

# AGENDA

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

**Tuesday 15 June 2021**

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



**Ray Brownlee PSM**  
**Chief Executive Officer**

## OUR VISION

*Delivering the highest quality service valued and trusted by our community*

## OUR VALUES

*Trust Teamwork Respect Integrity Service Leadership*



**Agenda for an Ordinary Meeting of Council  
to be held on Tuesday 15 June 2021  
at the Civic Centre, Dee Why  
Commencing at 6:00pm**

<b>1.0</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
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**19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION**

## **1.0 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

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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.

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## **3.0 CONFIRMATION OF MINUTES**

### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 25 MAY 2021**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 25 May 2021, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## **4.0 DISCLOSURES OF INTEREST**

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

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

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

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## **6.0 ITEMS RESOLVED BY EXCEPTION**

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

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## 7.0 MAYORAL MINUTES

ITEM 7.1	MAYORAL MINUTE NO 10/2021 - RECOGNITION AT LOCAL GOVERNMENT NSW EXCELLENCE AWARDS
TRIM FILE REF	2021/404018
ATTACHMENTS	NIL

### BACKGROUND

I am very proud to report that our staff have been recognised for their efforts at the Local Government Excellence Awards this month. These Awards celebrate outstanding achievements as well as promoting innovation and continuous improvement within NSW Local Government. In all, we were finalists in nine categories which is an extraordinary achievement.

Council's *Library2U initiative*, which involved staff delivering 41,000 items to residents' front doors during the COVID emergency last year, won the Customer Experience category. We know this was a service that was much appreciated by the local community.

We also had success in the Community Development category with our *Housing and Homelessness Project*. Council has worked closely with key housing, homelessness and domestic violence services over the past two years to address housing and homelessness issues on the Northern Beaches. As a result of this work, there has been a 20% decrease in people who were homeless over the first two annual Homelessness Street Counts. As well, 43 homeless people were housed in 2020, and targets set to increase the provision of social and affordable housing.

Both Council's Narrabeen Lagoon Boardwalk and the Manly Beach Marine Parade Wave Early Warning System projects were highly commended. Under the Assets and Infrastructure Category, the Boardwalk on the northern foreshore of Narrabeen Lagoon was recognised. It has proved increasingly popular since it was completed in November 2019 and provides a safer route for cyclists, joggers and walkers while protecting the lagoon's shoreline biodiversity.

In the Disaster Recovery /Emergency Response Management Category, the Highly Commended Early Warning System project involved Council setting up a tool, developed by the University of New South Wales (UNSW) Water Research Laboratory, which provides daily updates on possible coastal hazards such as heavy swells for people using Manly's historic Marine Parade. Our COVID Response project was also a finalist in this category.

Other finalists included our Library App, History Hub, Making a Difference and IGNITE-ing Excellence projects.

Council staff participated in this year's Australasian Management Challenge (NSW Division) and came second which is a great achievement. Local Government Professionals Australia has offered the Australasian Management Challenge for the last 25 years. It provides our staff with the opportunity to develop new insights into management and leadership excellence. Our staff who compete in these challenges come from a range of different business areas and it is a very big commitment on top of their usual workloads.

I ask Councillors to join me in congratulating the many staff involved across all of these projects and this year's management challenge team for their ongoing efforts to deliver exceptional services and facilities to our community.

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**MOTION**

That Council acknowledge the achievements of our staff involved in the many projects recognised at this year's Local Government Excellence Awards.

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**Michael Regan**  
MAYOR



## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

**ITEM 8.1** **NORTHERN BEACHES COUNCIL DISCRETIONARY FUND  
QUARTERLY REPORT**

**REPORTING MANAGER** **CHIEF EXECUTIVE OFFICER**

**TRIM FILE REF** **2021/392923**

**ATTACHMENTS** **NIL**

### SUMMARY

#### PURPOSE

To provide a report on the recipients and projects that have received an allocation from the Northern Beaches Council Discretionary Fund during the past quarter.

#### EXECUTIVE SUMMARY

The Northern Beaches Council Discretionary Fund provides the opportunity for Councillors to put forward requests from individuals and community organisations for financial assistance towards initiatives and services which yield a community benefit. Payments made for the period 22 February 2021 to 15 June 2021 totaling \$20,088.60 include:

Recipient	Description	Allocation
Creative Space Garden Club Volunteers - Curl Curl	Funding for equipment to maintain the garden at the Creative Space	500.00
Zonta Club of Northern Beaches	Funding assistance for the International Women's Day Breakfast held on Wednesday, 3 March 2021	500.00
Queenscliff SLSC Charity Golf Day	Team sponsorship – Charity Golf Day held on 12 March 2021	800.00
Rural Fire Service and State Emergency Services donations  As per Council Resolution of the meeting on 23 February 2021 – Mayoral Minute 01/2021  <i>Total funds of \$38,000 allocated for this project included \$15,000 from the Northern Beaches Discretionary Fund - remaining funds from other operating expenses</i>	Funds of \$2,000 each be provided to:  17 Rural Fire Service Brigades -  Beacon Hill Belrose Coal and Candle Davidson Duffys Forest Warringah Headquarters Terrey Hills Cottage Point Coasters Retreat Ingleside Mackerel Beach  Scotland Island Tumbledown Dick West Pittwater Catering Unit	15000.00

	Communications Unit Cadets Unit  2 SES Units -  Manly and Warringah/Pittwater Units	
Koori Kids NAIDOC Schools Initiative	Funding assistance towards the 2021 NAIDOC Week School Initiative, colouring competition held prior to NAIDOC Week, 4-11 July 2021	750.00
Tibetan Community of Australia (NSW) Inc	Funding assistance towards the Tibetan Community's Unity Cup held on the Northern Beaches, 2-4 April 2021	1000.00
Manly Marlins Annual Golf Day	Team sponsorship for the Manly Marlins Annual Golf Day, 19 March 2021	698.00
Local Resident	Sponsorship to assist with costs incurred for training for Olympic selection	340.60
Local Resident	Purchase of 10 local history publications for distribution at Northern Beaches libraries – <i>See You at Randells</i>	250.00
Local Resident	Funding assistance towards attendance at YNSW Youth Parliament 2021	250.00

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#### RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council note payments totalling \$20,088.60 have been allocated by the Northern Beaches Council Discretionary Fund for the period 22 February 2021 to 15 June 2021.

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## REPORT

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### BACKGROUND

The Northern Beaches Council Discretionary Fund supports individuals and community organisations through small financial donations. It also provides assistance to local residents to attend events or conferences that further develop educational or sporting endeavours at a representative level.

At the 19 December 2017 Council meeting, Council adopted the Northern Beaches Council Discretionary Fund Policy, with a requirement that recipient and project details be reported to Council on a quarterly basis. This report only includes allocations that have been finalised.

As required under the policy, the maximum amount which may be allocated to an individual or community organisation is \$1,000 and only one payment can be made to an individual or community organisation within the same financial year.

All requests to the Northern Beaches Council Discretionary Fund are submitted to the Mayor, Deputy Mayor or a Councillor, and the Chief Executive Officer to certify that the allocation is made in accordance with the policy and that the funds are available.

The next report to Council will be presented at the ordinary Council meeting in October 2021 (*due to the Local Government Elections being held in September 2021*).

### CONSULTATION

Requests upon the discretionary fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer for approval in accordance with the policy.

### TIMING

A quarterly report to Council is required by the Northern Beaches Council Discretionary Fund Policy.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 11: Our community feels safe and supported.

### FINANCIAL CONSIDERATIONS

The funds allocated are provided within the existing annual budget of \$30,000 for the Northern Beaches Discretionary Fund. Total expenditure as at 15 June 2021 is \$29,812.89 with \$187.11 remaining. No funding will be provided outside of the allocated budget in each financial year.

### SOCIAL CONSIDERATIONS

The Northern Beaches Council Discretionary Fund supports individuals and community organisations and provides assistance to local residents to attend events or conferences that further develop their educational or sporting endeavours at a representative level.

**ENVIRONMENTAL CONSIDERATIONS**

The Northern Beaches Council Discretionary Fund – Quarterly Report has no specific environmental impact.

**GOVERNANCE AND RISK CONSIDERATIONS**

Payments allocated under the Northern Beaches Council Discretionary Fund have satisfied the requirements under both the Northern Beaches Council Discretionary Fund Policy and the approval process as last adopted by Council on 19 December 2017

<b>ITEM 8.2</b>	<b>REQUEST FOR FREEDOM OF ENTRY - AUSTRALIAN AIR FORCE CADETS NO. 305 SQUADRON</b>
<b>REPORTING MANAGER</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>TRIM FILE REF</b>	<b>2021/391136</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

Council has received a request from the Australian Air Force Cadets (AAFC) No 305 (City of Pittwater) Squadron seeking Freedom of Entry be granted by Northern Beaches Council.

#### EXECUTIVE SUMMARY

The Australian Air Force Cadets (AAFC) No 305 (City of Pittwater) Squadron is seeking Freedom of Entry to be granted by Northern Beaches Council so it can formally change its name to the Australian Air Force Cadets No. 305 (City of Northern Beaches) Squadron.

The Air Force Cadet Squadron parades at the Dee Why Army complex located on South Creek Road and in 2021 marks its 80<sup>th</sup> anniversary.

The former Pittwater Council resolved at a Council Meeting on 5 September 2011 “*That Council grant the right of entry to the Pittwater Local Government Area to the 305 Squadron Australian Air Force Cadets on Saturday 16 June 2012 as part of the Avalon Tattoo*”. This Freedom of Entry was officially granted at the Avalon Tattoo on 16 June 2012.

The 305 Squadron formally requested on 15 April 2021 that Northern Beaches Council officially cross it over to become No 305 (City of Northern Beaches) Squadron Australian Air Force Cadets. As part of the name change the squadron has requested that Council provide a formal letter of approval to be presented by the Mayor.

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#### RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That:

1. Council grant Freedom of Entry to the Australian Air Force Cadets No. 305 Squadron to allow a change of name from the Australian Air Force Cadets No. 305 (City of Pittwater) Squadron to the Australian Air Force Cadets No. 305 (City of Northern Beaches) Squadron.
  2. The Mayor write to the Australian Air Force Cadets No. 305 Squadron to advise that Northern Beaches Council grants it Freedom of Entry.
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## REPORT

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### BACKGROUND

Freedom of Entry to a city is a right which is granted upon a military unit by a Local Government. It stems from medieval tradition and represents the highest honour that the city can confer on a military unit. While there is no specific legislation that applies to conferring Freedom of Entry, under s.226(l) of the *Local Government Act 1993* the role of the Mayor is 'to carry out the civic and ceremonial functions of the mayoral office'.

While the Northern Beaches is not categorised as a 'city', the squadron seeks to continue the tradition it had with the former Pittwater Council which will enable its name to change following amalgamation of the three former councils.

The Australian Air Force Cadets (AAFC) is a youth oriented organisation which is administered and actively supported by the Royal Australian Air Force. It aims to teach cadets valuable life skills and develop leadership, self-reliance, confidence and teamwork qualities. The squadron parades at the Dee Why Army complex located on South Creek Road, Dee Why.

### CONSULTATION

The request was made directly to the Mayor on 15 April 2021 by the Executive Officer of the No. 305 (City of Pittwater) Squadron Australian Air Force Cadets.

### TIMING

While there is no deadline specified, the Australian Air Force Cadets No. 305 (City of Pittwater) Squadron is celebrating its 80<sup>th</sup> Anniversary this year.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of Goal 12 – Community and Belonging – *Our community is friendly and supportive.*

### FINANCIAL CONSIDERATIONS

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

### SOCIAL CONSIDERATIONS

By providing Freedom of Entry to the Australian Air Force Cadets No 305 Squadron we are respecting an honoured agreement with the former Pittwater Council. There is no social impact as it is seeking to change its name only to reflect the amalgamation of the former Councils.

### ENVIRONMENTAL CONSIDERATIONS

The recommendations of this report pose no environmental considerations for Council.

### GOVERNANCE AND RISK CONSIDERATIONS

The recommendations of this report have no governance and risk considerations.

<b>ITEM 8.3</b>	<b>SERVICE LEVELS TO THE NORTHERN BEACHES COMMUNITY</b>
<b>REPORTING MANAGER</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>TRIM FILE REF</b>	<b>2021/350209</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Service Levels (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To seek from Council the adoption of the current service levels attributed to Council's 57 services to the Northern Beaches community.

### EXECUTIVE SUMMARY

Northern Beaches Council is the largest provider of services for the Northern Beaches community. Across 16 key service areas, we deliver 57 individual services, over 220 service functions and over 900 levels of service.

Council is committed to reviewing and improving its services to achieve the vision to "deliver the highest quality service, valued and trusted by our community".

On 23 June 2020, Council adopted a framework for the systematic review of its 57 services including the process, peer review and associated timelines. Simultaneously a review was undertaken of the current levels of service to the community.

This report outlines the levels of service that Council is currently providing to the community and seeks the formal adoption of those levels of service by Council. Service review findings will be presented to Council in the near future.

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### RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council endorse the current levels of service attributable to Council's 57 services as outlined in Attachment 1.

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## REPORT

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### BACKGROUND

Northern Beaches Council is the largest provider of services for the Northern Beaches community. Across 16 Key Service Areas, we deliver 57 individual services, over 220 service functions and over 900 levels of service. Since amalgamation Council has effectively delivered services, both in response to growing community expectations and the demands placed upon it from other levels of government. In the main, the current levels of service align to the highest level of service delivered by the former three Councils.

As a result of changing demands and the pursuit of continuous improvement it was appropriate to undertake a review of all services of Council. On 23 June 2020, Council adopted a framework for the systematic review of its 57 services including the process, peer review and associated timelines. Simultaneously a review was undertaken of the current levels of service to the community.

A number of workshops have been held with Councillors to consider the service levels to be provided by the organisation to the community. Further to Councillor discussions, the Hop Skip & Jump bus service has now been included as separate service level.

### Definition of a service level and determination of the current level of service

The level of service (also known as service level) can be defined as the service quality for a given activity or function and is often viewed as a commitment to carry out a given action or actions within a specified time frame in response to an event, request or asset condition data.

Each service had its levels of service confirmed by a review of the current practices and contracts of Council in delivering that service. Each service level has now been consistently categorised based on service category, function, delivery method, location, description and scheduled or reactive frequency.

Service levels for Council's 57 services are outlined in Attachment 1 for the consideration and adoption by Council.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

### FINANCIAL CONSIDERATIONS

Current service levels are funded from Council's budget.

### SOCIAL CONSIDERATIONS

Service levels are designed to address the level of service required by the community including any social considerations.



**ENVIRONMENTAL CONSIDERATIONS**

Service levels are designed to address the level of service required by the community including any environmental considerations.

**GOVERNANCE AND RISK CONSIDERATIONS**

Service levels are designed to address the level of service required by the community including any mitigation of risk. The adoption of Council's current levels of service is to ensure that the community is aware of the detail of Council's level and delivery of service in an open and transparent manner. Service levels will be subject to change depending on the external environment, community requirements and internal resourcing.

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

<b>ITEM 9.1</b>	<b>OUTCOME OF PUBLIC EXHIBITION OF THE DELIVERY PROGRAM 2021-2025 AND OPERATIONAL PLAN 2021/22</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGY &amp; PERFORMANCE, AND EXECUTIVE MANAGER FINANCIAL PLANNING &amp; SYSTEMS</b>
<b>TRIM FILE REF</b>	<b>2021/359951</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">Community and Stakeholder Engagement Report (Included In Attachments Booklet)</a></li> <li>2 <a href="#">Revised Delivery Program 2021-2025, Operational Plan and Budget 2021/22 (Included In Attachments Booklet)</a></li> <li>3 <a href="#">Proposed Changes to the Delivery Program, Operational Plan and Budget (Included In Attachments Booklet)</a></li> <li>4 <a href="#">Revised Fees and Charges 2021/22 (Included In Attachments Booklet)</a></li> <li>5 <a href="#">Proposed Changes to Fees and Charges (Included In Attachments Booklet)</a></li> <li>6 <a href="#">Proposed New Fees for exhibition (Included In Attachments Booklet)</a></li> </ol>

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### SUMMARY

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#### PURPOSE

To consider submissions received during the public exhibition of the draft Delivery Program 2021-2025, Operational Plan 2021/22 (including Fees and Charges) and seek Council's adoption of these documents along with any revisions.

#### EXECUTIVE SUMMARY

Council at its meeting on the 27 April 2021 resolved to exhibit the draft Delivery Program 2021-2025, Operational Plan 2021/22 for a minimum period of 28 days.

A total of 526 individuals and groups made submissions, raising some 86 issues. The response to these issues is at Attachment 1.

As a result of items raised in submissions, as well as new and updated information being available since the draft documents were placed on exhibition, a range of amendments are proposed.

The 2021/22 budget projects total expenditure of \$473 million, including a capital works program of \$125 million. It shows that our financial position is sound, with a projected Operating Surplus before Capital Grants and Contributions of \$11 million and a balanced budget position. A further \$5 million in loan repayments will also be made during the year, reducing the loans balance to \$17 million by 30 June 2022. Strengthening working capital, following the significant events of the past 18 months, is also a focus over the four years of the Delivery Program to provide funding to respond to unexpected events, invest in new opportunities, and sustain our financially strong and sustainable position into the future.

The operating surplus has decreased from the \$11.2 million exhibited in the draft budget to \$11.0 million. The primary reason for this change is the rollover of \$0.276 million from the March 2021 quarterly budget review for the 'Accelerated streetlighting replacement program'. Council has also been notified by NSW Revenue that the Emergency Services Levy will be \$1.018 million lower than the draft budget anticipated. This reduction in the levy was offset by the removal of \$0.660 million

in grant funding for the Narrabeen Lagoon Clearance works following notification the project will not receive NSW Government funding in 2021/22 and \$0.170 million to host the NSW Surf Life Saving Championships event.

The capital expenditure program has increased from \$105.6 million to \$125.5 million due to budget rollovers approved in the March quarterly budget review and new grants.

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## RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

1. Adopt the revised Delivery Program 2021-2025, including the Operational Plan 2021/22 at Attachment 2.
  2. Adopt the revised Fees and Charges 2021/22 applying from 1 July 2021 to 30 June 2022 at Attachment 4 as the fixed fees in accordance with Part 10 of Chapter 15 of the Local Government Act 1993 (the Act).
  3. Make the following rates and charges:
    - A. In accordance with sections 494 and 495 of the Act, Ordinary and Special Rates are made as shown in Table 1 in the report.
    - B. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Table 2 in this report.
    - C. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 3 in the report.
    - D. In accordance with section 67 of the Act, sets the fee for works on private land carried out by Council to be charged at the appropriate commercial rate (being cost of the works and standard on-costs, to provide full cost recovery plus a return to Council).
    - E. In accordance with section 611 of the Act, a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
  4. Adopt an interest rate of 6.0% on overdue rates and charges, in accordance with section 566(3) of the Act.
  5. Endorse the exhibition of the additional fees proposed for Currawong Beach Cottages at Attachment 6 in accordance with section 610F of the Act, and the outcome of the exhibition be reported to Council.
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## REPORT

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### BACKGROUND

At its meeting on 27 April 2021, Council considered the draft Delivery Program 2021-2025 and draft Fees and Charges 2021/22 and resolved, in part, that:

- '1. Council place the draft Delivery Program 2021-2025 and Operational Plan 2021/22 (including the Budget and Fees and Charges) on public exhibition for a minimum of 28 days.*
- 2. The outcomes of the public exhibition of the draft Delivery Program 2021-2025 and Operational Plan 2021/22 be reported back to Council.'*

The documents were exhibited in accordance with s404-405 of Local Government Act 1993. This report outlines the exhibition, the community response, and provides further detail and explanation including recommended changes.

### CONSULTATION

The exhibition was open for 30 days from 30 April to 30 May 2021. A dedicated page on Council's YourSay community engagement platform hosted the exhibition.

Additional material was available on-line to make it easier for the community to see what was happening in their local area via 12 local snapshots covering the Northern Beaches. Fact sheets were also provided on footpaths and road re-sheeting programs, service improvements and efficiency savings, rates and charges harmonisation and your dollars at work.

The exhibition was widely promoted via:

- Seven electronic direct mails (EDMs) distributed to over 188,000 readers.
- Two facebook posts with over 124,000 impressions and 7,177 clicks.
- Two videos covering the budget, capital works and an animation with 165 views.
- Five stakeholder meetings attended by 26 people.
- Over 8,897 people visited the online engagement page spending on average 2m 57s on the site.

A total of 526 individuals and groups people made submissions, comprised of:

- 99 online submissions using YourSay Northern Beaches engagement platform.
- 19 emails/letters direct to Council.
- 408 emails referred by Councillors.

### Consideration of Submissions

The Community and Stakeholder Engagement Report at Attachment 1 outlines the engagement, submissions and response from Council. A summary of the key themes is below:

Themes	No. issues
Rates increase – oppose increase, rates harmonisation, hardship	3
Budget priorities and financial sustainability	5
Service Reviews/Outsourcing	5
Parks and Recreation – mountain biking, dog off leash, synthetic sportsfields, park and town centre improvements	15
Property and Aquatic facilities	4
Transport and Civil Infrastructure- footpath requests, cycling, road conditions, traffic calming, wharves, parking and Hop Skip and Jump Bus	19
Strategic planning and economic development – Frenchs Forest Precinct, place plans, Dee Why Town Centre, Manly Information Visitor Centre	7
Children, Community and Cultural and Library Services	6
Environment protection – Wakehurst Parkway, environment levy	8
Environmental compliance and enforcement	3
Domestic waste including Kimbriki – oppose increase domestic waste charge, waste bins, bulky good collection	6
Community engagement	5

The submissions raised 86 issues on the Delivery Program. The issues receiving the most attention (10 or more submissions) are below.

- Oppose the IPART Rate Peg increase - 409 submissions
- Oppose the increase in the domestic waste charges – 405 submissions
- Increase in Church Point annual parking permit (opposed 50/support 1) - 51 submissions
- Support for a footpath in Barrenjoey Road, Palm Beach - 13 submissions

### **IPART Rate Peg increase**

The draft budget provides for an increase in general rate revenue by the Independent Pricing and Regulatory Tribunal (IPART) determined 'rate peg' of 2.0% in 2021/22. The IPART's annual 'rate peg' is essentially local government's version of CPI which takes into account inflation, construction costs, a wage index and the other expenses councils face that are out of our control.

The index has 26 weighted cost components, with the main contributors to the change in the Local Government Cost Index (LGCI) being:

- An increase of 2.4% in employee benefits and on-costs, measured by the ABS wage price index for the NSW public sector
- An increase of 3.8% in other business services, measured by the ABS Producer price Index - 7299 'Other administrative services not elsewhere'

- An increase of 0.7% in construction works – roads, drains, footpaths, kerbing, bridges costs, measured by the ABS producer price index for roads and bridge construction – NSW.

As the IPART measures cost changes over the 2019/20 financial year compared to 2018/19, there is generally a two year lag between when councils paid these costs and when they are reflected in the rate peg.

The draft Operational Plan and Budget 2021/22 is based on an increase in rates of 2.0%, which raises an additional \$3.5 million to ensure Council can sustain existing service levels and maintain assets.

The average residential rate will increase by \$30 for the year, as illustrated in the following table.

Average residential rate	2.0% IPART rate peg	2021/22 average rate payable
Per annum	+ \$30	= \$1,525
Per quarterly instalment	+ \$7.50	= \$381.25

Council's focus is on continuing to achieve efficiency savings and reinvesting those into our community. Council has achieved a reduction in operating costs in the development of the 2021/22 draft budget, meeting the \$2.75 million target reduction set out in the Long Term Financial Plan for 2021/22. We are continuing to work across the organisation to provide efficiency improvements and contain costs.

As a result, it is recommended Council approve the increase of 2.0% in general rate revenue consistent with the IPART rate peg in 2021/22 as exhibited.

### Domestic Waste Management Charge increase

The standard domestic waste charge is proposed to be \$466.00 in 2021/22 (a \$20 increase on the 2020/21 charge).

The domestic waste management charge funds the waste service to residential households across the Northern Beaches. Council must make and levy an annual charge for the service and income must not exceed the reasonable cost to Council of providing the services (Section 496 and 504 of the Act). Any surplus funds raised from the charge is held as a restricted cash asset. These funds can only fund the domestic waste service.

Over the past two financial years Council has returned surplus funds collected through the charge, back to ratepayers through lower charges. The surplus funds were a result of the delivery of the bin replacement project at a lower cost than originally forecast.

The increase in the charge includes the expansion in the eligibility criteria for the voluntary pensioner rebate for waste charges (\$2 of the 2021/22 increase) and removal of the adjustment to reduce the surplus of funds in the domestic waste reserve in 2020/21 (\$15 of the 2021/22 increase).

The 2021/22 charge remains lower than the charge previously paid by many ratepayers before the service was harmonised on 1 July 2019. In addition, the current contracts have resulted in better environmental outcomes.

As a result, it is recommended Council approve the Domestic Waste Management Services Charge as exhibited.

### **Church Point Parking Permit**

Fees for Church Point Car Park have been established based on the funding plan for the 10 year \$6.5m loan taken out by the former Pittwater Council to part-fund the construction of the carpark and surrounding works. The estimates of income received and costs associated with the parking area made at the time the loan was taken out are consistent with the actual results experienced since the car park opened. The 10 year model is supported by a \$500 parking fee, indexed annually, and contributes towards the funding required to support loan repayments over the same period. This fee structure is consistent with community consultation undertaken by the former Pittwater Council at the time. Once this loan is repaid, a reduction in the carpark fee will be proposed.

The loan is due to be repaid within the 2025/26 financial year. In 2021/22 repayments will be \$658,903 plus \$25,695 in net interest payable after a Local Infrastructure Renewal Scheme subsidy from the NSW Government.

The Church Point carpark is scheduled for resurfacing and linemarking in 2021/22. There is currently no proposal to provide additional parking capacity at Church Point.

As a result, no change is recommended to the exhibited fees.

### **Responding to Community feedback**

In finalising the Delivery Program and Operational Plan, changes at Attachment 3 are recommended. This includes responding to a submission and separately identifying the works at Little Manly as Masterplan Implementation, Playground Upgrade and Amenity Works.

Some of the issues raised in submissions will be responded to in the Delivery Program, including:

- Footpath on the eastern side of Barrenjoey Road, Palm Beach commencing at Careel Head Road to Currawong Avenue, Palm Beach is included in the program for 2021/22
- Albert Street, Freshwater – localised defect in the road pavement to be addressed in the road patching program
- Condition of road pavements in various locations will be investigated and included in future works program subject to road network priorities
- The policy under development on the management of dogs in public places will consider the suggestion for an off leash dog area at Nolan, Miller and David Thomas Reserves
- Funding for the playground in Ashley Parade, Fairlight is in the Playground Program for 2022/23 financial year.

### **Fees and Charges – amendments and additions**

While the fees were on exhibition staff identified further amendments to fees. These are at Attachment 5 and summarised below:

- Amend the Good and Services Tax (GST) status of fees
- Rounding of the rates for Currawong Beach Cottages to the nearest \$5
- Minor amendments to fee descriptions for parking permits
- Extending discounts for Arts and Culture Programs to Glen Street Theatre members
- Amending fees for room hire and scanning in the libraries.



These amendments have been incorporated in the revised Fees and Charges 2021/22 at Attachment 4.

New fees are also proposed for Currawong Cottage. This includes a weekly rate for mid-season use of The Lodge, new rates applying to Platypus Cottage after they are renovated as well as fees for the tennis courts and supply of firewood. The fees are at Attachment 6. Approval to exhibit the proposed fees and report the engagement outcomes back to Council is being sought.

## **Budget 2021/22**

### *Budget Overview*

The Northern Beaches Council budget for 2021/22 projects total expenditure of \$473 million, including a capital works program of \$125.5 million. It shows that our financial position is sound, with a projected Operating Surplus before Capital Grants and Contributions of \$11 million, a further \$5 million in loans repaid along with a balanced budget position.

The Delivery Program is focused on rebuilding working capital funds following the impact of significant events over the past 18 months including storms, bushfire threats, settlement of the Whistler Street car park matter and the COVID-19 pandemic. Strengthening of working capital will ensure the Council maintains sufficient funding for unexpected events and future opportunities.

The \$125 million capital works program includes investing \$43 million in asset renewal to improve the overall condition of our assets, thereby reducing ongoing operational costs associated with asset repair and maintenance. A further \$82 million is for delivering high priority new assets to the community including footpaths, cycleways, playgrounds, sportsfield improvements, creekline and coastal protection works and upgrades to facilities.

## **Financial Position and Performance**

The Council's financial results over the past two financial years largely reflect the impact of the COVID-19 pandemic restrictions on operations and the support measures in place for the community. Significant events have also placed pressure on the Council's finances, including significant storms and bushfire preparation in 2019/20 and the settlement of the Whistler Street car park matter in 2020/21. This Delivery Program is focused on recovery and rebuilding the Council's working capital into the future to support the resilience of the organisation to, again, sustain unexpected events into the future.

The 2021/22 forecast operating surplus of \$11 million (excluding capital grants and contributions) provides an Operating Performance Ratio of 3.14%, a significant improvement on the -4.62% ratio forecast in 2020/21 and well above the industry benchmark of 0%.

Liquidity remains within the industry benchmark (1.50) with an Unrestricted Current Ratio 1.59, meaning for every \$1.00 in current liabilities there is \$1.59 in current assets. Rebuilding working capital following the significant events of the past two financial years provides a strengthening of this ratio over the four years of the Delivery Program, growing to 2.00 by 2024/25.

Net cashflow will be a negative \$31 million in 2021/22, primarily due to the large capital investment in 2021/22, funded through working capital, grants and developer contributions received in the past. Net cashflow will return to a positive position from 2022/23.



	Result 2019/20 \$ 'mil	Budget 2020/21 \$ 'mil	Budget 2021/22 \$ 'mil	Projected 2022/23 \$ 'mil	Projected 2023/24 \$ 'mil	Projected 2024/25 \$ 'mil
<b>Operating budget</b>						
Income	366	369	404	376	388	397
Operating expenses	(347)	(359)	(347)	(351)	(360)	(371)
<b>Operating result</b>	<b>19</b>	<b>11</b>	<b>56</b>	<b>25</b>	<b>28</b>	<b>26</b>
Less grants and contributions for capital projects	(35)	(29)	(45)	(11)	(12)	(11)
<b>Operating result - excl capital income</b>	<b>(17)</b>	<b>(18)</b>	<b>11</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>Capital expenditure</b>						
New works	(50)	(43)	(82)	(24)	(18)	(18)
Renewal works	(47)	(45)	(43)	(45)	(48)	(48)
<b>Total capital expenditure</b>	<b>(97)</b>	<b>(88)</b>	<b>(125)</b>	<b>(69)</b>	<b>(66)</b>	<b>(66)</b>
<b>Loan repayments</b>	<b>(5)</b>	<b>(5)</b>	<b>(5)</b>	<b>(5)</b>	<b>(3)</b>	<b>(2)</b>
<b>Cash and investments</b>						
Externally restricted	39	28	18	16	18	19
Internally restricted	72	63	56	55	56	59
Unrestricted	44	24	12	15	19	23
<b>Total cash and investments</b>	<b>154</b>	<b>116</b>	<b>85</b>	<b>85</b>	<b>93</b>	<b>101</b>
<b>Cashflows</b>						
Net cash from operating activities	41	62	110	78	81	82
Net cash from investing activities*	(77)	(95)	(135)	(71)	(70)	(71)
Net cash from financing activities	(6)	(6)	(6)	(6)	(5)	(3)
<b>Net increase / (decrease) in cash</b>	<b>(42)</b>	<b>(39)</b>	<b>(31)</b>	<b>1</b>	<b>7</b>	<b>8</b>
* Exclude purchase and sale of investments						
<b>Financial position</b>						
Assets	5,263	5,270	5,348	5,407	5,474	5,544
Liabilities	(177)	(168)	(158)	(153)	(149)	(149)
<b>Net Assets</b>	<b>5,086</b>	<b>5,102</b>	<b>5,190</b>	<b>5,254</b>	<b>5,325</b>	<b>5,395</b>

## Performance measures

Performance measures	OLG	Result	Budget	Budget	Projected	Projected	Projected
	Benchmark	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Budget Performance							
Operating Performance Ratio	>0%	-5.0%	-4.6%	3.1%	4.1%	4.2%	4.0%
measures the extent to which a council has succeeded in containing operating expenditure within operating revenue		✗	✗	✓	✓	✓	✓
Own Source Operating Revenue Ratio	>= 60%	84.9%	86.1%	84.4%	93.3%	93.0%	93.7%
measures fiscal flexibility. It is the degree of reliance on external funding sources		✓	✓	✓	✓	✓	✓
Operational Liquidity							
Unrestricted Current Ratio	>= 1.5x	2.1x	1.7x	1.6x	1.7x	1.9x	2.0x
represents a council's ability to meet short-term obligations as they fall due.		✓	✓	✓	✓	✓	✓
Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage	< 5%	4.1%	4.0%	4.0%	4.0%	4.0%	4.0%
expressed as a percentage of total rates and charges available for collection in the financial year		✓	✓	✓	✓	✓	✓
Cash Expense Cover Ratio	>= 3mths	5.4mths	4.1mths	3.2mths	3.2mths	3.4mths	3.6mths
liquidity ratio indicates the number of months a council can continue paying for its immediate expenses without additional cash inflow		✓	✓	✓	✓	✓	✓
Liability and Debt Management							
Debt Service Cover Ratio	>2.00x	3.70x	3.79x	7.86x	8.85x	11.94x	15.62x
measures the availability of operating cash to service loan repayments.		✓	✓	✓	✓	✓	✓
Asset Management							
Building and Infrastructure Renewals Ratio	>= 100%	121.3%	146.1%	167.4%	128.7%	133.1%	132.0%
assesses the rate at which these assets are being renewed against the rate at which they are depreciating		✓	✓	✓	✓	✓	✓
Infrastructure Backlog Ratio	<= 2%	1.38%	1.35%	1.31%	1.30%	1.28%	1.27%
ratio shows what proportion the infrastructure backlog is against the total net carrying amount of a council's infrastructure		✓	✓	✓	✓	✓	✓
Asset Maintenance Ratio	>= 100%	107.9%	107.9%	108.6%	110.9%	113.0%	115.0%
ratio 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.		✓	✓	✓	✓	✓	✓
Cost to bring assets to agreed service level	<= 2%	1.2%	1.1%	1.1%	1.1%	1.1%	1.1%
ratio shows what proportion the infrastructure backlog is against the total gross replacement cost of a council's infrastructure		✓	✓	✓	✓	✓	✓

## Sensitivity Scenario Analysis

The following table demonstrates the impact that an unexpected significant event could have on the financial performance and position of Council, if no adjustment was made to fund the event. While the Council could withstand the impact of a shock such as a \$4 million storm event, a COVID lockdown that caused a \$7 million reduction in income would cause the Council's Unrestricted Current Ratio to fall to 1.45x, which is below the industry benchmark of 1.5x.

	Result 2019/20 \$ 'mil	Budget 2020/21 \$ 'mil	Budget 2021/22 \$ 'mil	Projected 2022/23 \$ 'mil	Projected 2023/24 \$ 'mil	Projected 2024/25 \$ 'mil
<b>Budget</b>						
Operating result (excluding capital grants and contributions)	(17)	(18)	11	15	15	15
Operating Performance Ratio	-4.97%	-4.62%	3.14%	4.13%	4.15%	4.03%
Unrestricted Current Ratio	2.09x	1.75x	1.59x	1.68x	1.87x	2.00x
Unrestricted Cash	44	24	12	15	19	23
<b>Scenario 1 - A COVID Lockdown - \$7 million loss in income, with no matching reduction in expenditure</b>						
Operating result (excluding capital grants and contributions)	(17)	(18)	4	15	15	15
Operating Performance Ratio	-4.97%	-4.62%	1.21%	4.13%	4.15%	4.03%
Unrestricted Current Ratio	2.09x	1.75x	1.45x	1.54x	1.73x	1.86x
Unrestricted Cash	44	24	5	8	12	16
<b>Scenario 2 - A significant storm - \$4 million in expenses</b>						
Operating result (excluding capital grants and contributions)	(17)	(18)	7	15	15	15
Operating Performance Ratio	-4.97%	-4.62%	2.03%	4.13%	4.15%	4.03%
Unrestricted Current Ratio	2.09x	1.75x	1.51x	1.60x	1.79x	1.92x
Unrestricted Cash	44	24	8	11	15	19
<b>Scenario 3 - A \$1 million unfavourable income shock</b>						
Operating result (excluding capital grants and contributions)	(17)	(18)	10	15	15	15
Operating Performance Ratio	-4.97%	-4.62%	2.87%	4.13%	4.15%	4.03%
Unrestricted Current Ratio	2.09x	1.75x	1.57x	1.66x	1.85x	1.98x
Unrestricted Cash	44	24	11	14	18	22

### IPART approved rate peg

The total income that can be raised from levying rates on property is capped by the State Government, based on a determination by the Independent Pricing and Regulatory Tribunal (IPART). IPART determined that the maximum increase to general income from rates in 2021/22 is 2.0%. It is recommended that Council adopt the maximum IPART approved rate increase of 2.0%.

### Office of Local Government approved minimum rates

An application in accordance with the special guidelines for new councils applying to harmonise minimum rates on 1 July 2021, was lodged with Office of Local Government (OLG) on 23 March 2021.

In accordance with Council's application, the OLG has provided its approval for Council to make and levy the following minimum rates (which includes the 2.0% 2021-22 rate peg):

Residential - Ordinary	\$987.30
Business - Ordinary	\$1,285.51
Business – Manly CBD	\$1,285.51
Business – Strata Storage Units	\$614.41
Farmland - Ordinary	\$950.55

### Rating Structure 2021/22

The rating structure will be based entirely upon property valuations (ad valorem) but with minimum rates applying where appropriate. Rates for 2021/22 will be assessed on land values as at 1 July 2019.

It is recommended that Council adopts the maximum rate increase of 2.0% approved by IPART and the minimum rates approved by the OLG and in accordance with Sections 494 and 495 of the Local Government Act 1993, makes the following Ordinary and Special Rates for 2021/22:

**Table 1: Ordinary and Special Rates 2021/22**

Rate	Rate in \$	Minimum Rate
Residential	0.00157239	\$987.30
Business	0.00433118	\$1,285.51
Business – Manly CBD	0.00569810	\$1,285.51
Business – Warriewood Square	0.00476430	-
Business - Warringah Mall	0.00795704	-
Business – Strata Storage Units	0.00433118	\$614.41
Farmland	0.00056031	\$950.55
Special - Manly Business Centre Improvement	0.00196114	-
Special - Balgowlah Business Centre Improvement	0.00120435	-

Further details on the special rates as well as properties covered by business sub-categories and special rates are shown in Attachment 2 to this report.

## Domestic Waste Management Charges

Domestic Waste Management Charges for 2021/22 reflect the forecast cost of the Northern Beaches Council service.

In accordance with Section 496 of the Local Government Act 1993, it is recommended Council makes and levy the following Domestic Waste Management Charges for 2021/22:

**Table 2: Domestic Waste Management Services 2021/22**

Description	Charge	Income
Domestic waste management service (includes 80L red, 140L blue, 140L yellow and 2x240L green lid services and 2 booked cleanups per year)	\$466.00	\$45,349,722
Availability charge	\$103.00	\$125,557
Additional 80L red lid rubbish service	\$280.00	\$2,604,000
First additional 140L blue lid recycling service	\$31.00	\$124,000
Subsequent additional 140L blue lid recycling service	\$105.00	\$13,020
First additional 140L yellow lid recycling service	\$31.00	\$124,000
Subsequent additional 140L yellow lid recycling service	\$105.00	\$15,750
Third or fourth green vegetation lid service	\$31.00	\$29,419
Clean up excessive or incorrectly presented waste	\$195.00 per hour + cost recovery on landfill disposal charges	\$0
Clean up contaminated or excessive booked bulky goods collection in excess of the permitted 3 cubic metres	\$75.00 per excess cubic metre	\$0
Empty contaminated bin	\$30.80	\$0
<b>Total income</b>		<b>\$48,385,468</b>
Cost of domestic waste service		(\$48,261,617)
Allocation to reserve		\$123,851

## Interest Charges on Overdue Rates and Charges

The Minister for Local Government has determined the maximum rate of interest payable on overdue rates and charges is 6% per annum for the period 1 July 2021 to 30 June 2022 (inclusive).

The methodology used to calculate the interest rate is consistent with the Supreme Court methodology utilised to provide a nationally harmonised provision for the awarding of post-judgement interest (the Reserve Bank cash rate plus 6%), rounded to the nearest half per cent of the maximum interest rate for the previous year. The cash rate used for the purposes of the maximum interest rate for local government is based on the cash rate as at 2 December 2020.

In accordance with Section 566(3) of the Local Government Act, it is recommended that Council adopts the maximum interest rate allowed and this be applied to all Northern Beaches properties.

### Stormwater Management Services Charges

As part of the rates harmonisation process, Council has also endorsed the harmonisation of the Stormwater Management Services Charge (previously only applied to former Manly and Pittwater ratepayers). From 2021/22 the Stormwater Management Services Charge will be levied to all eligible residential and business ratepayers to fund a program of stormwater improvement projects. The charge is expected to raise \$2 million in 2021/22.

In accordance with Section 496A of the Local Government Act 1993, it is recommended that Council makes and levies the following Stormwater Management Service Charges for 2021/22:

**Table 3: Stormwater Management Services Charges**

Stormwater Management Service	Charge
Residential – single dwelling	\$25.00
Residential - strata lots	\$12.50
Business	\$25.00 per 350 square metres (or part thereof) for land categorised as business (excluding strata lots)
Business strata lots, business company title	\$5.00 or the relevant portion of the maximum annual charge that would apply to the strata scheme if it were a parcel of land subject to the land categorised as business

### Section 611 Charges

That an annual charge under Section 611 of the Local Government Act 1993 be made and levied for the year commencing 1 July 2021 on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.

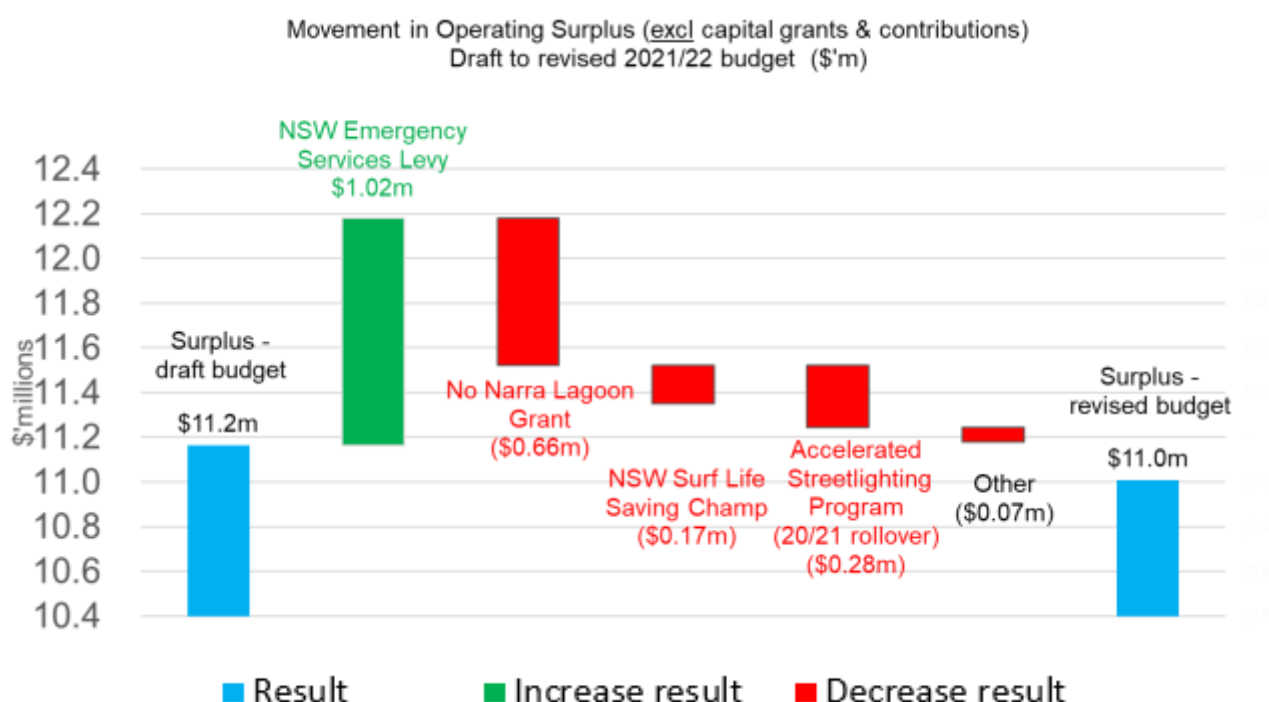
### Works on Private Land

Council may carry out work on private land, either on request or agreement with the owner of the land, or under relevant legislation. The amount or rate to be charged will be the appropriate commercial rate – the actual cost of the works and standard on costs to provide full cost recovery plus a return to Council.

### Proposed changes to the Budget

The budget remains a balanced budget, however the operating result has changed due to rollovers from the 2020/21 budget approved through the March Quarterly Budget Review and new information available since the draft documents were placed on exhibition.

There has been a minor reduction in the operating surplus (excluding capital grants and contributions) from \$11.2 million exhibited in the draft budget to \$11.0 million, as outlined below:



The primary reasons for the change in the surplus are outlined below in Table 4.

**Table 4: Summary of proposed movement in operating budget result (excluding capital grants and contributions)**

<b>Operating Surplus before Capital Grants and Contributions per Draft Operational Plan</b>	<b>\$11.163m</b>
NSW Emergency Services Levy <sup>1</sup>	\$1.018m
Narrabeen Lagoon Clearance Works – unsuccessful grant <sup>2</sup>	(\$0.660m)
NSW Surf Life Saving Championships – event hosting <sup>3</sup>	(\$0.170m)
Accelerated streetlighting replacement program - Rollover from 2020/21	(\$0.276m)
Currawong environmental project (PEF funding) – Rollover from 2020/21	(\$0.040m)
Minor adjustments	(\$0.028m)
<b>Revised Operating Surplus before Capital Grants and Contributions</b>	<b>\$11.007m</b>

#### 1. NSW Emergency Services Levy

Following two years of large increases, in May 2021, Council received notification of a 13% reduction in the annual Emergency Services Levy (ESL) for the 2021/22 financial year. This levy comprises the funding contributions of Council to Fire and Rescue NSW, the Rural Fire Service and State Emergency Service. In 2020/21 the ESL was \$7,367,265 and in 2021/22 the levy will decrease to \$6,415,697 – this is \$1,017,872 less than Council's exhibited 2021/22 draft budget.

Increases in the recent years were driven primarily by the introduction of new laws to make it easier for firefighters to make a workers' compensation claim if diagnosed with one of 12 work-related cancers. We understand subsequent adjustments to the estimated cost of this provision have been captured in the reduced levy next financial year.



## 2. Narrabeen Lagoon Clearance Works – unsuccessful grant

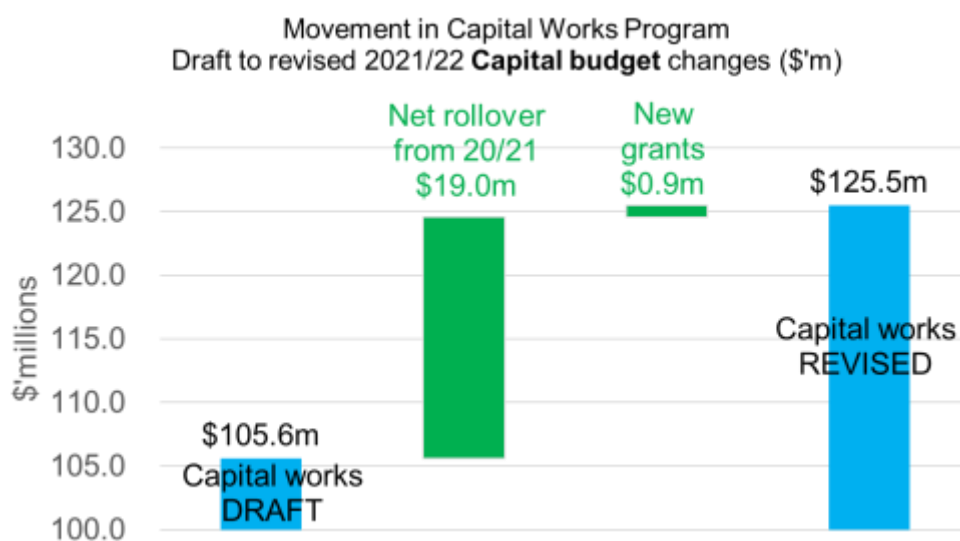
The Narrabeen Lagoon entrance clearance works are completed on a regular basis to reduce the risk of flooding and improve recreational water quality in Narrabeen Lagoon. The next clearance works are scheduled to occur in winter 2021. These works have been consistently funded by the NSW Government through the Floodplain Management Program over a number of decades. Council's grant application for the upcoming works was refused as the NSW Government now consider the works to be maintenance.

The requested grant funding was \$660,000, which represents two thirds of the expected project total of \$990,000. The grant income has now been removed from the proposed 2021/22 budget. As these works are a critical flood mitigation action, and in the absence of State funding, Council must self-fund delivery of the works to continue to provide the same level of flood protection service.

## 3. NSW Surf Life Saving Championships – event hosting

Council's endorsed Expression of Interest to host the NSW Surf Life Saving Championships has been accepted and the \$170,000 funding for the event is incorporated in the revised 2021/22 budget.

The 2021/22 capital expenditure program has increased from \$105.6 million to \$125.5 million due to budget rollovers approved in the March quarterly budget review and new grants.



Please refer to Table 5 for proposed changes to the capital works program.

**Table 5. Proposed changes – Capital Works Program – Increases / (Decreases)**

	Project	Budget 2021/22 \$'m	Forecast 2022/23 \$'m	Forecast 2023/24 \$'m	Forecast 2024/25 \$'m
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**Reduce by items brought forward to 2020/21 as approved by Council May 2021 (and not already incorporated in the 2021/22 budget):**

CR05028	Community Buildings Works Program	(0.108)	-	-	-
CR05042	Operational Buildings Works Program	(0.135)	-	-	-
CN01005	North Curl Curl Youth Facility	(0.020)	-	-	-



	Project	Budget 2021/22 \$'m	Forecast 2022/23 \$'m	Forecast 2023/24 \$'m	Forecast 2024/25 \$'m
CR05084	Forestville Library	(0.073)	-	-	-
CN01031	Connecting Communities - Footpaths Programs	(0.650)	-	-	-
CN01055	Warriewood Valley - Public Space and Recreation	-	(0.359)	-	-
<b>TOTAL brought fwd to 2020/21</b>		<b>(0.986)</b>	<b>(0.359)</b>	-	-

**Increase for project rollovers from 2020/21 as approved by Council May 2021:**

CR05127	Computers, Laptops and Mobile Devices - Replacements	0.032	-	-	-
CN01121	Coast Walk Art Trail	0.237	-	-	-
CN01160	Coast Walk Aboriginal Art and Storytelling Project - Grant	0.270	-	-	-
CN01020	Warriewood Valley – Traffic and Transport Infrastructure	0.264	-	-	-
CN01059	Church Point - New Infrastructure	0.472	-	-	-
CN01079	Church Point Masterplan Boardwalk Extension	0.734	-	-	-
CR05013	Retaining Wall Renewal Works	0.400	-	-	-
CR05075	Bridge Renewal Works	0.682	-	-	-
CR05130	Carol's Wharf Renewal	0.669	-	-	-
CR05131	Bells Wharf Renewal	0.851	-	-	-
CN01049	Reserves - New and Upgrades	0.062	-	-	-
CN01055	Warriewood Valley - Public Space and Recreation	0.563	-	-	-
CN01102	Youth Facilities	0.165	-	-	-
CR05134	Commercial Centre Renewal	0.130	-	-	-
CN01096	Mona Vale Library - Upgrades and New Works	0.283	-	-	-
CN01109	Terrey Hills Emergency Services Headquarters	0.164	-	-	-
CN01110	Currawong Cottages New Cottages, Games Room and Amenities	0.255	-	-	-
CN01161	Marine Rescue Broken Bay Building	0.325	-	-	-
CR05035	Children's Centres Works Program	0.250	-	-	-
CN01016	Dee Why Town Centre – Design	0.100	-	-	-

	Project	Budget 2021/22 \$'m	Forecast 2022/23 \$'m	Forecast 2023/24 \$'m	Forecast 2024/25 \$'m
CN01017	Dee Why Town Centre – Construction – Phase 1	0.827	-	-	-
CN01032	Connecting Communities - Cycleways Program	2.944	-	-	-
CN01033	Connecting all Through Play - Inclusive Play	0.541	-	-	-
CN01034	Connecting all Through Play - Active Play	0.373	-	-	-
CN01068	Warriewood Valley Community Centre	3.714	-	-	-
CN01138	Narrabeen Lagoon Pedestrian and Cycle Bridge	4.678	-	-	-
<b>TOTAL rollover from 2020/21</b>		<b>19.986</b>	-	-	-

**New grants:**

CN01200	Public Library Infrastructure Grant	0.500	-	-	-
	State Library of NSW grant Move It and Use It: shelving on wheels for space activation				
CR05003	Recreational Trails Renewal Program	0.114	-	-	-
	Crown Reserves Improvement Fund Program for upgrade of walking trails in the Manly Warringah War Memorial State Park.				
CN01199	Frenchs Forest Precinct Park Upgrades	0.300	2.162	3.704	-
	Precinct Support Scheme to upgrade 3 parks (Brick Pit Reserve, Akora Reserve and Rabbett Reserve) in Frenchs Forest.				
<b>TOTAL new grants</b>		<b>0.914</b>	<b>2.162</b>	<b>3.704</b>	-

**Capital expenditure summary**

Draft budget	105.585	67.274	61.861	65.979
Above changes	19.913	1.803	3.704	-
<b>Revised budget</b>	<b>125.499</b>	<b>69.077</b>	<b>65.565</b>	<b>65.979</b>

The following table summarises the changes to the Income Statement and Capital Expenditure as a result of the changes in Tables 4 and 5.

**Table 6: Movement in the draft 2021/22 budget**

	2021/22 Draft Budget April 2021 \$m	2021/22 Revised Budget June 2021 \$m	Change \$m
<b>Income from Continuing Operations</b>			
Rates and Annual Charges	224.4	225.2	0.7
User Charges and Fees	90.5	90.5	(0.0)
Investment Fees and Revenues	1.0	1.0	(0.0)
Other Revenues	24.1	24.1	0.0
Grants and Contributions - Operating Purposes	18.1	17.6	(0.5)
Grants and Contributions - Capital Purposes	34.6	45.4	10.8
<b>Total Income from Continuing Operations</b>	<b>392.7</b>	<b>403.7</b>	<b>11.1</b>
<b>Expenses from Continuing Operations</b>			
Employee Benefits and Oncosts	(138.6)	(138.6)	0.0
Borrowing Costs	(2.4)	(2.4)	0.0
Materials and Services	(140.5)	(141.8)	(1.3)
Depreciation and Amortisation	(44.9)	(44.9)	0.0
Other Expenses	(20.2)	(19.3)	0.9
Gains on Disposal of Assets	(0.3)	(0.3)	0.0
<b>Total Expenses from Continuing Operations</b>	<b>(346.9)</b>	<b>(347.3)</b>	<b>(0.4)</b>
<b>Surplus / (Deficit) from Continuing Operations</b>	<b>45.8</b>	<b>56.4</b>	<b>10.7</b>
<b>Surplus / (Deficit) before Capital Grants and Contributions</b>	<b>11.2</b>	<b>11.0</b>	<b>(0.2)</b>
<b>Capital expenditure</b>	<b>105.6</b>	<b>125.5</b>	<b>19.9</b>

### Adoption of Revised Documents

Revisions have been made to the Integrated Planning and Reporting (IP&R) document placed on exhibition. It is recommended that Council adopt the:

- Revised Delivery Program 2021-2025, Operational Plan and Budget 2021/22 at Attachment 2, which includes amendment shown at Attachment 3 to the draft document, placed on exhibition.
- Revised Fees and Charges 2021/22 at Attachment 4 to apply from 1 July 2021 which includes amendments shown at Attachment 5.

**TIMING**

In accordance with s404(3) and s405(1) of the Local Government Act 1993 Council needs to adopt the Delivery Program 2021-2025, Operational Plan and Budget 2021/22 as well as the Fees and Charges by 30 June 2021.

**LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

The projects and programs in the Delivery Program 2021-2025 and Operational Plan 2021/22 proposed over the next 12 months will contribute to the advancement of all outcomes and goals in the Community Strategic Plan.

**FINANCIAL CONSIDERATIONS**

The budget for 2021/22 projects total expenditure of \$473 million, including a capital works program of \$125.5 million.

The budget includes \$43.2 million in asset renewal expenditure to improve the overall condition of our assets and a further \$82.2 million in delivering high priority new assets to the community. It shows that our financial position is sound, with a projected Operating Surplus before Capital Grants and Contributions of \$11 million, a further \$5 million in loans repaid and a balanced budget position.

Following significant events over the past 18 months including storms, bushfire threats and the COVID-19 pandemic, restoration of working capital funds is a priority over the four years of the Delivery Program along with continuing to repay loans taken out by the former Councils. Strengthening of working capital will ensure Council maintains sufficient funding for unexpected events and future opportunities.

Council is anticipated to achieve the Office of Local Government financial and asset performance benchmarks in 2021/22 and the following three years of the Delivery Program.

**SOCIAL CONSIDERATIONS**

The Delivery Program 2021-2025 and Operational Plan 2021/25 will allow Council to continue to deliver a range of services and capital works to meet the current and future needs of the Northern Beaches community. This will have a positive impact on the social fabric of the community with further expenditure on parks, playgrounds, road infrastructure, active travel, village and town centres in the 2021/22 financial year.

**ENVIRONMENTAL CONSIDERATIONS**

The Plan outlines a range of projects, which will protect and enhance our natural environment through management of beach and coastal issues, implementing catchment management

initiatives and undertaking comprehensive environmental works in our urban and bushland settings. There will be a net positive benefit because of the planned investments into our environment, namely through upgrades of stormwater infrastructure throughout the local government area and coastal and flood protection works across the local government area.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The adoption of the Delivery Program 2021-2025, Operational Plan and Budget 2021/25 and Fees and Charges 2021/22 is integral to the governance framework of Council. The documents have been prepared in accordance with s404-405 of the Local Government Act 1993 and the Office of Local Government's Integrated Planning and Reporting Guidelines for Local Government in NSW (March 2013) and Integrated Planning and Reporting Manual for Local Government in NSW (March 2013).

<b>ITEM 9.2</b>	<b>MONTHLY INVESTMENT REPORT - MAY 2021</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2021/396006</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

To provide a report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

### EXECUTIVE SUMMARY

In accordance with clause 212 of the *Local Government (General) Regulation 2005*, 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 Act, the Regulations and Council's Investment Policy.

The Investment Report shows that Council has total cash and investments of \$154,616,319 comprising:

- Trading Accounts      \$7,584,557
- Investments      \$147,031,762

Performance over the period from 1 July 2020 to date was strong having exceeded the benchmark: 0.76%pa vs. 0.37%pa.

### Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached reports have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and existing Investment Policies.

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### RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 31 May 2021, including the certification by the Responsible Accounting Officer.

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## REPORT

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### BACKGROUND

In accordance with clause 212 of the *Local Government (General) Regulation 2005*, 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 Act, the Regulations and Council's Investment Policy.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

### FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2020 to date was \$1,151,460 compared to budgeted income of \$1,380,570, a negative variance of \$229,110.

### SOCIAL CONSIDERATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

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

### GOVERNANCE AND RISK CONSIDERATIONS

The Investment Policy was reviewed by the Audit, Risk and Improvement Committee at its meeting in December 2020 and no change to the Policy was required following that review.

Council's Investment Policy and Strategy were reviewed in September 2020 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy "remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet" and that they "do not recommend any changes to the list of approved investments or credit limit frameworks".

## Investment Balances

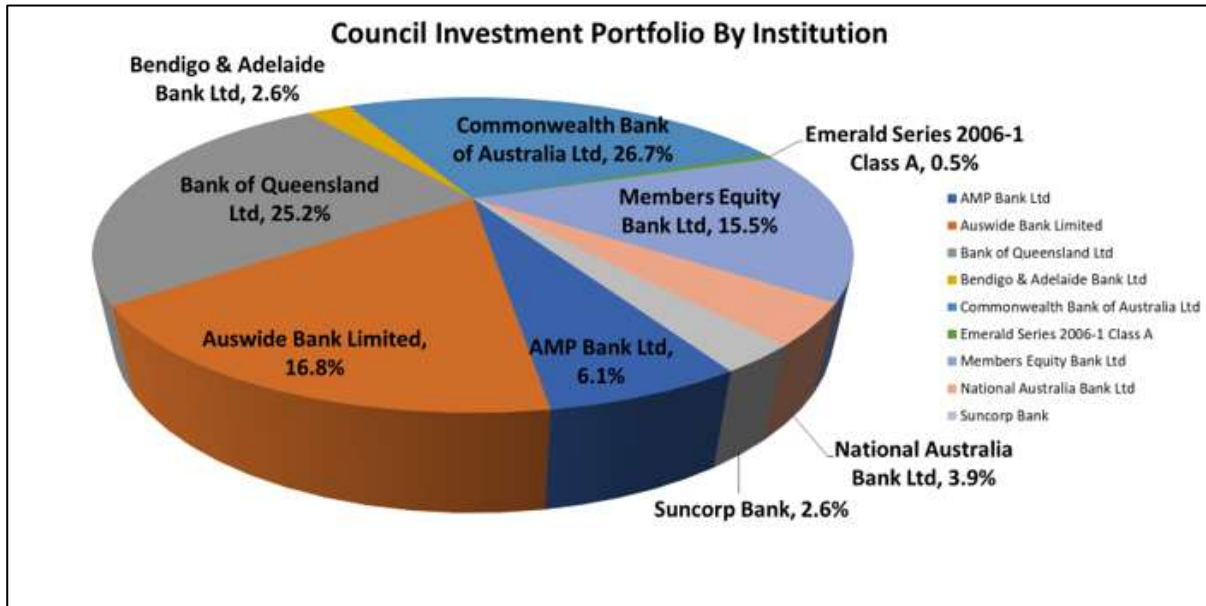
INVESTMENT BALANCES				
As at 31-May-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	5,619,175		0.15%
National Australia Bank Ltd	A1+	30,515		0.00%
		<b>5,649,690</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	4,954,602	At Call	0.20%
		<b>4,954,602</b>		
<b>Mortgage Backed Securities</b>				
Emerald Series 2006-1 Class A	A*	826,433	21-Aug-51	1.3883%
		<b>826,433</b>		
<b>Term Deposits</b>				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Jun-21	0.66%
Bank of Queensland Ltd	A2	2,000,000	08-Jun-21	0.65%
Members Equity Bank Ltd	A2	2,000,000	08-Jun-21	0.45%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	10-Jun-21	0.60%
AMP Bank Ltd	A2	2,500,000	15-Jun-21	0.70%
Members Equity Bank Ltd	A2	2,000,000	15-Jun-21	0.45%
Auswide Bank Limited	A2	2,000,000	17-Jun-21	0.55%
Bank of Queensland Ltd	A2	3,000,000	22-Jun-21	0.50%
Auswide Bank Limited	A2	1,000,000	24-Jun-21	0.55%
Members Equity Bank Ltd	A2	1,000,000	24-Jun-21	0.45%
National Australia Bank Ltd	A1+	2,000,000	29-Jun-21	0.30%
Bank of Queensland Ltd	A2	2,000,000	29-Jun-21	0.70%
Members Equity Bank Ltd	A2	2,000,000	01-Jul-21	0.45%
Members Equity Bank Ltd	A2	2,000,000	06-Jul-21	0.40%
Bank of Queensland Ltd	A2	2,000,000	06-Jul-21	0.50%
Bank of Queensland Ltd	A2	1,000,000	06-Jul-21	0.33%
Suncorp Bank	A1	2,000,000	08-Jul-21	0.35%
Bank of Queensland Ltd	A2	3,000,000	13-Jul-21	0.50%
Auswide Bank Limited	A2	2,000,000	15-Jul-21	0.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	20-Jul-21	0.50%
Auswide Bank Limited	A2	2,000,000	20-Jul-21	0.45%
Suncorp Bank	A1	2,000,000	22-Jul-21	0.35%
Bank of Queensland Ltd	A2	2,000,000	27-Jul-21	0.35%
Bank of Queensland Ltd	A2	2,000,000	29-Jul-21	0.60%
Bank of Queensland Ltd	A2	3,000,000	03-Aug-21	0.50%
Auswide Bank Limited	A2	1,000,000	05-Aug-21	0.55%
Bank of Queensland Ltd	A2	2,000,000	10-Aug-21	0.37%
National Australia Bank Ltd	A1+	2,000,000	12-Aug-21	0.30%
Members Equity Bank Ltd	A2	2,000,000	17-Aug-21	0.40%
Auswide Bank Limited	A2	1,000,000	17-Aug-21	0.55%
National Australia Bank Ltd	A1+	1,000,000	17-Aug-21	0.30%
Bank of Queensland Ltd	A2	2,000,000	19-Aug-21	0.35%
Members Equity Bank Ltd	A2	2,000,000	24-Aug-21	0.40%
Members Equity Bank Ltd	A2	1,000,000	02-Sep-21	0.40%
Auswide Bank Limited	A2	2,500,000	07-Sep-21	0.55%
Bank of Queensland Ltd	A2	2,000,000	09-Sep-21	0.35%
Auswide Bank Limited	A2	2,000,000	14-Sep-21	0.55%



INVESTMENT BALANCES				
As at 31-May-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Auswide Bank Limited	A2	2,000,000	16-Sep-21	0.55%
Members Equity Bank Ltd	A2	1,000,000	21-Sep-21	0.40%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	21-Sep-21	0.75%
Auswide Bank Limited	A2	2,000,000	23-Sep-21	0.45%
Members Equity Bank Ltd	A2	2,000,000	28-Sep-21	0.40%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Sep-21	0.70%
Bank of Queensland Ltd	A2	2,000,000	30-Sep-21	0.35%
Auswide Bank Limited	A2	2,000,000	05-Oct-21	0.55%
Bank of Queensland Ltd	A2	2,000,000	07-Oct-21	0.35%
Auswide Bank Limited	A2	2,000,000	12-Oct-21	0.55%
Auswide Bank Limited	A2	2,000,000	14-Oct-21	0.45%
Bank of Queensland Ltd	A2	2,000,000	19-Oct-21	0.35%
AMP Bank Ltd	A2	900,000	19-Oct-21	0.75%
Members Equity Bank Ltd	A2	1,000,000	21-Oct-21	0.45%
Bank of Queensland Ltd	A2	2,000,000	21-Oct-21	0.35%
Members Equity Bank Ltd	A2	2,000,000	26-Oct-21	0.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Oct-21	0.41%
Bank of Queensland Ltd	A2	2,000,000	28-Oct-21	0.40%
Bank of Queensland Ltd	A2	2,000,000	02-Nov-21	0.35%
Bank of Queensland Ltd	A2	1,000,000	04-Nov-21	0.40%
Auswide Bank Limited	A2	2,500,000	09-Nov-21	0.55%
Members Equity Bank Ltd	A2	2,000,000	11-Nov-21	0.45%
Members Equity Bank Ltd	A2	2,000,000	23-Nov-21	0.45%
AMP Bank Ltd	A2	1,500,000	04-Jan-22	0.75%
AMP Bank Ltd	A2	2,000,000	18-Jan-22	0.75%
National Australia Bank Ltd	A1+	1,000,000	04-Feb-22	0.40%
AMP Bank Ltd	A2	2,500,000	16-Feb-22	0.55%
		119,400,000		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,934,867		0.00%
		1,934,867		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,814,453	At Call	0.01%
		1,814,453		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Jun-21	0.27%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Jun-21	0.24%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Jun-21	0.27%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	14-Jul-21	0.26%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	18-Aug-21	0.28%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	18-Aug-21	0.28%
Commonwealth Bank of Australia Ltd	A1+	12,036,274	23-Aug-21	0.28%
		20,036,274		
Total Cash and Investments		154,616,319		

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

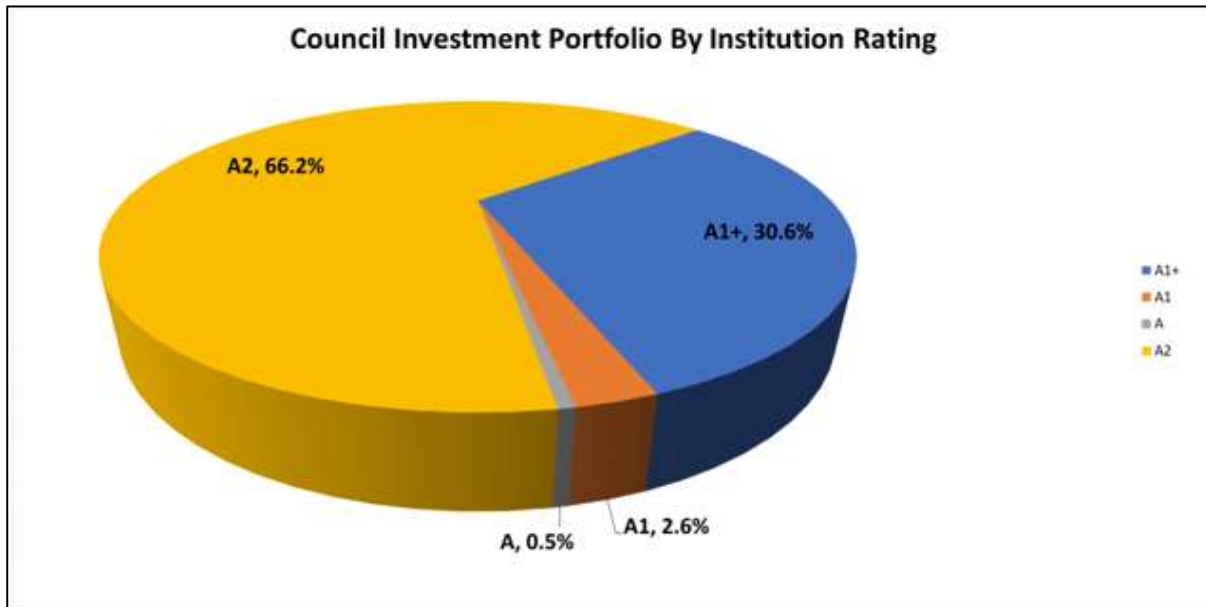
## Portfolio Analysis



### Institutional Credit Framework – Compliance with Investment Policy Requirements

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

Long Term Rating	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	Unrated	10%	Yes (\$Nil)



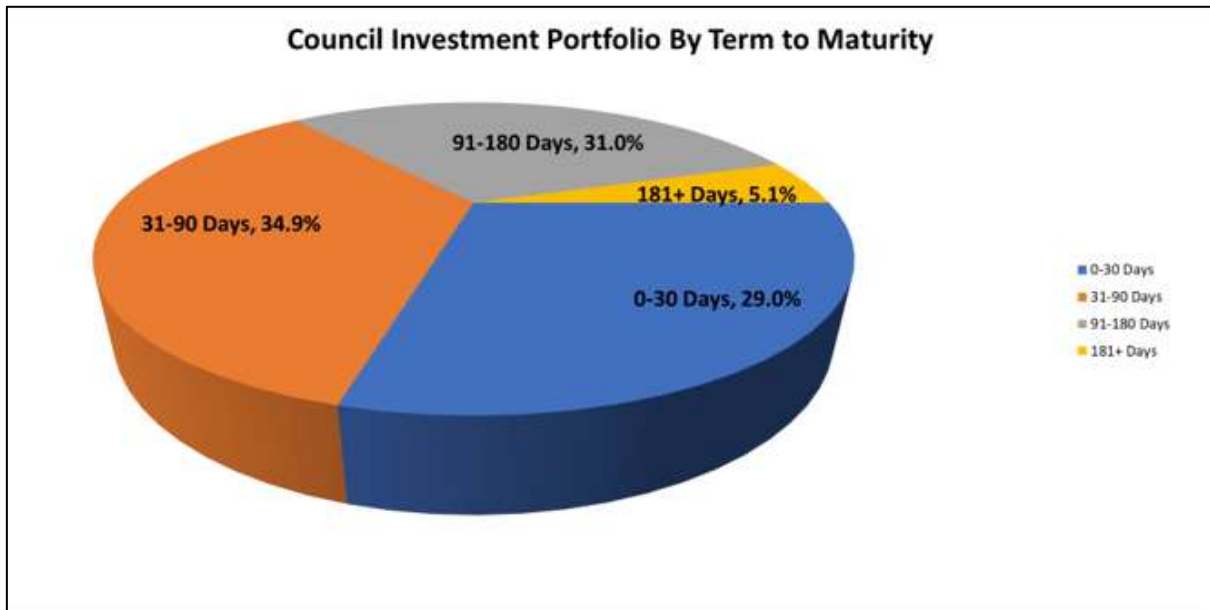
### Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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-	A-2	80%	Yes
BBB+			
BBB			
BBB-	A-3	30%	Yes
Unrated**	Unrated**	20%	Yes (\$Nil)

\* Or Moody's / Fitch equivalents

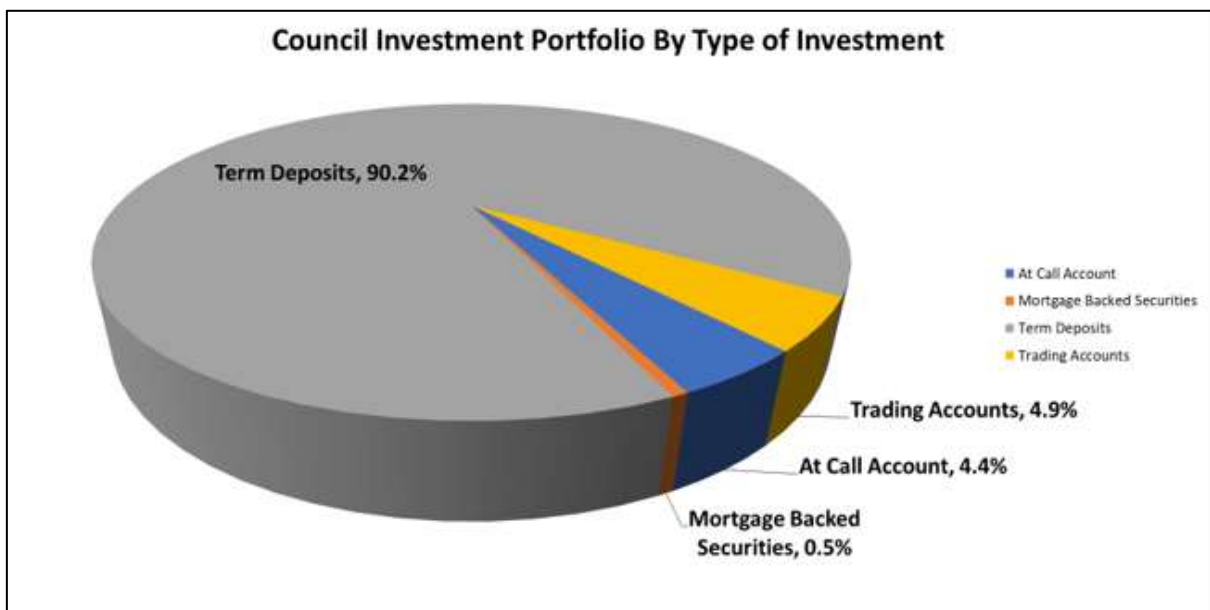
\*\* Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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

Clause 4.2.3 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

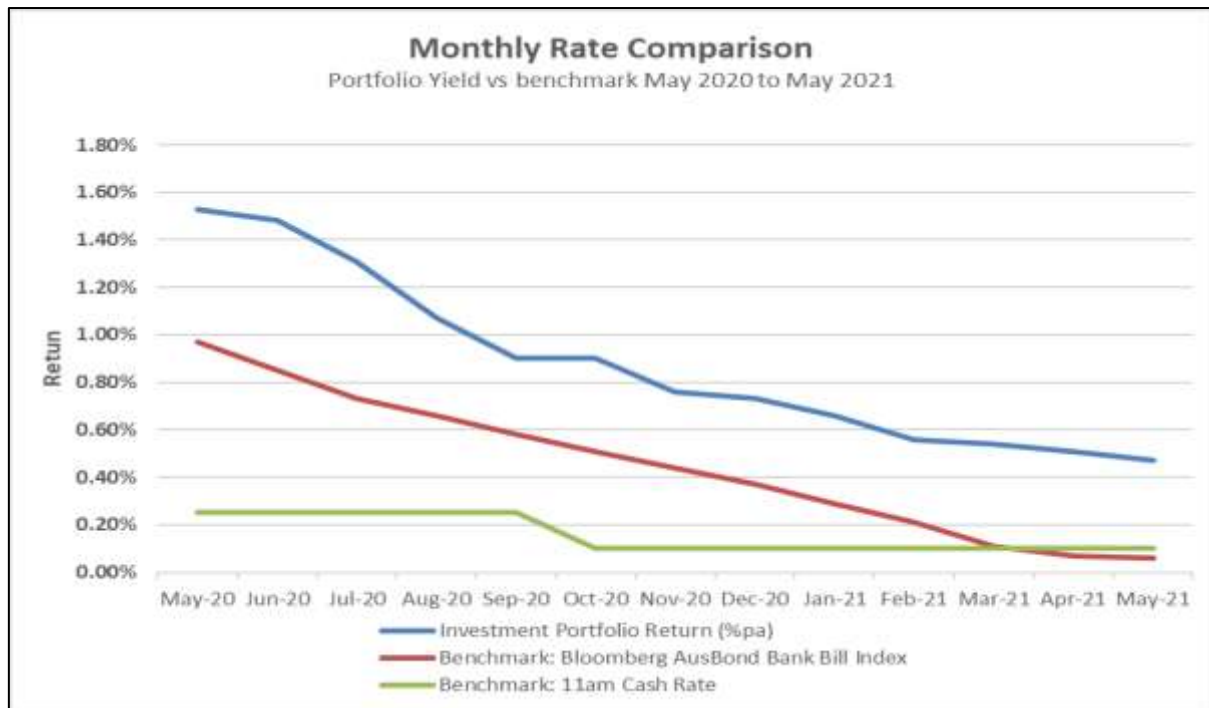


### Investment Performance Vs. Benchmark

	Investment Portfolio Return (%pa) *	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	0.47%	0.06%	0.10%
3 Months	0.51%	0.08%	0.10%
6 Months	0.58%	0.19%	0.10%
FYTD	0.76%	0.37%	0.14%
12 Months	0.82%	0.41%	0.15%

\* Excludes trading account balances

\*\* This benchmark relates to Cash Fund holdings

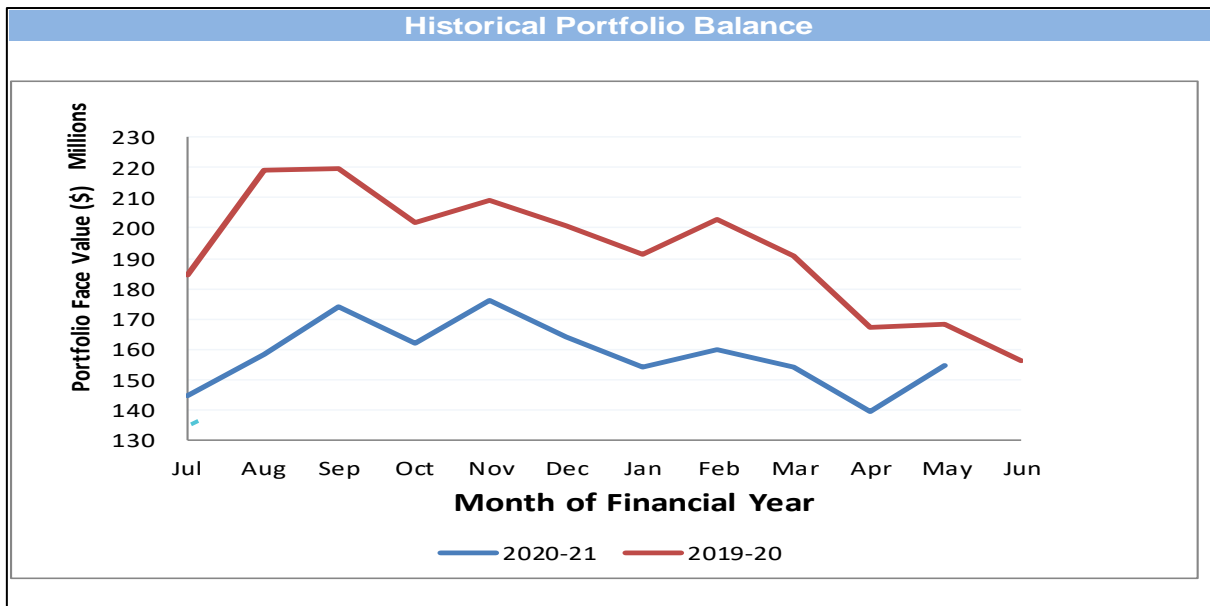


### Monthly Investment Income\* Vs. Budget

	May 2021 \$	Year to Date \$
Investment Income	49,703	1,084,428
Adjustment for Fair Value	1	67,032
Total Investment Income	49,704	1,151,460
Budgeted Income	106,829	1,380,570

\*Includes all cash and investment holdings

Historical Portfolio Balance		
	2020-21	2019-20
Jul	144,611,603	184,317,848
Aug	158,270,262	219,369,559
Sep	173,826,570	219,459,189
Oct	161,704,389	201,971,383
Nov	175,913,936	209,221,468
Dec	163,952,299	200,959,271
Jan	154,102,219	191,226,461
Feb	159,915,952	202,672,569
Mar	153,861,974	190,792,653
Apr	139,392,596	166,981,616
May	154,616,319	168,080,277
Jun		156,257,927
<b>Average Portfolio Balance</b>	<b>158,197,102</b>	<b>192,609,185</b>



### 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 not 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

## ECONOMIC NOTES

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

Global economic expansion continued in May led by advanced industrial countries such as the United States (US) and notwithstanding the worsening pandemic in much of Asia. Rising demand is testing production supply bottlenecks resulting in higher producer prices extending to higher consumer prices in the US. The lift in inflation is judged temporary by most central banks and no cause to start tapering monetary policy support in the near term. Economic expansion looks set to continue primed by fiscal and monetary support and further aided by increasing vaccination rates making lockdowns less necessary to contain occasional Covid-19 flare-ups.

US economic statistics released in May were mixed strength but consistent with GDP growth likely to lift above 10% annualised pace in Q2 from 6.4% recorded in Q1. The lift out of deep recession is the speediest and sharpest on record primed by the biggest lift in government spending since World War II and very easy monetary conditions. The rapid pace of growth in government, household and business spending in the US is adding to pressures on production supply chains already challenged by pandemic restrictions. The Federal Reserve is calling the burst of inflation temporary and expects annual inflation to subside to 2% y-o-y later this year. The risk is that the Fed is wrong, and that inflation is becoming entrenched. If this is the case, the Fed will want more proof and that will take several months. There is a growing likelihood that the Fed may change view and start to taper monetary accommodation early next year.

Unlike the US where GDP growth is likely to accelerate through 2021 China's annual GDP growth may have peaked at 18.3% y-o-y in Q1 2021. Nevertheless, there are signs in China's April economic readings that growth is still robust in Q2. International trade is holding up better than expected with exports lifting to 32.3% y-o-y in April from 30.6% in March while imports rose 43.1% y-o-y from 38.1% in March. In the domestic economy growth in fixed asset investment spending, +19.9% y-o-y in April from +25.6% in March, and industrial production, +9.8% y-o-y in April from +14.1% in March, are moderating but at lesser pace than expected. Growth moderation, however, is more pronounced than expected in retail sales, +17.7% y-o-y in April from +34.2% in March. China's y-o-y GDP growth will slow in Q2 and through the second half of 2021 but looks set to beat Government estimates of 6% annual growth for 2021.

In Europe, the reduction of Covid-19 restrictions and rising vaccination rates reducing the likelihood of future return to restrictions will see acceleration in European GDP growth beyond Q1. Europe has suffered a double-dip recession because of repeated periods of shutdown. In Q1, GDP fell by 0.6% q-o-q and was down 1.8% y-o-y. As Europe has started to open leading European economic indicators are lifting. The May manufacturing and service sector purchasing manager indices at respectively 62.8 and 55.1 are both in expansionary territory. Household spending is improving with retail sales up 2.7% m-o-m in March. Europe's unemployment rate was down to 8.1% in March. EU budgetary support and ECB monetary support remain strong particularly for the smaller member economies that suffered worst from Covid-19. Europe should see a sharp rebound in GDP growth starting in the current quarter.

In Australia, the Q1 GDP report due this week is expected to show that the economy has recovered above its level just before the Covid-19 recession. Annual GDP growth is expected to lift above 1% y-o-y on a 2%+ q-o-q GDP rise. Some of the strongest readings in the Q1 GDP report will relate to private sector investment spending. In the Q1 construction and private capital expenditure reports released last week residential building work rose by 5.1% q-o-q in real terms while business capital expenditure on plant and machinery rose by 9.1% q-o-q. The 2021/22 Federal Budget released in early May kept stimulus spending rolling promising to spend all the dividend to government coffers from higher-than-expected growth. The RBA continued upgrading its growth and employment forecasts in its early May Monetary Policy Statement but reaffirmed guidance that it does not expect to lift official interest rate before full employment is achieved and that will not occur before 2024.



## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

<b>ITEM 10.1</b>	<b>PUBLIC EXHIBITION OF ALCOHOL FREE ZONE RE-ESTABLISHMENT</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE</b>
<b>TRIM FILE REF</b>	<b>2021/356314</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Police Letter re Alcohol Free Zones 2021</b> <b>2 <a href="#">↓</a> Alcohol Free Zones Maps - Re-establishment September 2021</b>

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### SUMMARY

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#### PURPOSE

To seek Council's approval to publicly exhibit the proposed re-establishment of existing Alcohol Free Zones (AFZs) expiring in September 2021, in accordance with the requirements of Sections 644, 644A, 644B, 644C and 646 of the *Local Government Act 1993* and the associated Ministerial Guidelines on Alcohol Free Zones 2009.

#### EXECUTIVE SUMMARY

There are a number of existing AFZs throughout the Local Government Area, established to assist the Police in controlling anti-social behaviour related to alcohol consumption on public roads, footpaths and carparks. The principal objective of an AFZ is to prevent disorderly behaviour caused by the consumption of alcohol in public areas, in order to improve public safety. Once an AFZ is established, the drinking of alcohol is prohibited twenty-four hours a day in that zone.

Through the engagement undertaken in the development of the draft Northern Beaches Community Safety Plan and draft Better Together Social Sustainability Strategy 2040, both currently on public exhibition, the community has identified a reduction in alcohol related behaviour in public spaces as a means of achieving increased safety. Broad community engagement suggests a high level of concern about alcohol related antisocial behaviour in public spaces and the impact of that behaviour on personal safety when walking and using public transport at night.

In order to support the Police and Council Rangers in the management of alcohol related antisocial behaviour, Council has declared AFZs on various public roads, footpaths and car parks and Alcohol Prohibited Areas (APAs) in parks and reserves. AFZs require community consultation as per Sections 644, 644A, 644B, 644C and 646 of the *Local Government Act 1993*, and the associated Ministerial Guidelines on Alcohol Free Zones 2009.

This report covers the proposed re-establishment of existing AFZs only, with a further report on APAs to be presented to Council at a later date. As AFZs can only be established for a maximum period of four years, Council is required to comply with all requirements for the valid establishment of an AFZ (including public consultation), prior to the re-establishment of an AFZ.

Council has consulted with Northern Beaches Police Local Area Command regarding the re-establishment of Council's existing AFZs, with support detailed in Attachment 1. It is proposed that the listed AFZs be re-established for a period of four years, for the period from 1 September 2021 to 31 August 2025.



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**RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING**

That Council undertake public consultation in accordance with section 644A of the *Local Government Act 1993* and the Ministerial Guidelines on Alcohol Free Zones 2009, in relation to the proposed re-establishment of the Alcohol Free Zones listed in this report from the period of 1 September 2021 to 31 August 2025.

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## REPORT

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### BACKGROUND

The relevant provision of the *Local Government Act 1993*, (including sections 644, 644A, 644B, 644C and 646), and the associated Ministerial Guidelines on Alcohol Free Zones 2009, enable Councils to establish AFZs in order to help manage the consumption of alcohol in public spaces.

The principal objective of an AFZ is to prevent disorderly behaviour caused by the consumption of alcohol in public areas and to improve public safety. Once established, drinking of alcohol is prohibited twenty-four hours a day in an AFZ.

AFZs allow the Police and Rangers to empty or otherwise dispose of alcohol if a person is drinking, if there is reasonable cause to believe the person is about to drink or has recently been drinking alcohol in a designated AFZ. If a person does not cooperate with a request of a police officer or enforcement officer to hand over alcohol, they can be charged with obstruction under the Local Government Act, carrying a maximum penalty of \$2,200.

AFZs can only be established for public roads, footpaths and car parks, and may remain in force for up to four years. They differ from Alcohol Prohibited Areas (APAs) which are applicable in parks and reserves and come under Section 632A of the Local Government Act.

The AFZs located in Belrose, Brookvale, Collaroy, Cromer, Forestville and Narrabeen expire in September 2021. All other AFZs will be reported to Council in 2022.

Following consultation with Council staff about the existing AFZs, the Northern Beaches Police Local Area Command have provided written support for the re-establishment of each of the currently declared AFZ areas in Maps 1 through 6, detailed in Attachment 2.

It is recommended that the following AFZs (see Attachment 2) be re-established for a period of four years for the period of 1 September 2021 to 31 August 2025:

- **Belrose** - Bounded by Blackbutts Road to the south, Glen Street and the Glenrose shopping precinct to the north, Glen Street to the west and Pringle Avenue to the east (Map 1).
- **Brookvale** - Warringah Mall Bus Stops (Map 2).
- **Collaroy** - Pittwater Road between Brissenden Avenue to the south and Jenkins Street to the north (Map 3).
- **Cromer** - Fisher Rd North adjacent to Cromer Community Centre (Map 4).
- **Forestville** - Shopping precinct bounded by Starkey St, Violet Lane, Melrose and Warringah Roads (Map 5).
- **Narrabeen** - Pittwater Road between Ocean Street to the south and the bridge over Narrabeen Lake to the north (Map 6).

The AFZs referred to in the attached indicative maps are only applicable to public roads, footpaths and car parks contained within the areas identified in the maps.

### CONSULTATION

In order to re-establish the proposed AFZs, section 644A of the *Local Government Act 1993* and the Ministerial Guidelines on Alcohol Free Zones 2009 require Council to undertake a public consultation process that involves the following:

- Publishing a newspaper notice inviting representations or comments within 30 days.

- Sending a copy of the proposal to the Northern Beaches Police Area Commander.
- Sending a copy to liquor licensees and secretaries of clubs of premises that border on, or adjoin, or are adjacent to the proposed AFZ.
- Sending a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.

A resolution of Council is sought to commence public consultation on this proposal.

### **TIMING**

The AFZs proposed to be re-established expire in September 2021. Following endorsement of this report, a public consultation process will be carried out in accordance with section 644A of the *Local Government Act 1993* and the Ministerial Guidelines on Alcohol Free Zones. Submissions will be reviewed and a further report presented to Council, detailing the outcomes of the community engagement.

### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes of:

- Places for People – Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing
- Community and Belonging – Goal 11: Our community feels safe and supported

This report relates to the draft Better Together 2040 Social Sustainability Strategy (currently on public exhibition) outcomes of:

- Safe People
- Safe Places

This report relates to the draft Community Safety Plan 2021-2026 action (currently on public exhibition):

- Conduct a full review of alcohol restricted zoning

### **FINANCIAL CONSIDERATIONS**

There will be a capital cost for the reskinning of existing signage and the installation of new signage once the AFZs are enacted. This will be covered within existing operational budgets.

### **SOCIAL CONSIDERATIONS**

Council is committed to ensuring that open spaces are high quality, safe, accessible and facilitate the healthy and active lifestyle that is important to the Northern Beaches community.

To improve public safety AFZs have been established in public roads, footpaths and public carparks to reduce disruptive and anti-social behaviour as well as alcohol-related crime in public places. They often work in partnership with APAs, which relate to parks and reserves.

Consultation undertaken in the development of the draft Northern Beaches Community Safety Plan and draft Better Together Social Sustainability Strategy 2040 indicates that the Northern Beaches community has a high level of concern about alcohol related antisocial behaviour in open spaces and the impact of that behaviour on personal safety when walking and using public transport at

night. The community has identified a reduction in alcohol related behaviour in open spaces as a means of achieving increased safety and better use of shared spaces.

The ability to enforce AFZs is a valuable tool in the management of alcohol related antisocial behaviour in the community.

## **ENVIRONMENTAL CONSIDERATIONS**

The re-establishment of AFZs is unlikely to have any discernible environmental impacts.

## **GOVERNANCE AND RISK CONSIDERATIONS**

Sections 644, 644A, 644B, 644C, 646 of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones 2009.

Community safety is identified as a strategic risk to the Northern Beaches. The draft Community Safety Plan, currently on public exhibition, proposes actions that will address identified community safety and crime prevention priorities of the community, mitigating the strategic risks posed.

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**NSW POLICE**  
**NORTHERN BEACHES POLICE AREA COMMAND**

**Licensing Unit**

3 Belgrave Street, Manly NSW 2000  
Ph: (02) 9976 8040 Eagle: 68040  
Fax: (02) 9976 8090 Eagle: 68090

**RENEWAL OF ALCOHOL FREE ZONES**

31<sup>st</sup> May 2021

Northern Beaches Police have been requested by the Northern Beaches Council to make comment on the renewal of Alcohol Free Zones (AFZ).

NSW Police has a strong interest in the ensuring the safety of the community and their property. By using recommendations contained within this document, any person who does so acknowledges that:

- It is not possible to make areas evaluated by NSW Police absolutely safe for the community and their property
- Recommendations are based upon information provided to, and observations made by NSW Police at the time the document was prepared.
- The contents of the evaluation are not to be copied or circulated otherwise than for the purposes of Northern Beaches Council.

As a result of a meeting between Police, Northern Beaches Council and assessing each of the areas designated as Alcohol Free Zones, Police support each declared area.

Northern Beaches Police do not object to the continuation of the existing Alcohol Free Zones.

Should any information relating to the renewal of Alcohol-Free Zones be required, don't hesitate to contact Licensing Office on 9976 8075.

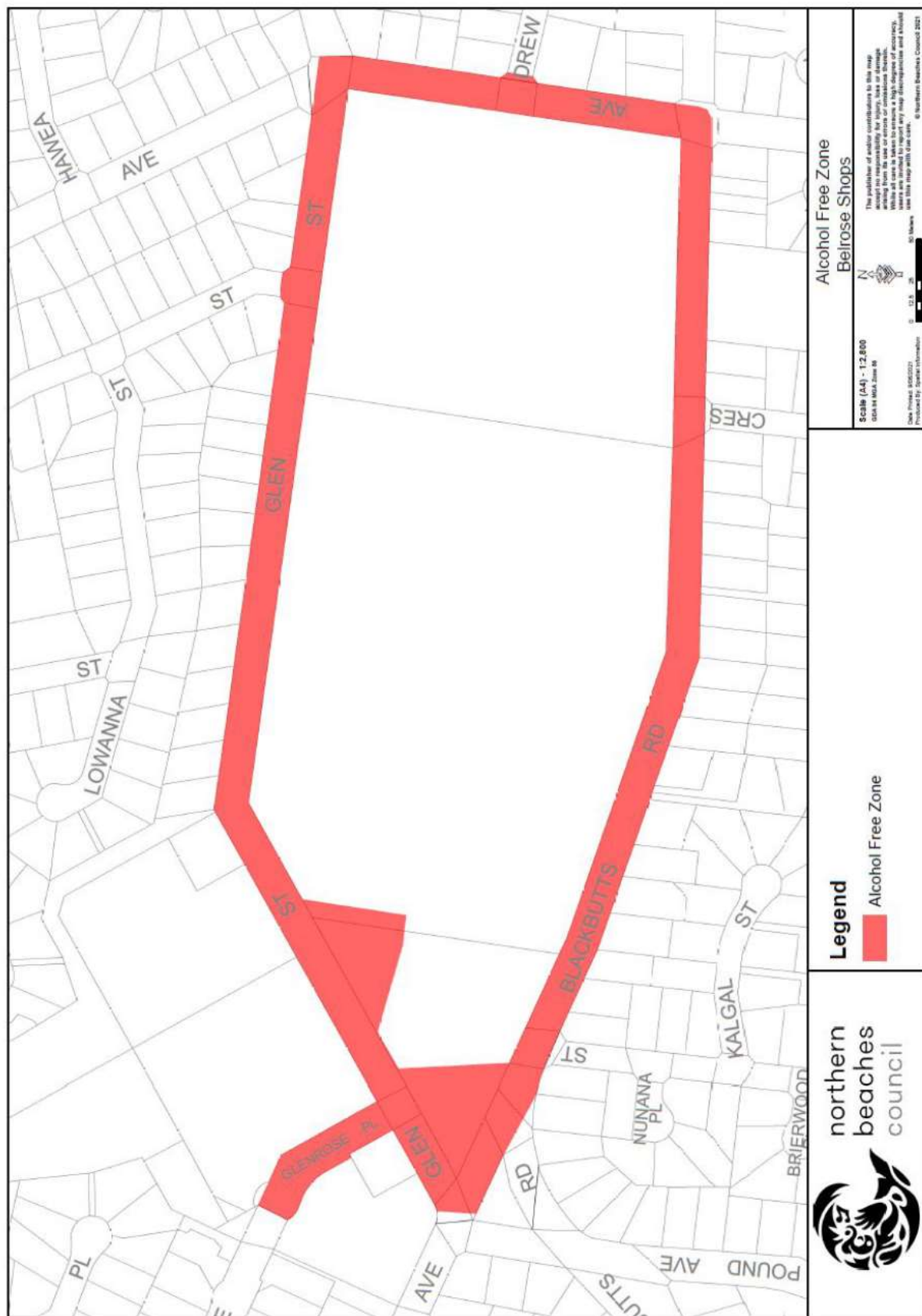
Kind regards,



I. O'DONNELL  
A/Sergeant  
Licensing Unit  
Northern Beaches PAC  
31/05/2021

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## MAP 1 – BELROSE







MAP 2 - BROOKVALE



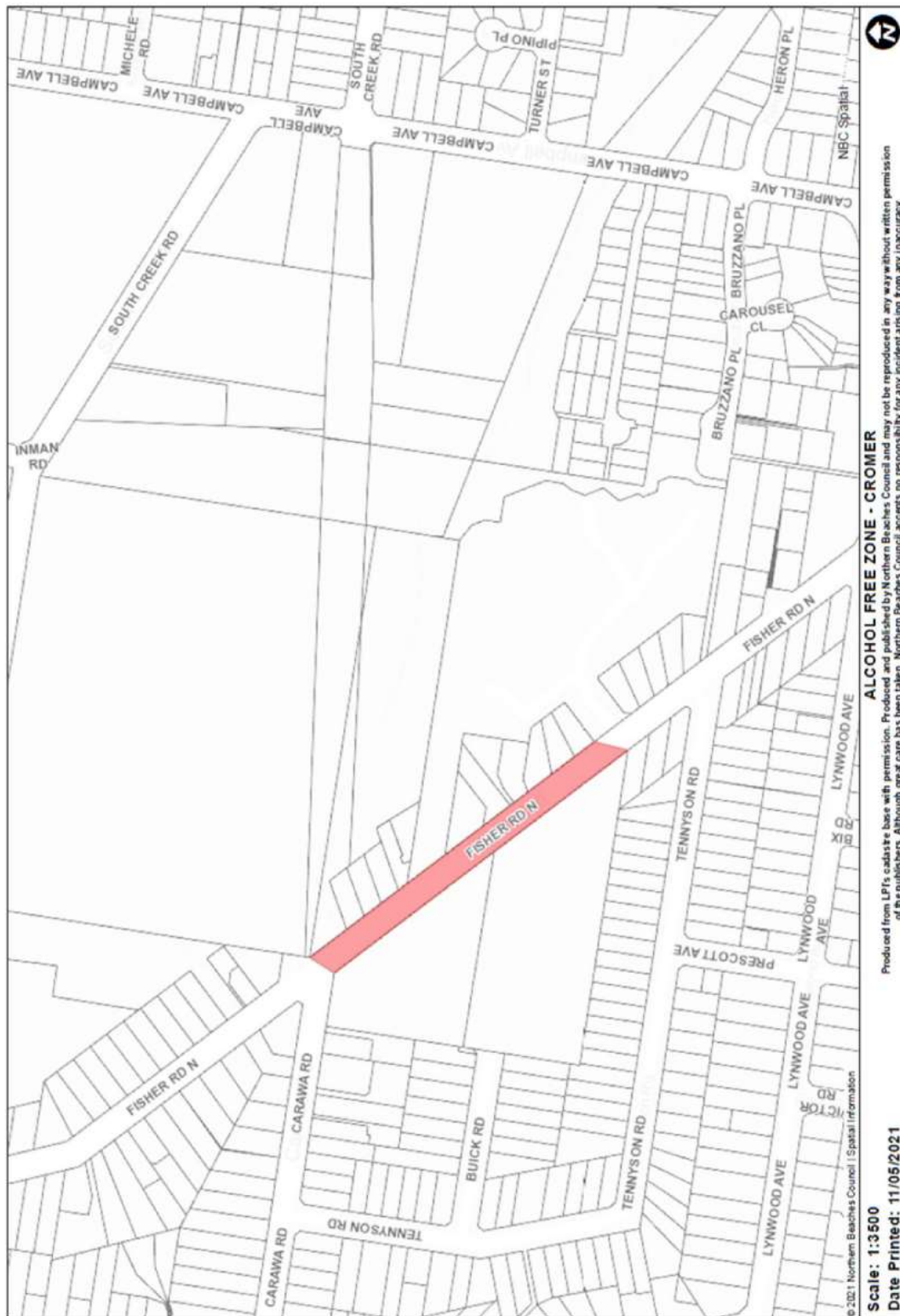
**MAP 3 – COLLAROY**



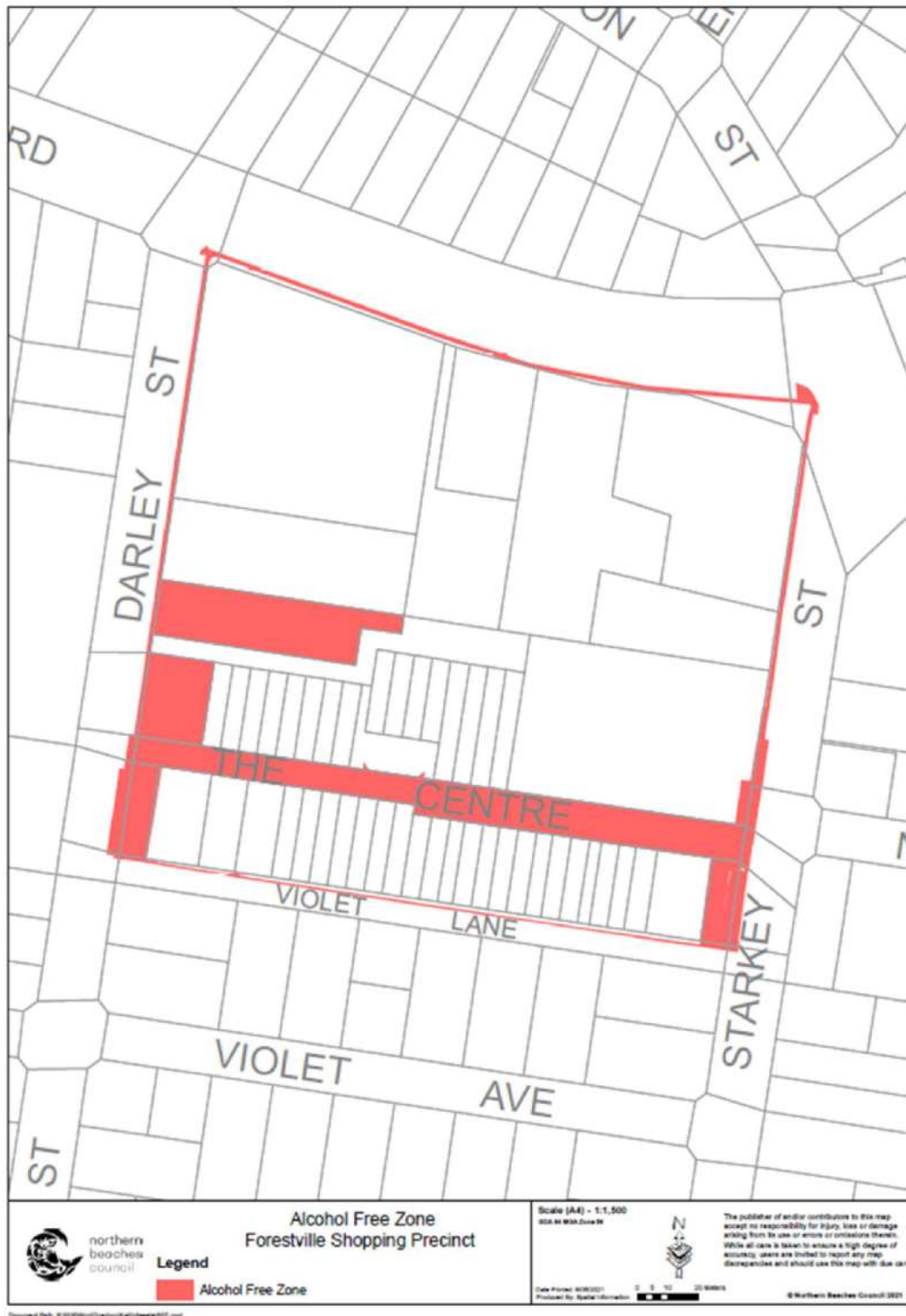




MAP 4 – CROMER

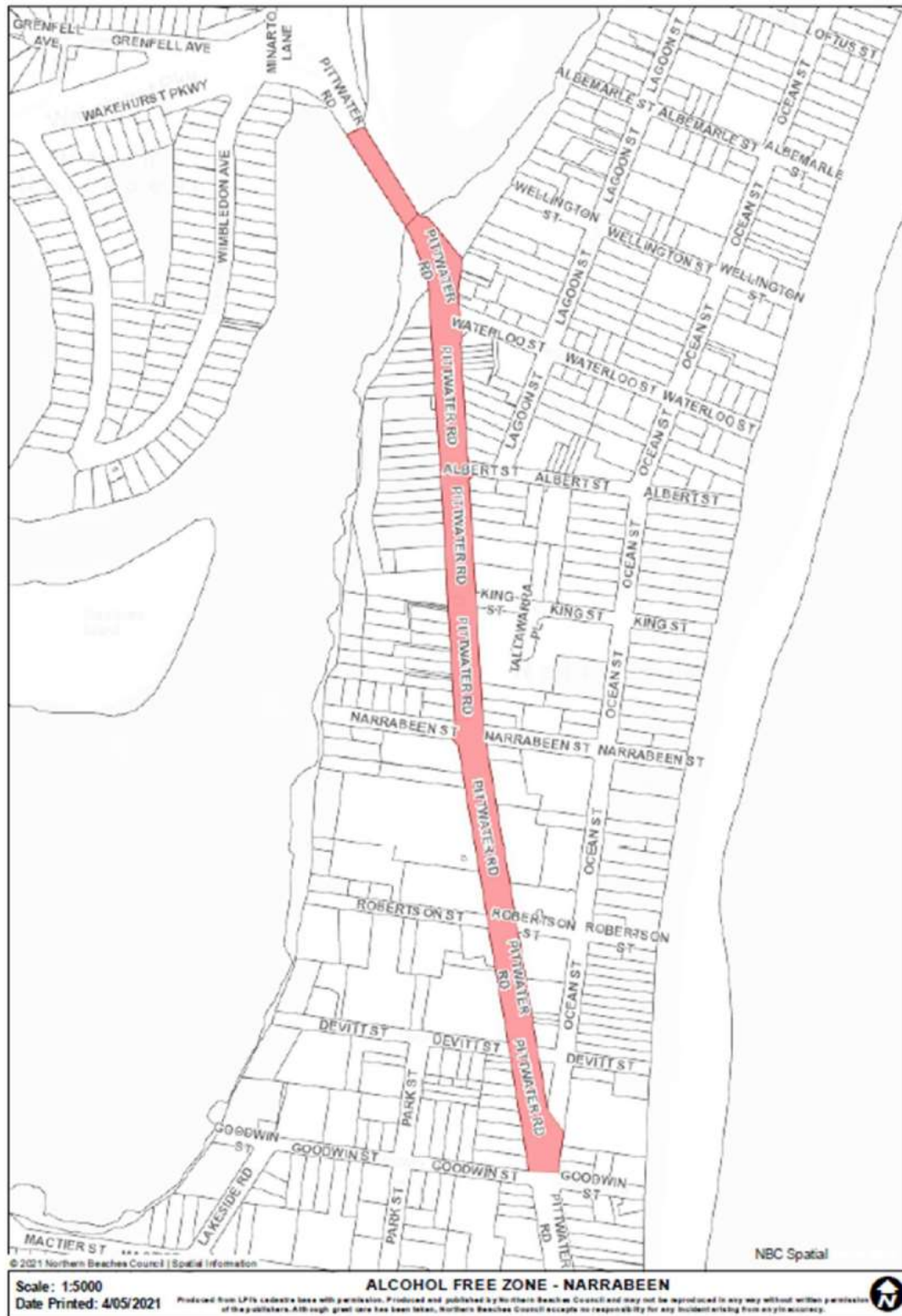


**MAP 5 - FORESTVILLE**





MAP 6 – NARRABEEN



<b>ITEM 10.2</b>	<b>OUTCOME OF THE PUBLIC EXHIBITION OF AMENDMENTS TO THE CULTURAL COLLECTIONS MANAGEMENT AND GIFTS POLICY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY, ARTS &amp; CULTURE</b>
<b>TRIM FILE REF</b>	<b>2021/355180</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Community Engagement Report</a></b> <b>2 <a href="#">Northern Beaches Cultural Collections Management and Gifts Policy - Amended</a></b>

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## SUMMARY

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### PURPOSE

To report on the outcomes of public exhibition of the amended Cultural Collections Management and Gifts Policy.

### EXECUTIVE SUMMARY

Council is the custodian of diverse arts and cultural collections that include artworks, public art, civic ephemera and local history items that have been collected and donated over nearly 100 years. These collections contain unique items that have significance for the artistic, cultural and social history of the Northern Beaches.

The Cultural Collections include sub-collections such as the Manly Art Gallery & Museum Collection, Public Art, the Local Studies Collection, the Community Art Collection and the Civic Collection.

The Cultural Collections Management and Gifts Policy defines the principles and objectives by which Council's cultural collections are managed and developed.

Amendments to the Cultural Collections Management and Gifts Policy will improve governance in receiving and managing cash donations and gifts. The main amendment sees public art incorporated into the Manly Art Gallery and Museum sub-collection, enabling donors to benefit from the Gallery's existing Deductible Gift Recipient Status.

The draft amendments to the Policy were endorsed by Council for public exhibition on 23 February 2021 and the policy was subsequently exhibited for a period of 35 days from 8 March 2021 to 11 April 2021. Two submissions were received during the exhibition period via Council's Your Say page.

As a result of the two submissions and staff feedback received, additional amendments and minor wording corrections are proposed to the Policy which is now presented for final endorsement by Council.

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### RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

1. Note the outcome of the public exhibition of the draft Cultural Collections Management and Gifts Policy.
  2. Adopt the amended Cultural Collections Management and Gifts Policy.
-

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## REPORT

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### BACKGROUND

The Northern Beaches Cultural Collection Management and Gifts Policy was adopted by Council in May 2019. The Policy defines the principles and objectives by which the Northern Beaches Council's cultural collections are developed and managed. The policy will enable Council to build and maintain a cultural collection that preserves and expresses local identity and creates community well-being and connection to place on the Northern Beaches.

The Policy sits within an overall framework of plans and strategies that Council has developed to deliver a wide range of arts, culture and heritage outcomes for the community.

In response to a Council resolution of June 2020, a report was presented to Council at its February 2021 meeting outlining an indicative budget to effectively realise the vision of the Coast Walk Public Art Strategic Plan. A recommendation of this report was to amend the Cultural Collections Management and Gifts Policy to include public art as part of the Manly Art Gallery and Museum's (MAGM) collections, enabling donors to benefit from the Gallery's existing Deductible Gift Recipient Status.

The proposed Policy amendments were to:

- allow for fundraising of public art to occur through MAGM to make use of the Deductible Gift Recipient status; and
- ensure that only artworks that are whole, complete and finished are included in the collection.

The proposed Policy amendments will enable Council to:

- develop and maintain public art through fundraising and donations, received through the Manly Art Gallery and Museum; and
- expend funds raised from donations to support the implementation of public art projects, including those associated with the Coast Walk Public Art Strategic Plan.

The amended Policy also states that, to be considered for the Northern Beaches Cultural Collection, items or works need to be whole, complete and finished.

Council resolved at the February 2021 meeting that the amended Cultural Collections Management and Gifts Policy be placed on public exhibition for a minimum of 28 days.

### CONSULTATION

The amended Cultural Collections Management and Gifts Policy was publicly exhibited from 8 March 2021 to 11 April 2021. Two submissions were received during this exhibition period via Council's Your Say page.

The two submissions included a high level of support for the Policy's principles and application.

Key themes raised in the submissions included:

- The use of definitions reflecting sector standards.
- Clarity around scope of policy.
- Future amendments to the guidelines be made through expert advice from staff.



As a result of submissions and internal feedback received, some amendments and minor wording corrections are proposed to the Policy.

Table 1 below provides a summary of the themes and the proposed changes to the Policy.

*Table 1: Key changes proposed to the draft Cultural Collections Management and Gifts Policy*

Theme	Summary	Proposed Policy changes
General definitions	<ul style="list-style-type: none"> <li>Provide a general definition of 'cultural collections' based on industry standards</li> </ul>	<ul style="list-style-type: none"> <li>A definition conforming to industry standards is included in the Introduction.</li> </ul>
Scope of Policy	<ul style="list-style-type: none"> <li>Scope of Policy requested on first page</li> </ul>	<ul style="list-style-type: none"> <li>Added Scope of Policy on Page 1.</li> </ul>
Local Studies Collection	<ul style="list-style-type: none"> <li>Clarify dot point 4 on page 3 regarding items of significance in Local Studies Collection</li> </ul>	<ul style="list-style-type: none"> <li>Clarified and amended in consultation with Library Services team.</li> </ul>
Amendments to Guidelines	<ul style="list-style-type: none"> <li>Clarify process of future amendments to the Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Amended as per submission, to further specify that future amendments must be based on expert advice to senior management.</li> </ul>
Involvement of Manly Art Gallery & Museum staff	<ul style="list-style-type: none"> <li>Involvement of Manly Art Gallery and Museum staff in decisions on public art and evaluating donations</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Council employs experts in Public Art and involves relevant staff in evaluating donations.</li> </ul>

## TIMING

Should the Policy be adopted, it will remain in operation for a period of five years with an expected review date of June 2026.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

## FINANCIAL CONSIDERATIONS

The adoption of an amended Cultural Collections and Gifts Policy will enable funds to be allocated towards the completion of Public Art on the Coast Walk to have Deductible Gift Recipient (DGR) status. This may increase the funds available for the Coast Walk Public Art project completion.

**SOCIAL CONSIDERATIONS**

The amendments to the Cultural Collections Management and Gifts Policy will support the successful implementation of the Coast Walk Public Art Strategic Plan and the sustainable management of the community's art collections.

**ENVIRONMENTAL CONSIDERATIONS**

There are no perceived impacts on the environment associated with the implementation of this policy.

**GOVERNANCE AND RISK CONSIDERATIONS**

The Policy provides a robust framework for improved governance in receiving and managing cash donations and gifts for arts and culture, and the effective management of the community's art collections.

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## Community and Stakeholder Engagement Report

### Proposed amendments to Cultural Collections Management and Gifts Policy

Impact level: three

Consultation period: 8 March to 11 April 2021

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#### Contents

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1.3.	Who responded.....	3
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	Appendix 1 Verbatim community and stakeholder responses .....	5

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## 1. Summary<sup>1</sup>



This report outlines the community and stakeholder engagement conducted as part of the Proposed amendments to the Cultural Collections Management and Gifts Policy project conducted from 8 March to 11 April 2021.

Two submissions were received via the project's Your Say page and feedback demonstrated a high level of support for the policy's principles and application. Key themes raised in the submissions included requests for:

- the use of definitions reflecting sector standards
- clarity around scope of policy
- future amendments to the guidelines to be made through expert advice to staff.

As a result of submissions received and internal feedback, some amendments and minor wording corrections are proposed to the policy.

### 1.1. Key outcomes

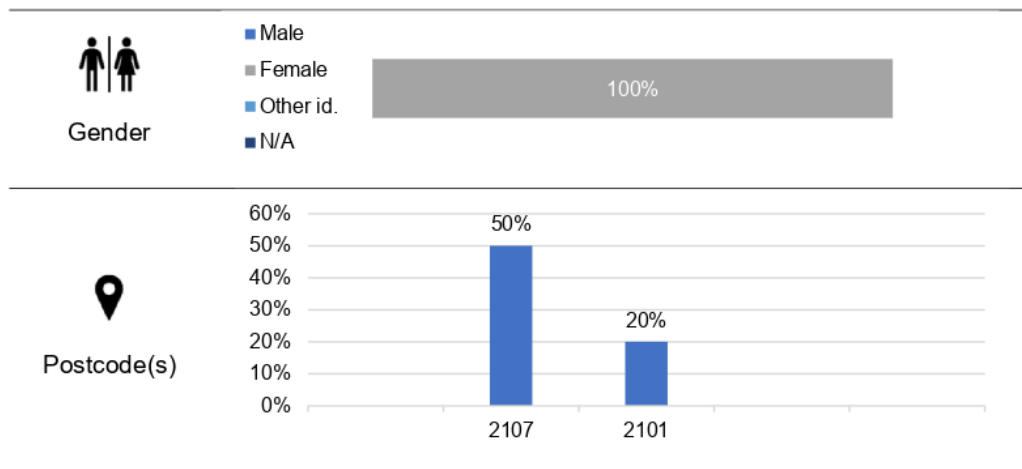
 Total submissions received		2
 Feedback themes	Definitions	Local Studies Collection
	Scope	Manly Art Gallery & Museum staff
	Guidelines	

### 1.2. How we engaged

 Have Your Say	Visitors: 417	Visits: 491	Av. time onsite: 32s
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2		Distribution: 20,000 subscribers
	Council (weekly) e-News: 2		Distribution: 150,000 subscribers
	Stakeholder email: 2		Distribution: 2

<sup>1</sup> Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

### 1.3. Who responded<sup>2</sup>



## 2. Background

This report outlines the community and stakeholder engagement conducted as part of the Proposed amendments to Cultural Collections Management and Gifts Policy project.

Research was undertaken by Council regarding fundraising to support the implementation of the Coast Walk Public Art Strategic Plan, and the steps required to collect and manage donations for this purpose.

As part of this process, Council reviewed and proposed amendments to the Cultural Collections Management and Gifts Policy to improve governance in receiving and managing cash donations and gifts. The amendments would permit Council to:

- develop and maintain public art through fundraising and donations, received through the gallery
- utilise funds raised from public art donations to support the implementation of the Coast Walk Public Art Strategic Plan.

## 3. Engagement objectives

- Objective 1: build community and stakeholder awareness of participation activities (inform)
- Objective 2: provide accessible information so community and stakeholders can participate in a meaningful way (inform)
- Objective 3: identify community and stakeholder concerns, local knowledge and values (consult)

<sup>2</sup> Demographic data was gathered by request only. The data represented only includes those respondents who provided this detail.

## 4. Engagement approach

Community and stakeholder engagement for the Proposed amendments to Cultural Collections Management and Gifts Policy was conducted over a five-week period, from 8 March to 11 April 2021, and consisted of a series of activities that provided opportunities and platforms for community and stakeholders to contribute.

The engagement was planned, implemented and reported in accordance with Council's [Community Engagement Matrix](#) (2017).

A project page<sup>3</sup> was established on our have your say platform with information provided in an accessible and easy to read format.

The project was primarily promoted through Council's E-News and our Have Your Say community engagement newsletter. Emails were also sent directly to the Manly Art Gallery and Museum and to the Manly Community Forum.

Feedback was captured through an online submission form embedded onto the have your say project page.

An open-field comments box provided community members a space to explain or elaborate on their support, not support or neutral sentiment as well as any other feedback they wished to contribute.

Email and written comments were also invited. Contact details for the project manager were provided should anyone have a question.

## 5. Findings

Two submissions were received via the project page and both indicated a high level of support for the policy's principles and application. Key themes raised in the submissions included requests for:

- the use of definitions reflecting sector standards
- clarity around scope of policy
- future amendments to the guidelines to be made through expert advice to staff.

**Table 1:** Feedback and key changes proposed to the draft policy.

Theme	Summary of what we heard	Proposed policy changes
General definitions	<ul style="list-style-type: none"> <li>• Provide a general definition of 'cultural collections' based on industry standards</li> </ul>	<ul style="list-style-type: none"> <li>• Provided a definition in the Introduction conforming to industry standards</li> </ul>
Scope of Policy	<ul style="list-style-type: none"> <li>• Scope of Policy requested on first page</li> </ul>	<ul style="list-style-type: none"> <li>• Added Scope of Policy on Page 1</li> </ul>
Local Studies Collection	<ul style="list-style-type: none"> <li>• Clarify dot point 4 on page 3 regarding items of significance in Local Studies Collection</li> </ul>	<ul style="list-style-type: none"> <li>• Clarified and amended on advice from Team Leader, Local Studies and Family History</li> </ul>

<sup>3</sup> <https://yoursay.northernbeaches.nsw.gov.au/cultural-collections-management-and-gifts-policy>

Theme	Summary of what we heard	Proposed policy changes
Amendments to Guidelines	<ul style="list-style-type: none"> <li>Clarify process of future amendments to the Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Amended as per submission, to further specify that future amendments must be based on expert advice to senior management</li> </ul>
Involvement of Manly Art Gallery & Museum staff	<ul style="list-style-type: none"> <li>Importance of involvement of Manly Art Gallery &amp; Museum staff in decisions on public art and evaluating donations</li> </ul>	<ul style="list-style-type: none"> <li>Manly Art Gallery and Museum are part of the Arts and Culture team and are involved in internal selection panels and public art evaluations.</li> </ul>

## Appendix 1 Verbatim community and stakeholder responses\*

Number	Comment/submission
1	<p>I would suggest that the staff of the Manly Art Gallery should be the decision makers on what is deemed good public art and art work, in the Northern Beaches. So much of what I see around is just decorative art, with little value long term. Decorative art has very little depth to it and dates very quickly. The art chosen for any coastal walk should be the responsibility of Manly Art Gallery and their expertise on all matters of art in the Northern Beaches, should be directly sought and listened to. Generally, I would suggest, Councillors and council staff have very little informed art appreciation! Public monies should be spent wisely on good art. The Manly Art Gallery should advise on and decide what art donations made over 100 years should also be kept.</p> <p>More Council encouragement for donations to purchase art or receive good art, yes, should be encouraged. Tax deductions are an incentive! Streamlining the process is useful.</p>
2	<p>The Barrenjoey Alliance for Arts and Culture (BAAC) appreciates the opportunity to provide feedback on the amended Cultural Collections and Gifts Policy. Overall the Alliance (BAAC) commends the Council on these policy amendments which will contribute to enriching the cultural life and wellbeing of the Northern Beaches community. The Policy generally provides a rigorous framework for managing and very importantly, resourcing these collections. The Policy generally provides a rigorous framework for managing and very importantly, resourcing these collections.</p> <p>We provide the following comments with an eye to strengthening the Policy:</p> <ol style="list-style-type: none"> <li>1. It would be useful to provide context to this Policy upfront by presenting a general definition of 'cultural collections' based on widely available cultural sector standards. This statement would provide a context for the detailed descriptions of each sub collections listed in the Table on Page 3 of the Policy. This would complement the Definitions provided later in the Policy.</li> <li>2. A Scope of Policy statement would also be useful up front on Page 1, as it relates to Cultural Collections Scope. This is in addition to the sub-Section Scope and Application (Page 4) which references administrative processes.</li> <li>3. Page 3 Table Local Studies Collection. Please clarify/re-word Dot point 4: 'Items that demonstrate rarity or outstanding representativeness of a particular type of object'. Are these items that have been assessed by experts as local, State or national significance. Is this an additional point anyway?</li> <li>4. Page 4 The Collection Management and Gifts Guidelines (Line 3) should be revised to note that The Guidelines 'can be amended through internal processes by senior management based on advice from Council's professional cultural officers'. In other words, amendments can only happen based on expert advice to senior management.</li> </ol>

\*Personal details have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.

Document administration	
Version	1.0
Date	21 April 2021
Status	Final



## Council Policy

### Northern Beaches Cultural Collection Management and Gifts Policy

#### Introduction

Northern Beaches Council is the custodian of a diverse cultural collection that includes artworks, public art, civic ephemera and local history items that directly relate to the Northern Beaches area and its communities.

A **cultural collection** is a collection of authentic objects, both natural and man-made, which have historic, aesthetic, scientific, artistic, research, technical, social or spiritual significance. This comprises objects of all types, including and not limited to antiquities; archaeological, ethnological and paleontological material; art; digital and multi-media works; and archives including written, sound, photographic and film objects.

The Cultural Collection encompasses a series of existing sub-collections including the Manly Art Gallery & Museum Collections, the Local Studies Collection, the Community Art Collection and the Civic Collection. It consists of many items of local, state and national significance, which document the unique social, artistic, cultural and local governance history of the Northern Beaches. It includes many nationally significant artworks and an unparalleled assemblage of historic material relating to both local beach culture and the history of surfing.

#### Policy Statement

Northern Beaches Council will build and maintain a cultural collection that preserves and expresses local identity and creates community well-being and connection to place on the Northern Beaches. As a resource the Collection will be used to:

- Enrich knowledge, understanding and experience of the Northern Beaches area and its communities
- Create a sense of place
- Conserve significant heritage and artistic expression for the benefit of the community and future generations
- Contribute to the development of an outstanding art gallery and museum for the area
- Interpret the history, development and significance of the area and its communities
- Contribute to and foster historical and cultural debate
- Provide an educational, research and display facility for the community.

#### Scope of Policy

This policy is the Northern Beaches Council reference for collection development and is a public facing document published on Council's website. This policy is applicable to all Northern Beaches Council employees, casual employees, contractors and volunteers. All references to 'employees' within this policy should therefore be read to include volunteers and contractors, as well as paid employees. The policy is essential for employees with collection development responsibilities aligned to their roles.



## Principles

- Council will undertake targeted and coordinated collecting of cultural material to enhance the depth and value of its collections
- Council will only acquire items, including accepting gifts, bequests and donations, that fulfil its acquisition criteria and the generic requirements of relevance and provenance
- Council welcomes financial gifts for general purposes that support the overarching aims and objectives of the Northern Beaches Cultural Collections
- Artworks, objects or cultural material will only be acquired when Council can provide appropriate resources and storage to maintain and care for them
- No artworks, objects or cultural material will be acquired with conditions or restrictions on the way they may be used or displayed in the future
- No artworks, objects or cultural material will be acquired from significant heritage sites where removal will diminish the significance of the object or the place, except in circumstances where the object is at risk
- No artworks, objects or cultural material will be acquired that relate to Aboriginal heritage on the Northern Beaches. Aboriginal people are the cultural owners and managers of items or objects relating to their heritage, and as such, any cultural material offered to Council will be referred to the appropriate custodians
- Council will maximise the opportunity for access to, and use of, its cultural collections by the community
- Council will encourage interaction and connection with local communities, cultural organisations and the general public through its cultural collections
- Council will document its cultural collections to a standard that ensures it can consistently record the nature and location of its items
- Council will allow the temporary loan of items both into and from its collections, subject to the safety and security of the item being assured and appropriate documentation undertaken
- Council will seek to provide appropriate conditions at all times for the display and storage of its collections, including appropriate environments and housing materials
- De-accessioning of items from Council's collections is acceptable, subject to strict adherence to criteria and detailed documentation
- Disposal of an item in Council's collections will only be undertaken where it is de-accessioned, or has never been accessioned, and will follow strict disposal procedures
- All collecting activity and collection management processes will be conducted in accordance with the [ICOM Code of Ethics for Museums](#) and within the framework of the [NSW Heritage Office Movable Heritage Principles](#), the [Library Council of NSW Standards and Guidelines for NSW public libraries](#) and the [Australian Copyright Council Moral Rights](#).

## Collection Development – Acquisitions

Acquisitions into the Cultural Collection can be made by donation, bequest, or through purchase or commissioning. Civic or ceremonial gifts awarded to or received by Councillors and staff in the course of their duties, may be considered for inclusion in the Collection. Items can only be purchased if funds are available in Council's budget or funds are made available through a financial gift or bequest. If there are no funds available in the current budget, a Report will be submitted to Council seeking funding.

To be eligible for acquisition into the Collection, an item must meet the essential acquisition criteria listed below, as well as the specific acquisition criteria relevant to the sub-collection category to which it will belong. The Community Arts & Culture and Library Services Executive Managers will oversee all acquisitions that are considered significant to their sub-collections.

#### Essential Acquisition Criteria

To be considered for the Northern Beaches Cultural Collection all items must meet the essential acquisition criteria. Incomplete items or works will not be considered.

1. Demonstrable significance for the Northern Beaches community
2. Comply with the stated purpose and key collecting areas of the Collection
3. Unconditional donation or purchase that has valid and clearly verifiable legal title
4. Whole, complete and finished item
5. Established and verifiable provenance
6. Acceptable standard of physical condition, presentation and format
7. Resource implications such as staffing, storage or display requirements are satisfied
8. There are no unreasonable or inappropriate restrictions on display of the item
9. Council can loan the item
10. That copyright agreement is not unreasonable
11. That Council can de-accession the item.

#### Specific Acquisition Criteria for each Sub-Collection

<b>Manly Art Gallery &amp; Museum Collection</b>	<ol style="list-style-type: none"> <li>1. Works of high quality by significant Australian artists, both historical and contemporary, in a range of mediums</li> <li>2. Significant artworks by artists associated with Manly and the Northern Beaches area that document the social, cultural and artistic history of the region</li> <li>3. Objects for the Museum that reflect and expand on the knowledge of Australian beach culture, with specific reference to the role that Manly and the Northern Beaches area has played in this history</li> <li>4. Permanent public artworks within the Northern Beaches area, acquired and managed according to the Northern Beaches Council Public Art Policy 2019.</li> </ol>
<b>Local Studies Collection</b>	<ol style="list-style-type: none"> <li>1. Items that have a distinct and verifiable connection to the Northern Beaches</li> <li>2. Items that contribute to an understanding of people, life or the environment of the Northern Beaches in the past or the present</li> <li>3. Items that improve the existing research and reference collections currently used by the community</li> <li>4. Items deemed to be rare and/or have been assessed by experts as having local significance.</li> </ol>
<b>Community Art Collection</b>	<ol style="list-style-type: none"> <li>1. Works of high quality by local artists for display within Council-owned buildings across the Northern Beaches, including community, civic and administrative spaces.</li> </ol>
<b>Civic Collection</b>	<ol style="list-style-type: none"> <li>1. An item of visual art, ephemera or memorabilia gifted to a Council representative in the course of official Council business (See also—Council's Code of Conduct)</li> <li>2. Framed photographs or ceremonial documents, such as scrolls and certificates, generated by the Northern Beaches Council, awarded to Northern Beaches Council or which represents a major Northern Beaches event, activity or initiative such as 'Sister Cities'.</li> </ol>



## Collection Management and Gifts Guidelines

Guidelines to be used in conjunction with this Policy outline the decision making processes that shape the cultural collections of Northern Beaches Council. These Guidelines should be used as a reference document and may be amended through internal processes by senior management based on advice from Council's professional cultural officers.

The Guidelines provides a set of principles to manage:

- **Collection development** – purpose and priorities of the Northern Beaches Collection and its various sub-collections
- **Acquisitions** – purchases, commissions, donations, long-term loans
- **Gifts** – acceptance of financial gifts, including donations of material associated with the Commonwealth Government's [Cultural Gifts Program](#) which provide tax incentives to encourage gifts of culturally significant items from private individuals to public collections
- **Preservation and care** – documentation, conservation, storage and security
- **Access** – digital and physical access through exhibitions, loan agreements, publications, public programs and research.

## Policy application

This policy applies to all employees, agents, officers, councillors and committee members of Northern Beaches Council and the general public.

## References and related documents

Northern Beaches Council (2018) Public Art Policy

Northern Beaches Council (2018) Movable Heritage Policy

Northern Beaches Council (2018) Draft Northern Beaches Coast Walk Strategic Plan

Connected Through Creativity; Northern Beaches Council Arts and Creativity Strategy 2029

Northern Beaches Council (2018), Community Strategic Plan SHAPE 2028

## Definitions

- **Authentic:** Of undisputed origin and supported by evidence; genuine.
- **Acquisition:** Acquiring or gaining possession of an item or collection.
- **Burra Charter:** Charter developed and adopted by Australia ICOMOS (International Council on Monuments and Sites), which establishes nationally accepted principles for the conservation of places of cultural significance.
- **Collection:** A body of acquired items held by a collecting organisation, or the accumulated items held by a collector.
- **Collection policy:** A publicly accessible document that guides the development and management of an organisation's cultural collection, specifying why, what, where, how and when it collects, and how and why items may be deaccessioned from the collection. The collection policy includes a range of clauses or policy statements that provide an ethical framework for making sound decisions about the development and use of the collection.
- **Criteria (or assessment criteria):** A broad framework of cultural, aesthetic and natural values used in the significance assessment process to draw out or elucidate how and why the item or collection is significant.
- **Deaccession:** To de-register an item from a collection. Deaccessioning is the process of de-registering an item from a collection for clearly stated reasons, and disposing of it in

accordance with approved policies and procedures spelt out in the collection policy or in a separate deaccessioning policy.

- **Documentation:** The process of record keeping for each item in a collection. Documentation includes registration, cataloguing and research notes.
- **Interpretation:** All the ways of presenting the significance of an item or collection, from simple object labels to exhibitions, education programs and web-based resources.
- **Moral rights:** Protecting the personal relationship between a creator and their work even if the creator no longer owns the work, or the copyright in the work. Moral rights concern the creator's right to be properly attributed or credited, and the protection of their work from derogatory treatment.
- **Movable heritage:** Any reasonably portable item or collection of historic, aesthetic, scientific or social significance.
- **Provenance:** The documented chain of ownership of an item or collection, or more broadly the life history of an item including previous owners, origin, and context of use.
- **Significance:** The meaning and values of an item or collection, or what makes it important. Significance is the historic, aesthetic, scientific and social values that an item or collection has for past, present and future generations.

### Responsible Officer

Executive Manager, Community, Arts and Culture

### Review Date

June 2026

### Revision History

Revision	Date	Status	TRIM Ref
1	5/11/2018	First draft Northern Beaches Cultural Collection Management and Gifts Policy	2018/700784
2	29/4/2019	Approved Northern Beaches Cultural Collection Management and Gifts Policy	2019/243423
3	28/5/2019	Adopted by Council	2019/247884
4	12/02/2021	Amendments made for Public Exhibition in March 2021	2021/091664
5	11/05/2021	Amendments made following Public Exhibition in March 2021	2021/334783

<b>ITEM 10.3</b>	<b>MINUTES OF THE PUBLIC ART WORKING GROUP MEETING ON 4 MARCH 2021</b>
<b>REPORTING MANAGER</b>	<b>DIRECTOR COMMUNITY AND BELONGING</b>
<b>TRIM FILE REF</b>	<b>2021/307914</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Minutes - Public Art Working Group - 4 March 2021</b>

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## BRIEF REPORT

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### PURPOSE

To report the minutes of the Public Art Working Group meeting held on 4 March 2021.

### REPORT

The Public Art Working Group meets quarterly to assist Council achieve the public art aims and objectives outlined in the Northern Beaches Arts and Creativity Strategy, *Connected Through Creativity 2029*, the Public Art Policy and Guidelines, the delivery of the Coast Walk Public Art Strategic Plan, and other public art projects initiated by Council.

The Working Group includes representatives from the local community and elected Councillors and provides informed advice on matters relating to the proposed commissioning and acquisition of permanent public art for the Northern Beaches.

Northern Beaches Council's public art objectives are to:

- Enliven the Northern Beaches with works of public art that will contribute and enhance the character and design of memorable public places.
- Celebrate and reflect the cultural, social and environmental significance of the Northern Beaches, exploring both the historic and contemporary cultural layers of the Northern Beaches through public art outcomes.
- Deliver a distinctive program of permanent and temporary art initiatives to create a cultural connection for the Northern Beaches community.

The discussion at the Working Group meeting of 4 March 2021 included:

- Coast Walk Public Art Project Updates - including the Aboriginal Art & Storytelling Project, Robert Dunn Reserve, McKillop Park and the Long Reef and Mona Vale Surf Life Saving Clubs.
- Street Art Program – including works completed at the Brookvale Community Centre, Whistler Street Carpark and Peninsula Carpark.
- Other Public Art Project Updates - including St David Avenue Park, Dee Why Heritage Photograph, Manly Art Gallery and Museum (MAG&M) Lettering Project and Herminie's Landing.
- Coast Walk Public Art Strategy Funding Plan - including an update on the development of a fundraising plan for the Coast Walk Public Art program.

The Meeting Minutes of 4 March 2021 were endorsed by the Public Art Working Group at its meeting of 3 June 2021.

**LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events.

**FINANCIAL CONSIDERATIONS**

Funding to support the Council's public art program is included in the existing budget. Adoption of the Minutes of the Public Art Working Group will not result in any financial impact. The public art commissions for the Coast Walk are funded from the \$2 million allocated to public art by Council on 27 June 2017 from the Merger Savings Fund.

**ENVIRONMENTAL CONSIDERATIONS**

The noting of the minutes of the Public Art Working Group does not present matters that will create adverse environmental impact.

**SOCIAL CONSIDERATIONS**

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

**GOVERNANCE AND RISK CONSIDERATIONS**

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

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING**

That Council note the Public Art Working Group Minutes of 4 March 2021 meeting.

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# MINUTES

## PUBLIC ART WORKING GROUP

held in the Guringai Room, Dee Why on

**THURSDAY 4 MARCH 2021**

**Minutes of the Public Art Working Group**  
**held on Thursday 4 March 2021**  
**in the Guringai Room, Dee Why**  
**Commencing at 6:00pm**

**ATTENDANCE:**

**Committee Members**

Cr Penny Philpott	Chairperson & Councillor
Cr Sue Heins	Councillor
Cr Kylie Ferguson	Councillor
Ashley McDonald	Community member
Billie Routledge	Community member
John Pearson	Community member
Aunty Clair Jackson	Community member
Marissa Bateman	Community member
Penny Polkinghorne	Community member
Simon Barrett	Community member

**Council Officer Contacts**

Kylie Walshe	Executive Manager Community, Arts & Culture
Josephine Bennett	Manager Arts & Culture
Christiane Statham	Public Art Coordinator

## **1.0 ACKNOWLEDGEMENT OF COUNTRY**

The Chair acknowledged the traditional custodians of the land on which the meeting gathered, and paid respect to Elders past and present.

## **2.0 APOLOGIES**

Apologies were received from:

- Cr Kylie Ferguson
- Kylie Walshe, Executive Manager Community, Arts & Culture
- Eliza Pross representing Aunty Clair Jackson, Community member
- Marissa Bateman, Community member
- Ashley McDonald, Community member

## **3.0 DISCLOSURES OF INTEREST**

There were no disclosures of pecuniary or non-pecuniary conflicts of interest.

## **4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **4.1 MINUTES OF PUBLIC ART WORKING GROUP MEETING HELD 19 NOVEMBER 2020**

#### **RECOMMENDATION**

That the Minutes of the Public Art Working Group meeting held 19 November 2020, copies of which were previously circulated to all Members, are hereby confirmed as a true and correct record of the proceedings of that meeting.



## **5.0 ACTIONS UPDATE**

### **5.1 ACTIONS UPDATE**

**To update the Working Group on actions arising from the previous meeting on 19 November 2020:**

Item 6.2

ACTION - The Working Group requested a copy of the Street Art - Expression of Interest document

ACTION UPDATE - Action taken.

Item 6.2

ACTION - The Working Group requested that staff research potential walls for large murals in the western parts of the LGA.

ACTION UPDATE – Action taken.

## **DISCUSSION**

The Working Group discussed potential walls for large murals in the western parts of the LGA, and staff presented the results of their research and a project in development for Forestville. The Working Group discussed site options including a wall at Glen Street Theatre. The Working Group also discussed staff conducting research into the potential of a disability-themed mural with Studio A, a supported studio for artists with disabilities. Staff will investigate funding options with Community Development.

## **RECOMMENDATION**

That the information be received and noted.

## 6.0 AGENDA ITEMS

### 6.1 COAST WALK PUBLIC ART - PROJECT UPDATES

#### DISCUSSION

Staff provided project updates on current Coast Walk Public Art Projects.

#### Aboriginal Art & Storytelling Project

This project is currently in the procurement process for Stage 2. The Working Group requested an update on the procurement and Council approval process, which was provided by staff.

#### South Mona Vale Headland (Robert Dunn Reserve)

This project is currently in the procurement process for Stage 2.

#### McKillop Park, Freshwater

Staff presented an update on this project and presented an updated project timeline, including the site visit by the Public Art Selection Panel on 19 March 2021. The Expression of Interest for this project is planned to open in April 2021. The Working Group asked whether the Freshwater Master Plan would be included in the Artist Brief and staff confirmed that this is one of the Appendices to the Brief.

#### Mona Vale Surf Life Saving Club

Staff advised the Working Group that plans were underway to include public art in the public spaces adjacent to the Mona Vale Surf Life Saving Club. The Working Group recommend engaging with the Surf Life Saving Clubs on the proposed public art.

#### Long Reef Life Saving Club

Staff advised the Working Group that plans were underway to include public art in the public spaces adjacent to the Long Reef Surf Life Saving Club. The Working Group recommend engaging with the Surf Life Saving Clubs on the proposed public art. The Working Group also suggested an environmental theme for the public art for this site.

The Public Art Working Group recommend that the proposals are supported. The Working Group also discussed wayfinding for the Coast Walk, and requested that staff report to the Working Group any updates on the development of wayfinding plans. The Group also requests that where possible, marketing for Coast Walk projects be tied into marketing for the Northern Beaches Environmental Art and Design Prize.

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#### RECOMMENDATION OF PUBLIC ART COORDINATOR

That the information be received and noted.

**6.2 STREET ART PROGRAM - UPDATE****DISCUSSION**

Staff presented an update on street art projects across the LGA.

**BROOKVALE COMMUNITY CENTRE, BROOKVALE**

Staff presented an update on this project. The mural was completed by local artist Kentaro Yoshida, and has been positively received by the community.

**WHISTLER STREET CARPARK, MANLY**

Staff presented an update on this project. The artist selected for this project is Otis Hope Carey, who will commence installing the work on 10 March 2021.

**PENINSULA CARPARK, MANLY**

Staff presented an update on this project. The artist selected for this project is Claire Foxton, who will commence installation on 10 March 2021.

The Public Art Working Group recommended that decals with QR codes be placed at each site, linking to further information about the artists and their works.

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**RECOMMENDATION OF PUBLIC ART COORDINATOR**

That the information be received and noted.

**6.3 OTHER PUBLIC ART PROJECTS - UPDATE****DISCUSSION**

Staff provided an update on other public art projects across the LGA.

**St David Avenue Park, Dee Why**

Staff presented an update on this project. James Voller of Collide Public Art will be working with emerging Indigenous artist, Dennis Golding, to create an integrated, illuminated artwork for this site.

**Dee Why Heritage Photo**

Staff presented an update on this project, which will be installed on 17 March 2021.

**Manly Art Gallery and Museum (MAG&M) Lettering Project**

Staff presented an update on this project, which is currently in the process of procurement.

**Herminie's Landing**

Staff presented an update on this project. After community engagement, the site has been renamed as Herminie's Landing, and staff will now proceed to engage a sandstone carver to conduct a site visit, and provide a quote for creating a sandstone engraving featuring the name of the site and a floral interpretation, representative of Herminie Swainston's passion for art and gardening.

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**RECOMMENDATION OF PUBLIC ART COORDINATOR**

That the information be received and noted.

## 6.4 FUNDRAISING FOR THE COAST WALK

### DISCUSSION

Staff provided an update on fundraising for the Coast Walk, and advised that following Council's endorsement of a report at its February meeting, work will commence on the development of a fundraising plan. The Working Group provided suggestions of local philanthropists and networks to be considered in fundraising.

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### RECOMMENDATION OF PUBLIC ART COORDINATOR

That the information be received and noted.

## 7.0 GENERAL BUSINESS

There was no other business.

### SUMMARY OF ACTIONS

ITEM NO.	ACTION	RESPONSIBLE OFFICER	DUE DATE
6.2	The Public Art Working Group recommended that decals with QR codes be placed at each site, linking to further information about the artists and their works.	Christiane Statham	30/5/21

*The meeting concluded at 8pm*

This is the final page of the minutes comprising 9 pages numbered 1 to 9 of the Public Art Working Group meeting held on Thursday 4 March 2021 and confirmed on Thursday 3 June 2021

## 11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	MAINTENANCE WORKS ON PRIVATE LAND 2-12 POLO AVENUE, MONA VALE
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2021/267377
ATTACHMENTS	NIL

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### BRIEF REPORT

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#### PURPOSE

To seek Council approval to undertake minor maintenance works on private land at 2, 4, 6, 10 and 12 Polo Avenue, Mona Vale to reduce the sediment in the stormwater drainage network and associated impacts on the upstream properties east of Barrenjoey Road.

#### REPORT

Maintenance works within the natural watercourse between 2 and 12 Polo Avenue, Mona Vale are required in order to reduce the impacts of sediment deposition and weed growth, which affects ease of flow in this vicinity.

Between 1988 and 1990, the then Warringah Shire Council (WSC) entered into negotiations with all property owners whose properties contained the Mona Vale main drain, as the natural watercourse was known.

WSC proposed a cost sharing arrangement to pipe the natural watercourse from Barrenjoey Road to the open channel located at the rear of 81 Bassett Street, Mona Vale (see locality Map 1 below).

A review of available information indicates that the owners of the affected properties, namely 2, 4, 6, 10 and 12 Polo Avenue, Mona Vale, were not in a position to accept WSC's proposed cost sharing arrangement for various reasons, including available funds.

**Map 1: Location of Natural Watercourse**





Following the construction of a pipe and culvert network through other properties containing the natural watercourse, in 1990 WSC implemented a maintenance regime within the subject properties. The maintenance reduced the impacts of sedimentation on the upstream stormwater network caused by the inefficient conveyance of stormwater through the natural watercourse section.

This maintenance practice continued following the establishment of former Pittwater Council in 1992, and by Northern Beaches Council as required in 2016, 2017, 2018, and in 2020. Staff are seeking to formalise this practice for Northern Beaches Council to continue the maintenance works within private property, thereby reducing the impacts on the upstream catchment.

As there are no easements in favour of Council on the properties, Council is required to seek permission from the owners to access the properties. Staff wrote to the property owners at numbers 2, 4, 6, 10, and 12 Polo Avenue on 6 April 2021 to obtain permission to conduct future maintenance works. Written permission has since been received from all 5 property owners. The proposed periodic maintenance works will include the removal of weeds and minor amounts of sediment to reduce any blockages and increase the capacity of the natural watercourse within the properties. Staff will provide the property owners with a minimum of one week's notice to ensure unrestricted access to enable the maintenance works. For urgent works, Council will endeavour to give notice within 24 hours of work being conducted.

This maintenance activity costs approximately \$3,700 (ex. GST) each time it is undertaken and this can be covered by existing stormwater maintenance budget and performed by Council crews. It is expected that maintenance frequency will be at least annual depending on rainfall and weed growth.

### **LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.

### **FINANCIAL CONSIDERATIONS**

The proposed maintenance will be undertaken using the existing operational budget. The maintenance is expected to be undertaken at least annually depending on rainfall and weed growth, at a cost to Council of approximately \$3,700 (ex GST). This approximate expense includes staff labour, plant and the disposal of removed materials, and is not proposed to be recovered.

### **ENVIRONMENTAL CONSIDERATIONS**

The proposed maintenance works will be managed to have minimal environmental impacts. The maintenance exercise is intended to increase the efficiency of the watercourse and therefore reduce the impacts of rainfall events on the upstream stormwater network and properties due to the more efficient system.

### **SOCIAL CONSIDERATIONS**

The proposed maintenance activity will reduce the impacts on the local community by reducing localised flooding and improving aesthetics of the local watercourse.



**GOVERNANCE AND RISK CONSIDERATIONS**

In accordance with section 67 (2) of the *Local Government Act 1993 (NSW)* Council must not carry out work on private land unless it proposes to charge an approved fee for the work, as determined by Council, or, if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made and the proposed fee to be charged is determined, by resolution of Council, before the work is carried out. Council does not propose to charge an approved fee for the work on the Land. Accordingly, a resolution of Council permitting the work to be carried out at Council's cost is required.

Staff have written to each the property owners and have received permission to undertake the maintenance works.

In the letter requesting access, staff outlined the notice period (seven days for maintenance activities and 24 hours for urgent works) which will be provided prior to works commencing.

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**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY**

That Council:

1. In accordance with Section 67 of the *Local Government Act (1993) (NSW)*, approve the carrying out of periodic maintenance works within the natural watercourse at 2, 4, 6, 10 and 12 Polo Avenue, Mona Vale to facilitate effective stormwater flow in that area.
  2. Carry out the works referred to in part 1 of the recommendation at Council's cost, with no fee to be charged to the owners of the land for the works.
  3. Authorise the Chief Executive Officer to do all things necessary to give effect to the above.
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<b>ITEM 11.2</b>	<b>FERN CREEK, MINOR WORKS ON PRIVATE LAND</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE</b>
<b>TRIM FILE REF</b>	<b>2021/340060</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Fern Creek Crossing Site Plan</b>

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## BRIEF REPORT

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### PURPOSE

To seek Council approval to undertake minor work on private land owned by the Broken Bay Diocese at Mater Maria Catholic College, 5 Forest Road, Warriewood, without charging a fee to the land owner for carrying out the work.

The minor work forms part of the planned bushfire protection trail, and includes completing a pedestrian creek crossing for use by Rural Fire Service (RFS) vehicles and the community.

A Council resolution is required in order for the work carried out by Council because the work will be carried out at Council's cost, with no fee charged for the work to the owner of the land.

### REPORT

In April 2020 Council entered into Contract 2020/033 for \$193,470 (ex. GST) with Total Earth Care Pty Ltd to undertake works under the Warriewood Valley Contributions Plan 2018. The contractor was engaged to provide environmental design and construction services at Fern Creek, Warriewood, including a bushfire protection trail and pedestrian creek crossing for community use and Rural Fire Service (RFS) vehicles.

The Fern Creek crossing will provide public pedestrian access linking Rocket Park and Fern Creek Park, as well as providing access for emergency services vehicles between Forest Road and Dove Lane/ Fern Creek Road in times of emergency.

Council has completed the portion of work on public land and is now required to undertake a small section of connection works on private property at Mater Maria Catholic College (College), 5 Forest Road, Warriewood (Lot 13 DP 1083731), owned by the Broken Bay Diocese (Land). The Fern Creek crossing will connect to the purpose-built concrete driveway on the Land. The concrete driveway was constructed for this purpose in accordance with development consent N1038/00.

In order to make the connection and conform to RFS vehicle requirements, it is necessary to re-grade approximately two metres of the existing concrete driveway on the Land. In addition to this, the concrete driveway terminates approximately two metres inside the boundary of the Land, resulting in a total work area of approximately 10m<sup>2</sup>.

Council has consulted with the College and its legal representative. At the request of the College, Council will prepare and cover the costs associated with a temporary access licence, which will address the scope of works, engineering standards, insurance and remediation, in order to access the site to undertake the works.

The cost of the work, as well legal costs associated with the temporary access licence, will be approximately \$12,000 (ex GST). The works can be carried out as part of the current contract with Total Earth Care Pty Ltd.

## LINK TO COUNCIL STRATEGY

The Fern Creek crossing and bushfire protection trail is identified in the Warriewood Valley Landscape Masterplan 2018 and the Warriewood Valley Contributions Plan 2018.

This report relates to the Community Strategic Plan Outcome of:

- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

## FINANCIAL CONSIDERATIONS

The cost of the works and legal costs associated with the temporary access licence, will be approximately \$12,000 (ex GST). The works will be funded within the existing budget for the Fern Creek crossing.

The cost of drafting a temporary access licence will be borne by Council. Council has also agreed to reimburse the College for its legal fees associated with the access licence.

## ENVIRONMENTAL CONSIDERATIONS

Works will be managed and coordinated to minimise any environmental impacts in accordance with relevant environmental documentation. The Fern Creek works have included wetlands construction, instream stabilisation and weed removal. This project has enhanced the natural environment of Fern Creek, Warriewood.

## SOCIAL CONSIDERATIONS

The requirement for this trail has been identified in the Warriewood Valley Landscape Masterplan, as well as a number of other planning instruments and development consents, so as to provide important access for emergency services and pedestrian access for the community. Not undertaking the connecting works to the driveway on private property would not provide effective access for RFS vehicles in the event of a future bush fire emergency.

## GOVERNANCE AND RISK CONSIDERATIONS

In accordance with section 67 (2) of the *Local Government Act 1993 (NSW)* Council must not carry out work on private land unless it proposes to charge an approved fee for the work, as determined by Council, or, if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of Council, before the work is carried out. Council does not propose to charge an approved fee for the work on the Land. Accordingly, a resolution of Council permitting the work to be carried out at Council's cost is required.

The Works would be managed under Contract 2020/033 Fern Creek Works. Work will be undertaken under a temporary access licence, which will address risk considerations such as cost, engineering standards, insurance and remediation.

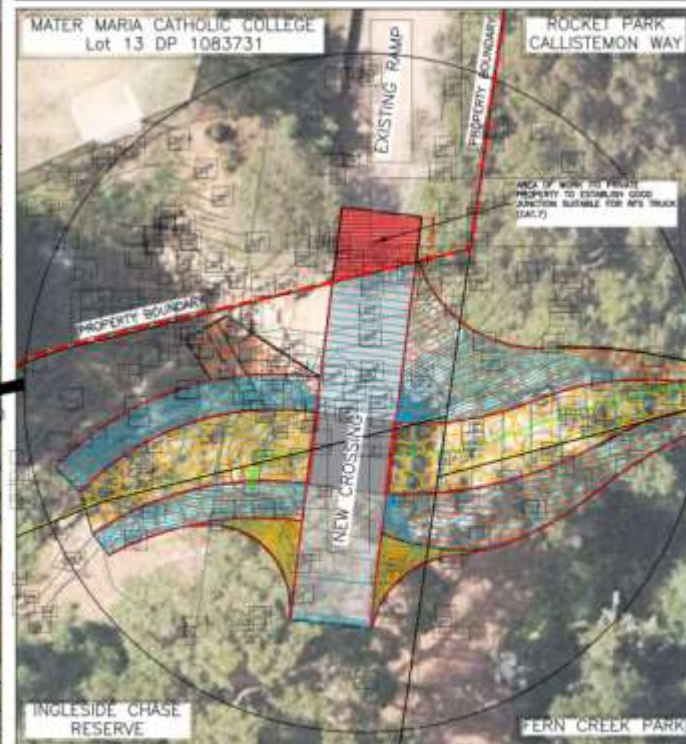
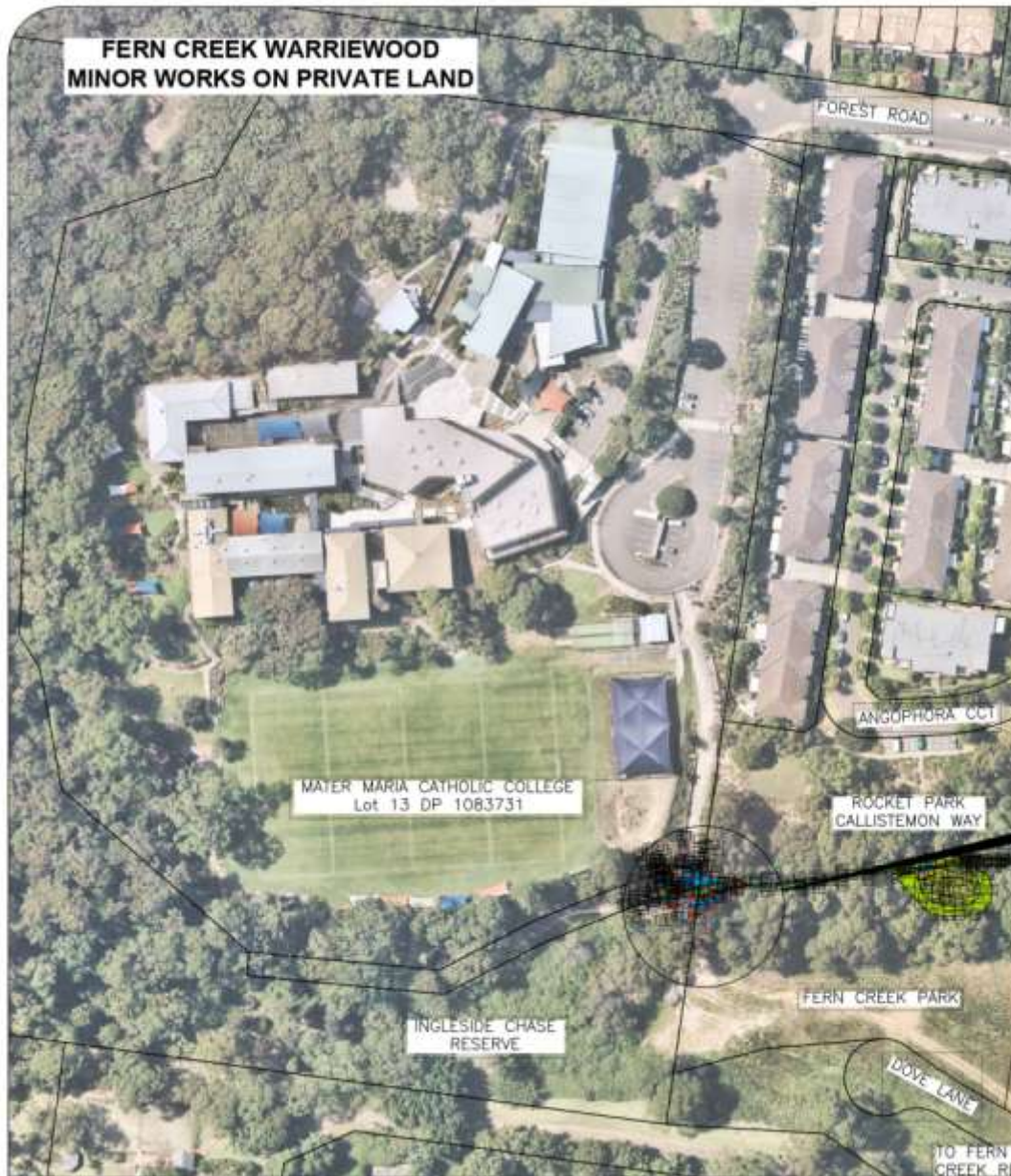
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**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY**

That Council:

1. In accordance with Section 67 of the *Local Government Act (1993) (NSW)*, approve the carrying out of work on private land owned by the Broken Bay Diocese at Mater Maria College, 5 Forest Road, Warriewood, to connect the Fern Creek crossing.
  2. Carry out the work referred to in part 1 of the recommendation at Council's cost, with no fee for the work charged to the owner of the land.
  3. Authorise the Chief Executive Officer to do all things necessary to give effect to the above.
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<b>ITEM 11.3</b>	<b>BEACH NOURISHMENT OPPORTUNITY: SYDNEY METRO WEST TUNNEL</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE</b>
<b>TRIM FILE REF</b>	<b>2021/374602</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

This report is to inform Council of the opportunity to access sand from the Sydney Metro West Tunnel project for beach nourishment, and recommend that Council seek financial support from the NSW Government to undertake the necessary investigations (including environmental assessments) into this opportunity.

### EXECUTIVE SUMMARY

Beach nourishment is the practice of adding sand to beaches to combat erosion and increase beach width. As sea level rise begins to impact the NSW coastline, beaches across NSW are forecast to recede and beach nourishment is seen as the only feasible long-term management response to ensure the beach amenity and public use of beaches is maintained. Northern Beaches Council (and the former Manly, Warringah and Pittwater Councils) has a history of advocating for the NSW Government and other coastal councils to act in partnership to enable beach nourishment to be undertaken in response to sea level rise. Beach nourishment is highlighted as a key strategy to manage beach erosion and sea level rise in Council's Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fisherman's Beach (2016) and Council's Coastal Erosion Policy.

A significant volume of sandstone is being excavated as part of the Sydney Metro West Tunnel project and Transport for NSW (TfNSW) is proposing an opportunity to transport the sand fraction from the excavation (<5mm in size) to Wamberal Beach (Central Coast Council), Bate Bay (Sutherland Shire Council) and Collaroy-Narrabeen Beach for the purpose of beach nourishment in late 2022. It is proposed that up to 250,000m<sup>3</sup> of the available 465,000 m<sup>3</sup> of sand suitable for beach nourishment could be placed at Collaroy-Narrabeen Beach. Specifically, TfNSW proposes that the sand would be placed on barges, transported to Collaroy-Narrabeen Beach embayment and then released from the barges into the embayment approximately 100 metres offshore (Proposal). This volume of sand is roughly equivalent to the volume of sand that would be eroded from the beach during a '1 in 10 years' storm event, such as the one experienced in April 2015, and less than 10% of the total volume in the embayment.

Beach nourishment of this nature and scale has not been undertaken on the Northern Beaches previously. It would involve a new approach to beach nourishment for Council and NSW. The Proposal raises numerous issues that Council would need to consider and work through before it could be satisfied that the project should be undertaken. Nevertheless, TfNSW's Proposal presents an opportunity for Council to investigate the necessary processes, assessments and approvals required for the Proposal to proceed. It will also allow Council to understand what would be required to access significant volumes of sand from future projects such as the Beaches Link Tunnel, and enable Council to evaluate the feasibility of future beach nourishment as a genuine adaptation response to sea level rise.

The numerous issues raised by this proposed approach to beach nourishment include potential risks such as environmental impacts, temporary water quality changes, public perception around "dumping", multi-agency approvals, legislative compliance, contractual arrangements between



Council and the project partners, and impact on patterns of sand movement in the embayment. Council would need to evaluate these issues and risks before any decision could be made to proceed.

Accordingly, it is proposed that Council not commit to receiving sand at Collaroy-Narrabeen from TfNSW until 1) the NSW Government provides funding and technical support to undertake the necessary investigations (including all necessary environmental assessments) and seek the necessary approvals, and 2) a further report is brought to Council with the outcomes of the investigations and assessments process.

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## RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Note the proposal of Transport for NSW that, in late 2022, up to 250,000m<sup>3</sup> of the sand fraction (<5mm in size) from the sandstone which is being excavated as part of the Sydney Metro West Tunnel project be placed on barges, transported to Collaroy-Narrabeen Beach embayment and released from the barges into the embayment approximately 100 metres offshore (Proposal).
  2. Note that the proper consideration of the Proposal requires a range of matters to be investigated including material suitability, approval pathways, approval requirements, environmental impacts and funding.
  3. Write to the Ministers for Transport and Local Government expressing Northern Beaches Council's interest in beach nourishment opportunities resulting from the Sydney Metro West Tunnel and similar projects, subject to the necessary investigations and assessments being undertaken and the necessary approvals being obtained.
  4. Request that the NSW Government partner with relevant Councils with respect to the Proposal, including by confirming in writing that the NSW Government will:
    - A. provide to Council financial assistance of at least 50% of its costs associated with undertaking investigations (including environmental assessments) and seeking the necessary approvals in relation to the Proposal
    - B. make staff resources and departmental assistance available to Council in relation to the Proposal.
  5. Subject to confirmation of the matters at part 4 of the recommendation, undertake the necessary investigations (including environmental assessments) and stakeholder/community consultation in relation to the Proposal.
  6. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution.
  7. Note that, before the Proposal may proceed, staff will present the outcomes of the investigations and community consultation at a future Council meeting.
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## REPORT

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### BACKGROUND

Beach nourishment is the practice of adding sand to beaches to combat erosion and increase beach width. As sea level rise begins to impact the NSW coastline, beaches across NSW are forecast to recede and beach nourishment is seen as the only feasible long-term management response to ensure the beach amenity and public use of beaches is maintained. Northern Beaches Council (and the former Manly, Warringah and Pittwater Councils) has a history of advocating that the NSW Government and other coastal councils should act in partnership to enable beach nourishment to be undertaken in response to sea level rise. Beach nourishment is highlighted as a key strategy to manage beach erosion in Council's adopted Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fisherman's Beach (2016) and Council's Coastal Erosion Policy.

A significant volume of sandstone is being excavated as part of the Sydney Metro West Tunnel project and Transport for NSW (TfNSW) is proposing an opportunity to transport the sand fraction from the excavation (<5mm in size) to Wamberal Beach (Central Coast Council), Bate Bay (Sutherland Shire Council) and Collaroy-Narrabeen Beach for the purpose of beach nourishment in late 2022. It is proposed that up to 250,000m<sup>3</sup> of the available 465,000m<sup>3</sup> of sand suitable for beach nourishment be placed at Collaroy-Narrabeen Beach. Specifically, TfNSW proposes that the sand would be placed on barges, transported to Collaroy-Narrabeen Beach embayment and then released from the barges into the embayment approximately 100 metres offshore (Proposal). This volume of sand is roughly equivalent to the volume of sand that would be eroded from the beach during a '1 in 10 years' storm event such as the one experienced in April 2015.

Beach nourishment of this nature and scale has not been undertaken on the Northern Beaches previously. It would involve a new approach to beach nourishment for Council and NSW. The project raises numerous issues that Council would need to consider and work through before it could be satisfied that the project should be undertaken. Nevertheless, TfNSW's proposal presents an opportunity for Council to investigate the necessary processes, assessments and approvals required to enable the Proposal to proceed, as well as to enable Council to understand what would be required to access significant volumes of sand from future projects such as the Beaches Link Tunnel. It also enables Council to evaluate the benefits of the beach nourishment as well as its feasibility as a genuine adaptation response to sea level rise.

It is proposed that Council will not commit to receiving this sand from TfNSW until funding support from the NSW Government has been confirmed, the necessary investigations (including environmental assessments) have been undertaken and the matter has been reported back to Council.

### **Suitability of sandstone from Sydney Metro West Tunnel Project for beach nourishment**

An initial assessment by TfNSW on the feasibility of utilising the sandstone from Sydney Metro West Tunnel project for beach nourishment has found the sand proposed to be supplied is of a suitable size, colour and quality for beach nourishment. The sand to be extracted is virgin excavated natural material and TfNSW are committed to screening the sand coming from the project to ensure only sand of a suitable size is used for beach nourishment.

As indicated above, the Proposal contemplates that once excavated and sorted the sand would be placed on barges and transported to the Collaroy-Narrabeen Beach embayment and then released from the barges into the embayment approximately 100 metres offshore, following which the sand will be transported onshore naturally by the currents and tides. If not utilised for beach nourishment TfNSW will transport this sand by truck to other sites in Sydney for landfill or other construction purposes, or dispose at sea.

### Impact assessment and approvals

Council has been advised by the Department of Planning, Infrastructure and Environment (DPIE) that the activity of beach nourishment is permissible without consent under the *Coastal Management Act 2016*. This would mean that an assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* would need to be undertaken. At a minimum, this would require that a Review of Environmental Factors (REF) would need to be undertaken, although an environmental impact statement or species impact statement may be necessary.

TfNSW has proposed that Northern Beaches Council would be the proponent and determining authority for any sand placed at Collaroy-Narrabeen Beach. However, the proposed assessment and approval pathway requires further consideration. It is also noted that the relevant land in the Collaroy-Narrabeen embayment is not owned by Council and there may be questions as to the appropriateness of Council being the proponent and determining authority, as suggested by TfNSW.

Guidance has been sought from DPIE on the matters required to be covered in the environmental assessment as well opportunities for DPIE to review and endorse the assessment. The NSW Environment Protection Authority (EPA), Crown Lands and the Department of Primary Industries (Fisheries) will also be consulted with respect to the environmental assessment and any permits or licences.

The environmental impact assessment will address all the requirements under Part 5 of the *Environmental Planning and Assessment Act 1979*. Key site-specific issues to be addressed include:

- Water quality
- Beach amenity
- Coastal processes
- Narrabeen Lagoon entrance
- Narrabeen Headland Intertidal Protected area and Long Reef Aquatic Reserve
- Marine species
- Surf conditions
- Sand placement locations within the embayment
- Establishment of a monitoring regime.

Following determination of the relevant approval pathways, completion of the necessary environmental assessments and community/stakeholder consultation, a Council report will be brought to a future Council meeting to determine whether to proceed with the Proposal.

### Community acceptance of beach nourishment

Beach nourishment using sand from building sites has been undertaken with broad community support at Collaroy-Narrabeen Beach since the mid-1990s. Additionally, the inclusion of beach nourishment as an adaptation option to sea level rise has received support during consultation on successive management plans for Collaroy-Narrabeen Beach since the Collaroy-Narrabeen Coastline Management Plan (1997).

During consultation on the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach in 2016, there was consistent support amongst all stakeholders for the following actions to be undertaken in relation to beach nourishment:

- Undertake investigations to define sand source, extraction method and beach nourishment profile and volumes
- Complete environmental assessment
- Secure all necessary approvals and permits
- Engage dredging contractor to undertake beach nourishment works.

However the Proposal would involve a new approach to beach nourishment for Council and NSW and raises numerous issues that Council would need to consider and work through before it could be satisfied that the project should be undertaken.

### **Project management and co-ordination**

The project management of these works is complex due to the scale of the nourishment proposed and the need to coordinate with a large construction project being managed by TfNSW. This will result in issues such as timing, total volume of sand and quality control needing to be resolved with TfNSW in parallel to Council's issues relating to funding, environmental impacts and approvals. It is also complicated by the fact that the relevant land in the Collaroy-Narrabeen embayment is not owned by Council and there may be questions as to Council's role in relation to the Proposal.

For this reason, it is recommended that Council delegate authority to the Chief Executive Officer to do all things necessary to investigate the matters raised in this report. This includes the authority to enter into any agreements with TfNSW to undertake the necessary investigations and seek the necessary approvals, including Council as the proponent (if required) for beach nourishment using sand from the Sydney Metro West Tunnel project.

### **Funding**

The necessary environmental assessments, placement design, development of a monitoring regime and approvals, are expected to cost approximately \$300,000. Given the connection with TfNSW's Sydney Metro West Tunnel project, it is considered appropriate for the NSW Government to contribute to the cost of undertaking the environmental impact assessment and provide technical support for obtaining the necessary approvals. Therefore, it is recommended that Council seek confirmation that the provision of financial assistance of at least 50% of the cost of undertaking all investigations (including environmental assessments) and seeking approvals will be made available to Council.

### **CONSULTATION**

There is a long history of consultation on beach nourishment at Collaroy-Narrabeen Beach. For this project, key stakeholders including relevant NSW Government agencies and departments, board riders clubs, surf clubs, Surfrider Northern Beaches and residents will be consulted.

Community engagement on Council's decision to proceed with the works will be undertaken once the requisite environmental investigations have been undertaken.

### **TIMING**

Extraction of sand from the Sydney Metro West Tunnel is scheduled to commence in late 2022. The timeline for finalising assessments and approvals and confirming Council's willingness to participate in the Proposal and accept the sand is to be confirmed. However, it is envisaged that Council will need to commence its investigations by mid-2021 to coordinate with the TfNSW proposed timeline for construction of the Sydney Metro West Tunnel.

It is possible that issues or impacts identified during the investigation/assessment process will prevent Council from proceeding with the Proposal or meeting the construction timeline of the Sydney Metro West Tunnel.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.
- Environment Sustainability - Goal 4: Our Council is recognised as a community leader in environment sustainability.

Additionally, the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach, adopted in 2016, identifies beach nourishment as a high priority action for Council to safeguard against climate change and ensure beach amenity.

## **FINANCIAL CONSIDERATIONS**

While no budget is currently available, confirmation from the NSW Government that at least 50% of the funds required to undertake the investigations/assessments is proposed prior to any further work commencing. Due to the importance of this project the remaining funds for these works (approximately \$150,000) are proposed to be sourced by bringing forward budget for the coastal management program over the 2021/22 and 2022/23 financial years. No cost is expected to be incurred for the sand itself through this process, noting that if this beach nourishment was to be undertaken by Council procuring this sand from a land-based source, cost would be valued at approximately \$12,500,000.

## **SOCIAL CONSIDERATIONS**

Previous consultation has indicated a level of community support for beach nourishment at Collaroy-Narrabeen Beach, although it is noted that the Proposal is of a different nature and scale. Potential impacts to beach amenity and beach users will be assessed as part of the assessment for the works.

## **ENVIRONMENTAL CONSIDERATIONS**

Potential impacts pertaining to matters such as water quality, coastal processes, marine species and beach users will be assessed as part of the assessment for the works.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The Proposal raises various issues pertaining to the relevant approval and assessment pathways as well as governance and responsibility for the project.

The proposed beach nourishment presents potential risks such as environmental impacts, temporary water quality changes, public perception around “dumping”, multi-agency approvals, legislative compliance, contractual arrangements between Council and the project partners, and impact on patterns of sand movement in the embayment.

Council should evaluate these issues and risks and ensure they are appropriately managed before any decision is made to proceed with the Proposal. Should the Proposal not proceed, any work

done in undertaking the assessment and seeking approval for beach nourishment would not be lost as it could be used in setting pathways for future opportunities (e.g. Beaches Link Tunnel).

## 12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	DISCUSSION PAPER EXHIBITION - NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/286594
ATTACHMENTS	1 <a href="#">LEP/DCP Discussion Paper (Included In Attachments Booklet)</a>

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### SUMMARY

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#### PURPOSE

To seek Council approval to exhibit a Discussion Paper on the Northern Beaches Local Environmental Plan and Development Control Plan (Discussion Paper).

#### EXECUTIVE SUMMARY

Council has prepared a Discussion Paper (Attachment 1) on the new Northern Beaches Local Environmental Plan and Development Control Plan for public exhibition and comment as the first stage of non-statutory engagement with the community on this important project.

The Discussion Paper is informed by Council's Local Strategic Planning Statement (LSPS) – Towards 2040, its recently adopted Local Housing Strategy (LHS), and several targeted studies and strategies including the Environment and Climate Change Strategy – Protect.Create.Live.

It also has regard to relevant State strategies and policies, including the Greater Sydney Region Plan and North District Plan, State Environmental Planning Policies (SEPPs), and the Government's standard LEP template.

The Discussion Paper:

- identifies issues we need to address in consolidating Council's four LEPs and DCPs;
- discusses options and approaches to address those issues; and
- seeks responses to specific questions where there is no preferred approach identified.

The Discussion Paper focuses on zoning and land use issues, and is structured to mirror the four key themes in Towards 2040:

- **Sustainability:** measures to protect the landscape, including waterway, environmental, recreational and rural zones. Measures to improve energy water and waste efficiency and increase resilience to natural and urban hazards are also discussed.
- **Infrastructure and collaboration:** application of special purpose zone and relevant SEPPs.
- **Liveability:** residential zones and the implementation of the Local Housing Strategy, along with measures to promote safety, social inclusion, local character and heritage.
- **Productivity:** including parking provision, sustainable transport and tourism. Business and industrial zones are also addressed including a possible increase in building heights.

The Discussion Paper is another step in the preparation of a new LEP and DCP for the Northern Beaches. Responses received will be used to assist in drafting of the formal Planning Proposal for the new LEP and DCP.

We plan to formally present the outcomes of this engagement to Council in 2022 when we will be seeking Council's approval to formally exhibit the draft LEP and DCP in accordance with legislative requirements subject to a Gateway Determination being issued by the Department of Planning, Industry and Environment (DPIE).

The new LEP and DCP will only come into effect upon completion of that exhibition, subsequent consideration and approval by Council, and final endorsement by DPIE.

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## **RECOMMENDATION OF DIRECTOR PLANNING AND PLACE**

That:

1. Council exhibit a Discussion Paper on the new Local Environmental Plan and Development Control Plan for a minimum of six weeks.
  2. The outcomes from the public exhibition of the Discussion Paper will be reported to Council with the draft Northern Beaches Local Environmental Plan and Development Control Plan.
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## REPORT

### BACKGROUND

Land use planning reforms by the State Government require every council in NSW to review their current planning frameworks. In the Northern Beaches, this is a complex process, as it requires us to bring together four LEPs (Manly LEP 2013, Warringah LEP 2000, Warringah LEP 2011, and Pittwater LEP 2014) and related DCPs.

In addition, the new LEP and DCP must align with the Greater Sydney Region Plan and North District Plan, our Local Strategic Planning Statement Towards 2040 and our Local Housing Strategy.

We have developed a discussion paper that identifies a variety of issues we need to address in this process and the discussion paper outlines the proposed approach to these issues based on learnings from our “Planning our Sustainable Future” engagement program as well as early findings from a range of technical studies.

The discussion paper is another stage of engagement in the preparation of the new Northern Beaches LEP and DCP. A range of technical studies are also underway (see Figure 1) to support this work. They will be made available to the public upon completion and used to support more targeted engagement on key issues.

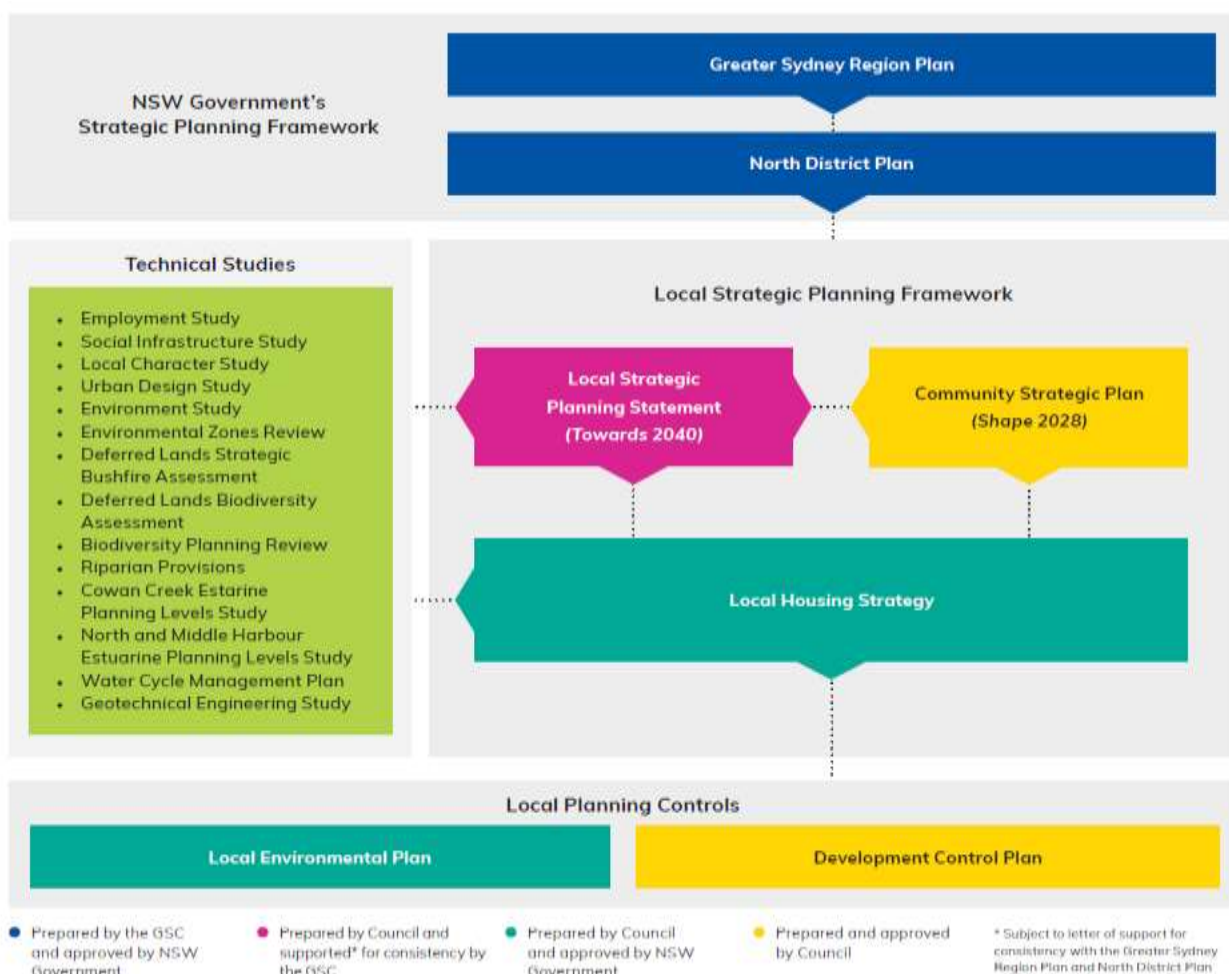


Figure 1 - Local and state planning framework

## Key planning policies

The changes we make in our local plans must also align with other key planning policies, including State Environmental Planning Policies (SEPPs) - state-wide planning controls that frequently override Council's LEPs and DCPs.

There are currently four LEPs in operation across the Northern Beaches. Three of the current LEPs (Pittwater 2014 LEP, Warringah 2011 LEP and Manly 2013 LEP) are Standard Instrument LEPs, i.e. prepared based on the Government's Standard Instrument template. The fourth LEP, (Warringah 2000 LEP) was prepared prior to the introduction of the Standard Instrument template. The new Northern Beaches LEP must be prepared based on the Standard Instrument template.

A key element of the LEP is land use zoning. The zoning of land establishes the range of uses that are permitted on the land subject to approval of a development application, e.g. a flat building is permitted on R3 (medium density residential) zoned land across all current Council LEPs but is not permitted on R2 (low density residential) zoned land.

We must decide which zones apply to which areas in the LGA and create a standard range of permissible uses in each zone. Council does not have total freedom in this process. The State Government specifies that certain land uses must be permissible in some zones, e.g. Council could not prohibit "dwelling house" in its R2 low density residential zone.

More information is available at [planningportal.nsw.gov.au](http://planningportal.nsw.gov.au) or [northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au).

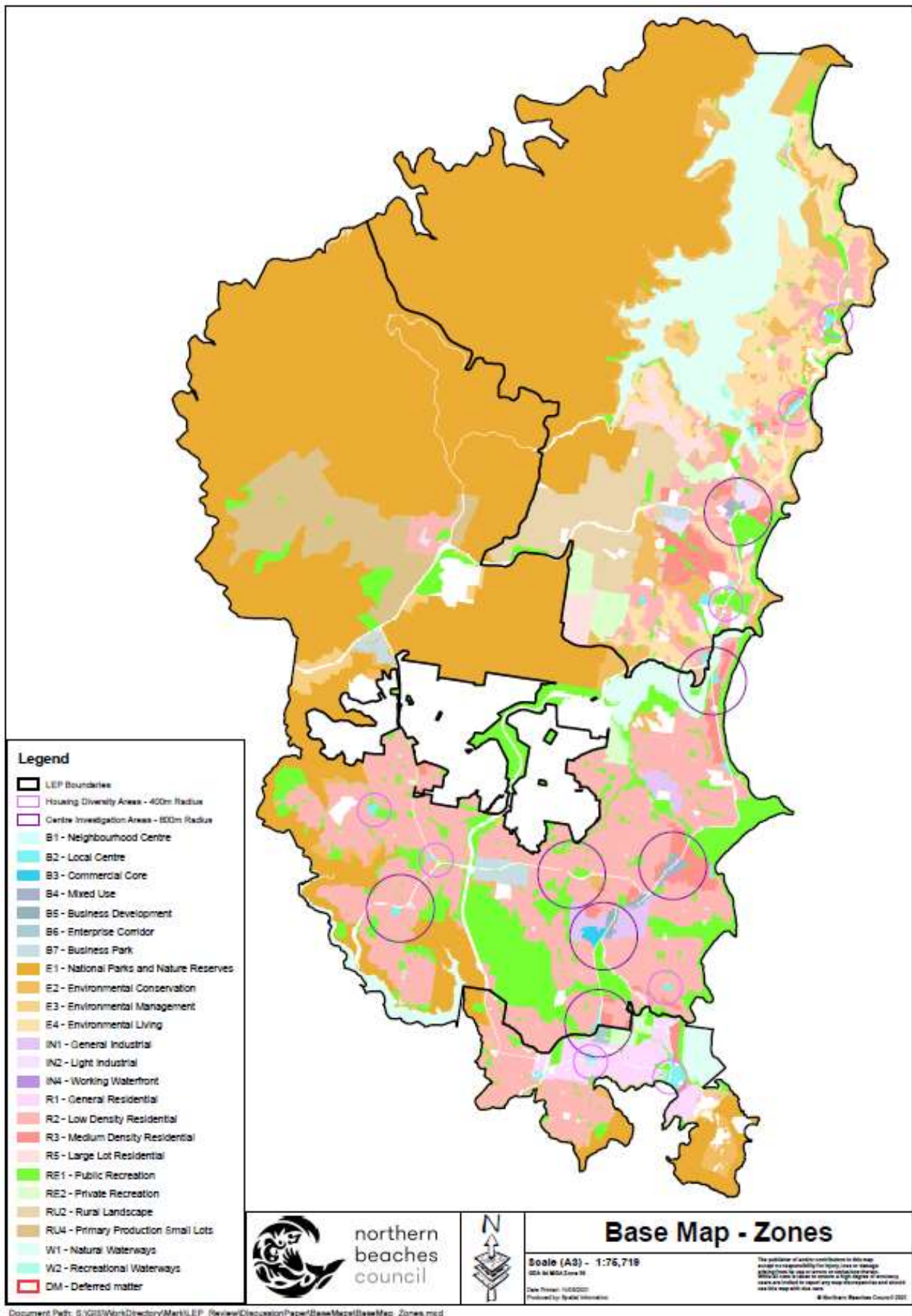


Figure 2 - Northern Beaches existing LEPs and zones showing Local Housing Strategy centres

## Discussion paper structure and content

The paper is structured to mirror the 4 key themes in Towards 2040 – sustainability, infrastructure and collaboration, liveability, and productivity.

### Sustainability

This section discusses provisions to protect the landscape, improve energy water and waste efficiency and increase resilience to natural and urban hazards. It highlights likely LEP and DCP outcomes from technical studies including: estuary planning levels studies; the watercourse, wetlands and riparian lands study; environment study; geotechnical engineering study; water cycle management plan; environmental zone review; biodiversity planning review; local character study; deferred lands strategic bush fire risk assessment, and deferred lands biodiversity assessment.

Outcomes of the above studies will influence strategic matters including future zoning of the Warringah LEP 2000 (Deferred Lands) and planning for the Metropolitan Rural Area (MRA) and future MRA investigation area, as will State-led projects including Ingleside and the “development delivery plan” for land owned by the Metropolitan Local Aboriginal Land Council.

The current application and proposed approach to waterway zones, environmental zones, rural zones and recreational zones is discussed, noting the need to finalise the environmental zones review. For most zones, we identify a proposed approach to resolve inconsistencies in the range of permissible land uses across current LEPs, for example permitting horticulture, take away food and drink premises and markets in a consolidated RE1 Public Recreation zone.

Updating mapping and improved controls are proposed to better manage development near waterways (e.g. boat sheds), foreshore building lines, watercourses, wetlands and riparian lands, stormwater management, water sensitive urban design, foreshore scenic protection, tree canopy and urban heat.

For larger scale developments, we propose to adopt performance standards for net zero buildings, prepared by our colleagues at the City of Sydney (visit [cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)). For smaller scale developments, we are investigating options for improved sustainability outcomes and /or independent sustainability certification.

### Infrastructure and collaboration

This section reviews the interaction between the new LEP and SEPP (Educational Establishments and Child Care Facilities) 2017 and SEPP (Infrastructure) 2007. It discusses special purpose zones and the proposal to permit emergency facilities, environmental protection works, and flood mitigation works in all zones to facilitate resilience.

### Liveability

This section discusses improved provisions to manage social impacts, crime prevention, universal access, adaptable housing and more accessible car parking. It discusses proposed controls for design excellence, amenity impacts and centres such as active street frontages and requirements for public art. Heritage provisions are also addressed for Aboriginal and non-Aboriginal heritage.

For housing, the discussion paper discusses the implementation of the LHS, including Housing Diversity Areas (HDAs) in the R2 Low Density Residential zones within 400m of Avalon Beach, Newport, Warriewood, Belrose and Freshwater. In these areas, we propose to permit dual occupancies (attached, and detached on corner lots only) with strata subdivision on lot sizes to be determined. Seniors housing and boarding houses will also be permitted on sites greater than 1000m<sup>2</sup>.

In R2 zoned areas outside HDAs, dual occupancies would be prohibited, noting they are currently permitted on certain land within Pittwater LEP and Manly LEP. In the Manly R2 zone, medium density housing types would be prohibited to achieve a consistent approach across the LGA.



We provide a proposed approach to resolving inconsistencies in permissible land uses in residential zones across current LEPs. The R5 Large Lot Residential zone would be reviewed further having regard to technical studies, noting dual occupancies would be prohibited as identified in the LHS.

Subject to approval from DPIE, boarding houses and seniors housing would be limited to areas closer to centres to reflect the position taken in the adopted Local Housing Strategy.

We're seeking feedback on current controls for secondary dwellings and whether there should be incentives for boarding houses, seniors housing, or more affordable housing in centres. We seek feedback on removing floor space ratio controls that currently apply to dwelling houses in the Manly LEP.

### **Productivity**

This section discusses car parking provisions including reduced rates and maximum rates for private development in strategic centres to encourage public and active transport options, as well as options for car share, electric vehicle charging, bicycle parking and end of trip facilities. We seek feedback on reduced rates for non-residential development and will do further work to identify localised parking rates based on rates of car ownership, public transport accessibility and car share rates.

It is noted that the NSW Government are currently exhibiting proposed changes to the employment zones. Our analysis and recommendations for business and industrial zones are based on our current employment study investigations and the existing standard LEP template. We will continue to monitor any changes proposed by the Government and incorporate any changes required into the new Northern Beaches LEP.

The paper proposes we retain our existing "town centre" zones with amended objectives to better define their intent. These include the B1 Neighbourhood Centre, B2 Local Centres, B3 Commercial Core and B4 Mixed Use zones. We recommend an approach to resolving inconsistencies in permissible land uses across LEPs, including low impact industrial uses, sex services premises and working from home. We are considering a small increase in building heights to accommodate greater floor to ceiling heights for retail and office premises. We propose provisions to protect commercial floor space and restrict large scale retailing in local centres.

We seek feedback on whether to continue and /or extend incentives for additional commercial floor space in centres as currently applied in the Manly LEP. We propose to establish height controls for the B3 commercial core zone at Warringah Mall.

We propose several changes to our "business employment zones" which include the B5 Business Development, B6 Enterprise Corridor and B7 Business Park zones. This includes new B5 zones in part of the Warriewood B7 zone, the Austlink B7 precinct, and the whole Balgowlah B6 zone, to delineate existing bulky goods or large format retail clusters from other employment zones. We will look to resolve inconsistencies in permitted uses to differentiate these areas from nearby industrial precincts and propose an 11-18-metre building height limit for the Frenchs Forest Business Park B7 zone.

We propose a height increase in existing industrial zones to support a transition to higher density industrial uses and incentivise renewal in industrial areas. We consider possible rezoning of the Mona Vale and Warriewood IN2 Light Industrial zones to IN1 General Industrial to better recognise current land uses and propose retention of a more limited range of uses in the IN2 zone to protect the amenity of surrounding residential areas. We seek feedback on prohibiting gyms in industrial zones (existing legally approved gyms would remain) to help preserve these areas for industrial purposes. No changes are proposed to the IN4 working waterfront zones.

In order to support tourism, we propose to retain the existing SP3 tourism zone at Manly and the Narrabeen caravan park and support tourist and visitor accommodation where currently permitted. Duration of stay provisions will be subject to Government changes to short term rental accommodation rules.

## CONSULTATION

The LEP / DCP discussion paper has drawn from the “Planning our Sustainable Future” consultation to date, including:

- **Towards 2040:** developed over 12 months and informed by a four-stage engagement process built on Council’s Community Strategic Plan (CSP) – Shape 2028
- **Local Housing Strategy:** adopted by Council in April 2021 and currently with the Department of Planning, Industry and Environment for approval.
- **Ongoing program engagement:** since the program’s inception in 2018, including updates to the webpage at [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au), emails to registered community members and expressions of interest for focus groups.

Further consultation for the Planning our Sustainable Future program is proposed as follows:

- **June - August 2021**
  - Exhibit LEP/DCP Discussion Paper
- **Late 2021/Early 2022:**
  - Release of relevant technical studies
  - Targeted engagement with key stakeholders based on study outcomes
  - Public exhibition of Local Character Study and Environmental Zones Review and recommendations from that work.
- **Mid 2022:** Report to Council on the outcomes of all engagement undertaken and seek Council approval to formally exhibit a draft LEP and DCP following a Gateway Determination from DPIE.
- **Mid- Late 2022:** Formal mandatory exhibition of the draft LEP and DCP following Gateway approval.

Consultation on the Discussion Paper in mid 2021 (which is prior to the mandatory public exhibition of the draft LEP and DCP in 2022) will form Council’s non-mandatory preliminary notification of a planning proposal for the new Northern Beaches Local Environmental Plan required under the Northern Beaches Community Participation Plan.

## TIMING

The below image shows the indicative timing of the program. This timing is subject to change and updates will be provided on the project [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au).



Figure 3 - Planning our Sustainable Future Program timeline

## LINK TO STRATEGY

As identified in Figure 1, the new LEP and DCP must align with the Greater Sydney Region Plan and North District Plan. It must also align with the Community Strategic Plan Shape 2028, our Local Strategic Planning Statement - Towards 2040 and our Local Housing Strategy it will also seek to align with Council's Environment and Climate Change Strategy.

Towards 2040 aligns with all Community Strategic Plan outcomes and goals as indicated in Figure 4. The land use planning framework particularly aligns with the outcome "Places for People".



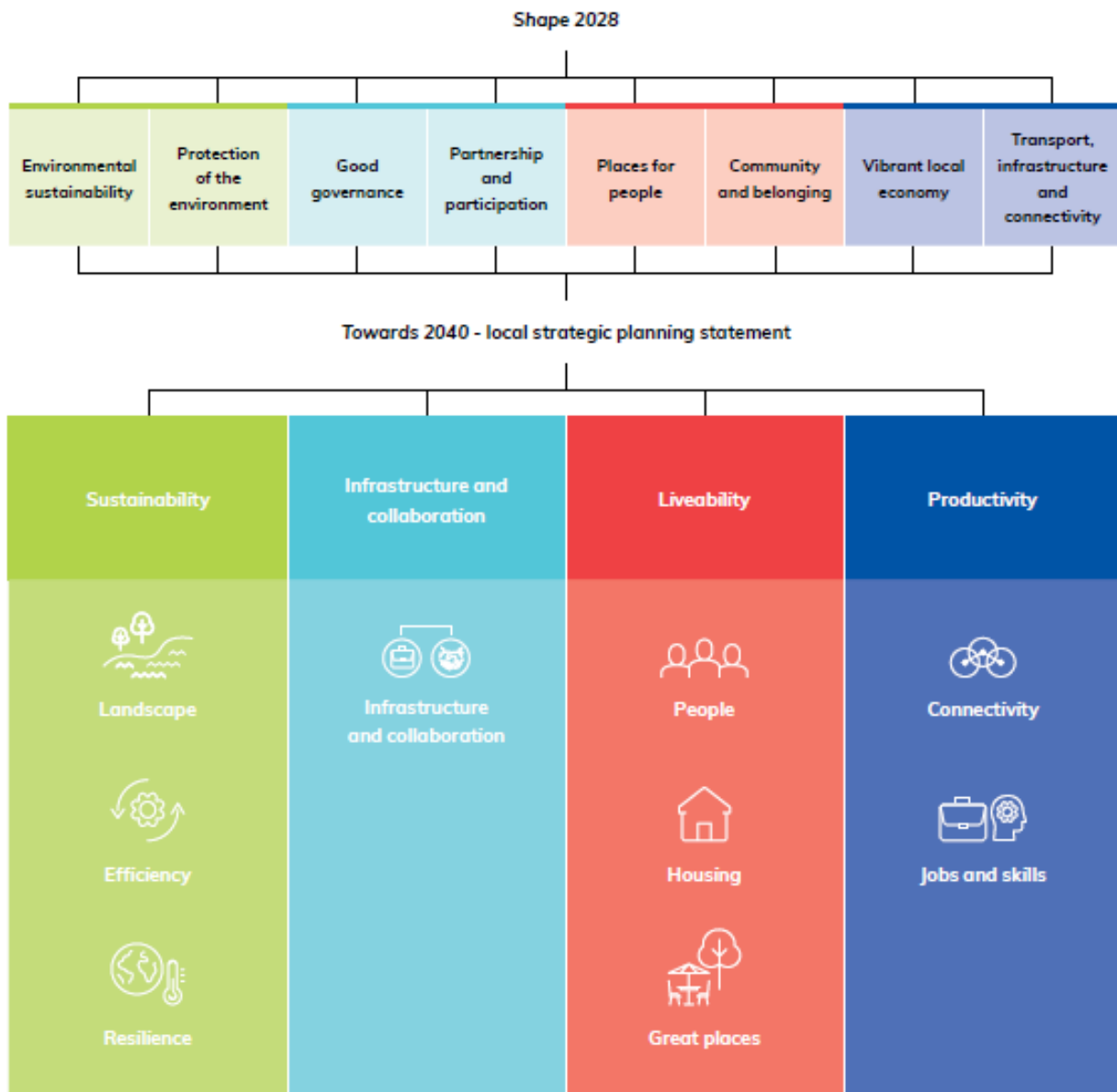


Figure 4 - Relationship between Shape 2028 and Towards 2040

## FINANCIAL CONSIDERATIONS

Expenditure related to the Planning our Sustainable Future program is mainly associated with technical studies and engagement activities over 5 years from 2018/19 to 2022/23. It is included in the existing Delivery Program and budget for the operational project entitled: Prepare Northern Beaches Local Environmental Plan and associated studies.

## SOCIAL CONSIDERATIONS

The LEP / DCP discussion paper addresses social considerations particularly with respect to the Liveability theme of Towards 2040.

## ENVIRONMENTAL CONSIDERATIONS

The LEP / DCP discussion paper addresses environmental considerations particularly with respect to the Sustainability theme of Towards 2040. Council's Environment and Climate Change team

have been heavily involved in the development of the Discussion Paper and working on some of the technical studies that will inform the preparation of the draft LEP/DCP.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The LEP/DCP Discussion Paper was prepared in accordance with a Probity Plan for the local planning framework. A probity audit will be presented to Council with the draft LEP and DCP and summary of outcomes from the public exhibition and further consultation relating to technical studies.

This exhibition will form part of Council's non-mandatory preliminary notification of a planning proposal for the new Northern Beaches Local Environmental Plan required under the Northern Beaches Community Participation Plan.

Once prepared, the draft LEP will require Council approval followed by the issue of a 'Gateway Determination' by DPIE before a mandatory public exhibition can be conducted. As a statutory document made under the Environmental Planning and Assessment Act 1979, the LEP can only be finalised or gazetted following legal drafting by Parliamentary Counsel and approval by DPIE. The DCP will be finalised following a mandatory public exhibition and Council approval.

<b>ITEM 12.2</b>	<b>REVISED PLANNING PROPOSAL AND SUPPORTING DOCUMENTS FOR 1294-1300 PITTWATER ROAD AND 2-4 ALBERT ST, NARRABEEN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2021/352775</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">Revised Planning Proposal - June 2021 (Included In Attachments Booklet)</a></li> <li>2 <a href="#">Draft DCP - June 2021 - for 1294-1300 Pittwater Rd and 2-4 Albert St Narrabeen (Included In Attachments Booklet)</a></li> <li>3 <a href="#">Northern Beaches Council Affordable Housing Contribution Scheme - Narrabeen Amendment - June 2021 (Included In Attachments Booklet)</a></li> </ol>

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## SUMMARY

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### PURPOSE

To seek Council's endorsement to resubmit a revised Planning Proposal (Attachment 1) to the NSW Department of Planning, Industry and Environment for gateway determination in relation to the property at 1294-1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen (the subject site), exhibit draft amendments to Warringah Development Control Plan 2011 (Attachment 2) and apply the Northern Beaches Affordable Housing Contribution Scheme (Attachment 3) for this subject site.

### EXECUTIVE SUMMARY

At the 27 April 2021 Council meeting, Council resolved:

*'That the item be deferred to enable staff and the proponent to continue discussions in relation to the proposed 2 metre set-back in the Development Control Plan, the provision of adequate commercial floor space, and the provision of affordable housing.'*

In accordance with the Council resolution, Council officers met with the applicant on 7 May 2021 and 25 May 2021 to discuss the matters identified in the resolution. Discussion of these matters is shown below:

#### **2 metre setback at the corner of Pittwater Road and Albert Street**

The proponent continues to seek a reduction to the 2 metre setback. During discussions it became apparent that the reason for the proponent wishing to maintain a nil setback was due to a reduction of commercial floor space that would be required to relocate the building further back from the street frontage. At the meeting held on 7 May Council staff indicated that they would seek advice from Council's heritage experts on whether there was any opportunity for the internal setbacks of proposed building envelope A and C being extended by 1 metre to the east and north respectively, so as to make up the lost floor space and without having adverse impacts on the heritage item. Advice from Council's Heritage Officer confirmed that the reduced setback to the heritage item was satisfactory (refer to further discussion on this matter under the commercial floorspace heading).

It remains the professional opinion of staff that a 2m setback on the corner of Pittwater Road and Albert Street is appropriate to support good urban design outcomes, an improved streetscape relationship and to facilitate an improved pedestrian experience at the corner of Pittwater Road and Albert Street. It is recognised that this is one of only two pedestrian crossings at this centre across Pittwater Road connecting the shopping precinct with the B-line bus stop and the Tramshed precinct. This view is shared by Council's Design and Sustainability Panel. It is also noted that the

zoning of the site will remain as R3 Medium Density Housing and that the site is not part of the Narrabeen Commercial Centre.

### Floorspace outcomes

Council officers have proposed supporting additional floorspace in internal areas of the development by reducing setbacks to the heritage bungalow at 2 Albert St.

Proposed building envelope changes are indicated in Figure1 and include the following:

- **Retaining setbacks to Building A** that were previously proposed including a 2m setback from the ground floor at the corner of Pittwater Road and Albert St and a second-floor setback of 5m from the boundary.
- **Extending Building A by 1 metre to the East** by reducing the setback from the heritage bungalow from 9m to 8m, which adds approximately 112sqm of GFA (28m<sup>2</sup> per floor) in Building A.
- **Extending Building C by 1m to the North** by reducing the rear setback from the heritage bungalow from 12m previously proposed in the DCP to 11m.

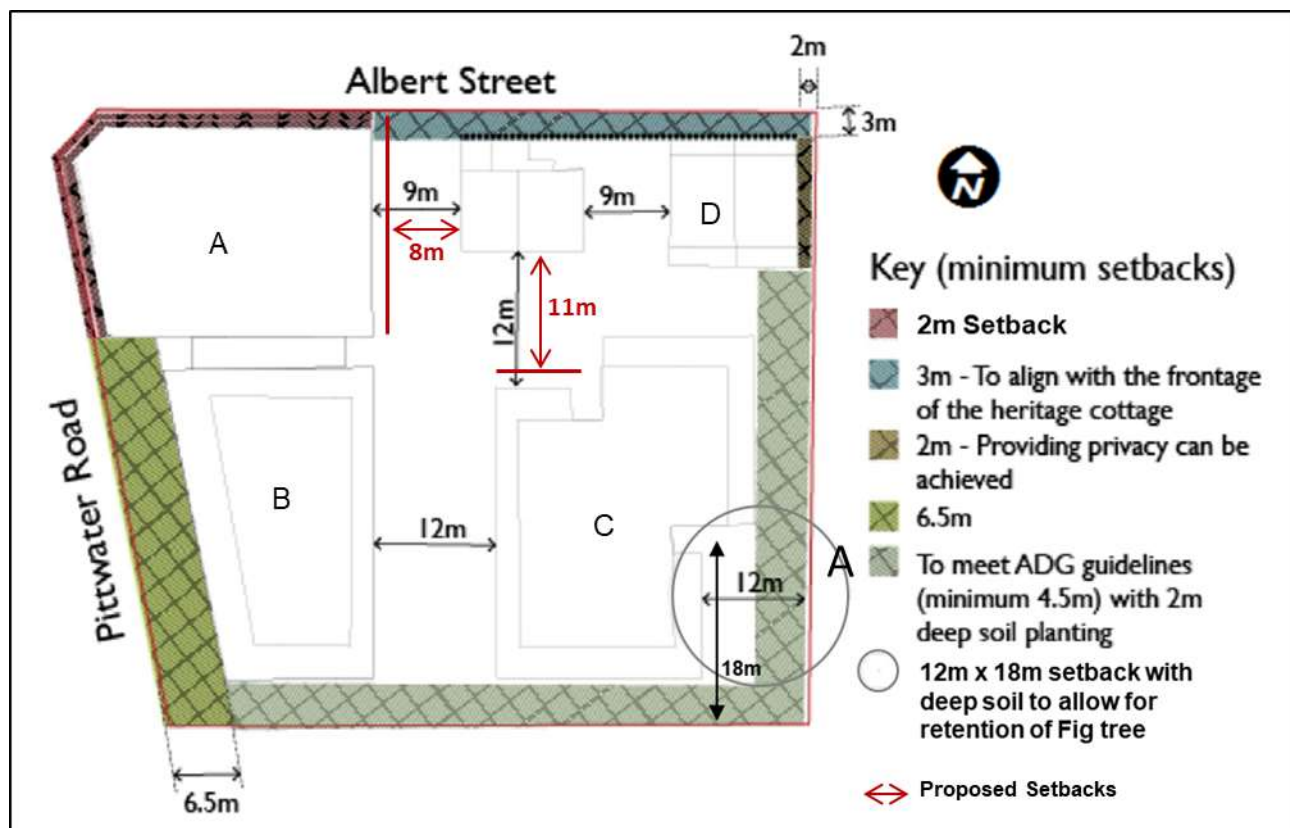


Figure 1 Proposed Changes to Setbacks at 1294-1300 Pittwater Rd and 2-4 Albert St Narrabeen indicated in Red

Council's Heritage Officer has reviewed the proposal to reduce the setbacks to the heritage dwelling and has confirmed that the heritage integrity of this item will be maintained notwithstanding the reduced setbacks.

The Draft DCP (Attachment 2) has been amended to reflect these changes to setbacks.

## Feasibility

Council's ambition to achieve a 10% affordable housing contribution is noted, however the detailed feasibility analysis undertaken indicates that the proposed development is not financially viable if a rate of 10% is imposed.

The market value of floorspace removed due to front setbacks to Building A has been calculated and compared with the market value of floorspace added through reduced setbacks to the heritage bungalow. This work has been based on the same floorspace yield assumptions and market rate valuations that informed the affordable housing feasibility analysis submitted by the applicant and subsequently peer reviewed. Allowance has been made in this floorspace yield analysis to support the conversion of 110m<sup>2</sup> of proposed residential floorspace in building A or B to be converted to commercial use to compensate for the 2m setback. This supports the proposed expansion of the medical centre to meet the changing needs of an ageing population in the Narrabeen catchment.

The proposed building envelope changes have been made to ensure that the applicant is no worse off relative to the market value assumptions that informed the affordable housing feasibility analysis. The feasibility peer review by SGS Economics and Planning has been relied upon to inform an amendment to the Northern Beaches Affordable Housing Contribution Scheme. The calculations indicate that, having regard for the built form controls as proposed, the maximum affordable housing contribution achievable at this site is \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.

## Implementing the Northern Beaches Affordable Housing Contribution Scheme

At its meeting of 28 May 2019, Council adopted the Northern Beaches Council Affordable Housing Contribution Scheme, consistent with the guidelines developed by the Department of Planning, Industry and Environment (DPIE). This scheme has now been amended to include 1294-1300 Pittwater Rd and 2-4 Albert St Narrabeen. A contribution amount of \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme. The square metre value has been included and is supported by a feasibility analysis that will be submitted to the DPIE alongside the amended Affordable Housing Contribution Scheme.

This site is the first site to which the Affordable Housing Scheme will apply, as the Frenchs Forest Town Centre has yet to be rezoned. Based on the advice of DPIE, the attached planning proposal has been amended to also seek an LEP provision to enable affordable housing contributions within the Affordable Housing Scheme. The amended Affordable Housing Contribution Scheme is proposed to be publicly exhibited alongside the post gateway exhibition of the subject Planning Proposal and site specific DCP.

## Meeting with Objector

A commitment was made at the April Council meeting that a meeting would be arranged with one of the speakers at the Council meeting.

Council staff and the applicant met with the speaker on 1 June 2021 to better understand their concerns raised regarding solar access, privacy and loss of vista outlooks. A memo updating Councillors on the discussions will be circulated in advance of the June Council meeting.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council resubmits a revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen to the NSW Department of Planning, Industry and Environment for a Gateway determination to:

- A. Increase the maximum building height standard at 1298-1300 Pittwater Road, Narrabeen (Building A) to 12 metres to accommodate increased floor to floor heights at the ground and first floors.
  - B. Permit the additional uses of commercial premises, medical centre and shop top housing at 1298-1300 Pittwater Road, Narrabeen (Building A). The medical centre and commercial premises must not have a gross floor area exceeding 1,150 square metres.
  - C. Introduce a LEP provision that refers to the Northern Beaches Affordable Housing Contribution Scheme.
2. Council request to exercise the delegation of the Minister for Planning and Public Spaces under section 3.36 of the Environmental Planning and Assessment Act 1979 regarding the making of local environmental plans in relation to this Planning Proposal.
  3. Council place the draft amendments to Warringah Development Control Plan 2011 on public exhibition for a minimum of 28 days concurrently with the statutory exhibition of the revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen.
  4. The outcomes of the public exhibition of the amendments of the Warringah Development Control Plan 2011, Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street Narrabeen and Affordable Housing Contribution Scheme be reported to Council.
  5. Amend the draft Northern Beaches Affordable Housing Contribution Scheme as attached, to include 1294-1300 Pittwater Road & 2-4 Albert Street as a site to which the scheme applies with a contribution amount of \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.
    - A. Submit the amended Northern Beaches Affordable Housing Contribution Scheme as attached to the Department of Planning, Industry & Environment together with this Planning Proposal.
    - B. Exhibit this Northern Beaches Affordable Housing Contribution Scheme and the Northern Beaches Council Affordable Housing Tenancy Guidelines concurrently with this Planning Proposal during post gateway exhibition.
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## REPORT

### BACKGROUND

Council received a Planning Proposal on 21 December 2018, prepared by BBC Consulting Planners on behalf of the applicant, Highgate Management Pty Ltd.

The subject site at 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen comprises six lots as depicted in Figure 1.



Figure 1: The subject site indicated in red (Source: Nearmap)

At the 29 May 2019 Council meeting, Council resolved the following:

That:

- A. Council submits an amended Planning Proposal to the NSW Department of Planning and Industry for gateway determination to amend Warringah Local Environment Plan 2011 to:
  - a. Increase the maximum building height standard on the site to 11 metres with the exception of 2 Albert Street, Narrabeen being lot 1, DP613544 (containing heritage listed dwelling house) and the front part of 4 Albert Street, Narrabeen being part lot 8C, DP200030 which will retain an 8.5 metre height limit.
  - b. Permit the additional uses of commercial premises, medical centre and shop-top housing on the area of the site adjoining the intersection of Pittwater Road and Albert Street.
  - c. Permit a maximum of 1,150 square metres of medical centre, commercial premises, and the retail/ business premises component of any shop-top housing to the area referred to b. above.



- d. *Require a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing.*
- B. *The applicant is requested to submit draft site-specific planning controls to be incorporated Development Control Plan to further guide the redevelopment of the site having regard to the Urban Design Guidelines accompanying the Planning Proposal and addressing the matters outlined in this report.*
- C. *The applicant be requested to provide an amended Traffic Impact Assessment Report addressing the issues outlined in this report for exhibition with any Gateway determination issued by the NSW Department of Planning and Industry.*

## Planning Proposal

On 7 June 2019, Council submitted the amended Planning Proposal to the Department seeking a Gateway determination. On 5 August 2019, the Department advised that several issues required further investigation and requested that Council resubmit the application following the resolution of these matters.

Council staff have worked with the Applicant to address the various matters raised by the Department (see Table 1).

Summary of issue	Response
<p><u>Building height</u></p> <p>The maximum building height control of 11 metres does not appear to facilitate the development outcome of a part four and part three storey-built form.</p>	<p>The Concept Design envisages a largely three storey-built form with the fourth storey in an attic configuration. The Proponent has demonstrated that this concept (inclusive of the flood planning level) is able to be achieved.</p> <p>Council notes that detailed design drawings are not a requirement for submission as part of the Planning Proposal process and that the Concept Designs are indicative built form outcomes</p> <p>Notwithstanding this, as part of the site-specific amendments to the Development Control Plan (DCP), Council referred the application to the Northern Beaches Design and Sustainability Panel (DSAP) to seek comment on urban design and sustainability matters.</p> <p>The DSAP recommended that Council consider increasing the building height at Building A to enable increased ceiling heights for the ground and first floor to improve the urban design and relationship with the public domain. Council has recommended a minor increase from 11 metres to 12 metres to enable this outcome. The overall number of storeys to be provided does not change.</p>
<p><u>Additional permitted uses</u></p> <p>The additional permitted uses at the corner of Pittwater Road and Albert Street appears unduly restrictive due to its confinement to one corner of the site.</p>	<p>The restriction was imposed in order to control the location of the additional uses to the corner site and provide street activation.</p> <p>Council is proposing to change this aspect of the Planning Proposal by extending the additional uses so that it applies to the entire lot at 1298-1300 Pittwater Road. By applying the additional uses to the entire lot as opposed to the small corner, this will allow for enough space for the additional uses (maximum 1,150 square metres) and associated</p>

Summary of issue	Response
	supporting facilities. Amendments to the DCP will ensure that active frontages are provided at the corner site (Building A).
<p><u>Maximum floor space cap</u></p> <p>Greater clarification is required on the maximum floor space cap of 1,150 square metres gross floor area (GFA) for commercial/retail uses and whether this includes or excludes neighbourhood shops, which are a permissible form of retail development in the R3 zone.</p>	<p>The maximum floor space cap of 1,150 square metres GFA applies to the additional uses of commercial premises and medical centres only. The floor space has been capped to ensure that there is minimal impact to the existing trade area. The floor space was established by the concept plans provided by the Applicant.</p>
<p><u>Draft Northern Beaches Affordable Housing Contribution Scheme</u></p> <p>An amended Scheme which refers to the subject site is to be submitted in accordance with the Department's guidelines. This is to be accompanied by an economic feasibility study to support the application of the scheme.</p> <p>A planning proposal including an LEP provision to refer to the Scheme should be accompanied by an already exhibited Scheme.</p>	<p>The Planning Proposal attached has been amended to seek an LEP provision to refer to the Northern Beaches Affordable Housing Contribution Scheme.</p> <p>Council proposes to exhibit the scheme alongside post-gateway exhibition of this planning proposal and DCP amendments.</p> <p>The Scheme has been amended to specifically refer to the subject site 1294-1300 Pittwater Road and 2-4 Albert St Narrabeen. A with a contribution amount of \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme and a square metre rate are supported by an independent peer review of feasibility analysis provided by the applicant.</p>
<p><u>Phase 1 Contamination Report</u></p> <p>An assessment is required regarding the provisions contained within <i>State Environmental Planning Policy No 55 – Remediation of Land</i> and the relevant Guidelines.</p>	<p>A Phase 1 Contamination Report has been prepared by the Applicant and the Planning Proposal has been updated to reflect the outcomes.</p>
<p><u>Maps</u></p> <p>Maps to amend <i>Warringah Local Environmental Plan (LEP) 2011</i> have not been submitted.</p>	<p>The relevant maps have been submitted as part of the updated Planning Proposal.</p>
<p><u>Information in the Planning Proposal</u></p> <p>Certain parts of the Planning Proposal require updating and further information is required regarding an assessment against the relevant statutory requirements.</p>	<p>The Planning Proposal has been updated to incorporate further information and justification where relevant.</p>

Table 1: Matters raised by the Department

## Amendments to Warringah DCP 2011

On 7 April 2020, the Applicant submitted amendments to Warringah DCP 2011 in accordance with the Council resolution. The draft DCP controls have incorporated feedback from Council's Traffic Engineers, Landscape Architects and Urban Designers. In addition, urban design and sustainability advice from the DSAP has also been incorporated, where appropriate.

Feedback from the DSAP included consideration of the following matters:

- the need for greater front, rear and side setbacks and an improved presentation to the public domain, including Albert Street

- the need for greater upper level setbacks (or reduced street wall heights) to respond to the existing village context of the Narrabeen Town Centre. The village context largely comprises diverse styles, varying parapet heights, generally one to two storeys occupied by retail or commercial uses. Where shop top housing exists, this is above the first two floors and well set back
- noise mitigation design measures and maximisation of dual aspect apartments along Pittwater Road
- increased floor to floor heights for the ground and first levels of Building A
- a six-metre building separation distance between Buildings A and B
- improved architectural design treatments at the corner of Building A
- relocation of the vehicular entrance closer to Pittwater Road to improve the view corridor from Lagoon Street
- relocation of sewer infrastructure services in the road reserves instead of within the site to maximise deep soil planting opportunities
- applying a bonus floor space scheme if certain sustainability mechanisms are provided.

Council staff have worked closely with the Applicant to refine the draft DCP and there have been a series of working drafts developed between the Applicant and Council staff. Whilst most of the feedback from the DSAP has been incorporated, some have been excluded due to the impact on development feasibility.

Requirements that Council staff have not proceeded with include the six-metre building separation between Buildings A and B, relocation of the vehicular entrance closer to Pittwater Road and relocation of sewer infrastructure services. Further, the application of a bonus floor space scheme was not considered appropriate for this subject site due to impacts on building bulk and scale and the application of the *Warringah Local Environmental Plan 2011*, which does not apply floor space ratios for site-specific areas.

The draft DCP identifies future building footprints and divides the site into four buildings, as identified in Figure 1. No change to the local heritage item at 2 Albert Street is proposed.

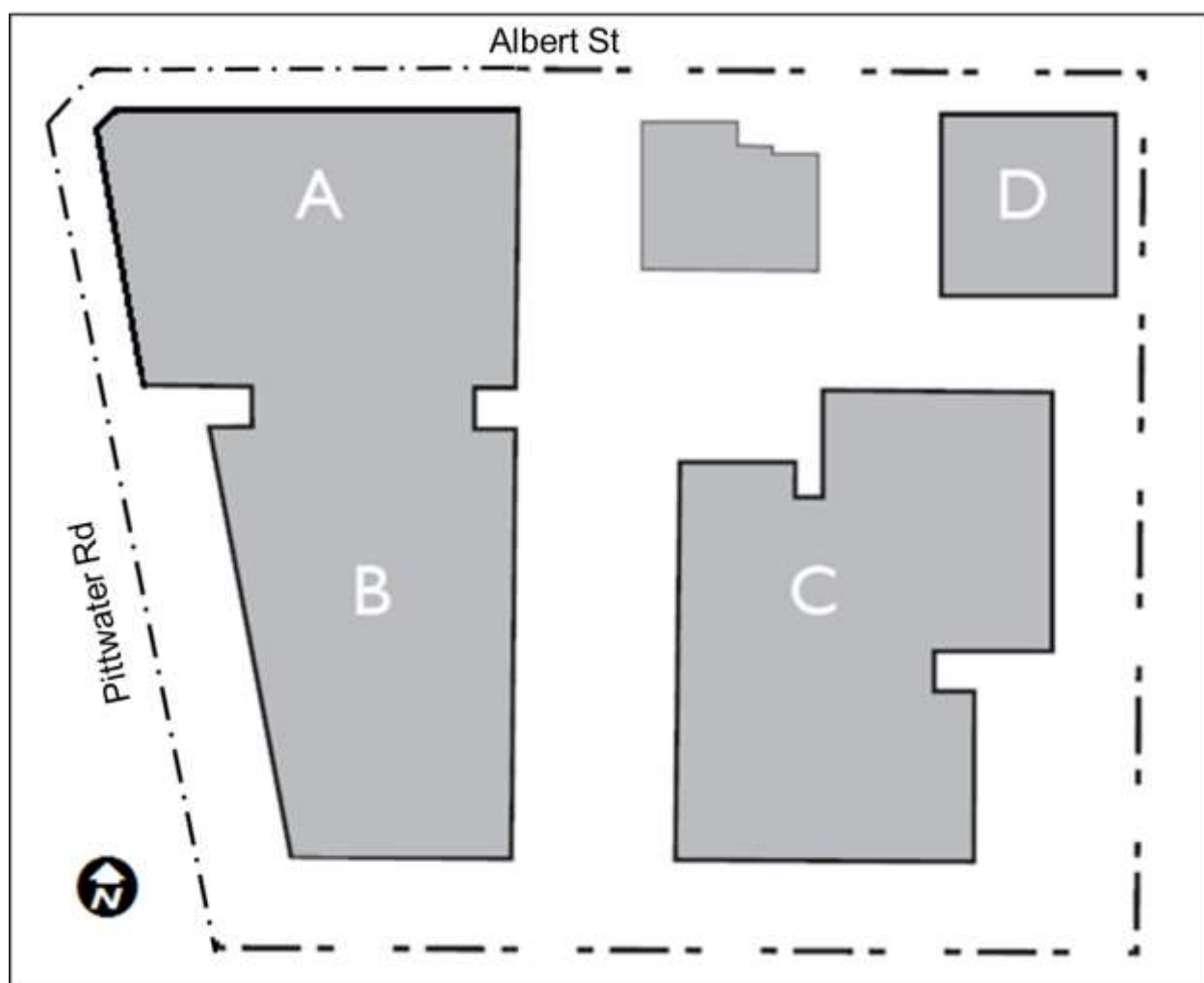


Figure 2: Future building footprints

The intended outcome of the development is to relocate the existing Narrabeen Family Medical Practice at 4 Albert Street, to a new building at the corner of Pittwater Road and Albert Street (Building A). The medical centre is proposed to take up two floors of Building A. Above the medical centre will be one level of apartments.

In addition to the relocated medical centre, the development also proposes the provision of apartment buildings (Buildings B and C) and an attached dwelling or terrace house typology (Building D), up to three storeys in height. An additional storey may be permitted for Buildings A, B and C where largely contained within the roof form.

The development controls proposed are summarised in Table 2.

Proposed development requirements	Reason
<u>Removal of the subject site from DCP maps</u> This includes number of storeys, side boundary envelopes, setbacks front, setbacks side, setbacks rear and landscaped open space and bushland setting.	To ensure consistency with the site-specific controls for Part G8.
<u>Building length</u> Apply a maximum building length of 35 metres and require articulation to be provided.	To reduce bulk and scale and ensure new development addresses public streets, creates visual interest and complements the streetscape.

Proposed development requirements	Reason
<p><u>Building A ground plane and public domain interface</u></p> <p>Ground plane is to be set back at least two metres from Albert Street and Pittwater Road.</p> <p>Floor to floor heights are to be at least four metres for the ground level and 3.6 metres for non-residential uses at the first level.</p> <p>Continuous awnings and other design features are to be provided at the ground plane and public domain interface.</p>	<p>To ensure that the built form responds well to the existing village context of the Narrabeen Town Centre, facilitate high quality landscaped streetscape outcomes and encourage key active travel connections at the corner of Albert Street and Pittwater Road.</p>
<p><u>Maximum number of storeys</u></p> <p>Three storeys are proposed for all buildings, with transitions required for development within the curtilage of the local heritage item at 2 Albert Street.</p> <p>For Buildings A, B and C, an additional storey may be considered where largely contained within a roof form.</p>	<p>To complement the scale and rhythm of the existing streetscape and fine grain context of lot patterning, ensure that built form responds to the sloping topography of the site, and provide a sensitive response to the local heritage item at 2 Albert Street.</p>
<p><u>Setbacks</u></p> <p>Front, rear and side setbacks for certain areas of the subject site have been identified.</p> <p>Building separation requirements have been identified for certain areas of the subject site, with consideration of the curtilage of the local heritage item at 2 Albert Street.</p> <p>Upper floor setbacks have been identified for all buildings.</p>	<p>To improve the visual quality of the streetscape and public domain, ensure spatial separation to create high amenity, provide opportunities for landscaping and street tree planting at site edges and minimise amenity impacts to adjoining residential lots.</p>
<p><u>Building design</u></p> <p>Various design requirements are proposed such as ensuring that building form, bulk and scale responds to the topography of the area, incorporation of passive design principles, maximising dual aspect apartments, requirement for durable and resilient materials that are suited to the coastal environment, avoidance of blank walls, integration of services into the building façade, maximising passive surveillance and incorporating noise mitigation measures for apartments within 25m of Pittwater Road.</p>	<p>To encourage innovative and contemporary building design that demonstrates design excellence and sustainability, high quality streetscapes and public domain, a well-articulated corner-built form strategy and consideration of noise impacts from Pittwater Road.</p>
<p><u>Parking</u></p> <p>Vehicular access is proposed off Albert Street.</p> <p>A Green Travel Plan will be required to support any reduction in parking spaces.</p> <p>Further, at least two car share spaces and two electric vehicle charging spaces are to be provided.</p>	<p>To minimise vehicular crossings along Pittwater Road and encourage the reduction of car trips and use of sustainable transport.</p>

Proposed development requirements	Reason
<p><u>Landscaping</u></p> <p>Areas for landscaping and deep soil zones will be provided between buildings and within site edges. Replanting of trees at a pre-ordered mature size will be required.</p> <p>Development will also need to retain the Mature Hills Weeping Fig Tree within the south-eastern corner of the site as a landscape character element.</p> <p>A landscaped communal open space area will be provided at the rear of the local heritage item at 2 Albert Street.</p> <p>Upgrades to the public domain along Albert Street will also be required including street trees and landscaping requirements.</p>	<p>To provide a positive contribution to the public realm, ensure adequate deep soil capacity for mature tree canopy and provide landscape screening to site boundaries and enhance privacy between buildings.</p>

Table 2: DCP requirements

### Amendment to draft Northern Beaches Affordable Housing Contribution Scheme

At its meeting of 28 May 2019, Council adopted the Northern Beaches Council Affordable Housing Contribution Scheme (consistent with the guidelines developed by the Department of Planning, Industry and Environment (DPIE)). The Scheme is the primary mechanism for Council to levy for affordable housing through its Local Environmental Plans (LEPs) and contains principles and objectives, the areas to which the Scheme applies, contribution rates, how contributions are to be calculated and made, and conditions and administrative requirements.

The Scheme was to apply initially to the Frenchs Forest Planned Precinct, with Council resolving to submit the draft Scheme to DPIE for public exhibition with the amendments to Warringah LEP 2011 required to implement the Frenchs Forest Planned Precinct. Exhibition of the LEP to implement the Frenchs Forest Planned Precinct is yet to occur.

The Scheme however can be extended to other areas that are rezoned or are subject to increases in residential density in the future, with each area subject to a separate feasibility analysis to determine the required contribution rate. The Affordable Housing Contribution Scheme has therefore been amended to include 1294-1300 Pittwater Rd & 2-4 Albert St, Narrabeen.

DPIE completed a preliminary review of this planning proposal when it was previously submitted for gateway. Advice from DPIE is that this revised planning proposal include an LEP provision that refers to the Affordable Housing Contribution Scheme.

As such our recommendation to Council is to submit the updated scheme attached to this report to DPIE alongside this planning proposal, with public exhibition to occur alongside exhibition of the planning proposal and DCP post-gateway.

### Affordable Housing Contribution Feasibility

At the 29 May 2019 Council meeting (when council first considered this draft Planning Proposal), resolved to *'require a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing'*. Department of Planning Guidelines for developing Affordable Housing Contributions (the Guidelines) require Council to provide appropriate evidence and assumptions to ensure that any proposed affordable housing contribution rates are viable and will not impact on development feasibility and overall housing supply by preventing development from occurring.



The applicant submitted feasibility work to council in July 2020 which concluded that an affordable housing contribution is not viable. The owners instructed the applicant to offer a 2% contribution (\$320,000 indicatively) recognising the importance of affordable housing on the Northern Beaches.

Council subsequently engaged SGS Economics and Planning to undertake a peer review of this feasibility analysis with support from sub-consultants Savills who reviewed the property valuation advice and MBM Pty Ltd who reviewed construction cost estimates. This peer-review challenged several assumptions used by the applicant and found that an Affordable Housing Contribution of \$1,129,846 indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme is unlikely to prevent the development from proceeding. These revised assumptions include a 10% construction contingency, reduced professional fees based on advice of Savills and removal of cost escalation as revenues are not escalated. Council staff have since noticed that the SEPP 70 feasibility tool provided by the Department includes guidance for an assumption 10% construction contingency, with 15% for complex projects and has sought confirmation of this advice from DPIE.

Council staff note that Council's Affordable Housing Contribution Scheme and proposed targets of 10% were developed based on feasibility assessments used for the Frenchs Forest Hospital precinct, which has an uplift at a very different scale to this proposal. Further constraints on feasibility for this site include providing up to 1,150m<sup>2</sup> for the medical centre and commercial floorspace and protection of the local heritage item at 2 Albert St which constrains the uplift that can be achieved on the site.

The Planning Proposal generates uplift of one additional storey for Buildings A, B and C and as a result, lacks the scale for a contribution in the order of 10% to be feasible. The equivalent density under the current Warringah LEP 2011 controls for the site would be a floor space ratio (DSR) of 1.12:1, while the density under this proposal would be the equivalent of 1.34:1. The applicant has advised that to support the 10% affordable housing contribution requirement, a density of approximately 1.422:1 would be required, which would equate to an extra floor being added to Building C. Any additional density in this location is not supported by Council officers. Accordingly, it is recommended that Council agree to the payment of a contribution amount of \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.

## **CONSULTATION**

Council will resubmit the Planning Proposal and associated documents to the Department for a Gateway determination. Consultation will be conducted in accordance with the Gateway condition requirements. The draft amendments to Warringah Development Control Plan 2011 and to the Northern Beaches Affordable Housing Contribution Scheme will be exhibited concurrently with the statutory exhibition of the Planning Proposal.

## **TIMING**

Should Council decide to proceed with the revised Planning Proposal, the next step is to resubmit the Planning Proposal to the Department to seek a Gateway determination. Should a Gateway determination be issued, Council will undertake consultation in accordance with the Gateway conditions. The draft DCP and draft Northern Beaches Affordable Housing Contribution Scheme will be exhibited concurrently with the statutory exhibition of the Planning Proposal. Following the public exhibition, the outcomes will be reported to Council.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.

Implementation of the Northern Beaches Affordable Housing Contribution Scheme specifically relates to Goal 7 Strategy (C) – Advocate for improved housing affordability.

## FINANCIAL CONSIDERATIONS

Funding to progress the Planning Proposal and draft DCP are covered by the application fees paid by the Applicant.

Affordable housing provided and retained under Council ownership will require Council to control a larger asset portfolio, which should increase in value. The management of ongoing maintenance costs of any affordable housing will be covered by the Guidelines. The recommendation to accept a contribution amount for this site of \$1,129,846 to Council's affordable housing fund, or equivalent amount at the time of payment, as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.

It is noted that the Planning Proposal will achieve positive economic effects, with the delivery of the following number of jobs:

- 4 additional General Practitioner jobs
- 28 full time equivalent jobs from the commercial floor space (currently there are ten full time equivalent jobs)
- Further support staff and the provision of medical land uses
- 160 jobs during construction.

## SOCIAL CONSIDERATIONS

The implementation of the Northern Beaches Affordable Housing Contribution Scheme and application to this site with an equivalent monetary contribution will have a positive social impact by increasing the supply of affordable rental housing in the community for very low, low to medium income households.

This Planning Proposal will achieve positive social and economic benefits including an additional 15 to 20 dwellings targeting downsizers within easy walking distance to high frequency public transport and existing services. The proposed location of medical and commercial floor space adjoining an established town Centre, opposite public open space and in easy walking distance to the B-Line supports amenity and accessibility for workers, patients and visitors, encouraging use of public transport and enjoyment of public open space. Expanded floor space to accommodate a growing medical practice will provide an important service to the local community in an accessible modern building, recognising the ageing population within the Narrabeen Town Centre catchment area, which will see continued growth in demand for medical services.

Urban design outcomes have been developed to enhance the heritage values of 2 Albert Street and respond to Placescore insights for Narrabeen local centre which highlight overall visual character of the area and vegetation and natural elements as the top priorities for investment. Deep soil planting opportunities have been maximised with requirements for mature tree plantings along site boundaries to support high amenity shaded active travel links for the surrounding community to access the Narrabeen Town Centre and the B-Line bus stop. While building heights and setbacks have sought to create a transition from town centre to residential neighbourhoods with a negotiated 2m setback from the site boundary providing a softer presentation to the public

domain and increasing pedestrian space to access one of only two pedestrian crossings of Pittwater Rd.

## ENVIRONMENTAL CONSIDERATIONS

There are no natural environmental impacts as the subject site does not contain any critical habitat or threatened species, populations or ecological communities or their habitats that are mapped by Council. Regarding environmental health, a Contamination Assessment has been submitted which confirms that the subject site has a low potential to result in contamination and is considered suitable for the proposed development. Regarding natural hazards that impact the site such as flood risk and acid sulphate soils, it is considered that these matters can be managed at the development assessment stage.

Throughout the refinement of the draft DCP, Council staff have incorporated new sustainability and building design provisions. This includes passive building design requirements to maximise amenity such as building orientation and setbacks, the requirement for a Green Travel Plan to demonstrate any reduction in parking spaces given the subject site's proximity to the B-Line, car share and electric vehicle charging space requirements, and greater landscaping and deep soil requirements.

The provision of affordable housing on the Northern Beaches could contribute to reduced transport emissions by reducing the need for key workers to travel long distances.

## GOVERNANCE AND RISK CONSIDERATIONS

Council's role to consider the orderly planning of land is set out in the *Environmental Planning and Assessment Act 1979* (the Act). The planning assessment addresses the requirements of the Act and recommends that the proposal is suitable for resubmission to seek a Gateway determination.

Appropriate governance arrangements will be established for the transfer of affordable housing stock (or financial contribution) to Council and its subsequent management by a Community Housing Provider. These arrangements will be developed and reported to Council following a Request for Tender process.

<b>ITEM 12.3</b>	<b>OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES SECTION 7.12 CONTRIBUTIONS PLAN 2021</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2021/377552</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">📄</a> Draft Section 7.12 Contributions Plan 2021 (Included In Attachments Booklet)</b> <b>2 <a href="#">📄</a> Response to Submissions Table (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To inform Council of the outcomes of the public exhibition of the draft Northern Beaches 7.12 Contributions Plan 2021 (the 'draft Contributions Plan') and seek Council's approval for adoption of the draft Contributions Plan.

### EXECUTIVE SUMMARY

The *Environmental Planning and Assessment Act 1979* (EP&A Act) allows Council to levy development, based on the estimated cost of works, in the majority of the Northern Beaches (except in the Dee Why Town Centre and Warriewood Valley Release Area) to fund the provision, extension, or augmentation of public infrastructure and services necessary to meet the increased demand in the catchment area. The levy is a flat rate contribution currently up to 1% of development costs.

At its meeting of 25 June 2019, Council adopted the Northern Beaches Section 7.12 Development Contributions Plan 2019 (the 'Contributions Plan'). A review of the Contributions Plan was recently completed to ensure compliance with recent legislative changes and consistency with Council's draft Capital Works Delivery Program 2021-2025.

The revised plan following review (now to be known as the draft Northern Beaches Section 7.12 Development Contributions Plan 2021 'the draft plan') was presented to Council on 27 April 2021 seeking approval to go on public exhibition.

The draft Contributions Plan was publicly exhibited from 3 May to 31 May 2021, in accordance with the Environmental Planning and Assessment Regulation 2000. Fourteen submissions were received during the exhibition period including five submissions in support.

Minor post-exhibition amendments have been made to the draft Contributions Plan to ensure the Infrastructure Schedule is consistent with changes to Council's recently exhibited Capital Works Delivery Program 2021-2025. No changes are proposed following a review of the public submissions.

An updated version of the draft Contributions Plan incorporating the minor post-exhibition amendments is now presented to the Council.

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**RECOMMENDATION OF DIRECTOR PLANNING AND PLACE**

That:

1. Council note the outcomes of the public exhibition of the draft Northern Beaches Section 7.12 Contributions Plan 2021.
  2. Council support the proposed post-exhibition changes and adopt the appended Northern Beaches Section 7.12 Development Contributions Plan 2021.
  3. Notice of Council's decision be provided to those who made a submission and the Policy be made available on the Council website.
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## REPORT

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### BACKGROUND

The draft Northern Beaches Section 7.12 Contributions Plan 2021 (the 'draft Contributions Plan') was prepared following a review of the adopted Northern Beaches Section 7.12 Development Contributions Plan 2019 to ensure that Council's mechanism for funding a broader range of infrastructure and services is contemporary and in accordance with all legislative requirements. The review of the adopted policy within 2 years of adoption is considered to be best practice.

The draft Contributions Plan continues to:

1. Apply to the majority of land in the Northern Beaches except the Warriewood Valley Release Area and Dee Why Town Centre.
2. Facilitate delivery of a broad range of infrastructure and services, funded by development contributions from 'infill' or 'non-growth' areas.
3. Apply to all development, including Complying Development Certificates where the cost of works is above \$100,000.
4. Includes a Works Schedule that is consistent with the Capital Works Delivery Program 2021-2025.

Key changes in the draft Contributions Plan are:

- An update to the definition of 'Internal Fitout Works' consistent with clause 25J of the Environmental Planning and Assessment Regulation 2000.
- Omission of any reference to 'Plan Administration' consistent with the Practice Note on Section 7.12 fixed development consent levies (Department of Planning, Industry and Environment, issued 12 February 2021).
- Administrative changes associated with reference to tables contained in the draft Contributions Plan.
- An update of the Infrastructure Schedule consistent with Council's exhibited Capital Works Delivery Program 2021-2025 (follows post exhibition).

Following the conclusion of the public exhibition, minor amendments have been made to the Infrastructure Schedule to ensure consistency with changes to the exhibited Capital Works Delivery Program 2021-2025. The draft Contributions Plan, including these minor post-exhibition amendments, is contained in Attachment 1.

### CONSULTATION

The draft Contributions Plan was placed on public exhibition from 3 May to 31 May 2021.

At the conclusion of the public exhibition, the 'Your Say' page received a total of 260 visits, with the documents being downloaded a total of 72 times. 14 submissions were received during the exhibition period including five submissions in support. The issues raised in these submissions are addressed in the Submissions Table (Attachment 2).

Several submissions suggest that the draft Contributions Plan should also apply to Warriewood Valley and Dee Why Town Centre. The draft Contributions Plan does not apply to the higher growth areas as they have their own specific contributions plans prepared under section 7.11 of the Environmental Planning and Assessment Act. The plans for Dee Why Town Centre and Warriewood Valley recognise the clear link between the increased development and the need for a greater level of new or augmented local infrastructure. The contribution rates in Warriewood Valley



and Dee Why Town Centre far exceed the flat rate levies in the draft Contributions Plan, currently up to 1% of development costs.

Minor amendments made to the draft Contributions Plan post-exhibition ensure the Infrastructure Schedule is consistent with changes to the exhibited Capital Works Delivery Program 2021-2025. No changes are proposed following a review of the submissions.

## **TIMING**

If adopted by Council, the Northern Beaches Section 7.12 Contributions Plan 2021 (the '2021 Contributions Plan') will come into force on 19 June 2021. All persons who made a submission will be notified of Council's decision.

Adopting the 2021 Contributions Plan will facilitate development contributions funding for listed infrastructure projects in Council's Capital Works Delivery Program 2021-2025.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

## **FINANCIAL CONSIDERATIONS**

The 2021 Contributions Plan seeks to ensure an equitable and sustainable funding source for a broader range of infrastructure and services across the Northern Beaches.

## **SOCIAL CONSIDERATIONS**

The 2021 Contributions Plan facilitates the timely funding and delivery of public infrastructure such as public domain improvements, open space, pedestrian/cycle networks, and community facilities which will enhance social outcomes for current and future residents and workers across the Northern Beaches.

## **ENVIRONMENTAL CONSIDERATIONS**

The 2021 Contributions Plan will continue to contribute to improved environmental outcomes across the Northern Beaches through the provision of critical public amenities and infrastructure. All potential environmental impacts resulting from the delivery of the proposed works program will be mitigated through appropriate environmental assessment and management.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The 2021 Contributions Plan was prepared following a review of the 2019 Contributions Plan to ensure that Council's mechanism for funding a broader range of infrastructure and services is contemporary and in accordance with all legislative requirements.

The 2021 Plan ensures the Infrastructure Schedule in the Plan aligns with Council's Capital Works Program (over a ten-year timeframe) and its four-year Capital Works Delivery Plan, of which development contributions are a significant funding source.

<b>ITEM 12.4</b>	<b>FIRE &amp; RESCUE NSW INSPECTION REPORT - 2 TILLEY LANE FRENCHS FOREST (ALSO KNOWN AS 18 AQUATIC DRIVE, FRENCHS FOREST)</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE</b>
<b>TRIM FILE REF</b>	<b>2021/333504</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Fire &amp; Rescue NSW Inspection Report dated 8 April 2021 - 2 Tilley Lane Frenchs Forest</b> <b>2 <a href="#">↓</a> EPA2021/0129 - Notice of intention to give a Fire Safety Order dated 19 May 2021 - 2 Tilley Lane Frenchs Forest</b>

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## SUMMARY

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### PURPOSE

Council has received an inspection report from Fire & Rescue NSW (FRNSW) as shown in Attachment 1, in relation to the property located at 2 Tilley Lane, Frenchs Forest (also known as 18 Aquatic Drive, Frenchs Forest).

FRNSW has powers under Section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to carry out inspections of buildings and is required to forward its findings and recommendations to Council.

Following Council's Fire Safety Officer's investigation into the matter, this report recommends that a Fire Safety Order No. 1 be issued to ensure that adequate fire safety systems are provided to the property. It is noted that a Notice of Intention to Issue an Order for this matter was issued on 19 May 2021.

### EXECUTIVE SUMMARY

FRNSW has powers under section 9.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to carry out inspections of buildings and is required to forward its findings and recommendations to Council.

Council must table such reports and recommendations at the next available meeting of Council to determine whether or not it will exercise its powers to give a Fire Safety Order. Notice of Council's determination must be given to FRNSW.

Council's Fire Safety Officers have investigated the matter raised by FRNSW and initiated compliance action by issuing a Notice of Intention to Give a Fire Safety Order on 19 May 2021 to ensure that adequate fire safety systems are provided. It is noted that the subject site contains a 5-storey commercial building.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. In accordance with the *Environmental Planning and Assessment Act 1979*, determine to exercise its powers to issue a Fire Safety Order No.1, and note the issuance of a Notice of Intention to Give a Fire Safety Order No. 1 to address the identified fire safety deficiencies at 2 Tilley Lane Frenchs Forest.
  2. Provide notice to Fire and Rescue NSW of this determination.
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## REPORT

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### BACKGROUND

Council received an inspection report from Fire & Rescue NSW dated 8 April 2021 in relation to 2 Tilley Lane Frenchs Forest (also known as 18 Aquatic Drive, Frenchs Forest), as shown in Attachment 1 of this Report.

Part 8 of Schedule 5, section 17 (2), (3) and (4) of the Environmental Planning and Assessment Act 1979 requires Council to take such reports and any recommendations made to the next meeting of Council.

Council is also to determine whether to issue a Fire Safety Order pursuant to section 9.34 and Part 2, Schedule 5 of the EP&A Act.

FRNSW conducted an inspection of the building on 28 January 2021 and found the following items of concern were identified during the inspection:

#### 1. Essential Fire Safety Measures

##### 1A. Fire Hydrant System

- A. The fire brigade booster assembly is not readily accessible to firefighters, contrary to the requirements of Clause 7.3 and Figure 7.4 of Australian Standard (AS) 2419.1-2005. In this regard, the walls of the fire brigade booster cabinet impede access to the feed and outlet valves.
  - i. FRNSW received photographic evidence on 28 February 2021 from the Building Manager showing this issue has been rectified.
- B. Access to the fire brigade booster assembly is obstructed by vegetation, contrary to the requirements of Clause 7.3 of AS2419.1-2005.
  - i. FRNSW received photographic evidence on 28 February 2021 from the Building Manager showing the vegetation has been removed.
- C. The doors to the fire brigade booster assembly cabinet were not fitted with a device capable of securing the doors in an open position, contrary to the requirements of Clause 7.9.2(a) of AS2419.1-2005.
- D. Boost pressure and test pressure signage has not been installed adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
- E. A block plan has not been installed adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.11 of AS2419.1-2005.
- F. FRNSW is unable to confirm if the fire brigade booster assembly is installed in series (relay). If so, a warning sign and a 150mm pressure gauge has not been installed at the fire brigade booster assembly, contrary to the requirements of Clause 7.6 of AS2419.1-2005.

##### 1B. Automatic Smoke Detection and Alarm System

- A. The Fire Indicator Panel (FIP) displayed 2 isolations, 1 Fault, and 1 Alarm, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).
  - i. FRNSW received photographic evidence from the Building Manager on 17 March 2021 showing the FIP clear of isolations and faults.

## 2. Generally

- 2A. A current Annual Fire Safety Statement (AFSS) is not displayed at the premises contrary to the requirements of Clause 177 of the EP&A Reg. In this regard, the AFSS displayed was dated 12 December 2020. FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building and the FRNSW inspection report recommended that Council inspect the building to address items No. 1 and 2 of the Report.

Council staff inspected the commercial building to investigate the issues raised by FRNSW and concur with the opinion of the FRNSW that the fire safety and egress provisions are not adequate for the building. Subsequently, Council initiated compliance action and issued a Notice of Intention to give a Fire Safety Order on 19 May 2021 to prevent fire, protect life and property in the event of fire, requiring the owners to address the matter listed in the FRNSW Report. A copy of the Notice of Intention to give a Fire Safety Order is provided at Attachment 2.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

### FINANCIAL CONSIDERATIONS

The recommendation of this report poses no financial impact on Council.

### SOCIAL CONSIDERATIONS

Ensuring adequate fire safety measures are provided within buildings helps to minimise serious injury and loss of life within the Council area and as such has significant social benefit.

### ENVIRONMENTAL CONSIDERATIONS

Installation of any additional fire safety measures as a result of recommendations contained within this report will have minimal Environmental Impacts.

### GOVERNANCE AND RISK CONSIDERATIONS

Council is required under the *Environmental Planning and Assessment Act 1979* to table FRNSW inspection reports and make a determination whether or not to issue a Fire Safety Order. Failure to do so would be a breach of legislation and could create a public safety risk by failing to address any fire safety failure deficiencies identified.

Unclassified



File Ref. No: BFS21/296 (14381)  
TRIM Ref. No: D21/24445  
Contact: Qualified Firefighter [REDACTED]

8 April 2021

The General Manager  
Northern Beaches Council  
Civic Centre  
725 Pittwater Road  
DEE WHY NSW 2299

E-mail: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

**Re: INSPECTION REPORT**  
[REDACTED]

The Fire Safety Compliance Unit of Fire & Rescue NSW (FRNSW) received correspondence from Forestville Fire Station on 28 January 2021, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Attended 000 Alarm Operating call to this location which has an AFA ID 463553.*
- *Alarm investigated with no sign of fire but noted that FIP had Faults and also zone isolations.*
- *Building is a 5-floor commercial plus basement parking and includes a childcare.*
- *Contacted listed service company, Global Fire, who said they had not been contracted since May 2020.*
- *Contacted monitoring company Romtek, who stated Alarm Signalling Equipment (ASE) was in fault.*
- *Concerns are with no maintenance of FIP and ASE, no notification to FRNSW.*

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[Firesafety@fire.nsw.gov.au](mailto:Firesafety@fire.nsw.gov.au)

Page 1 of 4

Unclassified



**Unclassified**

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 4 February 2021 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

**COMMENTS**

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. The fire brigade booster assembly is not readily accessible to firefighters, contrary to the requirements of Clause 7.3 and Figure 7.4 of Australian Standard (AS) 2419.1-2005. In this regard, the walls of the fire brigade booster cabinet impede access to the feed and outlet valves.
  - i. FRNSW received photographic evidence on 28 February 2021 from the Building Manager showing this issue has been rectified.
- B. Access to the fire brigade booster assembly is obstructed by vegetation, contrary to the requirements of Clause 7.3 of AS2419.1-2005.
  - i. FRNSW received photographic evidence on 28 February 2021 from the Building Manager showing the vegetation has been removed.
- C. The doors to the fire brigade booster assembly cabinet were not fitted with a device capable of securing the doors in an open position, contrary to the requirements of Clause 7.9.2(a) of AS2419.1-2005.



**Unclassified**

- D. Boost pressure and test pressure signage has not been installed adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
- E. A block plan has not been installed adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.11 of AS2419.1-2005.
- F. FRNSW is unable to confirm if the fire brigade booster assembly is installed in series (relay). If so, a warning sign and a 150mm pressure gauge has not installed at the fire brigade booster assembly, contrary to the requirements of Clause 7.6 of AS2419.1-2005.

**1B. Automatic Smoke Detection and Alarm System**

- A. The Fire Indicator Panel (FIP) displayed 2 isolations, 1 Fault, and 1 Alarm, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).
  - i. FRNSW received photographic evidence from the Building Manager on 17 March 2021 showing the FIP clear of isolations and faults.

**2. Generally**

- 2A. A current Annual Fire Safety Statement (AFSS) is not displayed at the premises contrary to the requirements of Clause 177 of the EP&A Reg. In this regard, the AFSS displayed was dated 12 December 2020.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

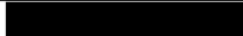
- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Unclassified

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Qualified Firefighter [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS21/296 (14381) for any future correspondence in relation to this matter.

Yours faithfully



Senior Building Surveyor  
Fire Safety Compliance Unit

Unclassified



19 May 2021

DOWNTOWN CONSTRUCTIONS PTY LTD, NORWILK PTY LTD  
& SMITHS PTY LTD  
Suite 3.18, 32 Delhi Road  
NORTH RYDE NSW 2113

Dear Sir/Madam

**Notice of Intention to Issue an Order (Audit)**

**Legislation:** Notice issued under the Environmental Planning and Assessment Act 1979

**Premises:** [REDACTED]

**Ref No:** EPA2021/0129 (AFSS00663)

It has been brought to the attention of Council and Fire & Rescue NSW that the abovementioned premise is deficient in terms of fire safety provisions.

Once Council is aware that an existing building is deficient in certain aspects of fire safety, it has a duty of care to ensure that the building provides an acceptable level of fire safety to the occupants of the building.

Accordingly, please find attached a Notice of Intention to Issue a Fire Safety Order on the abovementioned premises requiring a Fire Safety Audit of the premises to address item No.1 through to item No. 2 from the Fire and Rescue NSW (F&RNSW) Inspection report dated 8 April 2021.

All owners and other interested persons must be advised of the Notice of Intention.

Should you have any further enquiries in this matter, please contact [REDACTED] Senior Building Surveyor & Fire Safety Specialist, on [REDACTED] [REDACTED] or via email at [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Yours faithfully

[REDACTED]

[REDACTED]

**Senior Building Surveyor (Fire Safety)**

cc Fire Safety Branch - Fire & Rescue NSW  
Email [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au)

cc [REDACTED] DOWNTOWN CONSTRUCTIONS PTY LTD, NORWILK PTY LTD  
& SMITHS PTY LTD  
[REDACTED]

## NORTHERN BEACHES COUNCIL NOTICE OF INTENTION TO GIVE A DEVELOPMENT CONTROL ORDER

*Under The Environmental Planning and Assessment Act, 1979 (NSW)  
Section 9.3, Schedule 5 PART 2 (FIRE SAFETY ORDER NO: 1)*

<b>DATE:</b>	19 MAY 2021
<b>TO WHOM:</b>	DOWNTOWN CONSTRUCTIONS PTY LTD, NORWILK PTY LTD & SMITHS PTY LTD
<b>PREMISES:</b>	[REDACTED]

You are hereby given **Notice of intention** to issue an **Order No 1** pursuant to schedule 5, part 2 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (the 'Act') that the Northern Beaches Council, as the appropriate authority under the Act, has been made aware that provisions for fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire on the above premises.

Prior to the Order being given you may make representations to Council's Fire Safety Specialist on or before **15 JUNE 2021** in relation to the following matters:

- (1) why the Order should not be given;
- (2) the terms of the Order;
- (3) the period of compliance with the Order.

In making representations you may be represented by a barrister, solicitor or agent. Alternatively, you may ignore this Notice and an Order will be given either in the same terms as intended or with modified terms.

### DESCRIPTION OF THE ORDER THE COUNCIL INTENDS TO GIVE:

#### ORDER NO. 1

#### TO DO WHAT:

1. Engage the services of a Registered Building Surveyor (unrestricted or all classes of buildings) or Registered Fire Safety Certifier accredited under NSW Fair Trading to carry out a Fire Safety Audit of the premises to address item No.1 through to item No. 2 from the Fire and Rescue NSW (F&RNSW) Inspection report dated 8 April 2021. The Audit is to be based on inspection(s) of the building in terms of the deemed-to-satisfy fire safety provisions.

A list of Accredited Certifiers can be found at  
<https://search.bob.nsw.gov.au/PublicRegister/RegistrationSearch.aspx>

2. Having regard to the Fire Safety Performance Requirements of the Building Code of Australia, the **Registered Building Surveyor or Registered Fire Safety Certifier** is to incorporate the results of the Fire Safety Audit of the premises into a Report, Strategy





and Recommendations in order to provide an adequate provision of fire safety to prevent fire, suppress fire, prevent the spread of fire and ensure or promote the safety of persons in the event of fire.

3. A Schedule of existing and proposed Essential Fire Safety measures including their Standard of Performance must be included in the Strategy.
4. The Report and Recommendations must be submitted to Council for its consideration and approval prior to implementation of any proposed works.
5. A proposed timetable of works is to accompany the Recommendations.
6. Any BCA performance based solutions prepared by other stakeholders to address fire safety matters in the premises must be fully reviewed by the suitably qualified Registered Building Surveyor or Registered Fire Safety Certifier accepted, incorporated and annexed into the final **BCA Fire Safety Audit Report**.

**REASONS FOR THE ORDER:** (Schedule 5, Part 4, clause 5 of the Act)

Council and FRNSW has been made aware that the existing provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure the safety of persons in the event of fire.

An inspection was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of F&RNSW and a Report sent to Council recommending an Audit be carried out.

**PERIOD OF COMPLIANCE WITH THE ORDER**

**Within Ninety (90) days.** (Submission of Fire Safety Audit to Council)

**FAILURE TO COMPLY WITH THE ORDER**

OFFENCE

It is an offence against the *Environmental Planning and Assessment Act 1979* (NSW) not to comply with any Order: see Part 9, of Division 9.3, Clause 9.37 of the *Environmental Planning and Assessment Act 1979* (NSW). In the event that an Order is issued and you do not comply, Council may issue penalty infringement(s) or commence Court Proceedings to compel compliance and / or undertake a criminal prosecution.

PENALTY

The maximum penalty for non-compliance with this order is (a) in case of a corporation \$5 million, and for a continuing offence a further \$50,000 for each day the offence continues; or (b) in the case of an individual \$1 million, and for a continuing offence a further \$10,000 for each day the offence continues: see Part 9, Division 9.6, Clause 9.52 of the *Environmental Planning and Assessment Act 1979* (NSW).

EXECUTION OF ORDER BY COUNCIL

If you fail to comply with the terms of an Order Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order, and may, among other things, recover from you the costs incurred by Council in so doing: see Part 11, Clause 34 of Schedule 5 of the *Environmental Planning and Assessment Act 1979*.

**COMPLIANCE COSTS**

Schedule 5 Part 12 of the EP&A Act 1979 and clause 281C of the Environmental Planning and Assessment Regulation 2000 allows **compliance cost notices** to be issued by Council to you in respect to all or any reasonable costs or expenses incurred by Council in connection with:

- (a) monitoring action under the order, and
- (b) ensuring that the order is complied with, and
- (c) any costs or expenses relating to an investigation that leads to the giving of the order, and
- (d) any costs or expenses relating to the preparation or serving of the Notice of intention to give an order, and
- (e) any other matters associated with the Order.

**RIGHT OF APPEAL AGAINST ORDER**

If you wish to appeal against an Order you must appeal to the **Land and Environment Court**, Level 4, 225 Macquarie Street, Sydney NSW 2000, within **28 days** after the service of the Order on you: see Part 8, Division 8.5, Clause 8.18 of the *Environmental Planning and Assessment Act 1979*.



**Senior Building Surveyor (Fire Safety)**



## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	PROPOSED COMPULSORY ACQUISITION OF COUNCIL COMMUNITY LAND AT WALANA CRESCENT AND MONA VALE ROAD, MONA VALE BY TRANSPORT FOR NSW FOR ITS MONA VALE ROAD EAST UPGRADE PROJECT
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2019/017394
ATTACHMENTS	1 <a href="#">↓ Plans of Council Community Land Proposed to be compulsorily acquired by Transport for NSW in Mona Vale</a>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To consider a proposal by Transport for NSW (TfNSW) (formerly Roads and Maritime Services) to compulsorily acquire, by agreement, Council owned community land at Walana Crescent and Mona Vale Road, near the intersection of Samuel Street, for its Mona Vale Road East Upgrade Project.

#### EXECUTIVE SUMMARY

TfNSW is currently undertaking its Mona Vale Road East Upgrade Project. TfNSW needs to acquire Council owned community land adjacent to the Mona Vale Cemetery for road widening and for a stormwater detention basin near the intersection at Samuel Street.

Council is precluded from selling community land in accordance with the requirements of the *Local Government Act 1993 (NSW)*. TfNSW has requested the compulsory acquisition of Council owned community land, by agreement, in accordance with section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.

TfNSW has offered to pay Council an amount of compensation, assessed by an independent qualified valuer, of \$1,571,600 (exclusive of GST), plus an additional amount of \$14,500 (exclusive of GST) to cover Council's valuation costs and legal costs associated with this acquisition.

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#### RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Approve the compulsory acquisition of Council owned land, being land at:
  - A. 1-5 Walana Crescent (part of Lots 2, 3 and 4 in Deposited Plan 350940)
  - B. 99 Mona Vale Road (Lot 101 Deposited Plan 749415 and Lot 6 Deposited Plan 239061)
  - C. part 105 Mona Vale Road (Lot 2 Deposited Plan 1235984).

by agreement, by Transport for NSW in accordance with section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*, subject to the payment of compensation within 30 days of the publication of an Acquisition Notice, as set out in the Financial Considerations section of this report.

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2. Agree to reduce the minimum statutory 90 day Proposed Acquisition Notice period for the compulsory acquisition to seven days.
  3. Authorise the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.
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## REPORT

### BACKGROUND

Since March 2017, as part of Transport for NSW's (TfNSW) Mona Vale Road East Upgrade Project, TfNSW has been negotiating with Council to acquire a number of parcels of Council community land along Mona Vale Road, Mona Vale.

The table below summarises the details of the parcels of Council owned community land that TfNSW proposes to acquire from Council (Land).

Legal Description Lot & Deposited Plan (DP)	Address	Zoning	Acquisition area (m <sup>2</sup> )
Part Lots 2, 3 and 4 DP 350940	1-5 Walana Crescent, Mona Vale	SP2 Infrastructure - Cemetery	1,420
Lot 101 DP 749415 Lot 6 DP 239061	99 Mona Vale Road Mona Vale	RE1 - Public Recreation	363.6 for Lot 101 803 for Lot 6
Lot 2 DP 1235984 (being part of Lot 12 DP 241313)	105 Mona Vale Road, Mona Vale	RE1 - Public Recreation	25

A plan of the Land is provided in Attachment 1 to this report. The total land area to be acquired by TfNSW is approximately 2,594.4 m<sup>2</sup>.

In accordance with the *Local Government Act 1993 (NSW)*, Council owned land classified as community land is prohibited from sale. However, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* (Land Acquisition Act), TfNSW may acquire the Land with the consent from the Minister for Transport and Roads by either:

- Compulsory acquisition by agreement in accordance with section 30 of the Land Acquisition Act, whereby TfNSW and Council as land owner, mutually consent to the acquisition under the Land Acquisition Act, including agreement on particulars, such as the compensation to be paid to Council.
- Compulsory acquisition without land owner's consent. This process is a more costly and protracted process for both parties. It also involves the NSW Valuer General (VG) determining the amount of compensation payable to the dispossessed property owner.

Council has advised TfNSW that it wishes to agree on an amount of compensation for the compulsory acquisition by agreement rather than without agreement, as there is a risk to Council on the uncertainty of a determination of compensation by the VG.

In February 2018, Council engaged an independent qualified valuer to provide valuation advice in accordance with the Land Acquisition Act for the subject land to be compulsorily acquired by TfNSW. TfNSW also obtained separate valuation advice to assess the compensation payable.

The two valuation assessments were significantly apart, primarily due to the issue of the compensation for the impact on the Mona Vale Cemetery land, given that the compulsory acquisition will result in fewer areas for future burial and memorial sites.

In October 2018, Council granted TfNSW access to the subject land with an early entry and construction lease to allow construction works to commence during the negotiations of the

compulsory acquisition process. Payment for the 3-year construction lease has been paid in advance and the payment for the early entry lease will be paid upon completion of settlement of the compulsory acquisition of the Land.

### **Current negotiations with TfNSW**

Since 2018, Council and TfNSW have attempted to reach in-principle agreement on the compensation payable to Council. As a way forward, in late 2019, both parties agreed to jointly appoint a third valuer to assess the compensation. Unfortunately, the third valuer failed to complete the valuation assessment and TfNSW subsequently terminated the valuer's contract.

In a further attempt to reach agreement on the amount of compensation, Council asked TfNSW to engage another independent qualified valuer to assess the compensation payable to Council. TfNSW agreed to proceed on this proposal and has asked Council to agree to a reduction of the minimum statutory 90 day notice period for the compulsory acquisition Proposed Acquisition Notice (PAN) to 7 days prior to formally gazetting the compulsory acquisition (Acquisition Notice). Section 13 of the Land Acquisition Act permits a shorter period of notice for a proposed acquisition notice if TfNSW and the land owner, being Council, agree in writing to the shorter period.

The valuation advice received from the third independent qualified valuer assessed the value of the Land at \$1,571,600 (excluding GST and Council's out of pocket valuation and legal expenses) compared to Council's original valuation advice of \$1,844,550 and TfNSW's original valuation advice of \$476,250 (based on original TfNSW proposal for acquisition of Council land which included 581.4sqm less area of 1-5 Walana Crescent, Mona Vale).

TfNSW has confirmed it is now willing to offer the amount of compensation assessed by the third independent qualified valuer.

If agreement on the amount of compensation payable to Council is not reached, TfNSW has advised that it would progress this matter via a standard compulsory acquisition process having compensation determined by the Valuer General (VG) in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Given the increase in the offer made to Council by TfNSW and the uncertainty of a VG determination on the amount of compensation for this matter, it is recommended that Council agree to proceed on the basis of the latest TfNSW offer.

### **CONSULTATION**

TfNSW has provided property adjustment plans to Council and internal key stakeholders were also consulted.

Additionally, public notification of the two leases (early entry and construction leases) were undertaken in January 2018. All inquiries were directed to TfNSW and subsequently Council was provided with updates on community issues, feedback and resolutions.

### **TIMING**

TfNSW wishes to complete the compulsory acquisition process as soon as possible and has requested that Council agree to a reduction in the PAN period to 7 days. Therefore, TfNSW could potentially complete the acquisition process within 2 weeks after the date of the Council resolution and Council being paid the compensation within 30 days following the Acquisition Notice date.

## LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.

## FINANCIAL CONSIDERATIONS

TfNSW has offered an amount of compensation assessed by the third independent qualified valuer at \$1,571,600 (exclusive of GST), plus an additional amount of \$14,500 (exclusive of GST) to cover Council's valuation costs and legal costs associated with this proposal. Council understands that the compensation amount does not attract GST.

Property	Compensation (\$) Exclusive of GST
Lot 2 DP 1235984 (Part 105 Mona Vale Road, Mona Vale)	5,200
Lot 101 DP 749415 (99 Mona Vale Road, Mona Vale)	90,900
Lot 6 DP 239061 (99 Mona Vale Road, Mona Vale)	197,500
Part Lots 2, 3 & 4 DP 350940 (1-5 Walana Crescent Mona Vale)	1,278,000
<b>Sub total</b>	<b>1,571,600</b>
Legal	4,500
Valuation	10,000
<b>Total</b>	<b>\$1,586,100</b>

Council has also received \$139,650 plus GST from TfNSW for a 3-year construction lease on Council's land and will also receive approximately an additional \$99,000 exclusive of GST (based on an estimated acquisition date of 30 June 2021) for the early entry lease to TfNSW for the works which commenced on site before acquisition up to the date of acquisition.

## SOCIAL CONSIDERATIONS

The NSW Government is upgrading Mona Vale Road from two lanes to four lanes between Terrey Hills and Mona Vale. The upgrade is planned in two stages to provide the local community with improved safety and traffic efficiency.

The acquisition of the subject Community land identified in this report would assist to facilitate TfNSW's proposed Mona Vale Road East Upgrade and provide the following benefits:

- Accommodating a shared pedestrian/bike path.
- Noise wall to reduce overall noise impact of additional traffic on neighbouring properties.
- Improved drainage detention works.

### **ENVIRONMENTAL CONSIDERATIONS**

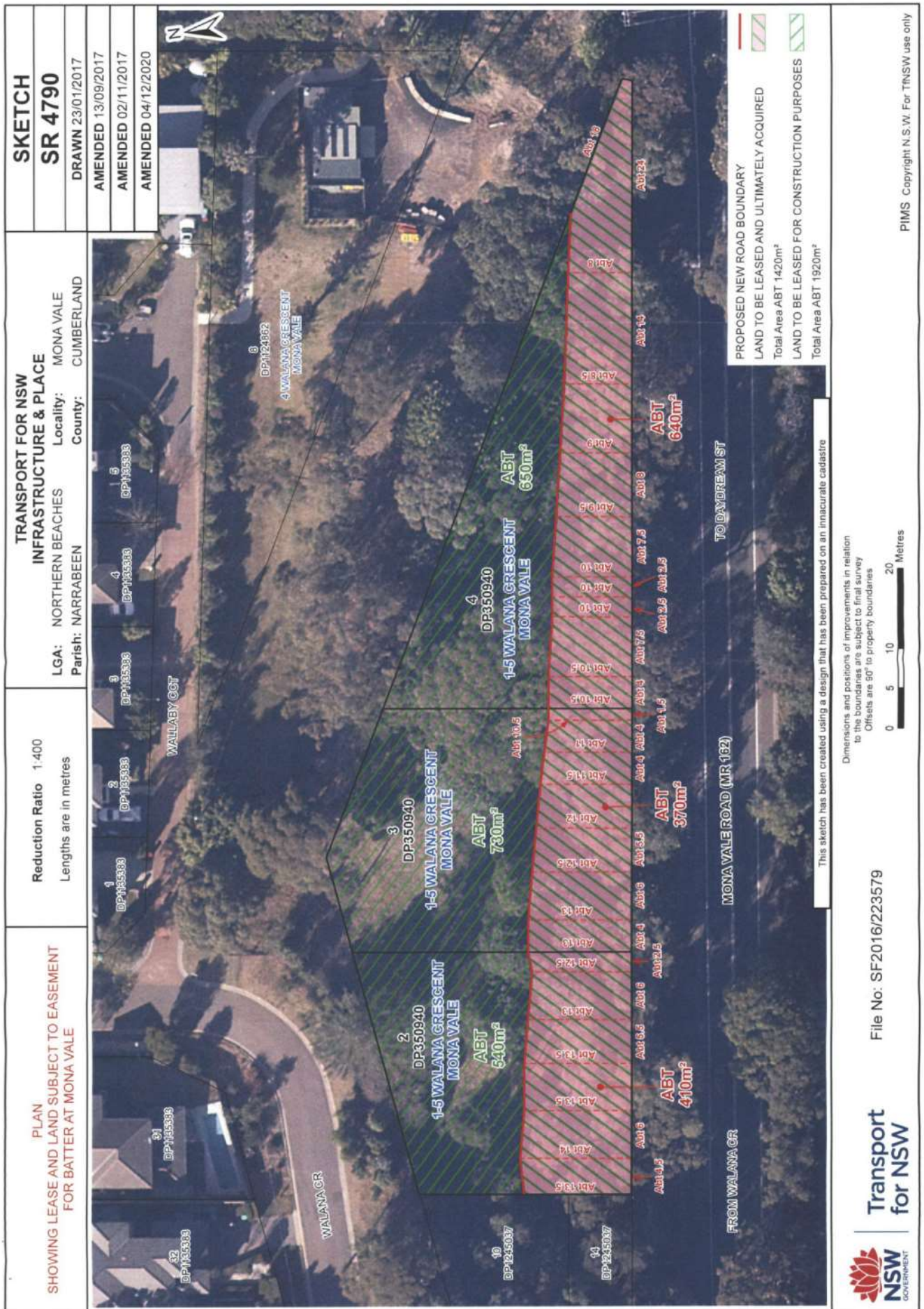
TfNSW has prepared and exhibited Environmental Impact Statements (EIS) for the Mona Vale Road East Upgrade Project. The EIS outlined the proposed impact of the new road works.

Council's Parks & Recreation Group has been consulted during the process and it has worked with TfNSW to ensure it provides sufficient protection of trees and vegetation and compliance with Australian Standards. TfNSW has provided an arborist's report to ensure structure root zones were protected, during excavation and construction works.

### **GOVERNANCE AND RISK CONSIDERATIONS**

There is a financial risk that if TfNSW proceeds with a compulsory acquisition without Council's agreement, the final amount of compensation received could be significantly lower than the proposed amount agreed to by the parties under a compulsory acquisition by agreement.













<b>ITEM 13.2</b>	<b>RECYCLED CONGLOMERATE ROADS AND FOOTPATHS INITIATIVE - RESPONSE TO RESOLUTION NO. 355/19 (ORDINARY COUNCIL - 22 OCTOBER 2019)</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2021/377455</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

To update Council on the results of the trial use of asphalt containing plastics and other recycled materials for resurfacing on a select number of local roads and a footpath in response to Council's Resolution No. 355/19.

### EXECUTIVE SUMMARY

In response to Council's 22 October 2019 resolution, inter alia, that:

- 'C. A report is brought to Council as soon as practicable after the installation of the two trial road and two trial footpath surfaces, detailing the financial cost and benefits in terms of recycled materials and greenhouse gas emissions saved at the two trial sites.'*

Council has completed the trial use of Reconophalt on three Council roads and one footpath over the last 2 years. The work has seen the recycling of 130,000 glass bottles and 925,000 plastic bags, toner from 27,000 toner cartridges and 243t of reclaimed asphalt pavement.

This work has also resulted in a reduction of carbon emissions of 2.1 tonnes of CO<sub>2</sub>.

The financial impact of the road resurfacing works was cost neutral, however the footpath works represented a 57% cost premium to complete 70m of footpath.

Council staff will continue to monitor the development of these products, the performance of the completed works and will investigate suitable candidate resurfacing projects that can utilise these products in future programs.

The use of Reconophalt on footpath works is seen as cost prohibitive due to the high amount of preparative works and the labour intensive nature of the works. Currently, the ongoing use of this product for footpath works is not supported for general use but could be considered in lieu of short sections of asphalt path to accommodate specific local conditions.

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### RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council continue to support the use of recycled materials in asphalt production and continue to investigate options to divert plastics from landfill with our road building and waste collection partners.
  2. Staff continue to monitor the performance of these road pavements and industry developments in the use of recyclables and other environmental sustainability improvements in road construction.
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## REPORT

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### BACKGROUND

Council adopted a report on Recycled Conglomerate Roads and Footpath Initiative at its meeting 22 October 2019.

The report included the following resolution:

*'That:*

- A. Council continue to support the use of recycled materials in asphalt production and continue to investigate options to divert plastics from landfill with our road building and waste collection partners.*
- B. Council trial the use of asphalt containing plastics and other recycled materials on two local roads and two local footpaths funded from the current road resurfacing program.*
- C. A report is brought to council as soon as practicable after the installation of the two trial road and two trial footpath surfaces, detailing the financial cost and benefits in terms of recycled materials and greenhouse gas emissions saved at the two trial sites.*
- D. Staff continue to monitor the performance of these road pavements and industry developments in the use of recyclables and other environmental improvements in asphalt production.*
- E. Staff undertake engagement with the broader community via an education process on the environmental and engineering benefits of using this innovative product whilst managing any potential or unforeseen impact.'*

This report is in response to Part C of the Council resolution.

### DISCUSSION

The Downer Group was engaged to resurface the following roads with Reconophalt (Downer's proprietary product) as part of this trial over the last two years:

- Sorlie Road from Springvale Avenue to house No. 16, Frenchs Forest
- Old Pittwater Road from Smith Avenue to the pedestrian crossing in front of TAFE, Brookvale
- Myoora Road from Cooyong Road to property No.48, Terrey Hills

Work in Elanora Road, Elanora was also planned to be completed using Reconophalt, however community concerns about microplastics resulted in reverting to standard asphalt for this project.

A section of footpath in Bilambee Avenue, Bilgola Plateau was also constructed using Reconophalt.

As resolved by Council, the Northern Beaches community was informed about the use of recycled products in the asphalt used for road resurfacing. Council's website, social media, flyers and notification letters provided details of the materials used and the environmental and engineering benefits of the Reconophalt product.

Some residents expressed their support for the trial and asked for more details about this product and the location of work. They were provided with additional information together with details of the manufacturer's website where further information is available.

A resident raised concerns about microplastic and nanoplastic particles being released into the environment from this product. Whilst the issue of microplastics entering the environment is of concern, there has been significant testing undertaken to demonstrate the risk is negligible.

It is noted that Reconophalt has been approved for use in road construction by the NSW EPA under a resource recovery order and exemption in New South Wales. Following 18 months of extensive testing under a program designed in conjunction with the NSW EPA, including the potential leaching of BPA and emission of microplastics, it was shown that Reconophalt brings no increased environmental risk when compared to standard asphalt, whilst providing substantial broader sustainability and performance benefits.

Furthermore, the additives containing the soft plastics are processed into pellets which melt into the asphalt mix to become part of the matrix of the bituminous binder. After undertaking extensive testing, the number of organic particles released during leachate tests determined that there was no difference or trend observed between Reconophalt and standard asphalt, including microplastics. Negligible detected levels were viewed as low risk when compared with available Australian and International toxicology guidelines.

The following table summarises the total recycled material used in the road resurfacing trial:

Recycled Products	Sorlie Road, Frenchs Forest (May 2020)	Old Pittwater Road, Brookvale (January 2021)	Myoora Road, Terrey Hills (January 2021)	Bilambee Avenue Footpath (April 2021)	Total
Length of Road (m)	330	260	235	70	895
No. of Glass Bottles	45,600	47,400	35,400	1,750	130,150
No. of Plastic Bags	324,000	337,000	252,000	12,400	925,400
No. of Used Printer Cartridges (Toner from)	9,470	9,850	7,360	363	27,043
Reclaimed Asphalt Pavement (RAP) / (tonne)	110	75.9	56.7	0	243
Reduction in Carbon Dioxide Emission (tonne)	1.77 t CO <sub>2</sub> e	0.152 t CO <sub>2</sub> e	0.113 t CO <sub>2</sub> e	0.06 CO <sub>2</sub> e	2.10
Cost per sqm -  - Reconophalt  - Concrete (comparative)	Equivalent to standard AC	Equivalent to standard AC	Equivalent to standard AC	\$440 \$280	



Sorlie Road was completed in May 2020 and other two projects were undertaken in January 2021.

While continuing to monitor the performance of these sections of road, the following items were identified as favourable outcomes:

- A significant volume of glass bottles, plastic bags, toner waste and reclaimed asphalt pavement (RAP) was recycled.
- Fine aggregate (sand) has been “mined” from Council’s street sweepings.
- No pavement defects have been identified within these newly paved roads.
- No complaints or concerns from residents or other road users, post completion.
- No additional cost to Council in using this product.
- No visible difference in finished product.

This innovative product is expected to improve the road pavement performance for fatigue and deformation over standard asphaltic concrete.

The use of Reconophalt in Bilambee Avenue achieved the project objectives of addressing pedestrian safety issues with access over an eroded verge and exposed tree roots. Council’s engineering standards for footpaths typically requires the use of concrete construction due to the superior durability and serviceability. Asphalt may be used in footpath construction in some locations on a merit basis, to address issues such as around trees/tree roots, rolling terrain and short term service requirements.

Already various recycled products such as cementitious materials (blast furnace slag) and recycled aggregates (crushed glass) are used in the manufacturing of concrete. The Green Building Council of Australia (GBCA) introduced the Green Star ratings and encourage the use of supplementary cementitious materials and recycled aggregate in concrete. Use of this concrete can be explored with our delivery partners with future works program however it has limited availability from local concrete plants.

While using reconophalt in footpath construction achieved Council’s quality and technical requirements, it incurs a significant additional cost (57%) compared to concrete due to manual laying of reconophalt in small quantities and the additional basecourse works required on which the asphalt is laid.

## **CONSULTATION**

Future projects using recycled content will continue to comply with Council’s consultation and notification processes.

## **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcomes:

- Environment Sustainability - Goal 5 - Our built environment is developed in line with best practice sustainability principles.
- Transport and Infrastructure - Goal 16: Our integrated transport networks meet the needs of our community.

## **FINANCIAL CONSIDERATIONS**

There were no additional costs to Council in trialing the use of Reconophalt for road work as originally foreshadowed. Council is currently seeking tenders for the supply of Reconophalt and

similar products, following which Council will be in a better position to assess market costs. Funding to support these projects is included in the existing road resheeting budget.

### **SOCIAL CONSIDERATIONS**

The reuse of waste materials is a positive outcome for the community by increasing our waste diversion and less use of virgin quarry materials.

### **ENVIRONMENTAL CONSIDERATIONS**

The use of Reconophalt has an initial environmental benefit due to reuse of waste materials as outlined in this report.

As part of the circular economy, asphalt production is already using recycled sand, asphalt products, glass and blast furnace slag as aggregates in asphalt. Other recycled products used in asphalt include recycled tyres, fly ash and waste oil. Council already supplies its street sweepings to Downer where sand is removed for use in Reconophalt.

### **GOVERNANCE AND RISK CONSIDERATIONS**

As this product is used by a number of Councils, the risk to Council in relation to asset failure or accelerated deterioration is considered to be low. There are suitable protections available from the supplier to mitigate or share these risks as appropriate.

<b>ITEM 13.3</b>	<b>UPDATE ON FINALISING SURF LIFE SAVING CLUB LEASES WITH NORTHERN BEACHES COUNCIL</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2021/404774</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**BRIEF REPORT**

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**PURPOSE**

To provide Council an update on the status of the 20 year lease template planned to be used with Northern Beaches Surf Life Savings Clubs.

**REPORT**

In the 25 May 2021 Council meeting it was resolved (145/21):

*'That an update be provided on the status of the 20 year lease with Northern Beaches Surf Life Savings Clubs and Council at the June Council meeting, with the intent to provide fairness and certainty to our Surf Life Saving Clubs.'*

In early 2018, discussion between Council and Surf Life Saving Sydney Northern Beaches (SLSSNB) commenced regarding the implementation of a standard lease based on the Crown Lease Template to be used for Northern Beaches Surf Life Saving (SLS) Clubs.

The development of this template has been a combined effort between Council and SLSSNB to adapt the Crown Lease Template to meet the requirements of the new Crown Land Management Act 2016 (which commenced 1 July 2018). The focus was to ensure the agreement provided clear direction for surf clubs about what was required of them and of Council under the lease whilst providing surety of tenure and a greater level of control over the premises for many clubs.

As a result of this work, particularly from key contributors from SLS including:

- Tracey Hare-Boyd, Branch President SLS SNB.
- Peter Kinsey, Solicitor and President Long Reef SLSC.
- Steve McInnes, former CEO SLS SNB.
- Doug Menzies, former Branch President SLS SNB.
- Ian Fullagar, Legal representative SLS NSW.

Council and SLSNSW have now reached agreement on an amended Crown Surf Life Saving Lease Template to be rolled out for all lease renewals of Northern Beaches Surf Life Saving Clubs.

These agreements will be put in place over the coming months. Meetings with individual clubs are being scheduled with the CEO, Property staff and Surf Club Representatives commencing 29 June 2021. These meetings intend to finalise individual club lease terms specific to their club. The standard terms in the lease template, having now been agreed, do not require further discussion.

**LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

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

**FINANCIAL CONSIDERATIONS**

The amended template lease proposes the minimum Crown rent, as per the original template and those proposed rents are included within Council's existing operational budget.

**ENVIRONMENTAL CONSIDERATIONS**

There are no adverse environmental impacts related to this report.

**SOCIAL CONSIDERATIONS**

The creation and implementation of this amended Crown Surf Life Saving Lease Template will provide certainty of tenure to the surf life saving clubs on the Northern Beaches and will enable them to continue delivering critical water safety and rescue services, community education and a place for surf sports involvement to continue to thrive.

**GOVERNANCE AND RISK CONSIDERATIONS**

The amendment and formation of this lease template has been done in line with the Crown Lease template intent and with appropriate expert advice.

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**RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That the Council note the update on the finalising of Surf Life Saving Club leases.

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<b>ITEM 13.4</b>	<b>PROPOSED VESTING OF OWNERSHIP OF CROWN LAND AT CHURCH POINT TO COUNCIL</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2021/337159</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Location of Lot 2 DP 1249367 McCarrs Creek Road Church Point</a></b> <b>2 <a href="#">Draft Gazettal Notice - Church Point Vesting - Lot 2 DP 1249367</a></b>

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## SUMMARY

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### PURPOSE

To consider agreeing to the vesting of transferable Crown land located at McCarrs Creek Road Church Point in Council, being Lot 2 DP 1249367, which is part of the re-aligned McCarrs Creek Road and part of the 2 storey Church Point carpark (the Land), shown on the map at Attachment 1.

### EXECUTIVE SUMMARY

Since the construction of the 2 storey carpark at Church Point and the re-alignment of McCarrs Creek Road, Council's Property Team has been in discussions with the Department of Planning, Industry and Environment - Crown Lands (DPIE – Crown Lands) regarding the ownership of the Land.

DPIE – Crown Lands has now offered to vest ownership of the Land in Council free of charge in accordance with the *Crown Land Management Act 2016 (NSW)*.

This report explains the conditions on which the Land will be vested in Council and recommends that Council accepts the proposed vesting.

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### RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council agrees to the vesting of ownership in Council of transferable Crown land at Lot 2 DP 1249367 at McCarrs Creek Road Church Point in accordance with the *Crown Land Management Act 2016 (NSW)*.
  2. Council notes that upon vesting, Lot 2 DP 1249367 is taken to have been acquired by Council as community land under the *Local Government Act 1993 (NSW)*.
  3. Council gives public notice of a draft plan of management, which proposes an amendment to the Church Point Plan of Management to include the land at Lot 2 DP 1249367.
  4. Council holds a public hearing in relation to the proposed plan of management as the proposed plan would have the effect of categorising the land as general community use in accordance with the *Local Government Act 1993 (NSW)*.
  5. A report be provided to Council on the outcomes of the public exhibition of the draft Plan of Management and associated documents and the public hearing.
  6. Authority be delegated to the Chief Executive Officer to do all things necessary to give effect to this resolution.
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## REPORT

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### BACKGROUND

The McCarrs Creek Road re-alignment works and new carpark at Church Point have been constructed in accordance with the Church Point Plan of Management (PoM), which was adopted by former Pittwater Council in November 2009.

Council's Property Team have been in discussions with the Department of Planning, Industry and Environment - Crown Lands (DPIE – Crown Lands) regarding the transfer of Crown land, comprising part of McCarrs Creek Road and part of the 2 storey Church Point carpark, being Lot 2 DP 1249367 (the Land) (as shown on the map in Attachment 1 to this report).

Following construction of the Church Point car park, Lot 1 DP 1249367 (Crown Reserve No. 1039451) was gazetted by DPIE – Crown Lands on 21 February 2020 with the reserve purpose of “access, environmental protection, government purposes and public recreation”. Council was appointed the Crown Land Manager. This Crown Reserve is part of the Pittwater Waterway below the mean high water mark (MHW) and encompasses the boardwalk, commuter wharf, cargo wharf and public wharves at Church Point.

The Land, which encompasses a small section of the 2 storey Church Point carpark and the re-aligned roadway on re-claimed land below the MHW, was not dealt with by DPIE – Crown Lands in 2020. It is now proposed to vest ownership of the Land to Council as community land, with the reserve purposes being “access and public requirements, tourism purposes and environmental and heritage conservation”. The draft council vesting notice is at Attachment 2 to this report.

The Minister may, with Council's agreement, publish a notice in the Gazette (known as a council vesting notice) to vest the Land in Council. Vesting is a process of transferring legal ownership and rights in property. If Council accepts the proposal to vest the Land, it will be transferred to Council free of charge.

If Council agrees to the proposed vesting, then the Land will be acquired as community land under the *Local Government Act 1993 (NSW)*.

The Land will be vested to Council subject to any native title rights and interests existing in relation to the Land immediately prior to vesting, and the Land will remain reserved for the purposes listed above. Council will not be permitted to sell or dispose of the Land.

Once the Land has been vested in Council, Council becomes the registered proprietor of the Land and is entitled to income generated by the Land.

### CONSULTATION

The 2009 PoM was extensively consulted upon and makes provision for the construction of the carpark and road realignment, and subsequent ownership of the constructed assets by Council.

Consultation will occur during the notification of the proposed amendment to the PoM and the public hearing.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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



**FINANCIAL CONSIDERATIONS**

The recommendations of this report pose no additional operational financial impact on Council. The Land is already managed by Council and as such there are no direct additional expenses associated with the transfer of ownership in the Land, which is being transferred to Council free of charge. In addition, Council will become entitled to any income generated by the Land on or after its vesting.

**SOCIAL CONSIDERATIONS**

There are no social considerations applicable for the proposal.

**ENVIRONMENTAL CONSIDERATIONS**

The proposed vesting of ownership of Crown Land to Council will have no environmental impacts.

**GOVERNANCE AND RISK CONSIDERATIONS**

The proposal will vest ownership of the Land in Council. If accepted, then Council will be able to manage the Land and the improvements on the Land as the registered proprietor of the Land. However, the Land:

- i. will be vested subject to pre-existing native title rights in the Land
- ii. continues to be reserved for the reserve purpose
- iii. must remain community land
- iv. cannot be sold or disposed of.

Council will publicly notify a draft plan of management for the Land, which will propose an amendment to the Church Point Plan of Management to include the subject land as community land, with the categorisation of general community use in accordance with the *Local Government Act 1993 (NSW)*.



### VESTING OF TRANSFERABLE CROWN LAND IN COUNCIL

Pursuant to Section 4.6 of the *Crown Land Management Act 2016*, the transferable Crown land specified in Schedule 1 hereunder is vested in Northern Beaches Council, subject to any reservations and exceptions specified in Schedule 2.

The Hon Robert Stokes, MP  
Minister for Planning and Public Spaces.

Lot/Section/DP	Schedule 1	
	Applicable Reservation(s)	Reserve Purpose
2/1249367	1012329 (Pittwater Regional Crown Reserve)	Access and public requirements, tourism purposes and environmental and heritage conservation.
	56146 (Beds of All Rivers)	Reserved from sale or lease generally.
	1011268 (Beds of all Rivers)	Future Public Requirements

#### Schedule 2

- The land specified in Schedules 1 excludes all minerals which are reserved to the Crown
- The land specified in Schedules 1 is subject to any other reservations and exceptions that the Minister considers to be in the public interest
- The land specified in Schedule 1 is taken to be acquired by council as community land under the *Local Government Act 1993*
- Pursuant to Section 4.9 of the *Crown Land Management Act 2016*, the land is vested subject to its reservation for the purpose specified in Column 3 of Schedule 1 until such time as the land becomes excluded land for the purpose of that section.

## 15.0 NOTICES OF MOTION

<b>ITEM 15.1</b>	<b>NOTICE OF MOTION NO 28/2021 - AUSGRID PRUNING OF TREES ON THE NORTHERN BEACHES</b>
<b>TRIM FILE REF</b>	<b>2021/407241</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillors Vincent De Luca OAM and Stuart Sprott

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### MOTION

That this Council:

1. A Acknowledges the importance of safety around power lines, however, expresses its concern regarding the way Ausgrid is pruning trees currently, sometimes leaving them unstable, not meeting community expectations, leaving trees deformed causing significant loss in visual amenity, ignoring the benefits of tree canopy such as urban cooling, and the increased risk of trees falling as result of heavy pruning.  
B. Note a community petition, submitted by residents of Newcastle local government area, currently before the Parliament of NSW, calling on the NSW Government to direct Ausgrid to review and change their practices.
  2. Request the Chief Executive Officer write to the Premier of NSW and the Minister for Energy and Environment:
    - A. Noting Northern Beaches Council's previous resolution, urging the NSW Government and electricity providers to underground wires and cables and request an urgent response.
    - B. That Council supports Newcastle's calls for the NSW Government to undertake an urgent review of vegetation management policies and pruning practices.
    - C. Cause to have investigated the installation of aerial bundled cables in tree lined streets to reduce the need for harsh pruning.
    - D. Cause to have reviewed how often trees are pruned with a view to increasing the frequency so harsh pruning is not required.
  3. If the above is passed as a resolution of Council, it also be forwarded to the Lord Mayor of Newcastle and the State Members for Newcastle and Wallsend.
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## 16.0 QUESTIONS WITH NOTICE

<b>ITEM 16.1</b>	<b>QUESTION WITH NOTICE NO 17/2021 - COMPLAINTS REGARDING URM WASTE COLLECTIONS PRE 6AM AND ASSOCIATED ISSUES</b>
<b>TRIM FILE REF</b>	<b>2021/403099</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

### QUESTION

1. Reference is made to Council's answer to Question on Notice 07/2021 which confirmed that the contract with URM has not been varied and in March, Council directed URM to revert back to the pre COVID restriction agreed contract time of only collecting after 6am by 28 March 2021 - since 28 March 2021, how many reports from residents have been received from residents of URM collecting waste prior to 6am and what action was taken by Council in relation to each report?
2. Prior to COVID-19 being declared in March 2020, how many reports since the URM contract was executed to restrictions being announced in March 2020, were received by Council reporting URM waste collections before 6am and what, if any, action was taken on each report?
3. After URM were directed by Council in March 2021 to stop collecting waste before the 6am agreed contract time by 28 March 2021, has at any time, and if so, on what date, without the knowledge or Resolution of the elected body, a Council staff member advised URM that they may collect waste prior to 6am contrary to the contract?
4.
  - A. Has Council obtained any advice from the NSW Department of Health or Chief Medical Officer on whether the URM workplace or delivery practices are a COVID-19 safety risk?
  - B. Has Council obtained any advice from the NSW Environmental Protection Authority on whether 4am - 6am waste collections could constitute noise pollution?
5. Will any proposal to alter the executed contract with URM, particularly the provisions restricting waste from being collected until after 6am, be put out for public and transparent community consultation by Council?

<b>ITEM 16.2</b>	<b>QUESTION WITH NOTICE NO 18/2021- RATES</b>
<b>TRIM FILE REF</b>	<b>2021/409693</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Candy Bingham

#### **QUESTION**

To assist Manly Ward residents in understanding the recent 26% rate rise can Council provide the following:

1. What was the financial position of Manly Council at the time of the amalgamation in 2016?
2. What was the condition of the Council's assets at that time?
3. What was the capital works budget for the financial year 2015/16?
4. What is the capital work budget for the equivalent Manly area for the financial year 2020/21?
5. How much has the Northern Beaches Council paid off in loans owed by Manly Council, since the amalgamation?



<b>ITEM 16.3</b>	<b>QUESTION WITH NOTICE NO 19/2021 - URBAN TREE PLAN</b>
<b>TRIM FILE REF</b>	<b>2021/411533</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon

#### **QUESTION**

Could staff please give an update as to how many trees in total have been planted since Councillor Sprott's motion "The Urban Tree Plan" was passed in 2018?

## 18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### RECOMMENDATION

That:

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

- A. Item 18.1 Update on Land Acquisition on the basis that it involves the receipt and discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) Local Government Act 1993].

This report discusses/provides legal advice concerning land acquisition. 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, if disclosed, prejudice Council's position in respect of any legal action it takes to protect its interest in the subject land.

- B. Item 18.2 SSROC T2020-09 - Sustainable Pavements - Road Construction Material and Related Services 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 RFT 2020/183 - Provision of Maintenance Services for Manly Parking Stations 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.

- D. Item 18.4 RFT 2021/033 - PCYC Building Aluminium Composite Panel Replacement 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 made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
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## **19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION**

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

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northern  
beaches  
council

