

AGENDA

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

Tuesday 22 March 2022

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



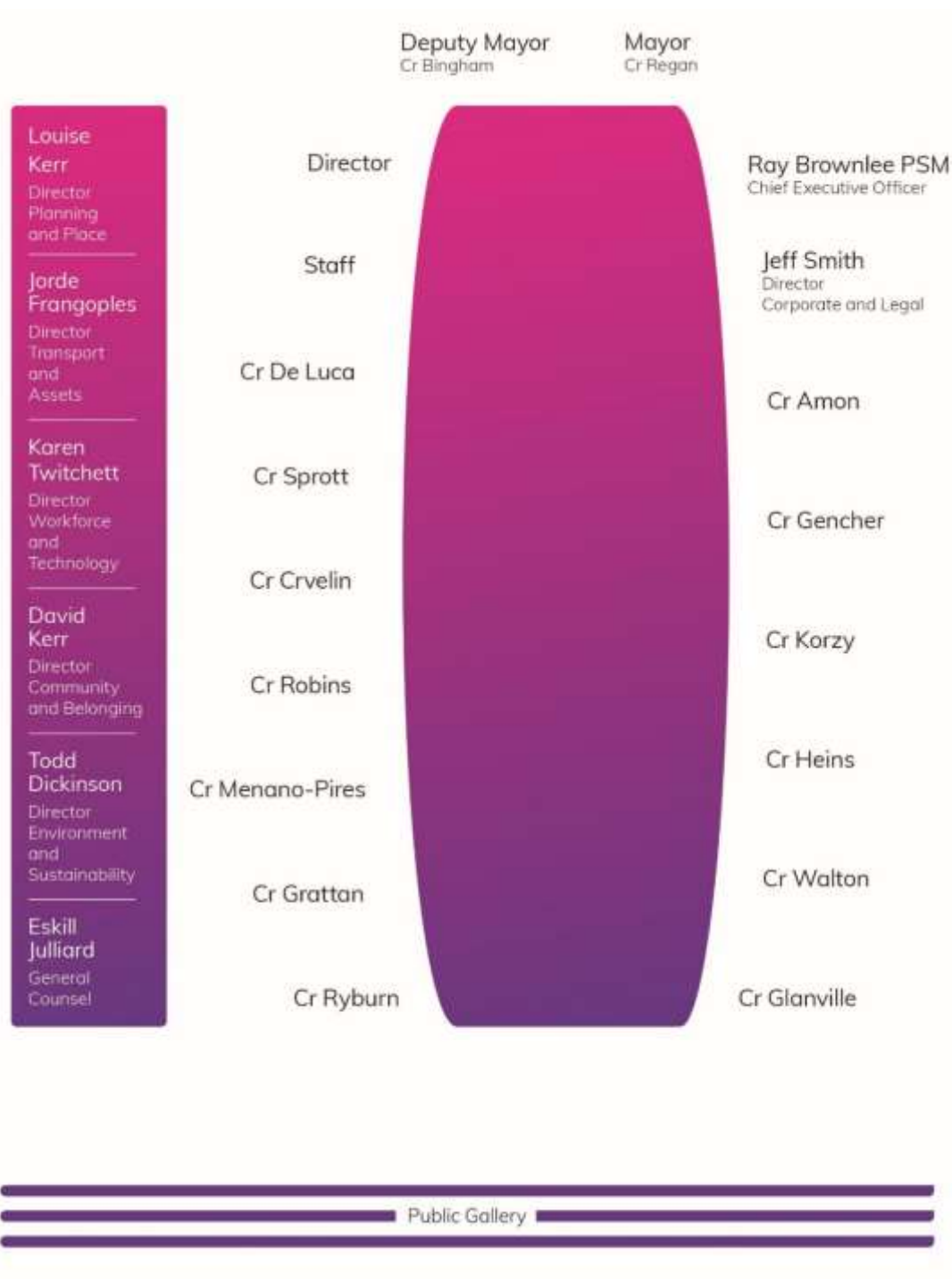
Ray Brownlee PSM
Chief Executive Officer

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 22 March 2022
at the Civic Centre, Dee Why
Commencing at 6:00pm**

1.0	ACKNOWLEDGEMENT OF COUNTRY	
2.0	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE	
3.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	
3.1	Minutes of Ordinary Council Meeting held 22 February 2022	
4.0	DISCLOSURES OF INTEREST	
5.0	PUBLIC FORUM AND PUBLIC ADDRESS	
6.0	ITEMS RESOLVED BY EXCEPTION	
7.0	MAYORAL MINUTES	8
7.1	Mayoral Minute No 4/2022 - Acknowledgement of Community and Emergency Services Volunteers During the Recent Flood Event	8
8.0	CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS	10
8.1	Response to Mayoral Minute No 20/2021 - Future New Year's Eve Events on the Northern Beaches	10
8.2	Temporary Suspension of Alcohol Free Zones and Alcohol Prohibited Areas for Events at Market Lane, Sydney Road, The Corso, Rialto Square Manly, Manly Beach and Manly Oval.....	18
8.3	Northern Beaches Council Discretionary Fund Quarterly Report.....	24
9.0	CORPORATE AND LEGAL DIVISION REPORTS	28
9.1	Public Exhibition of The Draft Code of Meeting Practice.....	28
9.2	Public Exhibition of the Draft Legislative Compliance Policy.....	31
9.3	Councillor Expenses 1 July 2021 to December 2021.....	45
9.4	Monthly Investment Report - February 2022.....	48
9.5	Utilisation of Community Centres during COVID-19 and Funding Extension of Outdoor Dining Fees Waiver to 30 June 2022	58

10.0	COMMUNITY AND BELONGING DIVISION REPORTS.....	66
10.1	Public Exhibition of Proposal to Re-establish Manly Alcohol Free Zone and other Boundary Revisions	66
10.2	Review of Public Art Selection Process and Panel Terms of Reference	72
10.3	Community Safety Advisory Committee	82
11.0	ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS	87
11.1	Response to Notice of Motion 46/2021 - Save the Koalas	87
11.2	Outcome of Public Exhibition of Wakehurst Parkway Flood Mitigation Feasibility Study	93
11.3	Public Exhibition of the Draft Greendale Creek Flood Study.....	101
11.4	Assistance to Residents and Businesses Affected by March 2022 Flood	110
12.0	PLANNING AND PLACE DIVISION REPORTS	112
12.1	Draft Planning Agreement at 3 Central Road, Avalon Beach (VPA2021/0003) for public exhibition.....	112
12.2	Development Delivery Plan for Metropolitan Local Aboriginal Land Council	118
12.3	Department of Planning and Environment LEP Employment Zone Reforms.....	131
13.0	TRANSPORT AND ASSETS DIVISION REPORTS.....	138
13.1	Sport and Recreation Infrastructure Grants Program 2021/2022	138
13.2	Outcome of the Public Exhibition and the Public Hearing of the Lynne Czinner Park Plan of Management	149
14.0	WORKFORCE AND TECHNOLOGY DIVISION REPORTS	
	Nil	
15.0	NOTICES OF MOTION	158
15.1	Notice of Motion No 6/2022 - Flooding on the Northern Beaches	158
15.2	Notice of Motion No 7/2022 - Emergency and Support Services During the Recent Floods	159
15.3	Notice of Motion No 8/2022 - Masterplan for Killarney Oval.....	160
15.4	Notice of Motion No 9/2022 - Parking Inclusions for Secondary Dwellings on the Northern Beaches	161
15.5	Notice of Motion No 10/2022 - Protecting Mona Vale Hospital Site	162

16.0	QUESTIONS WITH NOTICE.....	163
16.1	Question With Notice No 1/2022 - Options Paper Management of Narrabeen Lagoon Entrance.....	163
16.2	Question With Notice No 2/2022 - Complaints/Requests Regarding Missed Rubbish Collections and Associated Issues	164
17.0	RESPONSES TO QUESTIONS WITH NOTICE	
	Nil	
18.0	MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION	165
18.1	RFT 2021/212 - Cottage Restorations, Alterations and Additions at Currawong State Park, Currawong Beach, Pittwater.	
18.2	RFT 2021/232 - Mona Vale SLSC Restaurant	
18.3	EOI 2021/049 - Recreational Site Re-development Vacant Clubhouse and Recreation Space, Nolan Reserve, North Manly	
18.4	Legal Negotiations	
18.5	Mayoral Minute No 5/2022 - Renewal of Appointment of Chief Executive Officer	
19.0	REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION	

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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

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

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 22 FEBRUARY 2022

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held 22 February 2022, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

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

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

7.0 MAYORAL MINUTES

ITEM 7.1	MAYORAL MINUTE NO 4/2022 - ACKNOWLEDGEMENT OF COMMUNITY AND EMERGENCY SERVICES VOLUNTEERS DURING THE RECENT FLOOD EVENT
TRIM FILE REF	2022/154402
ATTACHMENTS	NIL

BACKGROUND

The recent rain and flooding event has once again highlighted our exceptional local volunteers who continue to rise to difficult challenges to support our local community.

Our State Emergency Services, Rural Fire Service and other emergency service teams have proven again how extraordinary they are by helping those affected by the flooding. Their tireless work to make safe our homes, streets and public spaces during the deluge and flash flooding we experienced has been remarkable. We are so grateful for the time they give, their dedication and genuine commitment to helping others.

I want to also acknowledge and thank the Rural Fire Service, our surf club and local sporting clubs' volunteers who didn't hesitate to put their hands up to provide assistance, not just in our local area, but to lend support in some of the other heavily hit areas north and west of the State. I know some clubs took surf boats and other equipment to assist emergency workers and volunteers with evacuations in the Nepean and Richmond area. Our thoughts are with those from other local government areas who are dealing with so much more devastation from the recent flooding event.

After two years of dealing with the impact of COVID, the storm and flooding events, I am reminded each time we respond just how fortunate we are to live in this community. We have so many dedicated, passionate and committed volunteers who are always ready to help. We have many individuals, community groups and businesses reaching out through social media to offer help and support by way of accommodation, food and clothing not just to our local residents but for communities in the north who have suffered so much. It is unlikely they will ever be formally acknowledged but I hope they know that we are so very grateful for their efforts too.

I want to take the time to acknowledge some of the efforts of Council and the staff who are still undertaking recovery work collecting household flood waste, repairing potholes and road damage, assessing landslips, sporting fields, playground and our facilities. Staff once again worked around the clock as part of the Incident Management Team working with our emergency agencies and many staff were out on the streets during the horrendous weather working alongside emergency services to ensure our area was safe.

Our staff also took to the streets and went door to door personally checking on residents to see how Council could assist with their individual recovery from the flooding and to check to ensure any vulnerable people were not left unsupported. It has been wonderful to read some of the comments on local community pages on social media who are very grateful for this support.

I ask Councillors to join me in acknowledging the incredible efforts of our State Emergency Service, Rural Fire Service, Surf Club and sporting club volunteers who provided support in the recent flood events.

On behalf of our community, I thank them and, as always, am incredibly grateful.

MOTION

That Council write and formally thank the volunteers from the Northern Beaches State Emergency Services, Rural Fire Services, and to the presidents of the local surf clubs and sporting clubs who provided support during the recent flooding event.



Michael Regan
MAYOR

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	RESPONSE TO MAYORAL MINUTE NO 20/2021 - FUTURE NEW YEAR'S EVE EVENTS ON THE NORTHERN BEACHES
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2021/782399
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To report to Council the outcome of the investigation into options, including the use of drones for laser light displays and any other alternatives for future New Year's Eve events and other civic events on the Northern Beaches.

EXECUTIVE SUMMARY

Northern Beaches Council funds and delivers a major firework display at Dee Why Beach on New Year's Eve and provides funding support to the firework displays at Manly Cove and Bayview, through partnerships with the local businesses who organise them.

In 2021, Council also funded and delivered a one-off firework display at Frenchs Forest, to encourage crowds to disperse over several sites and reduce the risk of COVID transmission

In recent years, new technology has seen the use of laser light displays and drones as alternatives to firework displays as part of major festivals.

The investigation into the use of alternative options for displays on New Year's Eve has raised several considerations, including:

- High cost of a drones/ laser light show compared to the cost of fireworks.
- Higher risk of cancellation or poor display due to weather conditions and lack of haze to reflect laser lights.
- Long lead time for designing and delivering drone/ laser light shows.
- Importance of the location and open space.
- Complexity of regulations and permits required.

The proposed budget for 2022/23 New Year's Eve events is \$137,956. It is estimated that an alternative drone/ laser light show would require approximately \$1 million in additional funding, to host a display at one site.

Currently, Council's environment team is developing a carbon emission offset program to help minimise the environmental impact of Council's fireworks events.

There is also an opportunity in this scope of work to consider the current locations where Council delivers fireworks, such as Dee Why, as the event has been cancelled twice in the past three years due to unfavourable weather conditions.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That:

1. Council note the findings of the investigation into alternative options for New Year's Eve including the use of drones and/or laser light shows.
 2. Council support the continued delivery of the New Year's Eve fireworks events at Dee Why, Manly Cove and Bayview for 2022.
 3. A report be brought back to Council outlining the proposed carbon emission offset program for New Year's Eve fireworks on the Northern Beaches, outlining options and identifying funding requirements by August 2022.
-

REPORT

BACKGROUND

At the Council Meeting on 26 October 2021, Council resolved to:

- “1. Investigate the option of using drones for laser light displays and any other alternatives for future New Year’s Eve events and other civic events on the Northern Beaches including comparative budget costs with traditional fireworks displays; and
2. Bring back a report for the consideration of the newly elected Council in March 2022.”

Northern Beaches Council celebrates New Year’s Eve annually by delivering and supporting a number of fireworks displays at the following locations:

Council funded:

- **Dee Why Beach** – this event is wholly funded and delivered by Council.
- **Lionel Watts Reserve, Belrose** – In 2021, Council wholly funded and delivered this event in response to COVID restrictions, to encourage social distancing and reduce crowd density at Dee Why.

This was a one-off event and is not funded in the FY22/23 Budget.

Council and business partnerships:

- **Manly Cove** – this display is funded by Manly Wharf businesses. Council funds and delivers many operational aspects, including road closures, traffic management, security, waste management, first aid, infrastructure, marketing and communications.

In 2021, this event site cost Council \$47,700.

Manly Wharf Hotel has received funding of \$5,000 from Council through the Event Grants and Sponsorship Program for the fireworks display for many years. However, currently no funding is allocated in the grants program for the 2022 event. The Wharf Bar and other businesses pay \$25,000 in total for the Manly firework display.

- **Bayview/ Pittwater** – this display is funded by Merivale (The Newport). Council funds and provides some operational support, including additional waste collections, cleansing and installation of signage.

In 2021, this event site cost Council \$4,400.

Merivale currently receives \$5,000 from Council as part of a 3-year agreement through the Event Grants and Sponsorship Program to support the firework display.

The financial impact on delivering the above program in 2021, is as follows:

Table A: Cost to Council per event site (based on 2021 actuals)

Event site	Cost to Council 2021	Event Grant provided
Manly Cove	\$47,700	\$5,000 (agreement finished in 2021)
Dee Why Beach	\$68,650	
Bayview/ Pittwater	\$4,400	\$5,000 (multiyear agreement)
Lionel Watts (2021 only)	\$36,650	

Alternatives to fireworks

A few large-scale events, such as the Olympics and others around the world, have begun using alternative options including laser lights, drones, and light projections. There are several considerations that have been identified in the investigation.

Drone light display

A drone light display involves 350 – 500 drones minimum for one location to create a significant effect. However, depending on the open space at the chosen site, more may be required.

These types of drones are sourced from overseas as there is currently limited availability in Australia. Experienced and qualified pilots from overseas would also be required to train drone operators in Australia.

One large-scale production company with expertise in this field provided the following considerations:

- Lengthy lead time required to ensure adequate production time.
- Significant number of permit approvals are required, including CASA.
- Not recommended for a one night only show. Best monetary value is realised when this type of production occurs over multiple days in combination with options, like building projections.
- Drone shows cannot occur in adverse and/or wet weather. Dee Why Beach is an unlikely location based on usual wind and swell forecasts at that time of year.
- The recommended time for a drone show to occur is after 10pm. This is when the wind is at its lowest according to the operators and has the most likelihood of going ahead.
- A drone display at Dee Why would require a larger size barge for this display to happen over the water.
- The cost of a drone display is estimated to cost in excess of \$1 million dollars (per location).

A company who was consulted as part of the investigation into alternatives for a New Year's Eve display, said that a formal and detailed quote could only be given once Council made a commitment to such an event, due to the amount of time and resources involved.

Laser light display

Following discussions with a laser light supplier, Council staff were advised there are only a few laser light specialist production companies currently operating in Australia, due to the impact of COVID-19 on the industry. However, there are some operating in states outside of New South Wales.

This option requires the use of high intensity/ bright lasers that create a display that would equal a traditional fireworks display. Considerations include:

- Requires a long lead time – up to 12months for planning, including lasers and drones.
- Issue in Australia is that our air quality is too clean. Lasers need the use of smoke or hazer machines to reflect the light.
- This style of display needs a closed space like the lake in Adelaide. Concern is that it would not work over Dee why or Manly Beach where the wind will move the haze too quickly.
- Drones and laser lighting shows are often done as part of a large-scale broadcast, as they look more effective on television.

- Drones and laser lighting shows have carbon emissions.
- Lighting / projections used on buildings have lower emission options.
- Projections will cost an estimated \$50,000 per building site, depending on scale, animation etc.

CASA Regulations

Regarding flying drones in populous areas, drones are not permitted including:

- A populous area where people are living or gathered for a purpose such as a crowded beach, a busy road, a sporting event, a concert or wedding are all deemed populous areas.
- You can't fly over people at any time – no matter how high you fly above them.
- Many iconic buildings and tourism sites are also located in restricted airspace, making them no-fly areas. For example, Sydney Harbour and surrounding areas.
- In New South Wales you must not fly a drone within 100m of marine mammals.

CASA provides advice on the regulations pertaining to the use of lasers and high-intensity lights, like sky trackers, as they state they can pose a serious risk to pilots that can result in difficulties flying and impaired vision. When organising a laser or light show, consider:

- aircraft flight paths
- reflections from other objects in the landscape
- the safety of event attendees
- the type and power of your lasers/light.

<https://www.casa.gov.au/operations-safety-and-travel/safety-advice/displays-and-events>

NYE Options

There are a number of options and costs to consider as an outcome of the investigation into alternate options for New Year's Eve celebrations.

TABLE B: Summary of NYE options

	Description	Financial impact
Option 1:	Continue to deliver traditional NYE fireworks: Dee Why, Manly Cove, Bayview.	Deliver within existing budget
Option 2:	New drone/ laser light display, to replace the display at Dee Why at one location (drone only).	Approximately \$1 million
Option 3:	Review risk of weather impacts at Dee Why location and investigate a new location for fireworks on the Northern Beaches.	Deliver within existing budget

Option 1: Continue to deliver NYE fireworks

Continue to fund and deliver fireworks at:

- **Dee Why Beach** – presented by Northern Beaches Council
- **Manly Cove** – presented by Manly businesses, supported operationally by Northern Beaches Council
- **Bayview** – presented by Merivale (The Newport) with limited operational support from Council.

Commence procurement process for pyrotechnics provider, with emphasis on environmental sustainability and, together with Council's environment team continue to develop a carbon emission offset program for future New Year's Eve fireworks displays.

Option 2: New drone/ laser light display

Replace the traditional fireworks display at Dee Why with an alternative option, including but not limited to drone/ laser lighting.

Progress initial discussions with production companies and conduct a detailed site inspection.

Additional funding required estimated to be over \$1 million.

Option 3: Review risk of weather impacts at the Dee Why location and investigate new locations for fireworks on the Northern Beaches

There is an opportunity for Council to review the number of fireworks displays across our region on New Year's Eve, taking into consideration the benefits and disadvantages of multiple displays on New Year's Eve.

There is also an option to review the high risk of weather impacting the event at Dee Why Beach and investigate a new location for fireworks on the Northern Beaches to alleviate the high chance of cancellation due to large swell and high winds.

CONSULTATION

Discussions have taken place with some large-scale specialist production companies and many considerations and risks have been identified.

Council staff also contacted the City of Sydney, who confirmed they are proceeding with their fireworks display for New Year's Eve 2022, as well as the lighting of the Harbour Bridge pylons.

Feedback gained through consultation with production companies also included a note that laser and light shows are most effective in cities that have high humidity and atmospheric matter, such as Hong Kong and Singapore.

In the past, City of Sydney has used laser and light show elements as part of their Sydney New Year's Eve displays, but they have proved ineffective due to the city's clear and clean sky.

Discussions with Council's Environment team have also taken place, with consideration and work underway looking at carbon offsetting and other measures to mitigate the environmental impact of the Dee Why firework display.

New Year's Eve event survey feedback

The survey conducted after the New Year's Eve firework event in 2021 had 440 responses. The survey results show the overall event experience scored 4.9 out of 5, with the firework displays specifically scoring 4.9 out of 5.

In 2021, attendees were asked 'what their preference was for future celebrations', with 59% of respondents indicating their preference was to have *no celebration on New Year's Eve*.

Respondents rated traditional fireworks, a laser light display, a drone show and 'other' options all close in score, with some respondents suggesting Council should have both traditional fireworks and other options included in the display.

In the New Year's Eve event evaluation reports from 2019 and 2021, there was commentary from the respondents that indicated the fireworks displays are well received by attendees and beautiful, but some respondents raised the question if it is a necessary cost for Council.

TIMING

Planning and production for the 2022 New Year's Eve fireworks event commences now, in March as we need to procure and select a pyrotechnics provider (as the current agreement finished in 2021).

Planning for a new site and procurement of a contractor to deliver an alternative option will require 12 months

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environment Sustainability - Goal 4: Our Council is recognised as a community leader in environment sustainability.
- Environment Sustainability - Goal 6: Our community will continue to work towards sustainable use of resources.
- 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.
- Community and Belonging - Goal 11: Our community feels safe and supported.
- Community and Belonging - Goal 12: Our community is friendly and supportive.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.

This report also relates to the Northern Beaches Event Strategy 2018 – 2023:

FINANCIAL CONSIDERATIONS

Council is proposing to allocate \$137,956 in the 2022/ 23 New Year's Eve Budget. If adopted, this will cover the cost to deliver the traditional program of firework displays, including Dee Why Beach, Manly Cove and the Bayview New Year's Eve event sites.

It is estimated that production of alternative options on New Year's Eve (including a drone show and light projections) would require additional budget which is estimated at \$1 million. This has not

been fully scoped due to a reluctance by suppliers to invest time and resources at this preliminary stage of investigation.

SOCIAL CONSIDERATIONS

The consultation and development of the Northern Beaches Events Strategy 2018 – 2023 (the Strategy) demonstrated how passionate the community is about events. Our community recognises the social, cultural, and economic value events bring to our town centres and villages.

Events are also recognised as playing an important role in building social cohesion and a sense of connection in the community.

Events are a key driver in increasing community satisfaction which is reflected in the Community Satisfaction Survey 2019, scoring 3.7 out of 5 for satisfaction.

Reputational risks

The experience of Wollongong City Council demonstrates the risks with laser light shows instead of firework displays.

The Council defended its \$70,000 investment in an Australia Day light show in the media after it was criticised for a poor display that disappointed crowds in 2021. They made the shift away from fireworks due to the risk from bushfires.

Equally, consideration needs to be given to the potential response from the community if the fireworks were cancelled or shifted to a different site.

ENVIRONMENTAL CONSIDERATIONS

All events are run in accordance with Council's policy, Waste Minimisation for Functions and Events approved by Council to ensure our extraordinary natural environment is safe and protected for future generations.

As part of Council's procurement for a firework display contractor, companies are required to submit evidence of their environment policy and a risk assessment.

Whilst efforts are made to minimise the impact of fireworks on the environment, there are associated impacts from other factors including noise and transport.

Council's environment team is already investigating options for a carbon offsetting program for future New Year's Eve firework displays.

During the investigation it was noted that there are emissions from all options including drones, laser light and projections including noise and visual disturbances.

GOVERNANCE AND RISK CONSIDERATIONS

In accordance with standard practice, all events, programs, and activities will include a risk assessment and emergency management plan (where appropriate). If required under the NSW Public Health Orders, a COVID-19 Safety Plan will also be submitted.

ITEM 8.2	TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS FOR EVENTS AT MARKET LANE, SYDNEY ROAD, THE CORSO, RIALTO SQUARE MANLY, MANLY BEACH AND MANLY OVAL
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2022/115758
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek Council approval for the temporary suspension of designated alcohol free zones (AFZs) and alcohol prohibited areas (APAs) in Market Lane, Sydney Road, Manly Corso, Rialto Square, Manly Beach and Manly Oval for the events as outlined in this report.

EXECUTIVE SUMMARY

In the interest of public safety, alcohol free zones (AFZs) and alcohol prohibited areas (APAs) are installed at various locations across the Northern Beaches, designed to prevent drinking on the street. Our alcohol free zones are part of a wider Sydney and NSW Police program tackling anti-social drinking.

Due to the impacts of COVID, there has been a desire to create more outdoor activations where people may drink and dine in a controlled environment while minimising the risk of COVID transmission.

From time to time there are opportunities to create pop up event activations to support increased visitation and visitor spending that involve the service of alcohol in areas that may otherwise be under an AFZ or controlled by an APA.

Under the Local Government Act 1993, Council may, by resolution, suspend the operation of an AFZ.

The Local Government Act 1993 establishes distinct regimes with respect to AFZs and APAs.

This report seeks Council's approval for the temporary suspension of AFZs and APAs on several sites for the purpose of creating pop up event spaces, including:

1. Market Lane Live Pop-up Wine Garden in Manly
2. PLAY Manly, in Manly's CBD
3. World Surf League (WSL) Surf Pro 2022 Challenger Series event at Manly Beach
4. Council's Taste of Manly at Manly Oval

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Suspend the operation of the alcohol free zone (AFZ) at Market Lane, Manly for the Market Lane Live Pop up Wine Garden designated area from 1 April 2022 until 30 June 2022, pending the determination of Development Application DA DA2021/2065. If Development Application DA2021/2065 is approved and permits the consumption of alcohol on the site, suspension of the AFZ within the pop up Wine Garden area will be sought for the duration of the DA consent period.
 2. Suspend the operation of the alcohol free zones (AFZ) at Market Lane, Sydney Road, The Corso, and Rialto Square during the 10 day program of PLAY Manly from 21 April 2022 to 30 April 2022 to allow for pop up activations of food and beverage offerings in those locations.
 3. Suspend the operation of the alcohol prohibited area (APA) at Manly Beach for the World Surf League event from 11am to 5pm for the period from Tuesday 17 May 2022 to Tuesday 24 May 2022.
 4. Suspend the operation of the alcohol prohibited area (APA) at Manly Oval for the Taste of Manly event from 11:30am to 6 pm on Saturday and Sunday 28 and 29 May 2022.
 5. Authorise the Chief Executive Officer to do all things necessary to give effect to the above including the publication of notices of suspension.
-

REPORT

BACKGROUND

In the interest of public safety, alcohol free zones (AFZs) and alcohol prohibited areas (APAs) are installed at various locations across the Northern Beaches, designed to prevent drinking on the street. Our alcohol free zones are part of a wider Sydney and NSW Police program tackling anti-social drinking.

While both APAs and AFZs are designed to regulate the consumption of alcohol, they are governed by different provisions of the Local Government Act 1993. Relevantly:

- An alcohol prohibited area (APA) applies to public place such as parks, reserves and beaches declared an APA, following Police approval. (Local Government Act 1993 - Section 632A). An APA operates, in accordance with the terms of the declaration establishing the area, during such times or events as are specified in the declaration.
- An alcohol free zone (AFZ) applies to public roads and car parks, including footpaths. (Local Government Act 1993 - Section 644). AFZs are exclusively 24/7, have a limited timeframe (Max 4 years) and following a prescribed process of consultation, may only be established by a resolution of Council.

APAs and AFZs are listed on the Council website

www.northernbeaches.nsw.gov.au/community/safety-and-wellbeing/alcohol-free-zones

Under the Local Government Act 1993, Council may, by resolution, suspend the operation of an AFZ. Council is also required to publish a notice of the suspension in a manner that Council is satisfied is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the zone concerned.

Due to the impacts of COVID, there has been a desire to create more outdoor activations where people may drink and dine in a controlled environment while minimising the risk of COVID transmission.

From time to time there are opportunities to create pop up event activations to support increased visitation and visitor spending that involve the service of alcohol in areas that may otherwise be under an AFZ or controlled by an APA.

1. Market Lane Live – Market Lane, Manly – Temporary suspension of AFZ

Market Lane has been established as an Alcohol Free Zone (AFZ) which ordinarily operates 24 hours a day. However, the operation of the Market Lane AFZ has been suspended in relation to the Market Lane Live pop-up wine garden, which has been operating since 3 January 2021 and a permit to operate this wine garden has been granted by Council.

A contract was awarded by Council in July 2021 to MNT Investments Pty Ltd T/A Donny's Bar to continue Market Lane Live, subject to a requirement to lodge a development application with Council to undertake the activity.

At the Council Meeting 23 November 2021 approval was granted for the suspension of the AFZ at Market Lane until 31 March 2022 to allow time for the assessment of the Development Application.

A development application has been lodged for the permanent operation of the Market Lane Live wine garden and the application is currently being assessed.

Pending the determination of the development application, a further temporary suspension of the operation of the AFZ is sought until 30 June 2022, otherwise the suspension would expire on 31 March 2022. The operator will also be required to get approval for an extension to his liquor licence through Liquor and Gaming NSW. Northern Beaches Local Area Licensing have been contacted regarding the extension. If Development Application DA2021/2065 is approved and permits the consumption of alcohol on the site, suspension of the AFZ within the pop up Win Garden area will be sought for the duration of the DA consent period.

If the suspension is approved by Council, notice to members of the public will be published in accordance with the Local Government Act 1993.

2. Play Manly – Market Lane, Sydney Road, The Corso and Rialto Square, Manly – Temporary suspension of AFZs in these locations from Thursday 21 April to Saturday 30 April 2022.

Council has been awarded a grant from Investment NSW as part of their CBD Revitalisation Program for a new event concept, Play Manly. It is a 10 day program commencing 21 April 2022 until 30 April 2022 which will showcase a diversity of experiences to attract people to the Manly CBD and engage and promote local businesses. The CBD is expected to become a hive of activity and will include light, art, music, history and pop up activations.

It is proposed as part of the program of outdoor opportunities that food and beverage businesses may be considered and therefore, the temporary suspension of the AFZs in Market Lane, Sydney Road, The Corso and Rialto Square is requested to allow for these activations to occur.

Any pop up activations involving the sale of alcohol will be dependent upon approval from the Northern Beaches Police Area Command – Licensing Team and all NSW Liquor Licensing approvals.

Through the curated program, we will attract a broad demographic of visitors who will discover Manly's hidden gems by day and night including families with children aged up to 15years, 18 + adventure traveller, 25+ food and wine enthusiasts. The program is intended to drive increased visitation to businesses and venues, targeting attendees from Greater Sydney and regional NSW within 2 hours travel time from Manly.

If the suspension is approved by Council, notice to members of the public will be published in accordance with the Local Government Act 1993.

3. World Surf League – Manly Beach – Temporary suspension of APA

World Surf League (WSL) is holding the Surf Pro 2022 Challenger Series event at Manly Beach from Tuesday 17 May 2022 to Tuesday 24 May 2022. WSL is proposing to make alcohol available in a designated VIP tent and on the nature strip of the event site with operating hours from 11am to 5pm each day. Alcohol and security management plans will be in place where alcohol is approved to be served.

Manly Beach and adjacent reserves are under an APA.

Surfing NSW has requested suspension of the APAs at Manly Beach to support their World Surf League 2022 event.

The event organisers have approached Northern Beaches Police Local Area Command – Licensing Team regarding this request. The service of alcohol will be dependent on WSL obtaining the required licensing approvals and meeting all Council requirements for their event.

4. Taste of Manly – Manly Oval, Manly – Temporary suspension of APA

Council's Taste of Manly event is a two day festival that will be held at Manly Oval on Saturday and Sunday 28 and 29 May 2022 from 11.30am until 6pm each day. A partial suspension of the 24 hour APA at Manly Oval, for both days of the event, is requested to allow the sale of alcohol in the licenced area. There will also be food and non-alcoholic beverages available for sale in line with RSA requirements.

Northern Beaches Police Local Area Command – Licensing Team are being consulted regarding the event and will factor this into their patrols for the evening and potential user pay Police. The area will be fenced and have security guards and RSA marshals in attendance to monitor alcohol consumption and any anti-social behaviour. Police have raised no objections at this time to the proposed events.

CONSULTATION

Staff have consulted with Northern Beaches Police Area Command – Licensing Team on the proposed temporary suspensions of the AFZs and APAs.

Council will continue to collaborate with the third party event organisers and Northern Beaches Police Area Command - Licensing Team about safe management of service of alcohol at their events during any suspension of the AFZs and APAs.

TIMING

If approved, the suspension of the operation of the AFZs and APAs would take effect for the period and times specified.

LINK TO 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.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events.
- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in an environment that supports innovation and economic growth.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

This reports also relates to the Northern Beaches Events Strategy 2018-2023.

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

The consumption of alcohol will only be permitted within the event footprints and during the designated times.

These events provide an opportunity for our community to come together and celebrate and support our local businesses after what has been a difficult time throughout the COVID-19 pandemic.

ENVIRONMENTAL CONSIDERATIONS

The events will be run in accordance with Council's Waste Minimisation for Functions and Events Approved by Council and Single Use Plastics policies. Council has undertaken an environmental assessment by taking into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposal and it is considered that the suspension of the AFZs and APAs is unlikely to have any discernible environmental impacts. Accordingly, it has been determined that the proposal will not significantly affect the environment

GOVERNANCE AND RISK CONSIDERATIONS

Council has consulted with the Northern Beaches Local Area Licensing as stated above.

Market Lane Live pop up wine garden and Taste of Manly have run successfully in the past, with no major incidents reported.

A risk assessment will be completed for the PLAY Manly program, with all liquor licensing approvals required and in consultation with Northern Beaches Police Area Command – Licensing Team.

A risk assessment will be completed for the Taste of Manly event with security and RSA marshals onsite during event hours.

The service of alcohol for the World Surf League event will be dependent on the event obtaining the required licensing approvals and meeting all Council requirements for their event, including risk assessment.

The established AFZs and APAs will be in effect at all times outside of the times specified in this report.

Council staff will update the signage of the AFZ at Market Lane and the APAs at Manly Beach and Manly Oval along with Council's website.

ITEM 8.3	NORTHERN BEACHES COUNCIL DISCRETIONARY FUND QUARTERLY REPORT
REPORTING MANAGER	CHIEF EXECUTIVE OFFICER
TRIM FILE REF	2022/134694
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 24 November 2021 to 16 March 2022 totalling \$5,745.00 are listed below.

Recipient	Description	Allocation
Swoop Physical Theatre	Donation towards <i>Circus in the Sand</i> event coinciding with the Bush to Beach Event at South Narrabeen for visiting indigenous children which has been postponed until April 2022	1,000.00
Koori Kids NAIDOC Week School Initiatives	Financial assistance to enable Northern Beaches Schools to participate in the 2022 NAIDOC Week Schools program	750.00
Freedom Outdoors Pty Ltd	Donation towards Kayak Clean Up Australia Day event on Narrabeen Lagoon originally scheduled for 6 March but postponed to 3 April 2022 due to weather conditions.	1,000.00
Special Olympics Sydney Northern Beaches	Funding for team sponsorship – Judy Buckley Memorial Golf Charity Day on 25 February 2022	800.00
Be Centre Foundation Ltd	Funding for team sponsorship – Charity Golf Day on 5 May 2022	1,000.00
Queenscliff Surf Lifesaving Club	Funding for team sponsorship – Charity Golf Day on 29 April 2022	800.00
Local Resident	Additional waste service for resident with a medical condition	395.00

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council note payments totalling \$5745.00 have been allocated from the Northern Beaches Council Discretionary Fund for the period 24 November 2021 to 16 March 2022.

REPORT

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.

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 of \$16,673.80 is 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.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	PUBLIC EXHIBITION OF THE DRAFT CODE OF MEETING PRACTICE
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2022/056329
ATTACHMENTS	1 ⇒ Draft Code of Meeting Practice 2022 (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To seek Council approval to place the draft Northern Beaches Council Code of Meeting Practice 2022 on public exhibition.

REPORT

The Office of Local Government (OLG) released a new Model Code of Meeting Practice in November 2021 (OLG Model Code), which has been prescribed for the purpose of section 360 of the *Local Government Act 1993*, that includes mandatory and non-mandatory provisions. Councils are required to adopt a Code of Meeting Practice within 12 months after an ordinary election.

The adopted Code of Meeting Practice must incorporate the mandatory provisions of the OLG Model Code. The adopted Code of Meeting Practice may also incorporate the non-mandatory provisions of the OLG Model Code and other provisions. A Code of Meeting Practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of the OLG Model Code. A council must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.

The OLG Model Code has provisions which make it possible for councillors to participate in meetings by audio visual link. At present, councillors are able to meet remotely under temporary amendments to the *Local Government (General) Regulation 2021*, made in response to the pandemic, which will be repealed on 30 June 2022. Previously councillors were required to be “personally present” at meetings in order to participate in them. If Council has not adopted a Code of Meeting Practice that allows councillors to attend meetings by audio-visual link by 30 June 2022, this option will not be available after 30 June 2022 until the Council does so. Adopting a new Code of Meeting Practice incorporating these new provisions will ensure they continue to apply.

The draft Northern Beaches Council Code of Meeting Practice 2022 (Attachment 1) incorporates all mandatory and some non-mandatory provisions of the OLG Model Code. The draft also incorporates some customised provisions specific to the needs of Northern Beaches Council carried over from its current Code of Meeting Practice and some new customised provisions to assist in the administration of the Council meeting now required with the shift to remote meeting options. These are put forward for Council’s consideration. The provisions are colour coded in the attachment for councillors’ ease of reference.

The key changes proposed to be introduced in the draft Northern Beaches Council Code of Meeting Practice 2022 include:

- Adding all the new mandatory provisions including an ethical obligations statement in all business papers, updates to webcasting requirements and minor amendments throughout

- Incorporating the voluntary remote access provisions as provided in the OLG Model Code
- Incorporating some additional custom provisions to confirm the processes relating to participation in meetings by audio visual link that are consistent with the Council's adopted Guidelines for remote attendance
- Bringing forward the deadline for applications for public forum and public address from 12 noon on the day of the meeting to 5pm on the business day prior to the meeting. This is required to ensure staff have adequate time in the hours prior to the meeting to finalise and confirm speaker requirements (including receiving written statements if required), concurrently manage requests from councillors to attend the meeting remotely, as well as set up and prepare for the meeting (including technical set up to support in chambers, live streaming and remote attendees).

While hosting a public forum and address as part of the Council meeting is optional in the OLG Model Code, the arrangements from the current Northern Beaches Code of Meeting Practice have been carried forward in the revised draft Northern Beaches Council Code of Meeting Practice 2022 for Council's consideration.

The OLG Model Code provides, *"Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings."*

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:

FINANCIAL CONSIDERATIONS

The exhibition of the draft Northern Beaches Council Code of Meeting Practice 2022 will be funded within existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts associated with the draft Code of Meeting Practice.

SOCIAL CONSIDERATIONS

The exhibition of the draft Northern Beaches Council Code of Meeting Practice 2022 will provide opportunity for the community to consider and comment on the regulatory and decision-making framework of Council meetings. The community will be consulted on the draft policy through Council's Your Say webpage and engagement channels for a minimum exhibition period of at least 28 days. Following a review of feedback and any amendments required, a draft policy will be returned to Council for its further consideration and adoption.

Council's experience of holding remote meetings during the COVID-19 restrictions has demonstrated that this method provides an option for greater flexibility for councillors to participate in the Council process, including councillors who have work or carer commitments, and those who have health or mobility issues.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Northern Beaches Council Code of Meeting Practice 2022 provides a regulatory and decision-making framework for Council meetings to promote the accessibility, accountability and

transparency of Council decisions. Council meetings continue to be live-streamed and recorded and open to the public to attend in person in Chambers.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council place the draft Northern Beaches Code of Meeting Practice 2022 on public exhibition for a minimum of 28 days.
 2. The outcome of the public exhibition of the draft Northern Beaches Code of Meeting Practice 2022 be reported to Council.
-

ITEM 9.2	PUBLIC EXHIBITION OF THE DRAFT LEGISLATIVE COMPLIANCE POLICY
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2022/114695
ATTACHMENTS	1 Draft Legislative Compliance Policy 2 Marked up version of draft Legislative Compliance Policy

BRIEF REPORT

PURPOSE

To seek Council approval to place the draft Legislative Compliance Policy on public exhibition.

REPORT

The Legislative Compliance Policy was adopted by Council in May 2019. The policy is now overdue for its scheduled review.

The draft revised policy (Attachment 1) includes some revisions to reduce duplication, clarify roles and responsibilities and re-order some content for a more logical flow. The Audit, Risk and Improvement Committee reviewed the policy at its December 2021 meeting and supported taking it to the Council for public exhibition. A tracked changes version of the draft policy is provided at Attachment 2 for ease of reference of the proposed changes.

The draft Legislative Compliance Policy is modelled on that of the NSW Audit Office and international standard AS/ISO 19600:2015 Compliance Management Systems – Guidelines. Council's legislative compliance framework includes centrally managed and locally managed activities. Core components include:

- Legislative Compliance policy, business rules and templates.
- Core legislative compliance register and subscription service (RelianSys) with attestation function - a register of key compliance obligations (1,501) with responsibilities assigned to each obligation.
- Regular reporting on legislative compliance obligations and/or exceptions to the Chief Executive Officer and the Audit, Risk and Improvement Committee.
- Six monthly review and attestations to report against centrally managed compliance obligations (through RelianSys).
- Policy Framework and register (Pulse) – including Northern Beaches Council policies, policy owners and policy review dates.
- Delegations Policy and register (Pulse) – including scheduled and ad hoc delegation reviews and electronic attestation (via an “acknowledgement function”).
- Monthly updates circulated to the Executive Leadership Team (all senior managers) containing legislative updates and changes.
- A mix of central tools and templates.

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.

FINANCIAL CONSIDERATIONS

Activities to support the Legislative Compliance Policy and program are provided for in existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

The central legislative compliance register includes key environmental legislation including (but not limited to) all obligations contained within the NSW Environmental Planning and Assessment Act 1979 and Regulations, Contaminated Land Management Act 1997 and Regulations, Protection of the Environment Operations Act 1997 and Regulations and Local Government Act 1993 and Regulations.

SOCIAL CONSIDERATIONS

The Legislative Compliance Policy and program provides controls to support the Council in meeting its obligations to the local community.

The community will be consulted on the draft policy through Council's Your Say webpage and engagement channels for a minimum exhibition period of at least 28 days. Following a review of feedback and any amendments required, a draft policy will be returned to Council for its further consideration and adoption.

GOVERNANCE AND RISK CONSIDERATIONS

The Legislative Compliance Policy and program supports a proactive approach to compliance management across the organisation. Due to the broad scope of Council's operations there are a large number of legislative compliance obligations generally. Due to this, and with consideration of the varying impact of the legislation, a risk-based approach has been taken to legislative compliance management activities. The legislation included in the centrally managed subscription service is reviewed as required in consultation with the senior leadership of the Council.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council place the draft Northern Beaches Council Legislative Compliance Policy on exhibition for a minimum of 28 days.
 2. The outcomes of the public exhibition of the draft Northern Beaches Council Legislative Compliance Policy be reported to Council.
-

DRAFT Council Policy

Legislative Compliance Policy

1. Policy Statement

- 1.1 To outline Council's commitment to a legislative compliance management program which provides assurance and builds the capacity of Northern Beaches Council to meet its key compliance obligations, promote a compliance culture and uphold good corporate governance practices.
- 1.2 Northern Beaches Council's legislative compliance policy and legislative compliance program enables the Northern Beaches Council to:
 - 1.2.1 understand and comply with its legislative obligations
 - 1.2.2 conduct business and activities in a lawful and responsible way by integrating legislative requirements into the everyday running of Council
 - 1.2.3 develop, implement and monitor internal controls to manage and provide assurance on legislative compliance obligations
 - 1.2.4 assign responsibilities for meeting specific compliance obligations
 - 1.2.5 assess and improve compliance performance.

2 Principles

- 2.1 The breadth of Council's operations results in a large number of Commonwealth and State legislative compliance obligations. The imposition that this legislation has on the day-to-day activities of Council varies greatly, with some having broad application across Council whilst other legislation only applies to a small number of Council areas.
- 2.2 Recognising the varying scope and impact of legislation on Council's operations, and the risk and severity of the potential impact of non-compliance, Council has taken a risk based approach to managing legislative compliance.
- 2.3 The various components of Council's compliance management system, together promote the importance of compliance to all staff. Key components include:
 - 2.3.1 legislative compliance policy
 - 2.3.2 legislative compliance register - a register of key compliance obligations with responsibilities assigned to each obligation
 - 2.3.3 management sign-off to report against the key compliance obligations
 - 2.3.4 policy register - lists key Northern Beaches Council policies, policy owners and policy review dates
 - 2.3.5 regular reporting on legislative compliance obligations and/or exceptions to the Chief Executive Officer and the Audit Risk and Improvement Committee
 - 2.3.6 assurance activities involving regular risk assessments, conducted in accordance with the Northern Beaches Council's Enterprise Risk and Opportunity Management Framework
 - 2.3.7 an embedded compliance culture led by senior management that is committed, proactive, visible, consistent, and promotes staff awareness



- 2.3.8 subscription services made available to senior management to flag changes to compliance obligations
- 2.3.9 delegations register
- 2.3.10 training and awareness program through Code of Conduct training, timely communication of amended or new obligations, and targeted staff training to ensure they meet obligations within the scope of their roles.

3 Scope and application

- 3.1 The Northern Beaches Council Legislative Compliance Policy conforms to international standard AS/ISO 19600:2015 Compliance Management Systems – Guidelines.
- 3.2 This policy applies to all areas of Council and to all staff commensurate with their roles, functions, authority and span of control.
- 3.3 Key roles and responsibilities
- 3.4 All staff must:
 - 3.4.1 understand and comply with relevant obligations within the scope of their roles. Behaviours that compromise compliance are not tolerated
 - 3.4.2 be aware of legislation changes which affect their area of work and ensure their work complies with new or modified obligations
 - 3.4.3 report to their manager or supervisor instances where they consider obligations are not being complied with
 - 3.4.4 actively identify and seek additional support in understanding their compliance obligations.
- 3.5 Senior managers have responsibility for ensuring compliance with obligations within their teams and within their area of responsibility. Senior managers are required to:
 - 3.5.1 understand compliance obligations for their area of responsibility
 - 3.5.2 role model and promote a compliance culture by (i) supporting behaviours that create a compliance environment, (ii) providing resources, support, communication and training so that their teams are able to identify, understand and respond to compliance obligations, (iii) establishing and maintaining procedures and systems to support compliance and allow for better identification, monitoring and reporting on compliance and (iv) encouraging reporting of non-compliance without fear of reprisal
 - 3.5.3 monitor compliance with relevant codes, practices, laws and directives
 - 3.5.4 consider compliance risks as part of their operational risk registers
 - 3.5.5 ensure controls are designed, implemented and are in place to minimise the risk of non-compliance
 - 3.5.6 support continuous improvement of the compliance management system
 - 3.5.7 investigate, respond to and report on incidents of non-compliance in a timely manner
- 3.6 The Chief Executive Officer is ultimately operationally responsible for the Northern Beaches Council's legislative compliance program and ensures that adequate resources are allocated to meet compliance obligations.

3.7 The Governance and Risk unit:

- 3.7.1 reviews and reports on updates from the Office of Local Government and other pronouncements likely to impact Northern Beaches Council
 - 3.7.2 maintains a watching brief on selected legislation and updates senior management of any changes
 - 3.7.3 ensures a relevant subscription service is available to key staff to provide active alerts for changes to legislative compliance obligations
 - 3.7.4 reports to the Chief Executive Officer and the Audit Risk and Improvement Committee on the effectiveness of the compliance management program
 - 3.7.5 coordinates the policy register to ensure that policies are monitored and are periodically reviewed and updated
 - 3.7.6 manages the delegations register to ensure that delegations are periodically reviewed and updated
 - 3.7.7 provides advice to senior managers and other staff on the compliance management program.
- 3.8 Internal and external audit functions are responsible for auditing compliance with the legislative compliance framework.
- 3.9 The Audit Risk and Improvement Committee independently reviews the legislative compliance program at the Northern Beaches Council, by:
- 3.9.1 determining whether management has appropriately considered compliance risks as part of its governance framework
 - 3.9.2 reviewing the effectiveness of the program for informing and monitoring Council's compliance with applicable laws and regulations, and its policy register
 - 3.9.3 reviewing and advising on the Legislative Compliance Policy to ensure that it contributes to the risk management processes of Council.
- 3.10 The Council, as the governing body, commits Northern Beaches Council to the Legislative Compliance Policy and sets the expectations, direction and tone of the legislative compliance program. Councillors will do this by:
- 3.10.1 supporting a positive compliance culture
 - 3.10.2 complying with all relevant legislation and policies that are endorsed by Council
 - 3.10.3 satisfying themselves, through examining appropriate assurance processes and through the advice of its independent committees and the Chief Executive Officer, that the legislative compliance program is effectively managing the risk exposures of non-compliance across the organisation.

References and related documents

- AS/ISO 19600:2015 Compliance Management Systems – Guidelines
- AS/ISO 31000:2018 Enterprise Risk Management – Guidelines
- Northern Beaches Council Legislative Compliance Business Rules
- Northern Beaches Council Enterprise Risk Management Policy
- Northern Beaches Council Risk and Opportunity Management Framework

- NSW Treasury Guide for Audit & Risk Committees: Compliance Management (June 2017)
- Northern Beaches Council Code of Conduct
- Northern Beaches Council Public Interest Disclosures Policy

Definitions

In the context of this policy and in line with AS/ISO 19600:2015:

<i>Compliance</i>	refers to adhering to the requirements of laws, regulations, government directions, industry and organisational standards and codes, principles of good governance, requirements for certain certifications, accepted community and ethical standards and Northern Beaches Council policies and frameworks.
<i>Compliance culture</i>	refers to the values, ethics and beliefs that exist throughout Council and how they interact with the structures and control systems to produce behavioural norms that are conducive to compliance outcomes.
<i>Compliance management program</i>	refers to the various functions and practices including the roles and responsibilities of key staff or areas, and the activities they undertake which, when combined, are intended to provide assurance that Council complies with its obligations.
<i>Compliance risk</i>	is the effect of uncertainty on compliance objectives. It is characterised by the likelihood of occurrence and the consequence of non-compliance.
<i>Legislative compliance register</i>	is a list of the key legislative compliance obligations of the Northern Beaches Council. Each obligation is assessed and is assigned a responsible manager to ensure compliance to the obligation
<i>Risk Management</i>	is the systematic application of management policies, procedures and practices to the tasks of communication, consultation, establishing the context, and identifying, analysing, evaluating, treating and monitoring and reviewing risk – as outlined in the Northern Beaches Council Enterprise Risk Management Policy.
<i>Staff</i>	refers to a person working at or on behalf of the Northern Beaches Council and includes part-time, full-time, and temporary staff and also includes contractors.
<i>Senior managers</i>	includes the Chief Executive Officer, Directors, Executive Managers, and management positions which may be deemed as senior due to the size, nature or risk profile of the portfolio they manage.

Responsible Officer

Executive Manager Governance and Risk

Review Date

It is intended that this policy will be reviewed every three years or earlier if significant new information, legislative or organisational change warrants an update to this policy.

The next review is scheduled for June 2025 (set date three years from Council approval).

Revision History

Revision	Date	Status	TRIM Ref
1	28 May 2019	Legislative Compliance Policy adopted by Council	2019/027602
2	24 February 2022	Revised draft Legislative Compliance Policy submitted to ARIC.	2021/176041

DRAFT

DRAFT Council Policy

Legislative Compliance Policy

1. Policy Statement

- 1.1** To outline Council's commitment to a legislative compliance management program which provides assurance and builds the capacity of Northern Beaches Council to meet its key compliance obligations, promote a compliance culture and uphold good corporate governance practices.
- 1.2** Northern Beaches Council's legislative compliance policy and legislative compliance program enables the Northern Beaches Council to:
- 1.2.1** understand and comply with its legislative compliance risks obligations
 - 1.2.2** conduct business and activities in a lawful and responsible way to protect by integrating legislative requirements into the reputation and credibility everyday running of the Northern Beaches Council
 - 1.2.3** develop, implement and monitor internal controls to manage and provide assurance on legislative compliance risks obligations
 - 1.2.4** identify **1.2.4 assign** responsibilities for meeting specific compliance obligations
 - 1.2.5** assess and improve compliance performance.

2 Principles

Compliance Management System

Implementation

Commented [TG1]: Repeated in the points below

Northern Beaches Council applies a risk-based approach to implementing its compliance management system by conducting regular assurance activities for legislative compliance, such as compliance risk assessments, compliance self-assessments, reporting and audits.

The risk of non-compliance will be monitored and effective internal controls put in place to reduce compliance risk to an acceptable level.

Staff will receive appropriate communication and training to meet their compliance responsibilities within the scope of their roles.

2.1 The breadth of Council's operations results in a large number of Commonwealth and State legislative compliance obligations. The imposition that this legislation has on the day-to-day activities of Council varies greatly, with some having broad application across Council whilst other legislation only applies to a small number of Council areas.

2.2 Recognising the varying scope and impact of legislation on Council's operations, and the risk and severity of the potential impact of non-compliance, Council has taken a risk based approach to managing legislative compliance.

2.3 The various components of the Council's compliance management system, together promote the importance of compliance to all staff. Key components include:

2.3.1 legislative compliance policy

Version 1	17-Jan-2019	Legislative Compliance Policy	TRIM 2019/027602	Page 1 of 7
Version 2	24 February 2022	Legislative Compliance Policy	TRIM 2021/176041	Page 1 of 7

2.3.2 legislative compliance register - a register of key compliance obligations, with responsibilities assigned to each obligation

2.3.3 management sign-off to report against the key compliance obligations

2.3.4 policy register - lists key Northern Beaches Council policies, policy owners and policy review dates

quarterly review and management sign-off to report against the 2.3.5 regular reporting on legislative compliance obligations outlined through the Office of Local Government's Compliance and/or exceptions to the Chief Executive Officer and Obligations annual calendar the Audit Risk and Improvement Committee

2.3.6 assurance activities involving regular compliance risk assessments, conducted in accordance with the Northern Beaches Council's Enterprise Risk and Opportunity Management Framework

2.3.7 an embedded compliance culture led by senior management that is committed, proactive, visible, consistent, and promotes staff awareness

2.3.8 subscription services made available to senior management to flag changes to compliance obligations

2.3.9 delegations register

2.3.10 training and awareness program through Code of Conduct training, staff timely communication of change to amended or new obligations, and targeted staff training to ensure they meet obligations within the scope of their roles.

Monitoring and evaluating

The key activities of monitoring and evaluating the legislative compliance management program include:

- identifying new or changes to existing legislative compliance obligations through notifications from subscription services and reviews of the legislative compliance register by compliance owners
- conducting regular legislative compliance risk assessments, including identifying new or emerging compliance risks and assessing the effectiveness of and identifying gaps in existing controls
- regular reporting on legislative compliance obligations and/or exceptions
- reviewing and monitoring legislative compliance activities designed to meet compliance obligations within the scope of the reviewer's roles
- conducting internal self-assessments and external independent reviews and/or audits based the legislative compliance register relating to specific legislation and Northern Beaches Council policies
- reporting the results of reviews to the Chief Executive Officer and the Audit Risk and Improvement Committee.

Commented [TG2]: Repeated in section 2, above

Continuous improvement

Council is committed to the ongoing improvement to the legislative compliance management program by:

Commented [TG3]: Repeated in section 3, below

Version 1	17-Jan-2019	Legislative Compliance Policy	TRIM-2019/027602	Page 2 of 7
Version 2	24 February 2022	Legislative Compliance Policy	TRIM 2021/176041	Page 2 of 7

- ~~staff reporting to management instances where they consider obligations are not being complied with~~
- ~~senior managers implementing corrective action that is appropriate when legislative non-compliance is identified~~
- ~~senior managers regularly reviewing legislative compliance procedures to identify areas for improvement~~
- ~~timely escalation of any unresolved issues to the appropriate management level~~
- ~~the Executive Manager Governance and Risk or relevant senior manager reporting to the Chief Executive Officer and the Audit Risk and Improvement Committee on instances of significant non-compliance, or increases in legislative compliance risk exposures, and corrective actions to address them.~~

3 Scope and application

3.1 The Northern Beaches Council Legislative Compliance Policy conforms to international standard AS/ISO 19600:2015 Compliance Management Systems – Guidelines.

3.2 This policy applies to all areas of Council and to all staff commensurate with their roles, functions, authority and span of control.

3.3 Key roles and responsibilities

3.4 All staff must:

3.4.1 ~~understand and~~ comply with relevant obligations within the scope of their roles.
~~Behaviours that compromise compliance are not tolerated~~

3.4.2 ~~be aware of legislation changes which affect their area of work and ensure their work complies with new or modified obligations~~

3.4.3 ~~report to their manager or supervisor instances where they consider obligations are not being complied with~~

3.4.4 ~~actively identify and seek additional support in understanding their compliance obligations.~~

~~develop the~~ 3.5 ~~Senior managers have responsibility for ensuring compliance performance and culture with obligations within their teams by promoting opportunities for staff to increase and within their area of responsibility. Senior managers are required to understand, apply and continuously improve~~

3.5.1 ~~understand compliance obligations for their area of responsibility~~

3.5.2 ~~role model and promote a compliance culture by (i) supporting behaviours that create a compliance environment, (ii) providing resources, support, communication and training so that their teams are able to identify, understand and respond to compliance obligations, (iii) establishing and maintaining procedures and systems to support compliance and allow for better identification, monitoring and reporting on compliance obligations relating to their roles and (iv) encouraging reporting of non-compliance without fear of reprisal~~

3.5.3 ~~monitor compliance with relevant codes, practices, laws and directives~~

3.5.4 ~~consider compliance risks as part of their operational risk registers~~

Version 1	17-Jan-2019	Legislative Compliance Policy	TRIM 2019/027602	Page 3 of 7
Version 2	24 February 2022	Legislative Compliance Policy	TRIM 2021/176041	Page 3 of 7

3.5.5 ensure controls are designed, implemented and are in place to minimise the risk of non-compliance

3.5.6 support continuous improvement of the compliance management system

3.5.7 investigate, respond to and report on incidents of non-compliance in a timely manner

3.6 The Chief Executive Officer is ultimately operationally responsible for the Northern Beaches Council's legislative compliance program and ensures that adequate resources are allocated to meet compliance obligations.

3.7 The Governance and Risk unit:

3.7.1 reviews and reports on updates from the Office of Local Government and other pronouncements likely to impact Northern Beaches Council

3.7.2 maintains a watching brief on selected legislation and updates senior management of any changes

3.7.3 ensures a relevant subscription service is available to key staff to provide active alerts for changes to legislative compliance obligations

~~~ coordinates compliance risk assessments and updating the Compliance Risk Register for changed or new obligations~~

3.7.4 reports to the Chief Executive Officer and the Audit Risk and Improvement Committee on the effectiveness of the compliance management program. This includes the results of compliance risk assessments, audits and/or self assessment outcomes, any non-compliance, and any actions taken to minimise the risk of non-compliance to acceptable levels

3.7.5 coordinates the policy register to ensure that policies are monitored and are periodically reviewed and updated

3.7.6 manages the delegations register to ensure that delegations are periodically reviewed and updated

3.7.7 provides advice to senior managers and other staff on the compliance management program.

~~• Senior managers have responsibility for ensuring 3.8 Internal and external audit functions are responsible for auditing compliance with obligations within their teams and within their area of responsibility. Senior managers are required to:~~

~~~ promote a compliance culture to meet compliance obligations by providing support, communication and training where necessary~~

~~~ identify, understand and respond to new compliance obligations~~

~~~ monitor compliance with current compliance obligations~~

~~~ ensure controls are designed, implemented and are in place to minimise the risk of non-compliance~~

~~~ investigate and respond to incidents of non-compliance~~

Commented [TG4]: Text moved to point 3.5, above, to make it a more logical flow of roles and responsibilities

| | | | | |
|-----------|------------------|-------------------------------|------------------|-------------|
| Version 1 | 17-Jan-2019 | Legislative Compliance Policy | TRIM 2019/027602 | Page 4 of 7 |
| Version 2 | 24 February 2022 | Legislative Compliance Policy | TRIM 2021/176041 | Page 4 of 7 |

report back on the fulfilment of compliance obligations, through the management sign-off assessing compliance against the Office of Local Government's compliance and obligations annual calendar and the reviews arising from the legislative compliance register framework.

- The Chief Executive Officer is ultimately operationally responsible for the Northern Beaches Council's legislative compliance program and to ensure adequate resources are allocated to meet compliance obligations. The Chief Executive Team promotes a compliance culture. Activities include:

- monitoring compliance with relevant codes, practices, laws and directives
- ensuring necessary processes and treatment plans are in place to ensure the Northern Beaches Council is complying with its obligations
- supporting continuous improvement of the compliance management system.

3.9 The Audit Risk and Improvement Committee independently reviews the legislative compliance program at the Northern Beaches Council, by:

3.9.1 determining whether management has appropriately considered compliance risks as part of its governance framework

3.9.2 reviewing the effectiveness of the program for informing and monitoring Council's compliance with applicable laws and regulations, and its policy register

3.9.3 reviewing and advising on the Legislative Compliance Policy to ensure that it contributes to the risk management processes of Council.

3.10 The Council, as the governing body, commits Northern Beaches Council to the Legislative Compliance Policy and sets the expectations, direction and tone of the legislative compliance program. ~~The Council is to be satisfied~~ Councillors will do this by:

3.10.1 supporting a positive compliance culture

3.10.2 complying with all relevant legislation and policies that are endorsed by Council

3.10.3 ~~satisfying themselves~~, through examining appropriate assurance processes and through the advice of its independent committees and the Chief Executive Officer, that the legislative compliance program is effectively managing the risk exposures of ~~non-compliance~~ compliance across the organisation.

Commented [TG5]: Text moved to point 3.6, above, to make it a more logical flow of roles and responsibilities

References and related documents

- AS/ISO 19600:2015 Compliance Management Systems – Guidelines
- AS/ISO 31000:2018 Enterprise Risk Management – Guidelines
- Northern Beaches Council Legislative Compliance Business Rules
- Northern Beaches Council Enterprise Risk Management Policy
- Northern Beaches Council Risk and Opportunity Management Framework
- Northern Beaches Council Risk and Opportunity Management Guidelines
- NSW Treasury Guide for Audit & Risk Committees: Compliance Management (June 2017)
- Northern Beaches Council Code of Conduct

Commented [TG6]: Part of the Risk and Opportunity Management Framework (see dot point above)

| | | | | |
|-----------|------------------|-------------------------------|------------------|-------------|
| Version 1 | 17-Jan-2019 | Legislative Compliance Policy | TRIM 2019/027602 | Page 5 of 7 |
| Version 2 | 24 February 2022 | Legislative Compliance Policy | TRIM 2021/176041 | Page 5 of 7 |

- Northern Beaches Council Public Interest Disclosures Policy

Definitions

In the context of this policy and in line with AS/ISO 19600:2015:

| | |
|--|--|
| <u>Compliance</u> | <u>refers to adhering to the requirements of laws, regulations, government directions, industry and organisational standards and codes, principles of good governance, requirements for certain certifications, accepted community and ethical standards and Northern Beaches Council policies and frameworks.</u> |
| <u>Compliance culture</u> | <u>refers to the values, ethics and beliefs that exist throughout Council and how they interact with the structures and control systems to produce behavioural norms that are conducive to compliance outcomes.</u> |
| <u>Compliance management program</u> | <u>refers to the various functions and practices including the roles and responsibilities of key staff or areas, and the activities they undertake which, when combined, are intended to provide assurance that Council complies with its obligations.</u> |
| <u>Compliance risk</u> | <u>is the effect of uncertainty on compliance objectives. It is characterised by the likelihood of occurrence and the consequence of noncompliance.</u> |
| <u>Legislative compliance register</u> | <u>is a list of the key legislative compliance obligations of the Northern Beaches Council. Each obligation is assessed and is assigned a responsible manager to ensure compliance to the obligation</u> |
| <u>Risk Management</u> | <u>is the systematic application of management policies, procedures and practices to the tasks of communication, consultation, establishing the context, and identifying, analysing, evaluating, treating and monitoring and reviewing risk – as outlined in the Northern Beaches Council Enterprise Risk Management Policy.</u> |
| <u>Staff</u> | <u>refers to a person working at or on behalf of the Northern Beaches Council and includes part-time, full-time, and temporary staff and also includes contractors.</u> |
| <u>Senior managers</u> | <u>includes the Chief Executive Officer, Directors, Executive Managers, and management positions which may be deemed as senior due to the size, nature or risk profile of the portfolio they manage.</u> |

Commented [TG7]: Formatting change – no change to text, just converted to a table layout

Responsible Officer

Executive Manager Governance and Risk

Review Date

It is intended that this policy will be reviewed every twothree years or earlier if significant new information, legislative or organisational change warrants an update to this policy.

The next review is scheduled for April 2024-June 2025 (set date three years from Council approval).

| | | | | |
|-----------|------------------|-------------------------------|------------------|-------------|
| Version 1 | 17-Jan-2019 | Legislative Compliance Policy | TRIM 2019/027602 | Page 6 of 7 |
| Version 2 | 24 February 2022 | Legislative Compliance Policy | TRIM 2021/176041 | Page 6 of 7 |

Revision History

| Revision | Date | Status | TRIM Ref |
|-------------------|----------------------------------|--|-----------------------------|
| 1 | 28 May 2019 | Legislative Compliance Policy adopted by Council | 2019/027602 |
| 2 | 24 February 2022 | Revised draft Legislative Compliance Policy submitted to ARIC. | 2021/176041 |
| | | | |

DRAFT

| | | | | |
|---------------------------|----------------------------------|---|----------------------------------|-----------------------------|
| Version 1 | 17 Jan 2019 | Legislative Compliance Policy | TRIM 2019/027602 | Page 7 of 7 |
| Version 2 | 24 February 2022 | Legislative Compliance Policy | TRIM 2021/176041 | Page 7 of 7 |

| | |
|--------------------------|--|
| ITEM 9.3 | COUNCILLOR EXPENSES 1 JULY 2021 TO DECEMBER 2021 |
| REPORTING MANAGER | EXECUTIVE MANAGER GOVERNANCE AND RISK |
| TRIM FILE REF | 2022/117140 |
| ATTACHMENTS | 1 Councillor Expenses 1 July 2021 to 31 December 2021 |

BRIEF REPORT

PURPOSE

To report on the expenditure of councillors for the period 1 July 2021 to 31 December 2021 in accordance with Section 17.2 of the Councillor Expenses and Facilities Policy.

REPORT

The Northern Beaches Council Councillor Expenses and Facilities Policy (the Policy) was adopted on 28 August 2018, and outlines the payment of expenses incurred by, and the provision of facilities to the Mayor and Councillors. The provision of facilities and expenses assists the Mayor and Councillors to fulfil their roles and responsibilities under the *Local Government Act 1993* (NSW) and provides reasonable recompense for expenses incurred in undertaking civic duties. A revised draft Councillor Expenses and Facilities Policy is on public exhibition until 27 March 2021.

Under clause 17.2 of the Policy a report detailing the provision of facilities and reimbursed expenses to councillors is to be tabled to Council and made available on Council's website. The Councillor Expenditure Report below details the total expenditure as reimbursed to each councillor for the period 1 July 2021 to 31 December 2021 (Attachment 1).

The Council resolved at the 25 August 2020 Council meeting (Resolution 205/20) to publish the councillor expenses within councillor profiles on the website.

To support councillors in tracking their expenses, councillors are provided with a monthly expense report. Prior to the publication of this report incumbent councillors were provided an opportunity to review their individual expenditure.

This report contains all expenses claimed by councillors within the reporting period and reimbursed under the Policy. Expenditure over the reporting period is significantly lower than previous periods, most likely due to the impact of public health orders at the time.

Two councillors' expenses appear in credit in the reporting period. This is due to a refund received in the reporting period for a conference (that was rescheduled and subsequently not attended) which had been paid for and reported in the previous expenses period.

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.

FINANCIAL CONSIDERATIONS

The financial commitment for councillor expenses and facilities is outlined within the Councillor Expenses and Facilities Policy adopted by Council on 28 August 2018. Provision for expenses and facilities was included within the existing operational budgets for the 2021/22 financial year.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts relating to this report.

SOCIAL CONSIDERATIONS

The Councillor Expenses and Facilities Policy provides a framework for councillors to claim for expenses incurred and facilities required for councillors to undertake their civic duties across the local government area.

GOVERNANCE AND RISK CONSIDERATIONS

The Councillor Expenses and Facilities Policy is required under sections 252 and 253 of the Act, and clause 403 of the *Local Government (General) Regulation 2021*. The reporting of expenses reimbursed to councillors is to be tabled at a Council meeting and made available on Council's website under clause 17.2 of the Councillor Expenses and Facilities Policy. A draft revised Councillor Expenses and Facilities Policy is on public exhibition. This policy will also provide for the publication of councillor expenses.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 July 2021 to 31 December 2021.

Councillor Expenditure 1 July 2021 to 31 December 2021
(excluding internal charges for councillor ICT and meetings)

| Councillor | Amount \$ |
|-------------------------------------|------------------|
| Cr Amon | 855 |
| Cr Bingham | 1,980 |
| Cr Daley | 1,485 |
| Cr De Luca | 499 |
| Cr Ferguson | -625* |
| Cr Grattan | 941 |
| Cr Harrison | 232 |
| Cr Heins | 416 |
| Cr McTaggart | 0 |
| Cr Philpott | 416 |
| Cr Sprott | -320* |
| Cr Walton | 1,020 |
| Cr Warren | 391 |
| Cr White | 25 |
| Mayor Regan | 4,679 |
| Total councillor expenditure | 11,993 |

* Refunds for conferences not attended/cancelled put overall costs into credit

| | |
|--------------------------|--|
| ITEM 9.4 | MONTHLY INVESTMENT REPORT - FEBRUARY 2022 |
| REPORTING MANAGER | CHIEF FINANCIAL OFFICER |
| TRIM FILE REF | 2022/122759 |
| ATTACHMENTS | NIL |

SUMMARY

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 2021*, 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 \$176,973,362 comprising:

- Trading Accounts \$11,898,210
- Investments \$165,075,152

Performance over the period from 1 July 2021 to date exceeded the benchmark: 0.44%pa vs. 0.02%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 2021* and existing Investment Policies.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 28 February 2022, including the certification by the Responsible Accounting Officer.

REPORT

BACKGROUND

In accordance with Clause 212 of the *Local Government (General) Regulation 2021*, 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 2021 to date was \$452,703 compared to budgeted income of \$381,500, a positive variance of \$71,203.

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 Council's Investment Advisors, Laminar Capital Pty Ltd in November 2021. That review noted that there have been no changes to the Ministerial Investment Orders over the last 12 months and that the Policy and its frameworks continue to be appropriate for Council. Minor amendments are proposed to the Policy following consultation with Council's Investment Advisors and these were presented to the Audit, Risk and Improvement Committee at its meeting in December 2021.

The Investment Policy and proposed amendments were reviewed by the Audit, Risk and Improvement Committee at its meeting in December 2021. The minor amendments recommended to the Policy were approved by the Committee endorsing a report to Council detailing the proposed changes to the revised policy and placing it on public exhibition to enable community consultation.

Council's Investment Strategy was reviewed in November 2021 by Council's Investment Advisors, who noted that strategy remains at the conservative end relative to its peers and that where future cash flow allows, consideration should be given to lengthen the maturity term of the portfolio via the use of authorised deposit-taking institution (ADI) issued bonds and floating rate notes.

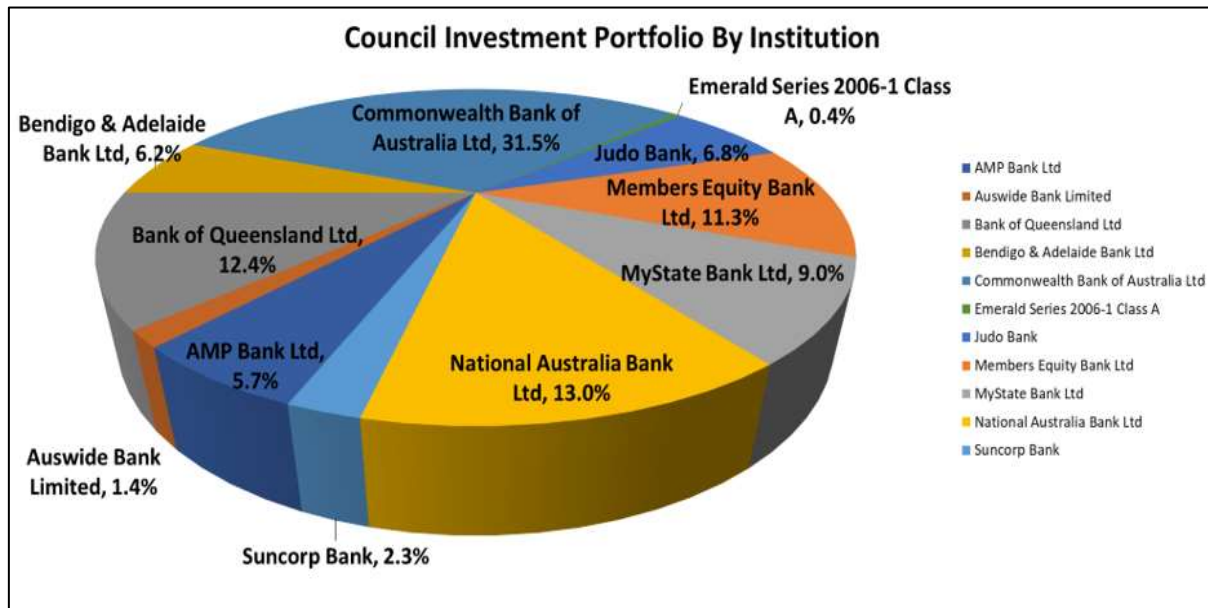
Investment Balances

| INVESTMENT BALANCES | | | | |
|------------------------------------|--------|-------------------|------------------|------------------|
| As at 28-Feb-2022 | | | | |
| INSTITUTION | RATING | AMOUNT
\$ | MATURITY
DATE | INTEREST
RATE |
| Trading Accounts | | | | |
| Commonwealth Bank of Australia Ltd | A1+ | 9,992,074 | | 0.15% |
| National Australia Bank Ltd | A1+ | 21,304 | | 0.00% |
| | | 10,013,378 | | |
| At Call Accounts | | | | |
| Commonwealth Bank of Australia Ltd | A1+ | 2,866,813 | At Call | 0.20% |
| | | 2,866,813 | | |
| Mortgage Backed Securities | | | | |
| Emerald Series 2006-1 Class A | A* | 769,224 | 21-Aug-51 | 0.5250% |
| | | 769,224 | | |
| Term Deposits | | | | |
| Bendigo & Adelaide Bank Ltd | A2 | 2,000,000 | 01-Mar-22 | 0.35% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 03-Mar-22 | 0.34% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 08-Mar-22 | 0.38% |
| Members Equity Bank Ltd | A2 | 1,000,000 | 10-Mar-22 | 0.40% |
| Commonwealth Bank of Australia Ltd | A1+ | 1,000,000 | 10-Mar-22 | 0.34% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 15-Mar-22 | 0.50% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 17-Mar-22 | 0.36% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 22-Mar-22 | 0.38% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 24-Mar-22 | 0.35% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 29-Mar-22 | 0.35% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 29-Mar-22 | 0.50% |
| Members Equity Bank Ltd | A2 | 1,000,000 | 31-Mar-22 | 0.40% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 05-Apr-22 | 0.35% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 07-Apr-22 | 0.38% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 12-Apr-22 | 0.42% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 12-Apr-22 | 0.37% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 14-Apr-22 | 0.40% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 19-Apr-22 | 0.36% |
| Judo Bank | A3 | 2,000,000 | 19-Apr-22 | 0.57% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 21-Apr-22 | 0.40% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 26-Apr-22 | 0.37% |
| Judo Bank | A3 | 2,000,000 | 26-Apr-22 | 0.70% |
| Suncorp Bank | A1 | 2,000,000 | 28-Apr-22 | 0.32% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 03-May-22 | 0.40% |
| MyState Bank Ltd | A2 | 2,000,000 | 05-May-22 | 0.60% |
| MyState Bank Ltd | A2 | 2,000,000 | 10-May-22 | 0.65% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 10-May-22 | 0.40% |
| MyState Bank Ltd | A2 | 2,000,000 | 12-May-22 | 0.60% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 17-May-22 | 0.38% |
| Judo Bank | A3 | 2,000,000 | 19-May-22 | 0.86% |
| Judo Bank | A3 | 2,000,000 | 24-May-22 | 0.88% |
| Bendigo & Adelaide Bank Ltd | A2 | 2,000,000 | 26-May-22 | 0.40% |
| MyState Bank Ltd | A2 | 2,000,000 | 31-May-22 | 0.65% |
| AMP Bank Ltd | A2 | 2,000,000 | 07-Jun-22 | 0.75% |
| Judo Bank | A3 | 2,000,000 | 07-Jun-22 | 0.92% |
| MyState Bank Ltd | A2 | 2,000,000 | 09-Jun-22 | 0.65% |
| MyState Bank Ltd | A2 | 2,000,000 | 14-Jun-22 | 0.65% |
| Suncorp Bank | A1 | 2,000,000 | 16-Jun-22 | 0.40% |
| MyState Bank Ltd | A2 | 2,000,000 | 21-Jun-22 | 0.65% |
| AMP Bank Ltd | A2 | 1,100,000 | 21-Jun-22 | 0.75% |

| INVESTMENT BALANCES | | | | |
|--|--------|--------------|------------------|------------------|
| As at 28-Feb-2022 | | | | |
| INSTITUTION | RATING | AMOUNT
\$ | MATURITY
DATE | INTEREST
RATE |
| Term Deposits (continued) | | | | |
| AMP Bank Ltd | A2 | 900,000 | 21-Jun-22 | 0.75% |
| Auswide Bank Limited | A2 | 2,500,000 | 23-Jun-22 | 0.65% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 23-Jun-22 | 0.50% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 28-Jun-22 | 0.51% |
| MyState Bank Ltd | A2 | 2,000,000 | 28-Jun-22 | 0.65% |
| Judo Bank | A3 | 2,000,000 | 30-Jun-22 | 0.82% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 05-Jul-22 | 0.45% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 05-Jul-22 | 0.51% |
| AMP Bank Ltd | A2 | 1,500,000 | 05-Jul-22 | 1.00% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 07-Jul-22 | 0.52% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 12-Jul-22 | 0.52% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 14-Jul-22 | 0.52% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 19-Jul-22 | 0.45% |
| National Australia Bank Ltd | A1+ | 2,000,000 | 19-Jul-22 | 0.53% |
| AMP Bank Ltd | A2 | 2,000,000 | 21-Jul-22 | 1.00% |
| Bank of Queensland Ltd | A2 | 3,000,000 | 26-Jul-22 | 0.60% |
| Bendigo & Adelaide Bank Ltd | A2 | 2,000,000 | 28-Jul-22 | 0.45% |
| Bendigo & Adelaide Bank Ltd | A2 | 3,000,000 | 02-Aug-22 | 0.50% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 04-Aug-22 | 0.40% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 09-Aug-22 | 0.60% |
| Members Equity Bank Ltd | A2 | 2,000,000 | 11-Aug-22 | 0.60% |
| Bank of Queensland Ltd | A2 | 3,000,000 | 16-Aug-22 | 0.60% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 18-Aug-22 | 0.60% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 23-Aug-22 | 0.60% |
| Bendigo & Adelaide Bank Ltd | A2 | 2,000,000 | 25-Aug-22 | 0.55% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 06-Sep-22 | 0.60% |
| Bank of Queensland Ltd | A2 | 2,000,000 | 08-Sep-22 | 0.60% |
| National Australia Bank Ltd | A1+ | 3,000,000 | 11-Oct-22 | 0.63% |
| AMP Bank Ltd | A2 | 2,500,000 | 14-Feb-23 | 1.00% |
| | | 137,500,000 | | |
| Kimbriki Environmental Enterprises Pty Ltd | | | | |
| Trading Accounts | | | | |
| Commonwealth Bank of Australia Ltd | A1+ | 1,884,831 | | 0.00% |
| | | 1,884,831 | | |
| At Call Accounts | | | | |
| Commonwealth Bank of Australia Ltd | A1+ | 1,814,588 | At Call | 0.01% |
| | | 1,814,588 | | |
| Term Deposits | | | | |
| Commonwealth Bank of Australia Ltd | A1+ | 1,000,000 | 29-Mar-22 | 0.33% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 19-Apr-22 | 0.33% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 28-Apr-22 | 0.33% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 11-May-22 | 0.33% |
| Commonwealth Bank of Australia Ltd | A1+ | 2,000,000 | 09-Jun-22 | 0.32% |
| Commonwealth Bank of Australia Ltd | A1+ | 13,124,528 | 22-Aug-22 | 0.50% |
| | | 22,124,528 | | |
| Total Cash and Investments | | 176,973,362 | | |

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

Portfolio Analysis

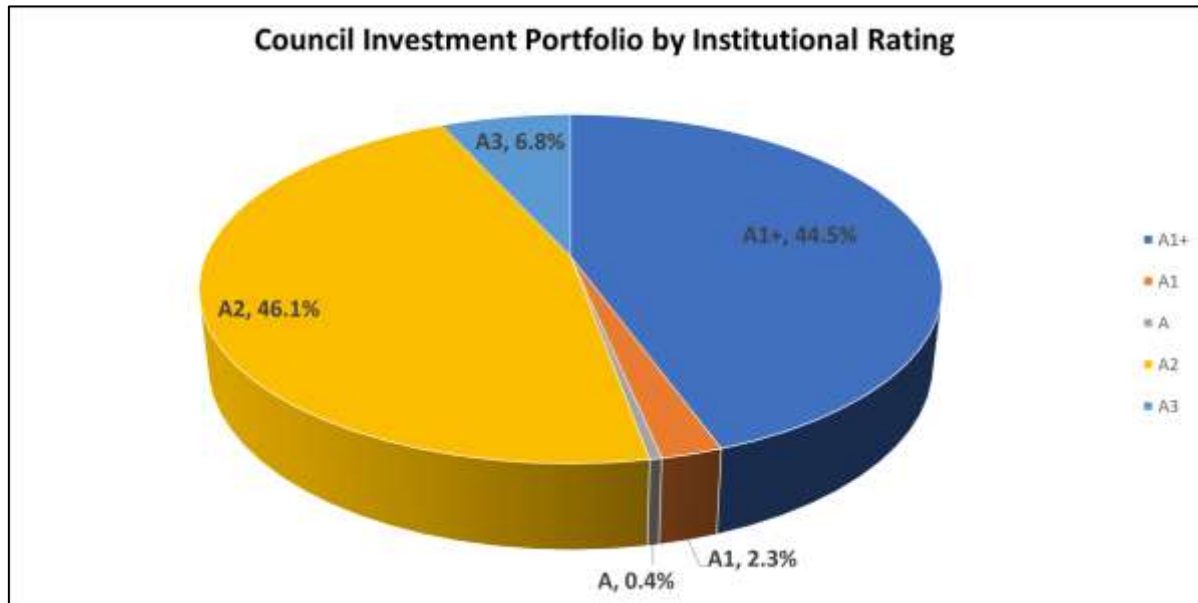


Institutional Credit Framework – Compliance with Investment Policy Requirements

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- | A-3 | 10% | Yes |
| Unrated | Unrated | 10% | Yes (\$Nil) |

As Members Equity Bank is a fully owned subsidiary of Bank of Queensland, the holdings are combined to determine the maximum percentage which can be held under clause 4.2.2 (Institutional Credit Framework Guidelines) of Council's Investment Policy.



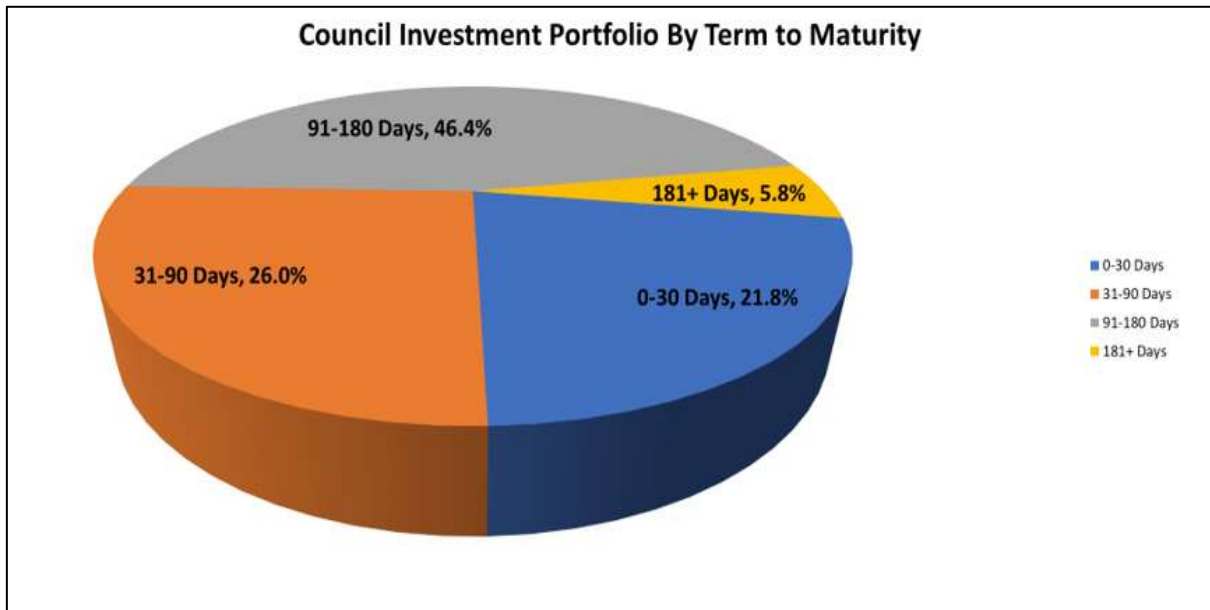
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

| S&P Long Term Rating* | S&P Short Term Rating* | Maximum % | Portfolio Complies with Policy? |
|---|------------------------|-----------|---------------------------------|
| AAA
(incl. government guaranteed deposits) | A-1+ | 100% | Yes |
| AA+ | | | |
| AA | | | |
| AA- | | | |
| A+ | A-1 | 100% | Yes |
| A | | | |
| A- | | | |
| BBB+ | A-2 | 80% | Yes |
| BBB | | | |
| BBB- | A-3 | 30% | Yes |
| Unrated** | Unrated** | 20% | Yes (\$Nil) |

* Or Moody's / Fitch equivalents

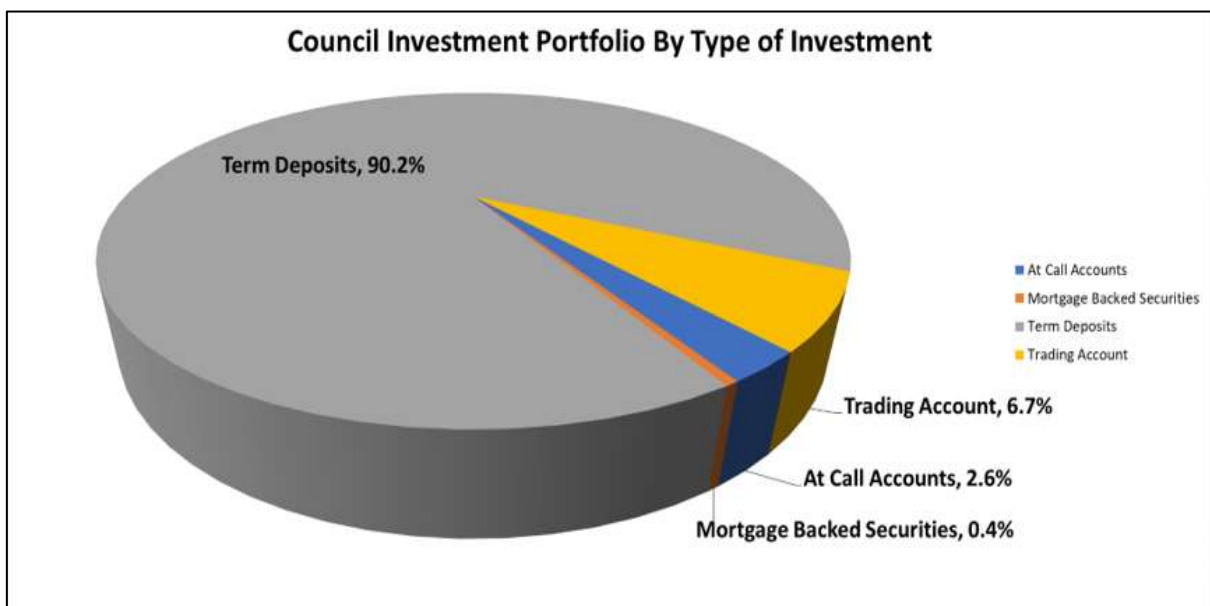
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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 |

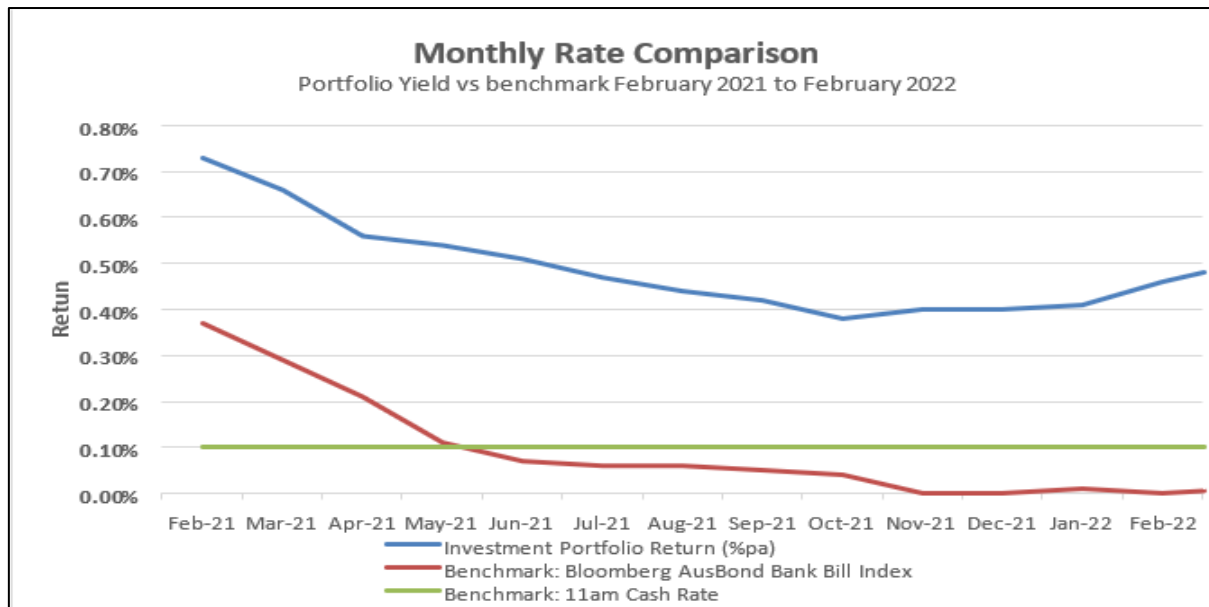


Investment Performance Vs. Benchmark

| | Investment Portfolio
Return (%pa) * | Benchmark:
Bloomberg AusBond
Bank Bill Index | Benchmark: 11am
Cash Rate ** |
|-----------|--|--|---------------------------------|
| 1 Month | 0.51% | 0.01% | 0.10% |
| 3 Months | 0.49% | 0.01% | 0.10% |
| 6 Months | 0.45% | 0.01% | 0.10% |
| FYTD | 0.44% | 0.02% | 0.10% |
| 12 Months | 0.45% | 0.04% | 0.10% |

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

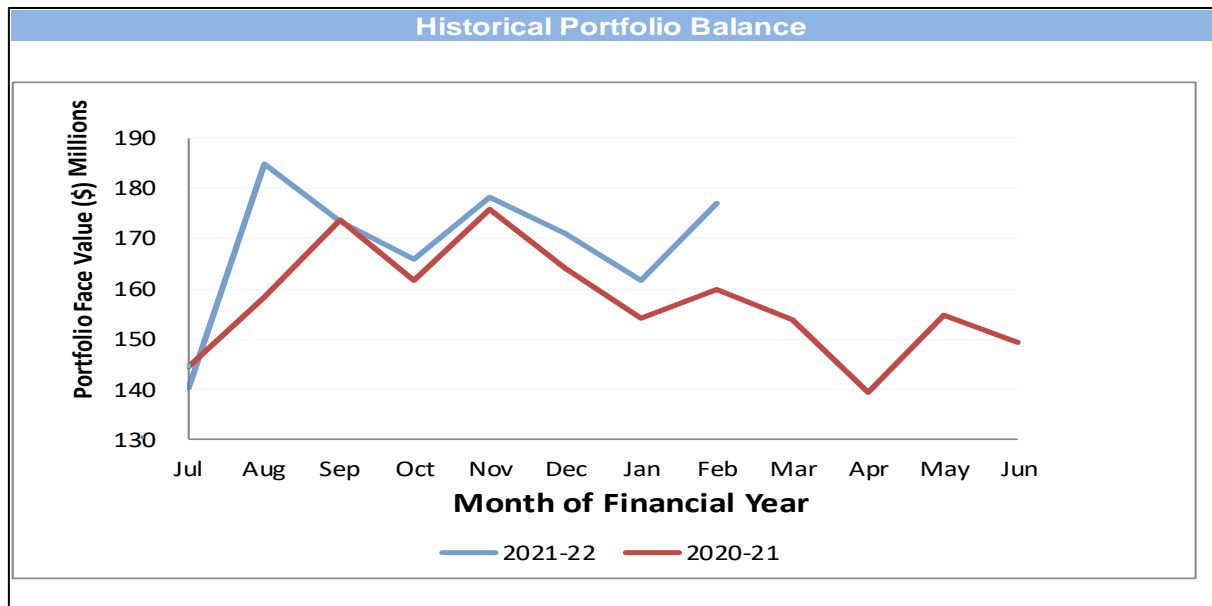


Monthly Investment Income* Vs. Budget

| | Feb 2022
\$ | Year to Date
\$ |
|---------------------------|----------------|--------------------|
| Investment Income | 58,924 | 438,400 |
| Adjustment for Fair Value | 1,878 | 14,303 |
| Total Investment Income | 60,802 | 452,703 |
| | | |
| Budgeted Income | 46,700 | 381,500 |

* Includes all cash and investment holdings

| Historical Portfolio Balance | | |
|----------------------------------|--------------------|--------------------|
| | 2021-22 | 2020-21 |
| Jul | 140,264,007 | 144,611,603 |
| Aug | 184,686,438 | 158,270,262 |
| Sep | 173,325,287 | 173,826,570 |
| Oct | 166,006,688 | 161,704,389 |
| Nov | 178,085,861 | 175,913,936 |
| Dec | 170,911,655 | 163,952,299 |
| Jan | 161,545,259 | 154,102,219 |
| Feb | 176,973,362 | 159,915,952 |
| Mar | | 153,861,974 |
| Apr | | 139,392,596 |
| May | | 154,616,319 |
| Jun | | 149,441,669 |
| Average Portfolio Balance | 168,974,819 | 157,467,482 |



Statement of Compliance

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

Investment Policy Compliance

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

ECONOMIC NOTES

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

Global economic growth was resilient in the face of the Omicron wave in February but with high inflation a threat to growth prospects. Central banks are talking tougher in terms of quick removal of unconventional monetary policy support, but most have not started to lift emergency-low official interest rates and when they do start are indicating a slow passage back to normal or neutral interest rate settings. The Omicron wave is fast subsiding reducing one threat to global growth prospects, but the outbreak of war in the Ukraine with its attendant risk of a wider European and global conflict presents risks of lower global growth and higher inflation.

The US economy showed mostly strong signs through February. Q4 2021 GDP was revised higher to 7.0% annualised growth with strong contributions to growth from private consumption and investment spending. Early in Q1 2022 the economy continued to grow jobs fast with non-farm payrolls up 467,000 in January after gaining 510,000 on revision in December. Retail sales, reduced by the Omicron wave in December, rebounded more sharply than expected in January. Strong spending in the US continues to place pressure on prices. While supply chain bottlenecks are starting to ease strong demand supported by high wage growth above 5% y-o-y on all measures means the current high inflation peak is proving slow to pass. Annual CPI inflation lifted to 7.5% y-o-y in January from 7.0% in December, while annual factory gate or producer price inflation in January edged down slightly to 9.7% y-o-y from 9.8% in December but on a January-month read of 1.0% m-o-m indicates a peak ahead and above 10.0% y-o-y.

In China, it has been a quiet month with the Lunar New Year celebrations. Data and survey releases indicate that China's economic growth rate is still slowing making China a significant odd man out from mostly strong economic growth readings in other major economies. Official January purchasing manager reports showed slippage in both manufacturing and non-manufacturing PMIs to respectively 50.1 and 51.1 while the Caixin PMI surveys showed manufacturing slipping below the 50 expansion/contraction line at 49.1 and non-manufacturing down to 51.4. Slowing growth is helping to contain consumer price inflation down to 0.9% y-o-y in January providing the Peoples' Bank of China with the flexibility to ease monetary conditions. There are also signs that the Government is instructing local authorities to accelerate selective infrastructure spending to help offset damage to property companies and spending resulting from earlier Government directives aimed at reining in excess.

Europe will be affected most by war in Ukraine, but the extent of those effects will be determined by how or if the crisis escalates. A period of higher energy and food prices as well as the costs of economic sanctions against Russia and the humanitarian refugee crisis will dampen Europe's growth prospects while lifting already high inflation. Abstracting from the Ukraine war, European economic indicators point to strong growth accelerating adding to demand pressure on prices just as the Ukraine conflict adds, hopefully only temporarily, to supply chain problems. High European inflation looks set to rise higher, but the European Central Bank (ECB) remains on hold concerned by potential downside risks to growth. ECB reluctance to start normalising ultra-low official interest rates increases the risk of entrenched high European inflation requiring greater lift in official interest rates and probably European bond yields later in 2022 and beyond.

In Australia, a strong Q4 GDP reading on Wednesday is on the cards. The household sector spent up a storm in Q4 with real retail sales up a record 8.2% q-o-q. Retail sales comprise most of household consumption spending which in turn constitutes more than 60% of spending on GDP. Very strong household consumption spending in Q4 should underpin a GDP rise of at least 2.5% q-o-q. Turning to early Q1, household spending is being provided a further boost with the rapidly slowing Omicron wave and associated lifting of restrictions. Households are fit to spend more aided by strong employment growth, a 15-year low 4.2% unemployment rate in January, plus a large savings buffer built up from government largesse and restricted spending opportunities during the worst phases of the pandemic.

| | |
|--------------------------|---|
| ITEM 9.5 | UTILISATION OF COMMUNITY CENTRES DURING COVID-19
AND FUNDING EXTENSION OF OUTDOOR DINING FEES
WAIVER TO 30 JUNE 2022 |
| REPORTING MANAGER | DIRECTOR CORPORATE AND LEGAL |
| TRIM FILE REF | 2022/128887 |
| ATTACHMENTS | NIL |

SUMMARY

PURPOSE

To seek Council endorsement to amend the 2021/22 operating and capital expenditure budgets to fund the waiving of outdoor dining fees for a further three months to 30 June 2022 and provide an overview of the utilisation of community centres throughout the COVID-19 pandemic.

EXECUTIVE SUMMARY

Council at its meeting on 22 February 2022, resolved (Item 15.3):

'That:

- 1. Council continue to waive outdoor dining fees for businesses to 30 June 2022 noting the \$345,000 estimated cost to Council.*
- 2. Council staff bring a report to the next ordinary Council meeting identifying capital projects recommended for deferral to offset the costs.*
- 3. Council staff provide a report on utilisation of council facilities for community activities during the Covid pandemic, indicating how many long-term bookings have been lost since January 2020 compared with the previous two years. The report is to be provided within the next two weeks to enable consideration of reduction of fees for use at the next Council meeting.'*

The budget impact of the waiving of outdoor dining fees for a further three months to 30 June 2022 is \$345,000. Due to limited opportunities to reduce the capital expenditure program due to existing commitments and works underway for working capital funded projects, the following is proposed to fund the extension of the outdoor dining fees waiver:

- \$155,000 capital expenditure budget reductions; and
- \$190,000 reduction in the events and placemaking operating budgets.

The recommended adjustments are outlined in Table 1 of this report and primarily relate to projects and programs experiencing delays that mean they won't be fully delivered in the current financial year regardless of whether they are included in this recommendation.

Analysis of the utilisation of community centres by long term (regular) hirers have shown a reduction of 6% or 33 individuals or groups between 2019 and 2022. Data shows that in 2022 COVID-19 concerns or lack of attendees is the reason for 24% of regular hirer cancellations, with 25% changing jobs or unknown. It should be noted that the majority of cancellations in 2022 (51% or 17) have cancelled temporarily and made bookings from the end of April, to commence at the start of Term 2.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. The operating and capital expenditure budget changes for the 2021/22 financial year outlined in Table 1 of this report are endorsed for inclusion in the March 2022 Quarterly Budget Review.
 2. Council consider fee reductions or waiver to hirers at community centres on a case-by-case basis, in accordance with the provisions in the adopted fees and charges.
-

REPORT

BACKGROUND

Waiving of outdoor dining fees

The Council's COVID-19 Business Support Package includes fee waivers for outdoor dining areas from 1 April 2020. At the Council meeting on 22 February 2022 Council resolved to extend this waiver a further three months to 30 June 2022 and requested staff bring back to Council a report in March identifying capital projects of an equivalent value recommended for deferral to offset the budget impact.

The budget impact of the waiving of outdoor dining fees for a further three months to 30 June 2022 is \$345,000.

Council staff have undertaken a review of capital expenditure planned for the remainder of the 2021/22 financial year. The capital expenditure program funded by Council's working capital is largely underway, with contractors engaged or work scheduled to commence soon. There is limited opportunity to reduce these budgets at this point in time.

Table 1 outlines the proposed budget reductions to fund the extension of the outdoor dining fees waiver.

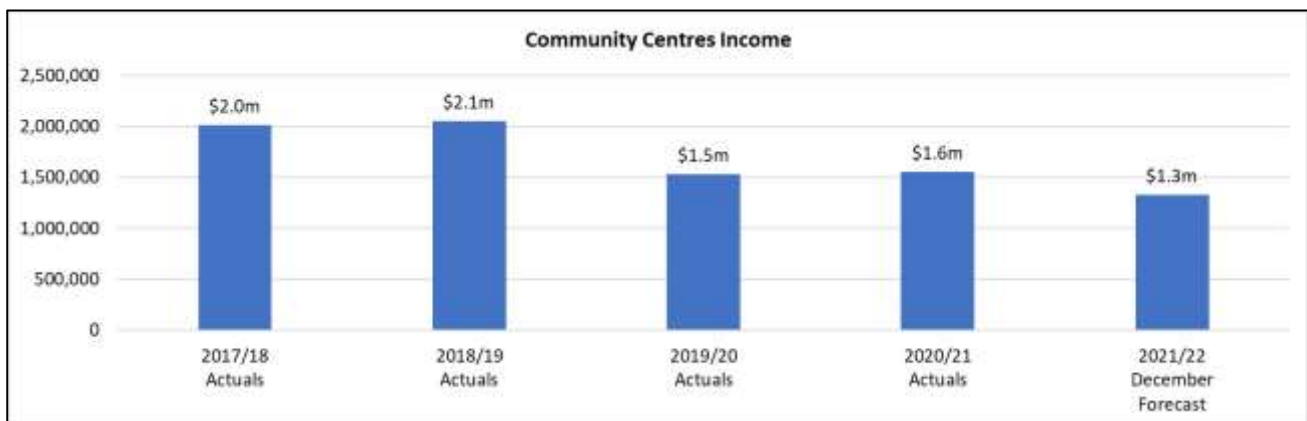
Table 1 Outdoor dining fees waiver extension funding proposal

| Job | Approved budget | Proposed budget | Proposed budget reduction | Comment |
|---|-----------------|-----------------|---------------------------|---|
| Capital expenditure budget changes | | | | |
| CR05084.
Forestville Library | 59,504 | 54,504 | 5,000 | Anticipated funding remaining after installation of duress alarms and CCTV (final stage of project). |
| CR05004.
Playground renewal | 625,000 | 525,000 | 100,000 | Defer JAF Fenwick Playground Seaforth to 2022/23 due to investigation and engagement delays. |
| CR05007.
Planned stormwater renewal | 3,327,257 | 3,277,257 | 50,000 | Defer the Garden Street Narrabeen headwall upgrade due to procurement delays. |
| Total capital expenditure reductions | | | 155,000 | |
| Operating budget changes | | | | |
| Community events grants and sponsorships | 175,000 | 125,000 | 50,000 | Reduce budget due to postponed community events now anticipated to be funded in 2022/23 |
| Place and economic development | 289,000 | 264,000 | 25,000 | Council funded placemaking activities in town centres reduced but offset by NSW Government grant funded activations. |
| Events program | 2,692,644 | 2,577,644 | 115,000 | Lower expenditure to date than forecast as a result of event cancellations due to COVID-19 and weather events (Picnic in the Park (Avalon), International Women's Day markets, World Food Markets (Curl Curl), Christmas and NYE events at Dee Why. |
| Total operational expenditure reductions | | | 190,000 | |
| Total budget reduction | | | 345,000 | |

With the exception of Forestville Library which is complete, projects and programs have been selected because there has been procurement, COVID-19, weather-related or engagement delays that mean they won't be fully delivered in the current financial year regardless of whether they are included in this recommendation.

Utilisation of Community Centres

Prior to the COVID-19 pandemic, community centre hire generated over \$2 million in income annually. With the opening of newly renovated facilities including Tramshed Arts and Community Centre in 2019, this was forecast to increase. The following graph illustrates income generated in the two years prior to COVID and since this time.



The financial impact of the COVID-19 pandemic on the hire of community centres is forecast to be \$2.7 million by 30 June 2022 (Table 2). Recovery has been slower than expected and an unfavourable re-forecast of this estimate may be required in the next quarterly budget review. As at 28 February 2022, \$0.7 million in income has been generated, which is \$0.4 million lower than forecast.

Table 2. Financial impact of the COVID-19 Pandemic on the utilisation of Community Centres

| | 2019/20 | 2020/21 | 2021/22 | TOTAL |
|---------------------------|----------------|------------------|----------------|------------------|
| Income | 998,683 | 845,888 | 1,023,826 | 2,868,397 |
| Regular hirer fee waivers | 0 | (20,536) | 0 | (20,536) |
| (Less) / plus expenses | (150,000) | 203,558 | (195,210) | (141,652) |
| Net lost income | 848,683 | 1,028,910 | 828,616 | 2,706,209 |

Any further reduction in fees and charges will have a further impact on Council's finances. It is estimated that a fee waiver for all hirers from 1 April to 30 June 2022 could result a in further estimated loss of \$454,000.

Community Centre Hirers

Council provides 104 hireable spaces within 38 community centres for a range of uses such as recreation, sport, creative and community purposes. Bookings consist of either Regular or Casual Hirers. Long term bookings are classified as Regular Hirers and consist of groups or individuals that hire rooms in a community centre over a number of weeks, usually by term, to conduct community, support, recreation or sporting classes or programs.

In response to the Council resolution, the total number of long-term (Regular) hirers cancelling their usual hire from 2019 to 2022 in the community centre portfolio are shown below:

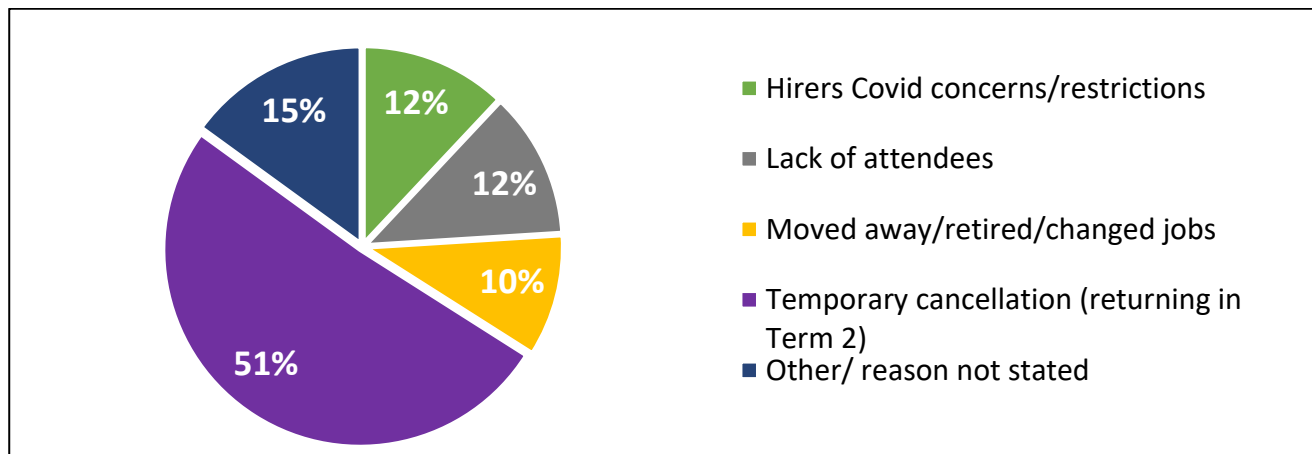
Table 3: Number of Regular Hirers of spaces at community centres - 2019 to 2022

| YEAR | 2019 | 2020 | 2021 | 2022 |
|-----------------------------|------|------|------|------|
| Total regular hirers | 483 | 472 | 462 | 450 |

Whilst this is a total per calendar year, it should be noted that typically regular hirers change year on year, with many cancelled Regular Hirers replaced by new hirers in a usual year. Between 2019 and 2022 regular hirers have reduced in total by 6%.

To assist in future promotion and planning, Regular Hirers have been asked for a reason for their cancellation. This data, shown below, indicates that COVID concerns or lack of attendees is the reason for 24% of Regular Hirer cancellations. It should be noted that the majority of cancellations in 2022 (51%) have cancelled temporarily and made bookings from the end of April, to commence at the start of Term 2. This will increase the number of Regular Hirers to 467, a reduction of 3% from 2019.

Diagram 2: Cancellation reasons for Regular Hirers - 2022



Further analysis has identified that the majority (76%) of groups that have cancelled or postponed in 2022 are small in attendee numbers, all with under 30 participants per booking, that rely on near capacity attendees. Medium size groups account for 9% of hirers (30 to 100+ attendees) and religious and seniors groups that are larger, with over 150 attendees, make up 15% of groups. These larger groups hire for longer periods and all plan to return in Term 2.

Community Centre Fees & Charges

Fees for community centres are set at affordable rates to provide access for our community, with each centre and room within each centre categorised from A to F based on size, quality and location. Community centre fees are benchmarked each year against comparable offerings, including other Councils, Clubs and halls for hire. In comparison, Council fees continue to be affordable in all categories.

Fee discounts are also included in the adopted Fees and Charges to support not-for-profit organisations and other organisations that are providing a service at a very low cost to participants. The two fee discounts that are applied to community centre hirers are:

- **Discount for not-for-profit organisations and groups** (Not-for-Profit rate) - 35%
Deduction off Hire Fee

Definition: Not-for-profit incorporated organisations and unincorporated not-for-profit associations and interest groups who do not charge a fee and provide a community benefit from the activity. This fee is not for individuals who are charging for an activity or program (refer to Hire Fee for private hire).

- **Discount for seniors/disability/support groups** (Concession rate) - application and approval process per hire - 70% deduction off Hire Fee

Definition: Non-profit groups who have no or limited capacity to raise funds to pay for hire fees and are operating for the benefit of the wider community in terms of health and welfare. This category could also include a hirer who is conducting an activity for a health/welfare benefit, limited class numbers and charging minimal fees to those attendees who may have limited capacity to pay, e.g., frail aged seniors, people with debilitating health conditions. Application and approval process required.

Community centre fees and charges were harmonised in 2018/19, with particular emphasis on reducing not-for-profit and concession fees, as noted in some examples below.

The below tables compare the 2017/18 Hourly Fees to current 2021/22 Hourly Fees.

| Centre | Room | Category | Fee Type | 2017/18 Fee | 2021/22 Fee | Percentage Change (17/18 - 21/22) |
|--------------------------|-----------------|----------|----------------|-------------|----------------|-----------------------------------|
| Avalon Recreation Centre | Main Hall | A1 | Hire Fee: | \$59.40 | \$58.00 | -2.36% |
| | | | Not for Profit | \$44.55 | \$37.40 | -16.05% |
| | | | Concession: | \$29.70 | \$17.20 | -42.09% |
| | Activity Room 2 | C | Hire Fee: | \$39.10 | \$36.70 | -6.14% |
| | | | Not for Profit | \$29.35 | \$23.90 | -18.57% |
| | | | Concession: | \$19.55 | \$11.00 | -43.73% |

| Centre | Room | Category | Fee Type | 2017/18 Fee | 2021/22 Fee | Percentage Change (17/18 - 21/22) |
|---|-----------|----------|-------------|-------------|----------------|-----------------------------------|
| North Narrabeen Community and Tennis Centre | Main Hall | C | Hire Fee: | \$36.50 | \$36.70 | 0.55% |
| | | | NFP: | \$27.40 | \$23.90 | -12.77% |
| | | | Concession: | \$18.25 | \$11.00 | -39.73% |

| Centre | Room | Category | Fee Type | 2017/18 Fee | 2021/22 Fee | Percentage Change (17/18 - 21/22) |
|------------------------------|--------------------|----------|----------------|-------------|----------------|-----------------------------------|
| Forest Community Arts Centre | Classrooms /Studio | F1 | Hire Fee: | \$18.50 | \$20.90 | 12.97% |
| | | | Not for Profit | \$13.00 | \$13.60 | 4.62% |
| | | | Concession: | \$9.50 | \$6.30 | -33.68% |

| Centre | Room | Category | Fee Type | 2017/18 Fee | 2021/22 Fee | Percentage Change (17/18 - 21/22) |
|--------------------------------|-----------|----------|----------------|-------------|----------------|-----------------------------------|
| Manly Youth & Community Centre | Main Hall | B | Hire Fee: | \$65.00 | \$41.90 | -35.54% |
| | | | Not for Profit | \$39.00 | \$27.20 | -30.26% |
| | | | Concession: | \$26.00 | \$8.80 | -66.15% |

| Centre | Room | Category | Fee Type | 2017/18 Fee | 2021/22 Fee | Percentage Change (17/18 - 21/22) |
|-----------------------------|-----------|----------|----------------|-------------|----------------|-----------------------------------|
| Narraweena Community Centre | Main Hall | D | Hire Fee: | \$29.00 | \$29.30 | 1.03% |
| | | | Not for Profit | \$18.50 | \$19.10 | 3.24% |
| | | | Concession: | \$10.50 | \$8.80 | -16.19% |

Fee Reductions or Waivers

After the first lock-down from March to June 2020 Council granted a full fee waiver from 13 June to 31 July 2020 for all hirers that wished to return to the centres. This was determined as the restrictions on number of attendees and types of activities restricted many hirers from returning to pre-lockdown class numbers, which affected their ability to raise sufficient income.

Fee relief was not offered in the second re-opening of the centres after the June to October 2021 lockdown as there were less onerous restrictions on attendee numbers and the types of activities under the NSW Health Orders, with many hirers allowed to return to pre-pandemic activities and class size. As of 25 February 2022, there are no restrictions on activities or class sizes in community centres.

As per the adopted Fees and Charges (2021/22), there is a provision for the reduction or waiving of fees in specific circumstances. Each case for waiving or reducing a fee must be clearly established and documented to be considered for approval by the Chief Executive Officer. The criteria is:

- Fee reduction for exceptional circumstances, where the fee is considered unreasonable or inappropriate, up to 100% of the fee
- Fee reduction for financial hardship, up to 100% of the fee
- One-off venue hire for event that delivers broad community benefit, up to 100% of the fee
- Provision of services to one-off event that delivers broad community benefit, up to 100% of the fee.

TIMING

Should Council proceed with the changes recommended in this report, this will be incorporated into the next Quarterly Budget Review Statement for the March 2022 quarter.

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

Should Council proceed with these changes this will result in the following changes to the 2021/22 forecast budget:

- a reduction in the capital expenditure budget in 2021/22 by \$155,000, from \$114.1 million to \$113.9 million; and
- an increase in the operating deficit by a further \$155,000, from \$6.7 million to \$6.9 million, being the cost of the fee waiver less the reduction in the operating budget outlined above in Table 1.

Should Council determine to waive fees and charges in community centres in 2021/22 a further impact on Council's finances will occur. A fee waiver from 1 April to 30 June 2022 will result in the following change to the 2021/22 forecast budget:

- an increase in the operating deficit by a further \$454,000.

This would need to be offset by other budget reductions to retain Council's balanced budget position.

SOCIAL CONSIDERATIONS

Council is accountable to the community for the delivery of the Community Strategic Plan. The proposed budget changes in this report will not impact the Council's overall delivery of these projects.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts to consider in the changes proposed to the budget.

GOVERNANCE AND RISK CONSIDERATIONS

There are no changed governance or risk impacts relating to the proposed amendments to the budget.

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

| | |
|-------------------|--|
| ITEM 10.1 | PUBLIC EXHIBITION OF PROPOSAL TO RE-ESTABLISH
MANLY ALCOHOL FREE ZONE AND OTHER BOUNDARY
REVISIONS |
| REPORTING MANAGER | EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE |
| TRIM FILE REF | 2022/024179 |
| ATTACHMENTS | <ol style="list-style-type: none">1 ⇒ Re-establishment of Manly AFZ and requests for
amendments (Included In Attachments Booklet)2 ⇒ Correspondence from Northern Beaches Police Area
Command (Included In Attachments Booklet) |

SUMMARY

PURPOSE

To seek Council approval to publicly exhibit the proposals to re-establish existing Alcohol-Free Zones (AFZs) in Manly that are due to expire in July and September 2022; and establish AFZs in various locations in Belrose, Freshwater and Narrabeen which are in the vicinity of existing AFZs.

EXECUTIVE SUMMARY

To support the Police and Council rangers in the management of alcohol related antisocial behaviour, Council has declared a number of public roads, footpaths and car parks throughout the Local Government Area as Alcohol Free Zones (AFZs). As per the *Ministerial Guidelines on Alcohol-Free Zones 2009* (Ministerial Guidelines), 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 seven days a week, twenty-four hours a day in that zone for a period of up to four years. Under the Local Government Act 1993, AFZs are able to be reviewed and re-established following consultation with Police and the community.

This report seeks to publicly exhibit a proposal to re-establish existing AFZs in Manly (due to expire on 6 July 2022) and the area surrounding Manly Oval (due to expire 6 September 2022) for a period of four years. This report also proposes to publicly exhibit the establishment of AFZs in locations which are in the vicinity of existing AFZs in Belrose, Freshwater and Narrabeen in response to requests received from the community during AFZ reviews in 2021. It is proposed that the duration of these AFZs align with the expiry of the AFZs already established in the vicinity of these locations. Those proposals have been assessed as meeting the required criteria and must be publicly exhibited to seek community feedback before they can be established as an AFZ.

Maps depicting where the proposed AFZs would be re-established or established and evidence to support Council's decision making are shown in Attachment 1.

Consultation has occurred with Northern Beaches Police Area Command in relation to these proposals. Formal advice from the Police (Attachment 2) indicates that the NSW Police Force supports the continuation of the existing AFZs and has no objection to the proposed expansion of AFZs in other locations.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

1. 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 in Manly for the period of 1 July 2022 to 30 June 2026.
 2. 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 establishment of Alcohol-Free Zones in Belrose, Freshwater and Narrabeen at the locations shown in Maps 2, 3 and 4 in Attachment 1 to the report for this item for a period that aligns with the respective expiry dates for each of the existing adjacent AFZs.
-

REPORT

BACKGROUND

The process for the establishment and re-establishment of Alcohol Free Zones (AFZs) is detailed in Sections 644, 644A, 644B, 644C and 646 of the Local Government Act 1993, and the associated Ministerial Guidelines on Alcohol Free Zones 2009 ((Ministerial Guidelines). AFZs enable Council to help manage the consumption of alcohol in public spaces and renewal requires community consultation under the Ministerial Guidelines, inviting representations or comments within 30 days.

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 seven days a week, twenty-four hours a day in that zone.

AFZs can only be established for public roads and parts of public roads (e.g., footpaths) and public 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 1993.

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 (Section 660 Local Government Act 1993 and Ministerial).

Through the engagement undertaken in the development of the Northern Beaches Community Safety Plan and Better Together Social Sustainability Strategy, the community has identified a reduction in alcohol related anti-social 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.

Item 1: Re-establishment of Manly AFZ

There are existing AFZs located in Manly that are due to expire in July and September 2022, as follows:

1. The area bounded by and including North Steyne and South Steyne, Ashburner Street, East and West Esplanade, Eustace Street, Pittwater Road and Steinton Street.
2. The area comprising Raglan Street, Park Ave and Sydney Road to Belgrave Road (surrounding Manly Oval and Ivanhoe Park).

The Northern Beaches Police Area Command has provided written support (Attachment 2) for the re-establishment of the currently declared AFZ areas.

Council has assessed this location as meeting the Ministerial Guidelines, particularly in terms of the significant level of alcohol related antisocial behaviour in areas adjoining licensed premises, and the impact this behaviour is reported to have on the community. A summary of supporting advice to assist Council's decision making is also attached in Attachment 1 (Item 1).

It is recommended that the existing zones be re-established as a single Manly AFZ for a period of four years, from 1 July 2022 to 30 June 2026.

Item 2: Proposals to amend various AFZ boundaries and establish new AFZ

During the process of reviewing and re-establishing all other AFZs across the LGA in 2021, several requests were received from the community for various amendments to AFZ boundaries. These requests have now been considered by Council staff and Police and assessed in terms of the Ministerial Guidelines (summary and maps at Attachment 1, Item 2). Those proposals which have been assessed as meeting the required criteria are listed below and they must be publicly exhibited to seek community feedback before they can be established as an AFZ.

- Belrose - The area comprising the streets surrounding Wingara Reserve (Pindrie Place, Wingara Gr through Haigh St down Coora Ave, Marina Pl and Lowanna St)
- Freshwater – The area from Charles St through to Evans St and down to the junction of Lumsdaine Drive
- Narrabeen - Wellington St carpark.

Each of these locations meet the requirements of the Ministerial Guidelines in that:

- there is supporting evidence that community safety is compromised in each location
- they are adjacent to licensed premises
- they are known locations for alcohol related antisocial behaviour
- the proposals represent the view of numerous community members.

Northern Beaches Police Area Command advise that they do not oppose the proposed expansion of the AFZs in these locations (Attachment 2).

Item 3: Unsupported requests for establishment of new AFZ

During the process of re-establishing all other AFZs across the LGA in 2021, two requests were received from the community for the establishment of new AFZs at Paradise Beach and Marine Parade, Avalon. These requests have been assessed and were unable to be supported with sufficient merit under the Ministerial Guidelines. These matters are detailed at Attachment 1 (Item 3).

Item 4: Unsupported requests received for amendment to existing AFZ boundaries

A number of further requests received from the community for amendment to existing AFZ boundaries were considered and assessed as not able to be supported under the Ministerial Guidelines. As such, it is recommended that these requests, detailed in Attachment 1 (Item 4), are not progressed to public exhibition. These requests relate to locations in Avalon, Church Point, Collaroy, Dee Why, Freshwater, Mona Vale, Newport, Newport Residential and Palm Beach.

It should be noted that although the locations at Item 3 and 4 are not supported as AFZs, community advice has been forwarded to Police and will inform patrols.

CONSULTATION

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

- Publishing a notice in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the zone concerned, 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 in Manly expire on 6 July and 6 September 2022.

If Council resolves to proceed as recommended in 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, inviting representations or comments within 30 days. 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 Outcome 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 before Council for endorsement) outcomes of:

- Safe People
- Safe Places

This report relates to the adopted Community Safety Plan 2021-2026 action:

- 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 Northern Beaches Community Safety Plan and 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

The establishment of AFZs are governed by sections 660, 644, 644A, 644B, 644C, 646 of the Local Government Act 1993 and the Ministerial Guidelines.

Community safety is identified as a strategic risk to the Northern Beaches. The Community Safety Plan contains actions that will address identified community safety and crime prevention priorities of the community, mitigating the strategic risks posed. An action to conduct a full review of alcohol restricted zoning is included for Year 1 of the Plan and this proposal forms an integral part of implementing that action.

| | |
|--------------------------|---|
| ITEM 10.2 | REVIEW OF PUBLIC ART SELECTION PROCESS AND PANEL TERMS OF REFERENCE |
| REPORTING MANAGER | EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE |
| TRIM FILE REF | 2022/061409 |
| ATTACHMENTS | 1 Public Art Selection Panel - Terms of Reference - Amended March 2022 |

SUMMARY

PURPOSE

To report on the outcomes of a review of Council's public art commissioning process and Public Art Selection Panel Terms of Reference.

EXECUTIVE SUMMARY

Each year Council undertakes a range of public art projects as part of the implementation of the Arts and Creativity Strategy and Coast Walk Public Art Strategic Plan, which includes a commitment to spending \$2 million on public art for the Northern Beaches Coast Walk. To facilitate this, in May 2019, Council adopted key documents to guide the commissioning of public art including policy, guidelines and terms of reference.

As part of due diligence at the end of the last term of Council, a review was undertaken of Council's processes in late 2021. Feedback received from artists, the Public Art Working Group and Public Art Selection Panel revealed that there was opportunity to streamline and create efficiencies in Council's processes.

These efficiencies can be achieved by combining the Public Art Working Group and Public Art Selection Panel in to one Public Art Selection Panel that has a remit for the procurement and acquisition of projects over \$250,000. Amendments to the Public Art Selection Panel Terms of Reference (Attachment 1) reflect the recommended changes.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

1. Note the outcome of the review of Council's public art commissioning process and the Public Art Selection Panel Terms of Reference.
 2. Combine the Public Art Working Group and Public Art Selection Panel into one Public Art Selection Panel.
 3. Adopt the amended Public Art Selection Panel Terms of Reference.
 4. Determine not to exercise the option to extend the Public Art Artist Panel contracts past May 2022.
-

REPORT

BACKGROUND

The objectives of the Northern Beaches Public Art program are:

- To enliven the Northern Beaches with works of public art that will contribute and enhance the character and design of memorable public places
- To 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
- To deliver a distinctive program of permanent and temporary art initiatives to create a cultural connection for the Northern Beaches community.

In May 2019, Council adopted key documents to guide the commissioning of public art including:

- Northern Beaches Council Public Art Policy
- Northern Beaches Council Public Art Guidelines
- Northern Beaches Cultural Collection Management and Gifts Policy
- Public Art Selection Panel Terms of Reference

As part of its process, Council endorsed the recommendation to establish a Public Art Working Group including community and elected members; a Public Art Selection Panel of external experts; and the establishment of a panel of pre-screened public artists that could apply for projects.

Public Art Working Group

To assist with the implementation of the Public Art Policy and the Coast Walk Public Art Strategic Plan, Council established a Public Art Working Group (the Working Group), consisting of up to nine representatives from the local community and three elected Councillors, to provide informed advice on matters relating to the proposed commissioning and acquisition of permanent public art for the Northern Beaches.

Since its establishment in 2019, the Working Group has assisted Council in setting priorities for public art commissions, providing feedback on artist briefs and the location of art commissions and how best to engage with the community on public art matters. It has not involved in the assessment and selection of public art.

Public Art Selection Panel

In alignment with the Northern Beaches Public Art Policy and Guidelines and to ensure a robust procurement process, advice on the selection of permanent public artwork has been provided by an expert Public Art Selection Panel. The purpose of the Public Art Selection Panel (the Panel) is to provide independent advice to Northern Beaches Council on the procurement and acquisition of permanent public art for the Northern Beaches, as required by Council's Public Art Policy.

Panel members are appointed by the Chief Executive Officer for a three-year term and comprise independent, curatorial professionals. The Public Art Selection Panel recommendations are reported to Council for consideration and endorsement on a project-by-project basis.

In accordance with the current Terms of Reference, membership of the Public Art Selection Panel comprises up to five members comprising of up to four community representatives with

professional expertise and extensive experience in the selection and commissioning of public art; the visual arts; architectural, urban and landscape design or Aboriginal cultural heritage and the Executive Manager Community, Arts & Culture, or delegate. The four public art experts are paid for their expertise, in line with best practice public art procurement.

The current Public Art Selection Panel, appointed in April 2020, comprises:

- Steven Alderton, Director and CEO, National Art School
- Clothilde Bullen, Senior Curator, Aboriginal and Torres Strait Islander Collections and Exhibitions, Museum of Contemporary Art
- Tony Geddes, Independent Consultant, Arts Administration, Project Management and Cultural Planning
- Annie Tennant, Director, Design and Place, NSW Department of Planning, Industry and Environment
- Kylie Walshe, Executive Manager Community, Arts & Culture, Northern Beaches Council, or her representative

As detailed above, the procurement and acquisition of public art has been supported by the Public Art Working Group and the Public Art Selection Panel. Since the adoption of the current process, Council has recruited a Public Art Coordinator who supports and resources the two groups.

Public Art Artist Panel

In December 2019, Council endorsed a Public Art Artist Panel. The Panel includes 27 artists and collectives who may be contracted to deliver a range of public art for Council projects, with artists selected from the Panel to provide quotations on public art commissions on a project-by-project basis.

The Public Art Artist Panel was originally convened in order to streamline procurement for a selected number of pre-approved artists. However, limited marketing of the opportunity at the time, and the length and complexity of the procurement process to join the Panel, resulted in a list of artists who vary in experience and expertise. While the Panel has been used to source artists for a couple of projects over the past 18 months, its functionality over the past 18 months does not warrant its continuation.

The contract with the Panel members were signed for a period of two years, ceasing in May 2022. It is not recommended to exercise the option to extend the Public Art Artist Panel beyond this time.

Review of Public Art Selection Process

Prior to the end of the Council term, a review of the public art commissioning process was undertaken, including the role of the Working Group and Selection Panel. This process included:

- A review of the National Association for the Visual Arts' draft guidelines for Best Practice Commissioning Art in Public Space.
- Conversations with colleagues in other Councils, including City of Sydney, North Sydney, Randwick and City of Melbourne. All interviewed Councils have some form of public art panel or group, but none have two advisory groups working on public art.
- Feedback from the existing members of the Public Art Selection Panel and Public Art Working Group and other stakeholders, gathered through short surveys and meeting discussions.

Summarised comments from the Public Art Selection Panel include:

- The process is very well run, with good amount of time to assess applications and the governance of the process is very well considered.
- Community engagement via the Local Aboriginal Cultural Advisors was effective for the Aboriginal Art & Story Telling project.
- The process achieves a good balance between the competing pressures of artistic/aesthetic/cultural priorities and the legal/technical/bureaucratic requirements of Council.
- Importantly, the process ensures that professional, visual arts specialists play a crucial role in the selection of public art projects for Council.

Summarised comments from the Public Art Working Group include:

- Working Group members have considerable experience and knowledge, and have laid the groundwork for the Coast Walk Public Art Program
- Concerns regarding extended delivery timelines
- Process is cumbersome, too complex and should be streamlined
- Consider reducing the number of Working Groups and Panels involved in the process, for example, the Public Art Working Group could make decisions on procurement and be combined with the Selection Panel.

During the review, Council received consistent feedback indicating that Council's selection process for public art is too lengthy and complex and should be streamlined to be more in-line with current best practice public art commissioning.

The following recommendations have taken this on board and have been developed from staff experience working with Council's commissioning process, along with research and stakeholder feedback:

- Combine the Public Art Working Group and Public Art Selection Panel into one Public Art Selection Panel, which has the remit of selecting public art for major commissions over \$250,000 and making recommendations to Council.
- The new Public Art Selection Panel comprise:
 - Two Council staff members
 - Two external public art experts
 - One Aboriginal-identified member, with expertise in arts and culture
- The existing Terms of Reference for the Public Art Selection Panel are amended to reflect:
 - New Panel membership composition
 - Increased number of annual meetings
 - Increased length of maximum meeting duration
 - Inclusion of expert community advice on a project-to-project basis
- That the option to extend the Public Art Artist Panel not be exercised by Council past its completion date of May 2022.
- Smaller projects (under \$250,000) are managed and selected by an internal panel with one external public art expert.

CONSULTATION

Consultation was undertaken with members of the Public Art Selection Panel, Public Art Working Group and some members of the Public Art Artist Panel in late 2021. The feedback received was used to inform the recommended amendments to the public art commissioning process and the Public Art Selection Panel Terms of Reference.

TIMING

The Public Art Selection Panel Terms of Reference will remain in operation for a period of three years, with an expected review date in March 2025.

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 the amended Public Art Selection Panel Terms of Reference will have no direct financial impact on Council's budget, with the cost of procurement and maintenance of the collections included in the relevant budget areas, and subject to Council's consideration.

SOCIAL CONSIDERATIONS

The amendments to the Public Art Selection Panel Terms of Reference will support the efficient and successful implementation of the Coast Walk Public Art Strategic Plan and the Public Art Policy.

ENVIRONMENTAL CONSIDERATIONS

There are no perceived impacts on the environment associated with the implementation of the Terms of Reference.

GOVERNANCE AND RISK CONSIDERATIONS

The Public Art Selection Panel Terms of Reference provide a robust guidance for the selection of public art with transparency and equity.

Commissioning of public art adheres to the requirements of the Northern Beaches Council Procurement Policy and processes.



Northern Beaches Council Public Art Selection Panel

Terms of Reference

March 2022

1 NAME

Public Art Selection Panel (PASP)

2 PURPOSE

- a) The purpose of the Public Art Selection Panel (the Panel) is to provide independent expert advice to Northern Beaches Council on the procurement of permanent public art for the Northern Beaches, as required by Council's Public Art Policy, with a value of over \$250,000.
- b) The principal objective of the Panel is to assist Council in implementing the vision and goals of the Arts and Creativity Strategy, the Coast Walk Public Art Strategic Plan and other public art projects initiated by Council.
- c) The Panel will provide advice on the decision-making process to:
 - select artists for site-specific permanent public art projects, in accordance with the Coast Walk Public Art Strategic Plan and its curatorial framework
 - select artists for significant permanent public artworks associated with major capital projects delivered by Northern Beaches Council.

3 MEMBERSHIP

- a) Collectively the Panel will have professional knowledge of Sydney's creative sector, an informed view of the Northern Beaches and an understanding of the place-making potential of public art for the Northern Beaches.
- b) Membership of the Panel comprises up to five members representing the following:
 - Two representatives with professional expertise and extensive experience in the selection and commissioning of public art; the visual arts; architectural, urban and design
 - One Aboriginal-identified member, with expertise in art and culture
 - Two Council staff members
- c) The primary responsibility of the Panel is to provide independent, expert advice to Council. All members of the Panel have an obligation to:
 - Review commissioning and acquisition documentation, artist submissions and make recommendations to Council regarding the specific artistic projects, as requested
 - Attend all meetings scheduled for the Panel
 - Share knowledge, encourage discussion and actively participate in Panel deliberations
 - Communicate and seek feedback from each other to achieve consensus on recommendations, and where consensus is not possible for any reason, respect the Panel's majority decision regarding advice provided to Council
 - Respect the values of the communities that may be affected by Panel advice

- Treat fellow Panel members and Council staff professionally and act in good faith
- Maintain confidentiality as appropriate and as required
- Serve independently with the ability to give impartial advice without financial interest and without representing the specific interests of specific groups or individuals
- Demonstrate a robust approach to actual or perceived conflicts of interest and provide relevant updates as required.

4 ELIGIBILITY

- a) Councillors are not eligible to nominate for membership on the Panel. Community appointments will be determined and endorsed by the CEO.
- b) Panel members must possess relevant skills and expertise.
- c) Community representatives must possess relevant expertise in arts and culture.
- d) Should a representative vacancy occur during the terms of appointment, a new representative will be determined and endorsed by the CEO.
- e) Members must meet the requirements of clauses 3.5 and 3.6 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

5 TERM

- a) Panel members are appointed for a limited term of three (3) years. In addition, Northern Beaches Council will from time to time recruit new members to replace members who resign during their three-year term.
- b) If there is a change to the Term, Council will provide a minimum of thirty days' notice to affected Committee members.
- c) Northern Beaches Council retains the right to nominate or make ex officio appointments to ensure the requisite skills and expertise are present on the Panel.

6 SUPPORT

- a) Council will provide necessary resources to the Panel. This will include the venue and administrative support such as facilitating and running the meeting, preparation and distribution of the notice of meeting, agenda and the recording of the minutes.
- b) The Community, Arts & Culture Business Unit is responsible for managing the Panel and will be the main point of contact for members on Panel related matters. Specialist staff will be available to provide expertise, if required.
- c) Council will arrange for specialist advice, on a project basis, to assist the Panel in making recommendations to Council.

7 MEETING SCHEDULE

- a) The Panel will meet up to six (6) times throughout the year.
- b) A meeting will be limited to a maximum of three (3) hours duration unless the Panel resolves to extend the meeting to a particular time or until the completion of

business.

- c) The schedule of meeting dates and venues will be provided to the members in advance and an agenda will be provided at least 7 days prior to meeting.

8 MEETING PRACTICES AND PROCEDURES

- a) The meetings will be Chaired by a nominated Council staff member.
- b) All members are expected to attend the meetings, or otherwise tender their apologies to either the Chair or Panel liaison officer.
- c) no member should be absent for more than two (2) consecutive meetings without first seeking and being granted leave by the Chair. Without being granted such leave in these circumstances, the person's membership will be re-evaluated.
- d) The quorum for each meeting will be three members.
- e) If a quorum is not present within 30 minutes within the commencement time of the meeting, the meeting shall become an informal meeting with no recommendations or decisions made.
- f) Agenda items, time and venue will be provided to the members in an agenda at least seven (7) days prior to the meeting.
- g) The Panel should have the intention of reaching consensus when endorsing items and recommendations.

9 NORTHERN BEACHES CODE OF CONDUCT FOR GROUPS AND COMMITTEES

- a) All members are required to observe the adopted Northern Beaches Code of Conduct and any other policy or requirement applicable to the proper functioning of the Panel.
- b) Members shall act in a professional and responsible manner with the information they obtain.
- c) Members must respect each other (often despite differences) and work together to create an open and trusting atmosphere. The Panel requires openness and honesty in order to function well and members should feel free to express their opinions and views without fear of recrimination.
- d) A breach of the Terms of Reference may lead to the member being removed from the Panel by the Chair.
- e) Members of the Panel do not have the authority to make representations to the media on Council or the Committee's behalf. In accordance with Council's Media Policy, the Mayor is the only person permitted to speak to the media on behalf of the Council and the Panel.
- f) Conflicts of Interest: Council recognises that community representatives join such Groups and Committees because of special interests they may have, and Council welcomes their expertise. Nevertheless, it is important that Council understands the basis of advice it receives from the Groups, so members will be requested to declare any organisation they may represent. Disclosures of Conflicts of Interest, particularly pecuniary interests need to be made by members of the Panel and recorded in the minutes in accordance with section 442 and 443 Local Government Act 1993.

- g) **Confidentiality and Privacy:** Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

10 COUNCIL VALUES

All members of the Panel and all meeting attendees are expected to observe Northern Beaches Council Values outlined below:

- **Trust:** Because being open brings out our best.
- **Integrity:** Because we are proud to doing what we say.
- **Teamwork:** Because working together delivers.
- **Service:** Because we care as custodians for the community.
- **Respect:** Because valuing everyone is how we make
- **Leadership:** Everyone has a leading role

11 NEXT REVIEW DATE:

The Terms of Reference will be reviewed prior to the establishment of a new Panel. Amendments to this Terms of Reference may only be determined by Council.

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|--------------------------|--|
| ITEM 10.3 | COMMUNITY SAFETY ADVISORY COMMITTEE |
| REPORTING MANAGER | EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE |
| TRIM FILE REF | 2022/113042 |
| ATTACHMENTS | 1 ⇒Current Terms of Reference - Community Safety Committee (Included In Attachments Booklet)
2 ⇒Draft Terms of Reference - Community Safety Advisory Committee - March 2022 (Included In Attachments Booklet) |

SUMMARY

PURPOSE

To amend the Terms of Reference for Council's Community Safety Committee and rename the Committee to the Community Safety Advisory Committee.

EXECUTIVE SUMMARY

The Community Safety Committee was established in 2018 with a view to addressing strategic, operational and partnership needs across the Northern Beaches. The Committee met bi-monthly and by 2021 had a membership of up to 29 members which included Councillors, Ministers of Parliament and community stakeholders. Up to five Council staff also attended each meeting. The existing Terms of Reference are Attachment 1.

An End of Term Review of the Community Safety Committee was conducted in December 2021. This identified that the Committee was not meeting the expectations of members, with the broad focus on health and wellbeing taking away from focusing on crime prevention and community safety issues.

There has also been changes in Council's broader strategic environment which impact the future operation of the Committee including the:

- Establishment of regular bi-monthly Police Council Operational meetings
- Development of the Better Together Social Sustainability Strategy and Leadership Advisory Group
- Development and adoption of Council's Community Safety Plan.

As a result, revised Committee Terms of Reference (Attachment 2) are proposed to accurately highlight its strategic advisory purpose and to delineate it from other Council and interagency forums. These amendments also address issues raised in the End of Term survey of Committee members.

It is proposed to rename the Committee as the Community Safety Advisory Committee with a reduced membership to represent Council, the Local Area Command, the community and peak bodies or networks that are major stakeholders in the implementation of Council's Community Safety Plan.

It is also proposed that Community Safety Advisory Committee meetings be held twice a year in line with the strategic purpose of the Committee.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

1. Adopt the draft Community Safety Advisory Committee Terms of Reference, March 2022.
 2. Determine Councillor representation on the Community Safety Advisory Committee as per the draft Terms of Reference, to include the Mayor (Chair) and 4 Councillors, up to 1 per Ward.
-

REPORT

BACKGROUND

The Community Safety Committee was established in 2018 with a view to addressing strategic, operational and partnership needs across the Northern Beaches. It was modelled on the former Manly Council Community Safety Committee which worked collaboratively to develop and implement solutions to crime and community safety issues, mainly in the Manly CBD. The Committee met bi-monthly and by 2021 had grown with a membership of up to 29 members including Councillors and stakeholders plus additional Council staff (existing Terms of Reference at Attachment 1).

An End of Term Review of the Community Safety Committee conducted in December with a survey of the Community Safety Committee members identified that revisions to the Terms of Reference would improve processes and outcomes. It was noted that:

- the Committee purpose and areas of focus are out of alignment with Committee member expectations to address operational and individual local issues
- at times the presence of Members of Parliament resulted in diversions from the agenda to individual politicised agendas which affected the Committee process
- the Committee considered issues across a wide range of health and wellbeing portfolios which limited focused collaboration by the Committee on community safety.

There have also been changes in Council's broader strategic environment which impact the future operation of the Committee, including:

- a bi-monthly Police/Council Operational Meeting has been established to ensure that localised operational matters are discussed and addressed in detail by appropriate Police and Council personnel in a timely fashion. Council has other operational mechanisms for the community, such as Customer Service online and support of the Community Safety Coordinator, to raise and address operational crime prevention and community safety issues
- the development of the *Better Together* Social Sustainability Strategy and formation of the *Better Together Leadership and Advisory Group* have placed a strategic layer over the Community Safety Committee which in part duplicates its key activities and stakeholders with a focus on safety, inclusion, and connections. This group will facilitate information flow between that forum, the Community Safety Committee and Police Council Operational meetings
- the development and adoption of Council's *Community Safety Plan* has provided a framework for community safety priority actions to 2026 after two years of extensive research, community engagement and analysis. This is now being implemented by staff, in partnership with key community stakeholders.

In light of the End of Term Review, it is proposed that amendments be made to the Committee Terms of Reference in order to align the Committee with Council's evolving strategic framework and optimise its outcomes. In summary, the recommended amendments include:

- the Committee be renamed *Community Safety Advisory Committee* to highlight its strategic advisory purpose more accurately.
- the Committee Purpose and Objectives be amended to clarify and strengthen its community safety focus and advisory function and to delineate it from other Council and interagency forums.

- membership be reduced and refined to increase relevance to the group's purpose, to optimise focus on issues within Council's remit, and to increase the capacity of members to contribute to discussion.

It is proposed that the group consist of a Councillor and community representative from each Ward, along with representatives of key stakeholder groups relevant to the implementation of Council's community safety priorities.

Other stakeholders may be invited to attend as required for discussion regarding particular agenda items.

- Committee meetings be reduced to twice a year in line with the strategic purpose of the Committee.

Attention to community safety issues will be comprehensive with information flow between the quarterly Better Together Leadership and Advisory Group, bi-monthly Police/Council Operational Meetings and the bi-annual Community Safety Advisory Committee.

The proposed revised Terms of Reference are Attachment 2.

CONSULTATION

The recommendations of this report are based on consultation with:

- members of the Community Safety Committee
- Commander, Northern Beaches Police Area Command
- internal engagement with the Social Planning and Services Team, to identify management of overlap with the *Better Together Leadership Advisory Group*

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and Belonging - Goal 11: Our community feels safe and supported.

This report relates to the Better Together 2040 Social Sustainability Strategic Direction of:

- A Safe Community

This report relates to the Community Safety Plan Priority Areas of:

- Safe Places
- Safe People

FINANCIAL CONSIDERATIONS

The costs associated with supporting this Committee is provided for within current operational budgets.

SOCIAL CONSIDERATIONS

Council recognises the importance of community engagement and participation processes as per Council's Community Engagement Policy. Effective engagement is key to the Northern Beaches Council commitment to our community and underpins good business practice and sound governance. The Community Safety Advisory Committee is anticipated to play a positive role in advancing community safety and addressing relevant social issues.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations.

GOVERNANCE AND RISK CONSIDERATIONS

Community safety is identified as a strategic risk to the Northern Beaches. The Community Safety Advisory Committee will support the implementation of the Community Safety Plan actions that address community safety and crime prevention priorities of the community, mitigating the strategic risks posed.

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

| | |
|-------------------|--|
| ITEM 11.1 | RESPONSE TO NOTICE OF MOTION 46/2021 - SAVE THE KOALAS |
| REPORTING MANAGER | EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE |
| TRIM FILE REF | 2021/890861 |
| ATTACHMENTS | NIL |

SUMMARY

PURPOSE

To provide the information requested by Council at its Ordinary Meeting on 23 November 2021 in relation to Notice of Motion 46/2101 – Save the Koalas.

EXECUTIVE SUMMARY

Koalas have experienced a major decline and are threatened with extinction. The species has recently been upgraded to 'endangered' by the Commonwealth government. They are extinct from the Barrenjoey Peninsula but still occur in low numbers in the local National Parks and in adjoining habitats.

The following threats are known to impact upon koala populations:

- Habitat loss and fragmentation resulting from landclearing;
- Climate change – bushfire, heatwaves and drought
- Vehicle strike - death / injury on roads in close proximity to occupied koala habitat
- Dog attack – incidence is reportedly increased where koala populations overlap with peri-urban residential areas
- Disease (i.e. Chlamydia).

There is currently a range of Commonwealth, State and local based planning measures aimed at protecting and minimising impacts to threatened species including koala and their habitats. The Department of Planning, Industry and Environment (DPIE) is the lead authority responsible for enforcing laws that protect native animals, plants, threatened species (including koala) and threatened ecological communities in NSW.

This report lists some of the current actions undertaken by Council to conserve biodiversity, including koala habitat, and identifies potential additional actions for Council's consideration. Council will continue to work in consultation with lead agencies in regards to the conservation of biodiversity, including koala.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council notes the information provided in this report.

REPORT

BACKGROUND

At its Ordinary Meeting on 23 November 2021, following consideration of Notice of Motion 46/2101, Council resolved (346/21):

“That Council:

1. *Notes that since 1990, NSW koala populations have declined by between 20% and 50%, to be in the range of 15,000 to 25,000 remaining. Local extinctions have already occurred, and the species is projected to become extinct in the wild in NSW within 30 years. Urgent action is needed to ensure future generations can see this iconic species in the wild.*
2. *Prepare a report on:*
 - A. *The status of koalas and koala habitat in the LGA.*
 - B. *What planning measures are currently in place to protect them.*
 - C. *What further could be done by Council to ensure enhanced protection of koalas and koala habitat in the LGA.”*

This report outlines the information requested in part 2 of the resolution.

The status of koalas and koala habitat in the Northern Beaches local government area

Koalas have since experienced a major decline and are threatened with extinction. Habitat loss is recognised as the biggest threat to koalas and land clearing is listed as a key threatening process for koalas under NSW and Commonwealth environment laws. On 11 February 2022, the Commonwealth Government upgraded the conservation status of koala in NSW and Queensland from Vulnerable to Endangered in recognition of the challenges facing the species.

The distribution of koalas on the Northern Beaches in the 1960s was more or less continuous from Barrenjoey Peninsula through Bayview and Church Point to Ku-ring-gai Chase National Park. Movement of koalas between the National Park and the Peninsula was previously possible, with records of koalas travelling up to 17km, and a record of a population having established on Scotland Island in the 1940s (Smith and Smith 1989).

Koala populations within the Northern Beaches experienced a dramatic decline between the 1970s and 1980s. Prior to the decline, the koala population within the former Pittwater area was documented as the largest in the Sydney area, recorded at 123 individuals. By 1989, it was estimated that the population had declined to just 8 individuals distributed from Newport Heights to Careel Head (Smith and Smith 1989), before further declining to an estimated 6 individuals by 1993 (OEH 2019). In 1998, the koala population occurring on the peninsula between Elanora Heights and Palm Beach was recognised as an ‘endangered population’ due to its numbers having been reduced to such a critical level that is in immediate danger of extinction. Despite this additional protection, no individuals have been recorded from this part of the Northern Beaches since the late 1990s.

Elsewhere within the Northern Beaches local government area (LGA), koalas also experienced a sharp decline during the same period, although recent records (2019-20) of koalas within or adjacent Ku-ring-gai Chase and Garigal National Parks indicate that where suitable habitat is present, koalas are likely to be present in very low densities (pers. comm. NPWS Officer, 20 January 2020).

Potential causes of decline

The NSW Scientific Committee (2019) attributes habitat loss and fragmentation resulting from increased urbanisation as having led to an insufficient representation of preferred food trees for the continuing viability of the population. Historic ecological studies suggest that koalas are compelled to use food trees in residential areas, leading to an increase in the threat of vehicle strikes and dog predation which was documented as the leading cause of mortality. Suburban koala populations such as those in Brisbane are currently subject to the similar threats ([Brisbane City Council website](#)).

A study of koalas in the former Warringah Shire (including former Pittwater LGA) published by Smith & Smith (1989) attributed the likely threats causing koala decline within the LGA as:

- Habitat loss
- Dogs
- Vehicle strike
- Disease (i.e. Chlamydia).

Smith and Smith (1989) noted that one possible reason that koalas may have experienced decline within the adjoining Ku-ring-gai Chase National Park during the same period was extensive bushfires, a threat likely to become worse in the coming decades, as was observed during the recent 2019/20 bushfires elsewhere across NSW.

Although large, forested areas remain on the Northern Beaches, existing threats also remain and along with habitat fragmentation, and a lack of the preferred koala food trees, most areas can no longer support a viable population. Many forested areas that do include the preferred food trees are becoming increasingly fragmented from the low-density koala populations which persist in the larger areas of habitat within and adjoining Ku-ring-gai and Garigal National Parks.

Planning measures currently in place to protect koalas

There are currently a range of Commonwealth, State and local based planning measures aimed at protecting and minimising impacts to threatened species including koalas and their habitats. The following relevant legislation and planning measures include provisions for threatened species:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)
- NSW Biodiversity Conservation Act 2016 (BC Act)
- NSW Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Local Environment Plans (LEPs) and Development Control Plans (DCPs)
- NSW Companion Animals Act 1998

The Department of Planning, Industry and Environment (DPIE) is the lead authority responsible for enforcing laws that protect native animals, plants, threatened species and threatened ecological communities in NSW. Threatened species laws do not provide fail safe protection for threatened species. Rather, the laws set up administrative procedures to guide decision-making where threatened species are concerned.

Chapter 4, Koala Habitat Protection 2021 within State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapter 4 of the Biodiversity and Conservation SEPP requires specific koala assessment reports for developments requiring consent if the size of the land, including any adjoining parcels in the same ownership, is more than 1 hectare. If a development is likely to have an impact on koala habitat, a suitably qualified and experienced person must survey the land to determine whether it contains core koala habitat, and prepare a koala assessment report that assesses the likely and potential impacts of the development on koalas or koala habitat including proposed management of those impacts. DPIE has detailed the criteria that must be considered as part of a Koala Assessment Report which must be lodged with the development application.

Also under Chapter 4 of the Biodiversity and Conservation SEPP, developments must be consistent with the requirements of any approved Comprehensive Koala Plan of Management that applies to the area. There is no legal requirement for councils to create these plans, they remain voluntary. There are currently nine approved comprehensive Koala Plans of Management in NSW, with the only one in the Sydney region in Campbelltown where a significant population is known to occur.

What further could be done by Council to ensure enhanced protection of koalas and koala habitat in the LGA

Council staff continue to work in consultation with lead agencies (NPWS and Environment Energy and Science divisions of NSW DPIE) regarding any observations of koalas outside of the existing populations occupying Ku-ring-gai Chase and Garigal National Parks.

Table 1 below outlines actions currently underway or potential actions for consideration by Council to support and enhance Koalas and their habitat within the Northern Beaches.

Table 1. Current and potential actions by Council to ensure enhanced protection of koalas and koala habitat.

| Action | Status | Comment |
|---|-------------|--|
| <i>Current actions</i> | | |
| Development assessment | Ongoing | Assessment of private development and public activities against relevant legislation and planning controls. |
| Proposed new Northern Beaches Council LEP and DCP 'Biodiversity' controls | In progress | New mapping and controls are in preparation and are intended to include objectives and requirements for conservation of wildlife corridors, core habitats and native vegetation. |
| Declaration of Wildlife Protection Areas under the <i>NSW Companion Animals Act</i> | Ongoing | Council currently has 50 declared Wildlife Protection Areas (WPAs). Dogs are prohibited from some WPAs and in others, dogs must be on a lead and remain on established tracks. Further bushland reserves, especially those adjoining National Park could be considered for future declaration as a WPA if considered important to protect koala habitat. |
| Predator management –

Fox control | Ongoing | Council's fox control program culled 46 foxes in the last financial year. Council will continue to work with lead agencies (NPWS and Local Land Services) in the control of foxes. |

| Action | Status | Comment |
|---|-------------|---|
| Website updates –

Protocol for Koala sightings | In progress | Update Council's website to include clear information for how community members can report koala sightings to Council Officers and NPWS by email or through the 'I Spy Koala' app. |
| Interagency collaboration –

DPIE (NPWS and Environment, Energy and Science)
Crown Lands
Adjoining local governments
Transport for NSW (TfNSW) | Ongoing | Council staff continue to work in consultation with koala experts and ecologists to better inform potential actions (such as surveys) and ensure consistent management between land tenures.

Council continues to pursue opportunities with TfNSW to protect connectivity for biodiversity (including koalas) from the impacts of ongoing and proposed arterial road widening projects within the LGA through wildlife bridges, wildlife fences, and other mitigation and protection measures. |
| Bush Fire Hazard Reduction Certificates | Ongoing | Prior to undertaking Hazard Reduction burns, Council's Bush Fire and Biodiversity Officer identifies forested areas that require consideration of koalas, and assesses the potential impacts in accordance with the Bush Fire Environmental Assessment Code. |
| Provision of koala food resources for Taronga Zoo | Ongoing | Council currently has an existing relationship with Taronga Zoo and is periodically called upon to provide eucalypt leaves from preferred feed tree species, especially Swamp Mahogany. |
| <i>Potential actions for consideration</i> | | |
| Undertake koala survey including application of new technologies | | Investigate opportunities to test new and emerging survey techniques for koala survey within potential koala habitat (e.g. koala sniffer dogs, audio devices and thermal-imagery drone survey).

Access to private land tenure and seasonal survey requirements may influence success of any potential koala surveys. |
| Investigate the preparation of a Comprehensive Koala Plan of Management across LGAs with contiguous potential koala habitat. | | Investigate the preparation of a comprehensive koala plan of management as identified in State Environmental Planning Policy (Biodiversity and Conservation) 2021. A regional or joint plan with adjoining LGAs and land managers is recommended over local plans. |
| Koala food trees –

Targeted 'food tree' replanting | | Include preferred food trees (Grey Gum, Scribbly Gum, Swamp Mahogany) during tree plantings in ecologically appropriate areas. Note that some species such as Swamp Mahogany are routinely planted by Council in suitable natural areas. |

CONSULTATION

Engagement and consultation has been ongoing with key stakeholders such as National Parks & Wildlife Service (NPWS) and the NSW Department of Environment, Energy and Science (ESS). Council staff will continue to consult with relevant experts, government agencies and relevant land managers as required.

Further regional engagement is currently underway with NPWS Greater Sydney working with Hawkesbury, Hills, Hornsby, Ku-ring-Gai and Northern Beaches Council to encourage the community to report koala sightings to help inform management decisions.

TIMING

Most actions identified in this report are in progress and ongoing. Additional actions identified for consideration will require further planning and budget.

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 3: Our community is well-supported in protecting the environment.

Actions identified in this report are consistent with the objectives and principles of Council's strategic planning and policy including Local Strategic Planning Statement, Environment and Climate Change Strategy, and Bushland and Biodiversity Policy.

FINANCIAL CONSIDERATIONS

Whilst existing actions pose no financial impact on Council, actions for consideration would require an assessment of costs and a secured budget. Additional staff time would also be required to undertake activities such as further survey work. Grant funding may be available from government agencies to assist in koala conservation programs.

SOCIAL CONSIDERATIONS

There are no significant social considerations resulting from the consideration of this report.

ENVIRONMENTAL CONSIDERATIONS

The current actions and actions for consideration that have been outlined in this report deliver a positive impact on potential for koala habitat on the Northern Beaches. It is unlikely these actions alone would result in a return of koalas to the area because of the ongoing threats that are difficult to reverse.

GOVERNANCE AND RISK CONSIDERATIONS

The current actions ensure Council is complying with its statutory obligations regarding the management of koala habitat.

| | |
|--------------------------|--|
| ITEM 11.2 | OUTCOME OF PUBLIC EXHIBITION OF WAKEHURST PARKWAY FLOOD MITIGATION FEASIBILITY STUDY |
| REPORTING MANAGER | EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE |
| TRIM FILE REF | 2021/661642 |
| ATTACHMENTS | 1 Community Engagement Report - Wakehurst Parkway Flood Mitigation October 2021 (Included In Attachments Booklet) |

PURPOSE

To report on the public exhibition of the Wakehurst Parkway Flood Mitigation Feasibility Study (the Study) and provide an update on the project status.

EXECUTIVE SUMMARY

Wakehurst Parkway is a major state-owned arterial road that provides an important transport connection on the Northern Beaches. Council recognises the significance of Wakehurst Parkway access to the Northern Beaches community, and also acknowledges the importance of the adjoining environment to the biodiversity and cultural heritage of the area.

Wakehurst Parkway is partly located in a floodplain. When the capacity of Middle Creek and some of its tributaries (or drainage infrastructure) is exceeded, water overtops the creek and begins to flow into the floodplain. Road closures can occur six to seven times per year. Three main locations are frequently flooded; Oxford Falls, The Bends and the Academy of Sports (refer to Figure 1). The frequency of the closures is influenced by the capacity of sections of drainage infrastructure, Middle Creek and/or its floodplain to cope with the flow. It is thought that the capacity of these systems may be able to be increased and in doing so reduce the frequency of the closures during small storm events.

To review these issues, Council received \$5 million in grant funding through the Stronger Communities Fund in late 2017 from the Office of Local Government to investigate options to address the frequent flooding of Wakehurst Parkway. Through this grant program, Council completed a number of site investigations and modelling which resulted in this Study. The Study found that a reduction in the frequency of flooding was achievable through a combination of upgraded culverts, new levees and sediment removal across the three sites shown in Figure 1.

The potential options clearly exceeded the available budget and so requests were made to Transport for New South Wales (TfNSW) in December 2019 to determine if further funding was possible. In February 2021, TfNSW formally offered an additional \$13.1m for Council to implement feasible options, should Council decide to proceed.

In March 2021, Council resolved to publicly exhibit the Study in order to provide the community with an opportunity for feedback on the potential options and determine whether other options exist that had not been identified by Council's consultants. Public exhibition was conducted between 28 May and 19 July 2021, and the subsequent Community Engagement Report (Attachment 1) completed in October 2021.

The Community Engagement Report found that most respondents support flood mitigation works, but views diverged on the preferred method and the acceptability of the environmental impact. In terms of general sentiment, most want better connectivity, most also see environmental protection as a key issue, and many want major infrastructure for permanent flood-free access. Roughly 50%

of the community supported implementing one or other of the proposed options, while 26% supported doing something other than the options proposed (for example permanent access options) and 24% supported doing nothing.

It is clear the community expects action on this issue, however given the community concern regarding environmental impact, it is recommended that a more detailed peer and technical review of options at The Bends be undertaken to determine if a better balance can be struck between impact and flood mitigation.

Whilst options for The Bends are being reviewed, it is recommended that the design and environmental assessments of the Oxford Falls site (on Wakehurst Parkway) be progressed as a priority given it has considerably less complexity and there were no significant concerns reported for this site from the community consultation that was undertaken. Further it is recommended that the detailed design for the Oxford Falls site be expanded to include options for reducing the closures of Oxford Falls Road West. While this is not part of the Wakehurst Parkway project, there are synergies in looking at these two locations together. Any associated expenditure on Oxford Falls West Road (including works) would be funded through Council's capital works program rather than the Wakehurst Parkway funding. Subject to Council approval, consultants will be engaged to undertake the concept design, detailed design and environmental assessments at Wakehurst Parkway, and concept design at Oxford Falls Road West. Local stakeholders are supportive of these improvements and will be consulted further as the designs progress.

Flood mitigation options for the Academy of Sport site are likely to be influenced by the final option that is selected for The Bends. As such, this site will be reconsidered in conjunction with the review of The Bends options.

Council first requested additional funding in December 2019. When it was officially offered by TfNSW in February 2021, the project milestones were some 14 months out of date. Council requested that these milestones be adjusted in April 2021 as part of its conditional acceptance of the grant offer. TfNSW confirmed in February 2022 that the dates set out in April 2021 were accepted which has resulted in a further mismatch in timeframes and funding. Staff are continuing to work with TfNSW to overcome these issues.

Extending the project program due to the additional review of The Bends may create a clash with potential Beaches Link construction dates (late 2023) should both projects proceed. This is unavoidable but necessary to ensure community feedback regarding environmental issues are addressed. Progressing the Oxford Falls site as a separate project helps to reduce this risk by progressing part of the project early as well as meeting the first stage of the TfNSW funding schedule.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Note the Community Engagement Report at Attachment 1.
2. Immediately progress the detailed design and environmental assessments for reducing flooding at the Oxford Falls and Oxford Falls Road west sites.
3. Undertake a peer and technical review of the options at The Bends site in conjunction with key stakeholders to determine if the environmental impact of options at that location can be reduced further.
4. Note the confirmation from Transport for NSW of the availability of funding and continue to negotiate the alignment of the funding agreement with agreed milestones.
5. Request a further report from staff on progress within 6 months.

REPORT

BACKGROUND

Flood Mitigation Feasibility Study

Wakehurst Parkway is a major state-owned arterial road which provides an important road connection on the Northern Beaches. Flooding from Middle Creek and its tributaries cause frequent inundation of Wakehurst Parkway. Road closures can occur on average six to seven times per year. Three main locations are frequently flooded; Oxford Falls, The Bends and the Academy of Sports (refer to Figure 1).

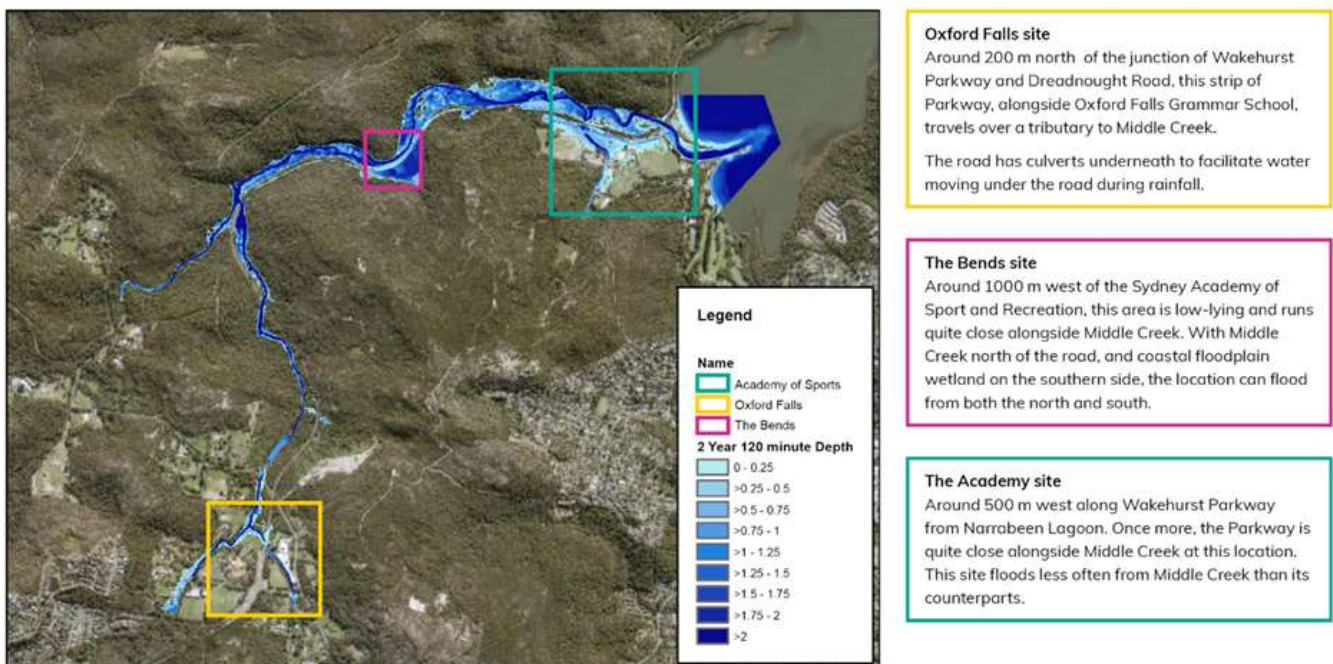


Figure 1 Three locations frequently flooded

Council received \$5 million in grant funding through the Stronger Communities Fund, from the Office of Local Government, to investigate options to address the frequent flooding of Wakehurst Parkway. Through this grant program, Council completed a number of site investigations and detailed modelling which resulted in the Study.

The Study found that mitigation from frequent flooding was achievable through a combination of culverts, levees and sediment removal. Details of feasible flood mitigation options are provided in Table 1. The table shows the various combinations of works which could provide flood mitigation ranging from 1-in-3 month to 1-in-2-year protection.

All options presented in Table 1, except "Do Nothing", involve sediment removal at The Bends. The Study stated that sediment removal at The Bends comes with significant environmental impact, mainly due to the clearance of vegetation growing in the sediment. Estimates of vegetation clearance are also shown in Table 1 for each option. It is likely that a significant impact to Swamp Sclerophyll Forest Threatened Ecological Community (TEC) would occur with up to 2.3 hectares impacted. Impacts are also possible to a number of species, such as Red-crowned Toadlet, Large-eared Pied Bat, Southern Myotis and Giant Burrowing Frog given the impact to their habitat in the Study area.











Table 1 Comparison of Feasible Options

| | Do Nothing | 1-in-3-month
protection | 1-in-6-month
protection | 1-in-1-year
protection | 1-in-2-year
protection |
|--------------------------|-------------------------------|--|---|--|--|
| Option
Description | No
construction
options | The Bends
• sediment removal | The Bends
• sediment removal
• new levee

Oxford Falls
• upgrade existing
culverts | The Bends
• sediment removal
• new levee
• new culverts

Oxford Falls
• upgrade existing
culverts | The Bends
• sediment removal
• new levee
• new under-road culverts

Oxford Falls
• significantly upgrade
existing culverts

Sports Academy
• bunds and localised low
point drainage |
| Vegetation
Cleared | none | ~27,360m ² | ~29,700m ² | ~32,250m ² | ~34,700m ² |
| Average road
closures | 6 to 7 a year | 4 a year | 2 a year | 1 a year | 1 every 2 years |
| Indicative
cost | \$0.05M | \$4.5M
 | \$7.0M
  | \$13.3M
   | \$17.5M
    |

In March 2021, Council resolved that:

1. The draft Wakehurst Parkway Flood Mitigation Feasibility Study – document reference number 2021/188438 - be placed on public exhibition for a period of at least 28 days.
2. The results of the public exhibition of the Wakehurst Parkway Mitigation Feasibility Study be reported back to Council.
3. Council accept the funding offered by Transport for NSW for the Wakehurst Parkway Flood Mitigation project subject to these conditions:
 - A. The funding is subject to an amended delivery timeframe to reflect the 14 months between the request being made and the formal notification of funding being received. This would see works being completed by the end of the first quarter in the 2023/2024 financial year.
 - B. The elected Council resolves to proceed with works following a community engagement process.
 - C. The community being generally supportive of the proposed works.

The public exhibition was subsequently conducted between 28 May 2021 and 19 July 2021 and the following is a summary of that process and the feedback received.

CONSULTATION

Public Exhibition of Feasibility Report

The public exhibition was primarily promoted through resident and stakeholder notifications, letter box drops, signage, social media and including into Council's e-newsletters. Engagement with the community and stakeholders included both face to face and online meetings, to provide an opportunity for the community to ask questions of project staff and subject matter experts. Signs

along the Parkway and its surrounds, including variable message signs (VMS) were used to promote both the project and sessions.

Key Findings from the Community Engagement

The Community Engagement Report (Attachment 1) was completed in October 2021 and outlines the findings from this consultation. It found that most respondents supported works to reduce flooding (76%), but views diverged on the preferred option and there was significant concern about environmental impacts at The Bends.

Responses fell into three main groups:

- Do nothing;
- Do something, but not an option presented in the Feasibility Study; and
- Do something suggested in the Feasibility Study.

These are discussed below and shown in Figure 2.

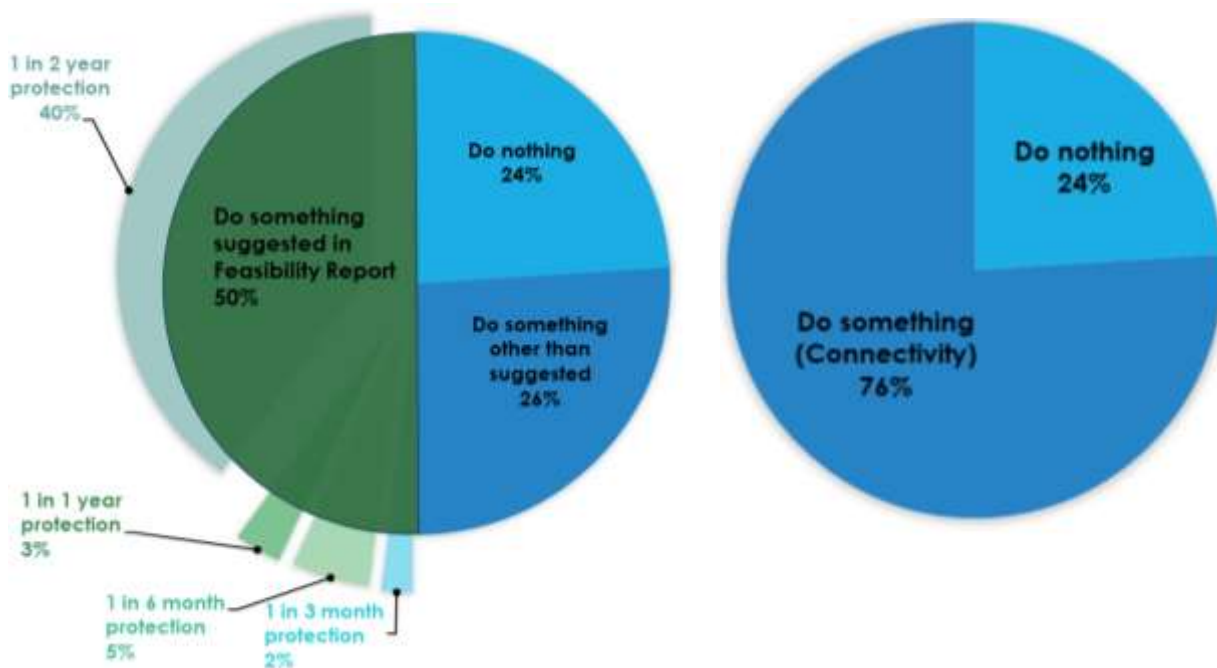


Figure 2 Community Response

Do nothing - 24%

The findings of the engagement indicate that those who chose “Do-Nothing” did so because they were concerned about the environmental impacts of any flood mitigation measures (the Study indicated significant environmental impact at The Bends associated with vegetation loss during potential sediment removal and other construction works).

This may be a fixed view however if Council could find a way to reduce environmental damage then this group may be more prepared to support (or tolerate) the project in some form. For example, undertaking further detailed analysis (both technical and peer review) at The Bends may identify options with less environmental impact which may change some of the views from this group of respondents.

Do something, but not an option presented in the Feasibility Study (implying major infrastructure upgrades) - 26%

26% of respondents wanted options that provide permanent flood-free access along the Parkway and considered none of the options presented in the Study as adequate. Respondents requested major infrastructure upgrades along the Parkway and noted that bridges, road raising and/or road widening had not been presented as potential options. Some respondents suggested such major works as a way to reduce environmental impact, however, may not have considered that such works would likely increase environmental impact.

Given the number of responses from this group, any subsequent community engagement would need to:

- provide greater explanation around the significant environmental impact caused by the footprint of major infrastructure projects (that is, impacts are likely to be much greater than the options presented in the feasibility study).
- reiterate that large-scale changes to the road are the responsibility of TfNSW which are not currently being progressed, and on that basis Council are examining what could be done (on land that Council has care, control and management of) for these smaller more frequent flood events.
- identify the level of support for a more achievable solution, and if so, what would that look like to them.

Do something suggested in the Feasibility Study (1-in-3-month, 1-in-6-month, 1-in-1-yr or 1-in-2-yr flood protection options) - 50%

50% of the respondents supported one of the flood mitigation options as presented in the Study (shown in Table 1). Respondents who chose these options did so because they considered flood mitigation works were urgently needed.

40% of the respondents supported the 1-in-2-yr flood protection option, whilst 10% (combined) supported the 1-in-3-month, 1-in-6-month or 1-in-1-yr flood protection options.

The findings were inconclusive as to whether those who selected the 1-in-3-month, 1-in-6-month or 1-in-1-yr flood protection options would:

- be willing to support the more popular 1-in-2-yr option in the event their preferred option did not gain enough support or
- prefer Council do nothing if their preferred option was not selected.

Current Status

The Bends Site

As indicated above, based on the results of the community engagement regarding environmental impact it is recommended that further analysis be undertaken on the options at The Bends including both technical and peer review from industry experts. This is likely to involve modelling new or modified options with less sediment removal aimed at delivering flood benefits with less environmental impact. Subject to Council approval, this work can commence immediately.

Oxford Falls Site

It is recommended the detailed design and environmental assessment of the Oxford Falls site (on Wakehurst Parkway) be progressed as a priority given it has considerably less complexity and there were no significant concerns reported for this site from the community consultation that was

undertaken. The Oxford Falls works are likely to be standard culvert upgrades and are expected to provide localised benefits even without works at the other sites, and such is being progressed as a discrete stage of the project. Further it is recommended that the design for the Oxford Falls site be expanded to include options for reducing the closures of Oxford Falls Road West. While this is not part of the Wakehurst Parkway project, there are synergies in looking at these two locations together. Any associated expenditure on Oxford Falls West Road (including works) would be funded through Council's capital works program rather than the Wakehurst Parkway funding.

Subject to Council approval, consultants will be engaged to undertake the concept design, detailed design and environmental assessments at Wakehurst Parkway, and concept design at Oxford Falls Road West. Local stakeholders are supportive of these improvements and will be consulted further as the designs progress. Progressing these pieces of work also meets funding obligations required by TfNSW and they are expected to be completed within 6 to 9 months at which time a decision could be made on proceeding to construction.

Sports Academy Site

Like Oxford Falls, there were no particularly strong community views on the Sports Academy site, however the Academy is concerned that proposed options do not make flooding worse on their site. This location does not flood as frequently as the other sites, with much smaller scale works required. The Sports Academy site option is influenced by the solution that is identified for The Bends and as such will be progressed once the analysis for that site is complete.

TIMING

It is anticipated that the detailed design of Oxford Falls and review of options for The Bends will take six (6) to nine (9) months to complete.

Council first requested additional funding in December 2019. When it was officially offered by TfNSW in February 2021, the project milestones were some 14 months out of date. Council requested that these milestones be adjusted in April 2021 as part of its conditional acceptance of the grant offer. TfNSW confirmed in February 2022 that the dates set out in April 2021 were accepted which has resulted in a further mismatch in timeframes and funding. The current TfNSW schedule is anticipating expenditure of \$850,000 by July 2022 with all remaining funding spent in the 2022/23 financial year. Clearly this is unachievable, and staff are continuing to work with TfNSW to overcome these issues.

Extending the project program due to the additional review of The Bends may create a clash with potential Beaches Link construction dates (late 2023) should both projects proceed. This is unavoidable but necessary to ensure community feedback regarding environmental issues are addressed. Progressing the Oxford Falls site as a separate project helps to reduce this risk by progressing part of the project early as well as meeting the first stage of the TfNSW funding schedule.

LINK TO STRATEGY

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.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.

FINANCIAL CONSIDERATIONS

Council received \$5 million in grant funding through the Stronger Communities Fund from the Office of Local Government to investigate and implement options to address the frequent flooding of the Parkway. Through this grant program, Council completed a number of site investigations and modelling which resulted in the Study. Council currently has around \$4 million remaining for the project from the Stronger Communities Fund grant. This is available to complete concept and detailed designs, secure approvals and partly fund construction of some works.

In April 2021 Council conditionally accepted additional grant funding of \$13.1 million from TfNSW. There are a number of conditions to the grant which are being worked through with TfNSW mainly related to the timing of offers and their impact on project milestones.

The State government funding listed above is being used to investigate and resolve the issues surrounding the sites on Wakehurst Parkway. The investigations into options on Oxford Falls Road West are being funded through Council's capital works program.

SOCIAL CONSIDERATIONS

Connectivity along Wakehurst Parkway is an important issue for the local community, particularly with respect to access between the upper and lower sections of the peninsula. Reduced flood frequency improves this connectivity.

ENVIRONMENTAL CONSIDERATIONS

The Study found the potential for significant environmental impact resulting from some of the options at The Bends due to vegetation clearance for sediment removal. A number of people in the community also provided feedback that they were concerned about the potential for environmental impacts. It is proposed to undertake further review and refinement of options at The Bends to improve the environmental outcomes.

The environmental impact of the options at Oxford Falls is expected to be smaller than that at The Bends given the smaller footprint of disturbance. The impact will be determined when the environment assessment is completed after the detailed design process.

GOVERNANCE AND RISK CONSIDERATIONS

This is a significant capital works project in a sensitive environment involving modifications to an arterial road. There are numerous risks that will need to be managed, including risks to traffic/transport, environmental risk, financial risk, construction risk and reputational risk.

These risks are being managed through a robust project management structure and delivery of the project in accordance with Council's best practice project management methodology and Enterprise Risk Framework.

Governance of the project includes a Project Working Group and a Project Steering Group with representatives from all teams that have an interest or expertise. These include the following business units; Environment and Climate Change, Capital Projects, Transport and Civil Infrastructure, and Community Engagement. All key internal stakeholders are kept well informed and given the opportunity to comment on key documents and project stages.

| | |
|--------------------------|--|
| ITEM 11.3 | PUBLIC EXHIBITION OF THE DRAFT GREENDALE CREEK FLOOD STUDY |
| REPORTING MANAGER | EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE |
| TRIM FILE REF | 2022/096443 |
| ATTACHMENTS | <p>1 ⇒ Greendale Creek Flood Study - Draft Report for public exhibition - Text Only (Included In Attachments Booklet)</p> <p>2 ⇒ Greendale Creek Flood Study - Draft Report for public exhibition - Appendices (Included In Attachments Booklet)</p> |

SUMMARY

PURPOSE

To seek approval for the public exhibition of the Draft Greendale Creek Flood Study (2022) (the Study).

EXECUTIVE SUMMARY

The Draft Study (Attachments 1 and 2) has been prepared for Northern Beaches Council to review and define the existing and future flood behaviour in the study area and to establish how best to manage identified flood risks. The Study considers current catchment conditions, potential impacts of climate change, delineates overland flow paths and utilises the most up-to-date topographical data and floodplain modelling techniques.

Greendale Creek is the main creek flowing into Curl Curl Lagoon. The catchment includes parts of Beacon Hill, Brookvale, Curl Curl, Freshwater and North Curl Curl. The study area is more extensive than for the previous Curl Curl Lagoon Flood Study (2004), which it will supersede. The previous study was mainly focused on the catchment east of Harbord Road, with only limited investigation west of Harbord Road, and no investigation anywhere into overland flow flooding.

The current Flood Planning Area (FPA) will be updated based on the new results from this Flood Study. The number of properties identified as being within the FPA has risen from 851 to 1,382 and within the overall Probable Maximum Flood (PMF) extent they have risen from 1,036 to 2,542.

The changes relate primarily to a much larger study area particularly for the determination of the PMF (which was previously only determined downstream of Harbord Road), the inclusion of areas affected by overland flow flooding, and a greater degree of accuracy in the updated modelling methodology (including better computer modelling and improved rainfall data based on longer available rainfall records).

The NSW Flood Prone Land Policy requires flood study draft reports to be publicly exhibited for a minimum of 4 weeks to ensure members of the community have an opportunity to comment. It is proposed to delay the consultation until at least May to allow time for the community to recover from the recent storm events, and for staff to capture on-ground flood information to assist in the consultation process. Submissions from the public exhibition will be considered and addressed in the final Flood Study, which will be reported back to Council later this year.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That:

1. Council place the Draft Greendale Creek Flood Study (2022) on public exhibition for a minimum of 28 days commencing no earlier than May 2022.
 2. That the outcome of the public exhibition be reported back to Council.
-

REPORT

BACKGROUND

NSW Government's Flood Prone Land Policy and Council's Obligations

Under the NSW Government's Flood Prone Land Policy, the management of flood affected land is the responsibility of Local Government. The State Government subsidises flood mitigation works to alleviate existing problems and provides specialist technical advice to assist councils to undertake their floodplain management responsibilities.

The NSW Government's Flood Prone Land Policy provides:

- a framework to ensure the sustainable use of floodplain environments.
- solutions to flooding problems.
- means of ensuring new development is compatible with the flood hazard.

The Flood Prone Land Policy is implemented in 5 sequential stages. These are described below, and this report refers to Step 2 of the process.

| NSW Government Flood Prone Land Policy recommended steps | Council has complied with the Policy as follows: |
|--|---|
| 1. Formation of a committee: forum for discussing technical, social, economic and environmental issues. | The Northern Beaches Flood Management Committee has been consulted during the progress of this study. The consultant presented the draft flood study to the committee at their last meeting on 18.11.2021.

Membership comprises representatives of the NSW Office of Environment & Heritage (OEH), NSW State Emergency Service (SES), Councillors and Community Members. |
| 2. Flood Study: determines the nature and extent of the flood problem and is publicly exhibited upon completion. | This Study defines flood behaviour in the study area and establishes the basis for subsequent floodplain management activities. |
| 3. Floodplain Risk Management Study: evaluates management options for the floodplain in respect of both existing and proposed development and is publicly exhibited upon completion. | The next stage of the process is the Floodplain Risk Management Study, which will investigate risk management options and provide recommendations to reduce flood hazard. |
| 4. Floodplain Risk Management Plan: involves preparation of a formal plan to guide Council's management of the floodplain, using information from the flood study and FRMS, and formal adoption by Council after a period of public exhibition. | The following stage of the process is the Floodplain Risk Management Plan, which will investigate risk management options and provide recommendations to reduce flood hazard.

The Floodplain Risk Management Study and Plan is often undertaken in the same contract. |
| 5. Implementation of the Plan | The future plan will be implemented according to Council resources and funding availability. |

The Study Area

The study area as shown in Figure 1 below comprises the Greendale Creek catchment, including Curl Curl Lagoon, and covers approximately 470 hectares (4.7 km²). The catchment generally flows from west to east, with the upper Greendale Creek catchment flowing in a south-easterly direction through residential and industrial areas. The trunk drainage system exits at Harbord Road into the modified semi-natural channel of Greendale Creek which discharges into Curl Curl Lagoon.

The land use within the catchment consists primarily of medium and high density urban residential development with a considerable amount of industrial development in the suburb of Brookvale, together with parks and sporting ovals adjacent to Curl Curl Lagoon. The steep forested area in and around "The Kilns" is a notable feature of the upper catchment. Brookvale Oval is situated adjacent to Pittwater Road and the earthen bund to the north and east of the field is a notable topographic feature, which affects overland flow behaviour in the local area. A large industrial area characterises the lower Greendale Creek catchment generally between Pittwater Road and Harbord Road.

The catchment has a history of flooding and there is a need to better define the nature and extent of flooding in this area, to determine appropriate planning controls, as well as to establish the basis for the subsequent floodplain risk management study and plan.



Figure 1 – Study area for the Greendale Creek Flood Study

Previous Study

Current flood information in the catchment in use by Council is based on the Curl Curl Lagoon Flood Study (2004), by Lyall and Associates. The study area was focused on the catchment east of Harbord Road, with only limited investigation west of Harbord Road, and no investigation anywhere into overland flow flooding. The technology in computer modelling back in 2004 was very limited compared with the technology in computer modelling today.

The 1% Annual Exceedance Probability (AEP) (similar to the 1 in 100 year Average Recurrence Interval) flood event and the Probable Maximum Flood (PMF) were modelled downstream of Harbord Road where it was simple channel flow. For the Brookvale Industrial area, only the 1% AEP flood event was modelled, and it was a high level model carried out using best available modelling tool at the time, which is considered more general by today's standards. The Flood Planning Area (FPA) was later determined by adding a freeboard to the 1% AEP flood information from this study.

Figure 2 below shows the flood information currently used by Council for planning purposes and assessing development applications. The Medium Flood Risk Precinct has the same extent as the FPA (shaded in blue), and the Low Flood Risk Precinct has the same extent as the PMF (shaded in green).

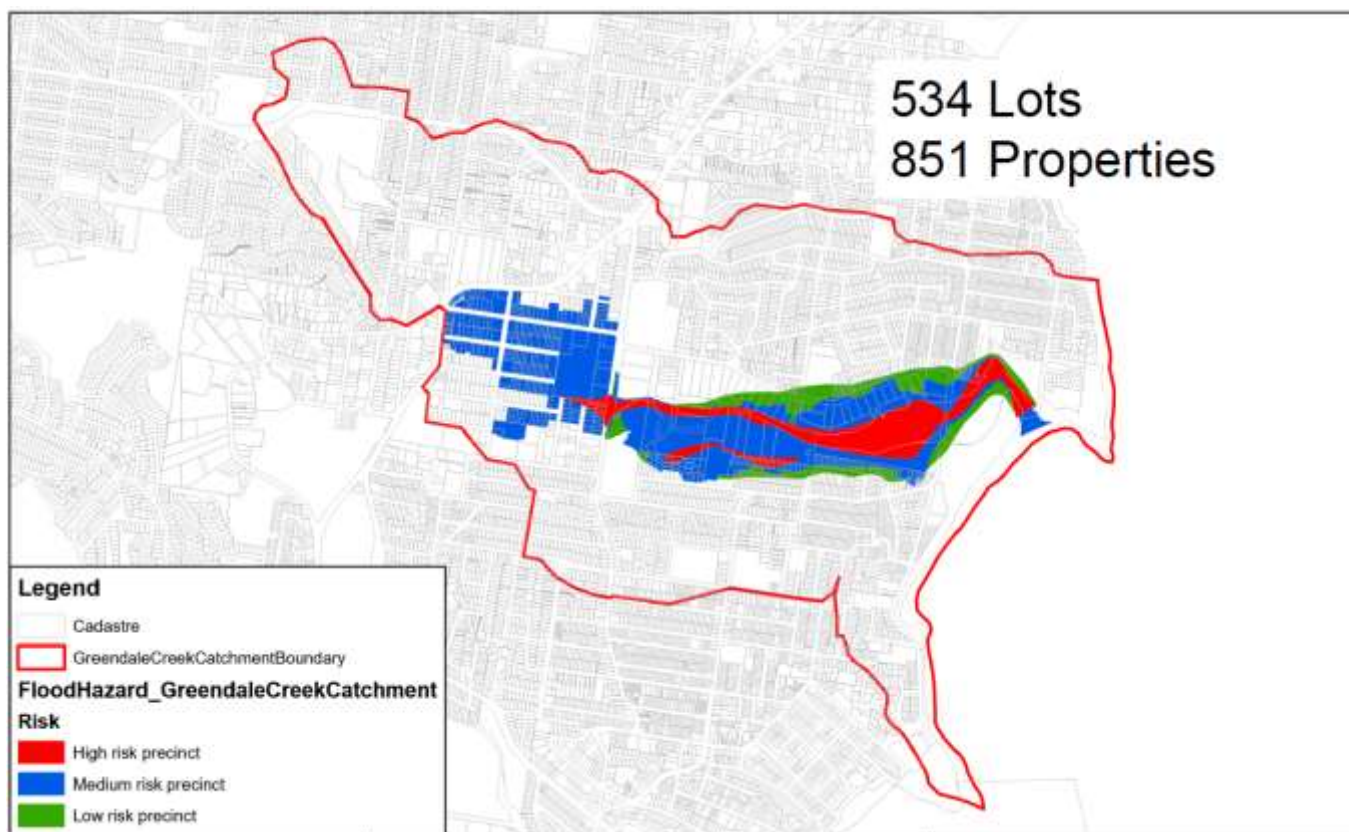


Figure 2 – Current flood information used by Council for the Greendale Creek catchment

Draft Greendale Creek Flood Study

The Draft Study defines the existing and future flood behaviour in the study area and to establish how best to manage identified flood risks. The Study includes modelling of trunk drainage and considers current catchment conditions, potential impacts of climate change, delineates overland flow paths and utilises the most up-to-date topographical data and floodplain modelling techniques. The breakout and closure mechanisms for Curl Curl Lagoon are also considered.

The key objective of the Study is to gain a comprehensive understanding of flood risk in the study area. The study involved:

- Collection of flood related data.
- The establishment and calibration of the flood model, including trunk drainage.
- Consideration of the breakout and closure mechanisms for Curl Curl Lagoon.
- Undertaking modelling for a range of flood events of various magnitudes.
- Undertaking sensitivity analysis of the model results.
- Identification of the level of flood risk throughout the flood study area.
- Undertaking scenario modelling of potential impact of climate change and pipe blockages.

At the commencement of the Study a questionnaire was distributed to residents in the study area. The purpose of the questionnaire was to identify which residents had experienced flooding and to collate as much historical flood data as possible. 113 responses relating to flooding in the Greendale Creek catchment were received, with 34 respondents indicating they had experienced flooding of their home or business due to flood water or stormwater. Respondents identified flooding in streets, parks or other public areas as primarily occurring in the suburbs of Curl Curl, Brookvale and North Curl Curl. Half of the flood affected respondents indicated that they noticed blocked drains or culverts during the flood. 14 respondents provided additional comments which raised obstruction of drains and waterways as a concern.

Based upon the above responses and a range of Council mapping data including stormwater network data, topographic information and land use information, a flood model was established to identify flood behaviour in the study area. This model was calibrated using data from the November 2018 rainfall and flood event.

The key outputs of the flood study include the identification of design flood information such as peak flood levels and velocities, provisional flood hazards (which inform the flood risk), preliminary categorisation of the hydraulic flows and preliminary flood planning extents.

Overview of Flood Behaviour

Much of the upper Greendale Creek catchment is affected by shallow (<0.15 m) overland flow in extreme storm events. This is common for urbanised areas, although in this catchment there are several locations where overland flow occurs through property rather than along the road reserves. This is a result of roads often not being aligned with the natural gullies of the upper catchment. The risk to life from this shallow flow is low, and damage to property can generally be minimised provided floor levels are raised relative to surrounding ground levels, and some provision is made to allow overland flow through the properties, rather than blocking it completely.

In the upper catchment there is a relatively flat plateau to the north of Warringah Road and water ponds at a sag point in McKillop Road. To the south of Warringah Road, the upper reach of Greendale Creek forms through the joining of several small creek lines. This creek discharges into a trunk drainage line just upstream of Consul Road. The capacity of this trunk line at the upstream end is exceeded in a 10% AEP (similar to 1 in 10 year ARI) event, causing overland flow that follows the drainage line to Pittwater Road. Water flows through properties as well as along Gulliver Street, Alfred Road and eventually ponding on Pittwater Road. Pittwater Road also collects shallow overland flows from the catchment to the north.

Downstream of Pittwater Road, there is more significant flooding through the Brookvale industrial area. The trunk drainage line discharges into a small open channel downstream of Winbourne Road, before being carried by pipes to just downstream of Ethel Avenue. From Ethel Avenue, water is discharged through a series of pipes and small open channels into the Greendale Creek channel immediately downstream of Harbord Road. Through the industrial area, significant flood

depths can occur at Mitchell Road (and at properties just downstream), at the Winbourne Estate (at the end of Chard Road) and through properties and roads just upstream of the Greendale Creek channel (along Ada Avenue, Ethel Avenue and Harbord Road). This ponding occurs in events as small as the 50% AEP (similar to 1 in 2 year ARI) event.

The open channel portion of Greendale Creek downstream of Harbord Road is approximately 30 m wide and conveys flows towards Curl Curl Lagoon. The main body of the lagoon is between the rock weir and Griffin Road Bridge. Downstream of the bridge the lagoon discharges through North Curl Curl Beach into the ocean. This is dependent on whether the lagoon is open or closed, dictated by a sand bar that forms at the entrance. Within Curl Curl Lagoon, the water level is primarily influenced by this berm height. Different berm heights have been adopted for different design flood events, which dictates the peak flood levels within the lagoon.

Downstream of Harbord Road, there are numerous stormwater lines and overland flow paths that discharge into Greendale Creek and Curl Curl Lagoon on both the northern and southern sides. On the southern side, ponding occurs in the vicinity of the Harbord Bowling Club and around Weldon Oval in events as small as the 50% AEP (similar to 1 in 2 year ARI). Flooding also occurs at the rear of properties along Stirgess Avenue and Stewart Avenue. Flooding from the lagoon also affects the Adam Street Reserve. On the northern side, ponding occurs in three locations along Abbott Road between Harbord Road and Pitt Road. To the east of this, there are four main flow paths that traverse residential properties and discharge into Greendale Creek. These are located just to the west of Playfair Road, between Ross Street and Grainger Avenue, between Spring Street and Blackwood Road, and through Surf Reserve. In several cases for these local drainage lines into the lagoon, overland flow is obstructed from reaching the lagoon due to the filled playing fields being higher than the upstream ground levels.

The impacts of climate change have been considered as part of the study, with several scenarios being modelled. The largest impacts were in the lower catchment where for an increase in rainfall intensity, peak flood levels were up to 0.2m higher in the 0.2% AEP event (equivalent to a 23% increase in rainfall intensity for the 1% AEP flood event). A sea level rise of 0.4 and 0.9m resulted in the flood levels just downstream of the Griffin Road Bridge rising by up to 0.4 and 0.8m respectively.

Update to the Flood Planning Area

Land use planning is an effective means of minimising flood risk and damages from flooding. The Flood Planning Level (FPL) is a measure used to set heights such as minimum floor levels for new development. It is based upon the 1% AEP flood level combined with a freeboard (typically 0.5m). The Flood Planning Area (FPA) identifies land below the Flood Planning Level which is subject to flood related development controls. The FPA from the new Greendale Creek Flood Study is shaded in blue in Figure 3 below.

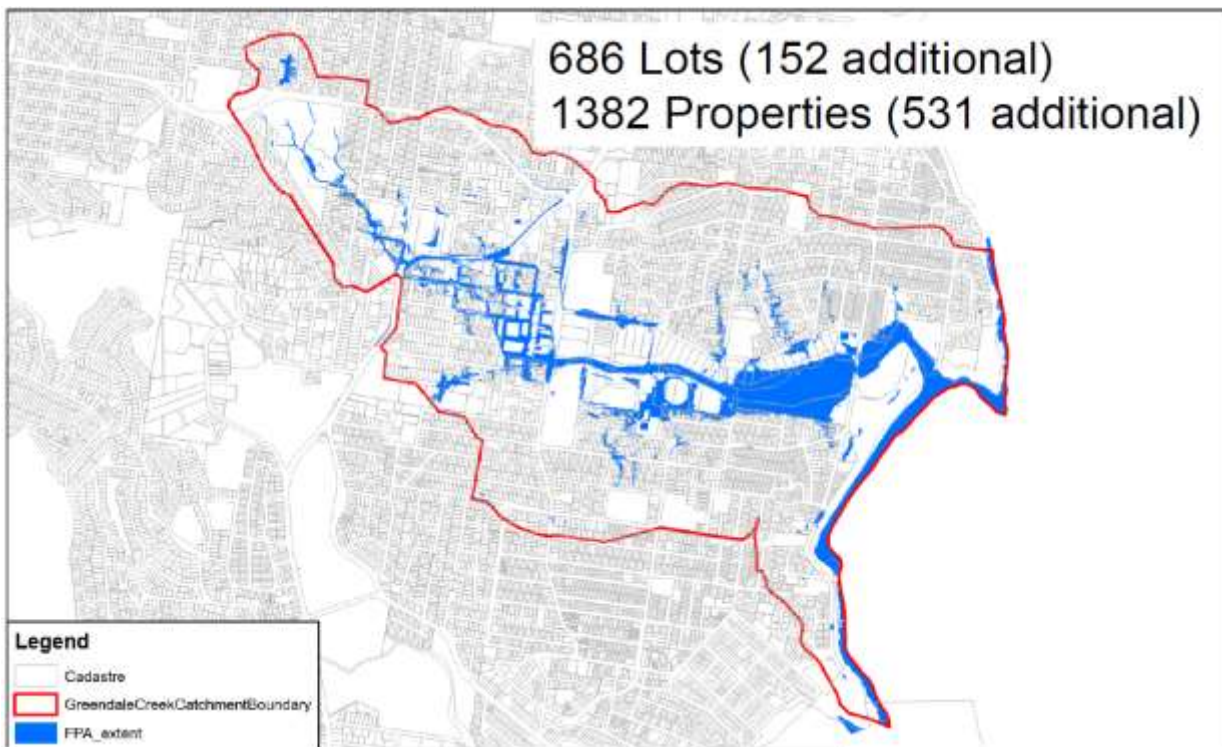


Figure 3 – Flood Planning Area from the Greendale Creek Flood Study

The current Flood Planning Area (FPA) will be updated based on the new results from this Flood Study. The number of properties identified as being within the FPA has risen by 531, from 851 to 1382 properties. The number of properties within the Probable Maximum Flood (PMF) extent but not within the FPA has risen from 185 to 1160. Overall, there are now 2542 properties identified as being flood affected, of which 1382 are within the FPA.

The changes relate primarily to a much larger study area particularly for the determination of the PMF (which was previously only determined downstream of Harbord Road), the inclusion of areas affected by overland flow flooding, and a greater degree of accuracy in the updated modelling methodology (including better computer modelling and improved rainfall data based on longer available rainfall records).

CONSULTATION

In accordance with the NSW Flood Prone Land Policy, the draft Study is now recommended to Council for public exhibition to allow for community consultation.

Public exhibition is proposed to be delayed until at least May 2022. This will allow time for the community to recover from the recent storm events, and for staff to capture on-ground flood information to assist in the consultation process, and also in any refinements required to the Final Flood Study.

When the consultation does commence, the community will be invited to participate in the review of the documents through the following methods (as a minimum):

- A letter being sent to all home owners within the extent of flooding (the Probable Maximum Flood), inviting them to comment on the report.
- Several sessions where the community can have one-on-one discussions with Council's flood officers and consultants in relation to how the study results may personally affect them. Sessions will be available either online or face-to-face, subject to Covid-19 requirements.

- Council weekly e-Newsletters and emails to members of the public that have requested to be kept up to date on the project.
- Posting of the draft Study report on Council's Your Say webpage.

Following the completion of the exhibition period the community's comments will be considered and amendments made where appropriate.

TIMING

The public exhibition period is scheduled to run for a minimum of 28 days. As discussed above, the consultation will be deferred until at least May. A final report will be provided to Council following a review of the consultation feedback and any adjustments from field inspections associated with the March 2022 event.

LINK TO STRATEGY

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.
- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.

FINANCIAL CONSIDERATIONS

Funding has been allocated in the existing 2021/2022 budget for the public exhibition, review of submissions and preparation of the Final Report. Deferring the consultation process may result in a grant milestone being missed. Council will liaise with the State Government to seek a grant variation. If this is not approved it may result in a loss of a \$5,000 funding payment.

SOCIAL CONSIDERATIONS

The Study will provide Council with better flood information and knowledge in the study area and will provide effective management of flood risk for future development. Publicly available flood information can assist in raising community awareness to flooding and promote a more resilient community.

ENVIRONMENTAL CONSIDERATIONS

No environmental impacts are expected as the Flood Study is an investigation of existing and future flood behaviour with no on-ground works proposed at this stage.

GOVERNANCE AND RISK CONSIDERATIONS

The preparation of the Study fulfils Council's obligation to identify flood risk in accordance with the NSW Floodplain Development Manual and provides a level of protection for Council under the *Local Government Act 1993*.

| | |
|--------------------------|--|
| ITEM 11.4 | ASSISTANCE TO RESIDENTS AND BUSINESSES AFFECTED BY MARCH 2022 FLOOD |
| REPORTING MANAGER | DIRECTOR ENVIRONMENT AND SUSTAINABILITY |
| TRIM FILE REF | 2022/148991 |
| ATTACHMENTS | NIL |

BRIEF REPORT

PURPOSE

To seek Council approval to provide financial assistance to residents and local businesses who have been impacted by the 8 March 2022 flooding event by way of collection and disposal of flood damaged items and waste.

REPORT

As Councillors were advised on 9 March 2022, there have been requests from our residents and local businesses for financial assistance in the form of collection of flood-related material being stored on public land from flood affected properties.

Given the significant impact to our local community from this flood which has come on top of other impacts associated with COVID-19 it is recommended that Council provide this assistance.

Businesses often have their own contractual obligations such as with insurers, commercial waste providers and their landlords that can impact on the level of support they may need from Council for waste removal. Businesses are encouraged to contact these groups before they request support from Council to avoid any contractual issues between their business and these groups. Once a business owner establishes that they still need support, they are encouraged to contact our Customer Service team to establish the nature and size of the waste and how Council can assist with its removal.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Community and Belonging - Goal 11: Our community feels safe and supported.
- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in an environment that supports innovation and economic growth.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

It is anticipated that the scale of the assistance may exceed Council's allocated budget for its public place cleaning and litter clearing program, however any increase will be limited to \$300,000 which is considered sufficient to manage the waste removal needs of the residents and local businesses that request help.

If required, this additional funding will be found from other sources within the 2021/22 budget and will be addressed as part of the March Quarterly Budget Review process.

ENVIRONMENTAL CONSIDERATIONS

The timely removal of accumulated waste from our public spaces will reduce the risk of further pollution to our local environment should there be further weather events.

SOCIAL CONSIDERATIONS

There are significant social benefits associated with supporting our affected residents and business owners. The timely removal of waste will also assist in restoring the local streetscape.

GOVERNANCE AND RISK CONSIDERATIONS

The provision of this financial assistance presents a potential financial risk however the scale of the risk is considered manageable by Council. Any other identified operational risks will be managed according to Council's relevant risk management framework.

Further, public notice is not required under Section 356 (2) of the Local Government Act 1993 as the requirements of Section 356 (3) are considered to have been satisfied.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. In accordance with Section 356(1) of the *Local Government Act 1993* grant financial assistance in the form of free flood affected waste collections for residential properties and businesses within the Northern Beaches Local Government Area that were affected by the flood event of 8 March 2022.
 2. Provide the assistance from 10 March 2022 for a period of up to 28 days.
-

12.0 PLANNING AND PLACE DIVISION REPORTS

| | |
|-------------------|--|
| ITEM 12.1 | DRAFT PLANNING AGREEMENT AT 3 CENTRAL ROAD,
AVALON BEACH (VPA2021/0003) FOR PUBLIC EXHIBITION |
| REPORTING MANAGER | EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING |
| TRIM FILE REF | 2022/071341 |
| ATTACHMENTS | <ol style="list-style-type: none">1 ⇒ Draft Planning Agreement and Explanatory Note for Exhibition (Included In Attachments Booklet)2 ⇒ Draft Plan of Subdivision (Included In Attachments Booklet) |

SUMMARY

PURPOSE

To seek Council's endorsement to place on public exhibition the draft Planning Agreement for 3 Central Road, Avalon Beach.

EXECUTIVE SUMMARY

On 30 August 2021, Council received an offer to enter into a Planning Agreement (the 'Offer') and a draft Planning Agreement document (the 'draft PA'). This Offer is the result of a development consent for demolition works and the construction of a seniors housing development at 3 Central Road, Avalon Beach (DA2020/0008). Deferred commencement Consent was granted on 9 December 2020 and required the Developer to submit an offer to enter into a planning agreement with Council.

The draft Planning Agreement seeks to dedicate to Council, free of charge, land 1m wide immediately abutting Patterson Lane. This land, with an area of 70.5m², will contain a footpath to be constructed as required under the development consent.

The Development Infrastructure Contributions Panel have considered an assessment of the Offer and determined there is a public benefit arising from the offer.

The draft Planning Agreement is now forwarded to Council for consideration.

If Council agrees, the draft Planning Agreement will be publicly exhibited for 28 days in accordance with statutory requirements.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Place the draft Planning Agreement and Explanatory Note on public exhibition for a minimum of 28 days in accordance with legislative requirements.
 2. Be presented with a report on the outcomes of the public exhibition of the draft Planning Agreement.
-

REPORT

BACKGROUND

A Planning Agreement (PA) is a legal arrangement made between a person (developer) and planning authority/authorities (such as Council) to dedicate land, monetary contributions, or material public benefits for public purposes. These are additional arrangements to collect contributions that traditionally may not be done under an adopted Development Contributions Plan.

The current legal and procedural framework for PA obligations is set out under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 as amended.

The Northern Beaches Voluntary Planning Agreement Policy ("Council Policy"), adopted on 17 December 2019, guides Council's assessment and management of planning agreements. This policy requires all parties to a Planning Agreement to decide whether a Planning Agreement is appropriate in the circumstances.

The Site

The subject land is located on the southern side of Central Road, Avalon Beach. It is irregular in shape with frontages of 23.25m along Central Road, Avalon Beach and 70.44m along Patterson Lane, Avalon. It has a surveyed area of 1,416m².

Patterson Lane, Avalon abutting the eastern property boundary, is an existing trafficable sealed two-way public road with kerb and gutter on both sides. The western side of the Patterson Lane road reserve contains a retaining wall for its full length. It is closed at the southern end where it meets Elba Lane, Avalon (unformed road) and Dunbar Park.

Although there is no footpath on Patterson Lane, Avalon it provides pedestrian access between Avalon Village and the Maria Regina Catholic Primary School on Central Road, Avalon Beach.

Avalon Fire Station is to the east, at 67 Old Barrenjoey Road, Avalon.



Figure 1: Location Map, 3 Central Road, Avalon Beach

An existing retaining wall on the eastern boundary of the 3 Central Road, Avalon Beach is to be relocated as part of the development consent DA2020/0008. The relocated retaining wall will be owned and maintained by the development.

As such, the land to be dedicated to Council will not contain the retaining wall.

The Approved Development (DA2020/0008)

On 9 December 2020, the Northern Beaches Local Planning Panel on behalf of Northern Beaches Council (as the consent authority) approved DA2020/0008. The Deferred Commencement Consent was for demolition works and the construction of a seniors housing development consisting of seven (7) self-contained dwellings and a basement carpark for eight (8) vehicles.

Deferred commencement condition 1 reads as follows:

“1. VPA for dedication of land to relevant roads authority

The developer shall enter into a Voluntary Planning Agreement (VPA) with Council pursuant to s7.4 of the Environmental Planning and Assessment Act, 1979 (NSW) to dedicate to Council, free of cost to Council, land at least one metre wide adjoining the whole of the eastern boundary of the subject land adjoining Patterson Lane.

Evidence required to satisfy the deferred commencement condition must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with section 95 of the Environmental Planning and Assessment Regulation 2000.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed ‘Deferred Commencement Consent Document Review Form’ (available on Council’s website) and the application fee, as per Council’s schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:...

Vehicular access for this development is via Patterson Lane only. As Patterson Lane is a trafficable road reserve lacking a formalised pedestrian pathway, a condition was imposed on the development requiring the construction of a minimum 1.5m wide footpath in accordance with clause 1.24 of the Pittwater Development Control Plan (Pittwater DCP). As there is insufficient available land within the current Patterson Lane road reserve to accommodate the 1.5m wide footpath, part of the footpath is approved to be built on the development site. Accordingly, condition 42 of the consent reads as follows:

“42. Footpath Construction

The applicant shall construct a 1.5-metre-wide footpath along the eastern boundary of the subject land of which at least one metre will be over the land dedicated to council under deferred commencement condition 1 and the balance will be over the council’s adjoining land.

The works shall be in accordance with the following:

- a) All footpath works are to be constructed in accordance with the Section 138 Road Act approval.*
- b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath.*

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works."

The draft Planning Agreement

The draft Planning Agreement involves the dedication of land to Council free of charge. This land, approximately 70.5m² (1.00m wide x 70.455m long), immediately abuts the western alignment of Patterson Lane.

The draft Planning Agreement and Explanatory Note (Attachment 1) is now presented to Council with the view to placing it on public exhibition.

The land dedication will be effected by a Plan of Subdivision (Attachment 2) and will become part of the Patterson Lane road reserve.

Assessment of the Offer

The purpose of the Offer is to bring the privately owned land, 70.5m² in area (1.00m wide x 70.455m long), into Council ownership free of charge. This land will:

- contain a section of footpath, 1.00m wide and 70.455m in length, required to be constructed as part of the development consent, and
- at time of dedication, not contain any other structures, footings or encumbrances other than a footpath and a kerb and gutter "made good" with the road surface.

When completed, the total footpath section will be 1.5m wide (in total – 1.0m will be in the land dedicated to Council) x 70.455m long and will be part of the Patterson Lane road reserve.

The Development Contributions Working Group (the 'Working Group'), in its assessment of the Offer, advised as follows:

- The land proposed to be dedicated to Council is not identified for acquisition in any statutory plans - the Pittwater Local Environmental Plan Land Reservation Map, or an adopted development contributions plan.
- The land dedication containing the footpath will help to ensure Patterson Lane remains a safe and trafficable public road, with the land containing the footpath enabling a missing section of the footpath network to be delivered.
- The footpath connects well with the existing network of footpath north and south of the subject property.
- There is public benefit to current and future users in the Northern Beaches community from the proposed road reserve reconstruction and dedication of land to accommodate for a public footpath between Avalon Village and Maria Regina Catholic Primary School.

Council's Principal Engineer for Major Developments advised that the Civil Engineering Plans for the footpath are suitable, and that the land dedication is sufficient.

On 2 November 2021, the Development Infrastructure Contributions Panel (formerly known as Development Contributions Committee) gave its in-principle support for the Offer, and resolved as follows:

"That:

1. *The Development Contributions Committee give their in-principle support to the Offer to Enter Into a Planning Agreement subject to:*
 - a) *The survey plan confirming the section of footpath, 1.00m wide and 70.455m in length, required to be constructed as part of the development consent is accommodated on that land being dedicated to Council.*

- b) *An updated Plan of Subdivision showing the land to be dedicated to Council dimensioned and showing any encumbrances on and adjacent to; and notated as "Public Road Reserve".*
 - c) *The land valuation report for the land being dedicated to Council is agreed to by Council.*
 - d) *The land to be transferred to Council, under an updated Plan of Subdivision being submitted to the NSW Land Registry showing the land dedication as public road reserve, does not occur until such time as Council has inspected the infrastructure constructed on the land being dedicated to Council and the infrastructure is confirmed to be to Council's satisfaction (as the future Asset owner).*
2. *If recommendation 1 is agreed to, upon completion of a legal review of the draft Planning Agreement that the draft Planning Agreement is presented to Council with a view to placing it on public exhibition.*
 3. *The proponent and Council's Development Assessment Officer (responsible for this consent) are to be advised of the Committee's decision to the Offer."*

The above matters were provided by the proponent and following assessment, is considered satisfactory.

On 30 December 2021, the proponent agreed to the timing of the land dedication, including the requirements for Council to inspect the footpath construction at specific stages as the footpath will be on the land being dedicated to Council.

Council's Legal Counsel has reviewed the draft Planning Agreement.

The draft Planning Agreement is now presented to Council to consider the formal terms for planning agreement by all parties (the proponents, Avalon Central Pty Ltd, and Council).

CONSULTATION

The draft Planning Agreement (the draft PA) and Explanatory Note will be publicly exhibited for 28 days in accordance with statutory requirements. The outcomes of the public exhibition of the draft PA and Explanatory Note will be brought back to Council following the completion of the public exhibition.

TIMING

The draft PA and Explanatory Note will be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000 as amended.

LINK TO 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.
- Transport and Infrastructure - Goal 16: Our integrated transport networks meet the needs of our community.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

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

FINANCIAL CONSIDERATIONS

All planning agreements must state the relationship to other development contributions including section 7.11 and section 7.12 of the Environmental Planning and Assessment Act 1979. This draft Planning Agreement does not exclude the application of section 7.11 or section 7.12 contributions applicable to this land. As such standard development contributions will apply to this development.

A valuation of the land prepared by Ray White Valuations was submitted to Council. The land to be dedicated is valued at \$236,880. On 9 November 2021, Council's Property team confirmed the valuation as acceptable.

SOCIAL CONSIDERATIONS

The draft PA seeks to dedicate land approximately 1m wide and 70.5m² in area to Council, free of charge. The land dedication, abutting Patterson Lane, Avalon and the subject property at 3 Central Road, Avalon Beach will contain the majority of a footpath required to be constructed for this development. After the land dedication occurs, the total footpath will be in Council ownership.

The provision of a footpath along Patterson Lane, between Dunbar Park and Central Road, Avalon Beach facilitates a safe and accessible pathway to and from Dunbar Park. It also provides pedestrian access to Maria Regina Catholic Primary School from Avalon Village, Northern Beaches residents, workers and visitors making use of the bus stops along Central Road, Avalon.

The land dedication allows Council to take responsibility for the upkeep and maintenance of the road reserve in total, to ensure it remains safe and comfortable in perpetuity.

ENVIRONMENTAL CONSIDERATIONS

To mitigate against any risks with regards to the relocation of the retaining wall under the approved plans of DA2020/0008, Council have conditioned that a boundary survey plan accompanies any application for subdivision to demonstrate the building works under DA2020/0008 are fully within the proposed new boundary alignment.

The proposed infrastructure works on the land to be dedicated provides for appropriate management of stormwater and the improved efficiency of the existing road condition.

GOVERNANCE AND RISK CONSIDERATIONS

An assessment of the draft Planning Agreement (PA) has occurred in accordance with the Northern Beaches Council Voluntary Planning Agreement Policy. The public benefit of this draft PA will allow Northern Beaches residents, workers, and visitors of the area to safely walk along Patterson Lane on public land.

A legal review of the draft PA by Legal Counsel has occurred to ensure it can be exhibited in accordance with legislative provisions and requirements.

| | |
|-------------------|--|
| ITEM 12.2 | DEVELOPMENT DELIVERY PLAN FOR METROPOLITAN
LOCAL ABORIGINAL LAND COUNCIL |
| REPORTING MANAGER | EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING |
| TRIM FILE REF | 2022/085005 |
| ATTACHMENTS | 1 ⇒ Northern Beaches Council Submission - Northern
Beaches Development Delivery Plan (Included In
Attachments Booklet) |

SUMMARY

PURPOSE

To seek Council's approval for a submission to the Department of Planning and Environment on the exhibition of a proposal to amend State Environmental Planning Policy (Aboriginal Lands) 2019 (repealed on 1 March 2022 by [State Environmental Planning Policy \(Planning Systems\) 2021](#)) and adopt a Development Delivery Plan for six (6) sites owned by the Metropolitan Local Aboriginal Land Council on the Northern Beaches.

EXECUTIVE SUMMARY

Note that [State Environmental Planning Policy \(Aboriginal Lands\) 2019](#) (ALSEPP) was repealed 1 March 2022. The provisions within the ALSEPP are now incorporated within Chapter 3 of the [State Environmental Planning Policy \(Planning Systems\) 2021](#) (PSSEPP – Chap 3). Any reference within Council's submission to the ALSEPP therefore refers to PSSEPP – Chap 3.

The Department of Planning and Environment (DPE) exhibited proposed amendments to State Environmental Planning Policy (Aboriginal Lands) 2019 (ALSEPP) to include six (6) sites owned by the Metropolitan Local Aboriginal Land Council (MLALC) in the ALSEPP and to make a Development Delivery Plan (DDP) for those sites. The exhibition closed 21 March 2022. An extension has been granted to allow Council to consider this matter at its meeting on 22 March 2022.

Council acknowledges that historically, Aboriginal peoples owned and managed land across Australia for many thousands of years before European occupation and that the *NSW Aboriginal Land Rights Act 1983* was a significant step in redressing longstanding injustices to Aboriginal peoples by allowing Local Aboriginal Land Councils to claim vacant Crown Land.

Council also appreciates the overarching objective of the ALSEPP is to aid Aboriginal people to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community.

Consultants were engaged by DPE to undertake a strategic assessment of nine (9) sites owned by MLALC across the Northern Beaches. Table 1 below is taken from the Explanation of Intended Effect placed on exhibition by DPE and provides a summary of the sites, their development timeframe, potential uses and actions as identified by DPE.

| Site | Potential Uses | Actions |
|---|---|---|
| Short Term Potential (1-2 years) | | |
| Morgan Rose Belrose (Lizard Rock) | Low to medium density residential, environmental and cultural heritage conservation, community centre and recreation uses. | <ul style="list-style-type: none"> • Include in AL SEPP • Planning Proposal • Development Application |
| Medium Term Potential (2-5 years) | | |
| Aquatic Drive, Frenchs Forest (Site 2) | Recreation and community uses. | <ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal |
| Forest Way, Belrose (Site 4) | To be determined following environmental investigations. | <ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal |
| Corymbia Circuit, Oxford Falls (Site 5) | Residential and Environmental Conservation. | <ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal |
| Paxton Street, Frenchs Forest (Site 6) | Development application for residential uses pending bushfire investigations. Potential land acquisition by Council for public recreation uses. | <ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Development Application |
| Ralston Avenue, Belrose (Site 9) | Employment, recreation, industrial (urban services) and environmental conservation uses. | <ul style="list-style-type: none"> • Include in AL SEPP • Further investigation • Planning Proposal |
| Long Term Potential (5+ years) (Not to be included in AL SEPP at this stage) | | |
| Forest Way and Madang Road, Belrose (Site 3) | Potential biodiversity offsets. | <ul style="list-style-type: none"> • Further investigation • Planning Proposal |
| Paxton Street, Poulton Parade and Weardon Road, Frenchs Forest (Site 7) | Potential for low density residential and/or passive recreation uses. | <ul style="list-style-type: none"> • Further investigation • Planning Proposal |
| Cromer/Oxford Falls (Site 8) | Potential biodiversity offsets. | <ul style="list-style-type: none"> • Further investigation • Planning Proposal |

Table 1: Audited sites for consideration in the DDP

As identified above, the proposal considered nine (9) sites but only proposes to include six (6) sites in the ALSEPP at this stage.

The first site identified as a short-term potential for development in 1-2 years, known as “Lizard Rock” in Belrose, is earmarked for 400-500 new dwellings, environmental and cultural heritage conservation, community centre and recreation land uses.

If adopted the SEPP amendments would:

- Require Council to consider the DDP in the preparation of any Planning Proposal to amend Council’s Local Environmental Plan (LEP) applying to the land.
- Require Council to consider the DDP (in part) in the assessment of any development application for the land.
- Create an ‘*independent proposal review*’ process whereby MLALC can request the Regional Planning Panel to review a Planning Proposal before it is submitted to DPE for a “Gateway” determination (removing Council from the Planning Proposal Authority role)
- Make the Regional Planning Panel, not Council, the consent authority for development with a value exceeding \$5m or with more than 50 submissions or where Council takes longer than 60 days to determine the application.

The ALSEPP was introduced to provide greater to support Aboriginal Land Councils via the NSW planning system to achieve their aspirations and realise community benefits under the *Aboriginal Land Rights Act 1983 (ALR Act)*.

The objectives of the ALSEPP and that MLALC's land claimed under the ALR Act is intended as compensation for past injustices and to address the high level of disadvantage experienced by the Aboriginal community are acknowledged.

However, Council is concerned to ensure that appropriate statutory compliance processes are followed and strategically important environmental planning matters are addressed prior to the adoption of any DDP.

It is also important to address now because of the possibility Council will lose its role as the Planning Proposal Authority and Development Consent Authority for these sites under the changed planning rules for DDP sites and noting similar experiences with planning proposals by the Darkinjung LALC under the ALSEPP in the Central Coast Council area.

In summary, Council's draft submission to the exhibition (Attachment 1) makes the following comments:

- The draft DDP has not addressed process issues previously raised by Council and has not appropriately addressed statutory requirements of the ALSEPP.
- The draft DDP also conflicts, or does not address conflicts, with many of the priorities and actions in the Greater Sydney Region Plan and North District Plan and Council's Local Strategic Planning Statement, Towards 2040 and Local Housing Strategy. These have not been appropriately considered or addressed, as required by planning legislation.
- The cumulative environmental impacts of development on these lands are potentially significant and should be addressed now, before the adoption of any DDP.
- An overarching strategic approach is needed for all MLALC lands totalling 912ha (not just the six (6) sites included in the DDP) to help achieve good outcomes for MLALC and the wider community.
- Additional work is required to address the above concerns before any DDP is progressed.

Importantly, the adoption of a DDP for the six MLALC sites does not guarantee the future use (or non-use) of other MLALC lands not currently under investigation.

Whilst only six (6) sites are proposed to be included in the DDP, and only the site known as Lizard Rock (71ha) is currently endorsed by MLALC members and the NSW ALC for land dealing (development/sale), the MLALC owns 912ha of land in the Northern Beaches LGA and as such, uncertainty remains regarding the potential to add to this via future proposals.

RECOMMENDATION OF EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING

That:

1. Council finalise and forward the submission attached as Attachment 1 to the report for this item to the Department of Planning and Environment for their consideration.
2. That concerns are raised in relation to the following issues:
 - A. The draft Development Delivery Plan does not adequately address the statutory requirements of the State Environmental Planning Policy (Planning Systems) 2021 (formerly State Environmental Planning Policy (Aboriginal Lands) 2019), in particular, having appropriate regard to the Greater Sydney Regional Plan.
 - B. The draft Development Delivery Plan inaccurately and selectively suggests compliance with Council's Local Strategic Planning Statement and Local Housing Strategy. The adopted Local Housing Strategy states that development in existing non-urban areas is not required to meet Council's housing targets and is not consistent with good planning principles as established by the Government through its strategic planning framework.
 - C. There has been no proper independent review or assessment of the draft Development Delivery Plan.
 - D. The Department of Planning & Environment is conflicted in its role as both a partner with Metropolitan Local Aboriginal Land Council in the preparation of the Development Delivery Plan and as the determining authority for the Development Delivery Plan/State Environmental Planning Policy amendment. A more rigorous approach should be established that addresses the conflict of roles of the Department of Planning and Environment including via a probity plan.
 - E. The draft Development Delivery Plan applies to only nine sites and does not address all current Metropolitan Local Aboriginal Land Council holdings (approximately 39% of 'Deferred Lands' is currently owned by Metropolitan Local Aboriginal Land Council).
 - F. A more collaborative process should be established going forward that addresses the conflict of roles for the Department of Planning and Environment via a probity plan.
 - G. The statutory consequences of the Development Delivery Plan are significant. Council will potentially lose its planning powers for the sites. Key strategic planning issues should be addressed now.
 - H. The proposals will result in an intensification of development, inappropriate development and incompatible land uses in areas exposed to high risk of bush fire, are likely to increase risks to life and property and present difficulties in evacuation.
 - I. The proposal will result in impacts on core habitat, known habitat for various threatened species of flora and fauna and Threatened Ecological Communities.
 - J. The proposal will result in impacts on watercourses, wetlands, water dependant ecosystems, associated biodiversity and the quality and quantity of overland flow as it enters local and downstream waterways, including the highly valued Narrabeen Lagoon.
 - K. Future investigations should respond to the recommendations in the submission by the Aboriginal Heritage Office.
 - L. Any development outcome will require additional infrastructure not currently planned under the existing Northern Beaches 7.12 Contributions Plan that applies to the land.

- M. No commitments are made to improved building standards and the achievement of a low-carbon development with high-efficiency in energy, water and waste, including opportunities to increase the uptake of renewable energy, reduce carbon emissions, support precinct-scale efficiency initiatives, a circular economy and investigate alternative water supplies.
 - N. Detailed urban design studies are required, along with alignment with the draft Design and Place State Environmental Planning Policy 2021 and Urban Design Guide.
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REPORT

BACKGROUND

The [State Environmental Planning Policy \(Aboriginal Lands\) 2019](#) (ALSEPP) was repealed 1 March 2022. The provisions within the ALSEPP are now incorporated within Chapter 3 of the [State Environmental Planning Policy \(Planning Systems\) 2021](#) (PSSEPP – Chap 3). Council's submission responds to the documents referred to on the Department of Planning and Environment's website "[Aboriginal Lands SEPP amendment and Northern Beaches Aboriginal land Development Delivery Plan](#)", which includes the Explanation of Intended Effect for an amendment to State Environmental Planning Policy (Aboriginal Lands) 2019 for Metropolitan Local Aboriginal Land Council in Northern Beaches Local Government Area. Any reference within Council's submission to the ALSEPP therefore refers to PSSEPP – Chap 3.

The Department of Planning and Environment (DPE) exhibited proposed amendments to State Environmental Planning Policy (Aboriginal Lands) 2019 (ALSEPP) to include six (6) sites (ALSEPP sites) owned by the Metropolitan Aboriginal Land Council (MLALC) in the SEPP and to make a Development Delivery Plan (DDP) for those sites. The exhibition closed **21 March 2022**.

The draft DDP sets out MLALC's objectives for the land, the nature of development proposed, the basis on which the development is proposed, and strategies and actions to achieve those objectives.

If adopted the SEPP amendments would:

- Require Council to consider the DDP in the preparation of any Planning Proposal to amend Council's Local Environmental Plan (LEP) applying to the land.
- Require Council to consider the DDP (in part) in the assessment of any development application for the land.
- Create an '*independent proposal review*' process whereby MLALC can request the Regional Planning Panel to review a Planning Proposal before it is submitted to DPE for a "Gateway" determination (removing Council from the Planning Proposal Authority role)
- Make the Regional Planning Panel, not Council, the consent authority for development with a value exceeding \$5m or with more than 50 submissions or where Council takes longer than 60 days to determine the application. Council would only have power to exhibit, assess and provide a recommendation to the panel on whether the development should be approved.

Location of Proposals

The exhibited Explanation of Intended Effect and DDP reference six (6) sites identified for short to medium potential. Supporting this is a Strategic Review of lands in the Northern Beaches (Strategic Review), a Review of Strategic Assessment, and maps showing the potential development area of nine (9) sites owned by MLALC (Figure 1). Three (3) sites identified for long term potential been excluded from the DDP.

Of the ALSEPP sites:

- Most of Site 1 (Lizard Rock) is in the Metropolitan Rural Area (MRA) as identified in the Greater Sydney Region Plan (GSRP) – (Figure 2).
- Four of the sites (1,4,5,9) are in the 'Future MRA investigation area' (investigation area) as identified in Towards 2040 and the 'deferred lands' area – land zoned under Warringah LEP 2000 which was "deferred" from Warringah LEP 2011 (Figure 3).

- Two sites (2 and 6), although within the 'Urban Area', are largely made up of land zoned for Environmental Conservation under the Warringah LEP 2011 (Figure 3).

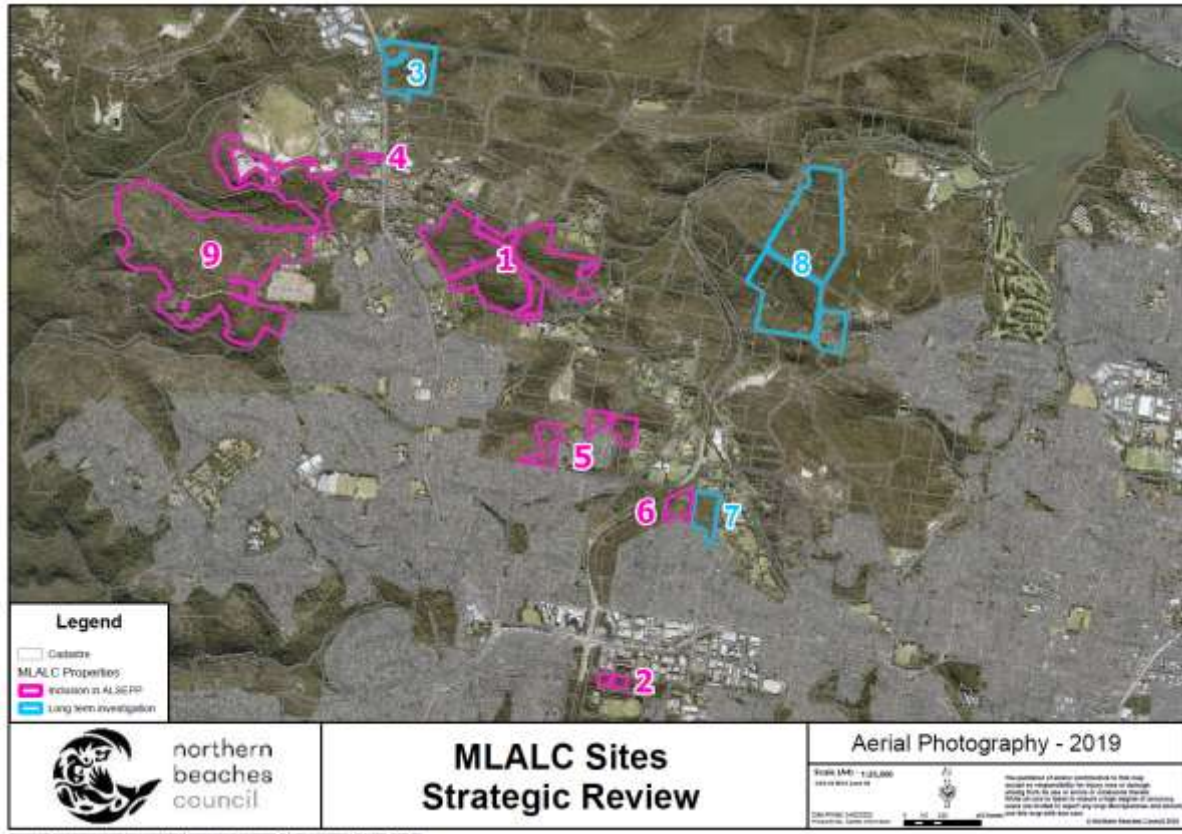


Figure 1 – MLALC sites within the Strategic Review

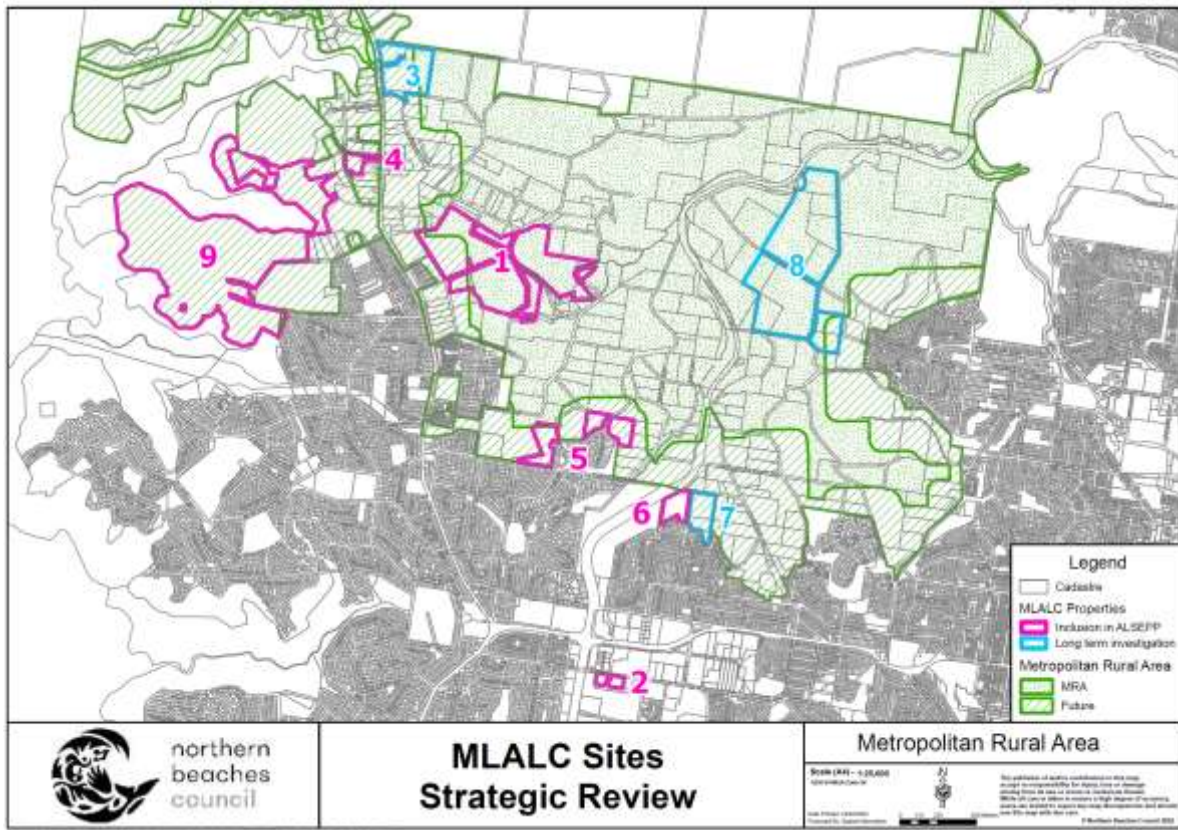


Figure 2 – MLALC sites with respect to the MRA and future MRA investigation area

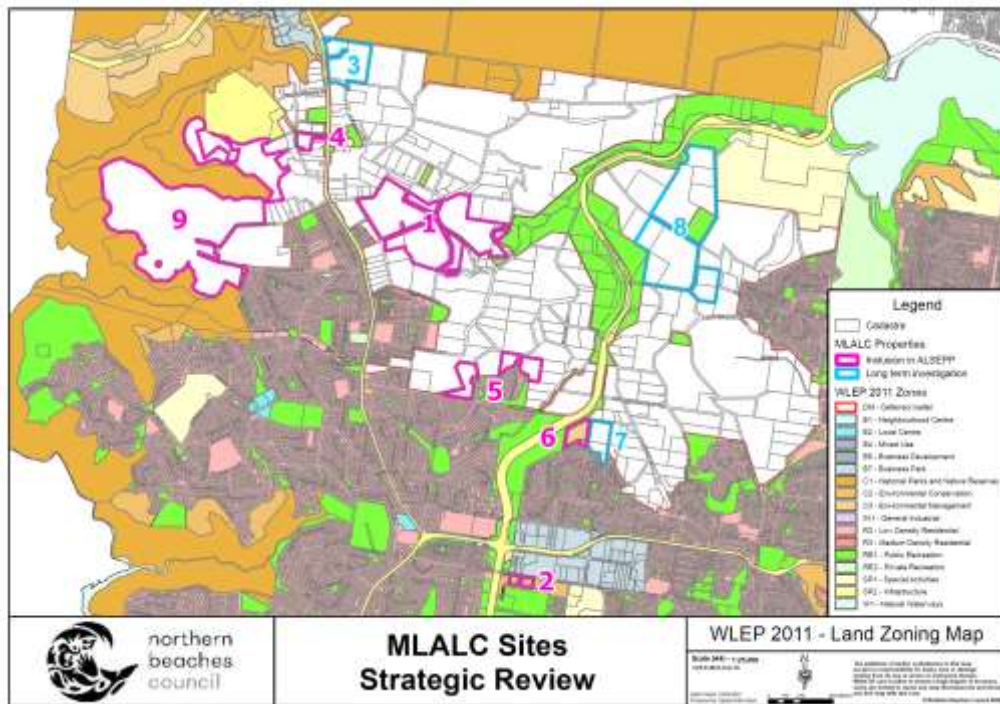


Figure 3 – Zoning map of six sites, including those in the deferred lands

Submission

Council acknowledges that historically, Aboriginal peoples owned and managed land across Australia for many thousands of years before European occupation and that the NSW Aboriginal Land Rights Act 1983 was a significant step in redressing longstanding injustices to Aboriginal peoples by allowing Local Aboriginal Land Councils to claim vacant Crown Land.

Council also appreciates the overarching objective of the ALSEPP is to aid Aboriginal People to achieve economic self-determination by utilising the developable land to facilitate tangible economic, social and cultural prosperity for MLALC members and the Aboriginal community. It is recognised the proposed developments could provide much needed and significant funding to fund outcomes in the community land and business plan, included within the DDP.

As outlined within Council's Local Strategic Planning Statement, Towards 2040 (the key local strategic planning document of Council), a key priority of Council is for Strong engagement and cooperation with Aboriginal Communities (Priority 13). It also includes actions to work with MLALC to implement initiatives in their community land and business plan (A13.3), and to better understand constraints as well as feasible and appropriate land use opportunities on land owned by MLALC (A4.7).

Council is however concerned to ensure that statutory compliance processes are followed and that key strategic environmental matters are addressed now, prior to the adoption of any DDP. The draft submission raises process and statutory compliance issues as well as environmental and land suitability issues.

Process and Statutory Compliance Issues

Council has identified the following issues with the work undertaken so far by DPE and MLALC:

- The draft DDP does not adequately address the statutory requirements of the ALSEPP, in particular, having appropriate regard to the Greater Sydney Regional Plan.
- The draft DDP inaccurately and selectively suggests compliance with Council's Local Strategic Planning Statement and Local Housing Strategy.
- There has been no proper independent review or assessment of the draft DDP.
- DPE is both a partner with MLALC in the preparation of the DDP and the determining authority for the DDP/SEPP amendment, presenting a conflict of roles.
- The draft DDP applies to only 6 sites and does not address all current MLALC holdings (approximately 39% of 'Deferred Lands' is currently owned by MLALC).
- The draft DDP includes 5 sites not previously discussed with Council despite two years of discussions with DPE.
- The adopted Local Housing Strategy states that development in existing non-urban areas is not required to meet Council's housing targets and is not consistent with good planning principles as established by the Government through its strategic planning framework.
- The statutory consequences of the DDP are significant. Council will potentially lose its planning powers for these sites. Key strategic planning issues should be addressed now.

Environmental Concerns and land suitability

A high proportion of land acquired by MLALC on the Northern Beaches is highly constrained, non-urban land which has previously not been considered suitable for land release.

The proposed development area of the ALSEPP sites is approximately 73 hectares, which will unavoidably result in substantial vegetation clearing, adversely impacting:

- **Biodiversity:** Known habitat for various threatened species of flora and fauna including the occurrence of Threatened Ecological Communities (TECs). Based on the information provided, they are likely to significantly affect threatened species, with some threatened biodiversity identified as being at risk of a serious and irreversible impacts. The proposed ALSEPP sites currently provide important contributions to both local and regional biodiversity habitat and connectivity. All but one of the proposed ALSEPP sites (site 4) can be considered part of important 'core habitats' of the Northern Beaches.
- **Waterways:** Watercourses, wetlands and associated riparian areas, including occurrences of Coastal Upland Swamp Threatened Ecological Communities (TECs). Many of the proposals are located in the Narrabeen Lagoon catchment, which is of high environmental, social and economic value to the Northern Beaches and has consistently demonstrated high results in ecological water quality monitoring.

Development of the proposed site to be included in the ALSEPP/DDP could result in incompatible and inappropriate land uses in areas exposed to high risk of bush fire.

All ALSEPP sites are identified as land at risk from bush fire attack on the Northern Beaches Bush Fire Prone Land Map 2020. As well, results from Council's Deferred Lands Strategic Bush Fire Risk Assessment found 98% of this area is within 400m of mapped bush fire hazard where fire line intensity is modelled to exceed 30,000 kW/m. This is significant as the interim observations by the 2020 Royal Commission into National Natural Disaster Arrangements that 99 per cent of dwellings lost during the 2019-20 'Black Summer' fires were located within 500m of bushland.

Although a Strategic Bush Fire Risk Assessment will need to be lodged with the relevant planning proposals, it is unclear how the proposed developments will be consistent with the NSW Rural Fire Service document, Planning for Bush Fire Protection.

A previous planning proposal for development of one of the sites (Ralston Avenue) was rejected by Council and a subsequent review by the Independent Planning Commission recommended it not proceed due to inconsistencies with Section 9.1 Direction 4.4 Planning for Bushfire Protection and Direction 2.1 Environmental Protection Zones, and the aims and objectives of Planning for Bushfire Protection 2006. Whilst future development proposals for this land may not include residential development, concern remains as to the potential impacts of clearing required to enforce "Asset Protection Zones".

In previous urban development plans for Ralston Avenue and Lizard Rock, impacts to biodiversity (including cumulative impacts) were cited in assessments by the former NSW Planning and Assessment Commission (2009) and NSW Independent Planning Commission (2019).

Council is undertaking several studies to inform future planning for these sites for the new Northern Beaches LEP and DCP. These include a Conservation Zones Review (formerly known as the Environmental Zones Review) and supporting technical studies: Deferred Lands Strategic Bush Fire Assessment; Deferred Lands Biodiversity Assessment; Biodiversity Planning Review; Watercourse, Wetlands and Riparian Lands Study and Estuary Planning Level Studies for Cowan Creek/Cottage Point and North and Middle Harbour.

Other technical studies being finalised include a Stormwater Management Study, Geotechnical Review, Local Character Study, Urban Design Study, Social Infrastructure Study and Employment Study.

Council's investigations and technical studies are being delivered as part of our program '[Planning our Sustainable Future](#)'. As outlined in *Towards 2040*, these studies will inform our comprehensive LEP and Development Control Plan (DCP), and place-based planning in the MRA and investigation area.

Infrastructure and Design

All sites are undeveloped and are not serviced by the range of local infrastructure required to support development. There is little detail provided to allow Council to comment on infrastructure requirements. Any development outcome will require additional infrastructure not currently planned under the existing Northern Beaches 7.12 Contributions Plan that applies to the land.

There is no mention within the proposals to commit to improved building standards and the achievement of a low-carbon development with high-efficiency in energy, water, and waste. There are no commitments to increase the uptake of renewable energy, reduce carbon emissions, support precinct-scale efficiency initiatives, a circular economy and investigate alternative water supplies. Precinct scale and 'off-grid' infrastructure could result in less reliance on traditional infrastructure and enable future development to be more resilient in the face of natural disasters and impacts such as power outages.

The proposal would constitute 'urban intensification' as defined by Towards 2040 and thus be required to provide an independent sustainability certification. Council's pursuit of a Green Star Communities rating for the Ingleside and Frenchs Forest precincts has been challenged due to multiple landowners and delivery by State Government. As the ALSEPP sites are solely owned by MLALC, should any development be undertaken (despite the matters raised in this report), there presents a significant opportunity to deliver a stand-out exemplary development, potentially aiming for the highest available rating.

With respect to urban design, the proposed development footprints in the Strategic Review indicate these urban design studies have progressed, however they have not been shared with Council nor included in the DDP. This makes it difficult to understand how the proposals respond to the natural environment and its unique characteristics, including ridgelines, views, and topography.

Council considers any proposed developments should trigger the application of the draft Design and Place SEPP, Urban Design Guide, and updates to residential sustainability (BASIX), as amended following public exhibition. Although not yet a mandatory matter for consideration under the EP&A Act, they provide much needed and relevant guidance and for the proposed ALSEPP sites. Reliance on this guidance alone however would not suitably address sustainability requirements as:

- The increased energy and water use standards only apply to non-residential developments (Schedule 1)
- Increased residential BASIX requirements will only apply at the construction stage for any individual dwelling on a site-by-site basis.

CONSULTATION

Council officers met with DPE and MLALC on several occasions in the last two years to discuss the process for, and issues that must be addressed in, any proposals to rezone and develop MLALC lands. In those discussions, Council raised several matters of concern about the DDP process. Many of these have not been addressed and are reiterated in Council's attached submission.

Although DPE briefed the former and current Council on the proposed process prior to public exhibition, Council was not afforded the opportunity to comment on any detail that informed the DDP, including the 5 sites in addition to Lizard Rock that were a late inclusion in the DDP.

Exhibition of the ALSEPP has been the responsibility of DPE. Council has assisted DPE in communicating this exhibition by providing property information to DPE to enable letters to be posted to over 6000 landowners. DPE also provided an online community information session on 17 February 2022.

TIMING

DPE has indicated all feedback on the SEPP amendment and the DDP will be considered by an independent planning consultant appointed by DPE to prepare an outcomes report and make recommendations to the Minister about how to proceed. There is no deadline for making the SEPP amendments.

LINK TO STRATEGY

As above, the proposals demonstrate many inconsistencies with the Greater Sydney Region Plan and North District Plan and Council's Local Strategic Planning Statement, Towards 2040 and Local Housing Strategy.

This report relates to the Community Strategic Plan Outcomes 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.
- Protection of the Environment - Goal 3: Our community is well-supported in protecting the environment.
- 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.
- Transport and Infrastructure - Goal 16: Our integrated transport networks meet the needs of our community.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.
- 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.

FINANCIAL CONSIDERATIONS

Potential future Council costs, some of which will be offset by fees and charges, include:

- Assessment of Planning Proposals and Development Applications
- Contribution Plan preparation and approval
- Infrastructure to support the incoming community.
- Maintenance and management of any lands dedicated to Council as part of any future development e.g., parks, roads

SOCIAL CONSIDERATIONS

Development of the ALSEPP sites, starting with Lizard Rock, will provide an income stream to MLALC to fund the goals identified in the Community Land and Business Plan, including five key goals:

1. To secure short to medium term financing for implementing the objectives and strategies in this CLBP.
2. To facilitate the healing and enhance the social wellbeing and participation of our community.
3. To promote, protect, and celebrate Aboriginal values, our culture and our heritage.
4. To ensure the prosperity of our community through the effective management of our land and other assets.
5. To develop new businesses and grow our existing businesses while prudently managing our investments.

ENVIRONMENTAL CONSIDERATIONS

Development of the sites proposed to be included in the SEPP/DDP could result in incompatible and inappropriate land uses in areas exposed to high risk of bush fire. They will unavoidably require substantial vegetation clearing which will negatively impact threatened species habitat, Threatened Ecological Communities, watercourses, wetlands, and riparian areas.

GOVERNANCE AND RISK CONSIDERATIONS

It is recommended that future collaboration between DPE and MLALC is the subject of a Probity Plan and Audit.

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| ITEM 12.3 | DEPARTMENT OF PLANNING AND ENVIRONMENT LEP
EMPLOYMENT ZONE REFORMS |
| REPORTING MANAGER | EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING |
| TRIM FILE REF | 2022/162160 |
| ATTACHMENTS | <ol style="list-style-type: none"> 1 ⇒ Council Submission - June 2021 (pre Public Exhibition)
(Included In Attachments Booklet) 2 ⇒ Translation of Manly LEP 2013 to DPE in reply (Included
In Attachments Booklet) 3 ⇒ Translation of Warringah LEP 2011 to DPE in reply
(Included In Attachments Booklet) 4 ⇒ Translation of Pittwater LEP 204 to DPE in reply (Included
In Attachments Booklet) 5 ⇒ LEP Mapping Changes for Zone Translations (Included In
Attachments Booklet) |

SUMMARY

PURPOSE

To update Council regarding the implementation of Local Environmental Plan (LEP) Employmentzone changes being undertaken by the Department of Planning and Environment (DPE).

EXECUTIVE SUMMARY

The DPE is continuing with a program of changes to the NSW Planning System.

The Employment Zones reform was announced as part of the NSW Budget in November 2020, building on ongoing work by the DPE and broader government reforms to support economic growth and productivity. The NSW Productivity Commission recommended rationalising employment zones to increase flexibility within LEP zones with more permitted land uses.

This work includes the proposed rationalisation and reduction of land use zones that councils use in our LEPs to control industrial, commercial, and retail land uses. This change will replace the current 12 business and industrial zones with 8 employment zones and will make an extra 97 land uses “mandated” permissible uses in all LEPs. Based on Productivity Commission recommendations, the stated aim of these changes is to provide greater flexibility for businesses to operate in additional areas.

It is proposed that the changes to Council “standard instrument” LEPs (Manly LEP 2013, Warringah LEP 2011, and Pittwater LEP 2014) will be implemented via a ‘self-repealing” StateEnvironmental Planning Policy (SEPP) in December 2022.

Council has raised concerns with the DPE that fewer zones with more broadly permitted land uses could undermine local character, reduce Council’s ability to plan for orderly growth, and potentially impact the function of existing centres and the residential precincts which surround them (Attachment 1).

Despite Council submissions, the DPE is proceeding with a program to “translate” all current standard instrument LEPs in the State to the new employment zoning model as follows:

- December 2021 – DPE provided Council draft translations of Manly LEP 2013 (Attachment 2), Warringah LEP 2011 (Attachment 3) and Pittwater LEP 2014 (Attachment 4) for review

and comment (Warringah LEP 2000 excluded as it does not have “standard instrument” zones)

- 4 February 2022 – Initial comments provided by Council staff to the DPE
- April 2022 – DPE anticipate public exhibition of proposed LEP changes
- December 2022 – DPE anticipate new zones introduced into all LEPs

In providing comment to the DPE on the proposed translations (Attachments 2,3,4 and 5), Council relied upon our 2019 Employment Study (prepared for Council by SGS Economics & Planning) as well as proposals for rationalisation of Council’s current LEPs contained in the Northern Beaches LEP Discussion Paper, exhibited by Council from July-September 2021.

If supported by DPE, the recommended translation would standardise the content and operation of employment zones across Council’s three “standard instrument” LEPs for easy inclusion in the new Northern Beaches LEP.

Council will be provided with an opportunity to comment on the proposals again following the public exhibition of proposed changes by DPE and following the receipt of any submissions.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council note the:

1. Report and the recommended translations of Employment zones for the Manly, Pittwater and Warringah LEPs in attachments 1-5.
 2. Proposed public exhibition by the Department of Planning and Environment of the Employment Zone translations.
 3. Outcomes of that exhibition will be notified to Council and that Council’s LEPs will be amended by the Department of Planning and Environment via a “self-repealing” State Environmental Planning Policy.
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REPORT

BACKGROUND

The NSW Government has announced that it is undertaking significant changes across the planning system to improve assessment time frames, reduce red tape, eliminate double-handling, and fast-track projects that deliver public benefits to the people of NSW.

The Employment Zones reform was announced as part of the NSW Budget in November 2020, building on ongoing work by the DPE and broader government reforms to support economic growth and productivity. The NSW Productivity Commission recommended rationalising employment zones to increase flexibility within LEP zones with more permitted land uses.

DPE's development of the Employment Zone Framework has to date included a range of key events which have involved consultation with Local Government detailed as follows:

DPE Staff Workshops

As part of a program of consultation with Local Government in January and February 2021, Council staff met with the DPE Employment team to discuss the proposed reforms. At that time Council advised DPE that the Northern Beaches Employment Study, did not identify any need to reduce or collapse the number of zones as proposed by DPE. Council also cited examples of the negative impact of increased permissible uses foreshadowed in proposed new employment zones.

DPE Short Paper – Employment Zones Reform Preliminary Framework

On 1 April 2021 a DPE Short Paper was circulated to select Stakeholders including Local Government participants to provide an understanding of the extent of changes and an opportunity to help refine the draft framework before public exhibition. Council staff provided further comments highlighting the importance of locally and strategically determined zones which are drafted and applied to establish and maintain localised planning objectives. More specific comments were also provided to DPE in relation to each of the proposed new zones.

DPE Exhibition (Position Paper and draft Standard Instrument LEP Order)

From 20 May 2021 to 30 June 2021 DPE exhibited a range of documents in relation to the Employment zone reforms as follows:

- Position Paper
- Draft Standard Instrument Principal LEP Amendment Order
- Employment zones Implementation Plan
- Proposed Land Use Matrix
- Employment zones public exhibition submissions report

On 30 June 2021 Council lodged a Submission to the exhibited reform which concluded:

This state-wide template for employment zones and land uses will constrain Council in framing local employment zones for the Northern Beaches. Council submits that local efforts to maximise productivity will be misdirected, strategic growth of business inhibited, land use conflicts increased, and zones rendered less fit for purpose. In this regard the DPE's reforms fail to support Council's delivery of the strategic vision contained in its LSPS and proposed approaches to Employment Zones in Council's LEP Discussion Paper currently on exhibition.

Publication of Amendments to Standard Instrument (SI) LEP Order

- On 3 November 2021 the SI LEP Order was amended to publish the new employment zones including mandated zone objectives, permitted land uses, new and amended definitions and other transitional matters. The new zones are as follows:
- **E1 Local Centre:** this zone provides for a wide range of retail business, entertainment, community uses that service a local area.
- **E2 Commercial Centre:** this zone provides large-scale commercial, retail, business, and service development in strategic centres e.g., Warringah Mall.
- **E3 Productivity Support:** mix of industrial, commercial, creative, warehousing, and emerging new industries that need larger floor space.
- **E4 General Industrial:** light and general industrial and warehousing uses providing important urban services like waste management and concrete batching
- **E5 Heavy Industrial:** heavy industrial uses that must be separated from other uses.
- **MU1 Mixed Use:** this zone provides a diversity of business, retail, office land uses that generate employment opportunities and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse, and functional streets and public spaces.
- **W4 Working Waterfront:** this zone broadly provides maritime purposes and for activities requiring direct foreshore access.
- **SP4 Enterprise:** this zone broadly provides for development and land uses that support enterprise and productivity.

For each of the above zones the SI LEP Order mandates objectives and permitted land uses. The Order came into effect on 1 December 2021 however the existing zones will not be repealed until 1 December 2022.

The existing LEP zones to be repealed are as follows:

- B1 Local Centre
- B2 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- B8 Metropolitan Centre*
- IN1 General Industry
- IN2 Light Industry
- IN3 Heavy industry*
- IN4 Waterfront Industrial

*Council does not currently use the B8 zone or IN3 in any of its LEPs.

DPE Preliminary Translation of LEPs

DPE provided Council with a preliminary translation of the employment zones in the Manly LEP 2013, Warringah LEP 2011 and Pittwater LEP 2014 in November 2021. The preliminary translation included draft LEP Maps indicating the application of zones as well as detailed recommendations for the permissibility of land uses. Council's review of DPE's translation identified the following issues.

Translation of Zone Mapping:

Council's comments and submissions to DPE regarding the proposed application of the new zones in Council LEPs (Council does not currently have any heavy industry zones) are summarised in the below table.

Table: Summary of Employment Zone translation for Northern Beaches LEPs

| <i>New Zone</i> | <i>DPE Recommendation</i> | <i>Key Issues</i> | <i>Council approach</i> |
|-------------------------|---|---|--|
| E1 Local Centre | Apply new zone to land currently zoned B1 Neighbourhood Centre and B2 Local Centre. | Certain land uses that are currently not permitted in Neighbourhood Centres will be mandated as permitted, potentially impacting surrounding residential areas. | Limit the extent of permitted land uses that are likely to impact Neighbourhood centres, especially where the uses are not mandated. |
| E2 Business Centre | Apply new zone to land currently zoned B3 Commercial Core (Warringah Mall). | Generally consistent with current zoning controls. | Minor amendments to local land uses based on proposed approach in Council's LEP Discussion Paper 2021. |
| E3 Productivity Support | Apply new zone to land currently zoned B5 Business Development, B6 Enterprise Corridor and B7 Business Parks. | Certain land uses that are currently not permitted in Business Parks will be mandated as permitted, including Specialised Retail Premises (bulky goods retailing). | Limit the application of the zone to exclude most of the land in Business Parks (B7) where permitted uses such as Specialised Retail Premises would impact on the integrity of these employment lands (see SP4 zone below) |
| E4 General Industrial | Apply new zone to land currently zoned IN1 General Industrial and IN2 Light Industrial. | Certain land uses that are currently not permitted in the Light Industrial zone will be mandated as permitted, potentially impacting surrounding residential areas. | Limit the extent of permitted land uses where not mandated based on proposed approach in Council's LEP Discussion Paper 2021. |
| MU1 Mixed Use | Apply new zone to land zoned B4 Mixed Use (Dee Why, Mona Vale and proposed in Frenchs Forest) | Generally consistent with current zoning controls. | Amendments to local land uses based on proposed approach in Council's LEP Discussion Paper 2021. |
| W4 Working Waterfront | Apply new zone to land currently zoned IN4 Waterfront Industrial. | Generally consistent with current zoning controls. | Minor amendments to local land uses for consistency. |

| | | | |
|-----|-----|---|--|
| SP4 | N/A | New zone generally consistent with current B7 Business Park zone. | Apply this zone in areas currently zoned B7 to specifically exclude Specialised Retail Premises (Bulky Goods retailing). |
|-----|-----|---|--|

Translation of Objectives and Land Uses:

Council can add zone objectives and land uses to the respective zones but cannot remove mandated objectives and zones. Council's approach has been to recommend additional objectives and land uses where they are consistent across current LEPs to move towards the future consolidation of LEPs under the upcoming Northern Beaches LEP. Council's proposed approach was also informed by the 2021 LEP/DCP Discussion Paper.

The zone translation process has been complicated by Council having 3 LEPs with some 180 standard instrument land uses, some mandated and other locally determined. While preliminary feedback on the permissibility of land uses has been provided to DPE it is anticipated that further work will be required by DPE ahead of the finalisation of the draft translations for Public Exhibition.

CONSULTATION

Council will review submissions received by DPE to the public exhibition of the translations proposed in April 2022.

The exhibition will outline each council's proposed LEP amendment to have effect through a State Environmental Planning Policy. We understand that a web platform will be available during the exhibition for communities to readily identify their local changes and make a specific submission on the proposed translation and associated detail relevant to their local areas. Submissions in their entirety as well as summaries will be shared with councils following exhibition to enable finalisation of the policy between DPE and Council.

TIMING

The DPE Exhibition is anticipated in April 2022 and following submission review, final drafting is to be finalised in consultation with Councils in the second half of 2022. It is intended to amend all LEPs with new zones before December 2022 with existing Business and Industrial zones being repealed on 1 December 2022.

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.
- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in an environment that supports innovation and economic growth.
- Vibrant Local Economy - Goal 14: Our economy provides opportunities that match the skills and needs of the population.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council. However, the changes mean that the Development Assessment team within Council will be required to consider and determine development applications for a broader range of uses than is currently required. There is potential for more appeals in the Land and Environment Court as a result.

SOCIAL CONSIDERATIONS

Council raised concerns with DPE that the rationalisation of business and industrial zones would further reduce Council's ability to plan at the local level considering local character. There is also potential for greater impacts from the additional range of uses in commercial and industrial zone that directly adjoin residential areas.

ENVIRONMENTAL CONSIDERATIONS

There are no direct environmental impacts associated with the DPE reform however there is potential for greater adverse environmental effects arising from proposals to permit a range of land uses more broadly across employment zones that are currently locally prohibited.

GOVERNANCE AND RISK CONSIDERATIONS

The recommendations of this report pose no governance and risk considerations for Council.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

| | |
|-------------------|--|
| ITEM 13.1 | SPORT AND RECREATION INFRASTRUCTURE GRANTS PROGRAM 2021/2022 |
| REPORTING MANAGER | EXECUTIVE MANAGER PARKS AND RECREATION |
| TRIM FILE REF | 2021/848767 |
| ATTACHMENTS | 1 Application Overview |

SUMMARY

PURPOSE

To consider the recommendations for the Sport and Recreation Infrastructure Grants Program 2021/2022.

EXECUTIVE SUMMARY

Council's 2021/2022 Sport and Recreation Infrastructure Grants Program aims to improve sport and recreation facilities and to meet the following objectives:

- Increase opportunities for participation in sport, recreation and active play.
- Improve the viability of sport and recreation groups.
- Develop safe, accessible and family friendly facilities.

The Grants Program opened for applications on 22 October 2021 and closed on 28 November 2021. Eleven applications were received requesting a total of \$282,252. Following the panel's assessment of applications, a total of \$100,000 is recommended for allocation for eight projects across eight sports.

Successful applicants will be required to enter into a funding agreement with Council and to complete their grant funded projects by 30 June 2022. Unsuccessful applicants will be provided with feedback on their applications.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council approves the funding of these projects through the 2021/2022 Sport and Recreation Infrastructure Grants Program:

1. Collaroy Plateau Cricket Club; to upgrade the Collaroy Plateau Cricket Club building at Collaroy Plateau Park with a new awning, \$10,000.
 2. Mona Vale Golf Club; to upgrade the path to the 1st tee at the Mona Vale Golf Course, \$10,000.
 3. Belrose Tennis Club; to upgrade lighting on three tennis courts with LED lights at the Belrose Tennis Centre, \$30,000.
 4. Manly Croquet Club; to install new solar panels at the Manly Croquet Club building at Keirle Park, Manly, \$10,000.
 5. Manly Warringah BMX Club; contribution towards the installation of a new undercover area and an upgrade of the track start shelter with a concrete surface at the BMX complex at JJ Melbourne Hills Memorial Reserve, \$10,000.
 6. Narrabeen Junior Rugby Union Club; contribution towards an upgrade of the rugby union / baseball clubhouse at North Narrabeen Reserve including a new outdoor electric BBQ, \$10,000.
 7. Mona Vale Surf Lifesaving Club; to install new surf lifesaving equipment racks in the Mona Vale Surf Lifesaving Club building at Mona Vale beach, \$10,000.
 8. Manly Warringah Kayak Club; contribution towards an upgrade of the female amenities in the Manly Warringah Kayak Club building at Berry Reserve, \$10,000.
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REPORT

BACKGROUND

Council's 2021/2022 Sport and Recreation Infrastructure Grants Program aims to improve sport and recreation facilities and to meet the following objectives:

- Increase opportunities for participation in sport, recreation and active play.
- Improve the viability of sport and recreation groups.
- Develop safe, accessible and family friendly facilities.

The Grants Program opened for applications on 22 October 2021 and closed on 28 November 2021. Applicants could apply for a minimum of \$10,000 up to a maximum of \$50,000 for new or upgraded infrastructure (of a Council asset) on Council land.

Eleven applications were received requesting a total of \$282,252 (Attachment 1). Applications were submitted via the on-line Smarty Grants system and then checked for eligibility and assessed against these criteria:

- Level to which the project addresses the program objectives.
- Demonstrates a community need.
- Project budget.
- Capacity to carry out the proposed project - applicants are not required to contribute to the project, though contributions are considered in the assessment.

Also, consideration is also given to the geographical spread of projects and Council grant funding in prior years.

Organisations were eligible to apply if they were:

- Incorporated and not-for-profit.
- Up to date with grant reporting and acquittals from any previous Council grant program; and
- Applying for projects not previously funded by a Council grant.
- The grant was for a project on Council owned or managed land.

Information about eligibility was included in guidelines published on Council's website and referred to in the on-line application form. Ten applications were deemed eligible for assessment.

The assessment of eligible applications was undertaken by a panel of three staff from the Parks and Recreation, Property and Capital Works Business Units. Panellists undertook individual assessment of each application and recommendations were agreed at two meetings. Given that the ten eligible applications were for projects spread across nine sports and seven suburbs the geographical spread of projects and grant funding in prior years was not considered material for this year's grant program.

Panel meetings were observed by a representative from Corporate Strategy and a representative from an external Probity Advisory company engaged by Council to monitor the assessment process. The probity report indicated that there was no probity or reported outstanding probity issues.

Following the panel's assessment of applications, \$100,000 (ex GST) is recommended for allocation across the projects that were scored and ranked highest:

- Collaroy Plateau Cricket Club; to upgrade the Collaroy Plateau Cricket Club building at Collaroy Plateau Park with a new awning, \$10,000.
- Mona Vale Golf Club; to upgrade the path to the 1st tee at the Mona Vale Golf Course, \$10,000.
- Belrose Tennis Club; to upgrade lighting on three tennis courts with LED lights at the Belrose Tennis Centre, \$30,000.
- Manly Croquet Club; to install new solar panels at the Manly Croquet Club building at Keirle Park, Manly, \$10,000.
- Manly Warringah BMX Club; contribution towards a new undercover area and upgrade to the track start shelter with a concrete surface at the BMX complex at JJ Melbourne Hills Memorial Reserve, \$10,000.
- Narrabeen Junior Rugby Union Club; contribution towards an upgrade of the rugby union / baseball clubhouse at North Narrabeen Reserve including a new outdoor electric BBQ, \$10,000.
- Mona Vale Surf Lifesaving Club; to install new surf lifesaving equipment storage racks in the Mona Vale Surf Lifesaving Club building at Mona Vale beach, \$10,000.
- Manly Warringah Kayak Club; contribution towards an upgrade of the female amenities in the Manly Warringah Kayak Club building at Berry Reserve, \$10,000.

The applications recommended for funding are recommended to receive less funding than they applied for. For Narrabeen Junior Rugby Union Club, Manly Warringah BMX Club and the Manly Warringah Kayak Club the projects submitted could be staged and the panel has recommended funding certain elements of the Club's applications to be able to allow the projects to commence.

Successful applicants will be required to enter into a funding agreement with Council. 50% of the approved grant funding will be made available upon signing their agreement. The remaining 50% will be paid upon successful completion of projects and meeting Council's acquittal requirements. Unsuccessful applicants will be provided feedback on their applications.

CONSULTATION

Program information and guidelines were advertised and promoted through e-mails sent to sports and recreation groups and via Council's website and social media platforms. The proposed works, for applications recommended, are all minor in nature and Council's Community Engagement Framework does not require any community engagement given the negligible impact of these works.

TIMING

Grant funded projects are to be completed by 30 June 2022.

LINK TO 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.

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

FINANCIAL CONSIDERATIONS

There is \$100,000 in the 2021/2022 Delivery Program for the 2021/2022 Sports and Recreation Infrastructure Grant Program.

SOCIAL CONSIDERATIONS

The recommended projects will provide a range of sport, recreation and community benefits including:

- The upgrade to the Collaroy Plateau Cricket Club building at Collaroy Plateau Park will provide shelter and higher quality facilities for spectators and players for gatherings and watching training and competition.
- The path upgrade to the 1st tee at the Mona Vale Golf Course will improve access for players particularly those with mobility issues.
- The lighting upgrade at the Belrose Tennis Centre will improve playability at night and reduce operating costs.
- The upgrade to the Manly Croquet building at Keirle Park will assist in reducing operational costs.
- The new undercover area and upgrade of the track start shelter at the Manly Warringah BMX Club complex at JJ Melbourne Hills Memorial Reserve will provide higher quality facilities for spectators and riders for gatherings and watching training and competition. This facility will also be used by other riding groups.
- The upgrade of the rugby union / baseball clubhouse at North Narrabeen Reserve will improve facilities for spectators, volunteers and players and provide a better area to raise funds for both sports from canteen sales.
- The new storage racks at the Mona Vale Surf Life Saving Club building will assist with the safe storage of and easier access to surf lifesaving equipment kept in this building.
- The upgrade of the Manly Warringah Kayak Club building at Berry Reserve will improve the quality of amenities for female paddlers.

ENVIRONMENTAL CONSIDERATIONS

The proposed works, for applications recommended, are all minor in nature and will have minimal impact on the environment. Each applicant is required to submit detailed specifications and construction methodologies, including relevant controls such as erosion and sediment control, to Council's satisfaction before agreements can be executed. The LED and solar lighting projects will reduce energy consumption.

GOVERNANCE AND RISK CONSIDERATIONS

Applicants recommended for grant funding have been provided Owner's Consent from Council to lodge their application for their nominated project.

Applications were processed and assessed in alignment with Council's guidelines for the 2021/2022 Grants Program. The assessment of eligible applicants was undertaken by a panel of three staff from the Parks and Recreation, Property and Capital Works Business Units. Panellists

undertook individual assessment of each application and recommendations were agreed at two meetings. Panel meetings were observed by a representative from Corporate Strategy and a representative from an external Probity Advisory company engaged by Council to monitor the assessment process.

Successful applicants will be required to enter into a funding agreement with Council. This agreement will outline the applicant's responsibilities for the expenditure of any approved grant funds. The funding agreement cannot be executed by Council until the grant recipients have sought and received final Owner's Consent for the works, for which they will need to submit detailed specifications and construction methodologies. Council staff will monitor the progress of each approved project.

2021/2022 Sports and Recreation Infrastructure Grants Program Applicant Overview

Eleven applications were received requesting a total of \$282,252. \$100,000 has been recommended for allocation for eight projects across eight sports. There is \$100,000 in the 2021/2022 Delivery Program for the 2021/2022 grants program.

Applications were firstly checked for eligibility and ten applications were deemed eligible. Eligible applications were then assessed by the Assessment Panel against four criteria:

1. Addresses these objectives
 - Increase opportunities for participation in sport, recreation and active play.
 - Improve the viability of sport and recreation groups.
 - Develop safer, accessible and family friendly facilities.
2. Addresses the Sportsgrounds Strategy (2017) and/or demonstrates a community need.
3. Project budget.
4. Applicant's capacity to carry out the proposed project.

A summary of the assessment of the applications received is outlined in Tables 1, 2 and 3 below.

Table 1: Projects Recommended for Funding

| Organisation | Project | Cost
(ex GST) | Request
(ex GST) | Recommend
(ex GST) | Comment |
|-------------------------------|---|---|---------------------|-------------------------|---|
| Collaroy Plateau Cricket Club | New awning on the club building at Collaroy Plateau Park | \$22,972 | \$11,486 | \$10,000 | This project will provide shelter and a gathering place for spectators and players for gatherings and on training and competition days. |
| Mona Vale Golf Club | Restore the path to the 1st tee - Mona Vale Golf Course. | \$12,000 | \$10,000 | \$10,000 | This project will improve access and safety for players particularly players with mobility issues. |
| Belrose Tennis Club | Upgrade lighting on three courts with LED lights - Belrose Tennis Centre. | \$42,284 | \$32,000 | \$30,000 | This project will improve playability of 3 courts at night and reduce operating costs for the Club. LED lighting will use less power than the current lighting. |
| Manly Croquet Club | Croquet Mallets/Balls and Upgrade Works to the Manly Croquet building at Keirle Park. | \$14,934 (a/c, solar panels)
\$4,105 (mallets, balls)
\$9,218 (furniture)
\$28,257 (total) | \$28,000 | \$10,000 (solar panels) | This project will assist in reducing the operational costs for the electricity use of the Manly Croquet building. Equipment is ineligible. |
| Manly Warringah BMX Club | To install a new undercover area and upgrade the track start shelter with a concrete surface at the BMX complex at JJ | \$27,421 | \$22,000 | \$10,000 | This project will provide shelter and higher quality facilities for spectators and riders for gatherings and watching training and competition. This |

| | | | | | |
|--|---|--|----------|----------|---|
| | Melbourne Hills Memorial Reserve. | | | | facility will also be used by other riding groups such as Garigal Gorillas. |
| Narrabeen Tigers Junior Rugby Union Club | Outdoor covered BBQ area and Bin Enclosure at the shared rugby union / baseball building, North Narrabeen Reserve | \$44,435
Installation of outdoor electric BBQ is \$11,485 | \$40,395 | \$10,000 | This project will improve facilities for spectators, volunteers and players and provide a larger and improved outdoor area to raise funds for both sports from canteen sales. |
| Mona Vale Surf Lifesaving Club | Installation of new surf lifesaving equipment storage racks at the Mona Vale Surf Lifesaving Club building. | \$64,470 | \$30,000 | \$10,000 | This project will assist with the safe storage of surf lifesaving equipment and provide easy access to this equipment. |
| Manly Warringah Kayak Club | Female change room upgrade - Manly Warringah Kayak Club building at Berry Reserve | \$50,000 | \$30,000 | \$10,000 | This project will provide higher quality amenities for female paddlers and club visitors. |

Table 2: Projects Not Recommended for Funding

| Organisation | Project (s) | Cost
(ex GST) | Request
(ex GST) | Recommend | Comment |
|--|---|------------------|---------------------|-----------------------|--|
| Long Reef Golf Club | Refurbishment and improvement of practice nets at the Long Reef Golf Club (there are three bays which require the netting to be replaced) | \$10,850 | \$10,850 | No funds recommended. | This project was assessed as not meeting the criteria as well as projects recommended for funding. More a maintenance project rather than improvement. |
| Avalon Beach Bowling & Recreation Club | Refurbishment and extension of the outdoor dining and recreation area (including fencing, outdoor bar, plants, gas connections) and furniture (new and second hand) | \$32,706 | \$17,521 | No funds recommended. | This project was assessed as not meeting the criteria as well as projects recommended for funding.

Budget incomplete. Application lacking details. Second hand furniture not supported. |

Table 3: Ineligible Projects

| Organisation | Project(s) | Cost
(ex GST) | Request
(ex GST) | Assessment | Comment |
|---------------------|--|------------------|---------------------|---------------------|---|
| Balgowlah Golf Club | Upgrade the Balgowlah Golf Club building at the Balgowlah Golf Course including roof replacement | \$100,000 | \$50,000 | Ineligible project. | Project ineligible as the golf club building is not Council owned or managed. |

ITEM 13.2

OUTCOME OF THE PUBLIC EXHIBITION AND THE PUBLIC HEARING OF THE LYNNE CZINNER PARK PLAN OF MANAGEMENT

REPORTING MANAGER

EXECUTIVE MANAGER PARKS AND RECREATION

TRIM FILE REF

2022/081209

ATTACHMENTS

- 1 [⇒ Lynne Czinner Park Proposed Categorisation Public Hearing and Submissions Report \(Included In Attachments Booklet\)](#)
- 2 [⇒ Final Draft Lynne Czinner Park Plan of Management \(Included In Attachments Booklet\)](#)
- 3 [⇒ Lynne Czinner Park Landscape Concept Plan \(Included In Attachments Booklet\)](#)
- 4 [⇒ Community Engagement Report - Lynne Czinner Concept Plan and Plan of Management \(Included In Attachments Booklet\)](#)
- 5 [⇒ Review of Environmental Factors - Lynne Czinner Park \(Included In Attachments Booklet\)](#)

SUMMARY

PURPOSE

To report the outcome of:

1. The public notice of the Draft Lynne Czinner Park Plan of Management.
2. The public hearing into the land categorisation of Lynne Czinner Park, Warriewood (which is comprised of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802) as Park, Natural Area (Bushland) and Natural Area (Watercourse).

To recommend that Council, subject to the environmental assessment required by Part 5 of the *Environmental Planning and Assessment Act 1979*:

3. Adopt the Draft Lynne Czinner Park Plan of Management.
4. Categorise Lynne Czinner Park, Warriewood as Park, Natural Area (Bushland) and Natural Area (Watercourse).

EXECUTIVE SUMMARY

Council resolved (Resolution 315/21) on 26 October 2021 to:

- ‘1. Place the draft concept plan and draft Plan of Management for Lynne Czinner Park on exhibition for 42 days.
2. Hold an independent public hearing on the proposed categorisation as park, natural area (watercourse) and natural area (bushland), as shown in the land categorisation map in the draft Plan of Management (Attachment 1), of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802 in accordance with clause 40A of the Local Government Act 1993.
3. Report the outcomes back to Council for determination.’

In order to give effect to the above resolution and in accordance with section 38 of the *Local Government Act 1993*, Council has given public notice of a draft plan of management for Lynne Czinner Park, Warriewood (which is comprised of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802) and has given public notice of its intention to categorise Lynne Czinner Park, Warriewood as Park, Natural Area (Bushland) and Natural Area (Watercourse).

The public exhibition period ran from 29 October 2021 until 12 December 2021. During this time Council received 67 submissions on the proposals and 95% of these were supportive of the proposals. The bulk of the submissions that did not support the proposals were concerned with car parking management. The issue regarding the parking is addressed in the report below.

It is recommended that Council adopt the Draft Lynne Czinner Park Plan of Management and categorise Lynne Czinner Park, Warriewood as Park, Natural Area (Bushland) and Natural Area (Watercourse).

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note its consideration of the submissions received in respect of the draft Lynne Czinner Park Plan of Management.
 2. Note its consideration of the report on the public hearing into the categorisation of Lynne Czinner Park, Warriewood, which is comprised of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802, as Park, Natural Area (Bushland) and Natural Area (Watercourse).
 3. Amend the Concept Plan as per Attachment 3 and the concept plan as shown in the Draft Plan of Management at Attachment 2 to move the proposed pump track slightly further away from future potential residential properties.
 4. Note its opinion that the amendments to the Draft Lynne Czinner Park Plan of Management as per Attachment 2 are not substantial.
 5. In relation to the requirements of Part 5 of the *Environmental Planning and Assessment Act 1979*:
 - A. Note its consideration of the Review of Environmental Factors at Attachment 5 of the report for this item in relation to the activity contemplated in the amended Draft Plan of Management, being landscaping works for recreational purposes at Lynne Czinner Park, Warriewood, which are set out in, and incorporate the mitigation measures and conditions at Attachment 5 (Activity).
 - B. Note that it has taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the Activity.
 - C. Determine that the Activity will not significantly affect the environment.
 6. Adopt the Draft Lynne Czinner Park Plan of Management at Attachment 2 as the plan of management for the land to which it applies, being Lynne Czinner Park, Warriewood which is comprised of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802.
 7. Categorise Lynne Czinner Park, Warriewood as Park, Natural Area (Bushland) and Natural Area (Watercourse), as shown in the Draft Lynne Czinner Park Plan of Management at Attachment 2, in accordance with section 36 of the *Local Government Act 1993*.
-

REPORT

BACKGROUND

Council has been progressively acquiring and embellishing open space and riparian corridors in the Warriewood Valley for over 20 years. This network is one of the success stories of the Warriewood Valley land release. Council recently acquired Lots 1 DP 1251955, 2 DP 1251955, 3 DP 1251955, 13 DP 1092788, 8 DP 1092802, off Fern Creek Rd, Warriewood pursuant to a Voluntary Planning Agreement with a neighbouring developer.

This transaction involved a land swap 19,000m² of land which was in private ownership, with 11,500m² of land owned by Council. This transfer was carried out to form a contiguous parcel of open space with land to the north of Fern Creek, known as the Rocket Ship Park, which is also to be managed under the Lynne Czinner Park Plan of Management.

At the Council Meeting on Tuesday 23 March 2021, Council resolved to name the reserve Lynne Czinner Park in recognition of the former Councillor and Mayor's contributions to the community and environment. The name was published in the NSW Government Gazette No 586 of 12 November 2021. Lynne Czinner Park is comprised of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802.

Section 35 of the *Local Government Act 1993* provides that community land is required to be used and managed in accordance with the plan of management applying to the land. Accordingly, Council is required to adopt a Plan of Management and to categorise the land at Lynne Czinner Park in accordance with section 36 of the *Local Government Act 1993*. The Draft Lynne Czinner Park Plan of Management can be found at Attachment 2 and the Lynne Czinner Park Landscape Concept Plan for the proposed embellishments can be found at Attachment 3. The concept plan is a visual aid that defines the proposed embellishment of the park and how it relates to surrounding properties. It is included as a figure in the Plan of Management.

The Draft Lynne Czinner Park Plan of Management contemplates that much of the land at Lynne Czinner Park will be used as recreational open space, with associated embellishments to be proposed to be undertaken. Besides the significant amount of recreational open space, the site is also bisected by Fern Creek and its riparian zone and buffer area. For these reasons there are three land categories proposed being Park, Natural Area (Watercourse) and Natural Area (Bushland). The core objectives for such categorisations are:

| Category | Core Objectives as defined by Local Government Act |
|--------------|--|
| Park | <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities, and b) to provide for passive recreational activities or pastimes and for the casual playing of games, and c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. |
| Natural Area | <ul style="list-style-type: none"> a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and b) to maintain the land, or that feature or habitat, in its natural state and setting, and c) to provide for the restoration and regeneration of the land, and |

| Category | Core Objectives as defined by Local Government Act |
|-------------|--|
| | <p>d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and</p> <p>d) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.</p> |
| Watercourse | <p>a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and</p> <p>b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and</p> <p>c) to restore degraded watercourses, and</p> <p>d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</p> |
| Bushland | <p>(a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</p> <p>(b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>(c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>(d) to restore degraded bushland, and</p> <p>(e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>(f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>(g) to protect bushland as a natural stabiliser of the soil surface.</p> |

The following image represents the proposed categorisation:



CONSULTATION

Council gave public notice of the proposed categorisation and plan of management on the Your Say page from 29 October 2021 to 12 December 2021. The community were alerted to the proposed changes via signs on site, mail-out, use of Council's electronic newsletter, social media platforms and the Community Engagement Register. In total, 1440 viewed the material with 67 unique submissions received. Of the submissions received 95% were supportive of the proposal. The complete Community Engagement Report can be found at Attachment 4.

Table 1: Key themes from public exhibition and Council's response

| Theme | What we heard | Council's response |
|--------------------------------|---|---|
| Support for the concept plan. | 85% support for the proposed park. | Support noted, no substantive changes to draft Plan of Management or concept plan. |
| Increased pressure on parking. | There is already a lack of parking in the area and this proposal will exacerbate the issue. | The Landscape Concept Plan includes 40 additional parking spaces and these will be time restricted with a 4-hour parking limit. |

| Theme | What we heard | Council's response |
|--|---|---|
| | | Time limited parking ensures a high turnover of parking. |
| Increase in car and pedestrian traffic. | <p>The proposal will lead to an increase in traffic going up and down Orchard Street.</p> <p>The proposal will encourage more people to come to the area, increasing road and foot traffic.</p> | <p>Traffic on Orchard St and Fern Creek Rd is not expected to be adversely affected by the park development.</p> <p>The proposed shared path connection across Fern Creek will facilitate active transport connections for park users and through Warriewood Valley in general.</p> <p>High quality parks encourage participation and use of parks.</p> |
| Noise and disruption to other users. | The pump track and BBQ areas should be moved to other locations where there will be less noise disruption for residents in properties adjoining the park. | The location of the pump track has been slightly repositioned to provide better passive surveillance and separation from private properties. |
| Accessibility of paths within and around the park. | <p>The shared paths must be wide enough and accessible for the diverse park users.</p> <p>The concept plan should include a circuit path.</p> | <p>The shared path connection through the park and across the bridge will be minimum 2.5m wide.</p> <p>The path network in Lynne Czinner Park contains multiple pedestrian walking loops and connections to Warriewood Valley facilities such as the local shops.</p> |
| Size of the proposed pump track. | The pump track needs to be expanded to accommodate a wider range of kids, including bigger children and more advanced riders. | We will be working with the community via a design working group to design the pump track and make sure it meets the needs of the local community. |
| Protection of the natural environment. | We need to keep the park as natural as possible and not over-develop it. | <p>Natural areas within the park are managed and protected as per the Draft Plan of Management. This includes programs to control the noxious weeds.</p> <p>The ecological value of the park's riparian areas connecting to Ingleside Chase Reserve and</p> |

| Theme | What we heard | Council's response |
|--------------------------------|---|---|
| | | Narrabeen Lagoon is vital. They need to be protected, enhanced and restored as much as possible. |
| Spaces for dogs. | There is a lack of fenced dog off-leash areas on the Northern Beaches and one should be included in the plans for Lynne Czinner Park. | Council's upcoming 2022 Open Space Strategy will assist in balancing the community's needs for recreation, including off leash dog exercise areas throughout the Northern Beaches. The Strategy will consider the possible future use of reserves within the local government area, including Lynne Czinner Park, as off leash dog exercise areas. |
| Additional elements requested. | <p>The park should include a range of additional elements to facilitate passive recreation such as more seating, more picnic areas and shade.</p> <p>The park should include a range of additional recreation facilities such as basketball and tennis courts, a skate park and water play.</p> <p>The concept plan should include a community garden.</p> <p>A toilet block is required for the new recreation areas as the one in 'Rocket Park' is too far.</p> | <p>The facility mix presented in the concept balances open space with infrastructure to support. Additional facilities are permitted by the Plan of Management and can be considered if demand warrants it in the future.</p> <p>The existing toilet block is approximately 115m away from the centre of the new section of the park and will be more easily accessed via the proposed pedestrian bridge.</p> |

In response to community submissions, a minor change has been made to the Lynne Czinner Park Landscape Concept Plan, this is included in the plan at Attachment 3. This change includes repositioning the location of the pump track to provide better passive surveillance and separation from private properties in Dove Lane. The change is not considered to be substantial as the pump track is of the same size and is in the same general location in the west of the park, being moved from one side of the path to the other.

A public hearing chaired by an independent moderator, as required by the *Local Government Act 1993*, was held on 25 November 2021 and was attended by six members of the community. This public hearing was held via the Microsoft Teams platform due to the restrictions on public face to face meetings at that time.

The public hearing was generally supportive of the proposed land categorisation 70% agreed with the proposed categorisation, 12% agreed but with changes, 13% were neutral, and 5% disagreed with the proposed categorisation. The report on the public hearing is in Attachment 1 of this report.

TIMING

If adopted, the detailed design will be undertaken before issuing a tender for construction. Works would commence in mid-2022. It is proposed that the works will be issued in three separate packages, with the bridge and pump track being issued to specialist contractors, to ensure best value for money for the community.

LINK TO 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.
- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.

FINANCIAL CONSIDERATIONS

Council has approved an allocation of \$1,161,992 in the 2021/2022 budget and a further \$1.6 million in 2022/2023 to complete the upgrade of Lynne Czinner Park.

SOCIAL CONSIDERATIONS

The importance of open space and natural areas integrated into our urban areas is vital for social, environmental, mental, and physical health. The success of the Warriewood Valley land release area is in large part due to the integrated way creek lines are used to facilitate the active transport network and connect large open space, both natural and recreational.

The proposed embellishments at Lynne Czinner Park and the bridge across Fern Creek are crucial to providing a connected focal point for the Warriewood community to come together against the backdrop of the beautiful Ingleside escarpment.

ENVIRONMENTAL CONSIDERATIONS

Lynne Czinner Park is bisected by Fern Creek. The waterway is proposed to be categorised as watercourse and surrounding riparian zone and buffer as natural area per the Local Government Act to ensure that they are protected.

The Lynne Czinner Plan of Management also proposes the installation of water sensitive urban design measures to ensure that run off from hard surfaces in particular the 90-degree parking bays is filtered before entering the creek. All pedestrian lighting will use LED globes and non-structural concrete will be made with 60% cement substitutes to reduce its carbon footprint significantly.

A Review of Environmental Factors has been undertaken in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the bridge and the park works and is attached to this report.

The associated landscaping works as contemplated by the Draft Lynne Czinner Park Plan of Management is a combination of 'Development permitted without consent' under clause 65(3) and 'Exempt development' under clause 66 of the former *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), which are now replicated in clauses 2.73(3) and 2.74 of the new *Transport and Infrastructure State Environmental Planning Policy* (T&I SEPP).

An activity carried out under clause 2.73(3) of the T&ISEPP does not require development consent but must be assessed in accordance with Part 5 of the EP&A Act.

Part 5 of the EP&A Act imposes duties on authorities to consider the environmental impact of an activity before carrying out the activity or granting an approval to the activity. Relevantly:

- i. section 5.5(1) requires an authority to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity. The *Environmental Planning and Assessment Regulation 2021* provide that a determining authority must prepare a review of environmental factors (or REF) for activities under Part 5 of the EP&A Act that demonstrates how environmental factors specified in the environmental factors guidelines issued by the Planning Secretary were taken into account when considering the likely impact of an activity on the environment (clause 171(3)); and
- ii. section 5.7(1) contains an implied duty to determine whether an activity is likely to significantly affect the environment and, if so, not to carry out the activity or grant an approval to the activity unless it has obtained or been furnished with, and has examined and considered, an environmental impact statement (or EIS) in respect of the activity.

To facilitate the examination of all matters affecting or likely to affect the environment by the carrying out of the activity for the purpose of Part 5 of the EP&A Act, a Review of Environmental Factors has been prepared at Attachment 5. The report includes certain mitigation measures at Form 1. The Review of Environmental Factors concludes that the activity is not likely to significantly affect the environment.

GOVERNANCE AND RISK CONSIDERATIONS

Public notice in respect of the proposed adoption of a new Plan of Management for Lynne Czinner Park, and a public hearing process to categorise the land as park, Natural Area (bushland) and Natural Area (watercourse), have been undertaken in accordance with the requirements of the *Local Government Act 1993* and Council's Community Engagement Framework.

15.0 NOTICES OF MOTION

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|----------------------|--|
| ITEM 15.1 | NOTICE OF MOTION NO 6/2022 - FLOODING ON THE NORTHERN BEACHES |
| TRIM FILE REF | 2022/153449 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

MOTION

That:

1. Council note with concern:
 - A. Extensive Flooding, particularly along Pittwater Road and Condamine Street occasioning damage to these roads, nearby businesses and homes, and the need for a risk assessment and works to be undertaken to prevent flooding and future damage.
 - B. The level of water in Manly Dam during the flood, its impact on down-stream properties and need for a review into water release and evacuation protocols.
 - C. The continual closure of Wakehurst Parkway during the recent flood and other events and urgent need for a substantive long-term solution to be initiated.
 2. The Chief Executive Officer be requested to write to the Premier of NSW, The Hon Dominic Perrottet MP (responsible for Resilience NSW), Minister for Metropolitan Roads, The Hon Natalie Ward MLC, the Minister for Environment, The Hon James Griffin MP, and the Chief Executive Officer of Sydney Water raising the concerns and actions required outlined in part (1) above.
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ITEM 15.2**NOTICE OF MOTION NO 7/2022 - EMERGENCY AND
SUPPORT SERVICES DURING THE RECENT FLOODS****TRIM FILE REF****2022/153462****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

MOTION

That Council formally acknowledges and extends thanks to the SES, RFS, all Emergency Services, Surf Life Saving Clubs, charities and all others who selflessly dedicated themselves to helping our community during the recent floods.

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|----------------------|---|
| ITEM 15.3 | NOTICE OF MOTION NO 8/2022 - MASTERPLAN FOR KILLARNEY OVAL |
| TRIM FILE REF | 2022/155373 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Stuart Sprott

MOTION

That Staff:

1. Review the masterplan for Killarney Oval taking into consideration the sporting codes and uses.
2. Brief councillors on the findings of the review of the masterplan for Killarney Oval within six-months.

BACKGROUND FROM COUNCILLOR STUART SPROTT

Killarney Oval is a well-used sporting precinct across multiple codes but its facilities are long overdue for renewal and would benefit from a refreshed master plan as the current plan is 10 years old and pre amalgamation.

| | |
|---------------|---|
| ITEM 15.4 | NOTICE OF MOTION NO 9/2022 - PARKING INCLUSIONS FOR SECONDARY DWELLINGS ON THE NORTHERN BEACHES |
| TRIM FILE REF | 2022/157029 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Stuart Sprott

MOTION

That Council:

Recognise the increased parking congestion on some residential streets that additional secondary dwellings/granny flat residences are causing.

Write to the NSW Minister for Planning and call on them to amend the parking controls for secondary dwellings in the State Environment Policy (Housing) 2021 to require the provision of one off-street parking space to the secondary dwelling to ease the congestion of on-street parking in local streets.

BACKGROUND FROM COUNCILLOR STUART SPROTT

Clause 53 of the Housing SEPP outlines the development standards for parking for secondary dwellings. The clause is a non-discretionary clause which means that an application cannot be refused on the basis of carparking if the development control is met.

'Clause 53 - the number of parking spaces provided on site is the same number of parking spaces provided on the site immediately before the development is carried out.'

What this means, for example is if there are currently 2 spaces provided on a site for an existing dwelling, a secondary dwelling can be erected on the same lot as the existing dwelling as long as the 2 existing spaces are retained. There are no provisions for additional parking spaces to be provided to meet the parking demands for the occupants of the secondary dwelling.

As a result of the SEPP provisions I request that council makes representations to the NSW Planning Minister urging them to amend the Housing SEPP to require additional off-street carparking being provided on properties where secondary dwellings are provided.

| | |
|----------------------|---|
| ITEM 15.5 | NOTICE OF MOTION NO 10/2022 - PROTECTING MONA VALE HOSPITAL SITE |
| TRIM FILE REF | 2022/157123 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Miranda Korzy

MOTION

That Council advocate with the NSW and federal governments to:

1. Retain the entirety of the Mona Vale hospital site in public ownership.
2. For the footprint of the now demolished main hospital building and emergency ward to be maintained as open land for the rebuilding of a new public acute services hospital.
3. For any further development on the hospital land to be for public health services only.

BACKGROUND FROM COUNCILLOR MIRANDA KORZY

This month's extreme rainfall and resulting flooding of local roads have highlighted problems for Pittwater residents in accessing acute hospital services. All roads leading out of Pittwater can be closed during emergencies such as this month's floods and the 1994 bushfires, when flames leapt across Narrabeen Lagoon closing Wakehurst Parkway. Furthermore, during these crises, weather conditions often make it impossible for helicopters to transfer patients out of the area.

The loss of emergency, maternity, paediatrics, surgery and other acute hospital wards from the Mona Vale site means that many residents must now travel more than 20 km to reach the nearest facility. In fact, Bondi and Erskineville are closer to Northern Beaches Hospital than much of the Pittwater Council Ward. The unique situation of the many offshore communities also demonstrates the inequity of local hospital services.

Whilst medical outcomes can be better at large tertiary hospitals for complex conditions, distance becomes critical in crises such as anaphylactic shock, asthma attacks, obstructed labour during childbirth, drowning and stroke - where timely treatment can literally mean the difference between life and death.

The shortage of hospital staff and beds at both Royal North Shore and Northern Beaches Hospitals during the Covid pandemic, with many hours' wait for beds, also points to the urgent need for expansion of acute services within the LGA.

Population growth on the Northern Beaches will also drive the necessity for new acute facilities on the coastal strip, with the current population of 272,322 projected to reach 312,503 by 2041, an increase of nearly 15 per cent. The Covid pandemic has also changed people's working habits, with a boom in the numbers of people making the Northern Beaches their permanent home and often their workplace. Meanwhile, the Pittwater Ward has a large transient population that grows over summer, during holidays and weekends, that engages in activities with inherent risks of drowning and injuries - including surfing, boating and mountain bike riding.

Finally, local residents and others requiring hospital care should not need a credit card to access health facilities so we must ensure that services introduced or returned to Mona Vale Hospital are public. This site, which has provided public hospital services for more than 50 years, will be required to do so again in the future - and must not become a private health precinct. Residents need our council to advocate for this.

16.0 QUESTIONS WITH NOTICE

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|----------------------|---|
| ITEM 16.1 | QUESTION WITH NOTICE NO 1/2022 - OPTIONS PAPER
MANAGEMENT OF NARRABEEN LAGOON ENTRANCE |
| TRIM FILE REF | 2022/153483 |
| ATTACHMENTS | NIL |

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. Following community consultation on the Narrabeen Lagoon Entrance Management Strategy Options Paper that closed on 28 March 2021 and received 111 Submissions, as well as previous written advice that the matter would be presented by the October 2021 Council meeting for determination, what has occasioned the significant delay in Council finalising the recommendations from the Options Paper and community consultation and when will a report with recommendations be brought before a Council meeting for determination?
2. In view of the floods to properties surrounding the lagoon last year and recently, how many properties is Council aware of that sustained damage directly due to water emanating from Narrabeen Lagoon?
3. What was the total expenditure for the dredging works undertaken last year in Narrabeen Lagoon?
4. Since the creation of Northern Beaches Council, what is the total expenditure on the manual opening of Narrabeen

CHIEF EXECUTIVE OFFICER REPORT

In relation to Item 1, the draft Entrance Management Strategy has been through a number of rounds of technical review and editing to prepare it for community consultation. During this review period staff have also prioritised the dredging of the Narrabeen Lagoon entrance, the public exhibition of the Wakehurst Parkway Feasibility study and the completion of the Draft Greendale Creek Flood Study. The Draft Narrabeen Lagoon Entrance Management Strategy will be brought to the April meeting of Council for its consideration.

ITEM 16.2**QUESTION WITH NOTICE NO 2/2022 -
COMPLAINTS/REQUESTS REGARDING MISSED RUBBISH
COLLECTIONS AND ASSOCIATED ISSUES****TRIM FILE REF****2022/153663****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. How many complaints/requests have been received from Council regarding missed/partial collection of bins?
2. How many complaints/requests have been received by Council pre Covid as to collection of rubbish pre the 6am stipulated time?
3. How many complaints/requests have been received during the non-enforcement by Council of the no collections prior to 6am because of the State Government's lifting of restrictions on essential services?
4. How many complaints/requests have been received by Council as to the conduct of staff/vehicles (including but not limited to vehicle collisions/accidents/damage caused to other vehicles/property, noise and behaviour) of the contractor?

18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

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

- A. Item 18.1 RFT 2021/212 - Cottage Restorations, Alterations and Additions at Currawong State Park, Currawong Beach, Pittwater. on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- B. Item 18.2 RFT 2021/232 - Mona Vale SLSC Restaurant 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 EOI 2021/049 - Recreational Site Re-development Vacant Clubhouse and Recreation Space, Nolan Reserve, North Manly 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 Legal Negotiations on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993]; and 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 provides advice concerning legal negotiations involving Council which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. Further, the advice concerns legal matters that meet the requirements of Section 10B(2) of the Act.

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 prejudice Council's legal and commercial position, potentially preventing Council from achieving the best outcome for the community. Accordingly, the discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

- E. Item 18.5 Mayoral Minute No 5/2022 - Renewal of Appointment of Chief Executive Officer on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].

This report discusses/provides advice concerning renewal of appointment of the Chief Executive Officer.

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.

19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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

