



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 23 August 2022**

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

A handwritten signature in black ink, appearing to read 'Ray Brownlee', with a long horizontal stroke extending to the right.

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

## OUR VISION

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

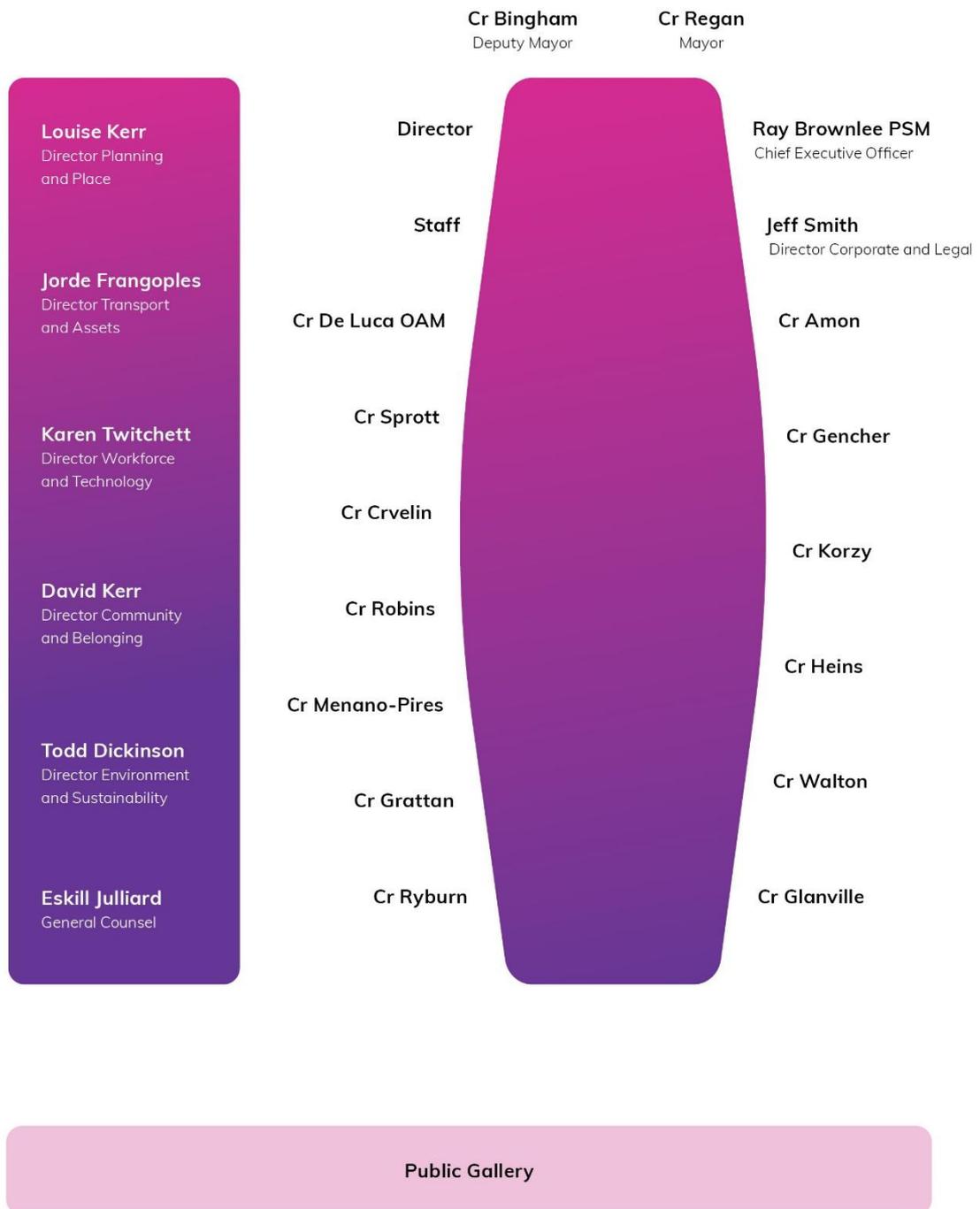
## OUR VALUES

*Trust Teamwork Respect Integrity Service Leadership*

## OUR OBLIGATIONS

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

## Council Chambers Seating Plan



**Agenda for an Ordinary Meeting of Council  
to be held on Tuesday 23 August 2022  
at the Civic Centre, Dee Why  
Commencing at 6:00pm**

<b>1.0</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>2.0</b>	<b>APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE</b>	
<b>3.0</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	
3.1	Minutes of Ordinary Council Meeting held 26 July 2022	
<b>4.0</b>	<b>DISCLOSURES OF INTEREST</b>	
<b>5.0</b>	<b>PUBLIC FORUM AND PUBLIC ADDRESS</b>	
<b>6.0</b>	<b>ITEMS RESOLVED BY EXCEPTION</b>	
<b>7.0</b>	<b>MAYORAL MINUTES</b> .....	<b>9</b>
7.1	Mayoral Minute No 16/2022 - Congratulations - 60th Anniversary of the Forestville War Memorial Playing Fields Committee.....	9
7.2	Mayoral Minute No 17/2022- Congratulations to Stony Range Botanical Gardens - Celebrating 61st Anniversary .....	11
7.3	Mayoral Minute No 18/2022 - Recognition of Achievement at the 2022 Parks and Leisure Australia Excellence Awards .....	12
7.4	Mayoral Minute No 19/2022 - Recognition of Achievement – Voice Project - Change Champion Award .....	13
<b>8.0</b>	<b>CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS</b>	
	Nil	
<b>9.0</b>	<b>CORPORATE AND LEGAL DIVISION REPORTS</b> .....	<b>14</b>
9.1	Funding Rollover from 2021/22 Budget .....	14
9.2	Monthly Investment Report - July 2022 .....	18
9.3	Review of Delegation of Authority to Chief Executive Officer.....	30
<b>10.0</b>	<b>COMMUNITY AND BELONGING DIVISION REPORTS</b> .....	<b>37</b>
10.1	Community Library Funding .....	37

<b>11.0</b>	<b>ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS</b>	
	Nil	
<b>12.0</b>	<b>PLANNING AND PLACE DIVISION REPORTS .....</b>	<b>40</b>
12.1	Public Exhibition - Draft Conservation Zone Review and Studies to Inform the Northern Beaches Local Environmental Plan .....	40
12.2	Variations to Development Standards Under Clause 4.6 of Local Environmental Plans .....	70
<b>13.0</b>	<b>TRANSPORT AND ASSETS DIVISION REPORTS.....</b>	<b>79</b>
13.1	Proposed Road Reserve Closure and Sale of Council Land Adjoining 58 Herbert Avenue, Newport.....	79
13.2	Response to Notice of Motion No 42/2021 - Church Point Parking Demand Management Strategy Review.....	87
13.3	Public Exhibition of the Church Point Commuter Wharf Feasibility Study .....	95
13.4	Outcome of the Public Exhibition of Proposed Changes to the Water Skiing Times at Manly Dam .....	102
<b>14.0</b>	<b>WORKFORCE AND TECHNOLOGY DIVISION REPORTS .....</b>	<b>110</b>
14.1	Outcome of Public Exhibition of Additional Fees 2022/23.....	110
14.2	Stronger Communities Fund - Quarterly Report .....	118
<b>15.0</b>	<b>NOTICES OF MOTION .....</b>	<b>122</b>
15.1	Notice of Motion No 27/2022 - Council Support for Sydney Worldpride 2023 Activities.....	122
15.2	Notice of Motion No 28/2022 - 60th Anniversary of the Melwood Playing Fields - Management Committee .....	124
15.3	Notice of Motion No 29/2022 - Endorsement of Nuclear Ban and Divest from Nuclear Weapons Manufacturers .....	126
<b>16.0</b>	<b>QUESTIONS WITH NOTICE.....</b>	<b>128</b>
16.1	Question With Notice No 9/2022 - Monitoring of Biodiversity in Manly Dam Catchment.....	128
16.2	Question With Notice No 10/2022 - Cultural Review.....	130
16.3	Question With Notice No 11/2022 - Thrive Your Home of Well-being .....	131
<b>17.0</b>	<b>RESPONSES TO QUESTIONS WITH NOTICE.....</b>	<b>132</b>
17.1	Response to Question With Notice No 8/2022 - Staff Bullying and or Harassment Claims since Amalgamation .....	132

<b>18.0</b>	<b>MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION .....</b>	<b>133</b>
18.1	Audit, Risk and Improvement Committee Independent Membership	
18.2	Public Private Partnership North Manly	
18.3	RFT 2021/130 - Manly Life Saving Club & Associated Community Facilities - Design Consultancy Services	
18.4	RFT 2022/065 - Provision of Hygiene Services to Council Buildings	
18.5	Mayoral Minute - No 20/2022 Annual Performance Review of the Chief Executive Officer July 2021 - June 2022	
18.6	Organisation Structure	
<b>19.0</b>	<b>REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION</b>	

## 1.0 ACKNOWLEDGEMENT OF COUNTRY

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

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## 2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

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In accordance with Part 6 of the Code of Meeting Practice, Council will consider apologies, requests for leave of absence, and requests to attend meetings remotely via audio-visual link.

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## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 JULY 2022

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#### RECOMMENDATION

That the minutes of the Ordinary Council Meeting held 26 July 2022, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## 4.0 DISCLOSURES OF INTEREST

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

A Councillor who has a **pecuniary interest** in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The Councillor must not be present at, or in sight of, the meeting:

- a. at any time during which the matter is being considered or discussed, or
- b. at any time during which Council is voting on any question in relation to the matter.

A Councillor who has a **significant non-pecuniary** conflict of interest in a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why the conflict is not significant and does not require further action in the circumstances.

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As required by Council's Code of Conduct and the Information and Privacy Commission's Information Access Guideline 1, returns made by designated persons are routinely tabled at Council meetings and published on Council's website.

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

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

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## **6.0 ITEMS RESOLVED BY EXCEPTION**

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

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## 7.0 MAYORAL MINUTES

<b>ITEM 7.1</b>	<b>MAYORAL MINUTE NO 16/2022 - CONGRATULATIONS - 60TH ANNIVERSARY OF THE FORESTVILLE WAR MEMORIAL PLAYING FIELDS COMMITTEE</b>
<b>TRIM FILE REF</b>	<b>2022/382958</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

### BACKGROUND

I want to congratulate the Forestville War Memorial Playing Fields Committee (FWMPFC) who will be celebrating its 60<sup>th</sup> Anniversary this month – what an incredible achievement for committee members past and present.

It began back in 1961 when the Forestville RSL Sub-Branch approached the former Warringah Shire Council requesting that they administer a portion of public recreation land to develop much needed playing fields for the community. The following year the FWMPFC was formed when the Forestville RSL Sub-Branch elected the first 530A Committee. The Committee was made up of representatives from the community and Sub-Branch members. With the committee established, the sum of £300 was transferred from the RSL to open the 530A account together with £50 donated from the former Warringah Shire Council.

The founding president, the late Jim Percy said, in reference to the establishment of the committee:

*“... the purpose is to provide the Forest Community with a War Memorial that is worthy for the sacrifice of many Australian Service men & women who have died in all theatres of War and yet a Memorial that can be used by the present generation and generations to come.”*

With a special loan granted to the Sub-Branch in 1964 the first work could begin with preparation of the playing fields. Fast forward to today, it now serves many sports including netball, soccer, rugby, cricket, tennis and basketball, a skate area, a children’s playground “Poppy Park”, carpark, and off leash dog park and amenities for the many Clubs and thousands of players and locals that call the FWMPF home.

In 2015 the ANZAC Memorial Pathway was built and officially opened and dedicated by Mrs Margie Abbott. An initiative that the current president, Mr Richard Gordon is very proud of with plinths located along the pathway outlining different aspects of Military service.

None of this would have been possible without the foresight, personal commitment and tireless work of the founding members and all the members who have served and continue to serve on this committee.

It is incredible that only three chairmen have in fact served on this committee over the past 60 years. I pay tribute to the late Jim Percy (served from 1962-1988), Rod McDonald (served from 1988-2009) and Richard Gordon who is the current chair and has served since 2009. The list of the many past and present members is long, but I want to make special mention of the late Denis Pecover who I remember fondly but also the current serving Honorary Secretary, Ms Margaret Cliff, OAM. Margaret has now served this committee for over thirty years and in 2020, in honour of her incredible services to the netball community, the courts at FWMPF were appropriately renamed the Margaret Cliff netball courts.

This committee has an incredible history and their achievements are remarkable. I ask Councillors to join me in congratulating the Forestville War Memorial Playing Fields Committee on this significant milestone and wish them a very happy 60<sup>th</sup> Anniversary on behalf of our grateful community.

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**MOTION**

That Council write to the President of the Forestville War Memorial Playing Fields Committee and congratulate them on the occasion of their 60<sup>th</sup> Anniversary on behalf of the Northern Beaches Community.

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**Michael Regan**  
**MAYOR**

<b>ITEM 7.2</b>	<b>MAYORAL MINUTE NO 17/2022- CONGRATULATIONS TO STONY RANGE BOTANICAL GARDENS - CELEBRATING 61ST ANNIVERSARY</b>
<b>TRIM FILE REF</b>	<b>2022/480507</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

## **BACKGROUND**

I want to take this opportunity to recognise the significant contribution made by the Stony Range volunteers and congratulate them on what is now their 61<sup>st</sup> Anniversary.

Unfortunately, last year they were unable to celebrate their official Diamond Jubilee 60<sup>th</sup> Anniversary Spring Festival due to the COVID-19 restrictions. So, albeit a year later, I want to formally congratulate the committee and volunteers on that significant milestone and wish them the best as they prepare for this year's Spring Festival.

For those of you not familiar with Stony Range, it is a remarkable Botanical Garden hidden away in Dee Why. Back in the 1950s it was a disused stone quarry and through the efforts of some very passionate community members, Stony Range is now an extraordinary place for the broader community to visit and experience.

Over the years, the volunteers have worked incredibly hard to ensure the 3.3 hectares of gardens are filled with an incredible variety of Australian native plants and it is because of their care and passion for our flora and fauna that Stony Range will continue to thrive for many years. Their efforts do not stop there either. They run a range of activities that are fun and educational for visitors including children. If you have not been for a visit, please do. It really is incredible and is a place I know the volunteers as well as the Council staff who assist in managing the area are incredibly proud of.

I ask Councillors to join me in acknowledging the efforts of the many passionate volunteers on what will be their 61<sup>st</sup> Anniversary in the coming months.

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## **MOTION**

That Council write to the Stony Range Botanical Garden committee and volunteers congratulating them on their upcoming 61st Anniversary and thank them on behalf of the Northern Beaches Community.

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**Michael Regan**  
**MAYOR**

**ITEM 7.3****MAYORAL MINUTE NO 18/2022 - RECOGNITION OF  
ACHIEVEMENT AT THE 2022 PARKS AND LEISURE  
AUSTRALIA EXCELLENCE AWARDS****TRIM FILE REF****2022/487687****ATTACHMENTS****NIL****BACKGROUND**

Council was recently recognised at the 2022 Parks and Leisure Australia Excellence Awards taking out the Park of the Year Award for the NSW Region for the works completed at Lionel Watts and Frenchs Forest Showground. We will now be competing as national finalists later this year.

Parks & Leisure Australia are the leading industry association for professionals in this sector. They have been serving this industry since 1926 and as the national peak body they also provide training, professional development, research, advocacy and support.

I recall the Masterplan being adopted back in 2018 and since then staff have delivered over \$10 million worth of works across eight individual projects. Some of the key features delivered include the new synthetic sportsfield and upgraded grass playing fields, netball courts, upgrades to the community building facilities, upgrades to the showground facilities, the skate park and the regional all-abilities playground.

The judges commented

*“The upgrade of Lionel Watts Reserve and Frenchs Forest Showground has demonstrated how a collaborative planning approach implemented through best practice project management can deliver outstanding recreational, environment and social outcomes for the community.”*

This park is a vital asset for our Northern Beaches open space network and provides amazing facilities within a bushland setting. The sporting fields are the busiest in the Northern Beaches LGA and you only have to visit on any day to see the increase in people using the facilities. This precinct is now delivering recreational space and facilities for people of all ages and abilities.

I ask Councillors to join me in congratulating our staff involved in delivering these works. I'm sure, lie us they will take great pride in this achievement and acknowledges the continuing efforts by staff to deliver best practice facilities for our community.

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**MOTION**

That Council acknowledge and congratulate all staff involved in delivering the Lionel Watts Reserve and Frenchs Forest Showground projects as part of the Glen Street Open Space Masterplan and being awarded NSW Regional winners at the Parks and Leisure Australia Excellence Awards.

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**Michael Regan**  
**MAYOR**

<b>ITEM 7.4</b>	<b>MAYORAL MINUTE NO 19/2022 - RECOGNITION OF ACHIEVEMENT – VOICE PROJECT - CHANGE CHAMPION AWARD</b>
<b>TRIM FILE REF</b>	<b>2022/498877</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

## BACKGROUND

I want to congratulate the Executive on being announced a winner in the Voice Project's 2022 Change Champion Awards following the recent 2022 Employee Engagement Survey results.

The wellbeing of our staff is integral in our ability to deliver the highest quality services and facilities that our community deserve and have come to expect from us. It has been incredibly hard in recent years for our community with the constantly evolving health restrictions and natural disasters we experienced, and this has also impacted our staff who mostly live locally. They had to change and adapt to ensure our community were safe and connected and still had access to our facilities and services. Without engaged, motivated, and committed employees, it would have been impossible to assist our community through these difficult times.

The engagement survey was facilitated by the Voice Project who provide services not only to a significant number of NSW Councils but to numerous organisations from multiple sectors. Voice Project, who previously facilitated the 2019 engagement survey, advise that the feedback from our employees showed a significant improvement in survey scores from our last engagement survey.

The Change Champion Award recognises organisations that have made significant improvements in work practices and employee engagement. Our result makes Northern Beaches Council one of the top change achievers among enterprise sized organisations (1000 or more staff). Furthermore, our Council is the first organisation of its size to be recognised this year, and only the third Council to be recognised in the history of the Awards.

This Award is testament to the great effort of our executive and management team and in fact, all staff who have supported each other during the last few years of uncertainty and high workloads. It highlights the value they place on being part of this organisation and their commitment and dedication to serving our community.

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## MOTION

That Council:

1. Formally acknowledge the outstanding achievement in receiving the Voice Project's 2022 Change Champion Award for significant improvement in work practices and employee engagement.
2. Congratulate the executive, management team and all staff on this achievement and thank them for their commitment and dedication to serving our community.

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**Michael Regan**  
**MAYOR**

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

<b>ITEM 9.1</b>	<b>FUNDING ROLLOVER FROM 2021/22 BUDGET</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS</b>
<b>TRIM FILE REF</b>	<b>2022/382846</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a>Capital and Operational Expenditure - New Rollovers From 2021/22 to 2022/23 Financial Year (Included In Attachments Booklet)</b>

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### SUMMARY

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#### PURPOSE

To roll over unspent funds from the 2021/22 financial year to the 2022/23 budget for specific projects and to reduce the 2022/23 budget for projects ahead of schedule.

#### EXECUTIVE SUMMARY

For the period 1 July 2021 to 30 June 2022 the Council undertook \$77 million in capital expenditure (subject to Audit of financial statements). This represents \$20.1 million remaining (21%) against the \$97 million approved forecast.

A review has been undertaken of project funding remaining, new funding received and projects ahead of schedule. The COVID-19 pandemic and weather events caused some delays to the progress of projects, while we have also provided additional time for some projects to respond to community feedback post consultation through design changes.

It is proposed to roll over unspent funds for capital (\$20.6 million) and operational (\$3.1 million) projects from 2021/22 to the 2022/23 financial year due to projects having already commenced and expenditure is committed or the receipt of grant funding for projects spanning a timeframe beyond 30 June 2022.

Reductions to the 2022/23 forecast are also proposed due to multi-year capital (\$0.2 million) projects ahead of schedule that utilised 2022/23 budgeted funds in 2021/22. Grant income forecast increases are also proposed for the November 2019 and February 2020 storm natural disaster claims along with adjustments for the early receipt of the 2022/23 Financial Assistance and Emergency Services Levy grants.

The net operating and capital expenditure budget rollover to 2022/23 proposed is \$23.5m.

A full list of these projects and their funding is itemised as an attachment to this report.

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**RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL**

That Council:

1. Roll over \$3,116,842 in operational project expenditure and associated funding from 2021/22 to the 2022/23 budget.
  2. Roll over \$20,582,386 in capital project expenditure and associated funding from 2021/22 to the 2022/23 budget.
  3. Reduce the 2022/23 budget for \$188,924 in capital projects expenditure and associated funding for works undertaken in 2021/22 and budgeted in 2022/23.
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**REPORT**

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**BACKGROUND**

The Council undertakes a programmed and disciplined approach to financial planning and management, with a review of all projects at the end of the financial year to ensure available unspent funds on incomplete projects and new grants are considered for roll over to the following financial year.

Further, the budgets for projects ahead of schedule that have utilised funds allocated in the 2022/23 financial year are proposed for a forecast reduction.

The total net expenditure amount proposed for rolling forward into the 2022/23 budget is \$23.5 million as outlined below in Table 1.

**Table 1. Net budget roll over from 2021/22 to 2022/23**

	<b>Bring forward from 2022/23 to 2021/22</b>	<b>Roll over from 2021/22 to 2022/23</b>	<b>Net roll over from 2021/22 to 2022/23</b>
Capital projects	(188,924)	20,582,386	<b>20,393,462</b>
Operating projects	-	3,116,842	<b>3,116,842</b>
<b>TOTAL</b>	<b>(188,924)</b>	<b>23,699,228</b>	<b>23,510,304</b>

This amount is matched with funding including new and unexpended grants, development contributions, other externally and internally restricted funds and working capital.

The COVID-19 pandemic and weather events resulted in delays in the progress of some projects. The Council also delayed the construction of some projects to provide further time to respond to community feedback post consultation through design changes. A full list of proposed projects for rollover and their funding is itemised as an attachment to this report. Major rollovers are outlined below in Table 2.

**Table 2. Net budget roll overs – major projects list**

<b>Project</b>	<b>\$</b>	
CN01007. Collaroy-Narrabeen Coastal Protection Works	2,576,086	Capex
CN01198. Safer Schools Infrastructure	2,211,894	Capex
CN01125. Long Reef Surf Life Saving Club	1,099,481	Capex

The summer storms in November 2019 and February 2020 were declared natural disasters, providing access to Federal Government funding towards clean up and restoration costs. The Council is yet to receive funding and proposes to carry forward a forecast budget of \$1.2 million in anticipation of the acceptance of our claims. Claims for more recent storms are also in progress. 2022/23 grants for the Financial Assistance Grant and the Emergency Service Levy were received early in 2021/22, so adjustments are proposed to these budgets in the 2021/22 financial year due to this timing difference.

**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 total net amount proposed for roll over into the 2022/23 budget is \$3.1 million for operational expenditure and \$20.4 million for capital expenditure. This amount is matched with funding including new and unexpended grants, development contributions, other externally and internally restricted funds and working capital.

Adoption of the recommendation formally carries over committed and unexpended 2021/22 budgets and grants into the 2022/23 adopted budget for the projects outlined in Attachment 1. The Council has already set aside funds for these projects, and this funding also rolls forward with these projects into the 2022/23 budget.

**SOCIAL CONSIDERATIONS**

There are no significant social considerations relating to this report.

**ENVIRONMENTAL CONSIDERATIONS**

There are no significant environmental considerations relating to this report.

**GOVERNANCE AND RISK CONSIDERATIONS**

The information in this report is provided to enable informed decision making while also ensuring transparency on Council's governance and financial sustainability in accordance with the Local Government (General) Regulation 2005 (CI211).

<b>ITEM 9.2</b>	<b>MONTHLY INVESTMENT REPORT - JULY 2022</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2022/471290</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

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

### EXECUTIVE SUMMARY

In accordance with 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 \$150,084,380 comprising:

- Trading Accounts                 \$3,260,519
- Investments                         \$146,823,861

The portfolio achieved a return of 0.124% for the month of July which was 0.004% above the benchmark AusBond Bank Bill Index return of 0.12%. For the past 12 months the portfolio achieved a return of 0.610% which was 0.39% above the benchmark AusBond Bank Bill Index return of 0.22%.

The weighted average interest rate of the portfolio is 1.71% compared to 1.39% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 0.71% compared to the average Ausbond Bank Bill movement of 0.02% and the average Reserve bank of Australia Cash Rate of 0.29%.

### 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.

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### RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 31 July 2022, including the certification by the Responsible Accounting Officer.

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**REPORT**

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**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 2022 to date was \$170,620 compared to budgeted income of \$39,500, a positive variance of \$131,120.

**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**

A revised Investment Policy was adopted by Council at its meeting on 26 July 2022. The Policy is reviewed annually by the Audit, Risk and Improvement Committee with the next review due in December 2022.

Council's Investment Strategy was reviewed by its Investment Advisors in November 2021, 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.

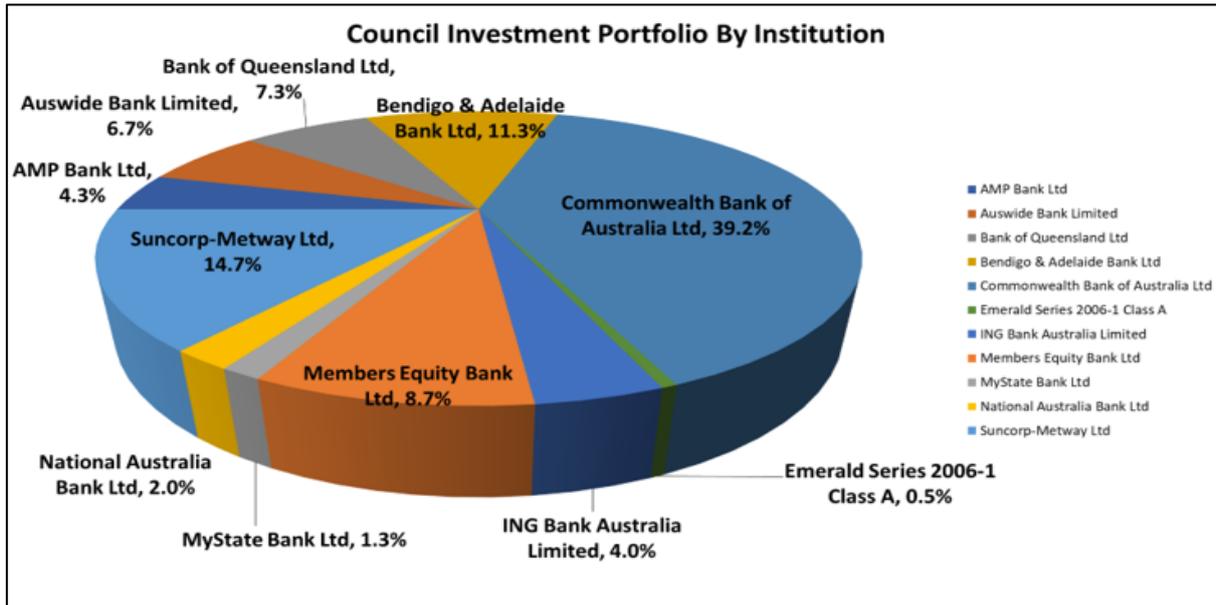
**Investment Balances**

<b>INVESTMENT BALANCES</b>				
As at 31-Jul-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	3,016,201		1.40%
National Australia Bank Ltd	A1+	14,114		1.35%
		<b>3,030,314</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	10,033,782	At Call	1.45%
		<b>10,033,782</b>		
<b>Mortgage Backed Securities</b>				
Emerald Series 2006-1 Class A	A*	760,222	21-Aug-51	1.5044%
		<b>760,222</b>		
<b>Term Deposits</b>				
Bendigo & Adelaide Bank Ltd	A2	3,000,000	02-Aug-22	0.50%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	04-Aug-22	0.40%
Members Equity Bank Ltd	A2	2,000,000	09-Aug-22	0.60%
Members Equity Bank Ltd	A2	2,000,000	11-Aug-22	0.60%
Bank of Queensland Ltd	A2	3,000,000	16-Aug-22	0.60%
Bank of Queensland Ltd	A2	2,000,000	18-Aug-22	0.60%
Bank of Queensland Ltd	A2	2,000,000	23-Aug-22	0.60%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	25-Aug-22	0.55%
Bank of Queensland Ltd	A2	2,000,000	06-Sep-22	0.60%
Bank of Queensland Ltd	A2	2,000,000	08-Sep-22	0.60%
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-Metway Ltd	A1	1,000,000	20-Sep-22	0.88%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Sep-22	1.29%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	27-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	29-Sep-22	1.29%
Commonwealth Bank of Australia Ltd	A1+	3,000,000	04-Oct-22	1.88%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	06-Oct-22	1.90%
National Australia Bank Ltd	A1+	3,000,000	11-Oct-22	0.63%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	13-Oct-22	2.20%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Oct-22	2.20%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	20-Oct-22	2.25%
Suncorp-Metway Ltd	A1	3,000,000	25-Oct-22	0.93%
AMP Bank Ltd	A2	1,100,000	25-Oct-22	2.80%
AMP Bank Ltd	A2	900,000	25-Oct-22	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	27-Oct-22	2.30%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	01-Nov-22	2.30%
Suncorp-Metway Ltd	A1	2,000,000	03-Nov-22	2.72%
Members Equity Bank Ltd	A2	3,000,000	08-Nov-22	2.15%
Suncorp-Metway Ltd	A1	2,000,000	10-Nov-22	2.72%
MyState Bank Ltd	A2	2,000,000	22-Nov-22	2.25%
Members Equity Bank Ltd	A2	3,000,000	06-Dec-22	2.35%
Suncorp-Metway Ltd	A1	2,000,000	08-Dec-22	3.00%
Auswide Bank Limited	A2	2,000,000	13-Dec-22	2.65%
Suncorp-Metway Ltd	A1	3,000,000	20-Dec-22	3.42%
Suncorp-Metway Ltd	A1	2,000,000	21-Dec-22	3.35%
Suncorp-Metway Ltd	A1	3,000,000	03-Jan-23	3.42%
Suncorp-Metway Ltd	A1	2,000,000	05-Jan-23	3.20%

<b>INVESTMENT BALANCES</b>				
As at 31-Jul-2022				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Term Deposits (continued)</b>				
Suncorp-Metway Ltd	A1	2,000,000	10-Jan-23	3.23%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	31-Jan-23	3.60%
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%
Members Equity Bank Ltd	A2	3,000,000	28-Feb-23	3.60%
AMP Bank Ltd	A2	2,000,000	28-Mar-23	4.00%
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%
		<b>106,500,000</b>		
<b>Kimbriki Environmental Enterprises Pty Ltd</b>				
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	230,205		0.75%
		<b>230,205</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	604,054	At Call	1.35%
Commonwealth Bank of Australia Ltd	A1+	1,801,274	At Call	1.35%
		<b>2,405,328</b>		
<b>Term Deposits</b>				
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%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	03-Oct-22	1.91%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	11-Nov-22	2.14%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Dec-22	2.43%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	05-Jan-23	3.00%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Feb-23	3.27%
		<b>27,124,528</b>		
<b>Total Cash and Investments</b>		<b>150,084,380</b>		

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

## Portfolio Analysis



## Institutional Credit Framework – Compliance with Investment Policy Requirements

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

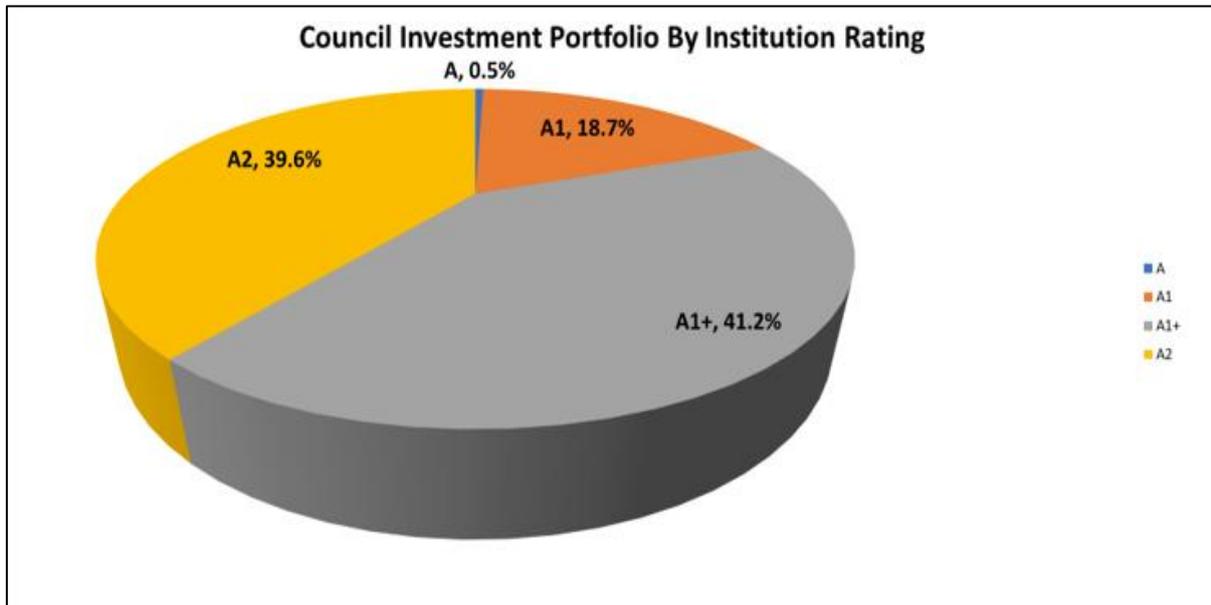
S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-	A-1	40%	Yes
A+			
A			
A-	A-2	30%	Yes
BBB+			
BBB			
BBB-	A-3	10%	Yes
Unrated**TCorp Funds	Unrated**	5%	Yes (\$Nil)
Unrated***ADIs	Unrated***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

\* Or Moody's / Fitch equivalents

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

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

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.



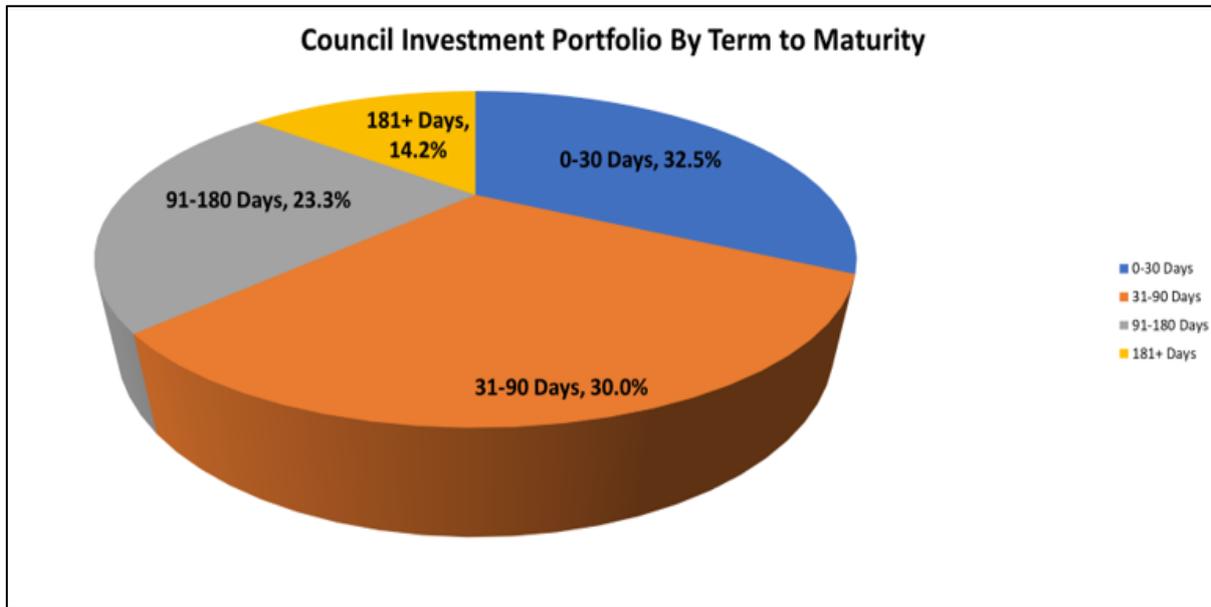
### Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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**	5%	Yes (\$Nil)

\* Or Moody's / Fitch equivalents

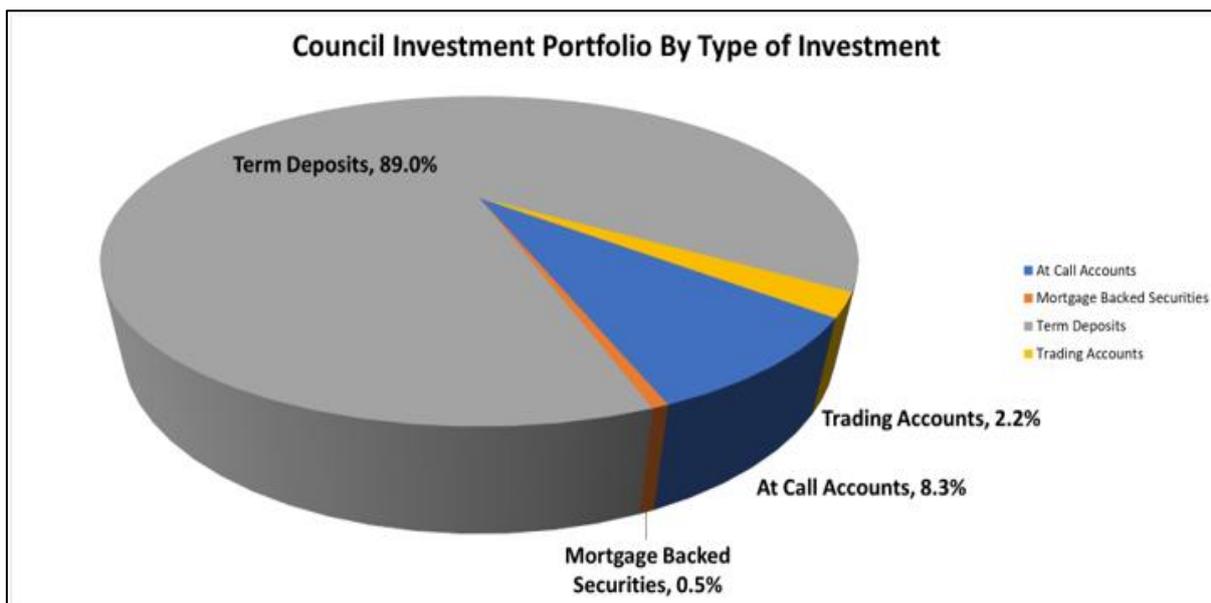
\*\* Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities and ADIs covered by the government guarantee scheme.



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

Clause 4.2.4 of Council’s Investment Policy requires Council’s investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits			Portfolio Complies with Policy?
Portfolio % <1 year	Min 40%	Max 100%	<b>Yes</b>
Portfolio % >1 year ≤3 year	Min 0%	Max 60%	<b>Yes</b>
Portfolio % >3 year ≤5 year	Min 0%	Max 30%	<b>Yes</b>



## Investment Performance vs Benchmark

### a) Portfolio Return vs Benchmark

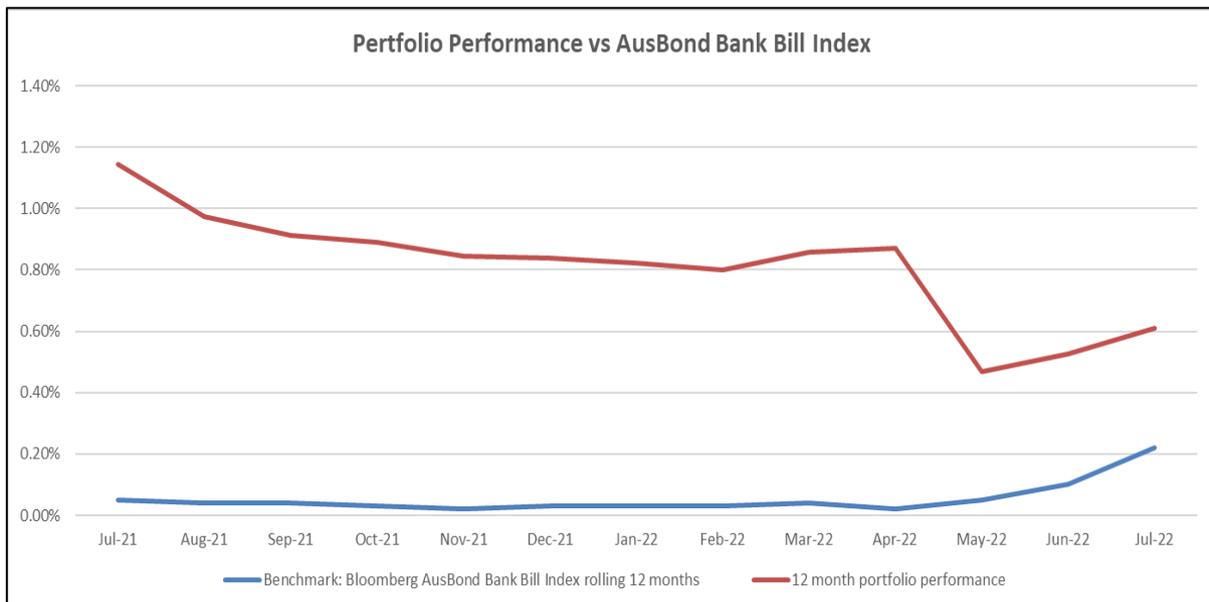
	Investment Portfolio Return *	Benchmark: AusBond Bank Bill Index
1 month	0.124%	0.12%
3 Months	0.286%	0.21%
FYTD	0.124%	0.12%
12 Months	0.610%	0.22%

\* Excludes trading account balances  
Council's Investment Advisors have stated this form of portfolio reporting conforms to global investment performance standards and that these standards say that periods below 12 months should not be annualised

The above table shows a comparison of Council's investment portfolio return to the benchmark. Council's Investment Advisor, Laminar Capital, has created an accumulation index for the portfolio which increases each month by the portfolio internal rate of return to enable meaningful comparison to the benchmark AusBond Bank Bill index, which is an accumulation index.

The Bloomberg AusBond Bank Bill Index is engineered to measure the Australian money market by representing a passively managed short term money market portfolio. This index is comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate, 1M BBSW, and 3M BBSW.

The portfolio achieved a return of 0.124% for the month of July which was 0.004% above the benchmark AusBond Bank Bill Index return of 0.12%. For the past 12 months the portfolio achieved a return of 0.610% which was 0.39% above the benchmark AusBond Bank Bill Index return of 0.22%.



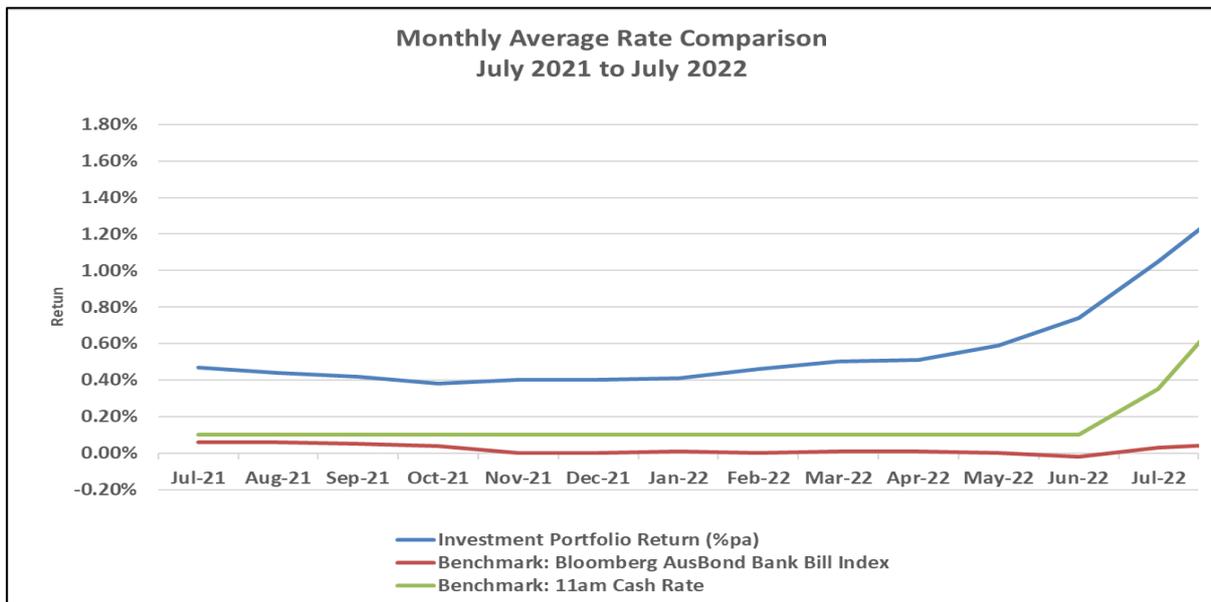
**b) Portfolio Interest Rate vs Benchmarks**

	Weighted Average Portfolio Interest Rate (%pa) *	Average Benchmark: AusBond Bank Bill Index	Average RBA Cash Rate
1 month	1.71%	0.12%	1.35%
3 Months	1.38%	0.07%	0.85%
6 Months	1.00%	0.03%	0.48%
FYTD	1.71%	0.12%	1.35%
12 Months	0.71%	0.02%	0.29%

\* Excludes trading account balances

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

The weighted average interest rate of the portfolio is 1.71% compared to 1.39% for the prior month. For the past 12 months the weighted average interest rate of the portfolio was 0.71% compared to the average Ausbond Bank Bill movement of 0.02% and the average Reserve bank of Australia Cash Rate of 0.29%.

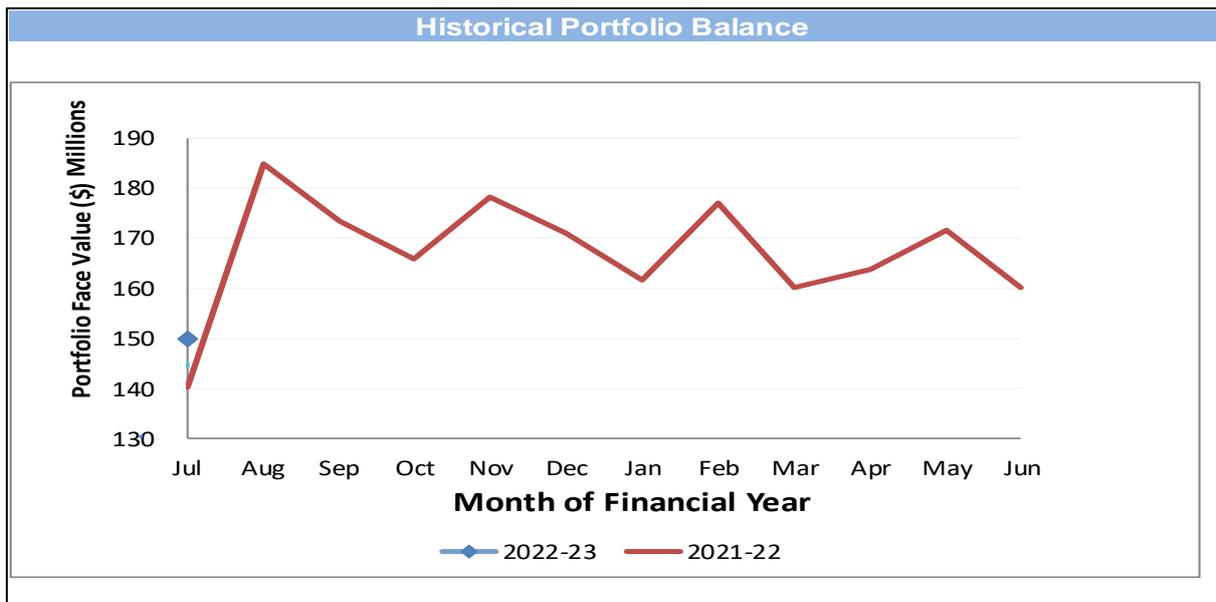


**Monthly Investment Income\* vs Budget**

	July 2022 \$	Year to Date \$
Investment Income	170,627	170,627
Adjustment for Fair Value	(7)	(7)
Total Investment Income	170,620	170,620
Budgeted Income	39,500	39,500

\* Includes all cash and investment holdings

Historical Portfolio Balance		
	2022-23	2021-22
<b>Jul</b>	150,084,380	140,264,007
<b>Aug</b>		184,686,438
<b>Sep</b>		173,325,287
<b>Oct</b>		166,006,688
<b>Nov</b>		178,085,861
<b>Dec</b>		170,911,655
<b>Jan</b>		161,545,259
<b>Feb</b>		176,973,362
<b>Mar</b>		160,133,548
<b>Apr</b>		163,852,294
<b>May</b>		171,636,374
<b>Jun</b>		160,160,643
<b>Average Portfolio Balance</b>	150,084,380	167,298,451



**Statement of Compliance**

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

**Investment Policy Compliance**

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

**Restricted cash, cash equivalents and investments**

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

At the end of June 2022 total cash & investments were \$160,160,643 and were made up of the following reserve allocations.

Allocation of Funds	Amount (\$)	Percentage
Externally Restricted	43,544,946	27.19%
Internally Restricted	80,184,182	50.06%
Total Restricted	123,729,128	77.25%
Unrestricted	36,431,515	22.75%
Total	\$160,160,643	100.00%

## ECONOMIC NOTES

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

Financial markets rallied strongly in July with the notable exception of the Chinese markets. The bond, share and credit buying spree drew on perception that peaking inflation may give central banks cause to reduce the size and pace of future rate hikes, even though big rate hikes were delivered by several central banks in July. Most commodity prices weakened in July on softening global demand increasing the likelihood that annual consumer price inflation will moderate in coming months. Annual inflation in 2023, however, still looks set to base above central banks' targets implying to us that any pause or moderation in rate hikes over the next few months will be temporary.

There are some signs of slowing economic growth in the United States exaggerated in the Q1 2022 and Q2 GDP reports showing annualised growth of respectively -1.6% and -0.9%. The US economy meets the condition of back-to-back negative growth quarters constituting a technical recession, but many other indicators still point to economic strength – real household consumption up 1.1% annualised within Q2 GDP after rising 1.8% in Q1; household income up more than 10% y-o-y with wages up more than 5%; an unemployment rate at 3.6% in June down from 3.9% in December last year with non-farm payrolls rising 372,000 in June and 384,000 in May compared with monthly increases in the early-to-mid 200,000 range late 2021 and early 2022.

What appears as a mild US recession in the Q1 and Q2 GDP reports will likely be revised to a false alarm as more complete data comes to hand. That is not to say that the US economy will escape recession down the track, the work that the US Fed still has to do to return inflation to a 2-ish % annual trajectory over the long-term means somehow dialling down annual wage growth to around 3% and dialling up the unemployment rate to around 4%. A Fed funds rate around 4% is likely to be needed to achieve these numbers still 150bps or so above the 2.50% funds rate after the 75bps rate hike delivered at the July policy meeting.

For the time being, financial markets are factoring in less central bank rate action ahead and that could sustain rallies until checked by evidence that progress reducing inflation is less impressive than expected.

Meantime, major share market performance in July was strong with mostly gains ranging from 3.5% for Britain's FTSE 100 to 9.1% for the US S&P 500. Australia's ASX 200 rose by 5.9%. Exceptions to the strong gains were the Chinese share markets with the Shanghai CSI 300 index down 6.6% and Hong Kong's Hang Seng down by 7.8%. China's residential property construction sector downturn continues to drive large corporate debt defaults, concern about China's banks and rising social unrest.

Most credit markets rallied strongly too in July. The sense that interest rates had risen too far too quickly in May and early June powered a chase for yield promoting sharp contraction in yield spreads. The main exception to the credit rally was Chinese credit beset by concerns about real estate and real estate development companies.

Government bonds rallied as well in July with yields tumbling. The US 10-year bond yield fell by 36bps to 2.65% while the US 30-year Treasury yield fell by 17bps to 3.01%. Australia's 10-year bond yield fell by 52bps to 3.05%. Market perception that the US Fed may go easier hiking official interest rates in the months ahead applied to perception about what the RBA may do as well.

Over the past month the market's view of how high the RBA may need to lift the cash rate has changed from close to 4% to 3%. Driving that view change has been revision of the market's perception of how high Australian inflation may go and when it is likely to decline. The market is looking for annual inflation to peak below 7% and probably in the current quarter (Q3 2022). It is worth noting that the market is for the first time this cycle calling inflation lower than official estimates. Commonwealth Treasury is looking for inflation to peak at 7.75% in Q4 2022 and the RBA when it releases its August Monetary Policy Statement on Friday will also forecast an inflation peak around 7% in Q4.

<b>ITEM 9.3</b>	<b>REVIEW OF DELEGATION OF AUTHORITY TO CHIEF EXECUTIVE OFFICER</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE AND RISK</b>
<b>TRIM FILE REF</b>	<b>2022/460486</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a>Delegation to Chief Executive Officer 28 August 2018</b> <b>2 <a href="#">↓</a>Delegation to Chief Executive Officer 2022</b> <b>3 <a href="#">↓</a>Power of Attorney</b>

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## BRIEF REPORT

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### PURPOSE

To review the delegations by Council to the Chief Executive Officer (CEO) in accordance with section 380 of the *Local Government Act 1993* (the Act).

### REPORT

Under section 380 of the Act, council must review all its delegations during the first 12 months of each term of office.

The delegations conferred by Council on 28 August 2018 (Attachment 1) remain in effect until such time they are changed and are subject to the review of Council in accordance with the Act.

### Power of the Council to Delegate

Section 377 of the Act enables Council to delegate to its CEO, or any other person or body, functions of the Council except those functions specified in sections 377(1)(a) – (u) listed below. Section 377 provides:

#### *377 General Power of the Council to Delegate*

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:*
  - (a) *the appointment of a general manager,*
  - (b) *the making of a rate,*
  - (c) *a determination under section 549 as to the levying of a rate,*
  - (d) *the making of a charge,*
  - (e) *the fixing of a fee,*
  - (f) *the borrowing of money,*
  - (g) *the voting of money for expenditure on its works, services or operations,*
  - (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
  - (i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*
  - (j) *the adoption of an operational plan under section 405,*

- (k) *the adoption of a financial statement included in an annual financial report,*
  - (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
  - (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
  - (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
  - (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,*
  - (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
  - (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
  - (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
  - (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
  - (t) *this power of delegation,*
  - (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:*
- (a) *the financial assistance is part of a specified program, and*
  - (b) *the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
  - (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
  - (d) *the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*

### **Functions of the General Manager (Chief Executive Officer)**

Section 335 of [the Act](#) outlines the functions of the General Manager. The position is generally responsible for the effective and efficient operation of the Council and for ensuring the implementation, without undue delay, of decisions of the council. The CEO is the statutory General Manager for Northern Beaches Council.

### **Review of delegations**

The delegations the Council conferred on the CEO in 2018 are the only delegations required for review. The Council has not delegated any other statutory functions of council to any other person

or body. All committees of council are advisory only in accordance with the Committee Framework and other determining bodies such as the Local Planning Panel and Sydney North Planning Panel operate and are established under legislation, not under delegation of the Council.

The delegations the Council conferred on the CEO in 2018 enable the efficient administration of the organisation given its size and breadth of operations.

A legal review of the delegations has been undertaken which has resulted in a slightly modified version for Council's consideration (Attachment 2). The minor changes seek to:

1. Update the reference to the Regulations in paragraphs B and C.
2. Amend the wording in paragraph D 1 by replacing the words "in accordance with the policies" with the words "in accordance with the requirements of the relevant legislation and having regard to, and not inconsistent with, the policies". This amendment is made to recognise the Administrative Law principle that administrative decisions should be based on considerations set out in the relevant legislation and not be based simply on policies that have been adopted.

It is a matter for the Council to consider whether it wishes to adopt the delegations as presented at Attachment 2, or to seek to amend, restrain or expand the authorities it wishes to confer on the CEO.

The Power of Attorney granted to Mr Raymond Brownlee PSM in his capacity as statutory General Manager (CEO) of the Northern Beaches Council effective from 17 October 2018 (Attachment 3) remains unchanged for the purposes of executing documents which give effect to resolutions of the Council or functions delegated to the Attorney.

### **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**

Pursuant to section 377(1) of the Act certain delegations which relate to various financial functions of the Council must remain with Council and may not be conferred to the Chief Executive Officer (statutory general manager).

### **ENVIRONMENTAL CONSIDERATIONS**

The delegations conferred by Council to Chief Executive Officer (statutory general manager) may confer certain authorities in regard to the exercise of Council business in order to fulfil certain environmental functions.

### **SOCIAL CONSIDERATIONS**

The delegations conferred by Council to the Chief Executive Officer (statutory general manager) may confer certain authorities in regard to the exercise of Council business in order to fulfil certain civic functions.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The delegation of authority from Council to the Chief Executive Officer (statutory general manager) and the statutory role of the Chief Executive Officer is enabled under the provisions of the Act.

## RECOMMENDATION OF ACTING DIRECTOR CORPORATE AND LEGAL

That Council:

1. Revoke the delegations of authority conferred to the role of Chief Executive Officer (as statutory general manager) of 28 August 2018 at Attachment 1.
  2. Adopt the delegations of authority to the role of the Chief Executive Officer (as statutory general manager) at Attachment 2 in order to fulfil its obligations under section 380 of the *Local Government Act, 1993*.
  3. Note the Power of Attorney at Attachment 3 remains in effect.
-

Council resolution 229/18

28 August 2018

[Minutes](#)

Northern Beaches Council  
**DELEGATION OF AUTHORITY  
CHIEF EXECUTIVE OFFICER**

- A. All previous delegations of authority (other than the Minister's functions for plan-making under former section 59 now section 3.3.6 of the *Environmental Planning and Assessment Act 1979* (NSW) delegated by the then Minister for Planning and Infrastructure on or about 1 November 2012 and further delegated by the former Warringah Council to its then General Manager on 27 November 2012 and continued in force by virtue of the *Local Government (Council Amalgamations) Proclamation 2016* to the General Manager or Interim General Manager (now referred to as the Chief Executive Officer), the position or office of the General Manager or Interim General Manager or Chief Executive Officer and to any person appointed or otherwise acting in these positions or office are revoked.
- B. Pursuant to sections 377 and 381 of the *Local Government Act, 1993* (NSW) (the Act) Council delegates to the Chief Executive Officer (being the statutory general manager) of Northern Beaches Council, and to the person acting in the position of Chief Executive Officer during any period of vacancy in the office or absence from duty of the Chief Executive Officer, the functions set out in a), b) and c) below, subject to the limitations, conditions and restrictions set out in paragraph d):
- a) All those functions of the Council under the Act and the Regulations made thereunder, and under any other Act, statutory instrument and law, except those functions that are declared to be non-delegable pursuant to section 377(1) of the Act;
  - b) Subject to compliance with the provisions of clause 213 of the *Local Government (General) Regulation 2005*, to write off, by order in writing, debts to the Council up to an amount of \$20,000, being the amount hereby fixed for the purpose of clause 213;
  - c) Subject to compliance with the provisions of clause 131 of the *Local Government (General) Regulation 2005*, to write off, by order in writing, rates and charges and interest accrued on unpaid rates and charges owing to the Council up to an amount of \$20,000, being the amount hereby fixed for the purpose of clause 131;
  - d) The exercise of any function under paragraph (a), (b) or (c) above is subject to the following:
    - i. The Chief Executive Officer or the holder of any sub-delegation from the Chief Executive Officer, exercising such delegations in accordance with the policies of the Council as may be adopted by the Council from time to time;
    - ii. Any restrictions or conditions imposed upon any delegation by a policy or decision of the Council, being similarly restricted and/or imposed by the Chief Executive Officer in any sub-delegation under section 378(2) of the Act.

COUNCIL RESOLUTION: 229/18

DATE: 28 AUGUST 2018

SIGNATURE: 



### **Delegation of Authority from Council to Chief Executive Officer**

Pursuant to sections 377 and 381 of the Local Government Act 1993 (NSW) (the Act) Council delegates to the Chief Executive Officer (being the statutory general manager) of Northern Beaches Council, and to the person acting in the position of Chief Executive Officer during any period of vacancy in the office or absence from duty of the Chief Executive Officer, the functions set out in A, B and C below, subject to the limitations, conditions and restrictions set out in paragraph D:

- A. All those functions of the Council under the Act and the Regulations made thereunder, and under any other Act, statutory instrument and law, except those functions that are declared to be non-delegable pursuant to section 377(1) of the Act
- B. Subject to compliance with the provisions of clause 213 of the Local Government (General) Regulation 2021, to write off, by order in writing, debts to the Council up to an amount of \$20,000 being the amount hereby fixed for the purpose of clause 213
- C. Subject to compliance with the provisions of clause 131 of the Local Government (General) Regulation 2021, to write off, by order in writing, rates and charges and interest accrued on unpaid rates and charges owing to the Council up to an amount of \$20,000 being the amount hereby fixed for the purpose of clause 131
- D. The exercise of any function under paragraph A, B or C above is subject to the following:
  - I. The Chief Executive Officer or holder of any sub-delegation from the Chief Executive Officer, exercising such delegations in accordance with the requirements of the relevant legislation and having regard to, and not inconsistent with, policies of the Council as may be adopted by the Council from time to time
  - II. Any restrictions or conditions imposed upon any delegation by a policy or decision of the Council, being similarly restricted and/or imposed by the Chief Executive Officer in any sub-delegation under section 378(2) of the Act.

**Council resolution:**

**Date:**

**Signature:**

## GENERAL POWER OF ATTORNEY

### Part 1

**THIS POWER OF ATTORNEY** is made on 24th day of October by NORTHERN BEACHES COUNCIL (the Council) of 1 Park Street, Mona Vale.

As principal, the Council of 1 Park Street, Mona Vale hereby appoints Raymond Brownlee PSM, Chief Executive Officer, of 1 Park Street, Mona Vale; to be its attorney, to exercise, subject to the conditions and limitations specified in Part 2 of this Instrument, the authority conferred on him by Part 2 of the Powers of Attorney Act 2003 to do on Council's behalf anything it may lawfully authorise an attorney to do.

This Power of Attorney operates on and from 17 October 2018.

### Part 2

This Power of Attorney is limited to the execution of documents which give effect to:

- (a) resolutions of the Council where resolutions are required for the exercise of a function; or
- (b) functions which have been delegated to the Attorney.

This Power of Attorney does not operate as a delegation of any function of the Council for the purposes of section 377 of the Local Government Act 1993

IN WITNESS WHEREOF the Council has hereunto set its Seal on the date abovementioned.

The Common Seal of NORTHERN BEACHES COUNCIL }



Was hereunto affixed on 24<sup>th</sup> day of October 2018

  
Michael Regan

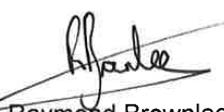
Mayor

1 Park Street Mona Vale NSW 2103

REGISTERED  
30/10/2018  
BK 4751 NO 813



pursuant to the resolution of Council made on the 16<sup>th</sup> day of October 2018 in the presence of:

  
Raymond Brownlee PSM

Chief Executive Officer

1 Park Street Mona Vale NSW 2103

*Note: General Attorney Responsibilities*

*Attorneys must do the following as applicable:*

- (a) *Keep principal's money and property separate from the attorney's money and property.*
- (b) *Keep reasonable accounts and records of principal's money and property.*
- (c) *Not benefit from being an attorney, unless expressly authorised by the principal.*
- (d) *Always act in the principal's best interests.*
- (e) *Always act honestly in all matters concerning the principals legal and financial affairs.*

*Failure to do so may incur civil and/or criminal penalties.*

## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

<b>ITEM 10.1</b>	<b>COMMUNITY LIBRARY FUNDING</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER LIBRARY SERVICES</b>
<b>TRIM FILE REF</b>	<b>2022/449974</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

To seek approval to provide funding to the Northern Beaches community libraries to operate library services and develop library collections for the 2022/23 financial year.

#### EXECUTIVE SUMMARY

Council has a long history of providing an annual subsidy to the community libraries of Avalon, Terrey Hills, Balgowlah Seaforth and Booklovers' Club Northern Beaches Inc.

The funding provided is a cost-effective approach to the delivery of baseline public library services and is critical to the ongoing management of community library operations.

Each community library submits an annual formal application for financial support to continue their operations. It is recommended that funding for each service be provided for the 2022/23 financial year.

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#### RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

1. Continue to support the community libraries with an annual funding allowance for 2022/23.
  2. Provide financial assistance to the community libraries to the value of:
    - A. \$65,000 (ex GST) per annum to Avalon Community Library for 2022/23.
    - B. \$24,000 (ex GST) per annum to Balgowlah Seaforth Community Library for 2022/23.
    - C. \$2,000 (ex GST) per annum to Booklovers' Club Northern Beaches Incorporated for 2022/23.
    - D. \$26,000 (ex GST) per annum to Terrey Hills Community Library for 2022/23.
  3. Provide the funding as detailed above to community libraries once the previous year's grant acquittals are received and reviewed in line with acquittal processes.
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## REPORT

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### BACKGROUND

Run by dedicated volunteers, Avalon, Terrey Hills, Balgowlah Seaforth and Booklovers' Club community libraries are free for all residents of the Northern Beaches local government area.

Council has historically provided these community libraries with an annual subsidy to operate library services and develop collections for the benefit of library patrons and visitors. The funding is a reliable source of income for each of the libraries and is critical to the ongoing management of community library operations.

All community libraries are located within Council managed buildings for the purpose of delivering a range of library services and programs to local communities.

Community libraries' services include:

- Contemporary and engaging library collections
- Access to comfortable spaces and places for educational and recreational purposes
- Access to Wi-Fi and public computers
- Delivery of events and programs such as story time and local author talks
- Opportunities for community volunteering

Council historically budgets for and has provided the community libraries a consistent annual subsidy (ex GST and indexed to CPI). In 2020-21, Council approved and provided the following funding:

- Avalon Community Library - \$65,000
- Balgowlah Seaforth Community Library - \$24,000
- Booklovers' Club Northern Beaches Incorporated - \$2,000
- Terrey Hills Community Library - \$26,000.

As a result of COVID-19 lockdowns for 2021/22, Council approved and provided the following funding on a pro rata basis for 2021/22:

- Avalon Community Library - \$48,750
- Balgowlah Seaforth Community Library - \$18,000
- Booklovers' Club Northern Beaches Incorporated - \$1,500
- Terrey Hills Community Library - \$19,500.

Council has budgeted to provide funding to the community libraries this financial year in line with the consistent annual subsidy (ex GST) to the values provided in 2020/21. It is recommended that Council provide financial assistance to the community libraries to the value of:

- Avalon Community Library - \$65,000
- Balgowlah Seaforth Community Library - \$24,000
- Booklovers' Club Northern Beaches Incorporated - \$2,000
- Terrey Hills Community Library - \$26,000.

## CONSULTATION

Council consulted with the community in the 2022 Community Research survey which continued to highlight the ongoing positive performance and attributed value by our community on the provision of library services. Library services also undertake regular user engagement and consultation as part of ongoing and embedded continuous improvement processes. Northern Beaches community libraries form part of the wider network of library services which continues to be highly valued by dedicated volunteers and community members.

## TIMING

The disbursement of the grant funds to community libraries occurs between August and November each year after they have submitted their financial audits and statements along with a funding request. The exception is Booklovers' Club Inc. who work on a calendar year basis and request their funding between April and June.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life
- Community and belonging - Goal 9 Our community is inclusive and connected

## FINANCIAL CONSIDERATIONS

Funding to support the community libraries is included in the existing Northern Beaches Library Services operational budget.

## SOCIAL CONSIDERATIONS

Avalon, Terrey Hills, Balgowlah Seaforth and Booklovers' Club community libraries are valued social and community assets. Community libraries not only provide library services to community members but also create engaging opportunities for volunteering within our communities contributing to community connectedness and improving outcomes for social inclusion and resilience.

## ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental impacts.

## GOVERNANCE AND RISK CONSIDERATIONS

Under Section 356 of the *Local Government Act 1993*, Council may resolve to grant financial assistance to an external body.

## 12.0 PLANNING AND PLACE DIVISION REPORTS

<b>ITEM 12.1</b>	<b>PUBLIC EXHIBITION - DRAFT CONSERVATION ZONE REVIEW AND STUDIES TO INFORM THE NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2022/269667</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a> Draft Conservation Zone Review (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a> Draft Deferred Lands Strategic Bushfire Risk Assessment (Included In Attachments Booklet)</b> <b>3 <a href="#">⇒</a> Draft Deferred Lands Biodiversity Assessment, Stage 1 – Review of Existing Information (Included In Attachments Booklet)</b> <b>4 <a href="#">⇒</a> Draft Deferred Lands Biodiversity Assessment, Stage 2 – Biodiversity Survey and Reporting (Included In Attachments Booklet)</b> <b>5 <a href="#">⇒</a> Draft Biodiversity Planning Review (Included In Attachments Booklet)</b> <b>6 <a href="#">⇒</a> Draft Watercourse, Wetland and Riparian Land Study (Included In Attachments Booklet)</b>

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### SUMMARY

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#### PURPOSE

To seek Council approval to publicly exhibit a Conservation Zones Review report and related studies for comment to inform the preparation of the draft Northern Beaches Local Environmental Plan.

#### EXECUTIVE SUMMARY

In preparing the new Northern Beaches Local Environmental Plan (LEP), Council must decide which land use zones to apply to land throughout the LGA.

The zoning of land under an LEP is a key strategic land use planning tool. Zoning controls the range of development (land uses) that can occur on land e.g., factories are prohibited in residential zones.

Conservation zones (previously known as Environmental Zones) are used to protect and conserve areas with special environmental values or where there are known hazards e.g., bushfire, coastal inundation.

Four conservation zones are identified for use in LEPs by the Department of Planning and Environment (DPE) and all are currently used on the Northern Beaches:

- C1 National Parks and Nature Reserves
- C2 Environmental Conservation
- C3 Environmental Management

- C4 Environmental Living.

Whilst the zones, some of their objectives, and some mandated uses are set by DPE, Council has some discretion to determine where the zones should apply, describe additional objectives, and include additional permissible land uses in each zone.

Four LEPs currently apply to the Northern Beaches: Manly LEP 2013, Pittwater LEP 2014, Warringah LEP 2000 (Deferred Lands), and Warringah LEP 2011. The Warringah LEP 2000 does not use zones but instead uses 'Locality Statements', each with a list of land uses that must be considered for consistency with a 'desired future character statement'. The remaining 3 LEPs each use the conservation zones in diverse ways.

Council commissioned planning consultants Meridian Urban to undertake a review of its conservation zones to establish a consistent approach to their application in the new Northern Beaches LEP (Conservation Zones Review).

The Conservation Zones Review analyses the current conservation zones, identifies a methodology for the creation of a consolidated set of conservation zones based on land use, environmental, and hazards criteria, and maps the outcomes from this work, creating a draft conservation zones map for the entire Local Government Area (LGA).

The Conservation Zones Review and its recommendations represent a considered, evidence based and best practice approach to conservation zoning. Given the nature, scope, and complexity of this work, it is proposed to exhibit the Conservation Zones Review for public comment outside of (and prior to) the legislated LEP public exhibition process, to enable the views of Council, the community, and all stakeholders to be considered.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Publicly exhibit the Conservation Zones Review, and associated technical studies and maps, including:
    - A. Draft Deferred Lands Strategic Bush Fire Assessment
    - B. Draft Deferred Lands Biodiversity Assessment
    - C. Draft Watercourse, Wetlands and Riparian Lands Study
    - D. Draft Biodiversity Planning Review
  2. Note that the outcome of the public exhibition will inform the development of a draft Northern Beaches Local Environmental Plan and Development Control Plan and be reported back to Council together with the draft Local Environmental Plan and Development Control Plan prior to the statutory public exhibition.
-

**REPORT**

**BACKGROUND**

Council has been collaborating with our community to bring together our current local planning controls to create one new planning framework that will guide and manage future development in the Northern Beaches. This includes the consolidation of our four Local Environmental Plans (LEPs) and Development Control Plans (DCP), which include:

- Manly LEP 2013 and Manly DCP 2013
- Pittwater LEP 2014 and Pittwater DCP 21
- Warringah LEP 2011 and Warringah DCP 2011
- Warringah LEP 2000 (Deferred Lands - deferred from inclusion in the Warringah Local Environmental Plan 2011 Standard Instrument LEP).

A review and 'health check' of these LEPs was completed in November 2018 after amalgamation of the former Manly, Pittwater and Warringah Councils in 2016. In 2019 Council released its Local Strategic Planning Statement – [Towards 2040](#) - outlining the future vision for the Northern Beaches and our commitment to [Planning our Sustainable Future](#).

Towards 2040 sets key strategies and actions to inform Council’s LEP and DCP and aligns with regional directions set by the Greater Sydney Commission in the North District Plan and the community priorities identified in our Community Strategic Plan – 2040, and Environment and Sustainability Strategy – Protect.Create. Live. We have also prepared a Local Housing Strategy (adopted by Council in April 2021) and the LEP/DCP Discussion Paper – exhibited in mid-2021.



Figure 1 - Planning our Sustainable Future Program

As outlined in Towards 2040, Council’s aim is to use conservation zones (formerly known as environmental zones) within our LEP to protect bushland and biodiversity (Action 2.2) and natural open spaces (Action 6.2), using findings from technical studies. Towards 2040 also outlines our intent to identify where to limit the intensification of development in areas exposed to hazards (Action 8.2).

Council has prepared a range of technical studies to inform the new LEP and DCP, including the Conservation Zones Review (Attachment 1). These studies provide up-to-date research and analysis across the entire Local Government Area, with two studies focusing specifically on the deferred lands (Figure 2). Studies informing the Conservation Zones Review are also proposed to go on public exhibition.

Draft studies addressed in this report, being:

- Deferred Lands Strategic Bush Fire Assessment
- Deferred Lands Biodiversity Assessment
- Watercourse, Wetlands and Riparian Lands Study
- Biodiversity Planning Review.

Draft studies also informing the Conservation Zones Review reported to Council 26 July 2022 include:

- Cowan Creek Estuary Planning Level Study (coastal inundation)
- North and Middle Harbour Estuary Planning Level Study (coastal inundation)
- Geotechnical Review - Geotechnical Planning Controls.

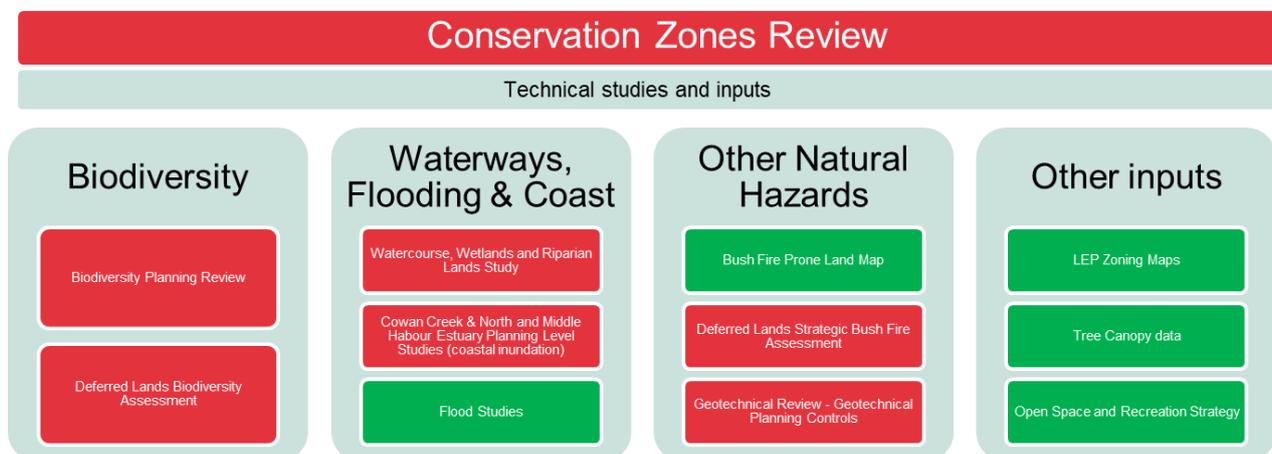


Figure 2 - Conservation Zones Review, technical studies and inputs, with those in red subject to public exhibition

### What are conservation zones?

The zoning of land under a LEP is a key strategic land use planning tool in the NSW planning system under the *Environmental Planning and Assessment Act 1979*. Each zone in a LEP permits a range of land uses with or without development consent and prohibits other uses. For example, the R2 Low Density Residential zone under Council LEPs generally permits houses, secondary dwellings and in some cases dual occupancy development but prohibits commercial and industrial land uses e.g., factories or office buildings.

Conservation zones identify land with ecological, scientific, or aesthetic values or land that is subject to hazards e.g., bushfire or flood. In these zones a smaller range of permissible land uses are permitted to protect the environmental values of the land and to ensure more intensive development is not constructed in areas subjects to hazards.

There are four types of the current conservation zones currently in use under the NSW Planning system. Figure 3 summarises the current Department of Planning and Environment's LEP Practice Note: Environment Protection Zones PN09-002 from 30 April 2009 (DPE Practice Note), which is the guiding document for Council in establishing these zones. Other Councils have also undertaken similar reviews which provide Council with further guidance in how to apply these zones.

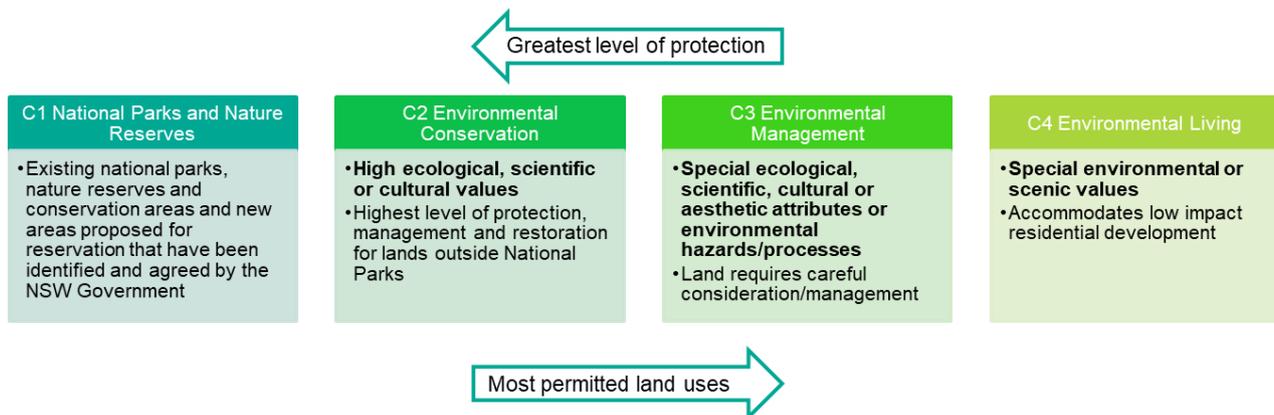


Figure 3 - Summary of Department of Planning and Environment's LEP Practice Note PN09-002 (30 April 2009)

Generally, any land uses in the conservation zone must be compatible with environmental values of the land. For example, dwelling houses are permitted within the C3 Environmental Management and C4 Environmental Living zones, but they are not permitted in the C2 Environmental Conservation zone.

By designating land as a conservation zone, most private developments will require a development application to be lodged with Council. This allows Council staff to undertake an assessment to ensure the development is well located and designed so it does not have an adverse effect on the environmental qualities of the land.

### Why did Council undertake the Conservation Zones Review?

Council embarked on preparing a Conservation Zones Review for the following reasons:

- To align with the vision of the Northern Beaches community who place a high value on important environmental matters.
- To provide strategic and statutory protection to lands with important environment and hazard characteristics, rather than relying on individual assessment of development applications.
- To meet commitments made in Towards 2040, which include principles to:
  - Avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural hazards.
  - Ensure development is avoided in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals, and nursing homes).
- To provide a consistent and fair approach to the application of conservation zones which currently permit markedly different land uses across the four LEPs and were created using different environmental criteria.
- To identify and implement best practice planning controls based on research and a strong evidence base, including several technical studies which identify areas with high conservation values more accurately and consistently across the LGA.

- To meet commitments to consult with residents in the “deferred lands” under Warringah LEP 2000 – Oxford Falls Valley and Belrose North – because of the non-standard nature of that LEP and given concerns about previous Planning Proposals for the area.

### How are conservation zones currently used?

Four conservation zones are used in Council’s current LEPs, except for Warringah LEP 2000 which does not use standard zones. In summary, conservation zones in the Manly LEP 2013, Pittwater LEP 2014 and Warringah LEP 2011 are applied as follows:

- C1 National Parks and Nature Reserves:** used consistently to identify National Parks. The Conservation Zone Review does not include the C1 National Parks and Nature Reserves zone because such land is managed under the *National Parks and Wildlife Act 1974*, and this is not proposed to change.
- C2 Environmental Conservation:** The Manly LEP 2013 and Pittwater LEP 2014 apply this zone to natural areas including bushland and foreshore reserves, coastal cliffs, and some environmentally sensitive waterways. The Warringah LEP generally limits this zone to certain privately-owned bushland with conservation values. Permitted land uses vary, for example, the Manly LEP permits eco-tourist facilities, and the Pittwater LEP permits recreation areas.
- C3 Environmental Management:** Pittwater LEP applies this zone to certain non-urban coastal communities on the western foreshore of Pittwater and Scotland Island. Warringah LEP 2011 applies this zone in non-urban lands in Terrey Hills and Belrose North, and Manly LEP 2013 applies this zone to low density residential properties adjoining the harbour and ocean foreshores. The Manly LEP 2013 permits secondary dwellings in this zone, Pittwater LEP 2014 permits jetties and boatsheds, and the Warringah LEP 2011 permits horticulture and beekeeping.
- C4 Environmental Living:** Pittwater LEP 2014 applies this zone to steeply sloping land and foreshore, and land in low density residential neighbourhoods. Warringah LEP 2011 applies this zone to Cottage Point, and Manly LEP 2013 applies the zone to medium to higher density residential areas adjoining the harbour and ocean foreshores. Manly LEP 2013 permits a diverse range of residential accommodation including multi-dwelling housing and residential flat buildings. Pittwater LEP 2014 permits secondary dwellings in addition to dwelling houses, whereas the Warringah LEP 2011 prohibits secondary dwellings (see Table 1).

Zones and land uses*	Pittwater LEP	Warringah LEP	Manly LEP
<b>C2 Environmental Conservation</b>			
eco-tourist facilities			
environmental facilities			
recreation areas			
<b>C3 Environmental Management</b>			
bee keeping			
dairy (pasture based)			
horticulture			
farm buildings			
secondary dwellings			
community facilities			
boat sheds			
environmental facilities			
jetties			
recreation areas			

Zones and land uses*	Pittwater LEP	Warringah LEP	Manly LEP
water recreation structures			
<b>C4 Environmental Living</b>			
attached dwellings			
dual occupancies (attached)			
group homes (permanent or transitional)			
multi dwelling housing			
residential flat buildings			
secondary dwellings			
semi-detached dwellings			
centre-based childcare facilities			
home-based childcare		without**	without**
community facilities			
places of public worship			
respite day care centres			
boat sheds			
jetties			
recreation areas			
water recreation structures			

Table 1 - Table showing different land use permissibility across the three-standard instrument LEPs. Grey shaded cells indicate the land use is permissible and blank cells indicate the use is prohibited.

\*excludes land uses that are consistently permitted or prohibited across the three LEPs, and those permitted under State Environmental Planning Policy (Transport and Infrastructure) 2021

\*\* permissible without the need for development consent

The Warringah LEP 2000 lists land uses within 'Locality Statements' that must be considered for consistency with the Locality Statement's 'desired future character statement'. Land uses are listed under three categories:

- Category One development is development that is generally consistent with the desired future character of the locality
- Category Two development is development that may be consistent with the desired future character of the locality
- Category Three development is development that is generally inconsistent with the desired future character of the locality and requires further assessment and an independent public hearing (see Table 2).

In developing a single Northern Beaches LEP, Council must develop a single set of conservation zones with a single set of permissible land uses for each zone.

Land uses defined under WLEP 2000	Oxford Falls Valley Locality B2	Belrose North Locality C8
Agriculture	Category 2	Category 2
Housing	Category 2	Category 2
Housing for older people or people with disabilities (on certain land described under the heading "Housing density" in LEP)	Category 2	Category 2
Other buildings, works, places or land uses that are not prohibited or in Category 1 or 3	Category 2	Category 2
Animal boarding or training establishments	Category 3	Category 3
Bulky goods shops	Category 3	Category 3
Business premises	Category 3	Category 3

Land uses defined under WLEP 2000	Oxford Falls Valley Locality B2	Belrose North Locality C8
Childcare centres	Category 3	Category 3
Community facilities	Category 3	Category 3
Development for the purpose of extractive industries (on land covered by Licence Number 64/193 Metropolitan, Belrose--Warringah Gravel and Stone Supplies)		Category 1
Entertainment facilities	Category 3	Category 3
Extractive industries, unless the Locality Statement provides otherwise		Category 3
Further education	Category 3	Category 3
Health consulting rooms	Category 3	Category 3
Heliports	Category 3	Category 3
Hire establishments	Category 3	Category 3
Hospitals	Category 3	Category 3
Hotels	Category 3	Category 3
Industries	Category 3	Category 3
Medical centres	Category 3	Category 3
Motor showrooms	Category 3	Category 3
Offices	Category 3	Category 3
Places of worship	Category 3	Category 3
Primary schools	Category 3	Category 3
Recreation facilities	Category 3	Category 3
Registered clubs	Category 3	Category 3
Restaurants	Category 3	Category 3
Retail plant nurseries	Category 3	Category 3
Service stations	Category 3	Category 3
Shops	Category 3	Category 3
Short term accommodation	Category 3	Category 3
Vehicle repair stations	Category 3	Category 3
Veterinary hospitals	Category 3	Category 3
Warehouses	Category 3	Category 3

Table 2 - Table showing land use permissibility within the deferred lands under Warringah LEP 2000.

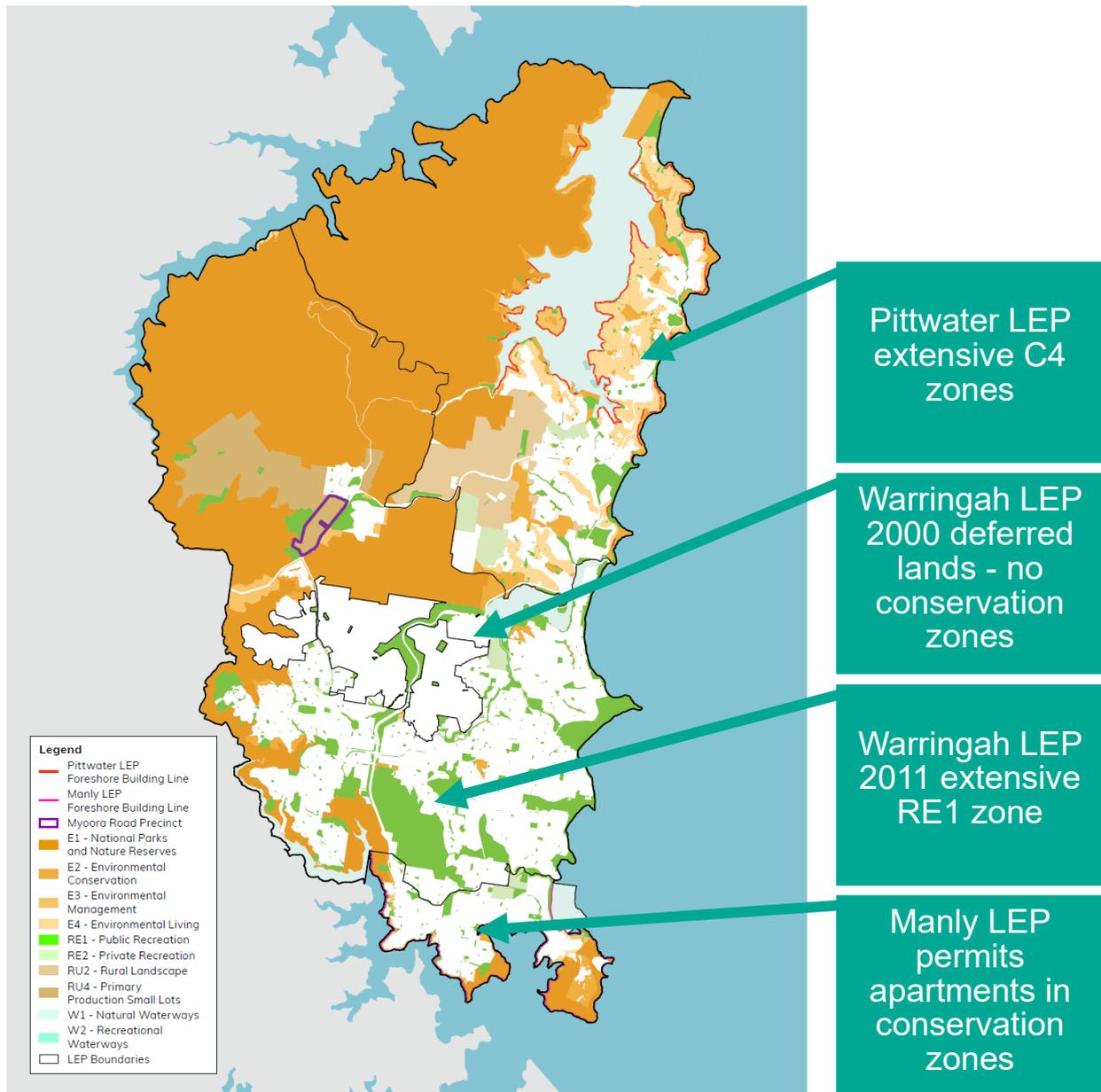


Figure 4 – Map of Northern Beaches Local Government Area (LGA) showing the four LEPs with existing conservation, recreation, rural and waterway zones

**What method was used to develop the draft conservation zones?**

Council engaged external consultants, Meridian Urban to assist with the Conservation Zones Review. Figure 5 summarises the process used.

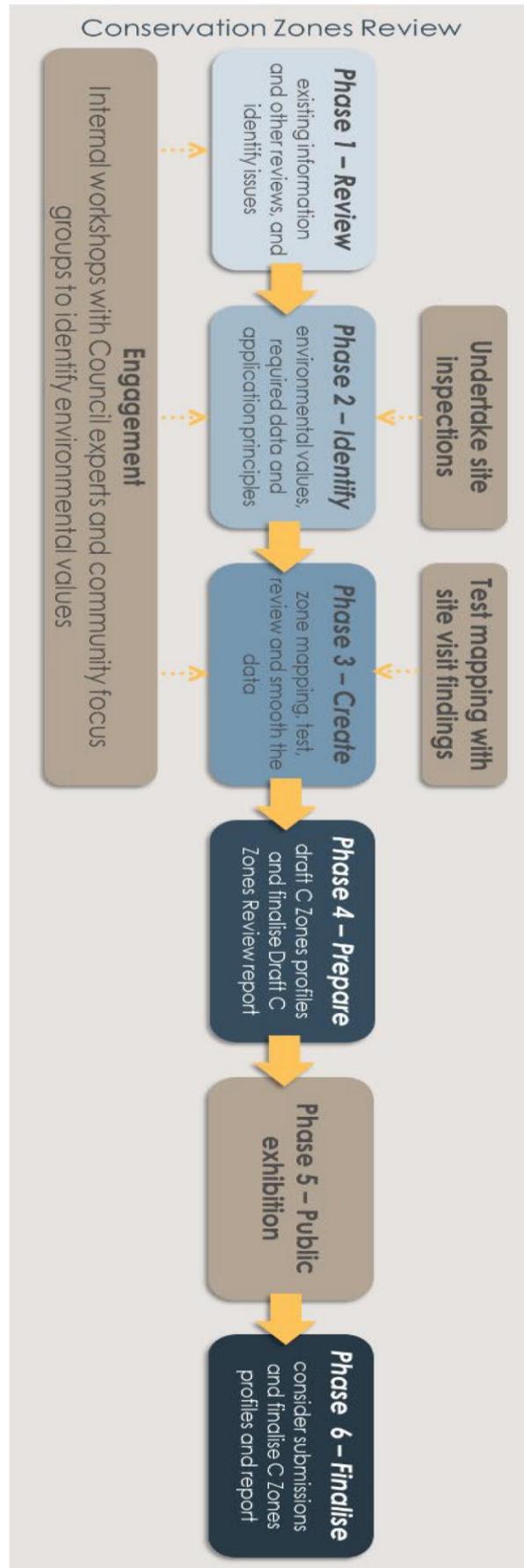


Figure 5 – Meridian Urban process for Conservation Zones Review

**Review:** A review of existing information such as:

- Policy requirements, including the State Government's Practice Note for Environment Protection Zones, North District Plan; and Council studies including Towards 2040.
- Other conservation zone reviews, that have already been undertaken in NSW including the: Northern Councils Environmental Zone Review; Gosford Council Deferred Matters, Ku-ring-gai Council Deferred Areas, Tweed Shire Council Conservation Zones Review and Draft MidCoast Rural Strategy.
- Community feedback during:
  - Public exhibition of Towards 2040, other E zones reviews.
  - Facilitation of five online community focus group workshops in 2021 and accompanying online survey.

**Identify:** The identification of relevant criteria for the mapping of conservation zones.

**Create:** Zone mapping, including testing and review.

**Prepare:** Conservation Zone Profiles, including appropriate land uses for each zone.

We are now at the phase of Public Exhibition, where Council is seeking input into the proposed zone mapping and conservation zones. Feedback from this exhibition will be used to finalise the conservation zone maps and land uses before formal public exhibition of a draft LEP and DCP, including all zones across the Northern Beaches, scheduled in 2023.

### **What criteria was used to identify, and map proposed conservation zones?**

Three sets of criteria were used to identify and map areas proposed for conservation zones:

- Land application criteria (used to identify the land on which we would consider environmental and hazard criteria).
- Environmental criteria.
- Hazards Criteria.

These criteria were identified through several sources, including:

Draft studies addressed in this report:

- Deferred Lands Strategic Bush Fire Risk Assessment.
- Deferred Lands Biodiversity Assessment.
- Biodiversity Planning Review.
- Watercourse, Wetlands and Riparian Lands Study.

Draft studies reported to Council 26 July 2022:

- Cowan Creek Estuary Planning Level Study (coastal inundation) & North and Middle Harbour Estuary Planning Level Study (coastal inundation).
- Geotechnical Review - Geotechnical Planning Controls.

Other sources:

- Northern Beaches Bush Fire Prone Land Map 2020.
- Flood Hazard Map.
- Newport Flood Study 2019.

- Manly Lagoon Floodplain Risk Management Study & Plan 2018.
- Towards 2040.
- Land Zoning Maps (WLEP2011, MLEP 2013, PLEP 2014).
- 2019 Aerial Photography and LIDAR.
- Nearmap 2022.
- Open Space and Recreation Strategy.

### Land Application Criteria

Identifying the character and current use of land across the Council area was an important first step in the process. For this study, it was important to distinguish the urban and non-urban areas given the differences these areas represent with respect to character, and access to transport and infrastructure (see Table 3).

Criteria – Land application	Data Description
Urban Areas	Council's urban area comprises more built-up areas along the coast along the Pittwater Road corridor, and to the west along the Warringah Road corridor.
Low Density Residential Areas	This includes urban land identified on Council's land zoning maps for the Pittwater LEP 2014, Warringah LEP 2011 and Manly LEP 2013 on lands zoned: R2 Low Density Residential; R5 Large Lot Residential; C3 Environmental Management, C4 Environmental Living and RU2 Rural Landscape lots that do not fall within the non-urban area (e.g., Warriewood). It also includes the R2 Low Density Residential zone in Terrey Hills, which is a non-urban area, as the characteristics of this area are like those found in the former Warringah LEP 2011 R2 zones.
Non-urban Areas	Non-urban Areas include the Deferred Lands, under the Warringah LEP 2000, where only low-density development is permitted at a scale of one dwelling per twenty hectares. It also includes areas zoned for rural or conservation purposes, including areas of Belrose, Terrey Hills, Duffys Forest, Ingleside, Cottage Point and offshore communities including Scotland Island, Elvina Bay, Great Mackerel Beach, Coasters Retreat and Morning Bay. Council's non-urban lands comprise the Metropolitan Rural Area (MRA), future MRA investigation area and Ingleside, which is no longer designated as a growth area due to the decision of the Department of Planning in 2022 not to proceed with the draft Ingleside Place Strategy.
Undeveloped Bushland	These are sites identified through a study of land use in the non-urban area on which to apply environmental criteria. The study was required to obtain an up-to-date record of existing land use given standard zones were not applied in the deferred lands. Undeveloped bushland sites were identified from an analysis of Nearmap and Council records and reviewed together with maps generated from technical studies. Sites not identified as 'undeveloped bushland' included sites with key infrastructure (e.g., utilities and schools), heavily cleared sites, sites with poor quality vegetation or sites where vegetation was heavily fragmented.
Parks and Reserves	Land identified in Council's Open Space and Recreation Strategy, which includes public land managed for recreation generally zoned either C2 Environmental Conservation or RE1 Public Recreation.

Table 3 - Description of Northern Beaches' Urban and Non-Urban Areas, including their status in the Metropolitan Rural Area, relevant LEP and zones considered for the Conservation Zones Review

## Environmental Criteria

A range of environmental criteria were identified with each criterion being given a 'high' or 'medium' value based on relative importance. A single 'high' value criteria was deemed sufficient to trigger inclusion of land in a conservation zone, whereas two or more 'medium' value criteria were required to trigger inclusion in a conservation zone.

Criteria – High environmental value	Data Description
Biodiversity Core Habitat	Areas of contiguous native vegetation, generally at least 3.5 hectares in area. Biodiversity Core Habitats are most representative of the original structure of natural areas and provide important habitat for threatened species. May include small areas of cleared or developed land. Source: Biodiversity Planning Review.
Threatened Ecological Communities (TECs)	Thirteen TECs listed under the <i>NSW Biodiversity Conservation Act 2016</i> (BC Act) were identified within the Northern Beaches LGA. Of these, seven TECs were also listed under the Commonwealth Environment Protection and <i>Biodiversity Conservation Act 1999</i> (EPBC Act). Source: Biodiversity Planning Review.
Threatened Species Habitat - Selected	Twenty-five threatened species listed under the BC Act and/or EPBC Act were mapped within the LGA, including: twenty-one threatened flora species listed under the BC Act, thirteen of which are also listed under the EPBC Act; and four threatened fauna species listed under the BC Act, one of which is also listed under the EPBC Act. Selected features of the threatened species mapping were considered in the conservation zones criteria. Source: Biodiversity Planning Review.
Deferred Lands Biodiversity – Threatened Ecological Communities (TECs)	Five different TECs listed under the NSW BC Act and/or EPBC Act are identified as occurring in the deferred lands. Source: Deferred Lands Biodiversity Assessment.
Deferred Lands Biodiversity - Very High Value	This includes areas adjoining protected bushland (National Parks estate), threatened species habitat (e.g., recent records of threatened flora and fauna), TECs and riparian habitat along larger creeks. Source: Deferred Lands Biodiversity Assessment.
Deferred Lands Biodiversity - High Value	Threatened species habitat (e.g., recent records of threatened flora and fauna), native vegetation (native Plant Community Types (PCTs)), habitat connectivity (large areas of habitat connecting to other large patches), riparian habitats along creeks. Source: Deferred Lands Biodiversity Assessment.
Conservation Mechanism	This could include lands with bio-certification agreements, stewardship agreements, conservation covenants or court approval requirements. Current mapping includes Council records of known Biobank Sites and Biodiversity Stewardship sites. Source: Council records.
Existing C2 Environmental Conservation zones	Land currently zoned for environmental protection where strict controls on development apply. Source: Manly LEP, Warringah LEP 2011 and Pittwater LEP.
Wetlands	Wetlands comprise natural and artificial wetlands, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands. This includes the estuarine wetlands of Careel Bay and Pittwater, freshwater wetlands at Warriewood and coastal floodplain wetlands lining the four coastal lagoons. Many wetland habitats are now recognised as endangered in NSW, emphasising the need for ongoing conservation. Source: Watercourse, Wetland and Riparian Lands Study.

Criteria – High environmental value	Data Description
Riparian Corridor Category 1	Riparian corridor that potentially supports relatively intact native vegetation and habits within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways. Source: Watercourse, Wetland and Riparian Lands Study.
Riparian Corridor Category 2	Riparian corridor that potentially supports disturbed lands within a nominated width measured from the edge of the channel. Riparian corridors comprise the nominated terrestrial environment adjoining the watercourse channel to be managed to support waterway functions, values, and long-term use and to address risks associated with waterways. Source: Watercourse, Wetland and Riparian Lands Study.
Transitional Areas	Analysis of Nearmap to identify properties that adjoin waterways, reserves with high environmental value, national parks, beaches, and headlands. This generally includes properties separated by a reserve or any unmade roads, but not properties separated by a road or car park. Source: Nearmap analysis.
Natural Open Space	Natural areas and State Parks identified in Council's Open Space and Recreation Strategy. This map was further refined to identify portions of parks and reserves managed for conservation and natural areas within adopted plans of management and a review of those lands currently zoned RE1 Public Recreation and associated uses. Source: Council records.
Heritage Conservation Areas	<p>The following heritage conservation areas were found to have high environmental value:</p> <ul style="list-style-type: none"> <li>• Warringah LEP Conservation Areas: <ul style="list-style-type: none"> <li>• Cottage Point: Waterfront Cottages (item C4)</li> <li>• South Curl Coastal Cliffs (item C14)</li> </ul> </li> <li>• Pittwater LEP Conservation Areas: <ul style="list-style-type: none"> <li>• Palm Beach: Florida Road (Item C3)</li> <li>• Palm Beach: Ocean Road (Item C4)</li> <li>• Palm Beach: Sunrise Hill (Item C6)</li> <li>• Avalon Beach: Ruskin Rowe (Item C5)</li> </ul> </li> </ul>

Table 4 - High environmental value Criteria

Criteria – Medium environmental value	Data Description
Biodiversity Corridor and Urban Tree Canopy	Biodiversity corridors identified to facilitate flora and fauna movement across the landscape, providing an important connection to areas of Biodiversity Core Habitat. Source: Biodiversity Planning Review. These areas were considered together with areas of high urban tree canopy. The urban tree canopy data was based on an analysis of Council's 2019 Aerial LIDAR (Light Detection and Ranging) data using the 'urban tapestry' method as outlined in the Greener Neighbourhood's Guide. Areas where tree canopy were greater than 50% within a 100m buffer of a 100m grid were considered when intersected with the Biodiversity Corridor. Source: 2019 Aerial LIDAR data.

Criteria – Medium environmental value	Data Description
Geotechnical Planning Class C3 Hawkesbury Sandstone with Slope > 25 degrees	Land that requires a detailed geotechnical report with most development applications. Slopes developed on Hawkesbury Sandstone are usually relatively stable, the key hazards are the potential for collapse of cliff lines, boulders falling from cliffs caused by weathering of softer layers, root jacking by trees, water pressure along open joints or undermining of large boulders. Source: Geotechnical Review - Geotechnical Planning Controls.
Geotechnical Planning Class C5 Narrabeen Group with Slope > 15 degrees	Land that requires a detailed geotechnical report for most development applications. The rocks of the Narrabeen Group are known to be relatively less stable and weather more rapidly than the Hawkesbury Sandstone. Landslides are relatively common on slopes underlain by the Narrabeen Group rocks, particularly in areas where there have been excavations into the natural slopes or concentrations of stormwater. Source: Geotechnical Review - Geotechnical Planning Controls.
Ridgelines - Escarpment	A 50m buffer was mapped of escarpments which provide scenic landscape values, they are generally vegetated given they have had limited development opportunities over time and thus contribute to the urban ecology. Source: 2019 Aerial LIDAR data.
Ridgelines - Major	A 50m buffer was mapped of ridgelines which provide scenic landscape values, they are generally vegetated given they have had limited development opportunities over time and thus contribute to the urban ecology. Source: 2019 Aerial LIDAR data.

Table 5 – Medium Environmental Value Criteria

## Hazard Criteria

As we have recently witnessed on the Northern Beaches and in other areas across the state, natural hazards present a significant risk to life and property. Best practice planning dictates that it is not appropriate to facilitate increased development in areas we know are subject to the devastation wrought by natural hazards.

Presently, hazards are mainly managed using ‘overlays’ in LEPs and other Environmental Planning Instruments, which trigger certain requirements (e.g., development on flood prone land must be built above a certain floor level). However, these ‘overlays’ do not allow Council to prohibit certain hazard- sensitive development types. Under the Standard Instrument - Principal Local Environmental Plan 2006 (Standard Instrument), Land Use Zones are the only mechanism by which we can limit unsuitable developments and further intensification of development in low density residential areas subject to natural hazards.

Council therefore considers natural hazards as an important criterion to inform conservation zones. This approach sets a clear direction for future land use and simplifies requirements and reduces uncertainty and high costs and time to applicants and assessment authorities.

There is no contemporary policy position articulated by the Department of Planning and Environment (DPE) about the best practice use of conservation zones. The DPE Practice Note is dated 2009, and other conservation zones reviews (some previously referred to as environmental zones reviews) are primarily related to rural areas. However, Council considers the use of hazards as criteria is supported by the following Policy:

1. **DPE’s guiding principles for greater resilience**, which include the need to:
  - a. **Be strategic and consider risk from natural hazards early:** by considering natural hazards at the LEP making stage
  - b. **Protect vulnerable people and assets:** by prohibiting sensitive land uses further intensification of developments that will create assets requiring protection.

- c. **Adopt an ‘all-hazards’ approach:** through the consideration of bush fire, flooding, geotechnical, coastal and estuary hazards.
  - d. **Involve the community in conversations about risk:** through the non-statutory public exhibition which provides an opportunity to discuss these matters with the community.
  - e. **Consider emergency response and evacuation:** through prohibiting land uses that would be difficult to evacuate, including Centre-based childcare facilities; Community facilities; Educational establishments; Health consulting rooms; Home-based childcare; Places of public worship; Recreation areas; Respite Day care centres; School-based childcare and tourist and visitor accommodation such as ecotourist facilities.
  - f. **Be information driven and evidence based:** Council has drawn on evidence by recently completed technical reports.
  - g. **Plan to build and rebuild for a future with changing climate:** technical reports are cognisant of climate change, and the increased frequency of natural hazards has led Council to the conclusion it must prevent further intensification of development in sensitive areas.
  - h. **Understand the relationship between natural processes and natural hazards:** This is addressed in Council’s technical reports.
2. **Towards 2040, which has been supported by the Greater Sydney Commission (GSC) for consistency with the Greater Sydney Region Plan and North District Plan.**
- a. Principle: Avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural and urban hazards.
  - b. Principle: Avoid developments in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals, and nursing homes).
  - c. Principle: Manage risks associated with sea-level rise for coastlines and beach landscapes.
3. **DPE Practice Note Criteria:**
- a. C2 Environmental Conservation zones
    - i. coastal foreshores and land subject to coastal hazards, including climate change effects.
    - ii. land currently zoned for environmental protection where strict controls on development apply, e.g., steeply sloping escarpment lands, land slip areas.
  - b. C3 Environmental Management zone
    - i. areas of special ecological, scientific, cultural, or aesthetic attributes that require management.
    - ii. highly constrained land where elements such as slope, erodible soils or salinity may have a key impact on water quality within a hydrological catchment.

Whilst it is recognised that natural hazards are present across many parts of the Council area, including areas zoned for industrial and business purposes, and medium density residential zones, Council has not considered the application of conservation zones in these areas due to Planning Directions by the Minister for Planning. Council has only applied the C3 Environmental Conservation and C4 Environmental Living zones to areas which currently only permit low density

residential development, including the R2 Low Density Residential and R5 Large Lot Residential zones.

Table 6 describes the hazard criteria identified by Council to apply the application of conservation zones. In each case, a single criterion is sufficient to trigger the inclusion of land in a conservation zone.

Criteria – Hazards	Data Description
Bush Fire Prone Land – Vegetation Category 1	Land identified on the Northern Beaches Bush Fire Prone Land Map as having the highest risk for bush fire. This excludes the 100m vegetation buffer. This map is prepared in accordance with the Guide for Bush Fire Prone Land Mapping and certified by the Commissioner of the NSW RFS under Section 10.3(2) of the <i>Environmental Planning and Assessment Act 1979</i> . Source: Northern Beaches Bush Fire Prone Land Map 2021.
Deferred Lands Bush Fire Intensity	Areas where high and very high fireline intensities (over 30,000kW/m <sup>2</sup> ) are likely in a fire event. Source: Deferred Lands Strategic Bush Fire Assessment.
Coast and Estuarine Hazards	A new proposed estuarine inundation map for inclusion in the Northern Beaches LEP/DCP. Sources: Cowan Creek Estuary Planning Level Study (coastal inundation) and North and Middle Harbour Estuary Planning Level Study (coastal inundation). It also includes land identified as coastal hazards (inundation, erosion, and bluff) in existing adopted planning controls and reports.
High and Medium Flood Risk	High Risk areas are defined as areas where there is high hazard flooding in a 1% Annual Exceedance Probability (AEP) flood scenario (equivalent to the 1 in 100-year flood). In these areas during the peak of a 1% AEP flood, the depth and velocity of floodwaters result in potentially significant issues to safety, evacuation, and structures. Medium flood risk is also known as the Flood Planning Area. It is defined as flood prone land which is affected by the 1% Annual Exceedance Probability (AEP) flood (equivalent to the 1 in 100-year flood) with a freeboard safety factor or buffer) added. Source: Adopted Flood Studies – available at <a href="https://www.northernbeaches.nsw.gov.au/environment/natural-hazards/flooding/flood-study-reports">https://www.northernbeaches.nsw.gov.au/environment/natural-hazards/flooding/flood-study-reports</a>
Low Flood Islands	A low flood island is an area where access routes are inundated by flood waters before the “island” is then submerged by the flood. They are dangerous because residents are often not aware that evacuation routes are flooding until it is too late. Low flood islands have only been used for C3 mapping if they were mapped in a Flood Study adopted by Council for a 1% Annual Exceedance Probability (AEP) flood scenario (equivalent to the 1 in 100-year flood). Sources: Newport Flood Study 2019 and Manly Lagoon Floodplain Risk Management Study & Plan 2018.
Geotech Coastal Cliffs	For land along the coastline which have slopes greater than 45 degrees, this buffer extends 20 metres inland from the crest of the steep slope or cliff, and downslope to the mean water level. Headlands are mostly near vertical cliff faces (coastal bluffs) formed within rocks of the Narrabeen Group. Studies have indicated that the overall erosion of the cliff faces is relatively slow (in human terms rather than geological time) but there is the potential at any stage for large sections of the cliff faces to collapse due to erosion and undercutting. Source: Geotechnical Review - Geotechnical Planning Controls.

Table 6 - Hazard criteria

### What did the Conservation Zones Review propose?

It was recognised that a different approach was required for the application of conservation zones in urban and non-urban areas. Land zoning maps were used to identify low density residential development in urban areas, whereas a land use survey was used to identify undeveloped bushland in non-urban areas.

Figure 6 summarises the proposed approach to the application of conservation zones in the Northern Beaches, and Table 7 shows a comparison of the proposed permitted land uses in each zone.

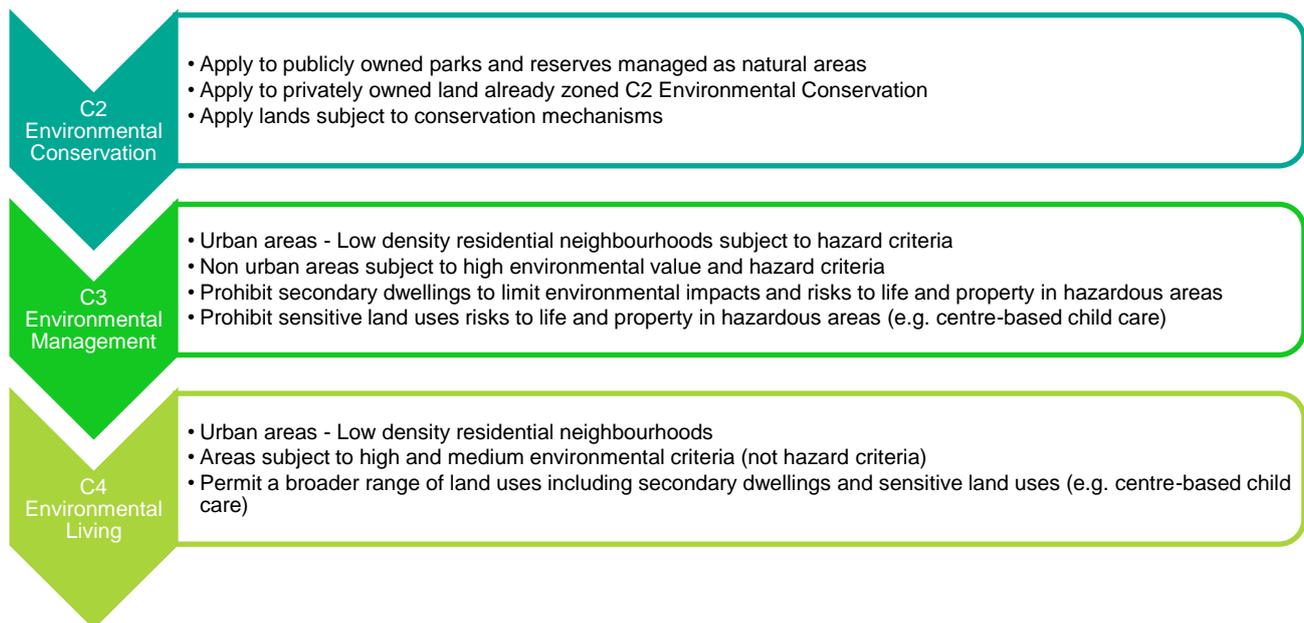


Figure 6 - Proposed approach to the application of conservation zones in the Northern Beaches

Zones and land uses*	C2 zone	C3 zone	C4 zone
Commercial			
Bed and breakfast accommodation			
Building identification signs			
Business identification signs			
Home businesses		without*	without*
Home industries		without*	without*
Home occupations		without*	without*
Community			
Centre-based childcare facilities			
Community facilities			
Educational establishments			
Health consulting rooms			
Home-based childcare			without*
Places of public worship			
Recreation areas			
Respite day care centres			
School-based childcare			
Housing			
Dwelling houses			

Zones and land uses*	C2 zone	C3 zone	C4 zone
Group home (permanent and transitional)			
Secondary dwellings			
Infrastructure and works			
Emergency services facilities			
Environmental facilities			
Environmental protection works			
Flood mitigation works			
Roads			
Water reticulation systems			
Oyster aquaculture			
Pond-based aquaculture			
Tank-based aquaculture			

Table 7 - Proposed permitted land uses for the C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones. Grey shaded cells indicate the use is permissible.

\* permissible without the need for development consent

### C2 Environmental Conservation Zone – Urban and Non-Urban Areas

The allocation of the C2 Environmental Conservation zone provides Council with an important opportunity to identify and protect lands not already protected as National Parks. For this zone, Council selected criteria to align with the following DPE Practice Note, which were:

- Lands with very high conservation values such as old growth forests, significant wildlife, wetlands or riparian corridors or land containing endangered ecological communities.
- High conservation coastal foreshores and land acquired, or proposed for acquisition, under a Coastal Lands Protection Scheme.
- Land with a registered Biobanking agreement.
- Coastal foreshores and land subject to coastal hazards, including climate change effects.
- Land currently zoned for environmental protection where strict controls on development apply, e.g., steeply sloping escarpment lands, land slip areas.

Based on the above, it was determined to apply the C2 Environmental Conservation zone to the following areas (see Table 8):

- Publicly owned parks and reserves managed as natural areas.
- Privately owned land already zoned C2 Environmental Conservation.
- Lands subject to conservation mechanisms.

In practice, the C2 zone will mainly apply to publicly owned land (Council and state government). The most notable outcome will be that several areas of Council land currently zoned for recreational purposes will be rezoned to a conservation zone, consistent with approach used in the existing Pittwater LEP 2014.

It must be noted that for public lands, and parks and reserves, a range of works can be undertaken by public authorities without consent under State Environmental Planning Policy (Transport and Infrastructure) 2021. Regardless, the allocation of the C2 Environmental Conservation zone provides an important signal of the environmental significance of this land, and the need to manage edge effects.

Criteria	C2	C3 Non-urban	C3 Urban	C4
<b>Land application criteria</b>				
Urban Areas	Yes		Yes	Yes
Low Density Residential Areas			Yes	Yes
Non-urban Areas	Yes	Yes		
Undeveloped Bushland		Yes		
Parks and Reserves	Yes			
<b>High environmental value criteria</b>				
Conservation Mechanism	1			
Existing C2 Environmental Conservation zones	1			
Natural Open Space	1			
Biodiversity Core Habitat		1		1
Threatened Ecological Communities		1		1
Threatened Species Habitat - Selected		1		1
Deferred Lands Biodiversity – Threatened Ecological Communities (TECs)		1		
Deferred Lands Biodiversity - Very High Value		1		
Deferred Lands Biodiversity - High Value		1		
Wetlands		1		1
Riparian Corridor Category 1		1		1
Riparian Corridor Category 2		1		1
Transitional Areas				1
Heritage Conservation Areas				1
<b>Medium environmental value criteria</b>				
Biodiversity Corridor and Urban Tree Canopy				0.5
Geotechnical Planning Class C3 Hawkesbury Sandstone with Slope > 25 degrees				0.5
Geotechnical Planning Class C5 Narrabeen Group with Slope > 15 degrees				0.5
Ridgelines - Escarpment				0.5
Ridgelines - Major				0.5
<b>Hazard criteria</b>				
Bush Fire Prone Land – Vegetation Category 1		1	1	
Deferred Lands Bush Fire Intensity		1	1	
Coast and Estuarine Hazards		1	1	
High and Medium Flood Risk		1	1	
Low Flood Islands		1	1	
Geotech Coastal Cliffs		1	1	
<b>Minimum Score Required</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

Table 8 – Criteria used for the C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living zones

### C3 Environmental Management Zone – Non-Urban Areas

Non-urban areas include areas zoned for rural or conservation purposes, including areas of Belrose, Terrey Hills, Duffys Forest, Ingleside, Cottage Point and “offshore communities” including Scotland Island, Elvina Bay, Great Mackerel Beach, Coasters Retreat and Morning Bay. It also includes the deferred lands, where development is permitted at a scale of one dwelling per twenty hectares. Council's non-urban lands are comprised of the Metropolitan Rural Area (MRA), future MRA investigation area and Ingleside, which is no longer designated as a growth area due to the Department of Planning's decision in 2022 to not proceed with the draft Place Strategy.

Council's non-urban lands support a variety of land uses, including extensive bushland and waterways, land that supports rural and lifestyle properties, nurseries, an equine industry and urban services such as landscape supplies. The area is also highly valued for recreation and tourism uses. Importantly, it contains critical infrastructure which requires this isolation, including three satellite telecommunication facilities, the Sydney East (electricity) substation and two waste management facilities including the Kimbriki and Belrose resource recovery centre. The isolated waterfront communities rely on infrastructure such as public wharves and ferries which are essential for the provision of goods, community and retail services and waste removal. Not all properties have access to reticulated water or sewage, requiring ongoing management to minimise environmental impacts.

The C3 Environmental Management zone is proposed to be used in non-urban areas for the following reasons:

- Most of the non-urban areas are either bush fire prone or surrounded by bush fire prone land.
- High value environmental lands are highly valued by the community and must be protected, thus the C3 Zone, coupled with larger minimum lot sizes, prevents further lot fragmentation, provides opportunities for biodiversity offsets and opportunities to revegetate streams, plant trees and improve habitat.
- The presence of hazards, particularly bushfire, means these areas are not appropriate for certain land uses considered sensitive or difficult to evacuate in an emergency, being centre-based childcare facilities; community facilities; educational establishments; health consulting rooms; home-based childcare; places of public worship; respite day care centres and school-based childcare. The prohibition of secondary dwellings also limits an increase in population in these areas. Although some hazards will not require swift evacuation as they occur over a longer time (e.g., rising sea levels), prohibiting the range of uses in this zone also limits potential risk to property and infrastructure that would be subject to damage and require protection.

A broader range of areas were considered for the application of the non-urban C3 zone, including all non-urban areas but excluding the R2 Low Density Residential Zone in Terrey Hills, the IN2 Tepko Road Industrial Area in Terrey Hills and B7 Business Park at Belrose.

The criteria considered for these areas is outlined in Table 8. It includes high value environmental and hazards criteria, any one of which will trigger inclusion in the C3 zone.

In practice, this approach will result in some land currently zoned for rural purposes in Ingleside, Terry Hills and Duffys Forest being rezoned to C3. In addition, the C3 zone will apply to parts of the deferred lands not currently used for rural purposes and which have clear environmental values.

#### Urban Areas – C3 Environmental Conservation and C4 Environmental Living Zone

Within the Urban Area, Council aims to apply the C3 Environmental Management zone to land where hazards are identified. As above, this allows Council to restrict certain sensitive land uses.

The proposed C4 Environmental Living zone, terms of permissible land uses, is like the R2 Low Density Residential zone, however in some areas the application of this zone may mean dual occupancies are not permitted (i.e., former Pittwater and Manly LEPs). Dwelling houses and secondary dwellings will be permitted, along with a range of community uses, however a development application will be required to be lodged with Council to ensure development is designed and located to protect important environmental values. "Complying" Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 would no longer be permitted.

The application of the criteria outlined in Table 8 will result in some properties currently zoned C4 under the Pittwater LEP 2014 being rezoned to R2 Low Density Residential. There will be an increase in properties zoned C4 in the Warringah LEP 2011 and Manly LEP 2014 areas whilst some properties subject to hazards will also change from a residential zone to C3 e.g., properties along Collaroy Beach and in some other coastal and flood prone areas.

It is important to note that any change in zoning will not prevent the continued use, alterations to, or rebuilding of an approved building on land where the new zone prohibits that use.

### **How else will Council protect the environment?**

It is important to note that conservation zones are not the only means by which we will protect the environment. Council's LEP/DCP Discussion Paper outlined several measures Council is proposing in the new LEP and DCP in addition to land use zoning.

The measures usually require special consideration of specific matters when assessing development applications, often based on mapping in the LEP. Many are based on technical studies undertaken by Council and include:

- Improved and updated provisions for:
  - Biodiversity
  - Geotechnical requirements
  - Coastal and estuarine hazards
  - Heritage conservation areas
  - Stormwater management
  - Waterways, wetlands, and riparian lands
  - Environmentally sensitive areas
  - Foreshore scenic protection
- Provisions not currently included in any of our Standard Instrument LEPs:
  - Tree Canopy, including deep soil requirements and tree replenishment rates
  - Landscape Controls to be introduced in the LEP
  - Flood Space Ratios Controls which will aim to reduce building bulk and currently only apply to Manly LEP will be introduced in the LEP
  - Excavation Controls will be introduced in the LEP
  - Local Character Statements

For Environmentally Sensitive Areas, Council will explore nominating select areas with high biodiversity value preventing 'complying development' to occur on site, with most proposed developments requiring development consent (i.e. lodgement of a DA to Council for assessment) to ensure impacts can be assessed. This means designation of a conservation zone is not the only means by which 'complying development' will be prevented.

### Draft Deferred Lands Strategic Bush Fire Assessment

The draft Deferred Lands Strategic Bush Fire Risk Assessment (Attachment 2) is a study of bush fire hazards and risks in the “deferred lands” i.e., parts of Belrose, Oxford Falls and Cromer subject to planning controls under the Warringah Local Environmental Plan (WLEP) 2000.

Council commissioned Meridian Urban to undertake this study to meet statutory requirements under Planning for Bush Fire Protection (PBP) 2019 and recommend new planning controls for the area which is currently subject to an older-style LEP. The study is similar in nature to the Bush Fire Risk Assessment prepared for the [Ingleside Land Release](#).

The study identifies areas with high potential “fireline” intensity, a technical term which refers to the amount of energy released per metre width of the fire edge. Fireline intensity was calculated using a model that considered a range of factors that influence fire spread including elevation, slope, weather, and vegetation (types, structures, arrangements and quantity)<sup>1</sup>. Fireline intensity provides a more detailed analysis of bushfire risk than the Bush Fire Prone Land Map which only considers vegetation types.

The Bush Fire Risk Assessment identified several areas in the deferred lands subject to high and very high fireline intensities (over 30,000kW/m<sup>2</sup>) in a fire event. It further identified:

- A large portion of the deferred lands area could be subject to landscape scale (or large scale) fire events due to the presence of large expanses of bushland in immediate proximity to the urban area, with the potential for bush fire to spread into adjoining suburbs and townships.
- Parts of the deferred lands could be subject to localised (smaller scale) fires due to the presence of smaller patches of bushland and bushland corridors which could ignite from fire spotting behaviour or ember attack.
- All areas subject to higher fireline intensities remain key higher risk locations in almost all fire weather scenarios, largely due to high fuel loads and complex topography. Complex topography refers to steep slopes and rapid changes in elevation which consist of ridges, saddles and valleys which can change bushfire behaviour and its intensity.
- Areas subject to higher fireline intensity should ideally be considered when determining land use zones to avoid land uses that would result in a high risk to life and property.

The strategic bush fire risk assessment identifies four (4) potential planning options for Council to factor into the new LEP and DCP. The preferred option recommends the use of land use zones to limit sensitive land uses in areas of higher risk and other LEP measures to limit bush fire risk to life and property, such as larger minimum lot sizes.

These recommendations have been incorporated into the Conservation Zones Review, by adopting high fireline intensity as a criterion for inclusion of land in the C3 Environmental Conservation zone.

Other LEP and DCP measures, such a minimum lot sizes, will be incorporated in the draft LEP and DCP to be publicly exhibited in 2023.

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<sup>1</sup> CSIRO, 2013, ‘Bushfires – Type, Measurement and Fuel’, Australian Government

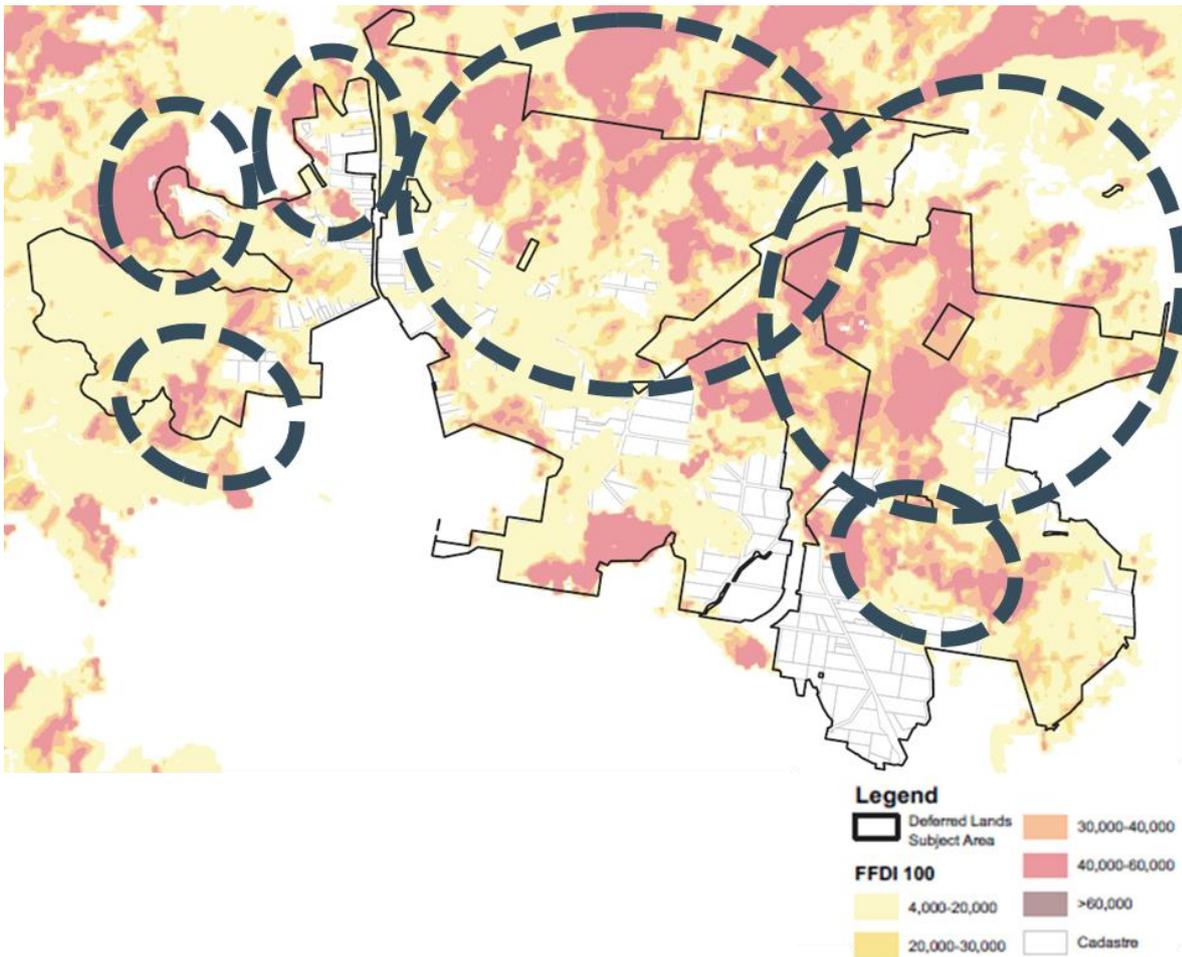


Figure 7 - Bush Fire Line Intensity Mapping - Deferred Lands - with areas greater than over 30,000kW/m<sup>2</sup> circled. Extract from the Deferred Lands Strategic Bush Fire Risk Assessment (detailed mapping will be made available online)

### Draft Deferred Lands Biodiversity Assessment

The draft Deferred Lands Biodiversity Assessment (Attachment 3 & 4) is a study of biodiversity values in the Deferred Lands. Council commissioned Arcadis to undertake this study to inform new planning controls for the area which is currently subject to an older-style LEP. The study was undertaken in two stages:

- **Stage 1 Report:** includes a detailed review and report on existing information regarding biodiversity of the deferred lands.
- **Stage 2 Report:** involved an on-ground survey, mapping and reporting of biodiversity conservation significance based on;
  - Threatened species (flora and fauna) habitat (extent and quality).
  - Threatened ecological communities (extent and quality).
  - Proximity to protected bushland.
  - Wildlife corridors or connectivity.
  - Riparian land/water sustainability.

The initial review of existing information (Stage 1 Report) identified that a substantial portion of the deferred lands had been subject to previous biodiversity studies which identified the occurrence of threatened biodiversity, particularly threatened fauna. The outcomes of surveys confirmed that the

deferred lands area contains significant threatened flora and fauna and contains patches of national and state listed Threatened Ecological Communities. It also provides a significant buffer and connectivity of suitable habitat from the protected Garigal National Park. The draft assessment identifies that approximately 68% of the deferred lands has either high or very conservation significance. Approximately 15% of the deferred lands is represented by cleared land with existing uses, most of which is identified as having lower conservation values.

As identified in Table 4, information from this study has been used to inform the C3 Conservation Management zone, including threatened species, Threatened Ecological Communities and areas identified as having either high or very high conservation significance.

The Report will also inform other LEP and DCP provisions, including a new Biodiversity Map within the LEP and more detailed provisions in the DCP. These other provisions will be part of the draft LEP and DCP to be placed on public exhibition in 2023.

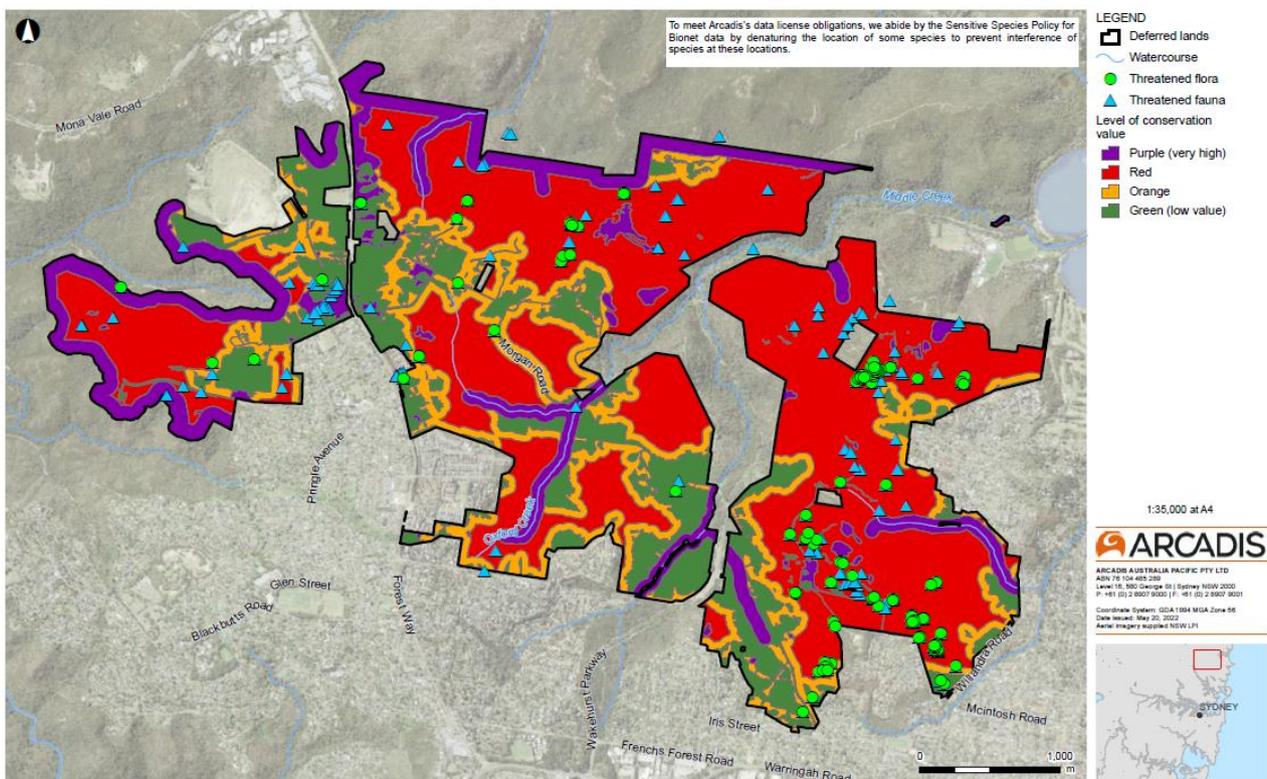


Figure 8 - Conservation value of the deferred lands - extract from *Deferred Lands Biodiversity Assessment* (detailed mapping will be made available online)

### Draft Biodiversity Planning Review

The draft Biodiversity Planning Review (Attachment 5) is part of a framework supporting development of the new LEP and DCP. Council commissioned SMEC to undertake this study to bring together existing biodiversity mapping from the three former council areas to create a new set of maps for the Northern Beaches Local Government Area (LGA).

The consolidated maps will identify important 'biodiversity values' which will be considered for inclusion as new planning controls in the new Northern Beaches LEP and DCP. They will resolve confusion resulting from different approaches across the three former councils over the last 25 years, including almost 30 different biodiversity-related planning controls which currently apply within the Northern Beaches LGA.

Biodiversity values identified in the study were:

1. Important wildlife habitats (large areas of bushland mapped as 'core habitat').

2. Habitat connectivity (mapped as 'biodiversity corridors').
3. Threatened ecological communities or 'TECs'.
4. Threatened flora and fauna species.

Map layers prepared through the study were based on the best information available and included refining base mapping by the NSW Government for 'Native Vegetation of the Sydney Metropolitan Area' (OEH, 2016) and mapping developed by the former Pittwater, Warringah and Manly Councils.

The Biodiversity Planning Review identified and mapped significant areas of core habitat (approximately 33 km<sup>2</sup>), biodiversity corridors (approximately 145 km<sup>2</sup>), threatened ecological communities (approximately 17 km<sup>2</sup>) and threatened species habitat across the LGA.

The study also identified habitat for 21 threatened plants which occur within the Northern Beaches, in addition to habitat for threatened fauna which are known to occur outside of areas of native vegetation or biodiversity corridors. The threatened fauna which has been mapped individually include the endangered populations of Little Penguins and Long-nosed Bandicoots at Manly and Flying-fox colonies.

As identified in Table 4, information from this study has been used to inform the new conservation zones, including Threatened Ecological Communities, core habitat, biodiversity corridors and select threatened species habitat. As part of this exhibition, the community are invited to review these maps and provide comment.

As with the Deferred Lands Biodiversity Assessment, the Report will inform other LEP and DCP provisions.

The new LEP biodiversity provision will be similar to the Manly and Pittwater LEP provisions, requiring consideration of biodiversity impacts for development applications in the areas mapped. For land currently covered by the Warringah LEP, bushland and biodiversity provisions which currently only exist in the DCP will also be addressed in the LEP biodiversity provisions to provide greater statutory weight in the assessment of development applications. More detailed mapping of specific biodiversity layers and related objectives for development will be included in the new DCP.

The draft Biodiversity Planning Review was subject to external peer review from an Environmental Planning perspective (EconPlan 2021). The peer review concluded that the study was suitable for evidence-based planning to inform a new LEP and DCP.

#### Draft Watercourse, Wetlands and Riparian Lands Study

The Watercourse, Wetland and Riparian Lands Study (Attachment 6) has been prepared to help protect, enhance, and restore watercourses, wetlands, and riparian land by providing a consistent and evidence-based approach to identifying and mapping watercourses across the Northern Beaches. As part of the Study, Council commissioned BMT Commercial Australia Pty Ltd to review existing watercourse and riparian planning controls across the three former Councils and provide updated mapping and recommendations for a new LEP and DCP.

Watercourses, wetlands, and the riparian land surrounding them are important ecological systems that support aquatic and terrestrial habitat and wildlife, provide connectivity and biodiversity, reduce impacts from stormwater runoff and pollution, and contribute to the character, aesthetics, and recreational value of the local area. It is important to protect these areas not only for their own intrinsic significance, but also for the benefits they provide in terms of the quality of downstream waterbodies and in modulating flood response.

Council must consider the environmental impacts and risks associated with development adjacent to watercourses and wetlands prior to granting development consent. The three former Councils

mapped and assessed watercourses and wetlands differently, and as such this Study has been necessary to provide a consistent mapping methodology across the LGA.

The outcomes of the Study include:

- Accurate mapping to help protect or improve the environmental values and functioning of watercourses, wetlands, and riparian land.
- Key terms and definitions regarding watercourses, wetlands, and riparian land.
- New proposed watercourse and wetland maps including proposed riparian corridors and buffers for inclusion in the Northern Beaches LEP/DCP.

As identified in Table 4, information from this study has been used to inform the new conservation zones, including wetlands and riparian corridors. The study and maps also form part of this public exhibition, which also includes maps for riparian buffers.

The Study will inform other LEP and DCP provisions which will be placed on public exhibition with the draft LEP and DCP in 2023. As outlined in the LEP/DCP Discussion Paper, Council proposes a single Northern Beaches LEP clause that includes objectives to protect or improve the environmental values and functioning of waterways and riparian land and to manage risk associated with these areas. The clause will also contain matters to consider during assessment, including water quality, bed and bank stability, aquatic and riparian habitats, ecological processes, and riparian areas.

The draft DCP will include more detailed watercourse and riparian maps that show categories of riparian land, with different objectives and requirements depending on environmental sensitivity and risk.

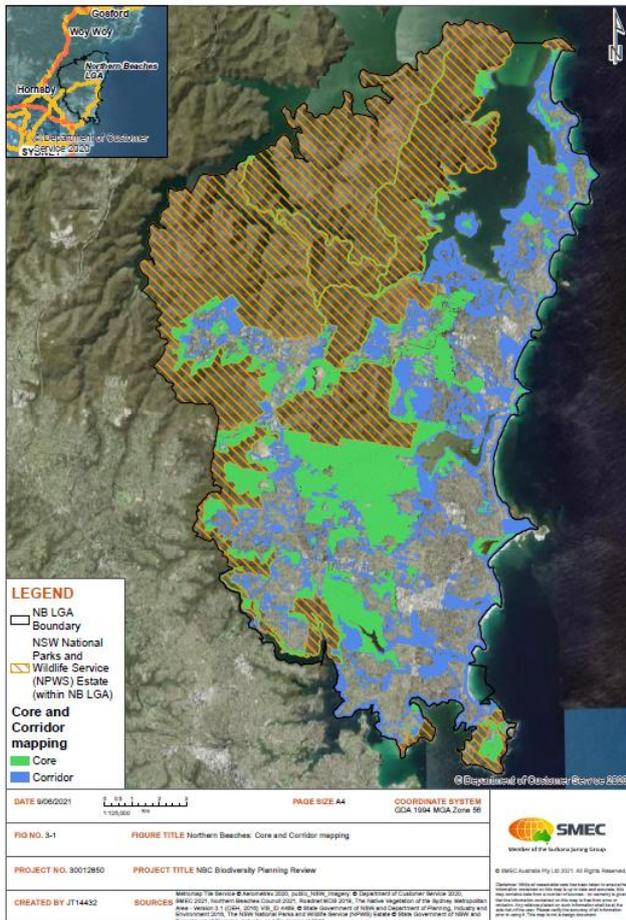


Figure 9 – Core and corridor mapping from Biodiversity Planning Review. Detailed mapping available online.

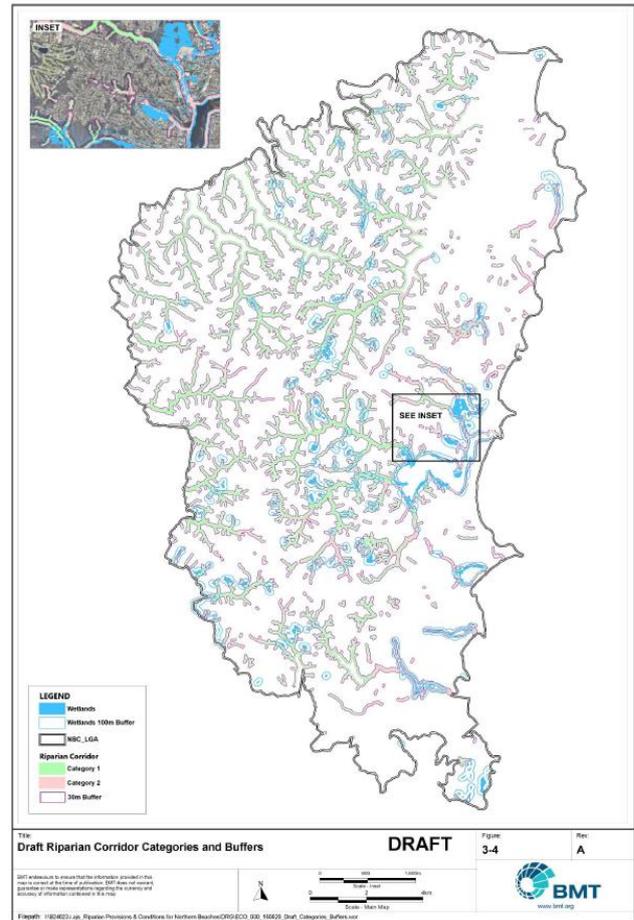


Figure 10 – Draft riparian corridor categories and buffers. Detailed mapping available online.

## CONSULTATION

The Conservation Zones Review and technical studies have been informed by community engagement undertaken through Council’s Planning our Sustainable Future Program. This includes the public exhibition of Towards 2040, LEP/DCP Discussion Paper, Environment Study, and the facilitation of five online community focus group workshops in 2021 and accompanying online survey.

Following adoption of this Council Report, it is proposed to publicly exhibit the relevant studies and provide residents an opportunity to comment on the methodology, relevant studies, proposed zoning, and maps.

The engagement approach will include videos, webinars, and letters to affected community members. The project website will include both high level and detailed information, and an interactive online map with the proposed zones and maps produced from technical studies. Council will promote the exhibition via email and social media. Staff will be available to respond to enquiries and meet with residents and community groups.

Through this exhibition Council aims to raise awareness of the Conservation Zones Review and continuing momentum for the Planning Our Sustainable Future program. Council will aim to clearly articulate recommended changes to zoning and how these impact residents and the environment.

It is important to note that Council is in the early stages of resolving the future conservation zones. This public exhibition is a non-statutory (i.e., non-mandatory) public exhibition, and will be followed by a statutory public exhibition in 2023 of the Northern Beaches LEP and DCP, including all land

use zones. A report on the outcomes of the public exhibition will be published once the analysis is complete.

### **TIMING**

The proposed schedule is as follows:

- Public exhibition – 8 weeks commencing early September 2022
- Community consultation outcomes report – on completion of analysis
- Draft LEP/DCP report to Council, including finalised Conservation Zones Review Report – Early 2023
- Public exhibition draft LEP/DCP – Mid/Late 2023

### **LINK TO STRATEGY**

This report relates to the Community Strategic Plan Outcome of:

- Protection of the environment - Goal 1 Our bushland, coast and waterways are protected for their intrinsic value
- Protection of the environment - Goal 2 Our environment is resilient to natural hazards and climate change
- Protection of the environment - Goal 3 Our community is well-supported in protecting and enhancing the environment to ensure safe and sustainable use
- Community and belonging - Goal 7 Our diverse community is supported to participate in their chosen cultural life

It also relates to the following Priorities and principles within Council's Local Strategic Planning Statement, Towards 2040:

- Priority 1 - Healthy and valued coast and waterways
  - Principle: Protect and enhance the natural blue grid and the community's environmental values and uses for the coast and waterways; Protect and enhance the ecological condition of coastal areas, catchments (including groundwater aquifers), waterways (wetlands, watercourses, lagoons, and estuaries) and their riparian areas.
- Priority 2 - Protected and enhanced bushland and biodiversity
  - Principle: Ensure future developments avoid, then minimise, impacts on bushland before offsetting is considered.
- Priority 6 - High quality open space for recreation:
  - Principle: Ensure access to natural open space and waterways is sustainable so that these areas are preserved for the future
- Priority 8 - Adapted to the impacts of natural and urban hazards and climate change:
  - Principle: Avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural and urban hazards
  - Principle: Avoid developments in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals and nursing homes).

- Principle: Manage risks associated with sea-level rise for coastlines and beach landscapes.

## FINANCIAL CONSIDERATIONS

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

## SOCIAL CONSIDERATIONS

The Conservation Zones Review considers social impacts including alignment with the Northern Beaches community's vision for a safe, inclusive, and connected community that lives in balance with our extraordinary coastal and bushland environment.

Consideration of hazards within the conservation zones allows Council to avoid intensification of development, inappropriate development and incompatible land uses in areas exposed to natural hazards. It will also help Council to ensure developments are avoided in high-risk areas that are difficult to evacuate or would be occupied by at risk members of the community (including schools, hospitals, and nursing homes).

## ENVIRONMENTAL CONSIDERATIONS

The Conservation Zones Review and technical studies aim to inform a new LEP and DCP as follows:

- Conservation zones to restrict inappropriate and incompatible land uses in areas with important environmental and hazard values.
- LEP and DCP provisions which will be drafted following resolution of the Conservation Zones Review, including maps and requirements, such as the need for studies to accompany development applications.

## GOVERNANCE AND RISK CONSIDERATIONS

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

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

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

The DCP will be finalised following a mandatory public exhibition and Council approval.

<b>ITEM 12.2</b>	<b>VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT</b>
<b>TRIM FILE REF</b>	<b>2022/425081</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

To report to Council the variations to development standards granted under Clause 4.6 of the *Manly Local Environmental Plan* (MLEP 2013), *Pittwater Local Environmental Plan* (PLEP 2014), and *Warringah Local Environmental Plan* (WLEP 2011 & WLEP 2000), as required by the NSW Department of Planning and Environment.

#### EXECUTIVE SUMMARY

During the period 1 April 2022 to 30 June 2022, the following variations were granted:

- 11 variations under Clause 4.6 of Pittwater Local Environmental Plan 2014
- 26 variations under Clause 4.6 of Manly Local Environmental Plan 2013
- 19 variations under Clause 4.6 of Warringah Local Environmental Plan 2011

The following variations were granted outside of the reporting period:

- 1 variation under Clause 20 of Warringah Local Environmental Plan 2000 (Determined 2.3.2022)
- 1 variation under Clause 4.6 of Warringah Local Environmental Plan 2011 (Determined 7.9.2018)

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#### RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council note the Development Applications approved with variations to development standards during the period 1 April 2022 to 30 June 2022, and outside this period as noted above.

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**REPORT**

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**BACKGROUND**

The following tables show all variations to development standards approved during the period 1 April 2022 to 30 June 2022, except for two applications that were approved outside the period, for each of the LEPs in the Northern Beaches LGA, and whether the determination was made by staff under delegated authority or by a determination panel.

A total of 56 Development Applications were approved with a clause 4.6 variation during the quarter. A total of 373 Development Applications were approved during the quarter – noting that the total number of applications (including Modification and Review Applications) approved in the quarter totaled 498.

Northern Beaches Council has two external panels, being the Northern Beaches Local Planning Panel (NBLPP) and the Sydney North Planning Panel (SNPP). The internal determination panel is known as the Development Determination Panel (DDP).

It is noted that Council is currently preparing a new Local Environmental Plan. The development standards for both height and floor space ratio will be reviewed, and the review will consider the extent and circumstances in which the existing development standards have been varied using clause 4.6.

The following applications had a Clause 4.6 variation request granted during the period of 1 April 2022 to 30 June 2022, except for one application related to a property at 18 Windermere Place Wheeler Heights which was determined in 2018 which had not previously been reported.

Full details of the variations sought to the LEP development standards under clause 4.6 and the reasons for the variations being granted are included in the development assessment report for each development application and are available for public viewing on DA tracking on the Council website.

**Pittwater LEP2014**

App No.	Address	Category of Development	Development Standard Varied	Variation, Control & Approval	Determined By
DA2020/1762	316 Hudson Parade CLAREVILLE NSW 2107	Residential - Alterations and additions  Proposed Boat shed	4.3 Height of buildings	Variation: 34% Control: 4m Proposal: 5.35m	NBLPP
DA2022/0037	79 Prince Alfred Parade NEWPORT NSW 2106	Residential - Alterations and additions	4.3 Height of buildings	Variation: 8% Control: 8.5m Proposal: 9.18m	Delegated
DA2021/2310	17 Belvedere Parade MONA VALE NSW 2103	Residential - Alterations and additions	4.3 Height of buildings	Variation: 7.05% Control: 8.5m Proposal: 9.1m	Delegated
DA2021/2364	121 Pacific Road PALM BEACH NSW 2108	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 2% Control: 8.5m Proposal: 8.675m	Delegated

DA2021/0708	36 Sturdee Lane LOVETT BAY NSW 2105	Residential - Single new detached dwelling	7.8 Limited development on foreshore area	Variation: Non-numerical development standard  Control: Building footprint must not extend further into the foreshore area  Proposal: Proposed works will extend into the foreshore area by 2.7m	NBLPP
DA2021/2170	106 Iluka Road PALM BEACH NSW 2108	Residential - Alterations and additions	4.3 Height of buildings	Variation: 6.47% Control: 8.5m Proposal: 9.05m	DDP
DA2022/0166	33A Queens Avenue AVALON BEACH NSW 2107	Residential - Alterations and additions  Pergola over an existing deck.	4.3 Height of buildings  Existing dwelling exceeds height control.	Variation: 21.17% Control: 8.5m Proposal: 10.3m	DDP
DA2021/2435	40 Hillcrest Avenue MONA VALE NSW 2103	Residential - Alterations and additions	7.8 Limited development on foreshore area	Variation: Non-numerical development standard  Control: Building footprint must not extend further into the foreshore area  Proposal: Proposed works will extend into the foreshore area by 2.4m	NBLPP
DA2022/0216	45 Wimbledon Avenue NORTH NARRABEEN NSW 2101	Residential - Single new detached dwelling	7.8 Limited development on foreshore area	Variation: Non-numerical development standard  Control: Building footprint must not extend further into the foreshore area  Proposal: Proposed works will extend into the foreshore area by 3.5m	NBLPP

DA2022/0150	2089A Pittwater Road CHURCH POINT NSW 2105	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 15.9% Control: 8.5m Proposal: 9.85m	DDP
DA2022/0288	1011 Barrenjoey Road PALM BEACH NSW 2108	Residential - Single new detached dwelling	4.3 Height of buildings	Variation: 4.7% Control: 8.5m Proposal: 8.9m	Delegated

**Manly LEP 2013**

App No.	Address	Category of Development	Development Standard Varied	Variation, Control & Approval	Determined By
DA2021/1020	41 Gurney Crescent SEAFORTH NSW 2092	Residential - Alterations and additions	4.3 Height of buildings	Variation: 13.7% Control: 8.5m Proposal: 9.67m	DDP
DA2021/1699	31 West Street BALGOWLAH NSW 2093	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	Variation: 10.5% Control: 8.5m Proposal: 9.4m  Variation: 13.4% Control: 0.5:1 (343.4m <sup>2</sup> ) Proposal: 0.567:1 (389.57m <sup>2</sup> )	DDP
DA2021/2337	8A Linkmead Avenue CLONTARF NSW 2093	Residential - Alterations and additions	4.3 Height of buildings	Variation: 12% Control: 8.5m Proposal: 9.69m	DDP
DA2021/2409	1/9, 5/9 & 9 Eustace Street MANLY NSW 2095	Residential - Alterations and additions	4.4 Floor space ratio  Existing building exceeds FSR control.	Variation: 24.6% Control: 0.75:1 (523m <sup>2</sup> ) Proposal: 0.93:1 (651.9m <sup>2</sup> )	NBLPP
DA2022/0082	39A Cutler Road CLONTARF NSW 2093	Residential - Alterations and additions  (Studio above garage)	4.4 Floor space ratio  Existing approved development exceeds the FSR control.	Variation: 36.28% Control: 0.4:1 (188.8m <sup>2</sup> ) Proposal: 0.545:1 (257.3m <sup>2</sup> )	DDP
DA2022/0255	61 Wanganella Street BALGOWLAH NSW 2093	Residential - Alterations and additions	4.4 Floor space ratio	Variation: 6.28% Control: 0.5:1 (167.85m <sup>2</sup> ) Proposal: 0.53:1 (178.4m <sup>2</sup> )	Delegated
DA2021/1400	88 Bower Street MANLY NSW 2095	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	Variation: 13.7% Control: 8.5m Proposal: 9.67m  Variation: 20% Control: 0.45:1 (331.2m <sup>2</sup> ) Proposal: 0.54:1 (393.7m <sup>2</sup> )	DDP

DA2021/2038	12B West Street BALGOWLAH NSW 2093	Residential - Single new detached dwelling	4.3 Height of buildings  Significant slope on site.	Variation: 20.3% Control: 8.5m Proposal: 10.225m	DDP
DA2022/0020	28 Cliff Street MANLY NSW 2095	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio	Variation: 6% Control: 8.5m Proposal: 9.01m  Variation: 9.99% Control: 0.6:1 (142.2m <sup>2</sup> ) Proposal: 0.66:1 (156.4m <sup>2</sup> )	Delegated
DA2022/0356	2 / 67 & 67 New Street BALGOWLAH HEIGHTS NSW 2093	Residential - Alterations and additions	4.4 Floor space ratio  Existing building does not comply with the floor space ratio control.	Variation: 29.12% Control: 1:1 (271.9m <sup>2</sup> ) Proposal: 1.29:1 (351.07m <sup>2</sup> )	NBLPP
DA2022/0199	13 Austin Street FAIRLIGHT NSW 2094	Other	4.4 Floor space ratio	Variation: 4.8% Control: 0.6:1 (257.94m <sup>2</sup> ) Proposal: 0.629:1 (270.7m <sup>2</sup> )	Delegated
DA2022/0299	51 Alexander Street MANLY NSW 2095	Residential - Alterations and additions	4.4 Floor space ratio	Variation: 2.61% Control: 0.6:1 (267.42m <sup>2</sup> ) Proposal: 0.61:1 (274.4m <sup>2</sup> )	Delegated
DA2021/2626	36 Gurney Crescent SEAFORTH NSW 2092	Residential - Alterations and additions	4.3 Height of buildings  4.4 Floor space ratio  Significant slope on site.	Variation: 44.71% Control: 8.5m Proposal: 12.3m  Variation: 29.75% Control: 0.4:1 (375.04m <sup>2</sup> ) Proposal: 0.52:1 (486.60m <sup>2</sup> )	DDP
DA2022/0130	135 Seaforth Crescent SEAFORTH NSW 2092	Residential - Alterations and additions  (Suspended hard stand carparking spaces and minor additions to dwellings)	4.3 Height of buildings  4.3A Special height provisions  4.4 Floor space ratio  Significant slope of site.	Variation: 26.12% Control: 8.5m Proposal: 10.72m  Variation: 1.78% Control: RL64.92 Proposal: RL64.04  Variation: 8.14% Control: 0.4:1 (259.92sm <sup>2</sup> ) Proposal: 0.433:1 (281.07m <sup>2</sup> )	DDP
DA2021/2054	243 Pittwater Road MANLY NSW 2095	Commercial/Ret ail/Office (Harris Farm site)	4.3 Height of buildings  Existing structure is 11.6m and	Variation: 18.8% Control: 8.5m Proposal: 10.1m	NBLPP

			exceeds height control.		
DA2021/2081	21 White Street BALGOWLAH NSW 2093	Residential - Alterations and additions	4.4 Floor space ratio  Existing dwelling exceeds the FSR control)	Variation: 29% Control: 0.5:1 (183.95m <sup>2</sup> ) Proposal: 0.7:1 (256.5m <sup>2</sup> )	DDP
DA2022/0093	56 Woodland Street BALGOWLAH HEIGHTS NSW 2093	Residential - New second occupancy	4.3 Height of buildings  Variation due to chimney structure and small part of roof.	Variation: 20% Control: 8.5m Proposal: 10.5m	DDP
DA2022/0340	21 Parkview Road FAIRLIGHT NSW 2094	Residential - Alterations and additions	4.4 Floor space ratio  Small variation of 27m <sup>2</sup> .	Variation: 18.05% Control: 0.6:1 (150.78m <sup>2</sup> ) Proposal: 0.708:1 (178m <sup>2</sup> )	DDP
DA2021/2634	33 Barrabooka Street CLONTARF NSW 2093	Residential - Alterations and additions	4.4 Floor space ratio	Variation: 8.35% Control: 0.4:1 (295.8m <sup>2</sup> ) Proposal: 0.43:1 (320.5m <sup>2</sup> )	Delegated
DA2022/0411	1/55, 2/55 & 55 Wanganella Street BALGOWLAH NSW 2093	Residential - Alterations and additions	4.3 Height of buildings	Variation: 8.2% Control: 8.5m Proposal: 9.2m	Delegated

### Warringah LEP 2011

App No.	Address	Category of Development	Development Standard Varied	Variation, Control & Approval	Determined By
DA2022/0065	11 Ozone Street FRESHWATER NSW 2096	Residential - Alterations and additions	4.3 Height of buildings	Variation: 9.91% Control: 8.5m Proposal: 9.342m	Delegated
DA2022/0032	6 Stephen Street BEACON HILL NSW 2100	Residential - Alterations and additions	4.3 Height of buildings	Variation: 3.5% Control: 8.5m Proposal: 8.8m	Delegated
DA2022/0068	18 - 22 Dale Street BROOKVALE NSW 2100	Commercial/Ret ail/Office  (Construction of a vergola)	4.3 Height of buildings  Existing building does not comply with the building height standard	Variation: 18.36% Control: 11m Proposal: 13.02m	NBLPP
DA2021/1620	29 & 31 Moore Road FRESHWATER NSW 2096	Commercial/Ret ail/Office  (Harbord Hotel)	4.3 Height of buildings  Existing building does not comply with building height control,	Variation: 25.9% Control: 8.5m Proposal: 10.7m	NBLPP

DA2021/2113	27 Beacon Avenue BEACON HILL NSW 2100	Residential - Alterations and additions	4.3 Height of buildings	Variation: 6.24% Control: 8.5m Proposal: 9.03m	Delegated
DA2021/2588	1-21/69 & 69 Evans Street FRESHWATER NSW 2096	Residential - Alterations and additions  (Constriction of 3 awnings on existing building located at Harbor Diggers Club site.	4.3 Height of buildings  Existing building does not comply with building height standard.	Variation: 336.24% Control: 8.5m Proposal: 28.58m	NBLPP
DA2022/0390	39 Marlborough Avenue FRESHWATER NSW 2096	Residential - Alterations and additions	4.3 Height of buildings	Variation: 6.8% Control: 8.5m Proposal: 9.08m	Delegated
DA2021/1807	33 Robertson Road NORTH CURL NSW 2099	Residential - Alterations and additions	4.3 Height of buildings	Variation: 1.3% Control: 8.5m Proposal: 8.61m	Delegated
DA2021/2326	41 Cumberland Avenue COLLARROY NSW 2097	Residential - Alterations and additions	4.3 Height of buildings	Variation: 5.29% Control: 8.5m Proposal: 8.95m	DDP
DA2021/1892	68 - 90 Evans Street FRESHWATER NSW 2096	Mixed	4.3 Height of buildings	Variation: 78.8% Control: 8.5m Proposal: 15.2m	NBLPP
DA2022/0141	5 Arana Street MANLY VALE NSW 2093	Residential - Alterations and additions	4.3 Height of buildings	Variation: 3.5% Control: 8.5m Proposal: 8.8m	Delegated
DA2022/0545	106 Carawa Road CROMER NSW 2099	Residential - Alterations and additions	4.3 Height of buildings	Variation: 2.4% Control: 8.5m Proposal: 8.7m	Delegated
DA2022/0542	12 Kirkstone Road WHEELER HEIGHTS NSW 2097	Residential - Alterations and additions	4.3 Height of buildings	Variation: 5.76% Control: 8.5m Proposal: 8.99m	Delegated
DA2021/1508	882A Pittwater Road DEE WHY NSW 2099	Mixed	SEPP ARH cl.30(1)(h) - Motorcycle parking	Variation: 100% Control: 4 spaces Proposal: 0 spaces	NBLPP
DA2022/0357	22 Alkira Circuit NARRAWEENA NSW 2099	Residential - Alterations and additions	4.3 Height of buildings	Variation: 4.71% Control: 8.5m Proposal: 8.9m	Delegated
DA2021/1636	7 Crown Road QUEENSCLIFF NSW 2096	Residential - Alterations and additions	4.3 Height of buildings  Significantly sloped site results in variation to building height.	Variation: 15.3% Control: 8.5m Proposal: 9.8m	DDP
DA2022/0661	29 Woodbine Street NORTH BALGOWLAH NSW 2093	Residential - Alterations and additions	4.3 Height of buildings	Variation: 3.76% Control: 8.5m Proposal: 8.82m	Delegated

DA2021/1341	3 Brookvale Avenue BROOKVALE NSW 2100	Residential - New multi-unit	4.3 Height of buildings	Variation: 7.06% Control: 8.5m Proposal: 9.1m	DDP
DA2022/0175	5 Cambridge Avenue NARRAWEENA NSW 2099	Residential - Alterations and additions	4.3 Height of buildings  Slope of site results in variation to building height.	Variation: 14.1% Control: 8.5m Proposal: 9.7m	DDP
DA2018/1220	18 Windermere Place WHEELER HEIGHTS NSW 2097	Residential - Alterations and additions	4.3 Height of buildings	Variation: 7.64% Control: 8.5m Proposal: 9.15m	Delegated

### Warringah LEP 2000

The following development application had a Clause 20 variation (equivalent to a 4.6 variation) request granted during the prior period of 1 January 2022 to 31 March 2022. Clause 20 variations in WLEP 2000 are equivalent to a clause 4.6 under a standard instrument LEP.

App No.	Address	Category of Development	Development Standard Varied	Variation, Control & Approval	Determined By
DA2021/1413	2 Challenger Drive BELROSE NSW 2085	Installation of satellite dishes	Locality C8 Belrose North Building Height	Variation: 52.9% Control: 8.5m Proposal: 13m	NBLPP

### CONSULTATION

Variations to development standards lodged as part of a Development Application are made available to the community for comment on Council's Application Search, during the prescribed exhibition period and are available for viewing at all other times.

### TIMING

Not applicable.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environmental sustainability - Goal 5 Our built environment is developed in line with best practice sustainability principles. Strategy (a): "ensure integrated land use planning balances the environmental, social and economic needs of present and future generations".

### FINANCIAL CONSIDERATIONS

The costs associated with the assessment of variations are part of the Development Application assessment process.

### **SOCIAL CONSIDERATIONS**

All Development Applications are required to consider social impacts through section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### **ENVIRONMENTAL CONSIDERATIONS**

All Development Applications are required to consider environmental impacts through section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### **GOVERNANCE AND RISK CONSIDERATIONS**

Reporting variations to Council satisfies NSW Department of Planning, Industry and Environment requirements and provides transparency in decision making, in addition to publishing this information on Council's website, reduces risk to the organisation.

## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

<b>ITEM 13.1</b>	<b>PROPOSED ROAD RESERVE CLOSURE AND SALE OF COUNCIL LAND ADJOINING 58 HERBERT AVENUE, NEWPORT</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY</b>
<b>TRIM FILE REF</b>	<b>2021/352225</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a> Road Reserve Closure Plan - 58 Herbert Avenue, Newport (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a> Community Engagement Report (Included In Attachments Booklet)</b> <b>3 <a href="#">⇒</a> Further Site Information - 58 Herbert Ave Newport (Included In Attachments Booklet)</b>

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### SUMMARY

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#### PURPOSE

To consider a proposal to close and sell a portion of road reserve adjacent to 58 Herbert Avenue, Newport to the adjoining owners.

#### EXECUTIVE SUMMARY

The owners of 58 Herbert Avenue, Newport (the applicant) have applied to Council to formally close and subsequently purchase a section of road reserve in accordance with the *Roads Act 1993* and Council's Property Management Policy No 200.

The subject road reserve has an area of approximately 67.2 sqm. The location of the subject land is shown in Attachment 1 of this report – Area of Proposed Road Reserve Closure adjacent to 58 Herbert Avenue, Newport.

The applicant intends to later submit a Development Application to Council to construct a car port and improve access into their property. Off-street parking in this particular street provides a road safety and amenity benefit and Council has in the past sold road reserve land in front of number 60, 64, 66 and 68 Herbert Avenue to facilitate off-street parking.

During the public notification period for this matter, Council received a number of objections to the proposed closure and subsequent sale of land as well as a number of submissions supporting of the proposed road reserve closure. The main theme of the objections was the loss of public amenity and the potential loss of green open space. Given the land is not currently able to be accessed by the public, loss of access to public land by the community is not considered significant in this situation.

Council's officers have determined that the subject land is surplus to Council's requirements and is appropriate to be closed and subsequently sold. This matter was presented to the Property Steering Committee and the committee is in support of the proposed closure and subsequent sale.

In accordance with the Roads Act, the proceeds from the sale of the road reserves will be utilised for road related outcomes such as to provide financial resources to assist with ongoing road works and will provide financial assistance for high priority road asset improvements.

## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Authorise closure under the provisions of the *Roads Act 1993* for the road reserve identified in this report being part Herbert Avenue, Newport adjacent to 58 Herbert Avenue, Newport.
  2. Authorise disposal of the subject land in accordance with Council's Property Management Policy No. 200, to the owners of 58 Herbert Avenue, Newport for an amount in line with formal valuation advice undertaken by an independent qualified valuer and subject to the land being consolidated with the adjoining land at 58 Herbert Avenue, Newport.
  3. Delegate authority to the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.
  4. Authorise all costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.
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## REPORT

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### BACKGROUND

The owners of 58 Herbert Avenue, Newport applied to Council to formally close and purchase a section of road reserve adjoining the frontage of 58 Herbert Avenue, Newport (Lot 149 in DP 13457) in accordance with the following:

- Council's Road Reserve Policy No. 193 and Pittwater Streetscape Management Guidelines (adopted 2 April 2012)
- Council's Property Management Policy No.200
- *Roads Act 1993*.

The subject land is approximately 67.2 square metres and is shown in Attachment 1 of this report.

Herbert Avenue is a narrow cul-de-sac road and difficult to navigate when vehicles are parked on either side. Enabling property owners to secure off street parking provides safety benefits to both pedestrians and motorists using this road.

The purpose of the proposed road reserve closure is for the adjoining owner to subsequently purchase the road reserve land to then incorporate the road reserve land with their adjoining property, which will formalise the existing off-street parking.

Council has in the past sold road reserve land in front of number 60, 64, 66 and 68 Herbert Avenue to facilitate off-street parking. The former Pittwater Council considered and approved the closure and sale of the road reserve in 2013 to the then owners of 58, 64, and 66 Herbert Avenue, the then owner of 58 chose not to proceed with the application to finalise the matter. A further application to progress the closure was received in 2015 from new owners which was subsequently withdrawn. The current owners acquired the property in 2019 and enquired about progressing the former road closure application in 2020.

During the April/May 2021 public notification period of this proposal, Council received three objections to the proposed road closure. The details of the submissions are attached to this report in Attachment 2.

The zoning of the subject land is E4 – Environmental Living, which is consistent with the adjoining land zoning in accordance with Pittwater LEP 2014.

As the subject land is not a marketable parcel, Council can consider the sale of this land to an adjoining owner in accordance with the Policy. An additional requirement of the Policy is that the road reserve land that is closed and sold must be consolidated with the adjoining land owned by the purchaser.

### CONSULTATION

Council has undertaken statutory notification of the road reserve closure proposal in accordance with the *Roads Act 1993*. This included a notice on Council's webpage and letters to adjoining/nearby property owners and service authorities.

Internal stakeholder consultation was undertaken, which sought comments from the following Council Teams: Transport & Civil Infrastructure Assets, Bushland Biodiversity, Strategic & Place Planning, Tree Services, Parks & Recreation, Development Engineers, Stormwater & Flood Plain Engineering, Legal Counsel and Property.

The public notification period occurred for 35 days and Council is required to consider and address all submissions received from neighbouring owners and various authorities. The public notice period commenced on 9 April 2021 and concluded on 13 May 2021.

Submission received:

i. **Authorities:**

Seventeen authorities were consulted and there was one objection received from Jemena Pty Ltd (gas), which was subsequently withdrawn.

ii. **Adjoining residents/Newport Residents Association**

The proposal has been notified to 8 neighbouring properties at 62, 55, 60, 56, 68, 57, 59 and 49 Herbert Avenue none of whom have any objections to the proposed closure and future sale.

A notice on Council's webpage notified the greater Northern Beaches community. Council received 7 submissions on the proposal during the notification period. A summary of the submissions can be found in Attachment 2 (Community Engagement Report).

During the consultation period, a Council staff representative raised the matter at a meeting of the Newport Residents' Association and reported that they had no issues or concerns about the proposal.

The submissions by theme are listed below along with Council's response:

Theme	What we heard	Council's response
<b>Loss of access to public land</b>	<p>Public land should not be sold off to landowners.</p> <p>The proposal will result in loss of access to this land for the public.</p> <p>Why has the parcel of land been allowed to be taken from the Reserve?</p>	<p>The land is public road reserve (approximately 20m wide) created at the time of subdivision on which the public road carriageway (approximately 5m wide) has been constructed to provide access to the lots created for dwellings – if the land is surplus to the road requirements, Council is able to close and dispose of it in accordance with the Section 38B of the <i>Roads Act, 1993</i>.</p> <p>The subject land only provides access to the adjoining land at 58 Herbert Avenue. Due to the nature of the road reserve dropping away from the road a safety fence is in place which currently prevents any public access.</p> <p>Council is not considering widening the constructed roadway in the future and any potential future footpath would be constructed on the opposite side of the road reserve. Therefore, Council considers the subject land as surplus to road requirements.</p> <p>Council has in the past sold road reserve land in front of number 60, 64, 66 and 68 Herbert Avenue.</p>
<b>Protection of flora and fauna</b>	<p>Trees and green "patches". need to be protected in this area.</p> <p>It is a bushland area and potentially provides</p>	<p>Once the land has been closed and sold to the adjacent owner, any proposed structures on the land will need to be assessed and approved under a Development Application in accordance with Council's LEP and DCP.</p> <p>It is during this stage that the assessment takes into consideration which area can be built on and to ensure</p>

	<p>increasingly scarce habitat for wildlife.</p> <p>Suggestion that the land be maintained as a green corridor and not used to erect any built structures.</p>	<p>that such development will not detract from local amenity or impact trees.</p> <p>Based on the adjacent carport at 60 Herbert Ave, a single elevated similar styled carport would be able to be accommodated between the existing spotted gum and the site boundary.</p>
<b>Use of the street</b>	<p>Many people use this area to sit and walk dogs and they will lose this access.</p>	<p>Due to the steepness of the terrain, local residents do not currently access this strip of road reserve land.</p> <p>The land falls approximately 4.5m from the bitumen road edge to the property boundary of the applicant.</p> <p>There is a buffer area that is retained by Council for access and maintenance to the road and Council does not support the closure of the full depth of the road reserve.</p> <p>Council has previously sold road reserve land in front of properties at 60, 64, 66 and 68 Herbert Avenue.</p>
<b>Safety and congestion</b>	<p>Herbert Street is narrow and on street parking creates safety issues and congestion.</p> <p>Council should provide off-street parking to ensure safety of pedestrians and drivers.</p>	<p>In streets such as Herbert Ave, where the street is very narrow and the terrain is very steep, Council has historically considered the sale of unusable roadway where appropriate for the provision of off-street parking to increase safety and reduce congestion.</p>
<b>Financial issues</b>	<p>Council should not be charging high prices to residents who wish to purchase the land for off-street parking.</p>	<p>Council's Fees and Charges are listed in the Operational Plan, which is reviewed annually.</p> <p>The current Road Reserve Policy and Guideline for this area provides that any applications for road reserve closure and purchase of Council land are subject to independent qualified valuation advice, Council approval, resolution and contract.</p> <p>The proposed sale of this strip of Council land to the adjacent landowner will enhance the value of the adjacent property as well increase the amenity through the provision of off-street parking.</p> <p>The sales proceeds will provide funds for continued maintenance and improvement of road infrastructure and footpaths in the local area. Such road works may vary including pavement strengthening, retaining structures, footpaths or streetscape improvements.</p>

### **Assessment by Council's Transport & Civil Infrastructure Assets Team**

Council's Transport & Civil Infrastructure Assets Team has assessed that the subject area of road reserve will not be required for future public use and has no objections to the road closure and sale but has required the applicants to modify the depth of land required to align with the other front boundaries in Herbert Avenue (following previous road reserve sales) to ensure an even streetscape.

Herbert Avenue is a cul-de-sac road that has a 20-metre-wide road reserve which is an overly generous width for this type of road asset. In this context and given the steep cross-terrain, only a narrow width is available and practical for core road use. The road construction consists of 'cut' and 'fill' with a retaining wall along the low side of the road and a steep batter slope on the high side. The through-road is narrow and on-street parking is difficult due to the narrow road shoulder. This also affects the ability to gain access for garbage trucks and other service vehicles.

To improve road safety and amenity, more off-street parking is encouraged. Given the steep drop offs on the low side the only way that this alternate parking can be practically achieved is via a suspended driveway and garaging structure. If this were to be provided entirely on private property it would require a much longer and more elevated structure and hence have a further adverse impact on residual landscape areas. By bringing the parking structure closer to the road it has a number of mutual advantages.

Because these parking structures are permanent, they cannot be accommodated by a road reserve lease and as such, the road reserve land needs to be acquired by the adjoining property owner. Rather than just catering for the footprint of the structure a full frontage road reserve closure is facilitated. Once acquired, this provides a permanent off-street parking solution. The proceeds from the road asset sale are to be used on road asset outcomes, in particular footpath improvements. This provides an additional funding source to help bring forward additional footpath infrastructure for the community.

Council staff have reviewed and considered the submissions received and have concluded that the submissions were not classified as valid objections to the proposed road closure in accordance with section 38C of the *Roads Act 1993*.

The objections that Council has received from the community generally relate to the loss of public access to land.

### **Property Steering Committee Consideration**

This matter was presented to the Property Steering Committee on 28 July 2022 for its consideration, including a site inspection. After consideration, the committee noted its support for the proposed closure and subsequent sale.

### **TIMING**

The proposed road reserve closure and sale of land is expected to be completed within the next twelve months.

### **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 19(c) - Ensure the long-term financial sustainability of Council through strategic management of assets
- Good governance - Goal 20 Our Council is proactive, and efficiently and effectively responds to, and delivers on, the evolving needs of the community

## FINANCIAL CONSIDERATIONS

### Proposed Sale of Land

Following successful closure of the road reserve, Council will proceed to sell the subject land at a price in accordance with the independent qualified valuation advice and the Policy. The valuation will take into consideration the adjusted current market value as a whole site as a consequence of the addition of the subject road reserve area, any benefit it provides, and any easement imposed by various authorities.

### Use of funds from road closure and sale

Section 43(4) of the *Roads Act 1993* states that, "Money received by a council from the proceeds of the sale of land is not to be used for Council except for acquiring land for public roads or for carrying out road work on public roads." Such road works may vary including pavement strengthening, retaining structures, footpaths, or streetscape improvements.

The sales proceeds will provide funds for continued maintenance and improvement of road infrastructure and footpaths in the local area and to fund high priority core road asset improvements that can significantly improve safety and amenity for the community.

## SOCIAL CONSIDERATIONS

In the past several years, Council has closed and sold road reserves along the lower side of Herbert Avenue Newport to provide a safer road network and access into adjacent properties.

Following road reserve closure, Council will proceed with the sale of the road reserve land. The sale of non-core road reserve land assets provides funding for higher priority road outcomes, in particular for footpath construction. This helps to accelerate the provision of additional high priority pedestrian linkages to connect communities and improve safety and amenity.

## ENVIRONMENTAL CONSIDERATIONS

The sale of these portions of road reserve will allow the respective landowners to provide off-street parking contributing to safer pedestrian and vehicular access along Herbert Avenue. The use of overly wide road reserves to provide more effective off street carpark solutions reduces environmental impact otherwise associated with much longer driveway and carpark constructions.

There are spotted gums on the site which will need to be considered in any future development of a carport structure. A previous DA for a carport in this location was considered in 2012 (which has since lapsed), and this addressed the approach to protecting the existing spotted gums through construction. This DA was approved with appropriate management controls in place and the development control that it was assessed under - Pittwater DCP 21 control B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community is still in force.

In August 2022 a level five Council arbourist visited the site and noted that:

- There is one spotted gum in Council's road reserve. The tree is in good health with no obvious signs of structural defect and stairs have been constructed around the tree.
- There are two other spotted gums in this location but they are on the privately owned part of the site.
- The remaining vegetation in the road reserve is small and incidental

- Based on the adjacent carport at 60 Herbert Ave, a single elevated similar styled carport would able to be accommodated between the existing spotted gum and the site boundary.

The formalisation of tenure and use of the road reserve land by way of sale, is seen as a reasonable outcome at this location.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The proposed road reserve closure and sale complies with Council's Streetscape Management Guidelines and Policy No 193, "Road Reserve & Streetscape Management" and Property Management Policy No. 200.

In accordance with section 38F of the *Roads Act 1993*, an owner of land adjoining the subject road reserve, a notifiable authority or any other person prescribed by the regulations may appeal to the Land and Environment Court against the closure of a council public road by Council.

It is Council policy that any relatively small parcel of land that is sold to an adjoining owner be consolidated with the larger site within 12 months from the settlement date. This will apply to the subject land.

<b>ITEM 13.2</b>	<b>RESPONSE TO NOTICE OF MOTION NO 42/2021 - CHURCH POINT PARKING DEMAND MANAGEMENT STRATEGY REVIEW</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2022/202606</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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## SUMMARY

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### PURPOSE

To report back to Council in response to Notice of Motion No 42/2021 (Resolution 322/21) from the October 2021 Council meeting, on the potential to undertake a review of the Church Point Parking Demand Management Strategy.

### EXECUTIVE SUMMARY

Church Point is a local and regional transport node and tourist destination. Parking in the Church Point area has been a concern for many years for residents of Scotland Island and West Pittwater, with demand exceeding the number of available car parking spaces.

Council has worked with the Scotland Island, Western Foreshore and Church Point residents and businesses for several years on strategies to manage the current and future demand for vehicle parking in the Church Point area.

Parking supply was increased by 120 spaces through the construction of the new Church Point car park, which opened in December 2017. There is also a need to manage demand and use of existing parking spaces and the former Pittwater Council, in December 2015, supported in principle a number of demand management measures, resolving to conduct further community engagement. Council undertook an extensive community engagement program at the time, with over 400 submissions received from the community during the March 2016 engagement process and over 100 residents attending the 'drop in' session held on 30 March 2016.

The Church Point Parking Demand Management Strategy outlines recommendations to manage parking in the existing Church Point Reserve car park, local streets and the new Church Point car park while optimising overnight parking for vehicles displaying a Church Point Parking Permit (CPPP).

A draft of the Strategy was the subject of further community engagement at a community meeting hosted by the Administrator at Mona Vale on 29 October 2016, attended by around 250 participants.

The parking utilisation in the precinct was reviewed in response to complaints about availability when the Pasadena reopened, and it was noted that there was an increase in illegal parking in the surrounding area and congestion in the carpark further adding to the supply issues.

The parking demand strategy approved by the Traffic Committee provided the following priority principles:

- Addressing safety issues in local streets immediately while minimising the locations required to be removed
- Offsetting these changes by providing more exclusive overnight parking for CPPP holders in the Church Point Reserve car park

- Introducing further changes to parking arrangements only when the new Church Point car park was operational
- Balancing the needs of on-shore and off-shore residents and businesses whilst maximising availability of parking for off-shore residents in the Reserve and new Church Point car park.

The COVID pandemic situation increased demand for the long-term parking by offshore residents as some of the part time residents chose to move to their offshore residences as a safety precaution.

In adopting Notice of Motion 42/2021 in October 2021 following concerns raised by both the onshore and offshore communities, the Council resolution 322/21 stated that,

*“a report be brought to Council outlining the cost and the process for a review of the Church Point Parking Demand Management Strategy to determine what the available parking resources are in the overall precinct (including from Holmeport to Rowland Reserve), noting the seasonal demand and to include the period when both the Pasadena and Waterfront Café are operating normally.”*

Some matters raised in the resolution relate to work currently in progress by Council, namely the Church Point Commuter Wharf Feasibility Study. The draft Study has been commissioned to identify options to address the overcrowding and safety issues on the existing commuter wharf. It has been prepared following engagement with key stakeholders in the community and is ready for public exhibition.

The public exhibition of the study will seek wider community feedback on the options identified. The study is a precursor to being able to seek grant funding through the TfNSW Boating Now Program to progress additional commuter boat parking.

There is potential for the options identified in the study to impact on transport and parking within the Church Point Precinct and any review of parking demand in the precinct should consider the impact of commuter boat parking to ensure a holistic approach is considered.

If a review of the Church Point Parking Demand Management Strategy is undertaken, the review should include provisions to incorporate and consolidate the findings of the Study. The parking review should be undertaken after the public exhibition of the Church Point Commuter Wharf Feasibility Study has been completed and the preferred actions reported to and adopted by Council. This approach will ensure that the parking review is focussed on the appropriate areas of the precinct where there may be an increased need for parking or turnover.

The review scope will need to be wide ranging and take into account broad geographical constraints of parking options and the access points used by the offshore communities for parking, goods delivery and connection with the public transport services in the areas where all weather wharf access is available.

Initial estimates of the contract value to undertake this review by an independent consultant would be in the vicinity of \$200,000 based on previously undertaken projects and the proposed scope required.

There would also be a significant impact on internal resourcing to undertake the required community engagement and targeted consultation required to ensure a thorough, all-inclusive review was undertaken to meet the future needs of the communities, both onshore and offshore.

## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council note:

1. The scope of the proposed review of the Church Point Parking Demand Strategy and the broader area that is required to ensure that the review covers all points raised in the original Resolution 322/21 from the Notice of Motion No 42/2021 - Church Point Parking Demand Management Strategy Review.
  2. That the proposed review would require funding of approximately \$200,000. A budget bid for the funds will be prepared for the 2023/24 Financial Year.
  3. That the review process would likely take approximately 12 months to allow a thorough review of the parking occupancy and peak demand requirements given the various seasonal variations in demand.
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## REPORT

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### BACKGROUND

Church Point is a local and regional transport node and tourist destination. Parking in the Church Point area has been a concern for many years for residents of Scotland Island and West Pittwater, Church Point residents and visitors to the area with demand exceeding the number of available car parking spaces.

Council has worked with the Scotland Island, Western Foreshore and Church Point residents and businesses for a number of years on strategies to manage the current and future demand for vehicle parking in the Church Point area.

Parking supply was increased by 120 spaces through the construction of the new Church Point car park, which opened in December 2017. There is also a need to manage demand and use of existing parking spaces and the former Pittwater Council in December 2015 supported in principle a number of demand management measures, resolving to conduct further community engagement. Council undertook an extensive community engagement program at the time, with over 400 submissions received from the community during the March 2016 engagement process and over 100 residents attending the 'drop in' session held on 30 March 2016.

The Church Point Parking Demand Management Strategy outlines recommendations to manage parking in the existing Church Point Reserve car park, local streets and the new Church Point car park while optimising overnight parking for vehicles displaying a Church Point Parking permit (CPP).

A draft of the Strategy was the subject of further community engagement at a community meeting hosted by the Administrator at Mona Vale on 29 October 2016, attended by around 250 participants.

The parking utilisation in the precinct was reviewed in response to complaints about availability when the Pasadena reopened, and it was noted that there was an increase in illegal parking in the surrounding area and congestion in the carpark further adding to the supply issues.

Council resolved (Resolution 322/21) to receive a report from staff to address matters raised in the Notice of Motion No 42/2021 as noted below:

*"That:*

1. *A report be brought to Council outlining the cost and the process for a review of the Church Point Parking Demand Management Strategy to determine what the available parking resources are in the overall precinct (including from Holmeport to Rowland Reserve), noting the seasonal demand and to include the period when both the Pasadena and Waterfront Café are operating normally.*
2. *The Review is to include at least the following matters:*
  - A. *Parking Occupancy.*
  - B. *Parking Turnover.*
  - C. *Demographic of the users of the parking.*
  - D. *Time restrictions and whether the restrictions meet the needs of all the communities that use this parking.*
  - E. *Feasibility of options for expanding parking and commuter boat berthing facilities at Rowland Reserve, Bayview Baths and Taylors Point, noting this has not been regarded as viable or safe in the past.*
  - F. *Options for Keoride or similar transport from Rowland Reserve to Church Point and Mona Vale, including to provide for visitors to the Church Point area.*

- G. *Consideration of amenity for the local community and other users of Church Point facilities.*
- H. *A consideration of an additional row of parking for church point permit holders from 6pm to 6am in the main carpark.*
- I. *A consideration of increasing policing of the carpark and drop off zone off commuter wharf to ensure compliance.*
- J. *Considering and recognising the contribution in both time and funding for the current parking infrastructure by the offshore community.*
- K. *A consideration of how to best balance the needs of offshore residents, onshore residents, and businesses.”*

## **DISCUSSION**

The Resolution refers to the following broad issues associated with parking in the Church Point and Bayview precincts, namely:

- Parking Availability – Turnover and Restrictions
- User Group Demographics
- Commuter Boat Facilities
- Alternative Transport Options

### **Parking Availability – Turnover and Restrictions**

The availability of parking in Bayview and Church Point is affected by several factors generally and acutely by events that generate greater demand at the two main venues at Church Point, the Pasadena and Waterfront Café on Fridays and weekends, which coincides with peak need for offshore residents as well.

The Church Point Parking Permit (CPPP) allows holders (both eligible onshore residents and offshore residents) to park free of charge in the restricted parking areas including dedicated parking in approximately 150 spaces between 6pm and 6am to cater for residents in rows 1 & 2 in the Church Point Reserve Car Park.

Other areas are provided where the spaces are time limited and the CPPP provides an exemption from the time restriction and/or the pay and display charge. It should also be noted that the Beach Parking permit is not valid in these areas.

There is a broad range of time restrictions across the immediate precinct to provide parking turnover for casual/visitor needs from 1-hour parking to 4-hour parking.

The precinct is patrolled by Council rangers and parking officers on a random and scheduled basis to undertake compliance with the restrictions and conditions of the CPPP to ensure the appropriate use of the available carparking resources.

Further parking resources are available across the broader catchment including Rowlands Reserve and Bayview Bathes car parks that are available to use as overflow areas subject to compliance with the specific conditions related to each location.

### **Users Group Demographics**

The car park areas provide parking for several competing user groups, that generate demand across the precinct with various levels of impact including:

- Residents of Scotland Island, Elvina Bay, Morning Bay, Lovett Bay, and occasionally the other western foreshore communities.
- Residents in the Bayview and Church Point area, with limited or no off-street parking.
- Owners of boats moored offshore in the area.
- Visitors to the area generally.
- Customers attending venues in the Church Point area, whether general dining or events.
- Services and trades working offshore using the commuter wharf or cargo wharf.

### **Commuter Boat Facilities**

Some matters raised by the Resolution relate to work currently in progress by Council, namely the Church Point Commuter Wharf Feasibility Study. The draft Study has been commissioned to identify options to address the overcrowding and safety issues on the existing commuter wharf. It has been prepared following engagement with key stakeholders in the community and is ready for public exhibition.

The public exhibition of the study will seek wider community feedback on the options identified. The study is a precursor to being able to seek grant funding through the TfNSW Boating Now Program to progress additional commuter boat parking.

There is potential for the options identified in the study to impact on transport and parking within the Church Point Precinct and any review of parking demand in the precinct should consider the impact of commuter boat parking to ensure a holistic approach is considered.

If a review of the Church Point Parking Demand Management Strategy is undertaken, the review should include provisions to incorporate and consolidate the findings of the Study.

As noted in the Resolution, several other locations were investigated as part of the Study to determine the suitability to provide alternate commuter boat facilities and relieve the demand pressures at Church Point.

The feasibility of some locations below were ranked as least preferred based on either negative feedback from the offshore user groups, environmental constraints or adverse community impact.

- Bayview Baths – dredging, wave climate, distance, relocate moorings, parking amendments
- Rowland Reserve – travel times and distance especially during poor weather due to 4 & 8 knot zones
- Taylors Point – travel times and distance especially given weather and wave climate impact, environmental impact of commuter wharf structure and availability of parking in residential streets.

### **Alternative Transport Options**

The Keoride service is not utilised as efficiently as it could be in the Church Point area with the need for the residents, visitors, and customers to be provided with suitable information regarding the service, connections to Mona Vale and other public transport services in the area.

Council is working with TfNSW to have the ferry wharf at Church Point designated as a Keoride hub to allow it to be used more efficiently.

## Proposed Review Process

The review scope will need to be wide ranging and take into account broad geographical constraints of parking options and the access points used by the offshore communities for parking, goods delivery and connection with the public transport services in the areas where all weather wharf access is available.

Initial estimates of the contract value to undertake this review by an independent consultant would be in the vicinity of \$200,000 based on previously undertaken projects and the proposed scope required.

There would also be a significant impact on internal resourcing to undertake the required community engagement and targeted consultation necessary to ensure a thorough, all-inclusive review was undertaken to meet the future needs of the communities, both onshore and offshore.

## CONSULTATION

The review would require a multi-stage engagement process with initial meetings taking place with stakeholders to assess the needs of each user group, with the potential to establish a broad project working group. The working group would assist in the development of the review parameters and provide ongoing input when the project team are preparing recommendations to report back to Council.

A second round of community engagement with stakeholder meetings would be undertaken to review the finding of the initial survey results and draft actions to refine the options to ensure the proposal meets the ongoing needs of the communities that use the parking resources.

## TIMING

The review project is likely to take up to 12 months to allow for the required data to be collected, consultation to be undertaken, proposals refined and finally reported to Council, and approval of regulatory changes by the Northern Beaches Council Local Traffic Committee (where required).

No definite dates can be provided as the project is unfunded and not included in the current workload planning for the Transport Network and Community Engagement teams, who would have carriage of the review project.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Transport, technology, and connectivity - Goal 16 Our integrated transport networks meet the needs of our community and reduce carbon emissions
- Transport, technology, and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches

## FINANCIAL CONSIDERATIONS

The proposed review would require suitable funding to be identified in the budget to undertake this review as it is not listed in the forward program until the 2026/27 financial year. Initial estimates of the contract value to undertake this review by an independent consultant would be in the vicinity of \$200,000 based on previously undertaken projects and the proposed scope required.

This estimate is based on 2021/22 consultant rates for similar projects undertaken by the industry.

## **SOCIAL CONSIDERATIONS**

The review will need to consider the competing demands on the finite parking resource in the precinct and will need to be carefully considered to prevent the parking demand issues spreading to other areas that already have other significant competing priority needs for the local parking resources.

This issue is already a divisive issue in the local community and needs to be treated with sensitivity taking into account the history of the area.

## **ENVIRONMENTAL CONSIDERATIONS**

The initial review of the parking demand study will not have any environmental impact, however there is significant environmental impact potential if the considerations turn to the implementation phase and additional parking is proposed to be built in some location that has previously been discussed or promoted by several user groups. Additional parking also has the potential to create additional congestion and demand if not managed appropriately leading to further potential environment issues.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The project generally has a low risk profile and limited governance concerns mostly related to the need to bring the review forward in the program. Consideration would also need to be given to the impact of changes on the compliance process and how the parking in the area is managed along with the operational risk of broadening any parking permit schemes in the area

<b>ITEM 13.3</b>	<b>PUBLIC EXHIBITION OF THE CHURCH POINT COMMUTER WHARF FEASIBILITY STUDY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2022/255803</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒ Church Point Commuter Wharf User Survey Results (Included In Attachments Booklet)</a></b> <b>2 <a href="#">⇒ Church Point Commuter Wharf Feasibility Study Revision C (Included In Attachments Booklet)</a></b> <b>3 <a href="#">⇒ Draft Church Point Commuter Wharf Feasibility Study Consultation Outcomes Report (Included In Attachments Booklet)</a></b> <b>4 <a href="#">⇒ Church Point Commuter Wharf Feasibility Study Planning and Environment Constraints Report (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To seek approval to place the draft Church Point Commuter Wharf Feasibility Study (the Study) on public exhibition.

### EXECUTIVE SUMMARY

The Church Point Commuter Wharf is an important transport hub for the local offshore community. Residents with private vessels may use the Church Point Commuter Wharf to access the mainland. At present, the commuter wharf has 111 boat bays. With 300 permits and 14 residents currently on the waiting list for permits, the existing mooring facility is unable to accommodate demand and experiences frequent overcrowding.

In 2021 Northern Beaches Council engaged consulting firm Advisian to assess different options aimed at alleviating overcrowding at the existing Commuter Wharf facility. Options considered included an extension to the existing facility through the addition of another curved arm, as well as additional structures at Rostrevor Reserve, Church Point Reserve, Rowland Reserve, McCarrs Creek Reserve and Bayview Baths.

An additional structure at Rostrevor Reserve and extension to the existing facility through the addition of another curved arm were the highest scoring options. A combination of an extension to the existing facility and an additional structure at Rostrevor Reserve was also considered suitable due to minimal impact to berths and users during construction.

The outcomes of the public exhibition on of the Church Point Commuter Wharf Feasibility Study may also have an impact on the parking demand around the Church Point precinct. The Church Point Parking Demand Management Strategy review will need to consider the response from the community and actions derived from the Feasibility Study will have a direct influence on how the review of parking is focused on future years. To that end it may be prudent to undertake the review after the adoption of any actions flowing through from this study.

It is proposed to place the Church Point Commuter Wharf Feasibility Study on public exhibition. Submissions on the Study and the options will be reported back to a future meeting of Council.

**RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That:

1. Council place the draft Church Point Commuter Wharf Feasibility Study on public exhibition for a minimum of 28 days.
  2. The outcome of the public exhibition of the draft Church Point Commuter Wharf Feasibility Study be reported to Council.
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## REPORT

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### BACKGROUND

The Church Point Commuter Wharf functions as a water-based interchange for approximately 700 households that reside offshore, as well as for onshore residents, visitors, and businesses. The commuter wharf has 111 boat bays. With 300 permits and 14 residents currently on the waiting list for permits, the existing mooring facility is unable to accommodate demand and experiences frequent overcrowding. Overcrowding creates safety and accessibility issues.

Mooring at the Church Point Commuter Wharf has been a concern for the local offshore community. In 2021 Council conducted a survey questionnaire (Attachment 1) to collect data regarding offshore residents' needs and experiences and to assist in the development of a consultant's brief. The survey questionnaire's results revealed that the majority of participants (86%) supported the Council investigating ways to address overcrowding at the existing Church Point Commuter Wharf.

The outcomes of the public exhibition of the Church Point Commuter Wharf Feasibility Study may also have an impact on the parking demand around the Church Point precinct. The Church Point Parking Demand Management Strategy review will need to consider the response from the community and actions derived from the Church Point Commuter Wharf Feasibility Study that may have a direct influence on how the review of parking is focused on future years.

Actions flowing from the Commuter Wharf Feasibility study may change the parking demand dynamic within the precinct and could further concentrate demand in areas where the parking can not be effectively provided, with the provision of parking co-dependant on the provision of commuter wharf space provided, and the travel mode choices made by offshore residents. Noting that there is limited capacity in the Church Point Precinct to increase parking and there is already the issue of demand outstripping supply, a broader investigation of transport provision and connectivity is required to ensure there is no transfer of the demand issues to areas where there is limited or no existing capacity.

### DISCUSSION

Council engaged consulting firm Advisian to undertake the Church Point Commuter Wharf Feasibility Study to assess different options aimed at alleviating overcrowding at the existing Commuter Wharf facility and address safety and accessibility issues. A summary of the options assessed is provided in Table 1.

- *Table 1: Church Point Commuter Wharf Options Summary*

Option	Description
Option 1a	Not considered due to the reduction in the number of tie ups.
Option 1b	Extension to the existing commuter wharf through the addition of another curved arm.
Option 2a	Additional Structure Rostrevor Reserve.
Option 2b	Additional Structure Church Point Reserve.
Option 3a	Additional Boat Berths Rowland Reserve.
Option 3b	Additional Boat Berths McCarrs Creek Reserve.
Option 3c	Additional Boat Berth Bayview Baths.
Option 4	Combination of Stage 1 Option 1b and 2a

The assessment of each option was based on a multi-criterion ranking that considered environmental impact, planning approvals required, number of additional boat berths, parking, accessibility and transport impacts, security, impacts to coastal processes, indicative cost, and stakeholder response. The ranking of the options is presented in Table 2.

*Table 2: Church Point Commuter Wharf Options Ranking*

1. Option	2. Assessment Criteria and Score									3. Score	4. Rank
	Environmental	Boat Berths	Parking	Accessibility	Transport	Coastal Processes	Planning Approvals	Cost	Community		
Option 1b	8	9	10	10	10	6	10	10	5	78/90	2
Option 2a	8	8	10	10	10	10	10	7	6	79/90	1
Option 2b	7.5	10	10	10	10	5	10	8	4	74.5/90	4
Option 3a	7.5	6	10	6	10	6	10	6	5	66.5/90	5
Option 3b	8	6	10	5	10	4	10	6	3	62/90	7
Option 3c	8	6	10	6	10	4	10	6	3	63/90	6
Option 4	8	7	10	10	10	7.5	10	9	6*	77.5/90	3

\* This option was not assessed during the stakeholder engagement however the community score for Option 1b and 2a have been applied.

Table 2 shows that Option 2a and 1b are the highest ranked options. The key advantage of Option 2a (the site of the temporary wharf during the Church Point car park construction) is that as well as being near the existing commuter wharf and subsequently near parking, shops, and the post office, it can also provide approximately 32 additional boat bays without affecting the existing swing moorings. In contrast, despite Option 1b having the advantage of already being used as the commuter wharf it would involve the movement of swing moorings which Transport for NSW have advised is unlikely to occur in the short term.

Like Option 1b the full development of Option 2a may require the movement of swing moorings and amendment to the Church Point Plan of Management. As such, the Study suggests that Council build Option 2a and 1b in two stages. Adopting stage 1 of these two options would provide an additional 66 berths.

## CONSULTATION

Stakeholder engagement was an essential part of the options assessment process. Advisian held four targeted workshops with key stakeholder groups impacted by changes to the existing commuter wharf facility to obtain input into the options being assessed. Stakeholder workshops were as follows:

1. Internal teams within Northern Beaches Council and State Government
2. Offshore community associations
3. Onshore community residents' associations
4. Local Businesses

The participant organisations in each of these groups are listed in Appendix C- Consultation Outcomes Report (Attachment 3).

These workshops identified the following issues of concern:

Stakeholder group	Key areas of interest
Internal teams within Northern Beaches Council	<ul style="list-style-type: none"> <li>• Environmental impacts, including protection of seagrass and national parks</li> <li>• Navigational and community safety</li> <li>• Stakeholder preferences</li> </ul>
State Government	<ul style="list-style-type: none"> <li>• Environmental impacts, including protection of seagrass and national parks</li> <li>• Relocation of swing moorings</li> <li>• Navigational safety</li> </ul>
Offshore community associations	<ul style="list-style-type: none"> <li>• Location</li> <li>• Safety</li> <li>• Amenity</li> </ul>
Onshore community resident associations	<ul style="list-style-type: none"> <li>• Location</li> <li>• Parking</li> <li>• Holistic development of Church Point</li> <li>• Amenity</li> </ul>
Pittwater Waterway operators e.g., water taxis, ferry operators,	<ul style="list-style-type: none"> <li>• Navigational safety</li> <li>• Impact to business</li> </ul>
Local Business	<ul style="list-style-type: none"> <li>• Location</li> </ul>

Stakeholder group	Key areas of interest
	<ul style="list-style-type: none"> <li>• Navigational safety</li> <li>• Impact to business</li> </ul>

In summary, the key elements stakeholder groups considered important to any plans to address the issue of overcrowding at Church Point Commuter Wharf were:

- **Location-** selected options would need to take distance from Scotland Island, disability access and ease of use into consideration
- **Holistic development and use of the Church Point area-** i.e., addressing wharf overcrowding, potential parking constraints and community use of the area as a whole
- **Parking-** numerous stakeholders noted that parking in the Church Point area is an ongoing issue. As a result, Council will need to consider undertaking a parking study for some options, which may be brought forward in the program from the scheduled 2026/27, subject to funding being provided.
- **Permitting arrangements-** including the consideration of permit time limits (e.g., 3 hour limits up to 48–72 hour limits), the future need for additional permits, permits allowed per household and permits for smaller vessels. Noting that currently, most offshore residents have one permit per household.
- **Navigational safety-** it was also noted that over the last 12 months there had been an **increased** use of barges in the Church Point area and that as a result navigational safety is important to consider with any option.
- **Swing moorings-** a number of options presented may require the movement of swing moorings. Pittwater has the longest waitlist for private and commercial moorings in the state. As a result, any changes to moorings would result in concessions for private and/or commercial/ industry users and could be a lengthy process.

### TIMING

It is planned that the Draft Church Point Commuter Wharf Feasibility Study will be on exhibition for 28 days. The submissions from the community are to be reported back to Council on completion of the public exhibition.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Transport, technology and connectivity - Goal 16 Our integrated transport networks meet the needs of our community and reduce carbon emissions
- Transport, technology and connectivity - Goal 17 Our community can safely and efficiently travel within and beyond the Northern Beaches

### FINANCIAL CONSIDERATIONS

Funding has been provided in the 2022-23 capital budget under the Church Point Commuter Wharf Expansion including partial grant funding by the Transport for NSW Boating Now Round 3 Program. Completion and adoption of this Study may allow Council to seek further grant funding for the proposed works.

## **SOCIAL CONSIDERATIONS**

Equitable access for offshore residents balanced against amenity concerns for onshore residents.

## **ENVIRONMENTAL CONSIDERATIONS**

The impact of these facilities on the environment has been considered in the options assessment however a comprehensive Review of Environmental Factors (REF) will be required. Details are available in Appendix A – Planning and Environmental Constraints (Attachment 4).

## **GOVERNANCE AND RISK CONSIDERATIONS**

The adoption of the Study will ensure a transparent, risk-based priority assessment is used to deliver future capital works to improve access for offshore residents in consultation with the key stakeholder groups and the wider community.

<b>ITEM 13.4</b>	<b>OUTCOME OF THE PUBLIC EXHIBITION OF PROPOSED CHANGES TO THE WATER SKIING TIMES AT MANLY DAM</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS AND RECREATION</b>
<b>TRIM FILE REF</b>	<b>2022/448275</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a>Manly Dam Water Skiing, Proposed and Current Approved Times 2022 (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a>Manly Dam Water Skiing and Power Boat Zone (Included In Attachments Booklet)</b> <b>3 <a href="#">⇒</a>Community Engagement Report Water Skiing at Manly Dam 2022 (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To consider the proposal from the Manly Warringah War Memorial State Park Advisory Committee for reduced water skiing times at Manly Dam and the outcomes of public exhibition of this proposal.

### EXECUTIVE SUMMARY

Water skiing has been held on the lake at the Manly Warringah War Memorial State Park (Manly Dam) since 1947. The Manly Warringah War Memorial Park Plan of Management, 2014 (Plan of Management 2014) identifies, among other things:

- Standard approved times for water skiing and power boat use at Attachment 1
- A water skiing and power boat zone on the lake at Attachment 2
- The Manly and Warringah Water Ski Club Inc's use and management of the water skiing and power boat zone and an intent for a formal agreement with Council.

The Manly Warringah War Memorial State Park Advisory Committee (Advisory Committee) has requested that Council consider its proposal for reduced water skiing times at Manly Dam at Attachment 1, for reasons including to:

- Provide more and equitable access to the entire lake for other sport and recreational activities
- Provide quiet time when there are no motorised boats and skiing on the lake

The Plan of Management (2014) stipulates that the water ski times at Manly Dam can be altered by Council resolution and without amendment to the Plan of Management.

In response to this request Council publicly exhibited a plan to conduct a 12-month trial of the proposed reduced water-skiing times, via the Have Your Say online hub, from 27 April 2022 to 5 June 2022. 746 submissions were received during the exhibition period. The majority of responses were not supportive of the trial of reduced water skiing times. A community engagement report is presented at Attachment 3.

The Manly and Warringah Water Ski Club does not support the trial nor the reduced times though does support no skiing all day on ANZAC Day (25 April) and all day on Remembrance Day (11 November).

The Save Manly Dam Catchment Committee supports the trial for reduced water skiing times.

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**RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That Council:

1. Note the Community Engagement Report at Attachment 3 of the report for this item.
  2. Prohibit water skiing on the Manly Warringah War Memorial State Park (Manly Dam) lake on ANZAC Day (all day) and Remembrance Day (all day).
  3. Endorse the continuation of all other approved times for water skiing as described in the Manly Warringah War Memorial Park Plan of Management, 2014.
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## REPORT

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### BACKGROUND

Water skiing has been held on the lake at the Manly Warringah War Memorial State Park (Manly Dam) since 1947. Manly Dam is located on Crown land managed by Council. The Manly Warringah War Memorial Park Plan of Management, 2014 (Plan of Management 2014) identifies, among other things:

- Standard approved times for water skiing and power boat use at Attachment 1
- A water skiing and power boat zone on the lake at Attachment 2
- The Manly and Warringah Water Ski Club Inc's use and management of the water skiing and power boat zone and an intent for a formal agreement with Council
- The Club was formed in the 1960's and has been managing water skiing at Manly Dam on Council's behalf since that time

The Manly Warringah War Memorial State Park Advisory Committee (Advisory Committee) has requested that Council consider its proposal for reduced water skiing times at Manly Dam for reasons including to:

- Provide more and equitable access to the entire lake for other sport and recreational activities
- Provide quiet time when there are no motorised boats and water skiing on the lake

The proposal:

- Reduces the summer water skiing hours from 67 to 50.5 a week and the winter hours from 63 to 44.5 hours a week including:
  - No skiing after 12.30pm on Tuesday, Friday, Sunday and public holidays
  - No skiing on ANZAC Day and Remembrance Day (currently water skiing is permitted on these days)
- Recognises that there is less skiing in the winter months particularly June, July and August

The proposed and current times and timetables are presented at Attachment 1.

A majority of Advisory Committee members support this proposal. Notwithstanding this proposal, the Advisory Committee wholly supports the continuation of water skiing at Manly Dam.

This Advisory Committee is a Council committee that:

- Provides advice and input to Council about the strategic management and planning for Manly Dam
- Is composed of three community members (with separate environmental, recreational and community portfolios) and representatives from the NSW Government and Council.

The Plan of Management (2014) stipulates that the water ski times at Manly Dam can be altered by Council resolution and without amendment to the Plan of Management.

In response to the Advisory Committee's request Council publicly exhibited a plan to conduct a 12-month trial of the proposed reduced water ski times via the Your Say online hub from 27 April 2022 to 5 June 2022. 746 submissions were received during the exhibition period. The majority of responses were not supportive of the trial or reduced water ski times.

## CONSULTATION

A plan to conduct a 12-month trial of the proposed water ski times was publicly exhibited from 27 April 2022 to 5 June 2022. The community were informed of the opportunity to provide feedback through; onsite signs at Manly Dam, a Your Say online project page, letterbox drop to homes around Manly Dam, media release, Council's engagement newsletter, e-news and social media and stakeholder emails.

746 submissions were received during the exhibition period. The majority of responses were not supportive of the trial or reduced water ski times. Comments from key stakeholders include:

- The Manly and Warringah Water Ski Club does not support the trial nor the reduced times though does support no skiing all day on ANZAC Day and all day on Remembrance Day
- Water Ski and Wakeboard Australia does not support changes to the water skiing times
- The Save Manly Dam Catchment Committee supports the trial for reduced water skiing times at a minimum and immediate implementation.

A thematic overview of comments received and Council's responses is outlined in the table below:

Key Theme	What We Heard (Summary)	Council's response
There are no suitable safe alternative locations for water skiing on the Northern Beaches	<p>1. There are no suitable safe alternative locations for water skiing on the Northern Beaches.</p> <p>2. There is a shortage of places to water ski on the Northern Beaches and in Sydney.</p>	1 & 2 – Council supports the continuation of water skiing at Manly Dam (as outlined in the Plan of Management, 2014). There is not a water ski location on the Northern Beaches with similar characteristics to Manly Dam.
Physical, mental, and social well-being benefits of water skiing at Manly Dam	3. Water skiing at Manly Dam provides physical, mental and social well-being benefits to the individuals, families and groups who participate. There would be less of these benefits should the water skiing times be reduced.	3 – Noted.
Reduced water ski times allows more quiet time to enjoy Manly Dam	4. Reducing the water ski times would mean less boats on the lake and more quiet time to enjoy Manly Dam particularly when visiting the picnic areas located on the lake's edge.	4 – Council's draft Open Space and Outdoor Recreation Strategy 2022 identifies the value of spending quiet time in nature.
The proposed water skiing times are too restrictive	<p>5. The proposed times are too restrictive, reducing the times available for training, club members and casual users.</p> <p>6. The Manly and Warringah Water Ski Club indicate that the reduced times would make the club less viable.</p>	<p>5 – Council supports the continuation of water skiing at Manly Dam (as outlined in the Plan of Management, 2014).</p> <p>6 - Noted</p>

Key Theme	What We Heard (Summary)	Council's response
The proposed reduced water skiing times enables more access to the entire lake for other activities	<p>7. The proposed times enable more access to the entire lake for other activities such as swimming and paddle boarding.</p> <p>8. The proposed times are fairer and more equitable.</p>	7 & 8 – Council is supportive of continued access to Manly Dam for a variety of recreational opportunities.
It is unnecessary to restrict the water skiing times as the current arrangements work well	9. The current water skiing arrangement has worked well for a lengthy period of time and does not need to change.	<p>9 – The Plan of Management (2014) supports an annual review of the approved times for water skiing.</p> <p>A Council officer review about water skiing will be conducted annually and a report provided to Council only if changes are proposed</p>
Further reduce the water skiing times	<p>10. More restrictions are necessary to enable more access to the entire lake for other activities.</p> <p>11. Consider removing water skiing from Manly Dam.</p>	<p>10 – Noted. See also response to point 12.</p> <p>11 – Council supports the continuation of water skiing at Manly Dam (as outlined in the Plan of Management, 2014).</p>
There is currently enough space for other users on the lake and there are other nearby facilities available for these users	12. Water skiing takes up only 40% of the lake and there is enough space already for other lake activities. There are also plenty of other facilities on the Northern Beaches for these activities such as surf lifesaving training, triathlon, kayaking, and canoeing.	12 – There are alternate places on the Northern Beaches where some lake activities can be conducted e.g. surf lifesaving training is conducted from time to time on the lake however their primary training location is on the ocean beaches. The Surf Life Saving Sydney Northern Beaches Branch were informed about this community engagement however no formal submissions were received by the Branch or any Northern Beaches Surf Life Saving Clubs.

Key Theme	What We Heard (Summary)	Council's response
Environmental impacts	13. Pollution is caused by the boats on the lake, there is shoreline erosion caused by boat wake, and noise impacts on wildlife.	13 – Environmental concerns raised will be considered in a Manly Dam water quality project 2022/23, the review of the Manly Dam water quality management plan 23/24 (should funds be available) and in future environmental research to be undertaken for Manly Dam.
Water skiing has a long history at Manly Dam	14. There is a long and successful history of water skiing at Manly Dam.	14 – Noted. The Manly and Warringah Water Skiing Club has been managing water skiing at Manly Dam on Council's behalf since the 1960's.
Water skiing is available to only a select few people	15. Only a small minority of people water ski and they have exclusive use of the lake at Manly Dam.	15 – The Plan of Management, 2014 identifies, among other things, the Manly and Warringah Water Skiing Club's use and management of the water skiing and power boat zone (a section of the lake) on Council's. Exclusive use of the lake for water skiing is only permitted in this zone during the approved times. The lake is available for other uses in this zone within these times with consent from Council and following consultation with the Club.

Key Theme	What We Heard (Summary)	Council's response
Transparency of water ski bookings and information	<p>16. It would be beneficial to know in advance if boats will be on the lake</p> <p>17. On site signage about water skiing would be helpful for other users of Manly Dam</p> <p>18. Club fee review</p>	<p>16. In 2022/23 Council will work with the Manly and Warringah Water Skiing Club to find an effective way to communicate to the public when the lake is booked for water skiing.</p> <p>17. Council will install water skiing information signs at Manly Dam and update the water ski information on Council's website in 2022/23.</p> <p>A Council officer review about water skiing will be conducted annually (including where relevant fees review) and a report provided to Council only if changes are proposed</p>

A community engagement report with the details of the public exhibition and feedback received is presented at Attachment 3.

### TIMING

Should the recommendations of this report be adopted by Council the amended water skiing times at Manly Dam would apply immediately. Council's website would then be updated and signs installed at Manly Dam with information about water skiing and times.

A Council officer review about water skiing will be conducted annually and a report provided to Council only if changes are proposed.

### LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

### FINANCIAL CONSIDERATIONS

Signage about water skiing including times will be installed at Manly Dam and funded in 2022/23 through the Parks and Recreation operational budget.

Environmental concerns raised through the community engagement will be investigated as part of the Manly Dam environmental research to be undertaken in 2022/23. This research is funded through the 2022/23 Parks and Recreation and Environment and Climate Change operational

budgets. Funding for further Manly Dam environmental research will be considered through Council's annual budget process.

### **SOCIAL CONSIDERATIONS**

The proposed reduction in water skiing times at Manly Dam was aimed at providing:

- More and equitable access to the entire lake for other sport and recreational activities.
- More quiet time when there are no motorised boats and skiing on the lake.
- Continued access to the lake for water skiing.

It is noted that the majority of submissions did not support this proposal and a key theme from the feedback received is that there are limited safe alternative locations for water skiing on the Northern Beaches. There are also alternative locations on the Northern Beaches for the other sport and recreation activities held on the lake and for quiet time in nature. Though visiting Manly Dam is a unique experience highly valued by our community. There were also submissions in support of the proposal to reduce waterskiing times and the intended outcomes of this proposal from the Advisory Committee.

### **ENVIRONMENTAL CONSIDERATIONS**

The recommendations in this report do not pose additional environmental concerns as additional water ski use is not proposed. The environmental concerns raised through the community engagement will be investigated as part of Manly Dam environmental research to be undertaken in 2022/23 and in 2023/24 (or when funds are available).

### **GOVERNANCE AND RISK CONSIDERATIONS**

The Plan of Management (2014) stipulates that the water ski times at Manly Dam can be altered by Council resolution and without amendment to the Plan of Management.

## 14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

<b>ITEM 14.1</b>	<b>OUTCOME OF PUBLIC EXHIBITION OF ADDITIONAL FEES 2022/23</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGY AND PERFORMANCE</b>
<b>TRIM FILE REF</b>	<b>2022/354468</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Community and Stakeholder Engagement Report</a></b> <b>2 <a href="#">Meals on Wheels and Glen Street Theatre Additional Fees 2022/23</a></b>

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### BRIEF REPORT

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#### PURPOSE

To approve additional fees to apply in 2022/23 for Meals on Wheels and Glen Street Theatre.

#### REPORT

At its meeting on 28 June 2022, Council approved the Fees and Charges 2022/23 and the exhibition of additional fees for Meals on Wheels Home Care Package clients, and Glen Street Theatre Security fee.

The draft fees were exhibited from Friday 1st July and Sunday 31st July with one submission received on the proposed fees. The sentiment expressed did not support charging fees for Meals on Wheels, specifically that elderly people should not be paying anything for these meals.

The Meals on Wheels fees and charges are for meals provided to older people in the community who are recipients of a Federal Government Home Care Package. The individualised Home Care Packages provide subsidised funding and assist in enabling the elderly to live independently. The small fee being charged to the client is to cover the cost of ingredients used in preparing the meal, with all remaining costs required to provide the service funded through the Home Care Package.

There were no submissions or feedback received on the Glen Street Theatre fees.

The Community and Stakeholder Engagement report is at Attachment 1.

It is recommended that the fees as exhibited at Attachment 2 be approved.

#### LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Partnership and participation - Goal 21 Our community is engaged in decision making processes.

#### FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council, aside from allowing Council cost recovery for the associated services.

#### ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts from the proposed fees.

### **SOCIAL CONSIDERATIONS**

There are no social considerations from the proposed fees.

### **GOVERNANCE AND RISK CONSIDERATIONS**

There are no governance and risk considerations in determining the fees. The exhibition period exceeded the 28 days required by section 610 F of the Local Government Act 1993.

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### **RECOMMENDATION OF DIRECTOR WORKFORCE AND TECHNOLOGY**

That Council adopt the additional and revised fees for 2022/23 at Attachment 2 for Meals on Wheels Home Care Package clients and for Glen Street Theatre Security Fee.

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## Community and Stakeholder Engagement Report

### 2022/23 Fees & Charges – Meals on Wheels and Glen Street Theatre (Stage 1 of 1)

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#### Contents

1. Summary.....	2
1.1. Key outcomes .....	2
1.2. How we engaged .....	2
1.3. Who responded.....	3
2. Background.....	3
3. Engagement objectives .....	3
4. Engagement approach.....	4
5. Findings .....	4
Appendix 1 Verbatim community and stakeholder responses .....	5

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## 1. Summary

This report outlines the outcomes of community and stakeholder engagement as part of the exhibition of additional fees for 2022/23 for the Meals on Wheels service and Glen Street Theatre. The proposed new fees had been omitted from the 2022/23 Fees & Charges booklet that was exhibited in May as part of the exhibition of the Delivery Program 2022-2026. Minor wording changes are also proposed to the description of adopted fees. The fees were exhibited between Friday 1 July and Sunday 31 July 2022.

There was one submission during the period of consultation. The submission did not support the changes to fees for Meals on Wheels, in particular that elderly people should not be paying anything for these meals.

There were no submissions or feedback received on the Glen Street Theatre new and amended fees.

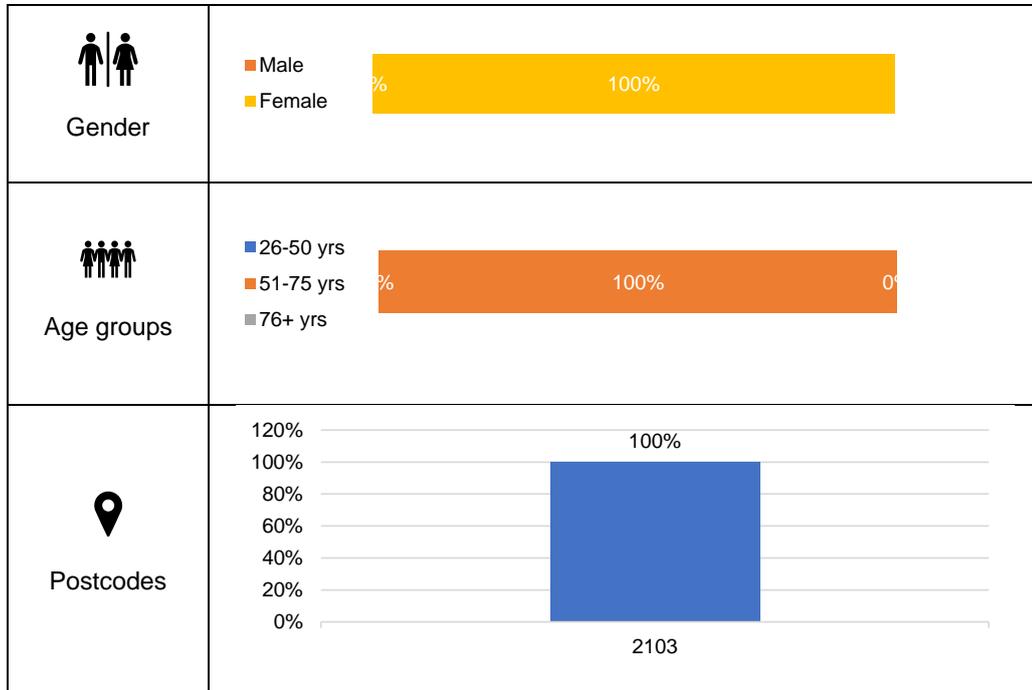
### 1.1. Key outcomes

 Total unique responses	1	
 How responses were received	Submission form	Completions: 1
 Feedback theme	Mis-use of Council's position in regard to charging fees to this group within the community	Service should be free

### 1.2. How we engaged

 Have Your Say: visitation stats	Visitors: 305	Visits: 342	Average time onsite: 0 mins 58 sec
 Electronic direct mail (EDM)	Community Engagement (fortnightly) newsletter: 2 editions Council (weekly) e-News: 1 edition		Distribution: 23,000 subscribers Distribution: 170,000 subscribers

### 1.3. Who responded<sup>1</sup>



## 2. Background

At its 28 June meeting 2022, Council resolved to exhibit the following new and amended fees which are proposed to apply in 2022/23:

- Meals on Wheels - incorporating new fees for Home Care Package clients and their corresponding service providers
- Glen Street Theatre – reinstating the Staff Costs - Security fee, which was inadvertently deleted in the publicly exhibited fees
- Glen Street Theatre - making a small change to the exhibited wording around fees for multiple commercial and community performances to clarify the intent of the fees.

The exhibition was held to seek community comment on the proposed new and changed fees.

## 3. Engagement objectives

Community and stakeholder engagement aimed to:

- Build community and stakeholder awareness of participation activities (inform)
- Provide accessible information so community and stakeholders can participate in a meaningful way (inform)

<sup>1</sup> Demographic data was gathered by request only. The data represented only includes those respondents who provided this detail.

#### 4. Engagement approach

Community and stakeholder engagement was conducted between 1 July and 31 July 2022 and consisted of activities that provided opportunities for community and stakeholders to contribute.

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

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

The project was primarily promoted through our regular email newsletter (EDM) channels.

Feedback was captured through an online submission form embedded onto the have your say project page. Feedback was qualitative only and did not ask a specific sentiment question.

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

Email and written comments were also invited.

#### 5. Findings

The exhibition was held to seek community comment on the proposed new and amended fees.

There was one submission during the period of consultation.

The single submission expressed disapproval of the proposed new fees for the Meals on Wheels service.

## Appendix 1 Verbatim community and stakeholder responses\*

No.	Please provide your submissions below	Council response
1	I think it's outrageous to charge ANYTHING to these elderly or Infirm people for meals. It seems just another way this Council is ripping people off even people that have no money. About time it was considered bringing back Pittwater Council,	The Meals on Wheels fees and charges are for meals provided to older people in the community who are recipients of a Federal Government Home Care Package. The individualised Home Care Packages provide subsidised funding and assist in enabling the elderly to live independently. The small fee being charged to the client is to cover the cost of ingredients used in preparing the meal, with all remaining costs required to provide the service funded through the Home Care Package.

Document administration	
Version	1.00
Date	4 August 2022
Approval	Content provided and approved by the Corporate Strategy Team. Responsible manager: Michael McDermid
Status	Draft
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.

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

## Meals on Wheels

### New fees

Fee	Units	2022 - 23 Fee \$	GST applicable
<b>Meals on Wheels – Home Care Package - clients</b>			
Dessert	each	\$2.00	No
Juice	each	\$0.30	No
Main meal	per meal	\$4.00	No
Omelette	each	\$1.50	No
Petite meal	per meal	\$3.00	No
Salad	each	\$4.50	No
Sandwich	each	\$2.00	No
Soup	each	\$2.00	No
<b>Meals on Wheels – Home Care Package - providers</b>			
Dessert	each	\$4.00	No
Juice	each	\$0.50	No
Main meal	per meal	\$8.00	No
Omelette	each	\$2.00	No
Petite meal	per meal	\$6.00	No
Salad	each	\$8.00	No
Sandwich	each	\$4.00	No
Soup	each	\$4.00	No

## Glen Street Theatre

### Reinstated fee

This fee was deleted inadvertently from the recently exhibited fees and charges booklet and needs to be reinstated. It is not a new fee and shows the change to the fee from 2021/22.

Fee	Units	2021 – 22 Fee \$	2022 – 23 Fee \$	GST applicable
<b>05. Glen Street – Venue Hire</b>				
Staff costs – Security (min five hour call)	per hour	\$51.60	\$53.00	Yes

### Amended fees

The description of these fees has been expanded to include 'of the same production' to ensure that the intent of the fee is clearer.

Fee	Units	2021 – 22 Fee \$	2022 – 23 Fee \$	GST applicable
<b>05. Glen Street – Venue Hire</b>				
Multiple performances (2nd or subsequent performances of the same production per day) Commercial	per hire	\$1,339.00	\$1,377.00	Yes
Multiple performances (2nd or subsequent performances of the same production per day) Community	per hire	\$804.00	\$827.00	Yes

<b>ITEM 14.2</b>	<b>STRONGER COMMUNITIES FUND - QUARTERLY REPORT</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGY AND PERFORMANCE</b>
<b>TRIM FILE REF</b>	<b>2022/470574</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**SUMMARY**

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**PURPOSE**

To provide a quarterly progress report to Council on the outcomes delivered and expenditure of funds from the \$36.1 million Stronger Communities Fund, as required by the conditions of the funding agreement until funds are spent.

**EXECUTIVE SUMMARY**

The Stronger Communities Fund (SCF) was established by the NSW Government to provide new councils with funding to kick-start the delivery of improved infrastructure and services to the community. Northern Beaches Council received \$36.1 million from the SCF for the following programs:

- Community Grants Program - \$1 million
- Connecting Communities Program - \$14 million
- Tied Grant Program - \$21.1 million

A summary of the program of work and expenditure of the SCF to 30 June 2022 is below:

<b>Program</b>	<b>Funding</b>	<b>Expenditure to 30 June 2022</b>
Community Grants Program <sup>1</sup>	\$1,000,000	\$1,025,599
Connecting Communities Program <sup>2</sup>	\$14,000,000	\$14,145,122
Tied Grants Program	\$21,100,000	\$17,002,768
<b>Total</b>	<b>\$36,100,000</b>	<b>\$32,173,489</b>

<sup>1</sup>The additional \$25,599 on the Community Grants Program is interest earned on the SCF funds

<sup>2</sup>The additional \$145,122 on the Connecting Communities Program is interest earned on the fund

Funds for the Community Grants Program have been fully expended.

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**RECOMMENDATION OF DIRECTOR WORKFORCE AND TECHNOLOGY**

That Council note the Stronger Communities Fund Report for the quarter ending 30 June 2022.

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**REPORT**

**BACKGROUND**

The Stronger Communities Fund (SCF) was established by the NSW Government to provide new councils with funding to kick-start the delivery of improved infrastructure and services to the community. Northern Beaches Council received \$36.1 million from the SCF for the following programs:

- Community Grants Program - \$1 million
- Connecting Communities Program - \$14 million
- Tied Grant Program - \$21.1 million

The terms of the funding agreement, state that quarterly progress reports to Council are required on the expenditure and outcomes until these funds are spent.

A summary of the program of work and expenditure of the SCF to 30 June 2022 is below:

<b>Program</b>	<b>SCF Funds</b>	<b>Status</b>
<b>Community Grants Program (SCF)</b>	<b>\$1,025,599</b>	Acquittal
<b>Connecting Communities</b>		
• Cycleways	\$3,249,433	Acquittal
• Pathways	\$5,725,550	Ongoing
• Inclusive play	\$3,170,138	Acquittal
• Active Play	\$2,000,000	Acquittal
Sub Total	<b>\$14,145,122</b>	
<b>Tied Grants</b>		
• Pasadena	\$76,374	Acquittal
• Wakehurst Parkway	\$1,011,785	Ongoing
• Mona Vale – Performing Arts Centre	\$1,311,244	Ongoing
• Mona Vale SLSC	\$4,422,500	Ongoing
• Long Reef SLSC	\$3,176,000	Ongoing
• Currawong Beach Heritage refurbishment	\$3,081,327	Acquittal
• Nth Pittwater Foreshore improvements	\$1,920,000	Acquittal
• Scotland Island Wastewater Feasibility Study	\$303,263	Acquittal
• Nth Pittwater permanent Netball Courts	\$550,000	Acquittal
• Newport SLSC	\$100,275	Acquittal
• Barrenjoey Performance Space	\$1,050,000	Acquittal
Sub Total	<b>\$ 17,002,768</b>	
<b>Total expenditure</b>	<b>\$32,173,489</b>	

Projects with a status of 'acquittal' are in the process of being acquitted with the Office of Local Government and will no longer be reported as part of the SCF program in accordance with the conditions of the funding agreement. The progress of projects with a status of 'ongoing' are detailed below.

### Connecting Communities Program - \$14 Million from SCF

The Connecting Communities Program is a multi-year program of works partially funded by SCF. The project still ongoing under this program is:

Sub-programs	Status
Connecting Northern Beaches – Coast Walk	<p>Ongoing</p> <ul style="list-style-type: none"> <li>7.3 kms delivered since the program commenced</li> <li>Newport to Avalon pedestrian link – Councillors to be briefed on outcome of community consultation in August.</li> </ul>

### Tied Grant Program \$21.1 Million

The Tied Grants Program commenced in October 2017 with the NSW Government allocating \$21.1 million for 11 specified projects. The remaining projects to be delivered under this program are:

Project	Status
Wakehurst Parkway flood mitigation	<p>Ongoing</p> <ul style="list-style-type: none"> <li>The Wakehurst Parkway investigations are continuing; identifying and, if feasible, implementing options to reduce frequent flooding of the Wakehurst Parkway roadway. A report, detailing the outcomes of the public exhibition of the draft feasibility study, was endorsed at the March 2022 Council meeting and works are in progress at the Oxford Falls and Oxford Falls Road west sites.</li> </ul> <p>Works at The Bends site are in progress; peer and technical reviews of the options in conjunction with key stakeholders are being undertaken to determine if the environmental impact of options at that location can be reduced further.</p>
Mona Vale Public School: Regional Performing Arts Centre	<p>Ongoing</p> <ul style="list-style-type: none"> <li>A performance space is being built by the Department of Education at the Mona Vale Public School. Concrete and block laying works on site are progressing. The building is expected to be completed in December 2022.</li> </ul>
Mona Vale Surf Life Saving Club refurbishment	<p>Ongoing</p> <ul style="list-style-type: none"> <li>The construction of the new Mona Vale Surf Life Saving Club is complete with some minor works being finalised.</li> </ul>
Long Reef Surf Life Saving Club refurbishment	<p>Ongoing</p> <ul style="list-style-type: none"> <li>The construction of the new Long Reef Surf Life Saving Club is ongoing. The building is expected to be complete in late September, weather permitting.</li> </ul>

Project	Status
Newport Surf Club refurbishment	<p>Complete</p> <ul style="list-style-type: none"> <li>The DA has been assessed by the external planner engaged by Council and the final determination is due to be undertaken by the Sydney North Planning Panel in September 2022.</li> </ul>

## CONSULTATION

Consultation on individual projects funded by the SCF is ongoing.

## 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

As at 30 June 2022, a total of \$32,173,489 of SCF has been spent on the Connecting Communities Program, Community Grants Program and Tied Grants. Interest earned is being applied to the balance of available funds to be expended against the approved projects.

## SOCIAL CONSIDERATIONS

The entire Northern Beaches community will benefit from significant social, health and well-being improvements derived from use of this community infrastructure. It will connect people and places through improved active and public transport links and upgraded community infrastructure, this includes programs implemented by our community groups.

## ENVIRONMENTAL CONSIDERATIONS

Environmental impact assessments form part of the detailed design for the major projects. Where possible works will be undertaken to minimise environmental impacts. The anticipated number of users of the new cycle ways and footpaths as well as the lighting upgrades across a number of sporting facilities will have a positive impact on air quality and is another step towards reducing our community's greenhouse gas emissions. The foreshore improvement projects, and the Scotland Island wastewater project will improve water quality within the Pittwater estuary upon implementation.

## GOVERNANCE AND RISK CONSIDERATIONS

Expenditure of funds is in line with the commitments to the Office of Local Government (OLG). An extension of time has been sought from the OLG to complete the remaining projects under the Connecting the Northern Beaches program (due to be completed in December 2021) and the Tied Grant projects (due to be completed in September 2022). This is currently under consideration by the OLG.

## 15.0 NOTICES OF MOTION

<b>ITEM 15.1</b>	<b>NOTICE OF MOTION NO 27/2022 - COUNCIL SUPPORT FOR SYDNEY WORLDPRIDE 2023 ACTIVITIES</b>
<b>TRIM FILE REF</b>	<b>2022/498211</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillors Kristyn Glanville, Vincent De Luca OAM, Candy Bingham, Stuart Sprott, and Ruth Robins.

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### MOTION

That Council:

1. Note that the Sydney WorldPride 2023 festival is taking place between 17 February to 5 March 2023 and provides local cultural and tourism opportunities both on the Northern Beaches and for greater Sydney.
2. Request that staff liaise with relevant stakeholders regarding local Sydney WorldPride themed events and activations, including Fusion Pride, Lifesavers with Pride, and local Chambers of Commerce.
3. Write to the State Government and local public transport operators, suggesting that they explore having the B1 Buses and Manly Ferries dressed up during WorldPride.
4. The CEO report back to Council within one month regarding actions which Council could take to be involved in Sydney WorldPride, for example:
  - A. Providing assistance to local businesses and organisations that wish to organise events, activations, and other activities.
  - B. Updating the Council website.
  - C. Temporary public space activations during Sydney WorldPride, such as rainbow crossings, flags, and use of the "MANLY" sign rainbow livery.

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### **BACKGROUND FROM COUNCILLORS KRISTYN GLANVILLE, VINCENT DE LUCA OAM, CANDY BINGHAM, STUART SPROTT, RUTH ROBINS**

WorldPride will be hosted in Sydney between 17 February to 5 March 2023. WorldPride is a global LGBTQIA+ festival that has been staged since 2000, with cities competing to host the event. Sydney was chosen by InterPride members to be the host of WorldPride in 2023, making it the first time a city in the southern hemisphere had been chosen.

Sydney WorldPride will incorporate all the beloved Sydney Gay and Lesbian Mardi Gras events, plus a broad festival offering across arts, sport, theatre, concerts, parties, First Nations programming and a human rights conference. The Sydney WorldPride Pride Amplified directory also allows businesses and organisations to advertise their events on their website for a modest fee, which will be accessed by visitors planning their stay.

Sydney WorldPride will be the city's biggest event since the 2000 Olympics, with an expected 78,000 domestic and international visitors coming to Sydney, over 500,000 people expected to

attend events, and attendees expected to spend more than \$100 million.<sup>2</sup> For comparison, approximately 100,000 visitors came to Sydney for the 2000 Olympics.

The Sydney WorldPride 2023 website pleasingly includes suggestions to tourists that they visit the Northern Beaches, specifically Manly and Palm Beach. As such, the Northern Beaches has the opportunity to benefit from day trips by tourists, particularly as many official inner city events are quickly selling out or are unaffordable, and people look for alternative entertainment and activities. Likewise, many local residents will be enthusiastic to attend activities and activations which are close to home.

Fusion Pride, a Northern Beaches Pride organisation, are in the process of organising local events in Dee Why at Jackson Reserve and Freshwater with the Harbord Hotel, and are in the process of liaising with local chambers of commerce to make them aware of the cultural and tourism opportunities for local businesses in the hospitality industry.

Many Councils are actively liaising with the community, local businesses, and WorldPride organisers to promote local activities and events and generally provide a safe environment for LGBTQIA+ people. For example, Inner West Council will be running a number of activities and activations, which provide some potential ideas:

- Formed a dedicated committee of 3 councillors, 2 staff, and LGBTI working group members;
- Organised and/or worked with the community to schedule Pride events before and during World Pride, including:
  - a gay youth prom
  - LGBTI family swim event and gender diverse swim event
  - Library activities and activations on queer themes
  - Drag King history events
  - LGBTI themed art exhibition at Council run gallery
  - LGBTI themed history walking tour
  - Local queer soccer clubs will be participating in a soccer championship on Council playing fields
- Public activations, such as rainbow crossings, rainbow bunting and flags, and renaming the area outside Newtown Town Hall “Pride Square”
- Will be joining Pride Amplified to list their activities
- Through an expressions of interest process, providing public space and grants of up to \$5,000 for community run events
- Encouraging local shops to decorate shopfronts on a WorldPride theme

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<sup>2</sup> <https://www.smh.com.au/national/nsw/worldpride-the-biggest-event-since-2000-olympics-to-reopen-sydney-to-the-world-20220530-p5apq8.html>

<b>ITEM 15.2</b>	<b>NOTICE OF MOTION NO 28/2022 - 60TH ANNIVERSARY OF THE MELWOOD PLAYING FIELDS - MANAGEMENT COMMITTEE</b>
<b>TRIM FILE REF</b>	<b>2022/502227</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillors Vincent De Luca OAM, and Stuart Sprott

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## MOTION

1. That this Council note:
  - A. Early in 1962, the then R.S.L. Club received a request from Warringah Shire Council to form a section 530A Committee to control 19 acres left of the public recreation area, however the Club declined in favour of the sub-branch and committed the club to their full support and financial assistance in the development of the playing fields.
  - B. On 23 July 1962, a Sub-Committee of the Forestville sub-branch was appointed being: D.Pecover, J.Percy, J.Howard, B .King, R.Linton and K.Payne to negotiate with Warringah Shire Council and to suggest that land be divided into two sections.
  - C. It was proposed that the area to the south (approx. 9 acres) to be known as area "B" be under the control of a 530A Committee made up from various interested organisations within the community and the area north and adjoining the sub-branch Leasehold, to be called area "A" be under the control of a 530A committee comprising of nine sub-branch members, with an ex officio liaison person acting between the committees.
  - D. This was agreed to by Waringah Shire Council and on 5 September 1962 the sub-branch elected the first Forestville R.S.L. sub-branch 530A Management Committee, including the previous sub-committee members, plus P.Barkley, R.Cooper, C.Buridge and J.Doyle, with K.Payne being the liaison member ex officio and this committee became a sub-committee of the sub-branch together with Warringah Shire Council.
  - E. In 1966, Warringah Shire Council suggested both Areas be called Memorial 1 and 2 - this was opposed by the Sub-Branch through the 530A Committee. The Sub-Branch proposed that Area "A" Playing Fields be named "Forestville R.S.L. War Memorial Playing Fields", and the Management Committee be called Management Committee 530A Area "A". Area "B" will be known as Melwood Oval.
  - F. On completion of the Playing Fields it had always been the Committees intention to hold a dedication service, to dedicate the Playing Fields as a War Memorial - the 530A Committee, through Warringah Shire Council, has trusteeship of the Memorial Playing Fields for the development, care, control and management of area "A".
  - G. In 1972 lighting was added to the Playing Fields for night training, seating was placed around the Oval and extensive drainage work carried out.
  - H. On Saturday 18 February 1984 a dedication service was held at the War Memorial Playing Fields, with the official opening of the amenities block. This Dedication of the Playing Fields as a War Memorial was carried out by the Reverend Len Straw (representative of the Forest Minister's Fraternal) and after the Dedication, the President of Warringah Shire Council, Darren Jones, officially opened the new change rooms and amenities block.

- I. Over the years the sub-branch 530A Management Committee has ensured improvements:- change rooms with storage and kitchen, construction of netball courts and lighting for night training use by the Forest Netball Club and surrounding schools.
- J. The Committee also assisted in the development of a Rugby Club Rooms within area "A" and supplying a childproof children's play area with play equipment.
- K. On 29 August 1988, Foundation President Jim Percy stood down after 29 years and Rod McDonald was elected President and Margaret Cliff also elected to the committee and serving to the present day.
- L. The Rugby Club House was finished and officially opened in 1993.
- M. In 2004 the Management Committee was re-appointed as a s355 Committee of Council.
- N. In 2020 the netball courts were renamed in honour of Margaret Cliff OAM, Life Member Forest Netball Club and Manly Warringah Netball Association.
- O. Over the 60 years only three people have served as President of the Committee: Foundation President, Jim Percy 1962- 1988, Rod McDonald 1988-2009 and Richard Gordon 2009 - current.
- P. Those that have served on the committee:

In first 50 years:

- o G. Allan, C. Buiridqe P. Barkley,  
B. Chisnall, R. Cooper M. Cliff, D. Dickerson, J. Doyle, J. Falinski, R. Gordon , H. Herbert, J Howard, R Hough, R Hunt, B. King, T. Kirkpatrick, T. Lindsay, R. Linton, D. McAndrew, A.Callum, R. McDonald, R. McDougall, J. Percy, D. Pecover, K. Pavne
- o M Regan, C. Roger, K. Sullivan; J. Thorpe, C. Tomkins and M Wharrie.

2012-2022:

- o Greg Allen, Gordon Brown, Pip Cameron, Bruce Chisnall, Margaret Cliff OAM, Robert Connors, Paul Davidson, David Dickerson, Cr Jason Falinski, Christine Ferguson, John Finlay, Laurel Fisher, Giuseppe Guerrera, Richard Gordon, Duncan Kerr, Ted Lindsay, Peter McAskill, David McAndrew, Andrew McCallum, Brian Malligan OAM; Cr Jose Menano-Pires, Warren Meppem, Craig Nicol, David Nimmo; Janine O'Sullivan, Dennis Pecover OAM, Debbie Phillipson, Mayor Michael Regan; Cr Stuart Sprott, Greg Taylor, Craig Tomkins, Alastair Turnbull, Mal Wharrie and Mervyn Whiting OAM.
2. That this Council congratulates the Management Committee on its 60th anniversary and acknowledges and commends all committee members past and present for their service and dedication to our community.

<b>ITEM 15.3</b>	<b>NOTICE OF MOTION NO 29/2022 - ENDORSEMENT OF NUCLEAR BAN AND DIVEST FROM NUCLEAR WEAPONS MANUFACTURERS</b>
<b>TRIM FILE REF</b>	<b>2022/502775</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Miranda Korzy

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## MOTION

That Council:

1. Note the 77th Anniversary of the detonation of atomic bombs over the Japanese cities of Hiroshima and Nagasaki on August 6 and 9, 1945, respectively.
2. Acknowledge the devastation caused as a result of the detonations of those bombs, expresses its sadness about the loss of life, and extends its sympathy to the survivors who lived with permanent damage and injury following the detonations.
3. Endorse the Cities Appeal, a project of the Nobel Peace Prize-winning International Campaign to Abolish Nuclear Weapons (ICAN).
4. Endorse the following statement:

*“Our local government area is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay.”*

5. Request that the Chief Executive Officer write to our local Federal Members Sophie Scamps MP and Zali Steggall OAM MP, and the Minister for Foreign Affairs, Senator the Hon. Penny Wong, to advise them of this motion.
6. Revise its investment policy to exclude all companies involved in the production of nuclear weapons, exclude those companies from eligibility to apply for Council tenders and disallow procurement from them.

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## BACKGROUND FROM COUNCILLOR MIRANDA KORZY

More than 77 years after the destruction of Hiroshima and Nagasaki by atomic weapons, we are still living under the shadow of the bomb. Almost 14,000 nuclear weapons remain in our world, held by nine nations.

In the lead-up to this month’s tragic anniversary, a number of Northern Beaches residents approached me asking for the Council to support the nobel-prize winning International Campaign to Abolish Nuclear Weapons (ICAN).

Driven by grave concern for the devastating humanitarian impacts of any use of nuclear weapons, two-thirds of all nations negotiated the nuclear weapon ban treaty in July 2017. It is the first treaty to comprehensively outlaw nuclear weapons, setting out a pathway for their total elimination.

On October 24th 2020, the Treaty on the Prohibition of Nuclear Weapons received its 50th ratification, triggering its entry into force 90 days later. Now, nuclear weapons have been banned under international law since January 22, 2021.

However, Australia has not yet signed on to the Treaty on the Prohibition of Nuclear Weapons.

The Cities Appeal provides the opportunity for cities and councils to support Australia signing and ratifying the nuclear weapon ban treaty and to call on our leaders in federal parliament to pave the way for nuclear disarmament and join the Treaty without delay.

In Australia, more than 30 councils have endorsed the appeal, and in NSW these include Waverley, Randwick, Inner West, Bayside, Georges River and Sydney. International endorsers of the Cities Appeal include Geneva, Washington DC, Manchester, Los Angeles, Paris and Hiroshima.

In June last year, the National General Assembly of the Australian Local Government Association passed a resolution in support of Australia joining the Treaty.

The Australian Red Cross, Australian Medical Association, the Australian Council of Trade Unions and dozens of civil society organisations have called on Australia to join the Treaty, supported by 79 per cent of the public (Ipsos, November 2018). More than 250 state and federal parliamentarians from across the political spectrum have pledged to work for Australia to sign and ratify the Treaty.

Local residents have asked me to call on council to avoid any financial or other dealings with the 26 Australian companies currently involved in the nuclear weapons industry as recorded by ICAN. They are as follows:

Aerojet Rocketdyne, Airbus, BAE Systems, Bechtel, Boeing, Bharat Dynamics Limited, BWX Technologies Inc, Charles Stark Draper Laboratory, China National Nuclear Corporation, Constructions Industrielles de la Méditerranée (CNIM), Fluor, General Dynamic, Honeywell International, Huntington Ingalls Industries, Jacobs Engineering, Larsen & Toubro, Leidos, Leonardo, Lockheed Martin, Northrop, Grumman, Raytheon, Safran, Textron, Thales, Walchandnagar Industries.

## 16.0 QUESTIONS WITH NOTICE

<b>ITEM 16.1</b>	<b>QUESTION WITH NOTICE NO 9/2022 - MONITORING OF BIODIVERSITY IN MANLY DAM CATCHMENT</b>
<b>TRIM FILE REF</b>	<b>2022/501174</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Kristyn Glanville

### QUESTION

1. In Allambie Heights Village Ltd v Northern Beaches Council [2022] NSWLEC 1216 (“Allambie”), Acting Commissioner Adams noted:

*“106 I accept the objectors’ evidence that the waterways have ecological and conservation significance, and that among the important species present are the two crayfish species and the climbing galaxias. What did surprise me was the apparent absence of council and agency reports on the ecology of the waterways. [...]*

*107 Without the work of the objectors and their organisations in both studying the biota and obtaining funding to commission reports, little would be known about the ecology of the Curl Curl Creek system. In addition to the reports of Dr Law and Dr White already referred to, there has been detailed study of the climbing galaxias over a number of years by Sonya Ku, who had made several submissions, and was the author of the report, commission by the Save Manly Dam Catchment Committee from consultants Humble Carson, Status of Catchment Indicator Species for Aquatic Biodiversity, Galaxias Brevipinnis Status Report, Action Plan and Catchment Citizen Science Strategy (Exhibit 3 folio 42-65).”*

- A. What reports, if any, has Council commissioned concerning the “ecology of the waterways” in Manly Warringah War Memorial Park (“Manly Dam”)?
- B. Does Council intend to procure any reports concerning the “ecology of the waterways” in Manly Dam?
- i. If so, what are those intentions?
- ii. If not, why does Council not intend to procure such a report?
- C. Is Council aware of any “agency reports” commissioned by relevant agencies concerning the “ecology of the waterways” in Manly Dam?
- D. Is Council aware of any intentions by relevant agencies to procure “agency reports” concerning the “ecology of the waterways” in Manly Dam?
2. In Allambie, Adams AC further noted:

*“106 [...] I was not taken to any correspondence to or from Crown Lands regarding the development proposed or any potential impacts within the area leased by the Applicant or the State Park.”*

- A. In assessing a development located in close proximity to Manly Dam, is it ordinary practice for Council to seek comment from Crown Lands regarding potential biodiversity impacts of the development application?
3. In Allambie, Adams AC further noted:

*“106 [...] Similarly, I was not made aware of any correspondence to or from Fisheries NSW who, under the Fisheries Management Act 1994, have responsibilities for the conservation and management of much of the biota and environment of waterways.”*

- A. In assessing a development located in close proximity to Manly Dam, is it ordinary practice for Council to seek comment from Fisheries NSW regarding impacts on conservation and management of the biota and environment of waterways of the development application?

- 4 In Allambie, Adams AC further noted:

*“106 [...] There was little discussion of the consequences of the listing of the Manly Dam Conservation Area in Sch 5 of WLEP 2011, as designated on the Heritage Map Sheet 008A in WLEP 2011.”*

- A. In assessing a development located in close proximity to Manly Dam, what is the ordinary practice for Council in considering the consequences of the listing of the Manly Dam Conservation Area in Sch 5 of the WLEP 2011 for that development application?

<b>ITEM 16.2</b>	<b>QUESTION WITH NOTICE NO 10/2022 - CULTURAL REVIEW</b>
<b>TRIM FILE REF</b>	<b>2022/502106</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

**QUESTION**

1. What is the cost of the Bob Davidson Cultural review?
2. What are the Terms of Reference and duration?

<b>ITEM 16.3</b>	<b>QUESTION WITH NOTICE NO 11/2022 - THRIVE YOUR HOME OF WELL-BEING</b>
<b>TRIM FILE REF</b>	<b>2022/502119</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

**QUESTION**

1. What is the total cost of this program?
2. What does the program include?
3. Is it true the program consists of pot planting, meditation, healthy eating foods of the land recipes and board games for staff members?
4. How long will this program be conducted, how many staff hours are taken away from actual duty and what benefits, if any, have been realised so far?

## 17.0 RESPONSES TO QUESTIONS WITH NOTICE

<b>ITEM 17.1</b>	<b>RESPONSE TO QUESTION WITH NOTICE NO 8/2022 - STAFF BULLYING AND OR HARASSMENT CLAIMS SINCE AMALGAMATION</b>
<b>TRIM FILE REF</b>	<b>2022/463353</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

### QUESTION

1. Since amalgamation how many bullying and or harassment claims have been made by Council staff?
2. Of those complaints, how many were referred to Council's Internal General Counsel or external lawyers for review/defence?
3. How many matters has Council been involved in before the Industrial Relations Commission, ADB, HREOC, FairWork Australia or other Authority?
4. Is there an independent path for a staff member to make allegations of bullying and harassment if they are in fear of retribution, if so what is that?
5. What is done by Council to support victims of bullying and or harassment and how many staff have exited the organisation within one year of making a bullying and or harassment allegation?

### RESPONSE

1. Over the past six (6) years there have been 12 bullying and harassment claims made by staff.
2. Two matters were referred to Council's General Counsel and/or external legal advisors.
3. One bullying and harassment complaint was lodged with the Fair Work Commission and was subsequently withdrawn by the complainant.
4. Internal contact points for complaint management include direct manager, two-up manager, a Director, the Chief Executive Officer, Human Resources, Complaints Resolution team.

External complaint pathways can include:

- SafeWork NSW
  - Anti-Discrimination Board of NSW
  - NSW Ombudsman
  - Industrial Relations Commission
  - Workers Compensation Claim.
5. The support provided to an employee during and post an investigation may include access to the employee assistance program, special leave, alternate duties, and changed reporting lines. Each person is supported according to their circumstances and needs. Five staff members exited the organisation in the year following the allegation.

## 18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### RECOMMENDATION

That:

1. In accordance with the requirements of section 10A of the Local Government Act 1993 as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. Item 18.1 Audit, Risk and Improvement Committee Independent Membership 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]; and 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 Audit, Risk and Improvement Committee independent membership and commercial information regarding professional fees. 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 breach the privacy and commercial position of the individuals concerned.

- B. Item 18.2 Public Private Partnership North Manly on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- C. Item 18.3 RFT 2021/130 - Manly Life Saving Club & Associated Community Facilities - Design Consultancy Services on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- D. Item 18.4 RFT 2022/065 - Provision of Hygiene Services to 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

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decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- E. Item 18.5 - Mayoral Minute - No 20/2022 Annual Performance Review of the Chief Executive Officer July 2021 - June 2022 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 the Chief Executive Officers performance review.

- F. Item 18.6 Organisation Structure 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 a personnel matter and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making.

2. The resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

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## 19.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

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

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