



northern
beaches
council

AGENDA

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

Tuesday 24 May 2022

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

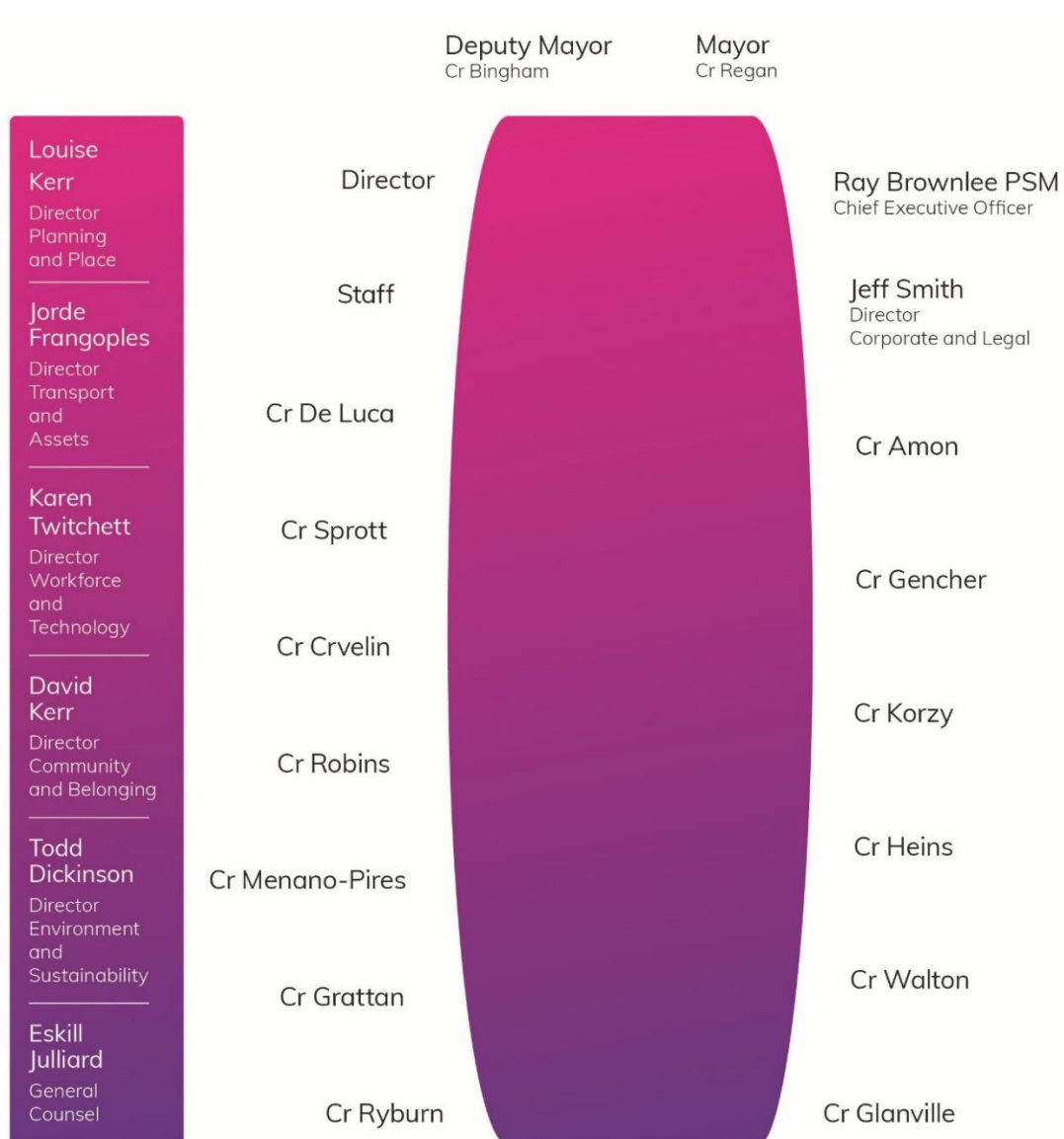
Ray Brownlee PSM
Chief Executive Officer

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 24 May 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 26 April 2022	
4.0	DISCLOSURES OF INTEREST	
5.0	PUBLIC FORUM AND PUBLIC ADDRESS	
6.0	ITEMS RESOLVED BY EXCEPTION	
7.0	MAYORAL MINUTES	
	Nil	
8.0	CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS	8
8.1	Community Satisfaction Research Survey 2022.....	8
9.0	CORPORATE AND LEGAL DIVISION REPORTS	12
9.1	Quarterly Review - March 2022	12
9.2	Monthly Investment Report - April 2022.....	25
9.3	Public Exhibition of the draft revised Investment Policy	35
9.4	Public Exhibition of the draft Northern Beaches Council Code of Conduct and Procedures for the Administration of the Northern Beaches Council Code of Conduct.....	52
9.5	Public Exhibition of the draft Appointment of Committee Members Policy	55
9.6	Outcome of Public Exhibition of draft Code of Meeting Practice	60
9.7	Outcome of Public Exhibition of draft Legislative Compliance Policy	64
9.8	Draft Councillor and Staff Interaction Policy.....	66

10.0	COMMUNITY AND BELONGING DIVISION REPORTS.....	68
10.1	Response to Notice of Motion 44/2021 - Toy Library	68
11.0	ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS	
	Nil	
12.0	PLANNING AND PLACE DIVISION REPORTS	
12.1	Outcome of Public Exhibition - Frenchs Forest Town Centre Contributions Plan (Report not available at the time of publishing and will be circulated prior to the meeting)	
12.2	Adoption of the Northern Beaches Section 7.12 Contributions Plan 2022	82
12.3	Outcome of Public Exhibition of Planning Agreement for 3 Central Road, Avalon Beach (VPA2021/0003)	88
13.0	TRANSPORT AND ASSETS DIVISION REPORTS.....	97
13.1	Proposal to Rename Undercliff Reserve in Freshwater Irene Crump Reserve.....	97
14.0	WORKFORCE AND TECHNOLOGY DIVISION REPORTS	
	Nil	
15.0	NOTICES OF MOTION	101
15.1	Notice of Motion No 15/2022 - Dangers of Children Running Across Roads, and Graffiti at Warringah Road and Hilmer Street and Forestway	101
15.2	Notice of Motion No 16/2022 - Review of Fees and Charges	102
15.3	Notice of Motion No 17/2022 - Draft Precinct Plan Elanora Heights Community Centre and Precinct.....	103
15.4	Notice of Motion No 18/2022 - Local Village and Neighbourhood Place Plan Framework	104
15.5	Notice of Motion No 19/2022 - Passing of North Curl Curl Surf Life Saving Club Life Member, Mr Alex Wye	105
15.6	Notice of Motion No 20/2022 - Financial Feasibility of the Hop Skip and Jump Bus Service	106
15.7	Notice of Motion No 21/2022 - School Zones	107
15.8	Notice of Motion No 22/2022 - Alcohol Free Zone	114
15.9	Notice of Motion No 23/2022 - Petition Regarding Parking at Central Road, Avalon	117
16.0	QUESTIONS WITH NOTICE	
	Nil	

17.0	RESPONSES TO QUESTIONS WITH NOTICE	118
17.1	Response to Question Taken on Notice No 1/2022 - Item No 9.2 - Public Exhibition of the Draft Community Strategic Plan 2022-2032, Resourcing Strategy, Delivery Program 2022-2026, Operational Plan and Budget 2022/23 and Pricing Policy - Costs of Redundancy	118
17.2	Response to Question Taken on Notice No 2/2022 - Item 9.2 - Public Exhibition of the Draft Community Strategic Plan 2022-2032, Resourcing Strategy, Delivery Program 2022-2026, Operational Plan and Budget 2022/23 and Pricing Policy - Complaints to ICAC.....	119
17.3	Response to Question With Notice No 3/2022 - Chief Executive Officer's New Salary Package	120
17.4	Response to Question With Notice No 4/2022 - Council's Management Structure and Expenditure	121
17.5	Response to Question With Notice No 5/2022 - Salaries of Office of General Counsel and Office of Complaints Resolution.....	123
17.6	Response to Question With Notice No 6/2022 - Rate Rises and Reduction in Management Positions	126
17.7	Response to Question With Notice No 7/2022 - Council's Expenditure in Road Maintenance.....	128
18.0	MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION	129
18.1	Approval for Undertaking Works on Private Land at 21 - 47 Condoover Street and 6 - 12 Birrima Street North Balgowlah	
18.2	Exemption from Tender Process for Street Sweeping Service (former Pittwater Council LGA)	
18.3	RFT 2021/214 - Cleaning For Council Buildings	
18.4	Response to Question With Notice No 3/2022 - Chief Executive Officer's New Salary Package	
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 26 APRIL 2022

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held 26 April 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.

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	COMMUNITY SATISFACTION RESEARCH SURVEY 2022
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGY AND PERFORMANCE
TRIM FILE REF	2022/279485
ATTACHMENTS	1 Community Satisfaction Survey 2022 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the results of the 2022 Community Satisfaction Survey.

EXECUTIVE SUMMARY

In early 2022, a telephone survey of 600 Northern Beaches residents was conducted by Micromex Research. This is the fourth comprehensive survey of resident attitudes and opinions on Council services and facilities since 2016.

Overall, there is a very high level of 'satisfaction with Council performance' with 88% of residents stating that they are 'somewhat satisfied' to 'very satisfied' with the performance of Council – a significant increase in the mean rating from 2019.

The results indicate that Council is continuing to provide many of the services and facilities at a satisfactory level or above for those attributes rated as important. The key drivers of satisfaction include 'consultation with the community', 'encouraging local industry and businesses', 'operating in an environmentally friendly way', 'information on services' and 'lobbying on behalf of community'.

In terms of key priority areas for Council over the next four years 'development and planning' ranked highly with 25% of respondents rating it as a key priority area. 'Environment and sustainability' also featured highly with 24% of respondents rating it as a key priority area particularly in relation to 'litter control', 'protecting waterways', 'tree management' and 'management of local flooding'.

The scores for 'quality of life in the Northern Beaches LGA' were extremely high with 99% of residents rating it as good to excellent (62% rating it 'excellent') with 95% in agreement that people on the Northern Beaches are generally proud of their area.

For the residents that had contact with a Council staff member in the past 12 months, satisfaction with the performance of staff in dealing with the enquiry was moderately high, with 81% stating they were 'somewhat satisfied' to 'very satisfied'.

Residents responded positively to the importance of 'digital services' as an opportunity area moving forward, with 73% believing it is important/very important for Council to improve online and digital services.

The results provide Council with important information to assist in strategic planning and service delivery.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council note the 2022 Community Satisfaction Research Survey and consider the results as part of the Council's ongoing strategic and business planning.

REPORT

BACKGROUND

Council is committed to regular community research and consultation to ensure the views and perceptions of the community are considered in planning and delivering services. Since 2016, independent community-wide surveys on the range of services Council delivers have been conducted in 2017, 2018, 2019 and 2022.

Survey Method

The current survey was conducted in February – March 2022 by Micromex Research. This was a telephone survey of 600 Northern Beaches residents randomly selected across Council's five wards. Participants were over the age of 18 years.

This size survey provides a 95% confidence level in the results, which means that if it were replicated the results would be the same 19 times out of 20. The results were weighted by age and gender (2016 ABS Census) to ensure they are representative of the Northern Beaches community.

The survey questions were designed to identify the community's:

- priorities and satisfaction in relation to Council activities, services, and facilities
- overall level of satisfaction with Council's performance, and the performance of Council staff
- level of agreement with prompted statements surrounding community pride/connectedness
- importance of Council's role in progressing digital solutions in the future
- top challenges for Council to focus on.

Results have been benchmarked against Micromex's database of 60 NSW local councils and provide a baseline to assist in accurately gauging changes in community attitudes over time.

Key Findings

High overall satisfaction and quality of life

Overall, 88% of residents were 'somewhat satisfied' to 'very satisfied' with Council's performance. This is a significant increase in the mean rating from 2019.

Quality of life in the Northern Beaches was extremely high, with 99% of residents reporting it to be good or better. Nearly two thirds of residents (62%) selected 'excellent'.

Agreement with the statement 'people on the Northern Beaches are generally proud of their area' was extremely high. Most respondents also feel a sense of belonging in their community and have someone to call on if they need assistance.

Staff performance and engagement

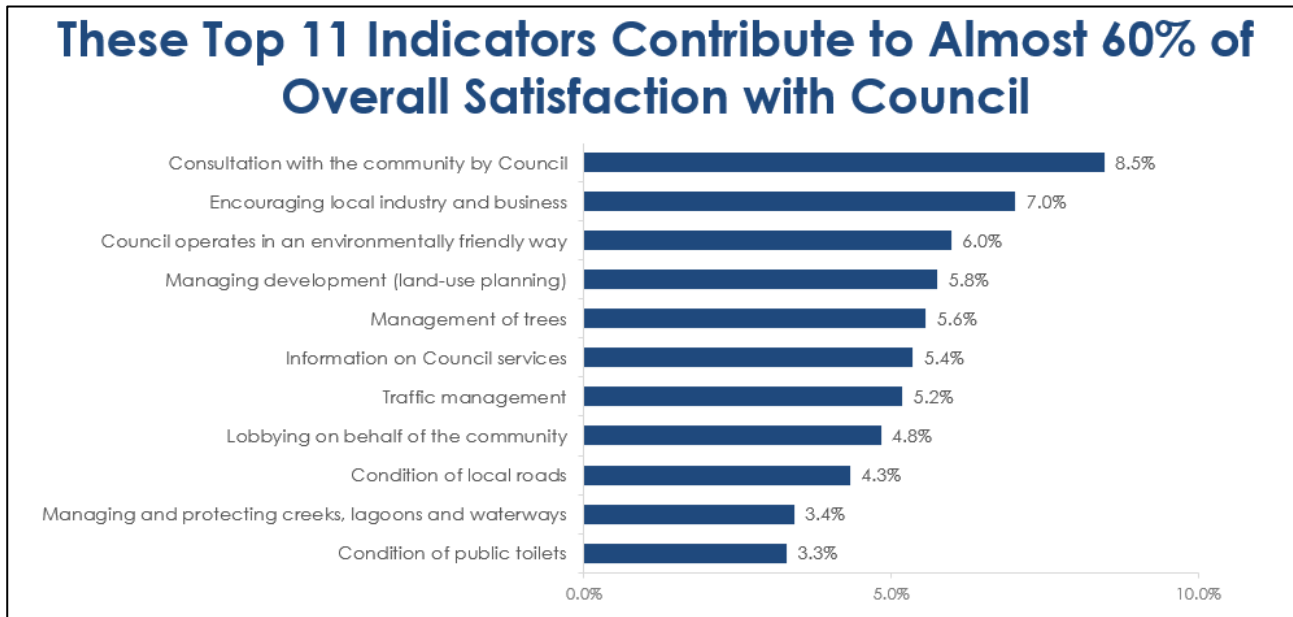
Some 40% of survey respondents had contact with a Council staff member in the past 12 months with 81% being 'somewhat satisfied' to 'very satisfied' with staff performance in dealing with the enquiry.

Individual Council services and facilities

Overall, the results indicate that Council is providing many of the services and facilities at a satisfactory level or above, for those rated as important.

An advanced regression analysis identified those services that are the key drivers of overall satisfaction.

The top 11 services account for almost 60% of overall satisfaction with Council:



'Consultation with the community' and 'encouraging local industry and business' are key contributors to overall satisfaction amongst the community. Whilst all service/facility areas are important, only a small number are significant drivers of the community's overall satisfaction with Council.

Top priority areas for Council

'Development and planning' ranked highly with 25% of respondents rating it as a key priority area for the next four years. 'Environment and sustainability' also featured highly with 24% of respondents rating it as a key priority area particularly in relation to 'litter control', 'protecting waterways', 'tree management' and 'management of local flooding'.

'Managing development' was rated lowest in terms of satisfaction, which is concerning given it is a key driver of satisfaction and has a 15% performance gap. 'Roads', 'parking' and 'traffic' all feature in the largest performance gaps and bottom five satisfaction ratings.

Residents responded positively to the importance of 'digital services' as an opportunity area moving forward, with 73% believing it is important/very important for Council to improve online and digital services.

Conclusion

This survey establishes a consolidated baseline for Council's service and facility areas with the results of the survey to be considered as part of Council's ongoing strategic planning and service delivery.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

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

FINANCIAL CONSIDERATIONS

The cost of the survey is funded from the existing operational budget.

SOCIAL CONSIDERATIONS

There are no social impacts relating to this report.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts relating to this report.

GOVERNANCE AND RISK CONSIDERATIONS

There are no governance and risk impacts relating to this report.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	QUARTERLY REVIEW - MARCH 2022
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGY AND PERFORMANCE & EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS
TRIM FILE REF	2022/095242
ATTACHMENTS	<ol style="list-style-type: none"> 1 Quarterly Report on Service Performance - March 2022 (Included In Attachments Booklet) 2 Quarterly Budget Review Statement - March 2022 (Included In Attachments Booklet) 3 Quarterly Report on Stronger Communities Fund (Included In Attachments Booklet)

SUMMARY

PURPOSE

To present financial and service performance results for the period ended 31 March 2022, and a progress report on the expenditure from the \$36.1 million Stronger Communities Fund (SCF) provided by the New South Wales (NSW) Government.

EXECUTIVE SUMMARY

This report details Council's service performance results and the consolidated financial position for the nine months ended 31 March 2022. The Quarterly Review is a progress report on the implementation of the Operational Plan 2021/22.

The operating result (which includes capital grants and contributions) for the financial year is forecast to increase by \$3.6 million to a surplus of \$47.6 million. Excluding capital grants and contributions the result is forecast to improve by \$0.4 million, from a deficit of \$6.7 million to a deficit of \$6.3 million. Capital expenditure is forecast to decrease by \$17.1 million to \$97 million, primarily due to the re-phasing of projects into the 2022/23 financial year to align with expected construction programs.

Significant weather events in December 2021 and again in February and March 2022 cost \$3.7 million this financial year. These events were declared natural disasters, providing access to funding from the Commonwealth and NSW Governments. While we estimate \$0.5 million in advance funding may be received this financial year, the approval and payment of the balance of eligible costs is not anticipated this financial year. A number of favourable adjustments to the budget are proposed which have enabled Council to retain a balanced budget position including proceeds on the replacement of vehicles, interest on investments and lease income.

The COVID-19 pandemic continues to challenge income streams. Businesses like Lakeside Holiday Park and the aquatic centres are recovering faster than other businesses such as community centres and Glen Street Theatre. The revised forecast impact of the pandemic in the 2021/22 financial year is \$15.8 million (\$0.8 million lower than the last estimate). The estimated cost of the COVID-19 pandemic to Council since March 2020 is now \$44.9 million.

Council's 2021/22 Operational Plan contains 201 actions relating to both operational and capital projects. Of the 201 actions the majority (81%) are progressing on schedule, including 26

completed. The Plan also contains performance measures. Of the 36 reportable measures, 72% have met or approached their targets this quarter.

The Report also details expenditure associated with the implementation of Council's SCF projects supported by NSW Government funds, an update on grant funding sought for Narrabeen Lagoon Clearance Works and a proposal to commence ordering operational plant and fleet now for the 2022/23 financial year due to significant delivery delays.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Note the March 2022 Quarterly Budget Review Statement.
 2. Approve the following changes to the Current Forecast in the March 2022 Quarterly Budget Review Statement:
 - A. An increase in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$3.551 million to \$47.610 million.
 - B. A decrease in capital expenditure by \$17.084 million to \$97.009 million.
 3. In recognition of the extreme delays in the supply of operational plant and fleet, approve capital expenditure of \$2 million from the anticipated 2022/23 budget allocation to enable orders to be placed.
 4. Note the update on the Narrabeen Lagoon Entrance Clearance Works grant.
 5. Note the Quarterly Report on Service Performance for the period ended 31 March 2022.
 6. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended 31 March 2022.
-

REPORT

BACKGROUND

Northern Beaches Council's Operational Plan 2021/22 was adopted on 15 June 2021. The Operational Plan is for the period 1 July 2021 to 30 June 2022.

The Quarterly Budget Review Statement is a regular progress report against the Operational Plan 2021/22. It has been prepared in accordance with the requirements of the Local Government (General) Regulation 2021 (CI203) and essential element 4.9 of the Integrated Planning and Reporting Guidelines (September 2021), namely that the Responsible Accounting Officer report quarterly on a budget review statement and the Chief Executive Officer report at least every six months on the principal activities.

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

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

The report includes updates for the period ending 31 March 2022:

- Service performance
- Financial performance and position, contracts listing and recommended changes to the budget
- The outcomes delivered from the \$36.1 million Stronger Communities Fund (Attachment 3).

Overview of service performance

A report on Council's service performance is provided at Attachment 1 – 'Quarterly Report on Service Performance'. This is a comprehensive report on Council's 201 operational and capital projects, 36 reportable service performance measures, seven workload measures and service highlights across our 16 key services.

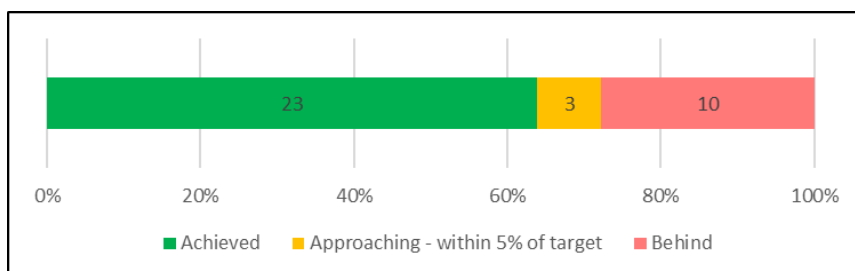
Council is making steady progress towards achieving its performance targets and delivering operational and capital projects. Most missed targets and delayed projects are due to the impacts of COVID-19, storm events, and/or persistent wet weather.

Council was recognised in four awards and commendations for achievements across renewable energy, waste, civil infrastructure and children's services.

A summary of our performance is outlined below.

Performance measures

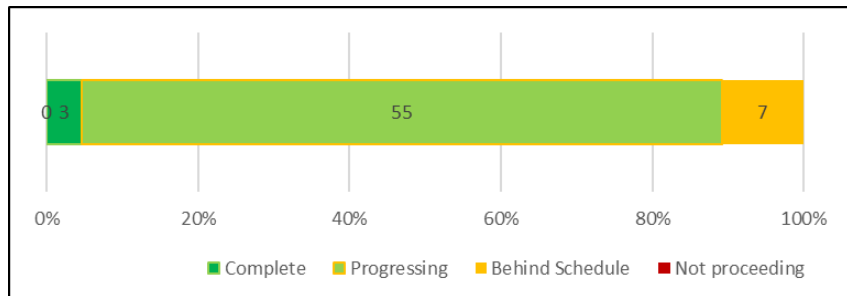
Overall 72% of Council's 36 performance measures met or approached the target. Of the 13 measures that did not achieve their target, most were due to COVID-19 and /or weather impacts.



Operational project progress

Of the 65 operational projects, 89% are progressing on schedule.

Target: 80% complete/on schedule as at 30 June 2022



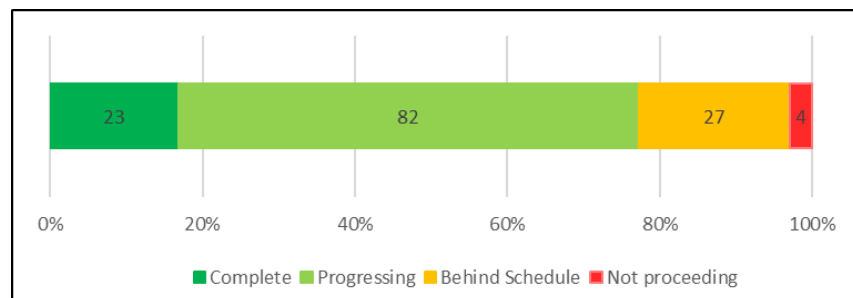
Three operational projects were completed this quarter:

- Continue to improve the provision and cleanliness of public amenities
- Develop a program of works for digitising library resources
- Support the Local Government election

Capital project progress

Of the 136 capital projects, 77% are complete or progressing on schedule.

Target: 80% complete/on schedule as at 30 June 2022



Six capital projects were completed this quarter:

- Community buildings works program
- PCYC renewal works
- Sydney Lakeside Holiday Park renewal works
- Warriewood Valley - public space and recreation
- Youth facilities – merger savings fund
- Kimbriki Western Shelf Landfill Cell Development

Attachment 3 outlines the progress of projects funded by the NSW Government's SCF. While many projects are ongoing, a range have been completed such as accessible playgrounds, cycleways, netball courts and performance spaces.

Overview of Financial Performance

Responsible Accounting Officer Budget Review Statement

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

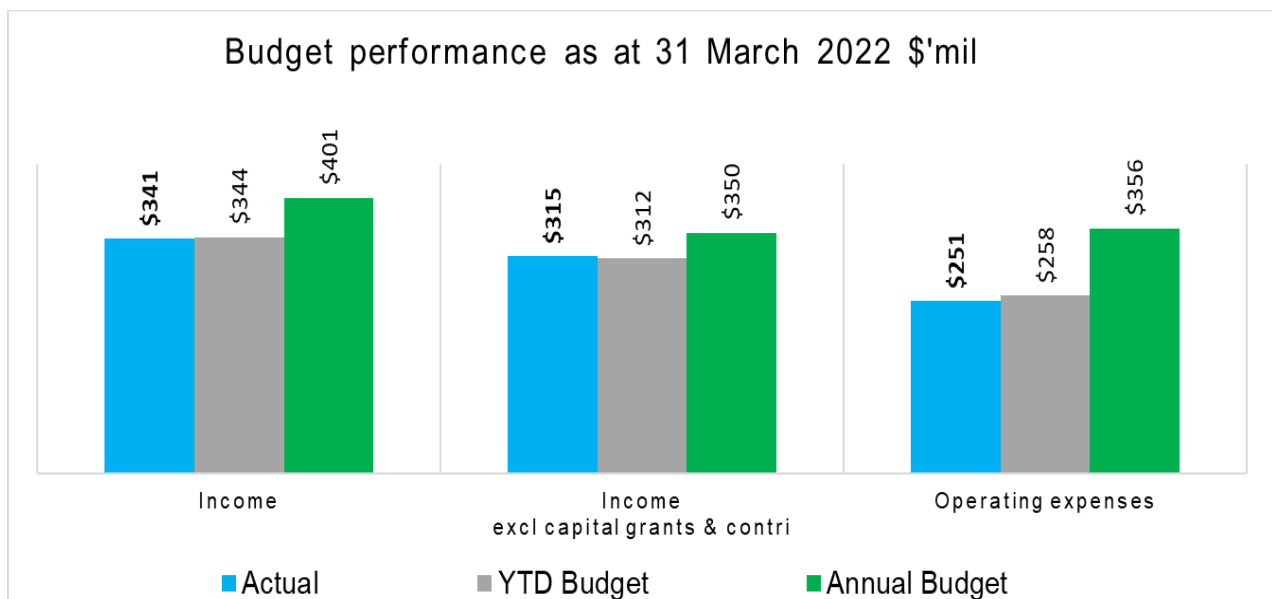
“It is my opinion that the Budget Review Statement for Northern Beaches Council for the period ending 31 March 2022 indicates that Council’s projected financial position at 30 June 2022 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.”

David Walsh Chief Financial Officer, Northern Beaches Council.

Income Statement – progress and forecast changes

The attached Quarterly Budget Review Statement (QBRs) provides an overview of Council’s progress against the annual budget at the end of the March 2022 quarter and provides explanations for major variations that result in recommendations for budget changes.

Operating budget summary – as at 31 March 2022



For the nine months to 31 March 2022 the operating result (incl capital grants and contributions) is \$5.3 million favorably ahead of budget, primarily due to phasing of expenditure and income items partially offset by the timing of the release of capital grant funding against project expenditure milestones and costs associated with weather events in December 2021 and February / March 2022.

The operating surplus which includes capital grants and contributions for the financial year is forecast to increase by \$3.6 million to \$47.6 million. This increase is due to higher than anticipated income of \$5.3 million and a net increase in operating expenses of \$1.8 million (primarily due to higher than expected development contribution income offset by storm-related expenditure).

The operating result excluding capital grants and contributions is forecast to improve by \$0.4 million to a \$6.3 million deficit. These overall movements are summarised in the table below, under the ‘Recommended Changes’ column.

Operating budget as at 31 March 2022 – summary of recommended changes

\$'000	Annual				Year to date			
	ORIGINAL Budget	REVISED Budget	Recommended changes	CURRENT Forecast	Actual	Approved Budget	Variance	
Income	403,747	400,520	5,329	405,849	341,054	343,663	(2,610)	(1%)
Operating expenses	(347,304)	(356,462)	(1,778)	(358,239)	(250,538)	(258,421)	7,882	3%
Surplus / (Deficit)	56,443	44,058	3,551	47,610	90,515	85,242	5,273	6%
Surplus / (Deficit) before Capital Grants & Contributions	11,007	(6,722)	471	(6,251)	64,815	53,706	11,109	21%

COVID-19 Pandemic – Financial Impact

COVID-19 resulted in reduced income for many Council services along with community support costs. The total cost of the pandemic since March 2020 has been revised down \$0.8 million to an estimated \$44.9 million, including \$15.8 million within the current financial year.

Unfavourable variations in this review include Glen Street Theatre (\$0.2m), Community Centres (\$0.1m) and outdoor dining fee waivers to 30 June 2022 (\$0.3m). This was offset by favorable variations from Sydney Lakeside Holiday Park \$1.0 m and Aquatic Centres \$0.3m.

COVID-19 Pandemic Financial Impact Forecast – March 2020 to June 2022

	RESULT 2019/20	RESULT 2020/21	CURRENT Forecast 2021/22	TOTAL March 2020 to June 2022
Total COVID-19 Financial Impact	\$11.2m	\$17.9m	\$15.8m	\$44.9m

Attachment 2 'Quarterly Budget Review Statement - March 2022' provides further information on the proposed variations to the budget.

Narrabeen Lagoon Clearance Works – NSW Government Grant Update

The Narrabeen Lagoon entrance clearance works are completed on a regular basis to reduce the risk of flooding and improve recreational water quality in Narrabeen Lagoon. These works have been consistently funded by the NSW Government through the Floodplain Management Program over a number of decades. As reported to Council in June 2021, Council applied for grant funding in late 2020 for the 2021/22 works. This was refused in early 2021 as the NSW Government deemed the project ineligible as they considered the works to be maintenance.

The requested grant funding was \$660,000, which represented two thirds of the expected project total of \$990,000. As these works are a critical flood mitigation action, and in the absence of State funding, the Council self-funded the delivery of the works to continue to provide the same level of flood protection service. The works were completed in late 2021.

On 22 February 2022 Council was notified a \$660,000 grant would be provided for these works under the 2021-22 Floodplain Management Program, however no funding would be provided for works already complete. Unfortunately, this means Council is unable to utilise these funds for the works completed this financial year.

Income Year to Date (YTD) Analysis

Total income at the end of March 2022 is \$341.1 million which is \$2.6 million below the forecast. The principal reasons for this variance are as follows:

Income as at 31 March 2022 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
2	Rates and Annual Charges
2,095	User Charges & Fees
	<ul style="list-style-type: none"> Stronger than anticipated income: <ul style="list-style-type: none"> Road restorations \$0.3m Golf Driving Range \$0.2m COVID impacted income sources including: <ul style="list-style-type: none"> Sydney Lakeside \$0.9m Aquatic Centres \$0.6m Community Centres (\$0.3m) Child Care (\$0.2m) Reclassification of Sun Run ticket sales from “Other Revenue” \$0.2m
103	Investment Fees and Revenues
346	Other Revenue
	<ul style="list-style-type: none"> Stronger than anticipated income: <ul style="list-style-type: none"> Parking fines income \$0.4m Property licences \$0.2m Reclassification of Sun Run ticket sales to “User Charges & Fees” (\$0.2m)
237	Grants and Contributions – Operating Purposes
	<ul style="list-style-type: none"> Play Manly Investment NSW grant \$0.7m (Milestone 1) Bus Route Subsidy received earlier than expected \$0.2m Financial Assistance Grant higher than expected \$0.1m Timing of revenue recognition of grants to match expenditure of funds including: <ul style="list-style-type: none"> B-Line offset tree planting Mona Vale to Seaforth Road corridor (\$0.8m)
(5,836)	Grants and Contributions – Capital Purposes
	<ul style="list-style-type: none"> Development contributions higher than expected \$1.7m Timing of revenue recognition of grants to match expenditure of funds including: <ul style="list-style-type: none"> Footpath renewal works (\$1.4m) Long Reef Surf Club (\$1.0m) Clontarf Tidal Pool (\$0.9m)

YTD Variance \$'000	Details – Favourable / (Unfavourable)
	<ul style="list-style-type: none"> Queenscliff Headland Access Ramp (\$0.7m) Narrabeen Lagoon Pedestrian and Cycle Bridge (\$0.7m)
444	Other Income <ul style="list-style-type: none"> Property leases including commercial and airspace leases \$0.4m
(2,610)	TOTAL INCOME VARIANCE – YTD ACTUALS WITH YTD BUDGET

Operating Expenses Year to Date (YTD) Analysis

Total operating expenses at the end of March 2022 is \$250.5 million, which is \$7.9 million under the forecast. The principal reasons for this variance are as follows:

Operating expenses as at 31 March 2022 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable)
(1,047)	Employee Benefits & Oncosts Higher primarily due to utilisation of casual staff rather than agency staff in Children's Services to cover vacancies (\$0.6m) and additional casual staff in the Aquatic Centres (\$0.4m offset by income).
11	Borrowing Costs
7,830	Materials and Services <ul style="list-style-type: none"> Timing of works: <ul style="list-style-type: none"> Human resources \$0.9m Land use planning \$0.8m B Line offset tree planting (grant funded) \$0.8m TCI Roadworks incl LED street light replacements \$0.6m Performance and events \$0.5m Lower than anticipated expenditure: <ul style="list-style-type: none"> Legal services \$0.5m Stationery, printing and postage \$0.3m Waste disposal/processing \$1.4m due to an abatement discount in December, partially offset by additional waste disposal volumes and Kimbriki eliminations. Higher than anticipated expenditure: <ul style="list-style-type: none"> Cleaning (\$0.7m) primarily due to additional services for COVID Storms (\$1.8m) including Tree Works (\$1.1m), Roadwork (\$0.2m) and Waste Disposal (\$0.2m)

(270)	Depreciation and Amortisation <ul style="list-style-type: none"> Due to the timing of the completion and capitalisation of new assets
630	Other Expenses <ul style="list-style-type: none"> Due to the timing of subsidies including Collaroy-Narrabeen seawall works along with lower than anticipated COVID-19 rental relief payments required for Council tenants.
729	Gain / (Loss) on the Disposal of Assets <ul style="list-style-type: none"> Higher net gain from vehicles sold at auction
7,882	TOTAL OPERATING EXPENSES VARIANCE - YTD ACTUALS WITH YTD BUDGET

Capital Budget Statement

Capital expenditure is forecast to decrease by \$17.1 million to \$97.0 million, primarily due to the re-phasing of projects into the 2022/23 financial year in line with revised project timelines.

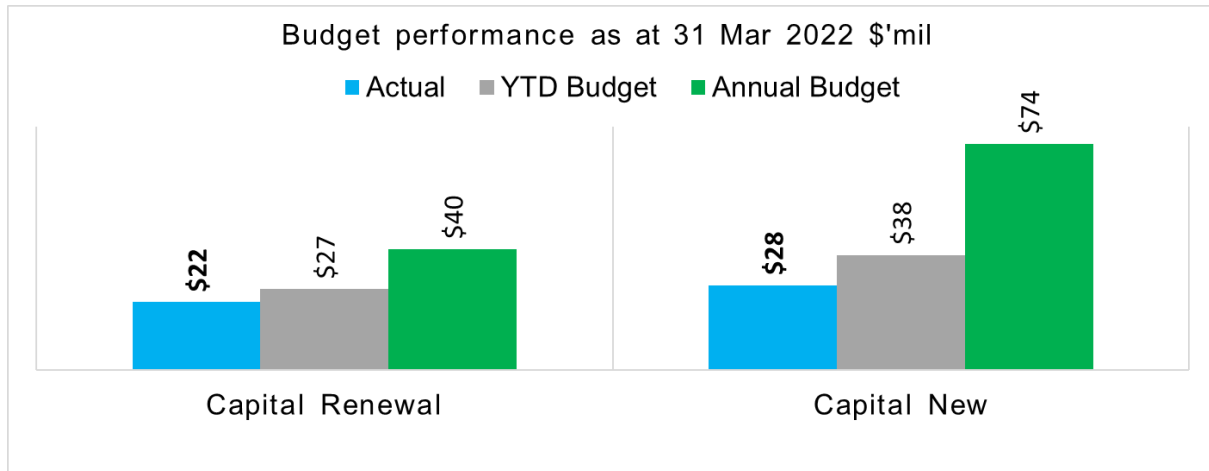
Proposed variations to the capital expenditure budget are outlined in Attachment 2 'Quarterly Budget Review Statement - March 2022' and include:

- Net budget rollovers to the 2022/23 financial year of \$17.0 million including:
 - \$5.2m Warriewood Valley Community Centre – construction deferred to 2022/23 – a further review of the tender documentation is in progress
 - \$4.8m Kimbriki Clean Water Diversion System – awaiting Modification Consent
 - \$1.2m Safer Schools Infrastructure – delays in program due to wet weather and contractor staff shortages due to COVID
 - \$1.1m Warriewood Valley - Traffic and Transport Infrastructure – delayed while undertaking detailed design work, particularly for stormwater design at several sites

Capital Expenditure Year to Date (YTD) Analysis

Expenditure on Capital Works for the nine months ended 31 March 2022 is \$50.2 million against a year-to-date budget of \$64.4 million.

Capital budget summary – as at 31 March 2022



The principal reasons for the variance in expenditure versus the year-to-date budget are as follows:

Capital expenditure as at 31 March 2022 – Variance to Approved YTD Budget

YTD Variance \$'000	Details – Favourable / (Unfavourable) YTD Variance
4,274	Capital Expenditure – Renewal Projects <ul style="list-style-type: none"> Primarily due to the timing of works including the road resheeting (\$0.7m), planned stormwater renewal works (\$0.6m) and footpath renewal programs (\$0.5m)
9,945	Capital Expenditure – New Projects <ul style="list-style-type: none"> A number of new projects have been re-phased to the 2022/23 financial year as noted above and detailed in Attachment 2 'Quarterly Budget Review Statement - March 2022'. Other projects include: <ul style="list-style-type: none"> Long Reef SLSC \$0.9m – delays due to inclement weather and technical issues (now resolved) New traffic facilities \$0.5m – behind schedule because of the impacts of COVID-19 and wet weather
14,219	TOTAL CAPITAL EXPENDITURE VARIANCE – YTD ACTUALS WITH YTD BUDGET

Further information on the progress of capital projects is available within Attachment 1 'Quarterly Report on Service Performance'.

2022/23 Plant and Fleet Replacement Program

The 2022/23 draft budget for the replacement of plant and fleet vehicles is \$4.1 million which is part-funded through \$1.4 million in sale proceeds anticipated from the auction of replaced vehicles. Replacements include new tractors, skid steer loaders, sweepers, compactors, trucks, mowers, jet skis, quad bikes, operational utes, and passenger vehicles.

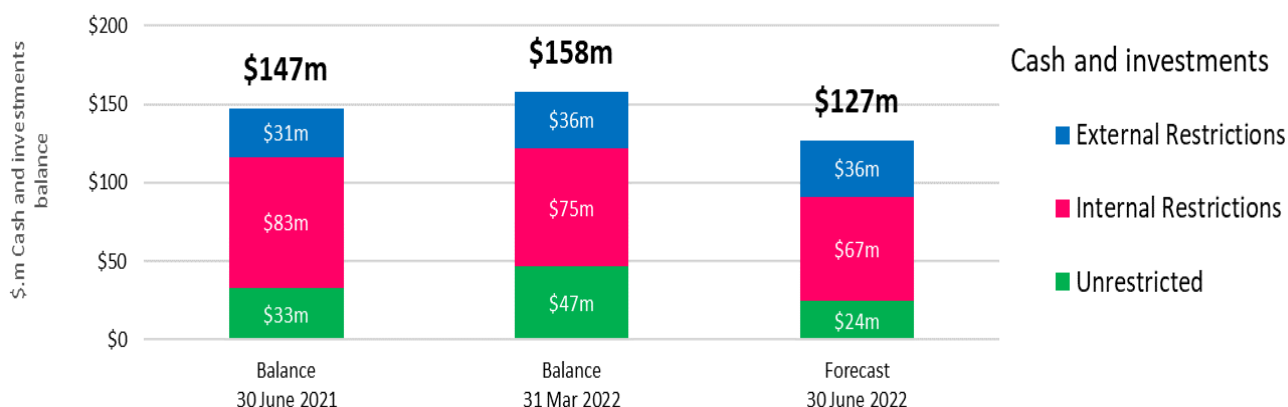
New plant and fleet vehicle delivery delays have dramatically increased to up to 12 months due to stock shortages, production slowdowns, and shipping restrictions. Delivery delays could result in operational issues or higher costs due to maintenance and servicing of aging vehicles.

In recognition of the extreme delays in the supply of plant and fleet, it is recommended Council place orders for up to \$2 million of this program prior to 1 July 2022. While delivery will take place in the 2022/23 financial year, Council's approval is required to commit to this expenditure in advance of adoption of the full 2022/23 Budget.

Cash and Investments

The balance of cash and investments as at 31 March 2022 was \$158 million. The revised projected balance on 30 June 2022 is \$127 million, \$42 million higher than the Original Budget forecast of \$85 million, primarily due to rephasing of capital expenditure to the 2022-2023 financial year and new grants and contributions.

Cash and investments – as at 31 March 2022



Further information is available on cash and investments within Attachment 2 'Quarterly Budget Review Statement - March 2022' to this report.

Financial Performance Measures

The following financial performance measures indicate that Council's financial results remain temporarily impacted by the COVID-19 pandemic along with significant weather events. With a \$6.3 million operating deficit (excluding capital grants and contributions) forecast, Council is unlikely to meet the Operating Performance ratio benchmark of 0% at this time. Council has adjusted funding for expenditure programs to provide capacity to respond to the pandemic and to retain our long term strong and sustainable position.

	Forecast result 30/6/2022	Forecast indicator 30/6/2022		Benchmark
\$ '000				
1. Operating Performance				
Total continuing operating revenue ¹ excluding capital grants and contributions less operating expenses	(6,440)	(1.83%)	X	>0%
Total continuing operating revenue ¹ excluding capital grants and contributions	351,974			
This ratio measures Council's achievement of containing operating expenditure within operating revenue. It is important to distinguish that this ratio is focusing on operating performance and hence capital grants and contributions, fair value adjustments, net gain on sale of assets and reversal of revaluation decrements are excluded.				
For the 2021-22 financial year, the forecast result will not meet the benchmark due to the impact of the COVID-19 pandemic.				
2. Own Source Operating Revenue				
Total continuing operating revenue ¹ excluding all grants and contributions	328,044	80.83%	✓	>60%

Total continuing operating revenue¹ **405,849**

inclusive of capital grants and contributions

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. Council's financial flexibility improves the higher the level of its own source revenue.

3. Unrestricted Current Ratio

Current assets less all external restrictions	107,339	1.64x	✓	>1.5x
Current liabilities less specific purpose liabilities	65,455			

The Unrestricted Current Ratio is specific to local government and is designed to represent a Council's ability to meet short term obligations as they fall due. Restrictions placed on various funding sources (e.g., development contributions and domestic waste income) complicate the traditional current ratio used to assess liquidity of businesses as cash allocated to specific projects is restricted and cannot be used to meet a Council's other operating and borrowing costs – these funding sources are removed from this ratio.

For the 2021-22 financial year, the forecast result will continue to meet the benchmark, as the impact of the COVID-19 pandemic is primarily proposed to be offset by reductions in capital expenditure within the financial year.

¹ Excludes fair value adjustments, reversal of revaluation decrements and net gain on sale of assets.

CONSULTATION

Where relevant, community feedback on activities or events is included in the attachment.

TIMING

The Quarterly Budget Review Statement meets the requirements of the Local Government Act 1993 (s404(5)) and Local Government (General) Regulation 2021 (Cl203), namely that Council report quarterly on a budget review statement, and at least every six months on the principal activities of its Operational Plan.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

The operating surplus (which includes capital grants and contributions) for the financial year is forecast to increase by \$3.6 million to a surplus of \$47.6 million. Excluding capital grants and contributions the result is forecast to improve by \$0.4 million, from a deficit of \$6.7 million to a deficit of \$6.3 million. Capital Expenditure is forecast to decrease by \$17.1 million to \$97.0 million.

Council's financial results have been temporarily impacted by the COVID-19 pandemic and significant weather events, with a deficit position forecast. Council is unlikely to meet the Operating Performance ratio benchmark of 0% at this time. Council has adjusted funding for its expenditure programs to provide capacity to respond to the pandemic and recent storms and retain our long term strong and sustainable position.

COVID is also impacting supply chains for many items including the delivery of operational plant and fleet replacements. Providing approval for Council to proceed with order items expected in the 2022/23 financial year will assist in mitigating risks due to delivery delays.

SOCIAL CONSIDERATIONS

The report discloses progress on implementing the Operational Plan 2021/22. This includes the continued delivery of services and capital works that support our community and economy. These initiatives will have a positive social and economic impact on the community, including additional services and support available during the current COVID-19 pandemic.

ENVIRONMENTAL CONSIDERATIONS

The report provides progress on implementing the Operational Plan 2021/22 which includes a range of projects to protect and enhance our natural environment - by managing our coast, bush and biodiversity; implementing catchment management initiatives; and a variety of on-ground works and education in our urban and natural settings.

GOVERNANCE AND RISK CONSIDERATIONS

The Quarterly Budget Review Statement meets the statutory reporting requirements for progress at the end of the quarter – i.e., implementation of the Operational Plan 2021/22 and Council's overall financial position. It is provided to enable informed decision making while also ensuring transparency on Council's governance, business assurance and financial sustainability.

ITEM 9.2	MONTHLY INVESTMENT REPORT - APRIL 2022
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2022/264246
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 section 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 \$163,852,294 comprising:

- Trading Accounts \$7,189,126
- Investments \$156,663,168

Performance over the period from 1 July 2021 to date exceeded the benchmark: 0.48%pa vs. 0.01%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*, section 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 30 April 2022, including the certification by the Responsible Accounting Officer.

REPORT

BACKGROUND

In accordance with section 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 \$610,676 compared to budgeted income of \$465,500, a positive variance of \$145,176.

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.

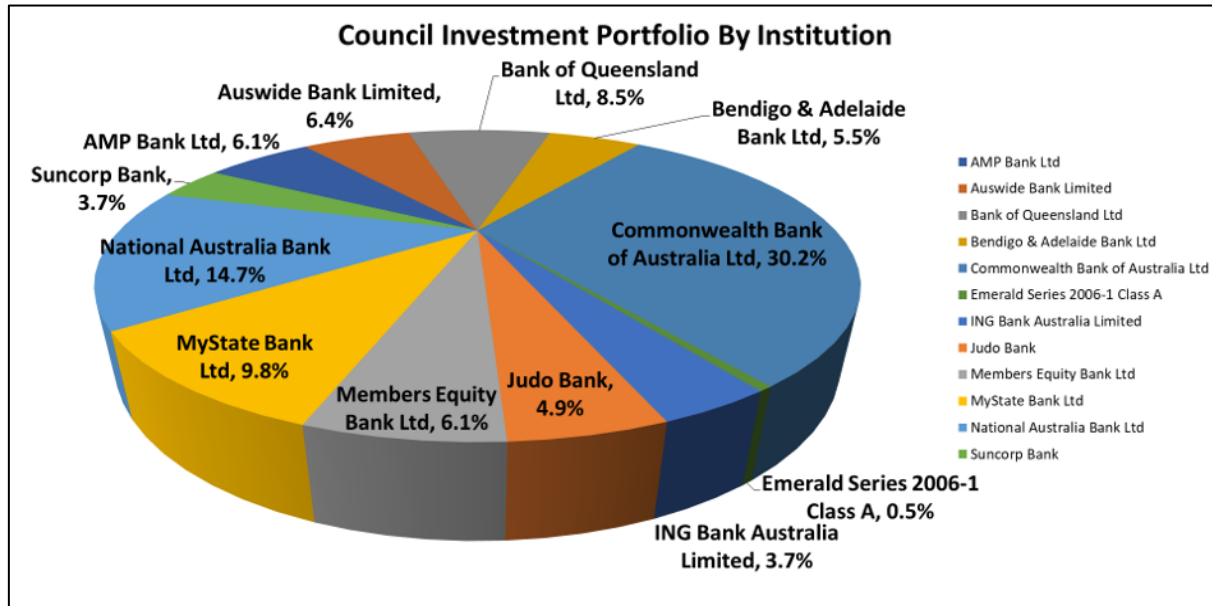
Investment Balances

INVESTMENT BALANCES				
As at 30-Apr-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	5,496,204		0.15%
National Australia Bank Ltd	A1+	18,182		0.00%
		5,514,386		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	5,318,690	At Call	0.20%
		5,318,690		
Mortgage Backed Securities				
Emerald Series 2006-1 Class A	A*	769,226	21-Aug-51	0.5250%
		769,226		
Term Deposits				
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%
Judo Bank	A3	2,000,000	07-Jun-22	0.92%
AMP Bank Ltd	A2	2,000,000	07-Jun-22	0.75%
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%
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	0.51%
National Australia Bank Ltd	A1+	2,000,000	05-Jul-22	0.45%
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%
National Australia Bank Ltd	A1+	3,000,000	26-Jul-22	0.84%
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%

INVESTMENT BALANCES				
As at 30-Apr-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
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%
Auswide Bank Limited	A2	3,000,000	13-Sep-22	0.80%
Auswide Bank Limited	A2	2,000,000	15-Sep-22	0.80%
Suncorp Bank	A1	1,000,000	20-Sep-22	0.88%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Sep-22	1.29%
Auswide Bank Limited	A2	3,000,000	27-Sep-22	0.80%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	27-Sep-22	1.29%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	29-Sep-22	1.29%
National Australia Bank Ltd	A1+	3,000,000	11-Oct-22	0.63%
Suncorp Bank	A1	3,000,000	25-Oct-22	0.93%
ING Bank Australia Limited	A1	4,000,000	31-Jan-23	2.36%
AMP Bank Ltd	A2	2,500,000	14-Feb-23	1.00%
ING Bank Australia Limited	A1	2,000,000	18-Apr-23	2.30%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	20-Apr-23	2.22%
		124,500,000		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,674,740		0.00%
		1,674,740		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	236,111	At Call	0.01%
Commonwealth Bank of Australia Ltd	A1+	1,214,613	At Call	0.01%
		1,450,724		
Term Deposits				
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+	1,500,000	01-Jul-22	0.47%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Aug-22	0.53%
Commonwealth Bank of Australia Ltd	A1+	13,124,528	22-Aug-22	0.50%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	16-Sep-22	1.24%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	28-Sep-22	1.70%
		24,624,528		
Total Cash and Investments		163,852,294		

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

Portfolio Analysis

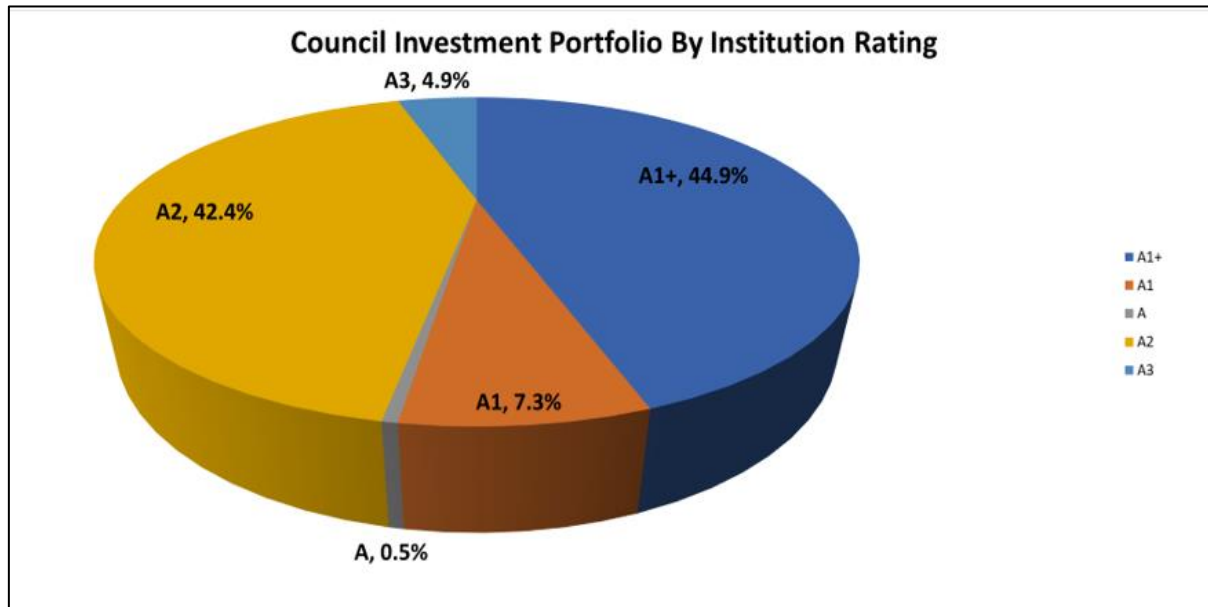


Institutional Credit Framework – Compliance with Investment Policy Requirements

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.



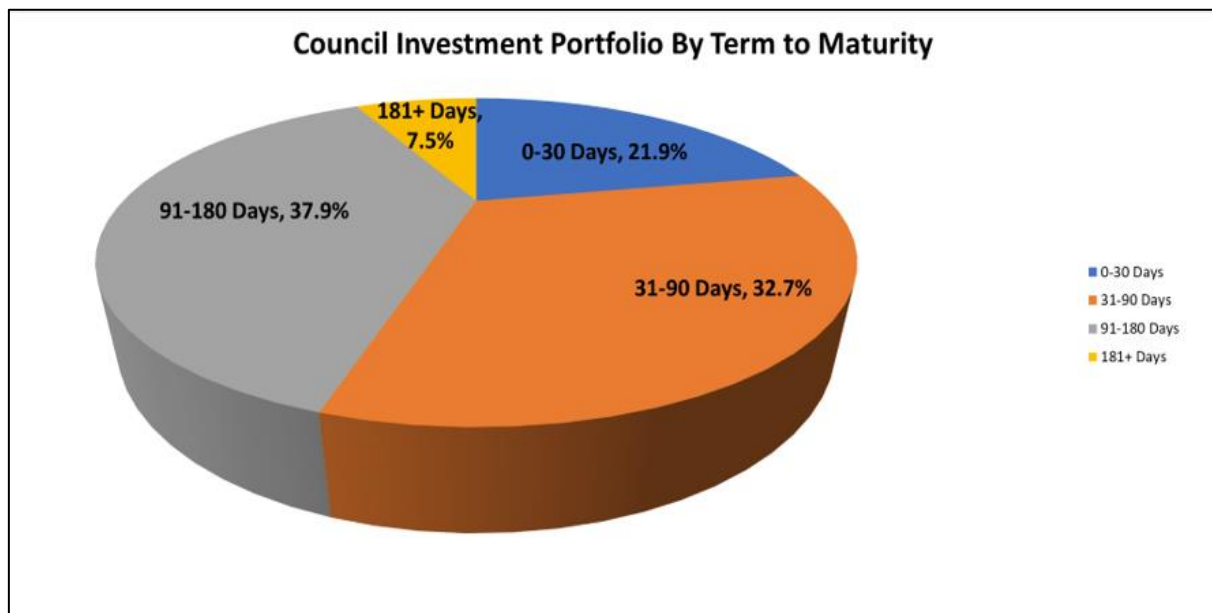
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

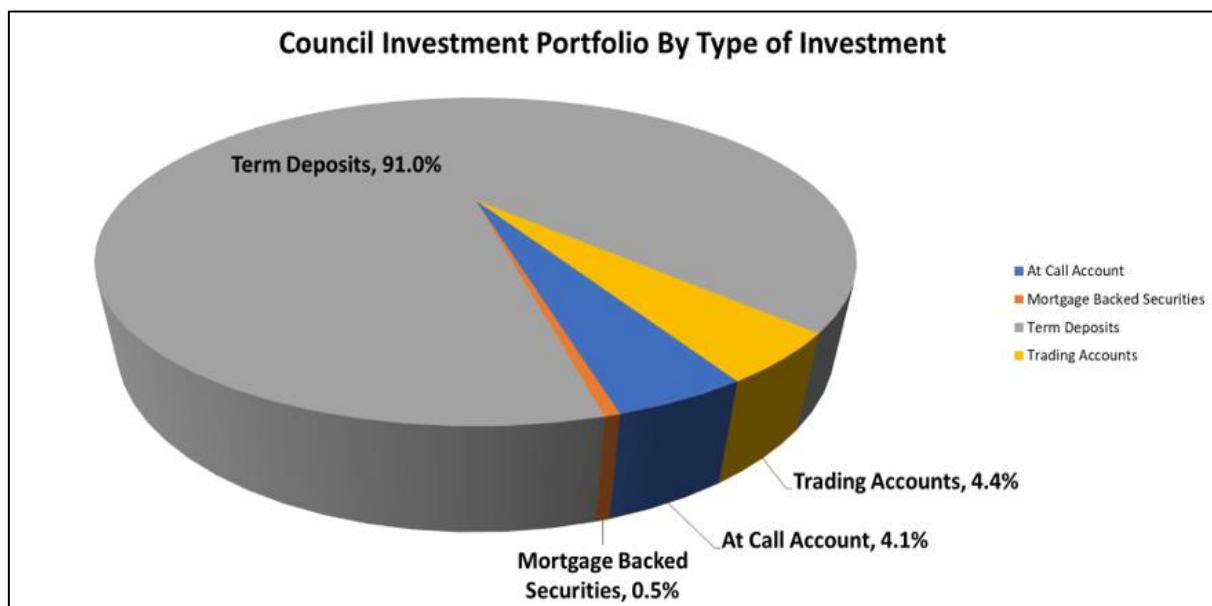
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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

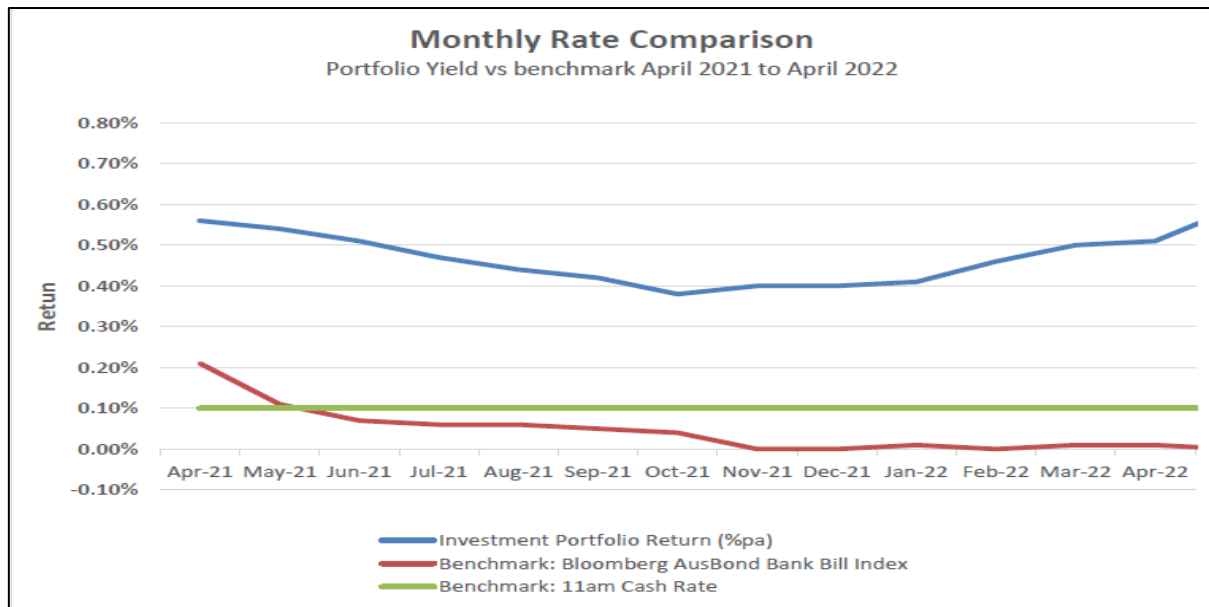


Investment Performance Vs. Benchmark

	Investment Portfolio Return (%pa) *	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	0.74%	-0.02%	0.10%
3 Months	0.61%	0.00%	0.10%
6 Months	0.54%	0.00%	0.10%
FYTD	0.48%	0.01%	0.10%
12 Months	0.48%	0.02%	0.10%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

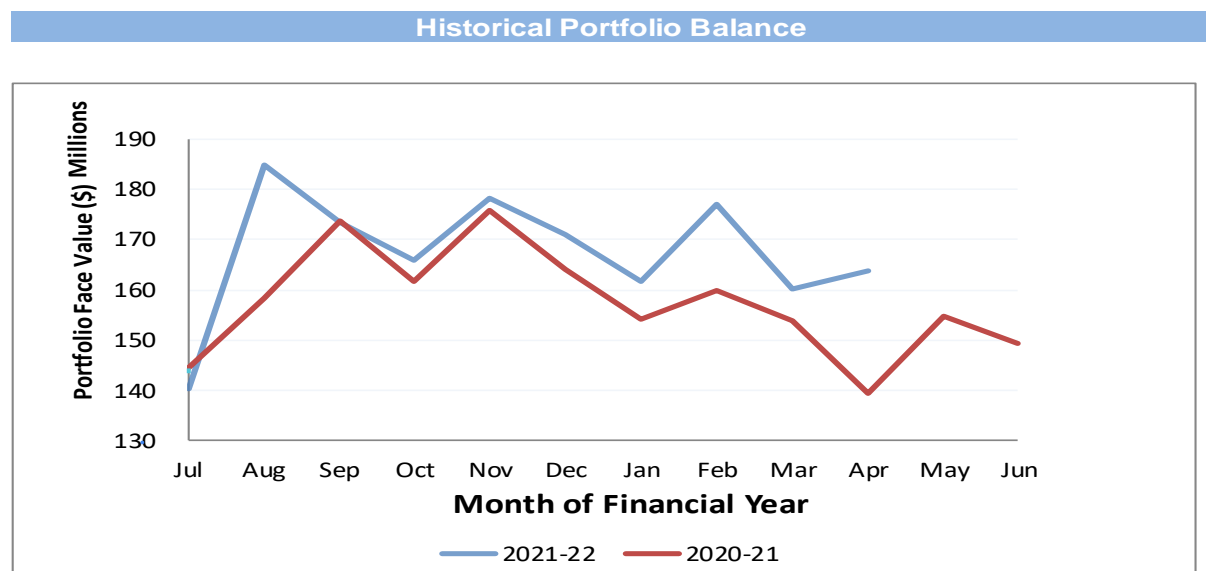


Monthly Investment Income* Vs. Budget

	Apr 2022 \$	Year to Date \$
Investment Income	80,818	596,370
Adjustment for Fair Value	(1)	14,306
Total Investment Income	80,817	610,676
Budgeted Income	38,400	465,500

* 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	160,133,548	153,861,974
Apr	163,852,294	139,392,596
May		154,616,319
Jun		149,441,669
Average Portfolio Balance	167,578,440	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)

Volatile financial markets in April saw risk assets mostly weaken during the month and government bond yields pushed higher. High inflation readings prompted some central banks to deliver bigger interest rate hikes and the US Fed indicated that when it meets this week it may deliver a 50bps rate hike. Rising interest rates were one factor in April adding to the risk of slowing global economic growth. Other factors were the impact of the Ukraine conflict and China's difficulty containing Omicron. Despite the increasingly gloomy global economic growth outlook, recent economic data in the US remains strong and the likelihood that annual US inflation readings peaked in March/April and will reduce for a period which may provide the Fed with leeway to hike interest rates at a slower pace than financial markets are expecting over the next year.

The issue of high inflation and what to do about it is most acute in the United States. US inflation is higher than in other advanced economies, 8.5% y-o-y in March with core CPI inflation at 6.5%. The proportion of US inflation driven by domestic rather than international factors is higher than elsewhere. The big lift in government infrastructure spending provides further boost to an economy already growing at a pace that is severely testing supply. Wages rising above 5% y-o-y indicate an overheating labour market. The Fed is well behind the curve dealing with inflation that has left its forecasts in tatters and is clearly running well above its 2% target for the foreseeable future.

Credit spreads widened in April responding to the same concerns besetting share markets about slower economic growth ahead. It is worth noting that actual credit quality still seems strong, especially in Australia. Borrowers look well placed to cope with the early stages of rising borrowing interest rates. Variable rate home mortgage borrowers in Australia may be challenged by rising interest rates and slower growth in house prices but over the next year or so earlier past repayments ahead of schedule, a general build-up of household savings, strong employment growth and low unemployment all point to maintenance of high credit quality for longer.

Government bond markets continued to suffer the worst in April from the impact of high inflation and potential central bank policy moves to curtail it. The US 10-year bond yield rose by 59bps to 2.93% while the 30-year treasury yield rose by 55bps to 3.00%. As mentioned earlier, the extreme of rising interest rate expectations may be occurring running into the Fed policy meeting this week. If the meeting meets expectations and is followed shortly after by signs that annual US inflation has peaked, as we expect, the US bond market may be more settled in May and June with less upward pressure on yields.

In Australia, the 10-year bond yield rose in April by 29bps to 3.12%, a much lesser move than its US counterpart. Even though Australia recorded higher than expected Q1 inflation with the CPI up 2.1% q-o-q, 5.1% y-o-y and the RBA's preferred underlying inflation measure, the trimmed mean, up 1.4% q-o-q, 3.7% y-o-y increasing the likelihood of rate hike this week, Australian inflation is currently materially lower than in the US and is less strongly underpinned. *(Note: The RBA subsequently hiked the cash rate by 0.25% in May, taking it to 0.35% and signalling more rate hikes ahead).*

Like in the US, Australian annual inflation has probably peaked and will start to ease as earlier high inflation readings in the base quarters for the annual inflation calculation pass. In Australia, the 1.3% q-o-q CPI rise in Q4 2021 and the Q1 2022 2.1% q-o-q rise will be the base for quarterly CPI increases in Q4 2022 and Q1 2023 that will both be much lower, taking as much as two percentage points off the annual inflation rate over the two quarters. The 5.1% y-o-y inflation rate in Q1 this year turns on base effect to 3.1% or lower in Q1 next year.

Once the base effect has done its best at cutting the annual inflation rate, the issue becomes how much ongoing inflation pressure remains in the system. That is where wage growth will matter. The next Q1 wage price index reading is out later this month and may see annual wage growth accelerate to around 2.6% y-o-y, less than half the pace of annual wage growth in the United States. Almost certainly Australian wage growth will accelerate above 3% y-o-y later this year but that would still be consistent with ongoing annual inflation around the top of the RBA's 2-3% target range.

ITEM 9.3	PUBLIC EXHIBITION OF THE DRAFT REVISED INVESTMENT POLICY
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2022/267972
ATTACHMENTS	1 Draft Revised Investment Policy

SUMMARY

PURPOSE

To seek Council approval to place the Draft Revised Investment Policy on public exhibition.

EXECUTIVE SUMMARY

The Investment Policy is a key financial policy which provides comprehensive guidelines for Council's staff and management to ensure best practice financial management and appropriate fiscal responsibility is exercised. It provides a framework to ensure Council or its representatives, exercise care, diligence, and skill that a prudent person would exercise in investing council funds.

The Investment Policy was reviewed by Council's Investment Advisors, Laminar Capital Pty Ltd in November 2021. Four amendments are proposed following that review.

Three of the amendments relate to changes in credit rating exposure limits for unrated investments. The first reduces the maximum investment percentage allowance of the portfolio exposed to the Unrated category from 20% to 5%. The second expands the unrated category to allow investments in Unrated Approved Deposit taking Institutions (ADI's) covered by the government guarantee scheme with a limit of \$250,000 per institution. The third creates a separate line item named Unrated TCorp Funds Category for investments in unrated managed funds such as the NSW Treasury Corporation Hour-Glass Facilities and reduces the maximum investment percentage for such investments from 10% to 5%. The other proposed change is to include a statement in the Policy in recognition of a point raised by a member of the public that Council's investment in Emerald II Reverse Mortgage Series 2006-1 Trust is held under the grandfathering provision of the Ministerial Investment Order.

The Investment Policy and proposed amendments were reviewed by the Audit, Risk and Improvement Committee (ARIC). 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. However, ARIC requested that concerns be relayed to Council to assist its deliberations as two members of the Committee were not in support of the Investment Policy in its current form expressing strong concern that the levels/amounts invested with single institutions was not conservative enough, noting that it would be a matter for the Council to determine. Whilst the majority of ARIC members did not share the concerns expressed, it was agreed that those concerns should be communicated to Council.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council endorse the Draft Revised Investment Policy for public exhibition for a period of 28 days.
 2. The outcomes of the public exhibition of the Draft Revised Investment Policy be reported to Council.
-

REPORT

BACKGROUND

The Investment Policy was reviewed by Council's Investment Advisors, Laminar Capital Pty Ltd (Laminar) 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.

However, four amendments are proposed to the Policy which followed consultation with Council's Investment Advisors and the consideration of issues raised by members of the public.

The following changes are proposed and the relevant clauses in the draft policy are as follows:

- 4.2.1 Overall Portfolio Credit Framework – reduce maximum investment percentage allowance of the portfolio exposed to the Unrated category from 20% to 5%.
- 4.2.1 Expand the Unrated Category to allow investments in Unrated ADI's covered by the government guarantee scheme in addition to the existing option of eligible managed funds such as the NSW Treasury Corporation Hour-Glass Facilities.
- 4.2.2 Institutional Credit Framework
 - Create a separate line item named Unrated TCorp Funds Category for the existing allowance for investments in Unrated managed funds such as the NSW Treasury Corporation Hour-Glass Facilities and reduce the maximum investment percentage from 10% to 5%.
 - Create an Unrated Category for Unrated investments under the Australian government guarantee scheme and limit the exposure to a maximum of \$250,000 per Unrated ADI.
- 4.2.3 Transitional Arrangements
 - Include the following statement in recognition of a point raised by a member of the public that Council's investment in Emerald II Reverse Mortgage Series 2006-1 Trust is held under the grandfathering provision of a Ministerial Investment Order
 - Investments made before the date of 12 January 2011 have been deemed to have been made in compliance with this policy so long as the investments have not been subject to any restructuring or switching. These investments can continue to be held to maturity without breaching this policy or the Ministerial Investment Orders that are currently in place.

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 endorsing placing it on public exhibition to enable community consultation.

However, ARIC requested that concerns be relayed to the Council to assist its deliberations as two members of the Committee were not in support of the Investment Policy in its current form expressing strong concern that the levels/amounts invested with single institutions was not conservative enough, noting that it would be a matter for the Council to determine. Whilst the majority of ARIC members did not share the concerns expressed, it was agreed that those concerns should be communicated to Council.

In relation to Council's Investment Policy and Portfolio and the points raised by members of the Committee, Council's Investment Advisors have stated:

- they have no concerns with the current exposure of the portfolio
- Council's portfolio is very conservative
- APRA has stringent oversight on all ADIs.
- the Investment Policy is consistent with the Ministerial Investment Order and guidelines issued
- the Office of Local Government strengthened its restrictions following the Global Financial Crisis in relation to appropriate investments for local government entities and released their Investment Policy Guidelines
- limiting the exposure to ADIs would have an impact on the ability of council to deploy funds in the current market and to obtain reasonable returns on the investment of Council funds
- If the portfolio grows it would impact on Council's ability to seek higher returns.

The following background information is provided in relation to the policy. The Local Government Code of Accounting Practice and Financial Reporting Guidelines require a council to maintain an investment policy. The Code recommends that Councils establish an investment strategy as part of its overall plan and have a process to regularly review the strategy which should be undertaken at least annually.

Council's strategy is to work exclusively within the Minister's guidelines, minimising risk and following rigorous contemporary standards of investment practice to review market conditions, and protect Council's interest and the assets of our ratepayers and residents.

The Investment Policy primarily sets out to:

- Establish a clear understanding of investment goals and objectives.
- Define and assign responsibilities for investing activities.
- Offer guidance and define limitations regarding the investment of assets.
- Manage assets in accordance with the relevant legislation, prudential standards and regulations.
- Establish the relevant investment horizon for which the assets will be managed.
- Establish a basis of evaluating and monitoring investment performance.

From Council's perspective we are seeking to provide a policy that will:

- Ensure the security of Council funds by setting parameters for exposure to credit risk and duration risk within the investment portfolio.
- Subject to those constraints and Council's liquidity requirements, maximise the earnings from the portfolio
- Establish a framework for monitoring the investments and comparing performance to appropriate benchmarks.

There are a number of important components to be aware of in the development of an investment policy. Typically, these would include:

- **Legislation** – all Councils have specific legislative and/or statutory regulations that prescribe a certain amount of information relating to investments. An investment policy must be drafted with these prescribed regulations in mind.
- **Approved Investments** – typically guidance is given in the applicable legislation as to the types of securities that can be invested in. The investment policy is used to clarify what types of investments we can make.
- **Diversification Limits/Investment Restrictions** – typically these are used to establish an appropriate level of diversification within investment portfolios. Generally, there are two main components relating to diversification of the portfolio. Firstly, asset allocation is the process of setting overall portfolio guidelines as to the exposure to different asset classes to optimise the risk/reward trade-off based on our specific situation and goals.

Secondly, diversification guidelines relating to exposure within each asset class, that is, the maximum allocation to a particular security/institution. In many cases, a maximum term of investment is also specified.

Council's Investment Policy has been prepared in accordance with the Office of Local Government's Investment Guidelines, with the underlying purpose to ensure Council maintains an investment policy that complies with the Local Government Act 1993, the Local Government (General) Regulation 2021 (LGGR) and the Ministerial Investment Order and ensures it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

The principal elements of the proposed Investment Policy are as follows:

Investment Strategy

An Investment Strategy will run in conjunction with the Investment Policy. The Investment Strategy will be reviewed once a year. The Strategy will consider:

- Council's cash flow expectations.
- Optimal target allocation of investment types, credit rating exposure and term to maturity exposure
- Appropriateness of overall investment types for Council's portfolio.

Investment Advisor

Council's investment advisor must be licensed by the Australian Securities and Investment Commission and be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

Approved Investments

Investments are limited to those allowed by the Ministerial Investment Order.

Prohibited Investments

The investment policy prohibits but is not limited to any investment carried out for speculative purposes, including:

- Derivative based instruments.

- Principal only investments or securities that provide potentially nil or negative cash flow
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Prudent Person Standard

The investment of Council's funds will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of the Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the Chief Executive Officer.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

Where financial institutions are offering equivalent investment returns with the same credit ratings and the investment conforms with the Investment Policy then preference will be given to institutions demonstrating environmental and social responsibility.

Guidelines

The following Guidelines are key elements of the Policy:

- **Risk Management Guidelines** - Investments are expected to achieve a market average rate of return in line with Council's risk tolerance including Preservation of Capital, Diversification, Market Risk, Liquidity Risk, Maturity Risk and Leveraging Risk.
- **Credit and Maturity Guidelines** - Investments are to comply with three key criteria relating to the Overall Portfolio Credit Framework (*to limit overall credit exposure of the portfolio*), Institutional Credit Framework (*limit exposure to individual institutions based on their credit ratings*) and Term to Maturity Framework (*limits based upon maturity of securities*).

Reporting Requirements

The following reporting requirements are key elements of the Policy:

- **Reporting and Reviewing of Investments** - All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis. A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value. This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of the policy. Any amendment to the Investment Policy must be by way of Council resolution.
- **Measurement** - The investment return for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting. Any changes to the market value that has not been accounted for will be brought to account on a mark-to-market basis.

Performance Benchmarks - The performance of the investment portfolio shall be measured against the industry standard AusBond Bank Bill Index and/or the Official Cash Rate.

CONSULTATION

The draft Policy was developed in consultation with Council's Investment Advisors. Additionally, the draft Policy was presented to the Audit, Risk and Improvement Committee and their feedback has been included in the report. It is proposed to publicly exhibit the draft Policy for a minimum of 28 days. Community engagement will include:

- Information on Council's 'Your Say' project web page including an online submission form where community feedback can be submitted

TIMING

The draft Policy will be publicly exhibited for a minimum of 28 days. Following the community engagement period, a final version of the Policy will be presented to Council for consideration and adoption

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

The Investment Policy is a key financial policy which provides comprehensive guidelines for Council's staff and management to ensure best practice financial management and that appropriate fiscal responsibility is exercised.

SOCIAL CONSIDERATIONS

The Investment Policy requires consideration of social responsibility when making investment decisions.

ENVIRONMENTAL CONSIDERATIONS

The Investment Policy requires consideration of environmental responsibility when making investment decisions.

GOVERNANCE AND RISK CONSIDERATIONS

In accordance with the Local Government Code of Accounting Practice and Financial Reporting Council must maintain an investment policy that complies with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the Ministerial Local Government Investment Order and ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

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.

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.



Council Policy

Investment

1 Purpose of Policy

To ensure Council maintains an investment policy that complies with the Act, the Local Government (General) Regulation 2021 (LGGR) and the Ministerial Investment Order and ensures it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

2 Policy Statement

The objectives of this policy are to provide a framework for the investing of Council's funds at the most favourable return available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that Council's liquidity requirements are being met.

Investments must only be made in compliance with the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government and in accordance with this Policy.

When exercising the power of investment, Council should consider, but not be limited by:

- The risk of capital or income loss or depreciation.
- The likely income return, and the timing of income return.
- The length of the term of the proposed investment.
- The liquidity and marketability of the proposed investment.
- The likelihood of inflation affecting the value of the proposed investment; and
- The costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio.

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

3 Principles

3.1 Investment Strategy

An Investment Strategy will run in conjunction with the Investment Policy. The Investment Strategy will be reviewed with an independent investment advisor once a year. The Strategy will outline:

- Council's cash flow expectations.
- Optimal target allocation of investment types, credit rating exposure and term to maturity exposure and
- Appropriateness of overall investment types for Council's portfolio.

3.2 Investment Advisor

Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investments Commission. The advisor must be an independent person who

Investment Policy

has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

3.3 Approved Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government. Approved investments include:

- Commonwealth/State/Territory Government security e.g., bonds
- Interest bearing deposits with, or any debentures or bonds, issued by an authorised deposit taking institution (ADI) (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations; Bills of exchange, (<200 days duration), issued and/or accepted by an authorised deposit taking institution (ADI).
- Debentures issued by NSW Local Government.
- Deposits with NSW Treasury &/or Investments in T Corp's Hour-Glass Facility; and
- Investments grandfathered under the previous Ministerial Investment Order.

3.4 Prohibited Investments

This investment policy prohibits but is not limited to any investment carried out for speculative purposes, including:

- Derivative based instruments.
- Principal only investments or securities that provide potentially nil or negative cash flow and
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

3.5 Prudent Person Standard

Council has a fiduciary responsibility when investing. The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

3.6 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the Chief Executive Officer.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

Where financial institutions are offering equivalent investment returns with the same credit ratings and the investment conforms with the Investment Policy then preference will be given to institutions demonstrating environmental and social responsibility.

3.7 Audit, Risk and Improvement Committee

The policy must be reviewed annually by the Audit, Risk and Improvement Committee. Such review to be carried out prior to an annual review of the policy that is required under Clause 5.1.

Investment Policy

3.8 Linking Investments to Underlying Liabilities

Investments should seek to maximise return whilst having regard to the timing and nature of future liabilities and Council's cash flow profile. Liquidity requirements have due regard to the timing and nature of both future liabilities and Council's cash flow requirements.

4 Guidelines

4.1 Risk Management Guidelines

Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.

- **Preservation of Capital** - the requirement for preventing losses in an investment portfolio's total value.
- **Diversification** - the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market.
- **Market Risk** - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices.
- **Liquidity Risk** - the risk an investor is unable to redeem the investment at a fair price within a timely period.
- **Maturity Risk** - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- **Leveraging Risk** - the magnification of an investor's risk and return that occurs when the investor takes on financial leverage through an investment product.

4.2 Credit and Maturity Guidelines

Investments are to comply with three key criteria relating to:

- **Overall Portfolio Credit Framework** - limit overall market credit exposure of the portfolio
- **Institutional Credit Framework** - limit exposure to individual institutions based on their credit ratings; and
- **Term to Maturity Framework** - limits based upon maturity of securities.

4.2.1 Overall Portfolio Credit Framework

To control the credit quality of the entire portfolio, the following credit framework limits the percentage of the portfolio exposed within the market to any particular credit rating category.

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA (incl. government guaranteed deposits)	A-1+	100%
AA+		
AA		
AA-		
A+	A-1	100%
A		
A-		
BBB+	A-2	80%
BBB		
BBB-	A-3	30%
Unrated**	Unrated**	5%

* or Moody's / Fitch equivalents

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

Investment Policy

4.2.2 Institutional Credit Framework

Exposure to an individual institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA (incl. government guaranteed deposits)	A-1+	50%
AA+		
AA		
AA-		
A+	A-1	40%
A		
A-		
BBB+	A-2	30%
BBB		
BBB-	A-3	10%
Unrated** TCorp Funds	Unrated**	5%
Unrated*** ADIs	Unrated***	\$250,000

* or Moody's / Fitch equivalents

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

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

If any of Council's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

The short-term credit rating limit will apply in the case of discrepancies between short and long-term ratings.

4.2.3 Transitional Arrangements

Investments made before the date of 12 January 2011 have been deemed to have been made in compliance with this policy so long as the investments have not been subject to any restructuring or switching. These investments can continue to be held to maturity without breaching this policy or the Ministerial Investment Orders that are currently in place.

4.2.4 Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

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

5 Reporting Requirements

5.1 Reporting and Reviewing of Investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment.

Investment Policy

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

By resolution Council will adopt an Investment Policy that is consistent with the Ministerial Investment Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet from time to time.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.

5.2 Measurement

The investment return for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting. Any changes to the market value that have not been accounted for will be brought to account on a mark-to-market basis.

5.3 Performance Benchmarks

The performance of the investment portfolio shall be measured against the industry standard Bloomberg AusBond Bank Bill Index and/or the Official Cash Rate. The performance of investments with terms greater than 2 years will also be measured against the Bloomberg Ausbond Composite 2-5year index.

6 Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the Local Government Act 1993.

The Chief Executive Officer may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

The Chief Executive Officer or any other staff member, with delegated authority by Council to invest funds on behalf of Council must do so in accordance with the adopted investment policy.

7 Amendments

The Chief Executive Officer or their delegated representative be authorised to approve variations to investment options that may not be consistent with this policy, if the investment is to Council's advantage and/or due to revised legislation.

All such variations are to be reported to Council within 14 days.

8 Scope and application

This policy applies to all employees, agents, officers and councillors of Northern Beaches Council.

Investment Policy

9 References and related documents

All investments are to comply with the following:

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Ministerial Investment Order 2011
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards and
- Office of Local Government Circulars

10 Definitions

“Act” Local Government Act 1993

“LGGR” Local Government (General) Regulation 2021

11 Responsible Officer

Chief Financial Officer

12 Review Date

The policy is due for review at least once per year or as required in the event of legislative changes.

13 Revision History

Revision	Date	Change	TRIM Ref
1	27 Sept 2016	Policy adopted by Council	2016/322788
1.1	17 April 2018	Minor amendment – formatting changes to updated policy template.	2016/322788
1.2	10 December 2019	The Audit, Risk and Improvement Committee noted the review of the Investment Policy and no changes to the Policy were recommended by the Committee necessitating a report to Council.	2016/322788
1.3	8 December 2020	The Audit, Risk and Improvement Committee noted the review of the Investment Policy and did not recommend any changes to the Policy.	2016/322788

Investment Policy

SCHEDULE 1: Extracts of Legislative Requirements

LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625

Section 412 Accounting Records

- 1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- 2) In particular, a council must keep its accounting records in a manner and form that facilitate:
 - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
 - (b) the convenient and proper auditing of those reports.

Section 625 How May Councils Invest?

- 1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- 2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- 3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- 4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - REG 206 & 212

206 Accounting records and accounting practices to accord with the Code

- 1) A council's accounting records must be kept in a form that accords with the Code.
- 2) A council's accounting practices must accord with the Code.

212 Reports on council investments

- 1) The responsible accounting officer of a council:
 - (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:
 - (i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
 - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.
- 2) The report must be made up to the last day of the month immediately preceding the meeting.

LOCAL GOVERNMENT CODE OF ACCOUNTING PRACTICE AND FINANCIAL REPORTING – APPENDIX A

Council must maintain an investment policy that complies with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the Ministerial Local Government Investment Order and ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

Councils must maintain a separate record of money it has invested under section 625 of the LGA. The record must specify:

- (a) the source and the amount of money invested; and
- (b) particulars of the security or form of investment in which the money is invested; and
- (c) if appropriate, the rate of interest to be paid, and the amount of money that the council has earned, in respect of the money invested.

Investment Policy



Circular No. 11-01
Date 17 February 2011
Doc ID: A232163

Contact Finance Policy Section
02 4428 4100
dlg@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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Investment Policy

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER (Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

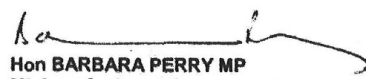
All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

ITEM 9.4	PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES COUNCIL CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE NORTHERN BEACHES COUNCIL CODE OF CONDUCT
REPORTING MANAGER	DIRECTOR CORPORATE AND LEGAL
TRIM FILE REF	2022/282037
ATTACHMENTS	1 Draft Code of Conduct (Included In Attachments Booklet) 2 Draft Procedures for the Administration of the Code of Conduct (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To seek Council approval to place the draft Northern Beaches Council Code of Conduct (Code of Conduct) and the draft Procedures for the Administration of the Northern Beaches Council Code of Conduct (Procedures) on public exhibition.

REPORT

The Northern Beaches Council Code of Conduct is aligned to the Office of Local Government's (OLG) Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) which is made under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2021* (Regulation).

The OLG has amended the Procedures in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment [2019] NSWSC 1134*. Amendments have also been made to the Model Code of Conduct. Whilst the Model Code of Conduct and Procedures were amended in August 2020, the updates to the Northern Beaches Council Code and Procedures have been held over for the newly elected Council to endorse in accordance with its obligation to do so under s440(7):

A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.

Council's conduct reviewers have operated in accordance with the relevant amendments to the Model Code and Procedures (related to the Cornish decision) since they were prescribed by the OLG.

Amendments to the Model Procedures

Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their Codes of Conduct under the new Procedures:

- that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.

The process for censuring councillors for breaches of the Code of Conduct has been significantly strengthened. When censuring councillors, councils are required to specify in their resolution the

grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.

Councillors may seek to avoid public censure for breaches of the Code of Conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.

The process for referral by councils of Code of Conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.

Other amendments have been made to the Procedures to:

- allow panels of conduct reviewers to be appointed without a resolution of the council
- allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Amendments to the Model Code of Conduct

The Model Code of Conduct has been amended to:

- remove as a breach, failure to comply with a council resolution requiring action in relation to a Code of Conduct breach (because it is now redundant)
- update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
- include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs).
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct.

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 draft Code of Conduct and Procedures has been developed within existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

There are no associated environmental impacts.

SOCIAL CONSIDERATIONS

A strong Code of Conduct and Procedures is integral to maintaining community confidence in Council.

GOVERNANCE AND RISK CONSIDERATIONS

The Code of Conduct sets the minimum standards of conduct for council officials. The Procedures are prescribed for the administration of the Code of Conduct and provide guidance for managing breaches of the Code of Conduct.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council place the draft Northern Beaches Council Code of Conduct and Procedures for the Administration of the Northern Beaches Council Code of Conduct on public exhibition for a minimum of 28 days.
 2. The outcomes of the public exhibition of the draft Northern Beaches Council Code of Conduct and Procedures for the Administration of the Northern Beaches Council Code of Conduct be reported to Council.
-

ITEM 9.5	PUBLIC EXHIBITION OF THE DRAFT APPOINTMENT OF COMMITTEE MEMBERS POLICY
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2022/165731
ATTACHMENTS	1 Draft Appointment of Committee Members Policy

BRIEF REPORT

PURPOSE

To seek Council approval to place the draft Appointment of Committee Members Policy on public exhibition.

REPORT

The Appointment of Community and Stakeholder Representatives Policy was adopted by Council in April 2018. The Policy is now overdue for its scheduled review (November 2021).

The draft revised Appointment of Committee Members Policy (Attachment 1) includes some minor revisions to align the naming convention and committee member appointments to Council's Committee Framework, update position titles and advertising methods. The proposed changes are marked up for ease of reference.

Council adopted a Committee Framework in February 2022 which sets out the various types of Council committees/groups and means by which to establish them. These include Reference Groups, Committees (Statutory, Joint Stakeholder and Association Memberships), Project Advisory and/or Working Groups supporting endorsed council projects and Community groups.

In accordance with the Framework, councillor appointments to formal committees are determined by Council resolution; and for short-term working groups, appointments are made by the Chief Executive Officer.

Other committee member appointments are conducted in accordance with the Policy with due regard to the relevant committee charter or terms of reference.

The draft Policy provides a framework for the appointment of community members, industry representatives, and other stakeholders to committees in line with the general principles of merit-based selection, gender balance, equality and diversity of membership.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

The public exhibition of the draft Appointment of Committee Members Policy is provided for within existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations regarding the public exhibition processes proposed.

SOCIAL CONSIDERATIONS

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 draft Policy provides a decision-making framework for the appointment of community members to committees, providing equity and transparency of the appointment process. Reviewing Council policies in accordance with their review cycle ensures they remain relevant, effective and in keeping with community expectations.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council place the draft Appointment of Committee Members Policy on public exhibition for a minimum of 28 days.
 2. The outcome of the public exhibition of the draft Appointment of Committee Members Policy be reported to Council.
-

Council Policy

~~Community Committee Framework and Appointment of Community and Stakeholder Representatives~~

Appointment of Committee Members

Policy Statement

To prescribe the process for the appointment of individuals to Council Committees, as either representing organisations, groups or other stakeholders, or the general community, where the composition of the Committee is established in the relevant Committee Terms of Reference or Charter.

To ensure representatives are objectively selected on merit, thereby removing any claim of political patronage.

Principles

The following principals and procedure shall be followed in the appointment of organisational, stakeholder and general community representatives to Committees established by the Council or on behalf of other agencies.

- All appointments must be in accordance with Council's Community Committee Framework (2022/165351).
- All appointments to Committees are to have due regard not only to the provisions of the relevant Committee Charter or Terms of Reference but also to the general principles of merit-based selection, gender balance, equality, and diversity of membership.
- The selection of community representatives on Council Committees is a function best administered independently of the elected Council, and in accordance with the Terms of Reference of the relevant Committee. This approach avoids both the perception and reality of political interference in the appointment process. Committee representatives shall be entitled to be appointed without influence from political beliefs, philosophical reasons, affiliations or community standing. They are entitled to be considered for appointment because of their interest or involvement in the work of the Committee or because they have particular skills or professional training of benefit to the Committee's deliberations. Objectivity is an essential requirement and therefore conflicts of interest, perceived or otherwise, must be identified and may preclude representatives being selected.

Scope and Application

It is appropriate that organisations, the general community and other relevant stakeholders be represented on Committees to assist Council in its ongoing planning and decision-making processes.

Council is responsible for adopting the Charter of each Committee established by it, including the composition of the Committee and any specific skills or requirements to be included in that composition.

Organisational and Stakeholder Representatives:

Where an organisation, community group, interest group, user group or other stakeholder is, according to a Committee Charter or Terms of Reference, to be represented on that Committee:

- The organisation or group shall nominate its representative in writing to the Chief Executive Officer (CEO).

Community Committee Framework and Appointment of Community and Stakeholder Representatives

- The written nomination is to be made, as appropriate, by a duly authorised office bearer or office holder of the organisation/group concerned using the template provided by Council for that purpose including evidence of constitution and membership.
- The CEO shall appoint such nominated representatives and reserves the right to reject such nominated representatives should there be any non-compliance with requirements in the relevant Committee Charter or Terms of Reference, **or conflicts of interest**.

Individual Community Representatives:

- Nominations will be publicly invited for appointment to a Committee.
- All nominees will be required to make written application to Council using the template provided by Council for that purpose. Any particular skills, experience or expertise required of members by the relevant Committee Charter or Terms of Reference must be addressed in any nomination submitted to Council.
- Where complying nominations received are equal to or less than available positions on a Committee, the CEO may appoint such nominees to the relevant Committee.
- Where the number of complying nominations exceeds the number of individuals required for appointment, the CEO shall arrange for an assessment panel to make a direct appointment(s) based on merit. In such cases the Panel, comprising of **the Head of Integrity and Complaints Resolution Unit Executive Manager Governance & Risk (or delegate), a member of Human Resources, a member of Community Engagement** (or other nominee of the CEO), and the relevant Executive Manager, is to have regard to any membership requirements outlined in the relevant Committee Terms of Reference or Charter as well as those detailed in this Policy.

Term of Appointment

A person appointed to a Committee shall continue as a member of the Committee for the period outlined in the relevant Committee Terms of Reference or Charter.

Where a person has been nominated to represent a particular organisation or group on the Committee, a duly authorised representative of the organisation may request a change to its nominated representative during the relevant term.

Community Notification

Opportunities ~~for Nomination~~ will be advertised ~~in the local newspaper~~ **via Council's e-news, website and social media channels**. Emails will be sent to target groups and the Community Engagement Database. Detailed information and nomination forms will be available on the website. Ideally nominations will be open for 28 days and a minimum of 14 days.

Delegation of Authority

By adoption of this Policy, the Council specifically and hereby delegates authority to the Chief Executive Officer to exercise all functions, powers or actions required to implement this policy.

Responsible officer

Executive Manager Governance and Risk

References and related documents

- **Northern Beaches Council Committee Framework (adopted 22 February 2022)**
- NSW Local Government Act 1993

Community Committee Framework and Appointment of Community and Stakeholder Representatives

Definitions

“*Committee*”, for the purposes of this Policy, refers to any Strategic Reference Group, Reference Groups, Statutory Committees and Joint Stakeholder committees, or other ~~committees~~ **project/working advisory groups** that have councillors and community members represented.

Review Date

~~November 2021.~~ **May 2026**

Revision History

Revision	Date	Change	TRIM Ref
1	17 April 2018	Policy adopted by Council	2018/266800
2	17 April 2020	Policy amended by Director Corporate and Legal to incorporate the Community Committee framework (see related email 2020/221767)	2018/266800
3	24 March 2022	Draft Appointment of Committee Members	2022/186992
4	13 April 2022	Updated following CET review	2022/186992

ITEM 9.6	OUTCOME OF PUBLIC EXHIBITION OF DRAFT CODE OF MEETING PRACTICE
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2022/195610
ATTACHMENTS	<ol style="list-style-type: none"> 1 Draft Northern Beaches Council Code of Meeting Practice 2022 (Included In Attachments Booklet) 2 Guidelines for Remote Attendance at Council Meetings by Councillors (Included In Attachments Booklet) 3 Community Engagement Report (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To seek the adoption of the draft Northern Beaches Council Code of Meeting Practice 2022.

REPORT

At its 22 March 2022 meeting, Council resolved to place the draft Code of Meeting Practice on exhibition with the outcomes to be reported to Council (resolution 061/22). As part of that resolution staff were to include a question on the appropriateness of the gendered language as part of the mode of address.

The draft Code was publicly exhibited from Tuesday 29 March to Sunday 1 May 2022 and attracted submissions from three individuals. A response to the comments raised in the submissions is provided in the table below.

Submission verbatim	Response
<p>What are your thoughts on the gendered language of the mode of address? Not sure/Indifferent</p> <p>Please provide your submission below What are the unique clauses for Northern Beaches Council?</p> <p>Subsequently provided:</p> <ul style="list-style-type: none"> The use of the word 'delegate' in 4.38 and elsewhere does not appear to be defined. I think it should be. In 10.20 the word 'documents' has been crossed out and substituted with 'information'. Information could be anything from anywhere whereas a person or a document can be identified and steps, if necessary, can be taken in response to the identification of that person or document. You can't with information. I would leave documents in and take out information. 11.5 seeks to only list one councillor as the mover and one councillor as the seconder. I 	<p>Noted.</p> <p>A marked-up copy of the draft Code was provided to the submitter for their review and feedback which was subsequently provided, below.</p> <ul style="list-style-type: none"> The delegate in these circumstances is an appropriate person determined by the Chief Executive Officer. This is a matter for the NSW Government as it is a mandatory component of the Code. However, the use of the word 'information' may extend to content found online or within digital databases for example that may need to be referenced by staff or councillors as source material in order to answer questions. This clause was added for clarity. The purpose of a seconder as contemplated by the Code is to

Submission verbatim	Response
<p>think all councillors who put their name to a motion should be listed, as the public have a right to know who is proposing a motion.</p> <ul style="list-style-type: none"> In 16.11 it is proposed to add the words "the Regulation or any regulation in force...". I believe that you can only have one Regulation in force for any Act at any time so that the words "or any regulation in force" are unnecessary. The discussion at the meeting about gender, I thought at the time, was a complete waste of time. Having read the code it is now confirmed that it was a complete waste of time. Tell the councillors to lift their game. 	<p>enable debate to commence on an item of business and for an item of business to be considered by the Council. This is defined in the mandatory section 11.1 <i>"Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded"</i>.</p> <ul style="list-style-type: none"> While it is not a common practice, in the event of a joint motion being submitted, all councillors who put their names to a motion are listed on that motion in the Council business papers. Councillors individual support for motions is captured as a matter of public record demonstrated in their voting and speeches for or against during the meeting. Motions are subject to change during debate. Having additional seconders would add a complexity to that standard process. The council operates as a collective governing body, motions carried become a decision of the Council. This is a matter for the NSW Government as it is a mandatory component of the Code. Noted.
<p>What are your thoughts on the gendered language of the mode of address? Yes, it is appropriate</p>	<ul style="list-style-type: none"> Noted.
<p>What are your thoughts on the gendered language of the mode of address? Yes, it is appropriate</p>	<ul style="list-style-type: none"> Noted.

The draft Code of Meeting Practice is provided for Council's consideration (Attachment 1). In line with the comments above there are no changes proposed following the public consultation process.

Outside of formal engagement channels there was some additional community sentiment expressed via social media commentary in response to a news article on the issue of the gendered language. While only attracting a small number of comments the sentiment appeared fairly evenly distributed. Accordingly, Council's engagement on this matter failed to identify a groundswell of support for any change to the language within the document and as a result staff recommend no changes.

Two minor new additions are proposed to provide greater clarity in the document. They do not change any current practices and are marked up in red for ease of reference in the attachment and extracted in the table below:

Proposed amendment	Rationale
5.10 <i>To speak at the public forum or public address, a person must first make an application to the council in the approved form. Applications to speak open when the business papers are published and must be received by 5pm on the business day prior to the date on which the council meeting is to be held, and must identify...</i>	To clarify the current practice. The online application form to address the council opens on the website when the agenda is published.
5.22 <i>Other parties may be permitted to address an ordinary meeting of council subject to:</i> (a) <i>Notice of that person's attendance at the meeting being included by the chief executive officer on the relevant business paper or advised to councillors via a memo prior to the meeting.</i> (b) <i>Public forum or address not being considered the most appropriate forum in which to hear that person(s).</i> (c) <i>Not more than ten (10) minutes in total being provided at any ordinary council meeting to hear such person(s).</i>	Updated naming of both forums for consistency and clarity.

As advised in the March report, the key changes that would come into effect with the revised 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). Council will promote the change to this deadline on its website.

Should Council adopt the revised draft Code of Meeting Practice, both the current Northern Beaches Code of Meeting Practice and the Guidelines for Remote Attendance at Council Meetings by Councillors (Attachment 2) will be revoked as those provisions would be addressed within the Code of Meeting Practice.

The Community Engagement Report is provided at Attachment 3.

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 publication of the draft Northern Beaches Council Code of Meeting Practice 2022 and associated updates is provided for within existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

Under section 360 of the Local Government Act 1993, Council is required to adopt a Code of Meeting Practice within 12 months after an ordinary election. The Code is to incorporate the mandatory provisions of the model Code and may also include the non mandatory and other provisions. The draft Northern Beaches Council Code of Meeting Practice complies with these requirements.

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.

In order to retain the current practice whereby councillors may participate in meetings by audio visual link, the Council will need to adopt a Code of Meeting Practice incorporating these provisions before the temporary amendments to the *Local Government (General) Regulation 2021*, made in response to the pandemic, are repealed on 30 June 2022. Adopting a new Code of Meeting Practice incorporating these new provisions will ensure they continue to apply.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice 2022.
 2. Adopt the draft Northern Beaches Council Code of Meeting Practice 2022 provided at Attachment 1.
 3. Revoke the Guidelines for Remote Attendance at Council Meetings by Councillors provided at Attachment 2.
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ITEM 9.7	OUTCOME OF PUBLIC EXHIBITION OF DRAFT LEGISLATIVE COMPLIANCE POLICY
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2022/204336
ATTACHMENTS	1 Draft Legislative Compliance Policy (Included In Attachments Booklet) 2 Community Engagement Report (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To seek the adoption of the draft Legislative Compliance Policy.

REPORT

At its 22 March 2022 meeting, Council resolved to place the draft Legislative Compliance Policy on exhibition with the outcomes to be reported to Council (resolution 048/22).

The draft Policy was publicly exhibited from Tuesday 29 March to Sunday 1 May 2022 and attracted two submissions. A response to the comments raised in the submissions is provided in the table below.

Submission verbatim	Response
<p>The following council resolution at the 22nd March meeting appears not to have been followed</p> <p>"3. Staff include a question to the community as part of the public exhibition process to consider the appropriateness of the gendered language of the mode of address."</p> <p>I am opposed to any change in the present gendered language as used by NBC, and would also draw attention to the apparent failure to draw the community's attention to the proposed change.</p> <p>I only became aware due to an item in Peninsula Living May 2022 at page 17.</p>	<p>This resolution applied to the exhibition of the draft Code of Meeting Practice not the Legislative Compliance Policy. The question on gendered language was highlighted in that consultation process.</p>
<p>Why is this review taking place after less than 3 years since the policy was adopted? State legislation has a 5 year review timetable which would [seem] adequate so why does [council] do it in 3 years. Running out of things to review are you?</p>	<p>Council's policy framework provides for policies to be reviewed at least every four years. Council sets the review cycle within the policy. Wherever possible Council encourages involvement by the community in developing and reviewing its policies in accordance with its Community Engagement Policy and Framework.</p> <p>In its review of the revised draft policy, the Audit, Risk and Improvement Committee provided feedback that the review cycle for this policy be set for three years.</p>

The draft Policy is provided for Council's consideration (Attachment 1). In line with the comments above there are no changes to this version from the version put to Council in March 2022.

The Community Engagement Report is provided at Attachment 2.

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.

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 Council:

1. Note the outcomes of the public exhibition of the draft Legislative Compliance Policy.
 2. Adopt the draft Legislative Compliance Policy provided at Attachment 1.
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ITEM 9.8	DRAFT COUNCILLOR AND STAFF INTERACTION POLICY
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2022/243665
ATTACHMENTS	1 Draft Councillor and Staff Interaction Policy (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To seek the adoption of the draft Councillor and Staff Interaction Policy.

REPORT

In April 2022 the Office of Local Government (OLG) released the Model Councillor and Staff Interaction Policy. While the model policy is not mandatory, it reflects best practice and all councils have been encouraged to adopt it. It operates in conjunction with the Code of Conduct. OLG states the policy has the following goals:

- *to establish a framework by which councillors can access the information they need to perform their civic functions*
- *to promote positive and respectful interactions between councillors and staff*
- *to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.*

The draft policy, adapted slightly for Northern Beaches Council, is provided at Attachment 1. Changes are minimal and highlighted for ease of reference.

The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

While Council encourages involvement by the community in developing and reviewing its policies, the costs in staff time and diversion of resources to support a formal 28-day exhibition process is not considered necessary on this occasion. This is primarily due to the policy content being internally focused and most relevant for council officials themselves, providing guidance for councillors and staff relating to their interactions.

The NSW Government has released the policy as a best practice model which was developed through its own consultative processes. As the policy reflects the current practice at Northern Beaches Council and is aligned to the Code of Conduct, very few changes are proposed. In accordance with the standard practice, councillors will have the opportunity to include new clauses or amend the policy if required via resolution.

Should Council adopt the policy, appropriate internal communications will be rolled out to ensure staff are aware of the policy and its requirements.

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 implementation of the draft Councillor and Staff Interaction Policy is provided for within existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts associated with the draft Councillor and Staff Interaction Policy.

SOCIAL CONSIDERATIONS

The policy supports effective working relationships between the community's elected representatives and staff who are employed to administer the operations of Council. The effectiveness of these relationships is integral to the performance of the Council which in turn reflects the level of service or benefit the community receives.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Councillor and Staff Interaction Policy will provide a framework to facilitate a positive working relationship between councillors and Council staff. It will assist councillors and Council staff in carrying out their duties in a professional, ethical and respectful way.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council adopt the draft Councillor and Staff Interaction Policy provided at Attachment 1.

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	RESPONSE TO NOTICE OF MOTION 44/2021 - TOY LIBRARY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2022/209137
ATTACHMENTS	1 Community Engagement Report - Toy Library

SUMMARY

PURPOSE

To provide information as requested by Council in relation to Notice of Motion 44/201 - Toy Library.

EXECUTIVE SUMMARY

In response to the Notice of Motion, opportunities to establish a toy library service have been investigated. This service is not currently offered by Council and would represent an increase in service to the wider community. Council's resolution requests advice on location, cost and operating options.

The considerations important to Council in determining the way forward on this issue include existing toy library providers (both formal and informal), the sustainability benefits of toy re-use, the need to have a quality inventory and the costs of providing such a service.

The concept of a toy library as considered by this report is a Council managed service, with Council purchasing and managing the inventory of toys. In consulting with the community on this matter there was some confusion that the community would be able to "donate" or "swap" unwanted toys. This is not the model considered by this report as there are existing options for community members to donate toys that are no longer needed.

There are two main options presented in this report. Firstly, a Council operated service that would require the use of existing Council facilities or libraries and secondly, increased support for existing providers. It is also noted that there was some support for a beach toy library from the public consultation.

The key objectives of a Council run toy library would be to increase access to toys for our community, provide a sustainable alternative to reduce plastic toy waste across the Northern Beaches and to facilitate social cohesion through a community-based service. In considering these, the research undertaken identified the existing services that have similar objectives:

- Cubby House Toy Library in Forestville
- Peninsula Seniors Toy Repairers
- Bikes for Life program at Kimbriki
- Toys for Joy program at Warringah Mall

Community engagement was undertaken over an 8-week period from 26 November 2021 to 23 January 2022. There were 52 respondents and 66 comments received, highlighting that the toy library concept is popular with families, yet the existing services are not well known by our community. Many would value the opportunity to borrow a variety of quality educational toys suited to their child's age and stage of development and more convenient locations for the operation of a

toy library are required to improve access. It was also identified that options to donate or recycle unwanted toys are not well known by our community.

The financial analysis of establishing a Council run toy library indicates that start-up and ongoing operational financial and staff resources are required, requiring some reduction to service provision in other program areas. The incorporation of a small toy library collection can be implemented in the Library Service within existing capital and operational budgets.

RECOMMENDATION OF ACTING DIRECTOR COMMUNITY AND BELONGING

That Council:

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

REPORT

BACKGROUND

On 26 October 2021, Council resolved:

That Council:

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

Background to the adopted Notice of Motion was:

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

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

Across Australia there are many examples of toy libraries in operation, with the majority managed by not-for-profit community organisations. In metropolitan Sydney investigations identified four Councils operating toy library services from within their library services, with these ranging from services that have one cupboard of toys to a large service with 2,500 toys in the collection.

Of the former Council areas, Manly Council Library offered a small toy collection that ceased operation prior to amalgamation due to the inability to house a collection large enough to offer a variety of small and large toys and the lack of support from the local community at that time. Manly Library also offered a collection point for used toys for repairs but as most donations were not in a suitable condition for re-use, this service also ceased.

This report discusses the current state of toy library services, an analysis of community engagement results and identifies several options and recommendations for consideration by Council.

Current state

In relation to the existing outlets for toy libraries, there are two main organisations in the Northern Beaches that provide toy library services:

Cubby House Toy Library, Forestville

Cubby House Toy Library is currently managed by EarlyEd, a non-profit organisation based in North Sydney. Cubby House has been supported by Council through rental subsidies over many years at a series of locations and is currently located at Forestville Senior Citizens' Centre.

Membership is open to all, including early childhood centres, with individual subscriptions costing \$100 per annum. There are currently approximately 90 subscribers, 55% of whom are located on the Northern Beaches. This service provides a large range of quality educational small to large toys.

Cubby House maintains a collection of over 2,200 toys which are listed on their online catalogue. In recent years the library has successfully adopted a Click and Collect approach where members

choose toys online for pick up by appointment. Toys may be accepted for donation by arrangement only to ensure the quality of the lending collection is maintained. Toys requiring repair are taken to the Peninsula Seniors Toy Recyclers in Ingleside.

Peninsula Seniors Toy Recyclers, Ingleside

Set up with support from the former Warringah Council in 1975, volunteers at Peninsula Seniors Toy Recyclers divert toys from landfill by accepting unwanted toys in good condition and restoring them. The upcycled toys are donated to children in need. Representatives from local charities, community groups and shelters come to the Ingleside premises to collect toys for distribution out to families.

The Northern Beaches community donates unwanted toys at Ingleside during opening hours and at a drop off point at Kimbriki. A general waste fee exemption assists the group dispose of unsuitable or irreparable toy waste.

Additional services available to donate, reuse, recycle or sell unwanted toys in the Northern Beaches include:

- Toys for Joy program at Warringah Mall accepts any toy materials that can be recycled and are used to build playgrounds
- Bikes for Life program at Kimbriki accepts bikes in good condition
- Several charity shops accept some types of toys in good condition
- Social media groups facilitate re-homing including Northern Beaches Freebies and Northern Beaches Mums Paying it Forward
- Council runs car boot sales during various times of the year.

Community Engagement

A community engagement process was undertaken from 26 November 2021 to 23 January 2022 on the concept of toy libraries. Detailed in Attachment 1, the key themes that emerged from this engagement are listed below.

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

Options for Consideration

Based on the review of the existing toy library providers, current options for reuse and recycling of toys in the Northern Beaches and the results from the community engagement, three options have been investigated.

To introduce a Council run toy library, there are two main avenues for implementation: the establishment of a stand-alone toy library in a new location (Option 1) and the incorporation of a toy library into existing library services (Option 2).

Option 1 – A stand-alone Council run toy library

Based on discussions with toy library providers, including other Councils, a stand-alone toy library for small to large items would require 100 to 300m² of dedicated, accessible space in a central location and requires staff and a team of volunteers. The cost of initial set up for this option is estimated to be \$164,200, including the purchasing of 1,200 toys.

The potential location of a stand-alone toy library service has been investigated, with no space currently available in Council's community buildings that meet the required criteria, without displacing existing users of such space.

Benefits:

- Increased access for all families of small to large quality toys to meet children's developmental needs
- Potential for less plastic and other toy waste, meeting sustainability outcomes
- Provide additional volunteer opportunities
- Facilitate community connection

Risks:

- Significant initial and ongoing costs to establish and maintain a new, viable collection.
- Current library buildings are restricted in space and could not house a large toy collection without reconfiguration of the libraries and reduction in either the collection or community meeting rooms
- Operational budget required, not included in the draft 2022/23 operational budget
- Community uptake is not guaranteed
- Commitment to maintain once commenced
- May be seen as in direct competition and have a negative impact on the viability of the Cubby House Toy Library.

In summary, this option may meet the objectives of improved community connection, access to toys for the wider community and sustainability outcomes, but also has significant barriers. This includes the lack of available storage or space to house and operate a toy library in existing libraries or community buildings, the significant staffing and financial resources required and the potential impact on existing providers.

Option 2 – Incorporate a toy library into existing Library Services

The incorporation of a toy collection into existing library infrastructure has been investigated at Council's six libraries. This option would require the toy collection to be limited to small to medium

size toys, reuse of existing space within the libraries to accommodate the new collection and the allocation of staffing and financial resources.

To enable implementation by the end of 2022, it is recommended that a toy collection be introduced within Manly and Mona Vale Libraries. Through consultation with other toy library operators it is considered that the most effective way to operate is through a Click and Collect service, with customers able to browse the toy collection through the catalogue and order for collection. The initial cost and ongoing maintenance of the toy collection, together with the additional staff time needed to catalogue the items, can be accommodated within the current capital and operational budget. To achieve this Library Services will reduce spending in other areas of the collection and/or program delivery. If this is endorsed by Council, the library service will also seek grant funding to cover costs.

It is also recommended that this format of the toy library be operated for a 12-month trial period to enable sufficient time to assess community and sustainability outcomes achieved and the collection of feedback from users over time. The outcomes achieved will be reported back to Council at the completion of the trial period so that Council can consider the continuation, ceasing or expansion of the service through the allocation of financial resources, if required.

Benefits:

- Increased access for all families of small to medium sized quality toys to meet children aged 0 to 7 years developmental needs
- Focusing on toys from recyclable materials, potential for less plastic and other toy waste, meeting sustainability outcomes
- Provide additional volunteer opportunities
- Facilitate community connection
- Can be provided within existing budgets
- Located in Manly and Mona Vale libraries will provide access across the Northern Beaches
- Due to the nature of the recommended toy library collection, it is not considered to be in direct competition to the Cubby House Toy Library, rather a complementary service

Risks:

- Is restricted to two libraries for the 12-month trial, with the other libraries unable to physically house a toy library collection without significant impact on existing collections
- Will require some reduction in programs provided as staff will need to manage the new service
- Toys provided will be small to medium, no large outdoor toys can be provided
- Community uptake is not guaranteed

This option is recommended for implementation. To enable implementation by the end of 2022, the toy collection will be housed in purpose-built cupboards in Manly Library and in existing cupboards in Mona Vale Library.

Option 3 - Increase support existing services offering toy library and toy recycling services

This option involves increased support by Council for the Cubby House Toy Library. This includes the establishment of an additional click and collect service that is more centrally located in the local government area and assistance in the promotion of the service to the community. It also includes support for the operators that recycle toys.

Benefits:

- Supporting growth of the existing successful toy library
- A second space conveniently located for community members would increase access to the Cubby House Toy Library across the Northern Beaches
- Provide increased access for families to quality toys that meet children's developmental needs
- Improved sustainability outcomes, less plastic and other toy waste
- Provide additional volunteer opportunities and community connection

Risks:

- Increased community uptake of the services could not be guaranteed
- Cubby House Toy Library will require Council assistance through the waiver of hire fees at any additional locations for a click and collect service
- Loss of revenue and access to community space by other groups for the space to be occupied by Cubby House for the use of Council space

Based on community engagement, the Northern Beaches community is interested in the toy library concept but is either unaware the Cubby House Toy Library exists or finds its location at Forestville inconvenient. To progress this option, further discussion with this organisation can be undertaken regarding a second click and collect location that is accessible and centrally located.

The community engagement also identified a lack of knowledge of existing services that reuse or recycle toys. Council can work with these services to increase service capacity and community knowledge and access to these services.

CONSULTATION

Community engagement was conducted over 8 weeks from 26 November 2021 to 23 January 2022. The project was primarily promoted through social media, a diverse range of email newsletter channels, and emailed stakeholder notifications.

Feedback was captured through an online ideas board tool with 66 comments received from 52 responders. See Attachment 1 for the Community Engagement Report.

Discussions were also held with key stakeholders including EarlyEd and the Cubby House Toy Library team, Peninsula Seniors Toy Repairers and representatives from other Councils and relevant Council business units.

TIMING

Should Council determine to progress any of the options discussed in this report and allocate the required staff and financial resources to the service, a project plan will be drafted. Options 2 and 3 can be implemented in the next 6 months.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environment Sustainability - Goal 6: Our community will continue to work towards sustainable use of resources.
- Community and Belonging - Goal 12: Our community is friendly and supportive.

FINANCIAL CONSIDERATIONS

Each option considered has financial and resource implications. The establishment of a stand-alone toy library (Option 1) is estimated to be \$164,200 if housed in a Council building. This cost will increase if a property is required to be rented for this purpose. There is no funding allocation for this service in the draft 2022/23 Operational Budget.

Should Council determine to progress the integration of a modest toy library service into the existing Northern Beaches Library Service (Option 2), the use of existing capital budgets to purchase the collection will be required. On discussion with Randwick and Ryde Council, it is recommended to start with a small collection of 100 toys, with a capital cost of \$6,000 to establish the toy collection, which can be covered in existing budgets.

The progression of discussions with the Cubby House Toy Library (Option 3) may result in a minimal loss of income to Council. The loss of income from the use of a community centre space will amount to under \$200 per week for use of a space for up to 15 hours per week.

SOCIAL CONSIDERATIONS

Toy libraries foster inclusive communities, facilitate child development and support family cohesion. Our community is interested in the toy library concept but is either unaware a toy library already exists or finds its location at Forestville inconvenient. Similarly, our community is not aware of the volunteer opportunities that exist at the toy library and at the toy recyclers.

ENVIRONMENTAL CONSIDERATIONS

Toy libraries encourage sustainable usage of toys through reducing plastic waste and adding to the play value of toys. Increased toy library use would encourage further sharing of resources facilitating a reduction in the amount of toy waste overall.

GOVERNANCE AND RISK CONSIDERATIONS

Appropriate management of potential damages and theft will be addressed through the implementation of appropriate terms and conditions.



Community and Stakeholder Engagement Report

Toy library – reducing plastic waste

Impact level: two

Consultation period: 26 November 2021 to 23 January 2022

Contents

1.	Summary.....	2
2.	Background.....	4
3.	Engagement objectives.....	4
4.	Engagement approach.....	4
4.1	Reaching diverse audiences	4
5.	Findings	5

1. Summary




This report outlines the outcomes of community and stakeholder engagement conducted between 26 November 2021 and 23 January 2022 where we looked to understand what role Council could play in supporting a toy library and recycling concept on the Northern Beaches.

During the consultation, many people expressed support for the existing Cubby House Toy Library in Forestville and the Peninsula Seniors Toy Repairers as well as interest in how Council could help expand these services.





There was also strong interest in local libraries offering toys for loan as part of their collections and in a beach toy library service.

Several respondents wanted more awareness raising of how we can ensure toys do not end up in landfill and better promotion of the options. This related to the donation of unwanted toys as well as the repair and reuse of broken toys.

1.1 Key outcomes

 Total responses	52	
 How responses were received	Ideas board contributions Written responses (email/letter)	Completions: 51 Number received: 1
 Feedback themes	Cubby House Toy Library Peninsula Seniors Toy Recyclers Quality toys Unwanted toys	Repair and reuse of toys Public library service Beach toy library

1.2 How we engaged

 Have Your Say: visitation stats	Visitors: 2017	Visits: 2515	Av. time onsite: 1m16s
 Social media	Library Facebook posts		Reach: 650 Impressions: 671 Link clicks: 21
	2 Council Facebook posts		Reach: 9,626 Clicks: 78
	1 Council LinkedIn post		Reach: 1,170 Clicks: 24
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions		Distribution: Approx. 22,000 subscribers
	Council (weekly) e-News: 4 editions (three times in the Your Say section, once in the Environment section)		Distribution: Approx. 160,000 subscribers
	The Drift Library newsletter: 1 edition		Distribution: 86,178 subscribers
	Cooee Newsletter: 1 edition		Distribution: 1,583
	Disability Newsletter: 1 edition		Distribution: 1,304 Clicks: 3
 Key stakeholder engagement	Meeting with representatives of Cubby House Toy Library		Attendance: 3
	Meeting with representatives Peninsula Seniors Toy Repairers		Attendance: 2

2. Background

A Notice of Motion tabled at the Council meeting in October 2021 requesting Council staff engage with the community on the role we could play in supporting toy recycling on the Northern Beaches.

We want to promote sustainability and reduce the likelihood of cheap toys finding their way to landfill and support families by providing quality toys and equipment to meet their children's changing developmental needs.

There are existing toy recycling and library programs on the Northern Beaches.

3. Engagement objectives

Community and stakeholder engagement aimed to:

- build community and stakeholder awareness of participation activities
- provide accessible information so community and stakeholders can participate in a meaningful way
- identify community and stakeholder concerns, local knowledge and values.

4. Engagement approach

Community and stakeholder engagement for the Toy Library consultation was conducted over an 8-week period, from 26 November 2021 to 23 January 2022.

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

A project page¹ was established on our have your say platform with information provided in an accessible and easy to read format. This included information about existing toy library and recycling initiatives. The engagement was centred around how we could build on these to meet environmental and community needs.

The project was primarily promoted through social media, a diverse range of email newsletter (EDM) channels, and emailed stakeholder notifications.

Feedback was captured through an online ideas board tool where people were encouraged to share their ideas and thoughts on what they felt Council could be doing to support toy recycling and toy library concepts on the Northern Beaches.

4.1 Reaching diverse audiences

A thorough stakeholder mapping exercise was completed to identify and understand the needs of the whole community.

It was determined for this project that it was particularly important to hear from parents and carers of younger children, including children with disability.

A notice about this consultation was included in Council's Disability Newsletter and staff from Children Services were asked to promote the Ideas Board to their networks.

¹ <https://yoursay.northernbeaches.nsw.gov.au/toy-library>

5. Findings

During this consultation, people were asked to share their ideas about how Council could support the toy library and recycling concept in an online Ideas Board.

Table 1 below provides a summary of what we heard during the consultation and our response.

The full list of ideas can be viewed on the Ideas Board on the project Your Say page:
<https://yoursay.northernbeaches.nsw.gov.au/toy-library>

Table 1: Main ideas and suggestions and Council's response

Theme	What we heard	Council's response
Quality toys	A number of respondents would value the opportunity to borrow a variety of quality educational toys suited to their child's age and stage of development.	We will consider options to increase opportunities to borrow quality toys in various locations.
Cubby House Toy Library	Several respondents are supportive of the existing Cubby House Toy Library and would like to see greater community awareness and expansion of the service via longer hours and more locations.	We will investigate opportunities to increase awareness of the Cubby House Toy Library. We will investigate opportunities for additional support for the Cubby House Toy Library.
Peninsula Seniors Toy Recyclers	Several respondents would like to see an expansion of the existing service to include more drop off points and/or workshop locations plus inclusion of bikes and scooters for repair and sale.	We will investigate if there is scope for Council to provide further support to Peninsula Seniors Toy Recyclers. Bicycles are already donated to and repaired by Peninsula Seniors Toy Recyclers and Bikes for Life at Kimbriki.
Beach toy library	Some respondents would like beach toy libraries similar to those seen in some other LGAs.	We will investigate opportunities to pursue this.
Unwanted toys	Several respondents would like to know more about their options with regard to donating unwanted toys. One respondent would like to see more involvement by schools.	We will investigate and publicise options for donating unwanted toys, including through schools.
Repair and reuse of broken toys	A number of respondents would like ways to ensure broken quality toys are repaired rather than go to landfill.	We will consider ways to make it easier for our community to donate toys for repair.

Public library service	A number of respondents would like the public library to expand its collection to include quality toys for loan.	We will evaluate the feasibility of this idea.
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Document administration	
Version	1.0
Date	15 February 2022
Status	Final
Notes	Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

ITEM 12.2	ADOPTION OF THE NORTHERN BEACHES SECTION 7.12 CONTRIBUTIONS PLAN 2022
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2022/242131
ATTACHMENTS	1 Northern Beaches Section 7.12 Contributions Plan 2022 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To inform Council of the outcomes of the public exhibition and to seek Council's resolution to adopt the Northern Beaches 7.12 Contributions Plan 2022.

EXECUTIVE SUMMARY

Council applies a levy on development in most of the Northern Beaches in accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) (apart from in the Dee Why Town Centre and Warriewood Valley Release Area which have their own individual contributions plans). This levy, being a 1% flat rate contribution based on the cost of development, is collected by Council to fund the provision, extension or augmentation of public infrastructure and services necessary to meet the increased demand brought about by a growing population.

At its meeting of 15 June 2021, Council adopted the Northern Beaches Section 7.12 Development Contributions Plan 2021 (the 'Plan') to ensure the Plan was in line with the then recent legislative changes and to ensure consistency with Council's draft Capital Works Delivery Program 2021-2025.

On 17 December 2021, the State Environmental Planning Policy Amendment (Frenchs Forest Precinct) 2021 was gazetted. The statutory provisions for the land in the Frenchs Forest Precinct, that give effect to the Frenchs Forest Place Strategy comes into force on 1 June 2022.

A draft Frenchs Forest Town Centre Section 7.11 Contributions Plan 2022 has been prepared to specifically address the infrastructure requirements relevant to the development planned for the land covered under the Frenchs Forest Place Strategy. A report in relation to the Frenchs Forest Town Centre Section 7.11 Contributions Plan appears elsewhere in the Council meeting agenda.

Only one Contributions Plan can apply to the same land. Accordingly, at its meeting of 26 October 2021, Council was presented with an administrative amendment to the Northern Beaches Section 7.12 Contributions Plan. The amendment was to expressly remove land identified in the Frenchs Forest Place Strategy and ensure there will only be one development contributions plan applicable to this land. Council resolved on 26 October 2021:

"That:

- 1. Council place on public exhibition the amendments to the Northern Beaches Section 7.12 Development Contributions Plan 2021 for a minimum of 28 days.*
- 2. The amended Northern Beaches Section 7.12 Development Contributions Plan 2021 is publicly exhibited at the same time as the draft Frenchs Forest Section 7.11 Development Contributions Plan.*

3. *The outcome of the public exhibition of the amended Northern Beaches Section 7.12 Development Contributions Plan 2021 and draft Frenchs Forest Section 7.11 Development Contributions Plan be reported to Council."*

The public exhibition of the proposed amendment occurred between 18 March 2022 and 1 May 2022 and included the following documents:

- The exhibited draft Northern Beaches Section 7.12 Contributions Plan 2022 (the "Section 7.12 Plan 2022"). This is an administrative amendment removing land within the Frenchs Forest Place Strategy from this Plan.
- The draft Frenchs Forest Town Centre Section 7.11 Contributions Plan 2022, that will apply to development of this land.

Two submissions were received on the Section 7.12 Plan 2022 during the exhibition period however, the submissions referred to the draft Frenchs Forest Town Centre Section 7.11 Contribution Plan that was exhibited at the same time. These submissions did not raise issues relevant to the exhibited draft Section 7.12 Plan 2022 and no issues raised in public submissions warrant amendment to the plan.

Three minor administrative changes are however recommended to the Plan and include:

- Reference to Frenchs Forest Place Strategy in Figure 2.
- Reference to updated legislation by inserting 'Environmental Planning and Assessment Regulation 2021' instead of 'Environmental Planning and Assessment Regulation 2000'.
- Clearly list the 'approved building industry professionals' qualified to give accurate cost estimates to Council.

The amended Northern Beaches Section 7.12 Contributions Plan 2022 (Attachment 1) is now presented to Council for consideration.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Note the outcomes of the public exhibition of the draft Northern Beaches Section 7.12 Contributions Plan 2022.
 2. Support and adopt the Northern Beaches Section 7.12 Contributions Plan 2022. This Plan is to be:
 - A. made available on Council's website, and
 - B. forwarded to the Department of Planning and Environment.
 3. Repeal Northern Beaches Section 7.12 Contributions Plan 2021.
 4. Any submitters are to be notified of Council's decision.
-

REPORT

BACKGROUND

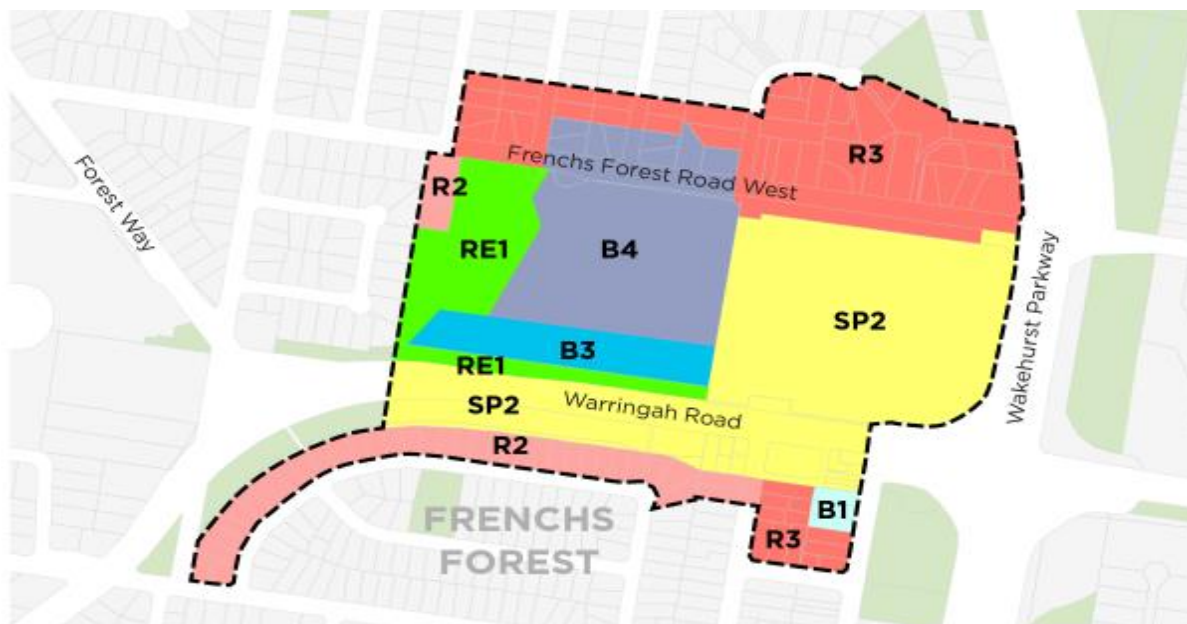
At its meeting of 15 June 2021, Council adopted the Northern Beaches Section 7.12 Contributions Plan 2021, which came into force from 19 June 2021. This Plan applies to all development, including Complying Development Certificates, where the cost of works is above \$100,000 across most of the land in the Northern Beaches, except for the Warriewood Valley Release Area and Dee Why Town Centre. The Plan also includes a Works Schedule that is consistent with the Capital Works Delivery Program 2021-2025.

The Frenchs Forest 2021 Place Strategy

On 17 December 2021, the NSW Government published a notice advising that the Frenchs Forest 2041 Place Strategy had been finalised and new planning controls for the precinct (under the State Environmental Planning Policy Amendment (Frenchs Forest Precinct) 2021) will come into effect in June 2022.

The Place Strategy is a 20-year plan for the area identified in Figure 1 below, to deliver:

- A new town centre with shops, offices, restaurants, and cafes
- 2,000 new homes (including 250 affordable dwellings)
- Up to 2,000 new jobs
- 1.5 hectares of new open public space
- Better walking and cycling connections and upgrades to local roads



Land Zone

B1	Neighbourhood Centre	B3	Commercial Core
B4	Mixed Use	R2	Low Density Residential
R3	Medium Density Residential	RE1	Public Recreation
SP2	Infrastructure		

Figure 1: Land impacted by the Frenchs Forest Place Strategy

Draft Northern Beaches Section 7.12 Development Contribution Plan

Currently, the Northern Beaches Section 7.12 Development Contributions Plan 2021 applies to the land in the Frenchs Forest Place Strategy.

The recently exhibited draft Northern Beaches Section 7.12 Development Contributions Plan 2022 amended the map entitled “Land to which this Plan applies” in this draft Plan. It expressly removed land pertaining to the Frenchs Forest Place Strategy (Figure 2). This same approach has been used in the Warriewood Valley Land Release Area and Dee Why Town Centre to enable these areas to have their own section 7.11 Contribution Plan.

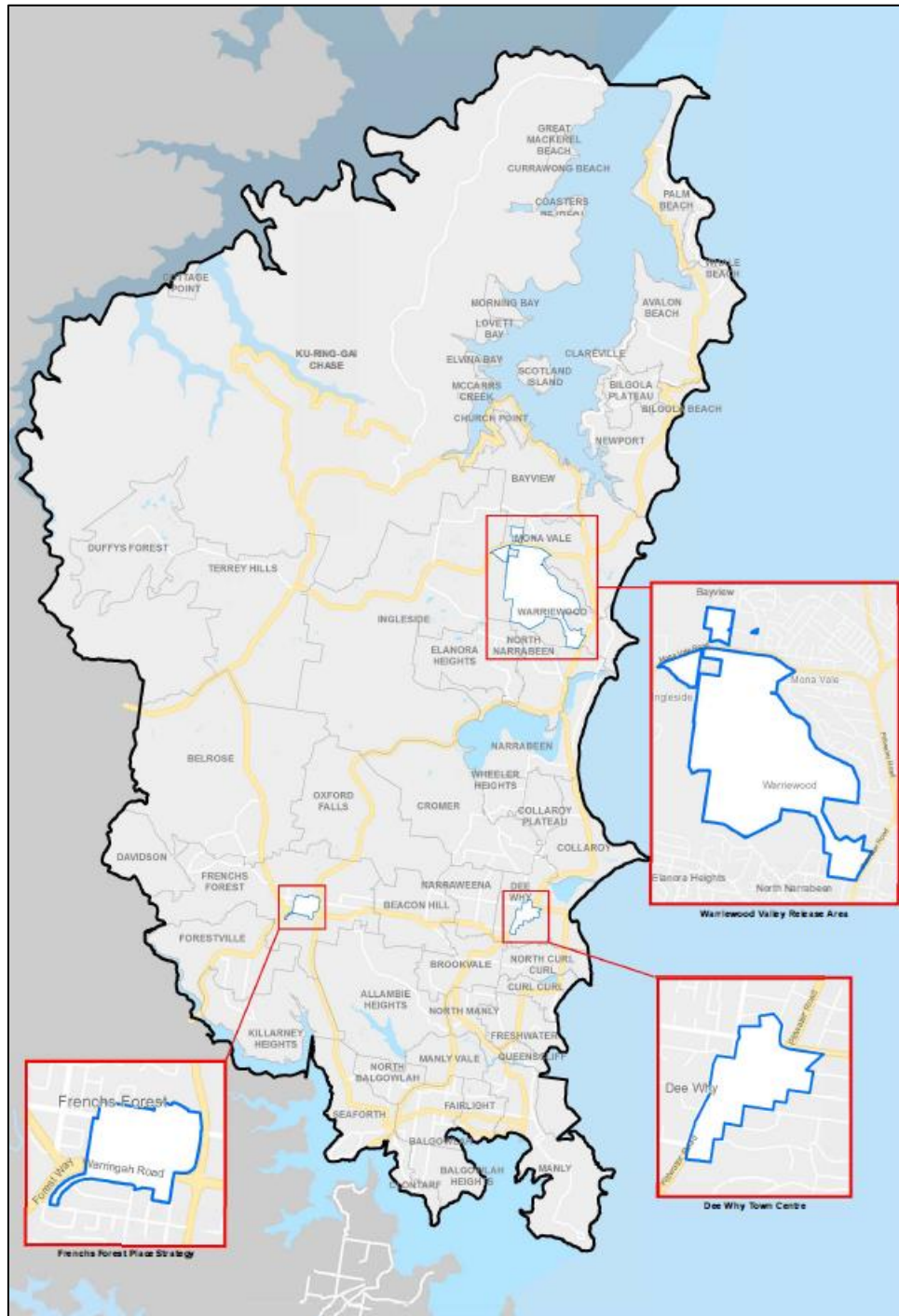


Figure 2: Land to be Excluded from the Northern Beaches Section 7.12 Contributions Plan 2022

CONSULTATION

The draft Northern Beaches Section 7.12 Contributions Plan 2022 (the exhibited draft Plan) was placed on public exhibition from 18 March to 1 May 2022.

At the conclusion of the public exhibition two (2) submissions were received to the Section 7.12 Plan 2022. The issues raised in the submissions were not relevant to the exhibited draft Section 7.12 Plan 2022 but instead related to the draft Frenchs Forest Town Centre Section 7.11 Contribution Plan that was exhibited at the same time. Both submissions will be responded to as part of Frenchs Forest Town Centre Section 7.11 Contribution Plan.

No changes to the policy are proposed in response to submissions received.

Proposed changes following exhibition

Three minor administrative changes are proposed to the draft Plan. The amendments are as follows:

- Figure 2 insofar as it replaced the heading of the 'submap' identifying the land under the Frenchs Forest Place Strategy.
- Update to legislation references, by inserting 'Environmental Planning and Assessment Regulation 2021', instead of 'Environmental Planning and Assessment Regulation 2000'.
- Stating who can provide a cost summary report for the carrying out of development and to which the cost summary report is used to calculate the levy amount payable to Council as a development contribution. The change states that a registered building architect or quantity surveyor as the professions who can provide the cost summary report, thus remove the current ambiguity with the phrasing 'approved building industry professionals qualified'.

The updated Northern Beaches Section 7.12 Contribution Plan 2022 is provided in Attachment 1.

TIMING

If Council agrees to adopt the Northern Beaches Section 7.12 Contributions Plan 2022, it is anticipated this Plan comes into force on 30 May 2022. These dates will be inserted in the Plan, in the cover page as well as in Section 2.2 of the Plan titled 'Name and commencement of the Plan'.

At the same time, the Northern Beaches Section 7.12 Contributions Plan 2021 will be repealed.

If this Plan is adopted by Council, any development on land in the Frenchs Forest Place Strategy will not be levied against this Plan.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

The Northern Beaches Section 7.12 Contributions Plan 2022 seeks to ensure an equitable and sustainable funding source for a broader range of infrastructure and services across the Northern Beaches. This Plan will be applied generally in the Northern Beaches (except for Warriewood Valley, Dee Why Town Centre, and Frenchs Forest Place Strategy).

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

The Plan will continue to contribute to improved environmental outcomes across the Northern Beaches through the provision of critical public amenities and infrastructure.

All potential environmental impacts resulting from the delivery of the proposed works program will be mitigated through appropriate environmental assessment and management.

GOVERNANCE AND RISK CONSIDERATIONS

The Plan was prepared following a review of the 2021 Contributions Plan to ensure that Council's mechanism for funding a broader range of infrastructure and services is contemporary and in accordance with all legislative requirements including the reforms on infrastructure contributions exhibited by NSW Government in October-November 2021.

By removing the land under the Frenchs Forest 2041 Place Strategy from this Plan, it is anticipated that the recently exhibited Frenchs Forest Town Centre Development Contributions Plan 2022 will be the Contributions Plan applying to that land.

ITEM 12.3	OUTCOME OF PUBLIC EXHIBITION OF PLANNING AGREEMENT FOR 3 CENTRAL ROAD, AVALON BEACH (VPA2021/0003)
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2022/226665
ATTACHMENTS	1 Table of Submissions and Council response (Included In Attachments Booklet) 2 Planning Agreement (Included In Attachments Booklet) 3 Community and Stakeholder Engagement Report (Included In Attachments Booklet)

SUMMARY

PURPOSE

To inform Council of the outcomes of the public exhibition of the draft Planning Agreement for 3 Central Road, Avalon Beach and to seek Council's endorsement of the Planning Agreement and give delegation to the Chief Executive Officer to execute the necessary documentation.

EXECUTIVE SUMMARY

On 30 August 2021, Council received an offer to enter into a Planning Agreement (the 'PA Offer') and a draft Planning Agreement Document (the 'draft PA'). The PA Offer and draft PA is an outcome of an approved development consent for demolition works and the construction of a seniors housing development at 3 Central Road, Avalon Beach (DA2020/0008). A Deferred Commencement Consent was granted on 9 December 2020, which imposed a condition for 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.

Council considered an assessment of the PA Offer and draft PA at its meeting of 22 March 2022 and resolved as follows:

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.*

The draft PA and supporting documentation were publicly exhibited in accordance with Council's resolution and the provisions of the Environmental Planning and Assessment Regulation 2021 from 25 March 2022 to 1 May 2022.

During the exhibition period, 565 people viewed the Have Your Say page on Council's website and ten submissions were received (seven against and three in support).

The issues raised in these submissions are addressed in the Response to Submissions Table (Attachment 1).

The main concerns raised in the submissions relate to:

- Technical matters specific to the DA itself, namely traffic, parking and access concerns, tree removal and vegetation loss, and scale of development proposed at 3 Central Road. These issues were assessed under the DA, considered by and subsequently determined by the Northern Beaches Local Planning Panel.

These issues are specific to the approved DA and not specific to the offer of land dedication that is the subject of the exhibited draft PA. The merits of the DA and the decision to grant approval to the DA can not be reviewed.

- Perceptions that the development consent for DA2020/0008 has been 'bought' by the Developer's Offer to dedicate land to Council free of charge.

These perceptions are not supported. In assessing an offer to enter into a Planning Agreement, consideration needs to be made to whether the offer has broader public benefit or not. This report includes a section titled "Assessment of the Offer", which concludes that the offer has broad public benefit. The assessment of the PA offer has been carried out independently of the assessment of the DA.

The dedication of land will enable a missing section of the footpath network to be delivered. The footpath connects well with the existing network of footpaths north and south of the subject property and facilitates a safe and accessible pathway to and from Dunbar Park. 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 a public footpath between Avalon Village and Maria Regina Catholic Primary School and surrounding residential area.

Following the outcomes of the public exhibition, minor administrative edits to the exhibited draft PA are proposed. An amended Planning Agreement (Attachment 2) (the 'amended PA') is now presented to Council for consideration. If Council supports the amended PA, delegation to the CEO is sought for execution of the PA. Additionally, this will facilitate satisfaction of the Deferred Commencement Condition 1 of the approved development (DA2020/0008) and allow the operational conditions of consent to be enacted.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Note the outcome of the public exhibition of the draft Planning Agreement.
 2. Agree to enter into the Planning Agreement.
 3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
 4. Advise all submitters of Council's decision regarding the 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 2021 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.

There is currently no footpath on Patterson Lane, Avalon although 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 self-contained dwellings and a basement carpark for eight 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 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 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 38 of the then State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; and
- 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 a 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 Planning Agreement

The 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.

If Council agrees to support the Planning Agreement, the land dedication will be effected by a Plan of Subdivision and will become part of the Patterson Lane road reserve. The execution of the Planning Agreement will satisfy the Deferred Commencement Condition 1, which will in turn enable the operational conditions of the development consent to commence.

Assessment of the Offer

The purpose of the Offer is to bring 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 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 on 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 land dedicated to Council.

At its meeting of 22 March 2022, Council considered the assessment of the Planning Agreement Offer and draft Planning Agreement and Explanatory Note and resolved as follows:

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.*

CONSULTATION

The draft Planning Agreement and Explanatory Note were publicly exhibited from 25 March to 1 May 2022 in accordance with Council's resolution of 22 March 2022 and the provisions of the Environmental Planning & Assessment Regulation 2021 and the Community Participation Plan.

During the exhibition on the 'Your Say page' 110 letters were sent that included the Avalon Preservation Association and those who made submissions to the Development Application. The Plan of Subdivision was also placed on public exhibition. The Community and Stakeholder Engagement Report can be reviewed in Attachment 3.

As part of the exhibition package, the following additional documents were included as background information only:

- Item 12.1 "Draft Planning Agreement at 3 Central Road, Avalon Beach (VPA2021/0003) for Public Exhibition" Agenda, Council meeting of 22 March 2022

- Confirmed Minutes to Item 12.1 Council meeting of 22 March 2022
- Aerial image of the approved seniors housing 3 Central Road, Avalon Beach (DA2020/0008)

Outcomes of Exhibition

During the exhibition period, 565 people viewed the Have Your Say page on Council's website and ten submissions were received (seven against and three in support).

The issues raised in these submissions are addressed in the Response to Submissions Table (Attachment 1).

The main concerns raised in the submissions objecting to the PA relate to:

- Technical matters specific to the DA itself, namely traffic, parking and access concerns, tree removal and vegetation loss, and scale of development proposed at 3 Central Road. These issues were assessed under the DA, considered by and subsequently determined by the Northern Beaches Local Planning Panel.

These issues are specific to the approved DA and not specific to the offer of land dedication that is the subject of the exhibited draft PA. The merits of the DA and the decision to grant approval to the DA can not be reviewed.

- Perceptions that the development consent for DA2020/0008 has been 'bought' by the Developer's Offer to dedicate land to Council free of charge.

These perceptions are not supported. In assessing an offer to enter into a Planning Agreement, consideration needs to be made to whether the offer has broader public benefit or not. This report includes a section titled "Assessment of the Offer", which concludes that the offer has broad public benefit. The assessment of the PA offer has been carried out independently of the assessment of the DA.

Post-Exhibition Changes

Minor formatting changes are proposed to the exhibited Draft PA, namely:

- removal of "DRAFT" watermark from behind the Agreement text, and;
- The date of Agreement statement being moved from Page 6 'Background' to Page 26 'Execution Page'. The date of Agreement statement reads as follows, "This Planning Agreement has been made on ___/___/2022"

The intent and overall context in the PA remains.

TIMING

Subject to Council support (and the developer's reliance) of the amended Planning Agreement, the Agreement can be entered into. It is recommended that Council delegate authority to the Chief Executive Officer to execute the Planning Agreement (PA) on Council's behalf.

If the PA is entered into, Deferred Commencement Condition 1 of DA2020/0008 will be satisfied and the consent becomes operational.

The Executed PA requires the Developer is to register the PA on the subject land. As this will be on the title of the land, it is legally binding and can only be extinguished with agreement of both parties.

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 Planning Agreement does not exclude the application of section 7.11 or section 7.12 contributions applicable to this land.

If the approved development were to proceed in accordance with the development consent already issued, development contributions will be payable to Council in accordance with the consent condition.

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

SOCIAL CONSIDERATIONS

The amended 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 within the PA 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 Planning Agreement has occurred in accordance with the Northern Beaches Council Voluntary Planning Agreement Policy 2019. The public benefit of this PA will allow Northern Beaches residents, workers, and visitors of the area to safely walk along Patterson Lane on public land.

The public exhibition of the draft Planning Agreement has occurred in accordance with legislative requirements under the Environmental Planning and Assessment Regulation 2021.

A Delegated Authority to the Chief Executive Officer is required to execute the Planning Agreement on behalf of Council.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	PROPOSAL TO RENAME UNDERCLIFF RESERVE IN FRESHWATER IRENE CRUMP RESERVE
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2021/867157
ATTACHMENTS	1 Map of Undercliff Reserve, Freshwater

SUMMARY

PURPOSE

To consider the public exhibition of a proposal to rename Undercliff Reserve in Freshwater, Irene Crump Reserve.

EXECUTIVE SUMMARY

Council has received an application from Friends of Freshwater Inc. to rename Undercliff Reserve in Freshwater, Irene Crump Reserve. The proposal aims to provide recognition for the outstanding contribution made by Irene Crump in securing public ownership of the reserve and saving it from private development. At the southern end of Freshwater Beach (see map at Attachment 1), the reserve includes part of the popular walkway and stairs that form an important pedestrian connection between Freshwater and Queenscliff Beaches. The naming will also provide recognition for Irene Crump's contribution to the community as a prominent environmental advocate and leader for over four decades and as a long-standing Director of the Harbord Community Pre-school.

Requests to name or rename reserves falls under the jurisdiction of the Geographical Names Board of NSW (GNB). For Council to submit a naming proposal to the GNB a Council resolution is required. Council is also required to submit evidence that it has sought community input on the proposal. It is therefore proposed to publicly exhibit the proposal to rename Undercliff Reserve, Irene Crump Reserve for a minimum of 28 days and report the consultation findings back to Council. If endorsed by Council a request can then be forwarded to the GNB. The GNB also undertakes its own public notification period prior to considering the official assigning of the name.

The proposal is consistent with the Geographical Names Board of NSW Policy – Place Naming as well as Council's Naming our Reserves, Facilities and Roads Policy.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council places the proposal to rename Undercliff Reserve in Freshwater, Irene Crump Reserve on public exhibition for a minimum of 28 days.
 2. A report on the outcome of the public exhibition is reported back to Council.
-

REPORT

BACKGROUND

Council has received an application from the Friends of Freshwater Inc. to rename Undercliff Reserve in Freshwater, Irene Crump Reserve. The proposal aims to provide recognition for the outstanding contribution made by Irene Crump in securing public ownership of the reserve and saving it from private development. At the southern end of Freshwater Beach (see map in Attachment 1), the reserve includes part of the popular walkway and stairs that form an important pedestrian connection between Freshwater and Queenscliff Beaches. The naming will also provide recognition for Irene Crump's contribution to the community as a long-standing Director of the Harbord Community Pre-school and as a prominent environmental advocate and leader for four decades.

A Manly Daily article from 11 September 1991 recounts the events in 1970 that led to the preservation of the reserve. The article states that a development application had been lodged to construct units on the site and down onto the sand and that while still under assessment the developer attempted to clear the site. Upon hearing this, Irene Crump went to the site and climbed what is understood to have been a large coral tree and refused to come down until work stopped. She recalled that:

They were cutting the branches off the tree from around my legs and told me that if I didn't move I could get hurt or even killed ... So I told them there were more ways to die for your country than going to war.

She was dubbed 'Harbord's bravest woman.' Another personal account recalls that when it was time for Mrs Crump to work at the kindergarten, the mothers of the children took turns protecting the tree throughout the day until the developers gave up and went home. In the Manly Daily article Mrs Crump stated that:

I fought for the children ... The adults can fight for themselves but this reserve is a great place for children to come and play and I couldn't sit back and allow them (the developers) to rip it apart ... Whenever my grandchildren came to visit me they always asked me to take them to the reserve and when they heard it was going to be developed they were terribly upset ... I only hope that future generations realise that we did care ...

Mrs Crump spent two months fighting the proposed development in court. Eventually the development was scaled back, and part of the land was retained for community use.

A previous request to name the reserve after Irene Crump was rejected because the GNB policy requires the person to have been deceased for at least one year and at the time Mrs Crump was still alive. Instead, a plaque was installed to recognise her achievements. Mrs Crump died in 2011 and this application by Friends of Freshwater Inc to rename the reserve after Irene Crump is recommended to proceed through the appropriate process for assessment.

Requests to name or rename reserves falls under the jurisdiction of the GNB. For Council to submit a naming proposal to the GNB a Council resolution is required. Council is also required to submit evidence that it has sought community input on the proposal. It is therefore proposed to publicly exhibit the proposal to rename Undercliff Reserve, Irene Crump Reserve for a minimum of 28 days and report the consultation findings back to Council. If endorsed by Council a request can then be forwarded to the GNB. The GNB also undertakes its own public notification period prior to considering official assigning of the name.

The proposal is consistent with the Geographical Names Board of NSW Policy – Place Naming (GNB Policy) as well as Council's Naming our Reserves, Facilities and Roads Policy (Council Policy). In particular the proposal aligns with clause 7.1 of the GNB Policy in that Irene Crump had a long association with the area and made a significant contribution to the reserve, specifically in

relation to *'Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.'* The name change is considered to be in the public interest (clause 9.3 of the GNB Policy) to recognise her bravery and dedication in fighting to protect the reserve for the benefit of our community and future generations.

CONSULTATION

Should the recommendation within this report be supported, the naming proposal would be placed on public exhibition for a minimum of 28 days, during which community feedback will be sought. The opportunity to provide feedback would be promoted via a temporary sign on-site, letters to nearby homes and Council's social media. Feedback would be collected through Council's Have Your Say hub.

TIMING

The outcomes of the public exhibition of this naming proposal would be reported to a Council meeting following a review of community feedback received.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

There are funds available in the 2021/2022 Parks and Recreation operational budget to meet the costs of public exhibition including a temporary sign which would cost approximately \$200.

Should the naming proposal be approved by Council and GNB, permanent signage would be installed which would cost approximately \$2,000. There are funds available in the Parks & Recreation 2022/2023 operational budget to meet this cost.

SOCIAL CONSIDERATIONS

The naming proposal is considered an appropriate way to recognise Irene Crump for her bravery and dedication in fighting to protect the reserve for the benefit of our community and future generations.

ENVIRONMENTAL CONSIDERATIONS

The recommendation in this report poses no environmental impact.

GOVERNANCE AND RISK CONSIDERATIONS

The naming proposal and recommendation in this report are consistent with the Geographical Names Board of NSW Policy – Place Naming and are aligned with Council's Naming our Reserves, Facilities and Roads Policy. If approved by Council and the GNB, the implementation of a new name will involve updates to Council's webpage, spatial information systems and new signage on-site.

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northern beaches council

Undercliff Reserve, Freshwater

Scale (A4) - 1:1,400
GDA 94 MGA Zone 56
Data Printed 01/09/2022
Produced by Spatial Information

This publication and/or contributors to this map accept no responsibility for injury, loss or damage arising from its use or errors or omissions therein. While all care is taken to ensure a high degree of accuracy, users are invited to report any map discrepancies and should use this map with due care.

Northern Beaches Council 2022

15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 15/2022 - DANGERS OF CHILDREN RUNNING ACROSS ROADS, AND GRAFFITI AT WARRINGAH ROAD AND HILMER STREET AND FORESTWAY
TRIM FILE REF	2022/252126
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

Note: Deferred from 26 April 2022 meeting

MOTION

That Council:

1. Write to the NSW State Government and highlight the dangers of children running across the road at Hilmer Street and Warringah Road, the dangerous actions of graffiti or "Tagging" under the bridge at Warringah Road and Forestway and ask to investigate options on making these areas safe.
 2. Request the removal of the graffiti from the above-mentioned state road areas.
-

ITEM 15.2**NOTICE OF MOTION NO 16/2022 - REVIEW OF FEES AND CHARGES****TRIM FILE REF****2022/252194****ATTACHMENTS****NIL**

Submitted by: Councillor Stuart Sprott

Note: Deferred from 26 April 2022 meeting

MOTION

That:

1. A further review of the fees and charges schedule be undertaken to identify additional options to increase revenue.
 2. The outcome of that review be included in the report to Council to adopt the 2022/23 Operational Plan and Budget in June 2022.
-

ITEM 15.3**NOTICE OF MOTION NO 17/2022 - DRAFT PRECINCT PLAN
ELANORA HEIGHTS COMMUNITY CENTRE AND PRECINCT****TRIM FILE REF****2022/252198****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM, Councillor Crvelin

Note: Deferred from 26 April 2022 meeting

MOTION

That Council:

1. Prepare a high level concept report on a Draft Precinct Plan, to be presented to Council within three months, for the Elanora Heights Community Centre Precinct, including, but not limited to:
 - A. Upgrade / refurbishment of existing facilities.
 - B. An integrated multi discipline Community Centre and pre-school.
 - C. Potential inclusion of Public Toilets, a state-of-the art playground and associated facilities.
2. Contact Federal MP, Mr Jason Falinski MP and State MP for Pittwater, The Hon. Rob Stokes MP, requesting whether any Federal and State funding could be achieved for the purpose of Elanora Heights Community Centre and precinct.

BACKGROUND FROM COUNCILLOR VINCENT DE LUCA OAM

Since the amalgamation, the State Government's announcement regarding Ingleside and residents' representations, it has become apparent there is an urgent need for both refurbishment of the current Community Centre and the availability of other community facilities and amenities in the Elanora Heights precinct.

Residents continually complain that Elanora Heights is the "forgotten suburb" and major funding has not been allocated for facilities and amenities in the suburb, particularly considering the increased population now and that will be further increased with any development in Ingleside.

Elanora Heights currently has NO public toilets and all playgrounds have old and dilapidated equipment, there is a lack of sporting and youth facilities in the suburb.

Council staff have continually responded in writing to Councillor and Resident requests that there is no provision for public toilets and new playground equipment in Elanora Heights.

Federal and State Funding has been allocated to Councils in the past to improve community infrastructure and thus with the imminent Federal and State elections, this is an opportune time to seek the assistance of our State and Federal MPs for this purpose.

ITEM 15.4	NOTICE OF MOTION NO 18/2022 - LOCAL VILLAGE AND NEIGHBOURHOOD PLACE PLAN FRAMEWORK
TRIM FILE REF	2022/252210
ATTACHMENTS	NIL

Submitted by: Councillor Georgia Ryburn, Councillor Bingham and Councillor Grattan

Note: Deferred from 26 April 2022 meeting

MOTION

That:

1. Council develop and pilot a community-led framework for the development of a Village Place Plan to enable local communities to initiate projects for their local village or neighbourhood centres.
2. Council consider using Fairlight's engaged residents to pilot solutions with Fairlight residents and businesses owners.
3. Staff provide a report to Council within four months.

BACKGROUND FROM COUNCILLOR GEORGIA RYBURN

The Northern Beaches has 18 local villages and 54 neighbourhood centres.

While Council is currently preparing a number of Place Plans for our major Centres, such as Manly and Mona Vale, many of the local villages and neighbourhood shopping centres are badly in need of revitalisation and activation.

A community-led group of residents and businesses at Fairlight, working with Council, recently initiated "Fairlight Fridays" which proved to be a great success to activate the Fairlight Shopping Village.

This group has undertaken initial consultation and now prepared a draft place plan for Fairlight which could be used as a pilot for how a 'community-led' project such as this could work.

Key benefits:

- Community initiated and supported outcomes
- "Grant ready" initiatives with pre-determined community support
- Grassroots engagement
- Activation and support for local businesses
- Framework development streamlines the process for council and the community, with a focus on agile solutions and return on effort for residents
- Standard 'toolkit' of activations, (think road-treatments, planters, aesthetic/mood lighting, street-trees & furniture) for efficiency

It is anticipated that the framework would be developed within existing resources.

Villages and neighbourhood centres with a developed plan would then apply (or request Council to apply) for grant or budget funding to implement the elements of agreed village place plans.

ITEM 15.5	NOTICE OF MOTION NO 19/2022 - PASSING OF NORTH CURL CURL SURF LIFE SAVING CLUB LIFE MEMBER, MR ALEX WYE
TRIM FILE REF	2022/270412
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

MOTION

1. That this Council note:
 - A. With sadness that on 25 November 2021, esteemed community leader and Life Member of North Curl Curl Surf Life Saving Club, Mr Alex Wye passed away.
 - B. That Mr Wye, over a 40 year period served in various community positions such as Patrol Captain, Club Captain and Director of Surfing Life Saving for North Curl Curl Surf Life Saving, and as an official and active member of North Curl Curl Cool Cats Swimming Club and Dee Why Amateur Swimming Club.
 - C. In honour of Mr Wye, North Curl Curl Surf Club held a Memorial Event on Sunday 24 April 2022 and in recognition of his outstanding service to the Club and the community officially re-named the Captain's room in his name.
 2. That Council acknowledge and commends the outstanding service of Mr Wye to Surf Life Saving and the community.
 3. That Council extend its sympathy to Mr Wye's family and friends on their tragic loss.
-

ITEM 15.6	NOTICE OF MOTION NO 20/2022 - FINANCIAL FEASIBILITY OF THE HOP SKIP AND JUMP BUS SERVICE
TRIM FILE REF	2022/278039
ATTACHMENTS	NIL

Submitted by: Councillor Jose Menano-Pires

MOTION

That:

1. Council review the operation and financial feasibility of the current Hop Skip and Jump bus service and report back to Council as part of the Budget Community Consultation process (FY22/23), for it to operate on:
 - A. cost neutral basis to Council (including staff, consumables and equipment costs)
 - or
 - B the service to be phased out by September 2022.
- 2 The resulting savings, estimated at in excess of \$850,000 per year, be allocate for the next 5 years to:
 - A. \$750,000 per year, to Road Resurfacing (not Road General Maintenance) to reduce the backlog of temporary fixes, i.e. potholes, across the LGA.
 - B The remaining savings, but not less than \$100,000 be allocated as an extra line item to new footpaths.
- 3 This arrangement be reviewed in 5 years' time and extended for another 5 if the then Council so decides.

BACKGROUND FROM COUNCILLOR JOSE MENANO-PIRES

The objective of this Notice of Motion is to re-adjust Council's spending in order to maximise benefits to all our residents.

Temporary fixing potholes is an expense that is increasing, due to lack of funds to be invested in long term fixes, i.e. road resurfacing.

Resurfacing roads is an investment that reduces the cost of maintaining roads, it does pays off medium to long term

New footpaths have been the highest priority request item from residents across the LGA for as long as I remember.

An extra \$500K over the next five years will allow the backlog to be reduced.

The current Hop, Skip and Jump bus service is an expense that only benefits a limited geographic area and population of our LGA.

Furthermore, a bus / transport service is not a service that is traditionally allocated to Local Government, to such an extend that Council is even precluded from charging fees to its users.

Transport NSW, and some private organisations (including non-profit) are much better positioned to offer this kind of service across the entire Northern Beaches.

ITEM 15.7	NOTICE OF MOTION NO 21/2022 - SCHOOL ZONES
TRIM FILE REF	2022/287633
ATTACHMENTS	1 ↓ Mona Vale Public School - Letter - Zone Request 2 ↓ Reply Email to Mona Vale High School - Transport NSW dated 25 April 2022 3 ↓ Response Letter from Hon Rob Stokes MP dated 19 April 2022

Submitted by: Councillor Michael Gencher

MOTION

That Council write to the Minister for Metropolitan Roads, the Hon Natalie Ward MLC Transport for NSW, to make direct representations on behalf of the community in seeking her earliest consideration and advice on the matter of implementing a 40km/h school zone on Mona Vale Road adjacent to Mona Vale Public School – between Foley Street and Pittwater Road - due to ongoing, and ever increasing pedestrian and road safety concerns.

BACKGROUND FROM COUNCILLOR MICHAEL GENCHER

- Road trauma is the number one cause of death in school aged children. The implementation of a school zone is proven fast and low-cost intervention and that ultimately makes the streets safer.
- 40km/h school zones help protect children on their way to and from schools at the times and places where they are often in high numbers. This lower speed limit reduces the risk and potential severity of a crash. School zone signs, dragon's teeth road markings and flashing lights improve the visibility of school zones.
- 40km/h school zones are in force on all days which are not a weekend, a public holiday, or a publicly notified school holiday for government schools.
- The community is also calling for the installation of flashing lights, rumble strips and a red-light camera. Hundreds of parents and school students use the crossing at Bungan Street and Pittwater Road everyday walking to and from school.
- On Mon 11/04/2022 the secretary of the Mona Vale Public School P&C contacted Councillor Gencher to discuss a letter of request sent to Transport for NSW – by the Mona Vale Public school P&C, to request a School Zone on Mona Vale Road – between Pittwater Rd and Foley Street due to ongoing safety concerns. Of note is that Mona Vale Road is a state road, not a council road.
- On Fri 22/04/2022, Transport for NSW advised that a school zone is not supported along Mona Vale Rd at this time. The reason being given - that school zones are intended for close proximity to school access points where school children activities are in higher concentrations. School zones are not intended for routes to school. Mona Vale Public School does not have a direct access to Mona Vale Road.
- Comments for Transport for NSW that in general school zones are provided on roads with an active direct access point from the school but are often extended to improve pedestrian safety. Also note that Transport for NSW is of the view that "distance from the school to the road is not a specific consideration in determining whether school zones are installed".



Dear Ms Walker,

Thank you very much for your time over the phone on 27.01.21. On behalf of the Mona Vale Public School Parents and Citizens' Association (MVPS P&C), thank you that Transport for NSW will undertake a review of school zones around Mona Vale Public School (MVPS). Our request is for the implementation of a 40km/h school zone on Mona Vale Road adjacent to MVPS.

The MVPS P&C is an incorporated not-for-profit association that aims to promote the interests of the school. The P&C aims to assist in providing facilities and equipment for the school, and in promoting the recreation and welfare of students.

Mona Vale Road is a major arterial road that runs parallel to the school's oval, staff carpark and classrooms along its southern side. As one of the largest schools in the Northern Beaches Local Government Area, MVPS celebrated its centenary in 2015 and has 1,087 students¹.

The section of Mona Vale Rd nearest to the school carries 30,000 vehicles each weekday, with a general increase in traffic use over the last 12 years². This road serves the Northern Beaches and northern suburbs of Sydney and is a corridor of demand within the transport network; it is currently being upgraded due to a combination of the community concern and the crash history in this area.³

We note comments for Transport for NSW that in general school zones are provided on roads with an active direct access point from the school but are often extended to improve pedestrian safety. We also note that Transport for NSW is of the view that "distance from the school to the road is not a specific consideration in determining whether school zones are installed".⁴

At present, a gate into the school grounds faces Mona Vale Road (corner Oliver Street). This gate opens to the top school oval (known as the 'Emma Street oval'). While this access point is not presently being used by the school community, the P&C does envisage potential future use as a direct access point as a result of a planned redevelopment of the school's oval that it enters. The Emma Street oval is a popular outdoor learning environment and provides valuable recreation at break times for hundreds of students. Oliver Street is in significant demand at pick up and drop off times for parents and children, with high pedestrian activity as well as heavy road usage by motorists turning left and right from Mona Vale Road. It is often very difficult for motorists (for

¹ My School, 2021.

² Transport for NSW. Traffic volume data from 2021. Measured at Mona Vale Road, Ingleside.

³ [Transport for NSW](#)

⁴ New South Wales Parliament Joint Standing Committee on Road Safety (Staysafe), 2010

example parents and carers) to turn left or right from Oliver St onto Mona Vale Road safely due to traffic volumes and the speed of oncoming vehicles, including trucks. Parents and carers use this section of Mona Vale Rd as a drop off/pick up point for children, as parking is at a premium around the school.

In addition, students and families frequent an entrance into the school on the corner of Mona Vale Road and Bungan Street via a public pathway that leads into the school adjacent to the staff car park. This entrance is a popular access point for school users, particularly those with bikes and parents accompanying them with prams due to its accessibility. We note that a pedestrian pathway separates Mona Vale Road from some parts of the school as a safety measure but not others.

As such, we support comments from the Centre for Road Safety in response to the NSW parliamentary inquiry that “you protect the entire area because of access. Whilst there is a service road, that is not to say that there will not be crossing movements or access from across the highway”.⁵

In addition, we agree with the parliamentary inquiry that 40km/hr speed zone[s] provides protection for pedestrians, with the enforced lower speed providing improved stopping distances, thereby significantly reducing the risk and severity of a crash.⁶

Many of our primary school students walk or ride to school, activities the P&C supports for the physical health of young people. Many students walk along Mona Vale Road and cross at the pedestrian crossing and traffic lights at the corner of Mona Vale Road and Bungan Street to and from school.

Families report that they find it unsafe to walk along Mona Vale due to the 60km/h speed limit and find the crossing a source of concern due to the speeds.

It is the view of MVPSP&C that a school zone would also slow the traffic speed turning left into Bungan Street, where there is a popular direct access point into the school. This area is a 40km/h High Pedestrian Activity Zone where hundreds of children cross and enter the school before and after school on a zebra crossing less than 30 metres from Mona Vale Road. Of note is the new school Traffic Crossing Supervisor on Bungan Street, employed in 2020 as an additional road safety initiative.

Another concern is the frequency of heavy vehicles along the nearest section of Mona Vale Road to the school, with more than 3500 heavy vehicle traffic each weekday. We note Transport for NSW’s planned implementation of a 40km/h truck and bus speed limit for the downhill descent from Ingleside Road to the base of the escarpment. A school zone speed limit of 40km/h would provide an additional road safety measure for heavy vehicles.

⁵ ibid

⁶ ibid

The P&C notes that the speed limit will change from 70km/h to 80 km/h further south on Mona Vale Road once the road upgrade work is complete (it is 60km/h outside the school). We note data from Transport for NSW that crashes at 40 kilometres per hour are twice as survivable as a crash at 50 kilometres an hour.⁷

Additionally, we note comments from the parliamentary inquiry that uniform speed limits and standard rules governing the operation of school zones are designed to create consistent awareness on the part of motorists to the presence of schools and school aged pedestrians⁸. There are school zones in place at MVPS on the school's northern, eastern and western sides, but not on its southern side at Mona Vale Road. It is the view of the P&C that the implementation of a school zone on all sides of the school would clarify and make the speed limit consistent for motorists.

We thank you for your consideration of our concerns and look forward to hearing from you. Please contact Madeleine Koo on [REDACTED] [REDACTED] should you require further information.

Yours sincerely,

Madeleine Koo

Emma Brown

Karly Jones

P&C road safety representative

Vice President

Secretary

⁷ ibid

⁸ ibid

From: [REDACTED]
To: [REDACTED]
Subject: Reply from Transport
Date: Monday, 25 April 2022 9:41:09 AM

Hi Michael,

I'm sure you are busy with Anzac Day. Thanks for looking at this when you have time.

I am sending you two emails. This one is the reply from Transport. We have had this response before.

The second is an encouraging email from Rob Stokes.

Best regards, Madeleine

----- Forwarded message -----

From: TfNSW Customer Relations [REDACTED]
Date: Fri, 22 Apr 2022, 2:59 pm
Subject: 01386318 - Reply from Transport for NSW (TfNSW) [ref: 00D28HSA. 5008qrifj:ref]
To: [REDACTED]



Dear Madeleine

Thank you for your correspondence to Transport for NSW (Transport) requesting for a school zone on Mona Vale Road, Mona Vale.

As part of our Safety Around Schools Program, 40km/h school zones have been provided on roads with an active direct access point from the school, and on roads where a School Crossing Supervisor is employed.

Please note that school zones are intended for close proximity to school access points where school children activities are in higher concentrations. School zones are not intended for routes to school. Mona Vale Public School does not have a direct access to Mona Vale Road. Accordingly, a school zone is not supported along Mona Vale Road at this time.

I hope this has been of assistance. If you have any further questions, Mr Peter Carruthers, Network and Safety Services Manager, at Transport for NSW would be pleased to take your call on 02 8849 2216.

Regards

Transport for NSW

OFFICIAL



ref:_00D28HSVA._5008qrifj:ref



Rob Stokes

Pittwater MP

19 April 2022

Mrs Madeleine Koo
Secretary
Mona Vale Public School P&C
Waratah Street
MONA VALE NSW 2103

Dear Mrs Koo, *Madelene,*

Thank you for your email regarding the formal 40km/h school zones around Mona Vale Public School.

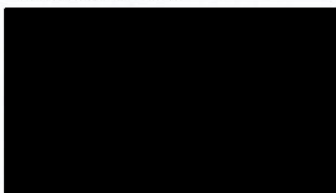
I appreciate the issues raised by the P&C Association and I have carefully noted the correspondence provided to Transport for NSW.

I have been pleased to make direct representations on the Association's behalf to the Minister for Metropolitan Roads, the Hon Natalie Ward MLC, seeking her earliest consideration and advice.

I will contact you as soon as I receive a response from the Minister.

Thank you again for bringing the P&C Association's position on this matter to my attention.

Yours sincerely,



ROB STOKES MP
MEMBER FOR PITTWATER

1725 Pittwater Road MONA VALE NSW 2103

Phone: 02 9999 3599 Fax: 02 9999 0922 Email: pittwater@parliament.nsw.gov.au

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ITEM 15.8	NOTICE OF MOTION NO 22/2022 - ALCOHOL FREE ZONE
TRIM FILE REF	2022/287795
ATTACHMENTS	1 Alcohol Free Zone Mona Vale 2 Mona Vale Alcohol Free Zone Boundary Review

Submitted by: Councillor Michael Gencher

MOTION

That Council review the Mona Vale Alcohol Free Zone (AFZ) – with consideration to extending and re-establishing the boundary of the existing Mona Vale Alcohol Free Zone area to include:

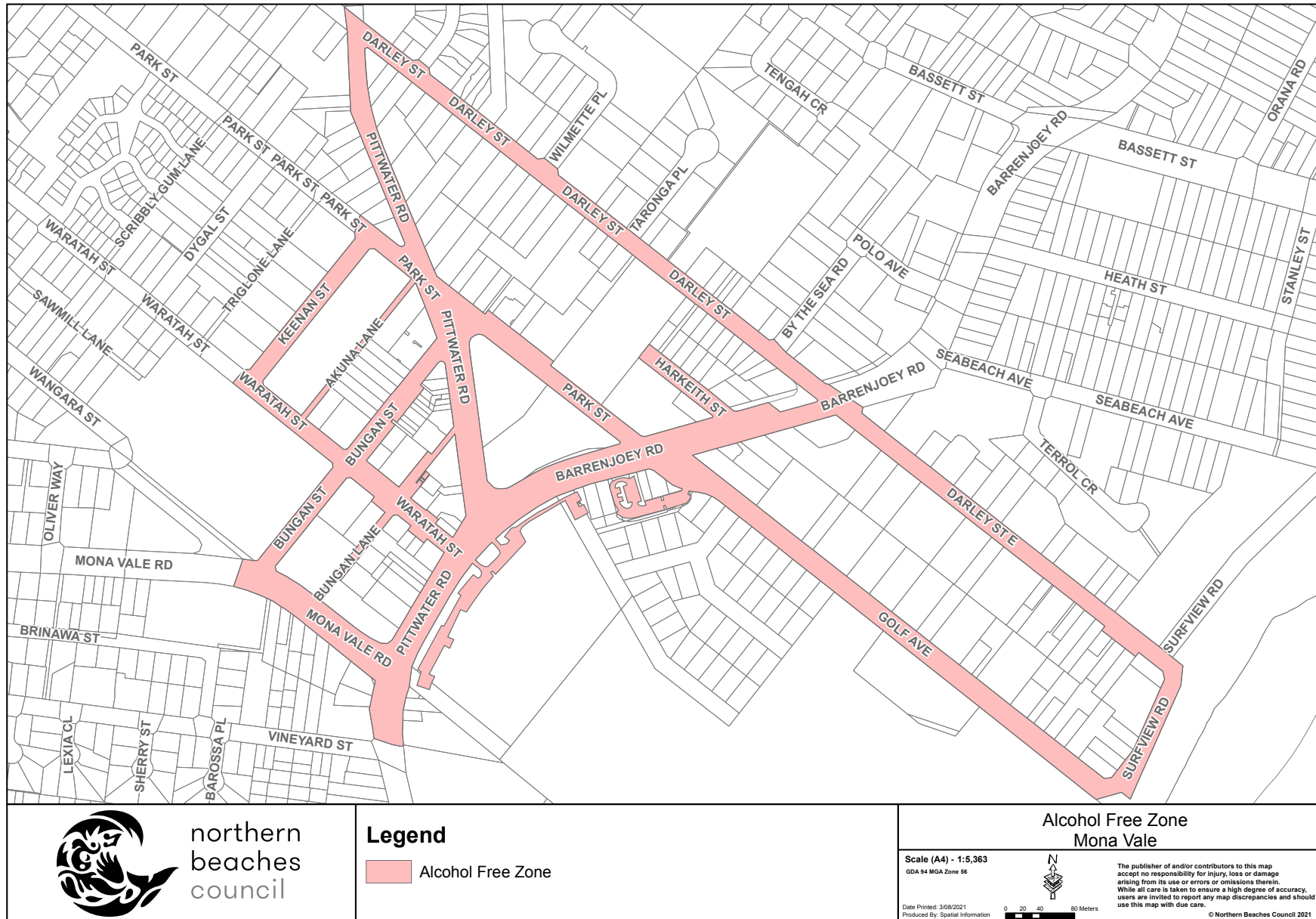
1. A further 102 metres to the north along Barrenjoey Road - from Darley Street to Seabeach Avenue
2. 135 metres to the east along Seabeach Avenue to Terrol Crescent.

BACKGROUND FROM COUNCILLOR MICHAEL GENCHER

- To improve public safety, alcohol-free zones (AFZs) and alcohol prohibited areas (APAs) are designed to prevent street drinking. This reduces disruptive and anti-social behaviour as well as alcohol-related crime on our streets.

Northern Beaches alcohol-free zones are part of a wider City of Sydney and NSW Police program tackling irresponsible drinking.

- The request for review has been prompted by the concerns communicated from residents living near the Barrenjoey Road and Seabeach Avenue, and the residents of the Seabeach Gardens aged care village - who are commonly subjected to disgraceful behaviour and continued drinking of alcohol on the streets after the Park House Hotel and other Mona Vale establishments cease trading.
- The request to extend the boundary of the existing alcohol free zone is to ensure an additional degree of security is provided to the community.



Document Path: S:\GIS\Work\Directory\Kath\Assets\AFZ\Belrose.mxd



ITEM 15.9	NOTICE OF MOTION NO 23/2022 - PETITION REGARDING PARKING AT CENTRAL ROAD, AVALON
TRIM FILE REF	2022/295610
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That:

1. Council staff undertake a high level options analysis of car parking along Central Road Avalon.
 2. Council staff prepare a desktop concept design to allow detailed community consultation and, subject to the outcomes of that consultation, approval from the Northern Beaches Council Local Traffic Committee.
 3. In three months, if required, staff report back to Council on the above and the next steps in the process to provide safe on-street parking in Central Road Avalon.
-

17.0 RESPONSES TO QUESTIONS WITH NOTICE

ITEM 17.1	RESPONSE TO QUESTION TAKEN ON NOTICE NO 1/2022 - ITEM NO 9.2 - PUBLIC EXHIBITION OF THE DRAFT COMMUNITY STRATEGIC PLAN 2022-2032, RESOURCING STRATEGY, DELIVERY PROGRAM 2022-2026, OPERATIONAL PLAN AND BUDGET 2022/23 AND PRICING POLICY - COSTS OF REDUNDANCY
TRIM FILE REF	2022/259337
ATTACHMENTS	NIL

Taken on notice at the Council meeting on 26 April 2022 from: Councillor Vincent De Luca OAM

QUESTION

In relation to redundancies what is the total amount in redundancy expenditure since the amalgamation to date?

RESPONSE

\$8.2 million

ITEM 17.2

**RESPONSE TO QUESTION TAKEN ON NOTICE NO 2/2022 -
ITEM 9.2 - PUBLIC EXHIBITION OF THE DRAFT COMMUNITY
STRATEGIC PLAN 2022-2032, RESOURCING STRATEGY,
DELIVERY PROGRAM 2022-2026, OPERATIONAL PLAN AND
BUDGET 2022/23 AND PRICING POLICY - COMPLAINTS TO
ICAC**

TRIM FILE REF**2022/259338****ATTACHMENTS****NIL**

Taken on notice at the Council meeting on 26 April 2022 from: Councillor Sue Heins

QUESTION

The complaints to ICAC about Council was nominal, 1.7%. Could my number be confirmed on 1.7% complaints to ICAC.

RESPONSE

The ICAC does not provide this level of detail about complaints made to it. The 1.7% referred to is the proportion of all complaints made to the Office of Local Government in 2020-21 that were about Northern Beaches Council.

ITEM 17.3**RESPONSE TO QUESTION WITH NOTICE NO 3/2022 - CHIEF
EXECUTIVE OFFICER'S NEW SALARY PACKAGE****TRIM FILE REF****2022/297915****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Is it correct that the CEO's contract is a public document and can be viewed by any member of the community during business hours?

RESPONSE

No.

ITEM 17.4 **RESPONSE TO QUESTION WITH NOTICE NO 4/2022 -**
COUNCIL'S MANAGEMENT STRUCTURE AND EXPENDITURE

TRIM FILE REF **2022/277107**

ATTACHMENTS **NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. A. How many Directors are currently employed by Council and noting previous advice that expenditure for the Directors' salary packages was \$5,223m, what will it be in 2022?
 B. What is the total expenditure on Directors' salary increases and/or bonuses in the last 12 months?
2. A. How many Executive Managers are currently employed by Council and noting previous advice that expenditure for the Executive Managers' salary packages was \$5.9m, what will it be in 2022?
 B. What is the total expenditure on Executive Managers' salary increases and/or bonuses in the last 12 months?
3. A. How many Managers are currently employed by Council and noting previous advice that expenditure for the Managers' salary packages was \$15.2m, what will it be in 2022?
 B. What is the total expenditure on Managers' salary increases and/or bonuses in the last 12 months?
4. A. How many Team Leaders are currently employed by Council and what will be the total expenditure for Team Leaders' salary packages in 2022?
 B. What is the total expenditure on Team Leaders' salary increases and/or bonuses in the last 12 months?
5. A. How many Co-coordinators are currently employed by Council and what will be the total expenditure for coordinators' salary packages in 2022?
 B. What is the total expenditure on Co-coordinators' salary increases and/or bonuses in the last 12 months?
6. A. How many staff are provided vehicles that can be used for private use and what are the total costs over the last 12 months for purchases/leases and running costs?
 B. Is it true that front line staff eg cleansing team, Rangers/Animal management officers, street sweepers etc have not received pay increases and when was there last respective pay increase (in addition to any automatic Award increases)?

RESPONSE

1. A. 6 Directors. The 2022/23 budget for salaries and superannuation for these roles is \$2.3 million. *Please note the 2021/22 budget is \$2.2 million, rather than the \$5.223 million referenced by Cr De Luca above.*
 B. \$64,115 which includes NSW Remuneration Tribunal SOORT determinations. Council does not pay bonuses.

2. A. 23 Executive Managers. 2022/23 budget - \$6.1 million
 - B. \$0.2 million which includes the award system increase and the 0.5% super guarantee increase. Council does not pay bonuses.
3. A. 86.7 Managers. 2022/23 budget - \$15.3 million.
 - B. \$0.4 million which includes the award system increase and the 0.5% super guarantee increase. Council does not pay bonuses.
- 4-5 Team Leaders and Coordinator roles sit with the 'People Leader' layer of Council's job level structure along with Child Care Directors, Supervisors and other roles with people leadership responsibilities. Responses to questions 4-5 are provided for the People Leader level of the structure.
 - A. 166.9 roles are classified People Leaders. 2022/23 budget - \$20.8 million.
 - B. \$0.6 million which includes the award system increase and the 0.5% super guarantee increase. Council does not pay bonuses.
6. A. 225 vehicles are assigned to staff who pay a contribution towards the running costs of the vehicle in exchange for private use outside of work hours. The vehicles are available for operational purposes during business hours.

The net running cost to Council of these vehicles over the past 12 months is \$1.1 million (excluding the annualised capital change over cost).

48 vehicles under this arrangement were replaced over the past 12 months, at a net cost of \$0.7 million after proceeds received on the sale of the replaced vehicles.

 - B. This is not correct. The performance of all staff is reviewed annually, the last pay increases were effective October 2021. Frontline staff who acquired additional skills relevant to their role and achieved a performance rating of exceeds or outstanding in their annual review received a step increase in line with their salary banding. Award increases are paid each July.

**ITEM 17.5 RESPONSE TO QUESTION WITH NOTICE NO 5/2022 -
SALARIES OF OFFICE OF GENERAL COUNSEL AND OFFICE
OF COMPLAINTS RESOLUTION**

TRIM FILE REF 2022/277122

**ATTACHMENTS 1 [Office of General Counsel and Office of Complaints
Resolution - Question 1](#)
2 [Response to Question with Notice No 5-2022 Salaries of
Office of General Counsel and Office of Complaints
Resolution - Question 2](#)**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. A. Since the creation of the Northern Beaches Council in 2016, and each year since, what has been the total each year of expenditure on salaries for officers in the Office of General Counsel and the respective amount of staff in that office each respective year?
 B. Since the creation of the Northern Beaches Council in 2016, and each year since, what has been the total expenditure each year on external Solicitors/Law firms and barristers?
2. A. Since the creation of the Northern Beaches Council in 2016, and each year since, what has been the total each year of expenditure on salaries for officers in the Office of Internal Audit and Complaints Resolution and the respective amount of staff in that office each respective year?
 B. Since 2016, and each year since:
 - a. What has been Council's expenditure on external Code of Conduct Reviewers/Investigators?
 - b. How many complaints about Council, each year have been received and documented in the NSW Ombudsman's Annual Reports?
 - c. How many complaints about Council, each year have been received and documented in the NSW Office of Local Government's Annual Reports?
 - d. How many complaints about Council, each year have been received and documented in the NSW ICAC's Annual Report?

RESPONSE

Refer to attached responses.

1. A. Since the creation of the Northern Beaches Council in 2016, and each year since, what has been the total each year of expenditure on salaries for officers in the Office of General Counsel and the respective amount of staff in that office each respective year?

Year	Approximate expenditure on salaries for officers (\$)	Amount of staff in office on full time equivalent (FTE) basis ¹
2016/17	652,688	5.7 ²
2017/18	464,466	3.4
2018/19	490,492	3.0
2019/20	549,233	4.1
2020/21	589,950	4.1
2021/22	506,191 ³	4.1

¹This column shows the maximum number of staff who worked in the office at any one time during the year on an FTE basis

²This figure is as at amalgamation and includes an in-house consultant legal advisor operating at the equivalent of approximately 0.7 FTE

³As at 30 April 2022

1. B Since the creation of the Northern Beaches Council in 2016, and each year since, what has been the total expenditure each year on external Solicitors/Law firms and Barristers?

Year	Approximate total expenditure by office on external solicitors/law firms and barristers (\$)
2016/17	3,061,370.00
2017/18	3,014,845.56
2018/19	3,571,815.20
2019/20	3,367,730.75
2020/21	2,830,247.29
2021/22 ¹	1,299,739.50

¹As at 11 May 2022

Question	Total 2016-2022	2016/17	2017/18	2018/19	2019/20^^	2020/21	2021/22 - 30/4/22)
2A. Since the creation of the Northern Beaches Council in 2016, and each year since, what has been the total each year of expenditure on salaries for officers in the Office of Internal Audit and Complaints Resolution and the respective amount of staff in that office each respective year?		Actual \$ (FTE)	Actual \$ (FTE)	Actual \$ (FTE)	Actual \$ (FTE)	Actual \$ (FTE)	Budget \$ (FTE)
	3,249,110	180,626# (1)	663,480 (4.2)+	680,963 (6.5)+	488,311 (5.6)+	679,425## (5.2)+	556,305## (4.8)+
2B. Since 2016, and each year since:							
2B(a). What has been Council's expenditure on external Code of Conduct Reviewers/Investigators?	379,811.40	59,668.49	24,935.52	58,344.37	99,611.41	82,489.01	54,762.60
2B(b). How many complaints about Council, each year have been received and documented in the NSW Ombudsman's Annual Reports?	300^	42	0	100	67	91	n/a
2B(c). How many complaints about Council, each year have been received and documented in the NSW Office of Local Government's Annual Reports?	44*	2	6	11	10	15	n/a
2B(d). How many complaints about Council, each year have been received and documented in the NSW ICAC's Annual Report?	0**	0	0	0	0	0	n/a
# This represents cost of Internal Ombudsman and does not reflect the full cost of complaints resolution function as this was spread among various staff and business units of the three councils							
+ Represents number of staff who worked for any part of the year, not necessarily the full year							
^ The Ombudsman's Office reported the top 10 Councils in 2020/21 & 2018/19 and the top 13 in 2019-20. It did not name any councils in 2017/18 & named all councils in 2016/17							
^^ Restructure resulting in creation of Internal Audit & Complaints Resolution business unit							
* Reports on complaints received about councillors and the CEO							
** ICAC Annual Reports do not identify the individual agencies about which complaints have been made							
## In 2020/21 and 2021/22, more Internal Audit work was transferred from external service providers to Council staff, thus decreasing the cost of the external service provider contract							

ITEM 17.6 **RESPONSE TO QUESTION WITH NOTICE NO 6/2022 - RATE RISES AND REDUCTION IN MANAGEMENT POSITIONS**

TRIM FILE REF **2022/277155**

ATTACHMENTS **NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. Since the creation of the Northern Beaches Council in 2016, and each respective year since viz 2017, 18, 19, 20 and 21 by what percentage have rates been increased?
2. Since the creation of the Northern Beaches Council in 2016, and each respective year since viz 2017, 18, 19, 20 and please advise by title and respective year what Management position was abolished and/or made redundant eg 2017 Redundancy - Business Transformation Project Manager.
3. Since the creation of the Northern Beaches Council in 2016 to present what is the total expenditure on all employee redundancies?

RESPONSE

1. Table 1 sets out the rates changes implemented from 2016/17 to 2021/22

Table 1 Rates changes 2016/17 to 2021/22

	IPART Rate Peg	Former Manly	Former Warringah	Former Pittwater	Northern Beaches
2016/17	1.8%	1.8%	3.0% **	1.8%	
2017/18	1.5%	-0.5% *	9.4% **	1.5%	
2018/19	2.3%	2.3%	2.3%	2.3%	
2019/20	2.7%	2.7%	2.7%	2.7%	
2020/21	2.6%	2.6%	2.6%	2.6%	
2021/22	2.0%				2.0% ***

* Manly Council established a 10 year temporary Special Rate Variation (SRV) in 2007/08 which provided an additional 2.0% rates income each year until this expired in 2017/18 under Northern Beaches Council. The former Manly Council's Long Term Financial Plan exhibited for 2016/17 indicated that it would be renewed in 2017/18. Under the NSW Government's Rate Freeze Legislation this was not possible as it was not included in the approved rate path at the time of amalgamation.

** Warringah Council established a permanent SRV which was implemented across four financial years from 2014/15 to 2017/18, resulting in increases above the rate peg of 2014/15 - 0.8%, 2015/16 - 0.6%, 2016/17 - 1.2%, 2017/18 - 7.9%.

*** Council was required by the NSW Government to maintain the rates paths of the former Councils for a number of years following the amalgamation of the former Pittwater, Warringah and

Manly Councils. The Northern Beaches rating structure commenced on 1 July 2021, following the harmonisation of the rating structures of the former Manly, Pittwater and Warringah Councils.

2. Our records indicate that 50 Management positions have been made redundant from 12/5/2016 to current date. To ensure confidentially the number of management roles are listed below.
 - 2016: 13 management roles abolished
 - 2017: 26 management roles abolished
 - 2018: 1 management role abolished
 - 2019: 5 management roles abolished
 - 2020: 3 management roles abolished
 - 2021: 2 management roles abolished
3. \$8.2 million

ITEM 17.7	RESPONSE TO QUESTION WITH NOTICE NO 7/2022 - COUNCIL'S EXPENDITURE IN ROAD MAINTENANCE
TRIM FILE REF	2022/277169
ATTACHMENTS	NIL

Submitted by: Councillor Jose Menano-Pires

QUESTION

How much has Council spend in road maintenance / temporary fixes, i.e. potholes, for:

1. FY21
2. FY 22 (including a forecast to June 30/2022)

(Not including regular planned scheduled maintenance, such as road resurfacing, as it falls due)

RESPONSE

1. 2020/21 - \$1.5 million
2. 2021/22 - \$2.8 million (higher due to damage caused by weather events)

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 Approval for Undertaking Works on Private Land at 21 - 47 Condoover Street and 6 - 12 Birrima Street North Balgowlah 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 Exemption from Tender Process for Street Sweeping Service (former Pittwater Council LGA) on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses/provides advice concerning services for street sweeping. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would confer a commercial advantage on the companies providing the service to Council.
 - C. Item 18.3 RFT 2021/214 - Cleaning For Council Buildings 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 Response to Question With Notice No 3/2022 - Chief Executive Officer's New Salary Package 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 the CEO's employment contract.
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.



northern
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council

