

AGENDA

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

Tuesday 28 March 2017

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



Mark Ferguson
General Manager

Issued: 23/03/2017

OUR VALUES

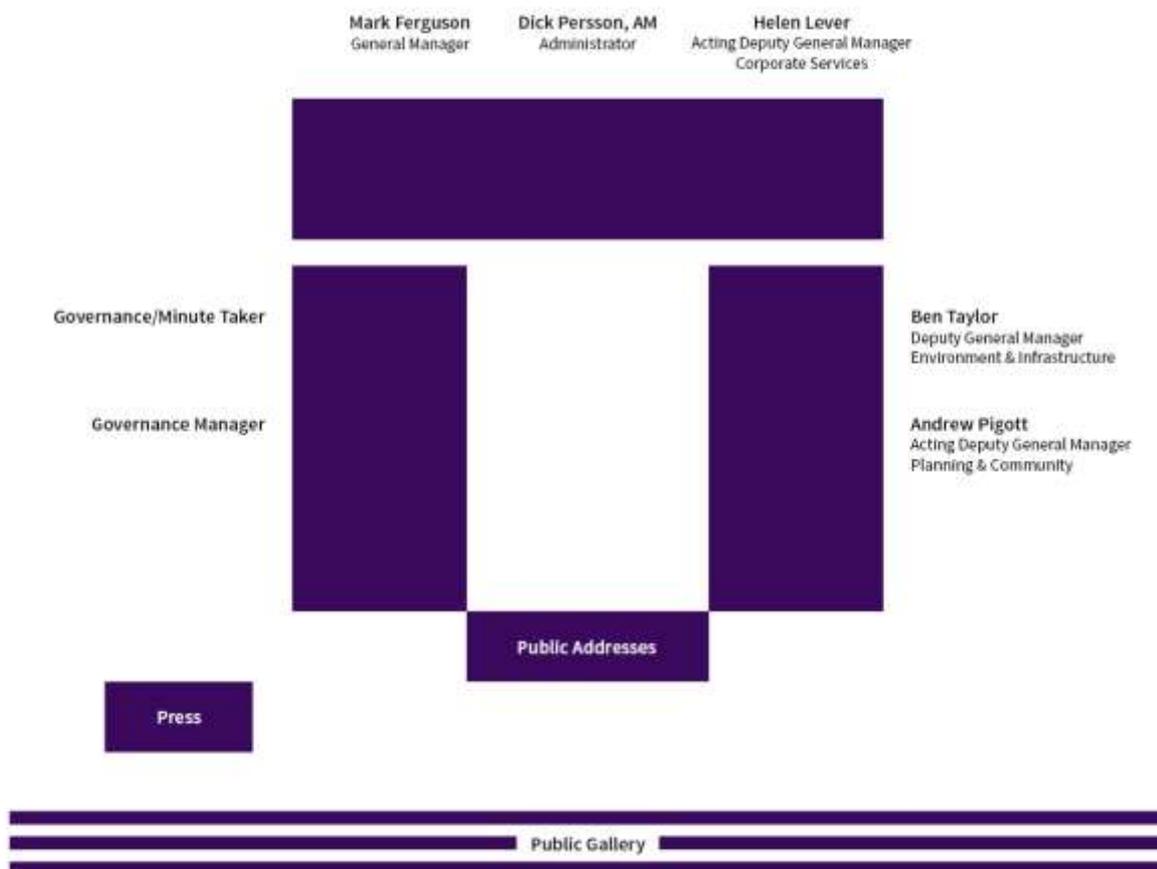
Respect

Empowerment

Service

Wellbeing

Equity



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 28 March 2017
at Manly Chambers
Commencing at 6.30pm**

ACKNOWLEDGEMENT OF COUNTRY

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

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2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2017

RECOMMENDATION

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

7.0 CORPORATE SERVICES DIVISION REPORTS

ITEM 7.1	ALTERNATIVE PROCUREMENT – ENGAGEMENT OF FIGHTING CHANCE AUSTRALIA
REPORTING MANAGER	EXECUTIVE MANAGER CHIEF INFORMATION OFFICER
TRIM FILE REF	2017/047921
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek exemption to tender for the engagement of social enterprise *Fighting Chance Australia*, for the provision of digitisation services for a period of up to five years.

SUMMARY

Northern Beaches Council has a digitisation program in place to scan and make available in digital format, all highly requested information/records currently held in non-digital formats. A significant amount of this information is stored with a commercial document storage provider and the associated costs continue to rise. Digitisation enables destruction of the original records and a reduction in the associated storage costs.

The former Warringah Council had previously engaged the services of Fighting Chance Australia to digitise Development Applications and Property files. Fighting Chance Australia are a not-for-profit organisation based in the LGA who provide opportunities for social participation, employment, work experience and skill development to young people with disabilities through the creation of training programs and social businesses. One of the services offered by Fighting Chance Australia, through their social enterprise Jigsaw, is digitisation of hardcopy records.

The work produced by Fighting Chance Australia is of excellent quality, matching that of other service providers at a competitive market rate and delivering excellent social outcomes for the LGA.

RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That:

- A. Council exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the provision of digitisation services as it believes a satisfactory result would not be achieved by inviting tenders. The proposed alternative procurement is based on the following “extenuating circumstances”:
 - a. The market has previously been tested in 2014 and Fighting Chance provide value for money; and
 - b. The engagement of Fighting Chance Australia delivers excellent social benefits through the employment of local people with disabilities and contributes to the outcomes of the Northern Beaches Disability Inclusion Action Plan.
 - B. Authority be delegated to the General Manager to enter into negotiations with Fighting Chance Australia for Digitisation Services for a period of up to five years and if successful to execute all necessary documentation to give effect to this resolution.
-

REPORT

BACKGROUND

Northern Beaches Council has a digitisation program in place to scan and make available in digital format, all highly requested information/records currently held in non-digital formats. A significant amount of this information is currently stored with a commercial storage provider and the associated costs continue to rise.

The former Warringah Council had previously engaged the services of Fighting Chance Australia to digitise Development Applications and Property files. Fighting Chance Australia are a not-for-profit organisation based in the LGA who provide opportunities for social participation, employment, work experience and skill development to young people with disabilities through the creation of training programs and social businesses. One of the services offered by Fighting Chance Australia, through their social enterprise Jigsaw, is document management.

The contract with the former Warringah Council enabled Jigsaw to develop their capability, gain experience in managing contract work and invest in additional equipment, resulting in them winning more local government, state government and private sector business. The work produced by them is of excellent quality, matching that of other service providers at a competitive rate.

Northern Beaches Council would like to engage Jigsaw to roll out the digitisation program across the whole of Northern Beaches Council. It is proposed that they be engaged for a period of up to five years, on an as required basis.

The value of these services over five years is likely to exceed the \$150K tendering threshold. Exemption from tendering for the service is sought based on the significant social benefits delivered and the value for money that they offer (as previously tested through the quotation process).

CONSULTATION

Nil

TIMING

Work to commence on the next batch of documents in April 2017 and continue on an as required basis for a period of up to five years.

FINANCIAL IMPACT

The work identified for the current financial year is approximately \$80,000 and is included in the current budget. Future years work will be included in the annual budget process and long term financial plan.

SOCIAL IMPACT

The proposed contract is an excellent outcome for the Northern Beaches Community. As a result of the previous contract between Jigsaw and Warringah Council, Jigsaw were able to invest in new technology, setting themselves up to do large format scanning, and gained significant experience both operationally in document scanning and administratively in managing government and private sector contract work. This positioned them to compete for additional contracts and they have since secured work with other local government, state government and private sector organisations.

ENVIRONMENTAL IMPACT

The digitisation of Council's records will have a positive impact on the environment as it reduces/eliminates the need to transport hardcopy records between Council offices and the offsite storage locations, thereby reducing CO² emissions.

ITEM 7.2	PRICING POLICY: PRINCIPLES AND BASIS
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2017/056032
ATTACHMENTS	1 ↓ Pricing Policy : Principles and Basis

EXECUTIVE SUMMARY

PURPOSE

To report on the outcome of the public exhibition of the draft *Pricing Policy: Principles and Basis*, (the Policy) and to recommend adoption.

SUMMARY

At the Ordinary Council Meeting of 13 December 2016 Council resolved:

“The draft Pricing Policy: Principles and Basis be placed on public exhibition for a period of 42 days with the results reported to Council”.

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.

The draft Policy was publicly exhibited from 14 December 2016 until 28 February 2017. A written notification was placed in the Manly Daily, the policy was placed for public view on Council's website and *Your Say* page, inviting the community to make submissions and a bulk email was sent to the community engagement database, registered community groups and other key stakeholders.

No submissions were received on the Policy.

In adopting the Policy at Attachment 1, Council will also need to rescind the existing pricing policies in place when the Northern Beaches Council was proclaimed on 12 May 2016.

RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That Council:

- A. Revoke the pricing policies of the former Manly, Warringah and Pittwater Councils.
 - B. Adopt the *Pricing Policy: Principles and Basis*.
-

REPORT

BACKGROUND

The Local Government Act 1993 regulates the principles that must be applied when determining fees and charges.

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 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.

In adopting the Policy at Attachment 1, Council will also need to rescind the existing pricing policies in place when the Northern Beaches Council was proclaimed on 12 May 2016.

CONSULTATION

The draft Policy was initially publically exhibited from 14 December 2016 until 28 February 2017.

Consultation included:

- Notice in the *Manly Daily* on 24 December 2016
- Display of the Policy and links to online documents on Council's website
- Promotion on *YourSay* page inviting the community to make a submission
- Bulk email to the community engagement database, registered community groups and other key stakeholders.

No submissions were received.

TIMING

The Policy will be used as a principles document in order to guide the process of setting the draft 2017/18 fees and charges.

FINANCIAL IMPACT

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

SOCIAL IMPACT

The Policy considers the principles of community service, capacity to pay and equity in setting fees.

ENVIRONMENTAL IMPACT

Nil

NORTHERN BEACHES COUNCIL

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:

Pricing Basis	Description
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 xx March 2017.

It is due for review on [insert date].

6 Who is responsible for implementing this Policy?

Chief Financial Officer.

7 Document owner

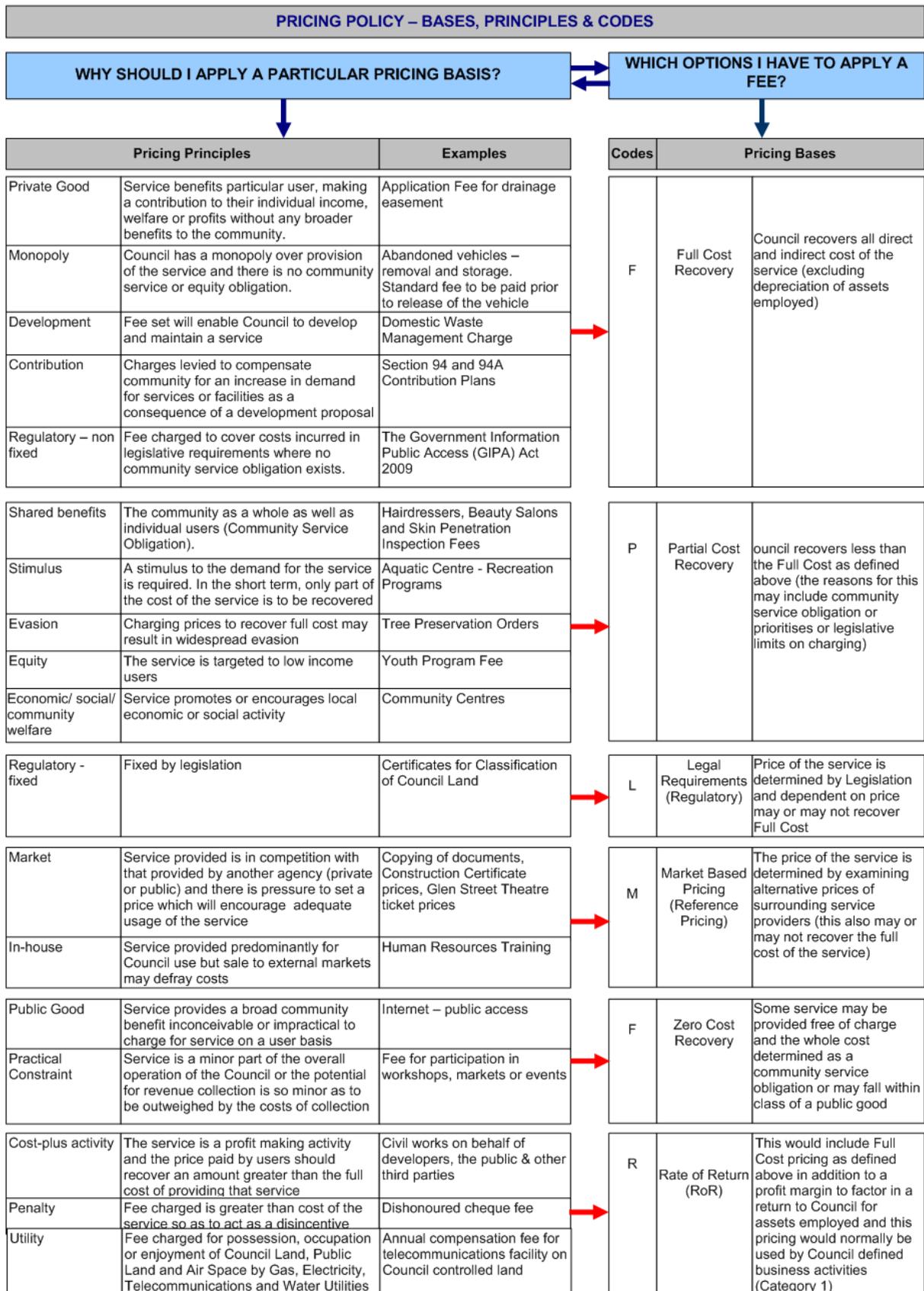
General Manager.

8 Legislation and references

- a) s404 and ss608 – 610 (inclusive) of the *Local Government Act 1993*.
- b) *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	28/02/2017	Remove Draft	2016/386055



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.

ITEM 7.3	MONTHLY INVESTMENT REPORT - FEBRUARY 2017
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2017/058661
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

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

SUMMARY

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

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

The Investment Report shows that Council has total cash and investments of \$202,286,100 comprising:

- Trading Accounts \$18,917,044
- Investments \$183,369,056

Performance over the period from 13 May 2016 to date was strong having exceeded the benchmark: 2.85%pa vs. 2.15%pa.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

FINANCIAL IMPACT

Actual investment income for the period from 13 May 2016 to date was \$4,553,646 compared to budgeted income of \$3,510,413, a positive variance of \$1,043,233.

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That Council receive and note the Investment Report as at 28 February 2017, including the certification by the Responsible Accounting Officer.

REPORT

INVESTMENT BALANCES

INVESTMENT BALANCES - CONSOLIDATED				
As at 28-Feb-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	5,076,560		1.35%
National Australia Bank Ltd	A1+	3,272,053		1.50%
Commonwealth Bank of Australia Ltd	A1+	100,945		0.40%
Commonwealth Bank of Australia Ltd	A1+	4,190,448		1.35%
		12,640,006		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,529,638	At Call	1.85%
AMP	A1	1,136,456	At Call	2.05%
National Australia Bank Ltd	A1+	8,200,000	At Call	2.00%
Commonwealth Bank of Australia Ltd	A1+	1,873,317	At Call	1.85%
		12,739,411		
Mortgage Backed Securities				
Weighted Avg Life *				
Emerald Series 2006-1 Class A	AAA	976,741	22-Aug-22	2.23%
		976,741		
Term Deposits				
Suncorp-Metway Ltd	A1	2,000,000	03-Mar-17	2.95%
ING Bank Australia Limited	A2	1,000,000	06-Mar-17	2.63%
National Australia Bank Ltd	A1+	1,000,000	06-Mar-17	2.70%
Members Equity Bank Ltd	A2	1,000,000	07-Mar-17	3.12%
AMP	A1	1,000,000	09-Mar-17	2.95%
AMP	A1	244,246	09-Mar-17	2.95%
Bank of Queensland Ltd	A2	1,000,000	10-Mar-17	2.75%
Newcastle Permanent	A2	1,000,000	13-Mar-17	2.70%
National Australia Bank Ltd	A1+	500,000	13-Mar-17	2.70%
Suncorp-Metway Ltd	A1	1,000,000	13-Mar-17	2.95%
AMP	A1	1,000,000	15-Mar-17	2.95%
AMP	A1	1,000,000	15-Mar-17	2.95%
National Australia Bank Ltd	A1+	1,000,000	17-Mar-17	2.79%
ING Bank Australia Limited	A2	500,000	20-Mar-17	2.66%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	20-Mar-17	2.62%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	21-Mar-17	3.10%
National Australia Bank Ltd	A1+	1,000,000	24-Mar-17	2.79%
Newcastle Permanent	A2	1,000,000	27-Mar-17	2.60%
National Australia Bank Ltd	A1+	1,000,000	27-Mar-17	2.70%
Bank of Queensland Ltd	A2	1,000,000	27-Mar-17	2.80%
Bank of Queensland Ltd	A2	1,000,000	29-Mar-17	2.75%
Members Equity Bank Ltd	A2	1,000,000	31-Mar-17	3.12%
Newcastle Permanent	A2	1,000,000	03-Apr-17	2.70%
Suncorp-Metway Ltd	A1	2,000,000	04-Apr-17	2.91%
Members Equity Bank Ltd	A2	3,000,000	07-Apr-17	2.80%
Suncorp-Metway Ltd	A1	1,000,000	10-Apr-17	2.60%
National Australia Bank Ltd	A1+	2,000,000	10-Apr-17	2.70%
Members Equity Bank Ltd	A2	1,000,000	12-Apr-17	3.12%

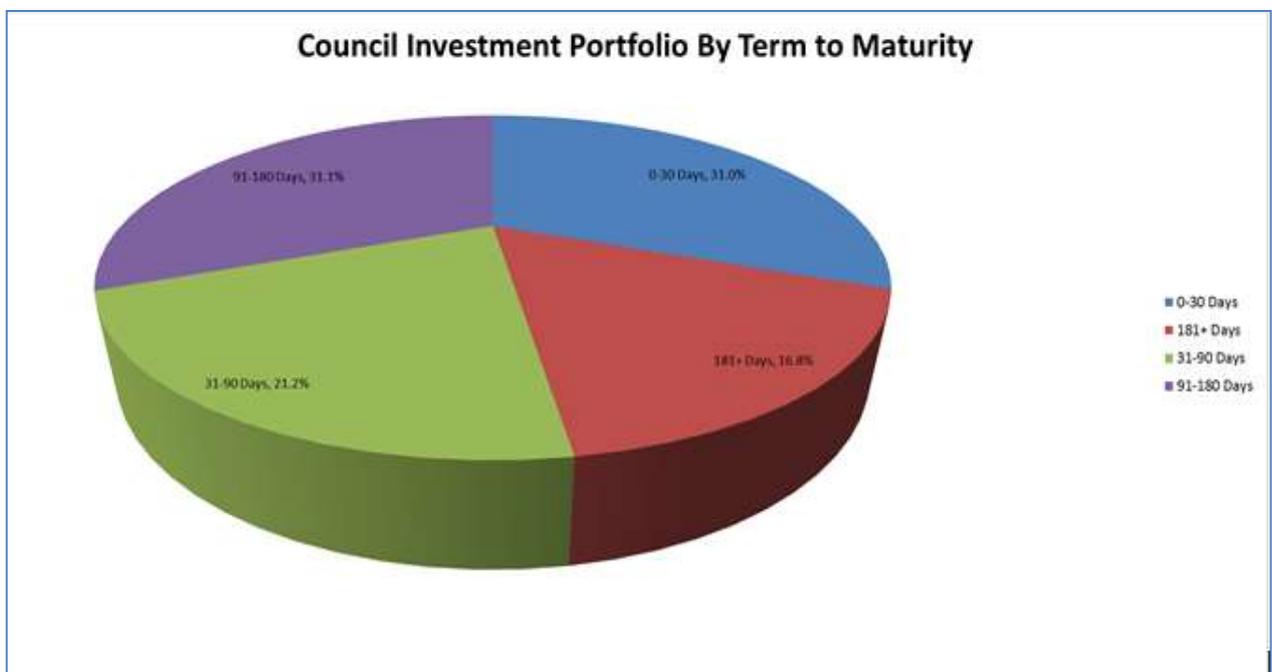
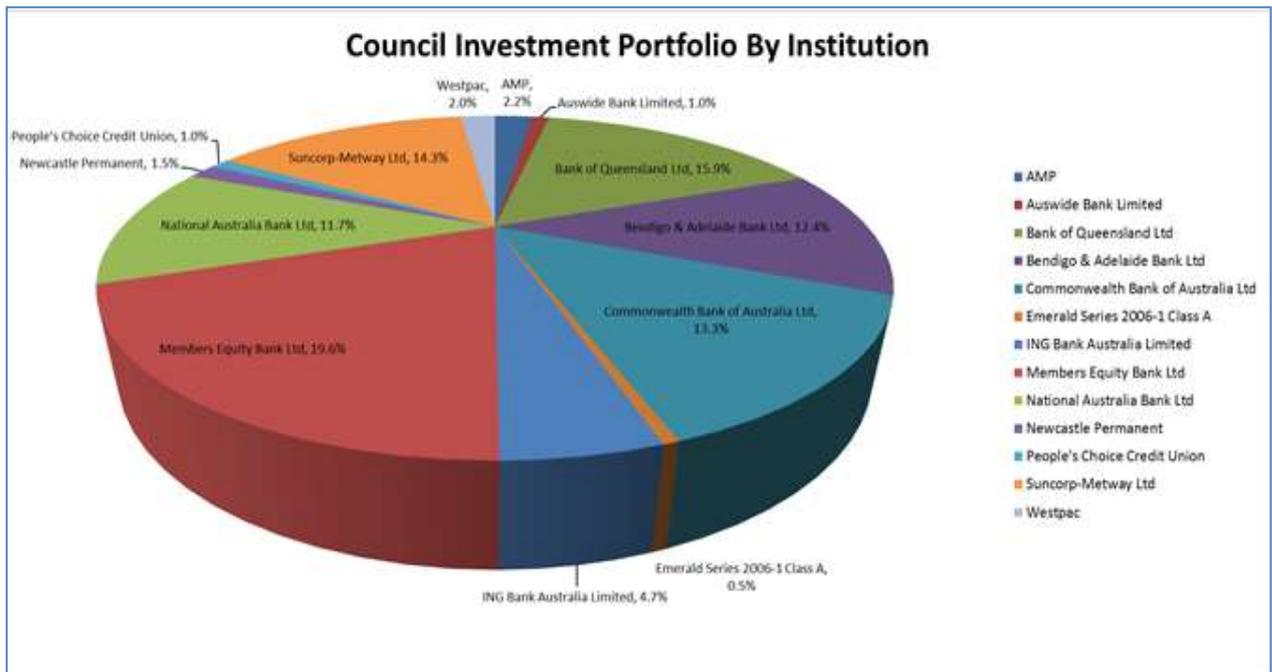
INVESTMENT BALANCES - CONSOLIDATED				
As at 28-Feb-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
National Australia Bank Ltd	A1+	1,000,000	18-Apr-17	2.70%
National Australia Bank Ltd	A1+	2,000,000	18-Apr-17	2.80%
Suncorp-Metway Ltd	A1	1,000,000	24-Apr-17	2.70%
Bank of Queensland Ltd	A2	1,000,000	24-Apr-17	2.80%
Members Equity Bank Ltd	A2	2,000,000	26-Apr-17	2.80%
Suncorp-Metway Ltd	A1	1,000,000	28-Apr-17	2.90%
Members Equity Bank Ltd	A2	2,000,000	02-May-17	3.20%
Suncorp-Metway Ltd	A1	1,000,000	02-May-17	2.90%
Auswide Bank Limited	A2	1,000,000	04-May-17	3.12%
Members Equity Bank Ltd	A2	1,000,000	05-May-17	3.00%
Members Equity Bank Ltd	A2	1,000,000	05-May-17	3.00%
People's Choice Credit Union	A2	1,000,000	05-May-17	3.10%
People's Choice Credit Union	A2	1,000,000	05-May-17	3.10%
Members Equity Bank Ltd	A2	1,000,000	08-May-17	2.70%
Members Equity Bank Ltd	A2	1,000,000	12-May-17	2.70%
Suncorp-Metway Ltd	A1	1,000,000	15-May-17	2.75%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	16-May-17	3.00%
Members Equity Bank Ltd	A2	1,000,000	19-May-17	2.80%
Suncorp-Metway Ltd	A1	1,000,000	22-May-17	2.76%
Bank of Queensland Ltd	A2	1,000,000	22-May-17	2.75%
Suncorp-Metway Ltd	A1	2,000,000	24-May-17	2.81%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	30-May-17	3.00%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	05-Jun-17	3.00%
Suncorp-Metway Ltd	A1	3,000,000	07-Jun-17	2.81%
Bank of Queensland Ltd	A2	2,000,000	09-Jun-17	2.80%
Members Equity Bank Ltd	A2	1,000,000	13-Jun-17	2.70%
Bank of Queensland Ltd	A2	1,000,000	15-Jun-17	2.80%
Members Equity Bank Ltd	A2	2,000,000	19-Jun-17	2.80%
Suncorp-Metway Ltd	A1	2,000,000	21-Jun-17	2.76%
Bank of Queensland Ltd	A2	2,000,000	22-Jun-17	2.80%
Members Equity Bank Ltd	A2	1,000,000	26-Jun-17	2.75%
Bank of Queensland Ltd	A2	1,000,000	27-Jun-17	2.80%
Members Equity Bank Ltd	A2	2,000,000	29-Jun-17	2.65%
Suncorp-Metway Ltd	A1	2,000,000	04-Jul-17	2.80%
Bank of Queensland Ltd	A2	1,000,000	06-Jul-17	2.80%
National Australia Bank Ltd	A1+	719,877	10-Jul-17	2.70%
Members Equity Bank Ltd	A2	2,000,000	10-Jul-17	2.80%
Members Equity Bank Ltd	A2	1,000,000	11-Jul-17	2.70%
Members Equity Bank Ltd	A2	2,000,000	17-Jul-17	2.70%
Bank of Queensland Ltd	A2	1,000,000	19-Jul-17	2.80%
Members Equity Bank Ltd	A2	2,000,000	21-Jul-17	2.70%
Members Equity Bank Ltd	A2	2,000,000	24-Jul-17	2.70%
Bank of Queensland Ltd	A2	2,000,000	25-Jul-17	2.80%
Bank of Queensland Ltd	A2	1,000,000	27-Jul-17	2.80%
Bank of Queensland Ltd	A2	2,000,000	31-Jul-17	2.75%
Bank of Queensland Ltd	A2	2,000,000	01-Aug-17	2.75%
Bank of Queensland Ltd	A2	2,000,000	04-Aug-17	2.80%

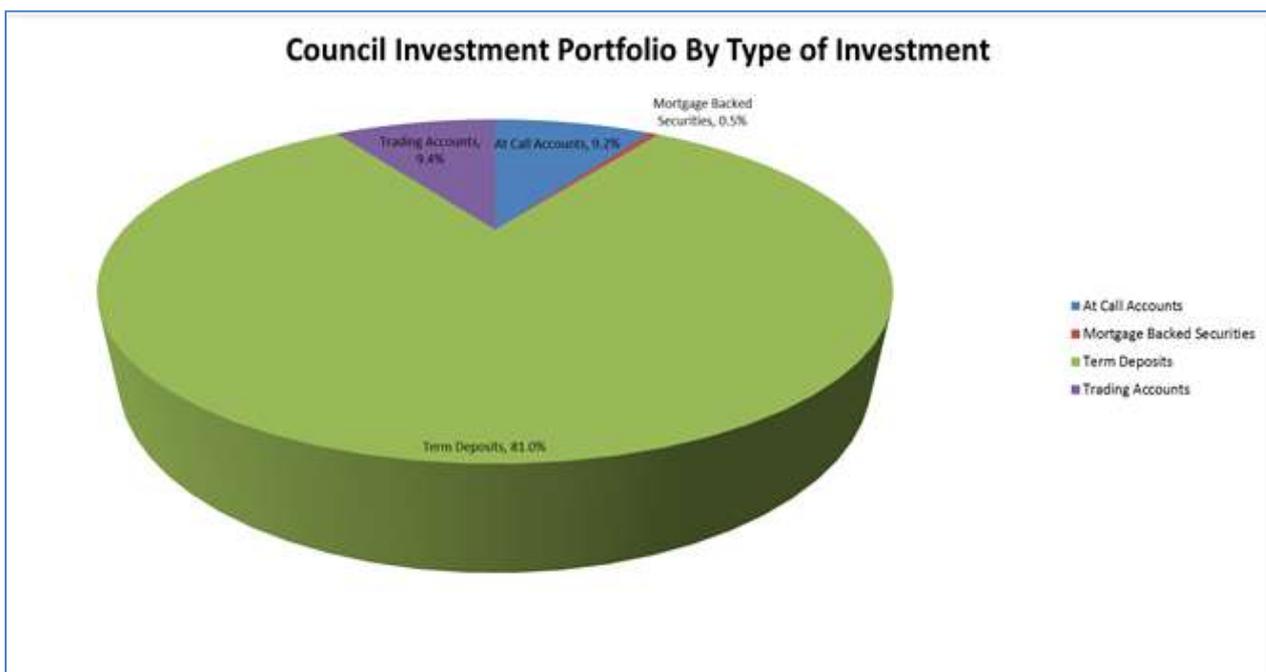
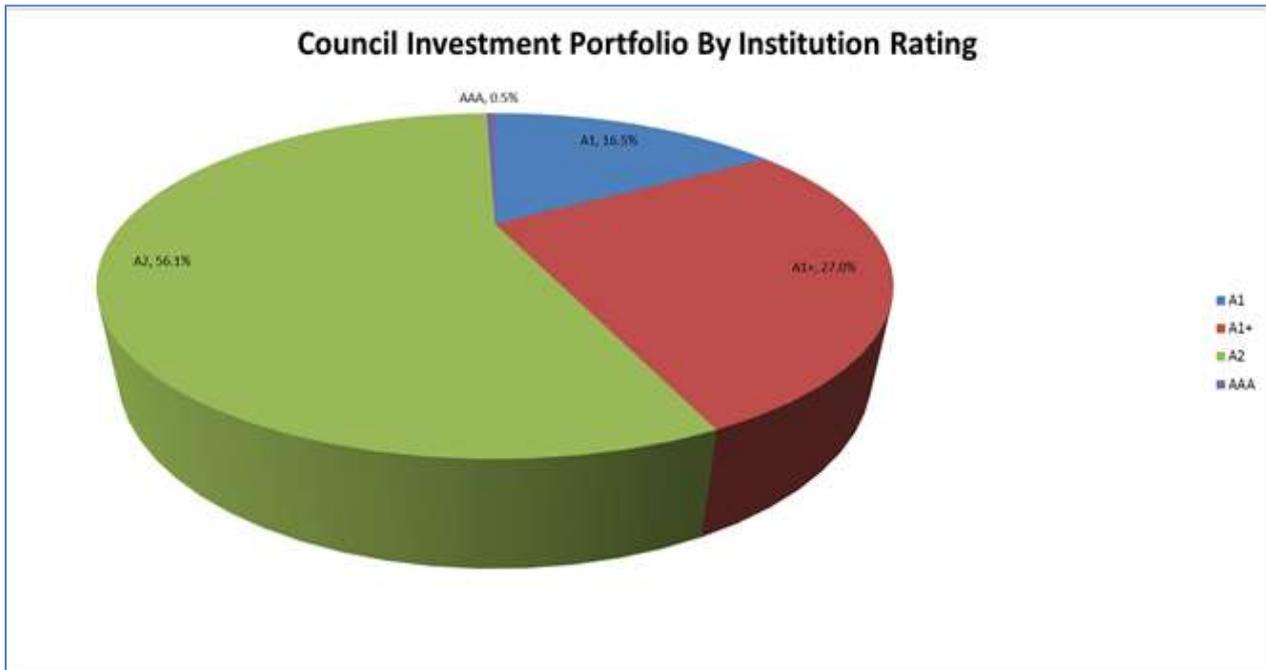
INVESTMENT BALANCES - CONSOLIDATED				
As at 28-Feb-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
National Australia Bank Ltd	A1+	2,000,000	08-Aug-17	2.80%
ING Bank Australia Limited	A2	2,000,000	10-Aug-17	2.80%
Bank of Queensland Ltd	A2	1,000,000	14-Aug-17	2.80%
ING Bank Australia Limited	A2	2,000,000	15-Aug-17	2.79%
Westpac	A1+	1,000,000	18-Aug-17	3.00%
Westpac	A1+	1,000,000	18-Aug-17	3.00%
Westpac	A1+	1,000,000	18-Aug-17	3.00%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	22-Aug-17	2.85%
ING Bank Australia Limited	A2	2,000,000	22-Aug-17	2.80%
Suncorp-Metway Ltd	A1	2,000,000	28-Aug-17	2.65%
Auswide Bank Limited	A2	1,000,000	05-Sep-17	2.70%
Westpac	A1+	1,000,000	08-Sep-17	3.00%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	13-Sep-17	2.75%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	19-Sep-17	2.70%
Bank of Queensland Ltd	A2	1,000,000	21-Sep-17	2.80%
Suncorp-Metway Ltd	A1	2,000,000	25-Sep-17	2.65%
Bank of Queensland Ltd	A2	2,000,000	29-Sep-17	2.80%
Bank of Queensland Ltd	A2	2,000,000	29-Sep-17	2.75%
Members Equity Bank Ltd	A2	1,000,000	03-Oct-17	2.80%
Members Equity Bank Ltd	A2	1,000,000	24-Oct-17	2.70%
Members Equity Bank Ltd	A2	2,000,000	26-Oct-17	2.67%
Bank of Queensland Ltd	A2	1,000,000	01-Nov-17	2.75%
Members Equity Bank Ltd	A2	2,000,000	12-Dec-17	2.70%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	20-Dec-17	2.80%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	25-Jan-18	2.80%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	31-Jan-18	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	06-Feb-18	2.80%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	13-Feb-18	2.80%
		141,964,123		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	6,277,038		0.90%
		6,277,038		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	4,973,780	At Call	1.45%
Commonwealth Bank of Australia Ltd	A1+	815,001	At Call	1.45%
		5,788,781		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	17-Jul-17	2.66%
		1,000,000		

INVESTMENT BALANCES - CONSOLIDATED				
As at 28-Feb-2017				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
New Council Implementation Fund				
Term Deposits				
Suncorp-Metway Ltd	A1	1,000,000	14-Mar-17	2.95%
Bank of Queensland Ltd	A2	1,900,000	20-Apr-17	2.75%
Suncorp-Metway Ltd	A1	1,000,000	15-May-17	2.93%
Bank of Queensland Ltd	A2	900,000	15-May-17	2.80%
Members Equity Bank Ltd	A2	800,000	16-Jun-17	2.65%
Bank of Queensland Ltd	A2	400,000	13-Jul-17	2.80%
		6,000,000		
Stronger Communities Fund				
Term Deposits				
Members Equity Bank Ltd	A2	2,000,000	23-Mar-17	2.75%
Suncorp-Metway Ltd	A1	3,000,000	13-Apr-17	2.95%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	16-Jun-17	2.95%
ING Bank Australia Limited	A2	2,000,000	15-Aug-17	2.79%
Members Equity Bank Ltd	A2	900,000	24-Oct-17	2.70%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Dec-17	3.00%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	17-Jan-18	3.00%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	16-Feb-18	3.00%
		14,900,000		
Total Cash and Investments		202,286,100		

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

PORTFOLIO ANALYSIS





INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	2.80%	2.00%	1.50%
3 Months	2.79%	2.04%	1.50%
6 Months	2.82%	2.10%	1.50%
FYTD	2.85%	2.15%	1.58%
12 Months	N/A	N/A	N/A

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

MONTHLY INVESTMENT INCOME* VS. BUDGET

	28 Feb 17 \$	Year to Date \$
Investment Income	385,307	4,592,511
Adjustment for Fair Value	5,129	(38,865)
Total Investment Income	390,437	4,553,646
Budgeted Income	322,111	3,510,413

*Includes all cash and investment holdings

ECONOMIC NOTES

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

Global economic growth continued to gather pace through February with most leading economic indicators pointing to even stronger growth ahead, especially in the United States. Inflation is also showing signs of starting to lift although there are still no signs that the lift will be more than a temporary phenomenon, other than perhaps in the United States where the economy is starting to run up against labour market capacity constraints. In Australia, GDP growth looks set to improve when the Q4 report is released this week and more recent monthly data and surveys point to better growth continuing in Q1 2017 too. Central banks continued to move through February towards heralding an end of monetary policy easing or even tightening policy in the cases of the US Federal Reserve and the Peoples' Bank of China.

In the US, most indicators of economic activity continued to strengthen through February especially leading indicators of consumer spending, the labour market and manufacturing activity. The February Empire (New York) State purchasing managers' index lifted from +6.5 in January to +18.7, the highest reading since late 2014. Even more impressively the mid-Atlantic coast Philadelphia Fed's manufacturing PMI rose from a strong reading of +23.6 in January to +43.3 in February, the highest reading since January 1984. Amid signs of strengthening US economic activity on a broadening front, the labour market continues to tighten – non-farm payrolls rose by 227,000 in January after lifting 157,000 in December and very low weekly initial jobless claims point to further strong readings ahead. Wages are rising erratically and inflation readings continued to lift in January with the headline CPI at 2.5% year-on-year and the core CPI excluding food and energy prices up 2.3% year-on-year, both running above the Fed's target of 2.0%.

In China, the Lunar New-Year celebrations and holidays limited the number of economic releases. What official releases there were relating to January showed greater-than-expected improved in China's international trade performance, exports +7.9% year-on-year in US dollar terms and imports +16.7% year-on-year; rising inflation, CPI +2.5% year-on-year and producer prices +6.9% year-on-year; but a slight deceleration in house price inflation to +12.2% year-on-year from +12.4% in December. Near-term, the authorities are showing signs of focusing more on economic reform and less on sustaining economic growth at all costs. Further moves were made in February to close the most inefficient State-owned enterprises, notably in steel production. The Peoples' Bank of China also tweaked slightly higher some of its official lending interest rates by 10bps during the month attempting to both manage capital outflow and limit too fast growth in residential construction too.

In Europe, both GDP growth and inflation are showing signs of starting to lift. Q4 GDP growth rose 0.4% quarter-on-quarter, 1.7% year-on-year. Inflation accelerated to 1.8% year-on-year in January and is expected to push up further to 2.0% year-on-year in the preliminary February reading due this week. While the European Central Bank's official interest rates still have a negative sign on the front the ECB is starting to reduce its monthly asset purchases or QE. Political risks still abound in Europe with several elections due this year and tricky negotiations ahead with Britain over exiting the EU, but at least most of Europe is growing.

The Australian economy was an unusual odd-man-out back in December exhibiting signs of weaker growth. An unusual combination in Q3 2016 of falling housing activity, falling government investment spending and weakness in net exports led to a negative Q3 GDP reading, -0.5% quarter-on-quarter sharply reducing annual growth from a downwardly revised 3.1% year-on-year in Q2 to 1.8% in Q3. Q4 GDP is due this week and looks set to lift around 0.7% quarter-on-quarter, 1.9% year-on-year. The growth rebound is supported by significant improvement in real retail trade in Q4, +0.9% quarter-on-quarter, as well as rising residential construction, +1.1% quarter-on-quarter and a much smaller fall in private new capital expenditure in Q4 than occurred in Q3. More recent reports and surveys indicate that the improvement in GDP growth in Q4 should continue in Q1.

The investment portfolio return over the period 13 May 2016 to 28 February 2017 was 2.85% versus the Ausbond Bank Bill Index return of 2.15%.

ITEM 7.4	MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS HELD ON 5 OCTOBER 2016 & 15 NOVEMBER 2016
REPORTING MANAGER	ACTING DEPUTY GENERAL MANAGER CORPORATE SERVICES
TRIM FILE REF	2017/058979
ATTACHMENTS	1 Audit, Risk Improvement Committee (ARIC) Minutes 5 October 2016 (Included In Attachments Booklet) 2 Audit, Risk and Improvement Committee (ARIC) Minutes 15 November 2016 (Included In Attachments Booklet)

REPORT

PURPOSE

To report the Minutes of the Audit, Risk and Improvement Committee (ARIC) Meetings held on 5 October 2016 and 15 November 2016.

REPORT

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

According to the ARIC Charter the minutes of ARIC Meetings are to be reported quarterly to Council. However, as ARIC minutes may contain confidential or sensitive information, it is stipulated that broader public access may be subject to privacy and confidentiality considerations.

The minutes of the meetings held on 5 October 2016 and 15 November 2016 are reported in full at Attachments 1 & 2 to this report.

FINANCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

SOCIAL IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER CORPORATE SERVICES

That the Minutes of the Audit, Risk and Improvement Committee Meetings held on 5 October 2016 and 15 November 2016 be noted.

8.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

ITEM 8.1	PROPOSED APPLICATION FOR POSSESSORY TITLE OF LAND IN RIVERVIEW PARADE NORTH MANLY
REPORTING MANAGER	EXECUTIVE MANAGER NATURAL ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2017/050129
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

For Council to consider applying for Possessory Title of land in Riverview Parade, North Manly known as Lot 120 DP12578 and Lot 1 DP1190955.

SUMMARY

Council currently manages three parcels of land identified as Lot 120 DP12578 and Lot 1 DP1190955 on Manly Lagoon foreshore at the rear of houses on Riverview Parade and Lakeside Crescent. They cover an area of approximately 4,237m² and are shown in the enclosed plan. A title search of the subject land has revealed that Council is not the owner of the property and ownership of the land resides with the original developer, Arthur Thomas Keirle. According to the original subdivision maps, the land was intended to be transferred to public ownership as a reserve for access. Given the existing arrangement, the location of the land and the community benefit it provides as foreshore access, it is considered advantageous that Council secure tenure of these parcels.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Apply to the Registrar General for Possessory Title of land known as Lot 120 DP12578 and Lot 1 DP1190955 Riverview Parade, North Manly.
 - B. Classify Lot 120 DP12578 and Lot 1 DP1190955 as Community Land on acquisition.
 - C. Delegate authority to the General Manager to sign the necessary documentation in order to give effect to this resolution.
-

REPORT

BACKGROUND

Council currently manages three parcels of land identified as Lot 120 DP12578 and Lot 1 DP1190955 on Manly Lagoon foreshore at the rear of houses on Riverview Parade and Lakeside Crescent. They cover an area of approximately 4,237m² and are shown in the enclosed plan (Figure 1).

A number of customer requests regarding the land led to Council conducting a title search. This revealed Council is not the owner of the property and ownership of the land resides with the original developer, Arthur Thomas Keirle.

The original Deposited Plan 12578 was registered at the Land Titles Office on or about the 14th of March 1924. It shows Lot 120 DP12578 marked as "Reserve for Access and Drainage 6 feet wide". The two larger parcels along the foreshore, Lot 1 DP1190955, are marked "Reserve for Access - variable width" on the Deposited Plan and there is a notation "the Reserve for Access is intended to be dedicated to the Public".

The registered owner of the land Arthur Thomas Keirle is deceased, as are his wife and children. In the probate granted in his estate, the subject land is not listed as an asset of the estate.

As the current owner of the parcel is now deceased and the original subdivision identified the land as 'reserve for access', it is recommended Council apply for a Possessory Title to the Registrar General for the parcel to continue being used as Public Reserve.

The subject land has been regarded as Council Reserve since the 1920's and is used to access the foreshore and water views, and is an important riparian environment.

Possessory Title indemnifies a purchaser against financial loss should another party come forward claiming superior title to the land or with a claim to rights over the land. No rates have ever been paid.

Council has undertaken due diligence investigations and there are no significant financial or environmental implications to transferring the title into Council ownership.

CONSULTATION

Letters have been sent to relatives of Mr Keirle notifying them of Council's intentions. Adjoining residents will also be notified.

TIMING

Council intends to commence this process as soon as possible.

FINANCIAL IMPACT

Financial impacts will be minimal:

- A Possessory Title Application Fee of \$109.50 will be required with the application. Additional fees may be requested by the Department of Lands (LPI NSW) depending on the amount of time taken to examine the application.
- Council may be required to undertake bank stabilisation works at some time in the future. Council already responds to customer and maintenance requests such as this as they arise.
- The eastern part of Lot 1 DP1190955 is currently included in Council mowing contracts. Costs may be incurred should Council extend future mowing contracts to include the western part of Lot 1 DP1190955.

- Council has undertaken due diligence investigations and there are no significant financial implications to transferring the title into Council ownership.

SOCIAL IMPACT

Manly Lagoon is an important part of the North Manly and Manly landscape and these parcels of foreshore land provide opportunities for both residents and the wider community to access walking tracks and water views.

ENVIRONMENTAL IMPACT

Transferring ownership to Council would ensure that Council is able to maintain and protect the important riparian area of the lagoon in perpetuity. In addition, it provides a buffer to private property from bank erosion and flooding. Council has undertaken fauna and flora surveys of the lagoon and surrounding areas, together with various catchment and flood studies. These have indicated the importance of protecting the riparian area.

Council has undertaken due diligence investigations and there are no significant environmental implications to transferring the title.

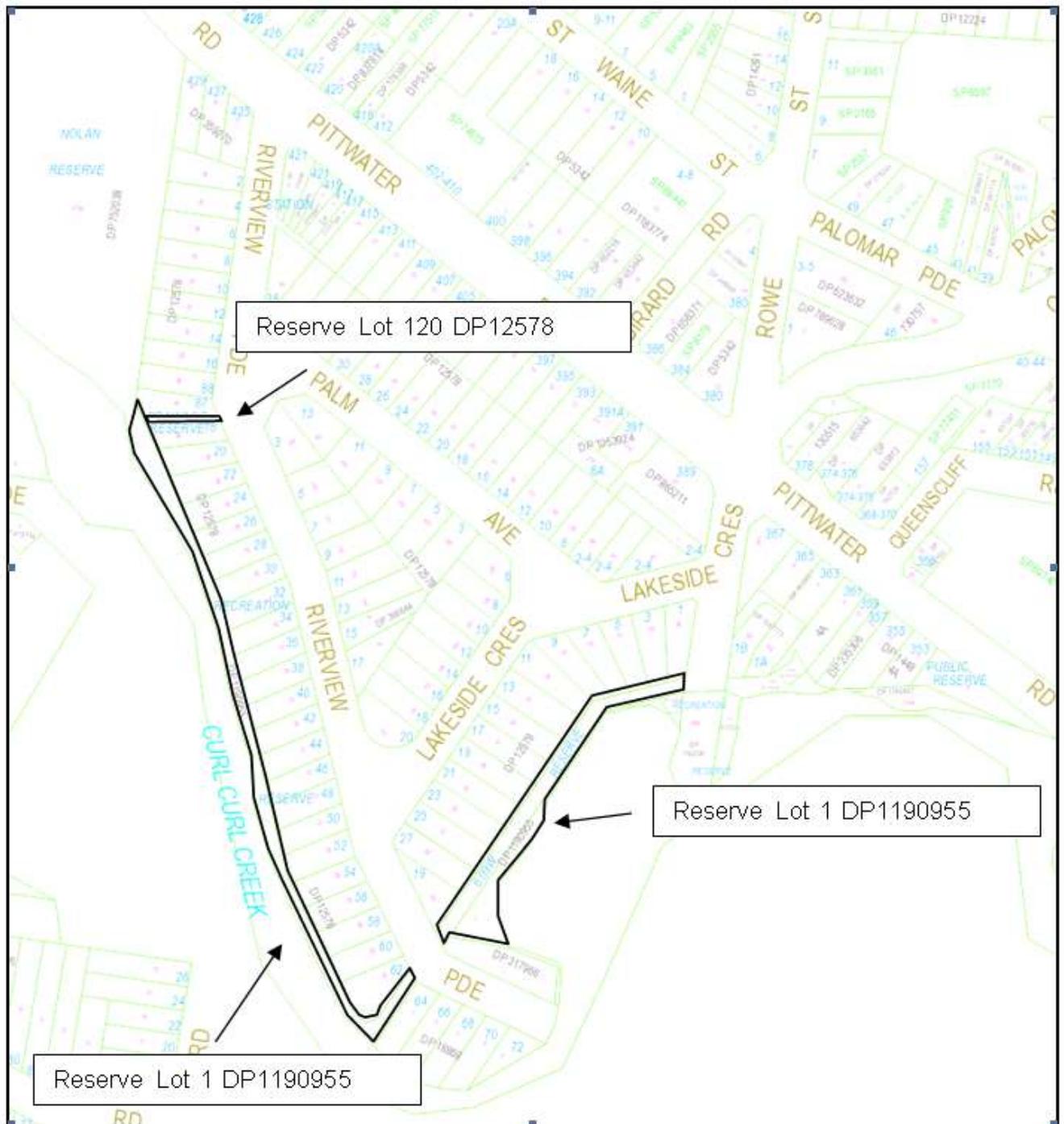


Figure 1 - Lot 120 DP12578 and Lot 1 DP1190955, Riverview Parade North Manly

ITEM 8.2	FLOODING OF WAKEHURST PARKWAY
REPORTING MANAGER	EXECUTIVE MANAGER NATURAL ENVIRONMENT & CLIMATE CHANGE
TRIM FILE REF	2017/006608
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek to examine ways of reducing flooding on Wakehurst Parkway by establishing an interagency working group and to request an initial \$30,000 to investigate options to modify Middle Creek to reduce flooding.

SUMMARY

The three former Councils of the Northern Beaches advocated through SHOROC that the NSW Government upgrade Wakehurst Parkway to provide flood free access to the new Northern Beaches Hospital at Frenchs Forest. It is understood the RMS as a result investigated some options for road upgrades however to date no action has been taken.

Wakehurst Parkway is often closed due to flooding during relatively small flood events. Addressing flooding is complicated by the involvement of a number of agencies and a range of causal factors in a sensitive environment.

As a larger organisation with greater capacity to take the lead on issues such as this, Northern Beaches Council has received representation from the Office of The Hon. Rob Stokes MP requesting Council examine options for alleviating flooding on Wakehurst Parkway.

It is proposed to establish an interagency working group with the NSW Government which will enable a coordinated approach to reducing flooding on Wakehurst Parkway. It is also proposed to engage a specialist flood consultant to examine options to modify Middle Creek to reduce flooding of the road during small flood events. This will provide a basis from which the working group can progress the issue.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Contact relevant State Agencies and establish an interagency working group to examine ways to reduce flooding on Wakehurst Parkway.
 - B. Allocate \$30,000 from the Merger Savings Fund to investigate options to modify Middle Creek to reduce the frequency of flooding of Wakehurst Parkway.
-

REPORT

BACKGROUND

Wakehurst Parkway is often closed due to flooding during relatively small flood events. It is an important thoroughfare and demand is expected to increase with the completion of the Northern Beaches Hospital and development of the associated Hospital Precinct. Addressing the flooding is a very difficult issue involving a number of agencies and a range of causal factors in a sensitive environment.

The three former Councils of the Northern Beaches advocated through SHOROC that the NSW Government upgrade Wakehurst Parkway to provide flood free access to the new Northern Beaches Hospital at Frenchs Forest. It is understood the RMS as a result investigated some options for road upgrades however to date no action has been taken.

Wakehurst Parkway is often closed due to flooding during relatively small flood events. Addressing flooding is complicated by the involvement of a number of agencies and a range of causal factors in a sensitive environment.

Although Wakehurst Parkway is a Roads and Maritime Services (RMS) asset, Council is responsible for managing Middle Creek and Narrabeen Lagoon. Other agencies including Office of Environment and Heritage, Department of Primary Industries – Water and Department of Primary Industries – Fisheries are charged with environmental protection. The Department of Industry – Lands is a major landholder in the vicinity of Wakehurst Parkway. Council manages much of the Crown Land in the area on behalf of Lands. Each of these agencies has different priorities for areas in and around Middle Creek and Wakehurst Parkway.

There have been renewed calls to address the flooding issue in anticipation of increased demand associated with the hospital precinct. Although both RMS and Council have investigated flooding issues in the past, there hasn't been a coordinated approach involving all interested agencies, nor a focus on small frequent floods. As a larger organisation with greater capacity to take the lead on issues such as this, Northern Beaches Council has received representation from the Office of The Hon. Rob Stokes MP requesting Council examine options for alleviating flooding on Wakehurst Parkway. Accordingly, it is suggested that an interagency working group be established to examine ways to reduce flooding on the Parkway.

It is also proposed that a specialist flood consultant be engaged to examine options to modify Middle Creek to reduce flooding during the more frequent, smaller flood events. There are many significant issues and potential constraints to be considered. The consultant's report will outline the benefits and constraints associated with each option and provide indicative costs. This will provide a basis from which the working group can progress the issue.

CONSULTATION

The working group will provide an opportunity for consultation between agencies. Once preferred options have been identified, there will be a need for significant consultation and community engagement.

TIMING

An interagency working group will be established while the consultant is carrying out its investigations into ways to reduce flooding. The results of the investigation will be presented to the working group for consideration by 30 June 2017.

FINANCIAL IMPACT

The examination of options to reduce flooding of Wakehurst Parkway during smaller events will be approximately \$30,000. Depending on the findings of the working group, Council, in cooperation with other agencies may wish to allocate additional funds to this project however a source has not yet been identified.

SOCIAL IMPACT

Minimising flooding and improving traffic conditions during small flood events will have positive social benefits to local residents and the wider community.

ENVIRONMENTAL IMPACT

Any works to minimise flooding of Wakehurst Parkway have the potential for environmental impacts. The scale and nature of these impacts will be carefully considered by the consultant and working group when developing and reviewing the options.

ITEM 8.3	CERTIFIED COASTAL ZONE MANAGEMENT PLAN FOR COLLAROY-NARRABEEN BEACH AND FISHERMANS BEACH
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE
TRIM FILE REF	2017/080492
ATTACHMENTS	1 Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach (Included In Attachments Booklet)

REPORT

PURPOSE

To recommend the making of the *Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach* (Attachment 1) following its certification by the NSW Minister for Planning, and for Council to arrange to have this Coastal Zone Management Plan (CZMP) published in the NSW Government Gazette.

SUMMARY

Northern Beaches Council adopted the amended Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach at the December 2016 Council Meeting. The CZMP was subsequently forwarded to the then Minister for Planning, the Hon. R. G. Stokes MP, for certification that it was prepared in accordance with the requirements of the NSW Coastal Protection Act 1979.

On 10 March 2017, the Minister for Planning, the Hon. A.J. Roberts, MP certified that the amended CZMP had been prepared in accordance within the requirements of section 55B of the Coastal Protection Act 1979. In confirming certification of the CZMP, the NSW Government congratulated Northern Beaches Council for its response to the June storm and recognised that the plan balances the expectations of landowners to protect their properties while maintaining the amenity and natural values of Collaroy-Narrabeen Beach and Fisherman's Beach for current and future generations.

The amended CZMP will commence following its publication in the NSW Government Gazette. The commencement of the CZMP allows Council to approve applications for coastal protection that are on both private property and public property. This will assist the implementation of coastal protection at Collaroy-Narrabeen Beach being achieved in a timely, contiguous and coordinated manner.

In addition to having the CZMP certified, Council is continuing to work with residents and their consultants to assist in the preparation of development applications. This includes preparation of technical specifications for coastal protection works, undertaking an impact assessment and adopting changes to its planning controls at the recent February Council meeting.

TIMING

Council will arrange to have the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach published in the NSW Government Gazette in the week following resolution.

FINANCIAL IMPACT

Nil

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Make the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fisherman's Beach as certified by the Minister for Planning on 10 March 2017.
 - B. Publish the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fisherman's Beach in the NSW Government Gazette as required by the NSW Coastal Protection Act 1979.
-

ITEM 8.4	RFT 2014/043 DEE WHY TOWN CENTRE DESIGN CONSULTANCY STAGE 3
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE
TRIM FILE REF	2017/064124
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

For Council to consider the award of Stage 3 - Detailed Design of Tender (2014/043) for Investigations and Design of Public Infrastructure Upgrades of Dee Why Town Centre.

SUMMARY

On 27 May 2014, Council awarded a contract (2014/043) for the Investigations and Design of Stage 1 Dee Why Town Centre Infrastructure Upgrades, with the consultancy to be delivered in three stages.

1. Research and Investigation
2. Preliminary Design
3. Detailed Design.

Subsequent to the satisfactory performance and completion of Stage 1, Council then awarded the Stage 2 Preliminary Design on 16 December 2014.

Council requested that upon completion of Stage 2 - Preliminary Design, the General Manager make a recommendation for Stage 3 - Detailed Design works.

Council resolved on 28 February 2017 to proceed to detailed design based on positive results of extensive community engagement.

This report recommends engagement of the selected tender for Stage 3, Detailed Design, as outlined in Confidential report Item 11.1.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council adopt the recommendation contained in Item 11.1 of the Confidential Agenda – RFT 2014/043 Dee Why Town Centre Design Consultancy Stage 3.

REPORT

BACKGROUND

In August 2013, Council adopted the Dee Why Town Centre Master Plan (Master Plan) as the guiding document to make *“Dee Why a highly liveable town centre and the focus for civic and cultural activities”*. The Master Plan provides a coordinated overall plan to address major public infrastructure upgrades and land use planning and development issues for the area defined as the Dee Why Town Centre.

Following Council’s adoption of the Dee Why Town Centre Master Plan in August 2013, a public Expression of Interest (EOI) was issued for consultant companies to undertake investigations, preliminary design and detailed design for public infrastructure upgrades in the Dee Why Town Centre.

A range of professional urban, landscape and engineering investigation and design services were required to prepare suitable documentation to enable public tender and construction of the public infrastructure upgrades envisaged by the Master Plan.

To ensure the successful delivery of the visions and concepts contained in the Master Plan, the consultancy services were required to be delivered in three stages:

1. Research and Investigation
2. Preliminary Design
3. Detailed Design

Following the assessment process for the Tenders, that included an assessment of the projected stage 2 and 3 costs, on 27 May 2014 Council resolved to award the Stage 1 works. In addition, Council resolved that the General Manager should make recommendations to Council at the completion of the Stage 1, Stage 2 and Stage 3 respectively subject to satisfactory service.

On 16 December 2014 Council resolved to award the Stage 2 Preliminary Design.

The Stage 2 Preliminary Designs and artist impressions were completed and presented to the Council Meeting on 28 February 2017. Council resolved to accept the Preliminary Design Plans for Phase 1: Streetscape Upgrades, Dee Why Town Centre and proceed to Detailed Design for the remainder of Phase 1.

The confidential tender report recommends the awarding of this contract.

The Stage 3 design costs are based on the assessed delivery costings following the Stage 2 work and subject to contingencies.

Stage 3 Design Fees

Stage 3 works includes the Phase 1 Streetscapes Upgrade Works Detailed Designs and documentation for tender and construction of the project. The Stage 3 design brief is to develop Detailed Designs from the Stage 2 Preliminary Plans and the Public Exhibition comments and feedback for construction.

Current Contract

Council’s current contract includes an option, for Council to extend the contract to include Stage 3 of the service, for a lump sum price to be determined in accordance with the fee structure submitted for Stage 3, with RFT 2014/ 043 and previous Council resolution Confidential Council Meeting 27 May 2014.

FINANCIAL IMPACT

Payment for these consultancy services will be covered by funds already available for the Dee Why Town Centre public infrastructure upgrades in Section 94 and Section 94A Developer Contribution Plans.

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

TIMING

Stage 1: Research and Investigation	Complete
Confirmation of Stage 2 Engagement	Mid December 2014 - Complete
Stage 2: Streetscape Upgrades Preliminary Design	September 2016 - Complete
Preliminary Designs - Public Exhibition	October 2016 to December 2016 Complete
* Walter Gors Park	Due for completion April 2017
* Redman Road Plaza Stage 1	March 2017 to July 2017
Stage 3: Streetscape Upgrades - Detailed Design	March 2017 to November 2017
Streetscape Upgrades - Tender for Construction	December 2017
Streetscape Upgrades - Construction Phase 1	Commencing Early 2018

The timeframe for construction is consistent with previous advice and Council is on track to deliver the remaining stages of the Phase 1: Streetscape Upgrade construction works from early 2018.

These works include streetscape upgrades in the following stages;

- Oaks Ave from Pittwater Rd to Howard Ave carpark
- Howard Ave from Pittwater Rd to Walter Gors Park
- Pittwater Rd from Howard Ave to Pacific Parade
- Pittwater Rd W/S from Pacific Parade to Sturdee Parade

* Note that Walter Gors Park and Redman Road Plaza commenced delivery earlier in 2017.

Construction works will be phased to deliver elements of Dee Why Town Centre works in conjunction with adjacent private developments, planned transport changes, road traffic changes and budget allocations.

ITEM 8.5	MULTIPURPOSE COMMUNITY FACILITY (PCYC) AND CAR PARK AT DEE WHY
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY MANAGEMENT & COMMERCIAL
TRIM FILE REF	2017/070567
ATTACHMENTS	NIL

REPORT

PURPOSE

To advise Council that the Multipurpose Community Facility (PCYC) and Car Park at Dee Why is currently expected to be completed under the allocated budget. To obtain approval to re-allocate funds within the approved budget to increase the construction contingency for Prime Constructions Pty Ltd by an amount of \$500,000 for additional post-engagement works.

REPORT

This project, CN5800, is the delivery of a new Multipurpose Community Facility (PCYC) and Car Park at 40 Kingsway Dee Why and forms part of the Dee Why Town Centre works as listed in Council's Capital Works program 2013/14, 2014/15, 2015/16 & 2016/17. This project will provide approximately 348 car spaces and a much needed community facility which will be operated by the Police Citizens Youth Club (PCYC).

The project is an integral part of the Dee Why Town Centre Masterplan, is considered to be a high priority project and has progressed as follows:

- In July 2013, Council engaged the architectural firm Francis-Jones Morehen Thorpe as head consultant to engage and lead all required sub consultants to provide full design and documentation services necessary for the construction of the facility.
- In November 2014, Council accepted a Tender from building company Prime Constructions Pty Ltd and subsequently entered into a lump sum contract for the construction of the facility. An amount of \$2,047,165 (approximately 10% of the contract sum) was also approved as a contract contingency to allow for unforeseen variations associated with the contract.
- Building works have been underway for approximately 26 months and are approaching completion.

As works have progressed, additional works and improvements were identified and requested to be undertaken by various parties involved including Transport of NSW, PCYC, the design consultants (FJMT) and Council. This includes Council coming to an agreement with Transport for NSW for the long term lease of the bottom level of car park for B-Line car parking.

It should be noted that prior to the above additional third party requirements, the existing approved builder's contingency was forecast to be approximately \$200,000.00 under budget with the overall project being delivered under budget by approximately \$300,000.

The building costs associated with the above additional works are of the order of \$600,000 and have been met or are expected to be largely met (by capital contributions) by the third parties (Transport of NSW, PCYC, & FJMT). These additional works are required to be carried out by Prime Constructions as they have a contractual right to perform the additional work as a variation to their contract.

If all approved and forecast variations are authorised, the current approved contingency of \$2,047,165 will be exceeded by approximately \$400,000. As such, prior to finalising accounts and approving outstanding variations with Prime the Council approved contingency will need to be increased.

To allow for any unforeseen variations, Council Officers recommend a further amount of \$100,000 also be allocated to the approved contingency, bringing the total requested re-allocation of funds to \$500,000.

The current financial forecast, is for the overall project (spanning four financial years), to be under budget by approximately \$300,000.

FINANCIAL IMPACT

There is no impact on Council's capital works budget or any other project as this project is fully funded (CN5800) and is expected to be delivered under budget to the order of approximately \$300,000. The requested resolution is only to re-allocate project funds within the existing budget to service the contract with Prime Constructions.

ENVIRONMENTAL IMPACT

Nil

SOCIAL IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Note that the Multipurpose Community Facility (PCYC) and Car Park at Dee Why is currently expected to be completed under budget by approximately \$300,000.
 - B. Re-allocate project funding to approve an additional contingency amount of \$500,000 for Contract 2014/067 from the existing project budget.
-

ITEM 8.6	REVIEW OF THE ADEQUACY OF UNLEASHED DOG EXERCISE AREAS
REPORTING MANAGER	EXECUTIVE MANAGER PARKS & RESERVES
TRIM FILE REF	2017/067815
ATTACHMENTS	1 Unleashed Dog Exercise Areas (UDEA) Map 2 Key User Group - Manly Dogs

EXECUTIVE SUMMARY

PURPOSE

To report to Council on the adequacy of the existing Unleashed Dog Exercise Areas (UDEAs) within the new Northern Beaches Council Local Government Area (LGA).

SUMMARY

Council resolved on 9 August 2016 to review the adequacy of current off leash areas on the Northern Beaches and that it be reported back to Council.

This review of the adequacy of the Unleashed Dog Exercise Areas within the Northern Beaches Council has now been undertaken and is presented for Council's consideration.

The review identifies that the Northern Beaches has a higher supply of UDEAs in comparison to four (4) similar sized LGAs in Sydney and that residents are able to access a UDEA with no more than 10 minutes driving time. This indicates that the availability and provision of current UDEAs in the Northern Beaches LGA is adequate. As part of the review major user groups of these areas have been interviewed and comments sought. It is considered that there are opportunities for improving Council's management of UDEAs and these recommendations are outlined in the report.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That Council:

- A. Endorse the review of the adequacy of current off leash dog areas which found the supply of Unleashed Dog Exercise Areas (UDEA) within the Northern Beaches LGA is adequate as there is a higher supply in comparison to four (4) similar sized LGAs in Sydney and residents are able to access a UDEA with no more than 10 minutes driving time.
- B. Approve increased funding for capital and management improvements to UDEAs across the LGA with the allocation of \$100,000 per year for the next four years in Council's annual budget for improvements as outlined in this report.
- C. Approve the preparation of an integrated policy for UDEAs and dog management for the Northern Beaches LGA, requiring the new policy address:
 - a. the issue of the current trial (UDEAs) as discussed in this report
 - b. the issues discussed in this report including Mackerel Beach, McCarrs Creek Reserve, Lagoon Park and the management of professional dog walkers.
- D. Endorse the development and implementation of dog education and training programs by Council as part of this process.

REPORT

BACKGROUND

Council resolved on 9 August 2016 to review the adequacy of current off leash areas on the Northern Beaches and that it be reported back to Council.

Statistics from the 2016 Companion Animals Register show that there are approximately 43,000 registered dogs in the Northern Beaches LGA. It is unclear how many homes have dogs as many homes may have more than one dog.

Health Benefits of Dog Ownership

Research has shown that pets are good for your health (Pets in the City 2010). Owning a dog increases the likelihood of achieving recommended levels of exercise by seven times. People walking a dog are more likely to have conversations with other people whilst children with pets have been shown to have higher self-esteem and are less likely to be overweight (Pets in the City 2010).

The benefit of pets in terms of companionship for the elderly has also long been recognised. Having well designed and maintained dog exercise areas provides dogs and their owners with opportunities to exercise and socialise. Given the overall positive benefit to people and community, it is important council support pet ownership in a responsible and positive way.

As part of the process for the preparation of the Public Space & Recreation Strategy 2014 for the former Pittwater Council, a survey was sent to residents to gain input on the desired outcomes in specific recreational areas. Dog walking was ranked 13 in the participation list with many respondents requesting that existing dog exercise areas be made more aesthetically pleasing in a comfortable setting so that their dogs can better integrate into their lifestyle.

Current Supply of Unleashed Dog Exercise Areas

Currently Council provides 26 Unleashed Dog Exercise Areas (refer to Attachment 1) in the three regions as follows:

1. Hitchcock Park, Careel Bay
2. Dearin Reserve, Newport
3. South Mona Vale Headland (Robert Dunn Reserve)
4. Progress Park, Narrabeen
5. Rowland Reserve, Bayview
6. Mackerel Beach Reserve – from the public wharf north to the boundary with the National Park between sunrise to 9.30am and 5:00pm to sunset
7. McCarrs Creek Reserve, McCarrs Creek – trial unleashed dog area allowing for unleashed dogs at the western end of the reserve on weekdays (excluding public holidays) only
8. Deep Creek Reserve – Unleashed Dog Training Area
9. Forestville Memorial Playing Fields
10. Currie Road, Forestville (near Forestville Park)
11. Beverley Job Reserve, Narraweena
12. Flora and Ritchie Roberts Reserve, Griffin Road, Curl Curl (Curl Curl Lagoon)
13. John Fisher Park, Adams Street, Curl Curl
14. Hinkler Park, Pittwater Road, Queenscliff
15. Truman Reserve, Cromer
16. Griffith Park, Long Reef
17. Frenchs Forest Showground, Frenchs Forest
18. LM Graham Reserve, Fairlight
19. Lagoon Park, Queenscliff
20. Manly Cemetery, Fairlight
21. North Harbour Reserve, Condamine Street, Balgowlah

22. Tania Park, Balgowlah Heights
23. Seaforth Oval, Seaforth

There are also three (3) Offleash Exercise Areas with restricted times:

24. Allambie Heights Oval – 12:00am-7:00am daily
25. Beacon Hill Oval – 11:00pm-8:30am weekdays and 11:00pm-7:30am weekends
26. Karl Brown Oval, Terrey Hills – 12:00am-8:30am daily.

The former Manly Council also determined that dogs would be permitted off leash in most other reserves. This was not the case in the former Pittwater and Warringah Councils. As such in the interests of consistency across the Northern Beaches LGA it is recommended that a new integrated policy for UDEAs and Dog Management be prepared.

Comparison of the provision of UDEAs compared to similar LGAs

To inform the analysis of the adequacy of current UDEAs, the number for the Northern Beaches was compared to that from four other similar sized Council areas.

The table below demonstrates that the Northern Beaches has the highest number of UDEAs per square kilometer. Based on a population/number of unleashed dog areas, Council is second to the Central Coast Local Government Area with 10,000 people per unleashed dog exercise area.

LGA	Size (km²)	Population	No. Unleashed Areas*	Population/ per unleashed area	LGA land area (km²) per unleashed area
Northern Beaches	254	260,000	26	10,000	9.7
Blacktown	250	340,000	12	28,330	20.8
Central Coast	1681	330,000	59	5,590	28.5
Hornsby	462	170,000	6	28,330	77
Sutherland	370	210,000	5	42,000	74

* Includes shared areas

Travel time by car to UDEAs

The time taken to travel to a UDEA for residents is a key consideration of the adequacy of current areas. A desktop review of the locations of UDEAs revealed that the maximum driving time for any Northern Beaches Council resident to access their closest UDEA is no greater than 10 minutes.

Feedback from key user groups

Council has contacted key user groups in all the former council areas. These key user groups included:

- Representatives from Manly Dogs, Pittwater Unleashed, Manly and District Dog Obedience and Training Club
- A spokesperson on behalf of the dog owners using Frenchs Forest Showground
- Residents adjoining Hinkler Park
- Manly Warringah Football Association
- Warringah Junior Rugby Union

- Council's Environmental Compliance and Natural Environment and Climate Change teams.

A summary of comments from key user groups is as follows:

- **Manly Dogs** (refer to Attachment 2 for more details)
 - Dog owners felt disenfranchised
 - Maintenance of UDEA was lacking
 - Additional signage required at all UDEAs
 - Better management of professional dog walkers needed.
- **Pittwater Unleashed**
 - Rowland Reserve Bayview was a great location but was lacking in maintenance
 - Hitchcock Park is the only park north of Newport and is full of ticks, trees need to be thinned and bare areas turfed
 - Council should identify less popular reserves that could be used as UDEAs
 - Need to improve the relationship between dog owners and Council Rangers
 - Council needs to implement a dog education policy.
- **Manly and District Dog Obedience and Training**
 - Dog owners not picking up dog faeces and allowing their dogs to interrupt dog training classes
 - Club would like to install training enclosures at their cost
 - Dog owners believe that Deep Creek Reserve is an UDEA where as it should only be for dog training
 - Would like to progress their Development Application to carry out renovations to their clubhouse but are having difficulty progressing due to flooding issues
 - Request improved signage.
- **Frenchs Forest Showground**
 - Dog on dog attacks
 - Dog owners not understanding their responsibility
 - Requested improved educational and advisory signage
 - Allocated area for small dogs
 - Request a community noticeboard
 - Increased Ranger presence to monitor dog behaviour
 - Professional dog walkers need to be managed by council where they are either issued a permit to control numbers and maybe only be permitted to operate within certain hours.

- **Local Residents Hinkler Park**
 - High use by professional dog walkers causing excessive noise
- **Manly Warringah Football Association**
 - Concerned that the following sports fields are currently used as UDEAs under a trial basis: Terrey Hills Oval, Allambie Oval, Beacon Hill Oval, Truman Reserve, Tania Park and Seaforth Oval. Request that this arrangement be formalised
 - Shared usage of sports fields, as UDEAs outside MWFA allocation times is not a preferred option for any future sports fields due to the health concerns
 - Strongly object to future sports fields being shared as UDEAs
 - Unleashed dogs are a problem at Cromer Park.
- **Warringah Junior Rugby Union**
 - Unleashed dogs are a problem at North Narrabeen Reserve and Porter Reserve Newport
- **Council's Environmental Compliance Unit**
 - Presence of unleashed dogs in areas outside of designated UDEAs is an ongoing problem
 - 167 reported dog attacks across the Northern Beaches Council LGA in the last 12 months, of these, 28 were in "off-leash" areas. It should be noted that all reported attacks are not necessarily a 'biting' incident and not necessarily on humans.
- **Council's Natural Environment and Climate Change Unit**
 - Where natural bushland areas (including National Parks) adjoin areas designated for unleashed dog exercising, there is a significant potential for adverse impact
 - The impact of free roaming dogs on native wildlife, particularly ground fauna such as wallabies and bandicoots, is significant and entry of dogs into bushland areas should be discouraged
 - The boundaries need to be well defined (clear signage), fenced where possible
 - Unleashed dogs are known to disturb wading birds and waterfowl even at significant distance and should be discouraged where there is known habitat and roosts
 - There have been complaints from residents at Mackerel Beach about dogs free roaming within the National Park lands as the boundary is unclear. Moving the dog exercise area to the south of the jetty would be desirable
 - At McCarrs Creek, the UDEA runs to the western end of the reserve which abuts the National Park. It would be desirable to move the dogs to the east and make the western end of the reserve 'dog free'.

Audit of the standard of existing facilities at UDEAs

UDEAs across the Northern Beaches Council LGA are visited by thousands of people each week. Facilities at the UDEAs across the region vary greatly with some being fully fenced with shade, seating, taps/water, bins, dog bag dispensers, toilets, signage and adequate parking, whilst others are lacking in basic facilities.

As a basic principle, if Council determines that a reserve is to be declared as UDEA, then it is considered the basic facilities should be provided at a minimum.

Fencing is a major priority in many areas, particularly if the 'dog park' is located adjacent to a busy road. In some areas, playing fields are also in close proximity such as Griffith Park, Long Reef and Hitchcock Park, Careel Bay which should be fenced to prevent unleashed dogs from entering these areas. In others, there are existing playgrounds within the UDEA. Under State legislation, dogs are prohibited from coming within 10 metres of playgrounds and these areas should be a priority for fencing.

Fencing priorities (lineal metres required) are as follows:

Manly Cemetery	Segregate UDEA from playground (65m)
North Harbour Reserve	Segregate UDEA from playground Fence along Condamine Street (75m)
Seaforth Oval	Segregate UDEA from playground (65m)
Careel Bay (Etival Street)	Fence along Etival Street and also on the south side to segregate dog area from playing fields and road
Progress Park, Narrabeen	Fence along Garden Street to prevent dogs straying onto busy road
Rowland Reserve, Bayview	Fence between dog park and adjoining carpark area which carries heavy traffic at times
Griffith Park	Fence between dog area and playing fields Fence along frontage to Pittwater Road

Signage at most of Council's UDEAs is inadequate, unclear and/or poorly positioned. An audit of existing signage should be undertaken and new signage installed as soon as possible.

A site specific issue has been identified following complaints concerning dog usage of Manly Lagoon at Queenscliff Bridge. The boundary between the two former Councils at this location was the centre of the Lagoon. The southern bank of the Lagoon formed 'Manly Lagoon Park' which was a designated UDEA. Dogs enter the water at this location and encroach onto the northern bank and private properties at this location. There is also a playground, barbecue facilities and a cycleway at this location. All of these uses conflict with the appropriateness of a UDEA in this location. This requires further investigation.

Health Impacts through Shared Use

A significant issue is the potential health impacts on residents from shared use of UDEAs. The former Pittwater Council did not allow unleashed dogs on playing fields for health reasons (Report to Council 'Careel Bay Playing Fields – Shared Usage for Unleashed Dog Exercise' – 28 February 2000.).

The report quoted a paper titled 'Guidelines for Designing and Managing Public Open Space' by Virginia Jackson and was referred to Council by the then Minister for Local Government.

In part, the paper summarises the health risk related to dog faeces as follows:

"Roundworm is a prominent health concern in relation to dogs' faeces. Roundworm eggs are passed to the outside environment in the dog's faeces. The eggs take two weeks to a month

to become infective so there is no risk from fresh faeces. However the eggs may remain infective in the soil for years.

Humans do not develop adult roundworms, however migration of larvae through the tissues and organs can cause disease. The primary transmission to humans is through contamination of the hands by eggs and subsequent ingestion of the eggs. Direct contact between humans and infected dogs does not play a role in disease transmission.

Young children have the greatest risk of exposure. They may inadvertently eat dirt or grass or touch their mouths with hands contaminated with old dog faeces containing infective roundworm eggs. People in hand activated wheelchairs and active sports players may also be at risk.”

Roundworms or ascarids are a common intestinal parasite in dogs and cats. The disease caused by the migration of larval forms of roundworm (*Toxocara* spp) in human organs and tissues is known as Toxocariasis. The disease may take the form of ocular larva migrans (OLM) an eye disease that can cause blindness or visceral larva migrans (VLM) a disease that can affect the body's organs and central nervous system. In most cases, the disease is asymptomatic or mild and is rarely fatal (Benenson, 1995).

When accidentally ingested by humans, the roundworm eggs hatch in the intestines and the infective-stage larvae migrate through the liver to the lungs and other organs and tissues where they produce damage and induce allergic responses. Whilst the parasites cannot replicate in human hosts, viable larvae may remain in human tissues for years. Children's play habits put them at high risk for roundworm infection (CDC, 1996).

Northern Sydney Health advises that Toxocariasis is not a notifiable disease in Australia and its rate of occurrence in the community is difficult to ascertain. The National Centre for Infectious Diseases in Atlanta, Georgia, estimates that 10,000 cases of Toxocariasis occur in humans annually in the United States. A similar rate of prevalence of the disease probably occurs in Australia given the high rate of pet ownership and cultural similarities. Based upon this rate of occurrence, Toxocariasis would not appear to be a significant problem in the general community.

Given that players and spectators, particularly children, are frequently in contact with the soil during games and training, a higher risk of infection does exist for this group of recreational users if the soil is contaminated with roundworm eggs. The risk is directly related to the extent of faecal contamination of the playing fields and their surrounds. Based on the information at hand, there is sufficient doubt about the extent of the risk to warrant further investigation.

Roundworm eggs when passed to the external environment are highly susceptible to UV radiation and desiccation.

A consistent approach needs to be taken across the whole of the Northern Beaches. It would be extremely difficult to rescind unleashed dog access at these designated areas given that they have enjoyed access for many years with no major issues.

That being said, there is a minor risk of infection from roundworms as previously outlined and it is therefore recommended that no further playing fields should be made available as UDEAs.

Support for and management of UDEAs

All representatives consulted were in favour of continuing with the practice of Council supplying doggie bags at Council's UDEAs. Methods of stocking the reserves with doggie bags vary across the Council area due to different practices in the former Council areas. Council staff in the south and north supply and volunteers in the central area supply the bags. Problems sometimes occur when volunteers are unavailable and the bins can be left empty. This has a flow on effect as dog owners who do not carry bags with them, are unable to 'pick up' after their dog.

Council supplies bio-degradable bags that are environmentally friendly and also uses bio-degradable bin liners for the collection bins. Pittwater Unleashed believes that all dog owners should be forced to carry 'doggie-bags' with them with non-compliance being a finable offence. Fines to do with dog control however are legislated by State Government, not Council.

Issues have also arisen with professional dog walkers using UDEA to walk/exercise multiple dogs. The issue became such a problem at LM Graham Reserve that former Manly Council resolved to issue permits to professional 'Dog Walkers' and limit the number at LM Graham Reserve to three at any one time.

Council has also received complaints from local residents at Hinkler Park, Queenscliff about over use of the park by 'professionals' and a large increase in noise disturbance as a result of this significant increase in usage.

Issuing permits to professional dog walkers would reduce over-crowding and also assist with control problems. Often professional walkers are not trained in dog behaviour/management, are handling a large number of dogs at any one time and often unfamiliar with the dogs in their care. This makes it particularly difficult for them to manage when they come into an area with a large number of free roaming dogs.

CONSULTATION

Consultation was undertaken with the following:

- Manly Dogs
- Manly and District Dog Obedience Training Club
- Manly Warringah Football Association
- Pittwater Unleashed
- Frenchs Forest Showground Users
- Warringah Junior Rugby Union
- Various internal stakeholders (including the Natural Environment and Climate Change Unit and Environmental Compliance)

FINANCIAL IMPACT

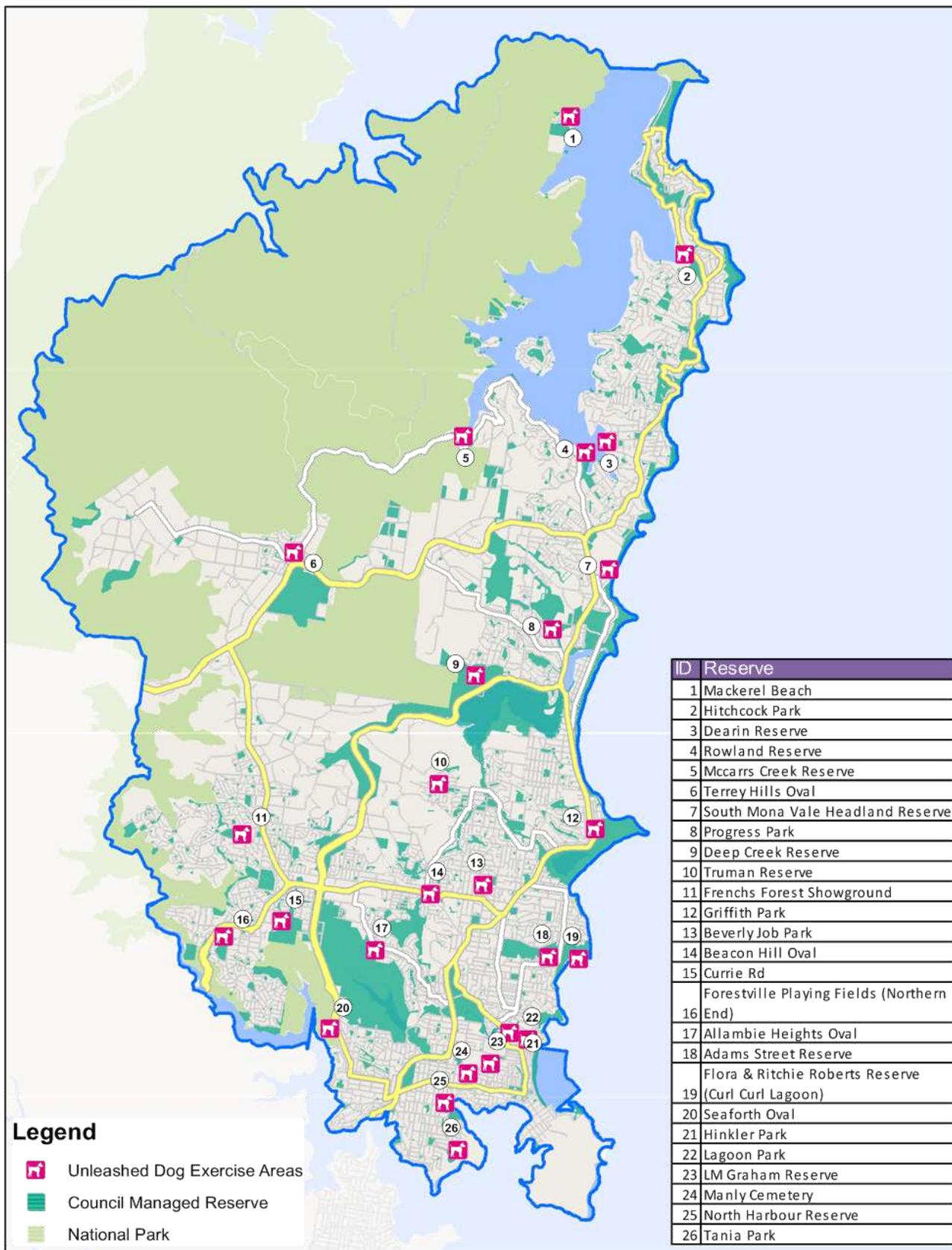
There are a number of issues that are recommended to be resolved in UDEAs to improve the condition and standard as outlined in this report. It is recommended that Council review the current S94 and S94A Development Contribution Plans with the intention to allocate \$100,000 annually for the next four years for improvements and additional maintenance for UDEAs as outlined in this report. It is noted that dog educational programs will have an impact on future budgets.

SOCIAL IMPACT

Dog owners make up a significant proportion of the local population. Provision of good quality, well-managed UDEAs provides these people and their dogs opportunities to both exercise and socialise in pleasant surroundings. In comparison with other LGAs, the provision of UDEAs is high.

ENVIRONMENTAL IMPACT

Recommendations for reducing the impact of UDEAs on the local environment are contained within this report.



Legend

- Unleashed Dog Exercise Areas
- Council Managed Reserve
- National Park

ID	Reserve
1	Mackerel Beach
2	Hitchcock Park
3	Dearin Reserve
4	Rowland Reserve
5	Mccarrs Creek Reserve
6	Terrey Hills Oval
7	South Mona Vale Headland Reserve
8	Progress Park
9	Deep Creek Reserve
10	Truman Reserve
11	Frenchs Forest Showground
12	Griffith Park
13	Beverly Job Park
14	Beacon Hill Oval
15	Currie Rd
	Forestville Playing Fields (Northern
16	End)
17	Allambie Heights Oval
18	Adams Street Reserve
	Flora & Ritchie Roberts Reserve
19	(Curl Curl Lagoon)
20	Seaforth Oval
21	Hinkler Park
22	Lagoon Park
23	LM Graham Reserve
24	Manly Cemetery
25	North Harbour Reserve
26	Tania Park

Unleashed Dog Exercise Areas

**NORTHERN BEACHES
COUNCIL**

Scale (A4) - 1:112,684
GDA 94 MGA Zone 56

Date Printed: 15/03/2017
Produced By: Spatial Information

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Document Path: G:\GIS\ArcMap\Docs\NBC Dog Exercise Areas A4.mxd

Suggestions from Manly Dogs

- Install noticeboards at all major UDEAs and keep them regularly updated.
- Organise dog trainers to run regular (quarterly) obedience classes for new owners at nominated UDEAs.
- Host an event chaired by a vet and a dog trainer for both dog owners and non-owners to meet and discuss relevant issues and learn about the benefits of responsible dog ownership.
- Discuss with organisations such as 'Dog Rescue' the need to provide compulsory dog training to potential owners BEFORE they adopt their dog.
- Provide a section on Council's website which offers an educational and information hub for dog owners in a positive environment.
- Host regular meetings between Council rangers and dog user groups to discuss problems/issues and develop a strong working relationship between these two parties.
- Provide fenced off small dog only areas in UDEAs to reduce the incidence of dog attacks.
- That professional dog walkers who use the UDEAs should be managed better by Council through the use of a permit system.

9.0 PLANNING & COMMUNITY DIVISION REPORTS

ITEM 9.1	PITTWATER WATERWAY REVIEW - STAGE 1: DISCUSSION PAPER
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING
TRIM FILE REF	2017/066929
ATTACHMENTS	1 Stage 1 Discussion Paper (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council endorsement to place the Pittwater Waterway Discussion Paper on public exhibition for a period of six weeks.

SUMMARY

At its meeting of 5th August 2013, the former Pittwater Council resolved, *“That Council undertake a strategic review of the land use planning provision relating to the Pittwater waterway, commencing in July 2015”*. Council commenced the Pittwater Waterway Review (the Review) in July 2015 in partnership with Transport for NSW.

The Review is made up of two distinct processes:

Stage 1 - Pittwater Waterway Discussion Paper (the Discussion Paper). The Discussion Paper provides information and an overview of key issues impacting the Pittwater waterway, with possible strategies moving forward. The paper is based on information gathered from existing studies, online community surveys and targeted community and stakeholder consultation undertaken in 2015 and 2016.

Stage 2 - Pittwater Waterway Strategy (the Strategy) - The Strategy will set the strategic framework for future planning and decision making based on the consultation process and data gathered as part of Stage 1 (the Discussion Paper). The Strategy will guide and inform future direction, decisions and actions associated with the Pittwater waterway, including allocation of specific actions to relevant stakeholders, such as State Agencies and Council.

This report recommends Council adopt the recommendation to place the Pittwater Waterway Discussion Paper on public exhibition for a period of six weeks.

The following stakeholder engagement is proposed for Public Exhibition:

- Advertising campaign with posters, theme boards and two adverts in the Manly Daily;
- Social media campaign through Facebook;
Pop up stalls in Avalon, North Narrabeen Reserve (Rat Park) Friday Market and Frenchs Forest Organic Market;
- Two drop in sessions in Mona Vale, one during a week night and one on a Saturday afternoon;
- A targeted information e-mail / letter regarding the public exhibition to all registered community groups in the Northern Beaches LGA, internal and external stakeholders including all workshop participants and all survey respondents that registered an ongoing interest.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Receives the report outlining the background to the Pittwater Waterway Review and the Pittwater Waterway Discussion Paper.
 - B. Authorise the Pittwater Waterway Discussion Paper to be placed on public exhibition for a period of six weeks.
-

REPORT

BACKGROUND

At its meeting of 5th August 2013, the former Pittwater Council resolved under recommendation no. 11:

“That Council undertake a strategic review of the land use planning provision relating to the Pittwater waterway, commencing in July 2015”.

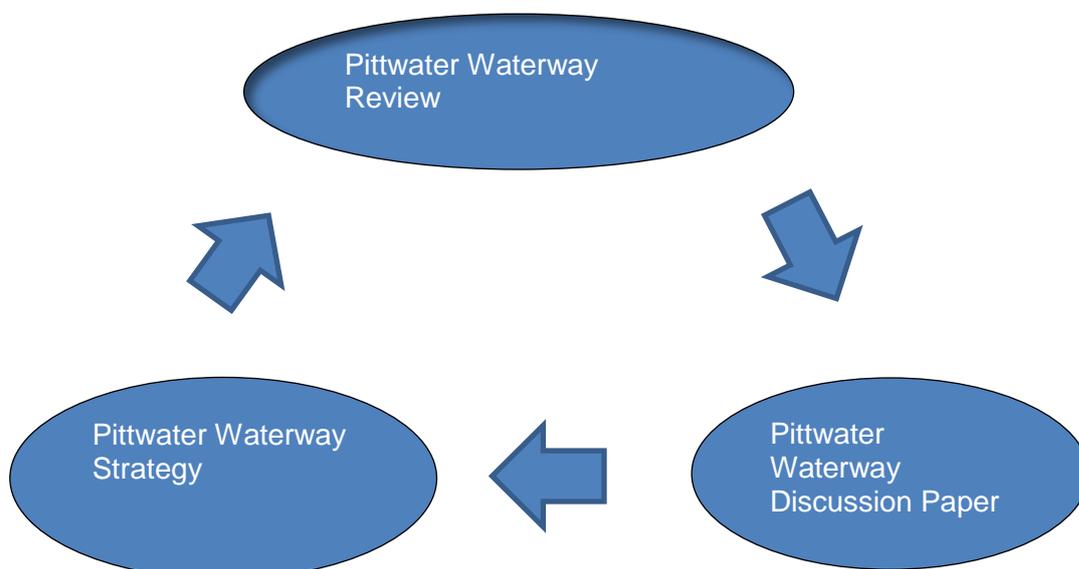
Council commenced the Pittwater Waterway Review (the Review) in July 2015 in partnership with Transport for NSW. The Project was identified and established during the preparation of the draft Pittwater Standard Instrument LEP which was a like for like translation of the former Pittwater LEP 1993. During the public exhibition, the community and relevant stakeholders raised issues and challenges facing Pittwater waterway. As a consequence of the scale of this interest Council resolved “to undertake a strategic review of the land use planning provisions and zones relating to the Pittwater Waterway”.

In accordance with the project plan, Council commenced the Review of the waterway from a holistic perspective embracing ecological sustainable development (ESD). The Review will seek, through existing studies and community / stakeholder engagement, to identify and assess all issues impacting the waterway and potential opportunities to address and balance the array of competing interests, through to the development and implementation of strategies with specific actions to guide the management of the Pittwater waterway over the next 10-15 years.

The Review is made up of two distinct processes. Stage 1 of the Review is the preparation of the Pittwater Waterway Discussion Paper (the Discussion Paper) found at appendix 1. The Discussion Paper provides information and an overview of key issues impacting Pittwater, with possible strategies moving forward. The information outlined in the discussion paper has been gathered from existing studies, online community surveys and targeted community and stakeholder consultation undertaken in 2015 / 2016.

Stage 2 of the Review is the Pittwater Waterway Strategy (the Strategy) which will set the strategic framework for future planning and decision making based on the consultation process and data gathered as part of Stage 1 (the Discussion Paper). The Strategy will guide and inform future direction, decisions and actions associated with the Pittwater waterway, including allocation of specific actions to relevant stakeholders, such as State Agencies and Council.

GRAPHIC INTERPRETATION OF REVIEW PROCESS



SCOPE OF THE REVIEW

This review is:

- A review started by the community, written with the community, and developed for the community.
- A strategic review of planning controls associated with the Pittwater waterway, including land and water based.
- A strategic document encompassing the sustainable pillars of environment, economy, social and governance.
- A strategic document guiding the management of the waterway over the next 10-15 years.
- A document that will make recommendations for zoning, zoning objectives and development control changes.
- A non-legislative document which establishes a framework for future planning and decision making associated with Pittwater waterway.
- An evidence based strategic planning document that will utilise data and community output in the development of strategies for the future of the waterway.
- A strategic tool to assist the decision making process and recommendations to state government.

This review is NOT:

- A Coastal Zone Management Plan or Coastal Management Plan.
- A document that can require specified state government actions.
- An amendment to Pittwater Local Environmental Plan 2014 that makes zoning or planning control changes.
- A document that incorporates the coastal fringe, Middle Harbour, Narrabeen or Dee Why Lagoon.
- An environmental assessment or audit of the health and condition of Pittwater waterway.
- A Plan of Management as mandated under the Crown Lands Act 1989 or the Local Government Act 1997.

PITTWATER WATERWAY DISCUSSION PAPER (STAGE 1 OF THE REVIEW)

The purpose of this report is to provide Council the background to the Review and to seek Council endorsement to place the Discussion Paper on public exhibition for a period of six weeks.

The Discussion Paper is a communication tool which provides information and an overview of the key issues impacting the Pittwater waterway along with possible strategies aimed at addressing them. Fundamentally, its purpose is to engage the community and seek their input on the range of issues and strategies identified.

The structure of the Discussion Paper is formed around 6 key themes which relate to the identified key issues, although overlap is inevitable. The 6 key themes include:

Theme 1 – The economics of the waterway

Theme 2 – Natural environment

Theme 3 – Natural reserves and recreation

Theme 4 – Development of the waterway

Theme 5 – Activating the waterway

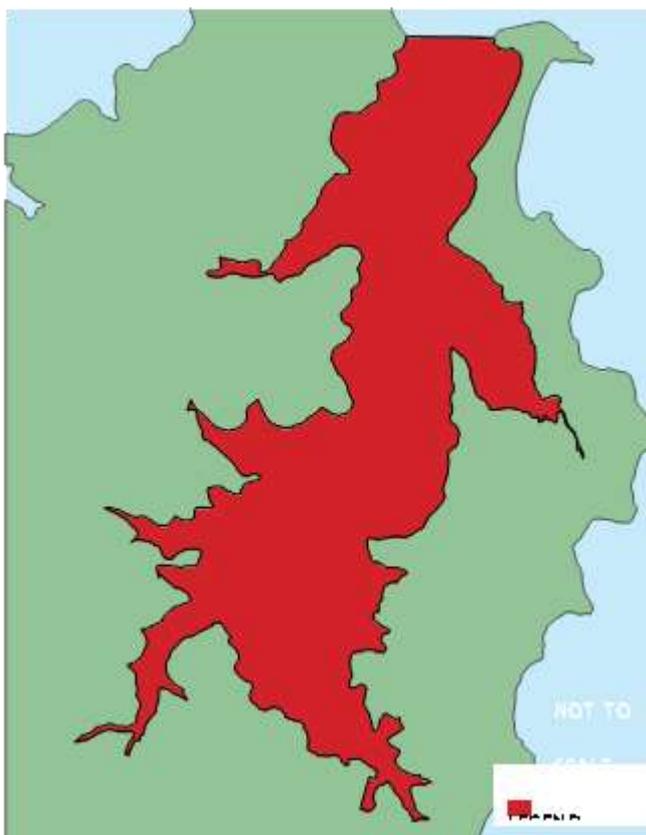
Theme 6 – Waterway regulation

The data, trends, key issues and challenges outlined in the Discussion Paper have been gathered from existing studies, online community surveys and targeted community and stakeholder consultation undertaken in 2015 and 2016.

THE DISCUSSION PAPER STUDY AREA

The Discussion paper study area, as shown in Map 1 below, is the Pittwater waterway and does not include the coastal fringe, Middle Harbour, Narrabeen or Dee Why Lagoon. The study area for the associated supporting report (Hill PDA Consulting, 2016), was revised post amalgamation to include Northern Beaches Council LGA, but data excludes the Manly locality due to recognition that Sydney and Middle Harbour play a pivotal role in meeting the boating and recreational pursuits of this area. However, the consultation for the public exhibition of the PWDP is proposed to include consultation events and information extending across the LGA.

Map 1- Pittwater Waterway Discussion Paper Study Area



EXISTING STUDIES

The initial work undertaken on the Discussion Paper involved a comprehensive analysis of existing studies and reports prepared in relation to Pittwater waterway and a review of studies relating to the broader NSW waterways and boating context.

The review of existing studies identified key issues impacting the waterway and gaps in available information and data. A list of the existing studies reviewed can be found at Appendix 4 of the Pittwater Waterway Discussion Paper.

CONSULTATION

During the project planning phase, community and stakeholder engagement was recognised as a key priority and has been incorporated into all stages of the project.

The following stakeholder engagement events have been held:

- Workshops with the former Pittwater Council's Natural Environment and Sustainable Towns and Villages Reference Groups;
- Community engagement survey with 420 responses and 360 completed responses;
- Mobile survey with Facebook campaign with 106 responses and 38 completed responses aimed at Pittwater's youth;
- Advertising campaign with posters, postcards, newsletters and Facebook notices;
- Internal Council workshop covering all key business units relevant to this project within the former Pittwater Council;
- External State Government workshop covering key state agencies;
- Pop up stall at Avalon Market Day;
- Offshore resident workshop;
- Workshop with water-based recreational clubs.

The following stakeholder engagement is proposed for the six week public exhibition of the Discussion Paper:

- Advertising campaign with posters, theme boards and two adverts in the Manly Daily;
- Social media campaign through Facebook;
- Pop up stalls in Avalon, North Narrabeen Reserve (Rat Park) Friday Market and Frenchs Forest Organic Market;
- Two drop in sessions in Mona Vale;
- A targeted information e-mail / letter regarding the public exhibition to all registered community groups in the Northern Beaches LGA, internal and external stakeholders including all workshop participants and all survey respondents that registered an ongoing interest.

The submissions received during the public exhibition period will feed into the draft Strategy (Stage 2 of the Review). The summary of submissions received will be reported back to Council and with the draft Strategy.

FUNDING FROM TRANSPORT FOR NSW

On the 10th November 2015, Transport for NSW (TfNSW) extended an offer to fund the economic and demographic analysis required to inform the Pittwater Waterway Review. TfNSW offer extended to their participation on a steering committee to implement the Review and assistance with regard to relevant information, commentary and data as required. Funding and assistance from TfNSW is consistent with their commitment to work with Council on the development of a boat storage strategy initially outlined in the Pittwater Regional Boating Plan.

PITTWATER MARINE INDUSTRY DEMOGRAPHIC & ECONOMIC STUDY

On 30th October 2015, the former Pittwater Council undertook a selective tender process for the preparation of the economic and demographic analysis of Pittwater waterway as part of the Review. After a comprehensive assessment process, Council, with the funding and support from Transport for NSW, commissioned HillPDA to undertake the Pittwater Marine Industry Demographic & Economic Study, June 2016 to provide an economic review of local marine industries and demand for boat storage within the Pittwater water catchment.

The key objective of the study was to aid Council and the local community to better understand the contributions marine industries provide to the local economy and provide commentary on the pressure marine industries may face in the future. The findings of the study are included and referenced in the Pittwater Waterway Discussion Paper. The study is included in appendix 3 of the Discussion Paper.

TIMING

The Discussion Paper is proposed to be placed on public exhibition for a period of six weeks. The purpose of placing the Discussion Paper on Public Exhibition is to communicate the key themes/issues and potential management strategies raised during the targeted community consultation and stakeholder engagement to seek community / stakeholder feedback on these and other relevant priority issues.

The information and submissions received during the public exhibition of the Discussion Paper will be used to develop and formulate the Strategy. The Strategy will set the community's vision and aspirations for the waterway and outline key priorities, objectives and specific actions for key stakeholders. The anticipated timing is for the Strategy will be presented to Council together with a summary of submissions received during the public exhibition of the Discussion Paper in July 2017 for endorsement and to commence exhibition.

FINANCIAL IMPACT

Administration, staff resourcing and advertising of the public exhibition from Strategic Planning budget allocation.

SOCIAL IMPACT

To support continued involvement and engagement with the broad range of external and internal stakeholders, community groups, associations and the broader community.

ENVIRONMENTAL IMPACT

Negligible environmental impact at Stage 1 of the Review.

ITEM 9.2	PUBLIC EXHIBITION OF SYDNEY ROAD BALGOWLAH PLAZA REVITALISATION 'REVISED PLAN'
REPORTING MANAGER	EXECUTIVE MANAGER PLACE MANAGEMENT
TRIM FILE REF	2017/063005
ATTACHMENTS	<ol style="list-style-type: none"> 1 Location Plan (Included In Attachments Booklet) 2 Public Exhibition Revised Draft Plan (Included In Attachments Booklet) 3 Community Engagement Summary (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval to go to Tender with the Balgowlah Plaza Revitalisation Plan for the upgrade of the public domain along Sydney Road, Balgowlah.

SUMMARY

The Balgowlah Plaza Revitalisation Revised Draft Plan seeks to create an improved public domain area that is safe, and offers a friendly public space for the local community within the Balgowlah shopping precinct along Sydney Road.

Balgowlah Plaza consists of commercial and retail premises fronting a large Council owned space along the southern side of Sydney Road, between Condamine Street and Jackson Street laneway.

The scope of the project includes an area of approximately 560 square metres, and will involve demolition of existing pavements and street furniture. This will be replaced with a plaza area that will provide improved public domain pavements, street furniture, lighting, useable public spaces for social interaction, events, stalls, retail pop-ups, gardens and tree planting.

The revitalisation will create a connected public space that will attract a greater retail and dining mix, as well as provide opportunities for the local community and local businesses to meet, gather and promote their activities. This in turn will ensure that the shopping precinct will become more economically resilient and community focused into the future. The passive surveillance associated with higher use will also improve public safety in the area.

In August 2016, the Place Management team was briefed to undertake a Concept Plan to seek community consultation. After this initial consultation process the plan was further developed and the Revised Plan was placed 'On Public Exhibition' for a period of 28 days. The summary of engagement for the Revised Plan was as follows:

- Public Exhibition for a period of 28 days available through Council's *Your Say* website portal received 683 website visits, with documents downloaded by 455 persons.
- A total of 22 submissions were received through the *Your Say* website portal.

Submissions Received	Positive	Negative	Out of Scope
Total of 22	20	1	1

As a result of the majority of positive submissions during this consultation period, there have been no design changes to the Revised Plan.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Note the submissions received from the community during the Public Exhibition period.
 - B. Approve the Revised Plan as the final design of the project.
 - C. Approve the project to go to Public Tender with the For Construction Documentation.
-

REPORT

BACKGROUND

Following earlier Council discussions with local business owners and members of the former Balgowlah Chamber of Commerce, Northern Beaches Council's Place Management team has undertaken investigation and review of the public domain opportunities of the site in providing a suitable outcome for the benefit of the residential and business community. Council is committed to creating the stimulus to activate places where the community want to live, connect and work.

Initial concept plans for Balgowlah Plaza were developed to provide improvements to the public domain amenity and seek community feedback.

The desired outcome of the Revised Plan is envisaged as an urban environment that will support safe and easy access for all, and is connected to shops, the streetscape and transport nodes. The scope of the urban outcome will provide a large activity zone, intended for the social and economic benefit of the community and retailers including the following possibilities: outdoor dining; retail 'pop-ups'; and community stalls and events.

Comfort zones are intended to provide for the benefit of the community including shade, seating and attractive gardens. Night lighting will extend the social and economic opportunities within the activity zone as well as provide a safe night environment.

CONSULTATION

Northern Beaches Council conducted a community pop-up information session on Saturday 19 November 2016 to present the Concept Plan ideas and receive community feedback. An "onsite" project board was installed and 300 newsletters were distributed to surrounding areas to inform the local community.

Additionally the 'Your Say' website page contained all documents and the opportunity for public comments:

- Public comments closed 4 December 2016
- 29 public comments were received on the day of the community pop-up and 30 public comments were received from the 'Your Say' website
- A total of 1,390 website visits on the 'Your Say' website occurred, with 885 persons downloading the draft documents.

After this consultation process the plan further developed and the Revised Plan was placed 'On Public Exhibition' for a period of 28 days from 31 January 2017. The summary of engagement was as follows:

- Public Exhibition for a period of 28 days available through Council's *Your Say* website portal received 683 website visits, with documents downloaded by 455 persons.
- A total of 22 submissions were received through the *Your Say* website portal.

Submission Received	Positive	Negative	Out of Scope
Total of 22	20	1	1

The Community Engagement Summary is included in Attachment 3 of this report.

As a result of the majority of positive submissions during this consultation period, there have been no design changes to the Revised Plan.

TIMING

As consultation feedback has been assessed and there have been no design changes to the Revised Plan, this report recommends that the project immediately proceeds to For Construction Documentation and Council approve the project to go to Public Tender.

Following Public Tender, a report to Council shall be prepared to recommend a preferred contractor to undertake the construction of the project.

It is anticipated construction works would commence during the winter period of 2017.

FINANCIAL IMPACT

Allocated Expenditure

Council allocated \$637,000 nett for the construction of a revitalised plaza. This funding is held within the Major Projects budget - Public Domain Upgrades.

The allocated funds have been raised over several years by way of a special business levy in the Balgowlah shopping precinct. It is expected that the final design will fit within the allocated budget.

Therefore there is no impact on the existing budget.

Future Expenditure & Revenue

Ongoing costs associated with operational maintenance apply including maintenance and repairs of pavements, furniture, and landscape.

The public domain upgrades will generate possibilities for increased revenue through the following Licences: Outdoor Eating Areas; Footpath Trading; and Busking.

SOCIAL IMPACT

Our public places are important in growing the local economy and building community goodwill.

A positive and beneficial social outcome is anticipated from the Revised Plan. The project will provide a connected public space that promotes people's health, happiness, and wellbeing through improved amenity, access and safety, whilst establishing opportunities for the residents, businesses and visitors to utilise public space for social, community and economic benefits.

Creating places brings together a range of stakeholders to revitalise streetscapes, improve local business viability, provide opportunities for community, cultural and social events, and provide public safety.

ENVIRONMENTAL IMPACT

Environmental sustainability is a key consideration to the proposals contained in the Revised Plan, and the following components are included: additional street trees to assist with temperature control; wide pedestrian pavements to enhance walkability; and bike racks to promote active transport.

One tree (*Celtis australis*) will be removed as a result of this project, due to damaging property. Five new trees (*Largerstroemia indica*) and five garden beds are to be installed as a result of the new landscaped works.

Tree Removed/Planted	Botanic Name	Common Name	Quantity	Size
Removed	<i>Celtis australis</i>	European nettle tree	1	Mature
Planted	<i>Largerstroemia indica</i>	Crepe Myrtle	5	2m trunk 3 to 4m height

ITEM 9.3	DRAFT AFFORDABLE HOUSING POLICY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING
TRIM FILE REF	2017/058248
ATTACHMENTS	1 ➤Draft Affordable Housing Policy (Included In Attachments Booklet)
	2 ➤Housing Need Analysis (Included In Attachments Booklet)
	3 ➤Draft Discussion Paper (Included In Attachments Booklet)
	4 ➤Draft Action Plan (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council's endorsement to publicly exhibit the draft Affordable Housing Policy and background documentation.

SUMMARY

In accordance with Administrator Minute No 13/2016, a draft Affordable Housing Policy (draft Policy) has been prepared for consideration by Council. The draft Policy is supported by evidence of the need for affordable housing (Housing Needs Analysis and Affordable Housing Discussion Paper), and a recommended Action Plan to respond to that need. The draft Policy has been developed in consultation with an internal working party, State government departments and other stakeholders, as well as the Affordable Housing Strategic Reference Group.

The draft Policy is a high-level strategic directive comprising principles and policy statements that together will guide Council's actions to support affordable housing. The draft Action Plan outlines more specific actions to support implementation of the draft Policy

In the short term, proposed actions focus on the provision of affordable rental housing, particularly in the Ingleside and Northern Beaches Hospital (Frenchs Forest) precincts. These areas provide the greatest opportunity to deliver affordable housing in the Northern Beaches. In the medium term, it is proposed to investigate mechanisms to deliver more affordable market-based housing as part of Council's new local housing strategy.

The draft Policy and background documentation will be placed on public exhibition for a minimum period of 28 days, during which time submissions will be invited from the community. Following the exhibition, a report will be prepared and presented back to Council with a final recommendation.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Place the draft Affordable Housing Policy, Discussion Paper, Housing Needs Analysis and draft Action Plan on public exhibition for a period of at least 28 days and invite submissions from the public.
 - B. Give further consideration to the draft Affordable Housing Policy, and any submissions received, following the exhibition period.
-

REPORT

BACKGROUND

Planning for affordable housing is necessary to ensure that a variety of housing is delivered to meet the needs of the Northern Beaches community now and into the future. The issues surrounding the provision of affordable housing are complex, requiring action by governments at all levels to resolve.

Encouragingly, there have been a number of recent developments in this area. At the Federal and State levels, housing affordability has become a key policy issue. The appointment of an Assistant Minister to the Treasurer to specifically address housing affordability, commissioning of experts to provide advice, and the inclusion of an affordable housing target in draft District Plans released by the Greater Sydney Commission (GSC), highlight some of the most recent actions by government to address the affordable housing issue.

At a local level, Councils included in *State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)* (SEPP 70) have continued to apply inclusionary zoning, requiring a percentage of all new development in a pre-determined area to be affordable rental housing. Other Councils, which have not been included in SEPP 70, have developed affordable housing policies. This includes the City of Canada Bay, Inner West, Randwick and Ryde councils.

Administrator's Minute

At the 13 December 2016 Council meeting, Council resolved to:

- A. *Work with the Affordable Housing Strategic Reference Group to develop an Affordable Housing policy for consideration by Council.*
- B. *Consult with relevant State Government departments and other stakeholders regarding the development of an Affordable Housing policy within 3 months.*

Council staff have been working on the draft Policy over the past three months (Attachment 1). The draft Policy has been developed in consultation with an internal working party, State government departments and other stakeholders, as well as the Affordable Housing Strategic Reference Group (SRG).

Internal working party

An internal working party was established to assist with development of the draft Policy. The working party consists of staff from relevant units of the former three Council areas. This includes strategic land-use planning, community services and place management.

Consultation with State Government departments and other stakeholders

Council staff met with the Housing Policy team of the Department of Planning and Environment to discuss current and future opportunities at the state level to increase the supply of affordable housing. Council staff also attended a roundtable event held by the GSC to discuss affordable housing issues. These meetings are an important step in developing good working relationships with the State government and to understand wider affordable housing needs and opportunities.

Discussions have also been held with other local Councils including City of Sydney, Ryde, Randwick, Waverley, Canada Bay and Willoughby councils regarding their policy approach to affordable housing.

Consultation with the Affordable Housing SRG

Council staff have met with the Affordable Housing SRG on two occasions to discuss affordable housing issues and specifically, the development of the draft Policy. The SRG agrees on the following matters:

- The draft Policy should initially focus on affordable rental housing, in order to capture the opportunities presented at the Ingleside and Frenchs Forest precincts.
- Further investigation will need to be undertaken as part of Council's local housing strategy to address Council's involvement in influencing market housing and an affordable housing target for the entire Northern Beaches area.
- Council should commit to an affordable rental housing target of 10%, as identified in the draft District Plans for the Ingleside and Frenchs Forest precincts.
- Council should lead by example by advocating for affordable rental housing units on government owned land.
- Council should not take on the role of being a developer of affordable rental housing, as CHPs are better placed to undertake this role.
- Council should tender for a preferred Tier 1 CHP to manage affordable rental housing stock dedicated to Council. The tender process should occur every five years. There could also be a separate tender process for more significant projects.
- Council should be careful in developing eligibility criteria for tenants of affordable rental housing, to ensure that there is no discrimination. Any criteria should be reflective of the Northern Beaches context, for example, specific demand for key workers.
- Council should express a preference for a higher percentage of affordable rental housing in its Voluntary Planning Agreements Policy.
- Council should undertake a marketing program to promote the benefits of, and need for affordable housing.

DISCUSSION

Housing Needs Analysis

The housing needs analysis (Attachment 2) provides an understanding of demand for affordable housing within the Northern Beaches, and the extent to which current provision of housing (to buy or rent) meets the needs of its existing and future residents. The analysis also considers how population and workforce changes, as well as market conditions, will likely impact on the future affordability of housing on the Northern Beaches.

The analysis highlights the worsening conditions for very low, low, and moderate income households to buy or rent properties across the Northern Beaches. The data illustrates rising levels of 'housing stress' for these households i.e. the proportion of households spending more than 30% of household income on housing costs, as a result of property values and rental costs accelerating at unprecedented rates.

Draft Discussion Paper

The draft discussion paper (Attachment 3) provides a high-level analysis of affordable housing issues, factors contributing to the housing affordability problem, and the roles and responsibilities of Federal, State and Local governments. The paper also identifies possible actions Council could take to address the issues raised.

Local government has the ability to play a major role in facilitating the provision of affordable housing, not only through the planning system, but by way of direct intervention through advocacy and leadership. Notwithstanding, it must also be acknowledged that local government has limited capacity on its own to minimise housing stress. A partnership approach with federal, state and non-government sectors is required.

The draft discussion paper concludes that Council can have the greatest impact on affordable housing in non-market housing/community sector housing (Figure 1). Through inclusionary zoning,

and with State government approval, Council could require a proportion of all new development in 'greenfield' and urban renewal areas to be provided in perpetuity as affordable rental housing. This is particularly relevant with the proposed rezoning of land in the Ingleside and Frenchs Forest precincts. This is reflected in the draft policy and draft Action Plan, with the delivery of affordable rental housing in these areas as a key focus.

<i>Level of Subsidy</i>							
Emergency shelters	Transitional housing	Social housing	Affordable rental housing	Affordable home/shared ownership	Private market affordable rental (boarding houses, student accommodation)	Market rental	Home ownership
Government/supportive housing			Non-Market housing/community sector housing		Market housing		

Figure 1: Housing supply continuum – sector in which Council can have most impact

Draft Policy

The draft Policy is a high-level strategic directive that comprises principles and policy statements. The five principles proposed are:

- a) Establishing clear targets for the provision of affordable housing in the Northern Beaches
- b) Leading change by example
- c) Embedding affordable housing in Council’s strategies, plans and policies
- d) Partnering with State Government, other local councils, stakeholders and community housing providers to deliver affordable rental housing
- e) Advocating for change to support affordable housing in the Northern Beaches.

The draft Policy also contains the following proposed policy statements:

- a) Council is committed to an affordable rental housing target of 10% of all new floor space (subject to feasibility) in the Ingleside and Northern Beaches Hospital (Frenchs Forest) precincts and all ‘spot’ rezonings (planning proposals) in the Northern Beaches.
- b) Targets for the provision of affordable rental housing in other parts of the Council area will be established through feasibility analysis as part of Council’s new local housing strategy
- c) Mechanisms to deliver more affordable market-based or private housing will be investigated as part of Council’s new local housing strategy.
- d) Council will enter into a relationship with a Tier 1 community housing provider to manage and deliver affordable rental housing in the Northern Beaches.
- e) Council will undertake an expression of interest for a Tier 1 community housing provider every five years.
- f) Council’s preference is to transfer title of affordable rental housing delivered to Council to a Tier 1 community housing provider.
- g) Council will give priority to key worker occupations as tenants of affordable rental housing in the Northern Beaches.

The draft Policy will regulate and direct actions of Council in all affordable housing matters. The draft Policy will be implemented by the draft Action Plan (Attachment 4).

Draft Action Plan

The draft Action Plan proposes 23 actions which Council can undertake in the short, medium and long term. The actions link to the principles in the draft Policy.

The key short term recommended actions are:

- **A1** Advocate for the inclusion of the Northern Beaches Hospital (Frenchs Forest) precinct in State Environmental Planning Policy No. 70 (SEPP 70) to mandate Council's affordable rental housing target of 10% of all new floor space (subject to feasibility).
- **A2** Lobby the NSW government to ensure that the Ingleside precinct incorporates affordable rental housing as a committed item applicable under a special infrastructure contribution (SIC) levy at a rate of 10% of all new floor space (subject to feasibility).
- **A5** Actively consider the appropriateness and feasibility of providing affordable rental housing on Council-owned land prior to planning for development, redevelopment, lease or sale of that land.
- **A7** Waive section 94A development contributions for that part of any development proposal comprising affordable rental housing.
- **A8** Recognise that affordable rental housing is essential social and economic infrastructure for the Northern Beaches in Council's land-use planning strategies, plans and policies.
- **A9** Incorporate affordable rental housing targets in Council's land-use planning strategies, plans and policies.
- **A12** Develop relationships with State Government departments, the Greater Sydney Commission and other local councils to understand wider affordable housing needs and opportunities.
- **A13** Develop and undertake a tender process for a preferred Tier 1 community housing provider to manage and deliver affordable rental housing in the Northern Beaches.
- **A15** Develop a management agreement with a community housing provider for affordable rental housing delivered to Council through land re-zoning or development consent.
- **A18** Promote the benefits of, and need for, affordable housing in the Northern Beaches.

In developing these actions, Council identified four issues requiring further explanation to support inclusion in the draft Policy.

Setting an affordable rental housing target

As noted by the NSW Federation of Housing Associations, targets are of tremendous practical and symbolic significance in focusing attention on achieving desired outcomes. In the context of affordable housing, setting targets has a two-fold benefit. First, targets can place a self-regulating pressure to articulate and deliver Council's affordable housing objectives and provide a level of accountability for such articulation and delivery. Secondly, the publication of targets indicates to private industry a Council's commitment to affordable housing, allowing developers and CHPs to plan future projects with more certainty and confidence.

It is proposed to adopt a 10% affordable rental housing target for the Ingleside and Frenchs Forest precincts and 'spot' rezoning proposals, subject to feasibility, and to establish affordable rental housing targets for other parts of the Northern Beaches. This will be undertaken in conjunction with

Council's new local housing strategy to be prepared following the adoption of the North District Plan.

Making any target subject to feasibility analysis is a requirement of the Greater Sydney Commission (GSC) and the Department of Planning and Environment. The GSC is developing a clear methodology to assist Councils in that process in the future. Feasibility analysis has formed an integral part of the Ingleside precinct project to date, and Council has recently commenced a feasibility analysis for affordable housing in the Frenchs Forest precinct.

Whether management of affordable rental housing should be by Council or a CHP

Councils have not traditionally been involved in the direct provision or ongoing management of affordable rental housing in NSW. Those councils that have a history of involvement e.g. Waverley Council, manage housing that has been delivered to Council either through a dedicated housing officer or, more recently through a management agreement with a CHP, with rents covering costs for the care and management for these properties.

Given Council's lack of expertise in managing affordable rental housing and that CHPs are now subject to national registration requirements; it is recommended that management of affordable housing delivered to Council should be via an agreement with a CHP.

A panel of CHPs versus a single CHP

The type of relationship between Council and a CHP(s) will be impacted upon by Council's decision whether it wishes to maintain ownership of affordable housing delivered to Council or transfer title to a CHP. In either case however, Council must decide whether that relationship should be with a single CHP or a panel/ multiple CHPs.

Concerns have been raised with the creation of a monopoly if a single CHP was selected to either manage or take ownership of affordable rental housing delivered to Council. However, there are also benefits in engaging with a single CHP. A single CHP can allow Council to prioritise contract management over relationship management. This can also allow the CHP to provide a higher level of service to Council, based on the number of affordable housing units being managed. The City of Sydney Council, City of Canada Bay Council, Ryde Council, and Willoughby City Council already have, or in the process of establishing, an agreement with a single CHP. We are not aware of any Council establishing a panel type arrangement.

Given the above observations, and noting the limited quantum of affordable housing units likely to be delivered in the Northern Beaches in the next 10-20 years (approximately 500 dwellings), it is recommended that Council undertake a tender for the provision of affordable housing services by a single CHP. The period of an agreement with the CHP is proposed to be 5 years, consistent with management agreements entered into by some other local government areas.

Whether to transfer title of affordable rental housing to a CHP

The current provisions of the *Local Government Act 1993* impede the direct transfer of affordable rental housing received by Council to a CHP. Council's draft Action Plan recommends that Council approach the Minister of Planning to address this issue.

Councils may prefer to transfer the title of affordable rental housing directly to a CHP, so that they become the owner and are ultimately responsible for the management and maintenance of the properties. This would also allow CHPs to leverage off the equity held in capital assets to increase and modify their local affordable housing portfolio in response to demand. Maintenance of that property for affordable rental housing in perpetuity would potentially be secured through the CHP's national accreditation requirements and by an appropriate covenant on title.

Only City of Sydney Council currently have arrangements in place to transfer all contributions received for affordable rental housing to a CHP (City West Housing) as a result of the legal

impediments previously identified. Officers of that Council identified the main benefits of that process as being:

- Virtually zero costs to Council resulting from absence of management requirements
- Benefits to the community as the CHP can leverage off ownership to construct more housing

Changing the perceptions and views on affordable rental housing within Council and with the community

Affordable housing is a concept that is often misunderstood. Many in the community don't understand the different forms of affordable housing and the people that require it. Unfortunately media coverage often focuses on individual development e.g. boarding houses, and the various issues of contention from community members, rather than on the benefits of, and need for, affordable housing.

Affordable housing is often associated with undesirable and dysfunctional residents exhibiting antisocial and criminal behaviours. These negative perceptions are outdated and unfair, but cannot be shifted overnight and must be tackled from both the top-down and bottom-up.

Promoting the positive experiences of people living either in or near affordable housing will assist in influencing perceptions. The draft Policy and draft Discussion Paper will assist to heighten the awareness of these issues by the community, councillors and decision-makers.

CONSULTATION

The draft Policy will be placed on public exhibition for a minimum period of 28 days in April 2017. Council will publicise the exhibition through the Manly Daily and on the Your Say Northern Beaches website. A drop-in session will be held for interested community members and further consultation will be held with the Affordable Housing SRG.

TIMING

Following public exhibition, the draft Policy will be reported back to Council for its consideration of submissions and decision in relation to the making of the policy.

FINANCIAL IMPACT

Further investigation will be undertaken as noted in the draft Action Plan, to determine what financial impacts (if any) there will be to Council.

SOCIAL IMPACT

The draft Policy will have a positive social impact by increasing the supply of affordable rental housing in the community for very low, low to medium income households.

ENVIRONMENTAL IMPACT

The draft Policy will not have any environmental impact. The environmental impacts of any specific affordable housing planning mechanisms will be assessed in conjunction with the development of Council's housing strategy.

ITEM 9.4	SUBMISSION TO THE NSW DEPARTMENT OF PLANNING & ENVIRONMENT ON DRAFT CHANGES TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING
TRIM FILE REF	2017/056698
ATTACHMENTS	1 Submission - EP&A Amendment Bill 2017 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek approval for a submission to the NSW Department of Planning and Environment (the Department) regarding draft changes to the Environmental Planning and Assessment Act 1979 (EP&A Act).

SUMMARY

Council has prepared a submission in response to draft changes to the EP&A Act by the Department (Attachment 1).

The proposed amendments represent the NSW Government's revised position on planning reform, following its decision not to proceed with the reforms set out in the Planning Bill 2013 and the 'White Paper: A New Planning System for NSW'.

The majority of the proposed changes are supported, specifically:

- Enhancing community participation
- Greater focus on strategic land-use planning
- Changes to the development assessment process
- Changes to the state significant development process
- Simplified and consolidated building provisions
- Amending the objects of the EP&A Act
- Improving enforcement.

However, Council also has specific concerns:

- Many of the detailed requirements will be in the Regulations
- The absence of additional funding
- The removal of references to threatened species in the objects of the EP&A Act
- The 14 day mandatory public notification period for all development applications
- Additional administrative burden
- Increasing the power of the Secretary of the Department
- The three month time limit to challenge the validity of a Complying Development Certificate
- Expanding Complying Development Certificates.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council forwards its submission to the NSW Department of Planning and Environment on draft changes to the Environmental Planning and Assessment Act 1979.

REPORT

BACKGROUND

On 10 January 2017, the Department released draft changes to the EP&A Act, known as the Environmental Planning and Assessment Bill 2017 (draft Bill). The EP&A Act is the key legislation governing land use planning and development in NSW. The documents on exhibition include: summary of proposals, Bill guide, draft Bill and stakeholder feedback. The documents are on exhibition for public comment until 31 March 2017.

The proposed amendments represent the NSW Government's revised position on planning reform, following its decision not to proceed with the reforms set out in the Planning Bill 2013 and the 'White Paper: A New Planning System for NSW'.

Council has prepared a submission in response to the draft Bill and associated documentation (Attachment 1).

PROPOSAL

The draft updates build on areas of agreement from the Planning Bill 2013, as well as recent policy, legislative and operational improvements to the NSW planning system, including the establishment of the Greater Sydney Commission, release of regional and draft district plans, and enhancing the electronic planning system (ePlanning).

The proposed amendments can be summarised as follows:

- Enhancing community participation, through mandatory community participation plans and requiring decision-makers to give reasons for their decisions.
- Greater focus on strategic land-use planning, through the introduction of local strategic planning statements to explain planning controls, periodic reviews of local environmental plans and State environmental planning policies, as well as a standardised development control plan format to improve readability.
- Changes to the development assessment process, through increased use of the NSW planning portal, standard requirements for local planning panels to determine local development applications, preventing the misuse of modification of consent applications, improving internal review processes, and new thresholds for regionally significant development which will result in more developments being determined by Council.
- Changes to the state significant development process, through the review of the environmental impact assessment process, review of the Planning Assessment Commission functions, more effective conditions of consent, and removing the transitional controls on Part 3A major development applications.
- Simplified and consolidated building provisions, including provisions on complying development certificates and construction certificates.
- Amending the objects of the EP&A Act, including new provisions relating to design and heritage.
- Improving enforcement, with the introduction of 'enforceable undertakings' which allow Councils to enter into an agreement with a holder of development consent to rectify non-compliance and improve behaviour, failing which Council can efficiently apply to the court to enforce its terms.

The majority of the proposed changes are supported; however Council also has specific concerns regarding the following:

- Many of the detailed requirements will be in Regulations, which are not currently available for public comment.
- The absence of additional funding to assist Councils in implementing the reforms.
- The removal of references to threatened species in the objects of the EP&A Act.
- The 14 day mandatory public notification period for all development applications.
- The additional administrative burden of preparing reasons for decisions on development applications separate from standard council reports and development determination notices.
- The apparent onus on Council to upload development consents and approved plans to the NSW planning portal before making them operational.
- Increasing the power of the Secretary of the Department of Planning & Environment to give advice, concurrence, or approval on behalf of another state agency if there are delays or conflicts in providing advice to Council on planning functions.
- The three month time limit to challenge the validity of a Complying Development Certificate.
- Allowing deferred commencement conditions, special infrastructure contributions and voluntary planning agreements in conjunction with Complying Development Certificates.
- Allowing persons other than accredited certifiers to issue compliance certificates for aspects of building work.

CONSULTATION

The public exhibition period was 10 January to 10 March 2017. In response to requests from Council and other stakeholders, the submission deadline was extended to 31 March 2017.

Council notified the Northern Beaches community by placing a notification on its online community engagement hub (yoursay.northernbeaches.nsw.gov.au), emailing community members registered for updates on open projects, emailing members of Council's strategic reference groups, and briefing Council's implementation advisory group. The Department have also undertaken their own engagement by placing a notification on their website and associated media coverage.

FINANCIAL IMPACT

Additional staff resources and funding would be required to deliver a number of the proposed changes in the draft Bill, such as local planning panels, reporting obligations, administration and the NSW planning portal. No additional funding is proposed to assist Council in implementing the reforms, apart from a proposed compliance levy for complying development certificates. This matter has been raised in Council's submission.

SOCIAL IMPACT

The proposed amendments relating to community participation statements and the operation of local planning panels will potentially have positive social impacts. These comments have been included in Council's submission.

ENVIRONMENTAL IMPACT

Many of the proposed changes should assist Councils to protect the environment however specific concerns are raised regarding proposed amendments to the Objects of the EP&A Act which remove references to threatened species and ecologically endangered communities and their habitats. The proposed new powers for the Secretary of the Department to "step into the shoes" of another state government agency where there are conflicts or delays in the provision of advice or

concurrence on planning applications may also potentially result in negative environmental impacts. These matters have been raised in the submission.

ITEM 9.5	SUBMISSION TO THE GREATER SYDNEY COMMISSION IN RESPONSE TO THE DRAFT NORTH DISTRICT PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING
TRIM FILE REF	2017/069667
ATTACHMENTS	<p>1 Map of the North District (Included In Attachments Booklet)</p> <p>2 Council Submission on the Draft North District Plan, November 2016 (Included In Attachments Booklet)</p>

EXECUTIVE SUMMARY

PURPOSE

To seek endorsement of Council's submission to the draft North District Plan prior to being forwarded to the Greater Sydney Commission.

SUMMARY

The Greater Sydney Commission released the draft North District Plan (the draft Plan) in November 2016 for exhibition purposes. Council officers, from across the organisation, have worked collaboratively to review and prepare a submission in response to the draft Plan, with specific reference to the proposed strategies and actions.

Generally the draft Plan provides a balanced 20 year framework to deliver the essential housing stock and job requirements within the context of protecting the Districts significant natural environment and resources and delivering the essential infrastructure fundamental to great places. However Council officers during the review have identified a number of issues that require further explanation and/or consideration on behalf of the Greater Sydney Commission. The issues have been tabled in Councils submission, which is contained in Attachment 2 of this report and include;

- The Centres hierarchy for Northern Beaches Local Government Area (LGA) differs from those established by the Plan for Growing Sydney. The new hierarchy indicates Dee Why – Brookvale as a District Centre and classifies the Northern Beaches Hospital Precinct as a Strategic Centre.
- The structure and format of the draft Plan could be improved with clear integration whereby the identified goals, priorities and actions are aligned.
- There is a need to identify Council as a 'lead agency' or 'partner' who will contribute to and deliver the implementation of relevant actions.
- The Northern Beaches LGA should be a focus for future infrastructure investment in addition to the two (2) projects identified being the Northern Beaches Hospital Precinct and the B-Line.
- Infrastructure requirements to support future growth and the recognition of current infrastructure deficits are critical issues to address. There are also concerns with the capability of existing funding mechanisms, such as section 94 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to capture sufficient revenue within appropriate timeframes to address the issue.
- The draft Plan could be improved with more details and strength around assessing 'strategic merit' for planning proposals.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council endorse the submission on the draft North District Plan, and forward to the Greater Sydney Commission.

REPORT

BACKGROUND

The Greater Sydney Commission, under the Greater Sydney Commission Act 2015, was charged with the responsibility to develop District Plans for all Districts declared in the Greater Sydney Region. The District Plans are required to be consistent with the government's Metropolitan Plan *A Plan for Growing Sydney* and other requirements as specified. The draft District Plans prepared by the Greater Sydney Commission have established three (3) metropolitan planning priorities, being Productive, Liveable and Sustainable. The three (3) priorities give effect to the four (4) goals outlined in *A Plan for Growing Sydney*, being:

- Goal 1: A competitive economy with world-class services and transport
- Goal 2: A city of housing choice, with homes that meet our needs and lifestyles
- Goal 3: A great place to live with communities that are strong, healthy and well connected
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

In November 2016, the Greater Sydney Commission released for exhibition purposes the draft Plan and a draft amendment to update *A Plan for Growing Sydney*. The documents are on exhibition until March 2017.

The North District consists of nine (9) Local Government Areas as shown in Attachment number 1, being:

- Northern Beaches
- Hornsby
- Hunter's Hill
- Ku-ring-gai
- Lane Cove
- Mosman
- Ryde
- Willoughby
- North Sydney

Draft North District Plan

The draft Plan represents a 20 year vision for the North District in which a range of specific priorities and actions are identified and allocated to lead and partners agencies for action. District planning for Greater Sydney will directly inform local council planning and influence the decisions of state government agencies. In essence the draft Plan bridges the gap that connects local planning at an LGA level to the longer-term metropolitan planning undertaken for Greater Sydney.

The draft Plan is centred on three (3) focus areas, being productivity, liveability and sustainability, with each focus area covered in individual chapters. Due to the dynamic nature of cities, and Sydney in particular, the elements covered in the chapters are interrelated with overlapping components that cannot be considered or addressed in isolation, thus requiring an integrated approach.

Some of the key components of the draft Plan relevant to Council include:

- Setting a 5 year housing supply target of 3,400 new dwellings.
- An Affordable Rental Housing Target for new urban renewal or greenfield areas. Target represent 5% to 10% of new floor space will be applied at the rezoning stage of proposals.
- A 20 year residential dwelling target to be informed by a Local Housing Strategy. Strategies are led by local government in partnership with State Government and Greater Sydney Commission.
- Setting employment targets for specific centres within the LGA as follows:

Centre	2036 Baseline Target
Northern Beaches Hospital and surrounding industrial area	12,000
Brookvale – Dee Why	23,000
Manly	6,000
Mona Vale	5,000

Council officers have identified a number of matters that require further attention with the draft Plan, including:

- The Centres hierarchy for Northern Beaches Local Government Area (LGA), differs from those established by the Plan for Growing Sydney and previous strategic planning documents. The new hierarchy indicates Dee Why – Brookvale as a District Centre and classifies the Northern Beaches Hospital Precinct as a Strategic Centre.
- The structure and format of the draft Plan could be improved with clear integration whereby the identified goals, priorities and actions are aligned.
- There is a need to identify Council as a ‘lead agency’ or ‘partner’ that will contribute to and deliver the implementation of relevant actions.
- The Northern Beaches LGA should be a focus for future infrastructure investment in addition to the two (2) projects identified being the Northern Beaches Hospital Precinct and the B-Line.
- Infrastructure requirements to support future growth and the recognition of current infrastructure deficits are critical issues to address. There are also concerns with the capability of existing funding mechanisms, such as section 94 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to capture sufficient revenue within appropriate timeframes to address the issue.
- The draft Plan could be improved with more details and strength around assessing ‘strategic merit’ for planning proposals.

CONSULTATION

The public exhibition of the draft Plan and draft amendment to update *A Plan for Growing Sydney* was commenced and led by the Greater Sydney Commission in November 2016 and is scheduled to end on 31 March 2017.

The Greater Sydney Commission has a dedicated engagement portal, www.greater.sydney to encourage public involvement during the formal exhibition period. Furthermore a range of engagement activities have been held throughout the North District aimed at generating public awareness and increasing participation in the review of the draft Plan.

Whilst Council has not been leading the community engagement on the draft Plan, there have been significant opportunities for consultation including a series of Technical Working Groups that included stakeholders from Councils, Government agencies and the Greater Sydney Commission. It is noted that there has been a strong commitment from the District Commissioner to engage with the views of the technical experts within local government. Not all positions taken by the District Plan are agreed by staff, however this exhibition provides another opportunity to influence the content of the plan. It is also noted that the content of public submissions has not be reviewed by Council staff, rather this task is being undertaken by the Greater Sydney Commission.

TIMING

The Greater Sydney Commission has indicated that the draft District Plan will not be finalised until at least the end of 2017 to allow the draft Plan to be aligned with the review of *A Plan for Growing Sydney*.

While the draft Plan will not be finalised until late 2017, the draft District Plan is relevant and will guide the preparation of planning proposals under Part 3 of the *Environmental Planning & Assessment Act 1979* (the Act) and the Department of Planning and Environment's *Guide to Preparing Planning Proposals* (2016) which requires assessment against consistency with strategic plans, including the draft District Plan.

FINANCIAL IMPACT

Upon finalisation of the draft Plan Council will be required to implement relevant priorities and actions applicable to the local government area. Actions, such as the requirement to review and amend local environmental plans, preparation of a local housing strategy to deliver 20-year strategic housing supply targets and implementation of affordable rental housing targets, will have direct resourcing and financial implications outside the scope of Council's Community Strategic Plan and existing budget.

SOCIAL IMPACT

The strategies and actions outlined in the draft Plan are wide ranging with a strong focus on managing Sydney's expected population growth over the next 20 years. In order to cater for the expected population growth the provision of additional housing stock, greater housing choice and diversity associated with improved transport infrastructure and networks are required. Ultimately Northern Beaches Council will be required to take a proportion of the population growth and will need to work closely with local communities to develop local housing strategies to identify opportunities for housing growth, including but not limited to increased residential density.

ENVIRONMENTAL IMPACT

The draft Plan has a dedicated focus on sustainability, with a Chapter committed to this topic which outlines priorities and actions required to safeguard and protect the natural environment and balance the use of land and resources.

ITEM 9.6	PLANNING PROPOSAL (PP0005/16) 6 JACKSONS ROAD AND 10 & 12 BOONDAH ROAD, WARRIEWOOD
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING
TRIM FILE REF	2017/069661
ATTACHMENTS	<ol style="list-style-type: none"> 1 📄 Summary of Submissions - Planning Proposal (PP0005/16) 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood (Included In Attachments Booklet) 2 📄 Probity Report (Procure Group) (Included In Attachments Booklet) 3 📄 Comments Received From State Agencies (Included In Attachments Booklet) 4 📄 Internal Referral Comments (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report to Council the assessment of a Planning Proposal lodged for 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood (properties located within the area known as the Southern Buffer).

SUMMARY

Northern Beaches Council received a Planning Proposal for 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood that sought to amend the Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014) to permit a 3-4 storey residential flat building with 25-30 dwellings and a 2 storey bulky goods retail centre of 16,000-17,000 gross floor area (GFA). The Masterplan includes a boardwalk link to Warriewood Wetlands and a possible future plaza.

An assessment in accordance with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016) was undertaken, and has concluded that the proposal does not provide sufficient merit to be progressed to a Gateway determination.

The proposed development fails on a number of grounds including (but not limited to) environmental impact, flooding, consistency with Council's adopted Strategic Planning framework and meeting State Government Local Planning Directions.

It is not recommended to progress the subject Planning Proposal to the Gateway for a determination.

RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council do not progress the Planning Proposal lodged for 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood to the Gateway for a determination for the following reasons:

- A. It is inconsistent with the relevant strategic study being the *Warriewood Valley Strategic Review Addendum Report* (2014), adopted by the former Pittwater Council on 17 November 2014 and subsequently incorporated into the the *Pittwater Local Environmental Plan 2014*.
 - B. Strategic merit or site-specific merit in line with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016) has not been
-

demonstrated.

- C. It is inconsistent with Local Planning Directions:
- i. 1.2 Rural Zones
 - ii. 2.1 Environment Protection Zones
 - iii. 4.1 Acid Sulphate Soils
 - iv. 4.3 Flood Prone Land
 - v. 4.4 Planning For Bushfire Protection
 - vi. 7.1 Implementation of the Metropolitan Strategy
- D. The proposed off-site flood storage solution on an area proposed to be zoned for public recreation is unacceptable to Council as any proposed development should provide this capacity on private land.
- E. The proposed development envisaged by the Planning Proposal is considered excessive in in bulk and scale and out of character with the locality, delivers poor urban design outcomes and would result in inadequate landscaping and setbacks.
- F. The information submitted to support the Planning Proposal is substantially deficient in the following areas to allow for an informed assessment of the Planning Proposal:
- a. Traffic matters raised by Council officers and the Roads & Maritime Services.
 - b. A flood emergency response strategy.
 - c. An Aboriginal cultural heritage assessment.
 - d. An Acid Sulphate Soil assessment.
 - e. An assessment of flow and water management at the site and its potential impact on the groundwater dependent ecosystem (Warriewood Wetlands).
 - f. Information demonstrating how soil stability, erosion, sediment, landslip assessment, and subsidence can be managed.
 - g. Information demonstrating how the desired development outcomes and building footprints can be achieved while complying with Council's *Warriewood Valley Urban Release Area Water Management Specifications* (2001).
 - h. Information documenting how the increases in hazards due to sea level rise (climate change) is accounted for.
 - i. Information demonstrating compliance with Local Planning Direction 4.3 Flood Prone Land.
 - j. Information to determine whether the finished floor levels for both the residential and retail developments are at or above the Flood Planning Level with Climate change (4.28m AHD).
 - k. Information demonstrating compliance with the draft Coastal Management SEPP.
 - l. Information assessing the appropriateness of future permissible development as Special Fire Protection Purpose developments, as listed in Section 100B (6) of the *Rural Fires Act 1997* in the proposed B2 zone.
 - m. A Land Contamination Report in order to consider whether the land is contaminated and, if so, whether Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used.
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REPORT

BACKGROUND***Warriewood Valley Planning Framework (2010)***

In 2010, the Warriewood Valley Planning Framework superseded the original planning strategies being the Warriewood Valley Urban Land Release Planning Framework 1997 and the Draft STP Buffer Sector Planning Framework 2001. The 2001 Planning Framework identified the development capability of the subject lands as “Class 3 medium development capability”.

During the development of the Warriewood Valley Planning Framework (2010), concerns were raised in relation to the development capability of land in the Southern Buffer (which includes 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood), including the identification of flood and environmental constraints on parts of the land.

The *Warriewood Valley Planning Framework (2010)* also identified the need for approximately 1 additional hectare of active open space area to be provided based on the increase in residential population in Warriewood Valley. Although part of the quota for the playing fields was accounted for by co-utilising existing sports fields in nearby schools, the requirement of additional sports fields was notionally shown in the Southern Buffer area.

No change was made to the Southern Buffer area, partly in recognition that this area would be subject to a strategic review by the Department of Planning and Environment with Council in the near future. It was therefore considered more appropriate to highlight the boundary of the Southern Buffer area and identify the land that would be subject to the future review process.

Pittwater Local Planning Strategy (2011)

On 15 August 2011, Council adopted the *Pittwater Local Planning Strategy* which establishes the planning direction for the former Pittwater Local Government Area into the future.

The *Pittwater Local Planning Strategy* identifies the Southern Buffer as a potential location for an expansion of Warriewood Square into a larger retail and town center. Enabling a mix of commercial and retail developments, and possibly residential development is identified as one possible strategy to achieving the forecasted need for retail floor space.

The Pittwater Local Planning Strategy recommends:

‘Investigate the Southern Buffer for potential retail/commercial/civic/residential development;’

Warriewood Valley Strategic Review Report (2012)

The former Pittwater Council and the then Department of Planning & Infrastructure jointly prepared the *Warriewood Valley Strategic Review Report (2012)* following a determination of the (former) Planning Assessment Commission (PAC) in relation to 14-18 Boondah Road, Warriewood. The PAC report called for “a comprehensive strategic study for all undeveloped land in the (Warriewood) Valley”.

The *Warriewood Valley Strategic Review Report (2012)* was endorsed by the former Director General on 26 May 2013 and adopted by the former Pittwater Council on 12 June 2013. The Draft Warriewood Valley Strategic Review Report identified a concept plan for the Southern Buffer, which proposed a potential development scenario for the development of the area as a whole. While there may have been benefits to creating an active mixed-use commercial and community hub in this area, the exhibition of the Draft Warriewood Valley Strategic Review Report highlighted significant environmental constraints and divergent expectations of landowners and has not provided any acceptable land use prescription.

The *Warriewood Valley Strategic Review Report (2012)* stated that should an alternative land use concept plan wish to be pursued, landowners could do so through a stand-alone rezoning application that addresses, but is not limited to, the environmental constraints highlighted by the exhibited *Draft Warriewood Valley Strategic Review Report* and associated consultant studies for all or part of the Southern Buffer.

Previous Planning Proposal (PP0007/13)

A Planning Proposal was lodged in 2013 for the privately owned lands in the Southern Buffer, namely 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood. The proposal envisaged a large mixed-use development comprising retail, commercial and residential uses. Don Fox Planning were commissioned by Council to undertake an assessment of the Planning Proposal.

On 17 March 2014, the former Pittwater Council resolved not to support the Planning Proposal for the following reasons:

1. That Council note the contents of Don Fox Planning's Assessment of Planning Proposal PP0007/13 for 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood.
2. That the Planning Proposal PP0007/13 not be supported for referral to NSW Planning & Infrastructure for Gateway determination based on the reasons provided by Don Fox Planning as outlined below:
 - a. It does not meet the strategic objectives of the Draft North East Subregional Plan, SHOROC Employment Lands Study, Pittwater Local Planning Strategy and Warriewood Valley Strategic Review Report through the expansion of Warriewood Square shopping centre to provide a new town centre;
 - b. It will result in unacceptable adverse outcomes for public open space and recreation areas within the Southern Buffer;
 - c. It is inconsistent with Section 117 Direction 4.3 Flood Prone Land;
 - d. The approach to managing flooding constraints to justify an urban zone on flood prone land is not supported;
 - e. It fails to retain and protect high value biodiversity land (including EECs) and provides insufficient justification for their removal or consideration of ecological recommendations;
 - f. It is unable to achieve connectivity between the Site and adjoining commercial areas (including relocated Boondah Road and Vuko Place connection) on the basis of unacceptable ecological and traffic impacts;
 - g. It does not address potential negative economic impacts upon surrounding retail centres, or address the potential oversupply of commercial floor space;
 - h. The urban design outcomes of the Masterplan are not supported; and
 - i. It does not adequately represent the interests of all affected land owners.
3. That any future Planning Proposal for land within the Southern Buffer should incorporate all of the land within the Southern Buffer and also incorporate the Warriewood Square shopping centre site.
4. That based on the outcomes of the assessment of this Planning Proposal, the

recommendations of Don Fox Planning be considered in the future update to the Pittwater Local Planning Strategy and the future review of the Warriewood Valley Planning Framework 2010.

The proponent requested a Pre-Gateway Review from the Department of Planning & Environment and the matter was referred to the Joint Regional Planning Panel (JRPP). On 17 February 2015, the JRPP provided its advice and justification to the Minister for Planning. The JRPP recommended:

The Panel has considered the Department of Planning and Environment's briefing note, as well as the views of the Council and of the proponent. The reasons for the Panel's decision not to recommend that the proposal proceed to Gateway Determination are as follows:

1. The Panel acknowledges that the Warriewood Valley Strategic Review Report 2013 suggests that individual landowners in the Southern Buffer may pursue their own planning proposals. However, the proposal is inconsistent with the Warriewood Valley Strategic Review Addendum Report 2014. This is a recent report prepared by the Council and based on community input. The general intention of the Addendum Report for most of this land is to be used for recreation.
2. The scale of the residential component of the proposal is twice that of nearby development and would be out of context with any other development in the Warriewood Valley.
3. The site is flood-prone land. The proposal is inconsistent with s117 Direction 4.3 in that it may have impact on other properties. The Panel notes that the proponent acknowledges that, should the proposal proceed to Gateway, further work on flooding would be required. If this were the only problematic aspect of the proposal, the Panel would merely defer consideration pending completion of further flooding studies.
4. The Panel notes that there are Endangered Ecological Communities on the land. While the proponent suggests that these communities could be replanted/relocated elsewhere, there is no firm proposal, approved by the landowner of the land, for such compensatory relocation or replanting.
5. The future population of Warriewood Valley requires additional Open Space. The majority of the site (excluding 6 Jackson Road) has been identified for future active open space in the draft Warriewood Valley Section 94 Contribution Plan. The Panel notes that the population foreseen by this proposal (about 1,000 persons) alone generates a need for about 2.8 ha of Open Space.
6. The amount of retail area proposed is excessive. The proposed connection to the existing Warriewood Centre is unsatisfactory. The impact on the expanded Warriewood Centre of -18%, suggested by the applicant, is significant. The impact on Mona Vale Centre has not been calculated.

Pittwater Public Space and Recreation Strategy (2014)

The *Pittwater Public Space and Recreation Strategy (2014)* was adopted by Council on 14 October 2014 and provides the direction for maintaining and developing public space, sport and recreation facilities and activities across the (former) Pittwater Local Government Area for a 10 year period.

In relation to New Urban Release Areas the *Pittwater Public Space and Recreation Strategy (2014)* recommends:

- Retain this standard of 2.83 hectares of open space provision per 1,000 population for Warriewood Valley. Ensure the open space provision comprises large and small parks, public recreation areas including multifunctional creekline corridors, pedestrian and cycleway paths, playgrounds and sports fields.

- Focus on the purchase of large areas of land suitable for sportsground precincts using section 94 funds from developer contributions. In the event that Council is unable to purchase additional land due to the unavailability of suitable land or insufficient funds to purchase and embellish, there are a number of options available:
 1. Purchase the required land but delay embellishment until funds become available through other funding opportunities (at least the land is then available for some future public use); or
 2. Embellish existing open space (including newly acquired land which may only partially meet the plan requirements) to a higher standard. This would increase the number of available hours by replacing a turf playing surface with a synthetic surface, thereby allowing seven days per week usage regardless of weather conditions. This significantly increases the number of users for the playing fields.

Warriewood Valley Strategic Review Addendum Report (2014)

The *Warriewood Valley Strategic Review Addendum Report (2014)* was adopted by the former Pittwater Council on 17 November 2014.

The purpose of the *Warriewood Valley Strategic Review Addendum Report (2014)* was to identify and recommend a forward path for the remaining sectors that, as a result of significant environmental constraints, or existing development or not identified to be 'residential' land use designation, were not considered by the *Warriewood Valley Strategic Review (2013)* or identified with a forward path.

The *Warriewood Valley Strategic Review Addendum Report (2014)* recommended 3, 6, 8, 10, and 12 Boondah Road, Warriewood to have a 'Recreation' land use designation for the following reasons:

- The planning of the Release Area was premised on infrastructure and services being provided for the incoming residents, delivered as development occurs in the Release Area and that the broader Pittwater community will not fund the additional infrastructure and services required by the Release Area development.
- Council in considering the 2012 Strategic Review report identified that, as a result of increased development, additional active open space lands of approximately 4.6 hectares are still to be purchased for recreational uses. In adopting the 2012 Strategic Review, Council agreed to review among other documents, the Warriewood Valley Section 94 Contributions Plan to respond to the new development outcomes envisaged by that report.
- Council's recently completed review of the Pittwater Public Space and Recreation Strategy reaffirmed the philosophy articulated in the planning of the Release Area. It documented that release areas (Warriewood Valley and Ingleside) identify and purchase recreation areas to meet the demands of incoming populations. The Strategy recommends that:

"The ratio of 2.83 hectares per 1000 population has been applied to determine the provision of open space in the Warriewood Valley land release area. With an estimated incoming population of 6,777 people this equates to 19.1 hectares. Purchases to date include:

- 6.1 hectares of active open space;
- 3.99 hectares of passive open space; and
- 3.12 hectares of linear open space (30% of creek line corridors).

It is intended that the remaining balance of 6.32 hectares comprises of 1.69 hectares of linear open space and 4.63 hectares of active open space. The 2.83 hectares per 1000 population is an industry standard and it is reasonable that Council determine the best

possible mix of landscape settings to ensure the open space network meets the needs of the incoming population. The active open space component, by definition of its use, will consist of larger areas of flat land suitable for active recreation.”

- The assessment of the Planning Proposal for the privately owned land within the sector, in recognition of the sector’s severe flood affectation, topography, proximity to existing recreational land as well as the current shortage of open space in Warriewood Valley, did not support a mixed use development on these lands. The assessment in so far as it related to suitability of this land for another purpose, concluded:

“The flood prone land within the Southern Buffer may be suitable for public open space and recreation purposes as it is subject to inundation, it adjoins existing public reserves (thus allowing sharing of infrastructure) and has access to valuable bore water irrigation. The topography of alternative areas within Pittwater LGA presents cost, infrastructure and maintenance issues.

Availability of public open space and recreation land areas across Pittwater LGA is limited by a number of factors. The Planning Proposal would result in the removal of strategically significant land from a precinct which presently suffers from an under supply of public open space and recreation land particularly for sports fields and will be subject to a future increase in demand for these areas.”

- Based on total development, approximately 4.6 hectares is required for sports fields (land quantum comprises playing surface, run out areas, curtilage for associated infrastructure and buffer zone to adjoining development.)
- The properties 3, 6, 8, 10 and 12 Boondah Road adjoin each other and have an aggregated site area of approximately 4.71 hectares.

The Warriewood Valley Strategic Review Addendum Report (2014) noted that 6 Jacksons Road, Warriewood contains remnant Coastal Saltmarsh, being an Endangered Ecological Community, and a section of Narrabeen Creek. It is also bushfire prone land and is highly constrained by flooding and biodiversity (foreshore vegetation). Due to these constraints, the Warriewood Valley Strategic Review Addendum Report (2014) recommended 6 Jacksons Road, Warriewood to have a land use designation of ‘No development potential’.

Warriewood Valley Section 94 Contributions Plan (2014)

On 31 January 2017, Council adopted the *Warriewood Valley Section 94 Contributions Plan (Plan No 15, Amendment 16, Revision No 2)*.

The *Warriewood Valley Section 94 Contributions Plan (2014)* identifies a portion of 6 Jacksons Road, Warriewood as land to be acquired for creekline land and both 10 and 12 Boondah Road, Warriewood as land to be purchased for active open space.

Current Planning Proposal (PP0005/16)

On 21 December 2016, Northern Beaches Council accepted a Planning Proposal for 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood that intended to amend the Pittwater LEP 2014. The proposal seeks to rezone land from a Non-urban use to Local Retail Centre and Public Open Space to facilitate the provision of a mixed commercial and residential development and associated car parking.

The following supporting documents were submitted with the Planning Proposal:

- Urban Design Report
- Transport Impact Assessment
- Groundwater Report
- Preliminary Geotechnical Assessment
- Flora & Fauna Assessment
- Flood & Stormwater Management Report
- Economic Impact Assessment
- Bushfire Protection Assessment

The Pre-lodgement Report prepared by Council, dated 14 November 2016, was also submitted with the Planning Proposal.

In a letter dated 31 January 2017, the proponent requested a meeting with Council to discuss the submitted proposal following the amendments undertaken post pre-lodgment. Council met with the proponent on 9 February 2017.

ASSESSMENT OF PLANNING PROPOSAL

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

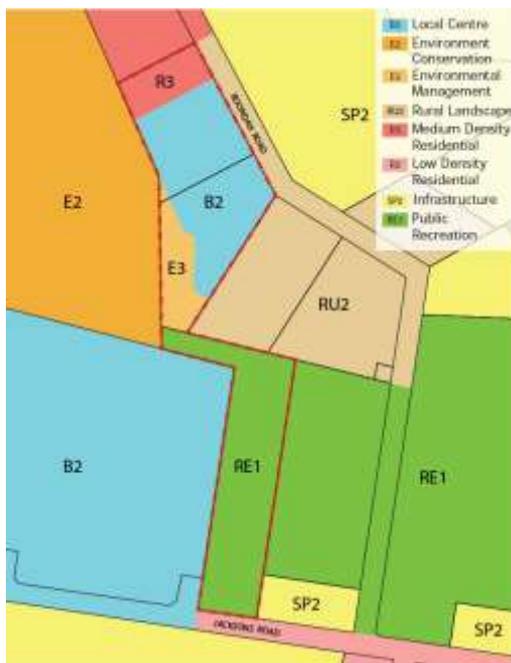
Part 1 Objectives or intended outcomes

To amend the Pittwater LEP 2014 to enable the development of a 3-4 storey residential flat building with 25-30 dwellings and a 2 storey Bulky Goods Retail Centre of 16,000-17,000 gross floor area (GFA). The Masterplan includes a boardwalk link to Warriewood Wetlands and a possible future plaza.

Part 2 Explanation of provisions

The Planning Proposal seeks to:

Amend the land zoning map to show the subject land as part R3 Medium Density Residential, part B2 Local Centre, part RE1 Public Recreation and part E3 Environmental Management;
(map 1 below)



Amend the Height of Buildings Map to impose heights ranging from 14.5m to 16m over the site;
(Map 2 below)



Amend the FSR Map to apply an FSR of 1.2:1 to the B2 Local Centre zone; (Map 3 below) and



Add a dwelling yield range to Clause 6.1(3) of the Pittwater LEP 2014 for the land of between 25-30 dwellings.

Council response

1. Proposed zoning under PLEP 2014.

Council disagrees with the proponent’s approach for the following reasons:

- The B2 Local Centre and E3 Environmental Management zones allow for a broader range of uses that are potentially incompatible with the proposed development and existing environmental conditions of the land, eg. Shop-top housing and dwelling houses in those respective zones. The applicant’s Planning Proposal is not seeking permission for any dwellings to be located on any portion of the land outside of the proposed R3 Medium Density zone. If dwellings are permitted in the B2 and E3 zones the unintended consequence may result in additional unplanned dwellings at an inappropriate location, and where infrastructure and services commensurate with the population demand of the release area cannot be matched.
- The proposal to rezone 6 Jacksons Road to Re1 Public Recreation zone is inconsistent with the existing physical attributes of this land. 6 Jackson Road contains remnant Coastal Saltmarsh, being an Endangered Ecological Community, and a section of Narrabeen Creek. It is also bushfire prone land and is highly constrained by flooding and biodiversity (foreshore vegetation). Due to these constraints, the *Warriewood Valley Strategic Review Addendum Report* (2014) recommends this property has a land use designation of ‘No development potential’. The utility of this property for active open space is dubious given its existing constraints which will be exacerbated by the proponent’s use of this land as an off-site flood storage area for their development.
- The R3 Medium Density zone does not allow for ground floor retail space (with the exception of a Neighbourhood Shop which is restricted to having a retail floor area not exceeding 100 square metres (Clause 5.4 of the Pittwater LEP 2014)). The Urban Design Report submitted with the Planning Proposal appears to be inconsistent with this.

3. Proposed Floor Space Ration under PLEP 2014.

Council disagrees with the proponent’s approach for the following reasons:

- Under the Pittwater LEP 2014, Floor Space Ratios only apply to zones IN2 Light Industrial and B7 Business Park.

Part 3 Justification

Section A Need for the Planning Proposal

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

No. The relevant strategic report is the *Warriewood Valley Strategic Review Addendum Report (2014)*, with which the Planning Proposal is inconsistent.

The *Warriewood Valley Strategic Review Addendum Report (2014)* was adopted by the former Pittwater Council on 17 November 2014. The purpose of the *Warriewood Valley Strategic Review Addendum Report (2014)* was to identify and recommend a forward path for the remaining sectors that, as a result of significant environmental constraints, existing development or did not have a residential land use designation, were not considered by the *Warriewood Valley Strategic Review (2012)* or identified with a forward path. The land capability mapping developed for the *Warriewood Valley Strategic Review Report (2012)* as well as updated flood data from the Narrabeen Lagoon Flood Study formed the base information for the *Addendum Report (2014)*.

The *Warriewood Valley Strategic Review Addendum Report (2014)* recommended 10 and 12 Boondah Road, Warriewood to have a ‘Recreation’ land use designation, and 6 Jacksons Road, Warriewood to have a land use designation of ‘No development potential’.

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

Yes. The Planning Proposal is the best, and only, means of achieving the objectives or intended outcomes.

Section B Relationship to Strategic Planning Framework

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

The Draft North District Plan (released in November 2016) is the applicable Draft District Plan.

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

<p>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;</p>	<p>A Productive City</p> <p>Yes. The Planning Proposal is consistent with the Draft North District Plan in terms of:</p> <ul style="list-style-type: none"> • Productivity Priority 1: Protect and support employment and urban services land • Productivity Priority 2: Manage growth and change in strategic and district centers and, as relevant, local centers <p>The Planning Proposal would contribute to job creation. Action P1 of the Draft North District Plan states ‘Develop better understanding of the value and operation of employment and urban services land’ to facilitate the outcome ‘Increase in total jobs’. Nonetheless, Warriewood Valley is not a strategic or</p>
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	<p>district center and therefore does not have a job target range.</p> <p>No. The Planning Proposal is consistent with the Draft North District Plan in terms of:</p> <ul style="list-style-type: none"> • Productivity Priority 3: Prioritise the provision of retail floor space in centers <p>The Planning Proposal will reprioritise retail floor space provision away from the existing centers.</p> <p>A Liveable City</p> <p>No. The Planning Proposal is consistent with the Draft North District Plan in terms of:</p> <ul style="list-style-type: none"> • Liveability Priority 1: Deliver North District’s five-year housing targets <p>The Planning Proposal would contribute to housing supply. Action L3 of the Draft North District Plan states ‘Councils to increase housing capacity across the District’ to facilitate the outcome ‘creation of housing capacity and increase in diversity of housing choice’. The Northern Beaches Local Government Area is expected to ‘monitor and support the delivery of Northern Beaches’ five-year housing target of 3,400 new dwellings’.</p> <p>The five year target of 3,400 new dwellings is based on the LGA’s currently zoned land and dwelling forecast. Council does not require this Planning Proposal to meet this current target.</p> <p>A Sustainable City</p> <p>No. The Planning Proposal does not adequately address the Draft North District Plan in terms of:</p> <ul style="list-style-type: none"> • Sustainability Priority 1: Maintain and improve water quality and waterway health • Sustainability Priority 4: Avoid and minimize impacts on biodiversity • Sustainability Priority 10: Provide for rural residential development while protecting the values of the Metropolitan Rural area. • Sustainability Priority 13: Integrate land use and transport planning to consider emergency evacuation needs. • Sustainability Priority 15: Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk – the subject Planning Proposal does not address this priority. <p>The Planning Proposal would not contribute to open space supply and prevent Council from providing open space in accordance with its strategic planning framework. Action S4 of the Draft North District Plan states ‘Develop supporting tools and</p>
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	<p>methodologies for local open space planning’ to facilitate the outcome ‘improved utilization of open space and increased provision of open space’.</p>
<p>Consistent with a relevant local council strategy that has been endorsed by the Department;</p>	<p>No. The relevant strategic study is the <i>Warriewood Valley Strategic Review Addendum Report (2014)</i>, with which the Planning Proposal is inconsistent.</p> <p>The <i>Warriewood Valley Strategic Review Addendum Report (2014)</i> was adopted by the former Pittwater Council on 12 June 2013. The purpose of the <i>Warriewood Valley Strategic Review Addendum Report (2014)</i> was to identify and recommend a forward path for the remaining sectors that, as a result of significant environmental constraints, existing development or did not have a residential land use designation, were not considered by the <i>Warriewood Valley Strategic Review (2012)</i> or identified with a forward path.</p> <p>The <i>Warriewood Valley Strategic Review Addendum Report (2014)</i> recommended 10 and 12 Boondah Road, Warriewood to have a ‘Recreation’ land use designation, and 6 Jacksons Road, Warriewood to have a land use designation of ‘No development potential’.</p> <p>In relation to the previous Planning Proposal on the subject sites, the Joint Regional Planning Panel provided its advice and justification to the Minister for Planning on 17 February 2015. The JRPP recommended:</p> <p><i>The Panel acknowledges that the Warriewood Valley Strategic Review Report 2013 suggests that individual landowners in the Southern Buffer may pursue their own planning proposals. However, the proposal is inconsistent with the Warriewood Valley Strategic Review Addendum Report 2014. This is a recent report prepared by the Council and based on community input. The general intention of the Addendum Report for most of this land is to be used for recreation.</i></p> <p>The first objective of Clause 6.1 (Warriewood Valley Release Area) in the Pittwater LEP 2014, which was gazetted by the Minister for Planning, gives effect to both the <i>Warriewood Valley Strategic Review Report (2013)</i> and the <i>Warriewood Valley Strategic Review Addendum Report (2014)</i>:</p> <p><i>The objectives of this clause are as follows:</i></p> <p><i>to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and the Warriewood Valley Strategic Review Addendum Report,...</i></p>
<p>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</p>	<p>The Planning Proposal submitted does not address this assessment criterion.</p> <p>The Planning Proposal does not respond to a change in circumstances.</p>

b) Does the proposal have site-specific merit, having regard to the following:

<p>The natural environment (including known significant environmental values, resources or hazards),</p>	<p>The submitted Planning Proposal either does not have natural environment merit or there is insufficient documentation to conclude such merit.</p> <p>The following areas are of concern:</p> <ul style="list-style-type: none"> • Bushfire • Acid Sulfate Soils • Flora and fauna • Soil stability, erosion, sediment, landslip assessment and subsidence • Water quality • Stormwater management • Flooding • Sea level rise • Infrastructure servicing • Coastal management
<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</p>	<p>While the site borders on R3 Medium Density Residential to the north and Warriewood Square (a stand-alone shopping centre zoned B2 Local Centre) to the south west, the Planning Proposal is not consistent with the recreational open space and residential character of the surrounding area.</p> <p>The intended outcome of the Planning Proposal is inconsistent with the likely future use for 10 and 12 Boondah Road, Warriewood which, in accordance with Council's planning framework, is intended for playing fields (RE1 Public Recreation), and therefore does not have merit.</p> <p>The Planning Proposal proposes to use 6 Jacksons Road, Warriewood as an off-site flood storage area for its development, regardless that it proposes to have this land rezoned RE1 Public Recreation and potentially off-set additional community infrastructure against the value of 6 Jackson Road. The proposition that 6 Jackson Road has utility as active open space is dubious and not supported.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>The Planning Proposal will increase the demand for public infrastructure and services and would require additional open space.</p> <p>The Planning Proposal will not only increase the demand for open space, but will reduce the opportunities for additional required active open space to be provided within the release area.</p> <p>If the Planning Proposal were to progress there is a clear deficit in provision of active open space to accommodate the needs of</p>

	<p>residents in the release area. The Planning Proposal has not provided alternate locations adjacent to/within Warriewood Valley that is not already utilised for active open space.</p> <p>The addendum traffic study should be undertaken that includes, inter alia, the identification of a funding and delivery mechanism that outlines a proposed package of infrastructure upgrade works to support the proposed rezoning.</p>
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4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

No. The *Pittwater Local Planning Strategy* (July 2011), is the local strategy relevant to the former Pittwater Local Government Area. Whilst the *Pittwater Local Planning Strategy* recommends investigating the Southern Buffer for potential retail/commercial/civic/residential development, it relies on the application of the *Warriewood Valley Planning Framework 2010*.

The succeeding *Warriewood Valley Strategic Review Addendum Report (2014)* recommended the properties 10 and 12 Boondah Road, Warriewood to have a 'Recreation' land use designation and for 6 Jacksons Road, Warriewood to have a land use designation of 'No development potential'.

The outcomes of the *Warriewood Valley Strategic Review Addendum Report (2014)* have been incorporated into the the *Pittwater Local Environmental Plan 2014* with the retention of an RU2 Rural Landscape zone (as opposed to the majority of Warriewood Valley which was zoned R3 Medium Density Residential) and no dwelling yield was prescribed in LEP Clause 6.1(3).

It is noted that this amendment was undertaken less than five years ago. (Note: the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016) states that there will be a presumption against a 'rezoning review' request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test).

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

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent
SEPP No 1 – Development Standards	YES	YES
SEPP No 14 – Coastal Wetlands	YES	YES
SEPP No 19 – Bushland in Urban Areas	NO	N/A
SEPP No 21 – Caravan Parks	YES	YES
SEPP No 26 – Littoral Rainforests	YES	YES
SEPP No 30 – Intensive Agriculture	YES	YES
SEPP No 33 – Hazardous and Offensive Development	YES	YES
SEPP No 36 – Manufactured Home Estates	NO	N/A
SEPP No 44 – Koala Habitat Protection	YES	YES

SEPP No 47 – Moore Park Showground	NO	N/A
SEPP No 50 – Canal Estate Development	YES	YES
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
SEPP No 55 – Remediation of Land	YES	NO
SEPP No 62 – Sustainable Aquaculture	YES	YES
SEPP No 64 – Advertising and Signage	YES	YES
SEPP No 65 – Design Quality of Residential Flat Development	YES	YES
SEPP No 70 – Affordable Housing (Revised Schemes)	YES	YES
SEPP 71 – Coastal Protection	NO	N/A
SEPP (Affordable Rental Housing) 2009	YES	YES
SEPP (Building Sustainability Index: BASIX) 2004	YES	YES
SEPP (Exempt and Complying Development Codes) 2008	YES	YES
SEPP (Housing for Seniors or People with a Disability) 2004	YES	YES
SEPP (Infrastructure) 2007	YES	YES
SEPP (Integration and Repeals) 2016	YES	YES
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	NO	N/A
SEPP (Kurnell Peninsula) 1989	NO	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	YES
SEPP (Miscellaneous Consent Provisions) 2007	YES	YES
SEPP (Penrith Lakes Scheme) 1989	NO	N/A
SEPP (Rural Lands) 2008	NO	N/A
SEPP (State and Regional Development) 2011	YES	YES
SEPP (State Significant Precincts) 2005	YES	YES
SEPP (Sydney Drinking Water Catchment) 2011	YES	YES
SEPP (Sydney Region Growth Centres) 2006	YES	YES
SEPP (Three Ports) 2013	NO	N/A
SEPP (Urban Renewal) 2010	NO	N/A

SEPP (Western Sydney Employment Area) 2009	NO	N/A
SEPP (Western Sydney Parklands) 2009	NO	N/A

In relation to SEPP No 55 – Remediation of Land, no contamination report was submitted as part of the subject Planning Proposal. This is required in order to consider whether the land is contaminated and, if so, whether Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and, if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose. This is in accordance with Clause 6 (Contamination and remediation to be considered in zoning or rezoning proposal) in SEPP No 55.

The following is a list of the deemed SEPP's (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

Title of deemed SEPP	Applicable	Consistent
SREP No 20 – Hawkesbury-Nepean River (No 2 - 1997)	YES	YES

The Draft Coastal Management SEPP applies to 6 Jacksons Road, Warriewood and 10 & 12 Boondah Road, Warriewood, which means that it should be considered as part of the Planning Proposal. No information has been provided to show how the Planning Proposal would comply with the requirements of the draft Coastal Management SEPP including:

- Demonstration that the proposal can protect the biophysical, hydrological and ecological integrity of the coastal wetland.
- Demonstration that the proposed development will not significantly impact on:
- the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or
- the quantity and quality of surface and ground water flows to the adjacent coastal wetland if the development is on land within the catchment of the coastal wetland.

Should the draft Coastal Management SEPP be finalised, any future development will be Designated Development and therefore must be accompanied by an Environmental Impact Statement, will require public notification for at least 30 days, and will be subject to third party appeal rights.

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

1 Employment and Resources			
	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	YES	NO
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A

1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A

The subject Planning Proposal is not consistent with '1.2 Rural Zones' as it intends to rezone land from a rural zone to a residential and business zone. The justification provided in the Planning Proposal is as follows:

'Whilst the land is zoned RU2 Rural Landscape, the land is not used for any productive purpose. The land is located within a long standing urban release area.'

2 Environment and Heritage			
	Direction	Applicable	Consistent
2.1	Environment Protection Zones	YES	NO
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	NO
2.4	Recreation Vehicle Areas	YES	YES
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	N/A

The subject Planning Proposal is not consistent with '2.1 Environmental Protection Zones' due to:

- The proposal does not include adequate provisions for the protection and conservation of the environmentally sensitive areas. The Flora and Fauna Report (Travers Bushfire & Ecology, December 2016) does not provide detail on impacts which may result from the required flood and water management or acid sulphate soil disturbance.

The subject Planning Proposal is not consistent with '2.3 Heritage Conservation' due to:

- The Office of Environment & Heritage recommends that an Aboriginal cultural heritage assessment be prepared to investigate the archaeological and cultural heritage values associated with the subject land. This level of assessment is required in order to inform the appropriateness (or otherwise) of the current Planning Proposal prior to any potential future rezoning.

3 Housing, Infrastructure and Urban Development			
	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	YES
3.3	Home Occupations	YES	YES
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A

4 Hazard and Risk			
	Direction	Applicable	Consistent
4.1	Acid Sulfate Soils	YES	NO
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	NO
4.4	Planning For Bushfire Protection	YES	NO

The subject Planning Proposal is not consistent with '4.1 Acid Sulphate Soils' due to:

- The site of the Planning Proposal has a high probability of containing acid sulphate soils. The proposal includes significant excavation for the carparking and flood storage areas which could alter the groundwater table and pose short term and ongoing threats of acid sulphate soils impacting the wetland, groundwater dependent ecosystems, and downstream environment. The deferment of the Acid Sulfate Soils impacts assessment until after the Gateway Determination is not an adequate response and does not satisfy the requirements of Local Planning Direction '4.1 Acid Sulfate Soils'.

The subject Planning Proposal is not consistent with '4.3 Flood Prone Land' due to:

- Significantly increasing the use of flood prone land and increasing the number of persons that could potentially be impacted by flood waters.
- Deliberately relying on a flood management "solution" (compensatory flood storage area/ undercroft carparking area) that allows for an increase of flood risk to life and poses an unacceptable increase to private property damage (vehicles).
- Not fully considering whether the proposal would have significant flood impacts to other properties, and the impact of providing 'additional flood storage area' located in a different sub-catchment on the other side of the creek to where the fill scenario is proposed.
- Seeking to rezone flood prone land from a rural land use.
- Potentially increasing government spending on flood mitigation measures, infrastructure or services by relying on the provision of road infrastructure to achieve flood evacuation up to the PMF.

The subject Planning Proposal is not consistent with '4.4 Planning For Bushfire Protection' due to:

- The Planning Proposal does not discuss the appropriateness of other permissible development under the proposed B2 zone, such as medical centers, respite day care centers and community facilities. These uses could be considered Special Fire Protection Purpose (SFPP) developments as listed in Section 100B (6) of the Rural Fires Act 1997 and, as such, need to be assessed accordingly.
- Based on an assessment of the available information, the NSW RFS raises no objections to the proposed rezoning subject to the requirement that any potential future development on the land complies with *Planning for Bush Fire Protection 2006*. It is noted that the proposed concept plan does not comply with the *Planning for Bush Fire Protection 2006* at present, and would require amendments to the proposed development, including building footprint (setbacks).

5 Regional Planning			
	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Hwy, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (revoked)	-	-
5.6	Sydney to Canberra Corridor (revoked)	-	-
5.7	Central Coast (revoked)	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	NO	N/A

6 Local Plan Making			
	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Provisions	YES	YES

7 Metropolitan Planning			
	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	NO
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	N/A

The subject Planning Proposal is not consistent with '7.1 Implementation of the Metropolitan Strategy' due to:

- Development of land identified for acquisition to be used as active public open space in Council's strategic planning framework is not consistent with Direction 3.3 Creating healthy built environments.

- Development of land subject to flooding hazard is not consistent with Direction 4.2 Building Sydney's resilience to natural hazards and Direction 4.3 Manage the impacts of development on the environment.

Section C Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The submitted Planning Proposal states: *'The request for a Planning Proposal is supported by a flora and fauna report. The report is based upon field work and research of various registers. The assessment indicates that development would not have a detrimental impact upon critical habitat or threatened species population.'*

The Warriewood Wetlands contain several Endangered Ecological Communities and the Planning Proposal does not provide sufficient documentation to ensure the Wetlands are not adversely affected. The following concerns are raised:

Acid Sulphate Soils

The site of the Planning Proposal has a high probability of containing acid sulphate soils.

The proposal includes significant excavation for the carparking and flood storage areas which could alter the groundwater table and pose short term and ongoing threats of Acid Sulphate Soil impacts on the wetland, groundwater dependent ecosystems, and downstream environment.

Flora and Fauna

The proposal provides no discussion of altered flow and water management at the site and its potential impact on the groundwater dependent ecosystem (Warriewood Wetlands) on the adjacent property. The submitted Flora and Fauna report states that the local flooding patterns and existing drainage will be maintained however this is not possible with the potential introduction of underground parking and extensive hard surface areas.

Water Quality

Water quality impacts on groundwater, particularly associated with acid sulfate soil disturbance, have not been investigated. Disposal of groundwater or activities that impact on the water table may pose significant adverse impact on the water quality of the wetland and need to be addressed at the Planning Proposal stage.

Surface water quality is proposed to be addressed at the Development Application stage by using water sensitive urban design such as rainwater tanks, bioretention swales and proprietary products. This is generally an acceptable approach subject to full compliance with the *Warriewood Valley Urban Land Release Water Management Specification (2001)*.

Coastal Management

The Planning Proposal area is identified to be within the draft Coastal Management SEPP area.

The Planning Proposal has not addressed the draft Coastal Management SEPP including:

- Demonstration that the proposal can protect the biophysical, hydrological and ecological integrity of the coastal wetland.
- Demonstration that the proposed development will not significantly impact on:

- the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or
- the quantity and quality of surface and ground water flows to the adjacent coastal wetland if the development is on land within the catchment of the coastal wetland.

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

Flood

The submitted Planning Proposal states: *'The site is subject to flood inundation. The concept is supported by a flood management study providing an overview on the ability to manage flood impacts, retain flood conveyance and provide flood evacuation routes'*.

The site is located on land identified as high hazard flood storage with significant depths of flow across the site.

The proposal recommends shelter-in-place and evacuation via Boondah Road to Macpherson Street.

The Planning Proposal does not meet the requirements of Local Planning Direction '4.3 Flood Prone Land' by:

- Significantly increasing the use of flood prone land and increasing the number of persons that could potentially be impacted by flood waters.
- Deliberately relying on a flood management "solution" (compensatory flood storage area/ undercroft carparking area) that allows for an increase of flood risk to life and poses an unacceptable increase to private property damage. (vehicles)
- Not fully considering whether the proposal would have significant flood impacts to other properties, and the impact of providing 'additional flood storage area' located in a different sub-catchment on the other side of the creek to where the fill scenario is proposed.
- Seeking to rezone flood prone land from a rural land use.
- Potentially increasing government spending on flood mitigation measures, infrastructure or services by relying on the provision of road infrastructure to achieve flood evacuation up to the PMF.

There is insufficient information to determine whether the finished floor levels for both the medium density residential and the bulky goods warehouse have been proposed to be at the Flood Planning Level with Climate change (4.28m AHD).

Sea Level Rise (Climate Change)

The site is impacted by climate change (sea level rise and increased rainfall intensity).

The increased hazards due to climate change do not appear to have been taken into account with regards to flood levels or increased hazards.

Bushfire risk

The submitted Planning Proposal states: *'The Masterplan developed for the site has also had regard for Bushfire Hazard and includes appropriate setbacks and Asset Protection Zones (APZ) from potential sources of hazard (Warriewood Wetlands and creek line corridors)'*.

The Planning Proposal does not discuss the appropriateness of other permissible development under the proposed B2 zone, such as medical centres, respite day care centres and community facilities. These uses could be considered Special Fire Protection Purpose (SFPP) developments as listed in Section 100B (6) of the *Rural Fires Act 1997* and, as such, need to be assessed accordingly.

Based upon an assessment of the available information, the NSW RFS raises no objections to the proposed rezoning subject to the requirement that the future development of the land complies with *Planning for Bush Fire Protection 2006*. The proposed concept plan does not comply with the *Planning for Bush Fire Protection 2006* and will require amendments to the proposed development, including building footprint (setbacks) and potentially retail floor space and building height (attributable to FSR, dwelling range under Clause 6.1(3) and Height of Building provision under this Planning Proposal).

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

The Planning Proposal suggests that any future development would:

- Provide 16-17,000sqm bulky goods retail space in a well located and serviced area, generating 231 'full time equivalent' jobs and 400 construction jobs supported by minor residential development.
- Impose minimal additional demand on social services and open space, and states 'the immediate locality will be well serviced with open space, especially given the proximity to the district open space facilities in Boondah Road, North Narrabeen Reserve, Narrabeen Public School and Warriewood Wetlands.
- 'Be unlikely to place unreasonable burden on community facilities and could be augmented through Council's normal section 94 Contributions.
- Provide greater housing choice and diversity.

Having regard to the above, it is considered that the social and economic effects are insufficient and, in some areas, inaccurate. Council's assessment considers the Planning Proposal will result in the following social and economic impacts:

- Council's urban designer provides that the Planning Proposal fails to demonstrate that this is the most appropriate location for a bulky goods retail center and does not demonstrate an appropriate community and social benefit.
- Council's *Pittwater Public Space and Recreation Strategy 2014* identifies the land in Boondah Road (including numbers 10 & 12) as required for active open space, as it is in close proximity to existing sports fields. The Planning Proposal with its additional dwellings will not only increase the demand for open space, but will substantially reduce the opportunities for active open space to be provided within/adjacent to the release area.
- Likelihood for social and/or economic effects as a consequence of flooding (e.g. associated with the potential need for future residents to shelter in place during a flood, or flood impacts upstream or downstream of the subject site as part of any future development), however this is difficult to determine without further and more detailed flooding information.
- Council's Economic Coordinator provides that:
 - The arguments around contribution to employment opportunities responding to identified demand are not overly compelling.

- Population growth projections relied upon in the Planning Proposal does not take into account 2016 data projecting a significant decline in the population growth rate for the Northern Beaches LGA.
- The Economic Impact Assessment does not include Belrose Super Centre within the trade area boundary which is likely to impact the estimated current undersupply of “bulky goods-type floorspace”.
- The Economic Impact Assessment does not acknowledge recent changes in population forecasts and the relatively lower projections which are being used to inform the District Plan.
- While there will continue to be a demand for retail floorspace, the demand is likely to be less than estimated in the Economic Impact Assessment.

Section D State and Commonwealth interests

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

The Road & Maritime Services advised that the traffic study submitted is considered preliminary in nature and does not adequately analyse the cumulative traffic and transport impacts associated with the proposed rezoning. An addendum traffic study should be undertaken that includes (inter alia) an assessment of the traffic impacts to the surrounding road network particularly major intersections and the need, if any, for mitigation measures. The Road & Maritime Services also requires the identification of a funding and delivery mechanism that outlines a proposed package of infrastructure upgrade works to support the proposed rezoning.

The State Emergency Service provides that the potential future occupants of the subject site will still be affected by floodwaters above the 1% AEP including Climate Change. The SES does not support vertical refuge (or shelter in place) over safe evacuation – any potential future development should be able to achieve safe evacuation.

The proposal recommends evacuation via Boondah Road to Macpherson Street, however the Section 94 Plan identifies that Boondah Road is proposed to be upgraded to cater for future traffic volumes in the release area. This upgrade will not raise the road to the PMF or the 1%AEP.

Council's Section 94 Officer provides that the Planning Proposal will increase the demand for public infrastructure and services. Accordingly, any future Development Application would be required to make a contribution consistent with the Warriewood Valley Section 94 Contribution Plan. Any Floor Space Ratio above 1:1 cannot be levied appropriately by the Section 94 Plan and will result in an inequitable allocation of contributions.

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

Not applicable at this stage as the subject Planning Proposal has not progressed to the Gateway for a determination.

PROBITY

An independent consultant (Procure Group) was commissioned to undertake a probity audit of the assessment of the subject Planning Proposal.

Procure have produced a report (Attachment 2) confirming the probity arrangements in place and implemented during the assessment of the Planning Proposal.

COMMUNITY ENGAGEMENT

Preliminary (non-statutory) notification of the Planning Proposal was undertaken between 21 January and 11 February 2017 (22 days inclusive).

Properties within Warriewood Valley and registered Community Groups were sent notification letters (approximately 4,000), and the proposal advertised in the Manly Daily on Saturday 21 January 2017. The relevant documents were made available electronically on Council's website on the 'Exhibitions' page and via the 'ePlanning' portal, and in hard copy in Customer Service Centres at Manly, Dee Why and Mona Vale.

During the preliminary (non-statutory) notification of the Planning Proposal, 55 submissions were received from the community. Of these, 23 submissions support the Planning Proposal and 32 object to the Planning Proposal. Note: a summary of the submissions received are contained in attachment 1.

The matters raised in submissions that support the Planning Proposal are:

- Need for infrastructure to support development
- Need for landscaping surrounding proposal
- Appropriate location for the proposal
- Strategic merit
- Proposal will improve traffic
- Improved access to the wetlands
- Housing provision
- Job creation
- Environmental benefits
- Benefits of a bicycle/pedestrian path
- Proposal area should be expanded
- Community benefit
- Proposal will alleviate demand on other commercial areas
- Issues with the previous Planning Proposal have been addressed in the subject Planning Proposal
- Reprehensible action by Council by changing the development potential of the subject land
- Need for a master plan for the area
- There are other open space options in the area
- Improved connectivity

The matters raised in submissions that object to the Planning Proposal are as follows:

- Over development
- Inappropriate location for the proposal

- Need for infrastructure to support development
- Proposed height is inappropriate
- Proposal is out of character with the area
- Community expectation
- Lack of consistency with the strategic planning framework for Warriewood Valley
- Impact on neighbouring properties
- No community benefit
- Need for open space
- Economic impact
- Traffic impact
- Construction impact
- Environmental impact (of particular concern are the neighbouring wetlands)
- Flooding
- Bushfire risk
- Noise impact
- Rubbish dumping
- Preserve the rural land
- Car parking

AGENCY REFERRALS

The following state agencies were advised of the Planning Proposal and invited to make comment:

- NSW Department of Planning & Environment
- Fire & Rescue NSW
- NSW Rural Fire Service
- NSW Ministry of Health (Northern Sydney Local Health District)
- State Emergency Service
- Roads & Maritime Services
- NSW Office of Environment & Heritage
- NSW Primary Industries (Office of Water)
- Ausgrid
- Jemena Gas Networks (NSW)
- Telstra Corporation

- Sydney Water Corporation

Responses were received from a number of agencies and these were generally critical of the proposal and its impacts. A summary of comments received and council staff responses is included in attachment 3.

INTERNAL REFERRALS

Referrals were also sent to the following Northern Beaches Council Business Units requesting advice:

- Place Management
- Transport & Urban
- Natural Environment & Climate Change
- Property Management & Commercial
- Environmental Compliance
- Parks & Reserves

The comments received from internal technical experts were also critical of the proposal with respect to the quality of the submission and the impacts of any proposed rezoning. Details and comments as are contained in attachment 4.

CONSULTATION

Nil

TIMING

Nil

FINANCIAL IMPACT

Should the Planning Proposal proceed and subsequently be finalised, it would have the following financial impact:

- a) Construction and ongoing jobs would be created with associated financial benefits.
- b) There is the potential for economic effects to result as a consequence of flooding (e.g. associated with the potential need for future residents to shelter in place during a flood, or flood impacts upstream or downstream of the subject site as part of any future development), however this is difficult to determine without further and more detailed flooding information.
- c) Any future development consent would require a contribution in accordance with the *Warriewood Valley Section 94 Contributions Plan (2014)* to contribute to the provision of infrastructure and services required to support the development and residents in Warriewood Valley.
- d) Should the Planning Proposal proceed and subsequently be finalised, without an adequate funding mechanism identified for any additional traffic infrastructure required, there is a risk that Council would have to fund the required infrastructure.
- e) The proposed private property flood storage solution on an area proposed to be zoned for public recreation is likely to impose a financial burden on Council for maintenance.

SOCIAL IMPACT

The Planning Proposal is inconsistent with:

- a) the *Pittwater Public Space and Recreation Strategy 2014* that identifies the land in Boondah Road (including numbers 10 & 12) as required for active open space, as it is in close proximity to existing sports fields, is flood affected land and will provide for the active open space needs of the new population. The Planning Proposal will not only increase the demand for open space, but will reduce the opportunities for additional required active open space to be provided within the broader Warriewood area.
- b) There is the potential for social impacts to result as a consequence of flooding (e.g. associated with the need for future residents to shelter in place during a flood, or flood impacts upstream or downstream of the subject site as part of any future development), however this is difficult to establish without further and more detailed flooding information.
- c) The bulky goods retail centre is not considered appropriate in the location and the Planning Proposal fails to demonstrate an appropriate community and social benefit.

ENVIRONMENTAL IMPACT

It is considered that the adverse environmental impacts of the Planning Proposal will be significant. The Planning Proposal is inconsistent with Local Planning Directions:

- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 4.1 Acid Sulphate Soils
- 4.3 Flood Prone Land
- 4.4 Planning For Bushfire Protection

The documentation fails to demonstrate that the environmental impacts are acceptable and Council staff have raised the following areas of concern:

- Bushfire risk
- Acid sulfate soils
- Flora and fauna
- Soil stability, erosion, sediment, landslip assessment, and subsidence
- Water quality
- Stormwater management
- Flooding
- Sea level rise
- Infrastructure servicing
- Coastal management

CONCLUSION

The Planning Proposal as submitted makes an attempt to provide strategic justification that address previous reasons for refusal, however the quality and justification cannot be supported. The proposal is fundamentally flawed as it seeks to create development potential on land that is constrained and inadequately serviced to accommodate the proposal. The subject proposal is also inconsistent with Council's strategic direction for the area as contained in the Pittwater LEP 2014 and supported by the Department of Planning's Strategic Review 2014.

It is clear that this proposal does not demonstrate strategic merit and has the potential to create a poor planning outcome should it be supported. It is recommended that Council reject the Planning Proposal for the reasons outlined in the recommendations of this report.

ITEM 9.7	DEVELOPMENT APPLICATION (DA) SERVICE INTEGRATION: EXHIBITION OF PROPOSED AMENDMENTS
REPORTING MANAGER	ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY
TRIM FILE REF	2017/070994
ATTACHMENTS	1 ⇒ Attachment 1 -Draft Policy Management of Development Applications (Included In Attachments Booklet) 2 ⇒ Attachment 2 - Summary of Proposed DCP Amendments (Included In Attachments Booklet) 3 ⇒ Attachment 3 - Draft Northern Beaches Independent Assessment Panel (NBIAP) Charter 2017 (Included In Attachments Booklet) 4 ⇒ Attachment 4 - Workshop Outcomes Report (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To provide an overview of the work that has been undertaken to integrate the development application (DA) service area and seek endorsement to exhibit the proposed policy amendments for a period of 6 weeks.

SUMMARY

At the meeting of 13 September 2016, the Northern Beaches Council Implementation Plan was adopted by Council. The plan provides a clear framework for the integration and transformation of the organisation. Under this framework, a number of core organisational services have been identified to allow the integration work to be prioritised and resourced. At the meeting of 8 November 2016, Council was advised of the list of 25 services areas identified to be substantially integrated by July 2017. Included within this list is development application (DA) administration, processing, assessment and compliance.

Since November 2016, a significant amount of work has been undertaken to harmonise how the DA service is delivered by the organisation. From pre-lodgement through to decision stage, Council staff have reviewed how these services were delivered by each of the former councils, taking into consideration best practice and the Northern Beaches community's requirements and expectations.

Due the nature and legislative requirements associated with the delivery of the DA service, many of the proposed amendments are required to be publicly exhibited prior to being implemented. This report provides an overview of the work completed to date and recommends the exhibition of several policy documents and a draft DA panel charter. The draft documents are proposed to be exhibited for 6 weeks to accommodate the upcoming school holiday period. During this time briefing sessions will be offered to the community. A report will be brought back to Council at the close of the exhibition period to summarise the feedback received.

RECOMMENDATION OF GENERAL MANAGER

That Council:

- A. Note the contents of this report.
 - B. Endorse the exhibition of the draft Northern Beaches Council Policy for Management of Applications for Development for 6 weeks (Attachment 1).
 - C. Endorse the exhibition of the draft DCP amendments, as outlined in Attachment 2, for 6 weeks.
 - D. Endorse the exhibition of the draft Northern Beaches Independent Assessment Panel Charter for 6 weeks (Attachment 3).
 - E. Receive a report on the outcomes of the exhibition.
-

REPORT

The realisation of a fully integrated Northern Beaches Council is a complex, multistage process, involving a large number of interconnected actions by staff from different areas. This process will see a significant amount of change achieved in an ambitious timeframe.

At the meeting of 13 September 2016, the Northern Beaches Council Implementation Plan was adopted by Council. The plan provides a clear framework for the integration and transformation of the organisation. Under this framework, a number of core organisational services have been identified to allow the integration work to be prioritised and resourced. At the meeting of 8 November 2016, Council was advised of the list of 25 services areas identified to be substantially integrated by July 2017. Included within this list is development application (DA) administration, processing, assessment and compliance.

At the meeting of 8 November 2016, Council was also advised of the measures of success and priority areas that have been identified by the NSW Department of Premier and Cabinet (NSW DPC) for all merged councils. Of particular relevance to the DA integration work currently being undertaken, is the housing approvals target set by the state government. The target set is for 90% of housing applications to be determined within 40 days (includes both DAs and Complying Development Certificates (CDCs) for new single dwellings, dual occupancies and alterations and additions). This measure must be base-lined for each of the former councils and then reported on as at September 2017.

Since November 2016, a significant amount of work has been undertaken to harmonise how the DA service is delivered by the organisation. Several project teams have been formed internally to focus on integrating and improving specific aspects of the DA management process, including teams working on the pre-lodgement service, lodgement processes, internal referral triggers and processes and delegations/determinations. From pre-lodgement through to decision stage, Council staff have reviewed how these services were delivered by each of the former councils, taking into consideration best practice and the Northern Beaches community's requirements and expectations.

Council has also engaged with representatives from the Independent Advisory Group (IAG), Local Representation Committees (LRCs) and Strategic Reference Groups (SRGs) to seek input on some of these projects. The feedback received has been considered by the project teams in finalising the draft documents recommended for exhibition in this report.

While much of the integration work occurring across the organisation is being undertaken internally, due to the nature and legislative requirements associated with the delivery of the DA service, many of these amendments are required to be publicly exhibited prior to being implemented.

This report provides an overview of the work undertaken to date to integrate:

- The handling of insufficient and non-complying applications,
- Consultation, notification and advertising of applications lodged with Council,
- Determination panels for complex and contentious applications.

This report recommends the exhibition of several policy documents and a draft DA panel charter. These documents are recommended to be exhibited for 6 weeks.

A. HANDLING OF INSUFFICIENT & NON-COMPLYING APPLICATIONS

In order to facilitate the efficient and effective use of Council's resources in the assessment of DAs, a consistent approach to the handling of insufficient and non-complying applications is required. This is particularly important in the context of the housing approvals target set by the NSW DPC which imposes a requirement on Council to process the vast majority of housing applications within a 40 day window.

To ensure insufficient and non-complying applications are consistently handled, a project team has prepared a draft policy which clearly outlines Council's commitments and expectations around DAs (Attachment 1). The primary purpose of the proposed DA management policy is to provide applicants and the community with clarity and certainty around Council's expectations for DAs. The draft policy will formalise the practices of two of the three former Councils which resulted in faster processing times and improved customer satisfaction.

In summary, the draft policy:

- Encourages applicants to discuss proposals with Council prior to lodgement to ensure that applications are complete and can be assessed.
- Commits Council to providing clear and consistent pre-lodgement advice.
- Advises applicants that insufficient or non-complying applications will generally not be placed on hold and will be encouraged to be withdrawn.
- Commits Council to addressing issues with applicants in a timely and efficient manner.
- Advises applicants that Council will generally assess and determine what is submitted in the original application.

Input from the IAG, LRCs and SRGs was sought earlier this year on the principles behind the proposed policy. The representatives from these groups were largely in support of the proposed principles. There was general consensus however that the provision of timely and accurate advice prior to lodgement and also during the assessment process in relation to any issues was important. The draft policy incorporated these two points (as outlined in dot points 2 and 4 above).

B. CONSULTATION, NOTIFICATION & ADVERTISING OF APPLICATIONS

Integrating DA administrative and consultation processes is a significant component of the integration of the overall DA service. Currently there are multiple Development Controls Plans (DCPs) in place which outline how each of the former Council's is to administer and consult on DAs (including modifications and reviews). With each of the former DCPs still in force and applying to the former LGAs, there are now significant inconsistencies in the way applications are lodged and processed at each of the former Council offices. These inconsistencies result in confusion for staff, applicants and the community in the way applications are administered and consulted on.

A project team have undertaken a comparative analysis of the current DA administrative processes and consultation standards, considering best practice across the state, as well as the expectations of the Northern Beaches community. The following DCPs have been reviewed as part of this project:

- Manly Development Control Plan 2013 (Amendment 8)
- Pittwater 21 Development Control Plan 2015 (Amendment 19)
- Warringah Development Control Plan 2011
- Warringah Development Control Plan 2000

A review of the existing built form controls within each DCP does not form part of the scope of this project. This is a significant project which will be undertaken as part of the integration of the existing Local Environmental Plans (LEPs) and will not be contemplated in detail until after the elected Council is in place.

A single control for the exhibition, advertisement and notification of applications has been drafted by the project team to be inserted into all DCPs to replace the current inconsistent controls (these amendments are outlined in Attachment 2). This new control details the procedures for exhibition of applications, advertising in the local paper, notification signs and letters, and the consideration of submissions. Table 1 below provides a comparison between the current and proposed DCP controls.

TABLE 1: DCP COMPARISON

DCP Content	Current DCPs	Proposed DCP
Objectives	Current DCPs have a range of similar yet inconsistent objectives.	Three new objectives to be introduced to simplify this section and to outline the reason why public participation in the planning process is important.
Availability of applications online	Specified in only one of the three DCPs.	Wording introduced to inform the community of Council's online services in relation to applications and to commit Council to making all applications publicly available (subject to relevant privacy legislation).
Applications that are not required to be notified	Inconsistent list of developments not required to be notified.	Consistent list of applications that do not need to be notified. Wording introduced to allow for reasonable discretion.
Notified applications	Controls inconsistent in relation to how applications are notified.	Notification letter to owners as well as occupiers. Notification signs required for all notified applications.
Advertised development	Controls consistent in relation to the type of development which is advertised in local paper and length of the exhibition period.	Consistent list of development types which are to be advertised in local paper. Exhibition period 14 days, however discretion to extend.
Additional Legislative Requirements	Stipulated in different controls within the DCPs.	Additional requirements required by legislation are outlined under a single

		heading to provide clarity.
Notification of amended development applications	Controls inconsistent in relation to requirement to notify amended plans and recipients of notification letter.	Amended plans to be notified to all parties originally notified and all parties that had made a submission, except where amendments were minor in nature.
Applications under Section 96, Section 96AA or Section 96AB of the EP&A Act	Controls inconsistent in relation to notification of Section 96, Section 96AA or Section 96AB.	Section 96, Section 96AA or Section 96AB to notified as per original application with discretion to extend or reduce the notification.
Notification requirements for applications under Section 82A of the EP&A Act	Controls generally consistent in relation to notification of Section 82A applications.	No change, except to simplify wording.
Notification over the Christmas/New Year Period	Controls inconsistent in relation to notification over the Christmas/New Year Period.	Blackout dates specified, being 20 December to 10 January to be consistent to facilitate for reasonable response times during holidays period.
Consideration of submissions	Controls inconsistent in relation to what constitutes a submission and how submissions will be considered.	Clarity around how submissions will be considered and counted.
Documentation requirements	Controls include varying levels of detail around the requirements for specialist plans and reports.	This information is to be removed from DCP and relocated to a DA Guideline and Checklist document. This document is currently being prepared and will be implemented when the DCP amendments come into force.

Feedback from the IAG, LRCs and SRGs was sought on the proposed approach to consultation, notification and advertising. There was general support for the consultation approach proposed, with most representatives in agreeance that the proposals would strike the right balance between efficiency and community participation. Some participants suggested that the proposed exhibition period for complex applications should be lengthened from 14 days to somewhere between 21 and 31 days. The draft DCP has been worded to allow Council discretion to extend the exhibition period for any application if considered necessary and addresses the receipt of late submissions. Whilst legislation dictates longer periods, i.e. 30 days, for particular types of applications, in response to the feedback it is proposed that applications which are required to be determined by the Sydney North Planning Panel (being more complex and potentially controversial) , the exhibition period be extended to 21 days. For the remaining applications, a minimum exhibition timeframe of 14 days is being proposed.

C. DETERMINATION PANELS

Harmonisation of delegations and decision-making panels for DAs is a critical component of the integration of the DA service. Independent Assessment Panels (IAP) have been in place

in both the former Warringah and Manly Councils for several years, with an IAP recently implemented for the area associated with the Pittwater LEP 2014. The IAPs are designed to provide a forum in which the public may present their concerns and opinions directly to a panel of independent experts and community representatives, who assess and determine complex and contentious applications involving significant public interest and significant impact.

There are IAP charters for each of the three panels which are associated with the former Council's LEPs. All three charters are very similar in structure, originating from the same template. The major differences relate to the different forms of development considered by the panel and the monetary value and number of submissions which would trigger an application to be elevated to the panel. Currently the minimum criteria range across the three panels from any development with three or more objections, to any development with a minimum construction cost of \$10 million which have five or more objections.

It is proposed that a single IAP charter be developed to provide greater consistency in customer experience and outcomes in development decisions. A project team have reviewed the current criteria applying the current three panels and taking into consideration the type and volume of applications which should reasonably be considered by the panel, and have developed a draft charter and set of criteria which would apply to all applications lodged with Northern Beaches Council (Attachment 3).

It is proposed that the panel criteria be established by resolution of Council. This criteria would not form part of the Charter adopted by Council. In this way, Council may vary the criteria by resolution without the need for re-exhibition of the Charter. It would be at the discretion of Council to consult with the community prior to amending the criteria.

The proposed criteria of applications to be referred to the panel to consider are:

- Any development with a minimum construction cost of greater than \$2 million and 3 or more unresolved objections,
- Any modification of consent under Section 96(2) where the original consent was determined by an Independent Assessment Panel or by resolution of Council
- Any subdivision of land which creates 5 or more additional lots and 3 or more unresolved objections - excluding community title, strata title or Torrens title subdivision of existing approved development,
- Any development applications that were previously determined by NBIAP and where a Section 82A Review of Determination has been submitted.
- Category 3 applications under Warringah Local Environmental Plan 2000 to undertake an independent public hearing and make recommendations.
- Any other development, proposal or strategic plan, at the discretion of the General Manager.

The panel may be utilised to undertake public hearings or make recommendations on a range of other proposals such as Planning Proposals (rezonings) or other strategic plans.

Input from internal and external stakeholders, local planning professions, as well as the IAG, LRCs and SRGs was sought on the IAP criteria and format. Due to feedback received the monetary threshold has been raised to \$2 million (from \$1 million), as it was generally agreed

that a lower monetary figure could result in relatively simple applications being unnecessarily elevated to a panel meeting. There was no clear agreement on whether applications for dwelling houses should be determined by an IAP panel. For the purpose of consultation with the broader community, the panel criteria has been drafted so as to allow all types of development, including dwelling houses, to be determined at this level. Council will seek feedback from the community as to whether this is appropriate.

Until a single panel can be appointed, it is intended that the current panel members be pooled to form a group of experts that can be called upon as necessary to form a panel, having regard to their expertise and knowledge of the locality and appropriate planning controls. It is intended that the process to recruit and appoint a single panel will commence in the coming months.

The charter, operations, performance and the delegations of applications refer to the panel would be closely monitored and reviewed over the next two years to ensure the panel is performing efficiently and meeting the community's expectations.

CONSULTATION

Consultation with representatives from the IAG, LRCs and SRGs occurred in February in the form of briefings sessions and workshops. Feedback was also sought from local planning professionals in relation to the format and criteria of determination panels. The feedback received from these groups was highly valuable and has been taken in consideration by the project teams in finalising the draft documents recommended for exhibition. A report summarising the key outcomes from the IAG, LRC and SRG workshops has been prepared (refer to Attachment 4).

The draft amendments (Attachment 1, 2 and 3) are recommended to be exhibited for a period of 6 weeks to accommodate the upcoming school holiday period. During this time briefing sessions will be offered to the community. A report will be brought back to Council at the close of the exhibition period to summarise the feedback received.

TIMING

The draft amendments are proposed to be exhibited for a period of 6 weeks to accommodate the upcoming school holidays break.

A report will be brought back to Council in the middle of the year summarising the feedback received and the next steps.

FINANCIAL IMPACT

Fees associated with the lodgement of DAs are set by legislation and generally do not cover the cost of delivering the service to the community. It is in the community's interest that in integrating the DA service, Council ensures that efficiencies and cost savings are delivered.

In relation to the integration of the current IAP panels, the 2017/2018 draft budget Council has budgeted for the continuation of the existing three panels. Budget adjustments will be made when the timing of the formation of a single panel is known.

The amendments proposed in this report support the objective to deliver efficiencies and cost savings. At this stage it is too early quantify these financial savings, however these will be captured as Council moves closer to integrating the DA service.

SOCIAL IMPACT

Nil

ENVIRONMENTAL IMPACT

Nil

10.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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 10.1 RFT 2014/043 Dee Why Town Centre Design Consultancy Stage 3 on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*]; and 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 business and costings and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would reveal commercial business details and competitor pricing.
- 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

