

# AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held at Manly Chambers on

**Tuesday 13 December 2016**

Beginning at 6:30pm for the purpose of considering and determining matters included in this agenda.



**Mark Ferguson**  
General Manager

**Issued: 09/12/2016**

# OUR VALUES

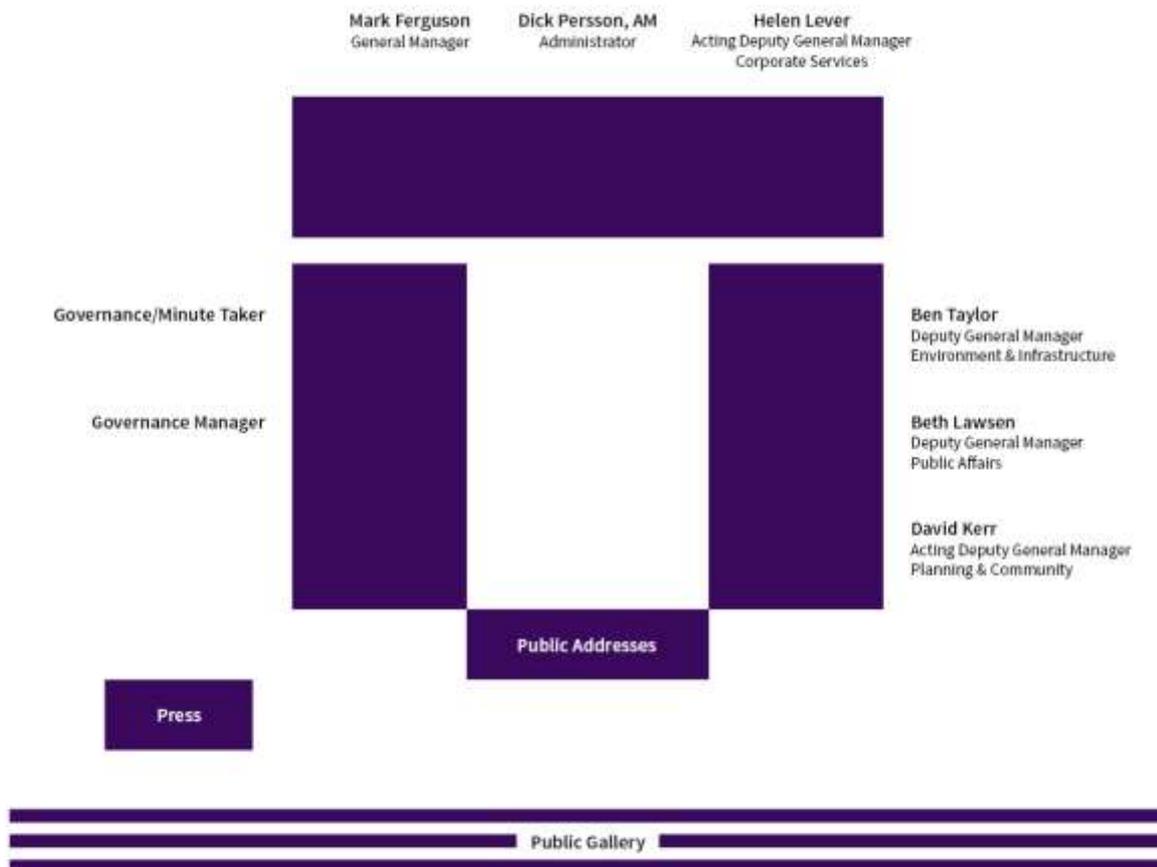
*Respect*

*Empowerment*

*Service*

*Wellbeing*

*Equity*



**Agenda for an Ordinary Meeting of Council  
to be held on Tuesday 13 December 2016  
at Manly Chambers  
Commencing at 6:30pm**

**ACKNOWLEDGEMENT OF COUNTRY**

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Resolution Modification  
*(Report not available at the time of publishing and will be circulated prior to the meeting)*
- 12.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION**

## **2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 22 NOVEMBER 2016**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 22 November 2016, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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### **2.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 30 NOVEMBER 2016**

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#### **RECOMMENDATION**

That the Minutes of the Extraordinary Council Meeting held 30 November 2016, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## 1.0 ADMINISTRATOR'S MINUTES

### ITEM 1.1 ADMINISTRATOR'S MINUTE NO 12/2016 - COLLAROY-NARRABEEN BEACH SAND NOURISHMENT OPTIONS

TRIM FILE REF 2016/310689

- ATTACHMENTS
- 1 [↓ Staff Report - Collaroy-Narrabeen Beach Sand Nourishment Options](#)
  - 2 [↓ Letter to Prime Minister Turnbull - Calling for a National and State Sand Nourishment Program](#)
  - 3 [↓ Letter to Premier Baird - Calling for a National and State Sand Nourishment Program](#)

### BACKGROUND

The major east coast low storm event in June 2016 caused significant coastal erosion of approximately 400,000m<sup>3</sup> of sand along Collaroy-Narrabeen Beach. This highlighted the need to adequately protect vulnerable beachfront properties and infrastructure as recognized in the draft *Northern Beaches Coastal Erosion Policy* however, utmost consideration must be given to maintaining ongoing public access, beach amenity and surf quality.

The weight of expert opinion is that once protective works such as seawalls are installed to defend coastal assets, beach nourishment will be needed to maintain beach width and amenity, particularly in the long term as sea level rises. As an example, with 40 years of sea-level rise we can expect the 10 properties between Stuart and Ramsey Street to experience an additional 15-20m of erosion in a similar event to that we experienced in June 2016. For these reasons, I have called for the feasibility of undertaking beach nourishment as a complementary strategy to any long term protective works proposed at Collaroy-Narrabeen Beach.

Historically, sand used for large scale beach nourishment in the metropolitan area has been acquired from terrestrial sources, including Kurnell Peninsula, Stockton Bight and Penrith Lakes, however extracting large quantities from these sites is not cost effective. Recent studies have recommended that offshore sand deposits, accessed by large dredging vessels, represent the most cost effective and environmentally sustainable source of sand for beach nourishment.

Based upon advice and information provided to me I have considered three beach nourishment options for Collaroy-Narrabeen Beach:

Option 1: Beach replenishment to address beach amenity and short term impacts of coastal erosion events, utilising sand from Narrabeen Lagoon Entrance (approximately 45,000m<sup>3</sup> every 5 years) and sand donated from local building sites (approximately 5,000m<sup>3</sup> each year), supplemented by beach scraping. This option represents Council's existing practices, however it does not address the long term effects of sea level rise.

Cost: \$100,000 per year on average (this assumes ongoing funding will be available for the Narrabeen Lagoon Entrance Clearance from the NSW Government)

Option 2: Beach nourishment to address the short term impacts of coastal erosion events (estimated 1 event each 10 years) by adding 400,000m<sup>3</sup> of offshore sand, which will require 6-12 months to be delivered. Without the additional nourishment, it is expected that the beach would naturally recover to pre-storm conditions over a period of 12-24 months. This option would not mitigate the effects of sea level rise in the longer term. To date, this action hasn't been required to address the impacts for sea level rise.

Cost: \$12,000,000 per event (average \$1,200,000 per year)

Option 3: Beach nourishment to address the long term impacts of sea level rise and maintain an acceptable beach width along the entire Collaroy-Narrabeen Beach embayment, by initially adding 1,300,000m<sup>3</sup> of offshore sand, followed by an addition 420,000m<sup>3</sup> every 10 years to address further sea level rise.

Cost: \$30,000,000 for the first event, and \$11,000,000 each following decade

I am advised that the figures calculated for the three options are indicative and may be subject to revision following more detailed investigations for a specific beach nourishment proposal.

Council will continue to deliver Option 1, as this maintains the current state of beach amenity under all but the most significant coastal erosion events. Collaroy-Narrabeen embayment is considered by coastal experts to be a closed embayment, meaning that the sand lost during erosion events does naturally return. This beach width has been studied since 1941, and while it can vary on any given day, it shows little if any long term change.

Option 2, is not supported as there will be significant cost for not a great deal of benefit in terms of time for beach recovery.

Most importantly, neither option 1 or 2 address the long term impacts of sea level rise, leaving a significant issue that I feel needs to be addressed.

Option 3, although requiring substantial investment, is the only solution that offers long term benefit to ratepayers and I intend to pursue its delivery.

However this issue is not faced by Northern Beaches Council alone. Shoreline erosion issues are not unique to Sydney or even NSW, and beach nourishment is identified as the best long-term management strategy in many situations world-wide.

The NSW government has identified 15 coastal erosion 'hot spots'. Three of these are within our Council area, but many more beaches across Sydney and NSW will benefit from sand nourishment programs. I am also aware that there are parts of the Australian coast that may need to address current impacts and future sea level rise impacts sooner than we do.

If we have to go it alone, Northern Beaches Council can seek to undertake this project and address the issues of sea level rise that face our three coastal erosion hotspots (Collaroy-Narrabeen, Bilgola and Mona Vale) as well as the rest of our beaches, through sand nourishment. However there are significant financial, logistical and approval barriers to be addressed before this can happen.

I believe this presents an opportunity for all three spheres of government to cooperate, and address the long term impacts of climate change on our shared coastline through accessing offshore sands. I recommend that existing offshore sand deposits suitable for beach nourishment are reserved for public authorities, and that a long-term fund be established for beach nourishment to mitigate the impacts of sea level rise. All spheres of government could contribute so that necessary beach nourishment activities can be delivered in a coordinated manner.

Significant benefit will be provided to the people of NSW and Australia by the Federal and State Government driving a program of sand nourishment to address sea level rise and coastal erosion issues, and I will write to the NSW Premier and Prime Minister to commence this process.

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## RECOMMENDATION

That Council:

- A. Write to the Prime Minister of Australia and Premier of New South Wales seeking their support for a national and state sand nourishment program to address the long term
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impacts of climate change on our shared coastline.

- B. Work with the Minister for Primary Industries to ensure that existing offshore sand deposits suitable for beach nourishment are reserved for public authorities, and that appropriate approvals are obtained.
  - C. Inform and work with other coastal councils, community groups and residents on the Northern Beaches who are advocates for beach nourishment to address the impacts of sea level rise.
- 



**Dick Persson AM**  
**ADMINISTRATOR**

2016/310701

## Issue

The major east coast low storm event in June caused significant coastal erosion of approximately 400,000m<sup>3</sup> of sand along Collaroy-Narrabeen Beach, and highlighted the need to adequately protect vulnerable beachfront properties and infrastructure, while retaining public access, beach amenity and surf quality as a priority.

It is widely agreed that once protective works such as seawalls are installed to defend coastal assets, beach nourishment will be needed to maintain beach width and amenity, particularly in the long term as sea level rises.

Historically, sand used for dune restoration and beach nourishment in the metropolitan area has been acquired from terrestrial sources, including Kurnell Peninsula, Stockton Bight and Penrith Lakes, however extracting large quantities from these sites is no longer cost effective. Recent studies have recommended that offshore sand deposits, accessed by large dredging vessels, represent the most cost effective and environmentally sustainable source of sand for future beach nourishment.

### **Option 1: Beach replenishment utilising sand from Narrabeen Lagoon Entrance and sand donated from local building sites, supplemented by beach scraping, to address beach amenity and short term impacts of coastal erosion events.**

This option reflects Council's existing practices, and is considered an appropriate strategy to manage public amenity, and enhance beach recovery following storm events. However it does not address the long term effects of sea level rise.

Narrabeen Lagoon entrance is cleared of sand every 4-5 years for flood mitigation purposes (co-funded by the NSW Government and Council), and 40,000 to 45,000m<sup>3</sup> of sand is returned to Collaroy-Narrabeen Beach at no direct cost to Council for sand replenishment. Around 5,000m<sup>3</sup> of clean excavated sand is donated each year from nearby building sites, with a cost to Council of approximately \$20,000 per year to spread the sand.

After significant erosion events Council undertakes beach scraping (using earth moving machinery to place sand from the shoreline further up the beach), accelerating the natural rate of accretion. Sand lost during erosion events does accrete naturally, and it is expected that the beach would naturally recover to pre-storm conditions over a period of 12-24 months. A major coastal erosion event such as the 4-6 June 2016 storm would likely benefit from beach scraping activities lasting 20 days or more, with an associated cost of around \$80,000 to \$100,000, reducing the beach recovery period to 6-12 months.

<b>Option 1</b>	<b>Cost to Council</b>
Entrance clearance works	\$330,000 (each 4-5 years)
Spreading donated sand	\$20,000 (per year)
Sand scraping	\$80,000 (as needed)
<b>Cost:</b>	<b>\$100,000 per year on average</b>

### **Option 2: Beach nourishment utilising offshore sand to address the short term impacts of coastal erosion events**

This option is proposed to mitigate the short term impacts of a significant coastal storm, by depositing about 400,000m<sup>3</sup> of offshore sand to repair erosion damage at the worst affected locations within the embayment. Although this volume of additional sand would not be sufficient to mitigate the effects of sea level rise in the longer term, it would theoretically increase the average beach width by up to 5 metres in the short term. Added benefits as a result would include some minor additional buffer for storm erosion demand, and would likely also cater for a 0.1m increase in sea level rise over a 10 year period. Cost estimates have been provided based on 1 significant coastal storm each 10 year period.

This activity would add sand to severely eroded sections of beach within the embayment and approximate the natural process of accretion that occurs following a storm. Additional dredging and earth moving equipment would be required to place and spread sand to reinstate the beach profile and would further increase handling costs for the volume of sand extracted.

Other coastal management issues, notably the probable increase in the movement of sand into Narrabeen Lagoon, potentially requiring more frequent entrance clearance works, may arise as a consequence of this option. The potential impact on surf quality would also require further investigation and consideration.

The time associated with the environmental assessment process and mobilisation activities of large dredging vessels is likely to be 6-9 months. Without this additional nourishment, it is expected that the beach would naturally recover to pre-storm conditions over a period of 12-24 months, and beach recovery can be accelerated to 6-12 months through additional beach scraping (Option 1).

<b>Option 2</b>	<b>Estimated 1 storm per 10 years</b>
Volume of sand required	400,000m <sup>3</sup>
Volume of sand per lineal metre of beach	363 m <sup>3</sup>
Dredging and nourishment costs	\$20 per m <sup>3</sup>
Mobilisation and assessment costs	\$6.40 per m <sup>3</sup>
Sand placement, spreading and regrading	\$3.50 per m <sup>3</sup>
Total Cost per m <sup>3</sup>	\$29.90
Cost per lineal metre of beach	\$10,900
<b>Total cost:</b>	<b>\$12 million per event</b> (\$1.2 million per annum)

Some minor savings on the unit cost of nourishment sand due to greater economies of scale might be achieved if other eroded beaches within the Northern Beaches LGA were also nourished at the same time.

### **Option 3: Beach Nourishment utilising offshore sand sources to address the impacts of sea level rise**

This option is proposed to mitigate the long term impacts of sea level rise, in order to maintain an acceptable beach width along the entire Collaroy-Narrabeen Beach embayment. The calculations are based on a scenario investigated by AECOM for the Sydney Coastal Councils Group entitled 'Beach Sand Nourishment Scoping Study – Maintaining Sydney's Beach Amenity Against Climate Change Sea Level Rise (2010)'.

The case study for Collaroy-Narrabeen Beach requires an initial nourishment campaign of 1,300,000m<sup>3</sup> of dredged sand from the Cape Banks offshore deposit, followed by an addition 420,000m<sup>3</sup> every 10 years to address further sea level rise.

The modelling suggests that adding these volumes of sand would enhance beach amenity by extending the average beach width from the current 50 metres to about 65 metres. Follow-up campaigns would help to maintain the amenity of an enhanced beach width.

	<b>Initial Campaign</b>	<b>Follow-up Campaigns undertaken every 10 years</b>
<b>Sea level rise</b>	Historical 0.2m to 2004, plus 0.1m for every additional 10 years.	0.1m per 10 years (0.01m per year)
<b>Volume of sand required</b>	1,300,000 m <sup>3</sup>	420,000 m <sup>3</sup>
<b>Volume of sand per lineal metre of beach</b>	361 m <sup>3</sup>	117 m <sup>3</sup>
<b>Dredging and nourishment costs</b>	\$19 per m <sup>3</sup>	\$20 per m <sup>3</sup>
<b>Mobilisation and assessment costs</b>	\$3.75 per m <sup>3</sup>	\$6.40 per m <sup>3</sup>
<b>Total Cost per m<sup>3</sup></b>	\$22.75	\$26.40
<b>Cost per lineal metre of beach</b>	\$8,333	\$3,055
<b>Total cost:</b>	<b>\$30 million</b> for the first event	<b>\$11 million per event</b> (\$1.1 million per annum)

Similar to Option 2, the potential impacts of nourishment sand on the Narrabeen Lagoon entrance and surfing breaks would need to be investigated and managed appropriately.

As per Option 2, cost savings could be achieved if economies of scale were to be realised. This could result from including other beaches in beach nourishment campaigns within the Northern Beaches LGA or partnering with other coastal councils and the state government to develop a much larger project and share costs.

An indication of likely volumes and cost estimates of sand required for possible nourishment sites:

<b>Beach Location</b>	<b>Initial Campaign</b>	<b>Cost for first event</b>	<b>Follow-up Campaigns undertaken every 10 years</b>	<b>Per annum cost</b>
<b>Collaroy-Narrabeen (as above)</b>	1,300,000m <sup>3</sup>	\$30 million	420,000 m <sup>3</sup>	\$1.1 million
<b>Manly/Queenscliff Beach</b>	700,000m <sup>3</sup>	\$16 million	230,000m <sup>3</sup>	\$600,000
<b>All Northern Beaches</b>	6,000,000m <sup>3</sup>	\$137 million	2,000,000m <sup>3</sup>	\$5.3 million
<b>Northern Beaches Hotspots only</b>	1,550,000m <sup>3</sup>	\$35 million	520,000m <sup>3</sup>	\$1.4 million
<b>Northern Beaches and Gosford Hotspots</b>	2,400,000m <sup>3</sup>	\$55 million	800,000m <sup>3</sup>	\$2.1 million

## DISCUSSION

Collaroy-Narrabeen embayment is considered to be a closed embayment, whereby the sand moved offshore during erosion events does accrete naturally and restore beach width. The average beach width of Collaroy-Narrabeen Beach measured seaward to the 0.0m AHD contour (which approximately equates to current mean sea level) is 50 metres. Analysis of historical information including photogrammetric data since 1941 indicate variability in beach width at any given time but little if any long term change in average beach width.

If there is a requirement for mitigating the impacts of constructed protective works, the expectation is that the impact will be relatively small compared to the current situation.

However any identified impacts of development on the beach and associated coastal processes will be dealt with on a case by case basis, in accordance with the draft Northern Beaches Coastal Erosion Policy and relevant NSW Government legislation.

Beach nourishment to address the impacts of constructed protective works combined with sea level rise may not be required for some time into the future, when average beach width is reduced due to long term coastal recession. Arranging finances for the significant costs involved in procuring the necessary equipment to undertake the dredging and placement of sand, organising the cooperation of all three spheres of government, and undertaking the required permit applications and environmental assessments is likely to result in a protracted lead time for any proposed beach nourishment project.

## **CONCLUSION**

Option 1 - provides an effective low cost strategy to replenish Collaroy-Narrabeen Beach so as to maintain current beach amenity, and to aid beach recovery following a major storm event irrespective of whether a more substantive beach nourishment project is approved and undertaken.

Option 2 – provides a strategy to address the short term impacts of coastal erosion events and minor sea level rise through beach nourishment utilising offshore sand sources. The lead time to plan, approve and fund such projects is problematic with the likely result that nourishment will not occur when it is most needed. Similar results at significantly less cost can be achieved through natural accretion combined with beach scraping to accelerate recovery (Option 1).

Option 3 - provides a strategy for dealing with the long term impacts of climate change and sea level rise while continuing to accelerate recovery of the beach following a coastal storm. Such a strategy will be critical as an adaptive option to offset the adverse impacts of sea level rise and increased storms, and maintain beach width and recreational amenity at Collaroy-Narrabeen Beach.

14 December 2016

The Hon Malcolm Turnbull MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

Our Ref: 2016/385670

Dear Prime Minister

**RE: Calling for a National and State sand nourishment program**

As you are aware, the major east coast low storm event in June caused significant coastal erosion along New South Wales, including major impacts to Collaroy-Narrabeen Beach.

I am informed that once protective works are installed to adequately protect vulnerable beachfront properties and infrastructure, beach nourishment will be needed to maintain beach width and amenity, particularly in the long term as sea level rises. I have called for the feasibility of undertaking beach nourishment as a complementary strategy to any long term protective works proposed at Collaroy-Narrabeen Beach.

I understand that terrestrial sources of sand are no longer cost effective, offshore sand deposits represent the most cost effective and environmentally sustainable source of sand for beach nourishment.

However this issue is not faced by Northern Beaches Council alone. Shoreline erosion issues are not unique to Sydney or even NSW, and beach nourishment is identified as the best long-term management strategy in many situations world-wide.

I believe this presents an opportunity for all three spheres of government to cooperate, and address the long term impacts of climate change on our shared coastline through accessing offshore sands. Significant benefit will be provided to the people of NSW and Australia by the Federal and State Government driving a program of sand nourishment to address sea level rise and coastal erosion issues.

I recommend that existing offshore sand deposits suitable for beach nourishment are reserved for public authorities, and that a long-term fund be established for beach nourishment to mitigate the impacts of sea level rise. All spheres of government could contribute so that necessary beach nourishment activities can be delivered in a coordinated manner.

I write to you seeking your support for a national and state sand nourishment program to address the long term impacts of climate change on our shared coastline. I look forward to hearing from you. In the meantime, if you or your Department wish to contact me to discuss the matter further, I can be contacted on 02 9942 2422.

Yours faithfully

Dick Persson AM  
**Administrator**

Cc The Hon Mike Baird MP

14 December 2016

The Hon Mike Baird MP  
Premier  
Minister for Western Sydney  
Member for Manly  
Shop 2 / 2 Wentworth Street  
MANLY NSW 2095

Our Ref: 2016/385635

Dear Premier

**RE: Calling for a National and State sand nourishment program**

As you are aware, the major east coast low storm event in June caused significant coastal erosion along New South Wales, including major impacts to Collaroy-Narrabeen Beach.

I am informed that once coastal protective works are installed to protect vulnerable beachfront properties and infrastructure, beach nourishment will be needed to maintain beach width and amenity, particularly in the long term as sea level rises. I have called for the feasibility of undertaking beach nourishment as a complementary strategy to any long term protective works proposed at Collaroy-Narrabeen Beach.

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However this issue is not faced by Northern Beaches Council alone. Shoreline erosion issues are not unique to Sydney or even NSW, and beach nourishment is identified as the best long-term management strategy in many situations world-wide.

I believe this presents an opportunity for all three spheres of government to cooperate, and address the long term impacts of climate change on our shared coastline through accessing offshore sands. Significant benefit will be provided to the people of NSW and Australia by the Federal and State Government driving a program of sand nourishment to address sea level rise and coastal erosion issues.

I recommend that existing offshore sand deposits suitable for beach nourishment are reserved for public authorities, and that a long-term fund be established for beach nourishment to mitigate the impacts of sea level rise. All spheres of government could contribute so that necessary beach nourishment activities to mitigate the impacts of sea level rise can be appropriately funded and implemented.

I write to you seeking your support for a national and state sand nourishment program to address the long term impacts of climate change on our shared coastline. I look forward to hearing from you. In the meantime, if you or your Department wish to contact me to discuss the matter further, I can be contacted on 02 9942 2422.

Yours faithfully

Dick Persson AM  
**Administrator**

Cc The Hon Malcolm Turnbull MP

<b>ITEM 5.2</b>	<b>ADMINISTRATOR'S MINUTE NO 13/2016 - AFFORDABLE HOUSING POLICY</b>
<b>TRIM FILE REF</b>	<b>2016/384894</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

## **BACKGROUND**

There has been growing media coverage about the importance of affordable housing in Sydney. For many residents in our community home ownership is currently out of reach. In addition, an increasing proportion of households who are purchasing or renting in the Council area are suffering housing stress (i.e. spending more than 30% of their weekly income on housing costs).

In speaking with residents and business owners, the financial challenges faced by many people who wish to live and work on the Northern Beaches are clear. In particular the challenges facing young people, and key workers such as nurses and carers, police officers, teachers and emergency workers, who provide some of the most important services to our community, but are often the lowest paid. Local employers have also told me about the difficulty in attracting and retaining employees due to the cost of housing in the area and the difficulties faced by workers commuting long distances from outside the Council area.

I acknowledge the work undertaken by the former Manly, Pittwater and Warringah Council's in the development of approaches to address the housing affordability issue. Northern Beaches Council is determined to include affordable housing in the development of the Ingleside release area and the Northern Beaches Hospital precinct. These projects have been, and remain, the focus of negotiations with the Department of Planning and Environment as they provide the best opportunity for a quantum increase in the provision of affordable housing on the Northern Beaches in the short term.

On a broader scale, the reluctance of the Department of Planning and Environment to consider the inclusion of the Northern Beaches Council in State Environmental Planning Policy 70 - Affordable Housing, thereby enabling the mandating of requirements for affordable housing within a Local Environmental Plan, has been a disappointment and a significant barrier to the creation of additional affordable housing in the area.

However, the recent release of draft District Plans by the Greater Sydney Commission (GSC), and public statements by Minister Stokes on affordable housing, are encouraging signs that a whole-of-government approach to affordable housing is now being considered. The draft District Plans specify an affordable housing target of up to 10% in land release and urban renewal areas, and there is a clear indication that the GSC intends to play a greater role in developing more detailed targets for individual councils.

This is a welcome development. More work must be done to test the feasibility of even higher affordable housing targets given the scale of the issue and the growing needs of our community.

## **PROPOSAL**

An affordable housing policy for the Northern Beaches is a high priority for this Council. I propose that Council staff work with the Affordable Housing Strategic Reference Group, to develop a new policy for the Northern Beaches.

The policy should, amongst other things, address the following matters:

- Targets for the provision of affordable housing in the Northern Beaches.
- Possible amendments to Council's land use planning strategies, plans and policies to promote affordable housing and a mix of dwelling types, including bonus provisions, car parking requirements, and fees and charges.

- The role of Council as an exemplar for affordable housing.
- Partnership opportunities with State Government and Community Housing Providers to deliver and manage affordable rental housing on Council's behalf.
- The delivery of affordable housing through Voluntary Planning Agreements.
- Council's advocacy role.
- Organisational and financial systems required to manage affordable housing delivered to Council through new planning requirements.

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**RECOMMENDATION**

That Council:

- A. Work with the Affordable Housing Strategic Reference Group to develop an Affordable Housing policy for endorsement by Council.
- B. Consult with relevant State Government departments and other stakeholders regarding the development of an Affordable Housing policy.
- C. Prepare a report within three (3) months outlining the progress of this matter.

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**Dick Persson**  
**ADMINISTRATOR**

## 7.0 CORPORATE SERVICES DIVISION REPORTS

ITEM 7.1	DRAFT PRICING POLICY: PRINCIPLES AND BASIS
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2016/386030
ATTACHMENTS	1 <a href="#">↓</a> Draft Pricing Policy: Principles and Basis

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### EXECUTIVE SUMMARY

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#### PURPOSE

To approve for exhibition a draft *Pricing Policy: Principles and Basis*, to guide the setting of Council fees and charges for 2017/18.

#### SUMMARY

The amalgamation to form the Northern Beaches Council has created a need to have a consistent pricing policy for the many services that Council provides. *The Local Government Act 1993* regulates the principles that must be applied when determining fees and charges.

Further guidance is provided by the *Pricing and Costing for Council Business, A Guide to Competitive Neutrality, Department of Local Government, 1997*. Adoption of a pricing policy is critical to integrating the services of the previous three Council's and is the first step in harmonising Council's fees and charges.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That:

1. The draft *Pricing Policy: Principles and Basis* be placed on public exhibition for a period of 42 days
  2. The draft *Pricing Policy: Principles and Basis* and submissions received be brought back to Council for consideration and adoption.
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**REPORT**

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**BACKGROUND**

This report addresses fees and charges, which fall under Section 608 of the Local Government Act 1993 (the Act). Under s608 of the Act, the services for which an approved fee may be charged include the following:

- Supplying a service, product or commodity
- Giving information
- Providing a service in connection with the exercise of the council's regulatory functions including receiving an application for approval, granting an approval, making an inspection and issuing a certificate
- Allowing admission to any building or enclosure

It is important to have guiding principles to determine a pricing basis, allowing attainment of a consistent pricing application across all Council services. The former Councils each had policies or methodologies for pricing and a single approach is now required.

**DISCUSSION**

The purpose of a pricing policy is to explain the rationale behind each fee and charge set out in a councils Schedule of Fees and Charges and to show the basis by which each fee or charge is determined and the level of cost recovery applied.

A draft *Pricing Policy : Principles and Basis* (the Policy) has been prepared as attached.

It is largely based on the pricing basis given in the *Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality (NSW Government 1997)*. The pricing basis used in the draft Policy are:

- **Full Cost Recovery:** Council recovers all direct and indirect cost of the service (including depreciation of assets employed).
- **Partial Cost Recovery:** Council recovers less than the Full Cost (as defined above) (the reasons for this may include community service obligation or prioritises or legislative limits on charging).
- **Legislative Requirements:** Price of the service is determined by Legislation and dependent on price may or may not recover Full Cost.
- **Market Based Pricing:** The price of the service is determined by examining alternative prices of surrounding service providers (this also may or may not recover the full cost of the service) eg. Children's Services, Fitness Centre and Pittwater Golf Centre.
- **Zero Cost Recovery:** Some services may be provided free of charge and the whole cost determined as a community service obligation and/or may fall within class of a public good.
- **Rate of Return:** This would include **Full Cost** Pricing as defined above in addition to a profit margin to factor in a return to Council for assets employed.

Once adopted the Policy will guide the development of fees and charges for 2017/18.

**CONSULTATION**

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

- Information on the 'Your Say' project web page including online submission form.

- Advertisements in the Manly Daily.
- Bulk emails to our community engagement database, registered community groups and other key stakeholders.

**TIMING**

At the conclusion of the public exhibition period, the submissions will be considered and it is anticipated that the final documents will be adopted by Council in February 2017. The Policy will be used to set the 2017/18 fees and charges.

**FINANCIAL IMPACT**

Any financial impact of implementing the draft policy will be factored into the development of the 2017/18 Fees and Charges.

**SOCIAL IMPACT**

The draft policy involves considering the principles of community service, capacity to pay and equity in setting fees.

**ENVIRONMENTAL IMPACT**

The draft policy is unlikely to have significant environmental impacts.

NORTHERN BEACHES  
COUNCIL

**Draft Pricing Policy: Principles and Basis**

**1 Purpose of Policy**

To enable a pricing basis determination based on guiding principles, with respect to fees and charges made by Council under s608 of the *Local Government Act 1993* (the Act) and required to be shown in Council's *Community Strategic Plan* under s404(1) of the Act, in order to attain consistent application across all Council services.

**2 Principles**

That fees and charges made under s608 of the Act be classified according to the following pricing basis (*Department of Local Government Competitive Neutrality Guidelines, 1997*) as outlined below:

<b>Pricing Basis</b>	<b>Description</b>
Full Cost Recovery	Council recovers all direct and indirect cost of the service (including depreciation of assets employed).
Partial Cost Recovery	Council recovers less than the Full Cost (as defined above) (the reasons for this may include community service obligation or prioritises or legislative limits on charging).
Legislative Requirements	Price of the service is determined by Legislation and dependent on price may or may not recover Full Cost.
Market Based Pricing	The price of the service is determined by examining alternative prices of surrounding service providers (this also may or may not recover the full cost of the service). eg. Children's Services, Certification Services and Glen Street Theatre.
Zero Cost Recovery	Some services may be provided Free of charge and the whole cost determined as a community service obligation and or may fall within class of a public good.
Rate of Return	This would include Full Cost Pricing as defined above in addition to a profit margin to factor in a return to Council for assets employed.

**3 Factors considered when determining the amount of the fee for service.**

In applying the above pricing basis to fees and charges made under s608 of the Act, Council should take into consideration the following factors as outlined in s610D of the Act:

- a) The cost to the council of providing the service – The full cost method being used as a benchmark in this instance.
- b) The price suggested for that service by any relevant industry body or in a schedule of charges published, from time to time by the Office of Local Government.
- c) The importance of the service to the community – This would need to be considered in determining any potential community service obligation under a Partial Cost or Zero Cost Recovery method but could also apply to services where other pricing methods were used.
- d) Any factors specified in the regulations – This would be applicable to the Legislative and Regulatory methods but may also effect other pricing arrangements.

Other factors not specifically mentioned under s610D but also to be considered are detailed below:

- Whether services supplied on a commercial basis as part of a defined Council business – In such a case would likely to apply a Rate of Return method subject to market constraints.
- The capacity of the user to pay – In this regard services identified where by their commercial nature it is possible to build into pricing a rate of return for Council assets employed (Rate of Return).
- Market prices (Market Based Pricing method).

**4 Principles**

Guiding principles have been developed and are attached to this policy.

**5 Authorisation**

This Policy was adopted by Council and is effective from

It is due for review on [insert date].

**6 Who is responsible for implementing this Policy?**

Chief Financial Officer.

**7 Document owner**

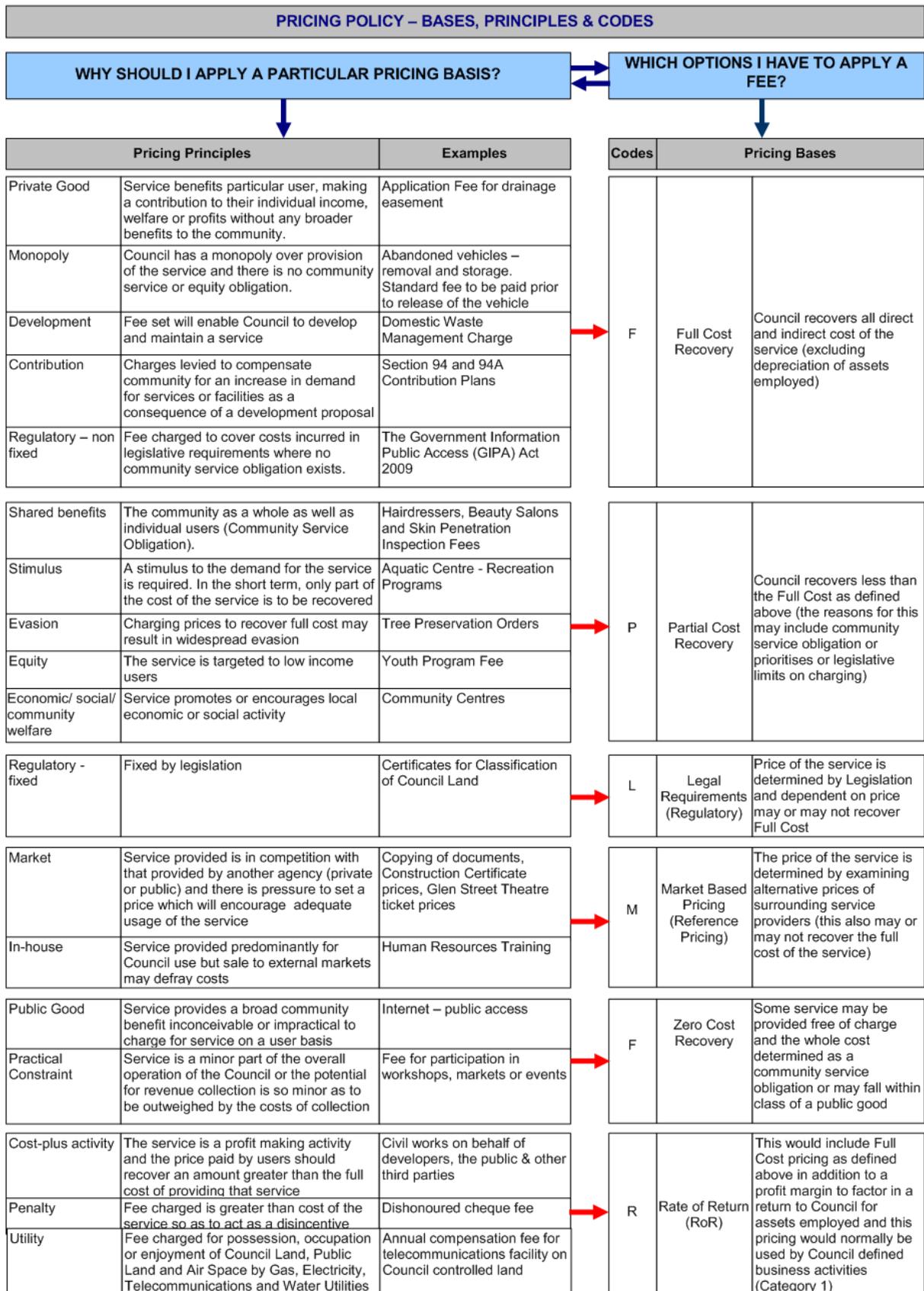
General Manager.

**8 Legislation and references**

- s404 and ss608 – 610 (inclusive) of the *Local Government Act 1993*.
- Pricing and Costing for Council Businesses, A Guide to Competitive Neutrality, Department of Local Government, 1997.*

**10. Document History**

Revision	Date	Change	TRIM Ref
1	13/12/2016	Draft Pricing Policy: Principles and Basis	2016/386055
2			



### Competitive Neutrality Principles

In 1995 the NSW Government agreed, along with the Commonwealth and other State and Territory Governments, to implement competitive neutrality principles as part of its commitment to National Competition Policy (NCP).

The purpose of competitive neutrality policy is the elimination of resource allocation distortions arising from public sector ownership, where publicly owned business activities compete with the private sector. The intention is that publicly owned businesses should not enjoy any net competitive advantage as a result of public sector ownership. Such action removes potential market distortions and promotes an efficient allocation of resources between public and private businesses.

Typically, the application of competitive neutrality principles may require adjustments to the price of a good or service that make allowance for the following:

- taxes that may not be paid by a government business but would be paid by a private sector competitor;
- the cost of capital;
- any other material costs not borne by a government business purely as a result of its public ownership status.

Accordingly, when Council competes in the market place it should do so on a basis that does not utilise its public sector position to gain an unfair advantage over a private sector competitor. The principle of competitive neutrality applies to council business activities only. It does not apply to non-business, non-profit activities.

Council needs to look at the wide range of functions it performs to determine what its business activities are. One of the first matters for consideration will be the objectives that council has for the activity. Other factors are listed below. They are not exhaustive. Nor is a council obliged to consider an activity as a business because it satisfies one or more of the criteria. Council has a discretion as to whether it will treat an activity as a business. However, council must be able to justify any decision if requested by the community (or if a complaint is made in relation to unfair competition). The issues include:

- **Is the activity intended to make a profit?** An activity which is intended by council to make a profit clearly has a strong business element to it.
- **Does council bid for external contracts?** Any activity in which council bids for external contracts should be regarded as a business activity. For example, council's staff may tender for external contracts as well as providing internal services. Despite the in-house element of the activity, the decision to tender externally means that the council should regard the whole of the activity as a business, unless the internal unit and external bidders are completely separate.

Similarly, if a council unit intends to or has participated in a competitive tendering process called by council, the activity of the unit should be regarded as a business activity.

- **Is the activity provided on a fee for service basis?** A wide range of activities could be included in this. Once again, council will need to balance this element with others in any decision.
- **What economic impact does the activity have?** For example, a small scale activity, possibly included within a larger function, may not have a significant effect on the local or regional economy. It may also be inefficient to separate it from the larger function.
- **What is the nature of the activity and how important is it to customers?** A particular type of activity may be difficult to treat as a business, for example some community service functions. The reverse may also be true in relation to some activities.

<b>ITEM 7.2</b>	<b>FINANCIAL STATEMENTS AND AUDIT REPORTS FOR THE PERIOD ENDED 12 MAY 2016 FOR THE FORMER MANLY, PITTWATER AND WARRINGAH COUNCIL'S</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE &amp; ENTERPRISE RISK</b>
<b>TRIM FILE REF</b>	<b>2016/386044</b>
<b>ATTACHMENTS</b>	<p>1 <a href="#">⇒</a> Former Manly Council Financial Statements 2016 (Included In Attachments Booklet)</p> <p>2 <a href="#">⇒</a> Former Pittwater Council Financial Statements 2016 (Included In Attachments Booklet)</p> <p>3 <a href="#">⇒</a> Former Warringah Council Financial Statements 2016 (Included In Attachments Booklet)</p>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To present the audited financial reports, together with the auditor's reports for the former Manly, Pittwater and Warringah Councils in accordance with Section 419 (1) of the *Local Government Act 1993* (the Act).

#### SUMMARY

At Council's meeting on 22 November 2016, Council referred the 2015/16 General and Special Purpose Financial Statements for the period ended 12 May 2016 for the former Manly, Pittwater and Warringah Council's to the former Councils' Auditors for audit. The auditors' reports were subsequently received by Council and have been attached to the General Purpose and Special Purpose Financial Statements in accordance with Section 417(1) of the Act.

The audited Financial Statements and a copy of the Auditor's Reports have been available for public inspection at Council's Avalon Customer Service Centre, Dee Why Civic Centre, Manly Town Hall and Mona Vale Customer Service Centre and Libraries at Avalon, Belrose, Dee Why, Forestville, Manly, Mona Vale and Warringah Mall and by viewing on Council's website since 30 November 2016 and are now presented to Council for adoption in accordance with Section 419(1) of the Act.

The Council is required to submit the auditor's report to a public meeting during the public exhibition period. Submissions on the auditor's report or the audited Financial Statements close on 21 December 2016. The audited Financial Statements are included in the separate attachments booklets.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That:

- A. In accordance with Section 419 (1) if the *Local Government Act 1993*, the audited Financial Statements and the Auditor's Reports for 2015/2016 of the former Manly, Pittwater and Warringah Council's are hereby received and noted.
  - B. A further report be presented to Council on 31 January 2017 detailing any submissions received in respect of the former Councils' audited Financial Statements if applicable.
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**REPORT**

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**BACKGROUND**

At Council's meeting on 22 November 2016, Council resolved:

*'That the recommendations listed below and contained in the Minutes, be adopted:*

- A. *The Annual Financial Statements for the former Manly, Pittwater and Warringah Councils for the financial period ended 12 May 2016 be adopted by the Council.*
- B. *The Administrator, General Manager and Chief Financial Officer be authorised to sign the necessary Financial Statements.*
- C. *The Annual Financial Statements for the financial period ended 12 May 2016 be referred to the former Councils' Auditors for audit.*
- D. *Council hereby delegate to the General Manager authority, upon receipt of the Auditor's reports of the former Councils, to:*
  - a) *Forward a copy to the Office of Local Government and Australian Bureau of Statistics.*
  - 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.*
- E. *Arrange for the former 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 the Council's Avalon Customer Service Centre, Dee Why Civic Centre, Manly Town Hall and Mona Vale Customer Service Centre and Libraries at Avalon, Belrose, Dee Why, Forestville, Manly, Mona Vale and Warringah Mall.*
- F. *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.'*

The Auditors' reports were subsequently received by Council and have been attached to the former Manly, Pittwater and Warringah Council's General Purpose and Special Purpose Financial Statements in accordance with Section 417 (1) of the Act.

**Financial Results**

The draft operating results for the period ended 12 May 2016 of:

Former Manly Council	\$10.981 million
Former Pittwater Council	\$18.817 million
Former Warringah Council	\$40.314 million

were reported to the Council on 22 November 2016. This result has since been confirmed following the completion of the audit.

The principal features of the Financial Statements for the period 1 July 2015 to 12 May 2016 are as follows:

Former Manly Council

	1 July 2015 - 12 May 2016 \$'000	1 July 2014 - 30 June 2015 \$'000
<b>Income Statement</b>		
Total Income from Continuing Operations	66,642	67,863
Total Expenses from Continuing Operations	55,661	61,652
Operating Result from Continuing Operations	<u>10,981</u>	<u>6,211</u>
Net Operating Result for the period	10,981	6,211
Net Operating Result before Grants and Contributions provided for capital purposes	9,515	4,675
<b>Balance Sheet</b>		
Total Current Assets	68,148	50,428
Total Current Liabilities	57,894	27,502
Total Non Current Assets	677,492	657,711
Total Non Current Liabilities	<u>32,072</u>	<u>35,773</u>
<b>Total Equity</b>	<u>655,674</u>	<u>644,864</u>
<b>Other Financial Information</b>		
Unrestricted Current Ratio	1.39x	2.44x
Operating Performance Ratio	14.59%	5.29%
Buildings and Infrastructure Renewals Ratio	163.99%	94.13%
Debt Service Cover Ratio	4.29x	3.04x
Rates and Annual Charges Outstanding Percentage	18.87%	2.04%

Former Pittwater Council

<b>Income Statement</b>		
Total Income from Continuing Operations	93,998	92,340
Total Expenses from Continuing Operations	75,181	77,799
Operating Result from Continuing Operations	<u>18,817</u>	<u>14,541</u>
Net Operating Result for the period	18,817	14,541
Net Operating Result before Grants and Contributions provided for capital purposes	7,398	1,711
<b>Balance Sheet</b>		
Total Current Assets	60,765	41,904
Total Current Liabilities	18,691	18,402
Total Non Current Assets	988,524	888,941
Total Non Current Liabilities	<u>21,287</u>	<u>14,369</u>
<b>Total Equity</b>	<u>1,009,311</u>	<u>898,074</u>
<b>Other Financial Information</b>		
Unrestricted Current Ratio	3.46x	2.12x
Operating Performance Ratio	6.41%	0.12%
Buildings and Infrastructure Renewals Ratio	68.81%	113.90%
Debt Service Cover Ratio	9.49x	4.51x
Rates and Annual Charges Outstanding Percentage	20.17%	4.45%

Former Warringah Council

<b>Income Statement</b>		
Total Income from Continuing Operations	179,009	178,135
Total Expenses from Continuing Operations	138,695	155,986
Operating Result from Continuing Operations	<u>40,314</u>	<u>22,149</u>
Net Operating Result for the period	40,314	22,149
Net Operating Result before Grants and Contributions provided for capital purposes	29,681	7,788
<b>Balance Sheet</b>		
Total Current Assets	132,188	102,738
Total Current Liabilities	39,890	33,188
Total Non Current Assets	2,853,604	2,821,439
Total Non Current Liabilities	<u>19,494</u>	<u>20,042</u>
<b>Total Equity</b>	<u>2,926,408</u>	<u>2,870,947</u>
<b>Other Financial Information</b>		
Unrestricted Current Ratio	3.77x	3.43x
Operating Performance Ratio	13.89%	3.68%
Buildings and Infrastructure Renewals Ratio	105.55%	150.12%
Debt Service Cover Ratio	43.54x	23.53x
Rates and Annual Charges Outstanding Percentage	18.38%	3.04%

To assess the appropriateness or otherwise of Council's available working capital, it is necessary to review the level of restrictions placed against the use of Council's current assets. The notes to the financial statements indicate clearly where restrictions exist, and the effect of the restrictions is summarised as follows:

<u>Former Manly Council</u>	<b>\$'000</b>
<b>Working Capital as per Accounts</b>	<b>10,254</b>
<b>Add: Payables &amp; Provision not expected to be realised in the next 12 months included above</b>	12,008
	<b>22,262</b>
<b>Add: Budget expected to be realised in the next 12 months</b>	
- Borrowings	34,093
- Employees Leave Entitlements	2,646
- Deposits Retentions and Bonds	735
<b>Adjusted Working Capital</b>	<b>59,736</b>
Less: Externally Restricted Assets	(5,063)
Less: Internally Restricted Assets	(44,324)
<b>Available Working Capital</b>	<b>10,349</b>
<u>Former Pittwater Council</u>	<b>\$'000</b>
<b>Working Capital as per Accounts</b>	<b>42,074</b>
<b>Add: Payables &amp; Provision not expected to be realised in the next 12 months included above</b>	6,365
	<b>48,439</b>
<b>Add: Budget expected to be realised in the next 12 months</b>	
- Borrowings	2,820
- Employees Leave Entitlements	1,859
<b>Adjusted Working Capital</b>	<b>53,118</b>
Less: Externally Restricted Assets	(18,128)
Less: Internally Restricted Assets	(25,092)
<b>Available Working Capital</b>	<b>9,898</b>
<u>Former Warringah Council</u>	<b>\$'000</b>
<b>Working Capital as per Accounts</b>	<b>92,298</b>
<b>Add: Payables &amp; Provision not expected to be realised in the next 12 months included above</b>	10,745
	<b>103,043</b>
<b>Add: Budget expected to be realised in the next 12 months</b>	
- Borrowings	2
- Employees Leave Entitlements	5,640
- Self Insurance Claims	346
- Deposits Retentions and Bonds	1,680
<b>Adjusted Working Capital</b>	<b>110,711</b>
Less: Externally Restricted Assets	(28,787)
Less: Internally Restricted Assets	(10,636)
<b>Available Working Capital</b>	<b>71,288</b>

From this analysis it can be seen that at 12 May 2016 the former Councils had sufficient working capital after the restrictions placed on those assets. This level of liquidity is adequate to fund day to day operations and, after considering the application of funds to the 2015/16 year and the need to maintain a minimum level of liquidity, provide a buffer against unforeseen costs, such as unexpected retirements of long serving staff, urgent restoration works for flood damage or bushfires.

Attached, in the separate attachment booklet, are the audited financial statements of each of the former Council's and includes:

- Auditor's reports dated 23 November 2016 on the form and content of the General Purpose Financial Statements
- Auditor's reports dated 23 November 2016 on the conduct of the audit
- Auditor's reports dated 23 November 2016 on the Council's declared business activities in terms of reporting required by National Competition Policy

### **CONSULTATION**

As required by Section 418 of the Act, Council must give seven (7) days public notice for the meeting at which it presents the former Councils' Audited Financial Statements and Auditors' Reports. The public notice appeared in the Manly Daily on Saturday, 3 December 2016. Section 420 of the Act requires that all submissions in respect of the Audited Financial Statements must be in writing and must be lodged with the Council within seven (7) days after this meeting. Copies of all submissions received must be referred to the former Councils' Auditors.

### **TIMING**

In accordance with Clause 27 of the *Local Government (Council Amalgamations) Proclamation 2016 – Reports and reviews*, a new council is to prepare audited financial reports for the former councils, in respect of the period from 1 July 2015 to the amalgamation day, on or before 31 December 2016. The timing of the public presentation is determined by the Act.

### **FINANCIAL IMPACT**

The cost of the audit of each of the former Councils' Financial Statements and the public advertising has been allocated in the current budget.

### **SOCIAL IMPACT**

Nil

### **ENVIRONMENTAL IMPACT**

Nil

<b>ITEM 7.3</b>	<b>RFT 2016/079 – COMMUNITY ENGAGEMENT, IDENTITY AND DIGITAL INFORMATION ARCHITECTURE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE &amp; ENTERPRISE RISK</b>
<b>TRIM FILE REF</b>	<b>2016/396261</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To secure the consulting services of the recommended agency for community engagement, the evolution of the new Northern Beaches Identity and the creation of the digital and information architecture for the Council's website.

#### SUMMARY

Northern Beaches Council was proclaimed on 12 May 2016 by merging the former Manly, Warringah and Pittwater local government areas.

As a new local government area, the NSW Government requires Council to develop a new Identity and website to be implemented by June 2017.

To this end, Council needs to engage professional services to evolve the current Identity to present a unifying vision and presentation of the former Council's services into one new organisation online. This 'architectural work' is an essential input into the website development project and establishing a protocol for corporate, tourism, employment and place communications.

The engagement has been designed to support the development of the community vision for the Community Strategic Plan (CSP) and the organisation's operational services, legacy programs and to define the next phase of Council's communication strategy. This community input will be fed directly into projects such as signage, uniforms, fleet and digital communication.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That Council adopt the recommendation contained in the Confidential Agenda Item 11.1 RFT 2016/079 – Community Engagement, Identity and Digital Information Architecture.

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**REPORT**

**BACKGROUND**

The Request for Tender (RFT) document was prepared by Communications and Engagement with the assistance of Procurement, to reflect the requirements for RFT 2016/079 – Community Engagement, Identity and Digital and Information Architecture.

On advice from Procurement, the RFT was constructed to allow for an optioned two phase engagement if required to provide maximum flexibility to Council.

- Stage 1 (up to 30 June 2017)
- Stage 2 (1 July 2017 – 30 June 2018)

**Tender Responses**

- 403 online views of the Tender Documents
- 30 downloads of the tender documents from Tenderlink
- 13 Tender Submissions were received

**Key Elements of the Requirement**

- 1 Methodology
- 2 Community Engagement
- 3 Information Architecture
- 4 Digital Capability
- 5 Identity Development
- 6 Understanding issues facing Northern Beaches Council and the tools to address these.

Over five days, the Evaluation Committee comprising of subject matter experts reviewed and scored the 13 submissions received by Council against the following criteria:

<b>Criteria</b>	<b>Weighting</b>
Demonstrated past experience of the Tenderer	15%
Demonstrated past experience of Personnel and Sub consultants	40%
Proposed Methodology and QA	15%
The Fee for Stage One Schedule of Rates and Materials, Fee for Stage Two	30%

- 4 companies were shortlisted as being fully compliant to the requirements of Council
- The top 3 shortlisted Tenderers were invited to deliver presentations to the Evaluation Committee on 24 & 25 November 2016.
- The top 2 were invited to give presentations to the Executive Management Team on 30 November 2016.

**CONSULTATION**

The RFT was developed with input from members of the three former Councils. The Evaluation Committee was created with experienced members from the three former Councils including supplier and client representation. An internal Reference Group will be established to assist with the engagement throughout the process that follows.

Extensive engagement with the community and staff is designed to assist in determining and supporting the community vision and the evolution of the identity from the perspectives of place, tourism, corporate and employment and the further development of Council’s website.

**TIMING**

<b>Key Dates</b>	<b>Date</b>
RFT advertised	Thursday 13 October 2016
Council Meeting	Tuesday 13 December 2016
Phase 1: Appointment of consultant	Commencement by end of December 2016
Community Engagement & CSP Session	March/April 2017
Strategy & Creative Development	March/April 2017
Updated Identity Style Guide delivered	March/April 2017
Digital & Information Architecture Input	March/April 2017
Draft CSP & Identity	June 2017
Phase 1: completion of phase 1	30 June 2017
Phase 2: Option for further consultation if required	July 2017 – June 2018

**FINANCIAL IMPACT**

Council has budgeted for this project through RFT 2016/079 – Consultancy for Community Engagement, Identity and Digital Information Architecture within operational budgets and New Council Implementation Fund (NCIF) allocation from NSW State Government.

**SOCIAL IMPACT**

Greater community acceptance and usability of Council’s aggregated services online.

**ENVIRONMENTAL IMPACT**

Nil

## 8.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

<b>ITEM 8.1</b>	<b>NORTHERN BEACHES COASTAL EROSION POLICY AND AMENDED COASTAL ZONE MANAGEMENT PLAN</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT &amp; INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2016/393626</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">☞ Northern Beaches Coastal Erosion Policy (Included In Attachments Booklet)</a></li> <li>2 <a href="#">☞ CZMP for Collaroy-Narrabeen Beach and Fishermans Beach 2016 (Included In Attachments Booklet)</a></li> <li>3 <a href="#">☞ Northern Beaches Coastal Erosion Policy and CZMP Amendments Consultation Summary (Included In Attachments Booklet)</a></li> <li>4 <a href="#">☞ Collaroy-Narrabeen Beach Coastal Protection Works Design Specifications (Included In Attachments Booklet)</a></li> <li>5 <a href="#">☞ Collaroy-Narrabeen Beach Coastal Protection Assessment (Included In Attachments Booklet)</a></li> <li>6 <a href="#">☞ Collaroy-Narrabeen Beach Coastal Protection Works - Benefit Distribution Analysis (Included In Attachments Booklet)</a></li> </ol>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To recommend adoption of the Northern Beaches Coastal Erosion Policy and amendments to the certified *Coastal Zone Management Plan for Collaroy-Narrabeen and Fishermans Beach*.

#### SUMMARY

Following the June 2016 storm and in order to provide additional detail to the certified *Coastal Zone Management Plan (CZMP) for Collaroy-Narrabeen and Fishermans Beach* staff prepared the draft Northern Beaches Coastal Erosion Policy (the Policy). The Policy guides Council's approach to the protection of public and private property from coastal hazards.

At the Council Meeting of 7 July 2016 it was resolved that staff place the draft Policy and proposed amendments to the certified CZMP *for Collaroy-Narrabeen and Fishermans Beach* on public exhibition and undertake community consultation.

The Policy and CZMP amendments were placed on public exhibition from 13 July 2016 to 17 August 2016 (36 days) with Council accepting submissions up to 26 August 2016. The Policy and CZMP have been amended as a result of this consultation.

The amendments made do not change the intent or direction of the Policy or the CZMP. Rather they clarify Council's position on issues related to beach amenity, protection of private property and public assets in the coastal zone, location of protection works, construction and management of existing protection works and the level of public and private funding. The amendments also streamline the processes of assessing and approving coastal protection works.

As well as placing the Policy and CZMP amendments on public exhibition, Council has worked to provide assistance to residents wanting to install coastal protection works and assure the Northern Beaches community that the function and amenity of Collaroy-Narrabeen beach will not be negatively impacted by the proposed coastal protection works.

This has included engaging coastal engineers to develop a preferred concept design and concept alignment, as well as specifying minimum design criteria for coastal protection works. The preferred design and alignment was subsequently independently reviewed and found to have little or no impact on the amenity of the beach or coastal processes.

This information assures the Northern Beaches residents that the proposed protection works will not have an adverse impact on the beach and also assists residents in protection of their properties.

In addition to the alignment and concept design, Council and NSW Office of Environment and Heritage engaged financial analysts to undertake a benefit distribution analysis to help determine the benefit provided to public assets by the proposed protection works. This analysis is important in informing decisions on the level of financial assistance for private protection works.

This documentation has helped inform the policy and CZMP amendments, and financial support offered by Council and in the case of the Benefit Distribution Analysis requested by the NSW Government.

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## RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Adopt and implement the Northern Beaches Coastal Erosion Policy.
  - B. Adopt the *Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach (2016)* and rescind the 2014 version of this Plan.
  - C. Forward the adopted *Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach (2016)* to the NSW Minister for Planning for certification.
  - D. Rescind *The Coastline Management Plan for Collaroy-Narrabeen Beach (1991)* and replace it with the *Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach (2016)*.
  - E. Amend Section E9 *Coastline Hazard of Warringah Development Control Plan 2011* to give effect to the adopted *Northern Beaches Coastal Erosion Policy*.
  - F. Apply the *Collaroy-Narrabeen Protection Works Design Specifications* in the assessment of all Development Applications for coastal protection works in this area.
  - G. Continue to engage with the Department of Primary Industries (Lands) on an efficient and suitable process to enable the application for and granting of Landowners Consent for coastal protection works on Crown Land.
  - H. Make an application on behalf of Council and residents to the NSW Office of Environment and Heritage Coastal Management Program for financial assistance to implement coastal protection works at Collaroy-Narrabeen Beach.
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**REPORT**

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**BACKGROUND**

The certified *Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach* (CZMP) (Attachment 2) provides direction for management of the Collaroy-Narrabeen embayment. A priority action in the Plan was to develop guidelines to help property owners work through the difficult process of protecting their properties.

Following the June 2016 storm the draft Northern Beaches Coastal Erosion Policy (the Policy) (Attachment 1) and proposed amendments to the certified CZMP *for Collaroy-Narrabeen and Fishermans Beach* were prepared to provide that guidance. The Policy and CZMP amendments will guide Council's approach to the protection of public and private property from coastal hazards.

At the Council Meeting of 7 July 2016 it was resolved that staff place the draft Policy and amendments to the certified CZMP *for Collaroy-Narrabeen and Fishermans Beach* on public exhibition and undertake community consultation.

Following feedback from the community and State agencies, and to assist with delivery of the Policy and CZMP, supporting documentation has been developed. This documentation provides essential support to property owners and assurance to the community of the Northern Beaches that Collaroy-Narrabeen Beach will be maintained and enjoyed for future generations.

At present the Policy will only apply to Collaroy-Narrabeen and Fishermans Beach as these are the only beaches within the Northern Beaches Local Government Area with a certified CZMP. As other beaches in the area are certified, this policy will be augmented to give effect to their recommendations.

**Issues addressed in the *Northern Beaches Coastal Erosion Policy***

Issues addressed by the Policy include:

Issue	Summary
Designing and siting protection works	New works are recommended to be contained on private property. Protection works on public land will only be permitted where it can be demonstrated that placement on private land is not appropriate due to specific site constraints preventing their placement wholly on private land, adverse impacts on adjoining private and public properties, or adverse impact on the long-term amenity of the beach and surf zone.
Alignment of protection works	All protection works shall be designed and constructed consistently with the minimum criteria outlined in the <i>Collaroy-Narrabeen Protection Works Design Specifications</i> .
Approval process for protection works	Applications for new protection works or reconstruction of existing protection works (on any land) shall address the requirements of all relevant legislation, guidelines and policies.  Applications for new works or reconstruction of existing protection works shall be accompanied by a technical report addressing the <i>Collaroy-Narrabeen Protection Works Design Specifications</i> .  Works on Crown Land will require Landowners Consent. Northern Beaches Council has been working with the NSW Department of Primary Industries (Land) on the process and requirements for such consent to be granted.
Impact assessment for protection	The impacts of coastal protection on coastal processes, public access and beach amenity are to be assessed in the

Issue	Summary
works	preparation of any development application for coastal protection works. Impacts are to be assessed against the existing circumstances and level of informal protection present at the time of the development application.
Funding	<p>Protection works that benefit a private property shall be designed, constructed and maintained at the expense of the property owner.</p> <p>Any contribution by Council or other levels of Government will be guided by relevant policies, but will be at their absolute discretion and shall not be relied upon by a private property owner in determining what action to take to protect their own property.</p>
Emergency Response	Council will generally respond to coastal erosion emergencies at Collaroy-Narrabeen Beach in the manner set out in its <i>Coastal Erosion Emergency Action Sub-Plan for Warringah's Beaches</i> (2015).
Maintenance of beach amenity and access	<p>Generally, following a storm event, the beach will recover naturally and will require little to no intervention.</p> <p>Following a significant erosion event that has the potential to have a short-medium term impact on public use of the beach, Council may undertake beach scraping to encourage faster beach recovery.</p> <p>In response to mitigating the impacts of climate change (specifically Sea Level Rise) Northern Beaches Council has been advocating that all three spheres of government work in coordination to utilise offshore sand deposits for beach nourishment in response as an adaptation response to sea level rise.</p>
Maintenance of protection works	It is the responsibility of the Principal Asset Owner to ensure the coastal protection works are maintained in a manner that ensures the ongoing level of design performance

To assist Council with implementing the Policy and assessing the impact of coastal protection as well as streamline the application and approval process for coastal protection works the following studies were commissioned:

***Collaroy-Narrabeen Beach Coastal Protection works concept design and concept alignment (Royal Haskoning HVS, 2016) (Attachment 4)***

A concept design and concept alignment for the proposed coastal protection was developed to identify the footprint of the existing works and most feasible options to renew or upgrade protection works on both public and private land. Minimum criteria to ensure ongoing performance and monitoring of these works have been provided.

This information is presented in the *Collaroy-Narrabeen Protection Works Design Specifications* and fulfills a key action identified in the CZMP to develop guidelines that address issues including design standards, alignments and required setbacks.

As part of this work Council is continuing to investigate opportunities to reduce the extent and footprint of the proposed coastal protection works at key sites including at the end of Wetherill Street. These investigations are focused on assessing the feasibility of reducing the possible seaward extent of any works in order to improve public access along the beach at all times.

Future works will be required to demonstrate consistency with *Collaroy-Narrabeen Protection Works Design Specifications*. Reference to these specifications are included in the Policy and proposed amendments to *Section E9 Coastline Hazard of Warringah Development Control Plan 2011*, detailed below, to give effect to the minimum criteria for coastal protection works that they prescribe.

***Collaroy-Narrabeen Beach Coastal Protection Assessment (Manly Hydraulics Laboratory and UNSW Water Research Laboratory, 2016) (Attachment 5)***

To assist in assessing the range of impacts that may result from coastal protection at Collaroy-Narrabeen, the Manly Hydraulics Laboratory in association with the UNSW Water Research Laboratory were commissioned to review the concept design and concept alignment of the proposed coastal protection works.

The review includes an analytical assessment of the relative impacts on coastal processes within the Collaroy-Narrabeen Beach embayment. The assessment found that works contained within the footprint of the existing rock works (assessed against the alignment of the existing rock works prior to the June 2016 storm) or extending no more than 2 metres further seaward would not have a significant impact on coastal processes access or amenity.

This impact assessment combined with the concept design and alignment provides both Council and residents with the assurance that coastal protection works can be installed at Collaroy-Narrabeen beach without negatively impacting the beach.

The impact assessment can be utilised and referenced by residents when preparing and submitting development applications for coastal protection works and provides an essential piece of information to assist the application for and approval of coastal protection works.

***Collaroy-Narrabeen Beach Coastal Protection Works Distribution Analysis (Marsden Jacobs Associates (2016) (Attachment 6)***

To assess who benefits from any coastal protection works, a benefit distribution analysis was prepared. The analysis found that the primary beneficiaries of coastal protection (when considering the whole 1.1km of affected coast) were private property owners, as approximately 94% of the benefit resulting from coastal protection works can be apportioned to private property owners. Approximately 6% of the benefit can be apportioned to government across the whole works. However when looking at an individual private property, the public benefit of protection works is insignificant relative to the private benefit.

The analysis also determined that there are a number of unquantifiable public benefits that may result from the implementation of coastal protection works. These included improved public access and vastly improved serviceability and public safety with the proposed alignment established to maximise the public beach amenity as far as practicable in comparison to the existing ad-hoc works. This finding is consistent with the *Collaroy-Narrabeen Beach Coastal Protection Assessment*.

The outcomes of the distributional analysis has informed Council's approach to funding and may also be considered by the NSW Government in relation to any decision regarding the contribution of public funds towards coastal protection.

***Coastal Zone Management Plan (Attachment 2)***

The *CZMP for Collaroy-Narrabeen Beach and Fishermans Beach* was prepared and adopted by Council in 2014 and sets out how Council and residents can manage both the beach and the erosion issues in the long-term. In October 2015, the Plan was certified by the Minister for Planning as having been prepared in accordance with the relevant State Government legislation.

The proposed amendments to the CZMP allow for coastal protection works that extend onto public land to be considered. The Department of Primary Industries (Lands) has provided feedback on the proposed approach and given in principle support to this approach.

Landowner's Consent from the Department of Primary Industries (Lands) will be required for any private protection works that extend onto Crown Land. The Department of Primary Industries (Lands) has indicated that private protection works on public land will only be permitted where:

- i. Crown land is being retained and managed in the public interest;
- ii. Detailed designs for any planned structures have been provided and assessed as being compatible with the designated Crown reserve purpose;
- iii. Works result in a better outcome in terms of public safety, environmental outcomes, beach access and recreational amenity;
- iv. Satisfactory arrangements are in place for maintenance over the life of any constructed assets;
- v. Evidence can be provided that all other reasonable opportunities to contain protection works on private land have been explored and exhausted; and
- vi. Landowner consent has been obtained.

Consultation with the Department of Primary Industries (Lands) is a pre-requisite to the lodgement of any development application which proposes the construction of private protection works on Crown Land. Council may reject any development application which proposes the erection of private protection works on Crown Land unless the development application is supported by:

- i. Written confirmation from the Department of Primary Industries (Lands) that it has reviewed the development application and is satisfied that the proposed development is consistent with points (i) to (v) above; and
- ii. Landowner consent to the lodgement of the development application from the Department of Primary Industries (Lands) as set out in point (vi) above.

### **Proposed amendments to Warringah Development Control Plan 2011**

Amendments to section E9 Coastline Hazard are required to reflect adoption of the Policy and revised CZMP for Collaroy-Narrabeen Beach and Fishermans Beach as well as finalisation of the Collaroy-Narrabeen Protection Works Design Specifications.

It is proposed that Section E9 be amended to require applicants for coastal protection to demonstrate compliance with the Northern Beaches Coastal Erosion Policy, CZMP for Collaroy-Narrabeen Beach and Fishermans Beach and Collaroy-Narrabeen Protection Works Design Specifications and this amendment be placed on public exhibition.

### **CONSULTATION**

Consultation for the Policy and CZMP amendments has been undertaken. Consultation activities included meetings, workshops, presentations and information stalls. A detailed description of the activities undertaken and feedback received can be found in the attached Community Consultation report (Attachment 3).

Based on the feedback received during public exhibition amendments have been made to the policy. This is consistent with the Community Engagement Matrix and reflects Council's commitment to incorporate the views of key stakeholders. Issues raised during public exhibition and how they have been addressed in the final Policy are outlined in Table 1.

The amendments made do not change the intent or direction of the Policy. In most cases they clarify Council's position on issues related to beach amenity, protection of private property and public assets in the coastal zone, location of protection works, construction and management of existing protection works and the level of public and private funding.

**Table 1:** Issues raised during public exhibition of draft Coastal Erosion Policy and amendments.

Topic	Community response	Amendment to final POLICY
General	<p>The response to the policy and proposed CZMP amendments varied considerably between property owners and broader community. Following public exhibition of the draft Policy, 97 written submissions were received representing 253 beach front property owners, organisations representing beach users as well as community members from within and outside the Northern Beaches Local Government Area.</p> <p>Generally, all respondents supported the policies intent to maintain beach amenity and coastal process. Support for coastal protection varied between property owners and submissions from Northern Beaches Residents</p> <p>The most significant criticism of the policy related to a desire from residents that the application of the policy in relation to sand offsets, access and financial support be clarified.</p>	<p>The policy has been amended to clarify when and how provisions relating to sand offsets, access arrangements and financial support will be applied. More detail is provided below.</p>
1. Purpose of the Policy	<p>Overall, there was broad support for the policy providing additional guidance on the approach to protecting public and private property from coastal hazards.</p> <p>Some respondents noted a desire for property purchase or planned retreat to be considered as alternatives to coastal protection.</p>	<p>No change has been made to the policy in relation to implementing the management options of planned retreat and property purchase.</p> <p>The <i>CZMP for Collaroy-Narrabeen Beach and Fishermans Beach</i> established that coastal protection was the preferred option at Collaroy-Narrabeen beach for properties south of Devitt Street.</p> <p>Widespread consultation on this approach was undertaken when the <i>CZMP for Collaroy-Narrabeen Beach and Fishermans Beach</i> was being prepared between 2012 and 2014.</p>
2. Principles	<p>The intent and hierarchy of the principles were endorsed by the majority of respondents. Some property owners noted a desire for protection of property to be weighted equally with beach amenity and surf quality.</p>	<p>No change to the principles, and their priority remains unchanged.</p>
3. Management Framework	<p>Broadly supported without significant amendments requested.</p>	<p>Text amendment: Section 3c (iii) amended to: <i>New or renewed protection works shall avoid adverse impacts on adjacent properties</i> Justification: Clarification that any</p>

Topic	Community response	Amendment to final POLICY
		adverse impacts are to be avoided.
4. Design and siting of protection works	<p>Broadly supported by the majority of respondents.</p> <p>Advice was provided by the Department of Primary Industries on the requirements for coastal protection works to be placed on Crown Land</p> <p>Submissions from residents consistently requested clarification on requirements for public access to be factored into the design or siting of new works.</p>	<p>Northern Beaches has prepared the <i>Collaroy-Narrabeen Protection Works Design Specifications</i> this document outlines Council's preferred design and alignment for coastal protection works and specifies minimum design criteria.</p> <p>Text amendment:</p> <p>New 4a inserted</p> <p>Private protection works are new works which are recommended to be wholly contained on private property unless it is demonstrated that this is not appropriate due to site constraints, adverse impact on adjoining private and public properties or adverse impact on the long-term amenity of the beach and surf zone.. Private protection works on Crown public land will only be permitted where:</p> <ul style="list-style-type: none"> <li>i. Crown land is being retained and managed in the public interest;</li> <li>ii. Detailed designs for any planned structures have been provided and assessed as being compatible with the designated Crown reserve purpose;</li> <li>iii. Works result in a better outcome in terms of public safety, environmental outcomes, beach access and recreational amenity;</li> <li>iv. Satisfactory arrangements are in place for maintenance over the life of any constructed assets;</li> <li>v. Evidence can be provided that all other reasonable opportunities to contain protection works on private land have been explored and exhausted; and</li> <li>vi. Landowner consent from the Department of Primary Industries (Land) has been obtained.</li> </ul> <p>Justification: Amendment made to reflect requirements of Department of Primary Industries (Land) for land owners consent.</p> <p>Section 4b removed.</p>

Topic	Community response	Amendment to final POLICY
		<p>Justification: Matters relating to Landowners consent are clarified in 4a</p> <p>Section 4c (vi) amended to: <i>To ensure public access is not adversely impacted by any new protection works</i></p> <p>Justification: Clarification that impacts to existing public access arrangements must be considered in the design of any works and demonstrate that public access is not adversely affected.</p> <p>The <i>Collaroy-Narrabeen Protection Works Design Specifications</i> outline the required access arrangements for construction and maintenance of coastal protection works.</p>
<p>5. Alignment of protection works</p>	<p>Broadly supported by majority of respondents.</p> <p>Greater guidance requested in relation to Northern Beaches Council preferred design and alignment for works at Collaroy-Narrabeen Beach.</p> <p>A number of Northern Beaches residents registered their opposition to any public land being used for coastal protection for private property.</p>	<p>Preferred design and alignment provided in the <i>Collaroy-Narrabeen Protection Works Design Specifications</i> prepared by Council.</p> <p>Table 1 in the policy amended to refer to the preferred design and alignment within these specifications.</p> <p>Justification: Design and alignment detail is associated with the policy. The existing footprint of the informal works will be utilised for any upgraded works. This includes sites where the works extend onto public land.</p>
<p>6. Approval process for protection works</p>	<p>Approval process and development application requirements broadly supported.</p> <p>Clarification on the timing and processes for obtaining Landowners Consent was requested by some property owners.</p> <p>Some land owners questioned the requirement for agreement to ensure the works or any maintenance are completed efficiently.</p>	<p>Text Amendment:</p> <p>New section 6b inserted</p> <p>Consultation with the Department of Primary Industries (Lands) is a pre-requisite to the lodgement of any development application which proposes the erection of private protection works on Crown Land. Council may reject any development application which proposes the erection of private protection works on Crown Land unless the development application is supported by:</p> <ul style="list-style-type: none"> <li>i) Written confirmation from the Department of Primary Industries (Lands) that it has reviewed the development application; and</li> <li>a) Landowner consent from the Department of Primary Industries (Lands).</li> </ul> <p>Justification: This confirms the on the timing and processes for obtaining Landowners Consent</p>

Topic	Community response	Amendment to final POLICY
		<p>In relation to the approval process there is no change to the policy, Council has been working on the process for submitting and assessing applications for coastal protection works to ensure they are both streamlined and transparent.</p> <p>Justification: These requirements are critical to ensure the appropriate approval pathway are followed and any works do not damage the beach of adjoining land.</p>
<p>7. Sand Offsets</p>	<p>Responses from land owners consistently requested:</p> <ul style="list-style-type: none"> <li>• Clarification for offset requirements</li> <li>• Clarification that impact assessments required for Development Applications would consider the existing level of informal protection present</li> <li>• Council continue to be responsible for actions to maintain beach amenity</li> <li>• Assistance from Council in undertaking a holistic impact assessment for entire area protection works are proposed</li> </ul> <p>Submissions from Northern Beaches residents supported requirements for impacts to coastal processes, public access and beach amenity, including sand offsets, to be identified and addressed</p>	<p>The <i>Collaroy-Narrabeen Beach Coastal Protection Assessment</i> was commissioned by Council and found that works contained within the footprint of the existing rock works or extending no more than 2 meters further seaward would not have a significant impact coastal processes access or amenity.</p> <p>Title of section amended to Impact assessment</p> <p>Section 7 a and 7b in draft policy replaced with provisions below</p> <p><i>Section 7a: The impacts of coastal protection on coastal processes, public access and beach amenity are to be assessed in the preparation of any development application for coastal protection works. Impacts are to be assessed against the existing circumstances at the time of the development application.</i></p> <p><i>Section 7b: Where protection works are assessed to result in a significant impact to coastal processes, public access and beach amenity actions that mitigate these impacts are to be identified and implemented by the applicant. This is to be achieved in accordance with the relevant legislation, policy and guidelines for the assessing the impact of coastal protection works on coastal processes, public access and beach amenity.</i></p> <p>Justification: Section 7 has been significantly amended to require that all impacts of protection works be considered and addressed in a manner that is consistent with the relevant coastal management legislation policy and guidelines.</p> <p>Provision for all impacts to be offset as required by the relevant coastal</p>

Topic	Community response	Amendment to final POLICY
		management legislation remain and are to be assessed against the existing circumstances when an application for works is submitted.
8. Funding	<p>A significant number of submissions received believed that those who benefit from the works should be responsible for funding their implementation.</p> <p>Submissions from land owners generally requested greater public funding for new works</p> <p>Submissions from Northern Beaches residents opposed public funding being used for coastal protection works in front of private property.</p> <p>A number of submissions from residents requested that the benefits to public assets from the works be assessed and this information be used to guide any contribution of public funds to the works.</p> <p>Land owners consistently opposed an additional charge on activities related to beach scraping and nourishment that council currently undertakes</p>	<p>To assess who benefits from any coastal protection works a benefit distribution analysis was prepared. The analysis found that the primary beneficiaries of coastal protection were private property owners. In fact in the order of 94% of the benefit resulting from the 1.1km of coastal protection works can be apportioned to private property owners. Only 6% of the benefit is considered to be a public benefit.</p> <p>The analysis also determined that there are a number of unquantifiable public benefits that may result from the implementation of coastal protection works.</p> <p>Council remains committed to providing financial support to property owners where a public benefit can be demonstrated. Council's contribution will be capped at a maximum of 10% of Council's estimate of the cost of the works contingent upon receiving a minimum of a matching contribution from the State and/or Federal Government.</p> <p>Justification: Councils commitment to continuing these activities is stated in sect 10b and 10c</p>
9. Emergency response	Supported, no amendment requested.	No change, emergency response to be guided by Emergency Action Subplan for Warringah's Beaches
10. Maintenance of beach amenity and access	Supported, no amendment requested.	<p>No change to provision relating to ongoing beach amenity and access.</p> <p>In response to sea level rise Council has been advocating that all three spheres of government work in coordination to utilise offshore sand deposits for beach nourishment in response as an adaptation response to sea level rise.</p>
11. Maintenance of protection works	A number of submissions requested clarification around ongoing requirements and cost for maintenance of protection works.	<p>No changes to provisions provision relating to maintenance of protection works.</p> <p>Justification: The responsibility for</p>

Topic	Community response	Amendment to final POLICY
	<p>A significant number of submission requested that any ongoing costs for maintenance be apportioned on those who benefit from the works.</p> <p>Some property owners suggested that public authorities take responsibility for maintenance of protective works.</p>	<p>maintenance of protection works will remain the responsibility of the asset owner. Requirements for maintenance will be established via conditions of consent for approved development applications and may be a requirement from the Department of Primary Industries (Lands) before granting Landowners Consent.</p> <p>An annual service charge for maintenance of works will not be conditioned as part of an approval for coastal protection works. Application of the Coastal Protection Service Charge will be triggered if maintenance works are not undertaken by owners when required.</p>
<p>Changes to the CZMP to make it permissible for protection works to be built on public land</p>	<p>Overall broad support, however some respondents opposed amendments to the CZMP that allowed protection to extend onto public land.</p> <p>Consultation with the Department of Primary Industries (Lands) indicated that Landowner's Consent from the Department of Primary Industries (Lands) will be required for any private protection works that extend onto Crown Land. The Department of Primary Industries (Lands) has indicated that private protection works on public land will only be permitted where:</p> <ul style="list-style-type: none"> <li>i. Crown land is being retained and managed in the public interest</li> <li>ii. Detailed designs for any planned structures have been provided and assessed as being compatible with the designated Crown reserve purpose</li> <li>iii. Works result in a better outcome in terms of public safety, environmental outcomes, beach access and recreational amenity</li> <li>iv. Satisfactory arrangements are in place for maintenance over the life of any structure</li> <li>v. Evidence can be provided that all other reasonable opportunities to contain protection works on private land have been explored and exhausted</li> <li>vi. Landowner consent has been</li> </ul>	<p>Text amendments:</p> <p>Page 56 (last paragraph) amended to include:</p> <p><i>Private protection works on public land will only be permitted where:</i></p> <ul style="list-style-type: none"> <li>i. <i>Crown land is being retained and managed in the public interest</i></li> <li>ii. <i>Detailed designs for any planned structures have been provided and assessed as being compatible with the designated Crown reserve purpose</i></li> <li>iii. <i>Works result in a better outcome in terms of public safety, environmental outcomes, beach access and recreational amenity</i></li> <li>iv. <i>Satisfactory arrangements are in place for maintenance over the life of any structure</i></li> <li>v. <i>Evidence can be provided that all other reasonable opportunities to contain protection works on private land have been explored and exhausted</i></li> <li>vi. <i>Landowner consent has been obtained.</i></li> </ul> <p>Page 71 Table 3 Issues raised during public exhibition of CZMP amended to reflect consultation undertaken on proposed amendments.</p> <p>Justification: Proposed amendments modified to reflect requirements for land owners consent to be granted subject to the criteria provided by the NSW Department of Primary Industries</p>

Topic	Community response	Amendment to final POLICY
	obtained.	(Lands) being achieved.

Additional minor amendments were made to both the Policy and CZMP to change the title of Council from Warringah to Northern Beaches as well as ensure consistency in terminology of both documents. These amendments did not change the intent or direction of either document.

### ADDITIONAL MATTERS

A number of concerns were raised during consultation on the policy and proposed CZMP amendments that did not directly relate to the policy or CZMP amendments. These issues and responses are addressed in Table 2.

**Table 2:** Issues raised during public exhibition of draft Coastal Erosion Policy and proposed amendments outside the scope of the policy or CZMP amendments.

Issue	Response
Opposition to any coastal protection at Collaroy-Narrabeen	<p>The <i>CZMP for Collaroy-Narrabeen Beach and Fishermans Beach (2014)</i> established that coastal protection was the preferred option at Collaroy-Narrabeen beach for properties south of Devitt Street.</p> <p>Widespread consultation on this approach was undertaken when the <i>CZMP for Collaroy-Narrabeen Beach and Fishermans Beach</i> was being prepared between 2012 and 2014.</p>
Support for alternative options to protection, specifically property purchase	<p>Alternative options to coastal protection were considered in the preparation of the <i>CZMP for Collaroy-Narrabeen Beach and Fishermans Beach (2014)</i>. The option of property purchase was not considered feasible.</p>
A simplified development application approach	<p>All development applications for coastal protection will need to comply with the criteria outlined in all relevant legislation, guidelines and policies.</p> <p>Northern Beaches Council is unable to reduce or simplify the information required for an application or the assessment process to be consistent with the relevant legislation and any consent to be valid.</p>
Provision of financial support to residents unable to fund private protection	<p>Private property owners will be responsible for funding works that protect private property.</p> <p>Northern Beaches Council is unable to provide financial assistance in the form of a loan to assist property owners fund coastal protection works. It will work with owners on a case by case basis to assess what if any support is appropriate.</p>
Greater involvement of State and Federal Governments	<p>A number of submissions raised an expectation that both the NSW and Australian Governments would play a greater role in implementing solutions at Collaroy-Narrabeen and providing financial assistance for coastal protection works.</p> <p>The level of State Government funding will be guided by the Benefit Distribution Analysis. Financial assistance for the works</p>

Issue	Response
	and ongoing management of the beach will continue to be sought from the State and/or Federal Governments (including in relation to the potential for offshore sand nourishment).
Request for commercial products to be considered	<p>A number of commercial companies provided submissions request the use of their products be considered.</p> <p>Northern Beaches Council is following the advice of the coastal engineers it has engaged in relation to both the coastal protection works and beach restoration activities required. The procurement of the most appropriate services will be undertaken in the normal manner following finalisation of the policy, CZMP amendments and technical specifications.</p>

## TIMING

The Northern Beaches Coastal Erosion Policy will be implemented following its adoption with the proposed amendments to Section E9 Coastline Hazard of *Warringah Development Control Plan 2011* to commence in 2017.

## FINANCIAL IMPACT

Costs involved in implementing the Policy will need to be budgeted for in future budgets. The initial estimates for 1.1km of works from Devitt Street to 1096 Pittwater Road have been estimated at approximately \$22 million. While Council will work with the State Government to meet the cost of directly protecting public assets in this area (approximately \$5.5 million), State Government will be asked to join Council in providing up to 10% each towards the cost of private protection as a contribution due to the benefit for public assets. This contribution has been estimated at approximately \$3.3 million (\$1.65 million from State and \$1.65 million from Council) and is in recognition of the public asset protection that is provided by these private properties.

Owners whose properties adjoining Collaroy-Narrabeen Beach will be able to apply for financial assistance for the completion of coastal protection works if the works were completed after public exhibition of the *CZMP for Collaroy-Narrabeen and Fishermans Beach* in July 2014. No funding support will be provided for the maintenance of coastal protection works that protect private property. Any contribution from the State Government will be subject to the requirements of the NSW Coastal Management Program.

## SOCIAL IMPACT

The Collaroy-Narrabeen Beach and the Fisherman's Beach embayment is one of Australia's most beautiful and famous stretches of coast. It is a frequently visited recreation destination and includes North Narrabeen's world famous surf break which was named a National Surfing Reserve in October 2019.

Protecting and maintaining the amenity of this beach is a high priority for Northern Beaches Council and will be achieved through the application of the Policy and CZMP.

## ENVIRONMENTAL IMPACT

To maintain coastal processes for public beach amenity and surf quality is Council's highest priority for Collaroy-Narrabeen Beach. The Coastal Protection Assessment demonstrates the Concept Design and Concept Alignment won't adversely impact on coastal processes of the embayment. Council will be implementing rigorous design standards through the *Collaroy-Narrabeen Protection Works Design Specifications*.

<b>ITEM 8.2</b>	<b>REALLOCATION OF MANLY ENVIRONMENT LEVY FUNDS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER NATURAL ENVIRONMENT &amp; CLIMATE CHANGE</b>
<b>TRIM FILE REF</b>	<b>2016/382125</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To reallocate Manly Environment Levy Funds to appropriate projects as assigned in the former Manly Council budget bidding process 2016/17.

**SUMMARY**

The Environment Levy has been in place in the (former) Manly Council since July 1997 to fund a range of projects of an environmental nature. The aim of this levy is to assist in the substantial enhancement of the former Manly Council Local Government Area (LGA) environment. Each year around \$946,000 is raised through the Environment Levy, and this is supported with substantial external government grant funds successfully secured by Council. Environment Levy funds are used to fund projects.

During the finalisation of the 2016/17 budget, an additional capital works project was added for bushland and track restoration utilising \$200,000 of Environment Levy funds. This reduced the budget for a number of other priority projects that were previously identified by staff and the former Manly Community Environment Committee.

The bushland and track restoration works are no longer planned to progress in the 2016/17 financial year and it is recommended that the \$200,000 funds be reallocated to projects originally identified as important to the environment of the former Manly LGA for completion this financial year.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE**

That Council:

- A. Not proceed with the planned \$200,000 in bushland and track restoration works in 2016/17.
- B. Approve the reallocation of funds as set out in the table below.

<b>Project Name</b>	<b>Adopted Budget 2016/17</b>	<b>Reallocation 2016/17</b>
<b>Water Cycle Management Program</b>		
Sustainable Water Programs - Water Savings Action Plan & WSUD Implementation	\$0	\$40,000
Pollution Control Device (PCD) & Alternate Water Source Maintenance	\$20,000	\$45,000
<b>Education for Sustainability Program</b>		
DIG Manly - Dream, Inspire & Grow - Sustainability	\$10,000	\$62,000

Education Projects		
Manly Community Gardens	\$0	\$14,000
Video Conferencing Hub	\$5,000	\$10,000
23rd Ocean Care Day Festival	\$6,000	\$20,000
Friends of Cabbage Tree Bay (FoCTB)	\$0	\$9,000
<b>Total</b>		
Reallocated Funds		<b>\$200,000</b>

**REPORT**

**BACKGROUND**

The Environment Levy has been in place in the (former) Manly Council since July 1997 to fund a range of projects of an environmental nature. The aim of this levy is to assist in the substantial enhancement of the former Manly Council Local Government Area (LGA) environment. Each year around \$946,000 is raised through the Environment Levy, and this is supported with substantial external government grant funds successfully secured by Council. Environment Levy funds are used to fund projects including:

- Burnt Bridge Creek restoration works
- Bush regeneration works
- Implementation of threatened species programs
- Preparation and implementation of Coastline and Estuary Management Plans
- Water quality monitoring
- Cleaning of gross pollutant traps
- Installation and use of alternative water sources (eg: rainwater harvesting)
- Water savings actions
- Ocean Care Day
- A variety of sustainability education programs and events including DIG Manly

There is a rigorous application and bidding process for Environment Levy funds to ensure projects are selected on a priority basis and satisfy the criteria for which the levy was originally awarded. Historically, the bids were also reviewed by the (former) Manly Community Environment Committee before being submitted to Senior Management for consideration.

During the finalisation of the 2016/17 budget, an additional capital works project was added for bushland and track restoration to the value of \$200,000 which reduced the budget for a number of other projects that were previously identified for Environment Levy funding.

These works are no longer progressing as planned in the 2016/17 financial year and it is recommended that the \$200,000 funds be reallocated to projects originally identified as important to the environment of the former Manly LGA. It is considered important to progress these valuable, innovative or ongoing projects that will represent a reduction in service to the community and to the environment if not funded and actioned in the 2016/17 financial year.

These projects are set out in Table 1 below:

<b>Project Name</b>	<b>Adopted Budget 2016/17</b>	<b>Reallocation 2016/17</b>
<b>Water Cycle Management Program</b>		
Sustainable Water Programs - Water Savings Action Plan & WSUD Implementation	\$0	\$40,000
Pollution Control Device (PCD) & Alternate Water Source Maintenance	\$20,000	\$45,000
<b>Education for Sustainability Program</b>		
DIG Manly - Dream, Inspire & Grow - Sustainability	\$10,000	\$62,000

Education Projects		
Manly Community Gardens	\$0	\$14,000
Video Conferencing Hub	\$5,000	\$10,000
23rd Ocean Care Day Festival	\$6,000	\$20,000
Friends of Cabbage Tree Bay (FoCTB)	\$0	\$9,000
<b>Total</b>		
Reallocated Funds		<b>\$200,000</b>

## CONSULTATION

The members of the (former) Manly Community Environment Committee were consulted regarding the original budget proposals for these projects.

## TIMING

These projects are considered important to complete in the 2016/17 financial year and need to be commenced prior to the next Quarterly Budget Review Statement process.

## FINANCIAL IMPACT

Nil

## SOCIAL IMPACT

There will be increased positive social impacts to specific community projects and programs.

## ENVIRONMENTAL IMPACT

There will be a positive environmental impact as the funds are being reallocated to projects that have been through a rigorous process that meet the stringent criteria associated with the Environment Levy.

<b>ITEM 8.3</b>	<b>MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP (SCCG) ANNUAL GENERAL MEETING HELD 22 OCTOBER 2016</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER NATURAL ENVIRONMENT &amp; CLIMATE CHANGE</b>
<b>TRIM FILE REF</b>	<b>2016/382466</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a>Minutes of Sydney Coastal Councils Group Annual General Meeting held 22 October 2016 (Included In Attachments Booklet)</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To report the Minutes of the Sydney Coastal Councils Group (SCCG) Annual General Meeting held 22 October 2016.

#### SUMMARY

The Annual General Meeting of the SCCG was hosted by the City of Sydney Council on 19 October 2016. Ms Cathy Griffin attended the meeting as Northern Beaches Council's representative.

Matters discussed at the meeting relevant to Northern Beaches Council included the following:

- SCCG Annual Report 2015-16
- Amendments to the Constitution
- Annual Executive Committee Elections
- Future resourcing of SCCG
- Dates of future SCCG meetings

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council note the minutes of the Sydney Coastal Councils Group Annual General Meeting held 22 October 2016.

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**REPORT**

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**BACKGROUND**

Sydney Coastal Councils Group (SCCG) meetings are held quarterly and minutes are normally available through the Councillor portal. At present the Northern Beaches representatives on the SCCG are Ms Cathy Griffen and Mr Paul Hardie. Further information on the SCCG and its activities is available at [www.sydneycostalcouncils.com.au](http://www.sydneycostalcouncils.com.au).

**DISCUSSION**

The Annual General Meeting of the SCCG was held at the City of Sydney Council on 22 October 2016. Ms Cathy Griffin attended the meeting as Northern Beaches Council's representative.

Matters discussed at the meeting relevant to Northern Beaches Council included:

SCCG Annual Report 2015-16

The SCCG Annual Report 2015-16 was tabled at the meeting. The SCCG Executive Officer gave a summary of highlights from the financial year, and opportunities and challenges for the SCCG in the year ahead. An overview of the SCCG's financial performance is also provided in the report.

Amendments to the Constitution

A special meeting was convened to consider amendments to the Constitution. A summary of the main changes are as follows:

- *Clause 3.2 Membership updated to reflect new Member Councils. It was noted that this section may need to be amended again following further council amalgamations.*
- *Clause 4.1.5 Representation by Member Councils amended to clarify acceptable proxy arrangements when a delegate is absent from a meeting.*
- *Clause 6.6 Meetings amended to correct an error regarding the notice required prior to holding Ordinary and Special Meetings.*
- *Clause 7.4 Voting amended to allow for electronic ballots to determine any issue or proposal.*
- *Clause 16.3 Finance amended to give flexibility on any future SCCG funding model decided on as a result of council amalgamations.*
- *Clause 21 Termination of the Group was amended to remove an unnecessary clause that repeated information contained in Clause 19 Termination of Membership.*
- *Clause 25 Custody of Books was amended to clarify that records, books and other documents relating to the Group may be kept in either written or electronic form.*

Annual Executive Committee Elections

The SCCG Executive Committee Consists of the Chairperson, two Vice Chairpersons, Treasurer, Secretary and up to three other committee members who are delegates of financial Member Councils. Representatives elected to the SCCG Executive Committee for the next 12 months leading up the Local Government elections in September 2017 are:

Chairperson	Cr. Lynne Saville	(Willoughby Council)
Vice Chairperson (Ocean council)	Cr Leon Goltsman	(Waverley Council)
Vice Chairperson (Estuarine Council)	Cr Greg Levenston	(Woollahra Council)

**Members:**

Cr Jack Boyd	(Sutherland Shire Council)
Cr Jess Miller	(City of Sydney)
Ms Kylie Ferguson	(proxy for Northern Beaches Administrator)
Mr Frank Breen	(proxy for Inner West Administrator)
Mr David Dekel	(proxy for Bayside Council)

The SCCG will write to the Administrators of Northern Beaches, Inner West and Bayside Councils seeking endorsement that their proxy (or themselves) be a member of the SCCG Executive Committee for the next 12 month period.

Future Resourcing of SCCG

In response to recent council amalgamations, the SCCG are reviewing funding options and future membership fees. In response a SCCG Resourcing Directional Committee has been established to review possible options and identify a preferred funding model. It is expected that a proposed funding model, including the likely membership fees, will be referred to the SCCG Executive Committee for approval prior to being sent to Member Councils for consideration and endorsement.

If all amalgamations for Member Councils are still not finalised, the organisation may request Member Councils continue the existing funding arrangement for Financial Year 2017-18.

Dates of future SCCG meetings

- Saturday 3 December 2016 at 12 noon - Randwick City Council.

**FINANCIAL IMPACT**

Nil

**SOCIAL IMPACT**

Nil

**ENVIRONMENTAL IMPACT**

Nil

<b>ITEM 8.4</b>	<b>PROPOSAL TO NAME A RESERVE - OCEAN STREET, NARRABEEN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS &amp; RESERVES</b>
<b>TRIM FILE REF</b>	<b>2016/387838</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

Recommend placing a proposal to name a reserve on Ocean Street, Narrabeen, as 'The Kirsop Surfrider Gardens', on public exhibition.

#### SUMMARY

Brendan Donohoe, President of the Surfrider Foundation Australia Northern Beaches Branch, has made a submission to Council to name a reserve on Ocean Street, Narrabeen between Narrabeen Street and Devitt Street.

The proposal is supported as it recognises the contribution of local community representatives to coastal conservation locally and beyond. The reserve does not currently have a formally adopted name.

The Geographical Names Board (GNB) is responsible for the administration of place names within NSW, in accordance with the *Geographical Names Act 1966*. In all naming proposals, local councils are encouraged to undertake consultation with the community prior to submitting a proposal to the GNB.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Place the proposal to name a reserve on Ocean Street, Narrabeen, as 'The Kirsop Surfrider Gardens' on public exhibition for a period of 28 days.
  - B. That submissions received be brought to Council for consideration.
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REPORT

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**BACKGROUND**

Brendan Donohoe, President of the Surfrider Foundation Australia Northern Beaches Branch, made a request to Council to name a reserve on Ocean Street, Narrabeen, roughly between Narrabeen Street and Devitt Street. Mr Donohoe nominated that the Reserve be named 'Tom and Margaret Kirsop Surfrider Reserve'. The area is shown in Figure 1 below.

Figure 1 – Reserve on Ocean Street, Narrabeen



The reserve is informally known as The Gardens. The name was used during public consultation on upgrades to the reserve which began circa 2003. At the (former) Warringah Council meeting of 29 August 2006, Council adopted minutes of a Centenary of Warringah Committee meeting and the recommendations within. This included a recommendation to Council '*That the reserve on the eastern side of Ocean Street... be named "The Gardens" Narrabeen.*'

The Geographical Names Board (GNB) is responsible for the administration of place names within NSW. A search of the GNB database does not indicate that the reserve has been formally named The Gardens as per their process.

Staff considered the request of Mr Donohoe in accordance with the *Memorials, Plaques and Naming of Assets Policy* (Warringah Council, 2014), the *Geographical Names Act 1966* and the *GNB Guidelines for the determination of placenames*. The Kirsops have significantly contributed to the local community and beyond and in principle support for the naming of the reserve was recommended and agreed by senior management. The name 'The Kirsop Gardens' was considered more appropriate however, to ensure compliance with these documents.

Staff discussed the alternative name with Mr Donohoe. He requested the name 'The Kirsop Surfrider Gardens' be considered for the Reserve. This was to also recognise the involvement of Tom Kirsop in establishing various branches of The Surfrider Foundation across Sydney and former operation of surfboard riding clubs along the Collaroy Narrabeen coastline. This was considered a reasonable proposal.

The process for considering naming the reserve is as follows:

- Council to resolve to put the proposal on public exhibition for comment
- On the completion of the exhibition period a further report be brought to Council outlining the results of the public exhibition and comments received
- Apply to the Geographical Names Board (GNB) to consider the naming proposal. Note that the GNB also conducts public exhibition of the proposal in accordance with their own guidelines

It should be noted that the GNB considers features named after people, especially those still living, can lead to division in the community. Local councils are encouraged to undertake consultation with the community prior to submitting a proposal to the GNB. By undertaking consultation prior to an application to the GNB, Northern Beaches Council will be able to determine if there is division in the community about the proposal to name the reserve 'The Kirsop Surfrider Gardens' and consider the appropriate action following exhibition.

### **CONSULTATION**

Consultation will be undertaken in accordance with a Community Engagement Plan to be prepared by Parks and Reserves staff, with input from the Community Engagement (Operations) group.

### **TIMING**

Consultation is proposed to start in mid to late January 2017.

### **FINANCIAL IMPACT**

Nil

### **SOCIAL IMPACT**

Submissions during public exhibition will determine if there is any social impact.

### **ENVIRONMENTAL IMPACT**

Nil

<b>ITEM 8.5</b>	<b>OUTCOME OF PUBLIC EXHIBITION FOR THE CLASSIFICATION OF LAND KNOWN AS GREEN NO.3 (LOT 2 DP 517185) AT BOWLING GREEN LANE, AVALON NSW 2107</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT &amp; INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2016/395695</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">↓ Aerial Photograph of land to be classified 'Community'</a></li> <li>2 <a href="#">↓ Council Resolution 7 December 2015</a></li> <li>3 <a href="#">↓ Council Resolution 20 April 2015</a></li> </ol>

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**REPORT**

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**PURPOSE**

To report to Council the outcome of the public exhibition of the proposed classification of Green No. 3 (Lot 2 Deposited Plan 517185) at Bowling Green Lane, Avalon NSW 2107 to 'Community' (Attachment 1).

**REPORT**

Council's purchase of Green No.3 (Lot 2 DP 517185) from Avalon Beach Bowling & Recreation Club (ABBRC) settled on 26 September 2016 (Attachment 2).

In line with the conditions of sale as resolved by the (former) Pittwater Council on 7 December 2015, upon settlement Council must place the classification of Green No 3 to Community on public exhibition for 28 days and report back to Council on outcomes. (Attachment 3).

The classification of Green No. 3 was exhibited for the 28 days from 14 October 2016 to 14 November 2016. During this period, several calls of support were received and two written submissions.

A summary of the submissions and Council's response is provided below:

<b>SUBMISSION KEY THEMES SUMMARY AND RESPONSE TABLE</b>	
<b>Key Theme</b>	<b>Council Response</b>
Request for clarification on the classification of land and definition of 'Community land'.	Council confirmed it recently purchased the land from ABBRC as resolved at its meeting on 20 April 2015. An explanation and definition of 'Community land' as per the <i>Local Government Act 1993</i> was also provided.

**CONSULTATION**

The classification of Green No. 3 was exhibited for the 28 days from 14 October 2016 to 14 November 2016. During this period, several calls of support were received and two written submissions.

**FINANCIAL IMPACT**

The classification process of Green No. 3 to 'Community land' will have minimal financial impact.

### **SOCIAL IMPACT**

The classification of this land to 'Community' will ensure the space will continue to be available for ongoing community use *and access into the future*.

### **ENVIRONMENTAL IMPACT**

There are no environmental impacts on the classification of this land.

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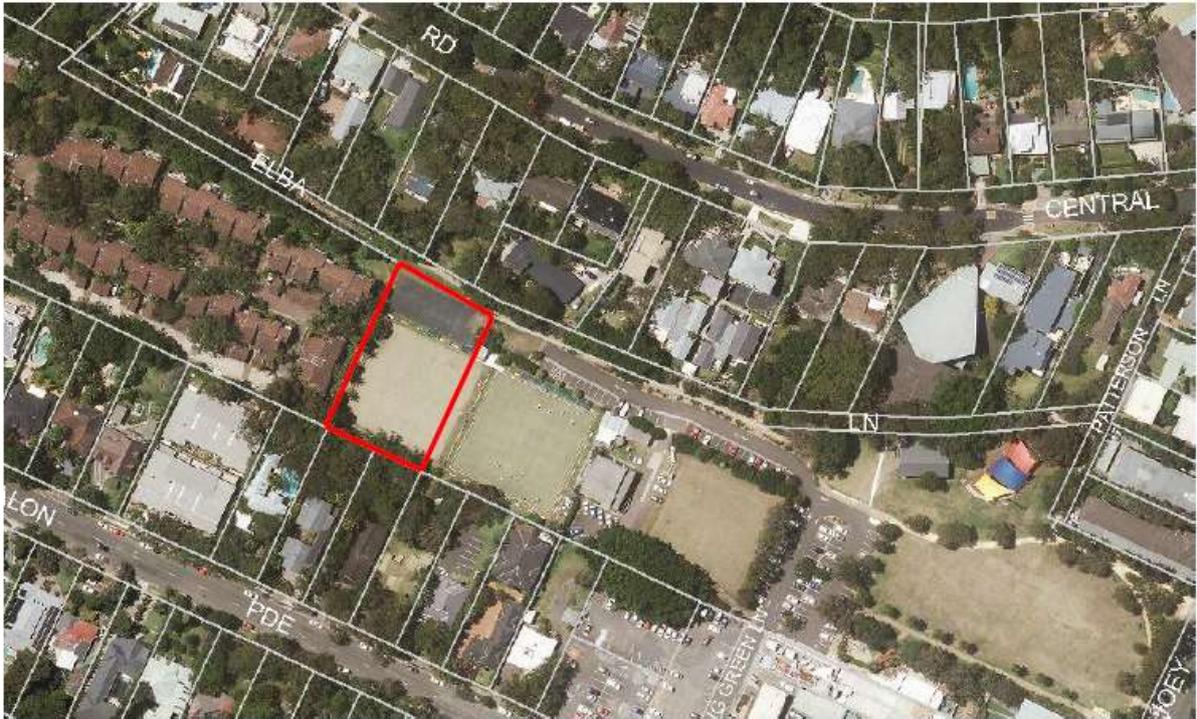
### **RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE**

That Council:

- A. Proceed with the classification of Green No. 3 (Lot 2 Deposited Plan 517185) at Bowling Green Lane, Avalon NSW 2107 as 'Community Land'.
  - B. Delegate its authority to the General Manager to execute all necessary documentation to give effect to this resolution.
-

**ATTACHMENT 1**

Aerial photograph of land to be classified 'Community'





**Action Item**

**SUBJECT: Avalon Beach Bowling & Recreation Club, Bowling Green Lane, Avalon – Proposed new consolidated lease for Clubhouse, Green No.2 and Green No.3**

**Meeting** Connecting Communities Committee      **Date** 7 December 2015

**COMMITTEE RECOMMENDATION**

1. That a new consolidated lease agreement with Avalon Beach Bowling & Recreation Club which incorporates the Clubhouse, Green No 2 and Green No 3 be entered into.
2. That the draft consolidated lease be placed on Public Exhibition for 40 days and a report be brought back to Council on the outcomes.
3. That, upon settlement, the reclassification of Green No.3 (Lot 2 DP 517185) from Operational to Community be placed on Public Exhibition for 28 days and a report be brought back to Council on the outcomes.

(Cr Griffith / Cr Grace)

**ATTACHMENT 3**



# PITTWATER COUNCIL

## Action Item

**SUBJECT: Avalon Beach Bowling & Recreation Club, Bowling Green Lane, Avalon - Purchase of Green 3 by Council**

**Meeting:** Sustainable Towns and Villages Committee

**Date:** 20 April 2015

### COMMITTEE RECOMMENDATION

1. That Council purchase Green No.3 (Lot 2 DP 517185) Bowling Green Lane, Avalon in line with Avalon Beach Bowling & Recreation Club's proposal comprising a total package of \$765,000 broken down as follows:
  - a) Rental for the remaining 10 years of the lease agreement for both the Club House and the middle bowling green (Green No.2) to be waived- equivalent to a total savings to the Club of \$165,000 (inc GST).
  - b) \$500,000 for the purchase of Green No.3 to be paid over 10 years in \$50,000 annual payments.
  - c) \$100,000 allocated to Club House repairs and upgrades in the 2015/2016 financial year..

Terms and conditions as follows:

- Pittwater Council agree to lease Green No.3 to Avalon Bowling Club on the same terms as the existing leases referred to above- i.e. waived for 10 years.
- Avalon Bowling Club relinquishes all rights to the Eastern Green (Green No.1) to Pittwater Council. However the Club retains the rights to use this Green until Council requires it for alternative uses.
- Pittwater Council retains the responsibility for any future repairs or replacement of the asbestos roof, barges, guttering and down pipes.
- Pittwater Councils retains responsibility for the provision of future disabled access to the building should State or Local Government regulate access.

- Pittwater Council retains responsibility for any other Government regulations that may be enacted that require structural changes to the building.
  - Approval from the Club's solicitor of satisfactory legal documentation.
  - Any agreement between Council and the Board ratified by Club Members.
2. That this purchase be included in the 2015/2019 Delivery Program and Budget.
  3. That the General Manager be authorised to complete the purchase transaction and execute relevant documentation under the common seal of Council.
  4. That upon acquisition by Council, the subject land be classified as Community Land, the 2,390m<sup>2</sup> be added to Council's Open Space Strategy and Inventory, and be incorporated into the Dunbar Park Plan of Management.
  5. That the terms and conditions be administered in accordance with Recommendation 1 above.

(Cr Grace / Cr Townsend)

<b>ITEM 8.6</b>	<b>OUTCOME OF EXHIBITION OF THE DRAFT WARRIEWOOD VALLEY SECTION 94 CONTRIBUTIONS PLAN (AMENDMENT 16, REVISION 2)</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT &amp; INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2016/401739</b>
<b>ATTACHMENTS</b>	<b>1</b> <a href="#">⇒</a> <b>Submission Summary and Response Table (Included In Attachments Booklet)</b> <b>2</b> <a href="#">⇒</a> <b>Warriewood Valley Section 94 Contributions Plan (Revision 16, Amendment 2); Warriewood Valley Roads Masterplan; and the Warriewood Valley Landscape Masterplan &amp; Design Guidelines (Included In Attachments Booklet)</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To report to Council the outcomes of the public exhibition and seek Council's endorsement to adopt the *Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)*.

#### SUMMARY

At Council's meeting of 2 June 2016, Council resolved to publicly exhibit the draft Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2). In addition, a review of the Warriewood Valley Roads Masterplan and Warriewood Valley Landscape Masterplan & Design Guidelines was undertaken to ensure consistency across the suite of documents.

This report informs Council of the outcomes of public exhibition and seeks Council's endorsement to adopt the *Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)*.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Adopt the *draft Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)* and that a public notice advising of Council's decision be placed in the local newspaper.
  - B. Note the amendments to the Warriewood Valley Roads Masterplan and the Warriewood Valley Landscape Masterplan & Design Guidelines.
  - C. Write to all those who made a submission during the public exhibition advising of Council's decision.
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**REPORT**

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**BACKGROUND**

The provision of infrastructure to ensure the safety, amenity and adequate provision of services for the future residents and users of an area is a fundamental component of the land release process. Under section 94 of the Environmental Planning & Assessment Act 1979 (EP&A Act) a consent authority is authorised to grant consent to a proposed development subject to a condition requiring the payment of a monetary contribution or the dedication of land free of cost, or both, for the provision of public services and facilities.

The Warriewood Valley Section 94 Contributions Plan (the Section 94 Plan) was developed to enable Council to levy contributions or require the dedication of land for the provision of infrastructure to meet the needs of the future residents and workers of the Warriewood Valley Release Area where this cannot be directly and equitably provided through the development process. The Section 94 Plan has been an integral component of the land release process since its commencement in the late 1990s.

The *Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 1)* was adopted by the former Pittwater Council in December 2014 and is the plan currently applying to the Warriewood Valley Release Area.

**2015/16 REVIEW**

The 2015/16 review of the Section 94 Plan was undertaken as part of a rolling review of Council's suite of contribution plans. The key amendments to the *Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 1)* include:

- Review and update to the works schedule, including cost and timing of future works;
- Updated land valuations;
- Amendments to wording of the contributions plan;
- Update to forecast Consumer Price Index; and
- Update to estimated future interest rates.

In addition, a review of the *Warriewood Valley Roads Masterplan* and *Warriewood Valley Landscape Masterplan & Design Guidelines* was undertaken to ensure consistency across the suite of supporting documents.

**CONSULTATION**

In accordance with the requirements of the Environmental Planning & Assessment Regulation 2000, the *draft Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)* was exhibited for a period of 28 days, between 8 June and 6 July 2016. A notice was also placed in the *Manly Daily* on 4 June 2016 advising of the public exhibition.

Copies of the draft Section 94 Plan, as well as the *Warriewood Valley Roads Masterplan* and the *Warriewood Valley Landscape Masterplan & Design Guidelines*, were made available for viewing at the Mona Vale and Avalon Customer Service Centres and libraries. Copies were also made available on Council's website.

A total of 8 submissions were received.

**SUMMARY OF SUBMISSIONS**

The submissions are summarised and a detailed response provided in the Submission Summary and Response Table at Attachment 1. The main issues raised in the submissions relate to:

- Proposed timing of works items;
- Proposed purchase of land for active open space;
- Indexation methodology utilised to adjust the contribution rate; and
- Consideration of access and egress in emergency situations.

### **POST EXHIBITION AMENDMENTS**

After reviewing the submissions received, the following post-exhibition amendments were made:

#### *Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)*

- Indexation rate for income – The indexation rate for contributions has been reduced from 3.00% to 2.57% in line with movements in the latest CPI (Consumer Price Index) forecasts from BIS Shrapnel (42<sup>nd</sup> Edition August 2016).
- Indexation rate for expenditure – The indexation rate for expenditure has been reduced from 4.125% to 3.33% in line with movements in the BCI (Building Cost Index – AIQS September 2016).
- Risk premium – The risk premium rate used for volatility often experienced in the materials and contracts market has been reduced from 1.00% to 0.60% in line with the correlation between forecast BCI (Building Cost Index) and CPI (Consumer Price Index).
- Amendments to correct typographical errors and improve readability.

#### *Warriewood Valley Landscape Masterplan & Design Guidelines.*

- Amendments to correct typographical errors and improve readability.

### **TIMING**

If adopted, the *Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)* will come into force on the day a notice is published in the local newspaper.

### **FINANCIAL IMPACT**

The *draft Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)* forecasts approximately \$60 million in future income. This forecast income, combined with funds currently held in reserves and forecast interest, is proposed to fund the delivery of approximately \$74 million in future capital works and land acquisitions by the end of the 2021/22 financial year.

These funds will be used to provide drainage works, pedestrian and cyclist facilities, open space areas and recreation facilities, traffic and road improvements and community facilities for the Warriewood Valley Release Area in order to ensure that the existing Northern Beaches community is not burdened by the provision of this additional infrastructure.

### **SOCIAL IMPACT**

The *draft Warriewood Valley Section 94 Contributions Plans (Amendment 16, Revision 2)* establishes the legal framework and funding mechanism to facilitate the delivery of necessary infrastructure to ensure the continued health, safety and wellbeing of residents and workers in the Warriewood Valley Release Area.

### **ENVIRONMENTAL IMPACT**

Funds levied under the *draft Warriewood Valley Section 94 Contributions Plan (Amendment 16, Revision 2)* will assist in the conservation and enhancement of the waterways and bushland areas within the Warriewood Valley Release Area, mitigating the environmental impact of residential, industrial and commercial development. Through the rehabilitation process, these areas will become important habitat areas and linkages for native flora and fauna.

<b>ITEM 8.7</b>	<b>PURCHASE OF LAND AT 1151 BARRENJOEY ROAD, PALM BEACH</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT &amp; INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2016/395592</b>
<b>ATTACHMENTS</b>	1 <a href="#">↓ Location Plan</a> 2 <a href="#">↓ Indicative Plan</a>

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## EXECUTIVE SUMMARY

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### PURPOSE

To consider the purchase of a parcel of land on Barrenjoey Road Palm Beach (being part of 1151 Barrenjoey Road, Palm Beach – Lot 10A in Deposited Plan 13374) to facilitate works for the Palm Beach Walkway Project.

### SUMMARY

Palm Beach is an iconic local resident and tourist destination located on the northern extremity of the Northern Beaches peninsular that is a popular destination with visitors who walk to local attractions, such as the Palm Beach Light House, local restaurants, markets and the beach itself.

The only existing pedestrian route between Palm Beach Wharf and Governor Phillip Park is via Barrenjoey Road, which acts as a gateway to these local attractions. The pedestrian access on Barrenjoey Road is difficult with no continuous designated path which provides pedestrians no alternative but to share the road with vehicles at some locations. This has been highlighted as a significant safety concern by Council and the local community.

On 25 October 2016, Council endorsed the proposed Palm Beach Walkway connecting Palm Beach Wharf and Governor Phillip Park as a priority project.

During the initial investigation for this project it was apparent that the proposed footpath will traverse over a portion of private land at 1151 Barrenjoey Road, Palm Beach. Council staff have initiated discussions with the private owner of its intention to purchase a portion of land (approximately up to 6m<sup>2</sup>) to facilitate Palm Beach Walkway Project.

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### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Authorise the acquisition of approximately 6m<sup>2</sup> of land being part of 1151 Barrenjoey Road, Palm Beach (part Lot 10A in DP 13374) for an amount in accordance with independent qualified valuation advice received by Council.
  - B. Acquire the subject land for the purpose of a Public Road and dedicate the land as Public Road in accordance with section 10 of the *Roads Act 1993* upon acquisition.
  - C. Authorise the General Manager to execute all documentation and do all things necessary in order to give effect to this resolution.
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## REPORT

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### BACKGROUND

Council staff have progressed the design for an active travel project for a proposed Palm Beach Walkway connecting Palm Beach Wharf and Governor Phillip Park. The project is in response to safety concerns which have been raised by local resident groups relating to pedestrians walking along the road portion of Barrenjoey Road between Palm Beach Wharf and Governor Phillip Park. Council resolved to form a working group on 1 December 2014 to address the safety concerns and has undertaken significant survey, investigation and design into the project.

On 2 May 2016, Council endorsed the Palm Beach Walkway connecting Palm Beach Wharf and Governor Phillip Park as a priority project and resolved that \$250,000 be allocated in the 2016-17 Delivery Plan towards the project whilst seeking funding from the NSW Government for the additional funding required.

On 25 October 2016 Council resolved via Administrator Minute No.9/2016 to proceed with the community engagement and detailed design of the Palm Beach Walkway to enable the project to be construction-ready upon the availability of funding.

As part of this process, Council's Property Management & Commercial (PM&C) Unit has been negotiating with the owner of 1151 Barrenjoey Road with a view to purchase a portion of their land along Barrenjoey Road which was noted as necessary for the construction of the walkway due to the close proximity of the existing road to the property boundary.

### Property

The subject land is approximately 6m<sup>2</sup> and is located at 1151 Barrenjoey Road Palm Beach (Lot 10A in Deposited Plan 13374) (refer to Attachment 1 & 2).

It is located approximately 50m south of the intersection of Palm Beach Road and Barrenjoey Road.

The land is zoned E4 Environmental Living in accordance with the *Pittwater Local Environmental Plan 2014*.

### CONSULTATION

Council staff have commenced discussions with the owner of 1151 Barrenjoey Road, Palm Beach. On 15 November 2016, confirmation was received from the owner of the subject land with agreement in principle to sell the subject land to Council at the agreed price, subject to Council approval and contract.

### TIMING

The land acquisition is required prior to Council's Transport and Urban Unit commencing construction on site, which is reliant on funding. The Administrators Minute dated 25 October 2016 regarding this matter requires the project is to be made construction ready in order to ensure construction begins as soon as practically possible after funding is secured.

### FINANCIAL IMPACT

The purchase of a triangular parcel of land, being part of 1151 Barrenjoey Road, has been budgeted as an item in the total project cost estimate of \$1.7 Million of which Council has allocated \$250,000 in the 2016-17 Delivery Plan.

### Cost of Land

In September 2016, Council staff obtained independent qualified valuation advice for the subject land from Rawlinsons Corporate Real Estate Pty Limited.

On 15 November 2016, confirmation was received from the owner of the subject land with agreement in principle to sell the subject land to Council at the agreed price, subject to Council approval and contract.

The approximate total costs associated with the land acquisition (in addition to the purchase price) are estimated at \$17,000 plus GST and are made up as follows:

**Valuation Costs**

Council has paid \$2,200 incl GST to Rawlinsons Corporate for the valuation report.

**Survey Costs**

Council will bear all survey cost of \$2,900 (plus GST) and Land & Property Information registration fees associated of approximately \$1,500 (includes GST).

**Subdivision Costs**

Council's subdivision fee is \$ 2,420 (includes GST).

**Legal Costs**

Council will be required to pay for all legal fees in relation to the purchase of the land for both parties. Estimated legal costs and disbursement is \$8,000 plus GST.

**SOCIAL IMPACT**

The pedestrian walkway will provide critical linkages between Palm Beach Wharf and the wider northern Palm Beach area. It will greatly increase amenity for residents and visitors to the area.

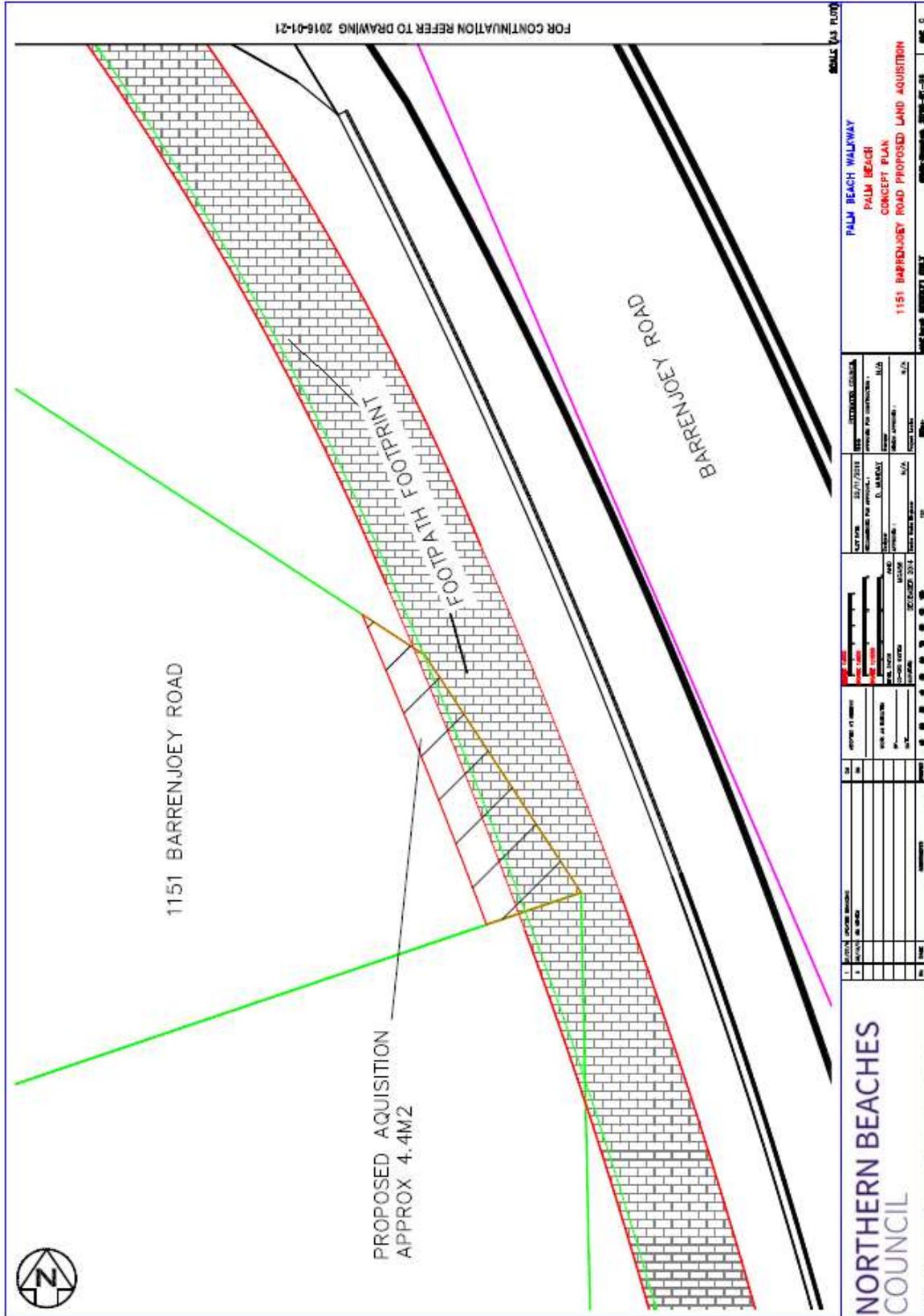
**ENVIRONMENTAL IMPACT**

Minimal environmental impact is envisaged to facilitate these works.

**Attachment 1** – Location plan showing subject land at 1151 Barrenjoey Road, Palm Beach



Attachment 2 – Indicative Plan of proposed land purchase



<b>ITEM 8.8</b>	<b>GLEN STREET CULTURAL HUB STAGE 2</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY MANAGEMENT &amp; COMMERCIAL</b>
<b>TRIM FILE REF</b>	<b>2016/394634</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To obtain approval from Council for additional project budget for Glen Street Cultural Hub Stage 2 project.

**SUMMARY**

Council is delivering a new library in the Glen Street Cultural Precinct in this year's capital works program.

As part of the initial project scoping the furniture, fittings and equipment (FF&E) were proposed to be re-used from the existing Belrose Library. However, this approach is not considered suitable given the adopted architectural approach to the community space, as well as the fact that the majority of the existing furniture and fittings are not suitable and as such a budget for FF&E is requested.

Further, due to required redesign costs, allocation of additional budget for both the architect and the construction contractor is now necessary.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE**

That Council adopt the recommendation contained in the Confidential Agenda Item 11.2 Glen Street Cultural Hub Stage 2.

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## REPORT

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### BACKGROUND

In February 2013 the former Warringah Council adopted the Glen Street Masterplan for the creation of a community connected Cultural Hub at Glen Street. Stage 1, the renewal of the Glen Street Theatre foyer and surrounds was successfully completed in 2014.

In February 2014 the former Warringah Council progressed to Stage 2, the development of a new library on the Glen Street site by engaging the services of a Design Team headed by Architects Brewster Hjorth Pty Ltd (BHA) to deliver a design that met Council's needs and requirements.

In March 2015 the former Warringah Council adopted the refined Glen Street Cultural Hub Stage 2 Concept 3 (Hybrid Design) and in December 2015 the services of Stephen Edwards Constructions were engaged to complete the works.

### FUTURE VISION FOR BELROSE LOCALITY

The original concept for the Glen Street revitalisation was centred on the opportunity to future plan the centre of the suburb to reinvigorate the community and embrace the social, cultural and lifestyle needs of the future population.

Council, as a major landholder, was ideally placed to direct the commercial and cultural direction of this bush suburb. This project targeted the revitalisation of the area by centralising the theatre, library, offices, gymnasium, and restaurant adjacent to the new Glenrose shopping precinct. Additionally, Council's sale of the library site as a mixed use residential development was seen to add to the vibrancy of the area.

The library development will deliver a new state of the art library, offering modern and innovative spaces including library collection, community lounge, study centre, children's collection, outdoor reading area, project space, young adult's collection, staff workroom and lift access.

### CURRENT STATUS

This project has been in construction since March 2016 and is listed in Council's current capital works program as CN6482 - Glen Street Cultural Hub Stage 2.

As part of the initial project scoping the furniture, fittings and (FF&E) were proposed to be re-used from the existing Belrose Library. This approach is not suitable given the adopted architectural approach to the community space, as well as the fact that the majority of the existing furniture and fittings have been identified by library staff to not be suitable. Council's Building Assets Project Manager has worked closely with the key Library Services staff to define the requirements and costs for the FF&E.

Further, due to required redesign costs, allocation of additional budget for both the architect and the construction contractor is now necessary.

As part of this project, the existing Belrose Library was sold to fund the new library and works in the theatre foyer. These funds will be used to pay for the additional budget requested.

### CONSULTATION

The masterplan and this concept have had significant community consultation and support.

In 2012 the former Warringah Council's Community Engagement team held discussions with over eighty (80) people during the day who all gave positive feedback about the openness of the plan, accessibility and improved facilities for patrons.

Many people commented on their desire for the café to be built at the same time. Many comments were received about the Glenrose Shopping Centre and the need for Council to do something to revitalise the area.

A detailed community engagement plan was developed in line with the former Warringah Council's Community Engagement Policy and Matrix. The plan included a range of engagement activities over a three month period (August to October 2012) to gain input into the draft masterplan and concept plans as they evolved. Key activities included:

- Dedicated project page on Your Say Warringah
- Online discussion forum
- Letter box drop to residences with a 300m radius of Glen Street Theatre
- Emails to all subscribers and hirers
- Inclusion of community workshop date, time and place in monthly EDM's
- Advertisements in the Manly Daily
- On-site display and posters on site
- Bulk emails five (5) over three months to the 2,200 contacts on the Engagement Email Register
- Workshop on 18 August 2012 to discuss draft plans and gain ideas
- Manned display at Glen Street Theatre on Open Day, 14 October 2012, to discuss latest plans and gain input
- DA process and notifications for Stage 1 in November – as per Council practice

#### **Project Page Statistics – Your Say Warringah Council**

- Site Visits – 2,250+
- Page views – 3,150+
- Individual visitors – 773
- Documents downloaded – 435

#### **TIMING**

The construction works began in March 2016 and are due for completion in March 2017.

#### **FINANCIAL IMPACT**

As part of this project, the existing Belrose Library was sold to fund the new library and works in the theatre foyer. These funds will be used to pay for the additional budget requested.

#### **SOCIAL IMPACT**

This will deliver an excellent outcome for the area, providing a high quality integrated library into a vibrant cultural precinct as per the original visions contained within the masterplan and supported by the local community.

#### **ENVIRONMENTAL IMPACT**

Nil

<b>ITEM 8.9</b>	<b>RFT 2016/085 - EXTENSION AND REFURBISHMENT TO DAVIDSON RURAL FIRE BRIGADE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY MANAGEMENT &amp; COMMERCIAL</b>
<b>TRIM FILE REF</b>	<b>2016/366208</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To consider in accordance with Clause 178 of the *Local Government (General) Regulation 2005*, the recommendations of the Tender Evaluation Committee following its assessment of the tenders received for RFT 2016/085 – Extension and Refurbishment of Davidson Rural Fire Brigade.

**SUMMARY**

Council ran a public open tender process for the extension and refurbishment of Davidson Rural Fire Brigade as detailed in RFT 2016/085. The proposed works aim to provide accommodation suitable to the growth of the brigade membership as well as the refurbishment of the existing building.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT &  
INFRASTRUCTURE**

That Council adopt the recommendation contained in the Confidential Agenda Item 11.3 RFT 2016/085 – Extension and Refurbishment of Davison Rulral Fire Brigafe.

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**REPORT**

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**BACKGROUND**

Davidson Rural Fire Brigade was originally built in approximately 1976, due to growing membership numbers the station was extended in 1986 and then again in 1999. Over the last ten years the brigade's membership has continued to grow and the current station is now not large enough to house their needs.

The station currently houses a Category 1 tanker, a Category 7 tanker and support vehicle. The support vehicle is currently kept within the open crew area, which also contains the brigade's kitchen. This not only poses numerous Work, Health and Safety issues but also for the crew area to be utilised the support vehicle must be removed.

Davidson Rural Fire Brigade is an important and integral part of the local community, and is a focal point during times of emergencies both locally and out of the area.

The construction involves the addition of a tanker bay and external house drying area, extension of the existing car park as well as minor internal refurbishments of the existing building.

The works are being completely funded by the NSW Rural Fire Service and Davidson Rural Fire Brigade.

The tender was released to the public on 22 October 2016 and closed on 15 November 2016. It was advertised in the Manly Daily on 22 October 2016 and the Sydney Morning Herald on 25 October 2016.

A tender evaluation committee (TEC) was formed to assess the tenders received against the following criteria:

<b>Criteria</b>	<b>Schedule</b>	<b>Assessment</b>	<b>Minimum Acceptable Score (MAS) &amp; Weighting</b>
Submission of all documentation required for initial cull.	All schedules	Pass/Fail	
Tender Form	Schedule F1	Pass/Fail	
Departures and Qualifications	Schedule F2	Pass/Fail	
Financial Information	Schedule F4	Pass/Fail	
Business Information & Performance Information	Schedule F3 & F5	Weighted	20% (MAS – 60)
Quality Assurance & Proposed Methodology	Schedule F7 & F14	Weighted	20% (MAS – 60)
Work Health and Safety	Schedule F8	Pass/Fail	
Personnel & Subcontractors	Schedule F10 & F11	Weighted	20% (MAS – 60)
Conflict of Interest and Fair Dealing Declaration	Schedule F12	Pass/Fail	
Insurances	Schedule F13	Pass/Fail	

Schedule of Fees	Schedule F21	Weighted	40%
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Detail of the tender assessment is contained in the confidential attachment.

**CONSULTATION**

The external stakeholders were engaged extensively through the design process, including concept planning and design development. A tender site briefing was organised for 2 November 2016 at 9.30am and one company attended that meeting. Tenderers were advised the upload all queries on the Tenderlink forum to obtain a formal response.

**FINANCIAL IMPACT**

Nil

**ENVIRONMENTAL IMPACT**

Nil

**SOCIAL IMPACT**

The project will provide better functionality and more efficient use of the existing building, it will allow the brigade to continue to play an integral role in the local community, as well as allowing the recruitment of future members.

<b>ITEM 8.10</b>	<b>RFT T2016/06 - FAIRY BOWER SWIMMING POOL FLOOR REFURBISHMENT</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT &amp; INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2016/395930</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To consider in accordance with Clause 178 of the *Local Government (General) Regulation 2005*, the Tender Evaluation Committee's' recommendations following its assessment of the Tenders received for RFT T2016/06 – Fairy Bower Swimming Pool Floor Refurbishment.

#### SUMMARY

This Tender relates to the refurbishment of the cracked and dated concrete floor of the Fairy Bower Swimming Pool built circa 1930.

The proposed works included two options:

1. Removal of the existing concrete floor and replace with new concrete floor at least 100mm thick.
2. Carry out crack sealing and repairs of the existing concrete floor.

Tenders were issued on 19 April 2016 and four (4) submissions were received from:

- Abergeldie Complex Infrastructure
- Antoun Civil Engineering (Aust) Pty Ltd
- FCS Concrete Repairs Pty Ltd
- Land & Marine Ocean Engineering Pty Ltd

The formation of Northern Beaches Council has enabled greater allocation of resources and expertise in ocean pool management to this project. Key community stakeholders have been engaged in determining the optimal outcome for the community.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council resolve to accept the recommendation contained in the Confidential Agenda Item Number 11.4 - RFT T2016/06 - Fairy Bower Swimming Pool Floor Refurbishment.

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**REPORT**

**BACKGROUND**

This Tender is in relation to the refurbishing the Fairy Bower Swimming Pool floor. This has been an issue identified by the Community with the existing floor of the Fairy Bower Pool cracked and uneven.

The community had previously raised concerns in relation to the general repair of the facility and requested that the (former) Manly Council carry out improvements to maintain the usability and amenity of the Pool.

The outcome of this consultation led to the carrying out of a condition assessment with an Asset Condition result of Category 4 (requiring repair) being confirmed.

The (former) Manly Council prepared an RFT to find suitably qualified companies to carry out the works with a budget of \$300,000 allocated for the project.

Tender RFT T2016/06 was issued on 19 April 2016 and closed at 2pm on 10 May 2016.

Submissions were received from the following organisations:

<b>Tenderer</b>	<b>Compliant/Non-Compliant Submission</b>
Abergeldie Complex Infrastructure	Compliant
Antoun Civil Engineering (Aust) Pty Ltd	Compliant
FCS Concrete Repairs Pty Ltd	Compliant
Land & Marine Ocean Engineering Pty Ltd	Compliant

A Tender Evaluation Panel (TEP) was formed to assess the tenders received. The TEP has provided a confidential assessment with covering report and recommendations for formal consideration by Council.

Detail of the Tender assessment is contained in the confidential attachment.

The formation of Northern Beaches Council has enabled greater allocation of resources and expertise in ocean pool management to this project. Key community stakeholders have been engaged in determining the optimal outcome for the community.

**TIMING**

To ensure the Pool was safe and able to be used over summer, additional investigation and repair works have been carried out by specialised Northern Beaches Council personnel. These works have predominately been based around leak repair and making good and rendering of exposed surfaces. As a result the Pool has proven to retain water at low tide where previously levels would have dropped by approximately 50%.

Further works are proposed to be carried out after summer.

**FINANCIAL IMPACT**

Nil

### **SOCIAL IMPACT**

Whilst the Pool is now fully functional for the summer, further investigatory and refurbishment work is required to maintain this iconic facility to the level the community expects. As such investigatory work and community consultation is ongoing to determine optimal repair works.

### **ENVIRONMENTAL IMPACT**

Fairy Bower Pool fronts onto the Cabbage Tree Bay Aquatic Reserve. Therefore high environmental controls are required with any works in this area. This is an issue Council staff are highly aware of and as such part of the further investigatory works will include profiling the base of the Pool and the walls for voids which would ultimately require a controlled infilling operation.

<b>ITEM 8.11</b>	<b>RFT 2016/093 - NORTHERN BEACHES PCYC LEASE OF CAFE/KIOSK</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PROPERTY MANAGEMENT &amp; COMMERCIAL</b>
<b>TRIM FILE REF</b>	<b>2016/393133</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To consider the recommendation of the tender for the lease of the Police Citizens Youth Club (PCYC) Café/Kiosk.

**SUMMARY**

Council ran a public open tender process for the lease of the Police Citizens Youth Club (PCYC) Café/Kiosk as detailed in RFT2016/093. The proposed commercial lease aims to cater to the users of the facility as well as the general public and enhance the public use of the PCYC.

The lease term for the café/kiosk will be five (5) years, with an option for extension at the Lessee's discretion of 5 (five) years.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE**

That Council adopt the recommendation contained in the Confidential Agenda Item 11.5 RFT 2016/093 Northern Beaches PCYC Lease of Café/Kiosk.

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## REPORT

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### BACKGROUND

The facility being constructed at 40 Kingsway, Dee Why (corner of Fisher Road and Kingsway) will deliver a multi-purpose community facility above three levels of modern car parking.

The car park will consist of approximately 348 car spaces for residents, commuters, visitors and short term parking for access to the Dee Why retail/commercial centre. Subject to finalisation of a commercial agreement, the facility above the car park will be operated as a Police Citizens Youth Club (PCYC). The PCYC will include two indoor multi-purpose courts, amenities, multi-purpose function rooms, recreation space and a café.

The facility is due for completion in early 2017.

The café/kiosk is to be leased by Council on a commercial basis, and as such Council issued a Request for Tender ( for a lease of the café/kiosk to commence on 1 March 2017 (approximately) for a term of 5 + 5 years.

A RFT was prepared by Council's Property Management & Commercial Group and Procurement Group to seek suitable respondents for the tender.

The tender was released to the public on 22 October 2016 with an initial closing date of 15 November 2016. It was advertised in the Manly Daily on 22 October 2016 and the Sydney Morning Herald on 25 October 2016.

On 31 October the tender site briefing date was changed from 3 November 2016 to 7 November 2016 to allow for further downloads of the documents prior to carrying out the site briefing.

On 5 September a second advertisement was run in the Manly Daily to encourage further downloads of the tender. Following this a tender site briefing was held on 7 November 2016 at 9.00am with 3 tenderers attending.

On 10 November 2016 the closing date of the tender was extended to 24 November 2016 due to limited downloads of the documents. At this time Council advertised the tender on Northern Beaches Council's Facebook and Twitter pages.

The Evaluation Committee met on 30 November 2016 as a group to assess and score the tender received.

At the close of tender on 24 November 2016 at 2.00pm, one tender was received.

On 2 December 2016 Council invited the tenderer to meet with the evaluation committee to discuss and present on their tender submission.

The Evaluation Committee has considered tenders and recommendations provided in the confidential report to Council.

### CONSULTATION

A tender site briefing was on 7 November 2016 at 9.00am, and three tenderers attended that briefing. The tenderers were advised to upload all queries on the Tenderlink forum to obtain a formal response. Questions asked at the formal site briefing were recorded and they and their responses were issued on Tenderlink as Addendum 2.

### TIMING

The proposed start date of the lease is 1 March 2017 (approximately).

**FINANCIAL IMPACT**

As outlined in the confidential report to Council.

**SOCIAL IMPACT**

The café/kiosk will enhance the public use of the PCYC facility, while preserving the purpose of the PCYC. It is also envisaged that barista skills may be taught to those interested youth through the café/kiosk.

**ENVIRONMENTAL IMPACT**

Nil

## 9.0 PLANNING & COMMUNITY DIVISION REPORTS

ITEM 9.1	<b>BUILDING FIRE SAFETY REPORT BY FIRE &amp; RESCUE NSW - 42-46 WATTLE ROAD BROOKVALE AND 145 OLD PITTWATER ROAD BROOKVALE</b>
REPORTING MANAGER	<b>EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE</b>
TRIM FILE REF	<b>2016/381169</b>
ATTACHMENTS	<p>1 <a href="#">↓</a> Fire and Rescue Inspection Report, 42-46 Wattle Road, Brookvale</p> <p>2 <a href="#">↓</a> Fire and Rescue Inspection Report, 145 Old Pittwater Road, Brookvale</p>

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### REPORT

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#### PURPOSE

Council has received inspection reports from Fire and Rescue NSW (F&R NSW) with respect to the following two buildings.

1. 42-46 Wattle Road, Brookvale, as shown in attachment 1.
2. 145 Old Pittwater Road, Brookvale, as shown in attachment 2.

Section 121ZD of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* requires that Council table such reports and any recommendations made at the next meeting of Council.

Council is also to determine whether or not to issue an Order number 6 in the table to Section 121B of the *EP&A Act 1979*. Order number 6 is used to require the implementation of measures to prevent fire, suppress fire or prevent the spread of fire.

Council must provide notice to F&R NSW of their determination.

#### REPORT

Council Officers have inspected two buildings in Brookvale reports from F&R NSW outlining fire safety concerns. Inspections revealed that the premises are deficient in fire safety and egress provisions and it is recommended that an Order number 6 are served on both building owners to ensure that adequate fire safety systems are provided.

#### **42-46 Wattle Road, Brookvale**

F&R NSW conducted an inspection of the building and identified the following concerns in the Inspection Report:

3. *The fire hydrant booster assembly did not display a fire hydrant block plan in accordance with Clause 7.11 of Australian Standard (AS) 2419.1 – 2005.*
4. *A fire isolated passageway of the complex, which also incorporates the discharge of a fire-isolated stairway from level 1, discharges adjacent to the Fire Indicator Panel (FIP) and sprinkler room. The passageway was poorly lit contrary to the requirements of Clause F4.4 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC) which may lead to persons evacuating the building running into the base of the stairs.*

Council inspection on 21 November 2016 confirmed the premises to be deficient in fire safety as listed in the F&R NSW report. Accordingly issuing an Order number 6 is recommended seeking rectification of these issues.

**145 Old Pittwater Road, Brookvale**

F&R NSW conducted an inspection of the building in an area adjacent to Woolworths which was under construction on 31 October 2016 and identified the following concerns in their Inspection Report:

1. *The self-closing device on the fire safety door opening into the fire isolated passageway from the Woolworths tenancy was disengaged, which failed to return the door to the fully closed position after each manual opening, contrary to the requirements of Clause C3.8 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC).*
2. *The fire separation above fire doors in the loading dock area (near the garbage room and Woolworth's rear egress doors) appeared to be incomplete, contrary to the requirements of Clause C2.7 of the NCC.*

Council Inspection on 25 November 2016 revealed that the fire safety door identified in Item 1 of the F&R NSW report was still deficient but that item 2 had been rectified. Accordingly issuing an Order number 6 is recommended seeking rectification of this outstanding issue.

**FINANCIAL IMPACT**

The recommended actions can be completed within existing budgets.

**SOCIAL IMPACT**

The recommended actions seek to improve fire safety provisions and reduce the potential for serious injury and the loss of life and as such have a positive social impact.

**ENVIRONMENTAL IMPACT**

The proposed actions will have minimal environmental impacts being limited to works within existing buildings.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY**

That Council:

- A. Issue an Order number 6 under Section 121B of the Environmental Planning and Assessment Act 1979 on the owners of 42-46 Wattle Road, Brookvale
  - B. Issue and Order number 6 under Section 121B of the Environmental Planning and Assessment Act 1979 on the owners of 145 Old Pittwater Road, Brookvale
  - C. Provide notice to Fire and Rescue NSW of the above determinations.
-



File Ref. No: BFS15/2209 (9518)  
TRIM Ref. No: D16/83323  
Contact: Station Officer Paul Scott

18 November 2016

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

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

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

**Re: INSPECTION REPORT  
Eastpoint  
42-46 Wattle Road, Brookvale ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

- *This concern following multiple attendances to these premises over the last 6 months.*
- *Most calls have been due to pressure loss in sprinkler system. Problems have been reported to Metro Asset Management and Betta Fire.*
- *Following a recent call I also believe people may be residing in one or more of the industrial units located on the 2nd floor.*

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on Select date was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Fire & Rescue NSW

**Unclassified**  
ABN 12 593 473 110

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

Community Safety Directorate  
Fire Safety Compliance Unit

Locked Bag 12  
Greenacre NSW 2190

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

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

Page 1 of 2

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

FRNSW were unable to identify if persons were sleeping on site.

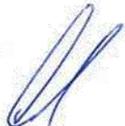
The following items were identified as concerns during the inspection:

1. The fire hydrant booster assembly did not display a fire hydrant block plan in accordance with Clause 7.11 of Australian Standard (AS) 2419.1-2005.
2. A fire isolated passageway of the complex, which also incorporates the discharge of a fire-isolated stairway from level 1, discharges adjacent to the Fire Indicator Panel (FIP) and sprinkler room. The passageway was poorly lit contrary to the requirements of Clause F4.4 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC) which may lead to persons evacuating the building running into the base of the stairs.

This matter is referred to Council as the appropriate regulatory authority for your determination and action if required. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS15/2209 (9518) for any future correspondence in relation to this matter.

Yours faithfully



John Bruscano  
Building Surveyor  
Fire Safety Compliance Unit

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

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

Community Safety Directorate  
Fire Safety Compliance Unit

Locked Bag 12  
Greenacre NSW 2190

T (02) 9742 7434  
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File Ref. No: BFS16/2152 and BFS16/2540  
TRIM Ref. No: D16/85547  
Contact: Station Officer Paul Scott

22 November 2016

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

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

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

**Re: INSPECTION REPORT  
Warringah Mall  
145 Old Pittwater Road Brookvale ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 27 September 2016 and 9 November 2016 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence on 27 September stated in part that:

- *The newly opened Warringah Mall entrance from the shops near Woolworths to the new carpark looks like a fire trap to my untrained eye..narrow exits no signage.*
- *Previously a wide doorway out to open air carpark..and the other exit to the back carpark is now blocked off.*

The correspondence on 9 November stated in part that:

- *Approached by owner of bakers delight regarding blocked egress routes at rear of shops due to trolleys full of merchandise primarily from adjacent fruit shop.*

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 31 October 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

Fire & Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	Locked Bag 12	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
<a href="mailto:bfs@fire.nsw.gov.au">bfs@fire.nsw.gov.au</a>	Page 1 of 2	© Copyright State Govt NSW



- A visual inspection of the essential Fire Safety Measures as identified in this report only.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

The area of concern adjacent to Woolworths retail area was under construction at the time of the inspection.

The following items were identified as concerns during the inspection:

1. The self-closing device on the fire safety door opening into the fire isolated passageway from the Woolworths tenancy was disengaged, which failed to return the door to the fully closed position after each manual opening, contrary to the requirements of Clause C3.8 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC).
2. The fire separation above fire doors in the loading dock area (near the garbage room and Woolworths rear egress doors) appeared to be incomplete, contrary to the requirements of Clause C2.7 of the NCC.

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

## RECOMMENDATIONS

FRNSW recommends that Council:

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

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2152 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles  
Building Surveyor  
Fire Safety Compliance Unit

**Unclassified**

Fire & Rescue NSW	ABN 12 593 473 110	<a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a>
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<b>ITEM 9.2</b>	<b>BUILDING FIRE SAFETY REPORT BY FIRE &amp; RESCUE NSW - 197-215 CONDAMINE STREET BALGOWLAH - 254 PITTWATER ROAD MANLY - 22 CENTRAL AVENUE MANLY - 4-8 DARLEY STREET MANLY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER ENVIRONMENTAL COMPLIANCE</b>
<b>TRIM FILE REF</b>	<b>2016/386737</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">📄</a> Fire NSW Report (Included In Attachments Booklet)</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

Council received four (4) inspection reports, as shown in attachment 1, from Fire and Rescue NSW (F&R NSW), in relation to buildings in the Manly area as follows:

1. 197-215 Condamine Street, Balgowlah (loading dock at Stockland Balgowlah Shopping Centre)
2. 254 Pittwater Road, Manly (known as Manly Green)
3. 22 Central Avenue, Manly (known as Manly National) and
4. 4-8 Darley Road, Manly.

Section 121ZD of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* requires Council to table such reports and any recommendations at the next meeting of Council, including whether or not to issue an Order number 6. Order number 6 is used to require implementation of measures to prevent fire, suppress fire or prevent the spread of fire.

F&R NSW is to be notified of Council's determination.

#### SUMMARY

Four fire safety inspection reports have been received by Council from F&R NSW in relation to buildings in the Manly area. Council staff have conducted a review of the matters raised and have provided recommendations in relation to these buildings.

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#### RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Not issue an Order number 6 under Section 121B of the *Environmental Planning and Assessment Act 1979* for 197-215 Condamine Street, Balgowlah and take no further action in this matter.
  - B. Issue an Order number 6 under Section 121B of the *Environmental Planning and Assessment Act 1979* for 254 Pittwater Road, Manly requiring a Building Code of Australia fire safety report to be submitted to Council.
  - C. Not issue an Order number 6 under Section 121B of the *Environmental Planning and Assessment Act 1979* to 22 Central Avenue, Manly and take no further action in this matter.
  - D. Issue an Order number 6 under Section 121B of the *Environmental Planning and*
-

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*Assessment Act 1979* for 4-8 Darley Road, Manly requiring a Building Code of Australia Fire Safety report to be submitted to Council.

- E. Provide notice to Fire and Rescue NSW of the above determinations.
-

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**REPORT**

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**BACKGROUND**

F&R NSW referred four (4) inspection reports to Council for a number of fire safety concerns relating to four (4) premises within the Manly area

Section 121ZD of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) requires that Council table such reports and any recommendations made at the next meeting of Council.

Council is also to determine whether or not to issue an Order number 6 in the table to Section 121B of the EP&A Act 1979. Order number 6 is used to require the implementation of measures to prevent fire, suppress fire, prevent spread of fire and to provide fire safety for building occupants.

The details of action and recommendations for each are as follows:-

**197-215 Condamine Street, Balgowlah**

Council staff conducted an inspection on 30 May 2016. They found that the issues identified by F&R NSW had been rectified and confirmed that fire safety provisions within the building were adequate.

Accordingly it is not deemed necessary to issue an Order 6 or to take any further action.

**254 Pittwater Road, Manly**

Council staff conducted an inspection on 23 November 2016. Whilst it was noted that fire safety measures are present within the building, there was also an absence of a fire hydrant. It is therefore deemed necessary to establish the full extent of the building's fire safety deficiencies.

Accordingly an Order 6 is recommended requiring the owners to submit a Building Code of Australia Fire Safety Report.

**22 Central Avenue, Manly**

Council staff conducted an inspection on 23 November 2016 and noted the following in accordance with the issues identified in the F&R NSW report:

- 1) The Smoke Detection and Alarm System are tested monthly. A receipt was provided and dated 22 April, 2016 for work to replace faulty batteries in the fire panel. A Zone Block Plan was not provided at the Fire Indicator Panel (FIP), however one was present in the sprinkler room directly adjacent to the Fire Indicator Panel (FIP). The FIP was also included indicator lights for each area of the building with clear descriptions of each area.
- 2) Fire Hydrant System – All Fire Hose Reel cupboards on the residential levels had adequate signage to identify the hydrant valve within the enclosure. Evacuation plans located on all levels. All fire hydrants were tagged indicating the last inspection in August and September, 2016.
- 3) Fire Hose Reels – All Fire Hose Reel cupboards were free of non-fire related equipment. No paint tins, buckets, gyprock and electrical equipment found in Fire Hose Reel cupboards. Fire Safety Schedule displayed on the notice board on the ground level of the building.
- 4) Electrical cupboards – These were found to meet with standards in place when the building was constructed.

Based on the above observations made during the inspection the fire safety measures are deemed to be adequate and an Order 6 is not required.

**4-8 Darley Road, Manly**

Council staff conducted an inspection on 2 December 2016. The inspection revealed a number of fire safety concerns in addition to the matters raised by F&R NSW, including; incorrect signage, defective fire doors, untagged fire extinguishers and incorrect swing to a fire exit.

Follow up inspection by Council staff on 5 December 2016 confirmed that the most urgent items, including removal of a barrel bolt fixed to an exit door and relocating a bike which was obstructing a fire exit route, had been completed. Consideration is also being given to issuing penalty infringements for the breaches identified.

In light of the issues identified it is recommended that an Order 6 is issued requiring submission of a Building Code of Australia Fire Safety Report. This report will identify all fire safety deficiencies within the building and include a strategy for completing the necessary upgrades.

**FINANCIAL IMPACT**

The recommended actions can be carried out within existing budgets.

**SOCIAL IMPACT**

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

**ENVIRONMENTAL IMPACT**

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

<b>ITEM 9.3</b>	<b>COUNCIL SUPPORT FOR THE AUSTRALIAN OPEN OF SURFING 2017 AND 2018</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PLACE MANAGEMENT</b>
<b>TRIM FILE REF</b>	<b>2016/348351</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To confirm Council's commitment to support the 2017 and 2018 Australian Open of Surfing events in accordance with existing agreements.

#### SUMMARY

The Australian Open of Surfing (AOS) is the only event of its kind in Australia combining surf, skate, music and culture. It is a major hallmark event for Manly attracting tens of thousands of visitors each year and delivering significant benefits to Manly and the Northern Beaches visitor economy.

Council has received a request from IMG, owner and organiser of the AOS, to hold the event on Manly Beach from 25 February to 5 March, 2017 and again in February/March 2018. IMG seeks to continue Council's support and partnership with this event as outlined in Memorandum of Understanding (MOU) agreements between the (former) Manly Council, IMG and Destination NSW for AOS events held from 2016 to 2018. This support includes the waiving of some event fees, the provision of some logistics support and access to promotional opportunities in the Northern Beaches area.

In return for this high level support, Northern Beaches Council will be acknowledged as a major sponsor for the event. Through an ongoing strategic partnership with IMG and Destination NSW, Council has the opportunity to grow the destination brand identity of Manly and the Northern Beaches and create further economic benefits for the region.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Continue its partnerships with Destination NSW and the organisers of the Australian Open of Surfing in line with the existing agreements to ensure successful delivery of the event in 2017 and 2018.
  - B. Waive the event and parking permit fees and provide in-kind support as per existing agreements for the Australian Open of Surfing in 2017 and 2018.
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## REPORT

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### BACKGROUND

Manly Beach is widely recognised as the home and birthplace of surfing in Australia. It is the site of the first legal bathing (1902), the first surf club (1903), first body surfing and first surf boats (1907) and Duke Kahanamoku's famous board surfing demonstration (1915) at Freshwater Beach just to the north.

Recognising this tradition, in 1964 Manly was chosen as the location for the first World Surfing Championships. As it is today, Manly was a popular beachside destination for day-trippers and longer-stay visitors and was chosen due to its surfing history, its popularity with the surfing community, its reputation for its laidback beach lifestyle and its proximity and easy access from Australia's largest city, Sydney.

In 2012 the event again returned and was known as the Australian Open of Surfing (AOS), part of the official world surfing calendar. That same year the coastal strip from Freshwater Beach to Shelly Beach was declared Australia's first World Surfing Reserve.

To ensure the success of the AOS, IMG, the event organisers and subsequent owners, developed partnerships with the (former) Manly Council and Destination NSW, the lead government agency for the NSW tourism and major events sectors. These partnerships have continued since then and in 2015, IMG and Destination NSW formalised a three-year partnership to support holding the Australian Open of Surfing at Manly from 2016 – 2018, recognising the strategic importance of the event to the NSW, Sydney and local economies.

In turn the (former) Manly Council and Destination NSW agreed to an MOU in February 2016 confirming a cooperative and coordinated approach in delivering the event from 2016 – 2018. Council also confirmed with IMG its position as a major sponsor of the event for the 2016 – 2018 events and its ongoing commitment to support the success of the event.

The ongoing success and growth of the AOS in Manly continues to deliver significant economic benefit to the region as well as recognising the Northern Beaches surfing heritage including the tradition started in 1964 of celebrating world-class surfing at Manly Beach.

#### Benefits to the Visitor Economy

As an avenue to promote tourism the event aligns with several of Sydney's lifestyle brand values including 'outdoor', 'coastal/beach/surf', 'active' and 'fun' and positions Manly, Sydney and NSW as Australia's premier surf/beach/coastal lifestyle destination.

The primary objective of the festival is to generate interstate and international tourism in Manly. This is accomplished through a comprehensive pre-event advertising campaign on free-to-air and pay TV, cinema, print, social and digital media channels as well as strategic partnerships, competitions and outdoor advertising/promotions.

Furthermore, the event itself is broadcast via web, free-to-air, sports and music pay TV channels, with syndication to an estimated 55 million homes across Asia, Europe, North & South America, Africa and the Middle East, thus positioning Manly's brand and reputation as a desirable quintessentially Australian tourism destination at the forefront of a national and international audience, facilitating further tourism opportunities.

Destination NSW contributes cash and in-kind support to specifically promote the event towards the objective of maximising interstate, regional and overseas visitation, and the event attracts a large number of visitors.

In 2016, the event delivered over 6,000 visitor nights and associated visitor spend well in excess of \$2.5million, supporting the Manly and Northern Beaches economies.

Benefits to the Northern Beaches Community

The Australian Open of Surfing celebrates the youthful, active, beachside Northern Beaches lifestyle, delivering a world-class international event to our shores. Beyond the benefits to the local economy, the event provides recreational opportunities for locals to witness their sporting heroes in action in both the surfing and skating arenas in a family friendly atmosphere. Likewise, through the delivery of major outdoor concerts, the event delivers free access to hear and see some of Australia and the world's favourite performers on the sands of Manly Beach.

Council's Support for the Event

Through its agreements with Destination NSW and IMG, Council, through its approval for the event to take place, has committed to the waiving of event and parking permit fees (for up to 1,000 passes across the event bump-in/out and operational periods in locations agreed between Council and IMG) as well as providing some in-kind support for items such as waste management, signage production and provision of sandbags as follows:

*Fees Waived:*

Major Event Large Scale (for 9 days)		\$242,523 (at 2016/217 rates)
Parking Permits (up to 1000 across the event period)	up to	\$123,000 (at 2016/217 rates)
<i>Total Annual Fees Waived:</i>	<i>up to</i>	<i>\$365,523 (at 2016/217 rates)</i>

*In-kind Support costs:*

Sandbags	\$10,500
Waste Management	\$10,000
Access to North Steyne Surf Club	\$ 9,120
Bump-in/out Supervision	\$ 3,380
Signage Production	\$ 2,287
Event promotion through Council-owned digital media	Nil
<i>Total In-kind Support Value:</i>	<i>\$35,287</i>

IMG will incur costs for any additional Council services required such as contract toilet cleaning, additional lifeguard services, grass restoration, signage installation, plumbing, electrical and support services. Furthermore IMG will be required to pay an upfront trust fund bond of minimum \$50,000 to cover against any damage to Council property and the natural environment.

**FINANCIAL IMPACT**

The event is conservatively estimated to inject well over \$2.5million into the Northern Beaches economy. The exposure through the television coverage will also deliver medium to longer term benefits to the Northern Beaches economy.

The waiving of the fees and provision of in-kind support as noted can be accommodated within the 2016/17 operational budget.

**SOCIAL IMPACT**

Nil

**ENVIRONMENTAL IMPACT**

The event will be run under strict environmental guidelines as part of the approval process to ensure waste is minimised by using, for instance, compostable and recyclable containers for food service. Any temporary damage to the public reserve as a result of large crowds and/or event infrastructure will be rectified at the event organiser's expense.

<b>ITEM 9.4</b>	<b>COUNCIL SUPPORT FOR VOLLEYFEST 2017</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PLACE MANAGEMENT</b>
<b>TRIM FILE REF</b>	<b>2016/374721</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**EXECUTIVE SUMMARY**

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**PURPOSE**

To confirm Council's commitment to support the 2017 VolleyFest event.

**SUMMARY**

VolleyFest is the biggest national volleyball competition in Australia, showcasing professional athletes from across Australia and around the world. It is a major and growing event for Manly attracting thousands of visitors each year and delivering significant benefits to the Manly and Northern Beaches visitor economy.

Council has received a request from Volleyball Australia (owner and organiser) of VolleyFest to hold the event on Manly Beach from 17 to 26 March 2017. Volleyball Australia seeks to continue Council's support from previous years to support the establishment and growth of the event. This support includes the waiving of some event fees, the provision of some logistics support and access to promotional opportunities in the Northern Beaches area.

In return for this high level support, Northern Beaches Council is to be acknowledged as a major sponsor for the event. Through a developing partnership with Volleyball Australia, Council has the opportunity to grow the destination brand identity of Manly and the Northern Beaches, in-turn creating further economic and social benefits for the area.

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**RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY**

That Council continue to support VolleyFest 2017 by reducing the fee to \$42,000 including GST and providing in-kind support to ensure the growth and successful delivery of the event.

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## REPORT

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### BACKGROUND

Manly Beach is widely recognised as the spiritual home of beach volleyball in Australia. The venue boasts eight permanent volleyball courts in the centre of the beach; is home to commercial, recreational and social beach volleyball organisations; and has hosted large and small-scale beach volleyball competitions for decades.

In 2014 Volleyball Australia approached the (former) Manly Council with a new proposal to hold an extended beach volleyball event that would showcase the sport at a variety of levels. VolleyFest was structured to include an international beach volleyball competition with athletes arriving in Australia specifically for the event, as well as a round of the Australian Beach Volleyball series with both international and interstate competitors. Between these two events Volleyball Australia would host community and schools coaching clinics and 'meet and greet' opportunities with professional and elite athletes.

VolleyFest was successfully held for the first time in 2014 with Council substantially reducing event fees to support the establishment of the event. In 2016 Volleyball Australia signed an agreement with Destination NSW, the lead government agency for the NSW tourism and major events sectors, to hold VolleyFest in Manly from 2016 – 2018. Recognising the potential value of the event to the Northern Beaches community, local businesses and the Manly brand, the (former) Manly Council again supported the event in 2016 by reducing fees.

The ongoing expansion and success of VolleyFest in Manly delivers increasingly significant economic benefits to local businesses and reinforces the 'active beach lifestyle' brand for which Manly has become famous. Similar to the Australian Open of Surfing, as an avenue to promote tourism, VolleyFest aligns with several of Sydney's lifestyle brand values including 'outdoor', 'coastal/beach', 'active' and 'fun' and positions Manly, Sydney and NSW as Australia's premier beach/coastal lifestyle destination.

VolleyFest is by far the biggest national volleyball competition in Australia, attracting over 30,000 spectators, 500 athletes from around the world and a mass international TV audience. The 2017 event will encompass the finals of the Australian Beach Volleyball Tour, and for the first time, two international tournaments in the form of the Asian Beach Volleyball Championships and a full Women's World Tour Event. Additionally, VolleyFest aims to encourage community engagement by introducing the inaugural NSW Beach Volleyball Schools Cup, volleyball clinics and other entertainment to support the event.

Destination NSW contributes in-kind support to specifically promote the event towards the objective of maximising interstate, regional and overseas visitation. The VolleyFest promotional campaign includes extensive media coverage via live event broadcast on free-to-air and pay TV channels to over 30 million viewers across Australia and Asia; live web-streaming to over 100,000 followers; and dedicated social media and digital advertising to over 100,000 people.

Furthermore, from December 2016, Volleyball Australia will broadcast a new weekly free-to-air TV program, hosted by Olympic Gold Medallist and Manly local Kerri Pottharst, which will heavily promote VolleyFest as a season finale to a national audience over an extended period.

The event is estimated to inject over \$1 million into the Northern Beaches economy. Due to this year's VolleyFest hosting the first full world tour event in Australia since 2008, the additional publicity and visitation is expected to generate increased accommodation stays in Manly with competitors and spectators staying multiple nights over and beyond the event period.

### Council's Support for the Event

In 2014 the (former) Manly Council agreed with Volleyball Australia a reduced and sliding scale for VolleyFest event fees whereby the fees would rise over a three-event period as the event grew and became further established year-on-year. The fee in 2014 was \$28,000 rising to \$35,000 in 2016.

In line with this agreement the proposed fee in 2017 would be \$42,000. This fee would replace the following fees otherwise payable:

Major Event Large Scale (\$26,947/day x 10 days)		\$269,470
Parking Permits (up to 190 across the event period)	up to	\$ 23,370
Event Application Fee		\$ 513
Power Access		\$ 310
<i>Total Fees</i>		<i>\$293,663</i>

Fee agreed		\$ 42,000
<i>Total fees proposed to be reduced by</i>		<i>\$251,663</i>

In addition to this Council will provide the following in-kind support:

Sandbags		\$10,500
Bump-in/out Supervision		\$ 3,380
Event promotion through Council-owned digital media		Nil
<i>Total In-kind Support Value:</i>		<i>\$13,880</i>

Volleyball Australia will incur costs for any additional Council services required such as waste management, grass restoration, signage installation, plumbing, electrical and support services. Furthermore Volleyfest will be required to pay an upfront trust fund bond of minimum \$40,000 to cover against any damage to Council property and the natural environment.

#### **FINANCIAL IMPACT**

The event is estimated to inject over \$1 million into the Northern Beaches economy. The exposure through the television coverage will also deliver medium to longer term benefits to the Northern Beaches economy.

The reduction of fees and provision of in-kind support as noted can be accommodated within the 2016/17 operational budget.

#### **SOCIAL IMPACT**

The reduction of the fees will have no social impact as funds are not taken away from other services. The event itself will deliver benefits for local businesses and provide opportunities for residents to enjoy a major international event in their own area.

#### **ENVIRONMENTAL IMPACT**

The event will be run under strict environmental guidelines as part of the approval process to ensure waste is minimised by using, for instance, compostable and recyclable containers for food service. Any temporary damage to the public reserve as a result of large crowds and/or event infrastructure will be rectified at the event organiser's expense.

<b>ITEM 9.5</b>	<b>SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACHFRONT AND PROMENADE FOR THE 2017 AUSTRALIAN OPEN OF SURFING AND 2017 VOLLEYFEST EVENTS.</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PLACE MANAGEMENT</b>
<b>TRIM FILE REF</b>	<b>2016/349200</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To suspend the designated Alcohol Prohibited Areas on Manly Beachfront and Promenade in specific locations within the event sites for the Australian Open of Surfing and VolleyFest during the two event periods being 25 February – 5 March 2017 and 17 March – 26 March 2017.

#### SUMMARY

The Australian Open of Surfing has been held on Manly beachfront and promenade since 2012. 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 Alcohol Prohibited Areas at these locations in previous years.

Council has received a request to suspend the Alcohol Prohibited Areas in selected locations on Manly Beachfront and promenade for the presentation of event components related to the 2017 Australian Open of Surfing and 2017 VolleyFest events.

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#### RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Suspend the Alcohol Prohibited Areas for the Australian Open of Surfing within the designated event locations on Manly Beachfront and promenade for the period 25 February – 5 March 2017 between the hours of 11.00am and 9.45pm.
  - B. Suspend the Alcohol Prohibited Area for VolleyFest within the designated event locations on Manly Beach Beachfront and promenade for the period 17 March – 26 March 2017 between the hours of 12.00pm (midday) and 6.00pm, and on Saturday 18 March between 12.00pm and 9.00pm.
  - 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**

The Australian Open of Surfing, owned and operated by IMG, and VolleyFest, owned and operated by Volleyball Australia, are two major events on the annual calendar. They are major drivers for visitation and tourism in Manly and contribute significantly to the Northern Beaches visitor economy. Both events have a history of working closely with Council and the local police to ensure they are conducted safely.

As with many major events and festivals food and beverage catering to VIPs, special guests, performers and officials will be provided at both events in well-defined spaces within the event site. The Australian Open of Surfing will also include two limited spaces where food and beverage sales will also be available to members of the public.

Both IMG and Volleyball Australia will appoint licensees responsible for ensuring the responsible service of alcohol at all times. Agreed alcohol and security management plans will be in place for both events in all areas where alcohol will be served, including enforcement by appropriate signage and security personnel provided by the event organisers. Where required by Police, additional user-pays Police personnel will also be on-site at the expense of event organisers.

The location of the event sites is situated within the current Alcohol Prohibited Area, 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 event organisers to serve alcohol are as follows:

Australian Open of Surfing 2017

	Venue	Dates	Times	Capacity	Access
Area 1	VIP Marquee	25 Feb – 5 Mar	11am – 5pm	350	Ticketed, invite only.
Area 2	'The Beach Club' Marquee	25 Feb – 5 Mar	11am – 6pm Extended 6pm – 9.45pm on 25 – 26 Feb & 1- 4 Mar	350	Ticketed, public entry
Area 3	Performers Green Room	25 Feb & 4 – 5 Mar	12pm – 7.30pm	30	Private VIP only.
Area 4	VIP Bar for ticketed concert.	25 Feb	3pm – 7.30pm	1000	Ticketed, public entry.

VolleyFest 2017

	Venue	Dates	Times	Capacity	Access
Area 1	VIP Marquee	17– 26 Mar	12pm – 6pm daily Extended to 9pm on 25 Mar	150	Private VIP only.

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 Alcohol Prohibited Areas do not define the requirements for the suspension of an Alcohol Prohibited Area. However in order to adhere to best practice, it is recommended that Council approve the suspension of the Alcohol Prohibited Area 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 both Northern Beaches Police and the event organisers, IMG and Volleyball Australia, to ensure the safe operation of the areas during these events.

Consultation has begun with Northern Beaches Police who have provided in-principle support for the proposed licenced activities for the 2017 events, subject to the event organisers providing full and detailed security and alcohol management plans, appropriate structures, fencing and signage. These requirements will form part of the final approval for each event.

### **FINANCIAL IMPACT**

As part of their final event approval, event organisers 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 IMPACT**

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

Areas where alcohol is served that have general public access 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 IMPACT**

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.

<b>ITEM 9.6</b>	<b>PROHIBITION OF ALCOHOL ON AUSTRALIA DAY 2017 - BEACHES AND RESERVES</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PLACE MANAGEMENT</b>
<b>TRIM FILE REF</b>	<b>2016/385758</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**REPORT**

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**PURPOSE**

To establish temporary Alcohol Prohibited Areas (APA) on all sand areas of all beaches and beach reserves within the Northern Beaches LGA on Australia Day, 26 January 2017.

**REPORT**

Council received correspondence on Thursday 3 November 2016 from the Northern Beaches Police Local Area Command requesting all ocean beaches and associated beach reserves be "alcohol prohibited" for Australia Day, 26 January 2017.

This request comes as a result of previous incidents on Australia Day at Shelly Beach, Manly Wharf, East and West Esplanade, Jump Rock, Freshwater Beach Reserve, Dee Why Beach Reserve, Long Reef Beach Reserve, Collaroy Beach Reserve, Mona Vale Beach Reserve and Newport Beach Reserve.

In previous years alcohol was prohibited on the sand only across all Northern Beaches ocean beaches, at the request of the Local Area Command.

Under Section 632A of the *Local Government Act 1993*, the proposal to declare an APA does not require public exhibition and consultation before being adopted by Council. Final approval for APA's must be granted by the Local Area Commander of Police.

**FINANCIAL IMPACT**

Council will need to install signage to identify the prohibition zones however costs can be accommodated within the 2016/17 operational budget.

**ENVIRONMENTAL IMPACT**

It is likely that this will result in a reduction of litter and damage.

**SOCIAL IMPACT**

It is likely that this will result in a reduction of unsociable behaviour, public disturbances and other alcohol-related incidents.

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**RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY**

That Council declares temporary Alcohol Prohibited Areas on all sand areas of all beaches and beach reserves within the Northern Beaches LGA on Australia Day, from 6 am on 26 January 2017 for a period of 24 hours.

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<b>ITEM 9.7</b>	<b>2016/2017 FUNDING FOR MANLY COMMUNITY CENTRE AND SERVICES AND MANLY WOMEN'S SHELTER</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY SERVICES</b>
<b>TRIM FILE REF</b>	<b>2016/387031</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To seek approval to distribute funding allocated in the 2016/17 budget to Manly Community Centre & Services Inc. and Manly Women's Shelter Inc.

#### SUMMARY

Council previously held Management & Service Agreements with Manly Community Centre & Services Inc. (from 1 July 2012 to 30 June 2017), and Manly Women's Shelter Inc. (from 29 November 2013 to 28 November 2016), which included the provision of funding to these organisations.

Discussions to negotiate new Management and Service Agreements commencing 1 July 2017 are due to commence with the Manly Community Centre & Services Inc. Executive and are underway with Manly Women's Shelter Inc.

Under section 356 of the *Local Government Act 1993*, Council may in accordance with a resolution of Council grant financial assistance for the purpose of exercising its functions.

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#### RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Allocate funding in the 2016/17 budget as follows:
    - a. Manly Community Centre & Services Inc. - \$78,900.
    - b. Manly Women's Shelter Inc. - \$50,000.
  - B. Liaise with the executives of Manly Community Centre & Services Inc. and Manly Women's Shelter Inc. to negotiate new Management and Service Agreements to commence 1 July 2017.
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**REPORT**

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**BACKGROUND**

The (former) Manly Council held Management & Service Agreements with Manly Community Centre & Services Inc. (from 1 July 2012 to 30 June 2017), and Manly Women's Shelter Inc. (from 29 November 2013 to 28 November 2016), which included the provision of funding to these organisations.

**Manly Community Centre & Services Inc. (MCCS)** is a community-based, non-government, charitable, not-for-profit organisation located in Wentworth Street, Manly that has been operating for 39 years. Its primary aim is to provide a community focal point and meeting place and to highlight community welfare needs and to facilitate the development of services to meet those needs.

The Centre provides information, counselling, financial and legal advice, volunteer recruitment and training, domestic violence services, multicultural services and homelessness services, including a homeless outreach and drop in service. It also provides the base for a range of community services and organisations, such as Legal Aid NSW outreach and Centrelink outreach services.

MCCS also operates Settlement Grants Program services from its Manly base and from the Brookvale Community Centre under agreement with Settlement Services International. This program assists settlement of migrants and refugees in Australia for less than five years.

MCCS also provides services to the Manly Women's Shelter, including the intake and assessment of potential clients seeking crisis accommodation as well as acting as the Shelter's 'public face'.

From the five months from February to June 2016, an average of 1,300 people contacted the Centre per month, 71% in person and 29% via phone. Reasons for contact were: the drop-in service (50%), for material aid (20%), in relation to welfare matters (18%), and for information and advocacy (12%).

In 2015/16 MCCS received \$225,810 grant funding from the State Government, \$113,535 from the Commonwealth for the Settlement Grants Program, \$76,122 from the former Manly Council as part of the Service and Management Agreement, and a \$5,000 Community Development grant from the former Warringah Council (3-year recurrent grant to 2017/18). The organisation also fund raises to meet its operating costs and generates income from hall hire, accommodated services and other sources.

Discussions are due to commence with the MCCS Executive to negotiate a new Management and Service Agreement commencing 1 July 2017.

**Manly Women's Shelter (MWS)** is a community-based, non-government, not-for-profit organisation whose primary aim is to provide up to three months accommodation and support for homeless and at risk women who do not have dependent children. The Shelter can accommodate up to 10 women at any one time, plus 3 women in their transition back to community program.

Since opening in 2010, over 250 women have been accommodated. The reasons for admittance are: domestic violence (29%), mental health (28%), financial hardship (23%), and drugs/ alcohol (20%). A case management approach assists residents to access permanent accommodation and community support systems.

It costs approximately \$480,000 to run the Shelter per year with \$123,000 in grants received in 2015, including the \$50,000 grant received from the former Manly Council. No other direct government funding is received. Other funds are raised to cover the Shelter's operating costs, with over \$250,000 in donations received in 2015 from various sources.

Discussions have commenced with Manly Women's Shelter Inc. to negotiate a new Management and Service Agreement commencing 1 July 2017.

**FINANCIAL IMPACT**

The 2016/17 Operational Budget for the (former) Manly Council contains funding for these two organisations as follows:

1. Manly Community Centre & Services Inc. - \$78,900.
2. Manly Women's Shelter Inc. - \$50,000.

**SOCIAL IMPACT**

The funding for Manly Community Centre & Services Inc. and the Manly Women's Shelter Inc. provides positive social outcomes, in particular in relation to providing welfare services and services to the homeless on the Northern Beaches, as described above. Both organisations are held in high regard and are an integral part of the Northern Beaches' social infrastructure.

**ENVIRONMENTAL IMPACT**

Nil

<b>ITEM 9.8</b>	<b>MINOR AMENDMENTS TO THE WARRINGAH LOCAL ENVIRONMENTAL PLANS (2000 AND 2011) AND WARRINGAH DEVELOPMENT CONTROL PLAN 2011</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2016/301872</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓ Gateway Determination</a></b>

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## EXECUTIVE SUMMARY

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### PURPOSE

To report the outcomes of the public exhibition of a Planning Proposal for minor amendments to: Warringah Local Environmental Plan 2000 (WLEP2000); Warringah Local Environmental Plan 2011 (WLEP2011); and Warringah Development Control Plan 2011 (WDCP), and seek Council's approval to make the majority of those amendments.

### SUMMARY

At its meeting on 22 March 2016, Council resolved to make a number of minor amendments to WLEP2000, WLEP2011 and the WDCP. A Planning Proposal for the LEP changes was subsequently prepared and submitted to the Department of Planning and Environment (the Department) for a Gateway Determination.

Following receipt of the Gateway Determination on 13 July 2016, the updated Planning Proposal was jointly exhibited with the proposed WDCP amendments from 10 September until 24 October 2016.

Five submissions were received during the public exhibition period. Key issues raised related to the proposed rezoning of the western half of the Dee Why Post Office from RE1 Public Recreation to B4 Mixed Use; the proposed amendments to the WDCP Flood Maps, and the proposed signage on trailers amendment. The Department of Education and Communities also withdrew its request to increase the Floor Space Ratio and Height Controls for the Cromer High School site.

It is recommended that the proposed amendments proceed to implementation with the exception of the re-zoning of the western half of the Dee Why Post Office and the associated WDCP amendment; the proposed increase in Floor Space Ratio and Height controls for Cromer High School; and Signage on Trailers.

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### RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Approve minor amendments to *Warringah Local Environmental Plan 2000 (WLEP2000)*, *Warringah Local Environmental Plan 2011 (WLEP2011)* and *Warringah Development Control Plan 2011 (WDCP)*, to:
    - a. Cromer High School: Re-Zone from IN1 – General Industrial to SP2 - Infrastructure.
    - b. Lindrum Reserve and Surrounding Properties, Belrose: Re-Zone the reserve from R2 – Residential to RE1 - Public Recreation. Amend associated WDCP mapping to reflect this change including applying a 'Land Adjoining Public Open Space'
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- requirement to adjoining residential properties.
  - c. Driveway Adjoining Pitt Road Neighborhood Centre, North Curl Curl: Re-Zone from R2 – Residential to B1 - Neighbourhood Centre. Make associated WDCP mapping amendments.
  - d. Pathway to the west of the Dee Why Post Office: Re-zone the pathway from B4 Mixed Use to RE1 Public Recreation. Amend WDCP map 'Land Adjoining Public Open Space' to reflect this change.
  - e. Amend the Heritage Map: To ensure the heritage item "elevated reservoir" is indicated as only located on property No.53 Aubreen Street, Collaroy and not on adjoining property No.56 Idaline Street, Collaroy.
  - f. Adjust the Cadastre and associated Mapping in WLEP2011 and the WDCP for:
    - i. Glen Street Theatre and Lionel Watts Reserve
    - ii. All properties within the blocks bounded by Adams Street, Rabbett Street and Forest Way, Frenchs Forest
    - iii. Nos.32 and 34 Monserra Road, Allambie Heights
    - iv. Nos. 3 and 5 Cootamundra Drive, Allambie Heights.
  - g. Delete certain Exempt Development Requirements for Signage in WLEP2011 and WLEP2000: where similar requirements apply under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
  - h. Increase Temporary Use Period from 28 to 52 days: (whether or not consecutive days) in any period of 12 months by amending Clause 2.8 of the WLEP2011. This allows development consent to be granted for the temporary use of land for a purpose that might otherwise be prohibited under the zoning of the land, for example Farmers Markets.
  - j. Consolidate and Simplify WDCP Part B 'Built Form Controls': including the transfer of setback controls from the text into mapped format for properties including Bare Creek Waste Management Centre, Belrose; Properties located on The Greenway, Duffy's Forest; Certain properties at Forestville Shopping Centre and the War Veterans Retirement Village, Wheeler Heights.
  - k. Correct WDCP Part G1 'Build-To Lines': affecting certain properties on Fisher Road and Redman Road, Dee Why.
  - l. Amend WDCP Flood Maps: Amend the Low Risk Flood Planning Precinct Map, Medium Risk Flood Planning Precinct Map and High Risk Flood Planning Precinct Map to be consistent with the adopted Dee Why South Catchment Flood Study, Manly Lagoon Flood Study and Narrabeen Lagoon Flood Study. Also, amend the Medium Risk Flood Planning Precinct map for all areas to match the adopted Flood Planning Level map.
  - m. Update WDCP Water Management Requirements: Parts C4 Stormwater, C5 Erosion and Sedimentation, C6 Building over or adjacent to Constructed Council Drainage Easements, D22 Conservation of Energy and Water, and E8 Waterways and Riparian Lands, to be consistent with the adopted Water Management Policy (PL 850).
  - n. Amend WDCP Part E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat: to ensure that the controls are applied for both threatened ecological communities and threatened species.
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- o. Amend WDCP Part E5 Native Vegetation: to ensure biodiversity offsetting proposals are applied in the local area.
  
  - B. Finalise the Planning Proposal and effect the above amendments to Warringah Local Environmental Plan 2011, Warringah Local Environmental Plan 2000 and Warringah Development Control Plan 2011.
  
  - C. Not proceed with:  
Dee Why Post Office: Proposal to re-zone the western half of the Dee Why Post Office from RE1 Public Recreation to B4 Mixed Use.
    - a. Cromer High School: Post-gateway request from DEC to increase WLEP2011 height and floor space ratio provisions.
  
    - b. Signage on Trailers: Proposal to make signage on trailers Exempt Development under WLEP2011 and WLEP2000.
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## REPORT

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### BACKGROUND

At its meeting on 22 March 2016, Council considered a report recommending minor amendments to WLEP2000 and WLEP2011 to correct anomalies and bring the LEPs up to date with current state legislation and previous Council resolutions.

Council subsequently resolved to submit the Planning Proposal to the Department for a Gateway determination and publicly exhibit the Planning Proposal in accordance with directions contained within that determination.

On 2 June 2016 Council resolved to publicly exhibit draft amendments to the WDCP to clarify requirements, simplify use, resolve anomalies, reflect previously adopted Council Policies and to support the above mentioned LEP amendments.

The inclusion of a proposed WDCP amendment A(f) to "Amend Part E11 Flood Prone Land to include separate categories for overland flow" was an administrative error and was subsequently removed prior to public exhibition.

### ***Gateway Determination***

The Department issued a Gateway Determination for the Planning Proposal on 13 July 2016 (Attachment 1) requiring:

- Reference to the proposed amendment to prohibit 'restriction facilities' in all business and industrial zones' to be deleted prior to public exhibition as 'restriction facilities' is no longer a land use included in the Standard Instrument LEP land use table.
- Planning proposal maps to be updated to clearly identify the subject land included within each proposed amendment prior to public exhibition.
- Consultation with the following agencies prior to public exhibition: the Department of Education and Communities (DEC); Transport for NSW; NSW Roads Maritime Services (RMS); NSW Land and Property Information; and the Office of Environment and Heritage.

No objections were raised as a result of consultation with public agencies. The DEC and RMS made additional requests that were included as updates to the Planning Proposal prior to public exhibition. These requests, and Council's response, are outlined below.

### *NSW Department of Education and Communities (DEC) - Cromer High School*

In a letter to Council dated 18 July 2016 DEC supported the proposed rezoning of Cromer High School from IN1 – General Industrial to SP2 - Infrastructure. DEC also made additional requests to increase height and floor space ratio (FSR) provisions under WLEP2011 for the Cromer High School site. These change requests were placed on post-gateway public exhibition but were withdrawn by DEC via a letter to Council dated 24 October 2016. Proposed changes to height and FSR have subsequently been removed from the Planning Proposal and no further action is required in this regard.

### *NSW Transport Roads and Maritime Services (RMS) – Signage on Trailers*

RMS raised no objection to the proposed WLEP2000 and WLEP2011 amendments (via a letter to Council dated 11 August 2016) subject to additional requirements being included in the proposed 'Signage on Trailers' amendment to ensure that:

*'signage must be limited to static signs only. Any signs with changeable messages such as LED trailers must not be permitted'.*

The additional RMS requirement was placed on post-gateway public exhibition, however, as it is recommended that the 'signage on trailers' amendment be removed from the Planning Proposal (for reasons detailed further under 'consideration of submissions' below), no further action is required in this regard.

RMS also requested (via the letter to Council dated 11 August 2016) that additional land purchased by RMS for road widening purposes along Forest Way, Frenchs Forest be rezoned to SP2 Infrastructure. This request falls outside the scope of this planning proposal however it has been earmarked for inclusion in a future round of minor amendments to the WLEP2011.

## CONSULTATION

The Planning Proposal was updated prior to public exhibition to meet the Gateway Determination requirements and include DEC's and RMS's (Post Gateway) proposed changes. The WDCP was also updated prior to public exhibition to remove reference to a proposed amendment to *Part E11 Flood Prone Land* as previously discussed.

The amendments proposed to WLEP2011, WLEP2000 and WDCP were publicly exhibited (statutory) from 10 September 2016 until 24 October 2016.

Exhibition occurred by way of notices in the Manly Daily (2 times during the exhibition period); notices on council's website and a dedicated 'Your Say Warringah' webpage. A hard copy of the exhibition documentation was made available at Council Civic Centre, Dee Why. Notice of the proposed amendments was also given via a mail out of 539 letters to property owners that may be affected by the proposed changes. The publicly exhibited amendments can be summarised as follows:

- a. **Cromer High School:** Re-Zone from IN1 – General Industrial to SP2 - Infrastructure. Plus a post-gateway request from DEC to increase WLEP2011 height and floor space ratio provisions.
- b. **Lindrum Reserve and Surrounding Properties:** Re-Zone the reserve from R2 – Residential to RE1 - Public Recreation. Amend associated WDCP mapping to reflect this change including applying a 'Land Adjoining Public Open Space' requirement to adjoining residential properties.
- c. **Driveway Adjoining Pitt Road Neighbourhood Centre, North Curl Curl:** Re-Zone from R2 – Residential to B1 - Neighbourhood Centre. Make associated WDCP mapping amendments.
- d. **Dee Why Post Office and Adjacent Pathway:** Re-Zone the western half of the Dee Why Post Office from RE1 Public Recreation to B4 Mixed Use. Re-zone the adjacent pathway to the west of the Post Office from B4 Mixed Use to RE1 Public Recreation. Amend WDCP mapping to reflect these changes.
- e. **Amend the Heritage Map:** To ensure the heritage item "elevated reservoir" is indicated as only located on property No.53 Aubreen Street, Collaroy and not on adjoining property No.56 Idaline Street, Collaroy.
- f. **Adjust the Cadastre and associated Mapping in WLEP2011 and the WDCP for:**
  - Glen Street Theatre and Lionel Watts Reserve
  - All properties within the blocks bounded by Adams Street, Rabbett Street and Forest Way, Frenchs Forest
  - Nos.32 and 34 Monserra Road, Allambie Heights
  - Nos. 3 and 5 Cootamundra Drive, Allambie Heights.

- g. **Delete certain Exempt Development Requirements for Signage in WLEP2011 and WLEP2000** where similar requirements apply under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- h. **Increase Temporary Use Period from 28 to 52 days** (whether or not consecutive days) in any period of 12 months by amending Clause 2.8 of the WLEP2011. This allows development consent to be granted for the temporary use of land for a purpose that might otherwise be prohibited under the zoning of the land, for example Farmers Markets.
- i. **Include Signage on Trailers as Exempt Development under WLEP2011 and WLEP2000.**
- j. **Consolidate and Simplify WDCP Part B 'Built Form Controls'** including the transfer of setback controls from the text into mapped format for properties including Bare Creek Waste Management Centre, Belrose; Properties located on The Greenway, Duffy's Forest; Certain properties at Forestville Shopping Centre and the War Veterans Retirement Village, Wheeler Heights.
- k. **Correct WDCP Part G1 'Build-To Lines'** affecting certain properties on Fisher Road and Redman, Dee Why.
- l. **Amend WDCP Flood Maps** – Amend the Low Risk Flood Planning Precinct Map, Medium Risk Flood Planning Precinct Map and High Risk Flood Planning Precinct Map to be consistent with the adopted Dee Why South Catchment Flood Study, Manly Lagoon Flood Study and Narrabeen Lagoon Flood Study. Also, amend the Medium Risk Flood Planning Precinct map for all areas to match the adopted Flood Planning Level map.
- m. **Update WDCP Water Management Requirements** - Parts C4 Stormwater, C5 Erosion and Sedimentation, C6 Building over or adjacent to Constructed Council Drainage Easements, D22 Conservation of Energy and Water, and E8 Waterways and Riparian Lands, to be consistent with the adopted Water Management Policy (PL 850).
- n. **Amend WDCP Part E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat** to ensure that the controls are applied for both threatened ecological communities and threatened species.
- o. **Amend WDCP Part E5 Native Vegetation** to ensure biodiversity offsetting proposals are applied in the local area.

## CONSIDERATION OF SUBMISSIONS

Four submissions and one enquiry requesting clarification were received during the public exhibition period. Key issues raised are considered here as follows:

### Dee Why Post Office

Four submissions objected to the rezoning of the western half of the Dee Why Post Office from RE1 Public Recreation to B4 Mixed Use and associated WDCP Amendments on the following grounds:

- Termination of the Memorandum of Understanding is not a reason to rezone the site to B4 Mixed Use.
- Council should purchase the entire Post Office Site to create the park on the western half of the site and sell off the eastern half of the site as part of the sale of the Council car park site.
- A reduction in the size of the 'Bow Tie Park' will result in a reduction in amenity / attractiveness and already inadequate open space provisions for the Dee Why Town Centre.
- Concerns regarding overshadowing impacts if the park is reduced in size.

- Rezoning will not achieve the Masterplanned outcome for Site A within the Dee Why Town Centre.
- A belief that the 'Bow Tie Park' was compensation to the public in lieu of height/FSR increase for Site A & B via the Dee Why Town Centre Masterplan.
- The proposed rezoning should not have formed part of a Planning Proposal for 'minor amendments' to the WLEP2011 due to its level of impact.
- Lack of proposed height control for the western portion of the post office if rezoned to B4 would have an ambiguous development outcome for the site.
- To ensure attractiveness of the Bow Tie Park, prescriptive design criteria should be included in the LEP regarding its function as well as to ensure an active interface at the ground level with any future development proposals surrounding the park. This design criteria should be determined by an independent urban design consultant in consultation with the community given Council's involvement as owner and seller of the adjoining Site A.

#### *Consideration*

The submissions raise a number of matters that require detailed investigation and assessment. It is therefore recommended that the proposed rezoning of the western half of the Dee Why Post Office from RE1 Public Recreation to B4 Mixed Use is removed from this Planning Proposal pending further investigation.

#### **Threatened Species and Biodiversity Offset requirements of the WDCP**

One submission expressed support for the proposed amendment to WDCP Part E5 Native Vegetation to ensure biodiversity offsetting proposals are applied in the local area.

#### *Consideration*

Support noted.

#### **Amendment to WDCP Flood Maps**

One submission raised concern regarding the accuracy of the proposed WDCP flood mapping along the Narrabeen-Collaroy beach front area. This submission also raised two other issues that fall outside the scope of the proposed amendments with regard to the June 2016 flooding impact along the Narrabeen-Collaroy beach front and the frequency of opening of the Narrabeen Lagoon entrance.

#### *Consideration*

The proposed WDCP high, medium and low flood risk planning precinct maps are being updated to reflect previously adopted Flood Studies. Although the mapping shows inundation extents along the beach front, this is not the purpose of the model and it would not accurately reflect potential storm surge flooding. The modelling requires the establishment of a downstream boundary condition (in this case an ocean level) to assess the impact of varying ocean conditions on catchment flooding in Narrabeen Lagoon. This information would then be used to apply flood related development controls on properties identified as flood affected (not those fronting the beach).

With regard to Narrabeen-Collaroy Beach Front and opening of the Narrabeen Lagoon entrance:

- Assessments into the potential impacts of coastal erosion have previously been undertaken in the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishersmans Beach available on the Council webpage.
- Council will shortly be publicly exhibiting the Narrabeen Lagoon Floodplain Risk Management Study and Plan which investigates options to manage flooding in the Narrabeen Lagoon catchment; however this falls outside the scope of these WLEP2011 and WDCP amendments.

No further action is required in response to this submission.

### **Signage on Trailers**

The recent Council amalgamation has resulted in discussions between Council's compliance officers regarding the best approach to enforcement of signage on trailers. It is recommended that the amendment to WLEP2000 and WLEP2011 regarding signage on trailers be removed from the Planning proposal to allow a consistent approach to be developed and incorporated into the Warringah, Manly and Pittwater Local Environmental Plans.

#### *Consideration*

It is recommended that the proposed amendment regarding signage on trailers is removed from the Planning Proposal.

### **TIMING**

The estimated completion date of amendments to the WLEP2000, WLEP2011 and WDCP is within 3 months of a Council resolution to proceed.

### **FINANCIAL IMPACT**

All work required to progress and finalise the Planning Proposal are accommodated within the current operational budget of Strategic Land-Use Planning.

### **SOCIAL IMPACT**

The Planning Proposal will have negligible social impact.

### **ENVIRONMENTAL IMPACT**

Negligible environmental impact is anticipated as a result of the Planning Proposal. Positive environmental outcomes would result from the updated requirements for water management, flood mapping, threatened species and native vegetation management in the Planning Proposal.



Mr Mark Ferguson  
Interim General Manager  
Northern Beaches Council  
Civic Drive  
725 Pittwater Road  
Dee Why NSW 2099

Our ref: PP\_2016\_WARRI\_003\_00(16/09071)  
Your ref: PEX2016/003

Attention: Mr Neil Cocks

Dear Mr Ferguson

**Planning proposal to amend Warringah Local Environmental Plan 2011 and Warringah Local Environmental Plan 2000**

I am writing in response to your Council's letter dated 20 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the *Warringah Local Environmental Plan 2011* and *Warringah Local Environmental Plan 2000* to undertake housekeeping amendments.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In issuing the Gateway determination, I have required an amendment to the planning proposal to remove reference to proposed amendment (vi) to "amend the land use table to prohibit 'restriction facilities' in business and industrial zones", prior to proceeding to public exhibition. This condition has been issued as the proposed amendment is not required to the *Warringah Local Environmental Plan 2011*, as 'restriction facilities' is no longer a land use included in the Standard Instrument Local Environmental Plan's land use tables. For your information, I have attached a copy of Planning Circular *PS 11-001 – Amendment to the Standard Instrument (Local Environmental Plan) Order 2006*.

I also note that Council proposes to rezone a school site from IN1 General Industrial to SP2 Infrastructure. Council is required to seek the agreement of Department of Education and Communities prior to proceeding to public exhibition. Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of Section 117 Direction 6.2 – Reserving Land for Public Purposes. Council should ensure this occurs prior to the plan being made.

The requirement to consult with Transport for NSW - Roads and Maritime Services relates to the proposed amendment to the exempt development schedule for signage on trailers, given that this may be unsuitable in relation to the *Roads Act 1993*.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Sandy Chappel of the Department's regional office to assist you. Ms Chappel can be contacted on (02) 9228 6591.

Yours sincerely

 13/7/16  
**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**

Encl:  
Gateway Determination



## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_WARRI\_003\_00): to amend the Warringah Local Environmental Plan 2011 and Warringah Local Environmental Plan 2000 to undertake housekeeping amendments.**

I, the Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Warringah Local Environmental Plan (LEP) 2011* and *Warringah Local Environmental Plan 2000* to undertake housekeeping amendments should proceed subject to the following conditions:

- 1) Prior to public exhibition, Council is to amend the planning proposal to:
  - a) delete reference to amendment (vi) to 'prohibit restriction facilities in all business and industrial zones';
  - b) amend the maps in the planning proposal that identify the proposed and current development controls, to clearly identify the subject land included within each proposed amendment; and
  - c) prepare Standard Instrument maps, where required, that are consistent with the *Standard Technical mapping guidelines for spatial datasets and maps (dated 30 November 2015)*.
- 2) Consultation is required with the following public authorities, prior to community consultation:
  - Department of Education and Communities, and
  - Transport for NSW – Roads and Maritime Services.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Prior to proceeding to community consultation, Council is to update the planning proposal to reflect any advice received from Department of Education and Communities and/or Roads and Maritime Services. Council is required to seek an alteration to the Gateway determination if an amendment is required to the planning proposal as a result of agency consultation.

- 3) Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.



4) Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Land and Property Information
- Office of Environment and Heritage – Heritage Office

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5) A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6) The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 13<sup>TH</sup> day of JULY 2016

A handwritten signature in blue ink that reads 'Karen Armstrong'.

**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Greater Sydney**  
**Commission**

<b>ITEM 9.9</b>	<b>REPORTING VARIATIONS TO DEVELOPMENT STANDARDS – STATE ENVIRONMENTAL PLANNING POLICY NO.1 – DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF MANLY LOCAL ENVIRONMENT PLAN, PITTWATER LOCAL ENVIRONMENT PLAN, AND WARRINGAH LOCAL ENVIRONMENT PLAN.</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER PLANNING &amp; COMMUNITY</b>
<b>TRIM FILE REF</b>	<b>2016/335654</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To report to Council variations to development standards granted under State Environmental Planning Policy No.1 – Development Standards (SEPP 1) or under Clause 4.6 of the Manly Local Environment Plan (MLEP 2013), Pittwater Local Environment Plan (PLEP 2014), and the Warringah Local Environment Plan (WLEP 2011), as required by the NSW Department of Planning and Environment.

#### SUMMARY

During the period 13 May 2016 to 30 June 2016, the following variations were granted:

- 0 variations under State Environmental Planning Policy No.1 – Development Standards
- 11 variations under Clause 4.6 of Warringah Local Environment Plan 2011.

During the period 1 July 2016 and 30 September 2016, the following variations were granted:

- 0 variations under State Environmental Planning Policy No.1 – Development Standards
- 21 variations under Clause 4.6 of Manly Local Environment Plan 2013
- 10 variations under Clause 4.6 of Pittwater Local Environment Plan 2014
- 15 variations under Clause 4.6 of Warringah Local Environment Plan 2011.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council notes:

- A. The development applications granted approval with variations to development standards under Manly Local Environment Plan 2013 during the period 1 July 2016 and 30 September 2016.
  - B. The development applications granted approval with variations to development standards under Pittwater Local Environment Plan 2014 during the period 1 July 2016 and 30 September 2016.
  - C. The development applications granted approval with variations to development standards under Warringah Local Environment Plan 2011 during the period 13 May 2016 to 30 June 2016.
-

**REPORT**

The following tables indicate all variations under each planning instrument and the level of determination either by staff under delegation from the General Manager or by a determination panel. The independent external panels include Northern Beaches Independent Assessment Panel (NBIAP) and Northern Beaches Development Assessment Panel (NBDAP). Internal staff panels include Development Unit (DU) and Development Assessment Unit (DAU).

**SEPP 1 Variations Granted under the Manly LEP2013**

No SEPP 1 variations were granted between 1 July 2016 and 30 September 2016, inclusive.

**Clause 4.6 Variations Granted under the Manly LEP2014**

The following applications had a Clause 4.6 variation granted between 1 July 2016 and 30 September 2016, inclusive.

App. No.	Address	Proposal	Clause 4.6 Development Standard	% of variation	Determined by
99/2016	22 Lower Beach Street Balgowlah	4: Residential - New multi unit	FSR	4.00%	NBIAP
104/2016	75 Castle Circuit Seaforth	1: Residential - Alterations & additions	FSR and Height	FSR: 48.90% Height: 0.7%	DAU***
111/2016	19 Osborne Road Manly	1: Residential - Alterations & additions	FSR and Height	FSR: 8.90% Height: 4.06%	DAU
126/2016	107 Seaforth Crescent Seaforth	2: Residential - Single new dwelling	FSR and Height	FSR: 20.00% Height: 71.7%	NBIAP
127/2016	40 Addison Road Manly	4: Residential - New multi unit	FSR and Height	FSR: 10.50% Height: 11.00%	DAU
128/2016	17 Curban Street Balgowlah Heights	1: Residential - Alterations & additions	Height	5.41%	DAU
137/2016	11 Darley Road Manly	1: Residential - Alterations & additions	FSR	2.60%	DAU
138/2016	13 Darley Road Manly	1: Residential - Alterations & additions	FSR	8.00%	DAU
139/2016	11 & 13 Darley Road Manly	13: Subdivision only	Lot Size	No. 11: 11.50% (improvement on existing non-compliance) No. 13: 24.60% (3.80% to existing non-compliance)	DAU
161/2016	55 The Crescent Fairlight	1: Residential - Alterations & additions	FSR	8.00% (0.48% to existing non-compliance)	DAU
183/2016	183 Pittwater Road Manly	8: Commercial / retail / office	FSR	27.00% (4.00% to existing non-compliance)	DAU
191/2016	36 Woodland Street Balgowlah Heights	1: Residential - Alterations & additions	Height	5.00%	DAU
192/2016	3A Cohen Street Fairlight	1: Residential - Alterations & additions	FSR	26.70% (11.80% to existing non-compliance)	DAU

194/2016	16 Neild Avenue Balgowlah	1: Residential - Alterations & additions	Height	4.00% (0% to existing non-compliance)	DAU
208/2016	56 Bower Street Manly	1: Residential - Alterations & additions	FSR	78.00% (10.00% to existing non-compliance)	NBIAP
211/2016	6 Ellery Parade Seaforth	1: Residential - Alterations & additions	Height	7.00%	DAU
223/2016	27 Edgecliffe Esplanade Seaforth	1: Residential - Alterations & additions	FSR	12.50% (9.75% to existing non-compliance)	DAU

**SEPP 1 Variations Granted under the Pittwater LEP2014**

No SEPP 1 variations were granted between 1 July 2016 and 30 September 2016, inclusive.

**Clause 4.6 Variations Granted under the Pittwater LEP2014**

The following applications had a Clause 4.6 variation granted between 1 July 2016 and 30 September 2016, inclusive.

App. No.	Address	Proposal	Clause 4.6 Development Standard	% of variation	Determined by
N0467/15	76E Riviera Road AVALON BEACH	3: Residential - New second occupancy	4.3 Height of buildings	4.00%	Delegated Authority
N0164/16	47 The Serpentine BILGOLA BEACH	1: Residential - Alterations & additions	4.3 Height of buildings	33.00%	NBIAP*
N0383/15	8A Kalinya Street NEWPORT	4: Residential - New multi unit < 20 dwellings	4.3 Height of buildings	15.00%	NBIAP
N0334/15	205 Riverview Road AVALON BEACH	1: Residential - Alterations & additions	4.3 Height of buildings	10.00%	DU**
N0417/15	7 Florida Road PALM BEACH	2: Residential - Single new dwelling	4.3 Height of buildings	15.40%	DU
N0089/16	8 Florida Road PALM BEACH	1: Residential - Alterations & additions	4.3 Height of buildings	7.40%	Delegated Authority
N0185/16	296 Lower Plateau Road BILGOLA PLATEAU	1: Residential - Alterations & additions	4.3 Height of buildings	9.40%	Delegated Authority
N0027/16	53C Warriewood Road WARRIEWOOD	4: Residential - New multi unit < 20 dwellings	4.3 Height of buildings	8.50%	DU
N0057/16	4 Panima Place NEWPORT	1: Residential - Alterations & additions	4.3 Height of buildings	9.40%	DU
N0288/16	18 Stanley Street NEWPORT	1: Residential - Alterations & additions	4.3 Height of buildings	2.90%	DU

\*NBIAP – Northern Beaches Independent Assessment Panel, \*\*DU – Development Unit, \*\*\*DAU – Development Assessment Unit

**SEPP 1 Variations Granted under the Warringah LEP2011**

No SEPP 1 variations were granted between 13 May 2016 and 30 June 2016, inclusive.

**Clause 4.6 Variations Granted under the Warringah LEP2011**

The following applications had a Clause 4.6 variation granted between 13 May 2016 and 30 June 2016, inclusive.

App. No.	Address	Proposal	Clause 4.6 Development Standard	% of variation	Determined by
DA2015/1308	132 Rose Avenue Wheeler Heights	Residential - Alterations and additions	4.3 Height of buildings	29.06	Delegated Authority
DA2016/0141	33 Wilson Street Freshwater	Residential - Alterations and additions	4.3 Height of buildings	5.88	Delegated Authority
DA2016/0149	1 Rhonda Avenue Frenchs Forest	Residential - Alterations and additions	4.3 Height of buildings	8.2	Delegated Authority
DA2016/0151	41 Jocelyn Street North Curl Curl	Residential - Alterations and additions	4.3 Height of buildings	10.85	Delegated Authority
DA2016/0282	7 Horning Parade Manly Vale	Residential - Alterations and additions	4.3 Height of buildings	17.1	Delegated Authority
DA2016/0283	2 Fitzroy Road Cromer	Residential - Alterations and additions	4.3 Height of buildings	14.94	Delegated Authority
DA2016/0401	63 Allambie Road Allambie Heights	Residential - Alterations and additions	4.1 Minimum subdivision lot size	19.3	Delegated Authority
DA2016/0401	63 Allambie Road Allambie Heights	Residential - Alterations and additions	4.3 Height of buildings	19.3	Delegated Authority
DA2015/1258	62 Evans Street Freshwater	Residential - Single new detached dwelling	4.3 Height of buildings	14.1	Delegated Authority
DA2015/1280	263 Condamine Street Manly Vale	Mixed	4.3 Height of buildings	7.2	Delegated Authority
DA2015/1151	26 Roger Street Brookvale	Mixed	4.3 Height of buildings	14.5	Delegated Authority

**SEPP 1 Variations Granted under the Warringah LEP2011**

No SEPP 1 variations were granted between 1 July 2016 and 30 September 2016, inclusive.

**Clause 4.6 Variations Granted under the Warringah LEP2011**

The following applications had a Clause 4.6 variation granted between 1 July 2016 and 30 September 2016, inclusive.

App. No.	Address	Proposal	Clause 4.6 Development Standard	% of variation	Determined by
DA2016/0651	11 Undercliffe Street DEE WHY	Residential - Alterations and additions	4.3 Height of buildings	18.8	Delegated Authority
DA2016/0603	5 Soniver Road NORTH CURL CURL	Residential - Alterations and additions	4.3 Height of buildings	4.5	Delegated Authority
DA2016/0534	28/49 Delmar Parade DEE WHY	Residential - Alterations and additions	4.3 Height of buildings	43.7	Delegated Authority
DA2016/0535	27/49 Delmar Parade DEE WHY	Residential - Alterations and additions	4.3 Height of buildings	43.7	Delegated Authority
DA2016/0441	14 Derna Crescent ALLAMBIE HEIGHTS	Residential - Alterations and additions	4.3 Height of buildings	10.5	Delegated Authority
DA2016/0457	39 Allenby Park Parade ALLAMBIE HEIGHTS	Residential - Alterations and additions	4.3 Height of buildings	2.35	Delegated Authority
DA2016/0506	4 Lookout Avenue DEE WHY	Residential - Alterations and additions	4.3 Height of buildings	24.1	Delegated Authority
DA2016/0512	4 Orlando Road CROMER	Residential - Alterations and additions	4.3 Height of buildings	17.6	Delegated Authority
DA2016/0211	316/637 Pittwater Road DEE WHY	Residential - Alterations and additions	4.3 Height of buildings	28.50	Delegated Authority
DA2016/0117	30 Lyly Road ALLAMBIE HEIGHTS	Residential - Single new detached dwelling	4.3 Height of buildings	12.90	Delegated Authority
DA2016/0545	93 Headland Road NORTH CURL CURL	Residential - Single new detached dwelling	4.3 Height of buildings	3.07	Delegated Authority
DA2016/0032	69 Crown Road QUEENSCLIFF	Residential - Single new detached dwelling	4.3 Height of buildings	4	Delegated Authority
DA2016/0142	261 Condamine Street MANLY VALE	Residential - New multi unit	4.3 Height of buildings	20	Delegated Authority
DA2016/0530	47 Toronto Avenue CROMER	Residential - Other	4.1 Minimum subdivision lot size	3.33	Delegated Authority
DA2016/0307	44 Brighton Street FRESHWATER	Subdivision only	4.1 Minimum subdivision lot size	5.6	Delegated Authority

### **FINANCIAL IMPACT**

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

**ENVIRONMENTAL IMPACT**

All Development Applications are required to consider the environmental impact through section 79C of the Environmental Planning and Assessment Act 1979.

**SOCIAL IMPACT**

All Development Applications are required to consider the social impact through section 79C of the Environmental Planning and Assessment Act 1979.

<b>ITEM 9.10</b>	<b>SUBMISSION TO THE DEPARTMENT OF PLANNING AND ENVIRONMENT IN RESPONSE TO A PROPOSED MEDIUM DENSITY HOUSING CODE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2016/378105</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">📄</a> <b>Submission to the Draft Medium Density Housing Code (Included In Attachments Booklet)</b></li> <li>2 <a href="#">📄</a> <b>Map - Areas Where Code Applies and Permissible Dwelling Types (Included In Attachments Booklet)</b></li> </ol>

### EXECUTIVE SUMMARY

#### PURPOSE

To seek approval for a submission to the Department of Planning and Environment (the Department) regarding a proposed Medium Density Housing Code and Medium Density Design Guide.

#### SUMMARY

Council has prepared a submission in response to a draft Medium Density Housing Code (draft Code) and Medium Density Design Guide (Design Guide) prepared by the Department (Attachment 1).

The draft Code would permit attached and detached dual occupancies, multi-dwelling housing, and manor homes, and the subdivision of such developments, as complying development where those uses are currently permitted under Council's Local Environmental Plan(s).

Northern Beaches Council has a number of concerns with the proposal in its current form, including:

- The proposed controls are less stringent than local planning provisions and would allow significantly increased density in low density neighbourhoods in the former Manly and Pittwater Local Government Areas.
- It will allow the expansion of private certification to include more complex medium density development when there remain unresolved issues with accountability, transparency, monitoring and auditing of private certifiers.
- The expansion of complying development will reduce community engagement in the development assessment process as there is no requirement for accredited certifiers to take into account any public submissions, potentially resulting in poorer development outcomes.

Council's proposed submission to the Department provides a number of recommendations to address the issues raised, and requests that commencement of the draft Code be delayed until these issues are resolved.

#### RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council forward its submission to the Proposed Medium Density Housing Code to Department of Planning and Environment in response to a proposed Medium Density Housing Code and Medium Density Design Guide.

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**REPORT**

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**BACKGROUND**

In late 2015, the Department exhibited a Discussion Paper: *Options for low rise medium density housing as complying development*. The Discussion Paper proposed standards for the development of dual occupancies, multi-dwelling houses and manor homes, as well as subdivision, to be undertaken as complying development so as to “assist in the delivery of more housing, providing greater housing choice and better design outcomes for medium density development across the State”.

The former Councils of Manly, Warringah and Pittwater provided submissions to the Discussion Paper, specifically objecting to the proposal to allow dual occupancies; multi-dwelling houses, manor homes and subdivision within all low density residential neighbourhoods.

The draft Medium Density Design Guide and an Explanation of Intended Effect for a Medium Density Housing Code, released by the Department on 12 October 2016, is the Department's response to the feedback received to the original Discussion Paper.

**The Draft Medium Density Code**

The draft Code proposes an additional Medium Density Code for inclusion in the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP). It outlines the land to which the Code applies and principle standards (gross floor area, landscaped area, building height, setbacks) for the development of dual occupancies (attached and detached), multi-dwelling housing, and manor homes (proposed medium density development).

Development under the draft Code must be permissible under the current zoning applying to the land and meet the minimum allotment size requirements for that development (if any is in place) under Council's Local Environmental Plan (LEP).

Also proposed is an amendment to the Codes SEPP to allow concurrent subdivision of proposed new medium density development either by Strata or Torrens title.

If finalised, the draft Code would permit these developments as complying development, allowing a fast-track approval which can be obtained through either Council or a private accredited certifier without the need for a full development application (DA).

**The Medium Density Design Guide**

The Design Guide is intended to be used both in the complying development and development application processes. For complying development, the Design Criteria in Part 3 of the Design Guide must be met. The designer of the development must provide a “Design Verification Statement” to the certifying authority (Council or a private certifier) confirming compliance with the Design Criteria or an alternate solution to those criteria.

The Design Guide can also be used as a tool by designers and councils in the preparation and assessment of development applications for medium density development. Councils may choose to adopt the Design Guide by reference within a development control plan, giving it statutory weight in the assessment of development applications; however this would be a matter for Council to decide.

**Areas affected by the Draft Code and Design Guide**

The draft Code and its effects have been reviewed with respect to local planning controls for the three former Local Government Areas (LGAs) of Manly, Warringah and Pittwater, including: the Manly Local Environmental Plan 2013 (MLEP 2013) and Manly Development Control Plan 2013 (MDCP 2013); Warringah Local Environmental Plan 2011 (WLEP 2011), Warringah Local Environmental Plan 2000 (WLEP 2000) and Warringah Development Control Plan 2011 (WDCP

2011); and, the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Pittwater 21 Development Control Plan (PDCP).

The draft Code would apply to zones R1 General Residential (R1), R2 Low Density Residential (R2) and R3 Medium Density Residential (R3) in the Northern Beaches Council area. Land to which WLEP 2000 currently applies is taken to be in Zone E3 Environmental Management under the Codes SEPP and is therefore excluded from the current proposals.

The permissibility of proposed medium density development in relevant Local Environmental Plans is shown in Table 1, as well as the permissibility of Residential Flat Buildings to demonstrate the development potential of these areas (see Map Attachment 2).

Of the former LGAs, the draft Code would apply to all residential zones in the MLEP 2013 (R1, R2 and R3), zones R2 and R3 in the PLEP 2014 and zone R3 zone in the WLEP 2011.

**Table 1 – Permissibility of Proposed Medium Density Development across the Northern Beaches Council Area\*.**

LEP	R1	R2	R3
MLEP 2013	Dual occupancies Multi dwelling housing Residential Flat Buildings Manor homes	Dual occupancies Multi dwelling housing Manor homes	Dual occupancies Multi dwelling housing Residential Flat Buildings Manor homes
WLEP 2011	No R1 Zone	None of the Proposed Medium Density Development is permissible within R2	Dual occupancies Multi dwelling housing Residential Flat Buildings Manor homes
PLEP 2014	No R1 Zone	Dual occupancies	Dual occupancies Multi dwelling housing Residential Flat Buildings Manor homes

*\*Although 'Manor homes' are not currently permissible in the PLEP 2014, WLEP 2011 and MLEP 2013, the draft Code proposes to permit these developments in zones permitting 'multi-dwelling houses' and 'residential flat buildings'.*

### Less stringent development controls

The principal controls in the draft Code are significantly less stringent than the local planning provisions of the former LGAs with respect to parking, landscape areas, setbacks, and private open space. Greater floor space ratios would be permitted compared with the MLEP 2013 and PLEP 2014, and increased building heights permitted compared with the MDCP 2013. This would result in an increased pressure on street parking, storm water infrastructure, and an increase in building bulk and scale in some areas.

Council is not satisfied the draft Code establishes a sufficiently strict set of controls to offset the likely impacts of larger scale development. Medium density residential development is not always straightforward development. It yields greater residential densities and generates more impacts including impacts on views, privacy, sunlight access, visual bulk and scale. These matters are often the subject of neighbour objections. The lack of detailed merit assessment in the complying development process will likely result in poorer design and amenity outcomes.

To address these concerns, it is recommended that Council be permitted to set its own principal standards for complying development to cater to local conditions. This would ensure future medium density developments are in keeping with the character of established neighbourhoods.

### **Increased residential densities in Manly and Pittwater**

The Manly and Pittwater LEPs currently permit dual occupancies within low density residential zones, subject to strict local density requirements. It appears that the draft Code will override these local density provisions, potentially resulting in significant adverse outcomes for local communities, particularly in terms of residential amenity and streetscape/ neighbourhood character.

At the same time, the draft Code could cause a decrease in dwelling yields in some medium density zones. For example, within R3 zones permitting an 11m height under WLEP 2011, a property owner may choose to develop a two storey dual occupancy or manor home on an existing small lot as complying development rather than seek to consolidate the land with adjoining properties to build a three storey residential flat building(s).

The draft Code could also result in ad-hoc, unplanned development that may affect Council's ability to meet current and future housing targets and its ability to deliver the required level of infrastructure. It is therefore vital that Section 94 contributions plans can be reviewed prior to the implementation of the draft Code.

### **Expanded private certification and reduced community engagement**

Implementation of the draft Code will enable private certifiers to issue complying development certificates for medium density development, and potentially, stormwater and traffic issues normally assessed by Council for this type of development. There are widely acknowledged concerns with the existing private building certification system in NSW. An expansion of complying development to include more complex and problematic building types such as medium density construction is therefore not recommended until measures are taken to improve the audit and discipline of private certifiers.

The draft Code also proposes a design verification process, whereby building designers would be required to issue a statement as evidence of compliance with the Design Criteria in the Design Guide. It is considered that ultimate responsibility for certification of design compliance should remain with the accredited building certifier as they are at least subject to accreditation requirements and potential disciplinary processes. Design verification would only be supported if building designers are held fully responsible for design compliance, that is, they are accredited and subject to similar disciplinary processes.

The expansion of complying development will also result in a reduction in community engagement, as the owner or Certifier is not required to consider any submissions to the notification of proposed complying development.

### **Exclusion of Warriewood Valley and Ingleside Land Release Area**

It is recommended that Warriewood Valley and the Ingleside Land Release Area are excluded from the draft Code.

Planning controls for Warriewood Valley have established a maximum dwelling yield to address issues such as water run-off and flooding, traffic, transport and environmental outcomes. The dwelling yield was agreed to by the Secretary of the Department and has been confirmed as a prohibition by the Land and Environment Court. The release area also has a detailed water management specification which is based on the retention of a minimum landscape area. These requirements appear not to be catered for under the draft Code. The implementation of the draft Code in its current form could overload the release area with unsustainable development that exceeds the expected outcomes in terms of dwellings, flooding and traffic impacts.

The Ingleside Land Release Area has a wide range of environmental, social and economic issues that need to be addressed. The vision for Ingleside is a community that achieves the best in sustainability. This includes the goal of reaching a 4 Star GreenStar rating of Australian Best Practice. This requires detailed and thorough assessment of development from rezoning of the precinct through to development assessment and building performance. Development standards

and controls have therefore been drafted that exceed base levels. A range of social and economic targets must also be met, for example, a mixture of dwellings sizes and typology are proposed to cater for people at all stages of life as well the provision of affordable housing for key workers. The draft Code could compromise this outcome.

### **Other matters**

The attached submission raises a number of other issues including: potential impacts on European and Aboriginal Heritage, absence of requirements for accessible housing, and technical matters such as stormwater and water management, subdivision, excavation, bushland and waste management. Recommendations are made to address Council's concerns.

In summary, the Northern Beaches Council has a number of concerns with the proposed draft Code in its current form, and requests that its commencement be delayed until these issues are resolved.

### **CONSULTATION**

The public exhibition of the draft Medium Density Design Guide and an Explanation of Intended Effect for a Medium Density Housing Code by the Department ran from 12 October to 12 December 2016. Council has sought and been granted an extension to allow our submission to be provided to the Department following Council's meeting.

Council notified the Northern Beaches Community by placing a notification on its online community engagement hub ([yoursay.northernbeaches.nsw.gov.au](http://yoursay.northernbeaches.nsw.gov.au)), emailing community members registered for updates on open projects, and placing a notice in the Manly Daily on 26 November 2016. The community were encouraged to review the documents and make a submission to the Department.

### **TIMING**

The Department has not indicated when the draft Code will commence.

### **FINANCIAL IMPACT**

If the draft Code was implemented in its current form, Council may receive fewer development assessment fees as medium density developments are carried out as complying development via a private certifier.

A rapid increase in dwelling construction (e.g. dual occupancies in the former Manly or Pittwater LGAs) may result in shortfalls in the provision of Council services and infrastructure in the short term.

### **SOCIAL IMPACT**

The expansion of complying development will result in fewer opportunities for the community to comment on medium density developments. Allowing subdivision of dual occupancy development in the former Pittwater Council area will potentially reduce opportunities for the provision of affordable rental housing.

### **ENVIRONMENTAL IMPACT**

The implementation of the draft Code in its current form may result in a number of environmental impacts with respect to stormwater and water management which could increase the risk and severity of flooding downstream of the development sites. There are also concerns regarding the proposal to allow excavation as complying development, and the potential for increased unchecked vegetation clearance in bushfire prone areas.

<b>ITEM 9.11</b>	<b>SUBMISSION TO ABORIGINAL LAND CLAIM 23138 AT BELROSE</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2016/384711</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓ Aboriginal Land Claim 23138 at Belrose</a></b> <b>2 <a href="#">↓ Submission to Aboriginal Land Claim 23138</a></b>

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## EXECUTIVE SUMMARY

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### PURPOSE

To seek approval for a submission to the Aboriginal Land Claim Investigation Unit of the NSW Department of Primary Industries in response to an Aboriginal land claim at Belrose.

### SUMMARY

Council has been invited by the Aboriginal Land Claim Investigation Unit of the NSW Department of Primary Industries to provide comment on an Aboriginal Land Claim in Belrose (23138). The claim was made by the Metropolitan Local Aboriginal Land Council (MLALC) in 2009 over crown land identified as Lot 2 in DP 1139826, part Lot 1 in DP 1139826 and Part Lot 7382 in DP 1165548. (Attachment 1).

As Lot 1 DP1139826 has already been transferred to the MLALC following an earlier determination, comment is only required on Lot 2 in DP 1139826 and Part Lot 7382 in DP 1165548.

Council is supportive of unused and unrequired Crown land being vested in Aboriginal Land Councils for the benefit of Aboriginal communities, as per the *Aboriginal Land Rights Act 1983 (NSW)*. Council could find no reasonable grounds to object to the claim on Part Lot 7382 DP 1165548 with environmental conditions in place to protect the threatened species found on site.

However, it is proposed to object to the claim over Lot 2 DP1139826 due to the Permissive Occupancy (PO) 1964/193. This site has been under continual use for the purpose of 'extraction other than by dredging' since approval was granted by the then Land Board Office on 1 October 1964. PO 1964/193 was followed by Licence No. 208608 for the same purposes on 12 February 1999. The original lease was in place prior to the 2009 Aboriginal Land Claim made by the MLALC. (The proposed submission is attached to this report as attachment 2).

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### RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council endorse the submission to the Aboriginal Land Claim Investigation Unit of the NSW Department of Primary Industries, raising no objection to the claim over Lot 7382 DP 1165548, but objecting to the claim over Lot 2 DP 1139826 on the grounds that it is has been lawfully used and occupied since 1964.

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**REPORT**

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**BACKGROUND**

***Aboriginal Land Rights Act 1983 (NSW)***

The preamble of the Aboriginal Land Rights Act 1983 (NSW) (the Act) recognises that: land in NSW was traditionally owned and occupied by Aboriginal people; land is of spiritual, social, cultural and economic importance to Aboriginal people; that it is fitting to acknowledge the importance land has for Aboriginal people and the need for land; and it is accepted that as a result of past Government decisions the amount of land set aside for Aboriginal people has been progressively reduced without compensation.

The purpose of the Act is:

- a) To provide land rights for Aboriginal persons in NSW
- b) To provide for representative Aboriginal Land Councils in NSW
- c) To vest land in those Councils
- d) To provide for the acquisition of land, and the management of land and other assets and investments, by or for those Councils, and the allocation of funds to and by those Councils
- e) To provide for the provision of community benefit schemes by or on behalf of those Councils.

**Claims to Crown lands**

According to Section 36 of the Act, claimable Crown lands include lands that:

- a) Are able to be lawfully sold or leased, or are reserved or dedicated for any purpose, under the Crown Lands Consolidation Act 1913 or the Western Lands Act 1991
- b) Are not lawfully used or occupied
- c) Do not comprise lands which, in the opinion of the Crown Lands Minister, are needed or likely to be needed as residential lands
- d) Are not needed, or likely to be needed for an essential public purpose
- e) Do not comprise lands that are the subject of an application for a determination of native title (other than a non-claimant application that is an unopposed application) that has been registered in accordance with the Commonwealth Native title Act
- f) Do not comprise lands that are the subject of an approved determination of native title (within the meaning of the Commonwealth Native Title Act) (other than an approved determination that no native title exists in the lands).

The Minister for Crown Lands (the Minister) can choose to grant part of the land being claimed if the whole is deemed to be not claimable. If the land claimed is deemed likely to be needed in whole or in part for an essential public purpose, the Minister can still choose to grant the land with a condition attached in the form of a covenant, easement or another form. If the likely essential public purpose is for nature conservation then the land may be granted with the provision that it be leased back under Part 4 of the National Parks and Wildlife Act 1974. In exceptional circumstances, the Minister may acquire land by agreement or compulsory processes to satisfy the objectives of the Act.

Funds acquired through the sale of land that Aboriginal Land Councils have successfully claimed, form a fundamental component of the finances required to support services and programs in other areas of Aboriginal affairs such as housing, employment and health.

#### **Lands that cannot be claimed**

- a) Lands that have been vested in a private third party, such as an individual or corporation (including a statutory or Ministerial corporation)
- b) Lands that have been dedicated or reserved as a National Park, State Conservation Area, regional park or nature reserve under the National Parks and Wildlife Act 1974
- c) Lands that are Crown or public roads
- d) Lands that have been dedicated or reserved as a State Forest, timber reserve or flora reserve under the Forestry Act 1916.

#### **Land in former Warringah owned by MLALC**

According to Council's records, the MLALC currently own 47 properties in the former Warringah Council area.

#### **Outstanding Aboriginal land claims in former Warringah**

There are approximately 300 outstanding Aboriginal Land Claims in the former Warringah Council area. The claims have been made by either the NSW Aboriginal Land Council or MLALC. The claims date back to 2009.

#### **Council's avenue to object to an Aboriginal land claim**

There are limited grounds on which a Council can object to a claim being granted. These include, that at the date the claim was made, the land was:

- Lawfully used or occupied;
- Needed or likely to be needed for an essential public purpose.

A public purpose could include, for example, future residential lands or nature conservation.

#### **Aboriginal Land Claim 23138, Belrose (Figure 1: Aboriginal Land Claim 23138 at Belrose)**

Lot 2 DP 1139826 and Part Lot 7382 DP 1165548 are located within C8 Belrose North Locality under Warringah Local Environment Plan 2000.

Council submitted the Oxford Falls Valley and Belrose North Planning Proposal to the Department of Planning and Environment in April 2015 to transfer planning controls for the C8 Belrose North and B2 Oxford Falls Valley Localities from WLEP2000 to WLEP2011. The Planning Proposal has not yet received a Gateway Determination from the Department.

#### **Lot 2 DP 1139826**

It is proposed to object to the granting of the Aboriginal Land Claim 23138 of Lot 2 DP 1139826, Belrose, on the following grounds:

- Lot 2 DP 1139826 has been under continual use for the purpose of 'extraction other than by dredging' since approval was granted by the then Land Board Office on 1 October 1964 under Permissive Occupancy (PO) 1964/193. PO1964/193 was followed by Licence No. 308608 for the same purposes dated 12 February 1999. Crown Lease 412592 was granted for this site in October 2009 and the area surveyed along the original boundaries of former PO 1964/193. This information confirms that the land was lawfully used and occupied at the time the claim was made on 3 December 2009 by the MLALC.

- The Oxford Falls Valley and Belrose North Planning Proposal proposes an E3 Environmental Management zone for the subject land under WLEP2011. It also proposes to permit Extractive Industry on this site through a Schedule 1 Additional Permitted Use in WLEP2011.
- Currently there are no known significant environmental values associated with this site, however any future use of the land must be subject to consideration of impacts on threatened species and tributaries directly adjacent to Lot 2 DP 1139826 and be undertaken in accordance with the relevant planning controls of the Northern Beaches Council.

### **Part Lot 7382 DP 1165548**

It is proposed not to object to granting of the Aboriginal Land Claim for Part Lot 7382 DP 1165548, Belrose of Claim No. 23138 on grounds that:

- Council has no identified current or future need for this land (other than to ensure that any future development is consistent with Northern Beaches Council planning controls); and,
- Council has no information to suggest that the land was lawfully used or occupied at the time the claim was made on 3 December 2009.

However, it is proposed to request that the Minister advise MLALC of the following should he determine to grant the claim:

- Council does not support any changes in land tenure that would result in detrimental impacts on the sensitive environmental characteristics of Part Lot 7382 DP 1165548. Any increase in development would have an impact on the nearby tributary of Bare Creek and the existing bushland that is considered to be of moderate to high conservation significance based on the presence of known and potential threatened flora and fauna species habitat. *Grevillea caleyi* and the Eastern Pygmy-possum are some of the threatened species found on Part Lot 7382 DP 1165548.

### **CONSULTATION**

The following Council business units have provided input into the submission: Natural Environment and Climate Change and Strategic Planning, Road Traffic and Waste, Property and Commercial.

### **TIMING**

The submission to the Aboriginal Land Claim Investigation Unit of the NSW Department of Primary Industries is due by 23 December 2016. An extension was granted until this date to allow the submission to be endorsed by Council at its meeting on 13 December 2016.

### **FINANCIAL IMPACT**

Granting of the claim would have no financial impact upon Council's operations.

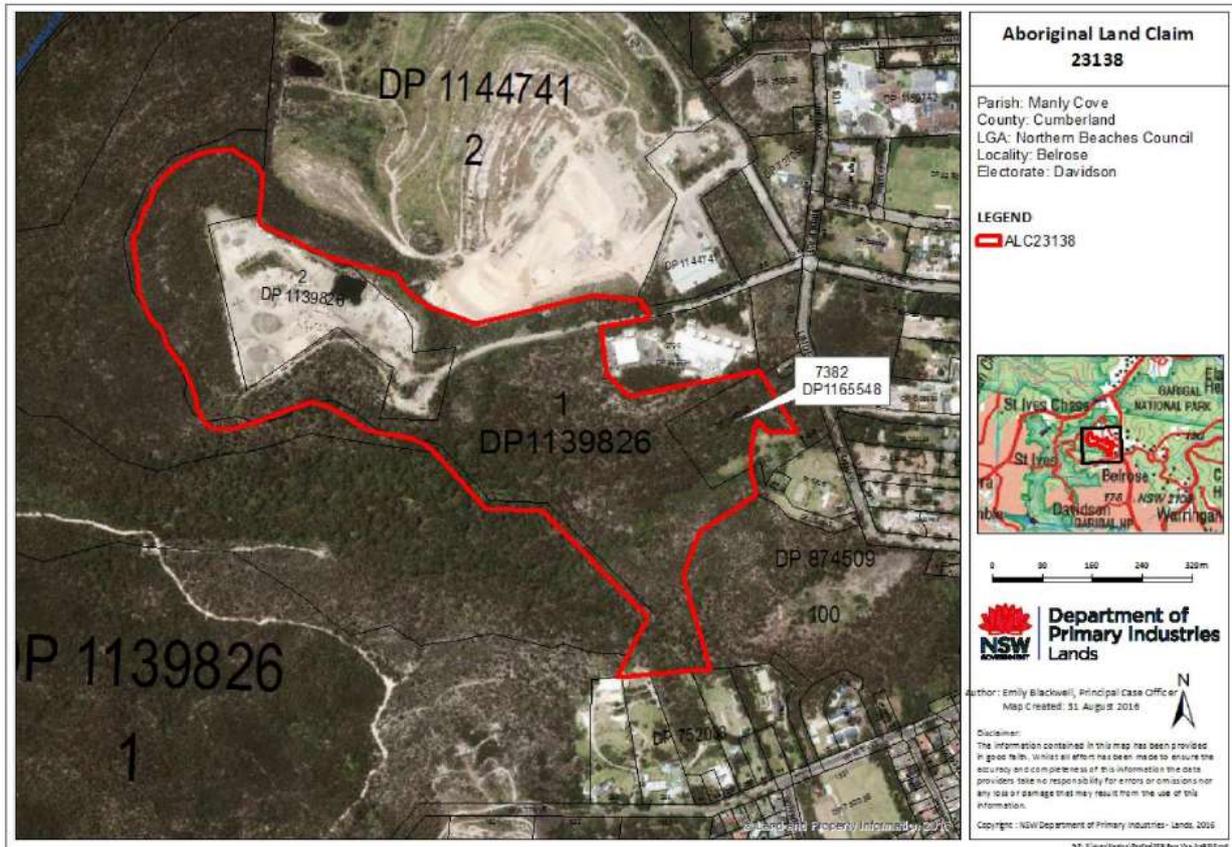
### **SOCIAL IMPACT**

As noted in the body of this report, funds acquired through the sale of land that Aboriginal Land Councils have successfully claimed, form a fundamental component of the finances required to support services and programs in other areas of Aboriginal affairs such as housing, employment and health.

### **ENVIRONMENTAL IMPACT**

Granting of the claim will not in itself result in environmental impacts, however, changes in land tenure that result in increased development may impact upon threatened species and habitat. It is recommended that advice to this effect be included in Council's submission.

Figure 1: Aboriginal Land Claim 23138, Belrose



NORTHERN BEACHES  
COUNCIL

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)

14 December 2016

Senior Case Manager  
Aboriginal Land Claim Investigation Unit  
Department of Primary Industries  
[alc@crowland.nsw.gov.au](mailto:alc@crowland.nsw.gov.au)

Our Ref: 2016/385949

Dear Sir

**Aboriginal land claim 23138**

Thank you for your request for comment on the above-mentioned Aboriginal land claim and your extension of time to allow the draft submission to be considered by Council.

Please be advised that Council objects to the claim over Lot 2 DP 1139826 on grounds that it has been lawfully used and occupied since 1964 for an extractive industry.

Lot 2 DP 1139826 has been under continual use for the purpose of 'extraction other than by dredging' since approval was granted by the then Land Board Office on 1 October 1964 under Permissive Occupancy (PO) 1964/193. PO1964/193 was followed by Licence No. 308608 for the same purposes dated 12 February 1999. Crown Lease 412592 was granted for this site in October 2009 and the area surveyed along the original boundaries of former PO 1964/193.

Council raises no objection to the claim over Part Lot 7382 DP 1165543. However, Council requests that any grant of claim be subject to a condition or advice that Council would not support any changes in land tenure that would result in detrimental environmental impacts on Part Lot 7382 DP1165548. In particular, Council would oppose any development that would impact on the nearby tributary of Bare Creek and the existing bushland that is considered to be of moderate to high conservation significance based on the presence of known and potential threatened flora and fauna species habitat such as *Grevillea caleyi* and the Eastern Pygmy-possum.

Should you require further information regarding this matter please do not hesitate to contact Jeanne Thuez, Strategic Planner on 9942 2111. I look forward to being advised of the outcome of these claims.

Yours faithfully

David Kerr  
Acting Deputy General Manager Planning and Community

WARRINGAH COUNCIL  
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<b>ITEM 9.12</b>	<b>CHILDREN'S SERVICES FEES AND CHARGES AND PRESCHOOL FUNDING</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER CHILDRENS SERVICES</b>
<b>TRIM FILE REF</b>	<b>2016/376793</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Start Strong Program Guidelines</a></b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To inform Council of the changes to the Start Strong program funding for pre-schools and the impact this will have on service provision, and the 2017 Fees and Charges rate commencement date.

#### SUMMARY

The NSW Government is providing extra funding, under its Start Strong program, to make pre-school education more affordable for families. From January 2017, increased subsidies will be provided for children enrolling for at least 600 hours (15 hours a week) in the year before school and for children aged 3 from low income and Aboriginal families. Under the program Manly Community and Ivanhoe Park pre-schools will receive approximately \$90,000 additional funding which must be passed on as a fee reduction.

Previously at Manly Community and Ivanhoe Park pre-schools, The Roundhouse Children's Centre and Harbour View Children's Centre fee increases were implemented from 1 January each calendar year as opposed to 1 July for all other Children's Services. To support streamlining of fees, it is proposed to bring the timing of fee increases into alignment.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council support:

- A. The reduction of the pre-school fee for children aged 4 years old on or before 31 July by the amount of funding received from the NSW Government.
  - B. The reduction of the pre-school fee children aged 3 and over from low income and Aboriginal families by the amount of funding received from the NSW Government.
  - C. A change in timing of planned fee increases for Manly Community and Ivanhoe Park pre-schools, The Roundhouse Children's Centre and Harbour View Children's Centre to 1 July to align with other Northern Beaches Council children's services.
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## REPORT

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### BACKGROUND

#### **Start Strong Program for Pre-schools**

From January 2017 under the Start Strong program, community pre-schools across the state which enrol children for at least 600 hours in the year before school will receive increased subsidies from the NSW Government.

#### **Making early childhood education more affordable**

To ensure that affordability is not a barrier for families with young children, the NSW Government has allocated an additional \$115 million in funding to support universal access to early childhood education. In addition there is specific equity funding for children aged 3 and over from low income and Aboriginal families. Daily fees for children from low income and Aboriginal families (equity children) must be lower than non-equity children's daily fees. Children from a low income family holding a Health Care Card (where the child is a named dependent on the card) receive the highest base rate funding across all locations.

#### **Fee increase date**

Fee increases for Manly Community and Ivanhoe Park pre-schools, The Roundhouse Children's Centre and Harbour View Children's Centre were implemented from 1 January each calendar year as opposed to 1 July for other Northern Beaches Council children's services. To support streamlining of fees, it is proposed to bring the timing of fee increases into alignment.

### CONSULTATION

Families will be advised of Council's decision regarding the fee.

### TIMING

Under the Start Strong program, pre-school fees for children aged 4 years old on or before 31 July and children aged 3 and over from low income and Aboriginal families need to be reduced by the additional amount of funding received from the NSW Government.

The Pre-school fee increase for children aged 3 years will be deferred to 1 July to bring the timing of fee increases into alignment.

The Long Day Care fee increase for The Roundhouse and Harbour View Children's Centres will be deferred to 1 July to bring the timing of fee increases into alignment.

### FINANCIAL IMPACT

#### **Pre-School Fee reductions**

The impact of the fee reduction for pre-school children aged 4 years old on or before 31 July and children aged 3 and over from low income and Aboriginal families will be cost neutral as the increased State Government funding will offset the decrease in fee revenue.

#### **Pre-School and Long Day Care fee increase alignment**

The financial impact of deferring the fee increase for pre-school children aged 3 years and the Long Day Care fee increase for The Roundhouse and Harbour View Children's Centres will be approximately \$130,000 or less than 1% of fee revenue. This can be accommodated within the current budget.

### SOCIAL IMPACT

#### **The value of 600 hours of quality early childhood education**

Research carried out by The Mitchell Institute at The University of Victoria shows that children who participate in a quality early childhood education program for at least 600 hours in the year before school are more likely to arrive at school equipped with the social, cognitive and emotional skills they need to engage in learning.

The benefits endure well beyond primary school. Higher levels of educational attainment, economic participation and family well-being have all been linked to moderate levels of participation in early childhood education.

**ENVIRONMENTAL IMPACT**

Nil



EARLY CHILDHOOD EDUCATION DIRECTORATE



14/11/16\_24827

# START STRONG

NSW COMMUNITY PRESCHOOLS

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## 1 Purpose

This document describes the objectives, approach and expectations that underpin Start Strong. Research shows that children who participate in quality early childhood education in the year before school are more likely to start school equipped with the social, cognitive and emotional skills they need to engage in learning. An average of 600 hours per year or 15 hours per week is the minimum recommended level of participation.

This approach is consistent with the NSW Government's National Partnership Agreement on Universal Access to Early Childhood Education with the Commonwealth Government. Funding is targeted to four and five year old children in the year before school and children aged three and above from low income and Aboriginal families.

## 2 Objectives

Start Strong aims to improve affordability of early childhood education and increase the number of children participating for 600 hours in a quality early childhood education program in the year before school.

Start Strong builds upon the needs based principles established under the former Preschool Funding Model (PFM) to promote universal access and priority of access:

- higher base funding rates based on Socio-Economic Index for Areas (SEIFA) score of disadvantage
- additional equity funding for children aged 3 and over from low income and Aboriginal families
- loadings for outer regional, remote and very remote services
- loadings for English language needs

## 3 Outcomes

The department expects services that receive an increase in funding under Start Strong compared to 2016 PFM funding to reduce fees for children with priority given to reducing fees for children from low income and Aboriginal families.

## 4 Spending rules

Services will be required to pass through at least 75 per cent of the increased funding to families by lowering their daily fees.

Daily fees for children from low income and Aboriginal families (equity children) must be lower than non-equity children's daily fees. If a service's daily non-equity fee is lower than its daily equity fee, the service would be expected to redistribute the funds more heavily towards the equity daily fee.

The department will monitor fee pass through using the data collected through the Preschool Census to compare a service's reported fees in the August 2016 Preschool Census (baseline) and multiply the fee reduction by the number of enrolments to determine whether 75% of the increase was utilised for fee reduction.

In exceptional circumstances where the preschool cannot reduce fees by at least 75 per cent of the increase, a justification must be provided. The department periodically conducts audits of preschool services and may request a funding compliance audit in these or other circumstances.

## 5 Child Eligibility Criteria

To be eligible for funding under Start Strong, a child will need to be either:

- At least 4 years old on or before 31 July in that preschool year and not in compulsory schooling; or
- At least 3 years old on or before 31 July and from a low income family (i.e. the child's family must be holders of a Health Care Card or Pensioner Concession\* where the child is a named dependent on the card) and/or Aboriginal family and
- Attending an early childhood education program for 600 hours per year.

\* The Federal Government has confirmed that Health Care Cards issued in the child's name only are not means tested. Therefore children with their own Health Care Card will not be eligible. This includes Foster Care Health Care Cards and Health Care Cards for children with a disability.

Grants will not be provided for places that are Child Care Benefit approved and the family is entitled to a payment greater than \$0 under the Child Care Benefit income test. Where a place is Child Care Benefit approved but the family does not meet the income test for payment, Start Strong program guidelines apply.

## 6 Priority of access

Services are required to give equal priority of access to:

- children who are at least 4 years old on or before the 31 July in that preschool year and not enrolled or registered at a school
- children who are at least 3 years old on or before 31 July and from low income and Aboriginal families
- children with English Language needs
- children with disabilities
- children who are at risk of significant harm (from a child protection perspective).

There is no order of priority assigned to the list of points above.

The guidelines are intended to assist services with making enrolment decisions, in a way that seeks to allocate places to those in the greatest need. However, the particular community needs of the preschool will also be relevant.

## 7 Service Eligibility Criteria

To be eligible for grants under this program as a centre-based preschool, service providers must meet all of the following criteria:

- be a not-for-profit, community-based preschool
- be an approved early childhood education and care service under the National Law and Regulations
- deliver an early childhood education program designed by a degree qualified early childhood teacher in accordance with The Early Years Learning Framework (providing a structured, play-based early childhood education) under the National Partnership Agreement on Early Childhood Education
- comply with the Terms and Conditions of the Early Childhood Education Grants Program.

## 8 Mobile preschools

Mobile Preschools are not in scope under Start Strong. Mobile preschools on a fixed term mobile contract will continue to receive funding as per the terms of the mobile contract. Mobile preschools that elected not to enter into a fixed term mobile contract will be funded under Start Strong.

## 9 Performance reporting

Preschools continue to provide reporting via the Preschool Census which requires data to be correct, true and not misleading in any respect. Data for Start Strong is calculated based on the number of hours of enrolment that the service enters in the Preschool Census or ad-hoc data collection if and when required. Any ad hoc data collection will only be conducted during the implementation period of Start Strong. Preschools may be audited to confirm the accuracy of data entered in the Preschool Census or any ad hoc data collection.

## 10 Calculation of funding

Start Strong replaced the PFM funding model. Only those children enrolled for at least 600 hours per year will receive 100% of the higher base rates of funding.

The number and characteristics of children enrolled for 600 hours in an early childhood education program determines the funding calculation.

The rate of base funding per child reflects the average income of families with children aged 0-5 years in the service's Socio-Economic Index for Areas (SEIFA) Area.

Funding allocation is calculated on a per child basis and a percentage of the applicable base rate is awarded depending on hours of enrolment:

**Table 1: Funding calculation**

Per child hours of enrolment offered per year	Indicative average hours per week, based on a 40 week year	Percentage of per child base rate received
600 hours or more	15 hours or more	100%
480 to less than 600 hours	12 to less than 15 hours	50%
400 to less than 480 hours	10 to less than 12 hours	35%
320 to less than 400 hours	8 to less than 10 hours	20%
Greater than 240 to less than 320 hours	greater than 6 to less than 8 hours	5%
240 hours or fewer	6 hours or fewer	Nil

Funding to services per child is calculated based on the following table:

**Table 2: Funding calculation per SEIFA band**

SEIFA Funding Band	Per child hours of enrolment offered per year					
	600 hours or more	480 to less than 600 hours	400 to less than 480 hours	320 to less than 400 hours	greater than 240 to less than 320 hours	240 hours or fewer
%	100%	50%	35%	20%	5%	0%
Band 1	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 2	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 3	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 4	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 5	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 6	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 7	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 8	\$6,600	\$3,300	\$2,310	\$1,320	\$330	\$0
Band 9	\$6,413	\$3,207	\$2,245	\$1,283	\$321	\$0
Band 10	\$5,963	\$2,982	\$2,087	\$1,193	\$298	\$0
Band 11	\$5,893	\$2,947	\$2,063	\$1,179	\$295	\$0
Band 12	\$5,697	\$2,849	\$1,994	\$1,139	\$285	\$0
Band 13	\$5,325	\$2,663	\$1,864	\$1,065	\$266	\$0
Band 14	\$5,012	\$2,506	\$1,754	\$1,002	\$251	\$0
Band 15	\$4,759	\$2,380	\$1,666	\$952	\$238	\$0
Band 16	\$4,485	\$2,243	\$1,570	\$897	\$224	\$0
Band 17	\$4,250	\$2,125	\$1,488	\$850	\$213	\$0
Band 18	\$4,250	\$2,125	\$1,488	\$850	\$213	\$0

The above rates are subject to change, and are at the discretion of the department.  
Grants will not be provided for places that are Child Care Benefit approved.

## 10.1 Low Income and Equity Funding

Identified targeted group	Rate per child	Detail
Aboriginal children	\$6,600	Children from Aboriginal backgrounds receive the highest base rate funding across all locations.
Children from low income backgrounds	\$6,600	Children from a family holding a Health Care Card (where the child is a named dependent on the card) receive the highest base rate funding across all locations. The Federal Government has confirmed that Health Care Cards issued in the child's name only are not means tested. Therefore children with their own Health Care Card will not be eligible. This includes Foster Care Health Care Cards and Health Care Cards for children with disability. Services should keep a copy of Health Care Cards to show proof that they were valid at the time of the preschool census or for a prior period during that school year.
Children from both an Aboriginal and a low income family will only be eligible for one amount of equity loading per child. Equity funded children enrolled for fewer than 600 hours will attract a percentage of the funding rate calculated according to their hours of enrolment, as shown in Table 1.		

## 10.2 Regional Loading

Services will receive an additional loading per funded child based on the ARIA+ (2011) Remoteness Classifications. On top of the base rate funding:

- Preschools in ARIA+ remote and very remote areas will receive an additional loading of \$1,281 per eligible child per annum.
- Preschools in ARIA+ outer regional areas will receive an additional loading of \$871 per eligible child per annum.

## 10.3 English Language Loading

Children with English language needs will receive an additional language loading of \$410 across all locations. The loading will apply when the service selects 'English Language Assistance Required' in the Preschool Census, and is not dependent on 600 hour enrolments.

## 10.4 Higher Order Multiple base rates

The Higher Order Multiple base rate is \$6,600 for each child from the third child in the multiple onwards (i.e. not for the first two children) regardless of hours enrolled across all locations.

Higher Order Multiple funding will be applied under the following circumstances:

- Only for families with triplets or multiple children above triplets, i.e. quads, septuplets etc.
- Only for 4 and 5 year old children.

Evidence of applicability will be based on Annual Early Childhood Education Census data that shows for the siblings:

- Same date of birth (copy of Birth Certificate to be kept by the preschool service provider enrolling the children)
- Same address
- Enrolled at the same preschool.

## 10.5 Service Safety Net

The Service Safety Net will provide an allocation of \$132,000 per annum to services that meet all of the following eligibility criteria:

- provide a minimum of 600 hours of quality early childhood education per year
- has a licensed capacity of 20 or fewer children under the Children (Education and Care Services National Law Application) Act 2010
- has a minimum of five eligible children each enrolled for 600 hours or more per annum\*
- has a maximum of 20 eligible children enrolled (enrolments of non-eligible children are not counted for Service Safety Net purposes)
- has an ARIA+ classification of Inner Regional, Outer Regional, Remote or Very Remote
- has daily fees less than \$55 per day for any eligible child attending the service

\* A service may still qualify for the Service Safety Net if, over the last three years, it meets the minimum enrolment criteria

The Service Safety Net will commence on 1 January 2017.

## 10.6 Indexation

Decisions regarding the application of indexation under Start Strong are made annually by the department. If indexation is applied, the department will be guided by a NSW Treasury-mandated percentage applicable to all Government agencies.

## 10.7 Preschools for Sustainable Communities funding

Preschools for Sustainable Communities funding will cease on 1 January 2017. It will be replaced by the Service Safety Net funding component. However, Preschools for Sustainable Communities funding will be extended to 30 June 2017 for those preschools that received the funding in 2016/17 and are not eligible for the Service Safety Net.

## 10.8 Funding payments

Funding under Start Strong is paid on a calendar year basis contingent on compliance with annual accountability requirements and is paid quarterly in advance. Service providers are required to certify that funds have been spent in accordance with the Terms and Conditions of the Early Childhood Education Grants Program.

## 11 Timing

Commencing on 1 January 2017, funding reforms will be introduced in stages so that preschools have time to prepare. The new funding model will be completely in place by 1 July 2017.

Children enrolled for 600 hours per year based on the August 2016 Preschool Census data will receive the new higher base rates from 1 January 2017.

Children enrolled for fewer than 600 hours based on the August 2016 Preschool Census data will continue to receive the PFM rates of funding until 30 June 2017. However, operational scaling and funding cap scaling continues until 30 June 2017 so service providers still need to consider scaling implications of enrolments until 30 June 2017.

From 1 July 2017, only children enrolled for 600 hours will receive the maximum rate of funding, with children enrolled for fewer hours attracting a pro-rata amount according to Table 1 above.

The department may provide an ad hoc data collection during the implementation period of Start Strong to align enrolment profiles with funding.

## 12 Operational and Funding Cap scaling

Operational scaling and funding cap scaling cease on 30 June 2017. Under Start Strong, the number and characteristics of children enrolled for 600 hours in an early childhood education program determines the funding calculation. There is no longer a need for operational and funding cap scaling.

## 13 Contact Details

To speak to someone about Start Strong, please contact the department's Early Childhood Education Directorate by:

Phone: 1300 755 426

Email: [ecec.funding@det.nsw.edu.au](mailto:ecec.funding@det.nsw.edu.au)

## 10.0 PUBLIC AFFAIRS DIVISION REPORTS

ITEM 10.1	DRAFT VISION AND PRIORITIES FOR THE COMMUNITY STRATEGIC PLAN 2028
REPORTING MANAGER	DEPUTY GENERAL MANAGER PUBLIC AFFAIRS
TRIM FILE REF	2016/380317
ATTACHMENTS	1 <a href="#">Community Engagement Report - Phase 1 Engagement (Included In Attachments Booklet)</a>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To approve the exhibition of a draft vision statement, key aspirations and priorities for the Northern Beaches community.

#### SUMMARY

On behalf of the Northern Beaches community Council is preparing a Community Strategic Plan (CSP). The CSP is long term plan for the region (at least 10 years) that captures the community's vision, aspirations and priorities as well as providing strategies to achieve the vision.

The first stage of community engagement (September to 6 November 2016) has been completed. Over 1,000 members of the community contributed to the development of a draft vision statement, key aspirations and priorities. A detailed report on the engagement is contained at **Attachment 1**, Community Engagement Report.

Council's 11 Strategic Reference Groups (SRG) and Local Representation Committees (LRC) (former Councillors) have worked closely with staff confirming the community's priorities and shaping the vision. The draft vision statement below was developed by the LRC with the geographic reference to "Northern Beaches" added to the statement:

*The Northern Beaches a safe, inclusive and connected community that values its natural and built environment.*

A statement of vision and priorities is required to prepare by Council by December 2016. The draft statement, aspirations and priorities detailed in the report will be subject to further consultation with the community in March/April 2017.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER PUBLIC AFFAIRS

That:

- A. The attached Community Engagement Report on the first stage of community consultation for preparation of the Community Strategic Plan 2028 is noted.
  - B. The draft vision statement, aspirations and priorities detailed in the report are approved for exhibition in March/April 2017 as part of a Discussion Paper.
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**REPORT**

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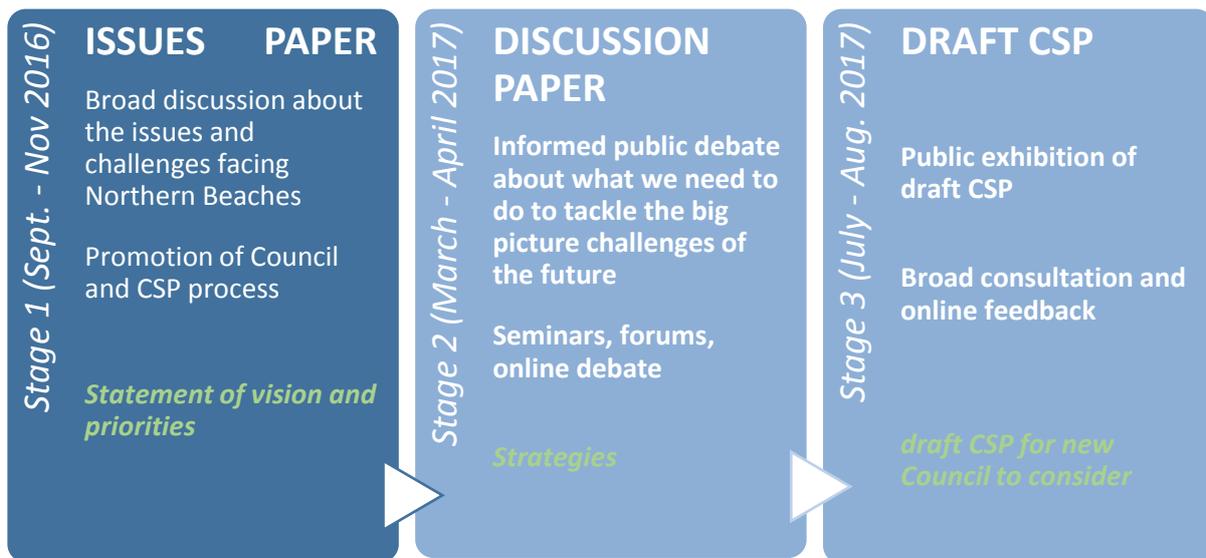
**BACKGROUND**

Each newly created council must adopt a Community Strategic Plan following a general election of councillors by 30 June 2018 *s402 Local Government Act 1993*. The CSP represents the highest level of strategic planning undertaken by a local council. It is a long term plan (at least 10 years plus) that captures the community’s vision, aspirations and priorities as well as providing strategies to achieve the vision.

The NSW Department of Premier and Cabinet have provided additional information on the timing of the development of the CSP in *Managing Change: Guidance for Senior Staff* May 2016. The guidance includes:

- Preparing a statement of vision and priorities, with community input – December 2016
- Preparing a draft CSP for consideration of the new council – September 2017

On this basis a comprehensive three stage engagement programme was developed to ensure the community and other stakeholders can partner with Council to develop the CSP. The stages are below:



Stage 1 of the community engagement has been completed. The key deliverable is a draft statement of vision and priorities as well as a Community Engagement Report at **Attachment 1**. The Community Engagement Report details the methods utilised and feedback received from the community.

**SUMMARY OF ENGAGEMENT**

A range of techniques and activities were used to engage with the Northern Beaches community from September to 6 November 2016 and included:

- Awareness activities:
- Weekly advertisements in the Manly Daily
- Letterbox drop to households on the Northern Beaches

- Bulk emails to members of the Community Engagement Register
- Notices in community newsletters

Engagement activities:

- Five drop-in sessions at various location attended by 86 people
- 12 listening posts at various locations attended by over 400 people
- Five focus groups attended by 36 people
- Online survey - 153 respondents
- Telephone survey - 600 people
- Submissions – 112 (electronic and in written)

The Council’s 11 Strategic Reference Groups played a key role in providing a collective voice in the development of the vision and priorities. The SRG met on two occasions and comprises 170 representatives of the community and community organisations.

The Council’s LRC also worked closely with staff meeting on three occasions to confirm the community’s priorities and shape the vision. The LRCs comprises 22 former councillors of Manly, Pittwater and Warringah.

**COMMUNITY VALUES AND VISION**

A range of questions were presented to the community to understand what they love and value most about the Northern Beaches. The following issues were most frequently raised:

- the natural environment, including bushland, beaches, national parks and waterways
- parklands, open space and recreation opportunities
- a friendly and safe community
- access to local villages and shops

When asked to describe their long term vision for the Northern Beaches, the community most commonly talked about being connected (to each other and to places), protection of the natural environment, urban planning and the built environment, community values, diversity (in a range of contexts), inclusivity, the Northern Beaches lifestyle, sustainability and safety. While common words/phrases were used they had different meanings for individuals across the regions as shown below:

<b>Word</b>	<b>Meaning</b>
<b>Connected</b>	Connecting people to each other, connected transport, connecting businesses via technology and telecommunications, connecting people to business and work opportunities, making localities accessible, making services accessible, traffic, parking, streets, roads, walking paths, trails and cycle-ways, streets and place planning, connecting to the city and other economic and employment centres
<b>Environment</b>	Natural and built, waterways, bush, beach, trees, pools, open space, community spaces and activities, walkways, sensitive and balanced development, environmental stewardship, clean, infrastructure, impacts of tourism, litter, population growth

<b>Community</b>	Living, working, businesses, sporting, schools, groups, volunteering, vibrant, friendly, neighbours, villages, tourism, business
<b>Diverse</b>	Culture, recreation, business, training, jobs, villages, geographic areas and environments
<b>Inclusive</b>	Welcoming, all ages, affordable, accessible, culturally diverse, arts, recreation
<b>Lifestyle</b>	Outdoors, cafes, active, natural environment, vibe, city, walkable, open spaces
<b>Sustainable</b>	Sustainable development, protecting the environment, minimise waste, reduce energy and water consumption, include climate change in urban and environmental planning
<b>Safe</b>	Neighbourhoods, family-friendly, coastal erosion, flood, bushfire, caring, designing places for young and elderly

### DRAFT COMMUNITY VISION STATEMENT

This feedback was used to prepare a draft Vision Statement. The draft statement was developed by the LRCs on 23 November 2016 with the geographic reference to “Northern Beaches” added to the statement. The draft statement reads:

*Northern Beaches a **safe, inclusive and connected community** that values its natural and built **environment**.*

### DRAFT COMMUNITY ASPIRATIONS

The Northern Beaches comprises many unique and special places. The community commented on the spectacular and diverse biogeography, population structures, economic centres, local villages and offshore communities. The future challenges that Sydney and the Northern Beaches are facing will place different pressures on these unique and special areas. It is essential that the CSP captures, considers and plans accordingly to protect the unique values and aspirations across the area.

In consideration of this, draft key aspirations to supplement the draft Vision Statement have been developed directly from community feedback. The draft Key Aspirations of the Northern Beaches community are:

- We are inspired by our bush, beaches and waterways
- Our streets are safe, clean and family-friendly
- We have vibrant spaces with diverse arts & cultural experiences
- We celebrate local villages and communities
- Growth is sustainable and balanced
- Our communities and businesses are connected and inclusive
- Development is balanced with our lifestyle and environment
- Businesses have the infrastructure to grow locally and globally
- Transport is seamless and integrated
- We demonstrate strong community leadership and environmental stewardship
- Local businesses thrive and grow

- Our governance is open and transparent
- We have a say in what happens in our local area

Together with the draft Vision Statement, the aspirations will inform the development of strategies of the CSP that will work to protect what the community loves about this area.

### **DRAFT COMMUNITY PRIORITIES**

The community also provided feedback on key challenges facing the Northern Beaches in the future. The common issues were:

- Transport, infrastructure and connectivity (including traffic management, congestion, parking, cycleways and roads)
- Clean environment (eg. waste, pollution, litter)
- Catchments, coasts and waterway management
- Bushland and biodiversity conservation
- Housing and population growth (including development control, over development and high rise)

Based on feedback from the community the following draft priorities for the CSP have been identified, for further discussion and consultation with the community:

- Population growth, development and infrastructure
- Transport and connectivity / Traffic, roads and congestion
- Environmental management and protection (including climate change)
- Clean environment
- Open space and diverse recreation
- Housing affordability
- Economic development
- Arts/ culture/ creative activities and spaces

### **TIMING - FURTHER CONSULTATION**

The second stage of community engagement in March/April 2017 provides an opportunity to test whether the draft vision statement, key aspiration and priorities resonate with the community at large. A Discussion Paper is being prepared for the next stage of engagement to facilitate the discussion. It will incorporate the draft vision, aspiration and priorities and explore in greater detail the issues raised by the community in **Attachment 1**, Community Engagement Report. It will also identify how individual issues raised by the community in the first stage of engagement have been dealt with.

### **FINANCIAL IMPACT**

The preparation of the CSP has been provided for in Council's annual budget.

### **SOCIAL IMPACT**

The CSP will include social strategies that will result in positive long term outcomes for the community.

**ENVIRONMENTAL IMPACT**

The CSP will include environmental strategies that will result in positive long term outcomes for the community.

<b>ITEM 10.2</b>	<b>DEPARTMENT OF PREMIER AND CABINET SURVEY - NORTHERN BEACHES COMMUNITY SATISFACTION SURVEY REPORT</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER PUBLIC AFFAIRS</b>
<b>TRIM FILE REF</b>	<b>2016/394245</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">☞</a>Northern Beaches Council - DPC Survey Results 2016 - Community Satisfaction (Included In Attachments Booklet)</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To present the Northern Beaches Council results from the *Department of Premier and Cabinet's NSW Local Government Community Satisfaction Survey (the Survey)*.

#### SUMMARY

The results of a random telephone survey commissioned by the Department of Premier and Cabinet throughout September 2016 showed that overall, Northern Beaches Council residents consider that their newly formed Council is performing well.

The Council's overall performance is rated significantly higher than both the newly formed Metropolitan Council group and State-wide average results.

Residents rated the top three performing areas as:

- Waste management,
- Recreational facilities
- Ease of access to services.

Residents rated the top three areas for improvement:

- Planning for population growth in the area,
- Decisions made in the interest of the community
- Providing value for money for rates.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER PUBLIC AFFAIRS

That Council note the Department of Premier and Cabinet September 2016 survey results.

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**REPORT**

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**BACKGROUND**

The Community Satisfaction Survey was commissioned by the Department of Premier and Cabinet (DPC). The survey is intended to provide newly created councils with baseline data that will assist them in measuring success of the amalgamation implementation process.

The Survey results provide information on community views towards, and satisfaction with, some of the core services of the new Northern Beaches Council.

Respondents were asked to reflect specifically on the performance of the newly formed council.

The research will be an important tool for Council to better understand what matters to it's community and enable it to focus the implementation activities to improve services, focus communications, enhance community perceptions of Council and build stronger relationships between Council and it's communities.

**METHODOLOGY**

JWS Research were appointed by DPC to conduct the random telephone survey in September 2016. All 19 newly amalgamated Councils in NSW (8 Metropolitan and 11 Rural/Country Councils) participated.

A total of 600 Northern Beaches Council residents aged 18+ years completed the survey. The survey sample included 30% from mobile phone numbers to cater to the diversity of residents, particularly younger people.

Minimum quotas of gender within age groups were applied during the fieldwork phase. Post-survey weighting was then applied to ensure accurate representation of the age and gender profile of the Northern Beaches Council area.

The aim of the survey was to produce baseline information on the community's views, and satisfaction with the services of Council. This information will identify priority areas for the newly formed Council. The survey was designed to be repeatable in the future.

The survey consisted of a set of core questions for all participating Councils:

- Overall performance across all responsibility areas (Overall performance)
- Importance and performance of individual service areas
- Contact in last 12 months (Contact)
- Rating of contact with Council (Customer Service)
- Best things about Council and areas to improve
- Best ways to communicate
- Use of Council services
- Knowledge of mergers

Each Council was invited to add several optional questions. Northern Beaches Council added questions relating to additional service areas (Importance/Performance)

- Waste Management
- Planning for population growth
- Working with Government

As well as 2 open ended questions related to the Community Strategic Plan

- What do you value most about the Northern Beaches?
- What are the top 3 issues/challenges in region over the next 5 to 10 years

To allow comparisons of results over time and ease of reporting, this research conducted by JWS Research, uses a calculated index score rather than mean ratings or percentages. This simplifies comparisons and analysis across a range of five-point scales. Refer to page 7 in the attached report for more information.

**KEY FINDINGS**

The Northern Beaches Council (65) rated significantly higher than both the Metropolitan council group (61) and State-wide (58) average index scores.

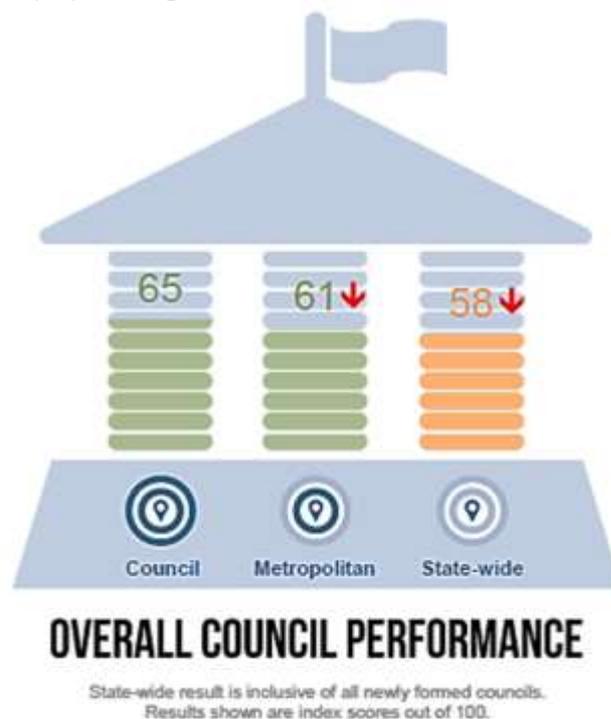


Figure 1: Comparisons of overall performance compared with the average Metropolitan and State new Council results

Northern Beaches Council is performing well and rated significantly higher than both the Metropolitan council group and State-wide average results on a range of measures including:

- Being a well-run and managed council
- Decisions made in the interests of the community
- Community consultation and engagement
- Informing the community and
- The condition of local streets and footpaths.

Half of local residents rated Council’s overall performance as ‘good’ or ‘very good’, while only 6% rated Council ‘poor’ or ‘very poor’ and 15% ‘couldn’t say’.

People aged 65+ were more favourably disposed towards Council than those aged 18-39.

Residents rated the top three performing areas as:

- Waste management

- Recreational facilities
- Ease of access to services

Residents rated the top three areas for improvement:

- Planning for population growth in the area
- Decisions made in the interest of the community
- Providing value for money for rates

## BEST THINGS ABOUT COUNCIL AND AREAS TO IMPROVE DETAILED PERCENTAGES

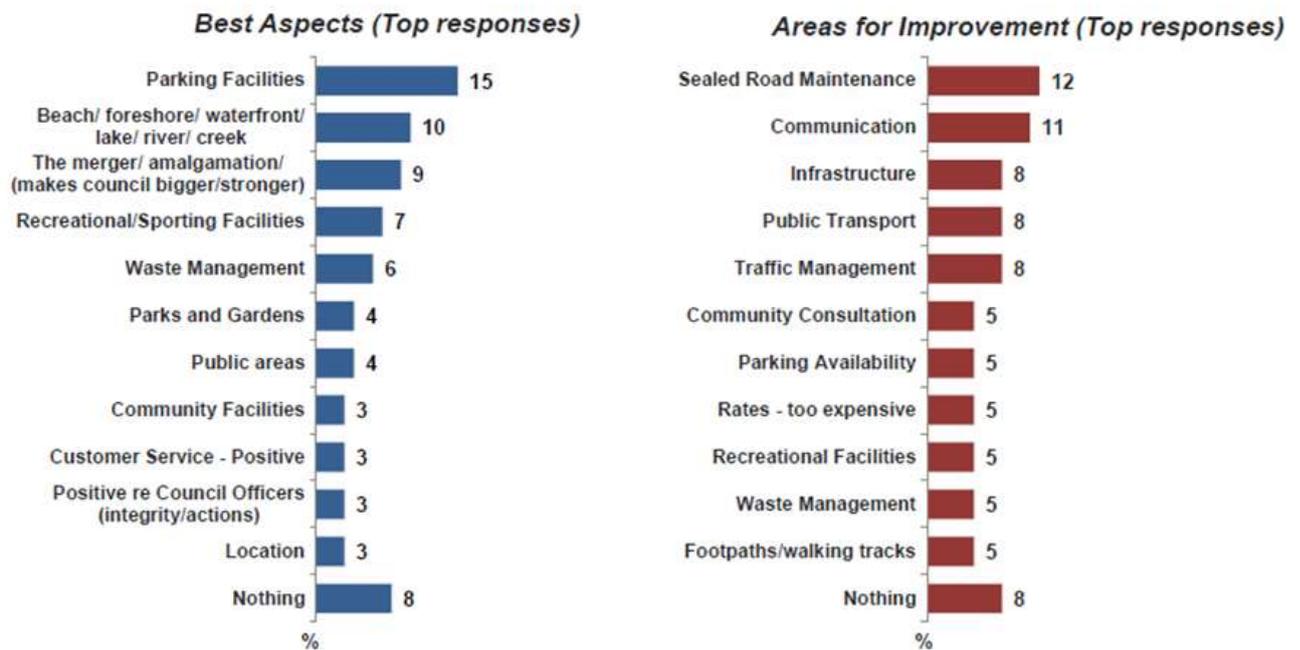


Figure 2: Q 9 - What does Council MOST need to do to improve its performance in the next 12months?  
Q10 - Please tell me what is the ONE best thing about Council

The community felt that the parking facilities, beaches and waterways and the amalgamation were the most frequently mentioned best things about the Council.

Sealed road maintenance, communication, infrastructure, transport and traffic management were areas most frequently mentioned for improvement.

### Overall Performance and Importance Ratings

The table below details all the performance and importance scores for the core questions and the three additional questions. The arrows indicate if the score was significantly above or below the state and metro average ratings.

**Importance Index Scores for Northern Beaches Council.** (See table in box below)

The nett difference column identifies in red the areas that have the largest performance gap between performance and importance ratings. Those highlighted in green have the smallest gap.

Performance and Importance Ratings

Performance Index Scores	Northern Beaches		
	Council	Metropolitan	State-wide
Overall Performance	65	61 ↓	58 ↓
Customer Service	69	68	69

Core Questions	Performance Index Scores			Importance Index Scores	
	Northern Beaches Council	Metropolitan	State-wide	Northern Beaches Council	NBC Nett Diff
Being a well run and managed council	61	58 ↓	55 ↓	88	-27
Decisions made in the interest of the community	56	53 ↓	52 ↓	84	-28
Community consultation and engagement	56	52 ↓	53 ↓	75	-19
Informing the community	59	56 ↓	56 ↓	76	-17
Ease of access to services	63	64	63	78	-15
The condition of local streets and footpaths in your area	57	55 ↓	53 ↓	77	-20
Recreational facilities	68	66	66	73	-5
Providing value for money	56	55	51 ↓	84	-28
<b>Additional Questions</b>					
Waste Management	75	74	71 ↓	83	-8
Working with Government	55	55	55	77	-22
Planning for population growth	45	48 ↑	49 ↑	79	-34

BEST FORMS OF COMMUNICATION

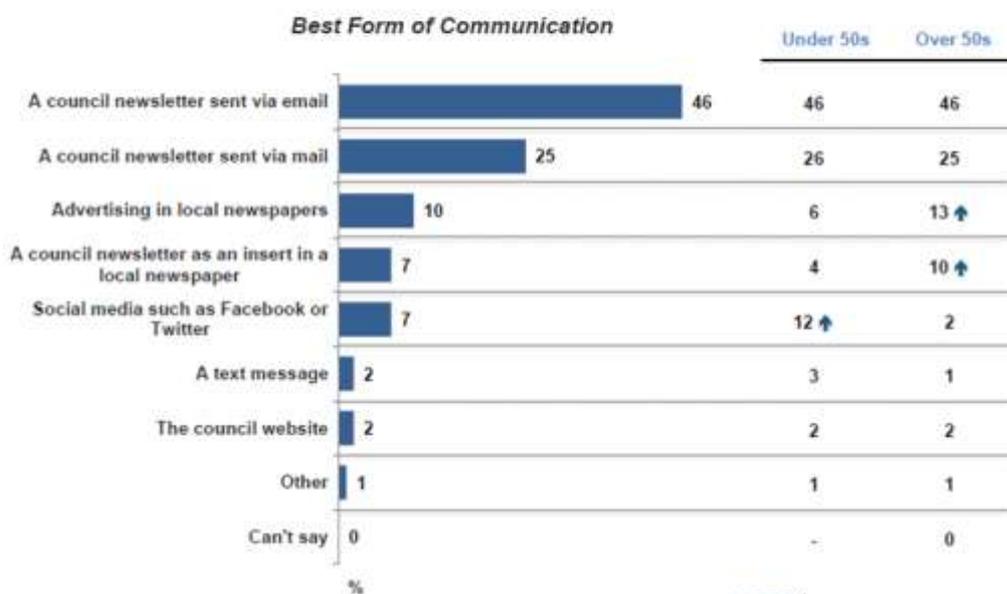


Figure 3: Q3 - If Council was going to get in touch with you to inform you about Council news, information or upcoming events, which ONE of the following is the BEST way to communicate with you?

The best ways to communicate with the community were via newsletter either by email (46%) or mail (25%), followed by newspaper advertising (10%).

FINANCIAL IMPACT

The DPC provided half the funding towards the survey costs and the remaining funds were met from within current operational budgets.

**SOCIAL IMPACT**

The results will assist in measuring community attitudes on the success of the new Council, areas performing well and areas for improvement.

**ENVIRONMENTAL IMPACT**

Nil



## 11.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### RECOMMENDATION

A. That, in accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- a Item 11.1 RFT 2016/079 – Community Engagement, Identity and Digital Information Architecture on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*]; and commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council [10A(2)(d(ii)) *Local Government Act 1993*].

This report discusses a confidential tender submission 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 prejudice the commercial position of an organisation and offer a commercial advantage to future prospective contractors.

- b Item 11.2 Glen Street Cultural Hub Stage 2 on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses 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 prejudice the confidentiality, privilege or security of such information

- c Item 11.3 RFT 2016/085 - Extension and Refurbishment of Davidson Rural Fire Brigade on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses 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 prejudice the confidentiality, privilege or security of such information.

- d Item 11.4 RFT T2016/06 - Fairy Bower Swimming Pool Floor Refurbishment on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*].

This report discusses individual respondent's tender submissions 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 confer a commercial advantage to prospective tenderers for this type of tender.

- e Item 11.5 RFT 2016/093 - Northern Beaches PCYC Lease of Cafe/Kiosk on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses commercial information and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness

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and transparency in council decision-making because the disclosure of this information would prejudice the confidentiality, privilege or security of such information.

- f Item 11.6 RFT 2016/092 – Café Lease – Frenchs Forest, Warringah Aquatic Centre Resolution Modification on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses 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 prejudice the confidentiality, privilege or security of such information.

- B. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
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# NORTHERN BEACHES COUNCIL

