mental health units at Northern Beaches and call on the NSW Government to urgently intervene and ensure those positions are reinstated
 - d. calling for a Legislative Council inquiry into the efficacy and management of the Northern Beaches Hospital and explore mechanisms to return the Hospital back into public hands.
8. Write to the Federal Minister for Education, The Hon Jason Clare MP, the Federal Minister for Health, The Hon Mark Butler MP, Federal Assistant Minister for Mental Health and Suicide Prevention, The Hon Emma McBride MP and respective Shadow Ministers calling on the Federal Government to:
- a. introduce incentives for people to study psychiatry, psychology, counselling and mental health services by way of reducing University and TAFE fees and HECS debt relief
 - b. introduce rental support for those that graduate in these disciplines and practice in these public health areas
 - c. explore ways to expand the number of child and adolescent psychiatry training posts
 - d. promote training and posts for child and adolescent academic careers.

BACKGROUND FROM COUNCILLORS DE LUCA OAM AND PAGE

1. Statement issued on 23 June 2022 by The Hon Brad Hazzard MP, Minister for Health.
2. Transcript of the NSW Legislative Council Budget Estimates Hearing of 28 February 2024.
3. Sydney Morning Herald article of 11 April 2024.
4. Information from the Royal Australian and New Zealand College of Psychiatrists “Child and adolescent psychiatry: meeting future workforce needs” and “9 in 10 psychiatrists say workforce shortages are risking patient care in Australia”.

TRIM file ref	2024/457523
Attachments	⇒1 Explanatory Attachments (Included In Attachments Booklet)

ITEM 14.8 NOTICE OF MOTION NO 28/2024 - VALE KAY VAN NORTON POCHE AO

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLORS RYBURN, BINGHAM & GRATTAN SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Acknowledge the significant contributions made by the late Kay Poche AO to the Northern Beaches community and the Australian community more broadly through her generous philanthropic support.
2. Send its condolences to the Poche family.

BACKGROUND FROM COUNCILLORS RYBURN, BINGHAM & GRATTAN

Sadly, we learned about the passing of Kay Van Norton Poche Order of Australia (AO), a Manly local who will be remembered as a highly regarded and respected member of our community.

Kay and her husband, Greg Poche AO became prodigious philanthropists following the sale of logistics business, Star Track Express in 2003 and gave away more than \$150 million to many causes, particularly health facilities.

In 2019, Kay received an Officer for the AO for her distinguished service to the community as a benefactor and supporter of Indigenous health and medical research initiatives. The citation for her award noted that the Poches provided financial support to numerous health and tertiary organisations, including:

- University of Melbourne (construction of the Poche Centre for Indigenous Health [PCIH])
- University of Queensland (construction of the PCIH)
- University of Western Australia (construction of the PCIH)
- Melanoma Institute Australia
- Friends of the Mater Foundation
- Bear Cottage, Manly
- Sydney University, Marie Bashir Scholarship Program
- Euraba Paper Company
- Financial support for the commencement of the Adolescent and Young Adult Hospice, Manly, NSW (support provided through The Kolling Foundation/Fundraising partner of the Northern Sydney Local Health District)
- Financial support for Ms Natasha Bryant, Australian Sailing Federation (Support provided as part of the Australian Sports Foundation in support of young female sailors training for the Olympic Games).

The Adolescent and Young Adult Hospice (AYAH) was opened on the former Manly Hospital site at North Head in 2023. It is a first-of-its-kind facility, providing teenagers and young adults who

have life-limiting illness with respite care, symptom management and end-of-life care. The hospice is important for young people who outgrow nearby Bear Cottage or who are diagnosed with life-limiting conditions as a young adult.

Our thoughts are with Kay's family and friends, and the many people whose lives she touched through her generosity and dedication to the many organisations and causes she inspired and supported.

On behalf of my fellow Councillors and Northern Beaches community, I extend our deepest sympathies.

TRIM file ref	2024/457526
Attachments	Nil

ITEM 14.9 NOTICE OF MOTION NO 30/2024 - NORTHERN BEACES COUNCIL DISCRETIONARY FUND

COUNCILLOR MENANO-PIRES SUBMITTED THE FOLLOWING MOTION:

MOTION

That

1. Council note the expenditure approved by the Mayor's office of \$2,000 for 5 residents to compete at the 2024 FIT Touch World Cup in England representing the Cook Islands, as per the Northern Beaches Council Discretionary Fund Policy, clause 5 (a) and (b)
2. The Northern Beaches Council Discretionary Fund be immediately suspended until:
 - a. Councillors are briefed on the current Northern Beaches Discretionary Fund Policy
 - b. Council conducts a full review of the Policy, including any changes that may be proposed by Councillors and/or staff
 - c. Following public consultation if required, Council to lift the suspension if and when, considered appropriate.

BACKGROUND FROM COUNCILLOR MENANO-PIRES

Although strictly speaking this expenditure approved by the Mayor's office is consistent with Clause 5 (a) and (b) as written, under which it was approved, I do not believe that it is consistent with the spirit in which the Northern Beaches Discretionary Fund Policy (Policy) and the mentioned clause was intended, when approved by Council.

Wherein clause 5 states "... *attend as representative at regional, national and / or international events and activities* ..." I do not think appropriate that Northern Beaches ratepayers' funds be spent in representation of a foreign country, by participating in an event in a foreign country.

I believe it is appropriate to review this Policy and ensure that its wording does reflect the spirit in which it is intended and reflect the current negative financial situation of Council.

As such I propose the immediate suspension of this Policy and the use of the Discretionary Fund.

TRIM file ref 2024/497494

Attachments Nil

ITEM 14.10 NOTICE OF MOTION NO 31/2024 - MANLY WARRINGAH 12 YEARS REPRESENTATIVE NETBALL TEAM - UNDEFEATED STATE CHAMPIONS

COUNCILLOR DE LUCA OAM SUBMITTED THE FOLLOWING MOTION:

MOTION

That

1. Council note with pleasure that at the recent New South Wales Junior State Netball Titles, for the first time since 2019 a Manly Warringah Netball Team won the State Championship in the 12 years Division.
2. The Team consisted of:
 - Coach - Gloria Berryman
 - Manager - Edith Nathan
 - Primary Carer - Millie Gallacher
 - Team Members
 - Lily Angus
 - Sophia Cottrell
 - Sydney Kaivelata
 - Emma Knight
 - Mele Manuofetoa
 - Addison McCullough
 - Ellie Mimmo
 - Inga Mitchell
 - Bo-Kiarni Paki
 - Amarlea Tonga
3. Council congratulate and commend the Manly Warringah Netball 12 years team on being undefeated State Champions.

TRIM file ref 2024/510552

Attachments Nil

ITEM 14.11 NOTICE OF MOTION NO 35/2024 - REVIEW OF TREE STEWARDSHIP AND CREATION OF TREE MANAGEMENT POLICY

COUNCILLOR KORZY SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Undertake an internal review of its tree assessment, pruning and removal processes including:
 - a. Frequency of inspections of individual mature trees on public land.
 - b. The number of arborists on the relevant Council panel and the criteria used to assess and appoint them.
 - c. Standard instructions provided to arborists when undertaking tree assessments.
 - d. Consultation with the public regarding potential tree removals.
 - e. Actions taken to inform the public following identification of a high risk tree and mitigate risk.
 - f. Protocols for the review of tree removal and pruning decisions including the triggers for when these reviews are undertaken.
2. As part of that review, identify the funding required to:
 - a. Inspect and assess mature trees to safely retain them in situ for their useful life expectancy.
 - b. Prune, stag or completely remove unsafe mature trees across the LGA on an annual basis.
 - c. Maintain existing trees including ongoing watering of tubestock/saplings, fertilising, weeding around them, and mulching as foreshadowed in the Tree Canopy Plan.
3. Create a Tree Management Policy for Northern Beaches Council, consistent with the Tree Canopy Plan as resolved by Council in September 2023.
4. Within six months report to council on the outcome of the reviews in points 1. and 2. as well as the new draft Tree Management Policy.

BACKGROUND FROM COUNCILLOR KORZY

Council research shows that of all its areas of responsibility, residents of the Northern Beaches place the highest value on the environment. One of the critical elements of this is our tree canopy, which carries out many functions, including providing habitat for wildlife as well as preventing soil erosion and the consequent stormwater runoff. Urban trees can also have a massive effect on reducing extreme heat. A single tree can alone offer the surrounding area up to 270 kilowatt-hours in evapo-transpirative cooling energy each day (Cameron et al. 2012). To put this into context, it would cost more than \$50.00 per day to run air conditioners that produced the same cooling effect. An intact canopy also creates shade, lowering air temperatures by at least six degrees Celsius in urban areas on a hot day (Ossola, Staas, Leishman 2020), thus reducing the heat island effect.

Urban infrastructure under the canopy, such as roads, are also shaded from intense heat and thus deteriorate more slowly, making them less costly to maintain. Trees also absorb carbon dioxide and regulate soil moisture, reducing the presence of various greenhouse gasses in the atmosphere. Finally, trees beautify our urban areas and improve mental health in the community.

However, between 2019 and 2022, the Northern Beaches experienced the second highest loss of tree canopy in Greater Sydney at 5.2 per cent, or 665 hectares (Orton, J, & Moore, S, 2024), with Ku-Ring-Gai Council taking top billing. NBC data indicates that since 2016 when this council was created, we have lost about 30,000 trees - and that does not include those removed illegally or under the state government’s 10/50 clearing laws. Whilst we have planted a similar number, small saplings cannot replicate the functions of our mature trees for many decades.

In Pittwater, one of the most frequent complaints I hear is about tree removal. Many of these relate to trees felled under Development Application approvals or the 10/50 rule but I also receive many about trees cut down on public land. Usually I don’t hear about them until the trees have gone and residents are angry.

In the recent case of four trees marked for removal on the road reserve at Ruskin Rowe, in Avalon Beach, I heard from multiple residents, including local arborists and ecologists, who wanted these trees retained.

I believe a review of our tree management processes and the budget required to properly fund this area is now timely. The full implementation of council’s Tree Canopy Plan, adopted last September, could also help ameliorate our loss of local trees but we must develop a single Tree Management Policy from this plan for it to be effective.

REFERENCES:

Cameron, R.W.F., Blanusa, T., Taylor, J.E., & Salisbury, A. 2012, 'The domestic garden – Its contribution to urban green infrastructure', Urban Forestry and Urban Greening, vol. 11, pp. 129-137, viewed 23 July 2024, <https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdoi.org%2F10.1016%2Fj.ufug.2012.01.002&data=05%7C02%7C%7Ceb8fe344f2bf4eba131a08dcaae472d0%7C8c5136cbd646431c84ae9b550347bc83%7C0%7C1%7C638573145378544126%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=ARx6K2IYTtXZB7ylc%2FajDZqxa32buGon9RckoCnM0NI%3D&reserved=0>

Greener Places, Better Spaces, Where are all the Trees?

https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.greenerplacesbetterplaces.com.au%2Fmedia%2F163027%2Fwhereareallthetrees_report-final_rebranded_web.pdf&data=05%7C02%7C%7Ceb8fe344f2bf4eba131a08dcaae472d0%7C8c5136cbd646431c84ae9b550347bc83%7C0%7C1%7C638573145378553955%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=9vdNZZVf3YgsV2lzyVsQFHY4polsPB6JHXJxnpYHYhI%3D&reserved=0

Greener Places, Better Spaces, Where should all the Trees go?

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.greenerplacesbetterplaces.com.au%2Fmedia%2F163130%2Fwsattg.pdf&data=05%7C02%7C%7Ceb8fe344f2bf4eba131a08dcaae472d0%7C8c5136cbd646431c84ae9b550347bc83%7C0%7C1%7C638573145378560247%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=UDQvsQzOwsC84R7rKJCQPe8RI%2Btuny0bf0Mfo7nzqM%3D&reserved=0>

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CHIEF EXECUTIVE OFFICER REPORT

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

A high-level review of the listed items could be undertaken within existing resources, noting that a revised tree policy is already in development.

A more detailed review of each of these elements would be most appropriately dealt with using Council's service review framework. Should this approach be preferred, one of the planned service reviews would need to be deferred (such as the Traffic and Transport review).

TRIM file ref	2024/526907
Attachments	Nil

ITEM 14.12 NOTICE OF MOTION NO 27/2024 - SPORTSGROUND ALLOCATIONS AND AUDIT

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLOR PAGE SUBMITTED THE FOLLOWING MOTION:

MOTION

That the Chief Executive Officer prepare a briefing to Councillors on the how sports fields on the Northern Beaches are allocated to sporting clubs and that the briefing consider the following:

1. The process for allocation to sporting clubs in summer and winter.
2. What mechanism does Council employ to ensure allocation is used?
3. What are the barriers to providing more access on our current grounds?
4. Can supply of sporting facilities meet the demands of sport?
5. How has the Sportsground Strategy adopted in 2017 and its implementation impacted on the above?

BACKGROUND FROM COUNCILLOR PAGE

The Northern Beaches community loves it sport, from football to rugby, cricket to netball and everything in between. However increasingly I hear from sporting clubs that Council is denying greater access to grounds due the fields already being booked or allocated.

TRIM file ref 2024/457553

Attachments Nil

ITEM 14.13 NOTICE OF MOTION NO 29/2024 - URBAN GREENING OF THE NORTHERN BEACHES

NOTE: This item was listed on the agenda but not dealt with at the 25 June 2024 Council Meeting

COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Note its previous resolutions (220/21 and 062/24) regarding increasing planting on or adjacent to our main roads, and in particular Warringah Road.
2. Write to our local State Members of Parliament, and the Secretary of Transport for NSW attaching the 2 resolutions referred to in Item 1 and requesting their assistance in accelerating action on those matters.

BACKGROUND FROM COUNCILLOR SPROTT

As the name suggests, trees are a vital part of the culture of Frenchs Forest. In recent years, however, we have lost a significant portion of our tree canopy due to road infrastructure upgrades. The benefits of a robust tree canopy are immense, ranging from improving air quality and temperature control to enhancing biodiversity, stormwater management, health and well-being of residents, and even economic value.

Given these considerable benefits to our local community and the economic advantages for the state government, it is disappointing that action on this crucial issue of tree planting is so delayed. I am now urging our local and state representatives to intervene and take immediate action to expedite this important issue.

TRIM file ref	2024/457577
Attachments	Nil

ITEM 14.14 NOTICE OF MOTION NO 32/2024 - STATE GOVERNMENT'S FUNDING, SERVICES AND INFRASTRUCTURE CUTS ON THE NORTHERN BEACHES

COUNCILLOR DE LUCA OAM SUBMITTED THE FOLLOWING MOTION:

MOTION

That

1. This Council notes with serious concern the neglect and attacks on the Northern Beaches by the State Government:
 - a. The State Government is considering that tolls should be higher and that drivers be charged in both directions for crossing the Sydney Harbour Bridge and Tunnell.
 - b. The State Government continue to withhold funding to finish essential Mona Vale Road Works.
 - c. The State Government has abandoned the Northern Beaches Tunnell project.
 - d. The State Government has announced the closure of Narrabeen Ambulance Station.
 - e. In July 2023, the State Government reduced bus services on the Northern Beaches without any community consultation.
 - f. The State Government has presided over funding and staff cuts at Northern Beaches Hospital.
 - g. The State Government abandoned plans to upgrade and refurbish Balgowlah Boys High School.
 - h. The State Government had failed to commit to the ongoing funding and support of the Dalwood Spilstead Service.
 - i. The State Government has announced proposed planning reforms to increase development on the Northern Beaches, despite our community lacking the infrastructure to cope with current development.
 - j. On 20 September 2023, Premier Chris Minns, in Parliament accused the Northern Beaches of "NIMBYism" and targeted and named the suburbs of "Bilgola Plateau, Ingleside, Mona Vale, Newport, Palm Beach, Terry Hills and Warriewood".
2. This Council condemns the State Government for its unfair attacks, neglect and funding cuts on the Northern Beaches and writes to NSW Premier Chris Minns calling on him to show fairness and restore funding, services and infrastructure to the Northern Beaches.

TRIM file ref 2024/510641

Attachments Nil

ITEM 14.15 NOTICE OF MOTION NO 33/2024 - COUNCIL CANDIDATE SAFETY**COUNCILLOR DE LUCA OAM SUBMITTED THE FOLLOWING MOTION:****MOTION**

That Council:

1. Note with concern the failure of the NSW Minns Government to respond to safety concerns and enact the resolution 272/23 of Northern Beaches Council meeting held on 26 September 2023 and the 2023 NSW Local Government Conference held on November 2023 to ensure Local Government Candidates' safety by removing the requirement to have a street address on campaign material and the request to revert to the previous Regulation whereby a PO Box could be used.
2. Note with concern the advice from the Office of Local Government that an Office address or hot desk can be used as this still poses a safety risk to candidates or Registered Officers in their workplaces or unnecessary expenses for hot desks.
3. Note with serious concerns violent attacks on Members of Parliament and their Officers. For example, the alleged terrorist attack on the Member for Newcastle, the attack and vandalism of the Premier's Office in Kogarah and the attack and firebomb on Josh Burns MP's office to name a few.
4. Request the Chief Executive Officer to take all necessary actions as a matter of urgency to contact the Premier, Minister of Local Government, Office for Local Government and Opposition Leader and Shadow Minister and any other relevant persons to urgently change the Regulation that poses a significant safety risk to candidates, their families and others.

BACKGROUND FROM COUNCILLOR DE LUCA OAM

At the Ordinary Northern Beaches Council meeting held on 26 September 2023 I submitted a Notice of Motion on Electoral Legislation Reform to Ensure Candidate Safety and Council subsequently resolved the following:

That Council:

1. *Note with concern that at the last Council election, unlike at previous elections whereby a PO Box could be used, candidates or their Party's Agents were required to document a street address on any material authorised for distribution or advertising, resulting in many candidates having to disclose their home address which exposes the authorising person to potential safety risks.*
2. *Note under the current Regulation there is not discretion granted to the Electoral Commission to grant exemptions to persons who are silent electors, subject to the protection of Apprehended Personal Violence Orders or Family Court or other Court Orders.*
3. *Write to the NSW Premier, Minister for Local Government, Special Minister of State and the NSW Parliament's Electoral Matters Committee calling for this Regulation to be urgently amended so that a PO Box can be used when authorising electoral materials so as to ensure the safety of candidates and Party Agents.*

4. *Write to the NSW Leader of the Opposition, all local State MPs, and the Leaders and Spokespersons for Special Minister of State and Local Government of the Greens Party, Shooters Fishers and Farmers Party, Liberal Democrats Party and One Nation Party asking them to also ensure legislative reform as outlined in Point 3 above.*

At the 2023 Local Government NSW Annual Conference, Albury City Council raised a motion on the requirement for candidate/councillor address on electoral material. The motion, which was carried, is outlined below:

That Local Government NSW calls on the NSW Electoral Commission (NSWEC) to review the requirements for candidates standing for election to include their personal address on electoral material as their only valid contact option, in an endeavour to assist with ensuring the safety of candidates and ultimately Councillors.

TRIM file ref	2024/523171
Attachments	Nil

ITEM 14.16 NOTICE OF MOTION NO 34/2024 - SMART STREET TREE MANAGEMENT

COUNCILLOR SPROTT SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Review the potential costs and impacts associated with replacing non-native public trees on the Northern Beaches that have high leaf and/or seed drop rates, with more suitable native species.
2. Provide a briefing to Councillors within 6 months

BACKGROUND FROM COUNCILLOR SPROTT

Liquid Amber trees, an introduced deciduous species to the northern beaches, drop their leaves and ball-shaped seed pods annually. These pods pose a risk on footpaths, as they can cause people to roll their ankles or suffer more severe injuries. Additionally, the fallen leaves create a substantial mess, leading to increased cleanup costs for the council and the community. I am proposing a replacement program to substitute these trees with native canopy trees, which would offer additional benefits to the natural habitat and local residents.

TRIM file ref	2024/524320
Attachments	Nil

16.0 RESPONSES TO QUESTIONS

ITEM 16.1 RESPONSE TO QUESTION WITH NOTICE NO 4/2024 - COSTS ASSOCIATED WITH TREE REMOVAL, AVALON AND BLOCKADE

COUNCILLOR DE LUCA OAM SUBMITTED THE FOLLOWING QUESTIONS:

Reference is made to media articles and social media posts concerning a 'blockade' to stop trees declared dangerous to public safety at Ruskin Rowe, Avalon being removed - could the following information please be provided:

1. What occasioned Council's decision to remove the respective trees?
2. In relation to the 2 arborist reports commissioned by Council, what is each arborist's qualifications, years of respective experience and the cost for each report?
3. What was the original quote of costs obtained by Council to remove the trees?
4. Has the blockade occasioned any additional expenses or staff time and if so, what is the amount of additional expenditure and staff time?

RESPONSE

1. Council received several reports of tree limbs dropping or at risk of failure from the subject trees in October 2023, December 2023, February 2024, March 2024 and May 2024. These failures have resulted in significant damage to a vehicle, the downing of local powerlines, and the call out of after-hours services to restore access to the street.

Responding to these reports, Council's internal arborist (AQF Level 5) determined that the trees may be unsafe and commissioned an external arborist (AQF Level 5) for further expert advice. That external arborist provided Council with a risk assessment, based on diagnostic testing of the tree and an aerial assessment of the upper canopy, that determined that the trees were unsafe and should be removed. Following a number of concerns being raised, a second external arborist (Level 8) undertook a review of the earlier assessments, and also concluded that the trees required removal.

2. Council's internal arborist has a Level 5 AQF qualification. The first consultant arborist has AQF level 5 qualifications, and the second external arborist has AQF level 8 qualifications. The external arborists have 38 years and 30 years of experience in the tree industry respectively. The total cost of arborist advice was in the order of \$10,000 ex GST.
3. The original quote for the removal of all 4 trees was in the order of \$45,000 ex GST, including labour for an estimated 3 days' work, plant hire (including cranes), and disposal.
4. The contractors were engaged for 3 days of potential work. Two trees were removed on the first day, however the remaining 2 trees were unable to be removed on the second or third day due to people being in the affected area.

The contractors were on standby at site on the second day and were not productively engaged, however the contractors were moved onto other scheduled work on the third day when it became apparent the work could not be safely completed.

Staff were required to attend the site to manage the situation which was work that was otherwise unplanned and have also been involved in answering correspondence and Councillor requests in relation to the matter. Associated staff time has been estimated at more than 40 hours.

There will also be additional costs incurred when the contractors return to remove the remaining trees, which needs to be quoted separately, but is estimated to cost approximately \$20,000 to \$25,000 ex GST for labour, plant hire (including cranes) and disposal.

TRIM file ref 2024/429703
Attachments Nil

**ITEM 16.2 RESPONSE TO QUESTION TAKEN ON NOTICE NO 1/2024 -
DOWNZONING COMPENSATORY RIGHTS**

COUNCILLOR DE LUCA OAM ASKED THE FOLLOWING QUESTION AT THE EXTRAORDINARY COUNCIL MEETING HELD ON 17 JUNE 2024:

My question is, regarding past comments and directions from Ministers for Planning as well as any case law precedent, I understood that if there is a downzoning then compensatory rights come into effect. Is Council able to advise of any previous case law on that, as well as any ministerial directions?

RESPONSE:

Subject to the comments below, no relevant case law or Ministerial directions have been identified in relation to compensation payable as a result of downzoning of privately owned land.

Where land is reserved for a public purpose and that land is acquired by the relevant authority, compensation is payable to the owner of land in accordance with the Land Acquisition (*Just Terms Compensation*) Act 1991 (Acquisition Act) and the *Environmental Planning and Assessment Act 1979* (EP&A Act).

While there are cases and Ministerial directions in respect of compensation payable in relation to the acquisition of land which is reserved for a public purpose, these are not considered applicable to the proposed changes in the draft planning proposal for the new comprehensive Northern Beaches Local Environmental Plan (Planning Proposal) (see comments below).

Council has responded to public submissions on this matter previously. In March 2023, Council published on the YourSay page a Consultation Report from the Conservation Zones Review public exhibition. Table 1 below summarises the related issues and Council’s response.

Community issue	Council Response
<ul style="list-style-type: none"> Rezoning to a C zone will decrease property values. Properties identified for a C zone should be acquired or property owners compensated. (page 18) Desire to be compensated for any loss in permissible land uses. (page 28-29) 	<ul style="list-style-type: none"> Changing of zones and permissible land uses is a process facilitated via the NSW Planning System and is not an uncommon occurrence over time. The zoning framework doesn’t remain static forever. Where land zoning changes, the range of permissible uses change. Compensation or land acquisition is generally not required unless land is rezoned for a public purpose e.g., a park or road. Equally, Council does not tax any gains made by landowners because of land rezoning.

Table 1 - Council response from Conservation Zones Review Consultation Report

The Planning Proposal envisages that residential uses will continue to be permitted in C3 and C4 zones. The Planning Proposal supports retaining land in private ownership and no new properties are reserved for public purposes in the Planning Proposal. Additionally, existing uses are generally protected under the EP&A Act.

TRIM file ref	2024/440791
Attachments	Nil

17.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
 - A. Item 17.1 RFT 2024/015 - Design and Construct Queenscliff Pedestrian and Cycle Bridge and Associated Footpath Realignments on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
 - B. Item 17.2 Exemption from Tendering for Provision of Hosting, Support & Management Software for Penalty Infringement System on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*].

This report discusses/provides advice concerning contracts of a financial nature. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would provide a commercial advantage against Council.
 2. The resolutions passed by Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.
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18.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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