



northern
beaches
council

AGENDA

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

Tuesday 30 April 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.

ORDER OF BUSINESS

1.0	ACKNOWLEDGEMENT OF COUNTRY	
2.0	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE	
3.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	
3.1	Minutes of Northern Beaches Council held on 26 March 2024	5
4.0	DISCLOSURES OF INTEREST	
5.0	PUBLIC FORUM AND PUBLIC ADDRESS	
6.0	ITEMS RESOLVED BY EXCEPTION	
7.0	MAYORAL MINUTES	6
7.1	Mayoral Minute No 7/2024 - Engaging with the Northern Beaches Aboriginal Community	6
8.0	CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS	
	Nil	
9.0	CORPORATE AND LEGAL DIVISION REPORTS	8
9.1	Public Exhibition - Draft Delivery Program 2024-2028, Operational Plan 2024/25, Long-Term Financial Plan 2024-2034 and Asset Management Plans 2024-2034	8
9.2	Submissions on the Emergency Services Levy and NSW Rural Fire Service	24
9.3	Changes to 2024 Council Meeting Schedule	31
9.4	Review and revocation of policies - Privacy Policy	34
9.5	Audit, Risk and Improvement Committee Minutes, Terms of Reference and Councillor Membership	37
9.6	Monthly Investment Report - February 2024.....	40
10.0	COMMUNITY AND BELONGING DIVISION REPORTS.....	52
10.1	Outcome of Public Exhibition - Multicultural Inclusion Plan.....	52
11.0	ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS	
	Nil	
12.0	PLANNING AND PLACE DIVISION REPORTS	58
12.1	Outcome of Public Exhibition - Compliance and Enforcement Policy	58

13.0	TRANSPORT AND ASSETS DIVISION REPORTS.....	62
13.1	Outcome of Community Engagement - Proposed Crown Reserve Land Categories.....	62
13.2	Outcome of Public Exhibition - Draft Plan of Management For Lot 2 DP 827733, 316 Hudson Parade, Clareville	71
13.3	Extension of Management Agreement for Currawong Beach Cottages	76
13.4	Outcome of Public Exhibition - Curl Curl - Freshwater Connectivity and Streetscape Upgrade Project	79
14.0	WORKFORCE AND TECHNOLOGY DIVISION REPORTS	
	Nil	
15.0	NOTICES OF MOTION	92
15.1	Notice of Motion No 12/2024 - Responsible Dog Ownership	92
15.2	Notice of Motion No 13/2024 - Sediment Impacts on Manly Dam	94
15.3	Notice of Motion No 14/2024 - Forming a Working Group for Robertson Road on Matters and Review of Newport Masterplan	96
15.4	Notice of Motion No 15/2024 - Business Permit Review	98
15.5	Notice of Motion No 16/2024 - Review of Northern Beaches Council's Community Participation Plan - Development Assessment Notifications	99
15.6	Notice of Motion No 17/2024 - Holding a Poll at the September 2024 Local Government Elections regarding Community Support for a Council De-Amalgamation	101
16.0	QUESTIONS WITH NOTICE.....	104
16.1	Question With Notice No 3/2024 - Development and Environment Related Non-Compliance Proceedings.....	104
17.0	RESPONSES TO QUESTIONS	
	Nil	
18.0	MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION	105
18.1	Outcome of the Expression of Interest for use of the former Customer Contact Centre, Avalon Recreation Centre	
18.2	RFT 2023/187 - Construction Services for Brick Pit Reserve	
18.3	Review of Waste Collection Contract	
18.4	Manly Town Hall Reimagined - Feasibility study proposed for multi-use performance and exhibition space at Manly Town Hall	
18.5	RFT 2023/101 - Bus Shelter Advertising including Supply and Maintenance	
19.0	REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION	

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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

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

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF NORTHERN BEACHES COUNCIL HELD ON 26 MARCH 2024

RECOMMENDATION

That the minutes of the Northern Beaches Council held on 26 March 2024, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

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

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

7.0 MAYORAL MINUTES

ITEM 7.1 MAYORAL MINUTE NO 7/2024 - ENGAGING WITH THE NORTHERN BEACHES ABORIGINAL COMMUNITY

PURPOSE

The purpose of this mayoral minute is to seek a report on establishing appropriate mechanisms to engage in a meaningful and culturally appropriate manner with the Aboriginal community on the Northern Beaches.



**Sue Heins
MAYOR**

RECOMMENDATION

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.

BACKGROUND

The Northern Beaches Aboriginal community, which includes nearly 1,400 people who identify as Aboriginal and/or Torres Strait Islander, need a formal mechanism to be able to engage with Council in a greater and more meaningful capacity on a range of culturally appropriate projects and protocols.

I understand that Council has already undertaken some work to determine how we can engage. However, I believe this is an important issue that we as a Council need to bring forward so as to assist the incoming Council engage with our Aboriginal community in a sensitive and culturally appropriate manner in the future.

At present, Council’s engagement with the Aboriginal community is issue or project-specific.

While Council does have strategy documents that speak to our commitment to engaging, working with and listening to our local Aboriginal community, we need action. Our *Towards 2040 Strategy*, Council’s Local Strategic Planning Statement, *Connected through Creativity*, Arts and Creativity Strategy and our *Better Together 2040*, Social Sustainability Strategy all aim to engage, however we need a more holistic approach which directs action and is driven by an Aboriginal Community Advisory Group working with staff to ensure we take actions and not just simply have conversations.

I would like Council to consider the issues associated with establishing an Aboriginal Community Advisory Group which would work towards finalising projects such as a Reconciliation Action Plan for the Northern Beaches, providing advice across the organisation on all issues that require engagement on culturally appropriate policies and activities along with developing the most appropriate wording for Council’s external communications and protocols.

We do not have a formal Reconciliation Action Plan which I believe is integral in demonstrating meaningful respect for our Aboriginal and/or Torres Strait Islander residents. It is important that we engage with an Advisory Group that will be able to contribute in a meaningful and practical way.

I ask that a report be provided to Council that addresses the issues associated with establishing an Aboriginal Community Advisory Group which would provide important advice and guidance on culturally appropriate projects and protocols.

I understand that this report can be provided within our current operating budget.

TRIM file ref	2024/264596
Attachments	Nil

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1 PUBLIC EXHIBITION - DRAFT DELIVERY PROGRAM 2024-2028, OPERATIONAL PLAN 2024/25, LONG-TERM FINANCIAL PLAN 2024-2034 AND ASSET MANAGEMENT PLANS 2024-2034

PURPOSE

The purpose of this report is to seek Council's approval to publicly exhibit the drafts of the Delivery Program 2024-2028, Operational Plan 2024/25, Long-Term Financial Plan 2024-2034 and Asset Management Plans 2024-2034 for a minimum of 28 days.

EXECUTIVE SUMMARY

- The 2024/25 draft budget proposes expenditure of \$526 million (including a capital works program of \$101 million to improve the condition of existing assets and deliver new assets), that a further \$2.1 million in loans will be repaid and that a new \$10.45 million loan will be taken out to part-fund the construction of the new Warriewood Community Centre.
- An Operating Deficit before Capital Grants and Contributions of \$5.8 million is forecast for the 2024/25 financial year.
- Like many councils in NSW, Council is facing growing pressure to its financial sustainability as increases in income, under the NSW rate peg system, have not reflected the rising costs of labour, materials, contracts, and construction, with Sydney's inflation over the 3 years to 30 June 2023 being more than double the increase in rates income.
- The draft Asset Management Plans require an additional investment of \$15.1 million per year to maintain and renew existing assets, along with \$10.4 million per year to uplift service levels and provide high priority new assets required by the community.
- The draft Long-Term Financial Plan shows income levels are no longer sufficient to fund operating expenses, invest in the ongoing renewal of infrastructure assets required by the Asset Management Plans and provide the necessary working capital to manage unexpected events, a scenario which is not sustainable and without intervention will continue to reduce services to the community.
- The draft Long-Term Financial Plan includes an alternative scenario to strengthen the Council's position in the future and further engagement would be undertaken with the community to develop this option should Council choose to explore it.

RECOMMENDATION

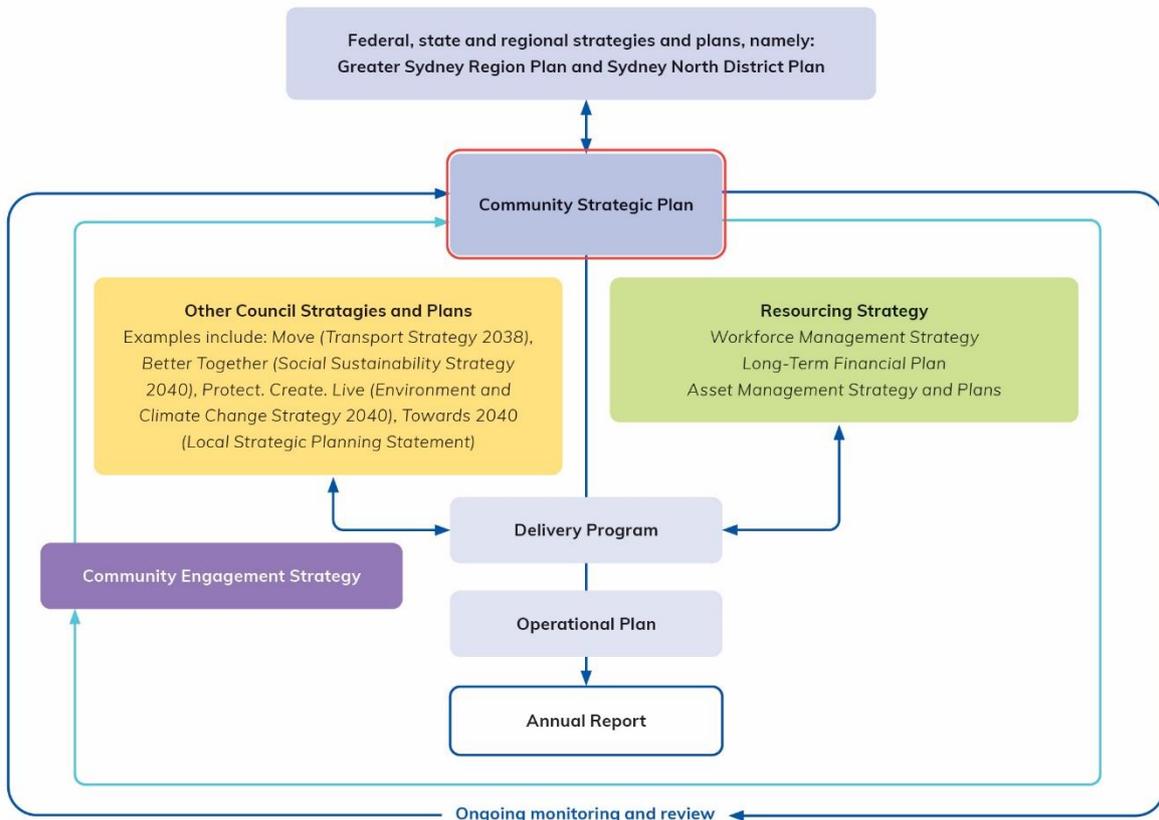
That the drafts of the Delivery Program 2024-2028, Operational Plan 2024/25, Long-Term Financial Plan 2024-2034 and Asset Management Plans 2024-2034 be placed on public exhibition for a minimum of 28 days with the outcome reported to Council.

BACKGROUND

Following the ordinary local government election in September 2021, Council in accordance with the *Local Government Act 1993 (Act)* and *Integrated Planning and Reporting Guidelines (2021)* reviewed and updated the Integrated Planning and Reporting Framework (IP&RF) in consultation with its community. Northern Beaches Council’s IP&RF was adopted on 28 June 2022 and comprises:

- Community Strategic Plan 2040 (CSP) - the highest-level plan that a council will prepare with an outlook to 2040. The CSP identifies the community’s main priorities and aspirations for the future and strategies for achieving these goals.
- Resourcing Strategy 2022-2032 - the people, asset and financial, resources available to Council to support progress towards the goals in the CSP. It includes a 4-year Workforce Strategy and 10-year Long-Term Financial Plan, Asset Management Strategy and Plan
- Delivery Program 2022-2026 - the principal activities Council will undertake in response to the CSP goals over 4 years
- Operational Plan 2022/23 - the individual projects that will be undertaken in that year.

Figure 1: Integrated Planning and Reporting Framework



Section 405 of the Act requires the annual operational plan to be adopted by 30 June. Northern Beaches Council also takes the opportunity to roll forward the Delivery Program a year to show a 4-year program.

While other elements of the Resourcing Strategy are reviewed in the year following an ordinary local government election, the Long-Term Financial Plan is reviewed annually to ensure financial planning for the annual Operational Plan and Budget are sound.

Draft Delivery Program and Operational Plan

The Delivery Program 2024-2028 continues to respond to community priorities identified through community engagement since 2017.

The document flows directly from the CSP with the 16 key Council services mapped from the community outcome to the goals that they support.

For each service, the document shows the following elements for the next 4 years:

- Ongoing services and programs
- Operational and capital projects
- Performance measures, with revised targets
- Income and expenditure.

The Operational Plan 2024/25 supports the continued delivery of high-quality services and key operational projects to ensure better outcomes for our community. It also includes a capital works program of \$100.8 million including:

- \$23.2m on new community facilities including Warriewood Valley Community Centre (\$16.7m) and Warringah Recreation Centre (\$2.2m)
- \$16.4m improving road assets and resurfacing 4.8km of roads (\$7.1m)
- \$10.1m priority stormwater management works to reduce flooding and pollution
- \$5.8m on cycleways including the pedestrian and cyclist bridge at Queenscliff (\$3m)
- \$5.2m on over 5km of new and improved footpaths across 14 suburbs
- \$3.5m improving sportsfields and new recreation facilities
- \$3.4m improving foreshores at various locations, including the implementation of the Freshwater Beach masterplan (\$1.5m)
- \$3.3m on new and improved reserves and playgrounds including Frenchs Forest precinct park upgrade (\$1.5m)
- \$3.3m continuing the Collaroy-Narrabeen coastal protection works
- \$2.2m work on Taylors Point and design of Greater Mackerel Beach and Currawong wharves
- \$2.0m improving recreational trails, including a new Manly Dam boardwalk (\$1.5m)
- \$1.7m on town centre and village upgrades
- Improving public amenities including at Freshwater Beach and West Esplanade, Manly.

Draft Asset Management Plans

Council is the custodian of \$3.45 billion of infrastructure assets, including buildings, roads, footpaths, stormwater drainage, swimming pools, bridges, wharves, playgrounds, sports fields, seawalls and other built infrastructure located on Council land. As the custodian, Council is responsible for operating, maintaining and delivering its existing and new assets now and in the future, and ensuring there are adequate provisions and resources to do so. It is important that our assets are managed effectively and efficiently to provide the community's expected level of service and maximise the benefit of these assets to the community.

The Asset Management Plans (AMPs) at Attachments 4 to 8 focus on Council's infrastructure assets, explains how we manage our infrastructure assets, sets out our 10-year investment into our infrastructure, and discusses the considerations between risk, performance and cost across our asset portfolio. It does not include any aspirational programs or projects.

The AMPs identify infrastructure challenges that will require an additional investment of \$15.1 million per year to renew and maintain existing assets along with an additional \$10.4 million per year to invest in service uplifts and new assets.

Category	10 yr gap (\$m)*
Renewal Gap	\$117
Maintenance Gap	\$34
Uplift in Service Gap	\$67
New Asset Gap	\$37
Total unfunded Asset Management Plans	\$255m

* 10 year gap is expressed in present values (as at 30 June 2023)

Scenario 1 in the draft Long-Term Financial Plan identifies that the current level of funding for asset management will lead to declining asset renewal and asset maintenance ratios, which are reported within the annual financial statements. This is principally due to the rising costs of maintaining and renewing assets compared with the available funding to complete this work. Scenario 2 in the draft Long-Term Financial Plan provides for increased revenue to begin to address these gaps (excluding aspirational projects and programs).

Draft Long-Term Financial Plan

Council's Long-Term Financial Plan (LTFP) is reviewed and updated each year as a rolling 10-year projection of Council's income and expenditure, assets and liabilities and cashflow. The LTFP informs decision making and demonstrates how the objectives of the 10-year CSP and commitments of the Delivery Program and Operational Plan will be resourced and funded.

In June 2023 Council adopted the 2023-2033 LTFP, which outlined challenges impacting Council's ability to generate sufficient funds to provide the same levels of service and infrastructure to the community into the future.

At the time, the Independent Pricing and Regulatory Tribunal of NSW (IPART), which determines how much each council's total rates revenue can increase each year through the rate peg, was reviewing its rate peg methodology. The review was triggered by significant issues causing a large gap between the level of rates income councils were permitted to raise and escalating costs due to external factors including high inflation.

IPART's review was released in November 2023 and a new rate peg methodology starts in the 2024/25 financial year. The new method is simpler, less volatile and a timelier reflection of changes in the costs councils incur in providing current services. However, the historical lag between the rate peg and inflation levels remains as the previous method had a 2-year lag, meaning the high inflation period experienced in the last 2 years will never be incorporated into the rate peg. Council has calculated the 2024/25 rate peg would have been 6.7% under the old method (as it was based on the 2022/23 financial year), which is 1.8% higher than the new method (and equivalent to \$3.3 million in extra income per year – an additional \$28 per average residential ratepayer).

IPART has suggested councils consider addressing the historical lag between the rate peg and inflation levels through the special rate variation process. This has been explored through the development of the draft 2024-2034 LTFP.

- **Scenario 1 'Delivery Program Model'**

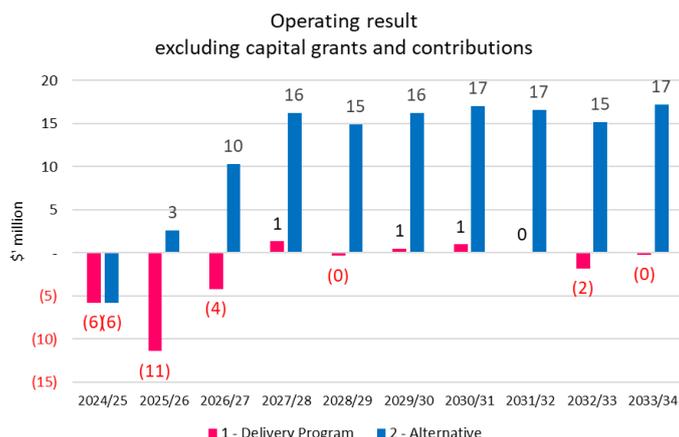
- This model is consistent with the draft Delivery Program 2024-2028.
- Income levels are not sufficient to fund operating expenses, invest in the ongoing renewal of infrastructure assets and provide the necessary working capital to manage unexpected events. Performance benchmarks are weakening or not met, especially regarding asset management and operating performance.

- This scenario is not sustainable and without the intervention explored in Scenario 2 will continue to reduce services to the community. The primary issues are:
 1. Over the past 3 years inflation has increased by 16.8% – more than double the 7.2% increase in rates income over the same period – this is an accumulative gap of \$18 million in lost rates income.
 2. Council has undertaken a number of measures to assist in offsetting cost pressures in recent years including fee reviews (where possible), achieving efficiency gains and cost savings. This includes \$0.4 million in the development of the 2024/25 budget along with over \$2 million in the previous 2 financial years. While opportunities are continuously sought, these measures alone are unable to fully offset the impact of recent high inflation levels.
 3. Significant events in recent years which required reprioritisation of funds including the COVID-19 pandemic (\$41 million cost) and 6 natural disasters (\$14 million cost of which \$7 million has been recovered to date from the Federal Government Disaster Recovery Fund).
 4. The Emergency Services Levy has increased by \$3.1 million (50%) to \$9.3 million per year from 2023/24.
 5. Infrastructure challenges outlined in the AMPs which will require an additional investment of \$15.1 million per year to renew and maintain existing assets along with an additional \$10.4 million per year to invest in service uplifts and new assets.

• **Scenario 2 ‘Alternative Model’ – funding the infrastructure renewal gap**

- This model addresses the maintenance and renewal funding gap for existing assets outlined in the AMPs, which is \$15.1 million per annum as at 30 June 2023.
- In this model infrastructure expenditure is increased and working capital is strengthened to provide the capacity to respond to unexpected events. This produces a stronger operating result and asset management ratios.
- To provide funding for this model, rates income increases \$20 million from the 2025/26 financial year (which is retained in future years).
- It is important to note this scenario does not provide additional funding for the \$10.4 million per annum funding gap associated with new assets and service uplifts proposed in the AMPs. Nor does it cover aspirational projects and programs and natural risk reduction measures which could add a further \$16.5 million per annum in costs.

The following graph illustrates the difference in the operating result (excluding capital grants and contributions) for the 2 scenarios. The operating surplus enables greater investment in the renewal of infrastructure assets and rebuilding working capital to respond to unexpected events like natural disasters and new opportunities.



Performance indicators – Long-Term Financial Plan Scenarios

Budget Performance

Operating Performance Ratio

measures the extent to which a council has succeeded in containing operating expenditure within operating revenue.

OLG	Result	Result	Forecast	→	Budget	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Benchmark	2021/22	2022/23	2023/24	Model	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
> 0%	4.5%	4.5%	0.4%	1 - Delivery Program	(1.5%)	(2.8%)	(1.1%)	0.2%	(0.1%)	0.1%	0.1%	(0.1%)	(0.4%)	(0.1%)
	✓	✓	✓	2 - Alternative	(1.5%)	0.5%	2.1%	3.4%	3.0%	3.2%	3.3%	3.1%	2.8%	3.1%
					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Operational Liquidity

Unrestricted Current Ratio

represents a council's ability to meet short-term obligations as they fall due.

OLG	Result	Result	Forecast	→	Budget	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Benchmark	2021/22	2022/23	2023/24	Model	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
> 1.5x	1.90x	1.92x	2.20x	1 - Delivery Program	2.19x	2.00x	1.74x	1.87x	1.96x	1.89x	2.03x	1.88x	1.91x	2.01x
	✓	✓	✓	2 - Alternative	2.19x	2.04x	1.81x	2.00x	2.13x	2.09x	2.30x	2.16x	2.24x	2.40x
					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Cash Expense Cover Ratio

liquidity ratio indicates the number of months a council can continue paying for its immediate expenses without additional cash inflow.

OLG	Result	Result	Forecast	→	Budget	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Benchmark	2021/22	2022/23	2023/24	Model	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
> 3mths	5.6mths	6.1mths	5.2mths	1 - Delivery Program	4.1mths	4.1mths	3.5mths	3.5mths	3.4mths	3.6mths	3.4mths	3.4mths	3.4mths	3.4mths
	✓	✓	✓	2 - Alternative	4.1mths	3.5mths	3.5mths	3.6mths	3.8mths	3.6mths	3.7mths	3.9mths	3.9mths	4.0mths
					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Asset Management

Building and Infrastructure Renewals Ratio

assesses the rate at which these assets are being renewed against the rate at which they are depreciating.

OLG	Result	Result	Forecast	→	Budget	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Benchmark	2021/22	2022/23	2023/24	Model	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
> 100%	112.7%	130.8%	107.4%	1 - Delivery Program	99.6%	96.1%	94.6%	93.1%	94.5%	93.6%	91.7%	92.0%	90.4%	89.8%
	✓	✓	✓	2 - Alternative	99.6%	124.2%	122.2%	120.6%	121.8%	120.8%	118.7%	118.9%	117.3%	116.6%
					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Infrastructure Backlog Ratio

ratio shows what proportion the infrastructure backlog is against the total net carrying amount of a council's infrastructure.

OLG	Result	Result	Forecast	→	Budget	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Benchmark	2021/22	2022/23	2023/24	Model	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
< 2%	1.53%	1.49%	1.63%	1 - Delivery Program	1.62%	1.64%	1.66%	1.68%	1.71%	1.73%	1.75%	1.77%	1.79%	1.80%
	✓	✓	✓	2 - Alternative	1.62%	1.57%	1.52%	1.48%	1.44%	1.41%	1.37%	1.34%	1.31%	1.28%
					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Asset Maintenance Ratio

ratio compares actual versus required annual asset maintenance.

OLG	Result	Result	Forecast	→	Budget	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Benchmark	2021/22	2022/23	2023/24	Model	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
> 100%	100.6%	109.7%	99.6%	1 - Delivery Program	92.5%	92.6%	92.6%	92.6%	92.6%	92.6%	92.7%	92.7%	92.7%	92.7%
	✓	✓	✗	2 - Alternative	92.5%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Funding the replacement of Council's core operating systems

Council's primary on-premise operating system that supports core business processes, including asset management, work management, properties & rates, request management, ePlanning & development applications, regulatory applications, and finance & supply chain, is end-of-life and must be replaced. Council cannot operate without current and effective core operating systems.

Council has been working towards the replacement of this system and has undertaken thorough due diligence in its assessment of requirements, replacement options, timelines, resources and funding needs. To ensure sufficient working capital is available to deliver this important project over the next 3 years, an external loan to fund an infrastructure project which would have otherwise been delivered with working capital, is recommended.

Proposed new loan

A new loan is proposed in the 2024/25 financial year to part fund the construction of the Warriewood Community Centre:

Loan amount	Proposed term	Repayment funding source	Purpose of loan
\$10,450,000	10 years	The funding currently utilised to repay existing loans is sufficient to fund the repayment schedule for this loan as several existing loans are coming to the end of their term	To assist with the construction of the Warriewood Community Centre

The following has been considered in recommending a new loan:

- The construction of Warriewood Community Centre is a significant infrastructure project which will benefit future generations
- Borrowing for this project ensures an appropriate and financially responsible level of working capital contingency funding for the replacement of Council's core operating system over the next 3 years
- The total amount of loan borrowings is sustainable in terms of Council's ability to meet future repayments and budgetary obligations.

Loans and refinancing endorsed by Council in June 2023

As part of the adoption of the 2023-2027 Delivery Program on 27 June 2023 Council approved the following internal allocation and refinancing:

8. *Authorise an internal cash allocation from the 'Mona Vale Cemetery Reserve' of \$4,600,000 towards funding the Enterprise Resource Planning (ERP) Replacement Project. These funds are to be returned to the 'Mona Vale Cemetery Reserve' from general revenue inclusive of the interest the reserve would have otherwise earned on these funds by 30 June 2029.*
9. *Authorise the Chief Executive Officer to negotiate and accept loan/s for a period of 10 years from the lending market, and that the Seal of the Council be affixed to all relevant documents, in order to refinance the following loans:*
 - A. *\$2,500,000 (Westpac Bank – Former Manly Loan 47)*
 - B. *\$2,400,000 (Commonwealth Bank of Australia – Former Manly Loan 48)".*

These 2 items were scheduled to take place across the 2023/24 and 2024/25 financial years. As such, the 2024/25 budget includes the following:

- **Internal cash allocation – endorsed by Council in June 2023**

- The approved \$4.6 million internal loan from the Mona Vale Cemetery Internal Cash Reserve part funds the ERP system replacement (core operating system). The anticipated drawdown is \$2.2 million in 2023/24 and \$2.4 million in 2024/25. The loan will be repaid to this internally restricted reserve with the equivalent interest the funds would have earned over the same period:

2024/25 internal loan	Purpose of internal loan
\$2,400,000	ERP Project (core operating system) – internal loan from the Mona Vale Cemetery Internally Restricted Cash Reserve to part fund the replacement of Council’s core operating systems

- **Refinancing of existing loan – endorsed by Council in June 2023**

- The approved refinancing of an existing loan, which has an initial 10-year term, will be undertaken in the 2024/25 financial year. The residual at maturity of the initial term was based on repayments over a term of 20 years. The refinancing of this loan would be consistent with the loan documentation and planning undertaken at its initiation by the former Manly Council.

Loan number	Opening principal	Refinance amount	Current term	Purpose of loan
CBA 48	\$4,000,000	\$2,400,000	Commenced June 2015 To expire June 2025	Public domain capital improvements (2015/16 financial year)

Draft budget overview and financial forecasts

- **Draft Budget 2024/25**

The 2024/25 draft budget projects total expenditure of \$526 million, including a capital works program of \$101 million. The proposed \$101 million capital works program includes \$40 million in asset renewal to improve the overall condition of our assets and to reduce ongoing operational costs associated with asset repair and maintenance. A further \$61 million will deliver high priority new assets to the community.

The budget forecasts an Operating Deficit before Capital Grants and Contributions of \$5.8 million, which includes a \$12.1 million investment in replacing Council’s core operating systems. A further \$2.1 million in loans will be repaid and a new \$10.45 million loan is proposed to part-fund the Warriewood Community Centre project.

- **Efficiency savings**

Council continuously seeks efficiencies and new ways to contain costs along with service improvements. Council has achieved efficiencies in the development of the 2024/25 draft budget including changes in service delivery models, optimisation of fleet and rationalising IT infrastructure which have reduced operating costs by an ongoing \$0.4 million per year. These savings have assisted in offsetting inflation-driven cost increases and funding the replacement of Council’s core operating systems.

- **Financial Position and Performance**

Council has made positive and sound financial management decisions over many years which enabled Council to deliver significant projects, support the community during the COVID-19 pandemic and several natural disasters and invest merger savings into improved services and infrastructure to meet the needs of our community and improve their quality of life.

However, with inflation outpacing growth in rates income by almost 10% in 3 years and no mechanism in the IPART rate peg to adjust for this, income levels are not sufficient to meet future operating costs and maintain infrastructure at the level required. The draft budget anticipates Council will not achieve key Office of Local Government financial and asset performance benchmarks in 2024/25.

The 2024/25 budget forecasts an operating deficit of \$5.8 million (excluding capital grants and contributions) which results in an Operating Performance Ratio of -1.45%. This does not meet the industry benchmark of 0%. This result has been weakened by a \$12.1 million investment in the replacement of Council's core operating systems. The Operating Performance Ratio would be 1.43% excluding this project, with an operating surplus of \$6.3 million.

Liquidity meets the industry benchmark (greater than 1.50x) with an Unrestricted Current Ratio 2.19x, meaning for every \$1.00 in current liabilities there is \$2.19 in current assets. However, this ratio weakens over the 4 years of the Delivery Program, gradually decreasing to 1.87x by 2027/28.

Net cashflow will be a negative \$23 million in 2024/25 and 2025/26, primarily due to the construction of Warriewood Community Centre and the replacement of Council's core operating systems. Net cashflow will return to a positive position from 2027/28.

Asset management ratios are weakening. The Building and Infrastructure Renewals Ratio will not be met, meaning Council is unable to invest in the renewal of assets at the rate at which they are depreciating. Maintenance expenditure is also no longer be sufficient.

Draft 2024/25 Budget Snapshot

	Result 2022/23 \$ 'mil	Forecast 2023/24 \$ 'mil	Budget 2024/25 \$ 'mil	Projected 2025/26 \$ 'mil	Projected 2026/27 \$ 'mil	Projected 2027/28 \$ 'mil
Operating budget						
Income	425	436	451	449	449	459
Operating expenses	(374)	(404)	(425)	(438)	(440)	(447)
Operating result - surplus / (deficit)	52	32	26	11	9	12
Less grants and contributions for capital projects	(34)	(30)	(32)	(23)	(13)	(11)
Operating result - excl capital income - surplus / (deficit)	18	2	(6)	(11)	(4)	1
Capital expenditure						
New works	(43)	(39)	(61)	(37)	(17)	(14)
Renewal works	(40)	(49)	(40)	(49)	(52)	(52)
Total capital expenditure	(83)	(89)	(101)	(86)	(69)	(66)
Loan repayments	(5)	(3)	(2)	(3)	(2)	(2)
Cash and investments						
Externally restricted	52	48	38	29	30	33
Internally restricted	91	77	68	66	67	64
Unrestricted	15	37	34	24	22	23
Total cash and investments	158	162	139	120	119	120
Cashflows						
Net cash from operating activities	111	94	69	66	68	67
Net cash from investing activities*	(80)	(86)	(99)	(83)	(66)	(63)
Net cash from financing activities	(6)	(4)	7	(2)	(3)	(3)
Net increase / (decrease) in cash	25	4	(23)	(19)	(1)	1
* Exclude purchase and sale of investments						
Financial position						
Assets	5,636	5,747	5,888	5,994	6,102	6,213
Liabilities	(187)	(164)	(167)	(168)	(169)	(163)
Net Assets	5,449	5,583	5,721	5,826	5,934	6,050

Numbers may not sum precisely due to rounding

Performance measures

	OLG Benchmark	Result 2022/23	Forecast 2023/24	Budget 2024/25	Projected 2025/26	Projected 2026/27	Projected 2027/28
Budget Performance							
Operating Performance Ratio <i>measures the extent to which a council has succeeded in containing operating expenditure within operating revenue</i>	>0%	4.5%	0.4%	(1.5%)	(2.8%)	(1.1%)	0.2%
		✓	✓	✗	✗	✗	✓
Own Source Operating Revenue Ratio <i>measures fiscal flexibility. It is the degree of reliance on external funding sources</i>	>60%	84.6%	87.2%	88.1%	90.5%	92.8%	93.1%
		✓	✓	✓	✓	✓	✓
Operational Liquidity							
Unrestricted Current Ratio <i>represents a council's ability to meet short-term obligations as they fall due.</i>	>1.5x	1.9x	2.2x	2.2x	2.0x	1.7x	1.9x
		✓	✓	✓	✓	✓	✓
Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage <i>expressed as a percentage of total rates and charges available for collection in the financial year</i>	< 5%	3.6%	3.5%	3.5%	3.4%	3.5%	3.4%
		✓	✓	✓	✓	✓	✓
Cash Expense Cover Ratio <i>liquidity ratio indicates the number of months a council can continue paying for its immediate expenses without additional cash inflow</i>	> 3 mths	6.1mths	5.2mths	4.1mths	3.5mths	3.5mths	3.4mths
		✓	✓	✓	✓	✓	✓
Liability and Debt Management							
Debt Service Cover Ratio <i>measures the availability of operating cash to service loan repayments.</i>	>2.00x	7.7x	9.3x	10.8x	8.2x	12.3x	12.5x
		✓	✓	✓	✓	✓	✓
Asset Management							
Building and Infrastructure Renewals Ratio <i>assesses the rate at which these assets are being renewed against the rate at which they are depreciating</i>	>100%	130.8%	107.4%	99.6%	96.1%	94.6%	93.1%
		✓	✓	✗	✗	✗	✗
Infrastructure Backlog Ratio <i>shows what proportion the infrastructure backlog is against the total net carrying amount of a council's infrastructure</i>	<2%	1.49%	1.63%	1.62%	1.64%	1.66%	1.68%
		✓	✓	✓	✓	✓	✓
Asset Maintenance Ratio <i>compares actual versus required annual asset maintenance. A ratio of above 100% indicates that the council is investing enough funds that year to halt the infrastructure backlog from growing.</i>	>100%	109.7%	99.6%	92.5%	92.6%	92.6%	92.6%
		✓	✗	✗	✗	✗	✗
Cost to bring assets to agreed service level <i>shows what proportion the infrastructure backlog is against the total gross replacement cost of a council's infrastructure</i>		1.22%	1.34%	1.35%	1.36%	1.38%	1.40%
		✓	✓	✓	✓	✓	✓

Draft Revenue Policy

- Rating Structure 2024/25**

The NSW Government, through IPART, caps the total general income that may be raised from levying rates on property. IPART has determined that general income from rates in 2024/25 may increase by a maximum of 4.9%. This is the basis of the draft 2024/25 budget.

The rating structure is based entirely upon property valuations (ad valorem) but with minimum rates applying where appropriate. Rates for 2024/25 will be assessed on land values as at 1 July 2022 and are forecast to raise \$197 million before pensioner rebates and adjustments.

The average residential rate is proposed to increase by \$79 for the year under the 4.9% rate peg as illustrated in the following table:

Average residential rates

Average residential rate	Rates with 4.9% rate peg	
	Additional Rates	Total Rates
Per annum	\$79	\$1,700
Per quarterly instalment	\$20	\$425

- Stormwater Management Services Charge 2024/25**

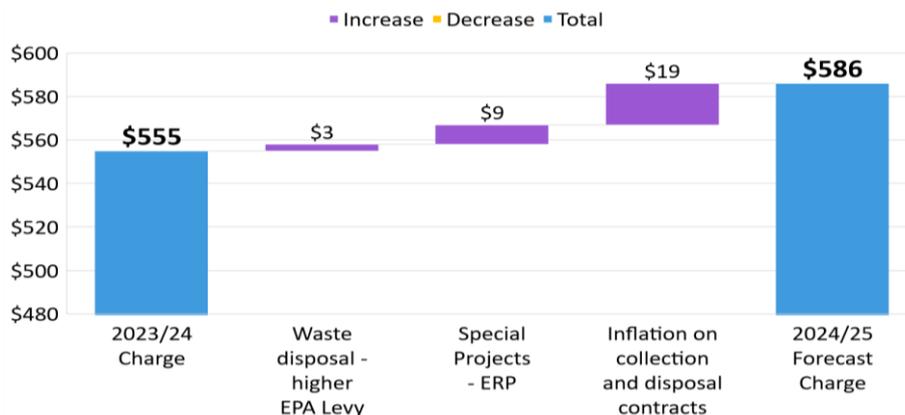
The Stormwater Management Services Charge is levied to all eligible residential and business ratepayers to fund a program of stormwater improvement projects and is forecast to raise \$2.2 million in 2024/25. The charge is consistent with the upper limit set by the Local Government (General) Regulation 2021, which remains unchanged since the inception of the charge in the 2006/07 financial year. No changes to the charge are proposed.

- Domestic Waste Management Charge 2024/25**

The Domestic Waste Management (DWM) Service is provided to all residential properties. Council must make and levy an annual charge for the service and income must not exceed the reasonable cost of providing the services (sections 496 and 504). The standard domestic waste charge is proposed to be \$586 in 2024/25 (a \$31 increase), raising \$57 million in revenue.

As illustrated in the below chart, the proposed \$31 increase in the charge relates to inflation on disposal, processing and collection contracts (\$31), investment in waste service projects including the replacement of Council’s core operating systems (\$9) and an increase in waste disposal costs due to a higher EPA Levy (\$3).

Domestic Waste Charge price change drivers – 2023/24 to 2024/25



Pricing Methodology and Fees and Charges 2024/25

Fees and Charges relate mainly to the recovery of service delivery costs through the charging of fees to users. These include use of leisure, entertainment and other community facilities and the provision of services such as long day care, vacation care and family day care.

The draft Fees and Charges schedule for the 2024/25 financial year is provided as Attachment 2 to this report and has been prepared in accordance with the principles of the Council's Pricing Policy.

Council's Pricing Policy has been incorporated into the draft 2024/25 Fees and Charges document and re-named 'Pricing Methodology'. Incorporating the Pricing Methodology within the Fees and Charges book provides the community with a clearer understanding of the principles-based approach Council takes to the pricing of services within the document.

As part of the adoption of the Fees and Charges each year Council will also adopt the Pricing Methodology. Council will also be asked to revoke the Pricing Policy at the June 2024 meeting, noting the policy has now been incorporated (unchanged) into the Pricing Methodology within the Fees and Charges document. This approach is in line with requirements of section 610B of the *Local Government Act 1993*.

CONSULTATION

A community engagement plan consistent with Council's Community Engagement Policy and Strategy, has been developed to support the exhibition. The draft Delivery Program, Operational Plan (including Fees and Charges), LTFP and Asset Management Plan will be placed on exhibition for a minimum of 28 days in accordance with essential elements 3.10, 4.10 and 4.25 of the *Integrated Planning and Reporting, Guidelines for Local Government in NSW (2021)*.

Promotion and engagement will include:

- A dedicated Your Say page, including all documents and frequently asked questions
- Social media
- Bulk emails to around 22,000 people on our Community Engagement Register
- Community outreach activities
- Public forums, 3 face to face and one online
- 12 locality-based summaries of the draft Operational Plan
- Fact sheets on the roads and footpath program, environment and sustainability initiatives and health and recreation initiatives.

Submissions can be made online as well as via letter and email.

TIMING

The draft Delivery Program, Operational Plan (including Fees and Charges), LTFP and Asset Management Plans will be exhibited for a minimum of 28 days. A summary of the submissions received along with revised IP&R documents will be presented to Council on 25 June 2024 for consideration.

FINANCIAL CONSIDERATIONS

The recommendations of this report do not result in any change to the existing Council budget, which includes funding to engage with the community on the 2024/25 Operational Plan and Budget, Delivery Program, LTFP and Asset Management Plans.

2024/25 Budget and Delivery Program

The draft 2023/24 budget projects total expenditure of \$526 million, including a capital works program of \$101 million. This includes investing \$40 million in asset renewal to improve the overall condition of our assets and a further \$61 million in delivering high priority new assets to the community.

The budget forecasts an Operating Deficit before Capital Grants and Contributions of \$5.8 million, which includes a \$12.1 million investment in replacing Council's core operating systems. A further \$2.1 million in loans will be repaid and a new \$10.45 million loan is proposed to part-fund the Warriewood Community Centre project.

There are several restrictions on funds within the operating result. When these are removed, the underlying operating result is forecast to be a deficit of \$9.8 million. If the election and replacement of Council's core operating systems is excluded, the result would be a surplus of \$0.8 million.

	<u>\$'mil</u>
Underlying result	
Surplus / (deficit) excluding capital grants and contributions	(5.8)
Less:	
Interest on restricted Council funds	(2.3)
Domestic Waste	(1.5)
Stormwater Charge net opex	(2.0)
Special Rates	(0.2)
Kimbriki (less dividend)	(0.4)
Mona Vale Cemetery	0.1
Development contribution funded operating projects	0.7
Gain on the disposal of assets	(0.4)
Projects - rephased from 2023/24*	2.0
Underlying surplus / (deficit) excluding restricted funds	(9.8)
Exclude core operating systems replacement (unrestricted funding)	8.9
Exclude election	1.7
Underlying surplus / (deficit) excluding restricted funds, core operating system replacement and election	0.8

* The projects rephased from the 2023/24 financial year are the core operating systems replacement and digital parking permits

While the budget is balanced, Council is not anticipated to meet the Office of Local Government's financial and asset performance benchmarks due to the deficit operating result and depreciation outpacing expenditure on renewing assets.

Following significant events in recent years including storms and the COVID-19 pandemic, along with high inflation outpacing growth rates income, Council faces a challenge in maintaining sufficient funding in future years.

Long-Term Financial Plan

Council's LTFP has been reviewed and updated each year as a rolling 10-year projection of Council's income and expenditure, assets and liabilities and cashflow. Updates have been made to reflect revised assumptions and indexation along with financial modelling for 2 scenarios.

Scenario 1 is the 'Delivery Program Model' which maintains rate increases in line with the annual rate peg only. In this scenario the operating result in 2025/26 is a deficit of \$11.4 million, primarily

due to a reduction in investment revenue as interest rates normalise and cash balances drop following completion of major projects (\$4.0 million) and implementation of new software (\$13.2 million) in that year. Performance measures for liquidity and debt management remain within the industry benchmark, however asset management and operating performance ratios are weak or below industry benchmarks.

Scenario 2, the 'Alternative Model', explores an option to strengthen working capital and provide capacity to address the unfunded asset renewal and maintenance requirements of the Asset Management Plan. This scenario is based on an increase in income of \$20 million in the 2025/26 financial year (year 2) and meets all financial and asset performance ratios from that year onwards.

GOVERNANCE AND RISK CONSIDERATIONS

The review and updating of the Delivery Program, Operational Plan, LTFP and Asset Management Plan are integral to good governance at Council. These documents have been prepared in accordance with sections 403-405, 406, 610B, 610F and of the *Local Government Act 1993* and the Office of Local Government's *Integrated Planning and Reporting Guidelines for Local Government in NSW (2021)* and *Integrated Planning and Reporting Handbook for Local Government in NSW (2021)*.

ENVIRONMENTAL CONSIDERATIONS

The proposed actions in this report will result in a beneficial environmental outcome. Protecting the environment and ensuring that we can live sustainably on the Northern Beaches are key features of the draft Delivery Program and Operational Plan to be exhibited. These documents detail programs and activities that protect the environment and support the community to live sustainably.

SOCIAL CONSIDERATIONS

The draft Delivery Program, Operational Plans (including Fees and Charges), Long-Term Financial Plan and Asset Management Plans will be exhibited for a minimum of 28 days. A summary of the submissions received along with revised IP&R documents will be presented to Council on 25 June 2024 for consideration.

LINK TO STRATEGY

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

- 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.

Reporting team	Financial Planning & Systems
TRIM file ref	2024/266110
Attachments	<p>⇒1 Draft Delivery Program 2024-2028 and Operational Plan 2024/25 (Included In Attachments Booklet)</p> <p>⇒2 Draft Pricing Methodology, Fees and Charges 2024/25 (Included In Attachments Booklet)</p> <p>⇒3 Draft Long-Term Financial Plan 2024-2034 (Included In Attachments Booklet)</p> <p>⇒4 Draft Asset Management Plans Summary 2024-2034 (Included In Attachments Booklet)</p>

- ⇒5 Draft Roads Infrastructure Asset Management Plan 2024-2034
(Included In Attachments Booklet)
- ⇒6 Draft Open Space and Recreational Infrastructure Asset
Management Plan 2024-2034 (Included In Attachments Booklet)
- ⇒7 Draft Stormwater Infrastructure Asset Management Plan 2024-
2034 (Included In Attachments Booklet)
- ⇒8 Draft Buildings Asset Management Plan 2024-2034 (Included In
Attachments Booklet)

ITEM 9.2 SUBMISSIONS ON THE EMERGENCY SERVICES LEVY AND NSW RURAL FIRE SERVICE
--

PURPOSE

The purpose of this report is to seek Council's endorsement of submissions to the NSW Legislative Assembly Public Accounts Committee on the 'Inquiry into the assets, premises and funding of the NSW Rural Fire Service' and to the NSW Government on its 'Reforming the emergency services funding system' consultation paper.

EXECUTIVE SUMMARY

- A sustainable and fair funding system for emergency services in the face of more frequent and intense weather events is essential.
- The NSW Legislative Assembly Public Accounts Committee is inquiring into the effectiveness of the NSW Rural Fire Service's (RFS) asset management and operations including arrangements for assets, premises and funding of the RFS.
- The Committee will consider whether the current arrangements between the RFS and councils are effective and fit for purpose.
- The Committee will consider service arrangements between the RFS and local councils, the appropriate role of local authorities in providing emergency services and the sustainability of local government contributions to emergency service provision.
- The NSW Government has also released a consultation paper entitled 'Reforming the emergency services funding system' which explores replacing the Emergency Services Levy (which is charged to councils and also on insurance premiums) with a levy charged to all property owners through Revenue NSW.
- Council's draft submissions seek to strengthen emergency services management while addressing financial sustainability concerns.

RECOMMENDATION

That Council:

1. Endorse the submissions to:
 - a. The NSW Legislative Assembly Public Accounts Committee on the 'Inquiry into the assets, premises and funding of the NSW Rural Fire Service'.
 - b. The NSW Government on the 'Reforming the emergency services funding system' consultation paper.
2. Authorise the Chief Executive Officer, or his delegate, to give evidence on either of these matters, if invited to do so.
3. Provide a copy of both submissions to Local Government NSW to assist in its advocacy.

BACKGROUND

Public Accounts Committee Inquiry - Assets, premises and funding of the NSW Rural Fire Service

On 24 February 2024 the NSW Government announced an inquiry into the NSW Rural Fire Service (RFS) entitled an 'Inquiry into the assets, premises and funding of the NSW Rural Fire Service' and tasked the Public Accounts Committee to inquire into and report on:

1. The mechanisms for funding, maintaining, operating and accounting for RFS assets and premises.
2. Whether arrangements between councils and the RFS are fit for purpose for matters including service agreements, bushfire management and upkeep of assets.
3. The appropriate role for local authorities in the provision of emergency services.
4. The sustainability of local government contributions to emergency service provision.

The full Terms of Reference are provided at Attachment 1.

NSW Government 'Reforming the emergency services funding system'

On 10 April 2024, the NSW Government released a 'Reforming the emergency services funding system' consultation paper (Attachment 2) and invited feedback on a new model for the Emergency Services Levy. The paper explores:

- replacing the Emergency Services Levy with a new levy administered by NSW Revenue and charged to all property owners
- various methods to set the levy including capital improved land values
- further incorporating the levy paid by councils into the new levy, thereby removing this charge on councils.

DISCUSSION

Public Accounts Committee Inquiry - Assets, premises and funding of the NSW Rural Fire Service

A draft submission on the Inquiry into assets, premises and funding of the RFS is provided as Attachment 3. A summary of the submission is outlined below.

- **Funding for fire and emergency services agencies**

Three organisations in NSW are responsible for the provision of fire and related emergency services, being Fire & Rescue NSW, the RFS and the NSW State Emergency Service.

Currently the NSW Government funds fire and emergency services through general revenue (14.6%), a broad-based levy placed on insurers (who often include the fee on home and contents, motor vehicle, and commercial property insurance policies) (73.7%) and a levy on local government (11.7%).

The levy on local government of 11.7% is legislated in the *Fire and Rescue Act 1989* (section 51(3)), *State Emergency Service Act 1989* (section 241(3)) and *Rural Fires Act 1997* (section 110(3)).

- **Funding Rural Fire Service assets and premises**

Council bears the cost of funding RFS premises within its local government area, funded from rates revenue. The submission recommends no changes to the present arrangements for the management and provision of the 14 premises provided by Council to the RFS within its local government area which are used for the local brigades and regional headquarters. However, consideration must be given to ensuring that the funding of these premises is not only borne by

Northern Beaches ratepayers from rates income and includes all beneficiaries of this critical service.

Funding for the Red Fleet (firefighting response vehicles) and other assets is currently provided through the Emergency Services Levy (ESL). Council's contribution to the ESL for the 2023/24 financial year is \$9.3 million, which is attributable to:

- Fire and Rescue \$6.7 million
- State Emergency Service \$1.3 million
- RFS \$1.3 million.

NSW remains the only mainland state that does not have a property-based levy to pay for emergency services. Alternative models should be considered to ensure that fire and emergency services are fully funded in a fair and equitable manner avoiding cost shifting to councils. The submission recommends the introduction of a broad-based land tax to be collected by the NSW Government to replace existing contributions to the ESL.

- **Maintaining Rural Fire Service assets and premises**

Under the District Service Agreement, Council is required to pay all rates, taxes, electricity, gas, oil and water charges separately metered and maintain the premises in good repair.

The existing buildings are often too small to accommodate the larger modern firefighting trucks. Therefore, the buildings need to be adapted to be fit for purpose. These premises are generally located near bushfire prone areas and are likely to require significant fit outs to ensure they are resilient to bush fire risk as the impacts of climate change worsen. The submission recommends consideration be given to ensuring that funding the maintenance of these premises is not only borne by Northern Beaches ratepayers from rates income but also includes all beneficiaries of this critical service and consideration of the funding for renewals and upgrades to ensure resilience as the impacts of climate change become more pronounced.

Council is not involved in the maintenance of the RFS Red Fleet and other assets. Nor would it be appropriate for Council to be involved in the maintenance of this equipment which is critical to the service. The submission recommends the maintenance of the Red Fleet and other assets continues to be the responsibility of the RFS as part of its comprehensive asset management plans.

- **Accounting for the ownership of Rural Fire Service assets and premises**

Council is required to control assets under the Australian Accounting Standards before accounting for those assets.

It is Council's view, based on Australian Accounting Standards, that it controls the 14 premises within its local government area which are used for the local brigades and regional headquarters.

As Council controls these assets, it is appropriate for Council to continue to account for these assets at fair value. The submission recommends that no changes are made to the present arrangements in relation to the 14 premises provided by Council to the RFS within its local government area which are used for the local brigades and regional headquarters.

It is Council's view, based on Australian Accounting Standards, that it does not control Red Fleet and other RFS assets provided by the RFS to brigades within its local government area. The submission recommends that, as is the case with the SES, the RFS should own and control all assets which are critical to their operations and as such the *Rural Fires Act 1997* should be amended to ensure that rural firefighting equipment is no longer vested in councils to avoid any confusion in how they are accounted for.

- **Operational management, including the control of assets and premises, risks, and impacts to local government, and the ability to effect a response to emergencies**

The current arrangements of shared responsibilities between Council and the RFS are inefficient and place financial and resource strain on the limited resources of both agencies. Other emergency services are provided full control over their functions, including management of assets, finances and equipment, and the same should be provided for the RFS. The submission recommends that the NSW Government considers changes to the *Rural Fires Act 1997* to allow for RFS ownership and responsibility of its assets, including plant and fleet and that this be funded in a manner that reduces unnecessary complexity and resource strain on local government. The submission also recommends that changes to RFS asset ownership and management be done in a manner that ensures provision and access to facilities required for Local Emergency Management Committee (LEMC) and Local Emergency Operations Centre (LEOC) functions.

- **Whether the Service Agreement arrangements between councils and the Rural Fire Service are fit for purpose**

The current District Service Agreement dates from 2010 and is outdated. Revised agreements are expected to be developed following the completion of a standard template by the Rural Fire Service. Notwithstanding this, the submission recommends that the *Rural Fires Act 1997* be reformed to separate the responsibilities more clearly between RFS and local government, with a view to affording more control to the RFS to fund, own, manage and maintain its own assets and fleet, and negate the need for complex district service agreements.

- **Whether the division of responsibilities for bushfire management and hazard reduction arrangements between councils and the Rural Fire Service are fit for purpose**

As the combat agency for fire incidents across most of the geographical extent of the Northern Beaches, in addition to all areas under section 44 bush fire declarations, the RFS is better positioned than local government to retain responsibility for bush fire management and hazard reduction activities. The current division of responsibilities between the RFS and Council in this regard is generally appropriate but does not appear to be entirely in alignment with the *Rural Fires Act 1997*. The submission recommends removing current service agreements and reforming the *Rural Fires Act 1997* to better reflect the function and divisions of responsibilities of the RFS and other stakeholders. It also recommends reviewing funding arrangements for activities outlined in local Bush Fire Risk Management Plans so that they are administratively efficient and more secure than current grant funding arrangements.

- **Whether the arrangements for the upkeep of assets between councils and the Rural Fire Service are fit for purpose**

Northern Beaches Council provides land and buildings for 14 premises to the RFS for the local brigades and regional headquarters. Council provides a vast range of community buildings and associated assets and has a comprehensive operational and capital works program for the upkeep of these assets. As Council controls the RFS premises and given Council's significant skills and experience in the management of operational and capital works programs, it is appropriate that Council continues to provide upkeep for RFS premises used for the RFS headquarters and brigades within its local government area. The submission recommends consideration be given to ensuring that the funding of these premises is not borne only by Northern Beaches ratepayers from rates income and includes all beneficiaries of this critical service.

The upkeep of the Red Fleet and other assets should remain the responsibility of the RFS. The RFS has a comprehensive Asset Management Policy (P8.1.0) to set out principles that will apply to asset management to achieve their strategic direction. The RFS Strategic Asset Management Plan (SAMP) covers all – current and planned – non-financial assets under control of the RFS, including council-vested assets. The submission recommends no changes are made to the present arrangements for upkeep of the Red Fleet and other assets as these are controlled by the RFS and the current arrangements support the magnificent work done by the RFS and its volunteers.

- **Whether the arrangements for provision of insurance between councils and the Rural Fire Service are fit for purpose**

In accordance with the District Service Agreement, Council is required to hold building insurance and public risk insurance in an amount of not less than \$20,000,000. Council insures the buildings and this is appropriate as we control these assets. However, consideration must be given to ensuring that the funding of these premises is not borne only by Northern Beaches ratepayers from rates income and includes all beneficiaries of this critical service.

Since July 2011, the Treasury Managed Fund (TMF) has managed the insurance for the Red Fleet and Other Assets. These insurance arrangements are centralised and managed by the RFS with the insurance costs distributed to RFS areas where the vehicles are based.

We agree with comments in Service Standard (5.3.5) for Fleet Insurance for RFS Appliances Frequently Asked Questions which states that by providing the coverage through TMF, the RFS will have a consistent and standardised coverage of all mobile assets operated under the RFS' Red Fleet Program, providing security for its assets and the volunteer members of our communities who travel in them. The submission recommends that as the RFS controls the Red Fleet and other assets it is appropriate that the RFS continues to operate a centrally managed comprehensive motor vehicle insurance arrangement for appliances identified on the RFS Fleet Program which meets the requirements of the TMF.

- **Whether the arrangements for provision of land and construction management for RFS premises between councils and the Rural Fire Service are fit for purpose**

Council provides a vast range of community buildings and associated assets and has a comprehensive capital works program. As it controls the RFS premises and given Council has significant skills and experience in the management of a capital works program it is appropriate that Council continues to provide construction management of RFS buildings within the local government area. The submission recommends that no changes are made to the present arrangements for the construction management in relation to RFS premises provided by Council. However, consideration must be given to ensuring that the funding of these premises is not borne only by Northern Beaches ratepayers from rates income and includes all beneficiaries of this critical service.

- **Whether the arrangements for provision of Bushfire Management Committees between councils and the Rural Fire Service are fit for purpose**

Council is generally pleased with the current function and administration of the local Bushfire Management Committee (BFMC). Council recommends that the current function and operation of the Northern Beaches BFMC is supported and should be maintained.

- **The appropriate role for local authorities in the provision of emergency services**

Council is not a combat agency but does act as crucial support agency to the combat agencies per the *State Emergency and Rescue Management Act 1989* (SERM Act). This is true both during an emergency response, but perhaps even more so prior to an event to reduce risk and support multiagency coordination and planning, as well as following an event to facilitate long term recovery coordination.

Under the SERM Act, Council is responsible for providing executive support to the Local Emergency Controller (LEOCON) and Local Emergency Management Committee (LEMC). Council is required to provide a Local Emergency Management Officer (LEMO), who will often also, under delegated responsibility, chair the LEMC. The recent release of various State frameworks and plans such as the NSW State Recovery Plan and the State Emergency Management Plan (EMPLAN) have placed increased planning requirements on LEMCs and subsequently on councils responsible for providing the executive and other support required to deliver on these requirements. Council is well placed to provide this coordinating function between the emergency services and to ensure a focus is maintained across risk prevention, preparedness, response and recovery. However, Council does not receive any funding support to fulfill these increasingly important functions. The submission recommends amendments to the emergency management legislation and funding arrangements to allow for greater resourcing for networks and functions such as the LEMC that support multi-agency coordination.

- **The sustainability of local government contributions to emergency service provision**

Council's contributions to emergency service provision reflect the unrelenting growth of cost shifting to councils. This, coupled with rate pegging, is increasingly eroding the financial sustainability of local government and risking the capacity of councils to deliver grassroots services to their communities and maintain vital local infrastructure. The submission recommends the amendment to emergency management legislation and funding arrangements to provide an equitable basis for funding emergency services and remove the ongoing cost shifting to local government recognising the expected cost increases in the future as a result of climate change amongst other factors and that the NSW Government remove the ESL from councils and insurers, and replace it with a broad-based property levy, collected directly by the NSW Government.

- **Any other related matters**

Council currently provides a range of administrative and accounting services to the Commissioner and to the RFS for an annual fee of \$1.00. This includes access to Council's Purchasing System, processing of accounts for payment, Council Credit Card access with relevant delegations, Petty Cash reimbursement, the provision of IT support, access to SEA (GIS System) and access to Council's financial system. The submission recommends that all administrative, information technology and accounting functions are undertaken centrally by the RFS to ensure processes are administratively efficient and appropriate internal controls are maintained.

NSW Government 'Reforming the emergency services funding system'

A draft submission on key questions for Council within the consultation paper on reforming emergency services funding is provided as Attachment 4. The submission focuses on those questions which relate directly to Council and functions.

In summary, the submission supports:

- Removing the Emergency Services Levy contribution from councils, without reducing rates income. Council could re-invest the \$9.3 million in funding currently tied to the Emergency Service Levy back into the infrastructure program to reinstate the reductions that were required this financial year to fund the \$3.1 million increase in the levy, along with progressing actions to plan, prepare and recover from the impacts of natural hazards.
- Revenue NSW collecting the funds in the form of a new levy which is charged to all property owners, rather than councils.
- Basing the new levy on the Capital Improved Value of properties as this better reflects the value of the property being protected and is therefore more equitable.

TIMING

Submissions to the Public Accounts Committee on the RFS inquiry close on 10 May 2024.

Submissions to the NSW Government on the emergency services funding system close on 22 May 2024.

FINANCIAL CONSIDERATIONS

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

A submission is appropriate to highlight the ongoing issues with cost shifting associated with the Emergency Services Levy. An assessment of the financial impact of any changes to existing arrangements because of either of the 2 investigations outlined in this report cannot be ascertained until the completion of the reporting process and the enactment of any of the proposals by the NSW Government.

GOVERNANCE AND RISK CONSIDERATIONS

It is important that Council lodges submissions to enable it to provide input into industry issues which may impact Council’s financial sustainability.

ENVIRONMENTAL CONSIDERATIONS

The Northern Beaches District of the NSW RFS is the principal agency in bushfire suppression, hazard management and emergency response, providing frontline firefighting, emergency services to our community and protection of environmental assets from damage arising from fires. The submission is an important tool to further strengthen the relationship between Council and the NSW RFS and to ensure appropriate environmental considerations are taken into account in assessing any changes to existing arrangements.

SOCIAL CONSIDERATIONS

The submissions are an important tool for Council to participate in and support an equitable consideration of emergency management arrangements and the funding of these arrangements, including the ongoing impacts of cost shifting.

LINK TO STRATEGY

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

- Protection of the environment - Goal 2 Our environment is resilient to natural hazards and climate change.
- Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use.
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Partnership and participation - Goal 22 Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

Reporting team	Financial Planning & Systems
TRIM file ref	2024/265262
Attachments	<p>⇒1 Terms of Reference - Public Accounts Committee Inquiry - Assets, premises and funding of the NSW Rural Fire Service (Included In Attachments Booklet)</p> <p>⇒2 Consultation Paper - Reforming the emergency services funding system - 10 April 2024 (Included In Attachments Booklet)</p> <p>⇒3 Submission - Public Accounts Committee Inquiry - Assets, premises and funding of the NSW Rural Fire Service (Included In Attachments Booklet)</p> <p>⇒4 Submission - NSW Government - Emergency Services Funding Reform (Included In Attachments Booklet)</p>

ITEM 9.3 CHANGES TO 2024 COUNCIL MEETING SCHEDULE**PURPOSE**

The purpose of this report is to seek Council's approval of an amended 2024 Council meeting schedule.

EXECUTIVE SUMMARY

- An Extraordinary Council meeting is proposed to be held on 17 June 2024 to consider a report on the comprehensive Local Environmental Plan.
- The scheduled November 2024 Ordinary Council meeting clashes with the Local Government NSW annual conference, which we have now been advised will be held from 17 to 19 November 2024.
- To avoid a scheduling clash, it is proposed that the date of the November 2024 Ordinary Council meeting be changed to 12 November 2024.
- To maintain an even spread of meetings, it is recommended that the date of the December 2024 Ordinary Council meeting be changed from 17 December 2024 to 10 December 2024.

RECOMMENDATION

That:

1. An Extraordinary Council meeting be held at 6.00pm on Monday 17 June 2024 at Council Chambers, Civic Centre, Dee Why.
2. The date of the November 2024 Ordinary Council meeting be changed to 12 November 2024.
3. The date of the December 2024 Ordinary Council meeting be changed to 10 December 2024.

BACKGROUND

Section 4.1 of Council's Code of Meeting Practice requires Council to set the date, time and frequency of Ordinary Council meetings by resolution. Section 365 of the *Local Government Act 1993* provides that councils are ordinarily required to meet at least ten times per year, each time in a different month.

Council adopted its 2024 Council meeting schedule at the Ordinary Council meeting held on 24 October 2023. When the 2024 Council meeting schedule was adopted by Council, the November 2024 Ordinary Council meeting was set down to be held on 19 November 2024 and the December 2024 Ordinary Council meeting was set down to be held on 17 December 2024.

DISCUSSION

Local Government NSW (LGNSW) is the peak industry body for councils in NSW. Every year LGNSW holds an annual conference which provides an opportunity for councils to share ideas and debate matters that affect their communities, as well as network with their peers and colleagues.

The annual conference is considered the supreme policy-making body of LGNSW. Each year, LGNSW members are invited to submit motions for possible debate at the annual conference. A motion that is endorsed at the annual conference by a majority of voting delegates becomes a resolution and resolutions eventually form LGNSW policy and will guide LGNSW's advocacy.

The 2024 LGNSW conference will be held in Tamworth from Sunday 17 to Tuesday 19 November 2024. As the last day of the conference clashes with the scheduled date of the November 2024 Ordinary Council meeting, it is proposed to change the date of the November 2024 Ordinary Council meeting to 12 November 2024 so that Councillors may attend both the meeting and the conference. It is considered preferable to hold the November 2024 Ordinary Council meeting on 12 November 2024 rather than 26 November 2024 to ensure that decision making by the new Council following the September 2024 local government elections is not delayed.

To maintain an even spread of meetings following the November 2024 Ordinary Council meeting it is proposed to also change the date of the December 2024 Ordinary Council meeting from 17 December 2024 to 10 December 2024.

In addition, it is proposed that an Extraordinary Council meeting be held on Monday 17 June 2024 for Council to consider a report from staff on the comprehensive Local Environmental Plan.

As such, the proposed Council meeting schedule for the remainder of 2024 is (with recommended changes in red):

Date 2024	Day	Time	Location
28 May	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
17 June*	Monday	6:00pm	Council Chambers, Civic Centre, Dee Why
25 June	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
30 July	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
13 August	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
8 October*	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
15 October	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 12 November	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
17 10 December	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why

* Extraordinary meeting

In relation to the LGNSW annual conference, it is noted Northern Beaches Council is entitled to send up to 10 delegates who can vote on policy motions. Council is required to confirm and register its nominated voting delegates prior to the conference.

In order to give all sitting Councillors an opportunity to register their interest to participate in the LGNSW annual conference and, in light of the timing of the local government elections being held on 14 September 2024, it is intended that a report will be put to the first meeting of the new Council term after the 2024 local government elections to determine voting delegates. LGNSW has confirmed the deadline for registering voting delegates will accommodate this timing.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council. Funding to support the Northern Beaches Council meeting schedule is included in the existing budget.

GOVERNANCE AND RISK CONSIDERATIONS

The proposed amendments to the 2024 Council meeting schedule are in line with Council's Code of Meeting Practice and section 365 of the *Local Government Act 1993*.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

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	2024/265926
Attachments	Nil

PURPOSE

The purpose of this report is to seek adoption of one Northern Beaches Council policy that has been reviewed.

EXECUTIVE SUMMARY

- Council's Policy Framework (the Framework) outlines the strategic principles for certain corporate documents including Council policies.
- Council is progressively reviewing all corporate documents covered by the Framework
- Privacy is a matter regulated by legislation, with the main governing pieces of legislation for Council being the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.
- Council's existing Privacy Policy has been reviewed, and it is proposed that a revised policy be adopted to reflect current legislation, and condensed in line with the principles of the Framework.
- Given that privacy is regulated by legislation, the main aim of the Privacy Policy is to provide the community with an understanding of key concepts associated with Council's approach to handling personal information based on Information Protection Principles included in the *Privacy and Personal Information Protection Act 1998* and the Health Privacy Principles in the *Health Records and Information Privacy Act 2002*.
- The Privacy Policy has also been amended to include reference to the mandatory notification of data breach scheme which commenced operation in NSW in November 2023 as data breaches have privacy implications in that they often involve the release of personal information.

RECOMMENDATION

That Council adopt the Privacy Policy.

BACKGROUND

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

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

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

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

DISCUSSION

Privacy Policy

Council's existing Privacy Policy was adopted by Council in July 2017.

In 2020, a review of privacy management at Council was undertaken which included input from Council's Audit, Risk and Improvement Committee and KPMG.

Since this review a number of actions have been implemented to strengthen Council's management of personal information, including:

- the use of privacy impact assessments for projects involving the use of personal information
- mandatory privacy training
- creating an inventory of systems holding personal information
- contract clauses specifying requirements where the contract involves sharing personal information with third parties
- the creation of a data quality assurance group.

These process improvements have assisted with legislative compliance and the protection of personal information.

The draft revised Privacy Policy (Attachment 1 and Attachment 2 which includes tracked changes to the existing policy) is based on the requirements of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*. The legislation provides for the protection of personal and health information and includes principles with respect to the collection, storage, use and disclosure of personal and health information.

A reference to the NSW mandatory notification of data breach scheme, which commenced operation in NSW on 28 November 2023, has been included in the revised draft Privacy Policy. This reference is considered important as data breaches not only relate to data security but also have significant data privacy implications in that they often involve the release of personal information.

The adoption of the updated draft Privacy Policy will enhance Council's information governance by outlining the key principles, in line with current legislation, with respect to the collection, use, disclosure and storage of personal and health information.

CONSULTATION

The draft Privacy Policy reflects and refers to legislative requirements and accordingly does not require consultation.

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

The recommendations of this report are in line with the Framework. The Framework provides improved governance for the management of Council policies.

Council has been progressively harmonising its policy environment. The Local Government (Council Amalgamations) Proclamation 2016 operates so that the policies of the 3 former councils (Manly, Warringah and Pittwater) remain in effect until Council adopts a new policy or the former policy is revoked.

The draft Privacy Policy forms part of Council's framework to ensure compliance with the requirements of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*. The framework also includes Tier 2 and 3 documents which are the operational responsibility of the Chief Executive Officer and include a Privacy Management Plan and a Data Breach Determination.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts to consider in respect of the Privacy Policy.

SOCIAL CONSIDERATIONS

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

The Privacy Policy provides controls to support Council in meeting its obligations to the Information and Privacy Commission and the community.

LINK TO STRATEGY

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

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

Reporting team	Governance & Risk
TRIM file ref	2024/266542
Attachments	1 Draft Privacy Policy (Included In Attachments Booklet) 2 Marked up version - Privacy Policy (Included in Attachments Booklet)

ITEM 9.5 **AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES, TERMS OF REFERENCE AND COUNCILLOR MEMBERSHIP**

PURPOSE

The purpose of this report is to seek approval of terms of reference for Council's Audit, Risk and Improvement Committee (ARIC), seek the appointment of a single Councillor to ARIC from 1 July 2024 and provide the confirmed minutes of the ARIC meeting held on 12 December 2023.

EXECUTIVE SUMMARY

- Amendments have been made to the Local Government (General) Regulation 2021 (Regulation), and the Office of Local Government (OLG) has issued new guidelines entitled Guidelines for Risk Management and Internal Audit for Local Government in NSW (Guidelines), which set out new requirements for ARICs.
- The amendments to the Regulation, which commence on 1 July 2024, provide that a council must by resolution adopt terms of reference for its ARIC which are consistent with the *Local Government Act 1993 (Act)* and the Regulation and, before adopting the terms of reference, must consider the model terms of reference in the Guidelines (Model Terms of Reference).
- It is proposed that Council adopt draft Terms of Reference which are consistent with the Act, the Regulation and the Model Terms of Reference.
- The Guidelines and the Model Terms of Reference provide that only one non-voting councillor member, who cannot be the mayor, may be on the ARIC from 1 July 2024 and this requirement is reflected in the draft Terms of Reference prepared for Council.
- As Council currently has two Councillor members on its ARIC, it is proposed that Council nominate one Councillor as the non-voting Councillor ARIC member to participate in ARIC meetings that are held between 1 July 2024 and the September 2024 local government elections.
- In accordance with the requirements of the current ARIC Charter, the confirmed minutes of the ARIC meeting held on 12 December 2023 are reported to Council.

RECOMMENDATION

That Council:

1. Note the confirmed minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 12 December 2023.
2. Adopt the ARIC Terms of Reference which will commence on 1 July 2024 and replace the existing ARIC Charter.
3. Nominate **one councillor** to be an ARIC member effective from 1 July 2024.

BACKGROUND

Amendments have been made to the Local Government (General) Regulation 2021 (Regulation), which will commence on 1 July 2024, that will set out new requirements for Audit, Risk and Improvement Committees (ARICs).

The Office of Local Government (OLG) has released [Guidelines for Risk Management and Internal Audit for Local Government in NSW](#) (Guidelines) to, among other things, support and guide the operation of ARICs.

The Guidelines have been issued under section 23A of the *Local Government Act 1993* (Act). Councils are required to consider the Guidelines when implementing the requirements prescribed under the Act and the Local Government (General) Regulation 2021 (Regulation), relating to audit, risk and improvement committees, risk management and internal audit. Model Terms of Reference are contained within the Guidelines.

DISCUSSION

The Regulation provides that a council must by resolution adopt terms of reference for the council's ARIC which are consistent with the Act and the Regulation and, before adopting the terms of reference, must consider the Model Terms of Reference.

It is proposed that Council adopt Terms of Reference (Attachment 1) which are consistent with the Act, the Regulation and the Model Terms of Reference.

The Model Terms of Reference (Attachment 2) are already broadly consistent with Council's existing ARIC Charter, subject to the following comments:

- The responsibilities of ARIC which are contained in Schedule 1 of the Model Terms of Reference, while generally consistent with the existing Charter and current practice, are expressed in different language in the Charter.
- The Model Terms of Reference provide that only one non-voting councillor member, who cannot be the mayor, may be on the ARIC. Council's ARIC currently includes 2 Councillors, whose terms expire in September 2024. It is noted that Council's submission on the draft guidelines in 2021 suggested up to 3 councillor members be permitted. Under the Model Terms of Reference, the Chair can request Councillors to attend meetings at any time and the Chair of Council's ARIC has also indicated Councillors may be invited to attend.
- The minutes of ARIC meetings are currently reported to Council, however the Model Terms of Reference offer flexibility with respect to reporting, which would enable the minutes (which are already published on Council's website) to instead be circulated to Councillors via the Bulletin or other means.

Other key changes to the ARIC's operation that will occur include new reporting/review requirements such as:

- A 4-year strategic workplan will need to be created, which is to be reviewed annually with a comprehensive assessment undertaken against all matters listed in Schedule 1 of the Terms of Reference once per Council term.
- The Model Terms of Reference provide that at least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee. If an external provider is required, this may have budget impacts which will need to be planned for at the appropriate time.
- Commencing with the 2024/25 annual report, councils are to attest to compliance with the requirements in the Guidelines in their annual reports.

Staff are working with Council's ARIC to address and plan for these new requirements, in particular development of the 4-year strategic workplan, new reporting obligations and attestation requirements.

The minutes of the ARIC meeting held on 12 December 2023 were confirmed at the meeting of ARIC held on 13 March 2024. In accordance with the requirements of the current ARIC Charter, the confirmed minutes of the ARIC meeting held on 12 December 2023 are provided at Attachment 3.

CONSULTATION

Council’s ARIC was consulted on the proposal to recommend that Council adopt a Terms of Reference consistent with the Model Terms of Reference at its December 2023 meeting. Public exhibition of the draft Terms of Reference is not considered necessary as they are based on the OLG’s Model Terms of Reference and Council must adopt Terms of Reference which are consistent with the Act and Regulation.

TIMING

It is recommended that the draft Terms of Reference and revised Councillor membership of Council’s ARIC commence from 1 July 2024.

FINANCIAL CONSIDERATIONS

The recommendations of this report do not result in any change to the existing Council budget. If an external provider is required to review the effectiveness of the committee, this may have budget impacts which will need to be planned for at the appropriate time.

GOVERNANCE AND RISK CONSIDERATIONS

Councils are required to have an ARIC in accordance with section 428A of the Act. Councils are required to comply with the Guidelines from 1 July 2024 and, commencing with the 2024/25 annual report, to attest to their compliance with the requirements in their annual reports.

The proposal in this report ensures Council will be compliant with the amendments to the Regulation when they take effect on 1 July 2024.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts arising from this report.

SOCIAL CONSIDERATIONS

The recommendations in this report maintain social outcomes for the community. The ARIC’s oversight aims to ensure that appropriate controls are in place for risk exposures as they relate to the strategic objectives of Council, and to satisfy itself that Council is taking a fully informed risk-based approach.

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	2024/265038
Attachments	<ul style="list-style-type: none"> ⇒1 Draft ARIC Terms of Reference (Included In Attachments Booklet) ⇒2 Model Terms of Reference for Local Government Audit, Risk and Improvement Committees (Included In Attachments Booklet) ⇒3 Minutes - 12 December 2023 (Included In Attachments Booklet)

ITEM 9.6 MONTHLY INVESTMENT REPORT - FEBRUARY 2024
--

PURPOSE

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

EXECUTIVE SUMMARY

- In accordance with section 212 of the Local Government (General) Regulation 2021 (Regulation), the Responsible Accounting Officer must provide Council with a written report on a monthly basis setting out details of all money that the Council has invested under section 625 of the Act.
- The Responsible Accounting Officer has certified that the investments listed in the report have been made in accordance with the Act, the Regulation and Council's Investment Policy
- As at 29 February 2024, Council had total cash and investments of \$215,827,161 comprising:

Trading Accounts	\$4,169,905
Investments	\$211,657,256

- The portfolio achieved a return of 0.416% for the month of February, which was 0.076% above the benchmark AusBond Bank Bill Index return of 0.34%
- The weighted average interest rate of the portfolio at month end is 5.13% compared to 5.19% for the prior month.
- Total investment income for February was \$835,978 compared to budgeted income for the month of \$497,071. Year to date income is \$6,990,412 compared to budget of \$4,397,002 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 29 February 2024, including the certification by the Responsible Accounting Officer.

BACKGROUND

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

The report must also include certification as to whether or not the investments have been made in accordance with the *Local Government Act 1993*, the Regulation and Council's Investment Policy.

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

Certification – Responsible Accounting Officer

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

Investment Balances

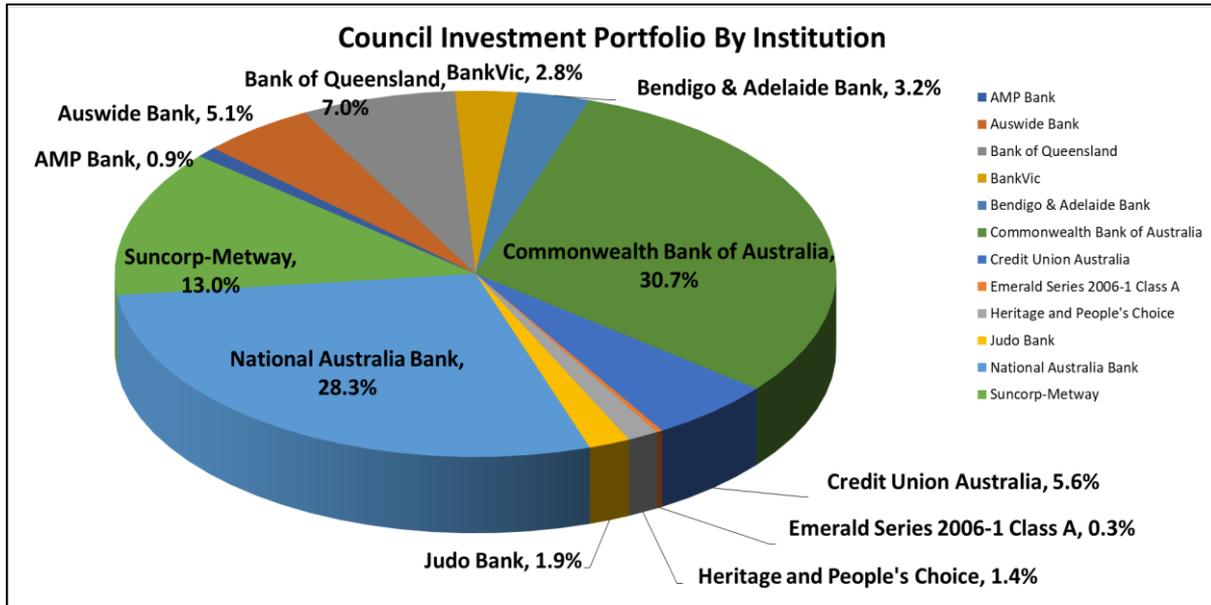
INVESTMENT BALANCES					
As at 29-Feb-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	2,580,391			4.40%
National Australia Bank Ltd	A1+	7,356			4.35%
		<u>2,587,747</u>			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	4,854,115		At Call	4.40%
		<u>4,854,115</u>			
Mortgage Backed Securities					
Emerald Series 2006-1 Class A	A*	582,669	17-Jul-06	21-Aug-51	4.7826%
		<u>582,669</u>			
Term Deposits					
AMP Bank Ltd	A2	2,000,000	28-Mar-23	05-Mar-24	4.90%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	03-Aug-23	07-Mar-24	5.43%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	03-Aug-23	12-Mar-24	5.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	08-Aug-23	14-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	08-Aug-23	19-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	10-Aug-23	21-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	08-Aug-23	26-Mar-24	5.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	17-Aug-23	28-Mar-24	5.44%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	17-Aug-23	02-Apr-24	5.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	04-Apr-24	5.37%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	10-Aug-23	09-Apr-24	5.46%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	11-Apr-24	5.38%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Aug-23	16-Apr-24	5.51%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Aug-23	18-Apr-24	5.51%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	22-Apr-24	5.39%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	27-Jul-23	23-Apr-24	5.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Aug-23	30-Apr-24	5.40%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	02-May-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	29-Aug-23	07-May-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	09-May-24	5.11%
National Australia Bank Ltd	A1+	2,000,000	29-Aug-23	14-May-24	5.10%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	29-Aug-23	16-May-24	5.05%
Credit Union Australia Ltd	A2	3,000,000	23-May-23	21-May-24	5.11%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	29-Aug-23	23-May-24	5.05%
BankVic	A2	2,000,000	05-Sep-23	28-May-24	5.11%
National Australia Bank Ltd	A1+	3,000,000	29-Aug-23	04-Jun-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	06-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	11-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	05-Sep-23	13-Jun-24	5.15%
National Australia Bank Ltd	A1+	3,000,000	05-Sep-23	18-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	12-Sep-23	20-Jun-24	5.12%
National Australia Bank Ltd	A1+	2,000,000	12-Sep-23	25-Jun-24	5.12%
National Australia Bank Ltd	A1+	2,000,000	12-Oct-23	25-Jun-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	25-Jun-24	5.15%
National Australia Bank Ltd	A1+	2,000,000	12-Sep-23	27-Jun-24	5.12%

ITEM 9.6 NORTHERN BEACHES COUNCIL MEETING - 30 APRIL 2024

INVESTMENT BALANCES					
As at 29-Feb-2024					
INSTITUTION	RATING	AMOUNT \$	DATE INVESTED	MATURITY DATE	INTEREST RATE
Term Deposits (continued)					
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	02-Jul-24	5.15%
Suncorp-Metway Ltd	A1	2,000,000	12-Oct-23	04-Jul-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	09-Jul-24	5.18%
Bank of Queensland Ltd	A2	2,000,000	23-Oct-23	11-Jul-24	5.18%
National Australia Bank Ltd	A1+	3,000,000	31-Aug-23	16-Jul-24	5.16%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	18-Jul-24	5.35%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	23-Jul-24	5.40%
Suncorp-Metway Ltd	A1	2,000,000	14-Nov-23	25-Jul-24	5.40%
Heritage and People's Choice Limited	A2	3,000,000	25-Jul-23	30-Jul-24	5.65%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	01-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	06-Aug-24	5.20%
Credit Union Australia Ltd	A2	2,000,000	31-Aug-23	08-Aug-24	5.20%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	15-Aug-23	13-Aug-24	5.60%
Suncorp-Metway Ltd	A1	2,000,000	31-Oct-23	15-Aug-24	5.42%
BankVic	A2	2,000,000	16-Nov-23	20-Aug-24	5.50%
BankVic	A2	2,000,000	16-Nov-23	22-Aug-24	5.50%
Suncorp-Metway Ltd	A1	3,000,000	31-Oct-23	27-Aug-24	5.42%
Judo Bank	A3	2,000,000	30-Nov-23	03-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	05-Sep-24	5.45%
National Australia Bank Ltd	A1+	3,000,000	12-Sep-23	10-Sep-24	5.20%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	12-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	17-Sep-24	5.45%
Auswide Bank Limited	A2	2,000,000	29-Nov-23	19-Sep-24	5.45%
Auswide Bank Limited	A2	3,000,000	29-Nov-23	24-Sep-24	5.45%
Bank of Queensland Ltd	A2	2,000,000	30-Nov-23	26-Sep-24	5.40%
Judo Bank	A3	2,000,000	30-Nov-23	01-Oct-24	5.45%
Bank of Queensland Ltd	A2	2,000,000	05-Dec-23	03-Oct-24	5.36%
Credit Union Australia Ltd	A2	3,000,000	05-Dec-23	08-Oct-24	5.38%
Suncorp-Metway Ltd	A1	2,000,000	01-Feb-24	08-Oct-24	5.14%
Suncorp-Metway Ltd	A1	2,000,000	25-Jan-24	10-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	25-Jan-24	15-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	01-Feb-24	17-Oct-24	5.14%
Suncorp-Metway Ltd	A1	3,000,000	30-Jan-24	22-Oct-24	5.18%
Suncorp-Metway Ltd	A1	2,000,000	08-Feb-24	22-Oct-24	5.20%
Suncorp-Metway Ltd	A1	2,000,000	08-Feb-24	24-Oct-24	5.20%
Bank of Queensland Ltd	A2	2,000,000	22-Feb-24	29-Oct-24	5.10%
Bank of Queensland Ltd	A2	2,000,000	22-Feb-24	31-Oct-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	13-Feb-24	05-Nov-24	5.15%
Bank of Queensland Ltd	A2	1,000,000	22-Feb-24	05-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	27-Feb-24	07-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	27-Feb-24	12-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	14-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	27-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	19-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	21-Nov-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	26-Nov-24	5.10%
National Australia Bank Ltd	A1+	3,000,000	29-Feb-24	03-Dec-24	5.10%
National Australia Bank Ltd	A1+	2,000,000	29-Feb-24	05-Dec-24	5.10%
		185,000,000			
Kimbriki Environmental Enterprises Pty Ltd					
Trading Accounts					
Commonwealth Bank of Australia Ltd	A1+	1,582,158			4.30%
		1,582,158			
At Call Accounts					
Commonwealth Bank of Australia Ltd	A1+	821,029		At Call	4.40%
Commonwealth Bank of Australia Ltd	A1+	1,303,086		At Call	4.40%
		2,124,116			
Term Deposits					
Commonwealth Bank of Australia Ltd	A1+	2,000,000	04-May-23	04-Mar-24	4.62%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	05-May-23	15-Apr-24	4.83%
Commonwealth Bank of Australia Ltd	A1+	16,096,356	28-Aug-23	28-Aug-24	5.41%
		19,096,356			
Total Cash and Investments		215,827,161			

*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

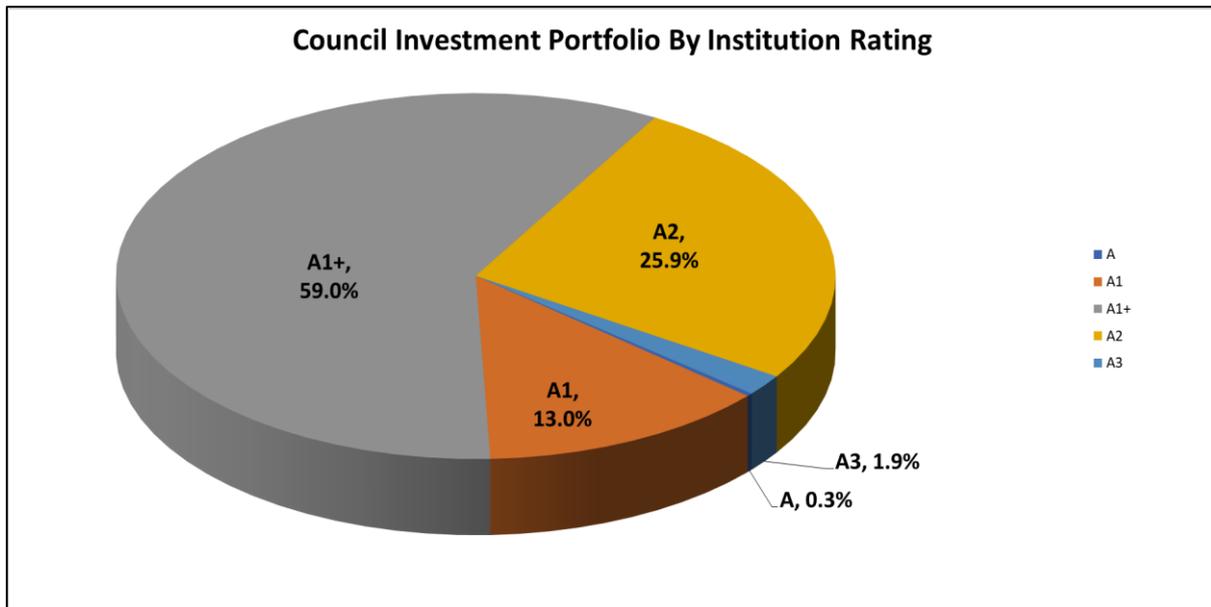
Clause 4.2.2 of Council’s Investment Policy requires that the exposure to an individual institution be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

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.



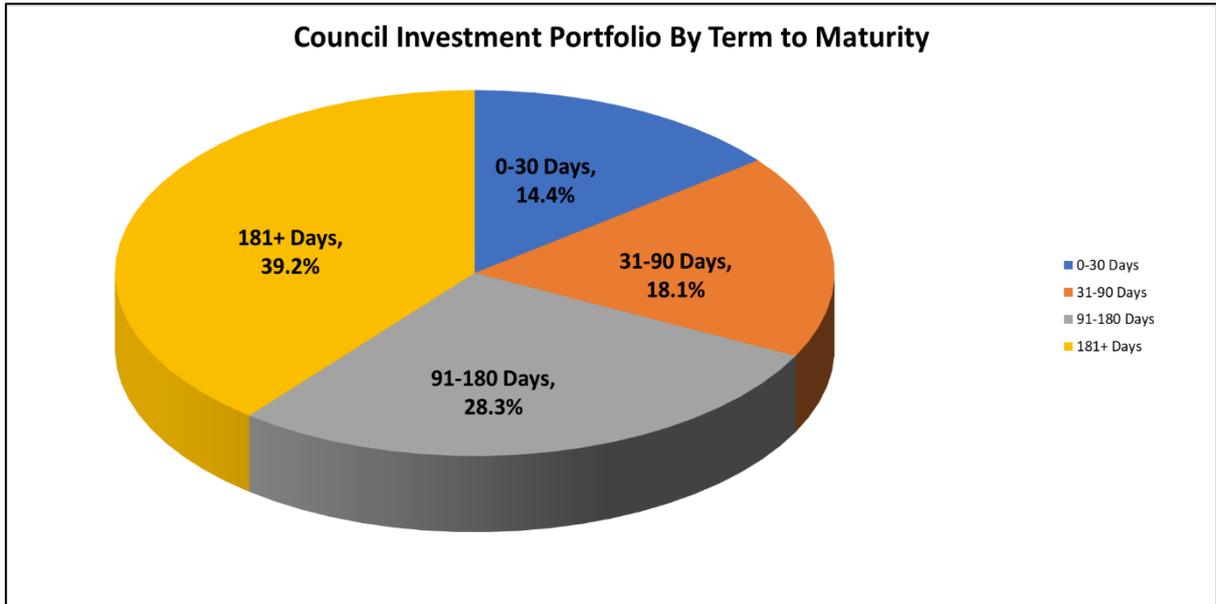
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

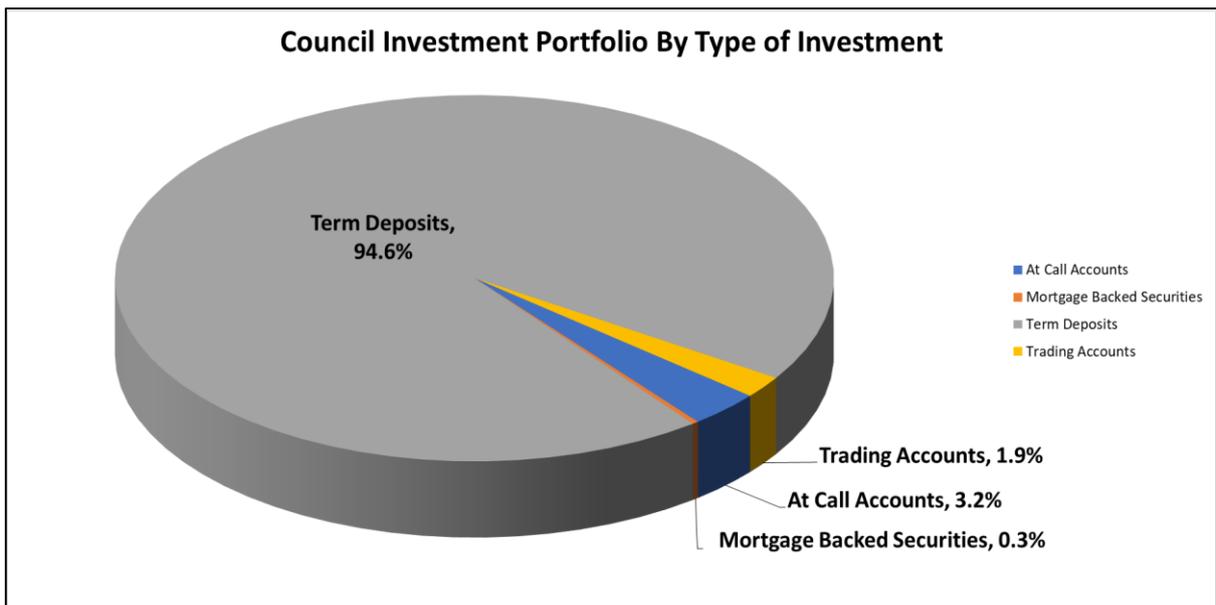
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



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

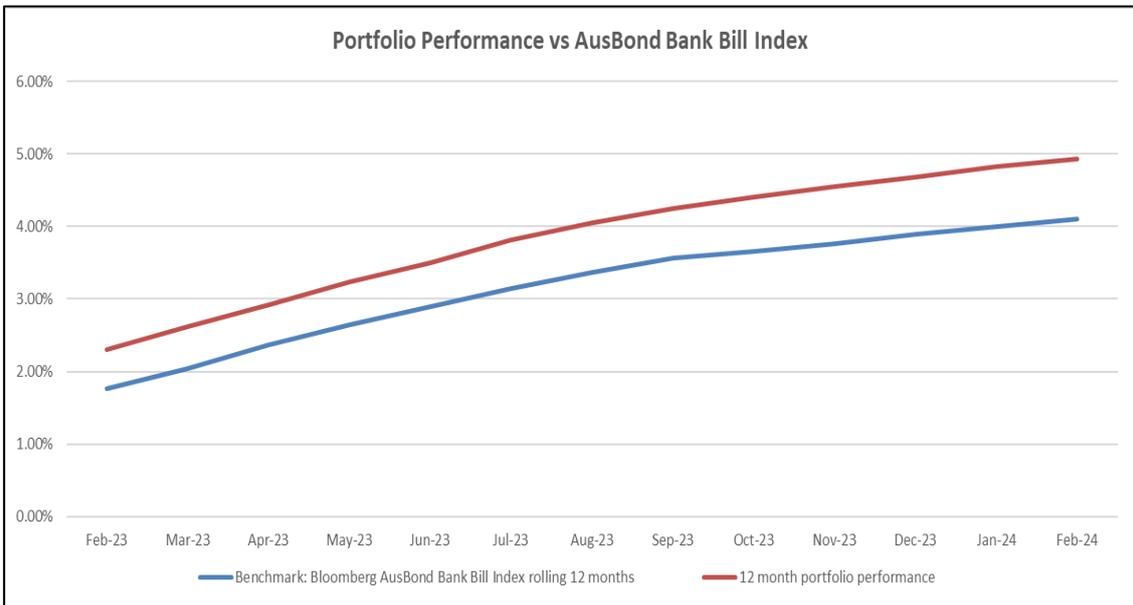
	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 Month	0.416%	0.34%
3 Months	1.301%	1.09%
FYTD	3.429%	2.88%
12 Months	4.935%	4.10%

* 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 0.416% for the month of February which was 0.076% above the benchmark AusBond Bank Bill Index return of 0.34%. For the past 12 months the portfolio achieved a return of 4.935% which was 0.835% above the benchmark AusBond Bank Bill Index return of 4.10%.



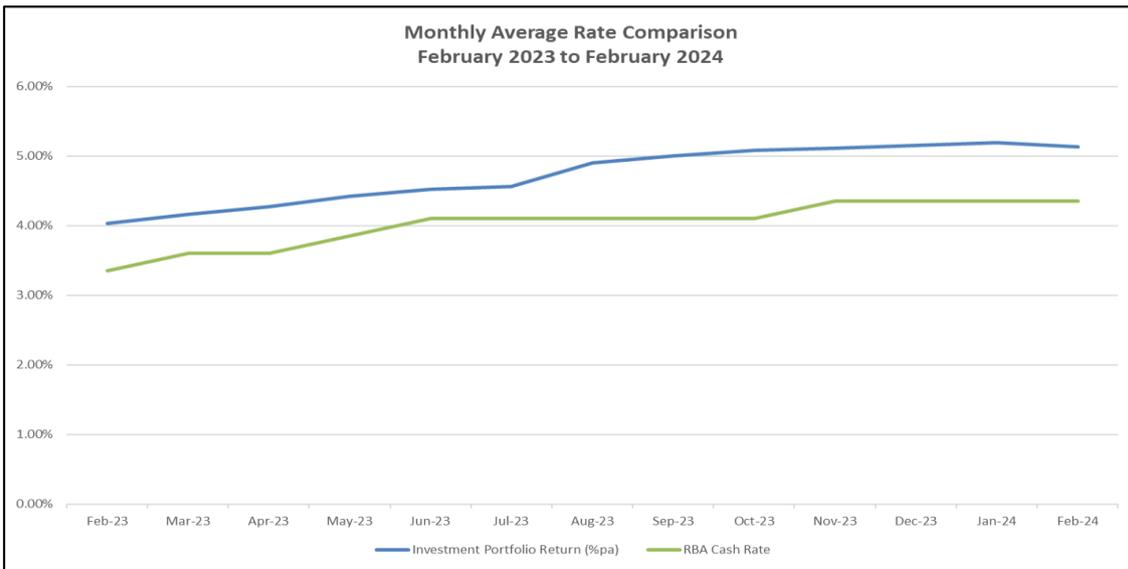
b) Portfolio Interest Rate vs Benchmark

	Weighted Average Portfolio Interest Rate (%pa) *	Average RBA Cash Rate
1 Month	5.13%	4.35%
3 Months	5.16%	4.35%
6 Months	5.11%	4.27%
FYTD	5.02%	4.23%
12 Months	4.79%	4.08%

* Excludes trading account balances

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

The weighted average interest rate of the portfolio is 5.13% compared to 5.19% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 4.79% compared to the average Reserve Bank of Australia Cash Rate of 4.08%.

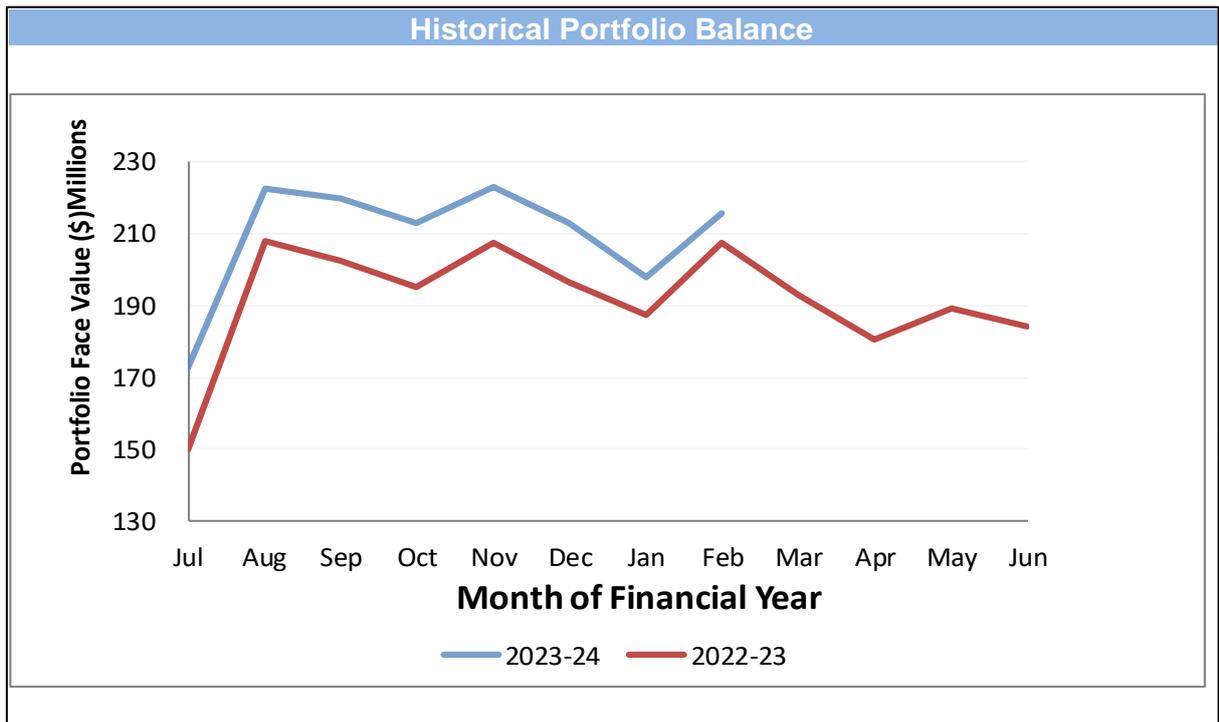


Monthly Investment Income* vs Budget

	Feb 2024 \$	Year to Date \$
Investment Income	831,233	6,966,458
Adjustment for Fair Value	4,745	23,954
Total Investment Income	835,978	6,990,412
Budgeted Income	497,071	4,397,002

* 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		192,847,150
Apr		180,536,376
May		188,995,234
Jun		184,295,641
Average Portfolio Balance	209,819,447	191,745,010



Statement of Compliance

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

Investment Policy Compliance

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

Restricted cash, cash equivalents and investments

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

At the end of January 2024 total cash & investments were \$197,991,561 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	58,164,030	29.38%
Internally Restricted	86,114,767	43.49%
Total Restricted	144,278,797	72.87%
Unrestricted	53,712,764	27.13%
Total	197,991,561	100.00%

ECONOMIC NOTES

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

The rally in risk assets continued strongly in February with almost all major share and credit markets making gains. The further rally was helped by more signs of soft economic landing for the US as well as hope of government initiatives to prime growth in China. Markets continued to look towards central banks starting to lower official interest rates later this year although slowing progress reducing inflation is causing central banks to caution that rate cuts are some ways down the track. The tempering of rate cut expectations caused government bond yields to push higher in February.

Major share markets in February ranged from flat performance (0.0% change) for Britain's FTSE 100 to a 9.3% gain for China's CSI. The big gain in China's share market came after several months of decline and reflected some official intervention as well as hope of policy change towards stimulating growth. Most major share markets made big gains in February including Europe's Eurostoxx 50, up 4.9%; the US S&P 500, up 5.2%; Australia's ASX 200, up 6.2%; and Japan's Nikkei, up 8.8%. Several markets made record highs in the month including the US, Japanese and Australian share markets.

In the US, continuing signs of unexpectedly strong economic growth in the face of high interest rates continued to limit credit quality concerns in February. Australian credit spreads also narrowed in February even though Australian households carry a much higher debt burden than elsewhere and mostly at variable interest. Sharply rising Australian house prices mean that default rates are likely to rise relatively slowly as economic growth slows.

An increasing issue is whether the rallies in risk assets so far this year are sustainable as they still appear to be built partly on expectations of lower official interest rates. In the US, economic growth is resilient, 3.2% annualised in Q4 2023, and is still generating strong employment growth, a low unemployment rate and annual wage growth above 4% y-o-y – too rapid for the Federal Reserve to achieve its 2% inflation target in a reasonable time frame. Indeed, the US economy looks as if it has been through a shallow softer phase and is starting to recover.

If the US economy is in early-stage recovery it is likely that progress reducing US inflation still hovering around 3% y-o-y will stall providing almost no leeway for the Federal Reserve to start cutting the 5.50% funds rate in 2024 and even raising the possibility it may need to hike rates further. In February, the US bond market still clung onto albeit diminishing hope that modest rate cuts lie ahead later in 2024. In February the US 12-months bond yield rose by 29 basis points (bps) to 5.00% while the 2-year yield rose by 42bps to 4.26%. These shorter-dated US bond yields may rise further over coming months if relatively strong US economic reports continue and reduce further the possibility of lower official interest rates this year.

In Australia, economic growth is much softer than in the US mostly because household spending growth is under greater stress in Australia compared with the US. Australian Q4 GDP out this week is expected to show an increase of only 0.3% q-o-q reducing annual growth to around 1.5% y-o-y from 2.1% in Q3 2023. Employment growth took a noticeably weaker turn late in 2023 and the unemployment rate has started to rise. Wage growth above 4% y-o-y and inflation hovering well above 3% y-o-y are preventing the RBA from starting to cut its 4.35% cash rate, but the prospects of a rate cut later this year are higher than for the US.

Australian bond yields rose in February but by less than US counterparts. The Australian 2-year bond yield rose by 19bps to 3.79%, while the 10-year bond yield also rose by 19bps to 4.13%. The RBA at its first policy meeting for 2024 in early February reminded the market that the bar is still set high for starting to cut official interest rates requiring signs of moderating annual wage growth and rising labour productivity. While the bar could be cleared, it is unlikely to occur until later this year at earliest.

The softer growth outlook for Australia compared with the US growth outlook means that Australian bond yields will not be under pressure to rise much further and could rally sustainably later in the year if weaker economic growth and labour market signs persist. We pencil in one RBA rate cut late in the year taking the cash rate down to 4.10% by year end, but that first rate cut could be delayed by untoward wage growth (sticking above 4% y-o-y) or too little improvement in productivity.

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2023 to date was \$6,990,412 compared to budgeted income of \$4,397,002, a positive variance of \$2,593,410 principally as a result of both a higher than anticipated level of investments and higher investment interest rates.

GOVERNANCE AND RISK CONSIDERATIONS

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

Council’s Investment Strategy was reviewed in August 2023 by Council’s Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy “remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet” and that they “do not recommend any changes to the list of approved investments or credit limit frameworks”.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

LINK TO STRATEGY

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

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

Reporting team	Finance
TRIM file ref	2024/265649
Attachments	Nil

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1 OUTCOME OF PUBLIC EXHIBITION - MULTICULTURAL INCLUSION PLAN

PURPOSE

The purpose of this report is to detail the outcome of the public exhibition of the draft Championing Diversity – Multicultural Inclusion Plan 2029 (draft Plan) and seek adoption of the amended draft Plan.

EXECUTIVE SUMMARY

- The draft Plan has been developed in collaboration with the community over the last 18 months.
- The draft Plan was exhibited for 6 weeks from 15 January to 29 February 2024 via a range of engagement activities including an online submission form, virtual scrapbook, phone consultations and workshops generating 138 submissions.
- Most submissions were either supportive of the draft Plan or supportive with changes, with strong overall support for the outcomes of the draft Plan.
- Key feedback called for more specific anti-racism actions, inclusion of clear pathways for engaging with and being involved in the Cultural Leaders Group as well as requests for targeted action in partnership with education providers and parent networks.
- Amendments have been made in response to the submissions, including 5 additional actions, proposed amendments to 6 of the existing actions and several minor working and formatting edits that do not change the intent of the draft Plan.

RECOMMENDATION

That Council adopt the Championing Diversity – Multicultural Inclusion Plan 2029.

BACKGROUND

The draft Championing Diversity – Multicultural Inclusion Plan 2029 (draft Plan) was identified as a priority in the Better Together Social Sustainability Strategy 2040. The Northern Beaches has always been home to a diverse multicultural community and continues to be called home by both established and emerging multicultural communities. Multicultural communities are active contributors and essential to a thriving and vibrant community. At the same time, they face barriers to inclusion and full participation in community life.

Stage 1 consultation of the draft Plan was carried out in 2023 with over 500 community members and stakeholders. Feedback from that consultation formed the basis of the draft Plan which was presented to Council on 28 November 2023 to place on public exhibition. Stage 2 community engagement consisted of public exhibition of the draft Plan.

The amended draft Plan is the result of the stage 2 exhibition and overall represents consultation with more than 650 community members, many identifying as from culturally and linguistically diverse backgrounds. The draft Plan sets the direction and prioritises action for cultural inclusion in the next 5 years. It recognises the important role everyone in the community plays to ensure multicultural communities are included in community life on the Northern Beaches.

The 2 strategic directions in the draft Plan respond to the community's feedback on the primary opportunities to improve inclusion of multicultural communities, and are:

Direction 1: Welcoming

The Northern Beaches celebrates diversity and cultural expression.

Direction 2: Participating

The Northern Beaches is a place where everyone feels safe, connected, and included in community life.

DISCUSSION

Exhibition of the draft Plan occurred over 6 weeks in January and February 2024. Over 80% of the submissions received during the exhibition period were either supportive of the draft Plan or supportive with changes. The feedback affirmed the need for a plan that supports multicultural communities to feel welcome and participate in community life.

A summary of the key themes/issues raised throughout exhibition include:

- overall agreement that ensuring that different cultures are visible and celebrated in community life remain a key priority for the Northern Beaches community
- recognition of the rich diversity that already exists within the community
- acknowledgement that while many people report that they personally find the Northern Beaches safe and inclusive, some have experienced racial prejudice and discrimination
- calls for clearer commitment by Council to supporting specific anti-racism actions
- the need for clear pathways for engaging with and being involved in the Cultural Leaders Group
- identification that targeted action to work with education providers and parent networks, such as P&Cs, is essential to long-term attitudinal change.

It should be noted that some submissions did not support the draft Plan (19%). Of those respondents, a number made comments about the negative impact of multicultural communities and others stated that this is not Council business.

As this is the first Northern Beaches Multicultural Inclusion Plan, it was important to ensure diverse voices were heard from across the community. A range of communication and engagement activities were undertaken to meet the engagement objectives of:

- share and consult with community members and key stakeholders about the draft Plan
- engage with community members from multicultural backgrounds and the broader community
- provide accessible information for community members and stakeholders to participate meaningfully.

Several new engagement methods resulted in a large number of responses from community members that identify as a person from a cultural and linguistically diverse background, with 43% speaking a language other than English at home. See Attachment 2 - Community and Stakeholder Engagement Report.

CONSULTATION

The public exhibition phase of community and stakeholder engagement for the draft Plan was conducted between 15 January and 29 February 2024 and consisted of a range of activities in which the community and key stakeholders could participate.

The key challenges for this exhibition that were considered in planning the engagement approach included:

- pre-existing assumptions about who the draft plan is for and what is included
- low profile for this subject on the Northern Beaches due to this being the first time Northern Beaches Council has developed a Multicultural Inclusion Plan
- a high number of different cultural and linguistic backgrounds, ranging from established to emerging.

For this reason, consideration was given to creating a successful visual campaign. In consultation with the Cultural Leaders Group, a set of portraits with distinct imagery featuring a range of locals from diverse backgrounds were professionally taken. This approach sought to engage the wider community in the exhibition by incorporating storytelling and generating interest in our shared history.

A project page was established on our Have Your Say platform with information provided in an accessible and easy to read format. This included a video snapshot of the 7 outcomes in the draft Plan, and to improve accessibility, the project page and video were translated into 6 community languages: Arabic, Mandarin, Hindi, Nepali, Spanish and Tibetan. An Easy Read version of the draft Plan was also available on the Have Your Say page and promoted through Council's monthly Disability newsletter.

The project was primarily promoted through Council EDMs (electronic direct mail), social media and paid print media. Print collateral was distributed in Council libraries and customer service centres as well as to relevant organisations on the Northern Beaches.

To ensure wide reaching engagement, contact was made with language schools as well as sports and recreation community groups on the Northern Beaches about the draft Plan. Targeted stakeholder workshops were also held with young people, cultural leaders, and the community services sector. A presentation about the draft Plan and key actions was made to the Community Safety Advisory Committee at the November 2023 meeting.

Feedback was captured through an online submission form embedded onto the Have Your Say project page. The form included a question directly asking respondents for their level of support on the draft Plan. Additionally, an online scrapbook activity was available to capture images and stories of culture on the Northern Beaches.

Email and written feedback were also invited, as well as the ability to book a time to speak with a member of the project team. Contact details for the project manager were provided to allow people to speak directly with them and provide feedback over the phone.

Council received 130 submissions through the Have Your Say survey which contained 299 comments across four open-ended questions. Additional feedback was captured via email and the targeted workshops. Over 80% of submissions were either supportive of the strategy or supportive with changes.

In response to the submissions, amendments have been made including 5 additional actions, proposed amendments to 6 of the existing actions, and several minor working and formatting edits that do not change the intent of the draft Plan. A summary of the recommendations for changes are detailed below:

Table One: Recommended changes

Page	Recommended Changes
Page 17	Amended definition of “ancestry” to: <i>“Ancestry, as reported by the Australian Bureau of Statistics, refers to the cultural association and ethnic background of an individual. Individuals may provide up to 2 ancestries, taking into consideration the ethnic origins of their parents and grandparents.”</i>
Page 42	<p>Amendments to Action 1.5 to include arts programming: <i>“Explore opportunities to identify, expand and promote multicultural event and arts programming that showcases the cultural diversity of the community.”</i></p> <p>Amendments to Action 1.6 to include volunteering initiatives: <i>“Deliver capacity building opportunities to people from culturally diverse backgrounds to design, plan and deliver their own unique cultural and creative events and initiatives, including volunteering.”</i></p>
Page 43	<p>Amendments to Action 2.1 to include a reference to challenging racism: <i>“Explore opportunities to develop and implement activities against racism and unconscious bias and seek and reduce its impact in the community.”</i></p> <p>Amendments to Action 2.3 from a community connection plan to a project: <i>“Deliver a Community Connection Project that establishes social connection guidelines for the Northern Beaches</i></p> <p>New Action 2.5 proposed <i>“Work with school Student Support Officers to promote cultural understanding, awareness, and education in schools.”</i></p>
Page 50	<p>New Action 6.5 proposed to align with the Economic Development Strategy: <i>“Ensure the unique aspects and needs of multicultural communities are included when investigating opportunities to increase and diversify the night-time economy.”</i></p> <p>Amendments to Action 6.2 to include the priorities and needs of multicultural communities in place planning: <i>“Improve collection and use of ethnicity data in place planning and service delivery, respecting and adhering to privacy principles for collecting data.”</i></p>
Page 51	<p>New Action 7.5 proposed <i>“Investigate partnerships and funding opportunities for delivering active bystander* training to Council’s workforce and community groups.”</i></p> <p>New Action 7.3 proposed <i>“Undertake a review of the Cultural Leaders Group and advertise information about the group and how to get involved.”</i></p> <p>New Action 7.7 proposed <i>“Share Council-developed resources with external stakeholders to support inclusion of multicultural communities in community life.”</i></p>

Page	Recommended Changes
	* Active bystander training gives people the knowledge, skills and confidence to intervene when they witness but are not directly involved in situations of racism or racial discrimination.
Page 53	Amendment to table to include a column that explains why each indicator has been selected.

TIMING

The amended draft Plan outlines actions for delivery between 2024-2029. If adopted, the first year of the five-year plan will be the 2024-2025 financial year.

FINANCIAL CONSIDERATIONS

The implementation of the amended draft Plan, if adopted, can be delivered within forecast budgets. No additional funding is proposed to implement the actions of this plan, however consideration of delivery timeframes and scope of project work will be undertaken during the development of the annual operational plan and budget.

GOVERNANCE AND RISK CONSIDERATIONS

The amended draft Plan identifies ways that multicultural communities can be better informed and involved in decision making. This will support Council and the broader community to ensure decision making processes are inclusive of the multicultural community.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The recommendations in this report will have a positive social outcome for the community through providing direction and guidance across a range of liveability and wellbeing domains to ensure that those from culturally and linguistically diverse backgrounds can access the same opportunities as others living in the community. Outcomes will be achieved both at the individual and community level and work to increase social cohesion across all areas of the community.

LINK TO STRATEGY

This amended draft Plan is a supporting document for the Better Together Social Sustainability Strategy 2040 and supports the delivery of ten social sustainability outcomes for those from culturally and linguistically diverse backgrounds.

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.
- Housing, places and spaces - Goal 11 Our local centres are vibrant and healthy, catering for diverse economic and social needs.
- Transport, technology and connectivity - Goal 18 Our community can easily connect and communicate through reliable communication technologies.

- 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	2024/266690
Attachments	⇒1 Amended draft Championing Diversity - Multicultural Inclusion Plan 2029 (Included In Attachments Booklet) ⇒2 Community and Stakeholder Engagement Report - Stage 2 - Public Exhibition - draft Championing Diversity - Multicultural Inclusion Plan 2029 (Included In Attachments Booklet)

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1 OUTCOME OF PUBLIC EXHIBITION - COMPLIANCE AND ENFORCEMENT POLICY

PURPOSE

The purpose of this report is to provide Council with the outcome of the public exhibition of the draft Compliance and Enforcement Policy and seek adoption of the amended Compliance and Enforcement Policy.

EXECUTIVE SUMMARY

- The draft Compliance and Enforcement Policy (draft Policy) was placed on public exhibition between 2 June 2023 and 9 July 2023.
- Eighteen submissions were received during the exhibition period, half of which supported the policy with amendments. The submissions related primarily to the role of private certifiers, the risk categorisation table on Page 4 of the exhibited document, and made suggestions seeking to clarify and strengthen the approach to compliance.
- 25% of submissions were not in support of the policy, with the main themes in opposition relating to the application of discretion in the decision to take enforcement action, a general lack of enforcement action in certain matters, and Council's role in managing private certifiers. Five submissions were submitted directly to Council via email with suggested amendments to improve the customer experience and clarify Council's role as regulator.
- Since the public exhibition of the draft Policy document, Council adopted a Policy Framework in November 2023, which defines a policy as being a high level strategic document that has community focus and/or is of significant public interest.
- On this basis, additional amendments to the draft Policy are proposed to address, where possible, matters raised by the submissions and to more closely align the amended Policy with Council's Policy Framework as a strategic document, with more operational aspects of the document to be provided as supplementary guidance materials on Council's website.
- The amended Policy is based on the NSW Ombudsman's Model Enforcement Policy and incorporates the principles outlined in the NSW Ombudsman's Enforcement Guidelines for Councils.

RECOMMENDATION

That Council adopt the Compliance and Enforcement Policy.

BACKGROUND

Council is a regulatory and enforcement agency under a broad range of legislation, including planning law, laws governing matters as fire safety, food safety, noise and other forms of pollution, and public safety.

The current Compliance and Enforcement Policy was adopted by Council at the meeting of 16 October 2018.

The current policy has operated effectively since its adoption, however the recent review of the Policy, including internal and external consultation has identified opportunities to further refine the content of the Policy to make it more concise, with repetitive or irrelevant content removed.

The revised Policy provides an objective, evidence-based decision-making framework to guide the most efficient and effective use of Council's regulatory resources to achieve the best environmental, health and safety outcomes for the community.

The revised Policy provides information on Council's approach to undertaking investigations and compliance action.

The revised Policy seeks to outline a fair, consistent and transparent approach to compliance and enforcement matters, to ensure that the decisions of Council staff are made in a fair, measured, transparent and proportionate manner.

Risk-based compliance

Since the adoption of the Policy in 2018, a risk-based approach to compliance is now being used, where each matter is assessed and attributed a risk rating ranging between 'urgent' to 'low' risk, which informs the approach taken to address the matter of concern. The current amended Policy outlines the risk-based approach to compliance, as well as when Council would respond to compliance matters.

Keeping the community informed

In addition to strengthening guidance for Council's authorised officers, the Policy has also been updated to include information on key aspects of the compliance process to assist the community, including the factors considered when determining to take enforcement action and the enforcement actions available based on the level of risk, as well as the circumstances in which no action may be taken.

A revised draft Policy was presented to Council on 23 May 2023 and Council resolved to place the revised draft Policy on public exhibition. The revised draft Policy was exhibited between 2 June 2023 and 9 July 2023.

Proposed amendments following public exhibition

Further amendments to the draft Policy (as exhibited) are proposed in consideration of Council's Policy Framework, which was adopted by Council in November 2023. This means that the Compliance and Enforcement Policy will be a strategic document which provides a high-level rationale for the circumstances in which Council would exercise its compliance and enforcement powers.

It also means that information on matters such as how regulatory powers would be exercised, as well as issues of particular interest to the community such as the role and responsibilities of private certifiers, neighbour disputes, how Council works with other agencies in addressing compliance concerns, or how compliance investigations are undertaken in practice (which were issues called out in public submissions) will be provided as supplementary guidance materials which will be published on a dedicated Compliance and Enforcement webpage on Council's website following adoption of the revised Policy. This is in lieu of being included in the Policy.

CONSULTATION

Community and stakeholder engagement for the draft Policy was conducted between 2 June 2023 and 9 July 2023, and consisted of the draft Policy being advertised through Council’s social media platforms, community engagement register and website. Some key points include:

- 18 submissions were received during the public exhibition period, half of which supported the policy with amendments. The submissions related primarily to the role of private certifiers, changes to the risk categorisation table on Page 4 of the exhibited document and suggestions seeking to clarify and strengthen the approach to compliance.
- 25% of submissions were not in support of the Policy, with the main themes in opposition relating to the application of discretion in the decision to take enforcement action, a general lack of enforcement action in certain matters, and Council’s role in managing private certifiers.
- 18% of submissions were submitted directly to Council via email and made suggested amendments to strengthen the Policy. These amendments are outlined in the table below.
- 7% of submissions were neutral/undecided on their support for the Policy.

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

TIMING

Once adopted, the Policy will immediately replace the current version of the Policy and will be published on Council’s website.

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

This Policy is designed to provide a transparent, risk-based framework for the management of concerns relating to public safety and environmental harm. The Policy reflects Council’s existing processes and recommended best practice for government regulators, providing a clear policy statement on the approach to Council’s compliance and enforcement functions.

ENVIRONMENTAL CONSIDERATIONS

Compliance and enforcement actions will be undertaken to mitigate and manage potential adverse impacts to public safety and the environment.

SOCIAL CONSIDERATIONS

Compliance and enforcement actions will be exercised fairly to ensure the effective review and remedy of concerns to ensure the health and safety of the community. The policy provides an equitable decision-making framework for compliance concerns across the Northern Beaches.

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	2024/266981
Attachments	⇒1 Community and Stakeholder Engagement Report - Draft Compliance and Enforcement Policy (Included In Attachments Booklet)

⇒2 Compliance and Enforcement Policy - Final Draft Version (Included
In Attachments Booklet)

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1 OUTCOME OF COMMUNITY ENGAGEMENT - PROPOSED CROWN RESERVE LAND CATEGORIES

PURPOSE

The purpose of this report is to inform Council of the outcome of community engagement for the proposed land categories for 35 Crown land reserves (at 33 locations) for which Council is Crown Land Manager and seek endorsement of the revised proposed land categories.

EXECUTIVE SUMMARY

- At its meeting held on 23 June 2020, Council considered a report that recommended the endorsement of proposed land categories for 35 Crown land reserves for which Council is Crown Land Manager, and Council resolved to defer the matter to allow community consultation.
- In response to Resolution 153/20, community consultation was undertaken from 24 August 2020 to 11 October 2020.
- Following community consultation, a review of the 70 submissions received was undertaken as set out in the Community Engagement Report.
- Based on the review of submissions received and guidance provided by the then NSW Department of Planning and Environment, changes have been made to some proposed land categories as outlined in this report.
- This matter has been delayed in its implementation due to a range of higher competing priorities for the relevant team, however the delay has not had a material impact on the community's use or Council's management of these reserves.
- The revised proposed land categories for 35 Crown land reserves (at 33 locations) outlined and mapped in Attachment 2 are recommended for adoption.

RECOMMENDATION

That Council:

1. Assign land categories to the 35 Crown land reserves (at 33 locations) for which Council is Crown Land Manager as outlined in the report for this item.
2. Notify the Minister administering the *Crown Land Management Act 2016* of the categories which it has assigned to the land reserves as referred to at 1 above.
3. Authorise the Chief Executive Officer to do all things necessary to give effect to the above including providing any documentation required to support Council's proposed land categories.

BACKGROUND

With the introduction of the *Crown Land Management Act 2016* (CLM Act) in 2018, Council became Crown Land Manager of 168 reserves that were previously managed under Reserve Trusts. The majority of this land was already being managed by Council. According to the CLM Act, the affected Crown reserves are to be assigned land categories in accordance with the *Local Government Act 1993* (LG Act) to assist in guiding the management of Crown reserves in the same manner as community (Council owned) land.

The then NSW Department of Planning and Environment (the Department) provided guidance on land categories for these reserves and requested that Council confirm its preferred land categories. The LG Act land categories are:

- Park
- Natural Area (with subcategories of Bushland, Foreshore, Wetland, Escarpment, Watercourse)
- Sportsground
- General Community Use
- Area of Cultural Significance.

The objectives for each land category are detailed in Attachment 3 and the general guidance for assigning categories as related to reserve purposes is outlined in Attachment 4. In accordance with the Department's advice, the following is to be considered when proposing land categories:

- represent current/existing use
- multiple categories are permitted where they best represent current/existing use
- cannot represent desired future use (this can be considered later when a Plan of Management is developed or reviewed)
- relate to the reserve purpose
- relate most closely to the LG Act category objectives
- considers the characteristics of the land
- category of 'Area of Cultural Significance' can be overlaid over another category
- the assigned category is not likely to materially harm the use of the land for its existing reserve purpose/s.

Some examples of consistent land categories include but are not limited to:

Land use	Proposed category
Golf course	Sportsground
Sports buildings	Sportsground
Car park and/or internal road	The same as the adjoining land that the car park or road facilitates access to, e.g. Sportsground, Park or General Community Use
Surf Life Saving Club	General Community Use
Bushland	Natural Area Bushland
Beach	Natural Area Foreshore
Playgrounds	Park
Heritage item	Area of Cultural Significance

DISCUSSION

In February 2019 the Department was notified of Council's preferred land categories for its Crown land reserves, except for the Manly Warringah War Memorial State Park (Manly Dam). The Department responded and sought further information regarding land categories for some reserves and advised that the guidelines had been amended to allow, among other things, the application of multiple land categories and the option for an Area of Cultural Significance overlay.

Following consideration of the Department's advice, a report regarding proposed land categories for 35 Crown land reserves (at 33 locations) was presented at the Ordinary Council meeting held on 23 June 2020 (Item 13.4) at which Council resolved (Resolution 153/20):

That the matter be deferred for two months during which time community consultation will be undertaken.

In response to Resolution 153/20, community consultation was undertaken from August 2020 to October 2020 as outlined in the consultation section of this report. Following a review of submissions received (Attachment 1) and further advice from the Department, revised proposed land categories for 35 Crown land reserves (at 33 locations) are recommended for adoption (Attachment 2).

An overview of the changes to proposed land categories arising from consideration of advice from the Department and changes in its guidelines is presented below.

A change to the NSW Government's initial categorisation process means that Natural Area subcategories are now required to be nominated (previously only the allocation of Natural Area was required and subcategories were not). For each reserve that included the proposed category of Natural Area, a subcategory of either Bushland, Foreshore, Wetland, Escarpment and/or Watercourse has now also been applied. Proposed categories, including subcategories, have been mapped in Attachment 2.

A further review by staff of proposed land categories, including consideration of advice from the Department, resulted in the following changes:

Tania Park, Balgowlah Heights

- An additional section of Natural Area Bushland has been attributed to the bushland around the southern boundary that adjoins Sydney Harbour National Park.
- An additional section of Park category has been attributed to the western boundary of the sportsground and along the eastern boundary of the adjoining Sydney Harbour National Park.
- Internal roads and car parking have been allocated the category of either Park or Natural Area Bushland to align with the adjoining category. These were previously proposed to be General Community Use.

Griffith Park, Collaroy

- Amended to incorporate the carpark between the sportsfield and tennis courts within the adjacent Sportsground category as it facilitates use of these sporting areas. This was previously proposed to be General Community Use.

Seaforth Oval, Seaforth

- Amended to incorporate the carpark into the adjacent Sportsground category and the informal car park into the adjoining Park category, as they facilitate access to these areas respectively. These areas were previously proposed to be General Community Use.
- The Natural Area boundary was amended in the southern area of the reserve to align with a recent survey. Some additional areas of Natural Area Bushland were applied to capture vegetation in other areas of the reserve.

Bonnie Doon Wharf surrounds, Coasters Retreat

- The proposed category has been changed from Natural Area to General Community Use to align with the categorisation of other wharves and jetties.

Governor Phillip Park, Palm Beach

- The internal roads and car parks have been amended from General Community Use to Park as they are predominantly surrounded by parkland which is categorised as Park.

Governor Phillip Lookout, Beacon Hill

- The small section of Area of Cultural Significance for the flag pole and plaque has been removed and the whole reserve is proposed to be categorised as Natural Area Bushland. The reserve and infrastructure can be effectively managed as Natural Area.

Wearden Reserve, Belrose

- This has been amended from General Community Use to Sportsground as the informal car park predominantly facilitates access to the adjoining sportsfield.

CONSULTATION

Community consultation on the proposed land categories for 35 Crown land reserves (at 33 locations) was undertaken from 24 August 2020 to 11 October 2020. Seventy submissions were received and reviewed as outlined in the Community Engagement Report at Attachment 1.

Key stakeholders, including those with a direct relationship with the reserves, were invited to make a submission, for example resident and special interest groups, relevant sporting and recreation groups. Groups that provided feedback include Manly Warringah War Memorial State Park Advisory Committee, Manly Warringah District Baseball, Palm Beach Whale Beach Residents Association and Save Manly Dam Catchment Committee.

E-mails were also sent to people on Council's Community Engagement register.

Proposed land categories for Manly Dam were discussed at 5 meetings of the Manly Warringah War Memorial State Park Advisory Committee prior to August 2020 and again at its meeting held on 9 November 2020.

This matter has been delayed in its implementation due to a range of competing priorities for the relevant team including progressing priority plans of management, additional investigations for dogs on beaches as well as consideration of further advice from Crown Lands, however this delay has not had a material impact on the community's use or Council's management of these reserves.

Summary of Submissions

A summary of the key matters raised in the submissions received and staff responses can be found in Table 1 below. Further detail including verbatim comments can be found in the Community Engagement Report (Attachment 1). The commentary received has informed the proposed land categories which were supported by many submissions.

Table 1: Summary of Key Matters arising from Community Feedback on Proposed Land Categories and Staff Responses

Reserve/Topic	What we heard	Response
Manly Warringah War Memorial State Park (Manly Dam)	Key feedback related to categories included: 1. Request for the war memorial monument and surrounding area to be categorised	1. Agreed. Change made, although this area was already covered

Reserve/Topic	What we heard	Response
	<p>Area of Cultural Significance instead of Park.</p> <p>2. Request for the pockets of bushland on the golf course to be identified as Natural Area.</p> <p>3. Request to categorise the mountain bike track as Sportsground.</p> <p>A detailed summary of feedback related to Manly Dam can be found in the Community Engagement Report (Attachment 1).</p>	<p>by the Area of Cultural Significance overlay.</p> <p>2. Agreed. Maps amended to categorise pockets of bushland within the golf course as Natural Area.</p> <p>3. Tracks and trails in bushland areas are managed sustainably under the Natural Area category. Mountain biking is primarily an informal recreation activity not an organised sport. Identifying the current configuration of the mountain bike track as Sportsground would limit opportunities to realign the trail if required to alleviate environmental or safety concerns. No change.</p>
<p>Manly Warringah War Memorial State Park (Aquatic Reserve)</p>	<p>Request to extend the Area of Cultural Significance overlay to apply to Aquatic Reserve.</p> <p>A more detailed summary of feedback and staff responses related to Aquatic Reserve can be found in the Community Engagement Report (Attachment 2).</p>	<p>There is no evidence to support that the sporting and recreation precinct of Aquatic Reserve has any cultural significance.</p> <p>Advice from Crown lands indicated that an overlay of Area of Cultural Significance would not normally be supported over a sportsground, however, they understood the reasoning for including the golf course, i.e. presence of Aboriginal sites.</p> <p>Aquatic Reserve is not included in the Manly Warringah War Memorial Park Plan of Management (2014), is not included in the NSW Heritage listing and does not fall under a conservation area in the Warringah Local Environment Plan 2011.</p> <p>Prior to being used for sport and recreation the reserve was a highly disturbed former landfill and does not have any known Aboriginal sites and there is low likelihood of unknown sites being discovered. The Aboriginal Heritage Office supports the exclusion of Aquatic Reserve from the Area of Cultural Significance overlay.</p>
<p>Tania Park, Balgowlah Heights</p>	<p>Request for the Sportsground category to be extended to the road rather than have a sliver of vegetation categorised as Natural Area.</p>	<p>The proposed categories for Tania Park were reviewed. Rather than extend the Sportsground category, the area mentioned in the submission is now proposed to be Park as an extension of the playground area. A further section of Park was created between the road</p>

Reserve/Topic	What we heard	Response
		and adjoining National Park along the eastern boundary of the reserve. Additional Natural Area has been proposed around the southern boundary of the reserve where the bushland adjoins Sydney Harbour National Park.
Pittwater Park, Palm Beach	Request for section of jetty leading to wharf to be categorised General Community Use.	Agreed. Change made.
St Matthews Farm, Cromer	Suggestion to alter the boundary of the Sportsground category to fully capture the cricket nets.	The boundary between the Sportsground and Natural Area categories has been amended to reflect the current sporting facilities and bushland areas respectively.
	Concern about the sportsground encroaching on the bushland.	
Griffith Park, Collaroy	Support for proposed categories.	Noted
	Request to increase the Natural Area category along the eastern boundary to allow a buffer to the Sportsground category of the golf course.	Proposed categories reflect the reserve features in its current form and use. No change.
Mona Vale Golf Course	Suggestion to alter the boundary of the Sportsground category to better reflect the area managed by the golf course.	Agreed. Change made.
	Support for proposed categories.	Noted
	Enquiry why only half the golf course is proposed to be categorised.	Half the golf course is Crown land and subject to this categorisation process. The other half is community land and not subject to this current categorisation process.
Governor Phillip Park, Palm Beach	Support for proposed categories.	Noted. No change
	Request for appropriate buffer with foreshore be retained.	Noted. No change.
McKillop Park, Freshwater	Request to categorise the car park and swim club General Community Use.	There is an opportunity to amend the categories of McKillop Park to improve the consistency with other similar reserves, including categorising the car park and swim club as General Community Use. However, this would be best done when the existing plan of management is updated and with the appropriate community engagement at that time. The categories proposed are those in the existing plan of management. No change.

Reserve/Topic	What we heard	Response
	The car park adjoining the diggers is intended to be reverted back to park/passive open space according to the Freshwater Coastal Masterplan and Harbord Diggers DA Masterplan.	The car park is already proposed to be categorised as Park as this is consistent with the current plan of management. No change required.
Balgowlah Oval and Balgowlah Park	Support for proposed categories	Noted. No change.
	Question why the creek is not defined as Watercourse.	The original process did not require Council to nominate a subcategory (e.g. Watercourse). The process has since changed and the relevant subcategory of Watercourse has been applied to the riparian zone.
	The riparian zone is part of the golf course and should be categorised as Sportsground.	A riparian zone is a sensitive environment and warrants recognition and management as Natural Area with the subcategory of Watercourse. No change.
	The Sportsground category should reference the golf course.	The justification for the Sportsground category already makes reference to the golf course. No change.
18 Walter Road, Ingleside	Reserve has threatened micro bats. Support for retention as bushland.	This reserve is proposed to be categorised predominantly Natural Area, with the communications tower and associated access road as General Community Use. No change.
Forty Baskets, Balgowlah Heights	Support for categories that protect the natural environment.	The Natural Area category has been proposed here as appropriate, along with the Park category. No change.
Seaforth Oval	Seaforth Oval includes important peri urban bushland and wildlife corridor.	The Natural Area category has been proposed for relevant sections of Seaforth Oval.
Shelly Beach Reserve, Manly	Support for proposed categories.	Noted.
	Concern about any changes that may affect privacy and security of nearby residents.	The categorisation process does not propose or facilitate any changes of use in the area.
Queenscliff to Manly Beach foreshore	Support for proposed categories.	Noted
Collaroy Beach	Support for proposed categories.	Noted.
Governor Phillip Lookout, Beacon Hill	Support for protection of bushland and as a priority wildlife corridor.	This reserve is proposed to be categorised as Natural Area. No change

Reserve/Topic	What we heard	Response
Katoa Reserve, Warriewood	Request for appropriate buffer with wetland.	Noted. No change.
Bilarong Reserve, North Narrabeen	Request for appropriate buffer with foreshore	Noted. No change.
Bonnie Doon Wharf, Coasters Retreat	Question why Bennetts Wharf (Crown Reserve R1010809) was not included in the list of reserves.	Bennetts Wharf was included in an earlier round of categorisations endorsed by Council in February 2019 and is categorised as General Community Use.
Change of use	Concern that proposed categories may facilitate changes in use and in particular an intensification of use of reserves that are already busy.	The categorisation process is to document existing use only. No change of use is proposed.
Mountain biking	Question whether any other reserves aside from Manly Dam have been considered for mountain biking and to be categorised accordingly	This categorisation process is to reflect existing use. Potential future use can be considered when plans of management are developed or updated. Opportunities for new and improved off road cycling facilities are outlined in Council's Let's Play! Open Space and Outdoor Recreation Strategy and Action Plan 2022.
	Suggestion that Crown land plans of management need to accommodate bike riding	

TIMING

Once Council has made a determination on the proposed land categories recommended within this report, the Minister administering the *Crown Land Management Act 2016* will be notified.

FINANCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

Council is required to respond to the Department's guidance on land categories for Crown reserves where Council is the Crown Land Manager as soon as practicable.

The land categorisation process is an important step in transitioning the management of Crown land under Council's management to being managed in line with the LG Act and the CLM Act.

Confirmation of land categories will also support Council's development and review of Plans of Management for these Crown reserves.

ENVIRONMENTAL CONSIDERATIONS

The proposed land categories outlined in this report align with the relevant Plans of Management for these reserves and existing use. There are no proposed changes to the current land use of these reserves and no environmental considerations of concern.

SOCIAL CONSIDERATIONS

The proposed land categories outlined in this report align with the relevant Plans of Management for these reserves and existing use. There are no proposed changes to the current land use of these reserves. Potential social and community benefits arising from existing use of these reserves is not impacted by the proposed land categories.

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.
- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.
- Good governance - Goal 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	Parks & Recreation
TRIM file ref	2024/267430
Attachments	<p>⇒1 Community Engagement Report - Crown Reserve Land Categorisation (Included In Attachments Booklet)</p> <p>⇒2 Proposed Crown Reserve Land Categories (Included In Attachments Booklet)</p> <p>⇒3 Local Government Act 1993 - Land Category Objectives (Included In Attachments Booklet)</p> <p>⇒4 Initial Categorisation - Categories Guidance for Reserve Purpose(s) (Included In Attachments Booklet)</p>

**ITEM 13.2 OUTCOME OF PUBLIC EXHIBITION - DRAFT PLAN OF
MANAGEMENT FOR LOT 2 DP 827733, 316 HUDSON PARADE,
CLAREVILLE****PURPOSE**

The purpose of this report is to inform Council of the outcome of the public exhibition of the draft Plan of Management (POM) for 316 Hudson Parade, Clareville and to seek adoption of the POM.

EXECUTIVE SUMMARY

- At its meeting held on 19 December 2023, Council resolved that the draft POM for Lot 2 DP 827733, 316 Hudson Parade, Clareville be placed on public exhibition for a minimum of 42 days with the outcome reported back to Council.
- The draft POM was publicly exhibited for community feedback from 12 January 2024 to 3 March 2024.
- The draft PoM expressly authorises the granting of a licence over Lot 2 DP 827733, 316 Hudson Parade to the owner of the adjoining land Lot 1 DP827733, 316 Hudson Parade as outlined within this report.
- Following the public exhibition period, a review of the 50 submissions received was undertaken as set out in the Community Engagement Report and summarised in the consultation section of this report.
- The majority of submissions received supported the draft PoM.
- Based on the review of the community's submissions and feedback, no substantial or material changes are proposed and as such a final draft POM has now been prepared for adoption.

RECOMMENDATION

That Council adopt the Plan of Management for Lot 2 DP 827733, 316 Hudson Parade, Clareville.

BACKGROUND

The owner of Lot 1 DP 827733, 316 Hudson Parade, Clareville (Lot 1) has applied to enter into a 20-year licence agreement with Council to use an adjoining area of Council owned community land within Refuge Cove Reserve Lot 2 DP 827733 (the Site), for the purpose of constructing and ongoing use of a boatshed (with part of the boatshed to be located on the Site above the mean high water mark) and ongoing use of stairs which provide access to and from the boatshed. This construction is required to be in accordance with relevant development consents including DA 2020/1762. The Site is approximately 58m².

In 1993 a previous owner of 316 Hudson Parade dedicated to Council foreshore land at Refuge Cove Reserve including the Site. Following negotiations about the transfer a 20-year lease over the access way to the foreshore and the section of the original boatshed above the mean high water mark was granted by the former Pittwater Council to the owner. This lease expired in 2013 and the current owner is seeking to renew this agreement.

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

A draft Plan of Management (POM) was then prepared for the Site which, among other things, expressly authorises the granting of a licence to the owner of Lot 1 and permitting public access through the foreshore area within the Site. At its meeting of 19 December 2023, Council resolved (Resolution 370/23) that:

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

DISCUSSION

In response to Resolution 370/23, the draft POM was placed on public exhibition. The majority of submissions received were supportive of the draft PoM. Details of the public exhibition are summarised in the following section.

Based on a review of these submissions no material or substantial changes are proposed for the draft PoM. Minor formatting, style and wording changes have been made to the draft PoM in response to further review and feedback.

A final draft POM for Lot 2 DP 827733, 316 Hudson Parade, Clareville has now been prepared (Attachment 2). The final draft PoM has been informed by the review of submissions received during public exhibition and designed to align with Council's style guide.

CONSULTATION

The draft PoM was publicly exhibited between 12 January 2024 to 3 March 2024. The opportunity to provide feedback was promoted via emails to stakeholders, a temporary sign on-site, letters to nearby homes, Council's email newsletter and a YourSay online project page. Feedback was collected through an online submission form as well as letters and emails.

During the public exhibition period, 50 submissions were received. Of these, 36 submissions (72%) supported the draft PoM and comments included that it would be good to see the boatshed re-established and the appearance and amenity of the Site improved, while 10 submissions (20%) were not supportive of the draft PoM and comments included concerns about public land being licensed for private use and the size and use of the planned boatshed. Of the remaining submissions, 4% supported the draft PoM with changes and 4% were unsure / preferred not to say.

Details of the public exhibition including a review of submissions received is set out in the Community Engagement Report (Attachment 1). Key themes that arose and staff responses are presented in Table 1 below.

Table 1: Public Exhibition Draft Plan of Management for Lot 2 DP 827733, 316 Hudson Parade - Summary of issues, change requests and other considerations and Responses

Theme	Issues, change requests and other considerations raised	Responses
Boatshed will improve aesthetics and reinstate former use.	Majority of comments supported the plans to re-establish the boatshed and have the prior use reinstated, suggesting a new building will improve the appearance and amenity of the site and boatsheds are a historical feature of the Pittwater waterfront.	Support noted. The draft PoM permits use of the land for a boatshed to store watercraft, and access stairs/structures. No change proposed to the draft PoM.
Public land should not be licensed privately.	Some comments expressed concerns that private property owners should not have a right over public land and that public land should be retained and protected.	The proposed licence purposes set out in the draft PoM are consistent with the <i>Local Government Act 1993</i> . The proposed licence would be for purposes consistent with the core objectives for the category of land on which it applies. Any licensee will have a non-exclusive permissibility to use the land and to occupy the premises only for the permitted use. Any structure to be erected on the land would need to be consistent with any development application (DA) approval and conditions including DA 2020/1762. No change proposed to the draft PoM.
Upholding permitted use.	Some comments expressed concerns about the use of the boatshed for other purposes outside of permitted use, e.g. Airbnb or office suggesting Council needs to monitor the area to ensure compliance around permitted use and public access.	The draft PoM permits use of the land for a boatshed to store watercraft, and access stairs/structures. Any licensee will have the non-exclusive licence and privilege to use and occupy the premises for the permitted use only. No change proposed to the draft PoM.
Size of the planned boat shed.	Some comments expressed concerns that the plans for the new boatshed are bigger than the previous boatshed and has potential to affect the aesthetics of the area.	Assessment of a DA would include consideration of the suitability of the proposed boatshed against relevant planning controls. DA 2020/1762 applies to, among other things, the construction of a boatshed on the Site.

Theme	Issues, change requests and other considerations raised	Responses
		No change proposed to the draft PoM.
Impact on the natural environment.	One comment expressed concerns the Site would affect the animals within the reserve and affect the integrity of the reserve.	<p>Assessment of DAs includes consideration of the suitability against relevant planning controls.</p> <p>Conditions may be applied to the DA approval where relevant.</p> <p>No change proposed to the draft PoM.</p>
Out of scope.	A number of submissions commented on matters outside the scope of the draft PoM, i.e. the DA process, DA 2020/1762, potential illegal sea wall works in the vicinity of the Site and environmental matters related to the general beach and foreshore area (above and below the mean high water mark).	<p>Matters raised outside of the scope of the draft PoM have been forwarded to the relevant section of Council for their consideration.</p> <p>Foreshore, beach and water areas below the mean high water mark fall outside Council's jurisdiction.</p> <p>Further information regarding the DA process and DA 2020/1762 is publicly accessible on Council's website.</p> <p>No change proposed to the draft PoM.</p>

TIMING

Should the recommendation within this report be approved the process will commence to issue a licence as outlined in this report. The licence will be prepared in line with the requirements of the *Local Government Act 1993*, the adopted PoM and in consultation with the NSW Office of Local Government as required.

FINANCIAL CONSIDERATIONS

The recommendation within this report does not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

The final draft PoM has been prepared in accordance with the *Local Government Act 1993* and relevant Council plans and policies.

The Plans of Management that currently apply to the Site are the *Urban Bushland Plan of Management and Inventory and Action Plan Volume 2 North Ward Reserves (1998)* and the *Pittwater Natural Areas Plan of Management (2009)*. Should the recommendation within this report be approved these Plans of Management will be amended insofar as they apply to the Site.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The Site has been used for several decades as a location for a boatshed and for stairs to access the boatshed by the owners of 316 Hudson Parade, Clareville. The proposed licensing of the Site outlined in the final draft PoM aligns with this historical use of the Site and the previous lease

agreement outlined in this report. The final draft PoM also includes that the proposed licence is to continue to allow public access through the foreshore area within the Site.

LINK TO STRATEGY

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

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

Reporting team	Parks & Recreation
TRIM file ref	2024/267433
Attachments	⇒1 Community Engagement Report - Draft Plan of Management Lot 2 DP 827733, 316 Hudson Parade, Clareville (Included In Attachments Booklet)
	⇒2 Final Draft Plan of Management, Lot 2 DP 827733, 316 Hudson Parade, Clareville, March 2024 (Included In Attachments Booklet)

ITEM 13.3 EXTENSION OF MANAGEMENT AGREEMENT FOR CURRAWONG BEACH COTTAGES

PURPOSE

The purpose of this report is to seek Council approval, in accordance with section 55(3)(i) of the *Local Government Act 1993*, for exemption from tendering for the management of Currawong Beach Cottages.

EXECUTIVE SUMMARY

- Council conducted a Request For Quote process in 2023, resulting in a 12-month Management Agreement for Currawong Beach Cottages, which is set to expire on 30 June 2024.
- Currawong Beach Cottages has recently undergone substantial renovations and a subsequent marketing campaign to increase occupancy.
- A long term Management Agreement will be advertised for tender, however to achieve the best outcome, a new tender for the Management Agreement requires a full year of operational data, including post-renovation occupancy, which will not be available before the current agreement expires.
- Extending the existing Management Agreement by 12 months will facilitate gathering a full year's occupancy data and financial information, aiding future tender processes with the opportunity to potentially include incentivised structures based on profit and loss.
- The current site managers are performing to a high standard, have received positive feedback from customers and the Friends of Currawong are supportive of them continuing in the caretaker role until a tender process is undertaken.

RECOMMENDATION

That Council:

1. Resolve, pursuant to section 55(3)(i) of the *Local Government Act 1993*, that a satisfactory result will not be achieved by inviting tenders for the Management Agreement of Currawong Beach Cottages because of extenuating circumstances for the following reasons:
 - a. Additional time is required to collect updated occupancy and financial data for a full year post-cottage refurbishment and increased marketing, crucial for informing tender and contract specifications for a long term management agreement.
 - b. The updated information will allow Council to structure an incentivised longer-term management agreement based on current occupancy and financial data through the tender process.
 - c. In light of (a) and (b), a short term management agreement is required.
2. Enter into a 12-month extension of the existing management agreement for Currawong Beach Cottages, to the current managers, A.M Oliver & C.M Oliver (ABN 76 969 874 667), under the same terms, with the exception of a fee increase by CPI.
3. Delegate authority to the Chief Executive Officer to do all things necessary and execute all relevant documentation to give effect to this resolution.

BACKGROUND

Northern Beaches Council is responsible for managing the heritage-listed Currawong State Park, also known as 'Currawong Beach Cottages', situated on the edge of Ku-ring-gai Chase National Park.

Currawong Beach Cottages offer short-stay holiday accommodation, with the northern end of the reserve accessible to day visitors. The accommodation includes 9 cabins, a former conference center, and Midholme, a waterfront homestead. Recent refurbishments, including the renovation of 4 cabins completed in December 2022, have enhanced the site.

Currawong operates under a management agreement, with the current managers, Adam and Cathie Oliver (trading as A.M Oliver & C.M Oliver (ABN 76 969 874 667)), managing the site to a high standard under a 12-month agreement expiring on 30 June 2024. A large amount of positive feedback has been received regarding the current management of the site.

CONSULTATION

A longer-term Management Agreement will be advertised by tender, in accordance with the appropriate procurement requirements, when a full year of data is available.

TIMING

The current Management Agreement with A.M Oliver & C.M Oliver (ABN 76 969 874 667) was for a 12-month term and is due to terminate on the 30 June 2024. The intention is to grant a further 12-month term to commence on 1 July 2024 with the tender process for the 2025 agreement to commence in the second half of the 2024 calendar year.

FINANCIAL CONSIDERATIONS

An RFQ conducted in May 2023 resulted in 3 submissions for the management agreement, with the current managers providing the best value and overall submission. The current managers were awarded the management agreement which is set to expire 30 June 2024. The current managers have confirmed that they would be prepared to remain for a further 12-month period on the same terms with only a CPI increase to their management fee. This management fee is currently included in the proposed 2024/25 Operational Budget.

GOVERNANCE AND RISK CONSIDERATIONS

Section 55 of the *Local Government Act 1993* requires Council to invite tenders for contracts involving an estimated expenditure or receipt of \$250,000 or more, with certain exceptions. Section 55(3)(i) allows for an exemption from the tendering requirement when extenuating circumstances, remoteness of locality, or unavailability of competitive or reliable tenders exist, and Council decides, through a resolution stating the reasons, that inviting tenders would not lead to a satisfactory outcome.

A longer-term management agreement has the potential to deliver greater ongoing benefits to Council and due to insufficient data on utilisation of the upgraded facilities, it is not optimal for Council to go to market at this time. It is therefore recommended to extend the existing contract for a further 12 month period in order to obtain the financial and occupancy data that would facilitate an incentivised tender proposal.

ENVIRONMENTAL CONSIDERATIONS

The implementation of sustainable initiatives, such as rainwater harvesting, solar power and recycling are required to be carried out under the management agreement.

SOCIAL CONSIDERATIONS

The continued operation of Currawong Beach Cottages supports the preservation of heritage and State National Parks within the Northern Beaches and encourages a sense of pride within the local community through Currawong’s long and rich history.

LINK TO STRATEGY

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

- Housing, places and spaces - Goal 12 Our community has access to spaces that enable healthy and active living and allow for a broad range of creative, sporting and recreational opportunities to be enjoyed.
- Good governance - Goal 19 Our Council is transparent and trusted to make decisions that reflect the values of the community.

Reporting team	Transport & Assets
TRIM file ref	2024/268140
Attachments	Nil

ITEM 13.4 OUTCOME OF PUBLIC EXHIBITION - CURL CURL - FRESHWATER CONNECTIVITY AND STREETScape UPGRADE PROJECT

PURPOSE

The purpose of this report is to present the outcomes of the community engagement process which was conducted during the public exhibition of the Curl Curl to Freshwater Connectivity and Streetscape Upgrade project. It also presents the findings of the Road Safety Audit and provides recommendations for Council to consider for the progression of the project.

EXECUTIVE SUMMARY

- The public exhibition of the proposed design ran for a 5-week period from 6 November to 10 December 2023 and provided opportunities for the community to participate in the consultation process.
- High-level findings from the 758 submissions (across all feedback channels) show 394 (52%) of respondents support the proposed design, 196 (26%) provided feedback indicating they either did not support the design and/or felt improvements could be made to it, 143 (19%) of respondents had mixed views (for example, some expressed they supported the need for the proposal while also suggesting changes/improvements) while the remaining 25 (3%) of respondents were unclear about their view of the design.
- This suggests there is support for a revised design being implemented with some changes or improvements with key issues raised including loss of parking, narrowness of the new lanes, getting in and out of a parked car, visibility in and out of driveways, conflicts between pedestrians and bike riders on cross overs and shared paths and the speed of e-bikes on footpaths.
- A number of Road Safety Audits were conducted on both the proposed design and the existing state with a range of recommendations identified to improve road user safety.
- Given the concerns raised by the community, especially with respect to loss of car parking and perceived safety impacts, it is proposed to revert to the original proposal of a shared pathway solution as the majority of the project outcomes can still be delivered with this solution, noting that this does result in the loss of up to 43 trees.
- Delivering cycling infrastructure on district and regional cycling routes will help encourage transport mode shift in line with strategic directions provided by Transport for NSW, the NSW Department of Planning and Environment, Council's *Towards 2040 Local Strategic Planning Statements* and *Move Northern Beaches Transport Strategy 2038*.

RECOMMENDATION

That Council:

1. Note its consideration of the outcomes of the public consultation for the Curl Curl to Freshwater Connectivity and Streetscape Upgrade project.
2. Progress the design of a shared pathway solution for the Curl Curl to Freshwater Connectivity and Streetscape Upgrade project through normal processes, including consideration by the Northern Beaches Local Traffic Committee.
3. Delegate authority to the Chief Executive Officer to implement all actions relating to this matter.

BACKGROUND

Project context

The Curl Curl to Freshwater Connectivity and Streetscape Upgrade project aims to deliver a range of improvements to get more people walking and bike riding safely in the area. The proposal that went to consultation includes a range of proposed design features to achieve this, including:

- on-road two-way separated bike path on the northern side of Bennett Street and eastern side of Oliver Street
- over 2,000 households able to walk to local primary schools using continuous routes with marked crossings
- eight new and improved crossings for people walking and bike riding
- 20 km/h quiet safe street environment on Park Street
- two zebra crossings upgraded to a raised pedestrian crossing
- improved street landscaping, including new garden beds and trees while retaining existing mature trees
- two new bus stop platforms that will be disability compliant and enable quicker boarding and alighting of bus passengers
- wider lanes compared to previous proposals plus additional width at the bend of Oliver Street and Bennett Street
- more pavement space for children and families during pick-up and drop-off times outside Harbord Public School on Oliver Street
- wayfinding signage and line marking upgrades.

The project is proposed to be funded under the Federal Stimulus Road Safety Program - School Zone Infrastructure, to connect the existing safe cycling network in John Fisher Park to Freshwater Village and the new shared path to Manly. The funding program aims to improve road safety and provide active transport connections for children, local families, and the school community.

The separated two-way bike path would form part of Council's district bike route linking our strategic centres of Dee Why and Manly, as identified in *the Northern Beaches Bike Plan 2020*. The route also includes onward connections south to the Spit Bridge and north to Narrabeen.

In recent years, there has been greater awareness of the need to provide safe and convenient options to walk and bike ride for short trips, especially with the growth of new technologies such as e-bikes. Separated bike paths support bike riders (including e-bikes) to not ride on the footpath, improving safety for pedestrians. It is also the preferred option for key bike routes and main roads where on-road speeds exceed 30km/h.

The aim of the project is to support people getting to where they need to go safely, ensuring pedestrians, bike riders and motor vehicles all have dedicated space. The vicinity of the local primary schools and likely use of walking paths used by children both walking and bike riding is also a consideration.

Since 2021, 2 versions of proposed designs have been presented to the community for consideration. The first proposed concept (23 August – 19 September 2021) was for a shared path. Council received 317 comments. Feedback from this consultation reflected community support for improving walking and cycling connections but suggested Council consider a separated cycleway.

The second version was for a proposed concept for a separated bike path (17 November - 15 December 2021). Council received 681 comments demonstrating support for improved connectivity between Curl Curl and Freshwater. It was noted that over half of the respondents supported either a separated cycleway or a separated cycleway narrowed to retain parking, or a shared path. Feedback also indicated a quarter of respondents did not support either proposal.

Considering the mixed feedback from the community, an updated design was chosen to keep parking along both sides of the street and include a separated bike path. This was endorsed at the Local Traffic Committee in April 2022, with a change to run the bike path on the northern side of Bennett Street to improve safety and linkages to existing and future bike paths. A Road Safety Audit (RSA) was undertaken in July 2022 which informed further design changes. Residents were notified in November 2022 that this design would be progressing to construction. Work commenced in June 2023 to install the revised design which was paused following community concern.

At a public meeting with concerned residents in June 2023, Council committed to conducting a comprehensive community engagement process to fully understand the diversity of community views, issues and ideas. The outcome of that process is presented in this report.

Strategic Significance – Coordinated Land Use and Transport Planning

Implementing a separated cycling network and improved pedestrian connections contributes to achieving key targets across a range of state and local government transport planning strategies.

The Transport for NSW (TfNSW) strategy, *Future Transport 2056* provides a vision to increase uptake of active modes of transport like bike riding and walking for short local trips, including access to public transport links. The Greater Cities Commission plan, *A Metropolis of Three Cities 2018* and accompanying *North District Plan* reinforce these strategic transport planning directions as the pathway to achieving a more sustainable, liveable and accessible city. These documents include the aspiration of a 30-minute city where more people live within 30 minutes by public transport of a metropolitan CBD, or their nearest strategic centre. These strategic directions underpin Council's *Towards 2040 Local Strategic Planning Statements* and the key strategy for transport, *Move Northern Beaches 2038*.

The TfNSW Movement and Place framework balances the movement of people and goods with the amenity of streets as places for people. Under the framework, local streets such as Oliver Street and Bennett Street need to be safe for people to walk or cycle to facilitate short local trips between shops, schools, beach and the B-line bus stops. These priorities differ from key transport corridors, such as Pittwater Road, which must efficiently move people and goods as their primary function.

Traffic congestion in our road network is a major constraint on our ability to plan for housing and employment growth. The number of dwellings and jobs that can be introduced in nearby Brookvale is constrained by the capacity of the road network. By implementing cycling infrastructure and improved walking connections, it is envisaged it will make it safer and easier for people to use active travel for local trips and to access public transport for trips outside the local area. Achieving this shift will improve the efficiency and sustainability of our road network, reduce emissions and ease congestion. It will also promote an active lifestyle, aid improvements in mental and physical health and support younger people to have greater independence.

***Move Northern Beaches 2038* – Council's strategic direction for transport**

Council's *Move Northern Beaches Transport Strategy 2038* was adopted in August 2018 and sets out policy directions for improving transport over 20 years. It also includes directions related and supported by the *Northern Beaches Bike Plan 2020*.

This strategic direction is in line with the NSW Government plans including the NSW Long Term Transport Master Plan 2012, Sydney's Cycling Future 2013, Future Transport Strategy 2056, and the Greater Sydney Commission North District Plan which all view cycling as an important mode of

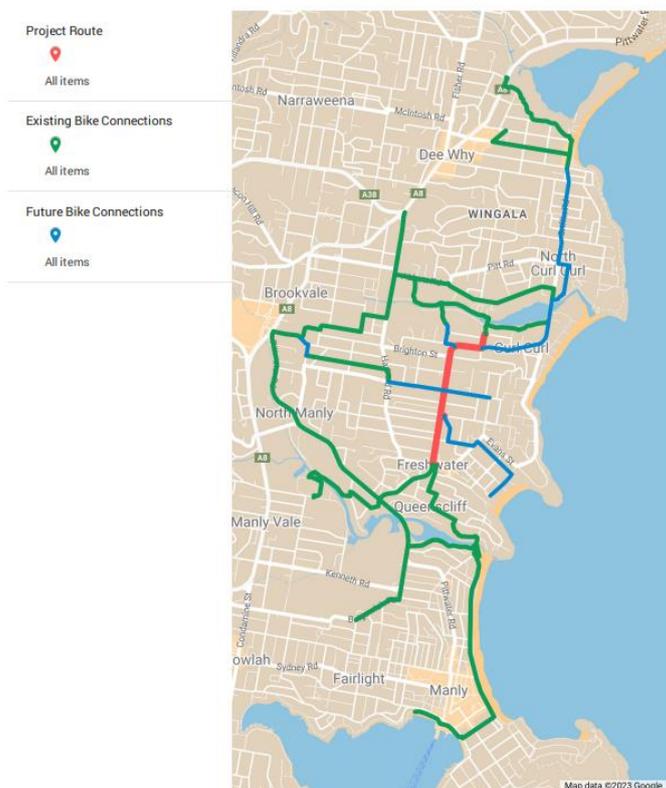
transport. The North District Plan provides direction to prioritise infrastructure which enables cycling connectivity within 5km of strategic centres; this includes Manly, Brookvale and Dee Why.

With only 5% of trips to work on foot or by bicycle, the *Move* strategy sets targets to double these trips by 2038. Council aims to achieve this by delivering safer and better-connected footpath and cycling routes.

The Curl Curl to Freshwater Connectivity and Streetscape Upgrade project aims to upgrade local streets and fairly allocate road space to make it easy for people to walk or cycle in an environment that is largely separated from motor vehicle traffic. This network would encourage cycling for transport with a focus on short trips.

This project is especially important as the area has been identified as a missing link in the broader northern beaches cycle network, linking the Freshwater and Curl Curl areas with Manly in the South and providing connections to Brookvale, Dee Why and on to Narrabeen.

Curl Curl-Freshwater Connectivity and Streetscape Upgrade - Bike Connections Map



Options for improving our safe cycling network

The Safe Cycling Network is Council’s primary cycling network and is designed to provide a safe and connected cycling environment which enables people of all ages and abilities to move safely and comfortably between places and destinations. This network is largely separated from road traffic.

Cycling infrastructure that forms part of the Safe Cycling Network includes:

- separated cycleways
- shared paths
- shared zones
- quiet local streets (40km/h)

- safe road crossings.

A shared path

The primary concern raised from the first round of consultation for the initial shared path proposal was about potential for collisions between people walking and people bike riding. The shared path option would result in significant loss of mature tree canopy with the removal of up to 43 trees.

Separated two-way cycleway

This option minimises pedestrian/bike rider conflict and the need for significant tree removal. It is the preferred option for key bike routes and roads where on-road speeds exceed 30km/h. This is in line with TfNSW Road User Space Allocation Policy, the Cycleway Design Toolbox and the TfNSW Movement and Place Framework.

On street parking versus wider separated cycleway

Whilst the optimum, or better design, is to have a 3 metre wide separated cycleway, this would result in the loss of 71 on-street car parking spaces on the opposite side of the road. Council took on board the feedback and developed a design that retained the on-street parking while delivering improvement to promote safer bike riding and walking; this included a 2 metre separated cycleway which meets NSW standards.

However, community feedback throughout the project indicates a consistent level of resident concern about the potential impact from the loss of on street parking.

PUBLIC EXHIBITION AND COMMUNITY CONSULTATION

Community consultation on the most recent design was exhibited for 5 weeks from 6 November to 10 December 2023. The community engagement process was planned, implemented and reported in accordance with Council's *Community Engagement Strategy 2022*. The level of impact of the project was identified as Level 2 (High-Local). The engagement approach was developed to allow the community more time to provide feedback, as the *Community Engagement Policy 2022* requires a minimum 28-day engagement period. The approach was designed to also ensure the engagement opportunities were appropriate and responsive to the high level of community interest in the proposal.

The community and stakeholder engagement approach aimed to provide accessible information to promote meaningful community and stakeholders' participation, identify community concerns, understand local knowledge and values, and facilitate the involvement of those affected by or interested in a project.

Several engagement tools and communication channels were used to promote community participation during the public exhibition, including:

- Have Your Say website project page
- detailed and accessible proposed designs, maps of proposed bike connections, school walking maps and parking adjustments, before and after artist's impressions, previous consultation reports, links to Council reports and minutes from the Transport Network Traffic Committee meetings
- frequently asked questions (FAQ) section regularly updated
- electronic direct mail (EDM)
- social media
- printed collateral and materials
- signage

- resident block meetings
- face to face, phone, and online meetings
- public drop-in meetings.

The project team visited and spoke to local businesses and directly engaged with local schools, the local bus operator, the waste management provider, the NSW cycling peak body and emergency services.

Feedback was captured through an online survey embedded in the Have Your Say project page and an open-field comments box was provided to capture feedback. Email and written comments were also invited, and respondents could also ‘book in’ to speak to our project team.

Feedback was also captured through other channels including anecdotal comments from informal discussions with community members. A community petition containing 916 signatures was also submitted to Council. The petition was circulated to all Councillors for consideration as per the process.

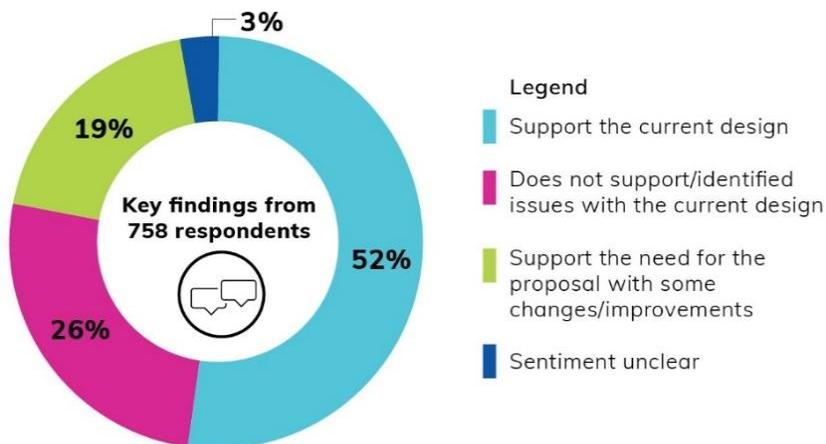
Following a community request to accept late submissions, Council re-opened the project page on the Have Your Say platform for one week from 26 February to 3 March 2024. A total of 28 submissions were received during this period and considered.

Council engaged independent community engagement consultants, Barbara Campany & Associates Pty Ltd to prepare a Community Engagement Report (CER) to provide a comprehensive review and analysis of the submissions made by members of the community and other stakeholders to Council in response to the public exhibition of the updated design (Attachment 1).

Summary of key findings from community consultation

The high-level findings from the 758 submissions (across all feedback channels) show that 394 respondents support the proposed design, 196 provided feedback indicating they either did not support the design and/or felt improvements could be made to it, 143 respondents had mixed views, for example some expressed they supported the need for the proposal while also suggesting changes/improvements. The remaining 25 respondents were unclear about their view of the design.

This graph shows the overall sentiment of those who selected elements of the design they liked, or elements of the design they felt could be improved in the Have Your Say survey.

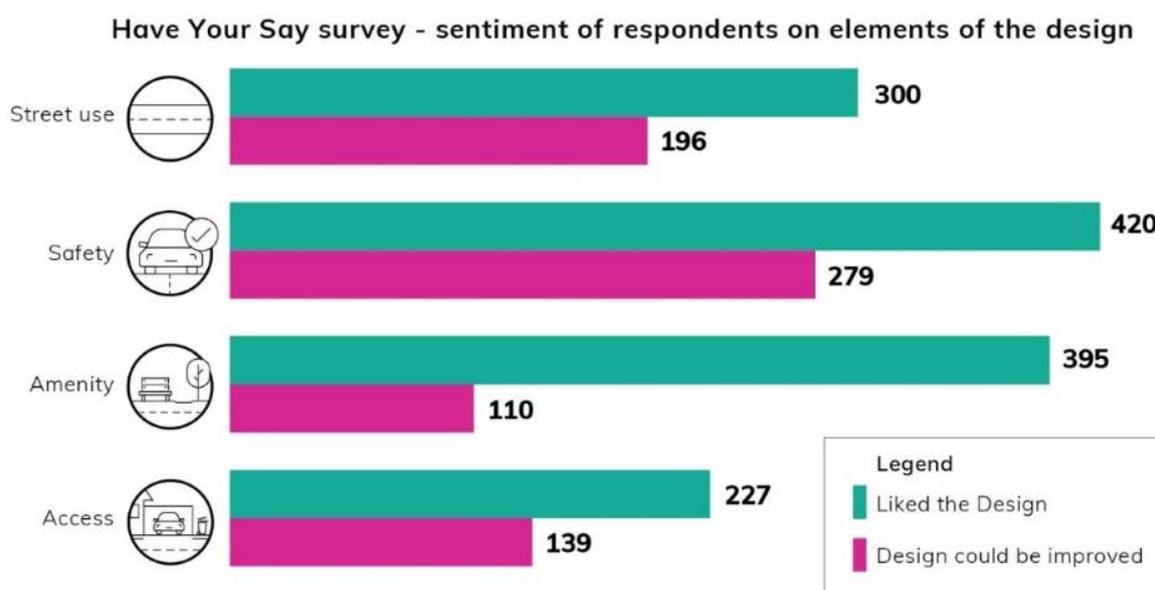


The survey on Council’s Have Your Say web page was designed to collect data on elements of the current design respondents liked, and elements of the design they felt could be improved. Survey

logic was applied to the questions regarding improvements, making it compulsory for respondents to elaborate on their reasons for suggesting changes or for those who did not support the proposal. Survey logic was not applied to questions regarding elements of the design respondents liked, as no further information was required in this situation.

Of the 661 respondents who participated in the survey, a greater number selected that they liked elements of the design than those who felt there was room for improvements to the design.

The graph below shows the overall sentiment of those who selected elements of the design they liked, or elements of the design they felt could be improved in the Have Your Say survey.



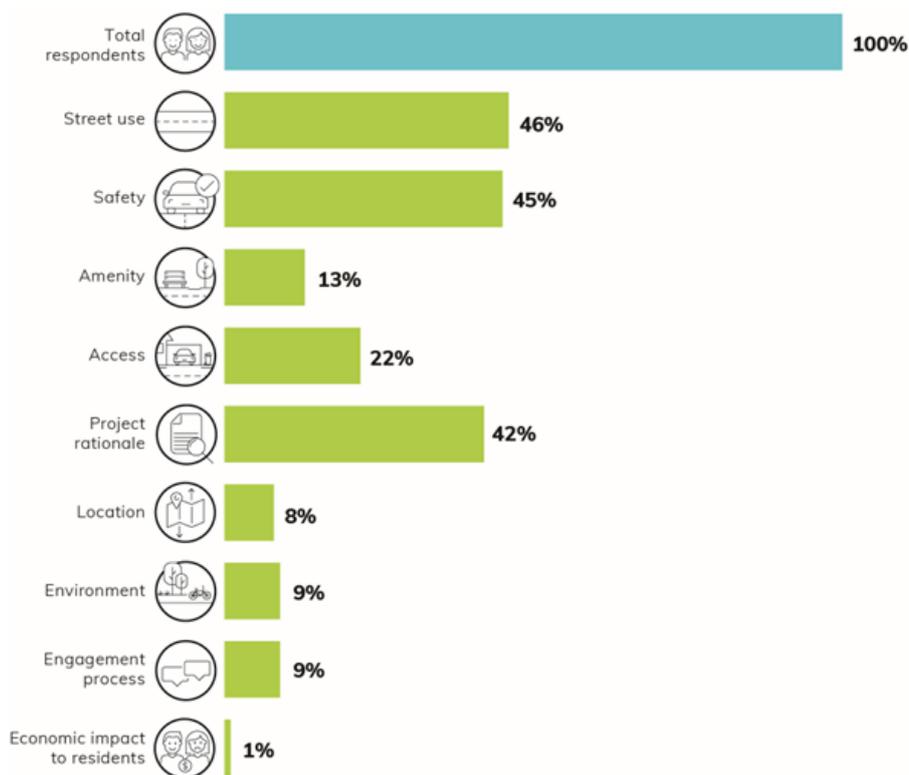
Community consultation - Themes and sub-themes

The analysis of submissions in the community engagement report is qualitative. Feedback was captured through multiple communication channels. While the submissions provided detailed information specific to many aspects of the proposal, the challenge was in identifying the issues. To do this, the consultants reviewed, coded, and categorised the feedback within the following 9 overarching themes and 24 associated sub-themes.

1. Street use
 - Bus stops
 - Parking
 - Traffic impacts
 - Mobility and accessibility
 - Vehicle user behaviour
 - Multi use/competing use
2. Safety
 - Pedestrian crossings
 - Bike rider safety
 - E-bike safety

- Pedestrian safety
 - Vehicle user behaviour
 - Traffic calming/40Kmph zone
3. Amenity
- Landscaping/trees
 - Street furniture
 - Stormwater
 - Sense of place and community
4. Access
- Driveways
 - Bin collection
5. Project rationale
- Project value/need
 - Project benefits/enhancement
6. Location
- Alternate routes
 - Project isolation/connections
7. Environment
- Travel behaviour
 - Other environmental impacts/benefits
8. Engagement process
9. Economic impact to residents.

The full summary of comments received from respondents by theme is illustrated by percentage below:



Community Engagement Report – Conclusion and considerations

The level of detail and evidence presented in submissions by those who support the revised design and those who do not support it or have issues with elements of the design, illustrates the divide within the community about the proposal. Whilst it is a localised project, the design proposal has implications for the broader Northern Beaches community as well.

The high-level findings from the 758 submissions (across all feedback channels) show the majority of respondents either:

- support the proposed design (52%)
- support the need for the proposal with some changes or improvements (19%)
- do not support or had issues with the proposed design (26%)
- are unclear about their view of the design (3%).

This would suggest there is support for the revised design being implemented with some changes or improvements.

Also worth noting is that the survey logic applied to the online survey only prompted detailed responses from respondents who identified issues or felt there was room for improvement in the design. However, these survey responses represent less than half of those who responded. Respondents who indicated they liked elements of the design did not have to provide comments.

It was clear from the data that many people support Council’s commitment to the principles of reduced vehicle use in favour of active transport modes like walking a cycling. Some noted the *Northern Beaches Bike Plan 2020* and Council’s aim to improve the district bike route which will link more strategic centres and popular locations on the Northern Beaches.

Respondents who do not support the proposal raised a range of concerns about the use of streets for multiple transport modes and safety issues. Some of the main concerns raised were the reduced traffic lane width and narrower parking lanes, fear of traffic congestion, reduction of on street parking, ability of bike riders to safely use the separated two-way bike path, followed by the need for improved traffic calming measures to improve safety for all road users.

Other respondents held the view that a separated bike path is a better solution that balances the needs of all road users – residents, motorists, pedestrians, and bike riders.

Some people saw this project as an investment in the future of the community (for both current and future residents), noting that the enduring advantages would likely outweigh any initial reservations.

The community engagement report highlights several suggestions from respondents that may be considered by Council, including actions relating to the following:

- parking
- lane markings
- e-bikes and e-scooters
- traffic calming
- active transport
- bin zones
- signage.

ROAD SAFETY AUDITS

A Road Safety Audit (RSA) is a formal, systematic, assessment of the potential road safety risks associated with a new road project or road improvement project, carried out by an independent and qualified traffic engineer.

Council has conducted several RSAs including:

- road safety audit – exhibited design - January 2024
- previous road safety audit – from earlier concept design - July 2022
- road safety audit – existing stage - February 2024

The RSA finding – exhibited design - was conducted by an independent auditor in January 2024 (Attachment 2). A range of risks were identified which included:

- issues with steering challenges and poor transitions in centreline alignment
- approach and departure geometry at roundabouts
- layout of the continuous footpath treatment
- pedestrian access to and from the proposed bus stop islands
- pedestrian accessibility at kerb ramps
- visibility and landscaping
- shared path crossing warning signs.

An earlier RSA was carried out on a previous version of the design in July of 2022 (Attachment 3). Several risks were identified, reviewed, and integrated in the revised design that went on public exhibition from 6 November to 10 December 2023. These risks related to:

- potential conflicts and crossovers between pedestrians and cyclists
- approach and departures to some roundabouts
- crossover conflict due to the transition from shared path to cycleway
- issue with impact of lane reconfigurations and less width to open a car door.

An independent existing stage RSA was also conducted in February 2024 to identify safety issues and opportunities for improvement across this route as it is in its current state. (Attachment 4). This audit found the following issues:

- remnant line marking and pavement markings along Oliver Street
- legibility of concrete separator kerbs
- pedestrian access or alighting from parked vehicles in some areas
- traffic signs that are dirty, faded or visually obscured
- lack of consistency at pedestrian crossings
- approach and departure at roundabouts.

Independent road safety audit recommendation

The assessment of the existing road condition acknowledges that at a high-level, the separated cycleway design presents several road safety risks involving cyclists, which includes the possibility of cyclists being impacted by opened doors of parked cars, the need for cyclists to be conscious of pedestrians/passengers moving to and from parked cars, and a risk of cyclists exposed to snagging on components of the vehicle that extend into the bicycle lane.

The assessment finds a two-way separated cycleway as having greater merit over the existing state with regards to safety outcomes due to the significant reduction in interaction between the bicycle facility and the road traffic lanes and with parked cars including both car doors approached from the rear and vehicles moving into and out of parked positions (Attachment 5).

RECOMMENDATIONS FOR CONSIDERATION

While the high-level findings from the 758 submissions (across all feedback channels) show 394 (52%) of respondents support the proposed design, and feedback from previous community engagement processes indicated a high level of support for creating safer cycling infrastructure, there is also evidence that there is a strong level of concern within the community about a separated cycleway solution.

From a technical perspective, the benefits of a separated cycleway clearly make it the superior solution. However, given the ongoing concerns raised by the community, especially with respect to car parking loss and perceived safety impacts, it is proposed to revert to the original proposal of a shared pathway solution. This solution will still achieve the majority of the project outcomes.

The key aims of this project remain to deliver infrastructure that provides safer travel for children to and from school, as well as to improve active travel solutions for the whole community. This is especially important for this project as this area is the missing link in the northern beaches cycle network.

It is important to also note that by reverting to the original design of a shared pathway solution, there is a level of community concern about the loss of up to 43 mature trees that will be realised.

TIMING

The finalisation of the project design, any required approvals and the final construction of the infrastructure solution would be programmed around a school holiday period to allow the works near Harbord Public School to proceed without impacting safety and to minimise disruption at this location.

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in an overall change to the existing Council budget but the project scope will need to be reviewed in line with funding provided through the Safer Schools Program grant.

GOVERNANCE AND RISK CONSIDERATIONS

The recommendation supports the effective delivery of Council's adopted *Move Northern Beaches Transport Strategy 2038* and the directions relating to the *Northern Beaches Bike Plan 2020*.

This strategy and plan are in line with the NSW Government plans and vision for a 30-minute city. This includes publications such as the *NSW Long Term Transport Master Plan 2012*, *Sydney's Cycling Future 2013*, *Future Transport Strategy 2056*, and the Greater Sydney Commission's *North District Plan* which all view cycling as an important mode of transport.

The road safety audits undertaken as part of the design process sought to identify risks in the project and improve safety.

ENVIRONMENTAL CONSIDERATIONS

This project has the potential to help reduce vehicle emissions by providing alternative travel options including walking and bike riding in the area.

The recommendation to revert to a shared pathway solution will result in the removal of up to 43 mature trees. In consideration of Council's adopted *Tree Canopy Plan 2023*, Council remains committed to increasing the existing tree canopy to expand the local green grid.

The necessary environmental assessments will be undertaken in progressing the project through the next design phase.

SOCIAL CONSIDERATIONS

The recommendations in this report have the potential to create positive social outcomes for the community through provision of calmer streets, promotion of walking and bike riding and improved landscaping design which will create a sense of pride. It is envisaged that the project will also encourage children to walk and or bike ride independently to school.

Typically, projects of this nature improve the social connection of residents as they can use the public space, in this case promoting walking and riding to school which increases social interactions.

LINK TO STRATEGY

This project relates to *MOVE – Northern Beaches Transport Strategy*:

- **Theme 1 - Accessible and Liveable Places**

- Action 1. Create and enhance 'Places for People' that are integrated with public transport, creating vibrant, connected places with wide footpaths, safe cycling options and where the car is not the first option.

- **Theme 2 – Active Travel**

- Action 1. Prioritise smart, active travel network improvements (through technology, end of trip facilities, and way-finding signage). Expand footpath and shared path networks to improve connectivity and safety, making walking and cycling attractive alternatives to the car.
- Action 2. Deliver safe, active travel across all modes of transport for school aged children and young people.
- Action 3. Provide a safe environment, both on and off-road for all users and end of trip facilities to make it a realistic option for commuting.
- Action 4. Expand cycle network to reduce conflict between road users.

This project contains deliverable elements of *the Northern Beaches Walking Plan* and *Northern Beaches Bike Plan* to provide safe infrastructure for vulnerable road users and improved walkability of our neighbourhoods.

The project also meets the design intent of *Northern Beaches Public Space Vision & Design Guidelines*.

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.
- Transport, technology and connectivity - Goal 16 Our integrated transport networks meet the needs of our community and reduce carbon emissions.
- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches.
- 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	Transport & Civil Infrastructure
TRIM file ref	2024/268669
Attachments	<ul style="list-style-type: none"> ⇒1 Curl Curl to Freshwater - Community Engagement Report March 2024 (Included In Attachments Booklet) ⇒2 Road Safety Audit Exhibited Design Oliver-Bennett - January 2024 (Included In Attachments Booklet) ⇒3 Road Safety Audit Initial design Oliver-Bennett - July 2022 (Included In Attachments Booklet) ⇒4 Road Safety Audit - Existing Conditions Oliver-Bennett - February 2024 (Included In Attachments Booklet) ⇒5 Road Safety Auditor Commentary on do nothing option (Included In Attachments Booklet) ⇒6 Map Attachments - Improvement based on Outcomes of community engagement and RSA's (Included In Attachments Booklet)

15.0 NOTICES OF MOTION

ITEM 15.1 NOTICE OF MOTION NO 12/2024 - RESPONSIBLE DOG OWNERSHIP

COUNCILLOR GLANVILLE SUBMITTED THE FOLLOWING MOTION:

MOTION

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 ownership
 - b. options for further educational campaigns which could be developed to educate local residents on responsible dog 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 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.

BACKGROUND FROM COUNCILLOR GLANVILLE

The purpose of this motion is to encourage responsible dog ownership and identify any further opportunities to set local residents up for success in raising their dogs.

Councillors are frequently contacted by residents via email and social media regarding issues concerning off-leash dogs in areas which are not designated off-leash areas, or incidents concerning dogs with behavioural issues. These complaints raise concerns about the safety, amenity, or environmental impacts of those dogs on other walkers, dogs and wildlife.

Council has a number of statutory roles and responsibilities concerning responsible ownership of dogs under the *Companion Animals Act 1998*. Activities conducted at present by Council concerning proactive education include occasional 'pop up' events, education sessions, and other information pamphlets. Council also partners with the RSPCA on companion animal related issues.

Some further initiatives which Council could consider include:

- waiving the lifetime registration fee or offering a rebate to owners who take their dog to training classes (such as puppy school, obedience classes, or engaging a dog trainer)
- providing additional free information sessions about responsible dog ownership
- collaborating with local dog trainers/behaviourists to update/prepare an information and education pack about responsible dog ownership to owners when they register a new dog
- collaborating with local vet clinics to disseminate an information and education pack about responsible dog ownership
- reviewing the activities of other councils with proactive responsible pet ownership teams, such as Inner West Council, and any ideas which Northern Beaches Council could also adopt.

TRIM file ref	2024/267443
Attachments	Nil

ITEM 15.2 NOTICE OF MOTION NO 13/2024 - SEDIMENT IMPACTS ON MANLY DAM

COUNCILLOR GLANVILLE SUBMITTED THE FOLLOWING MOTION:

MOTION

That:

1. Council urgently write to the NSW Environment Protection Authority, NSW Department of Education, NSW Department of Planning, Housing and Infrastructure, and NSW Department of Climate Change, Energy, the Environment and Water regarding its concerns that sediment-laden stormwater appears to have discharged from the construction site of the new Forest High School at Allambie Heights, and its concerns for the potential impacts of this stormwater on the health of aquatic species within the Manly Warringah War Memorial State Park (Manly Dam) catchment, particularly the Climbing Galaxias.
2. Council urgently request that representatives from the agencies listed in Item 1 attend a meeting with relevant Council representatives (as nominated by the Chief Executive Officer) to discuss containment of the sediment-laden stormwater, any remediation of Curl Curl Creek and waterways feeding into Manly Dam, and concerns for the health of aquatic species within the Manly Dam catchment.
3. Council urgently write to the Member for Wakehurst and the Member for Manly, relevant Ministers/ Parliamentary Spokespeople from the NSW Government, Opposition, and NSW Greens regarding the contents of this motion.
4. The Chief Executive Officer provide a further briefing note to Councillors with an update on the status and health of the Manly Dam Climbing Galaxias population following this incident.

BACKGROUND FROM COUNCILLOR GLANVILLE

In approximately January this year, it appears that sediment-laden stormwater emanated from the construction site relating to the new Forest High School, which flowed off the premises and entered into the Manly Dam catchment, including Curl Curl Creek.

Sediment-laden stormwater can be highly problematic for aquatic species, as high sediment load can include impacts such as altering the chemical properties of receiving waters (eg reduced oxygen levels), reducing light penetration which can impact aquatic vegetation, cause clogging of the gills of aquatic species, and reduce visibility for aquatic species to undertake usual hunting/foraging activities.

Council staff have undertaken a number of rounds of monitoring of the stormwater flowing from the site, and it appears that the sediment load of stormwater running off the construction site remains unacceptable.

As the project is State Significant Development, the NSW Department of Planning, Housing and Infrastructure is the lead agency responsible for enforcing compliance with conditions of approval. The NSW Environment Protection Authority is the lead agency responsible for enforcing pollution incidents. However, Council is Crown Land Manager of Manly Dam and has a significant interest in ensuring the health of Manly Dam and wildlife within.

The sediment levels in the waterways which received, and may continue to receive, this sediment-laden water could pose a risk to this important environmental and heritage asset, and urgent attention is required.

TRIM file ref	2024/267444
Attachments	Nil

ITEM 15.3 NOTICE OF MOTION NO 14/2024 - FORMING A WORKING GROUP FOR ROBERTSON ROAD ON MATTERS AND REVIEW OF NEWPORT MASTERPLAN

COUNCILLORS GENCHER AND PAGE SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Form a working group dedicated to addressing the matters concerning Robertson Road, Newport with the objective of facilitating constructive discussions and progressing solutions. The working group shall be composed of representatives from Council, relevant government agencies, local community organisations, and other key stakeholders.
2. Review the Newport Masterplan, with a specific focus on Robertson Road, and invite key stakeholders associated with 'Save Robertson Road' and the Newport community, to actively participate in the review process to adequately address the needs and concerns of all stakeholders involved.

BACKGROUND FROM COUNCILLORS GENCHER AND PAGE

Robertson Road, nestled within the heart of Newport, stands as a symbol of the community's history and potential for growth. Over the years, it has been a focal point for locals, embodying the essence of Newport's culture, recreation, and commerce. However, recent proposals for development threaten to alter the very fabric of this cherished street, and surrounding precinct.

The 'Save Robertson Road' campaign, supported by the Newport Residents Association and many Newport residents, has emerged as a response to these looming changes. Its mission is clear: to preserve the unique charm and character of Robertson Road from the encroachment of modernisation which could irrevocably transform its identity. At the heart of the campaign lies a vision that balances heritage preservation with sensible progress, ensuring that Robertson Road retains its essence while evolving to meet the needs of the community.

Building on decades of advocacy by Newport residents, the Save Robertson Road campaign took flight in 2021, fuelled by a unanimous Mayoral Motion put forth by then Mayor, Michael Regan. This momentum culminated in a pivotal online Zoom gathering, drawing 42 attendees, including the Mayor of Northern Beaches Council, Councillors, senior staff, Rob Stokes (former Member for Pittwater), community group representatives, and all pertinent landowners. Community backing has surged with a thriving Facebook group boasting over 1200 members, a survey garnering 1300 responses, and more than 600 submissions contesting the DA for 351 Barrenjoey Road. The resounding consensus affirms robust support for the campaign's cause.

Central to this vision is the coordinated development of properties along Robertson Road and its surroundings, in alignment with the Newport Masterplan. Advocates emphasise the importance of a cohesive approach to development, one that respects the area's heritage and fosters a sense of community cohesion.

Key to the campaign's success is the involvement of stakeholders in a collaborative effort to realise Robertson Road's full potential. By adhering to the principles outlined in the 2006 Newport Masterplan, proponents seek to establish a model for development that balances commercial interests with community needs.

However, the path to preserving Robertson Road is not without challenges. Development applications for properties have sparked controversy, with concerns raised about their impact on Robertson Road's character and the viability of community events.

Expert voices, including architects and sources close to the council, emphasise the need for special consideration in development decisions, urging against a piecemeal approach that could set detrimental precedents. With the support of concerned residents and a commitment to preserving its heritage, Robertson Road stands poised to remain Newport's vibrant core for generations to come.

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:

Council is required to deal with planning matters such as development applications and planning proposals on their merits in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and other applicable instruments.

TRIM file ref	2024/292565
Attachments	Nil

ITEM 15.4 NOTICE OF MOTION NO 15/2024 - BUSINESS PERMIT REVIEW**COUNCILLOR RYBURN SUBMITTED THE FOLLOWING MOTION:****MOTION**

That Council:

1. Note that
 - a. the Annual Open Space Business Permits are currently assessed on a case-by-case basis
 - b. the current fee structure ranges between \$600 - \$9,500 per annum depending on scale and impact
 - c. no more than 80 businesses have a permit on the Northern Beaches.
2. Provide a review of its Open Space Permits process, customer service satisfaction levels, and criteria for assessment, to a Councillor briefing. This review should include, but not be limited to: environmental impacts, social impacts, business model and operational considerations (i.e. seasonal business, gig economy business, geographically dependent business, not-for-profit etc), business maturity, as well as benefit to the community.
2. Identify opportunities to simplify and improve our Open Space Permit application processes, reduce fees where possible, and incentivise permit holders with easier renewal processes and possible reduced year-on-year fee structures. As part of the review, a comparison of other councils is undertaken.

BACKGROUND FROM COUNCILLOR RYBURN

Under the Local Government Act (1993), a business needs to gain Council approval to operate on public land. These businesses include, but are not limited to, fitness trainers, learn-to schools, tourism tours, dog walkers, mobile services, sports clinics, food/beverage trucks, and hire services.

An array of different types of these businesses, who've attempted to access these permits, have indicated that our approval process, and the subsequent outcomes, are not fit-for-purpose. Feedback from these businesses includes that the fees and processes are inflexible, lengthy, inconsistent, arduous, and lack transparency.

This motion seeks to create greater transparency, consistency and increased customer satisfaction in support of our local businesses. The motion also seeks to reflect on the criteria in which we approve or reject permits and charge a fee.

In addition, currently, the permit application is a one-size-fits-all form, which includes the 'Small Events and Activities' booking form. This review calls on Council to look for opportunities to take a customer centric approach, with consideration of the nuance of different business types on the Beaches and look for ways to incentivise businesses who are doing the right thing and improving the use of our community's Open Space.

TRIM file ref	2024/296836
Attachments	Nil

ITEM 15.5 NOTICE OF MOTION NO 16/2024 - REVIEW OF NORTHERN BEACHES COUNCIL'S COMMUNITY PARTICIPATION PLAN - DEVELOPMENT ASSESSMENT NOTIFICATIONS

COUNCILLOR KORZY SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Review its Community Participation Plan, particularly how notifications to residents of new Development Applications can be improved considering:
 - a. increased geographic distribution of mail notifications
 - a. improved website visibility
 - a. resident/community group notifications
 - a. other.
2. Review its notification data for previous planning document exhibitions to assess how effective the system is.
3. Provide a briefing to Councillors within 2 months on these issues.

BACKGROUND FROM COUNCILLOR KORZY

Northern Beaches Council's Community Participation Plan governs public consultation on planning matters such as Development Applications (DAs), Environmental Impact Statements (EISs) and Development Control Plans (DCPs).

For DAs, the plan specifies a minimum mandatory exhibition period of 14 days, although there are some exceptions. During the exhibition period, the plan requires:

1. a sign to be placed at the front of the site concerned
2. notification to adjacent property owners and occupiers, and those across the road from the subject site
3. notification on Council's website
4. electronic alerts for those who have registered to receive notifications of any planning proposals.

However, I have received many complaints from residents who live, not immediately next door or across the street, but close enough to the property for which a DA has been submitted to be impacted by its construction and the final outcome.

Unfortunately, I have also received complaints from residents either right next door or across the road, who have not been notified either. Many also say that by the time they receive the notification or see the sign outside a property, the 14 day notice period has expired - and they often don't realise Council will accept comments up until the DA is assessed.

Additionally, the NSW Government in the past required publication of DAs in local media and with the abolition of that rule (and loss of a local printed daily/weekly newspaper), residents now miss

the hardcopy publication. In the case of Pittwater Council, resident groups were also directly notified of the submission of new DAs. This helped them alert their members to any concerns.

I believe there might also be opportunities to make the DA system on council's website more intuitive. Additionally, we could give more prominence to notifications of newly submitted DAs in the weekly "Northern Beaches News" (which council emails to residents who are registered). Currently we provide only a link to DA notices at the end of the bulletin, rather than listing new DAs or providing a link to them directly.

Given firstly that the plan came into effect on 1 December 2019, and will soon be due for its 5 year review, and secondly, that we are now approaching the end of the current council term, I believe it would be timely to try to improve the system of DA notifications before the council election in September.

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:

TRIM file ref	2024/291869
Attachments	Nil

ITEM 15.6 NOTICE OF MOTION NO 17/2024 - HOLDING A POLL AT THE SEPTEMBER 2024 LOCAL GOVERNMENT ELECTIONS REGARDING COMMUNITY SUPPORT FOR A COUNCIL DE-AMALGAMATION

COUNCILLOR KORZY SUBMITTED THE FOLLOWING MOTION:

MOTION

That Council:

1. Informs, at the first opportunity, the NSW Electoral Commission of Council's intention to conduct a Poll at the September 2024 local government elections asking electors the question: *"Do you support the de-amalgamation of Northern Beaches Council (NBC) to reinstate Pittwater, Warringah and Manly Councils?"*.
2. Undertakes an internal preliminary desktop analysis for a de-amalgamation of the three former council areas, addressing:
 - a. the financial advantages and disadvantages of a demerger.
 - b. the community of interest and geographic cohesion of the existing LGA compared to the former council areas.
 - c. the impact of a demerger on democratic representation for residents in each of the former council areas.
3. Receives a report on the preliminary analysis no later than 30 July setting out the details of the analysis and the process by which it will be publicised for residents before the Poll.

BACKGROUND FROM COUNCILLOR KORZY

I feel compelled to bring this motion forward now because I cannot ignore the wishes of the thousands of Pittwater residents who have signed petitions calling for a council demerger. After eight years as part of the Northern Beaches Council, I believe it's now time to give all residents a say.

The NSW state government forcibly amalgamated 45 councils across NSW into 20 new Local Government Areas in 2016, aiming to create economies of scale via larger councils. The mergers were based on purely financial criteria contained in a KPMG report - that the NSW government never publicly released - which purportedly claimed councils could collectively make savings of \$2 billion over 20 years.

However, before the amalgamations, Pittwater Council had carried out a statistically reliable survey that showed 89 per cent of its residents wanted to remain in their stand-alone council. Yet the mergers were carried out without giving residents a democratic vote on the issue.

Since 2016, many Pittwater residents have called for the return of their former council. De-amalgamation campaigners from the Protect Pittwater Association have collected thousands of signatures from that community since 2017 requesting the return of their LGA.

This mirrors campaigns across the state. To date demerger proposals have been either submitted (or prepared) by Inner West Council, Canterbury Bankstown, Snowy Valleys and Cootamundra-Gundagai. Bayside Council last month resolved to prepare a desktop financial analysis on demerging, and campaigners in Guyra have also presented their case to the Office of Local Government. Finally, Protect Pittwater handed a demerger proposal to the NSW government in May 2018, which disappeared until February 2020, when it was rejected - as was a community

proposal to demerge Snowy Monaro Council. It is likely that several more councils will hold a poll on demerging in September.

Even government ministers have condemned the 2016 council amalgamations. Former NSW Planning Minister Anthony Roberts described them as *“a failed piece of policy”* in March 2023. Furthermore, NSW Local Government Minister Ron Hoenig said in a letter to the Demerge NSW Alliance in July 2023 that:

“I consider the policy of forced council amalgamations to have been one of the worst public policy decisions in the local government sector in many years”.

Others, such as economist and local government expert, Dr Joseph Drew, have said the mergers *“largely failed to deliver”* economies of scale and financially sustainable councils. Even the Institute of Public Affairs stated two years after the mergers that because the KPMG report was never released in full to the public, or even public servants implementing the program, *“the evidential basis for the changes is difficult to fully establish”.*

There are now two Bills before the NSW Parliament seeking to create pathways to de-amalgamations. Late last year, Upper House MP Dr Amanda Cohn introduced a Bill into Parliament which would allow binding plebiscites to be held in regards to council de-amalgamations. Then in February, NSW Local Government Minister Ron Hoenig introduced a Bill to amend the law, removing provision of initial costs from the Local Government Act and requiring support of the merged council to proceed.

Despite widespread support from crossbench MPs, unfortunately neither Labor nor the Coalition have indicated they will vote for Dr Cohn’s Bill, which would provide a simple way forward, with the cost of a referendum borne by the state government. The Liberals have said they will amend the Labor bill, but not to create a direct pathway for a demerger referendum.

The issue is clearly gaining momentum, while the original objections to the merged councils remain valid. There has been a loss of democratic representation under NBC because, for example in Pittwater, the six councillors who represent residents from the former Pittwater Council area (three from Pittwater Ward and three from Narrabeen) can be outvoted on any issue by the nine others from the remaining three wards (Curl Curl, Manly and Frenchs Forest). That contrasts with the former Pittwater LGA, which had nine councillors representing only Pittwater voting on Pittwater issues, meaning we controlled our own destiny.

Secondly, the larger wards on NBC mean that it is much harder to be elected. Candidates need more resources, both financial and in terms of campaigners, so that it's very difficult for independents not supported by a party or even candidates from small parties to be elected.

Under Section 218 of the Local Government Act, councils have only 10 years in which to initiate a de-amalgamation and the cheapest way for a council to do this is via a poll held with a council election. Thus, it would be a relatively inexpensive way to gauge the sentiment of the community on the matter by holding a poll at the September 14 council election.

To inform residents before this poll, staff should prepare a desktop business case, with financial and other social modelling. This information should then be widely distributed in the community before the poll.

Finally, I note that this motion should not reflect on NBC staff, who I believe carry out their duties in the best interests of the community. In fact, letting the people have a say in September could allow the council to go forward into the next term safe in the knowledge that it has its residents behind it.

Financial: The cost of a poll is estimated to be around 10 per cent of the total election cost.

Timing: The Electoral Commission will require notification regarding a poll by early June.

CHIEF EXECUTIVE OFFICER REPORT

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

The NSW Electoral Commission (the Commission) advises that councils may take a poll of electors for its information and guidance on any matter. Voting at a poll is not compulsory. The Commission requires poll questions to be carefully drafted and capable of being answered 'yes' or 'no'. The Commission asks councils considering conducting a poll to contact the Commission as soon as possible with the final wording of the question being required by 30 June 2024. Should Council resolve to conduct a poll and the resolved question requires any material amendments, the CEO will table the matter at the next available ordinary meeting for Council's further consideration.

The Commission estimates that each poll question increases the cost of the election by approximately ten percent. In the case of Northern Beaches, the increased cost of the election may be in the order of \$160,000 to \$200,000. The current draft 2024/25 Operational Plan sets aside \$1,730,000 for the holding of the 2024 local government election. It should be noted this is an estimate only and the final cost may be more or less than budgeted amount. To accommodate the anticipated increased cost of the election, and to satisfy clause 11.10 of the Code of Meeting Practice which requires all motions requiring the expenditure of funds to identify the source of funding, Council should allocate an additional \$200,000 when adopting the 2024/25 Operational Plan at its June ordinary meeting.

TRIM file ref	2024/291991
Attachments	Nil

16.0 QUESTIONS WITH NOTICE

ITEM 16.1 QUESTION WITH NOTICE NO 3/2024 - DEVELOPMENT AND ENVIRONMENT RELATED NON-COMPLIANCE PROCEEDINGS
--

COUNCILLOR GLANVILLE SUBMITTED THE FOLLOWING QUESTION:

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

TRIM file ref 2024/267445
Attachments Nil

18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
 - A. Item 18.1 Outcome of the Expression of Interest for use of the former Customer Contact Centre, Avalon Recreation Centre on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning operations of not-for-profit organisations. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would disclose commercial in confidence information.
 - B. Item 18.2 RFT 2023/187 - Construction Services for Brick Pit Reserve on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
 - C. Item 18.3 Review of Waste Collection Contract 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 Council's Waste Collection Contract. 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 could confer a commercial advantage on Council's Contractor in respect of significant matters.
 - D. Item 18.4 Manly Town Hall Reimagined - Feasibility study proposed for multi-use performance and exhibition space at Manly Town Hall 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 the future use of Manly Town Hall. 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 confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and affect Council's ability to achieve value for money in delivering a facility.
-

-
- E. Item 18.5 RFT 2023/101 - Bus Shelter Advertising including Supply and Maintenance on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

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

2. The resolutions 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.
-

19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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