

AGENDA

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

Tuesday 19 December 2017

Beginning at 6.30pm for the purpose of considering and determining matters included in this agenda.



Mark Ferguson
Chief Executive Officer

Issued: 19/12/2017

OUR VALUES

Trust

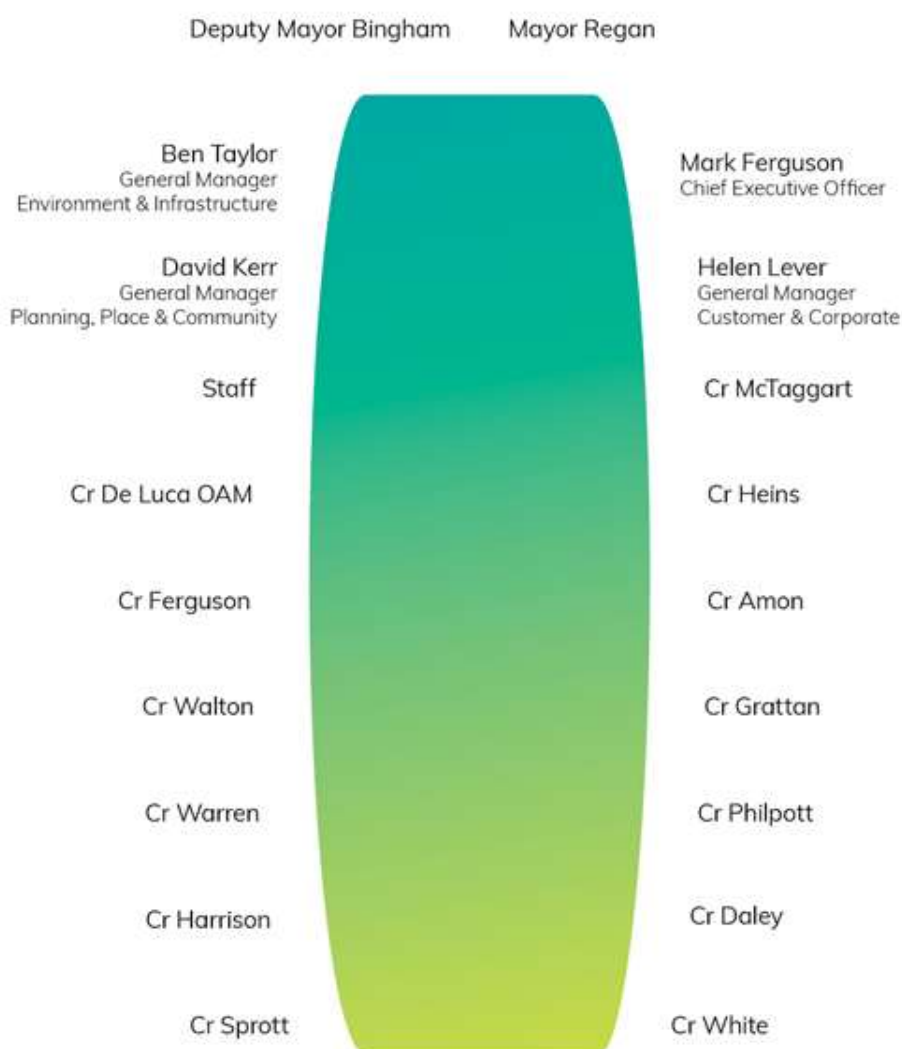
Teamwork

Respect

Integrity

Service

Leadership



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 19 December 2017
at the Civic Centre, Dee Why
Commencing at 6.30pm**

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1.0 APOLOGIES

In accordance with Part 4.2 of the Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council Meeting may be granted.

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Part 3 of the Code of Meeting Practice, all Councillors must declare any conflict of interest, pecuniary interest, significant or less than significant non-pecuniary interest in relation to any item listed on the agenda.

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 NOVEMBER 2017

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 28 November 2017, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 PUBLIC FORUM

In accordance with Part 2.8 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.

5.0 ITEMS RESOLVED BY EXCEPTION

In accordance with Part 2.11 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.

6.0 MAYORAL MINUTES

Nil.

7.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 7.1	DRAFT ANNUAL FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 JUNE 2017
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2017/495984
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To present to Council the Draft General and Special Purpose Financial Statements of the Northern Beaches Council for period ended 30 June 2017, which require certification and referral to Council's external auditors, the Audit Office of New South Wales.

SUMMARY

Council has achieved a Net Operating Result for the period from 13 May 2016 to 30 June 2017 of \$48.946m, a Net Operating Result before Capital Grants and Contributions of \$7.460m and a Net Result for the period of \$4.602b which includes the Gain on Local Government Amalgamation of \$4.553b. The Gain on Local Government Amalgamation represents the transfer of the assets and liabilities of the former Manly, Pittwater and Warringah Councils to Northern Beaches Council. The General and Special Purpose Financial Statements and Special Schedules for the period from 13 May 2016 to 30 June 2017 are attached as a separate booklet. Analysis of the Financial Statements has been provided and indicates that Council is in a sound financial position.

FINANCIAL IMPACT

The preparation, compilation and audit of Council's General and Special Purpose Financial Statements have been provided for in Council's annual budget. The financial result for the year, which is the subject of this report, is a favourable outcome.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That:

- A. The Annual Financial Statements for the period ended 30 June 2017 be adopted by Council.
 - B. The Mayor, a nominated Councillor, Chief Executive Officer and Chief Financial Officer be authorised to sign the necessary Financial Statements.
 - C. The Annual Financial Statements for the period ended 30 June 2017 be referred to the Council's Auditor for audit.
 - D. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's report of the Council, to:
 - a) Forward a copy to the Office of Local Government.
 - b) Arrange for the public notice of the Council Meeting for presentation to the public, in the required format be placed in the Manly Daily.
 - c) Arrange for the Council's audited financial reports and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and in printed format at Council's Customer Service Centres and Libraries.
 - d) List the audited financial reports and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.
-

REPORT

BACKGROUND

The Local Government Act 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that:

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
 - a) a general purpose financial report
 - b) any other matter prescribed by the regulations
 - c) a statement in the approved form by the council as to the opinion on the general purpose financial report.

The Local Government Code of Accounting Practice and Financial Reporting requires that Council complete a Special Purpose Financial Report for all business activities declared by Council and that Council complete a Statement on its Special Purpose Financial Report (Attachment 1)

3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
 - a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the regulations, and
 - b) such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within 4 months after the end of the year concerned.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public. The public notice must include a statement that the business of the meeting will include presentation of the audited financial reports, the Auditor's Report and a summary of the financial reports.
6. Section 420 – Any person may make submissions in respect of the Council's audited financial reports or the Auditor's Report. Such submissions must be in writing and lodged with Council within 7 days after the public meeting at which these reports are presented. Copies of all submissions received must be referred to the Council's Auditor. The Council must take such action as it considers appropriate with respect Auditor. The Council must take such action as it considers appropriate with respect to any submissions received, including giving notice to the Director General of the Office of Local Government of any matter that appears to require amendment of the Council's Financial Statements. In order to facilitate the public notice, meeting and submission process, it is considered appropriate that Council delegate to the General Manager authority, upon receipt of the Auditor's Report by Council, to:
 - a) Arrange for the public notice of this meeting, in the required format, to be placed in the Manly Daily, advising of the meeting at which the Auditor's Reports will be presented.
 - b) Arrange for the Council's audited financial reports and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and at Council's Council's Customer Service Centres and Libraries.
 - c) List the audited financial reports and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7-day public notice requirement.

7. Section 428 - The audited financial reports must be included in the Council's annual report.
8. Clause 215 of the Local Government (General) Regulation 2005, requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the:
 - Mayor
 - at least one (1) other Councillor
 - General Manager
 - Responsible Accounting Officer.

Annual financial reports have now been completed for:

- Northern Beaches Council
- Kimbriki Environmental Enterprises Pty Limited

The Council is required to consolidate into its annual financial statements, its share of and interest in these joint ventures and committees and to eliminate any inter-entity transactions and balances in preparing its general purpose financial statements.

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, selection and application of accounting policies, and the safeguarding of the assets of Council.

I report that, subject to my comments below, the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the timely preparation of the General and Special Purpose Financial Statements for the period ended 30 June 2017. Update No.25 to the Local Government Code of Accounting Practice and Financial Reporting was issued on 27 June 2017 and is relevant to the reporting period ending on 30 June 2017. This year no major changes have been made to the General Purpose Financial Statements requirements other than addition of a Supplement for New Councils which largely dealt with the transfer of assets and liabilities of the former councils to Northern Beaches Council on proclamation. Detailed disclosure is included in Note 29 to the general purpose financial statements

Financial Position of Council as at 30 June 2017 (subject to Audit)

The principal features of the Annual Financial Statements for 2016/2017 are as follows:

Net Operating Result for the period	\$ 48.946m
• Income from Continuing Operations	\$ 404.286m
• Expenses from Continuing Operations	\$ 355.340m
Net Result for the period	\$ 4,767.628b
• Gain on Local Government Amalgamation	\$ 4,718.682b
Net Assets	\$ 4,768.455m
• Current Assets	\$ 207.863m
• Non-Current Assets	\$ 4,704.069m
• Total Assets	\$ 4,911.932m
• Current Liabilities	\$ 80.058m
• Non-Current Liabilities	\$ 63.419m
• Total Liabilities	\$ 143.477m

The performance measure indicators are as follows:

Operating Performance 1.31%

- This ratio measures Council's achievement of containing operating expenditure within operating revenue. It is important to distinguish that this ratio is focussing on operating performance and hence capital grants and contributions, fair value adjustments and reversal of revaluation decrements are excluded. The benchmark is greater than 0%.

Council's Operating Performance Indicator was above the benchmark at 1.31%.

Own Source Operating Revenue 81.15%

- This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. Council's financial flexibility improves the higher the level of its own source revenue. The benchmark is greater than 60%.

Council's Own Source Operating Revenue Indicator is well above the benchmark of 60% highlighting Council financial flexibility.

Unrestricted Current Ratio 2.67x

- The Unrestricted Current Ratio is specific to local government and is designed to represent a Council's ability to meet short term obligations as they fall due. Restrictions placed on various funding sources (e.g. Section 94 developer contributions, RMS contributions) complicate the traditional current ratio used to assess liquidity of businesses as cash allocated to specific projects is restricted and cannot be used to meet a Council's other operating and borrowing costs.

The benchmark is greater than 1.5. Council's Unrestricted Current Ratio is 2.67x which reflects a sound financial position.

Debt Service Ratio 1.00x

- This ratio measures the availability of operating cash to service debt including interest, principal and lease payments. The benchmark is greater than 2.

Council's Debt Service Cover Ratio of 1.00x is a result of the early repayment of loans totalling \$35.348m.

Rates, Annual Charges, Interest & Extra Charges Outstanding 2.80%

- This ratio is used to assess the impact of uncollected rates and annual charges on liquidity and the adequacy of recovery efforts.

Council maintains low levels of outstanding rates and annual charges particularly given that it may allow aged pensioners where in its opinion payment would cause hardship to accrue Rates and Charges against their estate.

Cash Expenses Cover Ratio 5.94 months

- This liquidity ratio indicates the number of months a council can continue paying for its immediate expenses without additional cash inflow. The benchmark is greater than three months.

Council's Cash Expense Cover Ratio of 5.94 months is above the benchmark of 3 months. Council maintains tight cash management controls enabling it to maximise its investment returns.

Building and Infrastructure Renewal Ratio 92.22%

- The purpose of the Building and Infrastructure Renewal Ratio is to assess the rate at which these assets are being renewed against the rate at which they are depreciating.

Council's ratio of 92.22% reflects the large amount of capital expenditure on new infrastructure assets during the financial period and that there were a large number of capital renewal projects within Council's Work in Progress at 30 June 2017 and have therefore not been included in these calculations. The majority of these projects are scheduled for completion in the first quarter of the 2017/18 financial year.

Infrastructure Backlog Ratio 0.29%

- This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.

Council's Infrastructure Backlog Indicator is 0.29% which is below the benchmark of 2% indicating that Council does not have a significant infrastructure backlog.

Asset Maintenance Ratio 103.74%

- This ratio compares actual versus required annual asset maintenance. A ratio of above 1.0 indicates that the Council is investing enough funds within the year to stop the Infrastructure Backlog from growing. The benchmark is greater than 1.0.

Council's Asset Maintenance Ratio of 103.74% indicates that the level of expenditure on the maintenance of infrastructure assets is sufficient to prevent the infrastructure backlog from growing.

Cost to bring assets to agreed service level 1.35%

- This ratio indicates the proportion of the gross replacement cost of Council assets that have reached the intervention level set by Council based on the condition of the asset. This ratio is simply the sum of the outstanding renewal works, valued as the work will be undertaken, compared to the total replacement cost of Council's assets.

This ratio provides a meaningful snapshot of the proportion of outstanding renewal works compared to the total suite of assets that Council has under its care and stewardship. The use of the gross replacement cost as the denominator in this ratio provides a more stable measure over time and is easier for Councils to calculate with greater consistency year to year. Council's ratio of 1.35% indicates that the cost to bring assets to agreed service level are at a financially sustainable level.

Net Result for the period

The Net Result for the period of \$4.767b includes the Gain on Local Government Amalgamation of \$4.718b which represents the assets and liabilities transferred from the former Councils. The Net operating result for the period was \$48.946m which includes Grants and contributions provided for capital purposes of \$41.486m leaving a Net operating result for the period before grants and contributions provided for capital purposes of \$7.460m.

CONSULTATION

Council's external auditors have conducted audit procedures during the year, as an interim to the verification of assets and liabilities at year-end, to assess the reliability of the general ledger to produce financial statements and concurrent to the preparation of the draft general and special purpose financial statements.

Council's Audit and Risk Committee reviewed the Draft General and Special Purpose Financial Statements for period ended 30 June 2017 at a meeting on Wednesday 13 December 2017. The Committee endorsed the Financial Statements being presented to Council for certification and referral to Council's external auditors, The Audit Office of New South Wales. Recommendations from the Audit Committee were incorporated into the Draft General and Special Purpose Financial Statements contained in the attachment booklet.

TIMING

Council's financial statements for a year must be prepared and audited in accordance with the Act.

The Acting Chief Executive Officer of the Office of Local Government under the Local Government Act 1993 has authorised an extension of time to Council for the preparation and auditing of annual financial statements that form part of a council's annual report (section 416(5)) to 31 December 2017 recognising the additional complexities associated with the requirement to combine and extract data from three separate financial systems.

FINANCIAL CONSIDERATIONS

The attached reports fairly present Council's operating result and financial position for the financial period 13 May 2016 to 30 June 2017 and accord with relevant accounting records.

Annual Financial Statements**Northern Beaches Council****General purpose financial statements**

for the period 13 May 2016 to 30 June 2017

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

- *the Local Government Act 1993 (as amended)* and the Regulations made thereunder
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Statements:

- present fairly the Council's operating result and financial position for the period 13 May 2016 to 30 June 2017, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Northern Beaches Council made on **19 December 2017**.

Michael Regan
Mayor

Councillor

David Walsh
Responsible Accounting Officer

Mark Ferguson
Chief Executive Officer

Annual Financial Statements**Northern Beaches Council****Special purpose financial statements
for the period ended 30 June 2017****Statement by Councillors and Management****made pursuant to the Local Government Code of Accounting Practice and Financial Reporting**

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*
- Division of Local Government Guidelines *"Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality"*
- the Local Government Code of Accounting Practice and Financial Reporting

To the best of our knowledge and belief, these Reports:

- present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- accord with Council's accounting and other records

We are not aware of any matter that would render these reports false or misleading in any way.

Signed in accordance with a resolution of Northern Beaches Council made on **19 December 2017**.

Michael Regan
Mayor

Councillor

David Walsh
Responsible Accounting Officer

Mark Ferguson
Chief Executive Officer

ITEM 7.2	MONTHLY INVESTMENT REPORT - NOVEMBER 2017
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2017/496423
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

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

SUMMARY

In accordance with clause 212 of the *Local Government (General) Regulation 2005*, a report setting out the details of money invested must be presented to Council on a monthly basis.

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

The Investment Report shows that Council has total cash and investments of \$224,335,322 comprising:

- Trading Accounts \$11,064,452
- Investments \$213,270,870

Performance over the period from 1 July 2017 to date was strong having exceeded the benchmark: 2.72%pa vs. 1.77%pa.

Certification – Responsible Accounting Officer

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

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2017 to date was \$2,216,555 compared to budgeted income of \$2,032,800, a positive variance of \$183,755.

POLICY CONSIDERATIONS

The investment strategy was reviewed by our Investment Advisors Laminar Capital Pty Ltd in August 2017. They confirmed that Council's investment portfolio is prudently managed and consists of assets appropriate for a Local Government entity and fully comply with legislation and Investment Policy limits.

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council receive and note the Investment Report as at 30 November 2017, including the certification by the Responsible Accounting Officer.

REPORT

INVESTMENT BALANCES

INVESTMENT BALANCES				
As at 30-Nov-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	5,824,501.19		1.35%
Commonwealth Bank of Australia Ltd	A1+	2,367,482.60		1.35%
Commonwealth Bank of Australia Ltd	A1+	22,225.65		0.40%
National Australia Bank Ltd	A1+	1,547,483.59		1.50%
		9,761,693		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	2,459,802	At Call	1.85%
Commonwealth Bank of Australia Ltd	A1+	461,234	At Call	1.85%
AMP Bank Ltd	A1	1,153,970	At Call	2.05%
National Australia Bank Ltd	A1+	1,200,000	At Call	2.00%
		5,275,006		
Mortgage Backed Securities				
Weighted Avg Life *				
Emerald Series 2006-1 Class A	AAA	910,710	21-Aug-51	2.170%
		910,710		
Term Deposits				
Beyond Bank Australia Ltd	A2	1,000,000	04-Dec-17	2.70%
Members Equity Bank Ltd	A2	2,000,000	05-Dec-17	2.65%
Beyond Bank Australia Ltd	A2	2,000,000	05-Dec-17	2.70%
Commonwealth Bank of Australia Ltd	A1+	500,000	08-Dec-17	2.68%
Qudos Mutual Ltd t/as Qudos Bank	A3	1,000,000	08-Dec-17	2.70%
Beyond Bank Australia Ltd	A2	1,000,000	11-Dec-17	2.75%
Members Equity Bank Ltd	A2	2,000,000	12-Dec-17	2.70%
Members Equity Bank Ltd	A2	2,000,000	12-Dec-17	2.70%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	15-Dec-17	2.67%
Defence Bank Ltd	A2	1,000,000	18-Dec-17	2.77%
Members Equity Bank Ltd	A2	1,000,000	19-Dec-17	2.65%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	20-Dec-17	2.80%
Members Equity Bank Ltd	A2	2,000,000	20-Dec-17	2.70%
Members Equity Bank Ltd	A2	2,000,000	02-Jan-18	2.70%
Members Equity Bank Ltd	A2	1,000,000	02-Jan-18	2.55%
National Australia Bank Ltd	A1+	2,000,000	02-Jan-18	2.55%
Beyond Bank Australia Ltd	A2	2,000,000	04-Jan-18	2.75%
Qudos Mutual Ltd t/as Qudos Bank	A3	1,000,000	08-Jan-18	2.70%
Beyond Bank Australia Ltd	A2	2,000,000	09-Jan-18	2.75%
Members Equity Bank Ltd	A2	1,000,000	11-Jan-18	2.70%
Members Equity Bank Ltd	A2	2,000,000	17-Jan-18	2.65%
Suncorp Bank	A1	1,000,000	23-Jan-18	2.65%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	25-Jan-18	2.80%
Beyond Bank Australia Ltd	A2	1,000,000	29-Jan-18	2.75%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	31-Jan-18	2.80%
Bank of Queensland Ltd	A2	2,000,000	01-Feb-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	01-Feb-18	2.55%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	06-Feb-18	2.80%
Qudos Mutual Ltd t/as Qudos Bank	A3	1,000,000	08-Feb-18	2.70%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	13-Feb-18	2.80%

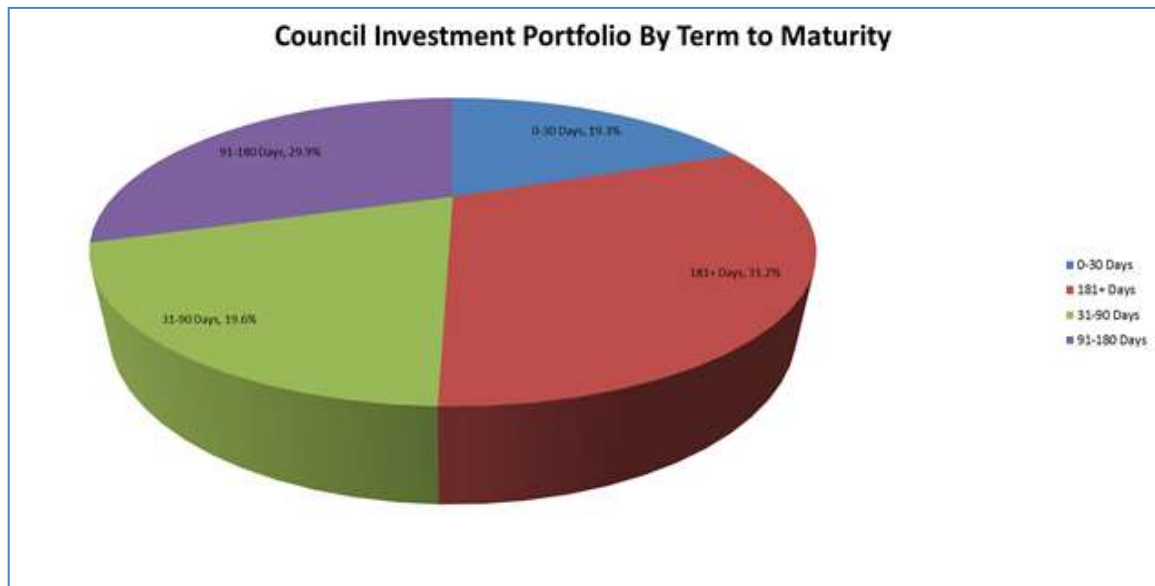
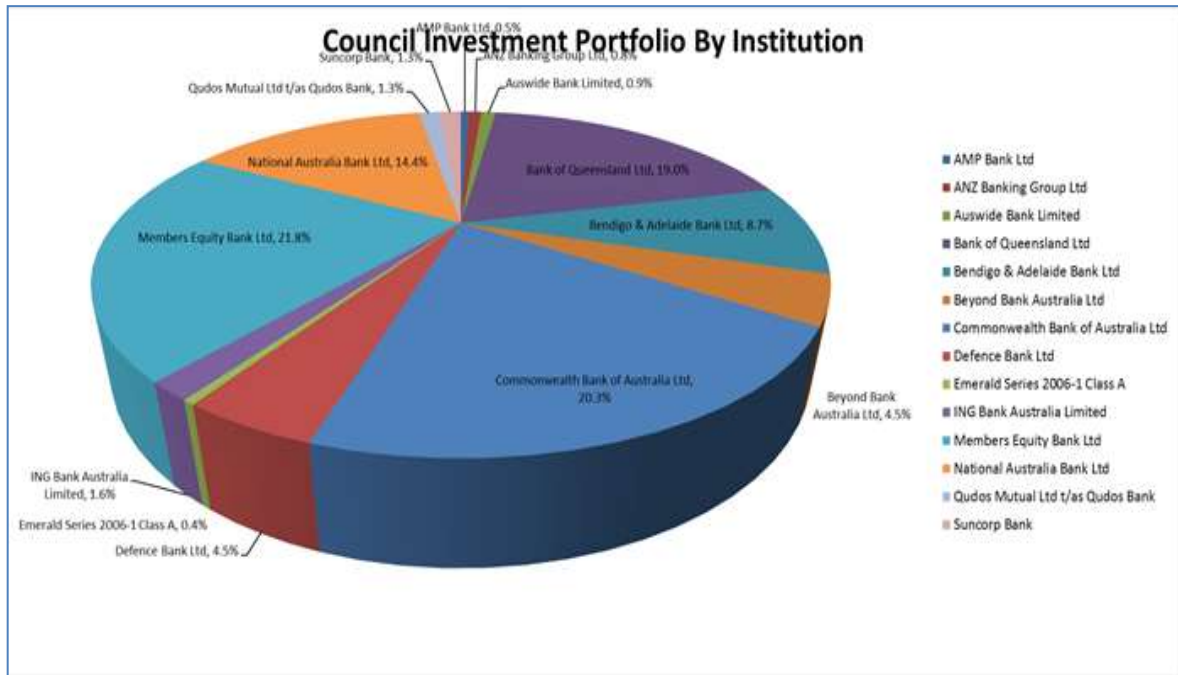
INVESTMENT BALANCES				
As at 30-Nov-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Bank of Queensland Ltd	A2	3,000,000	13-Feb-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	15-Feb-18	2.60%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	20-Feb-18	2.72%
Bank of Queensland Ltd	A2	1,000,000	20-Feb-18	2.65%
National Australia Bank Ltd	A1+	2,000,000	22-Feb-18	2.55%
National Australia Bank Ltd	A1+	2,000,000	22-Feb-18	2.54%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	27-Feb-18	2.68%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	02-Mar-18	2.65%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	06-Mar-18	2.73%
National Australia Bank Ltd	A1+	2,000,000	08-Mar-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	13-Mar-18	2.72%
Suncorp Bank	A1	2,000,000	13-Mar-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	16-Mar-18	2.71%
Bank of Queensland Ltd	A2	3,000,000	20-Mar-18	2.60%
National Australia Bank Ltd	A1+	2,000,000	22-Mar-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	27-Mar-18	2.68%
National Australia Bank Ltd	A1+	2,000,000	27-Mar-18	2.55%
Beyond Bank Australia Ltd	A2	1,000,000	29-Mar-18	2.75%
National Australia Bank Ltd	A1+	2,000,000	29-Mar-18	2.54%
Bank of Queensland Ltd	A2	2,000,000	03-Apr-18	2.60%
National Australia Bank Ltd	A1+	2,000,000	05-Apr-18	2.55%
National Australia Bank Ltd	A1+	2,000,000	10-Apr-18	2.56%
Bank of Queensland Ltd	A2	2,000,000	12-Apr-18	2.60%
Bank of Queensland Ltd	A2	1,000,000	17-Apr-18	2.65%
National Australia Bank Ltd	A1+	1,000,000	17-Apr-18	2.57%
National Australia Bank Ltd	A1+	2,000,000	19-Apr-18	2.55%
Bank of Queensland Ltd	A2	1,000,000	19-Apr-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	23-Apr-18	2.65%
National Australia Bank Ltd	A1+	2,000,000	26-Apr-18	2.55%
Bank of Queensland Ltd	A2	3,000,000	26-Apr-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	01-May-18	2.65%
National Australia Bank Ltd	A1+	2,000,000	03-May-18	2.55%
Members Equity Bank Ltd	A2	2,000,000	08-May-18	2.65%
Bank of Queensland Ltd	A2	2,000,000	10-May-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	15-May-18	2.75%
Defence Bank Ltd	A2	2,000,000	15-May-18	2.80%
Members Equity Bank Ltd	A2	1,000,000	15-May-18	2.65%
Defence Bank Ltd	A2	2,000,000	22-May-18	2.80%
Bank of Queensland Ltd	A2	1,000,000	22-May-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	24-May-18	2.65%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	29-May-18	2.54%
National Australia Bank Ltd	A1+	2,000,000	29-May-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	05-Jun-18	2.60%
National Australia Bank Ltd	A1+	2,000,000	07-Jun-18	2.57%
Members Equity Bank Ltd	A2	2,000,000	12-Jun-18	2.65%
Members Equity Bank Ltd	A2	1,000,000	12-Jun-18	2.65%
Bank of Queensland Ltd	A2	2,000,000	14-Jun-18	2.60%
Bank of Queensland Ltd	A2	1,000,000	19-Jun-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	21-Jun-18	2.65%

INVESTMENT BALANCES				
As at 30-Nov-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Bank of Queensland Ltd	A2	2,000,000	21-Jun-18	2.60%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	26-Jun-18	2.80%
Bank of Queensland Ltd	A2	1,000,000	26-Jun-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	28-Jun-18	2.60%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	29-Jun-18	2.75%
Members Equity Bank Ltd	A2	2,000,000	29-Jun-18	2.65%
Bank of Queensland Ltd	A2	3,000,000	03-Jul-18	2.60%
Bank of Queensland Ltd	A2	719,877	10-Jul-18	2.70%
Bank of Queensland Ltd	A2	2,000,000	10-Jul-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	17-Jul-18	2.65%
Members Equity Bank Ltd	A2	2,000,000	19-Jul-18	2.60%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	24-Jul-18	2.70%
ING Bank Australia Limited	A2	1,000,000	24-Jul-18	2.70%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Jul-18	2.59%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-Jul-18	2.55%
Defence Bank Ltd	A2	1,000,000	31-Jul-18	2.70%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	02-Aug-18	2.59%
Bank of Queensland Ltd	A2	2,000,000	07-Aug-18	2.70%
Bank of Queensland Ltd	A2	2,000,000	09-Aug-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	14-Aug-18	2.65%
Members Equity Bank Ltd	A2	3,000,000	14-Aug-18	2.62%
Members Equity Bank Ltd	A2	2,000,000	21-Aug-18	2.62%
Members Equity Bank Ltd	A2	1,000,000	28-Aug-18	2.65%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Aug-18	2.61%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	04-Sep-18	2.60%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	11-Sep-18	2.65%
ING Bank Australia Limited	A1	1,000,000	18-Sep-18	2.65%
Bank of Queensland Ltd	A2	1,000,000	20-Sep-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	25-Sep-18	2.60%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	27-Sep-18	2.63%
Auswide Bank Limited	A3	2,000,000	09-Oct-18	2.67%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	16-Oct-18	2.65%
Members Equity Bank Ltd	A2	3,000,000	25-Oct-18	2.60%
Defence Bank Ltd	A2	2,000,000	30-Oct-18	2.75%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	08-Nov-18	2.60%
		180,219,877		

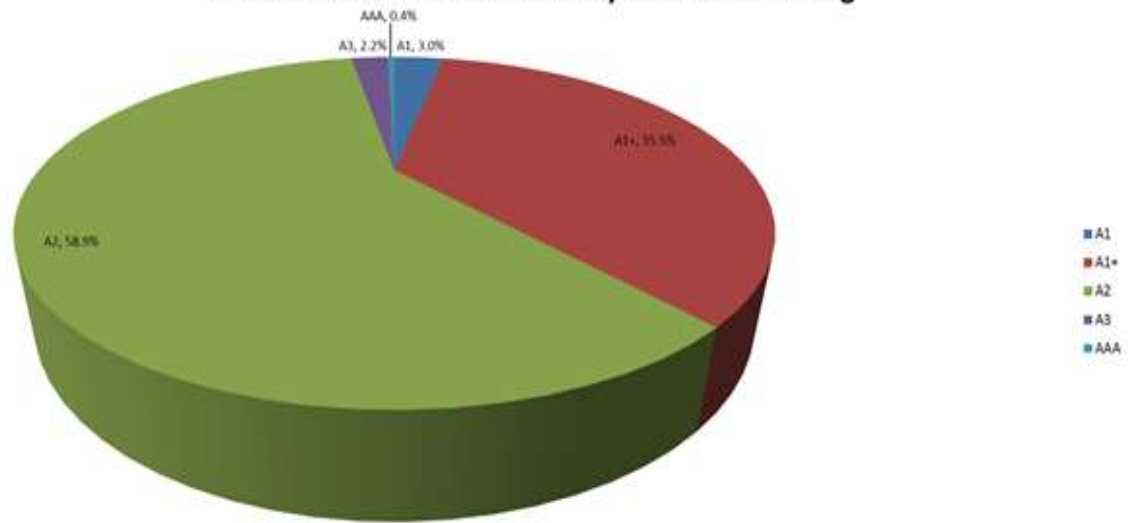
INVESTMENT BALANCES				
As at 30-Nov-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,302,759		0.90%
		1,302,759		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	95,239	At Call	1.45%
Commonwealth Bank of Australia Ltd	A1+	3,825,551	At Call	1.45%
		3,920,791		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	15-Jan-18	2.35%
Commonwealth Bank of Australia Ltd	A1+	5,744,486	27-Apr-18	2.40%
		6,744,486		
New Council Implementation Fund				
Term Deposits				
National Australia Bank Ltd	A1+	500,000	19-Dec-17	2.51%
Members Equity Bank Ltd	A2	1,000,000	15-Jan-18	2.70%
ING Bank Australia Limited	A1	900,000	20-Sep-18	2.65%
		2,400,000		
Stronger Communities Fund				
Term Deposits				
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Dec-17	3.00%
Defence Bank Ltd	A2	1,000,000	18-Dec-17	2.77%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	19-Dec-17	2.66%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	17-Jan-18	3.00%
Members Equity Bank Ltd	A2	1,000,000	17-Jan-18	2.70%
ANZ Banking Group Ltd	A1+	1,000,000	15-Feb-18	2.50%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	16-Feb-18	3.00%
Bendigo & Adelaide Bank Ltd	A2	500,000	13-Apr-18	2.70%
Bank of Queensland Ltd	A2	900,000	17-May-18	2.60%
Defence Bank Ltd	A2	1,000,000	12-Jun-18	2.85%
ANZ Banking Group Ltd	A1+	750,000	15-Aug-18	2.55%
ING Bank Australia Limited	A1	650,000	13-Sep-18	2.65%
		13,800,000		
Total Cash and Investments		224,335,322		

* Weighted Average Life is the anticipated date of repayment of Council's full principal in mortgage backed securities based upon the expected repayment of a critical balance of underlying mortgages. It is calculated by professional actuaries and its use is market convention for securities such as these. Council's investment policy recognises Weighted Average Life dates as appropriate maturity dates for these securities.

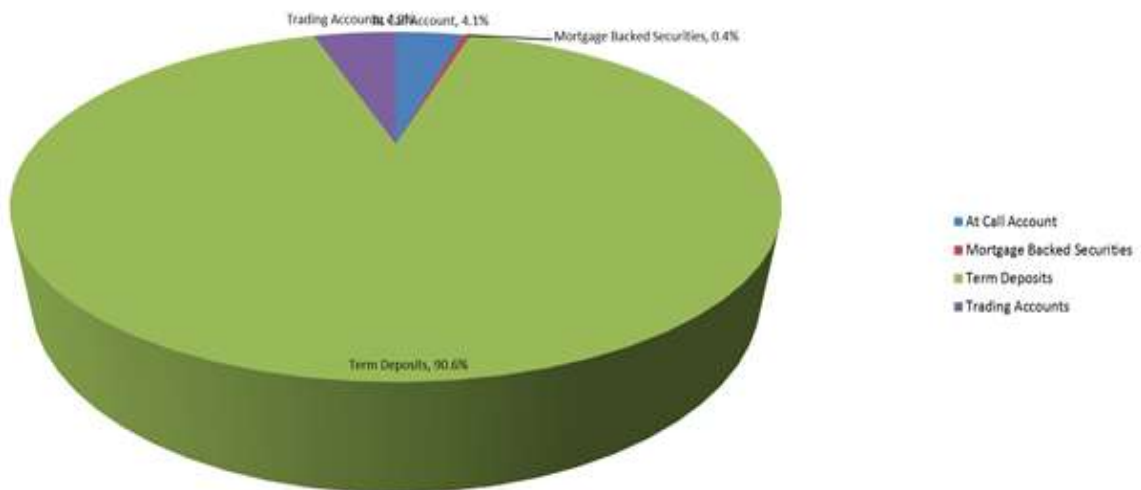
PORTFOLIO ANALYSIS



Council Investment Portfolio By Institution Rating



Council Investment Portfolio By Type of Investment



INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	2.68%	1.75%	1.50%
3 Months	2.71%	1.76%	1.50%
6 Months	2.71%	1.78%	1.50%
FYTD	2.72%	1.77%	1.50%
12 Months	2.74%	1.87%	1.50%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

MONTHLY INVESTMENT INCOME* VS. BUDGET

	30 Nov 17 \$	Year to Date \$
Investment Income	445,076	2,200,410
Adjustment for Fair Value	3,318	16,145
Total Investment Income	448,393	2,216,555
Budgeted Income	365,400	2,032,800

*Includes all cash and investment holdings

ECONOMIC NOTES

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

Evidence of continuing global economic recovery proliferated in November. At the same time major central banks continued to indicate only slow withdrawal of monetary accommodation. Low inflation is the main factor permitting the highly business-friendly combination of very low borrowing interest rates persisting at a time of above long-term trend global economic growth. There are the first signs in the form of rising global producer (factory gate) prices that inflation may not stay so low over the year ahead. At some point probably in 2018 central banks including the RBA are likely to either start the process of reducing monetary accommodation or lift the pace at which monetary accommodation is being reduced. Until that occurs, global economic growth may gather more pace increasing the likelihood of a lift in the pace of Australian economic growth too.

In the US, the advance reading of Q3 GDP showed growth at 3.0% annualised from 3.1% in Q2. The Q3 reading is particularly impressive given severe hurricane damage in September. Consumption expenditure grew at 2.4% annualised pace in Q3 and non-residential investment spending at 3.9%. Both are key elements of domestic spending in the US and are growing very well. A wide range of US economic readings all point both to upward revision of Q3 GDP and a strong Q4 GDP reading as well. US housing activity is showing signs of lifting again. Retail sales are strong, up 0.2% month-on-month in October after a 1.9% gain September and importantly the labour market continues to strengthen. Non-farm payrolls rose by 252,000 in October and the unemployment rate fell to a new cycle low reading, 4.1% in October. At this stage inflation is still contained, 2.0% year-on-year for the headline CPI in October and 1.8% for the core CPI.

In China, the world's second biggest economy after the United States, Q3 GDP held up well at 6.8% year-on-year from 6.9% in both Q2 and Q1. There are signs that annual GDP growth may be a touch softer in Q4. October economic readings were mostly a little less robust. Exports rose 6.9% year-on-year compared with 8.1% in September. October urban fixed asset investment spending, up 7.3% year-on-year was down a touch on 7.5% in September. Industrial production pulled back to 6.2% year-on-year from 6.6% in September and retail sales to 10.0% from 10.3%. These relatively minor pull backs are consistent with the authorities' activities dealing with excessive growth in credit and reining in undesirable activities – polluting industries, business corruption and speculation in residential real estate.

In Europe annual GDP growth accelerated to 2.5% year-on-year in Q3. In another milestone for European economic recovery, every national economy reported positive quarter-on-quarter growth in Q3 and the big four European economies – Germany 0.8% quarter-on-quarter; France 0.6%; Italy 0.5% and Spain 0.8% - all reported strong GDP growth. Europe's unemployment rate fell below 9% (8.9% in September) for the first time since the global financial crisis. The European Central Bank still appears cautious about Europe's future economic growth. The minutes of its November policy meeting show disagreement, however, around the decision to cut the size of its monthly QE bond purchases from 60 billion euro to 30 billion, but imply that QE purchases will continue until at least September 2018. Some ECB members wanted a clearer signal that QE purchases would end in September 2018.

Australian economic growth is still looking patchy. Employment growth has been very strong through 2017 so far and the unemployment rate is down at a 4-year low. Wages growth, however, remains very weak and the combination of low wages growth and very high household debt is resulting in subdued retail spending. Retail sales in volume terms rose by only 0.1% quarter-on-quarter in Q3. On the positive, business spending activity appears to be improving and public-sector infrastructure spending is lifting very strongly. Q3 construction work done rose in volume terms by 15.7% quarter-on-quarter. Export volumes are rising too including service exports - education and tourism. All told, annual GDP growth probably ran around 2.5% year-on-year in Q3, up from 1.8% year-on-year in Q2.

The investment portfolio return over the period 1 July 2017 to 30 November 2017 was 2.72% versus the Ausbond Bank Bill Index return of 1.77%.

8.0 CUSTOMER & CORPORATE DIVISION REPORTS

ITEM 8.1	CONFIRMED MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD 5 SEPTEMBER 2017
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2017/484832
ATTACHMENTS	1 ↓ ARIC Minutes 5 September 2017

REPORT

PURPOSE

To report the confirmed minutes of the Audit, Risk and Improvement Committee (ARIC) Meeting held on 5 September 2017.

REPORT

The ARIC plays a pivotal role in the governance framework to provide Council with independent assurance and assistance in the areas of internal audit, risk management, compliance and control, governance, organisational performance and improvement and external accountability responsibilities.

In accordance with the ARIC Charter, the minutes of ARIC Meetings are to be reported quarterly to Council. Once confirmed by the ARIC the minutes of the meeting held on 5 September 2017 are reported in full as per Attachment 1.

FINANCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 5 September 2017.



MINUTES

AUDIT, RISK AND IMPROVEMENT COMMITTEE

held at Manly Town Hall on

Tuesday 5 September 2017

The meeting commenced at 3.01pm

Attendance:

Members of the Committee:

Mr John Gordon (Chairperson)
Mr Robert Dobbie
Mr Brian Hrnjak
Ms Liezel Preller

Council Officers (non-voting):

Mr Mark Ferguson, Chief Executive Officer
Ms Helen Lever, General Manager - Customer and Corporate
Mr David Walsh, Chief Financial Officer
Ms Sue Meekin, Deputy CFO - Business Support and Reporting
Ms Sonya Gallery, Executive Manager - Governance and Risk
Ms Marnie van Dyk, Manager - Enterprise Risk
Ms Pamela Tasker, Administration Officer - Internal Audit

Council Auditors (non-voting):

Mr Brett Hanger, Hill Rogers
Ms Melissa Broadhead, Partner, Ernst & Young
Mr Michael Quirk, Head of Internal Audit, North Shore Councils

Observer:

Ms Mary Ruppig, Head of Internal Audit (Elect)

Audit, Risk and Improvement Committee

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Preliminary Note:

Ms Mary Ruppington, newly appointed Head of Internal Audit for Northern Beaches Council, attended the meeting as an observer. Ms Ruppington was welcomed by the Chair and provided a brief outline of her professional experience to the Committee.

1.0 Apologies**Notes:**

1. All voting members of the Audit, Risk and Improvement Committee were in attendance.
2. Apologies were received from the following invitees:
 - Ms Weini Liao, Director of Financial Audit Services, Audit Office of NSW
 - Mr Louis Wellard, Senior Manager, Ernst & Young
 - Ms Yan Yang, Hill Rogers
 - Mr Krishnan Pechimuthoo, Internal Audit, North Shore Councils
 - Mr David Kerr, General Manager, Planning, Place and Community

2.0 Declarations of Conflict / Pecuniary Interest**Note:**

Mr John Gordon (Chair) reiterated his precautionary disclosure that he has been appointed to the Audit and Risk Committees of both the Central Coast and Sutherland Shire Councils.

3.0 Confirmation of Minutes**COMMITTEE RECOMMENDATION**

That the Minutes of the ARIC Meeting held on 16 May 2017, copies of which were circulated to all members, be accepted as a true and accurate record of that meeting.

(Mr Brian Hrnjak / Mr Robert Dobbie)

4.0 Action Items from Minutes**Proceedings in Brief:**

Ms Marnie van Dyk (Manager Enterprise Risk) addressed the meeting on this item.

Note:

The Audit, Risk and Improvement Committee noted the actions taken on the various items arising.

5.0 Special Agenda Items

5.1 Financial Statements for the Period Ended 30 June 2017

Proceedings in Brief:

Mr Mark Ferguson (Chief Executive Officer), Mr David Walsh (Chief Financial Officer), Ms Sue Meekin (Deputy CFO) and Mr Brett Hanger (Hill Rogers) addressed the meeting on this item.

General Purpose and Special Purpose Financial Report amendments recommended by the Audit Risk and Improvement Committee:

- Page 16 Changes in Equity: Mosman Council share to be revisited
- Page 23 Note 1(l) Community Land valuation: express NSW Valuer-General valuation
- Compare 2013 / 2016 valuations of community land
- Page 25 Note 1(t) Self Insurance: amend "**has decided to self insure**" to "**self insures**"
- Page 26 Note 1: Consider annual reporting dates from Proclamation
- Note 32: Note 3A to be included
- Page 48 Note 11 repeat of Note 6(a) on Page 38: to be amended
- Page 62 Note (v) Other: line 5 repeat - delete "**the Development Deed with**"
- Page 68 Note 27: Fair value measurement to be more specific
- Page 71 Note 29: Expand to explain surplus results from amalgamation, ie: one off)
- Page 97 Schedule 7: Define "satisfactory standard"

ACTION ITEMS:

- ***Any significant changes to accounts to be communicated to Committee members as soon as practicable.***

COMMITTEE RECOMMENDATION

That the Financial Statements for the period ended 30 June 2017 for Northern Beaches Council be endorsed by the Audit, Risk and Improvement Committee for presentation to Council subject to the implementation of recommended amendments as appropriate and timely communication to all Committee Members of any significant and/or substantial changes made to the Financial Statements.

(Mr Brian Hrnjak / Mr John Gordon)

Notes:

1. Mr David Walsh tabled an Issues Paper outlining Accounting Policies, Critical Accounting Estimates and Significant Judgements in applying Accounting Policies.
2. The Committee thanked Mr Walsh for the detailed Issues Paper and asked that congratulations be extended to Ms Meekin and the Finance team for the timely completion of the Financial Statements, particularly given the additional difficulties presented by the amalgamation.
3. Mr Hanger noted that the audit was still in progress and that no significant issues had emerged to date.
4. Mr Hanger and Ms Meekin left the meeting at 4.32pm.

6.0 Transformation

6.1 Integration Update

Proceedings in Brief:

Mr Mark Ferguson (Chief Executive Officer) addressed the meeting on this item.

Note:

The report on work undertaken to date was noted by the Audit, Risk and Improvement Committee.

6.2 IT Transition Projects and Risks Update

Proceedings in Brief:

Ms Helen Lever (General Manager, Customer and Corporate) addressed the meeting on this item.

ACTION ITEMS:

- *That an analysis on outstanding staff leave be reported to the next meeting.*
- *That a comprehensive review of the Systems Design be considered for 2018.*

Note:

The report on work undertaken to date was noted by the Audit, Risk and Improvement Committee.

6.3 Northern Beaches Hospital and Warringah Aquatic Centre Update

Proceedings in Brief:

Mr Mark Ferguson (Chief Executive Officer) addressed the meeting on this item.

Note:

The update on the Northern Beaches Hospital Structure Plan was noted by the Audit, Risk and Improvement Committee.

7.0 Governance and Risk Management

7.1 Risk Management Report

Proceedings in Brief:

Ms Marnie van Dyk (Manager, Enterprise Risk) addressed the meeting on this item.

Note:

The Audit, Risk and Improvement Committee noted the report and endorsed the work undertaken to date.

7.2 Report on GIPA, PID, ICAC and Code of Conduct Matters

Proceedings in Brief:

Mr Mark Ferguson (Chief Executive Officer) Ms Helen Lever (General Manager, Customer and Corporate) and Ms Sonya Gallery (Executive Manager, Governance and Risk) addressed the meeting on this item.

Note:

The Audit, Risk and Improvement Committee noted the report and endorsed the work undertaken to date.

8.0 Internal Audit

8.1 Recruitment of Head of Internal Audit Update

Proceedings in Brief:

Ms Sonya Gallery (Executive Manager, Governance and Risk) addressed the meeting on this item.

Note:

The Audit, Risk and Improvement Committee noted the report.

8.2 Draft Internal Audit Annual Plan (IAAP) 2017**Proceedings in Brief:**

Ms Marnie van Dyk (Manager, Enterprise Risk) addressed the meeting on this item.

ACTION ITEMS:

- *That a gap analysis be performed across Northern Beaches Council with regard to the recommendations of the Independent Commission Against Corruption's 26 July 2017 report into the former Botany Council.*
- *That a review of controls on bank account protocols be conducted as soon as practicable.*

Note:

The Audit, Risk and Improvement Committee noted the report.

8.3 Implementation of Audit Recommendations**Proceedings in Brief:**

Ms Marnie van Dyk (Manager, Enterprise Risk) addressed the meeting on this item.

Note:

The Audit, Risk and Improvement Committee noted the report.

9.0 General Business

9.1 Verbal Update by the Chief Executive Officer

The Chief Executive Officer provided an update on matters of interest to the Audit, Risk and Improvement Committee relating to both operational and transition matters for the Northern Beaches Council.

A copy of the Administrator's Report to the Community was tabled at the meeting.

ACTION ITEM:

- *Consideration of the framework for committees of Council and appointment of new Councillors to committees is scheduled for 23 October 2017. An 'in camera' meeting of the Audit, Risk and Improvement Committee with any newly appointed Councillors to be scheduled 30 minutes prior to the next meeting of the Committee.*

10.0 Next Meeting

The next meeting of the Audit, Risk and Improvement Committee will be determined in conjunction with the Audit, Risk and Improvement Committee Chair and Head of Internal Audit, giving consideration to the progress of the appointments of Councillors to the Committee. The next meeting will be preceded by an 'in camera' session with Committee members including the newly appointed Councillors.

**There being no further business
the meeting of the Audit, Risk and Improvement Committee
was concluded at 5.40pm on Tuesday 5 September 2017**

ITEM 8.2	DELEGATED AUTHORITY TO THE MAYOR - CHRISTMAS / NEW YEAR RECESS 2017-2018
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2017/499035
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To grant delegated authority to the Mayor over the 2017-2018 Christmas and New Year recess period.

SUMMARY

Over the Christmas and New Year recess period Council may consider granting delegated authority to the Mayor to make decisions of a critical or urgent nature where required in the Council's absence.

It is proposed that this delegation be granted to the Mayor for the 2017-2018 recess period commencing from 20 December 2017 following the Ordinary Council Meeting held on 19 December 2017 and ceasing on 30 January 2018, the day Council reconvenes for its first briefing.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council, pursuant and subject to the limitations of section 377 of the *Local Government Act, 1993* grant authority to the Mayor to make provision for decisions to be made on critical or urgent Council matters during the 2017-2018 Christmas and New Year recess being 20 December 2017 to 30 January 2018 inclusive.

REPORT

BACKGROUND

Over the Christmas and New Year recess period a provision may be put in place for decisions of a critical or urgent nature to be made by the Mayor or the Deputy Mayor (in the Mayor's absence) if Council grants delegated authority to the Mayor during this period. It is considered a prudent practice in the absence of the Council for such delegated authority to be granted to the Mayor over the Christmas and New Year recess period in the event of a critical or urgent matter arising.

It is proposed that the Council's Christmas and New Year recess period commence after the last Ordinary Council Meeting of the 2017 year. This year it is proposed the recess period will begin on Wednesday, 20 December 2017 and conclude on Tuesday 30 January 2018, which is the day the Council will reconvene for its first formal scheduled briefing.

A report outlining how the delegated authority was exercised during the period will be provided to Council at the first 2018 Ordinary Council Meetings on 27 February 2018.

The delegation to the Mayor over the Christmas and New Year recess period is consistent with the provisions of section 226 of the *Local Government Act 1993* which states, in part, that the role of the Mayor is:

"to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council".

It is important to note that the following powers, duties or functions of the Council under section 377 of the *Local Government Act, 1993* cannot be delegated by the Council:

- the appointment of a general manager
- the making of a rate
- a determination under section 549 as to the levying of a rate
- the making of a charge
- the fixing of a fee
- the borrowing of money
- the voting of money for expenditure on its works, services or operations
- 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)
- the acceptance of tenders to provide services currently provided by members of staff of the council
- the adoption of an operational plan under section 405
- the adoption of a financial statement included in an annual financial report
- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
- the fixing of an amount or rate for the carrying out by the council of work on private land
- 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

- 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
- the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
- a decision under section 356 to contribute money or otherwise grant financial assistance to persons
- a decision under section 234 to grant leave of absence to the holder of a civic office
- the making of an application, or the giving of a notice, to the Governor or Minister
- this power of delegation
- any function under this or any other Act that is expressly required to be exercised by resolution of the council.

The powers, duties or functions under section 377 of the *Local Government Act, 1993* as listed above can only be exercised by the Council as a body corporate and through resolution of the Council.

TIMING

The 2017-2018 recess period is proposed to commence the day after the last Ordinary Council Meeting on 20 December 2017 and conclude on Tuesday 30 January 2018.

FINANCIAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

ITEM 8.3	SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACHFRONT AND PROMENADE FOR THE NEW INTERNATIONAL SURFING EVENT PRESENTED BY SURFING NSW IN FEBRUARY/MARCH 2018
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT & COMMUNICATIONS
TRIM FILE REF	2017/496371
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To suspend the designated Alcohol Prohibited Areas on Manly Beachfront and Promenade within the event site for the *Vissla Sydney Pro*, a new international surfing event being presented in Manly by Surfing NSW from 24 February – 4 March 2018.

SUMMARY

Surfing NSW is creating a new international surfing event, the *Vissla Sydney Pro*, to be held on Manly/North Steyne Beach from 24 February to 4 March 2018. Council has been requested to suspend the Alcohol Prohibited Areas (APA) in selected locations on Manly Beachfront and promenade for the presentation of hospitality-related components for the event.

The Australian Open of Surfing was held on Manly beachfront and promenade from 2012 – 2017. Likewise, VolleyFest has been held in a similar location since 2014. There have been no alcohol-related incidents recorded by Police or Council resulting from the suspension of the APA during these events through those years.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council:

- A. Suspend the Alcohol Prohibited Area for the *Vissla Sydney Pro* surfing event within the specific event site locations on Manly Beachfront and promenade as designated by Surfing NSW for the period 24 February – 4 March 2017.
 - B. Suspend the Alcohol Prohibited Area for the *Vissla Sydney Pro* surfing event only for the operating days and hours specified by Surfing NSW for the service of alcohol but starting no earlier than 11.00am and finishing no later than 7.00pm each event day.
 - C. In accordance with section 645(i) of the *Local Government Act 1993*, provide appropriate notice of the suspension of the Alcohol Prohibited Areas through a local newspaper.
 - D. Event staff together with event organisers continue to liaise with Northern Beaches Police in relation to the safe management of the area during the suspension of the Alcohol Prohibited Areas.
-

REPORT

BACKGROUND

Surfing NSW, in partnership with Council and Destination NSW, is creating the *Vissla Sydney Pro*, a new international surfing event to be held in Manly from 24 February to 4 March 2018. This will be a major event for the Northern Beaches and will continue the tradition of international-level surf events being held in Manly since 1964. The *Vissla Sydney Pro* is expected to be a substantial driver for visitation and tourism in Manly and contribute significantly to the Northern Beaches' visitor economy.

As with many major events and festivals such as the Australian Open of Surfing and VolleyFest, food and beverage catering to VIPs, special guests and members of the public will be provided in well-defined spaces within the event site.

Surfing NSW will appoint a licensee responsible for ensuring the responsible service of alcohol at all times. Agreed alcohol and security management plans will be in place for the event in the areas where alcohol will be served, including enforcement by appropriate signage and security personnel provided by the event organiser. Where required by Police, additional user-pays Police personnel will also be on-site at the expense of Surfing NSW.

The location of the event site is situated within the current APA, and as such, any alcohol being consumed may be tipped out or confiscated by Police or authorised officers under section 632 of the *Local Government Amendment (Confiscation of Alcohol) Act 2010*.

The areas requested by Surfing NSW to serve alcohol are:

- a. A marquee on the beach just to the south of the North Steyne Surf Life Saving Club covering an area up to 25m x 15m (375m²) for VIPs, officials, and the general public, and
- b. A marquee on the promenade just to the south of the North Steyne Surf Life Saving Club covering an area up to 10m x 6m (60m²) for VIPs and officials.

Both areas will operate from no earlier than 11am to no later than 7pm each day from 24 February to 4 March 2018 with final days and times to be confirmed by the event organiser and licensee in consultation with Council and local Police closer to the event.

Under the provisions of section 645(1) of the *Local Government Act 1993*, Council "may, at the request of any person or body or of its own motion, suspend the operation of an alcohol-free zone by publishing notice of the suspension in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned".

The provisions under section 632A of the *Local Government Act* in regards to APAs do not define the requirements for the suspension of an APA. However in order to adhere to best practice, it is recommended that Council approve the suspension of the APA for the proposed event areas in accordance with the legislated process for suspension of an Alcohol Free Zone.

CONSULTATION

Council has worked with and will continue to collaborate with Northern Beaches Police on similar event requests to ensure the safe operation of the areas during these events. Likewise, we will work closely with Surfing NSW to ensure minimal impact on the area and residents as a result of this request.

Surfing NSW will be required to provide full and detailed security and alcohol management plans, appropriate structures, staffing, fencing and signage. Council and Police satisfaction with these plans will form part of the final approval for the event.

TIMING

Suspension of the APA will only be on event days specified by Surfing NSW between 24 February and 4 March 2018. The service of alcohol will start no earlier than 11.00am and finish no later than 7.00pm each day with final days and times to be confirmed by Surfing NSW and the licensee in consultation and agreement with Council and local Police.

FINANCIAL CONSIDERATIONS

As part of their final event approval, Surfing NSW will meet all costs associated with the service of alcohol, licensing and the suspension of the APA including all advertising requirements and the covering of APA signage during the agreed suspension period.

SOCIAL CONSIDERATIONS

The consumption of alcohol will only be allowed within the approved designated and licensed event areas. Surfing NSW will be required to provide sufficient security personnel to monitor anti-social behaviour and the responsible service of alcohol.

Areas where alcohol is served will have strict capacity limits enforced to control crowd size and behaviour. Northern Beaches Police may also impose licensing restrictions on the service of alcohol to minimise potential for alcohol-related incidences.

ENVIRONMENTAL CONSIDERATIONS

Event organisers are required to adhere to Council policy regarding sustainable waste management practices for the disposal of all products associated with the service of alcohol.

ITEM 8.4	NORTHERN BEACHES EVENTS STRATEGY: EXHIBITION OF DRAFT STRATEGY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT & COMMUNICATIONS
TRIM FILE REF	2017/491649
ATTACHMENTS	1 Draft Events Strategy 2018 - 2023 (Included In Attachments Booklet) 2 Events Strategy Consultation Report (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council's approval to place the draft Northern Beaches Events Strategy ("the strategy") on public exhibition for further feedback from the community.

SUMMARY

At the meeting of 13 September 2016, the Northern Beaches Council Implementation Plan was adopted by Council. The plan provided a clear framework for the integration and transformation of the organisation. Under this framework, a number of core organisational services were identified to allow the integration work to be prioritised and resourced. At the meeting of 8 November 2016, Council was advised of the list of 25 services areas identified to be substantially integrated by July-Dec 2017. Included within this list was the creation of an events strategy.

Since January 2017 significant internal and external engagement activities have been undertaken to determine an appropriate and useful Northern Beaches Events Strategy to guide the delivery of both Council run events and activities and events run by third-party event organisers.

This report provides an overview of the work completed to date and recommends the exhibition of the draft strategy for a 6 week period. During this time, further feedback and submissions will be able to be provided through the Council's community engagement framework. A report will be brought back to Council at the close of the exhibition period to summarise the feedback received.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council place on exhibition the draft Northern Beaches Events Strategy for a period of 42 days and that the submissions received and final Strategy be reported back to Council for further consideration and adoption.

REPORT

BACKGROUND

A Northern Beaches Events Strategy (“the strategy”) was identified soon after amalgamation as an important step to ensuring the annual program of events delivered both by Council, community groups and third-party event organisers meets the needs and expectations of the community. Several issues were identified that needed to be addressed including duplication of events, multiple management processes and the number of event application processes that existed within Council.

The work to develop the strategy commenced with an extensive community engagement program. It was designed to support the organisation’s visioning, strategic planning, management and delivery of Council’s annual event programs.

The strategy will deliver:

- A clear focus and direction for the delivery of events on the Northern Beaches for the next five years – in alignment with the goals of SHAPE 2028, Council’s Community Strategic Plan
- Principles and guidelines to attract, develop and support a calendar of diverse and exciting events across the Northern Beaches – creating new opportunities and experiences for the community
- An overview of the potential opportunities and the existing challenges associated with holding events on the Northern Beaches
- A roadmap to success: highlighting goals, actions and measures for how Council, together with event organisers, can deliver the vision formulated through the strategy.

CONSULTATION

Consultation and feedback around the development of the strategy was undertaken between July and November 2017 reaching more than 1200 people including community members, local organisations, event’s organisers, businesses, Council staff and importantly, Council event attendees. Feedback was received through several methods of engagement:

- ‘Your Say’ online project page received 682 visits between July and September 2017 with 40 views of the Frequently Asked Questions and 17 online comments received
- Online survey ‘Events on the Northern Beaches’ (18 questions) designed to gather feedback on the types of events people liked to attend, how local events could be improved and ideas for new events on the Northern Beaches. Live from July and September 2017 and completed by 403 people
- Internal staff engagement via seven internal workshops reaching 85 staff
- Community workshops held over four locations reaching 40 people
- Pop-ups and activations at seven Council-run events, local markets and community gathering points reaching 475 people
- Industry engagement via phone conversations with ten event organisers presenting their vision for events on the Northern Beaches.

TIMING

The draft Policy will be placed on public exhibition for 42 days. The consultation process will include:

- 'Your Say' project web page including an online submission form
- Advertisements in the Manly Daily
- Direct emails to our community engagement database, registered community and special interest groups and other key stakeholders.

At the conclusion of the public exhibition period, the submissions will be considered and it is anticipated that the strategy will be presented to Council for consideration for adoption by Council in March 2018.

FINANCIAL CONSIDERATIONS

The strategy details several key goals that are aligned with Council's Community Strategic Plan (CSP). The financial impact of implementing the associated actions to meet the goals within core service areas in Council will be incorporated into operational budget planning.

SOCIAL CONSIDERATIONS

The feedback demonstrates how passionate the community is about events. They recognise the social, cultural and economic value they bring to our town centres and villages. Events are also recognised as playing an important role in building social cohesion and a sense of connection in the community. The strategy identifies actions to attract, develop and support a calendar of diverse and exciting events for the Northern Beaches – creating new opportunities and experiences for the community.

Events are a key driver in increasing community satisfaction which is reflected clearly in the recent results of the Community Satisfaction Survey (2017) and Delivery Program workshops.

ENVIRONMENTAL CONSIDERATIONS

The strategy aims to set higher bench marks in environmental outcomes for events. Specific goals and actions will ensure all events on the Northern Beaches lead to a greater environmental awareness and benefits for everyone. The strategy will support the delivery of fun and enjoyable event experiences whilst ensuring our extraordinary natural environment is safe and protected for future generations.

ITEM 8.5	REQUEST FOR EVENT APPLICATION SUPPORT
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT & COMMUNICATIONS
TRIM FILE REF	2017/500793
ATTACHMENTS	1 Request for Event Application Support (Included In Attachments Booklet) (Confidential)

REPORT

PURPOSE

To request Council provides financial and in-kind support for the production of a film, scheduled to be shot between April-June 2018 at Palm Beach.

REPORT

Council has been requested to provide financial and in-kind support to assist in the production of a new Australian film that is to be filmed in and around Palm Beach. In accordance with the Local Government Act 1993, Section 356 Council must approve such expenditure.

The producers have asked for Council to keep this project confidential until they release their own formal press release at the end of January. This is to ensure optimal publicity, locally after Christmas shut-downs and internationally by announcing just prior to the Berlin Film Festival.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council adopt the recommendation contained in the Confidential Attachment to this report.

9.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

ITEM 9.1	ADOPTION OF EAST ESPLANADE LANDSCAPE PLAN
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2017/475165
ATTACHMENTS	1 Download Draft East Esplanade Landscape Plan

EXECUTIVE SUMMARY

PURPOSE

To recommend adoption of the East Esplanade Landscape Plan.

SUMMARY

Along with the Corso, West Esplanade and Manly Wharf, East Esplanade forms part of the most iconic gateway into the Northern Beaches. Council has prepared a draft Landscape Plan, see attached, to make this park more resilient to the impacts of use, erosion, to provide tree protection and address safety issues. The proposed changes have been targeted to address these issues whilst being sympathetic and enhancing East Esplanade's strong heritage, recreational and social value.

Council has engaged with the community through a formal public exhibition period from 2 November until 3 December 2017. The community has strongly supported the proposed Landscape Plan and it is consequently recommended for adoption.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Adopt the East Esplanade Landscape Plan.
 - B. Proceed with implementing high priority action from the plan in February 2018.
-

REPORT

BACKGROUND

East Esplanade, along with West Esplanade, Manly Wharf and Manly Corso, is part of the most iconic gateway into the Northern Beaches. Originally developed in the late nineteenth century, the popular park is often referred to as 'The Office' in reference to its popularity as a meeting point. As a landscape setting, it provides considerable public amenity via its promenade, significant mature trees and open grassed areas.

However there is a number of underlying issues within the park that need to be addressed. The key issue the draft Landscape Plan seeks to resolve is the uncontrolled stormwater runoff from East Esplanade across the Park which washes large amounts of sediment into Cabbage Tree Bay. Other issues include the need to provide better tree protection, managing significant risk posed by the large fig tree in the eastern boundary of the park without removing the tree, upgrading and expanding the public toilets, and protection and enhancement of the significant historic elements within the park.

The draft Landscape Plan (attached) has been developed to address these issues without changing the character or usability of the space. The Landscape Plan seeks to provide a connection in the Park between environment, history and lifestyle.

CONSULTATION

Council has widely engaged the community on the draft Landscape Plan. Engagement was broadly advertised through two notices in the Manly Daily, notification to all community members on the Community Engagement Register, signs on site and prominent placement on Council's media platforms.

Council conducted a drop in information session on 11 November 2017. This session was attended by over 100 people who were generally supportive of the plan. The draft Landscape Plan was similarly well received at the Manly Community Forum held on 21 November 2017.

Overall Council received 53 submissions of which 40 were generally positive about the plan and 13 were neutral. Based on the feedback received there are no significant changes to the draft Landscape Plan recommended.

In general the majority of submissions were very supportive. One issue that generated some concern was the action to remove access to the pedestrian stair case that leads from the corner of Osbourne Street and East Esplanade. The reason for the closure of this stair case and the relocation of the play equipment is due to the potential risk of the very old yet healthy heritage listed fig tree. Council is proactively managing this tree due to its local significance, however due to its age the lower limbs are very substantial and while the likelihood of failure is low the consequence of limb drop that hits someone could be extremely severe. There was no indication from the community that there is a preference to remove the tree in lieu of providing access to the stairs.

Another strong view held by people who made a submission was the poor performance of the grass along East Esplanade. Council will endeavour to improve the grass over time however the reason for poor growth is due to the poor solar access of the grassed areas created by the very mature and beloved tree canopy. Without full sun and given the high use, the grass will never grow as well as other similar areas that don't have as many trees. Council will address this through better turf management of the area including but not limited to: under loping the Norfolk Island pines to thin the canopy slightly to allow more sun and introducing annual fertilising and aeration regimes.

In terms of the ongoing behavioural issues at certain times in the Park, the landscape plan cannot directly address these issues. What it can do is provide, when implemented, an accessible and well maintained area that encourages families and others to use the area and respect it. Council is currently working with the Police to address the behavioural issues at the site.

An issue raised through the consultation process was aboriginal heritage and heritage in general. Council will be reviewing and updating where required the heritage items throughout the area as part of the implementation of the Plan.

TIMING

If adopted, Council will commence implementing high priority actions in Landscape Plan in February 2018. High priority actions include the following:

- Tree protection works
- Raising the East Esplanade road kerb particularly in the area opposite Victoria Parade to divert overland water flow from the road
- Constructing the sitting wall
- Restoring and augmenting the memorial area
- Introducing better turf management practices.

FINANCIAL CONSIDERATIONS

Council has budgeted \$200,000 to commence implementing priority actions from the Landscape Plan.

SOCIAL CONSIDERATIONS

By addressing the issues outlined above the implemented Landscape Plan will provide a framework to create a well maintained, accessible and safe place for the community to enjoy. By encouraging for family use and providing a space that is more easily maintained there should be a decrease in anti-social behaviour.

ENVIRONMENTAL CONSIDERATIONS

Implementation of the plan will address significant erosion caused by overland water flowing off East Esplanade. Diverting the water to the stormwater network via raising the road kerb will resolve most of this issue and will ensure sediments from the park are not entering the Cabbage Tree Bay in as high a volume.

The tree protection measures proposed will ensure that the tree's amenity can be enjoyed without detrimental impact to the long term sustainability of these trees.





PHOTOMONTAGE 1

- 1 upgrade pavement and improve accessibility i.e. granite pavers and thermal concrete tilt paving, review lighting and furniture design
- 2 retain Olympic memorial plaques within paving design
- 3 low sandstone edge as part of grass terrace for sitting and viewing
- 4 upgrade existing grass areas including provision of improved grass selection, irrigation and maintenance



PHOTOMONTAGE 2

- 1 upgrade pavement and improve accessibility i.e. granite pavers and thermal concrete tilt paving, review lighting and furniture design
- 2 retain Olympic memorial plaques within paving design
- 3 low sandstone edge as part of grass terrace for sitting and viewing
- 4 upgrade existing grass areas including provision of improved grass selection, irrigation and maintenance
- 5 upgrade existing furniture and create seating for all accessibility



PHOTOMONTAGE 3

- 1 upgrade pavement and improve accessibility i.e. granite pavers and thermal concrete tilt paving, review lighting and furniture design
- 2 retain Olympic memorial plaques within paving design
- 3 low sandstone edge as part of grass terrace for sitting and viewing
- 4 upgrade existing grass areas including provision of improved grass selection, irrigation and maintenance
- 5 install seating around base of existing flag pole to provide cool shelter, protection and reduce compression to ground and roots, promote passive recreation including picnics and viewing



PHOTOMONTAGE 4

- 1 upgrade pavement and improve accessibility i.e. granite pavers and thermal concrete tilt paving, review lighting and furniture design
- 2 retain Olympic memorial plaques within paving design
- 3 low sandstone edge as part of grass terrace for sitting and viewing
- 4 upgrade existing grass areas including provision of improved grass selection, irrigation and maintenance
- 5 enhance heritage monuments using with feature paving around base
- 6 improve longevity of existing flag pole with preservation of last ground treatments, hardware, canopy, repairing relocation of masts and removal of steel access and jibs
- 7 expand capacity for existing event seating creation of heritage events



ITEM 9.2	RESULTS OF COMMUNITY ENGAGEMENT ON PROPOSED LITTLE MANLY BOARDWALK
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2017/474777
ATTACHMENTS	1 ↓ Little Manly Boardwalk draft concept

EXECUTIVE SUMMARY

PURPOSE

To report to Council the results of the community engagement process for the proposed boardwalk at Little Manly Beach, Manly.

SUMMARY

On 27 June 2017 the Council resolved to build a boardwalk along the beachfront between 36 and 40 Stuart Street to connect the two public spaces known as Little Manly Reserve. Council also resolved at this time to develop a Masterplan for the entire Little Manly Reserve area, which is programmed for May 2018.

In fulfilling this resolution Council completed a design (see attachment) and undertook community engagement on the design from 21 October until 19 November 2017. This included a Your Say Northern Beaches web page, on site signs, on site information session attended by approximately 90 people, letter box drop and advertising in the Manly Daily and Community Engagement Register.

The feedback during the engagement period was that while the design was generally supported the project in isolation was not, with 67% of respondents not supporting the project. There was consistent feedback suggesting the boardwalk should be considered with the proposed Masterplan of the whole Reserve precinct which is planned to commence in May 2018 rather than in isolation.

It is proposed that this funding be reallocated to implement the East Esplanade Landscape Plan with works to commence in February 2018, subject to adoption by Council.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Defer the Little Manly Boardwalk project and incorporate consideration of the project as part of the Little Manly Reserve Masterplan planned to commence in May 2018.
 - B. Reallocate the funding for the Little Manly Boardwalk for the financial year 2017/2018, CN01081, to implementation the East Esplanade Landscape Plan.
-

REPORT

BACKGROUND

On 27 June 2017 Council resolved:

That Council:

- A. *Build a boardwalk along the beachfront between 36 and 40 Stuart Street, Manly connecting the two public spaces known as Little Manly Reserve with work commencing in 2017/2018.*
- B. *Develop a Masterplan for the entire Little Manly Reserve area to ensure maximum accessibility and the future use of this public asset, including consideration of the incorporation of a public café into 40 Stuart St and community use for 34 Stuart Street such as the creation of an indigenous culture and education centre.*
- C. *Ensure funding for the project and the development of the Masterplan are available within the budget for 2017-2018.*

In response Council undertook detailed investigations and prepared a draft concept of the proposed boardwalk to undertake community engagement, see attached.

CONSULTATION

Community engagement was conducted from 21 October 2017 to 19 November 2017. Council widely advertised the proposal using a variety of platforms:

- Manly Daily advertisements on 21 October and 11 November
- Alerts sent to over 4000 people registered on Council's Community Engagement Register
- Signs on site
- Your Say Northern Beaches page that recorded 156 visits
- On site information session attended by approximately 90 people on 28 October 2017
- Presentation to the Manly Community Forum attended by approximately 40 people.

The feedback during the engagement period was that while the design was generally supported the project in isolation was not, with 67% of the 103 respondents not supporting the project. A common theme on why the project was not supported was that it was the absence of a Masterplan for the site. The community also voiced consistent concern that the boardwalk was not as high a priority as addressing the current safety issues relating to the boat ramp.

In relation to the design itself 71% of respondents liked the design with 23% undecided.

As a result of the community engagement process it is clear that the community desire a holistic masterplan for the whole site that addresses issues of accessibility, natural environment, recreational use, safety and heritage. Therefore it is recommended that the proposed boardwalk be deferred so that the park as a whole can be considered through a robust Masterplan planning process.

TIMING

Council resolved to prepare a Masterplan for Little Manly Beach Boardwalk to commence development in May 2018. It is proposed that this proceed as planned.

FINANCIAL CONSIDERATIONS

Currently Council has budgeted \$55,000 for the construction of the boardwalk this financial year. It is proposed that this funding be reallocated and used to implement the East Esplanade Landscape Plan with works to commence in February 2018.

SOCIAL CONSIDERATIONS

Through the community engagement process, the community has provided invaluable feedback on the proposed boardwalk. Several stakeholders have complimented Council on the community engagement process for the proposed boardwalk.

ENVIRONMENTAL CONSIDERATIONS

No impact as project is proposed to be deferred.



LITTLE MANLY BOARDWALK - DRAFT CONCEPT

October 2017 Scale 1:200 @ A3

PHOTOMONTAGE 1



EXISTING



PROPOSED

PHOTOMONTAGE 2



EXISTING



PROPOSED

ITEM 9.3	PUBLIC EXHIBITION OF THE DRAFT GLEN STREET OPEN SPACE MASTERPLAN
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2017/492772
ATTACHMENTS	1 Download Draft Glen Street Open Space Masterplan

EXECUTIVE SUMMARY

PURPOSE

To seek endorsement to release the draft Glen Street Open Space Masterplan for public exhibition.

SUMMARY

After amalgamation Northern Beaches Council proceeded quickly to identify and remedy critical recreational shortfalls in all areas of the Northern Beaches. Particular focus was given to accessibility, connectivity and sportsfields. To this end Council resolved to construct a new inclusive regional playground at Lionel Watts Reserve and to convert Lionel Watts Reserves fields three, four and five to synthetic surface.

Council has taken the opportunity provided by these decisions to masterplan the site to ensure that the significant new recreational assets work harmoniously and complimentary with existing infrastructure, uses and deliver social, recreational and environmental benefits.

Together with the Glen Street Theatre and recently opened Glen Street Library, the redeveloped open space consisting of Frenchs Forest Showground and Lionel Watts Reserve will provide the western area of the Local Government Area with a high quality and accessible precinct that will support the area now and in the future. The park in particular is the most significant open space in the area and will provide recreational opportunities for the nearby Frenchs Forest Hospital precinct.

Key features of the draft Masterplan (refer Attachment 1) are:

- Dual synthetic sportsfield
- Inclusive regional playground
- Increased car parking
- Improvements to the off leash dog area – including a small dog area
- An accessible path network including fitness trail
- Youth facilities
- New skate park.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council publically exhibit the draft Masterplan from 19 January 2018 until 23 February 2018.

REPORT

BACKGROUND

The draft Glen Street Open Space Masterplan is planned to guide the development of Council assets at Lionel Watts Reserve, named after the founder of the House with No Steps and a pioneer of disability services, and Frenchs Forest Showground. These two areas combined provide the region with 11 hectares of open space. The existing features of the site include six hardcourts, four senior football/rugby fields, two senior cricket fields, a showground that is also used as an off leash dog area, three community buildings, a district playground and a large area of remnant Duffys Forest endangered ecological community along Glen Street.

After amalgamation Northern Beaches Council proceeded quickly to identify and remedy critical recreational shortfalls in all areas of the Northern Beaches. Particular focus was given to accessibility, connectivity and sportsfields. With this in mind two decisions were made that has impact on Lionel Watts Reserve and Frenchs Forest Showground:

- A new inclusive play space for the Lionel Watts Playground, as part of the 'Connecting All Through Play' project
- the conversion of two playing fields to synthetic grass surfacing.

Council has taken the opportunity provided by these decisions to masterplan the site to ensure that the significant new recreational assets work harmoniously and complementary with existing infrastructure, uses and deliver social, recreational and environmental benefits.

CONSULTATION

Council has undertaken robust and wide ranging consultation on the masterplan and the two adopted projects. Consultation to date has focused on what aspirations, desired uses and requirements for existing users need to be taken into account.

There have been two stages of consultation to date. The first was to undertake targeted stakeholder engagement of key users of the site from March to November 2017. These stakeholders include:

- The House with No Steps
- Local primary and high schools
- Local football, rugby league, cricket, athletics, netball, AFL and touch football clubs
- Frenchs Forest Historical Association
- Forest Agricultural and Horticultural Society.

A second formal community engagement stage was conducted from 28 July to 25 August 2017. This included the following:

- a letter box drop to over 500 nearby homes
- signs on site
- advertising in the Manly Daily
- notification through Council's Community Engagement Register
- two formal drop in sessions on 5 August 2017 and 9 August 2017.

The following key issues were identified through the consultation:

- There is strong support for both the proposed signature projects
- There is a strong desire to develop a skate park at the site to cater for the many youth in the area
- There is a strong desire to plant more trees and to beautify the landscaping in general
- More storage for users groups that is integrated with existing structures
- Better connectivity between the different areas of the park and with the library, theatre and shops. There is a very strong desire for a circuitous pathway within the park to support people exercising away from the surrounding suburban roads.

Several expert investigations have also been undertaken to guide the development of the masterplan. These include traffic and parking study and a water sensitive urban design report. Alongside these reports Council has widely engaged internally with Transport and Civil Infrastructure, Natural Environment and Climate Change, Parks and Recreation, Capital Projects, Strategic and Place Planning, Community Engagement and Communications, Waste and Cleansing, Property and Community Services all contributing to the development of the draft masterplan.

Council's design team have responded to the consultation via the attached draft Masterplan. Key features include:

- Conversion of Lionel Watts fields three, four and five to synthetic
- A new cricket net complex containing five pitches
- A new inclusive regional level playground that will allow people of all abilities to immerse themselves in the play experience
- No change to the off leash dog area and the addition of a smaller area intended for small dogs
- Rectification of the showground with the installation of irrigation and returfing the showground. High quality growing media excavated from the synthetic development will be reused on site to adjust the levels to provide better drainage and improve the surface of the showground
- Construction of a skate park on the corner of Pringle Ave and Glen Street with landscaping to mitigate potential impacts on surrounding residents
- A new formal car park off Pringle Ave with an additional 38 spaces with adequate room for the turning of horse floats
- An additional 30 spaces in the existing car park off Blackbutts Road
- Demolition of the existing Frenchs Forest Showground Pavilion to make way for the regional playground. The services provided by this building will be built into an expanded clubhouse building adjacent to Lionel Watts field 1. This facility will provide storage, meeting space, public toilets and the opportunity for a café/kiosk to service the site
- Accessible pathway network that connects to surrounding facilities and pedestrian bicycle networks
- The protection and reinforcing of the remnant Duffys Forest Endangered Ecological Community along Glen Street

- A 1.5 kilometre circuitous path within the park. Fitness stations will be placed at intervals along this path
- New shelters, seating and drinking stations to provide amenity for users
- An extension to the Lionel Watts Community Building to provide more storage and additional meeting space
- Increased tree planting throughout the open space including a new avenue of trees around the showground.

TIMING

Subject to approval, it is intended to release this draft Masterplan for public exhibition from 19 January until 23 February 2018. Three drop in sessions will be held in this time on Saturday 17 February from 8am until 12pm and Wednesday 21 February from 8am until 10am and 4.30pm until 6pm.

Council will notify the community of the opportunity to comment on the draft Masterplan via a letterbox drop to surrounding residents, Council's Community Engagement Register, advertising in the Manly Daily, signs on site and prominent coverage via Council's social media platforms.

FINANCIAL CONSIDERATIONS

Council has currently budgeted \$5,105,000 for the upgrade of Lionel Watts fields 3 and 4 to synthetic and for the Inclusive Playground projects. This budget is adequate to cover the development of the synthetic sports field, regional playground, access paths to these facilities, landscaping and some car park works.

The additional works identified in the draft Masterplan that are not funded include the skate park, alterations and additions to the Lionel Watts field one building, some of the pathway network, some of the car park works and fitness equipment. If the plan is adopted, there will be additional budget bids made to fully implement the Masterplan.

SOCIAL CONSIDERATIONS

The draft Masterplan guides the future development of open space at this site and provides the western part of the Northern Beaches Local Government Area with a park that will provide recreational and social opportunities that caters for today's and the future demand. This site is the principal parcel of open space for this region and will be invaluable in servicing the recreational needs of the residents of Frenchs Forest and surrounds.

ENVIRONMENTAL CONSIDERATIONS

The draft Masterplan has considered the potential impacts of the proposed developments and has included measures to offset these impacts and to improve the natural environment in this area. Key environmental off sets, protection and enhancements include:

- Introduction of best practice water sensitive urban design measures to ensure water quality is improved from the site
- Control volume of water leaving the site to improve the improve the local stormwater network
- Recycling water to irrigate the two natural sportsfields and Frenchs Forest Showground
- Utilising recycled materials to construct the engineered layer under the synthetic sportsfield
- Formalising protection and enhancement measures for the two Endangered Ecological Communities on site
- Planting of a significant number of trees to ameliorate the urban heat island effect
- Reusing excavated material from the synthetic sportsfield excavation to upgrade the Frenchs Forest Showground grass surface.



Glen Street Open Space Masterplan - Sketch Design
For review 11th December 2017

Masterplan Principles

Vision: to maximise the potential for the sporting and recreational use of the site whilst conserving and enhancing the natural environment and heritage values of this important open space.

Key objectives:

- Maximise usage of the sportsground with a range of sports activities supported by adequate levels of car parking to minimise impact on surrounding residences.
- Successfully integrate a wide range of uses in the sportsground site such as dog walking and equestrian events with inclusive children's play and skate in a unified parkland.
- Improving pedestrian access and shared access across the site
- Expanding and repurposing key buildings on site for club and community use.

Major Structures

Lionel Watts Sports Amenities & Community Centre West – Upgrade

- Building extension to the south for increased capacity for facilities and storage
- Lower level to cater for sports storage requirements e.g. AFL, Soccer, Cricket.
- Upper level with small meeting room for casual hire
- Ramp entry to be improved on northern facade facing Blackburts Road
- Modify parking area to allow for disabled parking bays and delivery / drop-off zone only.

Lionel Watts Oval Sports Amenities East Building – upgrade

- Building expanded on eastern side to showground to accommodate café and snack and multi-use room for Forest Agricultural and Horticultural Society activities (FAHS)
- Existing building to undergo alterations to expand storage for sports awers (ie. rugby league, touch, athletics) and FAHS.
- Upgrade existing public toilet facilities for accessible requirements
- Potential viewing deck towards showground
- Ramp access from showground to FAHS storage areas to the north of Lionel Watts Oval Sports Building East
- Vehicular access from Lionel Watts carpark for delivery and maintenance

Existing Frenchs Forest Showground Pavilion for play space and passive recreation

- Demolish building to allow for expanded new play space and relaxable FAHS activities within upgraded Lionel Watts and Sports Amenities East building

New Shelters

- Shelters to provide shade as well as a focus for gathering around the recreation and sporting activities

Youth - Skate and Fitness

- Leisure facilities for young people
- Create a neighbourhood skate park that will provide for skaters of varying abilities
- Provide a series of fitness hubs throughout the open space
- Improve path connectivity to link with bus stops

Inclusive Play space

- Create a new inclusive play space which provides facilities for children of all abilities and their carers
- Ensure that the main entry is safe and welcoming with disabled parking adjacent
- Create a central focus in the play space for socialising and for orientation and surveillance
- New accessible amenities including family change room within play space
- Use landscaped areas to enhance nature play
- Create play experiences that are exhilarating such as flying lines, swinging and climbing - and imagination and passive activities using water play and public art



Vehicle Entry and Car Parking

Blackburts Road

- Additional parking for sports users to the western end of Lionel Watts car park
- Reverse traffic direction in car park to one-way, by entering car park at western entrance and exiting at eastern entry

Pringle Avenue

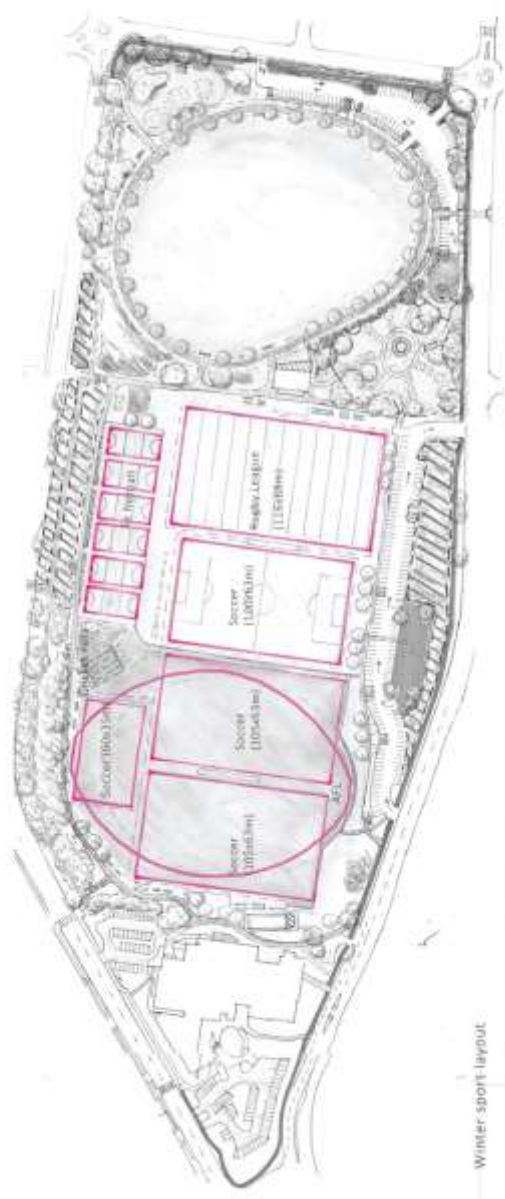
- New car park entry and exit off Pringle Avenue
- Unmarked parking bays
- New paved turning area and drop off / shared zone with adjacent disabled parking bays for close and safe access to the playground
- Vehicle/emergency entry on eastern side of showground for access for events
- Provide long vehicle parking for equestrian events on grassed areas along side oval perimeter

Water sensitive Urban Design (WSUD)

- Synthetic surfaces: Collect run off beneath surfaces and drain to tanks off field
- Create vegetated bio retention basins in Lionel Watts car park
- Create vegetated bio swales
- Along edge of netball courts
- Northern edge of showground car park

Native Vegetation and Biodiversity

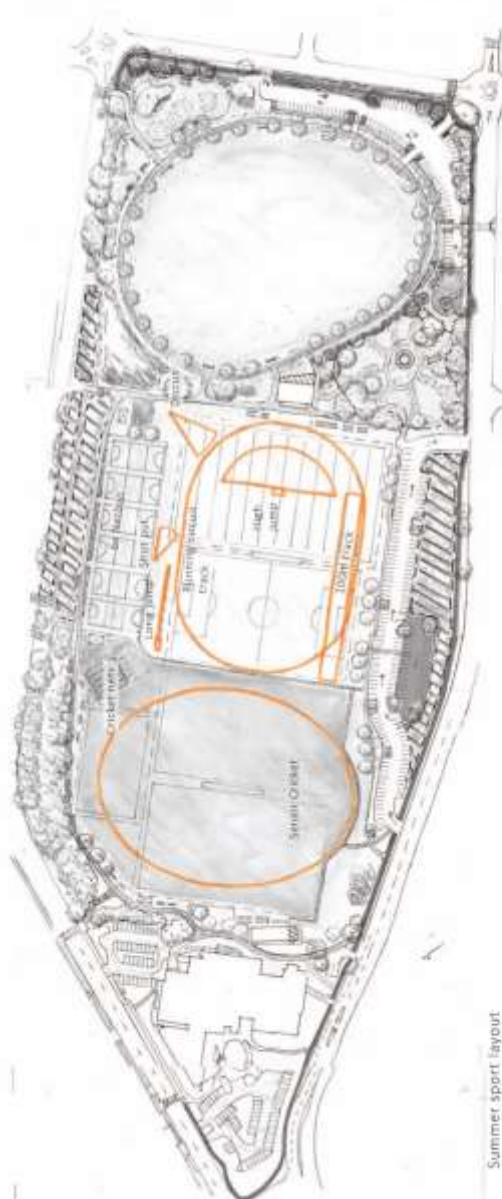
- Enhance the site with additional tree planting to offset removals and increase shade canopy
- Protect and restore high value native vegetation along Glen Street and Blackburts Road frontages
- Plant an avenue of trees around the showground to provide additional shade
- Establish native tree planting along Pringle Avenue car park frontage with low grasses and groundcover



New and revitalised sporting facilities

Winter Activities

- Install synthetic sports field surfaces on the site at the western end of the sportsground and on the junior soccer to the north which can be used for AFL, two adult soccer fields and one junior soccer field. Accommodate adult soccer and senior rugby league on the existing grass fields at the eastern end of the sports ground. Retain existing 6 x multi-use hard surface tennis courts.



Summer Activities

- New synthetic fields used for senior cicker.
Little athletics activities including modified grassed running circuit.
100m track, long jump, discus, shotput and high jump.

ITEM 9.4	NEWPORT SURF LIFE SAVING CLUB, CYSTIC FIBROSIS COMMUNITY CARE - BAREFOOT BALL, NEWPORT BEACH, 24 MARCH 2018
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RECREATION
TRIM FILE REF	2017/498623
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To consider the request from the Newport Surf Life Saving Club and Cystic Fibrosis Community Care to erect a 35m x 15m marquee on Newport Beach for their Barefoot Ball charity event to be held Saturday 24 March 2018.

SUMMARY

Council has received a request from the Newport Surf Life Saving Club and Cystic Fibrosis Community Care to hold their Barefoot Ball charity event on Newport Beach, Saturday 24 March 2018. This event is held to raise much needed funds to support services for families living with the challenges of cystic fibrosis and for research and also to promote greater awareness of cystic fibrosis. The Newport Surf Life Saving Club as a partner for this event is playing an important role in bringing together the local Northern Beaches community to become involved and to support this event. The Club has a number of members who are affected directly and indirectly by cystic fibrosis and is aware that many more people are dealing with this disease in the local community.

The former Pittwater Council's Reserves, Sportsgrounds, Beaches and Headlands Booking Policy specifies that Council approval is required for the erection of marquees over 225m² for events.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council approve the erection of a 35m x 15m marquee on Newport Beach for the Newport Surf Life Saving Club and Cystic Fibrosis Community Care's Barefoot Ball charity event to be held Saturday 24 March 2018.

REPORT

Council has received a request from the Newport Surf Life Saving Club and Cystic Fibrosis Community Care to hold their Barefoot Ball charity event on Newport Beach, Saturday 24 March 2018. This event is held to raise much needed funds to support services for families living with the challenges of cystic fibrosis and for research and also to promote greater awareness of cystic fibrosis. The Newport Surf Life Saving Club as a partner for this event is playing an important role in bringing together the local Northern Beaches community to become involved and to support this event. The Club has a number of members who are affected directly and indirectly by cystic fibrosis and is aware that many more people are dealing with this disease in the local community.

The Barefoot Ball is a black tie and publically ticketed event for a maximum of 300 people and is proposed to be held under a large, clear marquee on the beach in front of the surf club.

The marquee and associated infrastructure will be hired from a professional and accredited company and will be 15m wide and 35m long (525m²). It would be installed on the beach on Friday, Saturday and dismantled and removed Sunday, Monday. The former Pittwater Council's Reserves, Sportsgrounds, Beaches and Headlands Booking Policy specifies that Council approval is required for the erection of marquees over 225m² for events in the former Pittwater LGA.

The Barefoot Ball was successfully held at Newport Beach in January 2017. Council approved the booking application and installation of a 400m² marquee for this event.

Pending approval by Council and other required consent authorities, it is anticipated that this event will occur on Saturday 24 March 2018.

The former Pittwater Council's Reserves, Sportsgrounds, Beaches and Headlands Booking Policy is currently under review and an integrated policy is being developed for Council's future consideration.

CONSULTATION

In November 2017, Council staff met on-site with representatives of the Newport Surf Life Saving Club and Cystic Fibrosis Community Care to discuss their Barefoot Ball charity event to be held on Newport Beach, Saturday 24 March 2018. Further discussions will be held as required to ensure that the Club and Cystic Fibrosis Community Care are aware of Council's conditions and requirements for their event.

TIMING

Following consideration of this report by Council, a response to the Newport Surf Life Saving Club and Cystic Fibrosis Community Care's request to hold their 2018 Barefoot Ball on Newport Beach will be completed in January 2018. This response will include Council's booking consent with the terms and conditions that are to apply to this event.

FINANCIAL CONSIDERATIONS

If required a bond will be applied to hold the 2018 Barefoot Ball on Newport Beach.

SOCIAL CONSIDERATIONS

The 2018 Barefoot Ball is held to raise funds to support services for families living with the challenges of cystic fibrosis and for research and also to promote greater awareness of cystic fibrosis. This event will also raise the profile of the Newport Surf Life Saving Club as an organisation that not only develops and provides surf lifesaving services but also as an organisation that has a vital role in bringing local people together for a common community purpose.

This report highlights Council's community development role in providing high quality public and community spaces and facilities to facilitate community events such as the 2018 Barefoot Ball and the partnerships that have arisen.

ENVIRONMENTAL CONSIDERATIONS

Council staff are working with the organisers of the 2018 Barefoot Ball to apply the Council's Waste Minimisation Functions and Events policy.

ITEM 9.5	DOMESTIC WASTE COLLECTION SERVICES TENDER
REPORTING MANAGER	EXECUTIVE MANAGER WASTE MANAGEMENT & CLEANSING
TRIM FILE REF	2017/493568
ATTACHMENTS	1 Scope of Service 2019 Waste Collection Tender (Included In Attachments Booklet) (Confidential)

EXECUTIVE SUMMARY

PURPOSE

To commence the tender process for the provision of Domestic Waste and Recycling Collection Services.

SUMMARY

Northern Beaches Council is currently serviced by two (2) separate waste collection contracts and a day labour waste collection service. Both contracts expire 30 June 2019 and it is intended that the future domestic waste and recycling collection service will be provided by a single service provider. Council's day labour service will be redesigned to provide all public waste management for Northern Beaches Council.

Fundamentally, waste and recycling services provided in the three former local government areas are similar albeit with some variations in specifications. This tender has been designed to deliver a reliable, highly responsive and responsible service that facilitates best practice waste collection, improved resource recovery and environmental performance, excellence in customer service, and value for money.

The expiration of these waste collection contracts coincide with the commencement of Council's new waste processing contract with SUEZ. The waste collection contracts were extended to 30 June 2019 to allow for the completion of the Kimbriki Resource Recovery Project Tender and in doing so, ensure that new waste collection service could be designed to be compatible with the selected processing technology.

In order to have a contractor in place and ready to commence collection services on 1 July 2019, it is important to begin the tender process as soon as possible. Council must call for tenders during January 2018 to allow sufficient time for a competitive tender process and for the successful tenderer to procure fleet and to facilitate a seamless transition to the new service.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council invites Tenders for the Provision of a Domestic Waste and Recycling Collection Services by public notice and in accordance with the Local Government Act.

REPORT

BACKGROUND

The Tender process and objectives

Council is required under Section 55 of the Local Government Act to call tenders for the provision of waste collection services prior to entering into a Contract.

The objectives of the domestic waste collection tender are to deliver:

- Reliable, highly responsive and responsible service delivery that facilitates best practice waste collection and improved resource recovery and environmental performance.
- Innovation that drives service delivery efficiencies, improved amenity and high order environmental performance
- Excellence in service performance, communication and customer service, highly valued by the community.
- Proactive management of services by the contractor to deliver continuous improvement
- Value for money
- Accurate timely tender documentation with an acceptable Risk Profile.

Timing of the RFT is critical, to allow sufficient time for a competitive tender process and facilitate a seamless transition to the new service, by a well-equipped and prepared service provider.

The new service will be designed to meet the needs of residents, while also catering for specific groups e.g. the elderly and infirmed, those living in off-shore communities, high density developments and areas with transient populations, environmental and tourist value.

The service must be affordable, sustainable, maximise resource recovery and model Council's core values.

As this is a major Council contract, Council has engaged an independent probity advisor to manage probity throughout the procurement process.

The tender will be evaluated by the Tender Evaluation Panel (TEP) in accordance with the protocol. The TEP will comprise representatives from procurement, legal and waste management and Council's Probity Advisor, O'Connor Marsden.

Waste Processing and Resource Recovery

The Kimbriki Resource Recovery Project tender resulted in an excellent outcome which will see the recovery of any recyclables and metals from the garbage (red lidded) bin before the remainder undergoes a sorting and composting process to recover food and other organics to make a product suitable for application in broad acre agriculture and mine site rehabilitation. Only a small residual will go to landfill.

Similarly, kerbside paper and container recycling and vegetation collection systems are structured to optimise resource recovery and commodity pricing. Both recycling and vegetation will continue to be taken to Kimbriki for further processing and/ or bulking up for transport to processors or end markets.

Consequently there will be little or no change in bin configuration, collection methodologies and cost for residents as a result of the new waste processing and resource recovery contract. There is however a huge improvement in environmental outcomes.

Waste and Recycling Collection Services

Council's current waste collection services consist of the following components

1. Domestic Waste collection

- Garbage
- Recycling – separate paper and containers bins
- Garden vegetation
- Bulky Goods

2. Non - Domestic collection

- Public Place Waste Management
- Council Facilities

While the structure of the kerbside waste collection systems will require little or no change to integrate with the selected processing solution there are some key decisions to be made to align some services and deliver responsible waste management outcomes. These are as follows:

- The Collection Structure - bin size, configuration and collection frequency
- Format of the Bulky Goods Clean Up service (Scheduled or Booked in),
- Services to be provided to offshore and isolated communities.

Domestic Waste and Recycling Collection Services

Domestic waste management services (baseline services) are designed to provide responsible and responsive waste management services for the community.

The structure of the service comprises the type of service, bin size, collection frequency, special services such as for the aged and infirmed to name a few. The structure of baseline kerbside services is outlined in the table below and considers the existing services in the three former areas as well as the proposed new service for Northern Beaches Council.

Table 1.0 Existing and Proposed Baseline Domestic Waste Service

Service Type and Collection Frequency	Former Pittwater area	Former Warringah area	Former Manly area	New Northern Beaches Council Service
Garbage	80L -weekly	60% 80L weekly 40% 120L weekly	80L -weekly	80L -weekly
Recycling - Paper	140L - fortnightly	120L - fortnightly	120L - fortnightly	140L - fortnightly
Recycling - Containers	140L - fortnightly	120L - fortnightly	120L - fortnightly	140L - fortnightly
Vegetation	2 x 240L fortnightly	1 x 240L fortnightly	2 x 240L monthly	2 x 240L fortnightly
Clean-up	2 x On call	2 x Scheduled	2 x On call	2 x On call

1. The Collection Structure - Bin Size, Configuration and Collection Frequency

Consistency with the current services has been maintained in the proposed new collection service for garbage, recycling and vegetation services. This structure ensures that waste and recycling is presented in a format that is compatible with the processing and recycling facilities.

Bin size is inextricably linked with environmental performance. The proposed 80 litre capacity for garbage is proven to promote better environmental performance via higher recycling.

Separate paper and commingled container recycling bins are proposed for functionality and to increase recycling and minimise contamination. The proposed recycling structure reduces Council's risk in volatile commodity markets and facilitates access to more favourable commodity pricing for paper and cardboard.

No change is proposed to collection frequencies.

The proposed new waste collection structure is recognised as best practice waste management.

Additional services will be provided to residents that may require them. Pricing for additional services, if applicable will be determined by Council in its annual review of Fees and Charges.

2. Bulky Goods Clean Up Service

The bulky goods clean up service is delivered as an *on-call service* in the former Pittwater and Manly Council areas and as *scheduled service* in the former Warringah Council area. The service enables residents to dispose of large unwanted items that they are unable to fit in their garbage bin.

The philosophy behind the introduction of this type of service was to find a solution to minimise illegal dumping following the prohibition of backyard burning. It also provided residents who were unable to access disposal locations with a collection service.

Demand for the service has increased exponentially with the introduction of cheaper goods and designed obsolescence. Higher living standards and a larger population with a greater percentage of disposable income has resulted in high volumes of unwanted goods disposed of kerbside.

Communities must take greater responsibility for consumption and disposal practices and the impact that they have on the environment.

To this end, it is planned that Council take a leadership role and minimise the volume of waste generated and presented at kerbside for collection by introducing a consistent on-call collection system.

On call services provide a convenient and flexible system for residents to book a clean-up when it suits their needs.

Bulky goods clean up services have a significant impact on streetscapes and the environment. Irresponsible waste disposal practices also impact on the safety of residents and visitors. A view put forward for the continuation of a scheduled service is that it allows for some recycling to take place, however recovery is negligible in terms of the overall volume of material sent to landfill.

A key factor is that ultimately collected bulky goods are disposed of in the Kimbriki landfill, following recovery of any recyclable items. The landfill capacity of Kimbriki is diminishing and based on projected landfill rates without further action the anticipated closure for Kimbriki is 2044.

Scheduled bulky goods clean up compel residents to participate. The introduction of an on-call system will result in the reduction of the volume of waste to landfill, as in practice, participation rates are considerably lower.

Greater accountability, improved streetscapes and amenity, environmental protection and a reduction in waste to landfill are the clear benefits of this type of service.

3. Value added services

Value added and innovative solutions that deliver improved service delivery and resource recovery will be encouraged in the tender. Services for those with limited mobility will be included.

4. Island and Offshore Communities

Garbage collection services are currently provided to island and offshore communities by the incumbent contractor via a subcontract arrangement. Council will be seeking innovative solutions for waste management services that deliver greater efficiencies, improved environmental outcomes and value for money.

The Service Scope will inform the Tender Documents including the Service Specifications. Refer attachment 1.

Council's Day Labour Service

In the former Manly area all domestic and public place waste collection is carried out by Council employees. These services are delivered in the former Pittwater and Warringah areas by contractors.

While domestic waste collection services will be outsourced via the tender process, it is planned Council's day labour service will be redesigned to provide all public waste management for Northern Beaches Council.

Alignment and integration of Council's public place waste services are expected to deliver service efficiencies, increase customer satisfaction and support a positive perception of the new Northern Beaches Council. Modelling forecasts a lower cost of providing this service, whilst also enabling a higher quality service in high profile areas.

Litter and recycling bin collection services, corporate and event waste collection services, currently contracted out in the former Warringah and Pittwater LGA areas, will be excluded from the waste collection tender and provided across the whole Northern Beaches Council, by in-house staff from the current Manly Waste team.

Council has now commenced a consultation process with the Manly Waste team and has made a commitment that there will be a position available to all impacted employees who choose to stay.

This is an excellent outcome for Northern Beaches Council, the community and Manly Waste employees.

TIMING

The timeline for the Tender Process is shown in the table below.

2.0 Tender Timeline

Timeline	Activity
Oct 2017 – Dec 2017	Engagement of Probity Advisor Councillor Briefing Preparation of Tender Documents
8 Jan 2018 – 9 April 2018	Tenders Open
10 May 2018 – 30 June 2018	Tenders close Tender Evaluation Report to Council Contract Awarded
1 July 2018 30 June 2019	New contractor procurement and preparation Community education
1 July 2019	New service commences

FINANCIAL CONSIDERATIONS

The Domestic Waste collection services are funded by the Domestic Waste Management Charge (DWMC), which is charged to property owners, separately listed on rates notices. The cost of providing domestic waste services, including collection services, waste disposal and processing, recycling, bulky goods clean up, waste education and administration impact directly on the DWMC.

Northern Beaches Council Domestic Waste Collection service represents a considerable commercial contract and healthy competition is expected in the tender. The impact on the DWMC will depend on the tender outcome and associated prevailing market conditions at the time.

SOCIAL CONSIDERATIONS

The new service will be designed to meet the needs of residents, while also catering for specific groups e.g. the elderly and infirmed, those living in off-shore communities, high density developments and areas with transient populations, environmental and tourist value.

The service must be affordable, sustainable, maximise resource recovery and model Council's core values.

ENVIRONMENTAL CONSIDERATIONS

The Tender will encourage innovative solutions that drive improved service and environmental outcomes. As a result of the proposed collection service structure Council will be able to exceed 71% recovery and recycling rate from domestic waste collection services.

ITEM 9.6	ALTERNATIVE PROCUREMENT – BUS SHELTERS SUPPLY MAINTENANCE AND ADVERTISING RIGHTS
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT & CIVIL INFRASTRUCTURE
TRIM FILE REF	2017/455425
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval to undertake an alternative procurement process for an interim contract with the existing supplier for the supply, cleaning and maintenance of bus shelters in accordance with section 55 (3) of the *Local Government Act 1993*.

SUMMARY

There are currently three contracts covering the supply, cleaning and maintenance of bus shelters. These contracts expire in February, 2018 (former Warringah area), November 2019 (former Pittwater area) and December, 2023 (former Manly area). The contracts for the former Warringah and Manly areas also produce an income stream from bus shelter advertising.

The existing agreement for the former Warringah area is due to expire in February 2018. It is proposed that an interim contract be procured to cover the period between the expiry of the contract for the former Warringah area and that for the former Pittwater area. This will allow a single tender in 2019 when contracts are aligned to seek to provide greater value for money and efficiencies for Council.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That:

- A. Council exercise its authority under Section 55 (3) of the *Local Government Act 1993* and approve an alternative procurement process for the provision of supply, maintenance and operation of bus shelters and associated advertising as it believes a satisfactory result would not be achieved by inviting tenders. The proposed alternative procurement is based on the following “extenuating circumstances”:
 - a. The requirement to continue a critical service to Council for an interim period up to 30 November 2019, and
 - b. The market has limited suppliers and a tender process for a partial service is unlikely to delivery an acceptable return to Council for this critical service.
 - B. Authority be delegated to the Chief Executive Officer to enter into negotiations with the existing supplier for supply, maintenance and operation of bus shelters and associated advertising and if successful to execute all necessary documentation to give effect to this resolution.
-

REPORT

BACKGROUND

Council has three contracts in place for the supply and maintenance of bus shelters:

- Former Pittwater Council area – November 1999 to November 2019 (Adshel - no advertising income as pays for maintenance of other non-advertising shelters)
- Former Warringah Council area – February 1998 to February 2018 (Adshel – advertising income received)
- Former Manly Council area – December 2003 to December 2023 (JC Decaux – advertising income received).

In the former Pittwater area there are currently 50 advertising bus shelters and 34 non-advertising shelters. The contract does not currently generate revenue for Council as the contract was established as a revenue neutral contract that supplies and maintains 34 additional non-advertising bus shelters and seats.

In the former Warringah area, there were 102 advertising bus shelters and 13 non-advertising shelters. In the last two (2) years the number of advertising shelters has been reduced to 92 due to road works around the Northern Beaches Hospital, Brookvale Community Health Centre and B-Line Project.

In former Manly area there are 41 advertising bus shelters and 46 non-advertising shelters and 4 advertising panels on Council bus shelters.

These contracts were all established with a 20 year term as a result of public tender processes. All contracts enabled the construction of a considerable number of bus shelters at no cost to the Councils.

Advertising through these contracts was strictly controlled with no tobacco, alcohol or other related products allowed.

The aim of creating an interim contract is to work towards a single contract that would deliver the best outcome for Northern Beaches Council being improved and expanded public amenities and providing an income stream to Council.

This report requests an exemption from tendering based on *extenuating circumstances* being the requirement to continue an essential service and revenue generation for an interim period up to 30 November 2019 while the three contracts are consolidated. A satisfactory result would not be achieved by inviting tenders and potentially switching service providers for this interim period.

CONSULTATION

Consultation has not been sought in this instance, as Council seeks to ensure that services are continued without disruption for an interim period only.

TIMING

Pending the outcomes of this report, quotes for the interim period will be sought during the month of December 2017 with a contract being established during the course of January 2018.

FINANCIAL CONSIDERATIONS

Advertising income from the contract supports delivery of other Council services. Should the contract be extended there would be a beneficial financial impact resulting from a potential increase in revenue. If the contract is not extended, there would be an increased requirement for maintenance and operations by Council as an associated financial impact.

SOCIAL CONSIDERATIONS

There is a significant risk to Council of not extending the service should existing bus shelters not be maintained to the current standard.

ENVIRONMENTAL CONSIDERATIONS

Nil

ITEM 9.7	PROPOSED REPLACEMENT OF D4 BULLDOZER TO SERVICE MANLY LAGOON
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT & CIVIL INFRASTRUCTURE
TRIM FILE REF	2017/496826
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval for an alternative procurement process in accordance with Section 55(3) of the Local Government Act for the supply of one only "D4" rated bulldozer, primarily to continue and ensuring of a Lagoon entrance to Manly Lagoon.

SUMMARY

Manly Lagoon is a heavily modified lagoon surrounded by a number of residential and commercial properties in addition to recreational reserves and golf courses. It located at the northern end of Queenscliff Beach. The D4 bulldozer is used to clear Manly Lagoon's entrance a minimum of 3 times a year up to a maximum of 6 times dependent upon weather events. Alternative options were explored and it is considered that purchase of a second hand bulldozer provides the best value for money for Council.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That:

- A. Council exercise its authority under Section 55 (3) of the *Local Government Act 1993* and approve an alternative procurement process for the replacement of the existing Caterpillar D4 bulldozer located at Manly Lagoon as it believes a satisfactory result would not be achieved by inviting tenders. The proposed alternative procurement is based on the following "extenuating circumstances":
 - a. Provision of a suitable second hand machine represents better value for money considering the environment in which the equipment is to be kept and used;
 - b. The requirement to continue a critical service to Council and the community; and
 - c. The proposed solution has already been successfully implemented via the former Manly Council and a tender process would only result in increased expense to delivering a critical service.
- B. Authority be delegated to the Chief Executive Officer to source a replacement for the existing Caterpillar D4 bulldozer and if successful to execute all necessary documentation to give effect to this resolution.

REPORT

BACKGROUND

Manly Lagoon is a heavily modified lagoon located at the northern end of Queenscliff Beach and is surrounded by a number of residential and commercial properties, recreational reserves and golf courses.

The Manly Lagoon Flood Study, conducted in 2013 identifies that if Council fails to open the lagoon entrance in accordance with current defined protocols it is likely to increase flood levels and subsequent risk. As levels in the lagoon change rapidly in adverse weather events, staff must be in a well-equipped position to respond. To assist with this, a Caterpillar D4 bulldozer is stationed at Queenscliff next to the lagoon entrance to enable rapid response by Council staff.

The existing unit has reached an age and condition where it is no longer safe or reliable to operate and a suitable alternative needs to be found to continue provision of the service.

An internal business case was prepared exploring three alternative options:

- **Option 1** – Purchase of new machine
- **Option 2** – Hire a machine on a wet hire basis as and when required
- **Option 3** – Purchase a second hand unit

It is recommended that Option 3 – purchase of a second hand unit be applied. This is because a the provision of a suitable second hand machine represents better value for money considering the environment in which the equipment is to be kept and used. In addition, the proposed solution has already been successfully implemented via the former Manly Council and a tender process would only result in increased expense to delivering a critical service.

To maximise usage of any proposed replacement, it is thought that a replacement track machine of similar capacity to the existing unit be supplied.

If the recommendation is not implemented, it would;

- Reduce the opportunity to deliver a timely and consistent service that meets organisational plans, commitments, community needs and expectations
- Increase the possibility of claims on council due to an increased potential for flooding

Section 55 of the Local Government Act states that, tenders must be called for contracts over \$150,000. The replacement bulldozer is expected to be in the order of \$250,000. As such an alternative procurement is recommended whereby Council staff seek to procure the replacement bulldozer through the second hand market.

CONSULTATION

Nil

TIMING

March 2018

FINANCIAL CONSIDERATIONS

The replacement of the existing D4 Dozer is budgeted for in this financial year Plant Replacement Program. The proposed approach is considered to provide better value for money for Council as purchase of a new bulldozer in this instance is not recommended due to the environment in which the equipment is to be kept and used.

SOCIAL CONSIDERATIONS

The provision of this equipment will reduce the level of flood risk to the surrounding lands.

ENVIRONMENTAL CONSIDERATIONS

The ability to reliably maintain the lagoon opening operation in extreme events will lead to significant reduction of adverse risk to homes and properties.

ITEM 9.8	INSTALLATION AND COMMISSIONING OF CHILLER AT MANLY TOWN HALL
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2017/476388
ATTACHMENTS	1 ↓ Manly Town Hall HVAC Upgrade Project - Status Report

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval to undertake an alternative procurement process for the installation and commissioning of the air conditioning chiller at the Manly Town Hall in accordance with section 55 (3) of the *Local Government Act 1993*.

SUMMARY

The existing air conditioning unit is over 16 years old and the harsh environment has had a severe impact on the metal structure of the unit. Upon inspection and maintenance it became apparent that the unit was unlikely to last through the on-coming summer. Its failure would have a major impact upon the working environment in Town Hall, so early replacement is imperative. Because of the complexity of the installation and the configuration of existing connections, it was decided to replace the chiller with like for like, but also including up to date energy efficient features with better monitoring and control.

The lead time for the supply of a new chiller was several weeks so it was ordered whilst installation details were finalised. Once delivered the chiller unit is required to be installed as soon as possible.

In order to expedite the installation and commissioning works it is proposed to use an alternative procurement methodology based on seeking three quotes, rather than going to open tender.

Three quotes were sourced from reputable install and commissioning companies under the direction and scrutiny of the consulting company, Engineered Solutions for Building Sustainability Pty Ltd. The value of the recommended quote from Ice-Tech Air is \$199,500.00.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That:

- A. Council exercise its authority under Section 55 (3) of the *Local Government Act 1993* and approve an alternative procurement process for the installation and commissioning of a chiller at Manly Town Hall as it believes a satisfactory result would not be achieved by inviting open tenders. The proposed alternative procurement is based on the following "extenuating circumstances":
 - a. There are a limited number of specialist suppliers with suitable experience and ability to carry out the installation and commissioning work required for this chiller, and therefore an open tender may not result in a suitable supplier being obtained.
 - B. Authority be delegated to the Chief Executive Officer to enter into negotiations with Ice-Tech Air for the installation and commissioning of a chiller at Manly Town Hall and if successful to execute all necessary documentation to give effect to this resolution.
-

REPORT

BACKGROUND

Section 55 of the Local Government Act states that tenders must be called for contracts over \$150,000. However, it allows exemptions from the tender process for “a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a Council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders”.

It is considered that a satisfactory result will not be achieved by inviting tenders as there are a limited number of specialist suppliers with suitable experience and ability to carry out the installation and commissioning work required for this chiller, and therefore an open tender may not result in a suitable supplier being obtained.

The original estimated cost of installation and commissioning was \$125,000. However due to latent site conditions and associated works as well as safety improvements to the associated site works, the cost of the project has increased by \$74,500.

In the event that the current chiller fails due to its age and condition, there is no redundancy for cooling. The occupants of Manly Town Hall will have no air conditioning as a result. This will be unacceptable for the Council staff as well as the public who frequent this facility, see Attachment.

To expedite the installation and commissioning works consulting company, Engineered Solutions for Building Sustainability Pty Ltd was appointed to undertake design and engineering and supervise installation and commissioning. Under their scrutiny three quotes were sourced from reputable companies. The quote from Ice-Tech Air of \$199,500 ex GST and is considered the best value for money as it is from a reputable company, is the cheapest quote received and is below the expected cost identified by Engineered Solutions for Building Sustainability Pty Ltd based on other similar projects.

CONSULTATION

Subject matter expert advice and recommendations from external Consultants, Engineered Solutions for Building Sustainability, Canberra.

TIMING

Due to the urgent need for the chiller to be installed and commissioned prior to the coming summer months, it is imperative that the above works are completed as soon as possible.

FINANCIAL CONSIDERATIONS

The costs for these works are included in Council's existing budget.

SOCIAL CONSIDERATIONS

In the event that the current chiller fails due to its age and condition, there is no redundancy for cooling. The occupants of Manly Town Hall will have no air conditioning as a result which will not meet appropriate office accommodation standards for Council staff as well as the public who frequent this facility.

ENVIRONMENTAL CONSIDERATIONS

The installation of a new more efficient air conditioning unit as well as re-covering the existing chilled water pipes as well as new controls will increase efficiency. This will reduce energy consumption as well as decrease the Council's carbon footprint.

21st Nov 2017Facilities Management & Services/ Projects
Northern Beaches Council

To whom it may concern,

Re: Manly Town Hall HVAC Upgrade Project - Status Report

The following summary has been prepared to communicate the situation of the air conditioning at the Manly Town Hall and the developments leading up to obtaining quotations for the work.

NBC engaged ESBS to prepare an investigation report in May 2017. The findings were that the chiller (which provides air-conditioning to the whole building) was in poor condition, past end of life, with a high chance of a major component failure which would render the facility without air conditioning.

The system does not have any redundancy, which is important for this building.

ESBS were engaged to prepare design specifications and drawings for the chiller replacement, associated pipework and controls modifications that need to be carried out at that time, in order to minimise disruption to the building occupants.

Due to the short timeframe the council purchased the chiller which is due to arrive mid December, and sought quotations from the mechanical contractors with the intent of having a contractor onboard prior, to manage chiller handling logistics. Once the chiller is delivered to site the 12 month warranty commences, hence it is important not to store the machine to next winter as it will be without warranty.

We believe that return prices are fair and reasonable, based on previous projects of similar nature we have carried out. These varied between \$200k and \$230k, which we understand exceeds the threshold for select request for quotation.

In the event that the work is not carried out over the next few months, there is a high chance of chiller failure. This would require an emergency hire of a temporary chiller, craneage and a mechanical contractor, which we expect to be in the order of \$20-35k, which would be abortive considering the project costs will remain unchanged.

We note that without air conditioning the building will become un-occupiable due to the lack of operable windows, disruption to business continuity will be enormous. Our recommendation is proceed with the lowest quotation which was provided by Ice Tech Air for a total of \$199,500 ex GST, seeking internal approvals within the council based on the nature of the situation and the potential for disruption to business continuity.

Yours Sincerely,



Amnon Holland
Building Services Consultant
B Eng (RE), M.AIRAH
Tel: 0424 153 370

www.esbsconsult.com.au

ITEM 9.9	CAR PARK MANAGEMENT
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT & CIVIL INFRASTRUCTURE
TRIM FILE REF	2017/517790
ATTACHMENTS	1 Car Park Management (Included In Attachments Booklet) (Confidential)

REPORT

Confidential Item

That, in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 and Council's Code of Meeting Practice this report, Car Park Management , is recommended to be considered in closed session on the basis that it involves the receipt and discussion of

(d(ii)) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council

This report discusses commercial information 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 because the disclosure of this information would reveal commercial information regarding private organisations.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council adopt the recommendation contained in the Confidential Attachment to this report.

10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

ITEM 10.1	PLANNING PROPOSAL PP0002/16 – 9, 11, 12 & 13 FERN CREEK ROAD, WARRIEWOOD
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2017/489211
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Signed Memorandum of Understanding and Deed Of Agreement (Included In Attachments Booklet) 2 ↓ Independent Assessment Report by MWBA (Refer to Council's website to view document) 3 ⇒ Probity Report by Procure Group (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To advise Council on the outcome of the public exhibition period for:

- Planning Proposal (PP0002/16) relating to 9, 11, 12 & 13 Fern Creek Road, Warriewood
- Amended Pittwater 21 Development Control Plan (P21 DCP) – Control C6.11, and
- Amended Warriewood Valley Strategic Review Addendum Report (Addendum Report).

To seek Council's agreement to formally progress the Planning Proposal and to amend Pittwater Local Environmental Plan 2014 (PLEP 2014), Pittwater 21 Development Control Plan (P21 DCP) and the Addendum Report.

SUMMARY

To support the incoming residents of the Warriewood Valley Release Area, Council identified the need for the creation of a Central Local park on either side of Fern Creek in Warriewood Valley. To this end, in 2008 Council purchased 9 Fern Creek Road, Warriewood Valley. It was recognised at this time that the 9 Fern Creek property didn't correspond exactly with the desired shape of the future park however, it was necessary to secure this parcel to ultimately enable the future delivery of the park.

In 2013, the owner of adjoining land parcels 11, 12 & 13 Fern Creek Road, presented a land swap proposal to Council to facilitate the achievement of the preferred open space layout for the sector and provide for the development of the owner's landholdings. A period of consultation followed with adjoining land owners and the Warriewood Valley Residents Association. From this consultation a revised concept plan for the layout of the park was agreed. This was formalised via a Memorandum of Understanding (MOU) and Deed of Agreement (Deed). The MOU & Deed were endorsed by Council on March 2016 (Attachment 1).

Council received a Planning Proposal (PP0002/16) from GLN Planning, on behalf of Council's Property Management & Commercial Business Unit, relating to 9, 11, 12 and 13 Fern Creek Road, Warriewood. The Planning Proposal seeks to amend the Pittwater Local Environmental Plan (PLEP) 2014 to enable the creation of the southern portion of the planned Central Local park in the Warriewood Valley Release Area. A secondary objective is to enable the development of the remaining land in an orderly and economic manner for housing.

This will be achieved through an amendment to the Land Zoning map, the Height of Building map, and the dwelling provisions contained in Part 6 Clause 6.1(3) PLEP 2014.

As a result of the commercial negotiations effected by the land swap agreement (Deed), PP0002/16 is essentially a proposal to facilitate the delivery of the southern portion, of the planned Central Local Park by re-adjusting the zoning boundaries and the dwelling numbers allocated to the subject lands so the remaining land can be developed for housing development in an orderly and economic manner.

PP0002/16 therefore sets out to:

- Rezone the northern portions of 9, 11 & 12 Fern Creek Rd and the entire area of 13 Fern Creek Rd from R3 (Medium Density) to RE1 (Public Recreation).
- Amend the Height of Building Map applying to northern portions of 11 & 12 Fern Creek Rd and the entire area of 13 Fern Creek Rd, from 10.5m to 8.5m.
- Amend the Height of Building Map applying to southern portion of 9 Fern Creek Rd, from 8.5m to 10.5m.
- Amend the provisions in Part 6, Clause 6.1(3) regarding the permitted number of dwellings relating to the subject properties' respective Sectors. (i.e. 9 Fern Creek Rd, Sectors 901A, 901C and 901G).

At its meeting of 30 May 2017, Council resolved to progress PP0002/16 and place it on public exhibition for a period of 6 weeks. Council also resolved to prepare amendments to P21 DCP and the Addendum Report, consistent with the Planning Proposal.

The public exhibition has now concluded, and the matter is reported to Council to advise of the outcome of this consultation and to seek approval for the finalisation of the amendment of PLEP 2014, P21 DCP and the Addendum Report.

As Council is the landowner of 9 Fern Creek Rd and the proponent for this application, an external planning consultant, MBWA Consulting, was engaged to assess the application on behalf of Council's Strategic & Place Planning Business Unit. The independent assessment report, prepared by MBWA Consulting is at Attachment 2.

Procure Group was engaged to undertake a probity audit of the assessment by MBWA Consulting and the roles of Council in the assessment process. A Probity Audit Report, Attachment 3, was prepared for this phase of the rezoning.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council:

- A. Adopt the ten (10) recommendations outlined in the Final Independent Assessment Report prepared by MBWA Consulting.
 - B. Note the report prepared by the probity consultant, Procure Group.
 - C. Notify those parties that made a submission during the exhibition period regarding Council's decision.
-

REPORT

BACKGROUND

PP0002/16, lodged on 9 August 2016, seeks to:

- Rezone the northern portions of 9, 11 & 12 Fern Creek Rd and the entire area of 13 Fern Creek Rd from R3 (Medium Density) to RE1 (Public Recreation).
- Amend the Height of Building Map applying to northern portions of 11 & 12 Fern Creek Rd and the entire area of 13 Fern Creek Rd, from 10.5m to 8.5m.
- Amend the Height of Building Map applying to southern portion of 9 Fern Creek Rd, from 8.5m to 10.5m.
- Amend the provisions in Part 6, Clause 6.1(3) regarding the permitted number of dwellings relating to the subject properties' respective Sectors. (i.e. 9 Fern Creek Rd, Sectors 901A, 901C and 901G).

As Council is a proponent to this application, an independent planning consultant was engaged to undertake the assessment and a probity auditor was engaged to audit the process throughout.

The Planning Proposal, in rezoning land and changing the dwelling range permitted in the specific sectors, will result in inconsistencies with the (i) Addendum Report adopted by Council on 17 November 2014, and (ii) P21 DCP. Accordingly changes to these two documents were prepared ahead of the Planning Proposal being placed on public exhibition that include:

- Several amended and added sections relating to Sectors 901A, 901C, 901G and 9 Fern Creek Rd within Warriewood Valley Strategic Review Addendum Report
- P21 DCP, Control C6.11 - Additional Specifications for development of Sector 901A to 901H.

In accordance with the Memorandum Of Understanding (MOU) and the Deed of Agreement (Deed) (Attachment 1) that mandated the terms of a land swap agreement, PP0002/16 was lodged, seeking to facilitate the expansion of the planned Central Local Park as well as allowing the development of the remaining land in an orderly and economic manner for housing.

Council purchased 9 Fern Creek Road in 2008, a rectangular shaped lot that adjoins Fern Creek, although at the time of purchase it was recognised that the property was not ideal in shape for expanding Central Local Park to create a more linear shaped open space area for the community. Council waited for the opportunity of using this and as a means to achieve the vision of a linear park through a land swap which came in 2013 when Fraser Property put forward a proposal to swap their lands (11, 12 and 13 Fern Creek Road) with Council's land at 9 Fern Creek Rd. This proposal would result in swapping the northern portions of Frasers' three properties for the southern portion of Council's land.

Critical to progressing the opportunity presented by Frasers, Council consulted other adjoining landowners and the Warriewood Residents Association (WRA) prior to making its decision on the proposition. This consultation resulted in a concept plan for the land swap endorsed by Council on 18 May 2015 and the General Manager was authorised to commence negotiations with Frasers.

The MOU, signed by the respective General Manager (GM) of Frasers and Council on 29 September / 1 October 2015, identifies details of the areas of land to be swapped and retained by the parties. The proposed terms of the MOU, was ratified by Council on 19 March 2016, and Council's GM was authorised to sign the Deed.

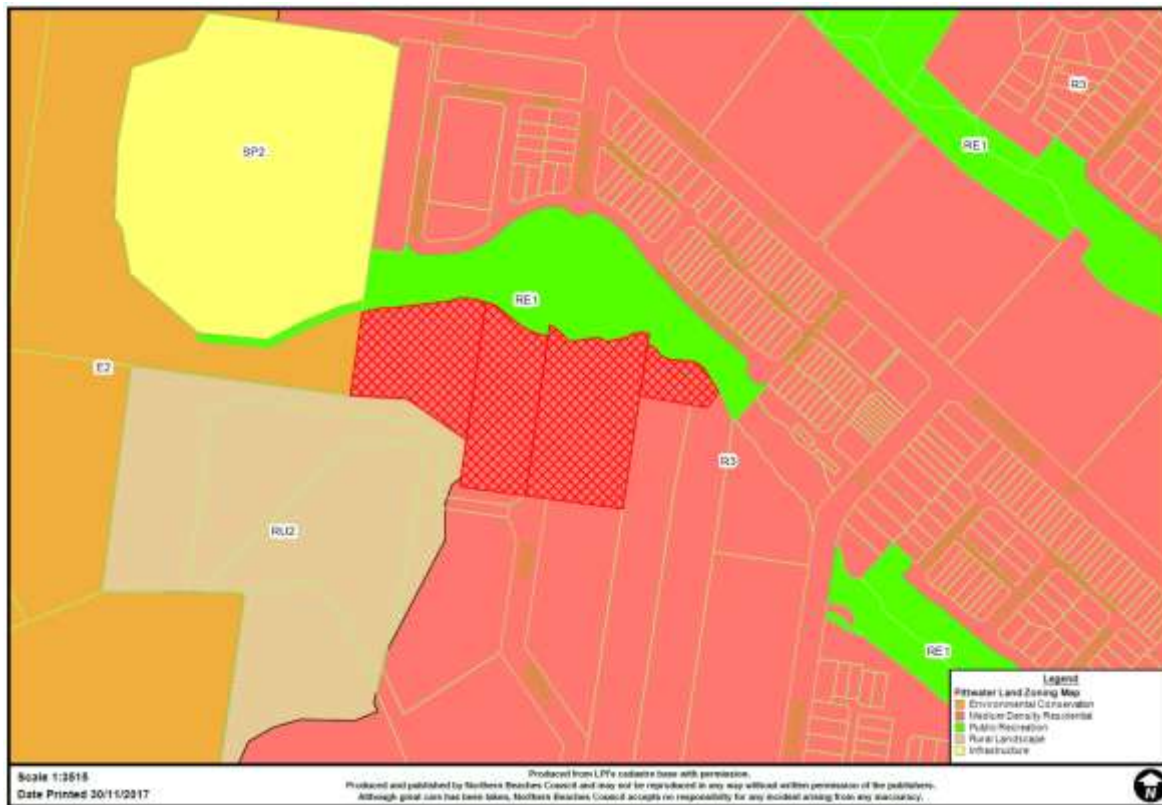
The Deed, signed by the parties on 29 March 2016, contains details of the provision of infrastructure such as extension to Fern Creek Road, new east-west road, stormwater infrastructure and undergrounding the high voltage power lines. The details related to this infrastructure are separate to the Planning Proposal. This Deed represents the final agreed position of Council and Frasers. Attached to the Deed is the agreed land swap plan referred as Annexure "A".

As such, PP0002/16 is the statutory mechanism that brings the land swap agreement (Deed) to fruition.

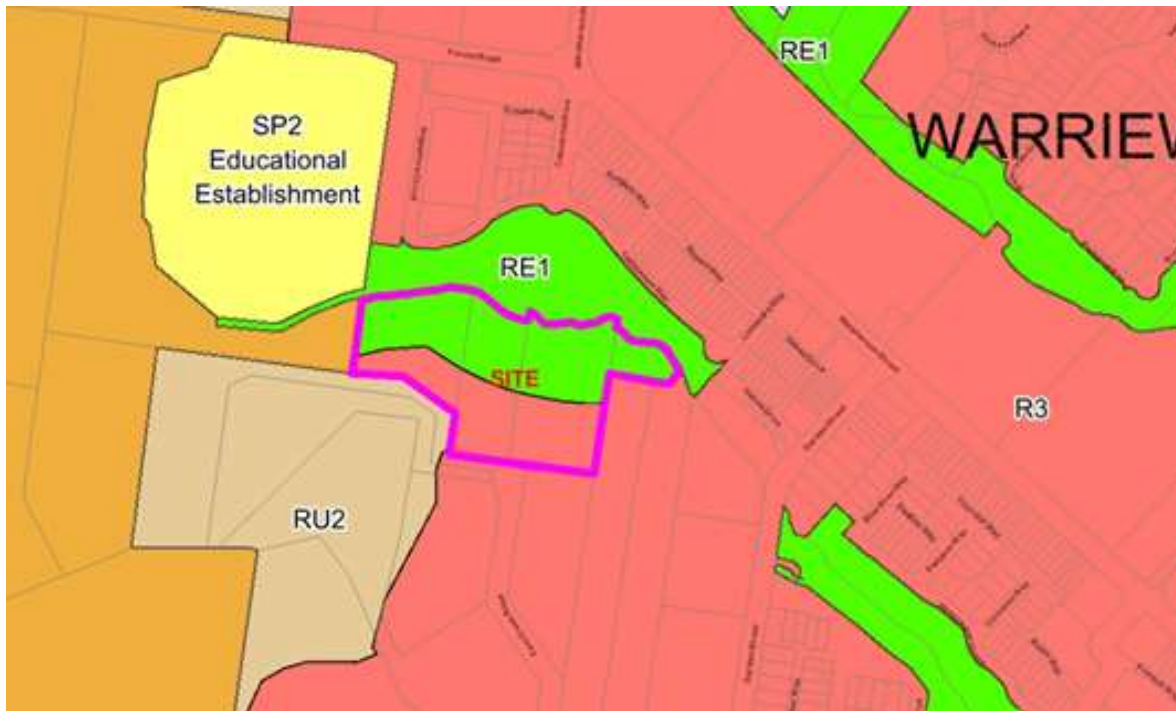
Aerial Photo



Current Zoning Map



Proposed Land Use Zoning Map



CONSULTATION

PP0002/16, as well as the amendments to P21 DCP and the Addendum Report was placed on public exhibition for 6 weeks, from 23 September to 3 November 2017.

Written notifications were sent to all residents of the Warriewood Valley suburb as well as the community group (WRA) and those who had previously made a submission during the non-statutory consultation phase. A public notice was placed in the Manly Daily on Saturday, 23 September 2017, and the documentation was made available electronically on Council's website and in hard copy at each of Council's customer service centres.

Matters related to assessment of PP0002/16 are all discussed within the Independent Assessment Report (Attachment 2), this includes:

- Consistency against the *section 117 Directions by the Minister* of the Environmental Planning & Assessment Act 1979
- Updated considerations of the draft Greater Sydney Region Plans & the relevant Statement of Environmental Planning Policies (SEPPs)
- Responses to the received submissions & referral commentaries from the State agencies.

APPLICATION OF AFFORDABLE HOUSING POLICY

Council at its meeting of 5 June 2017 adopted the Affordable Housing Policy to outline Council's position and approach to the provision of affordable housing in the Northern Beaches LGA, upon which a 10% affordable rental housing target has been defined for all strategic plans and planning proposals for urban renewal or greenfield development.

PP0002/16 is essentially a re-adjustment of the dwelling numbers allocated to the subject lands as a result of commercial negotiations effected by the land swap to facilitate the delivery of linear park formation as the southern portion of the Central Local Park for Warriewood Valley. PP0002/16 is at the last phase of the statutory process and has been the subject of commercial arrangements that pre-dates the preparation of the recently adopted Affordable Housing Policy.

Council investigated opportunities for affordable housing provision as part of the Strategic Review of Warriewood Valley with NSW Planning and Infrastructure in 2011, when it considered likely increases in dwelling densities and total dwelling numbers in the Valley. The Strategic Review Report and the technical reports that informed the Strategic Review, having been endorsed by then Director-General of Planning and formally adopted by Council in May and June 2013 respectively. The reports concluded that placing a target for affordable housing provision on top of the development contribution rate will make development in Warriewood Valley unfeasible. As a result of this finding, the Planning Proposals resulting from the adopted recommendations of the Strategic Review rezoned land to permit development within a dwelling range and did not pursue contributions towards affordable housing provision.

It is understood that the MOU and the Deed signed by Council and Frasers Properties in 2015 & 2016 set out the agreed terms to transact the land swap. An affordable housing target is not part of the MOU or Deed; and pursuing a 10% affordable rental housing target now through PP0002/16 is not appropriate in the aforementioned circumstances.

TIMING

The amendment of the PLEP 2014, PP0002/16, is to be completed within a period of 9 months (by 6 April 2018). There are currently no known impediments to complying with this timeframe.

If Council agrees, the amendments to P21 DCP and the Addendum Report can be put in place within 2 weeks of Council decision; ensuring consistency with the strategic documents and development controls applicable to the subject lands.

FINANCIAL CONSIDERATIONS

All money gained by Council as a result of the land swap agreement is already allocated in the 2018/2019 Capital Works program for use in developing the southern part of Central Local Park.

POLICY CONSIDERATIONS

PP0002/16 seeks to rezone specific portions of the subject sites from R3 (Medium Density) to RE1 (Public Recreation), with their respective maximum heights and densities. These changes affect Clause 6.1(3), the land use zoning and height of building maps (Appendix 6 of Attachment 2) under PLEP 2014.

If Council agrees, the amendments to P21 DCP and the Addendum Report will be put in place; ensuring consistency with the strategic documents and development controls applicable to the subject lands including the realisation of a linear designed open space area as proposed under the adopted Warriewood Valley Section 94 Contributions Plan.

SOCIAL CONSIDERATIONS

The Proposal will improve the utility and design of the passive open space layout, delivering a large linear shaped open space area spanning both sides of Fern creek, known as the Central Local Park, for the release area that would encourage social activities/ interactions; and assists in fostering a sense of community identity; enhance existing public space and recreation networks for the benefit of future generations and improve the quality of public space through upgrading and managing existing networks.

ENVIRONMENTAL CONSIDERATIONS

Noting that the subject property is now largely cleared of native vegetation and trees, no additional environmental impacts beyond those which were previously considered and resolved upon at the 30 May 2017 Council meeting are anticipated. Conversely, PP0002/16 will provide opportunities for ecologically sustainable development without impacting upon biodiversity values of the area.

ITEM 10.2	PLANNING PROPOSAL AT 323-327 WARRINGAH ROAD, FRENCHS FOREST
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2017/468127
ATTACHMENTS	1 Applicant's Planning Proposal (Included In Attachments Booklet) 2 Applicant's Concept Plans (Included In Attachments Booklet) 3 State Environmental Planning Policy Assessment (Included In Attachments Booklet) 4 Ministerial Directions Assessment (Included In Attachments Booklet) 5 Submission Evaluation (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report upon the assessment of a Planning Proposal lodged for 323-327 Warringah Road, Frenchs Forest and to seek Council's approval to reject the Planning Proposal.

SUMMARY

Council received a Planning Proposal on 24 October 2017 to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to allow a 'boarding house' as an additional permitted use and apply a maximum building height of 40 metres at 323-327 Warringah Road, Frenchs Forest (Lot 21 DP 881819). The Proposal is accompanied by an intent to submit a Voluntary Planning Agreement (VPA), should Council recommend approval of the Planning Proposal. The Proposal is intended to facilitate approximately 374 boarding rooms with legal capacity for 748 lodgers. Subject to an agreement to proceed with a VPA, the boarding rooms are intended to be dedicated to a registered community housing provider as affordable rental housing, targeting nurses and other employees at the new Northern Beaches Hospital.

The Planning Proposal was publicly exhibited for 15 days from Saturday 18 November to Sunday 3 December 2017. 23 submissions were received, with 14 submissions objecting to the Proposal, 1 in support and 8 which provided general comment. The main issues raised were concerns with the proposed building height, impact on infrastructure, concerns with the proposed land use (boarding house), impact on local character, inconsistency with the Structure Plan, potential to set a precedent for high rise buildings and other concerns.

It is acknowledged that there is a need for affordable housing in Frenchs Forest. However this need does not justify complete disregard for Council and the community's recently adopted Northern Beaches Hospital Precinct Structure Plan (Structure Plan) for this area. Council has undertaken significant work as part of the preparation of the Structure Plan to establish the future planning direction for Frenchs Forest. The Structure Plan is Council's endorsed framework for all land use planning decisions for Frenchs Forest over the next 20 years. The Structure Plan does not propose any change to land in the Business Park including the subject site. It is noted that the Structure Plan sets a target for affordable housing of up to 10% throughout the precinct to support key workers. For the town centre, this will be increased to 15% of new dwellings. This is estimated to deliver approximately 600 affordable dwellings on completion.

Further, the subject Planning Proposal is inconsistent with State Government metropolitan planning including *A Plan for Growing Sydney*, Draft Our Greater Sydney 2056 and the Revised Draft North District Plan, which reinforces the importance of retaining and enhancing employment uses within the Business Park.

In regards to Council's existing planning controls for the subject site, the Proposal to introduce a residential type use in the form of a boarding house is inconsistent with the objectives of the B7 Business Park zone under WLEP 2011. In addition, it is considered that the Proposal would create a number of issues with the potential for unacceptable amenity impacts on the neighbouring community as well as future residents. These include traffic and transport impacts, economic development impacts, impacts on existing public infrastructure, accessibility and amenity concerns, the ability to set a precedent to allow boarding houses in employment zones as well as encouraging proposals which are inconsistent with Council's adopted vision for Frenchs Forest, and lastly, matters relating to the potential contamination of land have not been addressed. It is also noted that whilst the Business Park does not have a maximum building height control, any proposed significant change in height in the Business Park would have to be reviewed holistically.

On balance, there is no site specific or strategic merit justification to support the Proposal's significant inconsistency with the current planning controls.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council reject the Planning Proposal lodged for 323-327 Warringah Road, Frenchs Forest and not submit it to the NSW Department of Planning and Environment for a Gateway Determination for the following reasons:

- A. The Proposal is inconsistent with strategic planning direction for Frenchs Forest established by *A Plan for Growing Sydney*, Draft Greater Sydney Region Plan and Revised Draft North District Plan.
- B. The Proposal is inconsistent with Council's *Northern Beaches Hospital Precinct Structure Plan*.
- C. The Planning Proposal has not demonstrated strategic merit or site-specific merit in line with the NSW Planning and Environment's *Planning Proposals: A guide to preparing planning proposals* (2016).
- D. The Planning Proposal is inconsistent with Local Planning Directions:
 - a. 1.1 Business and Industrial Zones
 - b. 3.4 Integrating Land Use and Transport
 - c. 5.10 Implementation of Regional Plans
 - d. 6.3 Site Specific Provisions
 - e. 7.1 Implementation of *A Plan for Growing Sydney*

-
- E. The outcome of the Planning Proposal is not considered an appropriate development outcome because:
- a. The Proposal will increase delays and congestion on the traffic and transport network and no traffic modelling has been undertaken to quantify the full extent of traffic impacts on the local and regional network. Further, Roads and Maritime Services have previously advised that any growth east of Wakehurst Parkway will not be supported (by Roads and Maritime Services).
 - b. The Proposal will compromise the existing strategic advantage of the Frenchs Forest Business Park and the future flexibility of surrounding businesses to respond to economic opportunities. In particular, innovative health and medical related commercial premises to support the Northern Beaches Hospital. This could also impact on the ability for Frenchs Forest to grow as a Strategic Centre and achieve the target of 12,000 to 13,000 jobs by 2036.
 - c. The subject site's location has the potential to affect the amenity of future residents and the surrounding locality. This includes safety concerns associated with the walkability of routes from the subject site to the Northern Beaches Hospital, low amenity due to the subject site's location away from public spaces and services, noise concerns and hours of operation of surrounding commercial and industrial uses, and impacts to residents of the surrounding locality, particularly with traffic associated with the proposed use.
- F. The Proposal will set a precedent, increasing pressure to allow other sites in the B7 Business Park zone to be redeveloped for 'boarding houses' or other non-conforming residential uses, when more appropriate locations have been identified within Frenchs Forest. In addition, the Proposal could also set an unwanted precedent for planning proposals to be lodged which are inconsistent with Council's Northern Beaches Hospital Precinct Structure Plan. If this occurs, this will undermine the strategic intent and vision for Frenchs Forest. Ad hoc Planning Proposals undermine the orderly planning process and Council's ability to deliver the required infrastructure.
- G. The information submitted to support the Planning Proposal is substantially deficient to allow for an informed assessment of the Planning Proposal in regards to traffic matters, infrastructure upgrades, economic, social and environmental impacts.
-

REPORT

BACKGROUND

On 24 October 2017, Council received a Planning Proposal prepared by Mark Shanahan Planning Pty Ltd on behalf of the Applicant, Brent Mulligan (Neilstreet Pty Ltd). The Proposal seeks to amend WLEP 2011 to allow boarding houses as an additional permitted use and apply a maximum building height of 40 metres at 323-327 Warringah Road, Frenchs Forest (also known as 14 Rodborough Road, Frenchs Forest). The Proposal is accompanied by indicative concept plans and an intent to submit a VPA which would specify a range of public benefits, including the provision of the boarding rooms as affordable rental housing, to be managed by a registered community housing provider.

Description of site and surrounds

The subject site at 323-327 Warringah Road, Frenchs Forest (commonly referred to as 14 Rodborough Road, Frenchs Forest) comprises Lot 21 in DP 881819. The subject site is located on the southern side of Warringah Road between Allambie Road to the west and Kadigal Place to the east (Figure 1). The subject site is located approximately 1.2km east of the new Northern Beaches Hospital (the Hospital).

The subject site is rectangular with an area of approximately 8,657m² and is steeply sloping from Warringah Road to Rodborough Road, with a fall of approximately 8 metres. The topography of the surrounding area comprises a gentle north-south slope from Warringah to Rodborough Road of approximately 4 metres.

The subject site has its frontage to Warringah Road separated by a public reserve. Vehicular access to the site is obtained via a right-of-way from the cul-de-sac at the end of Rodborough Road.



Figure 1: The Subject Site outlined in red (Source: Nearmap)

The subject site is occupied to the north by a three (3) storey commercial building that covers approximately 2,000m² and a paved car park to the south. This commercial building is identified as part of the 'Beacon Business Park' site, which comprises two other buildings south of the subject site at 14 Rodborough Road. The commercial building on the subject site is partly occupied by a disability service provider with the remaining space vacant. The remaining areas, particularly around the perimeters of the building, are landscaped with a variety of trees, shrubs and grass.

The surrounding area is characterised by business and office premises. To the north of the subject site is Warringah Road, which is a major arterial road. Warringah Road will be upgraded as part of the Northern Beaches Road Connectivity and Network Enhancement Project by Roads and Maritime Services (RMS) to include an east-west underpass and road widening. Further north is low density development, comprising one and two storey detached dwellings.

To the east is 16 Rodborough Road, which adjoins the subject site. This site comprises a three (3) storey commercial building occupied by Virgin Active Fitness as well as various commercial tenants. Further east are one and two storey detached dwellings at Kadigal Place and Courtley Road in Beacon Hill.

Adjoining the subject site to the south is 14 Rodborough Road, which comprises two commercial buildings making up the 'Beacon Business Park'. These buildings are between two (2) to four (4) storeys and accommodate a number of health and disability services. Further south are commercial and office buildings on the southern side of Rodborough Road.

To the west are 10, 12 and 12A Rodborough Road which comprises two (2) to three (3) storey commercial buildings. The commercial uses vary and include telecommunications, medical and distribution centres. Further west is the Australia Post Frenchs Forest Business Hub.

Existing Planning Framework

The land is currently zoned B7 Business Park under WLEP 2011 (Figure 2). The objectives of the B7 zone are:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*

Boarding houses, including residential accommodation is prohibited in this zone.

There is no maximum building height applying to the subject site, as shown on the Height of Building Maps under WLEP 2011.

A large proportion of the subject site is steeply sloping and is identified as 'Area B' on the Landslip Risk Map under WLEP 2011. Area B is characterised by flanking slopes of 5° to 25°.

There are no heritage items in the immediate vicinity of the subject site.



Figure 2: Extract of Zoning Map with the Subject Site outlined in red

ASSESSMENT OF PLANNING PROPOSAL

The assessment of the Applicant's Planning Proposal (Attachment 1) has been undertaken in accordance with the NSW Department of Planning and Environment's *Planning Proposals: A guide to preparing planning proposals* (2016).

It is important to distinguish between the Applicant's Planning Proposal and the indicative development concept (Attachment 2). The indicative development concept provided by the Applicant is just one way in which the site could be developed if WLEP 2011 is amended as proposed by the Applicant. The Applicant is not bound by the concept and therefore it is possible that an alternate scheme comprising greater density and/or a reduction in the existing commercial floor space could be proposed.

General comments regarding the indicative concept in relation to the southern building include that with the provision of up to four levels of car parking above the ground floor level, the building lacks human scale, activation, opportunities for passive surveillance and presents a poor outcome from a place perspective.

Part 1 – Objectives or intended outcomes

The objectives or intended outcome is to amend WLEP 2011 to include 'boarding house' as an additional permitted use and apply a 40 metre maximum building height.

The indicative concept plans (Figures 3, 4 and 5) for the subject site comprises:

- Two buildings connected by an access bridge with building heights of 12 to 14 storeys and yielding approximately 374 boarding rooms with legal capacity for 748 lodgers
- Rooms with an area of 20.7m² (excluding kitchenette and ensuite bathrooms)
- Retaining the existing three (3) levels of commercial offices with boarding houses above

- A Manager's unit and office in each building
- 1,786m² of private open space for lodgers consisting of podium terraces of 820m² in the north building and 470m² in the south building. The podium terraces will have BBQs, seating and a vegetable and herb garden
- A roof top terrace in each building comprising an area of 115m²
- 19 communal recreation rooms
- Landscaped terraces with herb and vegetable gardens
- General store
- Above ground parking in the south building for 144 cars, 75 motorcycle spaces and 75 bicycle spaces. A proportion of these will be car share spaces.



Figure 3: Proposed building layout (Source: Urbaine Architecture)

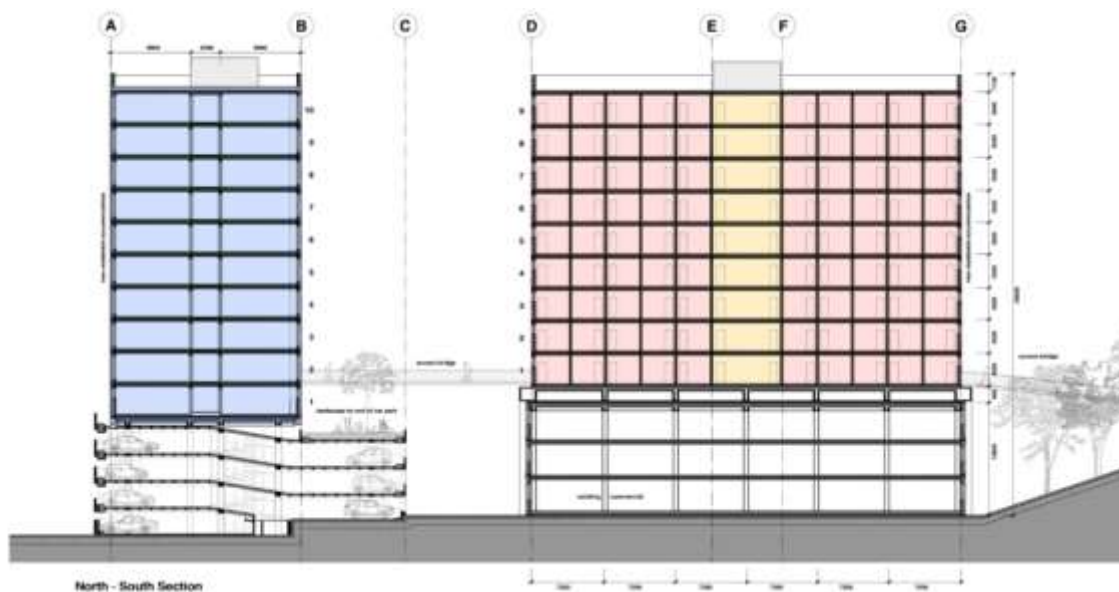


Figure 4: North-south section of development (Source: Urbaine Architecture)



Figure 5: Indicative photomontage (Source: Urbaine Architecture)

In addition to the above, although considered a separate matter to the Planning Proposal, the Applicant has indicated its willingness to enter into a VPA for a range of public benefits including:

- *A minimum of 374 boarding rooms will be provided on the site and no other residential accommodation (other than a Manager's unit in each building)*
- *All of the boarding rooms will be managed in perpetuity by a registered community housing provider for the purposes of 'affordable housing' as defined in Clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *Preference for allocation of the boarding rooms shall be given (in this order) to:*
 - *Nurses employed at Northern Beaches Hospital*
 - *Other people employed at the Hospital earning low to moderate incomes*

- *Other people working in the Frenchs Forest Business Park in the health, medical and disability care sectors earning low to moderate incomes*
- *Other residents of the Northern Beaches who meet the community housing provider's eligibility criteria*
- *Other people who meet the community housing provider's eligibility criteria.*
- *Extensive communal facilities shall be provided including (but not limited to) rooms for cooking, dining, games, TV, recreation and quiet relaxation; landscaped open space for outdoor dining, BBQs, group socialising, quiet relaxation and recreation; communal vegetable and herb gardens; sporting facilities such as volleyball, badminton etc.*
- *A shuttle bus service shall be provided to take workers to and from the hospital at the start and end of each shift*
- *Enhancement of the pedestrian connection between the site and the hospital, as agreed with Council*
- *A development levy under Section 94A or contribution under Section 94 of the Environmental Planning and Assessment Act shall not apply to the development.*

The Applicant also proposes a number of other items in the Planning Proposal report, although this has not been expressly identified in the proposed VPA offer. This includes the potential to obtain the highest Green Star rating through the Green Building Council of Australia, utilisation of prefabricated modular construction in order to achieve high levels of sustainability, closed-circuit television (CCTV) monitoring, lighting in communal areas and free, high speed wireless internet (Wi-Fi) throughout the subject site.

The proposed public benefits will be subject to separate discussions in accordance with the *Voluntary Planning Agreements Policy – PL 600 (former Warringah)*, should the Planning Proposal proceed.

Part 2 – Explanation of provisions

The Planning Proposal seeks to amend WLEP 2011 by:

- Amending Schedule 1 (Additional Permitted Uses) by including 'boarding house' as an additional permitted use on the subject site and amending the Additional Permitted Uses map.
- Applying a maximum building height of 40 metres on the subject site by amending the Height of Buildings Map.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

No. The relevant strategic report is the *Northern Beaches Hospital Precinct Structure Plan (2017)*.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best means of achieving the objectives or intended outcomes put forward by the Applicant.

It is noted that an alternative approach to achieve the objectives or intended outcomes would be to rezone the B7 Business Park zone to an alternate land use zone which permits 'boarding houses' under WLEP 2011. This approach would result in the loss of employment zoned land and undermine the current and future economic opportunities present in the existing Business Park.

Section B – Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Revised Draft North District Plan (October 2017) is the applicable Draft District Plan.

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment

The Applicant has provided detailed justification in the Planning Proposal in support of the proposed land use and height changes, stating that the changes are consistent with the goals of State Government metropolitan planning policies including *A Plan for Growing Sydney*, Draft Our Greater Sydney 2056 and Draft North District Plan (now superseded by the Revised Draft North District Plan). The Proposal further indicates that there will be no loss of employment land as the existing commercial building will be retained. It also argues that the proposal will provide affordable housing in proximity to the Hospital.

The Applicant's contention that the Planning Proposal is appropriate and is consistent with the strategic planning intentions for Frenchs Forest is not supported, as discussed below.

A Plan for Growing Sydney (Regional Plan)

Frenchs Forest is identified as a Strategic Centre in *A Plan for Growing Sydney*, the metropolitan planning strategy for Sydney over the next 20 years. The Plan identifies several priorities for the Northern Beaches Hospital Precinct including 'working with Council to protect capacity for employment growth beyond the Northern Beaches Hospital site'.

The Proposal to allow boarding houses within the Business Park is inconsistent with the objective to protect opportunities for employment growth. In addition, the Proposal would impact on future commercial and industrial activities that could take place on the subject site such as additional office, research and development, manufacturing and warehousing uses.

Draft Our Greater Sydney 2056 (Draft Regional Plan)

The Draft Our Greater Sydney 2056 builds on *A Plan for Growing Sydney* and establishes the vision for a metropolis of three cities over the next 40 years. Once finalised, this Plan will replace *A Plan for Growing Sydney*. The draft Plan retains the status of Frenchs Forest as a Strategic Centre with the additional classifications of a Health and Education Precinct, Collaboration Area and Priority Precinct.

In regards to the Proposal, the applicable strategies are 7.1, 12.2, 21.1 and 24.4. In summary, these strategies reinforce the delivery of walkable places (Strategy 7.1), the consideration of the capacity for places to change and evolve and to accommodate diverse activities over time (Strategy 12.2), ensure that plans create the conditions for the co-location of health and education facilities (Strategy 21.1), ensure housing opportunities for students and workers within 30 minutes of a health and education precinct (Strategy 21.1), and the provision of a regulatory environment which enables economic opportunities created by changing technologies (Strategy 24.4).

Although the Proposal increases opportunities for housing within 30 minutes of the Hospital, there are many factors which preclude this site from being identified as an appropriate location for future residential use. These factors include the site's location at the edge of the Hospital precinct, poor walkability to shops and services across two major roads and a future road underpass (Warringah Road and Wakehurst Parkway) as well as its location in a Business Park. The Frenchs Forest Structure Plan makes adequate provision for housing opportunities in the vicinity of the health precinct in a more appropriate location.

The draft Plan also identifies the importance of protecting the regulatory environment which enables future economic opportunities. With the high rate of change within the modern economy, it is important that Council protects the operational flexibility of its employment zoned land. In this case, protecting the objectives of the B7 Business Park zone is vital in order to allow diverse local businesses to capitalise on emerging opportunities and provide high skilled job growth.

Revised Draft North District Plan

The Revised Draft North District Plan applies to the subject site. Action 31 is applicable to the Proposal which identifies the following:

Strengthen Frenchs Forest through a variety of approaches including:

- a. *Leveraging the investment in the Northern Beaches Hospital to provide a vibrant and well connected strategic centre.*
- b. *Deliver an urban core with a mix of commercial and residential uses and community facilities.*
- c. *Provide new housing, including affordable housing.*
- d. *Encourage walkability and cycling within the precinct.*
- e. *Enhance the natural setting of the area by embellishing existing open space.*
- f. *Attract new, innovative health and medical related commercial premises to support the hospital.*
- g. *Reinforce the centre as an employment hub for the Northern Beaches, building on the existing business park east of the Wakehurst Parkway.*
- h. *Continue to investigate a high frequency public transport link, in partnership with State agencies.*

Whilst affordable housing for key workers is a high priority, the subject site is not the appropriate location as introducing residential uses has the potential to compromise the existing strategic advantage of the Business Park and the future flexibility of surrounding businesses to respond to economic opportunities, in particular, innovative health and medical related commercial premises to support the Hospital.

Council has identified opportunities for affordable housing within the areas designated for residential land use within Council's Structure Plan, including a 10% target for areas identified for uplift in the Hospital precinct and a 15% target for the future town centre resulting in the ultimate delivery of 600 affordable housing units. The Proposal for boarding houses within the Business Park could compromise the capacity of Frenchs Forest to grow as a Strategic Centre and achieve the targets of 12,000-13,000 jobs by 2036. Economic growth and the provision of diverse job opportunities are essential to meeting the objectives of the Revised Draft North District Plan.

- Consistent with a relevant local council strategy that has been endorsed by the Department

The Northern Beaches Hospital Precinct Structure Plan (2017) is the relevant local council strategy applicable. However, the Structure Plan has not been formally endorsed by the NSW Department of Planning and Environment. Notwithstanding this, the Structure Plan was developed in partnership with the NSW Department of Planning and Environment and state agencies through an Inter-Agency Working Group including RMS, Transport for New South Wales, NSW Department of Education, Greater Sydney Commission, NSW Health Infrastructure, Office of Environment and Heritage, Sydney Water and Ausgrid.

The Structure Plan does not propose any change to land in the Business Park including the subject site. In addition, the Structure Plan identifies that while there are no changes to the B7 Business Park zone in Frenchs Forest, this precinct is able to grow and mature under its current zoning to support the new Hospital and deepen the locality's employment base. An Employment Development Strategy has been recommended to be undertaken in the future in order to facilitate and encourage employment growth in the area.

The Proposal to include boarding houses is inconsistent with the objectives identified in the Structure Plan to enhance and grow employment in the B7 Business Park zone. Further, no economic assessment has been provided to indicate the potential economic impacts the Proposal could have for the Northern Beaches and the North District. Given the strategic importance of maintaining the strategic direction outlined in the Structure Plan and preserving employment land, the Proposal is considered to undermine the overall strategic intent of the Structure Plan and will set a precedent leading to the further loss of productive employment land.

- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The Hospital and Stage 1 and 2 RMS Connectivity and Network Enhancement road works are recognised in Council's Structure Plan. The Structure Plan highlights that the full capacity of the precinct is dependent on a further expansion of transport infrastructure and a continued modal shift from private to public transport. Over the next 20 years, the Structure Plan proposes the phased delivery of approximately 5,360 dwellings and 2,300 new jobs. Traffic modelling has indicated that in the short term, the precinct can support up to 3,000 dwellings concentrated around the future town centre site west of Wakehurst Parkway, with specific road and intersection upgrades. The provision of further dwellings (beyond the 3,000 dwelling threshold) in the medium to long term will require the delivery of significant regional road works, such as the proposed Beaches Link Tunnel and/or an east-west bus rapid transit (BRT) system from Chatswood to Dee Why.

The Applicant's Planning Proposal will significantly intensify development east of Wakehurst Parkway, resulting in approximately 374 additional dwellings (748 residents). This far exceeds the capacity of the road network.

b) Does the Proposal have site-specific merit, having regard to the following?

- The natural environment (including known significant environmental values, resources or hazards)

The subject site does not contain any critical habits or threatened species, populations or ecological communities or their habitats. In regards to environmental health, the Proposal has not demonstrated any investigation of potential site contamination. Should the Planning Proposal progress, further consideration of site contamination will be required.

- The existing uses, approved uses, and likely future uses of land in the vicinity of the Proposal

The subject site is located within the Frenchs Forest Business Park, which performs a vital local employment function and has the potential to contribute to a range of economic development opportunities associated with the new Hospital. Council's plans and policies do not propose any change to the role and function of the Frenchs Forest Business Park. Any form of residential development within this locality is considered inappropriate due to the Business Park's important employment role to the Northern Beaches region and North District.

- The services and infrastructure that are or will be available to meet the demands arising from the Proposal and any proposed financial arrangement for infrastructure provision

The Planning Proposal indicates the potential for 374 dwellings with legal capacity for 748 residents. This new population will significantly increase the demand for public infrastructure and services such as utility services, open space requirements and local road network upgrades.

The Applicant's VPA offer is insufficient to meet future service and infrastructure requirements which will result from the Proposal. Whilst the Applicant proposes to enhance pedestrian connections between the subject site and the Hospital, this is a standard requirement as part of the development application process. Further, the Applicant proposes an exemption from Section 94 or 94A Developer Contributions, which is a funding mechanism applicable to all development in order to finance necessary infrastructure requirements and upgrades.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

No. The Planning Proposal is inconsistent with the *Northern Beaches Hospital Precinct Structure Plan*, adopted by Council on 1 August 2017. The Structure Plan was developed in partnership with the NSW Department of Planning and Environment and state agencies through an Inter-Agency Working Group.

5. Is the Planning Proposal consistent with applicable State Environment Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies (Attachment 3) with the exception of:

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55): The Applicant's Planning Proposal has not demonstrated any investigation of potential site contamination.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with applicable Ministerial Directions (s.117 directions) (Attachment 4). However, the Planning Proposal is likely to be inconsistent with certain Ministerial Directions, namely:

- Direction 1.1 Business and Industrial Zones: The Planning Proposal does not satisfy objective (c) and will reduce the total potential floor space area for employment uses and related public services in business zones. The Proposal fails to demonstrate the potential economic impacts of the proposed land use in an existing Business Park.

- Direction 3.4 Integrating Land Use and Transport: The subject site is located in a Business Park with a local bus route immediately at the front of the subject site. Notwithstanding this, the subject site provides no connectivity with Stage 1 and 2 RMS road works and associated road shared paths. Further, the subject site is not considered to be located within walking catchment to the future town centre, which envisages a transport interchange, as well as the Skyline shops, which provide day-to-day local shops and services.
 - Direction 5.10 Implementation of Regional Plans and Direction 7.1 Implementation of A Plan for Growing Sydney: As discussed previously throughout this report, the Proposal is considered to be inconsistent with the Regional Plan and Draft Regional Plan and undermines the achievement, land use strategy, goals, directions and actions identified for Frenchs Forest as a Strategic Centre, Health and Education Precinct, Collaboration Area and Priority Precinct.
 - Direction 6.3 Site Specific Provisions: The Proposal contains and refers to drawings that show details of the development proposal. This is provided for background purposes only in order to understand the objectives and intended outcomes of the development.
- 7. Is there any likelihood that critical habitat or threatened species, populations, or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The subject site does not contain any critical habitats or threatened species, populations or ecological communities or their habitats.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Yes. As discussed previously, a site contamination investigation is required in accordance with SEPP 55 requirements.

9. Has the Planning Proposal adequately addressed any social and economic effects?

No. The Proposal fails to demonstrate the potential social and economic effects of the proposed land use. Whilst it is noted that the Proposal involves the provision of a boarding house, which is a form of affordable housing, more appropriate locations have been identified in Council's Structure Plan.

Economic effects

The subject site is located within the Frenchs Forest Business Park, which performs a vital local employment function and has the potential to contribute to a range of economic development opportunities associated with the new Hospital. The Proposal was not accompanied by an Economic Impact Analysis, however the Applicant's Planning Proposal purports that the Proposal will:

- *Contribute to the economic sustainability of the area by providing a substantial local source of skilled labour for the burgeoning health and medical sectors and by housing additional local customers within the trading catchment of the proposed new town centre.*
- *Represent an innovative and integrated solution to locate jobs, improved transport and housing together. In doing so, it will directly address the threat to economic competitiveness of the specialised centre posed by the lack of local housing that is affordable for key workers in the health sector. This in turn will promote Warringah Employment Development Plan's objectives to enhance the region's competitive advantages as a business location and support continued self-containment of employment opportunities.*

- *Provide a substantial and highly visible local supply of skilled health workers, the proposal will address one of the identified 'business park fundamentals' – proximity to skills. This will help attract the additional development required in the Frenchs Forest Business Park to meet District Plan job targets, and supports the planned specialisation of the Business Park in the health and medical sectors which rely on the availability of those skills.*
- *The proposal is for affordable rental housing and therefore is appropriately regarded as essential social and economic infrastructure. This can be given recognition in land use planning through the amendment of WLEP 2011 sought by this planning proposal.*

The Applicant's contention that the Proposal will enhance the economic sustainability of the area is not supported. It is considered that the Proposal will have significant implications on the economic development of this area, impacting businesses and the strategic future of the B7 Business Park zone.

The introduction of residential land use in the form of a boarding house to this zone will impact the future commercial and industrial activities that can take place in this Business Park zone (including office, research and development, manufacturing and warehouse). The current absence of residential land use is a key differentiator for this employment land precinct from others in the region (such as Brookvale). Council staff are of the view that removing this point of difference will impact the attractiveness of this Business Park to prospective businesses and undermine its ability to cater for a diversity of business types, affecting the resilience of the Northern Beaches economy.

Moreover, the Revised Draft District Plan has identified 12 Health and Education Precincts across Greater Sydney and of those, Frenchs Forest is the only one not currently located in close proximity to high volume mass public transport or motorway (i.e. train or metro line). The proposed Beaches Link Tunnel could provide a direct link to the Sydney CBD and Western Sydney and could be a catalyst to reactivate the Frenchs Forest office market as a more accessible location to locate a company. The take up of business park space at Macquarie Park and Norwest following the opening of the M2 motorway is testament to this.

Impacts to businesses within the area are likely to result from the Proposal. The proposed provision of off-street parking is considered inadequate to support the future population and is likely to generate additional on-street parking congestion for surrounding businesses, their employees and customers. In effect, this will make the Business Park less attractive to prospective tenants and impact on the overall success of the Business Park.

More importantly, the distance of the subject site from the future town centre will undermine the accessibility of future residents to support the economic viability and vibrancy of the planned, new town centre. The approximate 3 kilometre round trip along busy roads is likely to reduce utilisation of the future town centre. In addition, the nearest centre (node) for the residents will be the Skyline shops, which service day-to-day local needs. The size of this node is considered suitable to service an area of up to 15 dwellings per hectare. There is no strategic direction to increase the size of the Skyline shopping area.

As identified in Council's Structure Plan, further research and consultation is required to develop an Employment Development Strategy that leverages the competitive strengths of the region. In the meantime, it is imperative that Council protects the flexibility and diversity of employment land on the Northern Beaches so that Council can capitalise on these strengths and future opportunities.

Social effects

The Proposal fails to demonstrate appropriate accessibility and safety considerations for residents. The Proposal raises safety concerns regarding the walkability of the routes from the subject site and the Hospital through the Business Park. This is particularly due to the demographics of the proposed resident population with the target market for this development being junior nurses (young, high proportion female) who will undertake shift work. Late night trips between the subject site and the Hospital would be a serious safety concern as the route is through an area with minimal lighting and no casual surveillance. In addition, hospital shifts rarely end on time, with medical staff often doing overtime hours making the provision of shuttle buses only at shift start/end times inadequate to resolve this safety concern.

Although the Applicant's Planning Proposal report identifies several measures to address safety including on-site managers, shuttle bus services, CCTV, lighting in communal areas, review of pedestrian routes, and effective landscape design, these measures primarily relate to the subject site only and not the surrounding locality.

In regards to amenity for residents, the Proposal identifies small studio apartment accommodation with 20.7 square metres per unit (excluding kitchenette and bathrooms). This offers low amenity to residents and needs to be located within immediate proximity to high amenity public spaces, such as restaurants, recreation opportunities and open space to enhance liveability. This style of accommodation would be appropriate within the residential zones outlined in Council's Structure Plan. The subject site is considered too far from open space and the type of amenity that would support this lifestyle.

In addition, the subject site's location in a business park has the potential to affect the amenity of future residents. Noise concerns, hours of operation and truck movements for nearby businesses which can occur at various hours of the night, are likely to be result. In addition to impacts on future residents, the Proposal also has the potential to impact residents of the surrounding locality, particularly with increased traffic and noise associated with the proposed additional use.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

No. The Proposal fails to identify and qualify the additional infrastructure upgrades necessary to support the additional population. In particular, impacts on the traffic and transport network and public open space (active and passive) requirements. Further, the Proposal intends to seek an exemption from Section 94/94A developer contributions, which is a mechanism used to fund future infrastructure upgrades identified by Council.

In regards to the Proposal's impact on traffic and transport infrastructure, the Applicant's Planning Proposal has justified the level of impact by stating that the Proposal will:

- *Enable a high proportion of occupants to walk, cycle or bus to work, with consequent reduction of traffic, improved road safety and health outcomes. Shuttle bus service improves access options and increases personal safety for late shift workers.*
- *Reduce traffic and congestion on surrounding roads by enabling residents to easily get to work by walking, cycling and catching public transport rather than commuting by car from distant areas where housing is more affordable.*

- *Enable a substantial number of hospital employees to conveniently access the hospital by walking, cycling or using the shuttle bus or public bus. Together with car share vehicles provided on-site, this will enable residents to get by without the substantial cost of owning and running a car and is a healthier alternative to commuting by car. The number of workers commuting to the hospital by private car will be significantly reduced, thus improving traffic conditions for other road users.*

The Applicant's contention that the Proposal will reduce traffic congestion on surrounding roads is not supported. The Proposal indicates that vehicular access is through a right-of-way that connects to a busy cul-de-sac at the end of Rodborough Road. The Proposal is not supported by any traffic modelling which identifies the projected impacts on the local and regional road network, and infrastructure. It is therefore difficult to determine the potential impacts of the Proposal. However, it is reasonable to assume that the proposed legal capacity of 748 lodgers will increase traffic generation significantly.

As part of the preparation of Council's Structure Plan, significant traffic and transport modelling was undertaken by Council and RMS for the Hospital precinct, which included the subject site. The purpose of this modelling was to determine the appropriate level and locations for growth within the Hospital precinct. The modelling concluded that the capacity of the existing road network was 3,000 dwellings (subject to identified road upgrades), concentrated west of Wakehurst Parkway and north of Warringah Road. The Proposal will significantly intensify development east of Wakehurst Parkway, resulting in approximately 374 additional dwellings (748 residents). This far exceeds the capacity of the road network.

Previous advice from RMS as part of the development of the Structure Plan concluded that any additional growth east of Wakehurst Parkway would not be supported (by RMS). In addition, RMS advised that there were major constraints to the existing road network in Frenchs Forest due to the limitations of the existing network, the convergence of a number of major roads carrying large volumes of traffic and the high car dependence of the local area.

The subject site, whilst adjoining the Warringah Road corridor, requires access from Rodborough Road, which is predominantly a local road servicing the local business park. It is noted that Rodborough Road and the roundabout at Allambie Road/Rodborough Road are at capacity. Additional works to mitigate this impact would be required, should the Proposal progress. In addition, it is noted that the Proposal provides no connectivity to the Stage 1 and 2 RMS road works and associated off road shared paths. Should the Proposal proceed, the Applicant would need to provide connectivity to RMS road works, particularly the connection to shared paths and potential signal upgrades.

Notwithstanding the above, the broader traffic and transport impacts of the proposed use are considered to be significant and needs to be considered in a holistic manner. It is considered that the Proposal will increase delays and congestion on the traffic and transport network. Further, no traffic modelling has been undertaken to quantify the full extent of traffic impacts on the local and regional network and accordingly, this matter alone is considered to be of a magnitude to warrant refusal of the Proposal.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Not applicable at this stage as the Planning Proposal has not progressed to the Gateway for a determination. Notwithstanding this, it is noted that as part of the preparation of Council's Structure Plan, RMS strongly advised and emphasised on numerous occasions that any additional growth east of Wakehurst Parkway would not be supported (by RMS) due to the limited capacity of the road network.

CONSULTATION

The Planning Proposal was publically exhibited for 15 days from Saturday 18 November to Sunday 3 December 2017. The exhibition included:

- Manly Daily advertisement on 18 November 2017
- Electronic copies of the exhibition material on Council's website
- 209 letters posted to owners and occupiers generally within the Business Park and within a 200 metre radius of the subject site
- An email to registered community members who have listed their interest on Council's Community Engagement Register
- Hard copies of the exhibition material at Council's Dee Why, Manly and Mona Vale Customer Service Centres.

23 submissions were received with 14 objecting to the Proposal, 1 in support and 8 providing general comment. The main issues raised were concerns with the proposed building height, impact on infrastructure, concerns with the proposed land use (boarding house), impact on local character, inconsistency with the Structure Plan, potential to set a precedent for high rise buildings and other concerns (Attachment 5).

FINANCIAL CONSIDERATIONS

Should the Planning Proposal proceed, it would have a negative impact on Council's Section 94A Developer Contributions levy, as the Applicant is seeking an exemption from this levy, which funds essential infrastructure works identified by Council.

It is noted that the assessment of the Planning Proposal for 323-327 Warringah Road, Frenchs Forest has been funded by the fees established in the *Northern Beaches Fees and Charges 2017-2018*.

SOCIAL CONSIDERATIONS

Whilst affordable rental housing is a high priority for the Hospital precinct in order to address housing affordability concerns, the Proposal is limited by its poor location for future residents. More appropriate areas for affordable rental housing in close proximity to an array of social infrastructure have been identified in Council's Structure Plan.

The Proposal is highly likely to contribute to a negative and undesirable social experience for future residents due to the subject site's location in a Business Park which is not within walking distance to shops, open space, community facilities and other social amenities. In addition, there are safety concerns regarding the walkability of routes from the subject site and the logistics of providing shuttle bus services, which is reliant on a VPA, given hospital shifts rarely end on time, with medical staff often doing overtime hours. The provision of buses only at shift start/end times is considered inadequate to resolve this safety concern, and the need for a shuttle bus service is only inherent of the site's inappropriate location i.e. not within walking distance of the Hospital.

In addition to impacts on future residents, the Proposal also has the potential to impact businesses and residents of the surrounding locality, particularly with increased traffic and noise associated with the proposed additional use.

ENVIRONMENTAL CONSIDERATIONS

There are no natural environmental impacts associated with the Planning Proposal as the subject site does not contain any critical habitats or threatened species, populations or ecological communities or their habitats. In regards to environmental health, the Proposal has not demonstrated any investigation of potential site contamination. Should the Planning Proposal progress, further consideration of site contamination will be required.

ITEM 10.3	PLANNING PROPOSAL AND OFFER FOR FUTURE VOLUNTARY PLANNING AGREEMENT IN RELATION TO 28 LOCKWOOD AVENUE BELROSE (FORMER BELROSE LIBRARY SITE)
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2017/489678
ATTACHMENTS	<ol style="list-style-type: none">1 Statement of Offer of Public Benefit Prepared by Willandra Associates Pty/Ltd (Included In Attachments Booklet)2 Planning Proposal as Amended for Submission by Council to the Department of Planning and Environment (Included In Attachments Booklet)3 Public Submissions Report (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report upon a Planning Proposal and associated offer for a future Voluntary Planning Agreement (VPA) for 28 Lockwood Avenue, Belrose.

SUMMARY

Council received a Planning Proposal on behalf of the owners of the former Belrose Library site to amend Warringah Local Environmental Plan 2011 (WLEP2011) to increase the maximum height of buildings permitted on the site from 8.5 metres to part 9 metres and part 15 metres, and to allow “multi dwelling housing” and “residential flat building” as additional permitted uses.

The Planning Proposal is accompanied by a “Statement of Proposed Public Benefits” (Attachment 1) listing certain potential benefits which may be proposed to be delivered through a future VPA, including pedestrian connections; a plaza adjoining commercial land uses; green space/ park land; and affordable housing.

The Planning Proposal and associated documentation was publically exhibited for 14 days from Saturday 26 August 2017 to Sunday 10 September 2017. Two hundred and three (203) submissions were received objecting to the Proposal and 2 submissions received in support. The main issues raised were loss of character, excessive height and density, and traffic and parking issues.

The Proposal to increase the maximum permissible building height on the site is not supported. However an amended Planning Proposal, allowing for the additional residential uses on that part of the site fronting Lockwood Avenue is generally supported, subject to maintaining requirements for a proportion of commercial floorspace on the land and subject to the negotiation of a final VPA offer from the proponent as outlined above. A draft amended Planning Proposal is at Attachment 2. The applicant, by letter dated 23 October 2017, has agreed to the submission of an amended Planning Proposal.

The Planning Proposal for 28 Lockwood Avenue, Belrose was reported to Council's Ordinary Meeting on 28 November 2017 at which time Council resolved:

“That the item be deferred to the 19 December 2017 ordinary Council meeting”.

It is therefore recommended that Council progress an amended Planning Proposal as outlined above, subject to the negotiation of a final VPA offer from the proponent prior to formal exhibition of the Proposal following a Gateway Determination.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council:

- A. Does not support a Planning Proposal which changes the height standard for 28 Lockwood Avenue, Belrose.
 - B. Supports an amended Planning Proposal which:
 - a. Permits additional land uses of “residential flat building” and “multi dwelling housing” on that part of the land fronting Lockwood Avenue only
 - b. Prohibits the granting of development consent for a residential flat building or multi dwelling housing on the land unless a minimum Floor Space Ratio of 0.5:1 is provided on the site for commercial premises.
 - C. Negotiates and finalises a formal Voluntary Planning Agreement offer from the proponent which addresses pedestrian connections through the site, the provision of affordable rental housing, public space, and retention of green space to be included with the exhibition of the Planning Proposal following the Gateway Determination.
-

REPORT

BACKGROUND

The Site and Locality

The site 28 Lockwood Avenue, Belrose (the former Belrose Library site), known as Lot 1 DP 1199795, is a 5,322sqm irregular-shaped corner allotment located within the Belrose Local Centre which includes Glenrose Shopping Centre and the Glen Street Cultural Hub (Theatre, Library etc.).

Current development on the site comprises a vacated public building formerly used as the Belrose Library prior to Council's disposal of the site as part of a Belrose Revitalisation Project and Masterplan prepared in 2013. The site also contains established vegetation including canopy trees and various improvements associated with its use for parklands/childrens play and walking paths.

Council, at its meeting on 26 February 2013, resolved to sell this site and use proceeds for the new library and other capital works associated with the new Glen Street Cultural Hub. The settlement of the sale of the site was delayed to 28 June 2017 to allow for the completion of the new Glen Street Library. The site has since been secured and fenced.

The site fronts Lockwood Avenue, Glen Street and Glenrose Place and adjoins a Service Station at the intersection of Glen Street and Glenrose Place and a Public Reserve along the North West side boundary.

The Planning Proposal for 28 Lockwood Avenue, Belrose was reported to Council's Ordinary Meeting on 28 November 2017 at which time Council resolved:

"That the item be deferred to the 19 December 2017 ordinary Council meeting".



Figure 1: The Site and Locality (aerial)

Context and Local Character

The multiple frontages of the site present a range of contexts in which the site may be considered to contribute to local character.

The site frontage to Lockwood Avenue has a predominantly residential context. The street is a low density residential environment comprising single and two storey dwelling houses.

A similar residential context exists along the North West side boundary of the site which adjoins a strip of Public Reserve located between the site and the closest residential dwelling and a Kindergarten at the northern end of the boundary. The width of this reserve is some 15m adjoining 2 Lockwood Avenue (dwelling) and 2m from 1 Ashworth Ave (Kindergarten).

The Glen Street frontage of the site is directly opposite the Glen Street Cultural Hub and prominent at the southern entry to the Local Centre precinct. At this frontage the established vegetation and tree canopy significantly contribute to the natural setting and character.

Glenrose Place is a short access road with frontage to the subject site on one side and the Glenrose Shopping Centre on the other side. The frontage has a strong commercial context, with the adjoining Service Station at the intersection of Glen Street and Glenrose Place also contributing to this context.

Current Planning Controls

The land is zoned B2 Local Centre (figure 2) as part of the Belrose Local Centre also containing the Glenrose Shopping Centre. The objectives of the LEP B2 Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide an environment for pedestrians that is safe, comfortable and interesting.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

The B2 Local Centre zone permits residential accommodation only in the form of “shop top housing” being dwelling(s) located above ground floor retail and business premises. Other types of residential accommodation that are not located above ground floor retail and business premises are not permissible in the zone.



Figure 2: Warringah LEP 2011 Zoning

The WLEP2011 Height of Buildings Map establishes a maximum 8.5 m height development standard for the site and all commercial and residential zoned in the vicinity.

The objectives of the Height of Buildings development standard are:

- *To ensure that buildings are compatible with the height and scale of surrounding and nearby development.*
- *To minimise visual impact, disruption of views, loss of privacy and loss of solar access.*
- *To minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments.*
- *To manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

PLANNING PROPOSAL

The Planning Proposal seeks amend WLEP2011 to increase the maximum height of buildings permitted on the site from 8.5m to part 9m and part 15m, and to allow additional residential uses of in the form of "multi dwelling housing" and "residential flat building" which are currently prohibited.

Under WLEP2011, multi dwelling housing and residential flat building are defined as follows:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The following supporting documents accompanied the submitted Planning Proposal:

- Statement of Public Benefit providing Council with an indication of the proponents intent to enter into a future VPA for certain potential benefits including pedestrian connections; plaza adjoining commercial land uses; green space/ park land; and affordable housing.
- Concept Master Plan to demonstrate the ability of the Planning Proposal to accommodate 63 dwellings, 2,768sqm of commercial floor space, vehicular access at Glenrose Place, vegetation and pedestrian site links.

ASSESSMENT OF PLANNING PROPOSAL

The assessment of the Planning Proposal is undertaken in accordance with the NSW Planning & Environment's Planning Proposals: A guide to preparing planning proposals (2016).

Part 1 - Objectives or intended outcomes

The intended outcome is to enable a Development Application to be lodged for a mixed use development of height varying from 9m-15m, comprising commercial premises, a residential flat building and multi dwelling housing at 28 Lockwood Avenue, Belrose.

Intended Outcome of Additional Permitted Uses

Proposed amendments to WLEP2011 which seek to allow multi dwelling housing and residential flat buildings on the subject site are important, as current LEP provisions allow residential development only in the form of 'shop top' housing i.e. dwelling(s) located above ground floor retail or business premises.

This limitation is a common provision for B2 Local Centre zones across Northern Beaches LEPs, and ensures ground floor retail or business premises 'provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area' (WLEP2011 Zone Objective).

Part 2 - Explanation of provisions

Submitted Planning Proposal

The Submitted Planning Proposal as lodged by the Proponent and publically exhibited seeks to amend WLEP2011 as follows:

- Residential flat buildings and multi dwelling housing to be permitted over the whole site.
- Amendment to the LEP Height of Building Map is to increase the maximum height of building standard from 8.5m to part 9 and part 15m. The applicants' explanation of provisions are said to achieve the intended outcomes as 'an appropriate range of maximum building heights to ensure the amenity is maintained at any residential interface'.

An additional clause is also proposed 'if required', stating that consent must not be granted for a residential flat building unless a minimum Floor Space Ratio of 0.5:1 is provided on the site for commercial premises. The Planning Proposal states that such a provision would provide confidence to Council that 'a residential building cannot be the sole land use on the site, (and) it will therefore remain consistent with the B2 Local Centre zone objectives'.

Part 3 - Assessment

A. Need for the Planning Proposal

The Planning Proposal is not a result of any strategic study or report.

The closure of the library and its integration into the Glen Street Cultural Hub was funded by disposal of the library site (28 Lockwood Ave) as part of a Masterplan and Revitalization Project reported to the former Warringah Council in 2013. The vision for this Cultural Hub is as 'a vibrant and active community space that will invigorate the theatre and provide a state of the art library facility as well as becoming a unique destination in Sydney's cultural landscape'.

Is there a net community benefit?

The submitted Planning Proposal as exhibited and assessed is considered to result in significant adverse environmental effects which outweigh any proposed or potential benefits associated with the Proposal. This is discussed in "Key Issues" below.

The applicant's Statement of Intended Public Benefit identifies the following potential public benefits which may be delivered through a future VPA.

Pedestrian Connections: A pedestrian link as proposed is supported in the context of the site. The applicant's statement affirms 'Due to the previous use, the site contains well established pedestrian links from Lockwood Avenue to Glenrose Place. These provide efficient and safe connections from the residential areas to the south and west of the site, specifically to Glenrose Village Shopping Centre and the Glen Street Cultural Hub'. The reinstatement of pedestrian access is considered to be of significant public benefit. However, opportunities appear to exist to provide pedestrian connections on land in Council ownership to the west of the site. These may be investigated separately to the current Planning Proposal.

Plaza: The Planning Proposal supports a 'high quality, structured public open space, in the form of a plaza. A plaza would improve public domain to Glenrose Place'. High quality public spaces offer significant public benefits and are supported. The detailed design of such space is a matter for a future development proposal which is fully detailed and consulted under a Development Application.

Green Space: The retention of the landscaped area at the south eastern corner of the site is identified as a public benefit to retain the natural setting and enhance the character of the area. Whilst the significance of existing site vegetation is recognised, its dedication to Council for a park is not essential for its preservation and would likely be required as condition of any future development consent on the site.

Affordable Housing: The Proponent states that potential exists for percentage of the development to be provided as affordable rental housing consistent with Council's Affordable Housing Policy which states:

Council is committed to a 10% affordable rental housing target for all strategic plans and planning proposals for urban renewal or greenfield development. Higher rates of provision will be sought where feasible (Policy Statement – paragraph a).

Should Council support the current Planning Proposal, or any amended planning proposal, it should seek agreement to the dedication of 10% of all new dwellings to Council or a Community Housing Provider in perpetuity as affordable rental housing.

In summary, the proposed public benefits, whilst of varying value, are worthy of consideration by Council and should be pursued with the applicant with the intention of finalising a Voluntary Planning Agreement to accompany any Planning Proposal which is supported by Council.

The draft VPA would be exhibited with any Planning Proposal which receives a Gateway Determination from the Department. The assessment of the final VPA offer would be undertaken in accordance with Council's Voluntary Planning Agreements Policy (adopted by the former Warringah Council) and a report prepared for Council's consideration at the same time it considers a report on the public exhibition of the Planning Proposal.

B. Relationship to Strategic Planning Framework

State Environmental Planning Policies and Local Planning Directions

The Planning Proposal is generally consistent with relevant State Environmental Planning Policies and Local Planning Directions under Section 117 of the EP&A Act. An analysis of compliance with these policies is provided in a draft Amended Planning Proposal at Attachment 2.

Warringah LEP 2011

The general aims and objectives of the WLEP2011 as relevant to the assessment of this Planning Proposal (see also 'Current Planning Controls' for objectives for the Zone and Height standard above) are as follows:

- (c) *to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors.*

Comment: Amendments to the Planning Proposal are recommended to limit the extent to which additional permitted uses may be provided on the site to maintain the balance of development referred to in objective (c) above i.e. a mix of residential development types which match the site's local context.

(d) in relation to residential development, to:

- (i) protect and enhance the residential use and amenity of existing residential environments, and*
- (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and*
- (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah.*

Comment: Amendments to the Planning Proposal are recommended to remove the proposed increases to the Height of Building standard to satisfy objective (d)(i),(ii) and (iii) above.

(e) in relation to non-residential development, to:

- (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and*
- (ii) maintain a diversity of employment, services, cultural and recreational facilities.*

Comment: The Planning Proposal allows other forms of residential development apart from shop top housing, however amendments are recommended to ensure these uses are allowed only to the Lockwood Avenue frontage to maintain the residential amenity of this streetscape.

(f) in relation to environmental quality, to:

- (i) achieve development outcomes of quality urban design, and*
- (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and*
- (iii) achieve land use relationships that promote the efficient use of infrastructure, and*
- (iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and*
- (v) protect, conserve and manage biodiversity and the natural environment, and*
- (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity.*

Comment: Subject to proposed amendments to the Planning Proposal to remove proposed building height increases on the site, the proposal is generally considered to establish appropriate planning provisions for the future redevelopment of 28 Lockwood Avenue in relation to the objective (f) above.

(g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah.

Comment: There are no listed heritage items on the site or in the vicinity of the site.

(h) *in relation to community well-being, to:*

- (i) *ensure good management of public assets and promote opportunities for social, cultural and community activities, and*
- (ii) *ensure that the social and economic effects of development are appropriate.*

Comment: Subject to proposed amendments to the Planning Proposal to remove proposed building height increases on the site, the Planning Proposal is generally considered to satisfy objective (h) above.

A Plan for Growing Sydney

The Planning Proposal has been reviewed against the relevant Outcomes of the *A Plan for Growing Sydney*. The current Metropolitan Plan for Sydney released in 2014 identifies a number of strategic directions and specific policy settings for transport, housing growth, employment and existing centres.

The Planning Proposal is generally consistent with a number of general goals of “A Plan for Growing Sydney”, in that it would: deliver new and more diverse housing; respond to a recognised need (and market demand) for housing in the locality, and provide new homes in close proximity to existing infrastructure and services.

Draft Regional Plan – Our Greater Sydney 2056

The Greater Sydney Commission has recently released its first draft Regional Plan entitled “Our Greater Sydney 2056 A Metropolis of Three Cities – connecting people”. If adopted, the Plan will replace “A Plan for Growing Sydney”.

The draft Plan establishes the concept of a metropolis of 3 cities – Western Parkland City, Central River City, and Harbour City, with the intention of enabling the majority of people to commute to their nearest “city” within 30 minutes. Many of the general goals and objectives contained in “A plan for Growing Sydney” are retained. The following Objectives in particular are relevant to the Proposal:

Objective 7: Communities are healthy, resilient and socially connected

The site is well located within walking distance of retail, health, sporting and cultural facilities.

Objective 10: Greater housing supply

The site provides an opportunity to increase the housing supply to meet the needs of current and future residents of the area.

Objective 11: Housing is more diverse and affordable

The proposal to provide shop-top housing and residential development forms other than single dwelling houses increases the diversity of housing types whilst the inclusion of affordable rental housing through a Voluntary Planning Agreement would improve the affordability of a proportion of dwellings within the development.

Objective 12: Great places that bring people together

The inclusion of pedestrian connections through the site, and the potential development of a public space through a Voluntary Planning Agreement would create a people-friendly environment and improve walkability in the centre.

Draft North District Plan

The Planning Proposal is generally consistent with a number of general directions/ priorities in the draft North District Plan (as revised November 2017). 28 Lockwood Avenue is identified in this plan as a local centre. The proposal will allow for employment generating use of the site.

Warringah Community Strategic Plan

The Warringah Community Strategic Plan (the Plan) was formally adopted by Council in 2013. The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal support the Plan by enabling appropriate opportunity for employment growth within and around established centres that are well serviced by public infrastructure and transport. In particular, the Planning Proposal is considered to support the growth of the economy in a sustainable way by providing some flexibility in the future redevelopment of the land to allow additional residential development types consistent with the character of the area. The Planning Proposal also assists in supporting the local employment sector by providing employment close to where people live.

Warringah Employment Lands Study 2013

The *Warringah Employment Lands Study* was prepared for Warringah Council in 2013 by SGS Economics and Planning Pty Ltd. In this study, its 'Employment Precincts Context Plan' identified the Belrose Local Centre as a 'small village'. In relation to neighbourhood/centres based planning, the study promotes 'co-location of employment uses with residential components so that people can work and live in an active urban environment'.

The Planning Proposal is consistent with this study. Further, the Planning Proposal supports Strategy 8 of this study to 'revitalise neighbourhood centres'.

C. Key Assessment Issues

Local Character

The locality is characterised as a Local Centre with a range of retail, business, entertainment and community uses that serve a surrounding low density residential area. 28 Lockwood Ave is located within the zoned Local Centre and future redevelopment of the site must support and enhance the local character in accordance with the LEP zone objectives.

The provision of residential development that is confined to shop top housing at the Glenrose Place frontage is important to retain the local character and future desired outcomes for the Local Centre. Any change to existing height controls and permitted uses must therefore be carefully considered.

Height

The existing 8.5m maximum height of buildings standard is a principle development standard which applies to both the Belrose Local Centre (of which the subject site is a part) and surrounding low density residential area. The existing 8.5m standard broadly applies across the Belrose suburb which reflects a substantially established and representative measure of the low rise character of the locality.

While the Glenrose Shopping Centre and Cultural Hub precinct exceed the existing development standard, these were considered as minor variations to the current controls in the context of a specific development proposal based on its merit. No change to statutory height standards were granted in this regard.

Council's Senior Urban Designer has raised concerns regards the acceptability of the proposed 15m maximum building height. In particular there is a concern in relation to the impact of greater bulk and scale compared with surrounding developments. The height and scale of surrounding and nearby development includes 1 and 2 storey dwelling houses.

The height and scale of development in the local centre must be carefully balanced in the context of the surrounding residential areas. The proponent's application to vary the height development standard is considered incompatible with surrounding and nearby development. Furthermore the visual impact of future development is not considered capable of being appropriately managed for the site at the proposed 15m height standard and would result in adverse impacts on the locality.

Additional Permitted Uses

Whilst the proposed additional permitted uses are supported, amendments are recommended to the Planning Proposal to limit these uses only to buildings fronting Lockwood Avenue to ensure an appropriate residential context to this street.

The provision of additional residential uses over the whole of the site is considered contrary to the zone objectives.

Lockwood Avenue is a low density residential environment largely comprising single and two storey dwelling houses. The Planning Proposal seeks to provide some flexibility in term of residential development types such that residential development is not limited to shop top housing. Shop top housing comprising shops or offices at street level is not necessarily the best outcome in terms of the context of Lockwood Avenue and it is considered that additional residential uses could be permitted for buildings fronting Lockwood Avenue in the form of "multi dwelling housing" and "residential flat building" only.

Glenrose Place is a short access road with the subject site on one side and the Glenrose Shopping Centre on the other side. This frontage of 28 Lockwood Avenue has a predominantly commercial context and for this reason shop top housing is preferred to development comprising residential development only. The provision of multi dwelling housing and residential flat buildings at this frontage would not provide the same opportunities for "activated" frontages for a range of retail, business and other uses that serve the local community. It is therefore recommended that proposed amendments to permitted uses should be limited to Lockwood Avenue, with shop top housing remaining (as currently provided in the LEP) as the only permitted form of residential development for buildings fronting Glenrose Place and Glen Street.

Natural Environment

Council's Landscape Assessment Officer identifies the high landscape significance of a number of trees on the site, which contribute significantly to the character of this Local Centre in unison with tree planting on adjoining sites. It is recommended that Concept Plans accompanying the Planning Proposal should be amended to identify the retention of trees of high significance as well as additional planting to augment the landscape character of the Local Centre.

The subject site is generally considered suitable for development subject to detailed consideration of other environmental matters at the Development Application stage.

Traffic and Parking

The proponents Planning Proposal, accompanied by Concept Plans for 63 dwellings and some 2,768sqm of commercial floorspace, is not supported by any analysis of projected impacts on the capacity of local roads and intersections. It is therefore difficult to determine potential impacts of the proposal. However, it is reasonable to assume that the proposed increase in height standard for the site increases the potential for more residential development on the land.

Proposed amendments to the Planning Proposal to remove proposed building height increases would significantly reduce the potential for increased traffic impacts. In fact, traffic generation could potentially decrease as a result of a future development comprising less commercial/ retail floorspace at the Lockwood Avenue frontage (as residential floorspace generally generates less traffic than commercial/ retail floorspace).

Further detailed consideration of traffic and parking impacts would be undertaken in any future Development Application assessment.

Site Contamination

State Environmental Planning Policy 55 – Remediation of Land applies to the subject site adjoining an existing service station. If the planning proposal proceeds further, contamination investigations in accordance with Environment Protection Authority's requirements will be required as part of the Gateway process consistent with applicable Ministerial Directions; s.117 Direction.

CONSULTATION

The Planning Proposal was placed on public exhibition from Saturday 26 August to Sunday 10 September 2017. The exhibition included:

- A public notice in the Manly Daily notifying of the public exhibition on Saturday 26 August 2017.
- Notification on Council's website including electronic copies of the exhibition material.
- 209 letters posted to residents, business owners and land owners.
- Hard copies of the Planning Proposal being placed at Glen Street Library and Civic Centre, Northern Beaches Council Dee Why Office.
- Brief presentation to a meeting of the Belrose Rotary Club on 5 September 2017 to which Council staff were invited to speak.

Council received 205 submissions, including 203 submissions opposed to the Planning Proposal. Issues raised in submissions are detailed in Attachment 3. In summary, the key issues raised relate to loss of character, excessive height and density and traffic and parking issues.

Some 113 submissions raise concern that the Planning Proposal as exhibited would significantly change the low density, natural character of the locality. Some submissions also identify important social aspects of local character impacted by higher density living. Submissions which specifically oppose the Planning Proposal on the basis of height (95 submissions), traffic and parking (78 submissions) and density (30 submissions) cite a wide range of impacts and detrimental effects from future development under the Planning Proposal and as described in the submitted Concept Plans.

Existing traffic and parking constraints including safety issues are identified and the general capacity of the site for development at the scale envisioned is a major concern. Many submissions reject that the exhibited Concept Master Plans appropriately respond to the location and context. The potential precedent created by permitting a height variation for the site was raised, with examples provided of existing 'precedence' developments considered to be inappropriate.

The development history of 28 Lockwood Ave was raised in a number of submissions, including the long standing public functions of this site. Other issues raised include loss of vegetation and biodiversity, pedestrian access, public transport, accessible and affordable housing, consultation processes, certainty of public benefits, compliance with LEP zone objectives, strategic context, drainage, impacts on schools and residential interface (including Kindergarten) and the adjoining Service Station.

SUBMISSION EVALUATION

The issues raised in submissions relate generally to impacts associated with the increased development potential proposed for the site e.g. character, height, traffic, zone objectives etc. In turn, this potential is linked to the proposal to increase the maximum height standard for the site. As outlined above, it is not proposed to support the increase in height for the site, with existing height limits retained. This addresses the majority of concerns associated with the potential overdevelopment of the site.

Other issues, for example, relationship of future development to the adjoining kindergarten, potential contamination from the adjoining service station. Stormwater and drainage, pedestrian access, loss of important vegetation, and need for affordable housing, are matters that can be addressed through the Voluntary Planning Agreement and through a future development application process.

INTERNAL REFERRALS

The Planning Proposal was broadly referred across the organisation and contributions in the assessment process provided by staff in relation to a number of issues including landscaping, urban design, development assessment, civic and property issues and engineering as integrated into this report.

FINANCIAL CONSIDERATIONS

There are no financial impacts for Council associated with the redevelopment of 28 Lockwood Avenue, Belrose. It is expected that the land will be the subject of a Development Application in the future irrespective of the outcome of this Planning Proposal.

SOCIAL CONSIDERATIONS

Significant concern is evident from the local community in relation to the impact of the Planning Proposal as exhibited. Assessment against a range of planning criteria (including public interest) indicates that substantial amendments are required to ensure Council's social objectives are satisfied, including 'to maintain and enhance the existing amenity and quality of life of the local community' (LEP Zone Objective).

ENVIRONMENTAL CONSIDERATIONS

A range of potential environmental impacts have been considered in the assessment of the Planning Proposal. Substantial amendments are recommended to ensure impacts on the environment are reduced, if not eliminated. There are a number of significant trees on the site which would be subject to future assessment should a Development Application be lodged for this site.

ITEM 10.4	PLANNING PROPOSAL RALSTON AVENUE AND DRAFT VOLUNTARY PLANNING AGREEMENT
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2017/492398
ATTACHMENTS	1 Ralston Avenue Planning Proposal and Voluntary Planning Agreement - Assessment and Attachment Booklet (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To inform Council of the outcome of the consultation process for a Planning Proposal to rezone Lot 1 in DP 1139826, Ralston Avenue, Belrose, and to seek support to reject the Planning Proposal and the accompanying draft Voluntary Planning Agreement.

SUMMARY

In April 2013, the Metropolitan Local Aboriginal Land Council (MLALC) lodged a Planning Proposal application to rezone a 135 hectare site at Ralston Avenue, Belrose for low density residential housing (171 lots), public open space and environmental management.

The original Planning Proposal was rejected by Council in December 2013. However, the Department of Planning and Environment (the Department) issued a Gateway Determination 28 January 2015, following an application by MLALC to the Department for a “pre-gateway review” of Council’s decision.

In 2015, Council undertook extensive consultation with the Proponent and State government authorities in accordance with the Gateway Determination (Rural Fire Service, Office of Environment and Heritage, Roads & Maritime Services and Transport for NSW). The Proponent responded to the above consultation and provided further studies and an updated Planning Proposal dated December 2015.

In 2016, Council sought updated public authority advice in response to the December 2015 Planning Proposal. Council also commissioned a Bushfire Consultant to undertake an independent Peer Review of the Bushfire Planning documentation to facilitate Council’s assessment. The Peer Review highlighted significant bushfire concerns which Council brought to the attention of the RFS.

The Proponent lodged an Updated Planning Proposal on 28 April 2017, responding to the above consultation, and in particular to bushfire and biodiversity concerns raised by the Rural Fire Service (RFS) and Office of Environment and Heritage (OEH).

A draft Voluntary Planning Agreement (VPA) accompanied the Updated Planning Proposal inclusive of public benefits such as community and recreational facilities, Aboriginal Community services, traffic and transport infrastructure, bushfire management arrangements and stormwater infrastructure.

Council publicly exhibited the Updated Planning Proposal and draft VPA from Saturday 27 May to Sunday 25 June 2017 and sought an updated response from public authorities and utility providers.

A total of 243 submissions were received from the community, with most objecting to the proposal (84%) mainly due to environment and traffic impacts and bushfire risks. Some respondents expressed support for the proposal (2%) while others expressed support subject to conditions (4%). The remaining responses (10%) either did not say or were not related to the Planning Proposal.

The Updated Planning Proposal is not supported by RFS, OEH, National Parks and Wildlife Service (NPWS) and TransGrid (who own and operate the adjoining Sydney East Substation). No specific objections were raised by Transport for NSW (TfNSW), Roads and Maritime Services (RMS), Sydney Water or Ausgrid. However, the proposal is unlikely to comply with Ausgrid's conditions relating to bushfire evacuation.

The Planning Proposal provides some recreational facilities, formalises recreational access to private land, and facilitates the economic use of Aboriginal land acquired under the *Aboriginal Lands Rights Act 1983*.

However, Council's assessment found that on balance, the Planning Proposal did not have strategic merit as it is inconsistent with aims to protect the environment and increase resilience to natural hazards as identified in A Plan for Growing Sydney, and the Greater Sydney Commission's Revised draft North District Plan and Draft Greater Sydney Region Plan (October 2017). The provision of additional housing was not considered to have merit as the proposal was not identified through a strategic process and the site is not feasible for residential development.

The Proposal was found to be inconsistent with State Environmental Planning Policies (SEPPs) No 19—Bushland in Urban Areas and SEPP (Infrastructure) 2007, relevant Ministerial Directions and local provisions, policies and plans. The site has not been identified as having future development potential in either Stage 1 or 2 of the Oxford Falls Belrose North Strategic Review.

Council's assessment also concluded the Proposal had no site-specific merit due to impacts on biodiversity and threatened species, the adjoining National Park, bushfire risk, the proximity of the Sydney East Substation and financial arrangements for infrastructure provision. There remain unresolved issues with respect to stormwater and social infrastructure.

Council does not support the VPA as it does not deliver demonstrable public benefits. The proposed public benefits were found to mainly benefit the occupants of the proposed future development rather than the broader community and/or could be required as conditions of a future development consent. Whilst some public benefits were laudable (e.g. Aboriginal community services and recreational facilities), these could be provided outside the VPA process.

In conclusion, Council does not support the Updated Planning Proposal and draft VPA following consideration of updated studies, agency input and consultation. If the proposal were to proceed, it would result in unacceptable risks to life, property and the environment which would outweigh any potential benefits of the proposed development.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council:

- A. Reject the Planning Proposal lodged for Lot 1 in DP 1139826, Ralston Avenue Belrose, and recommend the Department of Planning and Environment do not make a Local Environment Plan to enable the development for the following reasons:
- a. It has no strategic merit due to inconsistencies with directions, aims and priorities to protect the environment and increase resilience to natural hazards in A Plan for Growing Sydney and the Greater Sydney Commission's Revised draft North District Plan and Draft Greater Sydney Region Plan (October 2017).
 - b. It has no site-specific merit due to impacts on biodiversity and threatened species, the adjoining National Park, bushfire risk, the proximity of the Sydney East Substation and financial arrangements for infrastructure provision.
 - c. It is inconsistent with the specific aims of State Environmental Planning Policies (SEPP) No 19—Bushland in Urban Areas and Council is not satisfied that the proposal will result in significant environmental, economic or social benefits that outweigh the value of the bushland.
 - d. It is inconsistent with SEPP (Infrastructure) 2007 as it has not addressed likely impacts on an electricity transmission network and associated concerns of an electricity supply authority (i.e. TransGrid) for development immediately adjacent to an electricity substation.
 - e. It is inconsistent with s117 Ministerial Direction: 2.1 Environmental Protection Zones, as it would change current planning standards which protect the environment by restricting residential development to 1 dwelling per 20 hectares.
 - f. It is inconsistent with s117 Ministerial Direction: 6.3 Site Specific Provisions, as site specific provisions may be required to prohibit certain uses from the proposed R2 Low Density Residential Zone and E3 Environmental Management Zones.
 - g. It is inconsistent with s117 Ministerial Direction: 7.1 Implementation of A Plan for Growing Sydney, by undermining the achievement of its planning principles; directions; and priorities. Especially those that encourage a risk-based approach to strategic planning through halting development in high risk areas.
 - h. The Rural Fire Service do not support the proposal and find it inconsistent with S117 Direction 4.4 Planning for Bushfire Protection, as it would place inappropriate development in a hazardous area and would not achieve the primary objectives to protect life, property and the environment and encourage the sound management of bush fire prone areas.
 - i. The proposal fails to address issues associated with access to the site and evacuation from the site in the event of a bushfire, including the risk associated with arcing to ground from the 330kva power lines and disruption of planned evacuation routes.
 - j. It is inconsistent with local provisions, policies and plans which aim to protect the environment, including the Warringah Local Environmental Plan 2000 (WLEP 2000); Warringah Council Policy ENVPL 005 Bushland Policy; Warringah Council Policy Protection of Waterways and Riparian Lands and Warringah Council Policy Water Management Policy and the Draft Community Strategic Plan SHAPE 2028.

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- k. The site has not been identified as having future development potential in either Stage 1 or 2 of the Oxford Falls Belrose North Strategic Review (Strategic Review).
 - l. The Office of Environmental Heritage and National Parks and Wildlife Service do not support the proposal due to impacts on biodiversity and threatened species and the adjoining National Park.
 - m. It is unlikely to comply with Ausgrid's conditions of consent relating to bushfire evacuation.
 - n. It would result in unacceptable risks to life, property and the environment which would outweigh any potential benefits of the proposed development.
 - o. The majority of public submissions do not support the proposal.
- B. Reject the draft Voluntary Planning Agreement (VPA) that accompanies the above Planning Proposal, for the following reasons:
- a. The draft VPA does not deliver a demonstrable public benefit.
 - b. The Biodiversity Certification agreement cannot be included as a public benefit.
 - c. The community facility contribution is insufficient to support the additional increase in population.
 - d. There is insufficient detail on the proposed Aboriginal services and MLALC land management proposals that could be funded outside a VPA process.
 - e. Most of the proposed public benefits would benefit the future occupants rather than the wider community and could alternatively be required as conditions of future consent.
 - f. The proposed park is in an unsuitable location and would place an unreasonable maintenance burden to Council due to bushfire management requirements.
 - g. The National Parks and Wildlife Service (NPWS) does not support the proposed increased access to Garigal National Park as consultation has not occurred and the associated impacts have not been addressed.
 - h. Council has received many submissions from the community who do not do not consider the proposed public benefits adequately compensate for the loss of bushland.
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REPORT

BACKGROUND

1.1 Pre-Gateway Determination

In April 2013, the Metropolitan Local Aboriginal Land Council (MLALC – the Proponent) lodged an application to rezone a 135 hectare site at Ralston Avenue, Belrose for low density residential housing (171 lots with a minimum lot size of 550m²), public open space and environmental management (zoned E3 Environmental Management).

Council consulted with the Rural Fire Service (RFS) and Sydney Water, and facilitated a preliminary (non-statutory) community consultation, receiving 41 letters of objection and 3 letters in support.

In response to the above consultation and feedback from Council, in August 2013, the Proponent submitted updated environmental reports. The proposal was updated by replacing the proposed E3 Environmental Management zoning with E2 Environmental Conservation, amending the zone boundaries, changing the minimum lot size to 600m², amalgamating the open space, amending the road layout and providing an 'in principle' agreement to enter into a Voluntary Planning Agreement (VPA).

On 13 November 2013, Council staff referred a report to the Warringah Development Assessment Panel (WDAP) recommending conditional support for the Planning Proposal subject to the preparation of further studies and concurrences, including the application of Biodiversity Certification, the preparation of a VPA. WDAP agreed with this recommendation.

Notwithstanding the above, Council's recommendation acknowledged that the site presented a number of complexities which required investigation including: impacts to flora and fauna; stormwater management; bush fire management and traffic. It acknowledged these outstanding matters could significantly affect the scale and configuration of the proposed residential area.

On 17 December 2013, the elected Council resolved not to support the Planning Proposal. The reasons for this were not included in the minutes of the meeting; however the recording of the debate shows Councillors citing concerns regarding an unacceptable risk of bushfire in the area, deficiencies in the bushfire assessment provided by the Proponent and loss of bushland.

1.2. Gateway Determination

On 28 January 2014, the Proponent requested the Department of Planning and Environment (the Department) to reconsider the proposal and Council's decision by way of a pre-gateway review. The Department issued a Gateway Determination 28 January 2015, based on an assessment by the Department's staff and support from the Joint Regional Planning Panel – Sydney Region East (JRPP). The Gateway Determination included a number of conditions including a requirement to change the proposed E2 Environmental Zone to an E3 Environmental Management zone and a requirement to consult with agencies.

In 2015, Council undertook extensive consultation with the Proponent and State government authorities in accordance with the Gateway Determination (Rural Fire Service, Office of Environment and Heritage, Roads & Maritime Services and Transport for NSW). The Proponent responded to the above consultation and provided further studies and an updated Planning Proposal dated December 2015. This version proposed a number of changes including a reduction in the number of lots from 171 to 159 and the protection of a portion of land on the eastern part of the site for Duffys Forest EEC.

In early 2016, Council sought updated public authority advice in response to the December 2015 Planning Proposal. Council also commissioned a Bushfire Consultant to undertake an independent Peer Review of the Bushfire Planning documentation (Bushfire Peer Review) to facilitate Council's assessment. The Proponent submitted an updated Planning Proposal June 2016.

The Bushfire Peer Review highlighted significant bushfire concerns which Council brought to the attention of RFS. In response to the Bushfire Peer Review, the Proponent engaged another consultant (Peterson Bushfire) to peer review their bushfire planning documentation and provided a response to the RFS.

1.3. Public Exhibition

On 28 April 2017, the Proponent lodged an Updated Planning Proposal (Updated Planning Proposal) and draft VPA for public exhibition, incorporating changes in response to public authority feedback and in particular to bushfire and biodiversity concerns raised by the Rural Fire Service (RFS) and Office of Environment and Heritage (OEH). The Updated Planning Proposal included changes to the indicative subdivision layout and proposed 156 residential allotments.

Council publicly exhibited the updated documents from 27 May to 25 June 2017 and sought an updated response from public authorities and utility providers.

Following the public exhibition period, further discussions were held between the Proponent and the Rural Fire Service regarding bushfire risks. These discussions were attended by Council and its Bushfire Consultant. In response to RFS concerns, the proponent commissioned a further Bushfire report prepared by Eco Logical Australia dated 16 August 2017, titled Ralston Avenue Belrose Planning Proposal: Review.

The last of the public authority responses was received by Council on 18 October 2017 from RFS, following their review of the additional Bushfire report.

1.4 Recent Events

On 25 October 2017, the Proponent submitted a response to public submissions and public authority comments and additional information, including a revised Transport, Traffic and Assessment Report (September 2017), Noise Impact Assessment of TransGrid Substation (October 2017) and submission from Travers Bushfire and Ecology (October 2017). An additional Aboriginal Archaeological & Cultural Heritage Assessment was submitted 1 November 2017. The Proponent requested Council's detailed review of this information.

Following consultation with the Department, Council decided not to re-exhibit the additional information or seek updated responses from public authorities and utility providers as it did not make a significant material change to the intent of the planning proposal. The Aboriginal Archaeological & Cultural Heritage Assessment and revised Traffic Report were referred internally for comment.

By letter dated 1 November 2017, Council received Notice of Gateway Determination from the Department for Council's Planning Proposal to transfer the existing planning controls within the Oxford Falls Valley and Belrose North area under Warringah Local Environmental Plan 2000 into Warringah Local Environmental Plan 2011. This Planning Proposal includes the subject land, and proposes an E3 – Environmental Management zone for its entire area.

The following report provides a summary of Council's assessment of the Updated Planning Proposal and draft VPA with consideration of updated studies, agency input and consultation. It also addresses the additional information provided by the proponent following the public exhibition period. More detail on the assessment and supporting documentation is provided in the Attachments.



Figure 1 – MLALC Site

2. DESCRIPTION OF PROPOSAL

The Planning Proposal seeks to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to enable the subdivision and redevelopment of 136.62 hectares of land owned by MLALC (**MLALC Site** – see Figure 2) at Ralston Avenue, Belrose, to:

- R2 Low Density Residential - 17.27 hectares (12.6% of the site) with a yield of 156 lots (see Figure 3), based upon a minimum lot size of 600 square metres and a maximum building height of 8.5 metres (referred to as the **Development Site**)
- RE1 Public Recreation - 0.3 hectares (0.2% of the site) for a public park (referred to as the **Public Park**)
- E3 Environmental Management - 119.05 hectares (87.2% of the site) to be retained as natural bushland with Asset Protection Zones and recreation trails adjacent to the future residential land (referred to as the **E3 Environmental Management Area**)

The objectives and intended outcomes are addressed in Attachment 1.

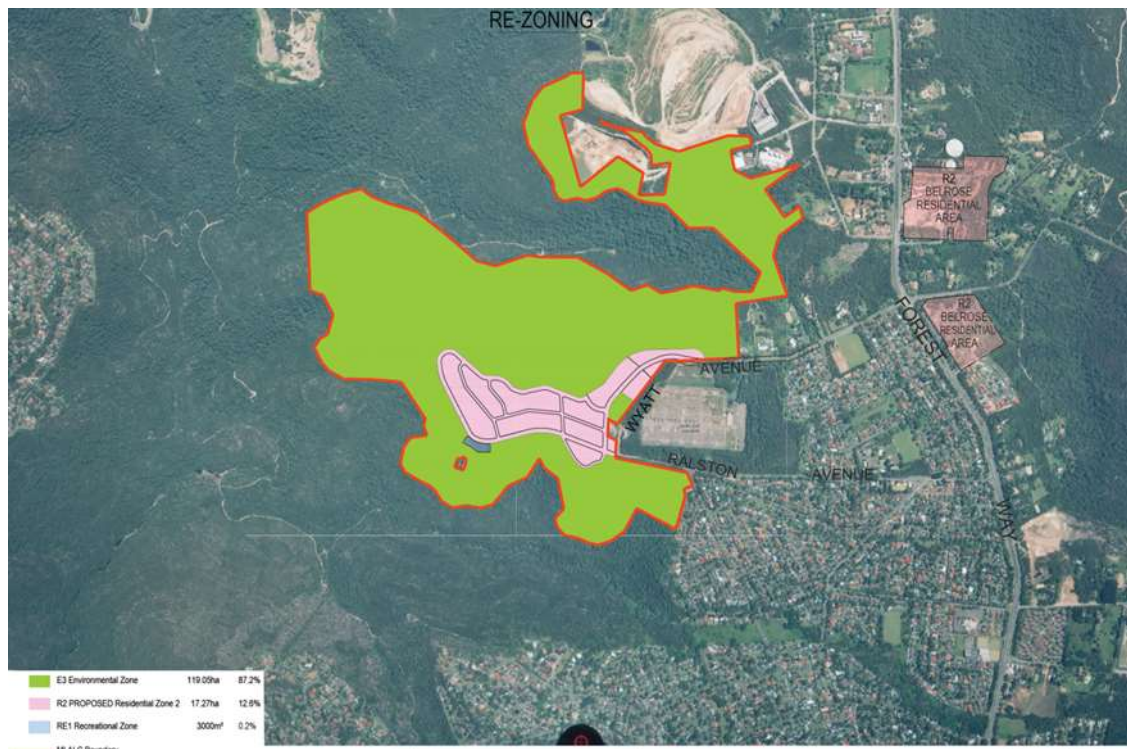


Figure 2 – Proposed Land Use Zoning – Total MLALC Site (source, Figure 2 of Supplementary Planning Report and Updated Planning Proposal – April 2013)



Figure 3 – Indicative Subdivision Plan – April 2013

3. DESCRIPTION OF SITE

The MLALC Site is an undeveloped, irregularly shaped parcel of land, known as Lot 1 DP 1139826, Belrose (see Figure 1). It is 136.16 hectares in size and adjoins Garigal National Park to the south, west and north. Most of the site is covered in native bushland, and is crossed in places by a pattern of informal vehicle, bike and horse tracks.

The Development Site (highlighted pink in Figure 2), is located west of existing residential housing in Ralston Avenue and the Sydney East Substation. It is located on a plateau at the crest of a ridge, with the southern boundary partially marked by an existing road extending from Ralston Avenue to an electrical substation facility.

The Development Site perimeters to the north, west and south comprise gentle to steep sloping sandstone escarpments.

4. CURRENT ZONING

The MLALC Site is located within the C8 Belrose North locality under Warringah Local Environmental Plan 2000 (WLEP 2000 – see Figures 4 & 5). The current dwelling entitlement for the land is 1 dwelling per 20ha, which equates to approximately 6 or 7 dwellings ($136.16 / 20 = 6.8$).

The MLALC Site is part of the wider C8 Belrose North and B2 Oxford Falls Valley localities that were deferred from WLEP2011 and are subject to the Oxford Falls Belrose North Strategic Review (Strategic Review). This Strategic Review was initiated by the Minister for Planning in August 2011 in response to submissions received during the exhibition of draft WLEP 2011.

The Strategic Review is a two-stage process. Stage 1 is complete and recommended the site be zoned E3 Environmental Management when transferred from WLEP2000 to WLEP2011 (see Figure 6).

The Department of Planning and Environment have recently requested Council to progress Stage 2, including an investigation of future development potential of four sites for Urban Development (Oxford Falls West, Red Hill, Lizard Rock, and Cromer Golf Club) and the suitability of residential zones in the proposed E4 Environmental Living areas. This matter will be the subject of a report to Council in early 2018.

The Proposal is inconsistent with the Strategic Review in that the site has not been identified as having future development potential in Stage 1 of the Strategic Review. Although this initial stage did not intend to significantly change the urban development potential of land in Oxford Falls Valley and Belrose North, the MLALC site has not been earmarked for future investigations in the scope of works for the Stage 2.

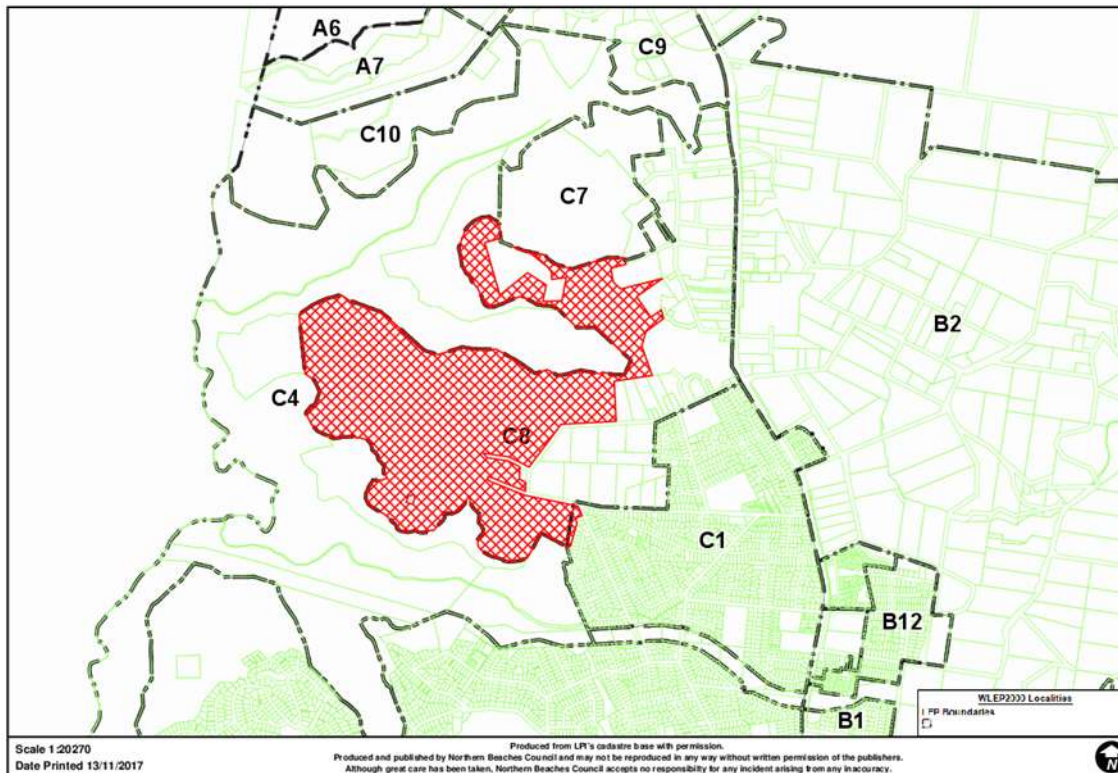


Figure 4 - WLEP2000 Zoning of Site (Locality C8 and B2 Deferred from WLEP2011)

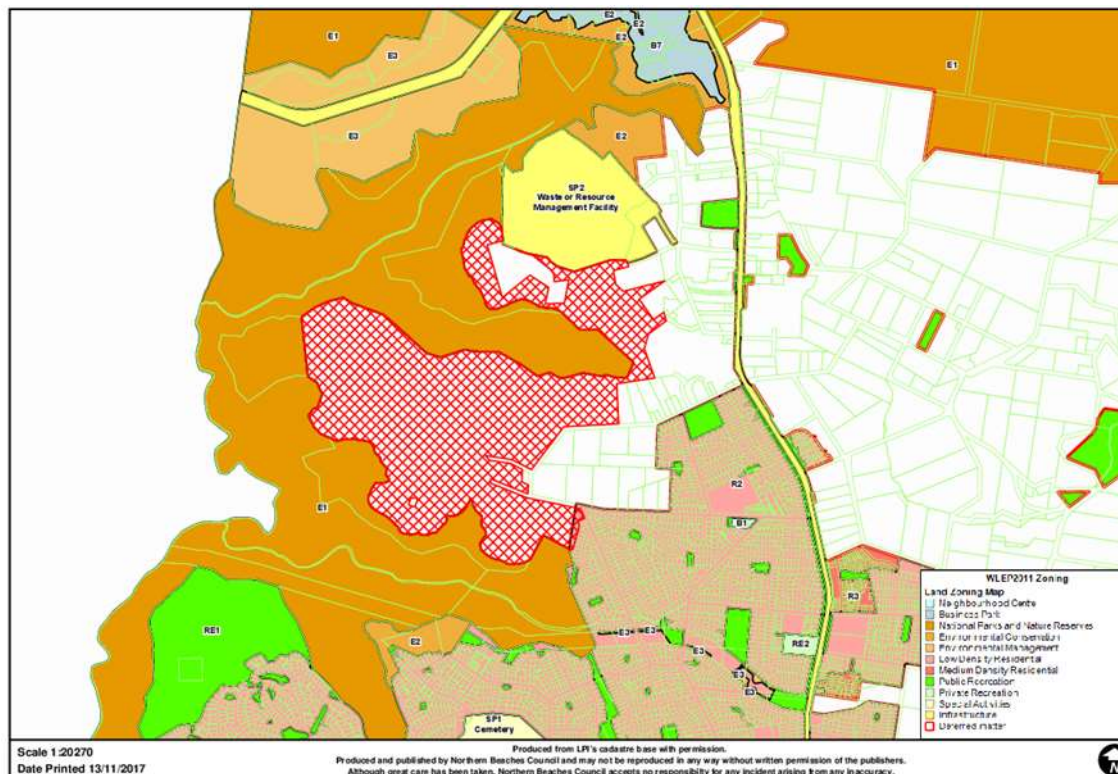


Figure 5 – Zoning of Adjoining sites under WLEP2011

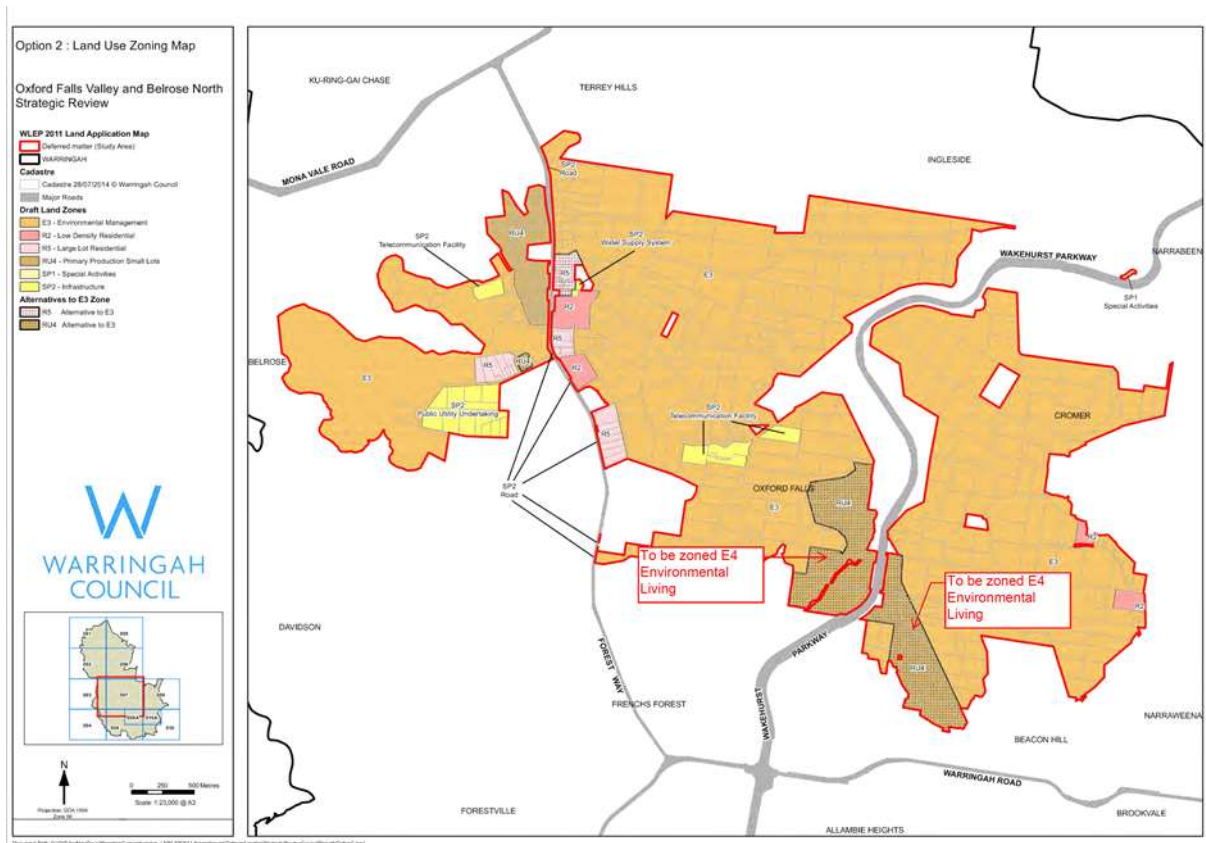


Figure 6 – Oxford Falls Valley and Belrose North Strategic Review

5. COMMUNITY CONSULTATION

Council placed the Updated Planning Proposal and draft VPA on public exhibition from Saturday 27 May to Sunday 25 June 2017. During this time, Council engaged the community through the following activities:

- Updates to two projects websites with frequently asked questions and links to exhibition documents:
 - [Planning Proposal – Ralston Avenue \(Belrose\)](#) (2,160 visits)
 - [Voluntary Planning Agreements \(Exhibition\)](#) (312 visits)
- Targeted emails and/or letters to respondents from the pre-gateway exhibition
- Notices in the Manly Daily 27 May; 3 June; 10 June and 24 June 2017
- Notification letters to 570 adjoining properties
- A drop-in session at the Glen Street Library on 7 June from 5-7pm (attended by approx. 40 people)
- Availability of printed materials at Council's Customer Service Centres (Manly, Dee Why and Mona Vale) and Libraries (Forestville, Warringah Mall, Dee Why and Glen Street from 3 June 2017)
- Notification signs on site and on the Community Notice board at the Ralston Avenue Shops.

The Proponent undertook their own consultation activities which included an information session, signs on site, info-line, letter box drops, a project website and email address. Council referenced the Proponent's contact details in Council's exhibition material.

Council received 243 submissions from individuals or groups through their website, email and/or post (276 submissions in total including duplicates and multiple responses from some individuals).

Most respondents highlighted their objection to the proposal (84%). Some expressed support (2%) while some expressed conditions in which the proposal could be accepted (4%). The remaining responses (10%) either did not say or were unrelated.

Most submissions referred only to the Planning Proposal (65%), while 35% mentioned both the Planning Proposal and VPA.

The majority of respondents (61%) were residents living close to the proposed development (Belrose, Frenchs Forest, Davidson and Oxford Falls). A large contingent was recreational users of bushland, mentioning the value they placed on walking, horse riding and mountain biking in the area. A large proportion of respondents mentioned they were mountain bikers who used trails on the subject site and other MLALC lands (34/240 = 14%). It is likely the number of mountain bikers who responded was greater as many raised similar concerns without necessarily stating they were mountain bikers.

Following is a list of key themes that arose from the public exhibition. Council's response is mostly addressed in Council's assessment, with additional details and responses in Attachment 6.

5.1 Broader Policy and Land Management Concerns

The following broader policy and land management concerns were raised by respondents:

- **Overdevelopment of the area (x43):** area already subject to too much development (e.g. John Colet school expansion, Belrose Super Centre, hospital roadworks) and will be further impacted by proposed future developments (e.g. Ingleside and the Hospital Precincts).
- **Government policy on recreational use of bushland (x13):** Government should encourage rather than discourage recreational use of bushland, especially mountain biking.
- **MLALC as land managers and developers (x46):** questions around MLALC's right to develop their land and concern the development will set a precedent. Concern that developers will mistreat the land and gain too great a profit.
- **Recreational access to MLALC land (x30):** Frustration with MLALC for destroying established mountain biking facilities on their land and for using police to restrict recreational access for walkers and mountain bikers.

Council's response is mostly addressed in Council's assessment, with the following exceptions:

- MLALC land is privately owned and recreational access is at the discretion of MLALC.
- The Proponent has clarified that land claimed under the *Aboriginal Land Rights Act 1983* is intended as compensation for past injustices and does not require a cultural association to be established. This land is transferred by a freehold title enabling the Aboriginal Land Council to decide whether to sell, redevelop and/or retain land under their ownership.
- Council's assessment is based on the Department's 'Guide to preparing planning proposals' (August 2016) and is not influenced by the Applicant or Developer or the beneficiaries of profit.

5.2 Objections to the Proposal

The following issues were raised by those who objected to the Planning Proposal:

- **Biodiversity (x122):** Significant irreversible loss of biodiversity and threatened species and impacts on the National Park. Concern that the proposed E3 zoning is not compatible with the offset objective. OEH do not support the proposal.
- **Traffic and Transport (x103):** Increase in traffic congestion in area already under pressure especially at school times and sports days. Noise pollution from cars and buses. Reduced safety for children, horses, and drivers. Traffic study out of date regarding recent and proposed developments. Proposed 'seagull treatment' inadequate and not much different to current arrangements. Increased in public transport required.
- **Bushfire risk (x58):** RFS does not support the proposal. Hazardous area with substation preventing safe evacuation. Difficulty in managing APZs in perpetuity.
- **Recreational access to site:** Loss of bushland highly valued for recreation by residents and visitors to the area (x52). Increased recreational access will have adverse environmental impacts (x22).
- **Loss of Amenity (x46):** Change in character and ambience of the neighbourhood and high visibility impacts of developing the ridgeline.
- **Alternate use of site (x 43):** Land should be preserved for future generations. Land should be zoned E3 as per Strategic Land Review. Suggested alternate use for sporting facilities.
- **Water Management (x40):** Stormwater contamination from exotic weeds, herbicide, pesticide, fertilisers, diesel, fuel, oil, chemicals and waste. Stormwater impacts on the Giant Burrowing Frog and Red-crowned Toadlet and the National Park. Inadequate studies to assess negative impacts.
- **Housing Issues (x24):** Excessive amount of housing proposed with the potential to intensify use through permitted uses within R2 Low Density Residential zones. Inconsistency with the strategic planning framework and lack of opportunities for affordable housing.
- **Aboriginal Heritage impacts (x22):** Land was claimed for heritage value. Land contains Aboriginal sites and Aboriginal heritage may be destroyed.
- **General Infrastructure (x15):** Insufficient infrastructure to support development (e.g. sports fields and schools). Public Park would only benefit new community and will become a cost burden to Council.

Council's response is mostly addressed in Council's assessment, with the following exceptions worth noting in this report:

- OEH and RFS advice referred to in submissions pre-dated the application under consideration. However, updated advice confirms they do not support the Updated Planning Proposal.
- There is no entitlement for the public to access land privately owned by the Metropolitan Aboriginal Land Council.

5.3 Support for the proposal

The following general comments were made in support of the proposal. This includes comments from those who supported the proposal subject to conditions:

- John Colet School welcomes further development and more families in the area.
- MLALC has rights to develop their land.
- Land release preferred over high density.
 - R2 and RE1 zones occupy a small percentage of total landholding.
 - Land will no longer be used as dumping area or degraded by 4WD and trail bike users.
 - Threatened species can re-establish in National Park.
 - Site is well served by transport, schools, hospitals and shopping centres.
 - Increase in supply will help to address affordable housing.
 - Growth will benefit schools, sporting clubs, service organisations and business.
 - Proposed fire management will protect houses unlike other unprotected residential areas.
 - Provides opportunities for innovative fire management practices such as cultural burning and diversity of fire as exemplar of cool burn, low smoke control with less impact on fauna.
 - Fire management can encourage educational and research benefits and purposeful cooperation with NPWS.

6. PLANNING PROPOSAL ASSESSMENT

Council has undertaken an assessment in accordance with the Department's 'Guide to preparing planning proposals' (August 2016). This process requires Council to assess whether the proposal has Strategic or Site-Specific Merit. The outcomes of this assessment are detailed below with further detail in Attachment 1.

6.1 Strategic Merit Assessment

6.1.1 District and Regional Plans and Local Strategy

The Proponent argues the proposal has strategic merit due to the delivery of additional housing, recreation facilities and traffic and transport infrastructure. Also cited as points of strategic merit were support for the Aboriginal Community, measures to preserve bushland through Biocertification, and managing bushfire risks to existing and proposed residential properties and surrounding public assets. The Proponent further argues that the Updated Planning Proposal hasn't changed the strategic justification that underpinned the decision by the Department to issue a Gateway determination in 2015.

On balance, Council's assessment of the Updated Planning Proposal concludes that the proposal does not have strategic merit having regard to updated studies, agency input and consultation. It was found to be generally inconsistent with the Regional Plan – A Plan for Growing Sydney and the Greater Sydney Commission's draft Greater Sydney Region Plan (draft Regional Plan - DRP) and Revised draft North District Plan (RDDP).

The proposal was also found to be inconsistent with the goals of Council's Draft Community Strategic Plan (Shape 2028), draft Warringah Housing Strategy 2011 and the Oxford Falls Belrose North Strategic Review. It is also inconsistent with the local provisions and Policies which aim to protect the environment.

Council does not have a relevant local strategy endorsed by the Department of Planning and Environment and the proposal is not responding to any change in circumstances.

In summary, Council found the proposal did not have strategic merit for the following reasons:

- **Inappropriate location for housing:** The proposal is not considered a suitable local opportunity to increase housing capacity and is not needed to deliver Council's five-year housing target of 3,400 which reflects delivery potential under current planning controls. The Development Site is within bushland adjacent to, not within an established urban area. Council's Bushfire Consultant, the RFS and TransGrid do not consider the site feasible for residential development. Development of this site is inconsistent with the values of the Metropolitan Rural Area, as this site is identified in Figure 48 of the draft Greater Sydney Region Plan. This Plan outlines that Priority Growth Areas in the Western Parkland City generally provide a long-term supply of land for the growth of Greater Sydney and eliminate the need for urban expansion into the Metropolitan Rural Area.
- **Ad hoc nature of the proposal:** The proposal has not been identified in any local housing strategy or subregional planning process for the provision of additional housing. It is not part of the Priority Precincts program and there are no plans to support this growth with infrastructure such as transport and schools. The Revised draft North District Plan does not identify ad-hoc land release as a mechanism to achieve the North District's five-year housing target and the site was not identified for development potential in the former Warringah's draft Housing Strategy 2011. The site has not been identified as having future development potential in either Stage 1 or 2 of the Oxford Falls Belrose North Strategic Review (Strategic Review).
- **Environmental Impacts:** The proposal does not comply with local planning controls that limit development to protect the environment. It is inconsistent with Council policies to protect biodiversity and waterways, and would impact on the scenic qualities of a ridgeline. Council and OEH do not support the proposal as it would likely have significant impacts on biodiversity including threatened species.
- **Resilience to Natural Hazards:** The site would be highly exposed and vulnerable to significant bushfire risks, especially with respect to impacts from climate change. The proposal would create undue stress on the State's firefighting service which will be impacted by an increase in average and severe fire weather in NSW in the future. An analysis by Council's Bushfire Consultant confirmed that the site cannot be safely evacuated and concludes the proposed development should not proceed. RFS does not support the proposal as it fails to demonstrate how the rezoning will not result in an increase to the risk to life from bush fires, including firefighters.

Although the proposal includes the provision of recreational facilities, it is considered only partially consistent with relevant Directions, Actions and Priorities as National Parks and Wildlife Services (NPWS) does not support increased recreational access to the National Park and Council and OEH are not satisfied that environmental impacts within the offset areas (i.e. the E3 Environmental Management Area) have been adequately addressed. Also, the clearing / modification of at least 25 hectares of bushland would contribute to the removal of green space highly valued by the community.

Council also acknowledges that the proposal would facilitate the economic use of Aboriginal land acquired under the *Aboriginal Lands Rights Act 1983*. However, development of this site is not the only means to achieve this outcome.

The provision of traffic and transport infrastructure is more a requirement of any future development application rather than grounds for strategic merit.

In conclusion, it is considered the above strategic and risk based considerations outweigh any potential benefits of the development.

6.1.2 State Environmental Planning Policies

The proposal was found to be inconsistent with the following key State Environmental Planning Policies (SEPPs):

- **SEPP No 19—Bushland in Urban Areas:** The proposal is inconsistent with the specific aims of this SEPP. Council is not satisfied that the proposal will result in significant environmental, economic or social benefits that outweigh the value of the bushland.
- **SEPP (Infrastructure) 2007:** It is inconsistent with SEPP (Infrastructure) 2007 as it has not addressed likely impacts on an electricity transmission network and associated concerns of an electricity supply authority (i.e. TransGrid) for development immediately adjacent to an electricity substation.

6.1.3 Ministerial Directions

The Proposal was found to be inconsistent with the following Ministerial Directions:

- **2.1 Environmental Protection Zones:** By changing planning standards which protect the environment through restricting residential development to 1 dwelling per 20 hectares.
- **4.4 Planning for Bushfire Protection:** By placing inappropriate development in a hazardous area. RFS do not support the proposal as it does not achieve the primary objectives: to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage the sound management of bush fire prone areas.
- **6.3 Site Specific Provisions:** As site specific provisions may be required to prohibit certain uses in the proposed R2 Low Density Residential Zone (e.g. childcare centres and group homes) and E3 Environmental Management Zone (to align with the intended use of an offset site)
- **7.1 Implementation of A Plan for Growing Sydney:** By undermining the achievement of its planning principles; directions; and priorities. Especially those that encourage a risk-based approach to strategic planning through halting development in high risk areas.

6.2 Site Specific Merit Assessment

The Proponent argues that the proposal has site specific merit for the following reasons:

- It results in the retention and protection of the surrounding natural bushland
- Bushfire and ecological issues are managed to avoid unacceptable impacts or risk to human life or safety
- The indicative subdivision layout design integrates with the surrounding locality
- Adequate services and infrastructure are provided with significant public benefits to meet the needs of the proposed development and at no cost to Government

The Proponent argues that each of the above matters is addressed in the Updated Planning Proposal and by way of the Gateway determination.

Upgrades to some infrastructure and services included in the Planning Proposal appear feasible to accommodate the future residential population (i.e. water, wastewater and potentially electricity – see Attachment 2 – Public Authority Responses).

However, Council considers the Planning Proposal does not have site-specific merit having regard to the following:

- Known significant environmental values, specifically impacts on threatened species and the adjoining National Park
- Known significant hazards, specifically bushfire risk and the proximity of the Sydney East Substation
- Financial arrangements for infrastructure provision.

Also, there remain unresolved issues with respect to the provision of stormwater and social infrastructure. The above issues are discussed further below.

6.2.1 Biodiversity and Threatened Species

Neither Council's Natural Environment and Climate Change (NECC) Division nor OEH support the proposal as it would likely have a significant impact on biodiversity and threatened species, including impacts to:

- Endangered Ecological Communities (Duffys Forest and Coastal Upload Swamp)
- Habitat and potential indirect impacts to the critically endangered *Grevillea caleyi*
- The Vulnerable (TSC Act) plant, *Tetratheca glandulosa*
- The known habitat of 10 threatened fauna species, with the following four (4) species considered to offer a constraint to development:
 - Rosenberg's Goanna (*Varanus rosenbergi*)
 - Eastern Pygmy Possum (*Cercartetus nanus*)
 - Red-crowned Toadlet (*Pseudophryne australis*)
 - Giant Burrowing Frog (*Heleioporus australiacus*)
 - The following three threatened fauna species considered to have habitat on the site:
 - Southern Brown Bandicoot (*Isodon obesulus*)
 - Spotted-tailed Quoll (*Dasyurus maculatus*)
 - New Holland Mouse (*Pseudomys novaehollandiae*)
- ROTAP (Rare or Threatened Australian Plants) such as *Eucalyptus luehmanniana* and *Angophora crassifolia*.

These impacts would result from the clearing/modification of at least 25 hectares of native vegetation¹, stormwater contamination and bushfire management practices within APZs and strategic fire advantage zones (e.g. frequent burning and/or under scrubbing, herbicide application, watering, trail construction).

¹ This estimate is based on the total 28.91ha floristic impacts, excluding the 3.57ha of cleared area (Table 1, pg iv, Ecological Assessment, Travers, 2017). Otherwise, the estimate is taken from the 17.57-hectare R2 Low Density Residential Zone (assumed to be cleared), plus the 10.64 hectares of APZs in the E3 Environmental Management zone (including TransGrid Easements) which is assumed to be modified.

Council is not satisfied that the environmental impacts have been adequately assessed and is concerned that the Proponent's Assessment of Significance relies on unproven mitigation measures which should not be considered in determining the degree of the effect on threatened species (e.g. stormwater controls or restrictions on cat ownership).

See Attachment 2 – Public Authority and Utility Responses and Attachment 3 Council's Natural Environment and Climate Change Referral Response.

Biodiversity Certification

The Proponent has proposed Biodiversity Certification of the site as recommended by OEH. This process involves the assessment and approval of biodiversity and threatened species impacts at the time of rezoning, rather than with each subsequent Development Application for development on the land.

Biodiversity Certification requires a planning authority (e.g. Council or a State Government Department) to propose an area for certification and to exhibit a Biodiversity Certification Assessment and Biocertification Strategy (BCA&BS) together with the Planning Proposal.

The Proponent prepared a BCA &BS in accordance with the requirements of the *Threatened Species Conservation Act 1995*. However, Council determined that it was not in a position to propose the area for biodiversity certification until it had made a detailed assessment of the Updated Planning Proposal.

Council consequently advised the Proponent it would consider biodiversity certification in the report to Council following public exhibition of the Planning Proposal (i.e. this Report).

Because the proposed Biodiversity Certification remains unresolved, OEH could not comment on the strategy for compensating for loss of biodiversity and proposed conservation measures (including biobanking of land, transfer of lands to the OEH estate or co-management of the land).

Council notes the Proponent's BCA & BS requires updating, and relies on 'Red Flag' variations which require approval by the NSW Minister for the Environment. Offsets additional to those identified in the proposed E3 Environmental Management Area may also be required.

Following consideration of the updated studies and public authority feedback, it is considered that Council should not be the Applicant for Biodiversity Certification as the Updated Planning Proposal is not supported in principle.

The new *Biodiversity Conservation Act 2016*, which commenced on 25 August 2017, repeals the *Threatened Species Conservation Act 1995* and allows two potential pathways for biodiversity certification:

1. By progressing the assessment already undertaken in accordance with the repealed legislation. This would require the proponent to secure an alternative relevant public authority to be the applicant, such as the Department. As the biodiversity certification has substantially commenced, the proposed application may still be made under Part 7AA of the *Threatened Species Conservation Act 1995* as specified in the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. OEH has advised that the site is proposed to be included in an order to enable "saving" of the proposed biodiversity certification application.
2. By submitting a new application under the provisions of the new legislation.

Should the Updated Planning Proposal proceed, the Proponent would need to adequately avoid, mitigate and then offset all environmental impacts through a formal process such as Biodiversity Certification (subject to a planning authority becoming the Applicant), biobanking and or establishment of a biodiversity stewardship agreement under the NSW *Biodiversity Conservation Act 2016*.

Furthermore, Council staff recommend that, should the Planning Proposal proceed, the proposed E3 Environmental Management Area is zoned E2 Environmental Conservation, consistent with zone objectives, permissible land uses and intended use of this land (an offset).

6.2.2 Impacts on the National Park

OEH and NPWS have highlighted the supporting documents do not identify and address additional issues for National Park management, including:

- The potential very large increase in impacts on the National Park visitors, fauna (including threatened species) and National Park management (including fox baiting) of domestic pets, particularly dogs and cats
- Concern over erosion issues and impacts on threatened species from formalising recreational access to the National Park
- The effect of stormwater discharge into the National Park which could also have impacts on fauna species such as the threatened Red-crowned Toadlet and Giant Burrowing Frog
- The difficulty of implementing and enforcing the proposed mitigating measure to ban cats
- Increased resourcing required for bushfire asset protection within Garigal National Park
- The impacts of intensive fuel management measures in APZs on erosion and weed management in the adjoining E3 Environmental Management Area and Garigal National Park

As consultation with NPWS has not occurred (as advised by NPWS) and these issues have not been addressed, NPWS advises that it does not support the proposal and recommends that it not progress.

Whilst Council would support increased formalised recreational access to bushland, it would be on the condition that adequate environmental assessments were undertaken together with formal agreements with landowners including OEH.

6.2.3 Aboriginal Heritage

Correspondence in February 2015 and June 2017 confirmed that OEH were not satisfied that Aboriginal cultural heritage issues had been adequately addressed. The Aboriginal Archaeological Due Diligence Assessment (AADDA) submitted with the original Planning Proposal (Dominic Steele Consulting Archaeology, 2012) was considered inadequate to assess the impacts on the Aboriginal archaeological and cultural heritage values of the site, especially as it did not include any Aboriginal community consultation.

On 1 November 2017, the Proponent submitted an Aboriginal Archaeological & Cultural Assessment (AACHA – Dominic Steele Consulting) which updated and developed the findings of the AADDA and included consultation with the Aboriginal Community in accordance with the 'Aboriginal Cultural Heritage Consultation Requirements for Proponents' (DECCW 2010).

The AACHA concludes that the proposed subdivision and development proposal will not impact on any known Aboriginal archaeological sites or objects as protected under the *National Parks and Wildlife Services Act 1974*, any areas of suspected archaeological sensitivity, or any specific Aboriginal cultural values as identified through consultation. It surmised there were no Aboriginal archaeological constraints apparent for the proposal proceeding as planned subject to the implementation of the management recommendations.

Council referred the AACHA to the Aboriginal Heritage Office (AHO) for comment in November 2017. AHO concluded the report's findings are consistent with previous reports and with the archaeological model for the area and consistent with what the AHO would expect for this locality. They considered the Aboriginal community views had been taken into consideration.

6.2.4 Bushfire Risk

Pre-exhibition studies and consultation

Bushfire risk has been the subject of several studies and reports as well as extensive consultation between the Proponent, Department, RFS, and Council. The NSW RFS has repeatedly expressed concerns of the significant bushfire risks and the requirement to meet the provisions of Planning for Bush Fire Protection 2006 (PBP) in correspondence to Council dated June 2013, February 2015, June 2015 and July 2015.

In April 2016, Council commissioned a peer review of the bushfire planning documentation submitted with December 2015 Planning Proposal (Blackash Peer Review) as it did not have the in-house expertise to assess the impact of proposed bushfire management processes (e.g. clearing in Asset Protection Zones) on the ecology of the site. The Blackash Peer Review found:

- The proposal focused on technical issues such as widths and management of asset protection zones (APZs) but failed to address the strategic planning requirements to avoid the placement of inappropriate developments in high-risk locations as required by A Plan for Growing Sydney and in the s.117 Direction 4.4 Planning for Bushfire Protection 2006;
- The site had the potential to be isolated by fire, exacerbated by the north-west orientation and location on a ridgetop peninsular surrounded by bushfire prone vegetation and deep valleys;
- Access and egress on the two roads had the potential to be cut (multiple times) at pinch points surrounded by unmanaged vegetation;
- No documentation had identified or addressed the extremely dangerous situation caused by the location of the high voltage power lines over both Wyatt and Ralston Avenues. In the event of a bushfire emergency, smoke and hot gases directly under or near a high voltage transmission lines can create a conducting path which can increase the potential for life-threatening arcing, similar to a lightning strike;
- The RFS do not allow fighting under or within 25 metres of high voltage power lines, therefore the location of these assets would prevent safe operational firefighting access which is a fundamental requirement of the Planning for Bushfire Protection Guidelines 2006 (PBP).
- The proposal does not address obligations and actions that can be taken under the *Rural Fires Act 1997* to mitigate the impact of fire on communities. Such mechanisms place at risk, areas set aside for ecological reasons. The tension between the absolute need to protect life, will always take precedence over the need to maintain ecological values.

The Blackash Peer Review concluded that no development should be permitted on the site.

Given the nature of the above findings, Council provided a copy of the Blackash Peer Review to RFS in June 2016 and presented the findings to RFS in August 2016. In September 2016, the Deputy Commissioner of the Rural Fire Service wrote to Council to advise that the Planning Proposal is not consistent with s.117 Direction 4.4 Planning for Bushfire Protection 2006 and should not proceed in its current form.

Whilst the Bushfire Peer Review was initially commissioned as an internal document to aid in Council's assessment, a copy of the Blackash Peer Review was provided to the Proponent in September 2016. The Proponent engaged directly with the RFS in response and sought another consultant (Peterson Bushfire) to peer review their bushfire planning documentation.

Exhibition studies

The Updated Planning Proposal submitted in April 2017 included an updated Bushfire Protection Assessment and Fuel Management Plan (Travers) responding to the above consultation and studies. The Assessment concluded that bushfire risk could be suitably addressed through the implementation of combined bushfire protection measures (including Asset Protection Zones). It argued that the requirements established in s.117 Direction 4.4 Planning for Bushfire Protection and A Plan for Growing Sydney had been satisfied.

Council engaged Blackash Consulting to undertake a further review of the updated Bushfire Protection Assessment and Fuel Management Plan (Blackash Strategic Bushfire Review – September 2017). As part of the Strategic Bushfire Review, Blackash undertook an analysis of Bushfire Attack levels (see Figure 6).

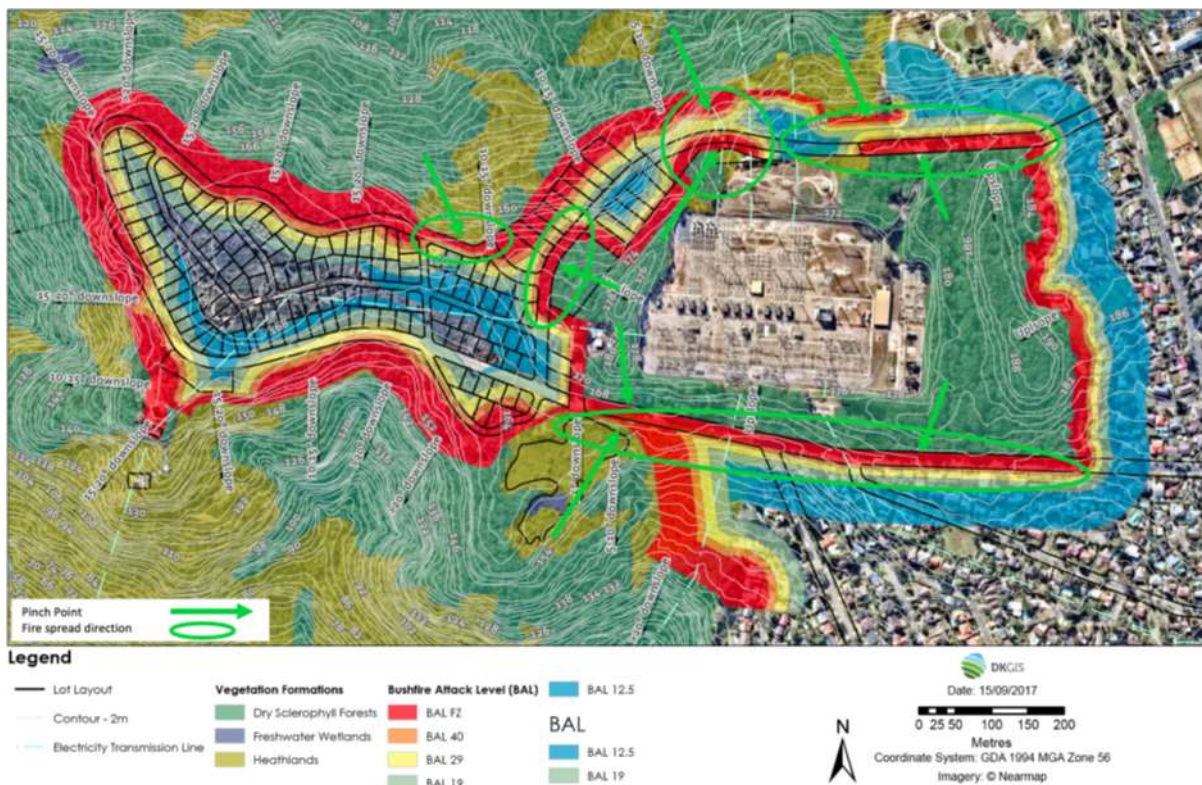


Figure 7 – Bushfire Attack Levels and Pinch Points, Figure 1 of the Strategic Bushfire Review (Blackash consulting, September 2017)

The Blackash Strategic Bushfire Review found the revised documentation still did not address the broader site context such as the proximity of the Sydney East substation, associated infrastructure and the high voltage power lines to the east of the site. The updated reports failed to address concerns associated with arcing from the 330kva power lines and likely disruption of planned evacuation routes.

The analysis of Bushfire Attack Levels demonstrated that all access and egress points could be immersed in flame, presenting radiant heat levels that would be life threatening to people exposed in the open or in vehicles attempting to flee the site (Figure 7). Five significant pinch points were identified that would further compromise access and egress during a bushfire emergency.

The Blackash Strategic Bushfire Review concluded that the rezoning should not proceed and that no further development should be permitted on the site. It reiterated the strategic necessity to guide new development away from known high hazard areas to address future risks, especially in light of the changing climate. It referenced the findings of the 2009 Victorian Bushfires Royal Commission which recognised the critical importance of landuse planning as a mechanism to prevent or deter people from living in areas of unacceptably high bushfire risk.

Post public exhibition studies

Following the public exhibition period, the Proponent undertook further discussions with the RFS and commissioned an additional report by Eco Logical Australia (Ralston Avenue Belrose Planning Proposal: Review, 16 August 2017 – Eco Logical Review). The review included a comparison of the existing bushfire risk of the urban -bushland interface with the bushfire risk of the future interface under the Updated Planning Proposal.

The Eco Logical Review argued the highest risk to life and property in the locality is not associated with new development, but with older housing stock and the existing urban interface. It argued the proposed development would serve as a buffer, providing 'shielding benefits' to the existing interface of older, non-compliant housing stock and the substation which is currently at extreme risk to bushfire attack. It concluded that the risk from bush fire to the community would be reduced overall; stating a reduction of these risks is unlikely achievable by any other means than a planning proposal similar to that reviewed.

The Eco Logical Review considered the proposal suitable for approval subject to some refinements. It included the following recommendations:

- i. Improvements to the community-wide bushfire risk associated with the subject planning proposal be considered as an appropriate way to fulfil the *Environmental Planning and Assessment Act 1979* Section 117(2) directions;
- ii. The following strategic level improvements to the planning proposal be considered:
 - a. The understorey and ground level fuels within the TransGrid property be maintained at an APZ standard e.g. in a management agreement between community title and TransGrid
 - b. Application of a garden landscape covenant based upon national best practice design
 - c. Provision of a Neighbourhood Safer Place and/or larger APZs for lots most at risk of a head fire under an FFDI >50.

In response to the updated studies, the RFS wrote to Council 18 October 2017. The RFS considered the Eco Logical Review showed only limited benefits to the existing community including the Sydney East Substation, against the current situation if the proposal did not proceed. The RFS pointed out that the Eco Logical Review demonstrated potential future occupants would have an inadequate response time to safely and effectively evacuate in the event of a wild fire.

The RFS concluded that the proposed development is likely to result in unsustainable and problematic bush fire risk management of the landscape for the NSW RFS and future land owners. It considered the proposal would place the NSW RFS's own firefighting resources under increased pressure as well as placing firefighters and a new community within an unacceptable area of risk.

The risks to existing properties highlighted in the above report have been acknowledged by the RFS.

The proponent has responded to the RFS's most recent correspondence disputing its assessment of bushfire risk. They consider that the RFS response is a major departure from the RFS advice provided prior to September 2016. They expressed concern that the RFS's change in position has not been accompanied by any detailed assessment which justifies the position of opposition.

Conclusion

Both the RFS and Council's Bushfire Consultant conclude the proposal is inconsistent with S117 Direction 4.4 Planning for Bushfire Protection, as it would place inappropriate development (i.e. housing) in a hazardous area.

Council cannot support the proposal in light of the serious risks to life and property. Council's assessment has relied on the Peer Review and Strategic Bushfire Review by Blackash consulting and advice from the RFS which is the relevant authority in bushfire management. Council's bushfire consultant is considered to have suitable experience in this assessment including over 10 years' experience at a state level with the RFS. The Bushfire Attack Level assessment provided in the Strategic Bushfire Review is considered to provide suitable evidence of the extreme risks to life and property that would result if the proposal were to proceed.

6.2.5. Proximity to the Sydney East Substation and associated infrastructure

The proposed residential development is located west of the 330kV/132kV Sydney East substation owned and operated by TransGrid. TransGrid also operates the Sydney North – Sydney East 330kV transmission lines and easements that are located to the north of the substation.

Ausgrid operates overhead electricity network assets in Ralston Ave and the proposed extension area of Wyatt Ave. There are also Ausgrid overhead transmission assets which cross Ralston Ave either side of the Elm Ave intersection.

The following issues are associated with the proposed development's proximity to these assets:

- **Arcing:** The location of high voltage power lines has the potential to cause life-threatening arcing during a bushfire; restricting access and egress to the site and preventing firefighting operations within the vicinity (see 6.2.4 Bushfire Risk). Arcing can also cause damage to nearby equipment and the transmission line and possible interruptions.
- **Potential for major loss of electricity supply due to bushfire:** Any requests to de-energise transmission lines as permitted under Section 44 of the *Rural Fires Act 1997* will have major implications to electricity supply across Sydney, possibly leading to a widespread loss of supply to the Northern Beaches, Ku-ring-gai and other areas North of Sydney's CBD. This would have the potential to extend the loss of life. The de-energising process would take several hours so would not allow an adequate response time to evacuate short run fires which could take between 10 minutes to an hour to reach the site.
- **Easements:** TransGrid has expressed concern the proposal has not considered existing land use rights including its registered easements that allow access for operation and maintenance to essential public infrastructure.
- **Noise levels:** TransGrid is concerned that the separation between the proposed residential subdivision and the substation is inadequate and may not be able to accommodate a suitable noise buffer for future residents.
- **Safety:** TransGrid is concerned that the proximity of the proposed bushland park and backyards to the substation as a safety issue. It is concerned that activities such as ball games and kite flying could cause damage to TransGrid's essential infrastructure and create a danger to the public.

TransGrid objects to the rezoning of the subject site for residential development as it would pose an unacceptable risk to TransGrid's infrastructure and the safety of the public.

Although Ausgrid consents to the development, it is unlikely the proposal can comply with their condition that at least one evacuation path is accessible at all times (see 6.2.4 Bushfire Risk).

In response to TransGrid's submission, the proponent provided a Noise Impact Assessment of TransGrid Substation (TTM - 25 October 2017) which concluded the proposed subdivision is expected to comply with the relevant guidelines and standards with no additional noise mitigation measures required. They also provided the following comments:

- The Planning Proposal has the potential to provide a safer urban interface, including bushfire shielding benefits enhanced by in-perpetuity fuel management within the TransGrid Sydney East substation lands. The required maintenance works could be undertaken by way of management agreement between the community title and TransGrid to avoid increase maintenance costs to TransGrid.
- The 'Bushland Park' will not be used for active recreation due to its purpose to protect and retain Duffys Forest. The residential properties are well setback from the TransGrid boundary, with separation distances exceeding 30 metres and comprising natural vegetation and soil berms.

If the Planning Proposal were to proceed, further comment from TransGrid is required to determine whether the Proponent's response alleviates their concerns. Council notes however the Proponent's latest response, and studies completed to date, do not address the significant life safety issues associated with high voltage power lines which would prevent access and egress during a bushfire event and restrict access for fire-fighting services.

Council considers the proposal has not adequately considered the likely impacts on an electricity transmission network and associated concerns of an electricity supply authority (i.e. TransGrid) for development immediately adjacent to an electricity substation. This is a requirement under SEPP (Infrastructure) 2007.

6.3. Infrastructure

A number of the below comments relate to the draft VPA. A summary of Council's assessment of the draft VPA is provided below. More detail can be viewed in Attachment 3 – Council's Natural Environment and Climate Change Referral Response and Attachment 4 – Council's Internal Referral Responses.

6.3.1 Traffic and Transport Infrastructure

An Assessment of Traffic Implications report was prepared by Transport and Traffic Planning Associates and submitted with the original Planning Proposal. This report concluded the proposal was satisfactory having regard to road and intersection capacity, traffic related environment implications and traffic management and safety. The accompanying draft VPA proposes traffic and transport infrastructure including the delivery of a seagull intersection treatment at the junction of Forest Way and Ralston Avenue.

In their response dated 18 July 2017, RMS raised no objections to the proposal. However, RMS support is contingent on Council entering into a VPA for the construction of the proposed seagull treatment works. Transport for NSW (TfNSW) provided conditions to be considered in the subdivision application and requires upgrades to Wyatt Avenue to be included in the VPA.

In response to community concerns raised during the public exhibition, the proponent lodged a Revised Transport, Traffic and Assessment Report (Transport and Traffic Planning Associates - September 2017). The updated report provided a revised assessment of the potential traffic impacts having regard for updated survey results, new developments in the area and the revised Lot yield. It indicated the traffic conditions had not significantly changed since 2012, and concluded:

- The envisaged development will not result in any adverse traffic implications (subject to the formalisation of a 'seagull' arrangement at the Forestway/Ralston Avenue intersection)
- The envisaged access road system will accommodate all vehicles requiring access including buses
- The traffic issues raised by authorities and the community have been addressed and suitably responded to

Council staff have reviewed the Revised Transport, Traffic and Assessment Report and advised that their previous traffic comments are still applicable. In this regard, Traffic and Transport infrastructure requirements are more relevantly assessed at subdivision layout which is more appropriately addressed via the development assessment process. Should the proposal proceed, Council would support a signalised intersection at Ralston Ave / Forest Way subject to agreement with RMS. Council has also suggested additional infrastructure to improve safety (e.g. roundabouts) and accessibility (e.g. shared paths, bike paths and the formalisation of the Bridle Trail).

6.3.2 Stormwater Infrastructure

OEH and Council are not satisfied that issues associated with stormwater management have been adequately addressed. Based on Council's experience with other residential subdivisions on the Northern Beaches, hydrological impacts will likely extend downstream of the development irrespective of the installation of best practice water management facilities. This will likely lead to degradation of downstream environments and have adverse impacts on the National Park, Red-crowned Toadlet and Giant Burrowing Frog and the Coastal Upland Swamp EEC.

Council's Natural Environment Division concluded the proposal does not comply with the local water management planning controls and policies. Of note, the proposed nutrient reduction targets do not comply with the Stormwater Quality Objectives of Council's Water Management Policy, which establishes no-impact criteria for sensitive receiving environments (see Attachment 3 – Council's Natural Environment and Climate Change Referral Response).

It is not entirely clear where the proposed stormwater management infrastructure is proposed to be located. It is likely the proposal will require significant additional areas for stormwater management facilities to meet targets in the Stormwater Quality Objectives of Council's Water Management Policy. Should the Planning Proposal proceed, Council would need further details to ensure the size, location and effectiveness of water management facilities have been taken into account within Environmental Assessment studies. Management of these facilities would need to be via a community title arrangement.

6.3.3 Utility Services

The Proponent's Infrastructure Services Strategy (Warren Smith and Partners, 2012) suggests that adequate services can be made available to enable the site to be developed for residential purposes. Sydney Water has confirmed there is adequate capacity to supply water and wastewater services to the site. Ausgrid has recommended the Proponent undertake a preliminary enquiry to ensure the existing network can support the expected electrical load of the development. Should the Updated Planning Proposal proceed, further consultation with Sydney Water is recommended to ensure adequate water is available for firefighting purposes.

Council notes the proximity of electrical infrastructure has associated risks which are discussed in Proximity to the Sydney East Substation and associated infrastructure.

6.3.4 Social Infrastructure

The Proponent's Social Impact Assessment (Hill PDA, November 2012) recommended further discussions with Council on the most appropriate means to address the additional demand for community infrastructure generated by the proposed development. To date, the Proponent has not taken into account earlier comments with respect to the draft VPA (see Voluntary Planning Agreement (VPA) Proposal).

If the Planning Proposal were to proceed, Council would require adequate development contributions to meet the increased demands on social infrastructure. A contribution to sporting facilities is recommended by Council's Parks and Recreation Division.

As well, consultation with OEH and NPWS would be fundamental to resolve issues associated with increased recreational access to the National Park.

6.3.5 Financial arrangements

The Planning Proposal does not have merit with regards to proposed financial arrangements for infrastructure provision because:

- Council does not support the proposed Voluntary Planning Agreement which outlines funding arrangements for infrastructure provision (see below).
- Council would incur ongoing costs for the maintenance of the Public Park, including costs in managing this area as an Asset Protection Zone
- Council's S94A Plan 2017 would not capture adequate funds to meet increased demands, as it caters for 'infill' development within established urban areas (i.e. not land release areas requiring new and additional infrastructure).

Should the proposal proceed, Council would need to secure appropriate development contributions to provide adequate infrastructure (including sporting infrastructure) for the increase in population.

7. VOLUNTARY PLANNING AGREEMENT (VPA) PROPOSAL

Since June 2015, the Proponent has submitted a number of draft VPAs to Council, none of which were supported by Council's Senior Management. The Proponent was advised in writing on each occasion and encouraged to enter discussions with Council. Council's most recent correspondence of the 30 December 2016, stated Council's view that the proposed VPA does not deliver a positive planning outcome for the Northern Beaches community.

The Proponent submitted a revised Planning Proposal and draft VPA on 28 April 2017, with minor changes to previous versions. In the absence of agreement, Council and the Proponent decided to publicly exhibit the draft VPA with the Planning Proposal and report the matter back to Council following submissions. Council's exhibition material noted Council had not yet formed a view whether to enter into the planning agreement.

The draft VPA proposed the following public benefits:

- **Biodiversity Certification:** implementation of an agreement for the ongoing preservation on the proposed 119 ha offset land area (i.e. the E3 Environmental Management Area)
- **Community facility contribution:** a \$100,000 contribution for a local community facility

- **MLALC Services and Land Management:**
 - Engagement of an Ecological and Cultural officer for Waratah Park for 5 years
 - Funding of upgrades to Waratah Park
 - Funding of Aboriginal housing, employment, training and health services within the Greater Sydney area
 - Establishment of an Aboriginal Youth Foundation within the Greater Sydney area
- **Water Management Facilities**
- **APZ Management**
- **Public Park:** a new 3000sqm public park and outdoor gym to be dedicated to Council
- **Recreational Infrastructure**, including:
 - Upgraded walking trails to National Park
 - Public access to new Warringah Aboriginal Nature Reserve including insurance and interpretive signage
 - New public nature run
- **Traffic and Transport Infrastructure**, including:
 - Improved traffic treatment at Forest Way / Ralston Ave Belrose
 - New internal roads and footpaths
 - Upgrades to external roads and footpaths
 - Provision of 4 new bus shelters (locations unknown)

The draft VPA was placed on public exhibition with the Updated Planning Proposal from 26 May to 25 June 2017. A total of 243 submissions were received from the community. Of these, around 85 submissions (35%) referred to the VPA. Those who mentioned the VPA included those who referenced 'public benefits' and those who expressed a desired outcome if the proposal were to proceed.

Council also received feedback on the draft VPA from TfNSW, RMS and OEH (see Attachment 2 Public Authority and Utility Responses).

Council undertook an assessment with reference to Warringah Council Policy No. PL 600 VPA Voluntary Planning Agreements (VPA Policy) and consideration of community and public authority feedback. Based on that assessment, Council does not support the draft VPA for the following reasons:

- The proposed Biodiversity Certification agreement cannot be included in the VPA as advised by OEH. It is not a public benefit as it is required to offset the impacts of the proposal.
- The proposed community facility contribution is insufficient to support the additional increase in population. Note that Council's S94A Plan 2017 would not capture adequate funds for this proposal as it caters for 'infill' development in established urban areas.
- There is insufficient detail to determine public benefits of the proposed Aboriginal services and MLALC land management proposals. Funding for these services could be provided by the Proponent outside a VPA process.

- Most of the proposed public benefits would benefit the future occupants rather than the wider community and could alternatively be provided as conditions of a future development consent (e.g. water management facilities, traffic and transport infrastructure, APZ management)
- The proposed park is in an unsuitable location and would place an unreasonable maintenance burden to Council due to APZ management requirements.
- NPWS does not support the proposed increased access to Garigal National Park as consultation has not occurred and the associated impacts have not been addressed.
- Many public submissions do not consider the proposed public benefits adequately compensate for the loss of bushland.

The Proponent has previously advised Council that MLALC is under no obligation to make any VPA offer to Council. Whilst this is correct, the Proponent's Social Impact Assessment (SIA) recommends the Proponent enter into discussions with Council to determine the most appropriate means to address the additional demand for community infrastructure generated by the proposed development. To date, the Proponent has not taken into consideration any of Council's feedback.

Furthermore, Council staff's initial recommendation for approval in December 2013 included the preparation of a draft VPA. The Department and JRPP supported a Gateway Determination based on Council's Assessment.

In this instance, Council does not support the draft VPA as it does not deliver a demonstrable public benefit. As outlined in Council's VPA Policy, Council has the discretion not to enter into a VPA in these circumstances.

Feedback on the draft VPA including suggested public benefits can be viewed in Attachment 5.

8. PUBLIC AUTHORITY AND UTILITY PROVIDER RESPONSES

Council and the Proponent undertook extensive pre-exhibition consultation in accordance with the Gateway Determination with the RFS, OEH, TfNSW and RMS. The Updated Planning Proposal and VPA were referred to these authorities as well as TransGrid, Ausgrid and Sydney Water.

Responses from public authorities and utility providers are discussed in the above assessment and summarised in Attachment 2. In summary:

- **Office of Environmental Heritage:** Substantial issues previously raised by OEH have not been satisfactorily addressed. OEH has significant concerns regarding the proposal and does not support it in its current form.
- **National Parks and Wildlife Services:** NPWS has not been consulted by the Proponent on this proposal and raise significant issues in regard to the on-going protection and management of the adjacent Garigal National Park. NPWS does not support the proposal and recommends that it not progress.
- **Rural Fire Service:** RFS considers the revised submission and minor plan modifications do not adequately address the issues previously raised, and do not significantly reduce the bush fire risk to potential future residents. The RFS does not support the proposal and consider that the Planning Proposal should not proceed in its current form
- **Transport for NSW:** TfNSW provide recommendations for the delivery of bus capable roads, including an amendment to the draft VPA and conditions for approval of the subdivision application.

- **Roads and Maritime Services:** RMS raises no objection to the proposal however its support is contingent on Council entering into a VPA for the proposed seagull treatment at Ralston Ave / Forest Way intersection.
- **Sydney Water:** Confirm there is adequate capacity to supply water and wastewater services to the site.
- **Ausgrid:** Consents to the development subject to conditions. However, the outcomes of Council's Strategic Bushfire Review demonstrate it is unlikely the Proponent can meet conditions requiring at least one evacuation path under all reasonably expected incidents.
- **TransGrid:** TransGrid objects to the rezoning of the subject site for residential development as it would pose an unacceptable risk to TransGrid's infrastructure and the safety of the public.

9. NOTICE OF DEMAND AND INTENTION TO COMMENCE PROCEEDINGS

By letter dated 16 November 2017, Council received a Notice of Demand and Intention to Commence Proceedings (the Notice) from solicitors representing the Proponent (Dentons) requiring Council to refrain from taking any action under s58 or s59 of the *Environmental Planning and Assessment Act 1979* to make a decision on the Updated Planning Proposal and to support the Proponent's application that Council be replaced as the Relevant Planning Authority for the Updated Planning Proposal on grounds that Council:

- A. has abused its power as the Relevant Planning Authority
- B. has denied procedural fairness to MLALC
- C. has contrived with others to create disingenuous reasons to justify a predetermined conclusion based on bias and an ulterior purpose
- D. engaged a former employee of the RFS to improperly influence the RFS
- E. has caused substantial delay in the assessment process, incurring substantial additional costs
- F. has acted outside the terms of the Gateway Determination issued by the Department
- G. has demonstrated a lack of transparency, particularly with its dealings with the RFS
- H. has acted in contravention of its obligations under the *Local Government Act 1993* and the Model Code of Conduct for Local Councils.

Council rejects these assertions as a self-serving misrepresentation of the assessment process. In response to the above allegations the following is provided:

- The Proponent wrongly asserts that the issue of a Gateway is "meritorious to proceed to the drafting of the amendments to the LEP". The DP&E Guide to Preparing LEPs (August 2016 – pg 15), clearly states that "*Not all planning proposals that have received a Gateway determination will be finalised*", for example if "*the proposed change of planning controls is not supported following consideration of studies, agency input or consultation*". This was the case in this assessment.
- Council has kept meticulous records of the events since the Planning Proposal was lodged in April 2013. A review of the timelines has revealed:
 - The majority of time taken was due to the preparation and submission of additional information by the Proponent and the need to seek further comment from Public Authorities in response (Figure 8). The Gateway Determination allowed the Proponent to respond to public authority comments.

- Pre-exhibition consultation with public authorities took the longest amount of time due to the above (48% - Figure 9).
- The next longest stage of the assessment was due to the Pre-Gateway Review undertaken by the Department which took almost 1 year (20% - Figure 9)
- Council has shown no bias or 'ulterior purpose' in assessing this Proposal and had no predetermined opposition to the proposal, as demonstrated by:
 - Council staff's 2013 recommendation that the proposal proceeds to a Gateway Determination.
 - In 2013 Council resolved via split vote (6-4) to reject the Planning Proposal.
 - The post-gateway public exhibition material produced by Council which was objective in nature and accepted by the Proponent prior to publication.
 - A lack of evidence demonstrating Council officers were opposed to the planning proposal, communicated with Councilors' or were directed in any way by senior staff to reach a defined outcome.
- The Proponent's allegation of bias is largely attributed to Council's engagement a Bushfire consultant (Blackash) whose Peer Review highlighted significant bushfire concerns. The Proponent alleges that Blackash was "*secretly retained*" by Council to "*prepare a report that would justify a rejection of the MLALC Proposal on the basis of Bushfire risk and to make representations to the RFS to persuade it to change its stated position from non-opposition to that of opposition to the MLALC Proposal*". In response:
 - Blackash Consulting was engaged by Council as an independent expert to assist Council's environmental assessment. Blackash was an obvious candidate having previously worked with Council on various development appeals. Blackash were not engaged due to their connections with the RFS.
 - Council regularly engages consultants to assist with the assessment process, similar to an internal referral to an expert in-house. There is no requirement to make the outcome of that referral public or release it to the Proponent prior to the finalisation of Council's assessment.
 - Blackash were procured in accordance with Council's Procurement Policy.
 - Blackash's view was that RFS should reconsider their position and this was presented to RFS. As required by the Gateway determination, Council as the Relevant Planning Authority is required to take into account any comments made by RFS prior to undertaking community consultation.

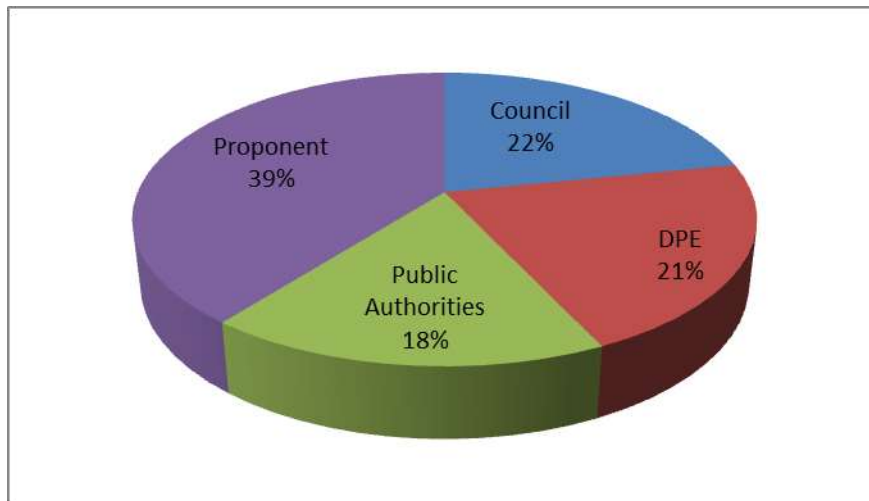


Figure 8 – Time taken by various stakeholders in progressing the Planning Proposal, since the original proposal was lodged with Council April 2013 until 19 December 2017. DPE is the Department of Planning and Environment.

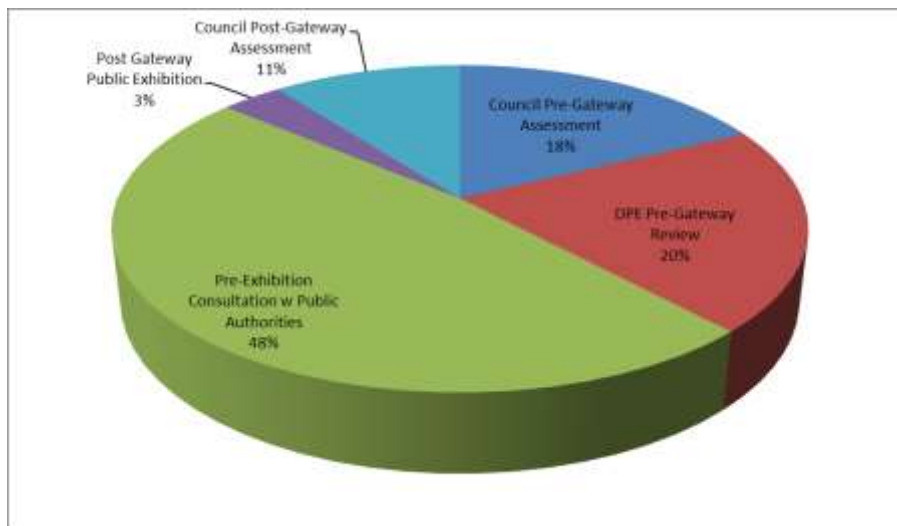


Figure 9 – Time taken in the various stages of the Planning Proposal, since the Planning Proposal was lodged with Council April 2013 until 19 December 2017

FINANCIAL CONSIDERATIONS

Rejecting the Planning Proposal will have no financial impact to Council. Should the Planning Proposal proceed in its current form, financial impacts to Council could include:

- Ongoing maintenance costs from the proposed Public Park, including costs in managing this area as an Asset Protection Zone;
- Costs for the provision of additional infrastructure to meet the demands arising from the development, unless Council can secure an appropriate Voluntary Planning Agreement.

SOCIAL CONSIDERATIONS

The Planning Proposal would result in positive outcomes for the Aboriginal Community as it would facilitate the ability of MLALC to derive economic use of Aboriginal land acquired under the *Aboriginal Lands Rights Act 1983*. The VPA also proposes funding of Aboriginal housing, employment, training, youth and health services within the Greater Sydney area. However, the Planning Proposal and VPA are not the only means of achieving these outcomes.

An increase in housing supply can also bring social and economic benefits, however not when the proposed development is inconsistent with local and state policies as demonstrated in Council's assessment.

Council considers the overriding social and economic considerations in determining this proposal should be the protection of human life and property. Both the RFS and Council's Bushfire Consultant conclude that the risk to life and property from this proposal is unacceptable and that this rezoning should not proceed in its current form.

If the proposal were to proceed, the negative social and economic impacts of the proposal would also include:

- Bush fire management challenges for fire agencies, insurers, local and state governments, residents and affected communities (directly and indirectly)
- Adverse impacts to the safety and security of Sydney's electricity supply
- Loss of bushland highly valued for recreation by residents and visitors to the area
- Change to character and ambience of the neighbourhood described as quiet, leafy, relaxed, peaceful, as having a 'bush feel' or 'rural nature' and as being family friendly and safe for children and the elderly
- Electric & magnetic field (EMF) exposure impacts to health (perceived or otherwise)
- Safety and security issues associated with the location of the park at the periphery of the site with little casual surveillance
- Visual impacts especially in context of being a ridgeline development
- Impacts on human health due to increased hazard burns
- Increased pressure on social infrastructure such as sports fields.

Council does not support the Proponent's public benefits put forward in the draft VPA submitted with the Planning Proposal.

ENVIRONMENTAL CONSIDERATIONS

If the Planning Proposal were to proceed in its current form, it would likely result in significant environmental impacts as discussed in this report.

ITEM 10.5	DRAFT AMENDMENTS TO WARRINGAH DEVELOPMENT CONTROL PLAN 2011 - DEE WHY TOWN CENTRE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2016/418524
ATTACHMENTS	1 📄 Draft DCP Amendments - 2017 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek endorsement to exhibit proposed amendments to the Warringah Development Control Plan 2011 (DCP) relating to the Dee Why Town Centre.

SUMMARY

At its meeting on 23 September 2014, Council resolved to seek a Gateway determination from the Department of Planning and Environment (the Department) and to subsequently publicly exhibit the Dee Why Town Centre Planning Proposal (Planning Proposal) and accompanying draft amendments to the Warringah DCP 2011.

On 22 September 2016, the Department issued an amended Gateway determination for the Planning Proposal which required, amongst other things, redrafting of certain aspects of the Planning Proposal and consultation with relevant state agencies.

The Planning Proposal has been delayed due to significant time taken in receiving advice from Transport for NSW and Roads and Maritime Service. Final comments, raising no objection to the Planning Proposal, were received from these authorities by letter dated 10 November 2017. Accordingly, the Planning Proposal will be placed on exhibition in early 2018.

It has been recognised that there is a need to update the draft DCP amendments to ensure they remain consistent with the revised Planning Proposal and current local planning context. The proposed amendments to the DCP (Attachment 1) will be placed on exhibition concurrently with the Planning Proposal in early 2018. Council will have the opportunity to consider the Planning Proposal and associated DCP amendments again following exhibition.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council endorse the exhibition of draft amendments to the *Warringah Development Control Plan 2011*, dated January 2017 for a minimum period of 28 days.

REPORT

BACKGROUND

Status of Dee Why Town Centre Planning Proposal

At its meeting on 23 September 2014, Council resolved to seek a Gateway determination from the Department of Planning and Environment (the Department) and to publicly exhibit the Dee Why Town Centre Planning Proposal (Planning Proposal) and accompanying draft amendments to the Warringah DCP 2011. Council resolved:

"That Council:

- A) Forward the Planning Proposal to the Department of Planning and Environment seeking Gateway Determination.*
- B) Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently.*
- C) Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.*
- D) Note the submission made by Mr Robert Player"*

Council submitted the Planning Proposal to the Department on 6 November 2014. The intended outcome of the Planning Proposal is to amend Warringah Local Environmental Plan (LEP) 2011 to implement the Dee Why Town Centre Masterplan (Masterplan) (2013).

In summary, the Planning Proposal recommends:

- Redefining the boundaries of the Dee Why Town Centre so that a number of standard development controls apply to all land within the B4 Mixed Use zone in the town centre
- Introducing four new "key sites" in the town centre with site specific development provisions to facilitate key public benefit outcomes e.g. the provision of new roads
- Increasing the maximum permissible height of buildings in the town centre by 3 metres (excluding certain key sites) in exchange for a reduction of podium heights of buildings
- Establishing floorspace ratio controls for all sites in the town centre
- Housekeeping amendments to Part 7 (Dee Why Town Centre) of Warringah LEP 2011 in light of the above changes.

A conditional Gateway determination was issued by the Department on 1 April 2015 requiring amendments to:

- Demonstrate consistency with 'A Plan for Growing Sydney'
- Remove draft clauses from the Planning Proposal and replace with a plain English summary of the intended effect of the changes
- Remove references to the provisions of contributions, infrastructure improvements, dedication of land and/or undertaking of works in exchange for additional development density
- Clearly articulate both the existing controls and the proposed planning controls for each 'Key Site'

- Ensure the Key Sites Map is consistent with the Department's technical mapping requirements for local environmental plans.

An amended Planning Proposal was submitted to the Department in May 2016. An amended Gateway determination was issued by the Department on 22 September 2016, requiring Council to:

- Remove draft clauses from the Planning Proposal and include a plain English explanation of the intended planning outcomes
- Clarify that the legal drafting has not been determined and is subject to drafting by Parliamentary Counsel
- Remove references to the provision of contributions, infrastructure, improvements, dedication of land and/or undertaking of works in exchange for additional development density
- Justify and explain the inclusion of Key Site F
- Consult with state agencies
- Submit a copy of the revised Planning Proposal to the Department and seek agreement prior to public exhibition
- Consult with the community following agreement with the Department.

The Planning Proposal has not progressed due to significant delays in receiving advice from Transport for NSW and Roads and Maritime service, as required by the Gateway determination. Final comments, raising no objection to the Planning Proposal, were received from these authorities by letter dated 10 November 2017.

Council will be in a position to publicly exhibit the Planning Proposal following final approval of the Department for the changes required by the amended Gateway determination. It is anticipated that this approval will be obtained in January 2018, with public exhibition occurring in February 2018.

Draft DCP amendments proposed in 2014 and revised in 2017

The draft DCP amendments in 2014 proposed changes to Parts G1 and H, and Appendix 1 for the Dee Why Town Centre. The draft controls included general development controls, site amalgamation requirements, building heights, pedestrian connections, building articulation and design, basement car parking, energy and water efficiency targets, landmark and corner site requirements, controls relating to key sites, town centre character areas and amendments to car parking rates. Since this time a further review and refinement of the DCP has been undertaken. Accordingly, the update controls are now provided for consideration and endorsement for exhibition purposes.

The proposed changes to the DCP for exhibition purposes include amendments to Parts G1 and H, and Appendix 1 for the Dee Why Town Centre (see Attachment 1). The proposed DCP changes will provide more detailed design guidelines to supplement proposed LEP controls contained in the Planning Proposal.

The key differences between the draft DCP amendments in 2017 and 2014 are:

- The removal of planning controls which are also contained in the Planning Proposal, to avoid duplication
- The removal of certain images, which are now out of date
- The removal of 'Town Centre Character Areas' as these planning controls will be superseded by LEP controls contained in the Planning Proposal

- Minor restructuring of certain sections
- Simplified language so that the development controls are clear and user friendly
- Review of car parking rates having regard to Roads and Maritime's Guide to Traffic Generating Developments and to the assessment of recent developments in the Dee Why Town Centre
- The requirement for larger developments to provide a car share parking space to reduce the reliance on private car ownership and encourage the use of sustainable transport.

A summary of the proposed changes is outlined in Table 1.

Table 1: Summary of proposed changes in the DCP

No	Part	Proposed control	Explanation
1	G1	Identification of the revised Dee Why Town Centre	Identifies all land zoned B4 Mixed Use under the LEP to correspond with the Dee Why Town Centre Planning Proposal.
2	G1	Desired character for the Dee Why Town Centre	Desired character principles are based on the development controls proposed in Part G1. These principles will ensure that development is compatible with the desired character of the Dee Why Town Centre.
3	G1	General development controls	The general development controls provide requirements relating to a variety of matters including active street frontages, floor to ceiling heights, traffic and parking and view impacts.
4	G1	Building articulation and design controls	These controls provide detailed design guidelines addressing building articulation and design. Set-back requirements for above podium elements (towers) are included to minimise the appearance of building mass. Development controls relating to building elements such as balconies, verandahs, service elements etc. are included to ensure that these elements are integrated into the overall building form.
5	G1	Car parking and vehicular access design controls	These development controls provide more detailed design requirements for car parking and vehicular access. These controls aim to minimise overall building bulk and scale of parking facilities. Locational requirements for vehicular access points are also included to minimise disruption to pedestrians and cyclists.
6	G1	Car Share	Guidelines for the provision of off-street car share parking spaces have been introduced for larger developments with more than 50 dwellings. These controls are based on an assessment of 11 Development Control Plans in the Sydney Metropolitan Area and align with outcomes identified in the Warringah Sustainable Transport Strategy.
7	G1	Site amalgamation requirements	These development controls aim to avoid the isolation of small sites that could not be reasonably developed. Specific submission requirements will apply to proposed developments that are likely to result in the creation of an isolated site.

8	G1	Corner site controls	These development controls provide design guidelines for lots on corner sites to encourage good design outcomes.
9	G1	Energy and water efficiency controls	Sustainability rating systems have been introduced to ensure substantial new developments incorporate the latest practice for energy and water efficiency.
10	G1	Water sensitive urban design controls	Guidelines for water sensitive urban design have been introduced to encourage innovative design and a sustainable town centre.
11	G1	Key site controls	<p>Further detailed development controls for key sites are identified to ensure that they are developed in accordance with the intended outcome of the Masterplan.</p> <p>The development controls include site layout options to ensure good relationships between buildings within and surrounding the key site.</p>
12	G1	Civic Centre site controls	<p>Although not identified as a Key Site in the Planning Proposal, the Civic Centre is identified in the Masterplan as the focus of civic activity.</p> <p>Specific development controls including site layouts and setbacks will ensure that any future development corresponds to the site's opportunities and constraints.</p>
13	H	Car parking rates in the Dee Why Town Centre	<p>It is proposed to amend the DCP to adopt the requirements of the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments (GTTGD) having regard to recent approvals for development in the town centre. Car parking requirements will be lower under this standard than the current general DCP standard.</p> <p>The proposed parking rates in the draft DCP for residential uses in the Dee Why Town Centre are based on the "Metropolitan Sub-Regional Centres" category in the GTTGD, not the "Metropolitan Regional Centres" category, as the Dee Why Town Centre is not serviced by rail or light rail.</p> <p>The parking rates for retail and commercial uses are based on independent advice from Council's traffic consultants. This advice was based on an analysis of the traffic and parking impacts associated with the approved development application for Key Site B.</p>

CONSULTATION

The draft DCP amendment will be placed on public exhibition for a minimum period of 28 days concurrently with the Planning Proposal. The Planning Proposal will be placed on public exhibition once final agreement is reached with the Department on its final form.

TIMING

The matter will be reported to a Council meeting following public exhibition. If the draft DCP amendments are adopted by Council, they will come into effect when the Planning Proposal is published on the NSW legislation website.

FINANCIAL CONSIDERATIONS

All work required to exhibit the draft DCP amendments are accommodated within the current operational budget of Strategic and Place Planning.

SOCIAL CONSIDERATIONS

Together with proposed Local Environmental Plan amendments, the draft DCP amendments will assist in achieving the vision established by the Dee Why Town Centre Masterplan including consolidating the centre core and improving building design, improving pedestrian and vehicular connections, creating safer, more accessible and more enjoyable public spaces, enhancing the vibrancy of the centre, more sustainable development, and greater opportunities for investment. These changes are anticipated to have significant positive social impacts.

ENVIRONMENTAL CONSIDERATIONS

Negligible environmental impact is anticipated as a result of the draft DCP amendments. Positive environmental outcomes would result from the more detailed development controls on energy and water efficiency, water sensitive urban design and decreased car parking rates.

ITEM 10.6	REVISED DRAFT NORTH DISTRICT PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2017/477662
ATTACHMENTS	1 ↓ North District Structure Plan 2036 2 ↓ Council Submission on Revised Draft North District Plan

EXECUTIVE SUMMARY

PURPOSE

To seek approval to forward a submission to the Greater Sydney Commission on the Revised Draft North District Plan.

SUMMARY

The Greater Sydney Commission, under the Greater Sydney Commission Act 2015, is responsible for developing the Region Plan for the Greater Sydney Region and District Plans for all Districts declared in the Greater Sydney Region.

The first version of the District Plan was released in November 2016 and Council made a detailed submission on this in March 2017. Further to this in October 2017 the Greater Sydney Commission released the Draft Greater Sydney Region Plan, along with Revised Draft District Plans for public exhibition (refer Attachment 1). District Plans have been developed to ensure well-coordinated, integrated and effective planning for land use, transport and infrastructure.

The Northern Beaches Council is located within the North District Plan (draft Plan). The North District consists of nine (9) Local Government Areas (LGA);

- Northern Beaches
- Hornsby
- Hunter's Hill
- Ku-ring-gai
- Lane Cove
- Mosman
- North Sydney
- Ryde
- Willoughby

The draft Plan is a 20 year plan to manage growth in line with a 40 year vision and represents the link between regional and local planning. The draft Plan is a more concise and user-friendly document than the first release.

A submission has been prepared to send to the Greater Sydney Commission (Attachment 2).

There remain some outstanding concerns which are raised in Council's draft submission. These concerns relate to the need to:

- Identify Mona Vale Road as a key east-west transportation link
- Identify the potential for an east-west rapid transport link connecting Brookvale-Dee Why, French's Forest and Chatswood
- Correctly map the Metropolitan Rural Areas around Oxford Falls Valley and Belrose North
- Protect Council's ability to ensure infill housing development occurs in the right locations without being eroded by the State Government's proposed Medium Density Housing Code
- Ensure collaboration, public transport, and a special infrastructure contributions levy for the French Forest Hospital Precinct
- Correct mapping of Jobs and Services areas in French's Forest and Brookvale-Dee Why
- Broaden the scope of s94 infrastructure contributions to ensure Councils can adequately fund and deliver community infrastructure in line with population growth
- Highlight built infrastructure, energy efficiency and climate change as elements of sustainability
- Provide actions to address natural hazards
- Share the use of and provide public transport links to open space, increase demand for nature-based recreation, growing sports participation, and joint agreements for shared use of school facilities.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council forward the submission to the Greater Sydney Commission on the Revised Draft North District Plan.

REPORT

BACKGROUND

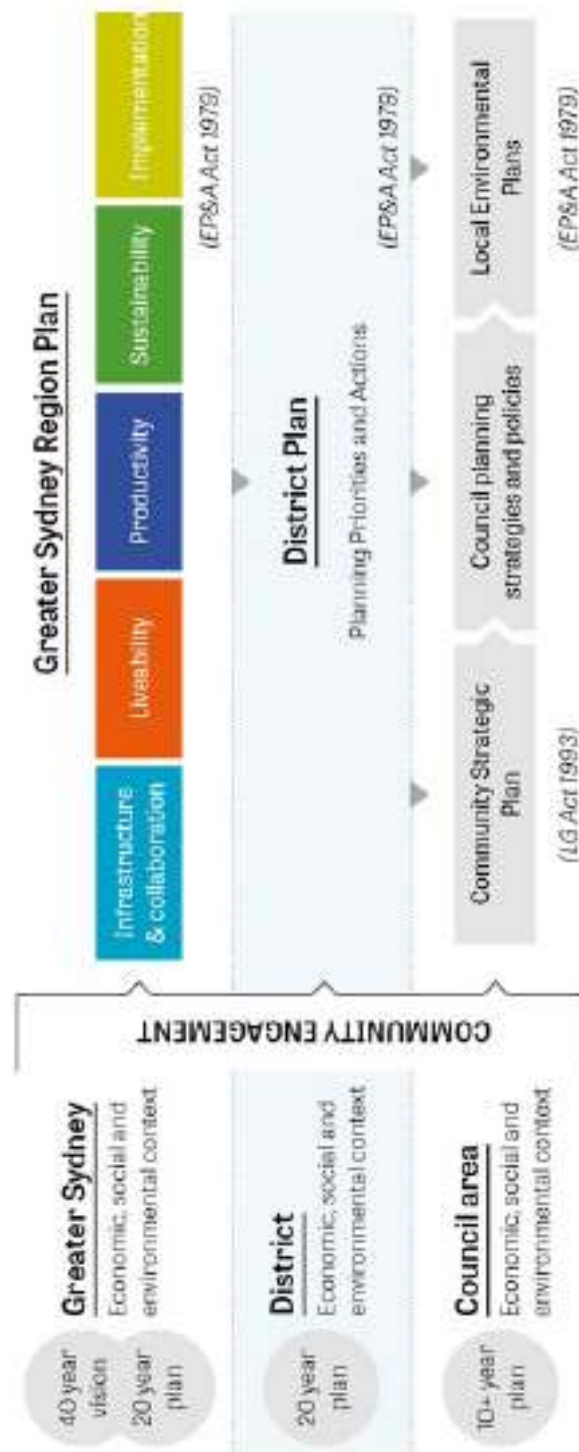
District planning for Greater Sydney will directly inform local council planning and influence the decisions of state government agencies. In essence the draft Plan bridges the gap that connects local planning at an LGA level to the longer-term metropolitan planning undertaken for Greater Sydney.










The first version of the draft Plan was released in November 2016 and Council made a detailed submission on this in March 2017.

The revised draft Plan has been shortened and the structure and format simplified. It contains 10 Directions and 22 Planning Priorities, under the headings of Infrastructure, Livability, Productivity and Sustainability, each supported by a set of Actions and allocated responsibilities.

Notable aspects of the revised draft Plan are:

- Mona Vale, Brookvale-Dee Why and Manly are identified as Strategic Centres
- Frenchs Forest is a Health and Education Precinct and Urban Renewal Area
- Beaches Tunnel and Wakehurst Parkway upgrade identified as Committed Motorway (although not funded)
- On Street Rapid Transit routes connecting Frenchs Forest to Chatswood, St Leonards, Mona Vale Rd, Brookvale-Dee Why and Manly
- Population forecast and housing targets unchanged - Northern Beaches LGA 5yr target 3,400 additional dwellings by 2021, whole North District 20yr target 92,000 additional dwellings by 2036
- Affordable rental housing target 5-10% unchanged
- Councils to prepare local housing strategies and affordable rental housing schemes addressing the targets
- Centres-based jobs targets unchanged - 2036 baseline jobs targets: Frenchs Forest 12,000, Brookvale-Dee Why 23,000, Manly 6,000, and Mona Vale 5,000
- Economic growth and greater diversity of jobs targeted in Strategic Centres
- Protection of industrial and urban services land reinforced
- Growth in housing and jobs aligned with new and enhanced infrastructure
- People living close to jobs and services - concept of 30 minute city promoted
- Emphasis on improved walking and cycling and place-based planning for Centres.



Directions		A city supported by infrastructure	A collaborative city	A city for people	Housing the city	A city of great places	A well connected city	Jobs and skills for the city	A city in its landscape	An efficient city	A resilient city
Metrics	Infrastructure supporting new developments		Working together to grow a Greater Sydney								
	Number of land use plans supported by infrastructure plans (NSW Department of Planning and Environment, Greater Sydney Commission, Councils)	Proportion of agreed outcomes achieved in Collaboration Areas	Annual survey of community sentiment	Number of councils on track to deliver housing targets	Percentage of dwellings within walking distance of a local or strategic centre	Percentage of dwellings located within 30 minutes by public transport of a metropolitan city centre/cluster	Percentage of dwellings located within 30 minutes by public transport of a strategic centre	Growth in jobs in targeted metropolitan and strategic centres.	Proportional increase in Greater Sydney covered by urban tree canopy	Number of precincts with low carbon initiatives	Number of local government areas undertaking resilience planning
North District Planning Priorities		Planning Priority N1 Planning for a city supported by infrastructure	Planning Priority N2 Working through collaboration	Planning Priority N3 Providing services and social infrastructure to meet peoples changing needs Planning Priority N4 Fostering healthy, creative, culturally rich and socially connected communities	Planning Priority N5 Providing housing supply, choice and affordability with access to jobs and services	Planning Priority N6 Creating and renewing great places and local centres, and respecting the District's heritage	Planning Priority N12 Delivering integrated land use and transport planning and a 30-minute city Planning Priority N14 Leveraging inter-regional transport connections	Planning Priority N7 Growing a stronger and more competitive Harbour CBD Planning Priority N8 Eastern Economic Corridor is better connected and more competitive Planning Priority N9 Growing and investing in health and education precincts Planning Priority N10 Growing investment, business opportunities and jobs in strategic centres Planning Priority N11 Protecting and managing industrial and urban services land Planning Priority N13 Supporting growth of targeted industry sectors	Planning Priority N15 Protecting and improving the health and enjoyment of Sydney Harbour, and the District's waterways Planning Priority N16 Protecting and enhancing bushland and biodiversity Planning Priority N17 Protecting and enhancing scenic and cultural landscapes Planning Priority N18 Better managing rural areas Planning Priority N19 Increasing urban tree canopy cover and delivering Green Grid connections Planning Priority N20 Delivering high quality open space	Planning Priority N21 Reducing carbon emissions and managing energy, water and waste efficiently	Planning Priority N22 Adapting to the impacts of urban and natural hazards and climate change

Council Officers have identified a number of outstanding concerns with the draft Plan, including:

- Identifying Mona-Vale Rd as a key east-west transportation link
- Identifying the potential for an east-west rapid transport link connecting Brookvale-Dee Why, Frenchs Forest and Chatswood
- Incorrect mapping of Metropolitan Rural Areas around Oxford Falls Valley and Belrose North
- Mapping of Local Centres at Seaforth, Glenrose and Collaroy
- Council's ability to ensure infill housing development occurs in the right locations being eroded by the State Government's proposed Medium Density Housing Code
- Collaboration, public transport, suitable housing locations, affordable rental housing targets, and a special infrastructure contributions levy for the French Forest Hospital Precinct
- Incorrect mapping of Jobs and Services areas in Frenchs Forest and Brookvale-Dee Why
- Need to broaden the scope of s94 infrastructure contributions to ensure Councils can adequately fund and deliver community infrastructure in line with population growth
- Highlighting built infrastructure, energy efficiency and climate change as pillars in sustainability
- Actions to address natural hazards
- Shared use of and public transport links to open space, increasing demand for nature-based recreation, growing sports participation, and joint agreements for shared use of school facilities.

Housing and Employment Targets

Based on remaining development capacity in Warriewood Valley, planned capacity at Ingleside and Frenchs Forest, and limited further capacity in existing residential zoned areas, Council is able to meet the 5 year housing target for Northern Beaches LGA. Beyond that, the ability to meet an appropriate share of the 20 year housing target for North District will require further investigation and formulation of a comprehensive housing strategy for the LGA. Work on a housing strategy is expected to begin in 2018 and will be brought to Council for consideration at a future date. It is important to note that additional housing supply must be contingent on infrastructure, transport and top end sustainability to meet resident's expectations.

Council supports the centres-based focus of the employment targets set out in the draft Plan and opportunities to meet these targets are encompassed by Council's structure planning for growth of the centres at Brookvale and the Frenchs Forest, and to a lesser degree place planning and masterplanning for further development at Dee Why, Manly and Mona Vale.

CONSULTATION

The public exhibition of the draft Plan closed on 15 December 2017. However Council was granted an extension of time to allow Council to consider the attached submission.

The Greater Sydney Commission has a dedicated online engagement portal to encourage public involvement and invite submissions during the formal exhibition period.

- www.greater.sydney/draft-north-district-plan

A range of industry workshops and engagement activities have also been held. There has been a strong commitment from the District Commissioner to engage with technical experts within local government. This exhibition provided another opportunity to influence the content of the plan.

TIMING

It is anticipated that the final version of the North District Plan will be released by early 2018.

FINANCIAL CONSIDERATIONS

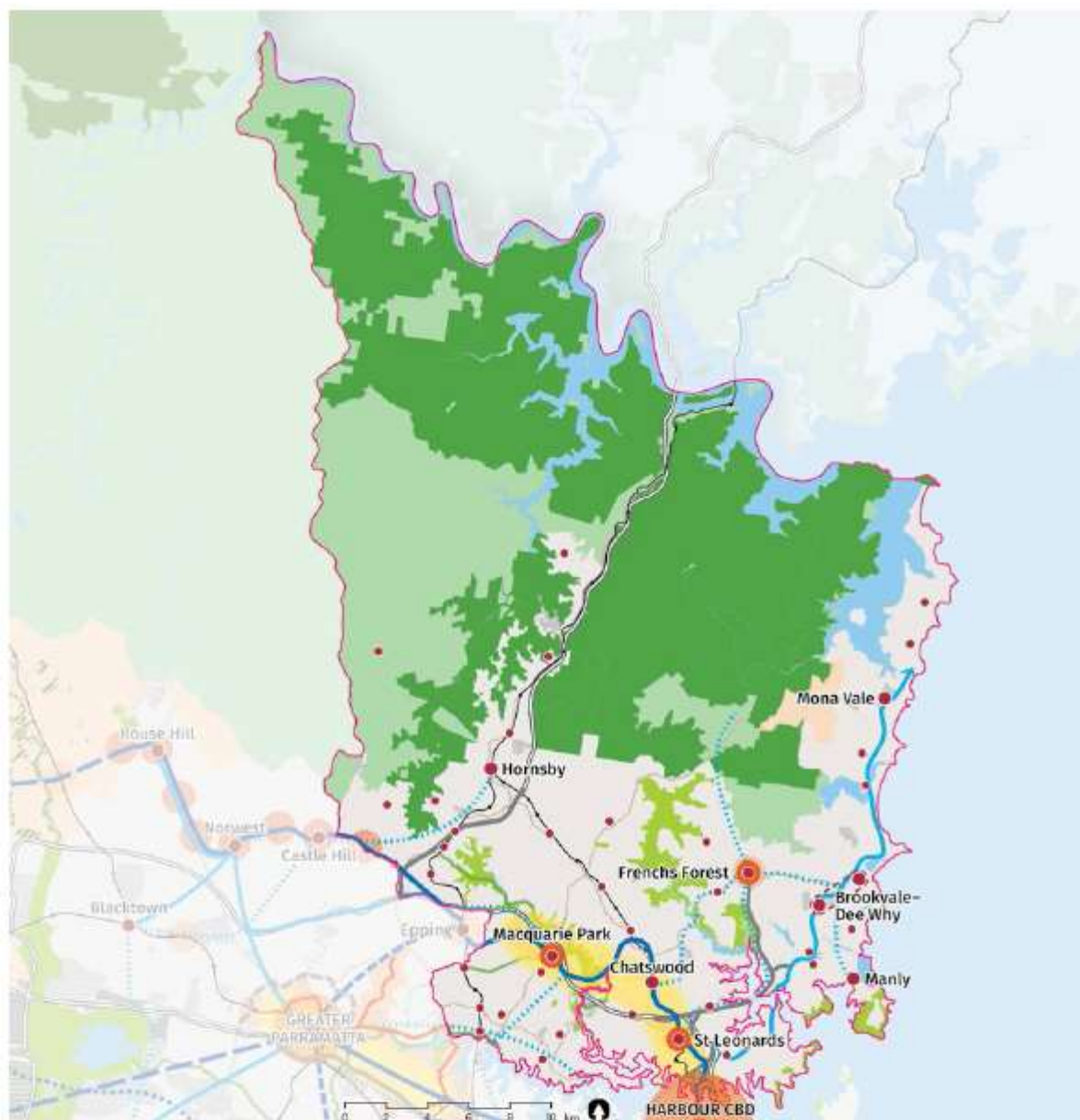
Upon finalisation of the draft Plan Council will be required to implement relevant priorities and actions applicable to the LGA. Actions such as the requirement to prepare a local housing strategy for delivery of housing supply targets, prepare an affordable rental housing target scheme, engage in place-based planning for centres, and align infrastructure provision with growth will have direct resourcing and financial implications.

SOCIAL CONSIDERATIONS

The strategies and actions outlined in the draft Plan are wide ranging with a strong focus on managing Sydney's expected population growth over the next 20 years. In order to cater for the expected population growth, the provision of additional housing stock and greater housing choice and diversity, along with improved transport infrastructure and networks are required. Ultimately Northern Beaches Council will be required to take a proportion of the population growth and will need to work closely with local communities to develop local housing strategies to identify opportunities for housing growth, including but not limited to increased residential density. Council will also need to respond to increased pressure on existing community services and facilities, open space, roads, pathways and parking, and demand for new and expanded facilities and services as a result of the population growth.

ENVIRONMENTAL CONSIDERATIONS

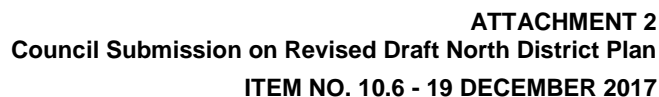
The draft Plan has a dedicated focus on sustainability, with a Chapter committed to this topic which outlines priorities and actions required to safeguard and protect the natural environment and balance the use of land and resources.



	Metropolitan City Centre		Land Release Area		Major Urban Parkland and Reserve		On Street Rapid Transit
	Health and Education Precinct		Transit Oriented Development		Waterways		Rapid Bus
	Strategic Centre		Urban Renewal Area		Train Station		Motorway
	Local Centre		Urban Area		Committed Train Link		Committed Motorway
	Economic Corridor		Protected Natural Area		Freight Rail Investigation		Green Grid Priority Project
	Industrial Land		Metropolitan Rural Area		Light Rail		

Revised Draft North District Plan - Submission from Northern Beaches Council

Page	Section	Issue	Comment
Transport			
p.7	Structure Plan map	East-west link along Mona Vale Road missing	Mona Vale Road is an important link between the Strategic Centre of Mona Vale and areas to the west, connecting to Frenchs Forest and the Eastern Economic Corridor. Given its existing and future role, planned upgrades, and the new community anticipated at Ingleside, Mona Vale Road should be identified as key east-west link on the relevant District Plan maps. Public transport is a critical component of this link and should include BRT connections to the rail at Gordon and metro at Macquarie Park.
p.77	N12 Intermediate Transit map	Rapid Bus Corridor to extend north of Mona Vale	Planning is currently underway to extend the B-line bus service north of Mona Vale. The main Structure Plan indicates this. The map on p.77 shows it terminating at Mona Vale.
Metropolitan Rural Area			
p.95 p.7	Figure 23 Structure Plan map	Extent of Metropolitan Rural Area incorrect	<p>The extent of the Metropolitan Rural Area shown on the Structure Plan map and Figure 23 of the draft District Plan is incorrect and does not reflect the Metropolitan Rural Area shown on Figure 48 (p.135) of the Draft Greater Sydney Region Plan.</p> <p>Council's previous submission raised concerns with the mapping and recommended that certain other land be included in the Metropolitan Rural Area for reasons related to historic non-urban zoning, suitability for rural living, connectivity to the urban area, buffer functions, and the Oxford Falls Valley and Belrose North Planning Proposal and its associated Strategic Review. The areas of land in question are:</p> <ul style="list-style-type: none"> • properties on the eastern side of Forest Way, north of Perentie Road; • properties between the western side of Forest Way and Garigal National Park, north of Wyatt Avenue; • properties fronting Mona Vale Road, west of Austlink Business Park; and • properties that are not part of the planned urban area as indicated by the proposed zones in the Oxford Falls Valley and Belrose North Planning Proposal.

2

Page	Section	Issue	Comment
p.7	Structure Plan map	Replace Belrose with Glenrose as a Local Centre	The centre known as Glenrose (generally the B2 zoned land either side of Glen St and its junction with Glenrose Pl) should be designated as a Local Centre instead of Belrose. The Glenrose centre is more substantial in size and function than Belrose, supporting the surrounding population in Belrose and Davidson. Glenrose provides a shopping and dining precinct containing a Woolworths and Aldi with diverse retail and dining offerings alongside a new Library, the Glen St Theatre, sporting facilities and a gym. Whereas the neighbourhood centre at Belrose (B1 zoned land on Ralston Ave, opposite Belrose Primary School) is very small, containing an IGA, one café and a mechanic. While the Aldi is named 'Belrose', it is actually located within the Glenrose precinct. The Belrose Super Centre is a significant distance from the locale of Belrose and would be more closely aligned with the cluster of offerings along Mona Vale road at Terry Hills.
p.7	Structure Plan map	Include Collaroy as a Local Centre	Whilst Collaroy does not contain a large scale supermarket, it is a significant centre that supports a cluster of medium-high density housing and is a stop on the new B-line bus service. It has regionally significant offerings including a cinema, a popular pub and The Beach Club which support a cluster of beachside eateries and retail outlets including a post office and IGA. The centre's role is enhanced by tourism accommodation in the form of a YHA backpackers and serviced apartments.
Collaboration			
p.20-21	N2	Frenchs Forest should be a Priority Collaboration Area	In order to achieve the vision for the Frenchs Forest Health and Education Precinct, it should be regarded as a Priority Collaboration Area. With the hospital construction well underway, investigations commenced for the Beaches Link Tunnel, and the full capacity of the precinct being dependent on further expansion of transport infrastructure, it is imperative that inter-agency collaboration be prioritised.
p.20	N2	Key agencies not listed	The Department of Education and Ausgrid should be identified as agencies in the collaborative process for Frenchs Forest. Given the limited spare capacity in existing schools and major constraints on finding sites for new schools, collaboration with the Department of Education is crucial at the earliest stages of planning for new housing supply.
Frenchs Forest Health and Education Precinct			
p.55	N9 Actions	Public transport accessibility Housing in suitable locations	Action 25(b) should specifically mention public transport as high levels of accessibility by public transport are fundamental to the development of health and education precincts. Action 25 (d) should be refined to refer to housing

Page	Section	Issue	Comment
			<p>opportunities in suitable locations in accordance with Council strategies and plans.</p> <p>Not all locations within 30 minutes of the precinct are suitable for increased residential densities. Structure Planning undertaken by Council for the Northern Beaches Hospital Precinct identifies suitable locations for increased residential densities, providing for phased development of dwellings concentrated around a town centre.</p> <p>The District Plan should defer to Council strategies and plans with regards to housing opportunities to guard against developer-initiated planning proposals for housing in inappropriate locations.</p> <p>A statement should also be added to indicate that opportunities for housing must not result in loss of industrial and urban services land, nor compromise the role and function of such land.</p>
p.60	Frenchs Forest Actions	Special Infrastructure Contribution	Add the following action: i. fund the delivery of essential community infrastructure through a Special Infrastructure Contribution or similar levy
p.60	Frenchs Forest Map	Correction	The Jobs and Services area indicated on the map should be extended to include the block of land south of Warringah Road, bounded by Hilmer St, Primrose Ave and Bantry Bay Rd. This block is identified in Council's Hospital Precinct Structure Plan as additional employment land, proposed to be zoned B1 Neighbourhood Centre.
p.60	Action 31 b, c	Affordable Housing targets	Council's Structure Plan identifies targets for affordable rental housing of 15% within the future Town Centre (urban core) and 10% elsewhere in the precinct. Actions 31 b and c should refer to these targets.
		Open space in urban core	Action 31 b should also include open space as a use in the urban core.
p.60	Action 31 h	East-west public transport link	Action should prioritise provision of an east-west high frequency public transport link to the Eastern Economic Corridor. Such a link would enhance connectivity to the precinct and support synergies with other Health and Education Precincts.
Brookvale-Dee Why			
p.64	Brookvale-Dee Why Map	Corrections	<p>The Jobs and Services area indicated on the map should be extended to include the following land:</p> <ul style="list-style-type: none"> land zoned B5 and IN1 on the eastern side of Harbord Rd, near intersection with Pittwater Rd land zoned B5 on the northern side of Pittwater Rd, between Brookvale Oval and Warringah Rd the TAFE site on Old Pittwater Road

Page	Section	Issue	Comment
			The small section of The Strand opposite Dee Why beach is not considered part of the Brookvale-Dee Why Strategic Centre and should be removed from the Jobs and Services area indicated on the map.
Infrastructure			
p.19	N1	Council's ability to provide infrastructure in line with planned growth	The scope of s94 contributions that Council can levy for needs to be broadened. To provide a city supported by infrastructure, Council will be required to fund and deliver the full range of local community infrastructure demanded by the future projected population. If this is to occur, the legislation surrounding developer contributions must be investigated to broaden the scope of what Councils can levy for and deliver. For example, under the current legislative framework Councils are unable to levy section 94 contributions for the construction of community facilities. Land for such facilities can be levied, however the construction must be funded via an alternate strategy often resulting in a shortfall in this essential infrastructure. This legislation must be reviewed to ensure Councils can adequately fund community infrastructure in line with population growth into the future. Such review can be listed as an action.
Sustainability			
p.86	Section 5 introduction	Built infrastructure, energy efficiency and climate change are under represented	The introduction to Section 5 Sustainability has a heavy focus on the biodiversity/natural/green aspects of sustainability. It does not adequately incorporate the other pillars of sustainability, in particular built infrastructure and energy efficient design and their role in climate change. In a plan that is about developing the North District in a way that caters for population growth and associated infrastructure whilst protecting the environment and lifestyle, there should be more of a focus on these other pillars of sustainability.
p.92	N15 Actions	Action 59 too broad Action 62 too broad	The wording should be more specific about the intended mechanisms to protect environmentally sensitive coastal areas and waterways. The wording should be to "works towards reinstating..." or "prioritise the inclusion of more natural conditions..."
p. 108	N22 Actions	More actions required to address the most significant natural hazards	The only specific action is to mitigate urban heat island effect. Considering the "most significant natural hazards and acute shocks that affect the North District include bushfire, severe storms and coastal erosion and inundation..." there should be more specific actions addressing these hazards.
Open Space, Sport & Recreation			
p.24	N3	Shared use of open space	Para 6 could also list open space as a resource with potential for increased shared use.

Page	Section	Issue	Comment
p.27	N3	Agreement between Northern Beaches Council and NSW Department of Education	Northern Beaches Council has entered into a joint agreement with the NSW Department of Education to identify opportunities for shared use of school facilities on the Northern Beaches. There should be a reference to this.
p.31	N4	Glen Street Theatre	Add Glen Street Theatre to the list of arts and cultural facilities in the dot point at top of page
p.32	N4 Action 10	Disability inclusion	Add to Action 10: “c. preparing and implementing disability inclusion plans”
p.93	N16	Increasing demand for nature-based recreation	Increasing demand for nature-based recreation such as bush walking, mountain biking and trail running should be addressed. A statement and corresponding action could be added with regards to providing for and managing the impacts of increasing demand for nature-based recreation.
p.102	N20	Access to open space by public transport	Linking open space areas to public transport is an important part of delivering accessible open space. Add a reference about linking open space areas to public transport networks.
p.102	N20	Growing participation in sports	The need for additional open space areas and sports and recreation facilities is needed not only to accommodate the growing population, but also growing participation in sports particularly by women and players over 35 years of age. The last paragraph should reference this trend.

ITEM 10.7	COMMENTS TO SYDNEY NORTH PLANNING PANEL ON PLANNING PROPOSAL PP0003/16 AT 2 MACPHERSON STREET, WARRIEWOOD
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2017/485225
ATTACHMENTS	1 Council's Response to Planning Panel

REPORT

PURPOSE

To advise Council of the comments made to the Sydney North Planning Panel in response to the consultation process required under the conditions of the Gateway Determination for Planning Proposal PP0003/16.

REPORT

On 11 November 2016 Council received a Planning Proposal for land at 2 Macpherson Street, Warriewood. The Planning Proposal sought to amend Pittwater Local Environmental Plan 2014 (PLEP 2014) to make dwellings a permitted land use on the site by increasing the permitted dwelling density from '0 dwellings' to 'not more than 22 dwellings'.

Council, at its meeting on 31 January 2017, resolved not to support the Planning Proposal for the following reasons:

- a. It is inconsistent with the relevant strategic study being the '*Warriewood Valley Strategic Review Report (2012)*', endorsed by the former Director General of the Department of Planning and Infrastructure on 26 June 2013 and adopted by Pittwater Council on 12 June 2013.
- b. It has not demonstrated adequate strategic merit or site-specific merit in line with the '*NSW Planning & Environment's Planning Proposals: A guide to preparing planning proposals (2016)*'.
- c. The information submitted to support the Planning Proposal is substantially deficient.
- d. It is inconsistent with Local Planning Direction '*4.3 Flood Prone Land*' issued under Section 117(2) of the *Environmental Planning and Assessment Act 1979* and insufficient justification has been provided to support the inconsistency.

Following Council's rejection of the Planning Proposal, the proponent subsequently sought a Rezoning Review. On 12 April 2017 the Sydney North Planning Panel issued a Gateway Determination that the proposed amendment to PLEP 2014 should proceed, subject to a number of conditions that included a requirement that Northern Beaches Council be consulted.

On 11 May 2017 Council declined an invitation from the Planning Panel to be the Relevant Planning Authority for this Planning Proposal. Consequently, the Sydney North Planning Panel is the Relevant Planning Authority for this Planning Proposal.

On 16 October 2017 Council received notification from the Sydney North Planning Panel of the exhibition of the Planning Proposal. Council was given 28 days to provide a response. Due to the time constraints the attached response (**Attachment 1**) was submitted to the Sydney North Planning Panel prior to being referred to Council.

Council's submission advised that uncertainty remained regarding the submitted flooding information. Other matters were also raised that need to be addressed at the development application stage relating to water management, encroachment of residential lots into the creekline corridor buffer area, and the future dedication of land to Council.

FINANCIAL CONSIDERATIONS

Should the Planning Proposal proceed and subsequently be finalised, any future development consent for residential development would require a contribution in accordance with the *Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 2* for the provision of public infrastructure and services.

ENVIRONMENTAL CONSIDERATIONS

The submission identifies several matters that need further consideration to minimise adverse environmental impacts on the site.

SOCIAL CONSIDERATIONS

The submission identifies several matters that need further consideration to minimise adverse social impacts on the site.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council note the response provided to the Sydney North Planning Panel on Planning Proposal PP0003/16 at 2 Macpherson Street, Warriewood.



Planning Panels Secretariat
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

**Re: Planning Proposal: 2017SNH047 – Northern Beaches – PGR_2017_NBEAC_001_00
2 Macpherson Street, Warriewood**

Thank you for inviting Northern Beaches Council to comment on the subject Planning Proposal. I apologise for the delay in providing this response.

Council has reviewed the additional information submitted with the Planning Proposal and has identified that there remains uncertainty associated with the flooding information provided. This is detailed in Attachment 1.

There are also other matters including water management, encroachment of residential lots into the outer 25m creekline corridor and future dedication of land that will require further detailed consideration at DA stage. Detailed comments regarding these issues are also provided in Attachment 1.

Should you have any queries regarding the content of this letter, please contact Gordon Edgar, Principal Strategic Planner on 9970 1294.

Yours faithfully,

Andrew Pigott
Executive Manager Strategic & Place Planning
Northern Beaches Council

Date: 15 November 2017

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ATTACHMENT 1 – DETAILED COMMENTS

1. Flood Impact Assessment

There remains ambiguity in the current Planning Proposal information whether:

- (i) the creekline corridor design has been incorporated into the flood assessments, or
- (ii) the flood assessment is reliant upon the proposed creek works on adjacent properties at No's 23, 25, 27, 29 and 31 Warriewood Road being completed or whether the assessment is independent of this.

Verbal clarification was provided from the proponent's flood consultant Cardno who advised that the adjacent creek works were not incorporated in the flood model. However, there needs to be a clear statement that removes the ambiguity before the land is formally rezoned.

The results of the flood impact assessment only show a portion of the truncated model area used to conduct the assessment. The model used is a truncated version of the model adopted by Council as being representative of flood behaviour in the wider Narrabeen Lagoon and tributaries flood plain. Additional flood impact assessment maps covering the full extent of the model used in the assessment should be provided with any future development application to confirm that the proposal will not have a flood impact on adjacent properties.

An evaluation of the 20% AEP flood level is not provided. There is potential for the water quality facilities in the private buffer (outer 25m creek corridor) to be below the 20% AEP and, therefore, they would be installed too low and would not satisfy development consent requirements. It may be more practical if the water quality facilities were proposed in a different form to be more compatible with flood behaviour on the site.

The Flood Planning Level for road access is ideally at the 1% AEP level inclusive of climate change, approximately 3.8m AHD at the site and surrounds. Currently sections of the proposed ring road are below the 1% AEP level inclusive of climate change, and should be raised in any future Development Application on this site. Council confirms that the flood immunity of Macpherson Street (once upgraded) will be that associated with the minimum deck level of 4.16m AHD.

Any future development application for the site also needs to consider the proposed creek works on the subject property. Consideration is also required of creek works on the adjacent properties to ensure that the separate and combined works do not have an impact on flooding (or low flow behaviour). This will also ensure that the subdivision design/layout appropriately locates all infrastructure (exclusive of the infrastructure listed in the Section 94 Contributions Plan) servicing the subdivision, outside of the inner 25m creek corridor. Road and water management facilities will need to be at/above the required 1% AEP level plus climate change and 20% AEP level plus climate change respectively.

The acceptability of shelter in place as the only viable option for emergency response is reliant upon all dwellings being 2 storeys in height and having an accessible refuge area that meets necessary minimum floor space requirements.

2. Other Matters

Council notes the issues raised below are not fatal to this Planning Proposal however has provided the following information for the proponent to address in any future development application on this site, namely:

Water Management

The information submitted with the Planning Proposal does not meet the requirements of the *Warriewood Valley Water Management Specification (2001)*.

- On Site Detention (OSD) should not be located within the inner 25m creekline corridor that will be dedicated to Council via the Section 94 Plan.

OSD should also be located above the 1% AEP + climate change level. The road reserve is an appropriate location if it is above this level, and must be on land owned and managed by the development. Northern Beaches Council is unlikely to accept infrastructure assets not identified in the Section 94 Plan.

- All water management facilities must be situated above the 20% AEP and outside the inner 25m creekline corridor in accordance with the *Warriewood Valley Water Management Specification*.

Opportunity for concessions may be considered, as part of a future development application, on this site to locate the overland flow path channel between 2 and 4 Macpherson Street as this is not a designated creek.

- Multiple small water management facilities are generally less effective and more difficult to maintain than larger systems, particularly in light of the small number of dwellings likely to be connected to each basin. The proposed wetlands will have insufficient inflows to sustain vegetation and treatment processes in the wetlands. Strip bio-retention along the road should be considered as an alternative as this will reduce the requirement for fill in the private buffer and is a system that is better able to cope with lower inflows.
- The construction of a retaining wall along the channel between 2 and 4 Macpherson Street is likely to force additional flows on to 4 Macpherson Street, on which there are intact areas of Endangered Ecological Community Swamp Sclerophyll Forest (EEC). Critically, the EEC could be adversely impacted by changes to inundation patterns. This also constitutes creating an unacceptable impact to the neighbouring property, 4 Macpherson Street.
- Overall, the water management strategy submitted with the Planning Proposal does not currently adopt the recommendations of the *Narrabeen Creek Concept Design Report (2017)*. This report was commissioned as a guideline with the aim of achieving the cohesive rehabilitation of Narrabeen Creek, in light of the fragmented nature of development in this area.
- Any proposed flood mitigation works in the creekline should be subject to further assessment by an ecologist and arborist at the development application stage. Future development should be in accordance with the recommendations in the arborist report, vegetation management plan and flora and fauna assessment.

Encroachment of residential lots and associated built structures into the outer 25m creekline corridor (private buffer area) and imperviousness

The civil works drawings indicate there is potential for the residential lots to extend to the road alignment, resulting in an encroachment into the 25m private buffer area.

Council objects to any such encroachment as it would reduce the effectiveness of this buffer in enhancing ecological and landscape values and reducing the impacts of urban development on the inner riparian zone. Extending the residential lots into the private buffer would also lead to its fragmented ownership and inconsistent management. These areas should therefore remain as part of the road verge and be available for street tree planting and landscaping.

In addition, it is noted that up to 25% of the private buffer area may contain roads and other impervious areas. No calculations have been provided to demonstrate that the proposal is able

to meet this requirement, which would apply at the development application stage. An alternative road design may be necessary to reduce the amount of impervious area within the private buffer area.

Any future dedication of land to Northern Beaches Council

The proposal to allow up to 22 dwellings on the site will increase the demand for public infrastructure and services currently identified in the Section 94 Contributions Plan, and will need to be reviewed to account for the increase in demand.

The Section 94 Contribution Plan has identified 6,751m² of the inner creekline corridor land and must not include water management facilities within it as the quantum of land to be dedicated to Council. Council is not seeking or contemplating acceptance of additional land above the identified quantum of 25m inner creekline corridor.

Council confirms that infrastructure, except for those listed in the Section 94 Plan, are necessary to service the development and is to be owned, managed and maintained in private ownership.

11.0 NOTICES OF MOTION

ITEM 11.1	NOTICE OF MOTION NO 09/2017 - COMMUNITY CAMPAIGN - END ALZHEIMER'S PROJECT
TRIM FILE REF	2017/442445
ATTACHMENTS	NIL

Submitted by: Councillor Candy Bingham

MOTION

That:

- A. Council support an awareness campaign run by Dr Dave Jenkins, which is designed to trial educational and behavioral strategies to reduce and delay Alzheimer's.
 - B. Council promote four free public seminars across the peninsula, during the months of March/April 2018, by providing suitable venues and event support.
-

BACKGROUND FROM COUNCILLOR CANDY BINGHAM

Alzheimer's is the second leading cause of death in Australia. In recent years sufficient scientific research has shown that successful reversal of cognitive decline may be possible.

There is an opportunity for the Northern Beaches to be part of leading trails to reverse Alzheimer's by supporting an awareness campaign which focusses on dietary guidance, physical activity, and cognitive training and social activities.

Proposed Free Seminar: *"How to Stay Sharp and Prevent Memory Loss and Alzheimer's as We Age"*

The initial educational campaign will consist of a series of free public talks by Dr Dave Jenkins and Miki Okuno, with online resources and links available.

The free talks will include the following topics and provide simple and pragmatic advice with links to the science:

- The Brain and Aging
- Staying Sharp as we Age
- Differentiating Memory Loss of Aging and Early Dementia
- Screening for Cognitive Decline
- Identifying and Managing the Risk Factors
- Reversing Cognitive Decline
- Working with your Doctor to Optimise your Brain
- A Optimal Brain Day

Evaluation

A post campaign survey could monitor the effectiveness in increasing both knowledge and healthy brain behaviours, and could be used to refine the strategies improving outcomes in future studies.

Dr Dave Jenkins and Miki Okuno, have over 50 years of combined experience in health and nutrition and are Australia's and New Zealand's first certified practitioners in the Bredesen Protocol for preventing and reversing Alzheimer's Disease.

They have been invited by Professor Dale Bredesen, an internationally recognised expert in the mechanisms of neurodegenerative diseases to be included in co-publishing a paper of 50 case study reversals.

References

Finger Study

- <http://www.alzheimersprevention.org/downloadables/FINGER-study-report-by-ARPF.pdf>
- <https://www.ncbi.nlm.nih.gov/pubmed/23332672>
- <http://wwfingers.com/>

Bredesen Protocol

- For information about Dr Dale Bredesen and a list of publications
<https://www.mpicognition.com/bredesen/>
- For an introductory 15 minute talk by Dr Dave Jenkins on how the Bredesen Protocols work, including a case presentation of Alzheimer's reversal; <https://youtu.be/REp5JVMjDOs>
- For a longer presentation by Dr Dave Jenkins to Dementia Alliance International including two cases of reversal described in detail. https://youtu.be/iVrA_4q3A3w
- ABC Catalyst Tuesday, 23 August 2016: Alzheimer's - Can we Prevent It?
- <http://www.abc.net.au/catalyst/stories/4524857.htm>

CEO REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Should Council wish to support this motion and provide suitable Council owned venues the likely costs to be waived would be in the order of \$200 per venue per event. This cost covers the hire of a hall such as the Manly Youth Centre, Avalon Recreation Centre or Forestville Memorial Hall on a weekday evening for up to 3 hours.

It is noted that Council staff have not endorsed the content of the seminar as it is understood the techniques to be presented are new innovative approaches to preventing Alzheimer's and still undergoing medical trials.

Should Council resolve to provide event support, there may be a perception that Council endorses this treatment method. Staff do not have the expertise and have made enquiries with Dementia Australia and Dr Ross Grant of Sydney Medical School. Responses from Dr Grant suggest there is value in the "Bredesen Method" with further trials needed to provide greater certainty.

ITEM 11.2	NOTICE OF MOTION NO 12/2017 - INTRODUCTION OF "ECO-SCHOOL" GRANTS
TRIM FILE REF	2017/455504
ATTACHMENTS	NIL

Submitted by: Councillor Roslyn Harrison

MOTION

That Council:

- A. Introduce a category of "Eco-Schools" as part of the annual Community & Cultural Small Grants Program
 - B. Develop and distribute information for local schools summarising Council's environmental priorities to give ideas to schools and encourage stronger Council-school partnerships.
 - C. Brief Councillors on the criteria for Eco-Schools funding before the Community & Cultural Small Grants Program opens.
-

BACKGROUND FROM COUNCILLOR ROSLYN HARRISON

- Schools are currently ineligible to apply for Council grants.
- Council currently invests in the Coastal Environment Centre, Manly Environment Centre and other sustainability activities to ensure local school children understand and are engaged with environmental and sustainability issues.
- Council can further develop this partnership by encouraging the whole school community to get involved in environmental and sustainability activities at their school.
- Evidence shows that children are a great educational tool for parents and parents are far more likely to follow initiatives set by their children (e.g. recycling at home, turning off taps, lights, etc. when not in use). The grants could encourage schools to implement sustainability initiatives.
- Many schools have a lot of open space and native bushland and by offering grants to schools we can partner with them to regenerate and conserve our unique bushland. As an example, Council currently has a seed harvesting program to help regenerate depleted understory and to provide native species for new planting. This program could be further promoted and supported through the Eco-Schools program.

CEO REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Currently Council does not have a confirmed community and cultural grants program scheduled in the 2017/18 budget, however I anticipate this will be brought back in the 2018/19 budget process.

Once initiated, Council could incorporate the eco school grant as a part of the community and cultural grant program or establish a separate program. There would appear to be no legislative prohibition on schools being included in this grant program. A separate program would be targeted and promoted directly, however it may require a separate budget source to the community and cultural grants program.

ITEM 11.3	NOTICE OF MOTION NO 15/2017 - SPORTING AND ENTERTAINMENT EVENTS AT BROOKVALE OVAL
TRIM FILE REF	2017/490665
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That Council staff prepare a brief written report to Councillors, with that report to be provided by 14 February 2018, as to:

- A. How Council may secure sporting and entertainment events to be hosted at Brookvale Oval during the rebuild of Allianz Stadium
 - B. Whether hosting such events is feasible and if not, then why not
 - C. The benefits of hosting such events.
-

BACKGROUND FROM COUNCILLOR RORY AMON

In November 2017 the NSW Government announced that Allianz Stadium at Moore Park and ANZ Stadium at Sydney Olympic Park will be rebuilt (see [here](#)). Construction is proposed to start on Allianz Stadium in 2018 and on ANZ Stadium in 2019. Northern Beaches Council has an opportunity to seize the day in what could be an economic boom for the Beaches.

Allianz Stadium is one of the most high profile sporting and entertainment venues in Australia, currently hosting; International and A-League football matches, National Rugby League (NRL) matches, Rugby Union International, Sydney Sevens and Super Rugby matches. While Allianz is being rebuilt there will be sporting and entertainment events which do not have a venue. Move those events to Brookvale Oval and we would have sell outs week after week after week. These events need a new home when Allianz closes next year. With a capacity of over 20,000, and a newly minted B-Line in operation, Brookvale Oval has the capacity to sub-in as Northern Sydney's sporting capital while Allianz is re-built.

The long frustration with Brookvale Oval has always been its perennial under use. Bringing these events to Brookie while Allianz is being re-built may open the door to great funding opportunities to upgrade Brookie, as well as top up council and community coffers from the spoils of extra activity.

CEO REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Preparation of a brief report can be carried out within existing operational budgets.

For background, the feasibility of hosting additional sporting and entertainment events at Brookvale Oval will be dependent on a range of factors particularly the carrying capacity of the sportsfield and impact on nearby residents.

The Brookvale Oval sportsfield has capacity to meet current regular use however a major upgrade of the playing surface is required to cope with any significant increase in use, due to the current soil profile and turf species of the playing surface and the need to provide an NRL standard sportsfield for the Sea Eagles. The scope, cost and timing of such an upgrade is yet to be determined, however this project would be in of order of \$1 million.

The earliest window of opportunity to undertake these works would be after the 2018 NRL season and before the start of the 2019 NRL season.

Council is also currently working with the Manly Warringah Sea Eagles to prepare a concept for the rejuvenation of Brookvale Oval to ensure its ongoing sustainability as a public facility, including an expanded range of permitted land uses whilst ensuring its retention as a facility for national rugby league.

ITEM 11.4

**NOTICE OF MOTION NO 16/2017 - RETURN AND EARN
CONTAINER DEPOSIT SCHEME**

TRIM FILE REF

2017/515213

ATTACHMENTS

NIL

Submitted by: Councillors Candy Bingham and Natalie Warren

MOTION

That Council with the introduction by the Government of the Return and Earn Container Deposit Scheme:

- A. Investigate the feasibility of offering bulk collection points at appropriate locations in the area, where larger quantities of used containers can be deposited.
- B. Work with the EPA to:
 - a. Find suitable locations for Reverse Bending Machines within the Northern Beaches.
 - b. Under an education campaign on how the scheme works, and where containers can be deposited.

BACKGROUND FROM COUNCILORS CANDY BINGHAM & NATALIE WARREN

For some 25 years, Manly Council and it's Waste Committee lobbied the NSW Government for the introduction of a Container Deposit Scheme (where 10c is paid for the return of a qualifying bottle), with the view to reduce the amount of litter left behind on our beaches and streets caused by beverage containers.

Now that the Return and Earn Scheme has been introduced, there is a real opportunity for the Northern Beaches to lead the way in supporting the scheme by collecting recycling containers for recycling.

Currently the NSW Government's contractor has only installed 217 of a possible 500 Return and Earn Reverse Vending Machines across the State. In the first week of operation 250,000 containers were collected.

In addition the few independent shops where collection points are currently operating (18 only on the Northern Beaches) have been inundated with locals wanting to take advantage of the scheme. Local shop owners operating the scheme say they are unable to cope with the quantities being returned which is why bulk drop-off points are needed.

Currently there are only two bulk collection points in operation in NSW, one in Broken Hill and the other in Western Sydney.

CEO REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Council's Waste Manager, Place Manager, Roads and Traffic Manager and Parks Manager have been liaising for some time with NSW EPA and partnering companies Tomra and Cleanaway to determine suitable locations for reverse vending machines within the Northern Beaches area.

Council is able within existing operational resources to investigate the feasibility of suitable locations for bulk collection points located in the Northern Beaches LGA.

Promoting local return locations and the benefits of this scheme could be incorporated in Council's waste education program.

12.0 QUESTIONS ON NOTICE

ITEM 12.1	QUESTION ON NOTICE NO 09/2017 - COUNCIL RANGERS UNIFORMS
TRIM FILE REF	2017/519125
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

In relation to the Council Ranger uniforms, can you please advise the following:

- A. What is the rational for changing Council's Ranger Uniforms?
- B. What consultation has taken place so place so far?
- C. Why weren't Councillors and the Community consulted like they were when a change to Life Guard Uniforms was previously proposed?

ITEM 12.2**QUESTION ON NOTICE NO 10/2017 - ALLEGED POLLUTION
FROM KIMBRIKI TIP IN THE CATCHMENT WATERS****TRIM FILE REF****2017/519130****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

In relation to the alleged pollution from Kimbriki tip into the catchment waters, can you please advise the following:

- A. On what date did the EPA notify Council about alleged pollution seeping from Kimbriki Tip into the Catchment waters?
- B. What action did Council take, if any, in relation to the alleged pollution?
- C. Could a chronology of all correspondence between Council (or its Lawyers), the EPA, Office of Local Government, Premier and Cabinet or any other Government Department or Minister please be outlined?

13.0 RESPONSES TO QUESTIONS ON NOTICE

ITEM 13.1 RESPONSE TO QUESTION ON NOTICE NO 05/2017 - COUNCIL EXPENDITURE ON CONFERENCES / RETREATS STAFF AND COUNCILLORS

TRIM FILE REF 2017/499566

ATTACHMENTS NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Since the Council went into administration to the present what is the total amount of funds expended by Council on staff/Councillor Conferences/Retreats?

RESPONSE

The total amount expended is \$19,396 (inc GST).

ITEM 13.2**RESPONSE TO QUESTION ON NOTICE NO 06/2017 -
EXPENDITURE ON STAFF REDUNDANCIES****TRIM FILE REF****2017/499576****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Since Council went into administration to the present, what is the total amount of expenditure on Staff redundancies?

RESPONSE

\$5,277,995.91

ITEM 13.3	RESPONSE TO QUESTION ON NOTICE NO 07/2017 - NORTHERN BEACHES PARKING STICKERS ON INTERNET SITES
TRIM FILE REF	2017/499605
ATTACHMENTS	NIL

Submitted by: Councillor Candy Bingham

QUESTION

Can something be done to stop the sale of Northern Beaches parking stickers on internet sites?

For example, there are currently 8 stickers for sale ranging from \$100 - \$180 on Gumtree.

<https://www.gumtree.com.au/s-northern+beaches+parking+sticker/k0>

RESPONSE

Yes. Council may wish to consider alternatives to the current approach for example digital parking solutions.



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