

# AGENDA

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

**Tuesday 17 December 2019**

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



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

## OUR VISION

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

## OUR VALUES

*Trust Teamwork Respect Integrity Service Leadership*



**Agenda for an Ordinary Meeting of Council  
to be held on Tuesday 17 December 2019  
at the Civic Centre, Dee Why  
Commencing at 6:00pm**

<b>1.0</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>2.0</b>	<b>APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE</b>	
<b>3.0</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	
3.1	Minutes of Ordinary Council Meeting held 26 November 2019	
<b>4.0</b>	<b>DISCLOSURES OF INTEREST</b>	
<b>5.0</b>	<b>PUBLIC FORUM AND PUBLIC ADDRESS</b>	
<b>6.0</b>	<b>ITEMS RESOLVED BY EXCEPTION</b>	
<b>7.0</b>	<b>MAYORAL MINUTES.....</b>	<b>7</b>
7.1	Mayoral Minute No 22/2019 - Recognition - 2019 National Local Government Customer Service Network Awards.....	7
7.2	Mayoral Minute No 23/2019 - Recognition of Award to Council Officer - David Abbott Award at the Institute of Public Works Engineering Australasia (IPWEA) Excellence Awards .....	9
7.3	Mayoral Minute No 24/2019 - Drought Assistance - Gunnedah.....	10
7.4	Mayoral Minute No 25/2019 - Mona Vale Police Station .....	12
<b>8.0</b>	<b>CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS.....</b>	<b>14</b>
8.1	Council Support for the Sydney Surf Pro in Manly .....	14
8.2	Event Grants and Sponsorship Program 2019/20 - Round 3 Funding Recommendations.....	18
8.3	Northern Beaches Council Discretionary Fund - Quarterly Report .....	31
<b>9.0</b>	<b>CORPORATE AND LEGAL DIVISION REPORTS.....</b>	<b>35</b>
9.1	Monthly Investment Report - November 2019.....	35
9.2	Code of Conduct Complaint Statistics.....	46
9.3	Confirmed Minutes of the Audit, Risk and Improvement Committee Meetings held on 13 August 2019 and 3 September 2019 (Financial Statements Review) .....	51
9.4	Outcome of Public Exhibition and Adoption of the Draft Fraud and Corruption Control Policy and Plan.....	53
9.5	Outcome of Public Exhibition and Adoption of Draft Councillor Induction and Professional Development Policy.....	56

9.6	Minutes from the Strategic Reference Group Meetings held in May and August 2019 .....	64
<b>10.0</b>	<b>COMMUNITY AND BELONGING DIVISION REPORTS .....</b>	<b>66</b>
10.1	Minutes of the Community Safety Committee held 17 October 2019 .....	66
<b>11.0</b>	<b>ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS .....</b>	<b>68</b>
11.1	Protect. Create. Live - Environment and Climate Change Strategy 2040 .....	68
<b>12.0</b>	<b>PLANNING AND PLACE DIVISION REPORTS .....</b>	<b>89</b>
12.1	Outcome of Public Exhibition and Adoption of the Draft Voluntary Planning Agreement Policy .....	89
12.2	Planning Proposal to Rezone Land within and Adjoining the Manly Warringah War Memorial State Park .....	92
12.3	Planning Proposal 10-12 Boondah Rd and 6 Jacksons Rd, Warriewood PEX2019/0003.....	101
12.4	Planning Proposal - Heritage Listing of 21 Whistler Street, Manly .....	153
<b>13.0</b>	<b>TRANSPORT AND ASSETS DIVISION REPORTS .....</b>	<b>159</b>
13.1	Contract Extension - Bus Shelter Advertising.....	159
13.2	Outcome of Public Exhibition and Adoption of the Manly Resident Parking Permit Scheme .....	163
13.3	Western Foreshore Parking and Scotland Island Access Permit Fees and Charges.....	173
13.4	Outcome of Public Exhibition and Adoption for the Trial Use of Mccarrs Creek Reserve by Castle Tribe Inc. ....	178
13.5	Station Beach Dog Trial - Report Pending .....	189
<b>14.0</b>	<b>NOTICES OF MOTION.....</b>	<b>190</b>
14.1	Notice of Motion No 43/2019 - Bike Parking Racks .....	190
14.2	Notice of Motion No 44/2019 - Zero Waste to our Waterways .....	191
14.3	Notice of Motion No 45/2019 - Wakehurst Parkway Tree Management .....	192
14.4	Notice of Motion No 46/2019 - Warriewood Development Control Plan Breaches .....	193
14.5	Notice of Motion No 47/2019 - Bike Share Operations Expression of Interest.....	194
14.6	Notice of Motion No 48/2019 - Recognition for Netball and Community Contribution .....	195
14.7	Notice of Motion No 49/2019 - VolleyFest Funding .....	196
14.8	Notice of Motion No 50/2019 - Child Safeguarding .....	197
14.9	Notice of Motion No 51/2019 - Safety Review of Jump Rock .....	199
14.10	Notice of Motion No 52/2019 - Powderworks Road Speed Camera Request .....	200
14.11	Notice of Motion No 53/2019 - Australia Day Citizenship Ceremonies .....	201
14.12	Notice of Motion No 54/2019 - Manly Wharf.....	202
14.13	Notice of Motion No 55/2019 - 5G on the Northern Beaches.....	203

14.14	Notice of Motion No 56/2019 - The Dunny Door Campaign .....	204
14.15	Notice of Motion No 57/2019 - Network of Recycling Centres .....	205
14.16	Notice of Motion No 58/2019 - Honouring State Emergency Service and Rural Fire Service .....	207
<b>15.0</b>	<b>QUESTIONS WITH NOTICE .....</b>	<b>208</b>
15.1	Questions With Notice No 23/2019 - Collection of Bins.....	208
15.2	Question With Notice No 24/2019 - Staffing Expenditure Since Amalgamation.....	209
15.3	Question With Notice No 25/2019 - URM Contract .....	210
<b>16.0</b>	<b>RESPONSES TO QUESTIONS WITH NOTICE .....</b>	<b>211</b>
16.1	Response to Question Taken on Notice No 09/2019 - Item 19.2 RFT 2019/155 - Website Hosting and Support .....	211
16.2	Response to Question Taken on Notice No 10/2019 - Item 19.4 RFT 195/2019 - Intranet in a Box Using Microsoft Sharepoint Online Modern Sites .....	212
<b>17.0</b>	<b>MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION .....</b>	<b>213</b>
17.1	RFT 2019/113 - Public Art Artist Panel	
17.2	RFT 2019/060 - Landscape Works for a New Pathway, Retaining Walls and Stormwater Drainage at Pittwater State Park, Currawong Beach	
17.3	RFT 2019/280 - Major Building and Restoration Works at Pittwater State Park, Currawong Beach NSW	
17.4	RFT 2019/118 - Architectural Services - Warriewood Valley Community Centre	
17.5	RFT 2019/088 - Northern Beaches Council Consultancy Services Panel	
17.6	RFT 2019/266 - Sportsfield and Car Park Works - 3 Boondah Road, Warriewood	
17.7	RFT 2019/279 - Clontarf Reserve Seawall and Bleachers Works	
17.8	RFT 2019/274 - LM Graham Reserve Sports Amenities	
17.9	RFT 2019/184 - Little Manly Tidal Pool Renewal	
17.10	RFT 2019/281 - Forty Baskets Tidal Pool Renewal	
17.11	Land Purchase - 265 Whale Beach Road, Whale Beach	
17.12	Mayoral Minute No 23/2019 - Annual Performance Review of the Chief Executive Officer October 2018 - September 2019	
<b>18.0</b>	<b>REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION</b>	

## **1.0 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

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In accordance with Part 6 of the Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council Meeting may be granted.

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## **3.0 CONFIRMATION OF MINUTES**

### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 NOVEMBER 2019**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 26 November 2019, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

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## **4.0 DISCLOSURES OF INTEREST**

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

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

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

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## **6.0 ITEMS RESOLVED BY EXCEPTION**

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

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## 7.0 MAYORAL MINUTES

### ITEM 7.1 MAYORAL MINUTE NO 22/2019 - RECOGNITION - 2019 NATIONAL LOCAL GOVERNMENT CUSTOMER SERVICE NETWORK AWARDS

**TRIM FILE REF** 2019/612975  
**ATTACHMENTS** NIL

#### BACKGROUND

Council was recently recognised at the National Local Government Customer Service Network Awards in the category of Innovation in Customer Experience and Excellence in Service Delivery.

The National Local Government Customer Service Network (the Network) is a non-profit organisation made up of professionals who work in customer service within local government across Australia.

Council has been recognised previously in the category for Innovation in Service Delivery so it is great to see that we are continuing to strive for excellence and being further recognised by our peers. This year we received Highly Commended for Council's introduction of a customer portal which allows our residents to contact us from any device at any time to request a service. It contains both external and internal knowledge databases which provides not only our residents with more information about issues and access to services but it also assists the customer service team to have better access to Council's procedures and processes to ensure high quality information is consistently being provided to our customers.

Further to this, staff across teams have worked collaboratively to develop a unique application process capturing valuable data, an easy to use form, as well as email expiry reminders, a concierge service, additional opening hours and online payments and secure permit delivery. These changes resulted in an improved experience for our customers purchasing permits, a 62% increase in early renewal and further efficiencies for our staff.

This is another example of the efforts being made by staff across the organisation to engage with our residents and work to find more efficient and effective ways of servicing our community. With our Community Satisfaction Survey results now demonstrating that 90% of residents are satisfied with the overall performance of Council over the last year, we are certainly heading in the right direction.

I acknowledge the efforts of our Customer Service staff and warmly congratulate them on their well deserved recognition at the 2019 National Local Government Customer Service Network Awards.

**MOTION**

That Council:

1. Formally acknowledge the outstanding achievement in receiving Highly Commended Award for Innovation in Customer Experience and Excellence in Service Delivery at the National Local Government Customer Service Network Conference 2019.
  2. Congratulate our Customer Service team and all staff involved in these projects.
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**Michael Regan**  
MAYOR



**ITEM 7.2****MAYORAL MINUTE NO 23/2019 - RECOGNITION OF AWARD TO COUNCIL OFFICER - DAVID ABBOTT AWARD AT THE INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA (IPWEA) EXCELLENCE AWARDS****TRIM FILE REF****2019/691925****ATTACHMENTS****NIL****BACKGROUND**

The Institute of Public Works Engineering Australasia (IPWEA) recently held the 2019 Excellence Awards to celebrate Australian and New Zealand outstanding public works engineering projects and professionals with Ms Megan Schlotjes (Manager, Asset Strategy, Planning and Performance) announced as the winner of the David Abbott Award.

The David Abbott Award celebrates the memory of Mr David Abbott, a dedicated engineer who mentored and inspired many young engineers. It is awarded to members of the IPWEA under the age of 35 to recognise and encourage their continuing contribution in the delivery of public works excellence. They take into account a range of attributes including character, professionalism and commitment to the industry and innovation.

I'm sure you will agree that it is wonderful recognition for Ms Schlotjes who is highly committed to ensuring the Northern beaches Council is undertaking world class asset management practices. Her work across a range of business areas to ensure clear accountability at both the detail and strategic level is greatly appreciated as we continue to strive for excellence in the provision of our assets to the community.

The Minister for Local Government, the Hon. Shelley Hancock, MP in her recent letter advising of Ms Schlotjes' success also congratulated our Council on what we have achieved for our community this year and recognising the important role the local government sector plays in our communities.

I am very proud of what staff across Council have achieved this year and am thankful for the many dedicated and committed staff we have working for our community across our many service areas.

I ask Councillors to congratulate and thank Ms Schlotjes for her commitment and on being the 2019 David Abbott Award recipient.

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**MOTION**

That Council formally acknowledge the outstanding achievement by Megan Schlotjes being awarded the David Abbott Award at the recent Institute of Public Works Engineering Australasia Excellence Awards.

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**Michael Regan**  
MAYOR

<b>ITEM 7.3</b>	<b>MAYORAL MINUTE NO 24/2019 - DROUGHT ASSISTANCE - GUNNEDAH</b>
<b>TRIM FILE REF</b>	<b>2019/710740</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

## **BACKGROUND**

Australia's record-breaking drought has brought many farmers in North West New South Wales to their knees, but it's not only those on the land missing out on the rain, businesses in towns like Gunnedah are also feeling the dry. Drought affects entire communities and in Gunnedah the locals are doing it particularly tough.

I have spoken to the Mayor of Gunnedah, Mr Jamie Chaffey who visited Sydney recently about the incredible hardship and impact the drought continues to bring on rural and regional communities.

Building on Council's already established active sister city relationship with Gunnedah, it is clear we need to look at further opportunities to assist these communities.

After discussing with the Mayor and other Gunnedah Councillors about the type of support we could offer, I contacted the Royal Far West in Manly to consider partnering with Council in providing short term accommodation for drought stricken families.

Council has the unique opportunity to assist in providing a well-deserved summer break by the beach in Manly for members of the Gunnedah community to enjoy. By working with Gunnedah Council to identify those in the greatest need, accommodation for up to 21 people for four nights can be made available at the Royal Far West premises in Manly in early January 2020.

As we know, the drought creates a ripple effect across the local economies in regional Australia including support businesses and local service providers. Agricultural based businesses make up nearly 40 per cent of Gunnedah's industries, and they are also doing it tough as farm incomes are almost non-existent.

Councillors, I believe this is a genuine way that we can demonstrate further support for the Gunnedah community. Our community has already shown their generosity through donations and local initiatives such as the "Fiver for a farmer" and more recently for the "Farmers and their Families XMAS Drive" but it shouldn't stop there, we need to continue to show our support and this is a great opportunity to provide some of the residents with a well deserved break.

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**MOTION**

That Council:

1. Write to the Mayor of Gunnedah advising him of this opportunity and to proceed in identifying the most deserving families who would benefit from this opportunity.
  2. Allocate up to a total of \$7000 to cover the cost of accommodation at the Royal Far West facilities in Manly for up to 21 people from the Gunnedah community in January 2020.
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**Michael Regan**  
MAYOR

<b>ITEM 7.4</b>	<b>MAYORAL MINUTE NO 25/2019 - MONA VALE POLICE STATION</b>
<b>TRIM FILE REF</b>	<b>2019/710749</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

## **BACKGROUND**

There is clear evidence that the Northern Beaches is suffering from a crisis in affordable housing.

It continues to be identified as an important issue in many reports including a recent report presented to the Northern Beaches Safety Committee following a housing forum hosted by Council stating that there is a shortage of approximately 8,000 dwellings identified. New developments are constrained to policies that are largely ineffective in a region that has little housing growth. Even 10 to 15 percent of new dwellings is never going to make a difference and the gap will get bigger and the crisis will just grow in relation to the current and future shortages.

This is not about seeking more public housing dwellings, this is about community housing – I refer more specifically to community housing provided and managed by a third party recommended by Council. It is critical that a site like Mona Vale Police station that at present has been subject to much speculation be valued not for its potential profit on sale, but for its social capital value. It should be viewed in terms of the role it can play in providing affordable and convenient housing for our community's key workers. This site could be 100 percent all affordable housing that is built and managed by Councils preferred / endorsed community housing provider.

We need to ask the State Government to start to view land like the Mona Vale Station site not as an opportunity to sell but retain and transfer the liability via a lease to Council to then build key worker housing. In turn, the Police Station could be housed within an existing more centrally located Council building in Mona Vale. I believe it is a great opportunity for both our police service and the community.

In order to commence the discussion, I want to make a formal request to the Local Area Commander to consider a relocation and free up the land for this purpose. I would also seek the support of our Local Member for Pittwater. We have heard only just recently from the community at the last Council meeting that Council should look to secure the site and establish key worker housing options. I believe the community should also continue to have an input into this process however, we need to get this proposal off the ground so we can provide to the community all the facts.

I have advocated for many years on the need for more affordable housing alongside much needed changes to planning legislation to ensure we have appropriate development, on appropriate sites while also ensuring adequate housing stock for our key workers and the broader community into the future.

I ask that Council staff identify the issues and options into the relocation of the Police Station in a central site in Mona Vale as well as those relating to the transfer of the land from the State Government to Council for the purpose of affordable housing to be managed by an endorsed community housing provider.

I understand this can be undertaken by staff and met within existing operational budgets.

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**MOTION**

That Council:

1. Write to the Local Area Commander proposing an opportunity to relocate the police station to a more centralised location in Mona Vale.
  2. Write to the Local State Member for Pittwater and Minister for Planning and Public Places, the Hon. Rob Stokes, MP seeking in principle support for the State Government to provide Council a lease for the current Mona Vale Police Station site on Pittwater Road, Mona Vale at peppercorn rental for the purposes of establishing community housing and other community uses.
  3. Staff prepare a report within three months outlining the issues and options to enable Council to enter into a peppercorn rental lease with the State Government for the Mona Vale Police Station site with the view to provide affordable housing for key workers managed by Council's preferred housing provider.
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**Michael Regan**  
MAYOR

## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	COUNCIL SUPPORT FOR THE SYDNEY SURF PRO IN MANLY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2019/671697
ATTACHMENTS	NIL

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### SUMMARY

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#### PURPOSE

To seek Council's support for the major event, the Sydney Surf Pro at Manly for the following three years.

#### EXECUTIVE SUMMARY

The Sydney Surf Pro (SSP) will be included as one of only 10 Challenger Series events worldwide. The Challenger Series, debuting in 2020, is where professional surfers must compete in order to qualify for the World Surf League (WSL) Championship Tour. This is the latest iteration of the Vissla Sydney Surf Pro and Australian Open of Surfing. It is recognised as a Major Event that attracts significant national and international media to not only the event but Manly as well. It is supported by Destination NSW with agreed funding for the next three years.

The event attracts almost 500 competitors from across NSW, Australia and the World along with tens of thousands of visitors each year, delivering broad reaching benefits to Manly and the Northern Beaches visitor economy.

Council has received a request from Surfing NSW, event producers of the SSP, to once again hold the event on Manly Beach from 8 to 14 March 2020 and the equivalent dates for the following two years. Surfing NSW seeks to continue Council's support and partnership with this event as was done for the event in 2019 and prior to that under the banner of the *Australian Open of Surfing*. This support includes the waiving of Council event fees, the provision of some logistics support and marketing promotions.

In return for support, Northern Beaches Council will be acknowledged as a major partner for the event with matching partnership rights. Through an ongoing strategic partnership with WSL, Surfing NSW and Destination NSW, Council has the opportunity to grow the destination brand of Manly and the Northern Beaches more broadly to create further economic, social and recreational benefits for our region.

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#### RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Continues to partner with Surfing NSW to support the delivery of the Sydney Surf Pro for 2020, 2021 and 2022. Contingent on secured funding from Destination NSW.
  2. Provides in-kind support up to \$311,000 in fee waivers and provide additional logistics and marketing in-kind support up to the value of \$65,000.
  3. Fund the additional logistics and marketing support for the event up to the value of \$65,000 from the operational budget per financial year of the partnership.
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## REPORT

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### BACKGROUND

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

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

In 2012 the Australian Open of Surfing (AOS), a QS6000 qualifying event as part of the official world surfing calendar, returned to Manly. That same year the coastal strip from Freshwater Beach to Shelly Beach was declared Australia's first World Surfing Reserve.

Each year, to ensure the success of the event, the organisers have developed partnerships with Destination NSW and Council. Surfing NSW took ownership of the event from IMG in mid-2017 and, with ongoing support from Destination NSW and Northern Beaches Council, successfully delivered a more community-focussed event in February-March 2018. World Surf League will have ownership of the event and contract Surfing NSW to deliver the event in state.

### Benefits to the Northern Beaches Community

The Sydney Surf Pro is a world-class event attracting over 300 competitors from interstate and international locations including Brazil, Costa Rica, France, South Africa and the USA. These competitors bring an average of two to three people in the entourage delivering significant return to the Manly and Northern Beaches visitor economy through the use of local accommodation, hospitality and other related businesses.

The SSP will also see the inclusion of a Pro Junior event, local and team events along with shapers and celebrities attracting a broad appeal audience to spectate across the ten days at Manly.

A challenger Series event holds more prestige, awards more points and give out more prize money than any previous QS event. CT athletes must compete in Challenger Series events in their home country meaning 15 male and 14 female competitors including the likes of Steph Gilmore and Sally Fitzgibbons will compete. The Challenger Series has the opportunity to tap into WSL's global network and reach including broadcast deals in over 140 countries and 600m homes, a combined social reach of 50m.

Council will negotiate rights under their Major Partner status including, but not limited to

- Logo recognition & Integrations.
- Owned and operated media.
- Content creation and distribution.
- In broadcast integrations.
- Digital marketing & VIP functions.

## Council's Support for the Event

Council's support for the 2020 SSP and subsequent two events is similar to the support provided in 2019 including approx. fee waivers as follows:

### ***Fee Waiver:***

Major Event Large Scale (for 9 days)	\$229,416
Bump-in/out Supervision	\$ 3,080
Parking Permits	up to \$ 71,900
Access to North Steyne Surf Club (16 days)	\$ 6,400

***Estimated Total Fees Waived:*** *up to \$311,000*

In addition to these fee waivers, logistics and promotional support up to \$65,000 in value is also recommended to be provided to ensure the event's success. This support will be implemented in consultation with Surfing NSW to ensure the best targeting of Council's investment but would likely be in the following areas:

- Event site and toilet cleansing including additional bins as required to support existing facilities.
- Waste management and removal.
- Production and installation of event promotional and directional signage in Manly's pedestrian areas, beachfront flags and catenary wires as well as selected locations across the Northern Beaches.
- Electrical and plumbing services to support activities within the event site.
- Temporary water stations for use by event competitors and visitors to complement the existing fixed facilities.
- Additional lifeguard and jet-ski services to ensure the safety of event competitors as well as the general public around the event and competition spaces.
- Promotion of Manly and the event through Council's Hello Manly Visitor Information Centre and Council's digital, social and other media channels.
- Welcome to Country event.

Council's total support for the event including fee waivers, logistics and promotional support will total up to \$375,796. In recognition of this support Council will be acknowledged as a major partner of the event.

Surfing NSW will remain responsible for any restoration of the parklands and/or public facilities or infrastructure if any damage occurs as a result of the bump-in, operations or bump-out of the SSP. As with all events, Council will retain a minimum security bond of \$20,000 to cover any of these costs.

## CONSULTATION

Council staff have met regularly with Surfing NSW over many months to establish the requirements for the event. Further consultation has begun to take place with Council staff across a number of business units involved in the process of supporting the event in order to maximise the opportunities for Council and the community.



**TIMING**

The 2020 VSSP is due to take place from 8 to 14 March 2020. Key Council staff continue to work with representatives from Surfing NSW to facilitate the planning and delivery of the event.

**LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcomes of:

- Places for People Goal 9 – Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging Goal 10 – Our community is stimulated through a diverse range of cultural and creative activities and events.
- Partnership and Participation Goal 22 – Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

**FINANCIAL CONSIDERATIONS**

The proposed value-in-kind support including fee waivers and \$65,000 cash expenditure proposed for logistics and marketing support has been budgeted in the FY19/20 Operating Budget.

The 2019 event generated around \$5million in direct economic impacts for the Northern Beaches LGA economy. It is anticipated the event will continue to generate significant economic benefit to the community.

**SOCIAL CONSIDERATIONS**

Council staff will continue to work with Surfing NSW to minimise the impact of the SSP on the beach, promenade and broader community through the reduction of the event infrastructure, footprint, bump-in and bump-out periods. They also seek to provide more opportunities for local businesses to get involved in the event as well as additional activities for the broader community to enjoy as part of the event.

**ENVIRONMENTAL CONSIDERATIONS**

As with all events taking place on the Northern Beaches, the 2020 VSSP will comply with Council's environmental and waste management policies and plans.

**GOVERNANCE AND RISK CONSIDERATIONS**

As the event organiser, Surfing NSW is still required to prepare and submit all of the appropriate documentation for review and assessment to receive final approval for the event to proceed. This assessment process is managed separately to the event support proposed here.

<b>ITEM 8.2</b>	<b>EVENT GRANTS AND SPONSORSHIP PROGRAM 2019/20 - ROUND 3 FUNDING RECOMMENDATIONS</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS</b>
<b>TRIM FILE REF</b>	<b>2019/678772</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">2019/20 Event Grants and Sponsorships Assessments - Round 3 Project Descriptions</a></b>

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## SUMMARY

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### PURPOSE

To seek endorsement for the allocation of funding and fee waivers under Round Three of Council's 2019/20 Event Grants and Sponsorship Program.

### EXECUTIVE SUMMARY

Council committed \$200,000 to the 2019/20 Event Grants and Sponsorship Program. There are two funding streams available to community events, through either the grants or sponsorship programs. These are open to the community all year round. A grant or sponsorship request is generally capped at \$10,000 but where major events have partnerships with State Government agencies, like Destination NSW (DNSW), and have measurable, economic and social benefits, funding of up to \$50,000 may be negotiated.

Currently, there is \$62,493 available in funding for Round Three applicants. At the Council Meeting 24 September funding of \$50,788 was endorsed for events that applied in Round Two.

For this, Round Three of the Event Grants Program, Council received and assessed twelve applications. One application was then withdrawn by the applicant, to be resubmitted in future rounds. Another application was withheld for further discussion as it was a major event requiring further information. The remaining ten applications requested a total of \$71,000 in cash plus in-kind support (via fee waiver).

As per the recommendation of the Council meeting on 24 September, two Councillors were included to sit on the assessment panel for Round Three funding.

Following detailed assessment, nine projects are recommended for funding and / or fee waiver, as per the recommendations in Attachment 1.

The assessment panel recommends nine event applications for support valued at \$39,783 in cash and fee waivers.

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### RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Approve funding of \$39,783 including cash and fee waivers under the 2019/20 Events Grants and Sponsorship Program, as recommended by the assessment panel.
  2. Staff continue to work with applicants and provide support for the development and delivery of community run events.
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## REPORT

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### BACKGROUND

This is the second year of the Event Grants and Sponsorship Program that aims to promote enhanced economic, social, environmental and / or cultural benefits for the Northern Beaches community. The program has been developed in line with the Northern Beaches Events Strategy (2018-2023) and the Community Strategic Plan 2028, to develop a rich and diverse calendar of events across the beaches. The focus is on new and innovative events and other activities that add value and benefits to our local villages and town centres across the Northern Beaches.

The grants program assists with start-up or one-time costs. Grants are not recurring or ongoing. The sponsorship program supports events with operational costs such as marketing, promotion, and administration. Sponsorship is provided to events that demonstrate a partnership with Council. Funding can be for up to 3 years.

Applications were sought from eligible organisations for events that addressed the assessment criteria as follows:

- **Community benefit** – the event demonstrates significant economic, social, community, cultural and / or environmental contribution to the Northern Beaches community.
- **Priority areas** – the event strongly relates to one or more identified Goals and or/strategies.
- **Value for money** – the application has justified the grant amount requested and included a well-researched and realistic budget, clearly indicating what Council funds would be spent on, as well as other contributions including corporate sponsorship and in-kind support.
- **Environmental & waste management** – the event promotes sustainability and practises waste avoidance principals.
- **Organisational capacity to deliver** – the applicant has a demonstrated track record in delivering events or activations of the scale and type proposed, and / or the applications include thorough event planning and achievable outcomes.
- **Marketing and evaluation strategy** – the application includes an effective and feasible marketing and promotion strategy, as well as a post-event evaluation plan that details how success will be measured.

### Events recommended for funding

Council received ten applications requesting a total of \$71,000 in cash plus in-kind support (via fee waivers). Applications were reviewed for eligibility in the first instance followed by an assessment undertaken by a panel including staff and two nominated Councillors.

Most applicants requested a high funding amount, but upon detailed assessment only two projects were recommended for the full amount requested. The remaining eight event applications are recommended for partial funding and / or fee waiver, as per the recommendations in Attachment 1.

The panel recommends the Place Management and Events & Partnerships teams continue to collaborate with the applicants to build capacity in grant applications, develop the event concepts and extend event management skills and knowledge.

Negotiation of sponsorship benefits will be undertaken by the Events & Partnerships team to leverage Council value.

Fee waivers have been incorporated into this grant program for items including but not limited to banner fees and beach or reserve bookings.

The funding and fee waiver requests are conditional upon relevant approvals and / or availability of the requested Council facility. Fee waivers are offered up to a maximum value based on the adopted fees and charges.

**Event Grants & Sponsorships recommendations summary**

<b>Organisation</b>	Lifeline Northern Beaches		
<b>Project title</b>	Tarp-O-Rama		
<b>Project description</b>	Tarp-O-Rama for Lifeline is a community event with the focus on mental health awareness to help those in crisis and those affected by those in crisis. This event is to promote great community spirit, fundraising and youth engagement by participating in skating, scootering, riding, hopping, skipping through three 12m x 12m tarps. The event also includes local talent DJ's, bands, local stall holders, local food vendors, other mental health service providers. The vision for Tarp-O-Rama for Lifeline is to be a mental health awareness festival rather than a skating contest.		
<b>Recommended funding</b>	\$2,500 grant	<b>Fee Waiver</b>	Nil

<b>Organisation</b>	Manly Malibu Boardriders Club		
<b>Project title</b>	Snowy McAlister 33rd Surfing Festival		
<b>Project description</b>	A longstanding surf competition held over the June long weekend in Manly, now coming in to its 33rd year. The Snowy McAlister Winter Surfing Festival originated in honor of Charles Justin 'Snowy' McAlister, the 'father of Australian Surfing'. The event includes 10 divisions including men's, women's juniors, age specific and specialty events.		
<b>Recommended funding</b>	\$2,750 grant	<b>Fee Waiver</b>	Up to \$2,722 for water safety fees

<b>Organisation</b>	Gotcha4Life		
<b>Project title</b>	Gotcha4Life Fun Run 2020		
<b>Project description</b>	In its 3rd year, previously named the Cliffside Festival. A community event supporting Mental Fitness and bringing awareness to the importance of family, connection and health. The event features a 3km, 5km, 10km run/walk plus other activities in Griffith Park for family and individuals.  Negotiation of sponsorship benefits will be undertaken.		
<b>Recommended funding</b>	\$5,000 sponsorship for one year	<b>Fee Waiver</b>	Up to \$500 for reserve fees

<b>Organisation</b>	Lifeline Northern Beaches		
<b>Project title</b>	Lifeline Northern Beaches Classic		
<b>Project description</b>	A community surfing and fundraising competition with all monies raised used to fund Lifeline Northern Beaches local crisis support services. Teams compete in a fundraising competition with the winning teams having priority of choice for surfing identities and professionals (who donate their time) to join their team on the day of the competition. The event is now in its fourth year.		
<b>Recommended funding</b>	Nil	<b>Fee Waiver</b>	Up to \$841 for water safety fees

<b>Organisation</b>	Mona Vale Chamber of Commerce		
<b>Project title</b>	Mona Vale Autumn Festival 2020		
<b>Project description</b>	The request is for multi-year funding for the annual Autumn Festival which is a jazz music festival with a variety of general and food stalls operated by local businesses. The 2020 event will also include the addition of the Northern Beaches Youth Sport and Lifestyle Festival in parallel to make the event even more targeted at families. The combined events are expected to attract over 7,000 people to the area.		
<b>Recommended funding</b>	\$3,300 for one year sponsorship	<b>Fee Waiver</b>	Up to \$1,000 for waste bins and banner booking

<b>Organisation</b>	Special Olympics Australia Sydney Northern Beaches		
<b>Project title</b>	Special Olympics NSW Swimming Competition hosted by Sydney Northern Beaches Club		
<b>Project description</b>	The State Swimming competition to be held at the Warringah Aquatic Centre will bring together up to 150 athletes with an intellectual disability from across the state and the ACT. This is the highest level competition for Special Olympics athletes in NSW. The funding request is for the cost of venue hire.		
<b>Recommended funding</b>	\$6,000 grant	<b>Fee Waiver</b>	Nil

<b>Organisation</b>	Barrenjoey Peninsula Week of Golf		
<b>Project title</b>	Barrenjoey Peninsula Week of Golf 2020		
<b>Project description</b>	<p>This event has been running for 38 years and is the biggest amateur golf event for women in the Southern Hemisphere. The event is played across 7 Northern Beaches Golf Courses and hosts over 620 female participants from both the Northern Beaches as well as intrastate, interstate and even some international players. This Tournament is sanctioned and advertised through the Golf NSW and Golf Australia websites. It is a prestigious Jean Derrin Golfing event. The funding request is to grow the event to two new courses.</p> <p>Negotiation of sponsorship benefits will be undertaken.</p>		
<b>Recommended funding</b>	\$5,500 sponsorship for one year	<b>Fee Waiver</b>	Nil

<b>Organisation</b>	Special Olympics Australia Sydney Northern Beaches		
<b>Project title</b>	Special Olympics Festival of Sport		
<b>Project description</b>	<p>The Festival of Sport is a bi-annual event designed and hosted by the Sydney Northern Beaches Club. The event brings together Special Olympics athletes and families from across the state and ACT. It is targeted at the lower functioning athletes who do not receive a lot of opportunities for a week-end of activities and fellowship. The activities encourage camaraderie through team building and sportsmanship emphasising the importance of working together.</p>		
<b>Recommended funding</b>	Nil – refer to attachment 1 comments	<b>Fee Waiver</b>	Nil – refer to attachment 1 comments

<b>Organisation</b>	The Shack Folk Inc		
<b>Project title</b>	Northern Beaches Music Festival 2020		
<b>Project description</b>	<p>The Northern Beaches Music Festival is an annual, not for profit, community based music festival that has been successfully operating annually since 2011. It has been created through the amalgamation of seven not for profit music and folk clubs on the Northern Beaches. The event involves local musicians including young and up and coming local artists, national and international performers, community groups, disability groups, local schools, TAFE and university students, indigenous and other multicultural groups. The festival is supported by local businesses.</p> <p>Negotiation of sponsorship benefits will be undertaken.</p>		
<b>Recommended funding</b>	\$6,600 sponsorship for one year	<b>Fee Waiver</b>	Up to \$702 for reserve hire and banner booking

<b>Organisation</b>	The Link Church		
<b>Project title</b>	Eggs by the Lake		
<b>Project description</b>	<p>An annual huge Easter egg hunt with over 10,000 Easter eggs, games and other activities. The afternoon is providing an Easter event for families on the Northern Beaches that is free to attend and to celebrate all things Easter. The funding request is to grow the event profile with further infrastructure.</p> <p>Negotiation of sponsorship benefits will be undertaken.</p>		
<b>Recommended funding</b>	\$2,000 sponsorship for one year	<b>Fee Waiver</b>	Up to \$368 for reserve hire

## CONSULTATION

The program was initially promoted widely through print, online media and direct email at key customer locations. Two information sessions and two grant-writing workshops were held during the opening week in Manly and Dee Why.

Staff have also provided appropriate assistance and guidance to applicants where requested. All applicants will be able to seek feedback on their applications.

The Assessment Panel comprised:

- Executive Manager Community Engagement & Communications.
- One Manager from Council's team, Events & Partnerships.
- One Manager from Council's team, Open Space & Recreation Planning.
- One Manager from Council's team, Place & Economic Development.
- Two Councillors as nominated by the Mayor.

The panel members undertook individual online assessments and submitted scores for each application against the assessment criteria, resulting in a priority ranking. A round table discussion of the panel was held and consensus on the recommended events and funding allocation was obtained.

## TIMING

The third round of the 2019/20 Event Grants and Sponsorship Program opened on 14 August 2019. Funded events will need to be delivered by 30 June 2020 and acquitted by 31 July 2020. Events receiving multi-year funding will be required to expend their grant funds by 30 June each subsequent year, together with an acquittal report.

## LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the Environment Goal 3 – Our community is well-supported in protecting the environment
- Environmental Sustainability Goal 6 – Our community will continue to work towards sustainable use of resources



- Places for People:
  - Goal 8 – Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing
  - Goal 9 – Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities
- Community and Belonging: Goal 10 – Our community is stimulated through a diverse range of cultural and creative activities and events.
- Vibrant Local Economy: Goal 15 – Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life
- Partnership and Participation: Goal 22 – Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

### **FINANCIAL CONSIDERATIONS**

Funding of \$200,000 is included in the budget for the Event Grants and Sponsorship program 2019/20 that was adopted by Council.

The recommended funding allocation for this Round Three of applicants is \$39,783 in funding and / or fee waivers. There are no recommendations for multiyear funding arrangements.

The balance of funds available for future Events Grant and Sponsorship applications in 2019/20 is \$22,710.

### **SOCIAL CONSIDERATIONS**

The Event Grants and Sponsorship Program has been developed to promote the skills and resources of the community to deliver a rich and diverse calendar of events across the Northern Beaches.

The 2019/20 program has been expanded to include support for events that raise funds for eligible charities and not-for-profit organisations providing primary benefit to the broader Northern Beaches Community.

Where Council provides funding by way of a grant or sponsorship to an event, organisers are requested to acknowledge Council's support through its marketing and promotion. This recognition varies depending on the scale of the event and depth of the marketing and promotion that supports the event.

### **ENVIRONMENTAL CONSIDERATIONS**

All event applications including those receiving grant funding are required to meet Council's waste management requirements before the event is approved to take place.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The 2019/20 Event Grants and Sponsorships program is carried out in accordance with chapter 12, part 1, section 356 of the Local Government Act 1993.

The 2019/20 Event Grants and Sponsorship program is carried out in accordance with the Community Grants and Partnerships Policy, adopted by Council on 25 June 2019.

Applications are assessed against pre-defined and advertised criteria and follow a clear and transparent process to ensure equity. The program was widely advertised and is open to the community all year round.



All event applications including those receiving grant funding and fee waivers are required to submit a risk assessment and other appropriate event management plans, and evidence of appropriate insurance coverage before the event is approved to take place.

There is a risk that, in some circumstances, events that have received funding may not be delivered, or may incur reputational issues that could reflect on Council. The Event Grant Acquittal process requires acquittal documentation along with event evaluations for each funded event to be submitted to Council within 60 days of the event occurring. These are reviewed by staff, and an Event Acquittal Report will be submitted to the CEO for review each quarter with recommendations for future funding proposals.

To further promote transparency, fairness and equity, two Councillors nominated by the Mayor sat on the assessment panel from this latest round onwards and will undertake the review of applications.

## 2019/20 Event Grants & Sponsorships Program Applicant Overview – Round 3

Council received twelve applications with all applications proceeding to assessment after eligibility checks. One application was then withdrawn by the applicant, to be resubmitted in future rounds. Another application was withheld for further discussion as it was a major event requiring further information. The remaining ten applications requested a total of \$71,000 in cash plus in-kind support (via fee waiver). The applications were assessed by the assessment panel against the following criteria:

- **Community benefit** – the event demonstrates significant economic, social, community, cultural and/or environmental contribution to the Northern Beaches community.
- **Priority areas** – the event strongly relates to one or more identified Goals and / or strategies.
- **Value for money** – the application has justified the grant amount requested and included a well-researched and realistic budget, clearly indicating what Council funds would be spent on, as well as other contributions including corporate sponsorship and in-kind support.
- **Environmental & waste management** – the event promotes sustainability and practises waste avoidance principals.
- **Organisational capacity to deliver** – the applicant has a demonstrated track record in delivering events or activations of the scale and type proposed, and / or the application includes thorough event planning and achievable outcomes.
- **Marketing and evaluation strategy** – the application includes an effective and feasible marketing and promotion strategy, as well as a post-event evaluation plan that details how success will be measured.

### Grants recommended for funding

Following assessment, the Panel recommends nine projects receive funding and / or fee waivers to the total value of \$39,783. The panel recommends that staff provide feedback and support to all applicants on the grant application process to assist with building a better understanding especially in the areas of budgeting and revenue. In this round there are no projects recommended for multiyear funding. The following table details the projects recommended for funding:

	Event Title & Applicant	Event Description	Amount Requested (ex GST)	Amount Recommended (ex GST)	Comments
1	Tarp-O-Rama - Lifeline Northern Beaches	Tarp-O-Rama for Lifeline is a community event with the focus on mental health awareness to help those in crisis and those affected by those in crisis. This event is to promote great community spirit, fundraising and youth engagement by participating in skating, scootering, riding, hopping, skipping through three 12m x 12m tarp's. The event also includes local talent DJ's, bands, local stall holders, local food vendors, other mental health service providers. The vision for Tarp-O-Rama for Lifeline is to be a mental health awareness festival rather than a skating contest.	\$7,000	\$2,500 grant	Two requests for funding were received from this applicant in this round of funding. This was taken into consideration. The audience reach for this event is small however it is unique in nature. The application could be strengthened with greater detail on the budget. The panel recommends partial funding to support the event.
2	Snowy McAlister 33rd Surfing Festival - Manly Malibu Boardriders Club	A longstanding surf competition held over the June long weekend in Manly, now coming in to its 33 <sup>rd</sup> year. The Snowy McAlister Winter Surfing Festival originated in honour of Charles Justin 'Snowy' McAlister, the 'father of Australian Surfing'. The event includes 10 divisions including men's, women's juniors, age specific and specialty events.	\$3,000	\$2,750 grant  Fee waiver of \$2,722 for water safety	This is a longstanding event that demonstrates economic and community benefits to the area during the winter season. It also has a number of participants from across Australia and International. Partial funding as well as fee waivers for water safety are recommended. The application could be strengthened with further detail on risk and marketing plans.
3	Gotcha4Life Fun Run 2020 - Gotcha4Life	In its 3rd year, previously named the Cliffside Festival. A community event supporting Mental Fitness and bringing awareness to the importance of family, connection and health. The event features a 3km, 5km, 10km run/walk plus other activities in Griffith Park for family and individuals.	\$15,000	\$5,000 sponsorship  Fee waiver up to \$500	The event provides an important platform to engage a number of organisations that are committed to raising the profile of suicide prevention and promote healthy connected communities. The panel noted the application lacked sufficient detail in the budget to demonstrate value for money of the amount requested. Specifically, there was no revenue recognised for participants that pay to be in the fun run element. The panel recommends partial funding to support the event in line with previous years funding awarded. Council staff will work with the organiser to negotiate appropriate sponsorship benefits. The fee waiver is to cover venue hire fees.

Event Title & Applicant	Event Description	Amount Requested (ex GST)	Amount Recommended (ex GST)	Comments
4 Lifeline Northern Beaches Classic - Lifeline Northern Beaches	A community surfing and fundraising competition with all monies raised used to fund Lifeline Northern Beaches local crisis support services. Teams compete in a fundraising competition with the winning teams having priority of choice for surfing identities and professionals (who donate their time) to join their team on the day of the competition. The event is now in its fourth year. The request is for multi-year funding.	\$10,000 (2 year request)	Nil funding Fee waiver for of \$841 for water safety	Two requests for funding were received from this applicant in this round of funding. This event particularly had a large portion of fees going to an external provider to organise the surf component. Feedback provided to the applicant will suggest looking at alternative partnerships with the likes of Surfing NSW. While the event demonstrates fundraising benefits for the organisation, grant funding to the organisation as a whole across the round has been considered. The panel recommends supporting the event with a fee waiver for jet ski and lifeguard costs.
5 Mona Vale Autumn Festival 2020 - Mona Vale Chamber of Commerce	The request is for multi-year funding for the annual Autumn Festival which is a jazz music festival with a variety of general and food stalls operated by local businesses. The 2020 event will also include the addition of the Northern Beaches Youth Sport and Lifestyle Festival in parallel to make the event even more targeted at families. The combined events are expected to attract over 7,000 people to the area.	\$5,000 (3 year request)	\$3,300 (one-year sponsorship) Fee waiver up to \$1,000 for waste bins and banner booking	While the event demonstrates economic benefits to the Mona Vale area, the application lacked detail in the budget to demonstrate value for money for the funding requested. The panel recommends partial funding to support the event as well as waiving fees for waste bins and banner space.
6 Special Olympics NSW Swimming Competition hosted by Sydney Northern Beaches Club - Special Olympics Australia Sydney Northern Beaches	The State Swimming competition to be held at the Warringah Aquatic Centre will bring together up to 150 athletes with an intellectual disability from across the state and the ACT. This is the highest level competition for Special Olympics athletes in NSW. The funding request is for the cost of venue hire.	\$6,000	\$6,000 grant	Two requests for funding were received from this applicant in this round of funding. Grant funding to the organisation as a whole across the round has been considered. The panel supports a cash grant which can be used towards the cost of venue hire or other costs for either event as decided by the applicant.



Event Title & Applicant	Event Description	Amount Requested (ex GST)	Amount Recommended (ex GST)	Comments
7 Barrenjoey Peninsula Week of Golf 2020 - Barrenjoey Peninsula Week of Golf	This event has been running for 38 years and is the biggest amateur golf event for women in the Southern Hemisphere. The event is played across 7 Northern Beaches Golf Courses and hosts over 620 female participants from both the Northern Beaches as well as intrastate, interstate and even some international players. This Tournament is sanctioned and advertised through the Golf NSW and Golf Australia websites. It is a prestigious Jean Derrin Golfing event. The funding request is to grow the event to two new courses.	\$5,000	\$5,500 (one-year sponsorship)	This is a major golfing event that has demonstrable economic, community and social benefits. Further, the event encourages more female participants in the sport and also has on-flow benefits of the use of public golf courses across the area. The panel recommends full funding and Council staff will work with the organiser to negotiate appropriate sponsorship benefits for the event.
8 Special Olympics Festival of Sport - Special Olympics Australia Sydney Northern Beaches	The Festival of Sport is a bi-annual event designed and hosted by the Sydney Northern Beaches Club. The event brings together Special Olympics athletes and families from across the state and ACT. It is targeted at the lower functioning athletes who do not receive a lot of opportunities for a week-end of activities and fellowship. The activities encourage camaraderie through team building and sportsmanship emphasising the importance of working together.	\$5,000	Nil	Two requests for funding were received from this applicant in this round of funding. Grant funding to the organisation as a whole across the round has been considered. While the event demonstrates benefit to an important target group in the community, the application lacked detail on the program and outcomes. The panel has supported a cash grant for the first application which can be used by the applicant to cover costs of either event.

	Event Title & Applicant	Event Description	Amount Requested (ex GST)	Amount Recommended (ex GST)	Comments
9	Northern Beaches Music Festival 2020 - The Shack Folk Inc	The Northern Beaches Music Festival is an annual, not for profit, community based music festival that has been successfully operating annually since 2011. It has been created through the amalgamation of seven not for profit music and folk clubs on the Northern Beaches. The event involves local musicians including young and up and coming local artists, national and international performers, community groups, disability groups, local schools, TAFE and university students, indigenous and other multicultural groups. The festival is supported by local businesses.	\$10,000	\$6,600 (one-year sponsorship)  Fee waiver of \$702 for reserve hire and banner booking	The event demonstrates community and cultural benefits and has been running successfully for a number of years. The application could be strengthened with more detail in the budget to support value for money of the funding amount requested. The panel has recommended an increase in the funding amount provided previously as well as a fee waiver for the use of Berry Reserve and banner space.
10	Eggs by the Lake - The Link Church	An annual huge Easter egg hunt with over 10,000 Easter eggs, games and other activities. The afternoon is providing an Easter event for families on the Northern Beaches that is free to attend and to celebrate all things Easter. The funding request is to grow the event profile with further infrastructure.	\$5,000 (3 year request)	\$2,000 (one-year sponsorship)  Fee waiver of \$368 for reserve hire	This is already a successful event demonstrating community benefits. The panel recommends partial sponsorship towards the new infrastructure requested. Council staff will work with the organiser to negotiate appropriate sponsorship benefits for the event.

<b>ITEM 8.3</b>	<b>NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE OFFICER</b>
<b>TRIM FILE REF</b>	<b>2019/692552</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**SUMMARY**

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**PURPOSE**

To provide a report on the recipients and projects which have received an allocation from the Northern Beaches Council Discretionary Fund during the past quarter.

**EXECUTIVE SUMMARY**

<b>Recipient</b>	<b>Description</b>	<b>Allocation</b>
Barrenjoey Peninsula Week of Golf	Donation towards Annual Golf Fundraising Event	\$1,000.00
Rotary Club of Balgowlah	Donation towards Annual Golf Fundraising Event	740.00
Northern Beaches Art Society	Donation towards cost of prizes – Annual Exhibition on 11 October 2019	\$100.00
Resident of Belrose	Assistance for an additional red waste bin service due to medical reasons	\$220.00
Empower Golf	Donation towards Annual Golf Fundraising Event on 12 November 2019	\$700.00
Applause Musical Theatre Academy	Donation towards the purchase of costumes for special needs students and cost of additional carers for the event	\$1,000.00
Scotland Island Residents Association – Island Daze Festival	Contribution towards the presentation by the Resident's Association of the 3 day event held on Scotland Island	\$1,000.00
Rotary Club of North Sydney – Sunrise Club	Support for five children from Fisher Road School, Dee Why to attend World Festival of Magic Event	\$600.00
Veterans Cricket NSW	Donation towards England vs Veterans event on 25 November at Manly Oval	\$1,000.00
Koori Kids for NAIDOC Week	Assistance towards the cost of providing the 2020 NAIDOC Initiative to Local Schools	\$750.00

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**RECOMMENDATION OF CHIEF EXECUTIVE OFFICER**

That Council note payments totalling \$7,110.00 have been allocated by the Northern Beaches Council Discretionary Fund for the period 25 September to 17 December 2019.

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## REPORT

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### BACKGROUND

The Northern Beaches Council Discretionary Fund supports individuals and community organisations through small financial donations. It also provides assistance to local residents to attend events or conferences that further develop educational or sporting endeavours at a representative level.

At the 19 December 2017 Council meeting, Council adopted the Northern Beaches Council Discretionary Fund Policy, with a requirement that recipient and project details be reported to Council on a quarterly basis. This report only includes allocations that have been finalised.

As required under the Policy, the maximum amount which may be allocated to an individual or community organisation is \$1,000 and only one payment can be made to an individual or community organisation within the same financial year.

All requests to the Northern Beaches Council Discretionary Fund are submitted to the Mayor, Deputy Mayor or a Councillor, and the Chief Executive Officer to certify that the allocation is made in accordance with the Policy and that the funds are available.

The next report to Council will be presented at the ordinary Council meeting of 24 March 2020.

### CONSULTATION

Requests upon the Discretionary Fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer for approval in accordance with the Policy.

### TIMING

A quarterly report to Council is required by the Northern Beaches Council Discretionary Fund Policy.

### LINK TO COUNCIL STRATEGY

This report relates to the following Community Strategic Plan Outcomes:

- Places for People: Goal 9 - Our community healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging: Goal 11 – Our community feels safe and supported.

### FINANCIAL CONSIDERATIONS

The funds allocated are provided within the existing annual budget of \$30,000 for the Northern Beaches Discretionary Fund. No funding will be provided outside of the allocated budget in each financial year.

### SOCIAL CONSIDERATIONS

The Northern Beaches Council Discretionary Fund supports individuals and community organisations and provides assistance to local residents to attend events or conferences that further develop their educational or sporting endeavours at a representative level.

### ENVIRONMENTAL CONSIDERATIONS

The Northern Beaches Council Discretionary Fund – Quarterly Report has no specific environmental impact.

**GOVERNANCE AND RISK CONSIDERATIONS**

Payments allocated under the Northern Beaches Council Discretionary Fund have satisfied the requirements under both the Northern Beaches Council Discretionary Fund Policy and the approval process as last adopted by Council on 19 December 2017.

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

<b>ITEM 9.1</b>	<b>MONTHLY INVESTMENT REPORT - NOVEMBER 2019</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2019/704601</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

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

#### EXECUTIVE SUMMARY

In accordance with 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 \$209,221,468 comprising:

- Trading Accounts           \$5,245,905
- Investments                 \$203,975,563

Performance over the period from 1 July 2019 to date was strong having exceeded the benchmark: 2.28%pa vs. 1.74%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.

#### LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Good Governance Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.

#### FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2019 to date was \$1,976,799 compared to budgeted income of \$2,322,177, a negative variance of \$345,378.

#### SOCIAL CONSIDERATIONS

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of social responsibility when making investment decisions.

## ENVIRONMENTAL CONSIDERATIONS

Council's investments are managed in accordance with Council's Investment Policy. Council's Investment Policy requires consideration of environmental responsibility when making investment decisions.

## GOVERNANCE AND RISK CONSIDERATIONS

Council's Investment Policy and Strategy were reviewed in August 2019 by Council's Investment Advisors, Laminar Capital Pty Ltd, who confirmed that the current policy *"remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet"* and that they *"do not recommend any changes to the list of approved investments or credit limit frameworks"*.

The Investment Policy was reviewed by the Audit, Risk and Improvement Committee at their meeting in November 2018, and no change to the Policy was required following that review.

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## RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council receives and notes the Investment Report as at 30 November 2019, including the certification by the Responsible Accounting Officer.

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**REPORT**

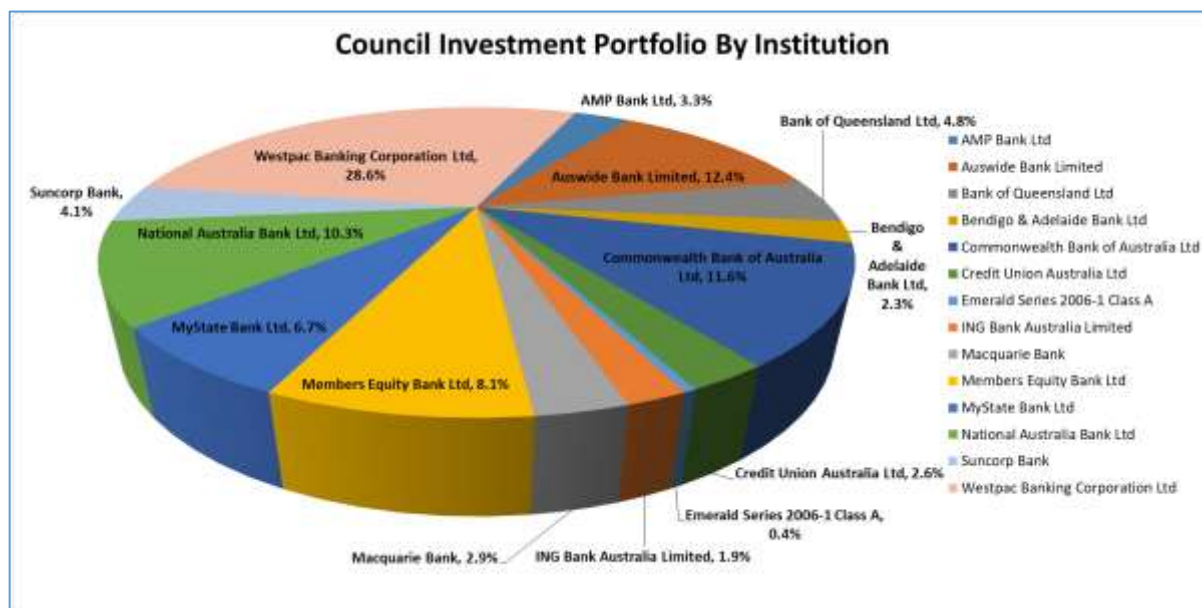
**INVESTMENT BALANCES**

<b>INVESTMENT BALANCES</b>				
As at 30-Nov-2019				
<b>INSTITUTION</b>	<b>RATING</b>	<b>AMOUNT \$</b>	<b>MATURITY DATE</b>	<b>INTEREST RATE</b>
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	4,140,393		0.80%
National Australia Bank Ltd	A1+	320,233		0.50%
		<b>4,460,626</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	844,926	At Call	1.10%
		<b>844,926</b>		
<b>Mortgage Backed Securities</b>				
Emerald Series 2006-1 Class A	AAA	831,819	21-Aug-51	1.3400%
		<b>831,819</b>		
<b>Term Deposits</b>				
Members Equity Bank Ltd	A2	3,000,000	03-Dec-19	1.70%
Westpac Banking Corporation Ltd	A1+	2,000,000	03-Dec-19	1.81%
MyState Bank Ltd	A2	2,000,000	05-Dec-19	2.85%
Credit Union Australia Ltd	A2	1,500,000	10-Dec-19	2.73%
Auswide Bank Limited	A2	3,000,000	10-Dec-19	2.75%
Suncorp Bank	A1	2,000,000	12-Dec-19	2.20%
National Australia Bank Ltd	A1+	3,000,000	12-Dec-19	2.35%
MyState Bank Ltd	A2	3,000,000	16-Dec-19	2.30%
National Australia Bank Ltd	A1+	2,000,000	17-Dec-19	2.20%
Members Equity Bank Ltd	A2	2,000,000	17-Dec-19	2.75%
Auswide Bank Limited	A2	2,000,000	07-Jan-20	2.30%
Auswide Bank Limited	A2	3,000,000	07-Jan-20	2.75%
National Australia Bank Ltd	A1+	2,000,000	09-Jan-20	2.35%
Westpac Banking Corporation Ltd	A1+	3,000,000	14-Jan-20	2.10%
Westpac Banking Corporation Ltd	A1+	2,000,000	14-Jan-20	2.10%
Westpac Banking Corporation Ltd	A1+	4,000,000	21-Jan-20	2.00%
Credit Union Australia Ltd	A2	2,000,000	21-Jan-20	2.76%
Suncorp Bank	A1	2,000,000	23-Jan-20	2.35%
Auswide Bank Limited	A2	3,000,000	04-Feb-20	2.75%
Auswide Bank Limited	A2	2,000,000	06-Feb-20	2.30%
Westpac Banking Corporation Ltd	A1+	3,000,000	11-Feb-20	2.10%
Westpac Banking Corporation Ltd	A1+	2,000,000	13-Feb-20	2.10%
National Australia Bank Ltd	A1+	1,000,000	18-Feb-20	2.35%
Suncorp Bank	A1	2,000,000	20-Feb-20	2.35%
Bank of Queensland Ltd	A2	3,000,000	25-Feb-20	1.75%
Credit Union Australia Ltd	A2	2,000,000	25-Feb-20	2.78%
Westpac Banking Corporation Ltd	A1+	2,000,000	03-Mar-20	1.73%
Macquarie Bank	A1	3,000,000	03-Mar-20	1.80%
Auswide Bank Limited	A2	3,000,000	03-Mar-20	2.75%
Westpac Banking Corporation Ltd	A1+	3,000,000	10-Mar-20	2.10%
Westpac Banking Corporation Ltd	A1+	2,000,000	12-Mar-20	2.10%
National Australia Bank Ltd	A1+	2,000,000	17-Mar-20	1.72%
MyState Bank Ltd	A2	2,000,000	24-Mar-20	1.75%

INVESTMENT BALANCES				
As at 30-Nov-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Term Deposits (continued)</b>				
MyState Bank Ltd	A2	2,000,000	26-Mar-20	1.80%
Members Equity Bank Ltd	A2	3,000,000	31-Mar-20	1.65%
Macquarie Bank	A1	3,000,000	02-Apr-20	1.80%
Westpac Banking Corporation Ltd	A1+	3,000,000	07-Apr-20	2.10%
MyState Bank Ltd	A2	2,000,000	07-Apr-20	1.65%
Westpac Banking Corporation Ltd	A1+	2,000,000	14-Apr-20	2.10%
National Australia Bank Ltd	A1+	2,000,000	16-Apr-20	1.70%
Westpac Banking Corporation Ltd	A1+	2,000,000	21-Apr-20	1.78%
Bank of Queensland Ltd	A2	1,000,000	23-Apr-20	1.65%
Members Equity Bank Ltd	A2	3,000,000	28-Apr-20	1.65%
Auswide Bank Limited	A2	2,000,000	30-Apr-20	1.75%
MyState Bank Ltd	A2	3,000,000	05-May-20	1.65%
Westpac Banking Corporation Ltd	A1+	3,000,000	07-May-20	2.10%
Westpac Banking Corporation Ltd	A1+	2,000,000	12-May-20	2.10%
AMP Bank Ltd	A2	2,000,000	14-May-20	1.90%
AMP Bank Ltd	A2	2,000,000	14-May-20	1.90%
National Australia Bank Ltd	A1+	3,000,000	14-May-20	1.70%
Westpac Banking Corporation Ltd	A1+	2,000,000	19-May-20	1.78%
Members Equity Bank Ltd	A2	3,000,000	26-May-20	1.65%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	28-May-20	1.60%
Bank of Queensland Ltd	A2	2,000,000	28-May-20	1.65%
Bank of Queensland Ltd	A2	2,000,000	02-Jun-20	1.65%
Members Equity Bank Ltd	A2	2,000,000	09-Jun-20	1.60%
Westpac Banking Corporation Ltd	A1+	4,000,000	23-Jun-20	2.50%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	23-Jun-20	1.60%
Westpac Banking Corporation Ltd	A1+	2,000,000	02-Jul-20	1.70%
Westpac Banking Corporation Ltd	A1+	3,000,000	02-Jul-20	2.50%
Members Equity Bank Ltd	A2	1,000,000	07-Jul-20	1.60%
Westpac Banking Corporation Ltd	A1+	3,000,000	10-Jul-20	2.55%
Westpac Banking Corporation Ltd	A1+	3,000,000	24-Jul-20	2.25%
Westpac Banking Corporation Ltd	A1+	2,000,000	04-Aug-20	1.70%
AMP Bank Ltd	A2	2,000,000	18-Aug-20	1.65%
ING Bank Australia Limited	A1	2,000,000	27-Aug-20	1.65%
Westpac Banking Corporation Ltd	A1+	2,000,000	03-Sep-20	1.70%
Auswide Bank Limited	A2	2,000,000	10-Nov-20	1.60%
Auswide Bank Limited	A2	2,000,000	24-Nov-20	1.70%
Auswide Bank Limited	A2	2,000,000	26-Nov-20	1.70%
		<b>162,500,000</b>		

INVESTMENT BALANCES				
As at 30-Nov-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
<b>Kimbriki Environmental Enterprises Pty Ltd</b>				
<b>Trading Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	785,279		0.40%
		<b>785,279</b>		
<b>At Call Accounts</b>				
Commonwealth Bank of Australia Ltd	A1+	159,864	At Call	0.10%
Commonwealth Bank of Australia Ltd	A1+	1,000,895	At Call	0.70%
		<b>1,160,759</b>		
<b>Term Deposits</b>				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	27-Dec-19	1.42%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	30-Dec-19	1.56%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	13-Jan-20	1.82%
Commonwealth Bank of Australia Ltd	A1+	9,338,058	28-Jan-20	1.41%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	29-Jan-20	1.42%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	31-Jan-20	1.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	17-Feb-20	1.43%
		<b>17,338,058</b>		
<b>New Council Implementation Fund</b>				
<b>Term Deposits</b>				
AMP Bank Ltd	A2	900,000	21-May-20	1.90%
		<b>900,000</b>		
<b>Stronger Communities Fund</b>				
<b>Term Deposits</b>				
ING Bank Australia Limited	A1	2,000,000	19-Dec-19	2.90%
Westpac Banking Corporation Ltd	A1+	900,000	12-May-20	1.70%
		<b>2,900,000</b>		
<b>Stronger Communities Fund Round 2</b>				
<b>Term Deposits</b>				
National Australia Bank Ltd	A1+	1,700,000	16-Jan-20	2.35%
Auswide Bank Limited	A2	2,000,000	11-Feb-20	2.25%
Bank of Queensland Ltd	A2	2,000,000	25-Feb-20	1.75%
National Australia Bank Ltd	A1+	2,500,000	05-Mar-20	2.65%
National Australia Bank Ltd	A1+	2,000,000	09-Apr-20	2.50%
Suncorp Bank	A1	750,000	23-Apr-20	1.63%
Suncorp Bank	A1	1,750,000	21-May-20	1.63%
Westpac Banking Corporation Ltd	A1+	1,000,000	18-Jun-20	1.78%
Westpac Banking Corporation Ltd	A1+	2,000,000	17-Jul-20	2.25%
Bendigo & Adelaide Bank Ltd	A2	1,800,000	21-Jul-20	1.60%
		<b>17,500,000</b>		
<b>Total Cash and Investments</b>		<b>209,221,468</b>		

## PORTFOLIO ANALYSIS

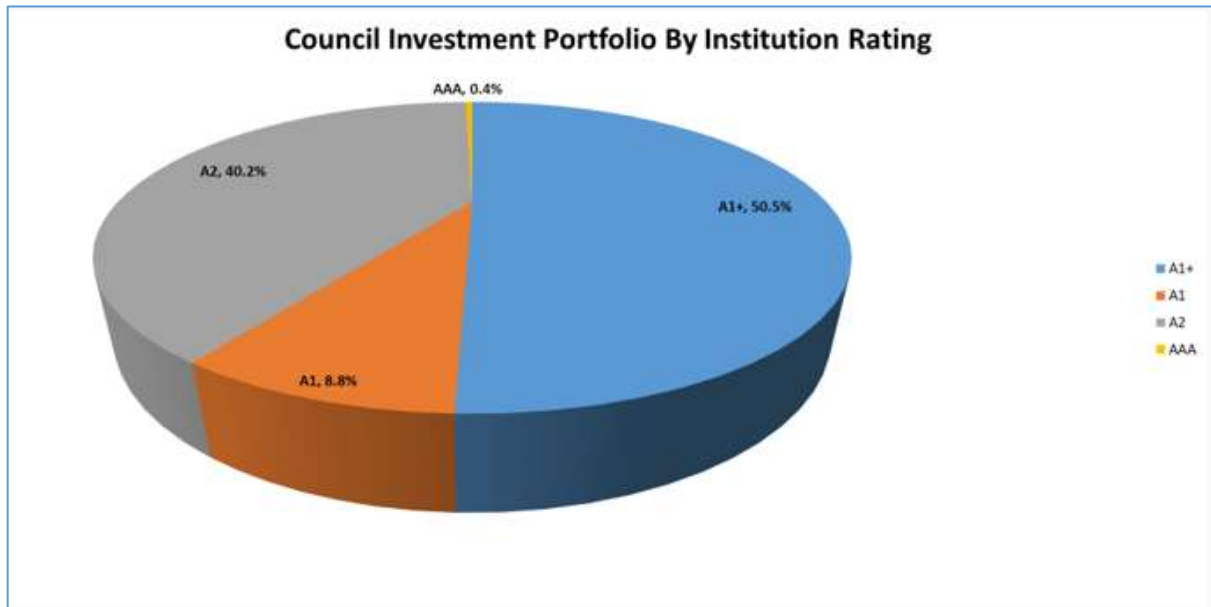


### Institutional Credit Framework – Compliance with Investment Policy Requirements

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

Long Term Rating	Short Term Rating	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	50%	Yes
AA+			
AA			
AA-	A-1	40%	Yes
A+			
A			
A-	A-2	30%	Yes
BBB+			
BBB			
BBB-	A-3	10%	Yes
Unrated	Unrated	10%	Yes (\$Nil)





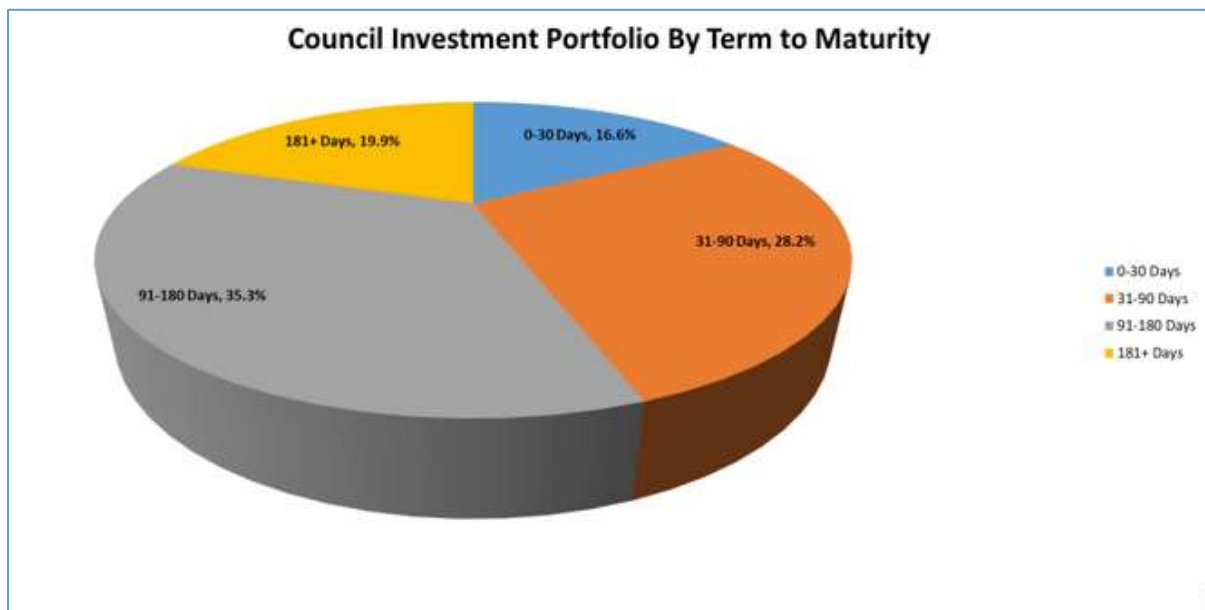
### Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

Clause 4.2.1 of Council's Investment Policy requires that the total percentage exposure within the market to any particular credit rating category be limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %	Portfolio Complies with Policy?
AAA (incl. government guaranteed deposits)	A-1+	100%	Yes
AA+			
AA			
AA-			
A+	A-1	100%	Yes
A			
A-			
BBB+	A-2	80%	Yes
BBB			
BBB-	A-3	30%	Yes
Unrated**	Unrated**	20%	Yes (\$Nil)

\* Or Moody's / Fitch equivalents

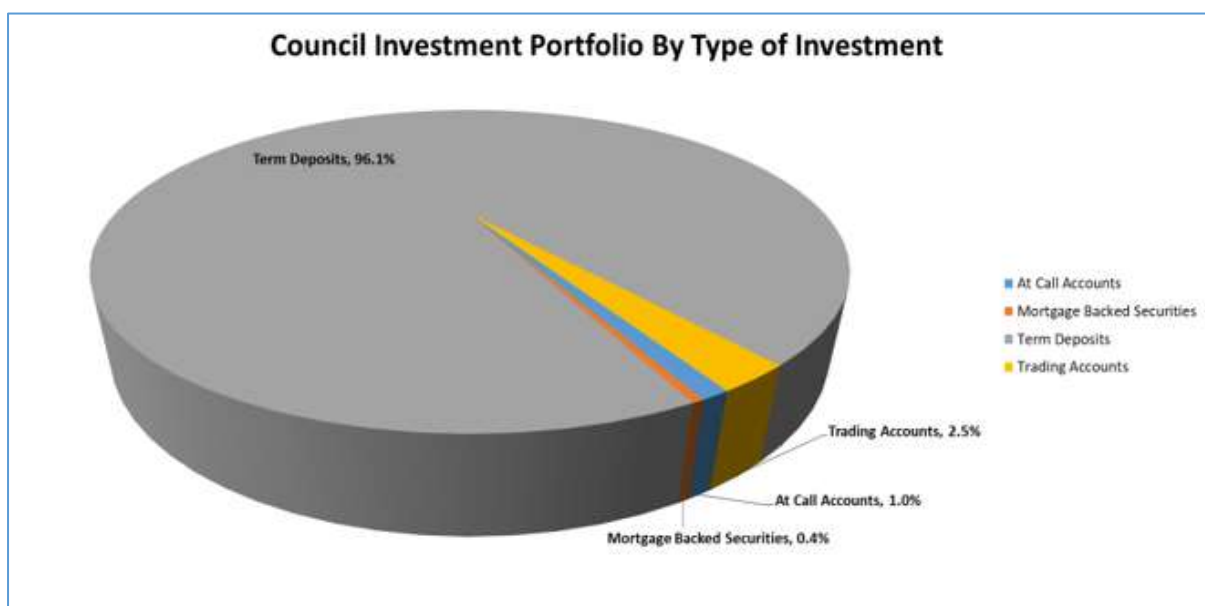
\*\* Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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

Clause 4.2.3 of Council's Investment Policy requires Council's investment portfolio is to be invested within the following maturity constraints:

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

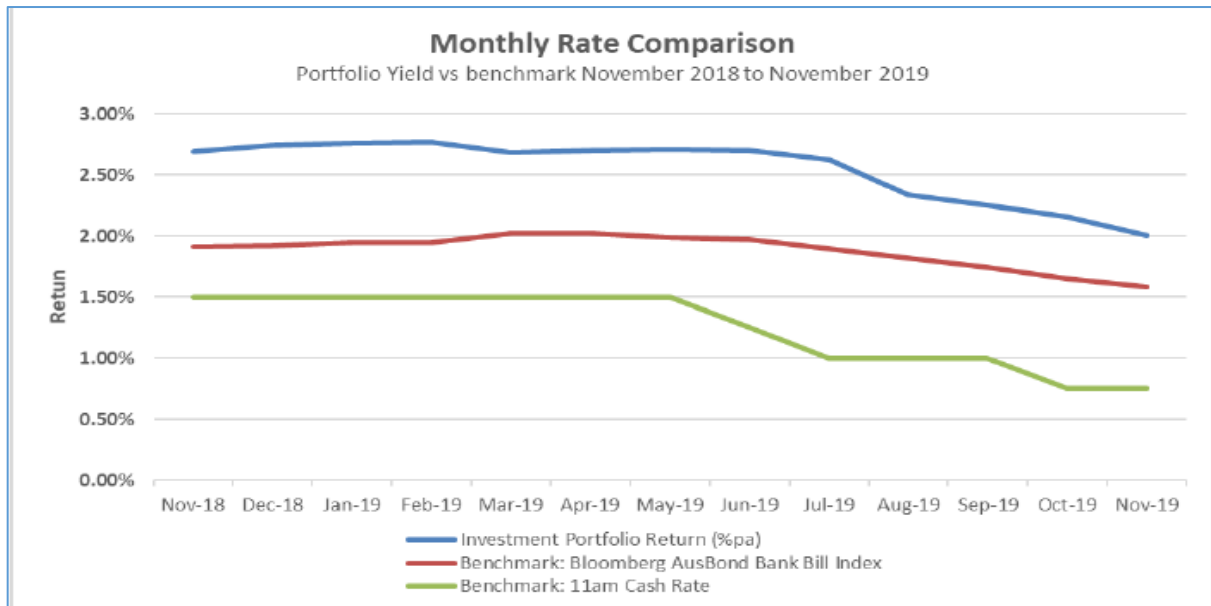


## INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	2.01%	1.58%	0.75%
3 Months	2.14%	1.66%	0.83%
6 Months	2.34%	1.78%	0.96%
FYTD	2.28%	1.74%	0.90%
12 Months	2.53%	1.88%	1.23%

\* Excludes trading account balances

\*\* This benchmark relates to Cash Fund holdings

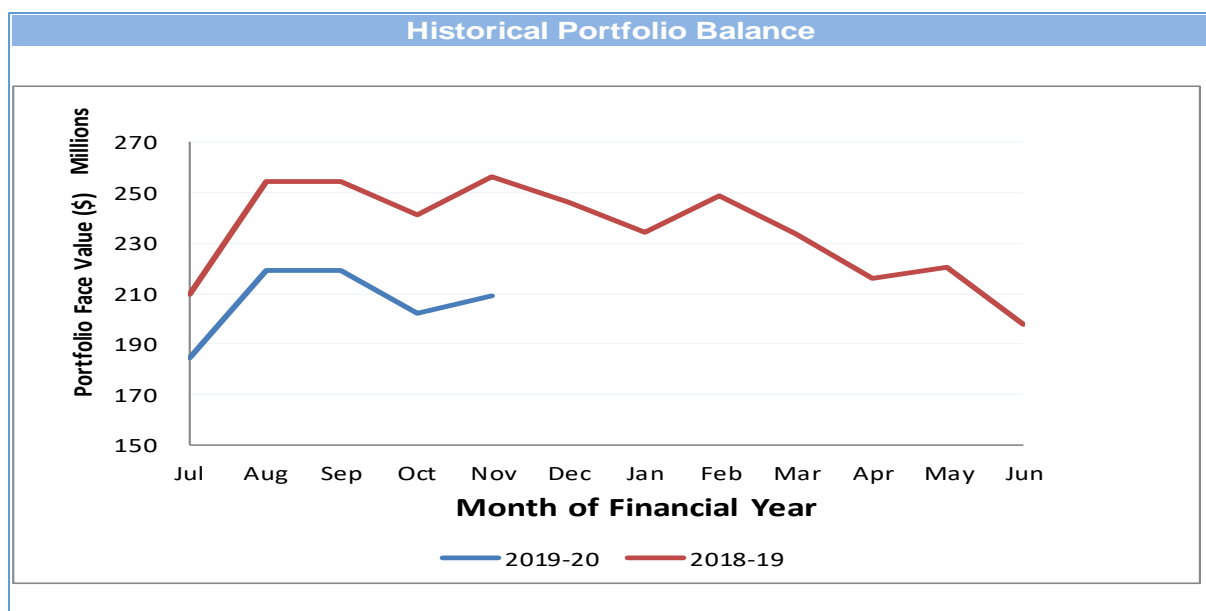


## MONTHLY INVESTMENT INCOME\* VS. BUDGET

	Nov 2019 \$	Year to Date \$
Investment Income	355,165	1,969,597
Adjustment for Fair Value	6,956	7,202
Total Investment Income	362,121	1,976,799
Budgeted Income	486,875	2,322,177

\*Includes all cash and investment holdings

Historical Portfolio Balance		
	2019-20	2018-19
Jul	184,317,848	209,605,515
Aug	219,369,559	254,510,268
Sep	219,459,189	254,769,836
Oct	201,971,383	240,996,644
Nov	209,221,468	256,137,875
Dec		246,453,069
Jan		234,499,949
Feb		249,011,046
Mar		233,537,191
Apr		215,948,342
May		220,652,093
Jun		198,030,610
<b>Average Portfolio Balance</b>	<b>206,867,889</b>	<b>234,512,703</b>



### Statement of Compliance

Portfolio Performance vs. Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✗	Council's income from investments did not exceed monthly budget.

### Investment Policy Compliance

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

## ECONOMIC NOTES

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

Quarter 3 GDP reports indicate that global economic growth has lost some momentum, but there are some signs in improving leading economic indicators that the worst of the growth fade is in the past. Encouragingly, during November leading indicators internationally relating to the manufacturing sector, are showing signs of basing and starting to improve. There have also been strong indications from US and Chinese trade negotiators that they are close to some form of agreement. Another international political sore point, Brexit, seems likely to be resolved after the British General Election called for 12th December. In the US, Congress has commenced presidential impeachment hearings, but these are not overshadowing the performance of the US economy still growing at 1.9% annualised pace in Quarter 3 with strong underpinning from household spending showing no sign of fading.

In the US, the advance Quarter 3 GDP report showed only slight moderation in annualised GDP growth to 1.9%. There was a strong contribution to growth from personal consumption. Importantly, there is a very strong case that personal consumption spending will continue to support US GDP growth in Quarter 4 and extending into 2020. The latest October non-farm payrolls report still shows a very tight labour market, the unemployment rate at 3.6%, close to a 50-year low, and average hourly earnings up 3.0% year-on-year. Consumer sentiment remains very firm. Housing activity is firming too. The National Association of homebuilders' index has been at 70 or better in both October and November. The part of the US economy hit hardest by President Trump's tariff war with China, manufacturing, is also showing signs of basing and tentative improvement. If the current US/ China trade talks develop into a staged bilateral trade deal the improvement in US manufacturing purchasing manager surveys is likely to become more pronounced.

China's economy is showing most sign of damage from the tariff war with the US. Annual GDP growth slipped a little more than expected to 6.0% year-on-year in Quarter 3. October economic readings indicate further moderation in growth. Exports were down 5.2%. Fixed asset investment moderated to up 5.2%, industrial production was up 4.7% and retail sales were up 7.2% year-on-year. The authorities are responding to the softness in Quarter 3 and October economic readings with selective spending increases and easier monetary conditions. The Peoples' Bank of China unexpectedly lowered its official interest rate 5bps to 4.15% at its November policy meeting. China's growth will be boosted if the trade dispute with the US is resolved. Recent policy measures could also add to the lift in China's growth prospects.

In Europe, annual GDP growth moderated to 1.1% year-on-year in Quarter 3. Quarter-on-quarter growth in Quarter 3 was a touch better-than-expected at 0.2% and the three major European economies Germany +0.1% quarter-on-quarter; France +0.3%; and Italy +0.1% all registered growth in the quarter close to the European average. There is no disguising that the big European economies are travelling very close to stalling point. The saving graces are that the European Central Bank although suffering split views among its members is prepared to try and do more with monetary policy and in recent months has lowered its official deposit interest rate to -0.50% and has reinstituted quantitative easing. As in other parts of the world there are also hints of improvement in key leading economic indicators. The longstanding thorn in the side of European and British economic prospects, Brexit while still unresolved at least may have a clearer path to resolution after the British General Election on December 12th.

In Australia, the economic signs have become mixed through November causing the RBA to advise that it is in "wait and see" mode before committing to any further monetary easing. On the stronger side, the evidence continued to accumulate in November of a strong rebound in home sales and house prices. Housing finance commitments have risen four months in a row. The decline in home building activity, however, is yet to base and home building activity is still likely to detract from economic growth until early 2020. However, the unusual length of the delay between the lift in home-buying activity and new home building could mean that pent up demand causes an unusually large lift in home building activity at some point.

<b>ITEM 9.2</b>	<b>CODE OF CONDUCT COMPLAINT STATISTICS</b>
<b>REPORTING MANAGER</b>	<b>ACTING EXECUTIVE MANAGER INTERNAL AUDIT AND COMPLAINTS RESOLUTION</b>
<b>TRIM FILE REF</b>	<b>2019/688302</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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**BRIEF REPORT**

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**PURPOSE**

To report on the Code of Conduct complaint statistics for the period 1 September 2018 to 31 August 2019 in accordance with part 11 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct ("Code of Conduct").

**REPORT**

Part 11 (Reporting statistics on Code of Conduct complaints about Councillors and the CEO) of the Procedures for the Administration of the Code of Conduct sets out the following requirements:

*11.1 The complaints coordinator must arrange for the following statistics to be reported to Council within 3 months of the end of September of each year:*

- a) the total number of code of conduct complaints made about councillors and the CEO under the code of conduct in the year to September (the reporting period)*
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period*
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints*
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period*
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period*
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and*
- g) the total cost of dealing with code of conduct complaints made about councillors and the CEO during the reporting period, including staff costs.*

*11.2 Council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September each year.*

The following summary outlines the Code of Conduct complaint statistics for the period 1 September 2018 to 31 August 2019:

Code of Conduct Complaints Statistics Northern Beaches Council		
Number of Complaints		
1	a The total number of complaints <b>received</b> in the period about councillors and the Chief Executive Officer (CEO) under the code of conduct	11
	b The total number of complaints <b>finalised</b> in the period about councillors and the CEO under the code of conduct	10
Overview of Complaints and Cost		
2	a The number of complaints <b>finalised at the outset</b> by alternative means by the CEO or Mayor	0
	b The number of complaints <b>referred to the Office of Local Government</b> under a special complaints management arrangement	0
	c The number of code of conduct complaints <b>referred to a conduct reviewer</b>	11
	d The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	5
	e The number of code of conduct complaints <b>referred back to CEO or Mayor</b> for resolution after preliminary assessment by conduct reviewer	3
	f The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	3
	g The number of finalised code of conduct complaints <b>investigated by a conduct review committee</b>	0
	h The number of finalised complaints investigated where there was found to be <b>no breach</b>	3
	i The number of finalised complaints investigated where there was found to be <b>a breach</b>	0



j	The number of complaints referred by the CEO or Mayor to <b>another agency</b> or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
k	The number of complaints being investigated that are <b>not yet finalised</b>	1
l	The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the CEO including staff costs	148,788

### Preliminary Assessment Statistics

3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action	4
b	To resolve the complaint by alternative and appropriate strategies	0
c	To refer the matter back to the CEO or the Mayor, for resolution by alternative and appropriate strategies	3
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
e	To investigate the matter	4
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0

### Investigation Statistics

4	The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:	
a	That the council revise its policies or procedures	2
b	That a person or persons undertake training or other education	3

5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

a	That the council revise any of its policies or procedures	0
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	0
c	That the subject person be counselled for their conduct	0
d	That the subject person apologise to any person or organisation affected by the breach	0
e	That findings of inappropriate conduct be made public	0
f	In the case of a breach by the CEO, that action be taken under the CEO's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	0
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures and clause 7.20 of the new Procedures	1

### Categories of misconduct

7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a	General conduct (Part 3)	0
b	Conflict of interest (FMCC Part 4) and Non-pecuniary conflict of interest (NMCC Part 5)	0
c	Personal benefit (FMCC Part 5 / NMCC Part 6)	0
d	Relationship between council officials (FMCC Part 6 / NMCC Part 7)	0

e	Access to information and resources (FMCC Part 7 / NMCC Part 8)	0
<b>Outcome of determinations</b>		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

## LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Good Governance Goal 19(b) - Establish a strong corporate governance framework to ensure decisions and transactions are ethical, efficient, and fair.

## FINANCIAL CONSIDERATIONS

Funding for the investigation of Code of Conduct complaints is included in existing operational budgets.

## ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts in relation to this report.

## SOCIAL CONSIDERATIONS

The Code of Conduct sets the minimum standards of conduct for all council officials and assists council officials to act in a way that enhances public confidence in local government.

## GOVERNANCE AND RISK CONSIDERATIONS

The Code of Conduct sets the minimum standards of conduct for all council officials as prescribed by regulation. Reporting statistics on Code of Conduct complaints is a requirement under part 11 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

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## RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That the Code of Conduct complaint statistics for the period 1 September 2018 to 31 August 2019 be reported to the Office of Local Government in accordance with part 11.2 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

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<b>ITEM 9.3</b>	<b>CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS HELD ON 13 AUGUST 2019 AND 3 SEPTEMBER 2019 (FINANCIAL STATEMENTS REVIEW)</b>
<b>REPORTING MANAGER</b>	<b>ACTING EXECUTIVE MANAGER INTERNAL AUDIT AND COMPLAINTS RESOLUTION</b>
<b>TRIM FILE REF</b>	<b>2019/678900</b>
<b>ATTACHMENTS</b>	<p>1 <a href="#">ARIC Minutes - 13 August 2019 (Included In Attachments Booklet)</a></p> <p>2 <a href="#">ARIC Minutes - 3 September 2019 (Financial Statements Review) (Included In Attachments Booklet)</a></p>

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## BRIEF REPORT

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### PURPOSE

To report the confirmed minutes of the Audit, Risk and Improvement Committee meetings held on 13 August 2019 and 3 September 2019 (Financial Statements Review).

### REPORT

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

In accordance with the Audit, Risk and Improvement Committee Charter, the confirmed minutes of Audit, Risk and Improvement Committee meetings are to be reported to Council. The confirmed minutes of the meetings held on 13 August 2019 and 3 September 2019 (Financial Statements Review) are reported in full as per Attachment 1 and Attachment 2 respectively.

### LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Good Governance Goal 19(b) - Establish a strong corporate governance framework to ensure decisions and transactions are ethical, efficient, and fair.

### FINANCIAL CONSIDERATIONS

Funding to support the Audit, Risk and Improvement Committee is included in existing operational budgets.

### ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts in relation to this report.

### SOCIAL CONSIDERATIONS

Council is accountable to the community for the delivery of the Community Strategic Plan, and a key function of the Audit, Risk and Improvement Committee is to promote good corporate governance, transparency and external accountability.

**GOVERNANCE AND RISK CONSIDERATIONS**

The Committee functions in accordance with the guidelines issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Local Government Act 1993 and in consideration of Part 4A of the Local Government Act 1993 as proposed by the Local Government Amendment (Governance and Planning) Act 2016.

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**RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL**

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meetings held on 13 August 2019 and 3 September 2019 (Financial Statements Review).

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<b>ITEM 9.4</b>	<b>OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT FRAUD AND CORRUPTION CONTROL POLICY AND PLAN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE AND RISK</b>
<b>TRIM FILE REF</b>	<b>2019/611203</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">📄</a> Draft Fraud and Corruption Control Policy (Included In Attachments Booklet)</b> <b>2 <a href="#">📄</a> Draft Fraud and Corruption Control Plan (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To report the outcome of the public exhibition and seek adoption of the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan.

### EXECUTIVE SUMMARY

The Audit Office of New South Wales report on Fraud Controls in Local Councils published in June 2018 found that many councils have room for improvement in their fraud control systems and the processes which ensure a clearer picture of their overall level of fraud risk.

Council has taken a phased approach to its Fraud and Corruption Control Policy and Fraud and Corruption Control Plan, which has included:

- a review of the draft Fraud and Corruption Control Policy
- an organisation-wide fraud and corruption risk assessment
- validation of key controls identified during the fraud and corruption risk assessment
- the development of a draft Fraud and Corruption Control Plan.

Council publically exhibited the draft Fraud and Corruption Control Policy and Plan from 24 October to 28 November 2019 and no comments or submissions relating to the draft policy or plan were received.

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## RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Note the outcome of the public exhibition of the draft Fraud and Corruption Control Policy and draft Fraud and Corruption Control Plan.
  2. Adopt the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan.
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## REPORT

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### BACKGROUND

The Audit Office of New South Wales report on Fraud Controls in Local Councils published in June 2018<sup>1</sup> found that many councils have improvement in their fraud control systems and the processes which ensure a clearer picture of their overall level of fraud risk.

A draft fraud and corruption prevention policy was deferred by Council in November 2018 (Resolution 347/18) to enable it to be reviewed by the Audit, Risk and Improvement Committee (ARIC) at its February 2019 meeting.

A revised draft Fraud and Corruption Prevention Policy incorporating ARIC's feedback and a draft Fraud and Corruption Control Plan informed by a risk assessment and the NSW Audit Office Fraud Control Kit (2015) have been developed.

A phased approach was undertaken to uplift Council's fraud and corruption control environment to approach better practice. The approach is set out below, and included:

- Phase 1 – a review of the draft Fraud and Corruption Control Policy
- Phase 2 – an organisation-wide fraud and corruption risk assessment
- Phase 3 – validation of key controls identified during the fraud and corruption risk assessment
- Phase 4 – the development of a draft Fraud and Corruption Control Plan.

The draft Fraud and Corruption Control Plan sets out how Council prevents, detects and responds to concerns about fraud and corruption and aims to further enhance both Council's fraud and corruption control and prevention environments.

No changes are proposed to the Fraud and Corruption Control Policy or Plan, which are put forward for Council's consideration for adoption.

### CONSULTATION

In line with Council's Community Engagement Framework, the draft Fraud and Corruption Control Policy and Plan were placed on public exhibition from 24 October 2019 to 28 November 2019.

The consultation process included:

- information on the 'Your Say' project web page including online submission form
- copies of the draft policy to be available in all customer service and library locations
- advertisements in the Manly Daily
- email notifications to our community engagement database, registered community groups, and other key stakeholders, including two inclusions in the Community Engagement newsletter.

No submissions or comments were received from the public.

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<sup>1</sup> <https://www.audit.nsw.gov.au/sites/default/files/pdf-downloads/Final%20report-%20Fraud%20controls%20in%20local%20councils%20web.pdf>



**TIMING**

The policy and plan will take effect once adopted, and are scheduled to be reviewed in October 2021. The plan's elements will be progressively implemented, monitored and continuously improved.

**LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of Good Governance Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.

**FINANCIAL CONSIDERATIONS**

Resourcing for fraud and corruption prevention control activities is funded from existing operational budgets.

**SOCIAL CONSIDERATIONS**

The adoption of this policy and plan commits Council to transparent and robust processes to prevent and control fraud and corruption, reinforcing the social contract between the community and Council.

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental impacts relating to the adoption of the Fraud and Corruption Control Policy and Plan.

**GOVERNANCE AND RISK CONSIDERATIONS**

Council's Risk Appetite Statement establishes Council's zero tolerance approach to fraud and corruption. The Enterprise Risk and Opportunity Management Framework provides the basis for the assessment of risks relating to fraud and corruption and the appropriate identification of controls and/or risk treatment plans to respond accordingly. Council is committed to establishing an environment to prevent and control fraud and corruption, and proactively monitor, maintain and build awareness of its fraud and corruption controls and treatments. The Fraud and Corruption Control Policy and Plan therefore establish Council's commitment and its actions to address the risks relating to fraud and corruption.

<b>ITEM 9.5</b>	<b>OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF DRAFT COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE AND RISK</b>
<b>TRIM FILE REF</b>	<b>2019/688327</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Draft Councillor Induction and Professional Development Policy</b>

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## SUMMARY

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### PURPOSE

To report the outcome of the public exhibition and seek adoption of the draft Councillor Induction and Professional Development Policy.

### EXECUTIVE SUMMARY

Under section 232(1)(g) of the Local Government Act 1993 (the Act) all councillors are required to ensure they have the requisite skills to perform their roles. Under the Local Government (General) Regulation 2005 (the Regulation) this incorporates delivery of an induction program and an ongoing professional development program for the Mayor and each Councillor over the term of the Council.

Underpinning this requirement, guidelines have been published under section 23A of the Act as issued through the Office of Local Government (OLG). These guidelines, [Councillor Induction and Professional Development Guidelines 2018](#), include:

- an outline of the statutory requirements
- guidance on developing and delivering candidate briefings and induction sessions
- guidance on developing and delivering ongoing professional development programs
- reporting requirements and support
- a model Councillor Induction and Professional Development Policy.

Under the Regulation, all reasonable efforts must be taken to participate in the activities offered as part of an induction or professional development program. Councils are also required to report on participation in these programs.

The content of the ongoing professional development program is to be determined in consultation with councillors, needs based and reflect the specific skills, knowledge and personal attributes required for the individuals and the governing body as a whole.

To guide these activities, the draft Councillor Induction and Professional Development Policy (Attachment 1) is drafted based on and broadly consistent with the OLG Model Policy.

The draft Councillor Induction and Professional Development Policy was placed on public exhibition from 24 October 2019 to 28 November 2019 and no public comments or submissions on the draft were received.

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**RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL**

That Council:

1. Note the outcome of the public exhibition of the draft Councillor Induction and Professional Development Policy.
  2. Adopt the Councillor Induction and Professional Development Policy.
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## REPORT

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### BACKGROUND

The draft Councillor Induction and Professional Development Policy was placed on public exhibition from 24 October 2019 to 28 November 2019 and no public comments or submissions on the draft were received.

Under section 232(1)(g) of the Act all councillors are required to ensure they have the requisite skills to perform their roles. The Regulation requires that this incorporates delivery of an induction program and an ongoing professional development program for the Mayor and each Councillor over the term of the council.

To guide these activities the draft Councillor Induction and Professional Development Policy (Attachment 1) is drafted based on and broadly consistent with the OLG Model Policy, which is provided within the [Councillor Induction and Professional Development Guidelines 2018](#). These guidelines, which are issued under section 23A of the Act, outline the support and requirements for the induction and professional development of Councillors.

The guidelines include:

- an outline of the statutory requirements
- guidance on developing and delivering candidate briefings and induction sessions
- guidance on developing and delivering ongoing professional development programs
- reporting requirements and support
- a model Councillor Induction and Professional Development Policy.

Under the Regulation, all reasonable efforts must be taken to participate in the activities offered as part of an induction or professional development program. Councils are also required to report on participation in these programs.

The content of the ongoing professional development program is to be determined in consultation with councillors, needs based and reflect the specific skills, knowledge and personal attributes required for the individuals and the governing body as a whole.

The Councillor Induction and Professional Development Policy affirms the Council's commitment under the Act and the Regulation towards the induction and professional development activities councillors will participate in during the term.

The Policy sets a minimum requirement however provides scope for enhanced development opportunities. Additionally, to enhance the quality of the induction program, Council has engaged an adviser to support the development of this program for the new Council in September 2020.

### CONSULTATION

In line with Council's Community Engagement Framework, the draft Councillor Induction and Professional Development Policy was placed on public exhibition from 24 October 2019 to 28 November 2019.

The consultation process included:

- information on the 'Your Say' project web page including online submission form
- copies of the draft policy to be available in all customer service and library locations
- advertisements in the Manly Daily

- email notifications to our community engagement database, registered community groups, and other key stakeholders.

No submissions or comments were received from the public.

### **TIMING**

The policy will take effect once adopted, and is scheduled to be reviewed in November 2023 or otherwise as required according to the requirements of the Council.

### **LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcome of Good Governance Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.

### **FINANCIAL CONSIDERATIONS**

The costs associated with the induction and professional development of councillors are incorporated into existing operational budgets.

### **SOCIAL CONSIDERATIONS**

There is benefit in councillors undertaking ongoing professional development to ensure they maintain the skills and knowledge required to effectively perform their civic role and fulfill their responsibilities under the Act.

### **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental considerations from the public exhibition of the draft policy.

### **GOVERNANCE AND RISK CONSIDERATIONS**

The role and duties of a councillor and the requirement to ensure that they develop the skills necessary to perform the role are stipulated under the Act. Part 8A of the Regulation further outlines the requirements for a councillor induction and professional development program.

The draft Councillor Induction and Professional Development Policy has been prepared in line with the guidance of the Councillor Induction and Professional Development Guidelines 2018, as issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Act. The exhibition of the draft policy accords with Council's Community Engagement Framework and subscribes to the exhibition of local policies as outlined under section 160 of the Act.



## **Council Policy**

### **Councillor Induction and Professional Development Policy**

#### **Policy Statement**

Northern Beaches Council is committed to developing an induction and ongoing professional development program for the Mayor and Councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the Mayor and each Councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

#### **Principles**

##### Induction program

Northern Beaches Council will develop an induction program for new and returning Councillors as well as a supplementary program for the Mayor to ensure they are provided all the information they need to effectively fulfil their roles in the first few months of Council's term and feel confident in their ability to do so. The induction program will cover at a minimum:

- an orientation to Council facilities and the local government area
- an overview of the key issues and tasks for the new Council including Council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan
- the legislation, rules, principles and political context under which Councils operate
- the roles and responsibilities of Councillors and the Mayor
- Council's organisational structure, workforce management strategy and the roles and responsibilities of the Chief Executive Officer and Council staff
- what Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resource management, financial management and asset management by Council
- key Council policies and procedures Councillors must comply with including the code of conduct
- the role of Council meetings and how to participate effectively in them
- the support available to the Mayor and Councillors and where they can go to get more information or assistance, and
- information on the process for taking the oath of office and electing the Mayor at the first council meeting (where applicable).
- In the case of the Mayor, the program will also cover:
  - how to be an effective leader of the governing body and the Council
  - the role of the Chair and how to chair Council meetings
  - the Mayor's role in integrated planning and reporting
  - the Mayor's role and responsibilities under the code of conduct

- the Mayor's role and responsibilities in relation to the Chief Executive Officer's employment
- the Mayor's role at regional and other representative bodies, and
- the Mayor's civic and ceremonial role.

The Mayor and Councillors must have a working knowledge and understanding of these areas by the end of the induction program.

The induction program will also include team-building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals. Activities will aim to ensure Mayors and Councillors:

- identify how they would like to work together as a team and identify a common vision for the governing body
- build relationships with each other based on trust and mutual respect that facilitate collaboration
- contribute to a positive and ethical culture within the governing body
- work towards consensus as members of the governing body for the benefit of the community
- develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships
- understand what supports or undermines the effective functioning of the governing body
- respect the diversity of skills and experiences on the governing body, and
- communicate and uphold the decisions of Council in a respectful way, even if their own position was not adopted.

Activities should also help the Mayor, as the leader of the governing body, to:

- act as a stabilising influence and show leadership, and
- promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere.

The Mayor and Councillors, including those re-elected to office, must attend all induction sessions.

Northern Beaches Council will evaluate the induction program at the end of each Council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.

#### Ongoing professional development program

An individual ongoing professional development plan will be developed for the Mayor and each Councillor to address any gaps in the capabilities (ie the knowledge, skills and attributes) needed to effectively fulfil their role.

Each professional development plan will span the Council's term, and identify professional development activities that the Mayor or Councillor will participate in. Professional development activities will be prioritised according to need and approved by the Chief Executive Officer where Council funds are required in accordance with Council's Councillor Expenses and Facilities policy. The Mayor and Councillors are expected to complete all the activities included in their professional development plan.

Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:



- 70% of learning activities are provided via learning and developing from experience – for example, on-the-job training, selfdirected learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and training through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the Council, external training providers or industry bodies.

The timing of professional development activities for the Mayor and Councillors will be designed in such a way so as to not overload Councillors with learning activities in the early part of Council's term. The timing will reflect what knowledge and skills Councillors and the Mayor need at various points in Council's term to undertake their roles.

The Mayor and Councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

#### Responsibilities

The Mayor and each Councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The Mayor and all Councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of the Council.

Executive Manager Governance and Risk is responsible for planning, scheduling and facilitating induction and professional development activities for the Mayor and Councillors in consultation with the Chief Executive Officer.

The Chief Executive Officer has overall responsibility for Northern Beaches Council's induction and professional development program.

#### Budget

An annual budget allocation will be provided to support the induction and professional development activities undertaken by the Mayor and Councillors. Expenditure will be monitored and reported quarterly.

#### Approval of training and/ or expenses

Professional development activities that require Council funds are to be approved by the Chief Executive Officer in accordance with Northern Beaches Council's Councillor Expenses and Facilities Policy

#### Evaluation

Council will evaluate the professional development program at the end of each Council term to assess whether it was effective in assisting the Mayor and Councillors to develop the capabilities required to fulfil their civic roles.

#### Reporting

The Chief Executive Officer of Northern Beaches Council will publicly report each year in Council's annual report:

- the name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year)

- the name of the Mayor and each Councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year.

### Scope and application

This policy applies to all councillors of Northern Beaches Council, including the Mayor.

### References and related documents

- Local Government Act 1993
- The Office of Local Government's Councillor Induction and Professional Development Guidelines 2018

### Definitions

*Councillor:* a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor

*Chief Executive Officer:* the person referred to in the Local Government Act 1993 as the general manager of a council and, in the case of the Northern Beaches Council, means the person referred to as the Chief Executive Officer of the Northern Beaches Council and includes their delegate or authorised representative

### Responsible Officer

Executive Manager Governance and Risk

### Review Date

November 2023

### Revision History

Revision	Date	Status	TRIM Ref
1	X date	TBC (for Council adoption following public exhibition)	2019/504847

<b>ITEM 9.6</b>	<b>MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD IN MAY AND AUGUST 2019</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER GOVERNANCE AND RISK</b>
<b>TRIM FILE REF</b>	<b>2019/500471</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">Minutes - Partnership and Participation Strategic Reference Group - 14 August 2019 (Included In Attachments Booklet)</a></li> <li>2 <a href="#">Minutes - Places for People Strategic Reference Group - 15 August 2019 (Included In Attachments Booklet)</a></li> <li>3 <a href="#">Minutes - Transport and Travel Strategic Reference Group - 22 August 2019 (Included In Attachments Booklet)</a></li> <li>4 <a href="#">Minutes - Community and Belonging Strategic Reference Group - 28 August 2019 (Included In Attachments Booklet)</a></li> <li>5 <a href="#">Minutes - Environment Strategic Reference Group - 29 August 2019 (Included In Attachments Booklet)</a></li> <li>6 <a href="#">Minutes - Economic and Smart Communities Strategic Reference Group - 29 May 2019 (Included In Attachments Booklet)</a></li> <li>7 <a href="#">Minutes - Economic and Smart Communities Strategic Reference Group - 28 August 2019 (Included In Attachments Booklet)</a></li> </ol>

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## REPORT

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### PURPOSE

To report the minutes of the seven Strategic Reference Group meetings held during May and August 2019.

### REPORT

The minutes of the seven SRG meetings held during May and August 2019 are provided at Attachments 1 to 7 for Council to note.

Strategic Reference Groups (SRGs) are aligned to the Community Strategic Plan (CSP) outcome areas. SRGs meet quarterly to consider and to be advised on projects aligned to their respective CSP goals and strategies. The groups contribute advice, feedback and other support to Council in relation to issues, initiatives and requirements outlined within their charters.

The SRGs provide an avenue for the local community and key stakeholders to play an active and meaningful role in contributing to Council's CSP focus areas. They help shape future Council plans, policies and strategic outcomes with informed consideration of community needs across the Northern Beaches area. The SRG meetings consider topics related to strategic workshops and project updates, and provide a forum for informative discussion to provide advice back to Council.

In accordance with the SRG Terms of Reference, the draft minutes of the meetings are reported to Council, and the following meeting minutes are now put forward for Council consideration:

Strategic Reference Group	Meeting Date
Partnership & Participation	14 August 2019
Places for People	15 August 2019
Transport & Travel	22 August 20119
Community & Belonging	28 August 2019
Economic & Smart Communities	29 May 2019 28 August 2019
Environment	29 August 2019

#### LINK TO STRATEGY

The SRGs are aligned to the community outcomes of the Shape 2028 Northern Beaches Council Community Strategic Plan in order to address the goals and strategies identified through this plan.

#### FINANCIAL CONSIDERATIONS

SRG meetings are supported under existing operational budgets.

#### SOCIAL CONSIDERATIONS

The SRGs provide advice to many of the Community Strategic Plan goals which relate to social and community based outcomes. Each SRG is positioned to ensure involvement and engagement with a broad range of stakeholders, community groups, associations and the wider community.

#### ENVIRONMENTAL CONSIDERATIONS

Some SRGs contribute advice regarding Council's management of the environment and natural hazards in accordance with the Community Strategic Plan outcome areas.

#### GOVERNANCE AND RISK CONSIDERATIONS

The SRGs provide advice to Council in regard to the Community Strategic Plan outcome areas. The SRGs are conducted in accordance with Council's governance framework.

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#### RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the minutes of the seven Strategic Reference Group meetings held during May and August 2019.

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## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	MINUTES OF THE COMMUNITY SAFETY COMMITTEE HELD 17 OCTOBER 2019
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2019/668518
ATTACHMENTS	1 <a href="#">Minutes - Community Safety Committee - 20191017</a> (Included In Attachments Booklet)

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### BRIEF REPORT

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#### PURPOSE

To report the minutes of the Community Safety Committee meeting held on 17 October 2019.

#### REPORT

The Community Safety Committee is an advisory committee of Council to collaborate, consider and advise on ways to maintain, improve, resolve and progress issues that affect community safety and crime prevention across the Northern Beaches.

The discussion at the meeting of 17 October included:

- Northern Beaches Council being the first NSW Council to sign the National Communications Charter on World Suicide Prevention Day (10 September). The Charter is a unified approach to mental health and suicide prevention that outlines strategic communication principles, key messages and helps ensure that public messaging is coordinated and consistent.
- An overview of the Local Drug Action Team activities and youth survey statistics.
- A presentation on the status of the development of the draft Northern Beaches Community Safety Plan.

#### LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Community and Belonging Goal 11 - Our community feels safe and supported.

#### FINANCIAL CONSIDERATIONS

Adoption of the minutes of the Community Safety Committee will not result in any financial impact.

#### ENVIRONMENTAL CONSIDERATIONS

The adoption of the minutes of the Community Safety Committee does not present matters that will create adverse environmental impacts.

#### SOCIAL CONSIDERATIONS

The Committee provides valuable advice relating to social and community based outcomes. It includes involvement and engagement with a broad range of stakeholders.

**GOVERNANCE AND RISK CONSIDERATIONS**

The Committee is conducted according to Council's governance framework and adopted terms of reference.

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING**

That Council note the minutes of the Community Safety Committee meeting held on 17 October 2019.

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## 11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	PROTECT. CREATE. LIVE - ENVIRONMENT AND CLIMATE CHANGE STRATEGY 2040
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2019/679332
ATTACHMENTS	<ol style="list-style-type: none"> <li>1 <a href="#">Community and Stakeholder Engagement Report - Draft Protect Create Live Environment and Climate Change Strategy 2040 (Included In Attachments Booklet)</a></li> <li>2 <a href="#">Protect Create Live Environment and Climate Change Strategy 2040 (Included In Attachments Booklet)</a></li> </ol>

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### SUMMARY

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#### PURPOSE

To report on the public exhibition and for Council to consider adoption of the Protect. Create. Live – Northern Beaches Environment and Climate Change Strategy 2040 (the Strategy).

#### EXECUTIVE SUMMARY

The Strategy has been developed to deliver the *Protection of the Environment and Environmental Sustainability* outcomes adopted in Shape 2028 – The Northern Beaches Community Strategic Plan (CSP). This Strategy is the first consolidated environmental framework for Northern Beaches Council.

The draft Strategy was endorsed by Council for public exhibition on 24 September 2019. An extensive six week engagement program was undertaken between 27 September and 10 November 2019 to gain feedback from the community. During exhibition 346 contributions were received from the community. 134 were written submissions sent via email or through the online project page comment form and 212 comments were made by 49 different people on the interactive pdf document.

The responses, as demonstrated in the attached engagement report, showed that there is strong support for the strategy as a guiding document to protect our environment and environmental sustainability. The results of the community engagement are outlined in this report, together with proposed amendments to the strategy, which reflect comments and issues raised during exhibition.

The key themes in the feedback received were:

- Bushland protection and wildlife corridors.
- Action on climate change/climate change emergency.
- Aboriginal heritage.
- Waste and single use plastics.
- Population growth.
- Air quality and other urban hazards.
- Greener neighbourhoods.
- Public transport and active travel infrastructure.



There was strong interest in specific projects and actions that will be considered during the development of action plans to deliver on the commitments in the Strategy. These short term (two to four years) action plans identified in the document will align with and guide Council's Delivery Program and Operational Plans.

Implementation of this Strategy across the diverse operations of Council will consider the quadruple bottom line principles of sustainability to deliver equally on environmental, social and economic outcomes. The Strategy will be delivered within existing resources, in line with the Long Term Financial Plan and wherever possible, external funds will be sought to supplement this funding.

Council will evaluate the progress against the goals, commitments and aspirations with a detailed assessment, report and review, to be completed every two-four years. This will allow the commitments, goals and aspirations to adapt to changes in the market, knowledge, technology, as well as federal and state policies.

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## **RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY**

That Council:

1. Notes the outcomes of the public exhibition process and Council's proposed response to the feedback received.
  2. Adopts Protect. Create. Live – Northern Beaches Environment and Climate Change Strategy 2040.
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## REPORT

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### BACKGROUND

Council adopted The CSP in 2018 following extensive community consultation. The CSP clearly demonstrates the importance of environment and sustainability to the community. In response to this vision, Council developed the draft Strategy to deliver on these outcomes. The Strategy is our plan for a healthy and diverse natural environment that is protected, supported and celebrated. The natural environment is key to our Northern Beaches bush and beach identity and a healthy environment is vital to our everyday lives and contributes to our lifestyle and quality of life. This is also the first consolidated environmental framework for the Northern Beaches.

A key factor in the development of the Strategy was that the environment and our effects on the environment do not stop at our local government boundaries. As such, we also have a responsibility to consider the 2015 Paris Agreement, the United Nations Sustainable Development Goals, Federal and State Government commitments, the North District Plan and the 2018 Resilient Sydney Strategy in what we do locally.

The environment of the Northern Beaches faces a range of challenges, many of which are global challenges, with threats we must actively manage locally. Like the rest of Sydney, the Northern Beaches is growing. By current trends, an extra 39,000 people will call the Northern Beaches home over the next 20 years. We know that development can put significant pressure on our environment including impacts that come from increasing consumption and an expanding urban footprint. We need to make sure that we manage any growth in the right locations and that the growth is supported by sustainable infrastructure. Our climate is also changing, our cities are growing and technology is transforming the way we live, work and play. Climate change is expected to impact both our natural environment and the liveability of the Northern Beaches and requires local and global action to address it.

Council alone cannot achieve the goals, commitments and aspirations in this Strategy as many actions needed to achieve them fall beyond the direct control of local government. Council can play a key role in our community to reduce barriers, influence people's attitudes and transform behaviours to facilitate change. Council will use a series of guiding principles to maximise our impact and drive the change needed to achieve our goals. Guiding principles include advocacy, education, leading by example, engagement and collaboration.

### The Strategy

The Strategy contains three major directions – Protect, Create and Live. *Protect* focuses on protecting and enhancing our natural environment. *Create* ensures the environment we create, including our buildings, infrastructure and neighbourhoods, is designed, constructed and maintained with a low environmental footprint and is integrated into nature through green and blue networks. *Live* aims to foster a community that is living sustainably in our natural and built environment and a community that is working towards using resources efficiently and reducing carbon emissions. This direction also aims to build resilience in our community to ensure we are prepared for the impacts of climate change and natural hazards.

Supporting the major directions are nine themes. Eight of the themes are for the entire Northern Beaches, being bushland, catchments and waterways, coast, biodiversity, sustainable built environment, green neighbourhoods, sustainable living, adaptation and resilience. The remaining theme has been developed for Council operations and Community collaboration, engagement and education. Goals, aspirations, commitments and strategies for how we will deliver these have been defined for each theme.

Direction	Themes
 <b>Protect</b>	<ul style="list-style-type: none"> <li>• Bushland</li> <li>• Waterways and Catchments</li> <li>• Coast</li> <li>• Biodiversity</li> </ul>
 <b>Create</b>	<ul style="list-style-type: none"> <li>• Sustainable Built Environment</li> <li>• Green Neighbourhoods</li> </ul>
 <b>Live</b>	<ul style="list-style-type: none"> <li>• Sustainable Living</li> <li>• Adaptation and Resilience</li> </ul>
 <b>Northern Beaches Council</b>	<ul style="list-style-type: none"> <li>• Council Operations and Collaboration, Engagement and Education</li> </ul>

Figure 1: Principal themes in the Strategy

## Goals

The goals within *Protect* are centred around protecting and enhancing the bushland, waterways and catchments, the coast and the biodiversity that is supported by these ecosystems. The natural environment on the Northern Beaches is highly valued and treasured by our community and supports an extensive range of habitats, plants and animals.

The goals in *Create* provide the opportunity to create a sustainable built environment. Our built structures remain in our environment for a long time and influence how we move around, our comfort, the amount of resources we use and the liveability our neighbourhoods. The goals in this direction focus on ensuring buildings, infrastructure and neighbourhoods are designed and built with a low environmental footprint, are integrated with nature and connect the community through green and blue networks.

The goals in the *Live* direction focus on living sustainably to protect our environment. Every day we make choices on the way we live in the environment that result in us consuming water and energy and producing waste. The goals are to deliver a community that is working towards using resources efficiently and reducing carbon emissions and building resilience in our community to ensure we are prepared for and can adapt to climate change and natural hazards.

Council's goals for its operations is to work towards being a zero carbon and water wise organisation. We will deliver community engagement and education, and will collaborate with the community and other stakeholders to enable change.

## Commitments and aspirations

Commitments, to focus our efforts to achieve our goals and measure our progress are included for each theme. We are aware that these commitments will be challenging to deliver but that they are achievable. In addition, the Strategy also lists aspirations for most themes. These define where we would ideally like to be while acknowledging that it may not be possible due to current barriers that are outside of Council's area of influence.

## Implementation and evaluation

The Strategy will be delivered through a series of action plans. These will be short term (two to four years) and will align with and guide Council's Delivery Program and Operational Plans. They will include specific projects and actions that Council will undertake to deliver the high level strategies in this document.

Implementation of this Strategy across the diverse operations of Council will consider the quadruple bottom line principles of sustainability to deliver equally on environmental, social and economic outcomes. We intend to deliver this Strategy within our existing resources, in line with the Long Term Financial Plan. We will seek opportunities to leverage external funds where we can.

Council will evaluate the progress against the goals, commitments and aspirations with a detailed assessment, report and review, to be completed every two to four years. This will allow the commitments, goals and aspirations to adapt to changes in the market, knowledge, technology, as well as federal and state policies.

## CONSULTATION

Following the Council resolution of 24 September 2019 to place the draft Strategy on public exhibition, Council undertook a wide ranging and multi streamed engagement process.

The public exhibition period extended over six weeks from 27 September to 10 November 2019. Community and stakeholder input was obtained through a range of online and face-to-face methods as shown in Figures 2 and 3.



Figure 2. Showing the various engagement activities undertaken.



Figure 3. Showing the submission statistics.

The majority of submissions, as shown in figure 4, were in support of the Strategy, either directly or through actions that will be delivered during implementation of the Strategy.

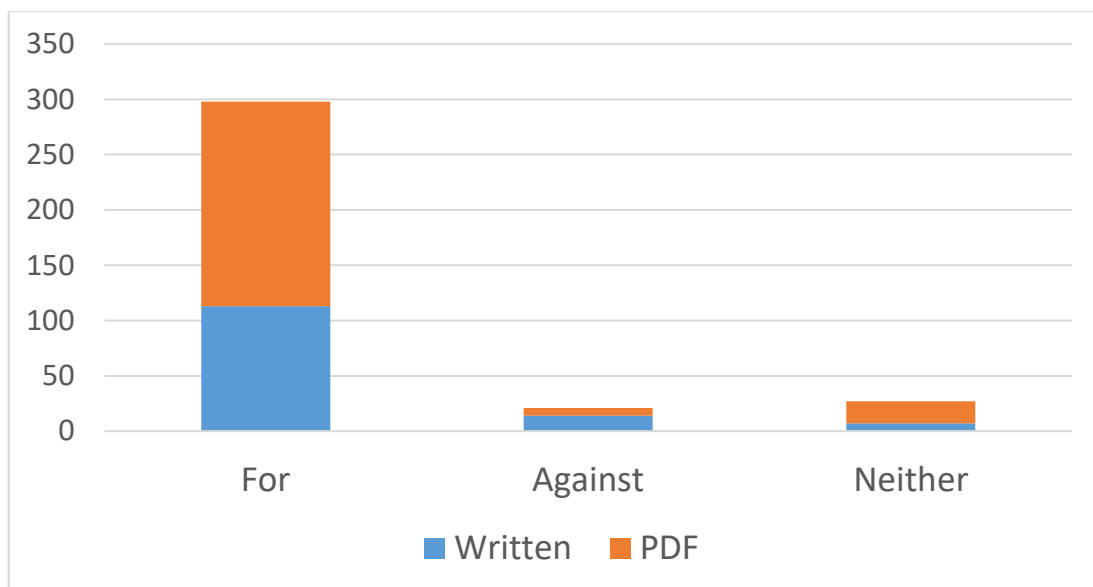


Figure 4. Shows the number of submission which were in support of the Strategy, against it or neither.

The key feedback themes received, and Council's proposed responses are provided in Table 1.

**Table 1. Community feedback received – key trends**

Issue Title	Key consideration in submission	Council response
<b>PROTECT</b>		
Bushland	Strong support for the protection of bushland and for local offsetting.	<p>The aspiration and commitments in Theme 1: Bushland support protecting the area of our bushland as well as improving its condition. The aspiration supports local offsetting.</p> <p><b>No change to the Strategy required, detailed actions will be considered in the development of the action plans and where relevant considered in current programs and works.</b></p>

Issue Title	Key consideration in submission	Council response
Wildlife Corridors	Reiterating that connecting bushland with wildlife corridors, including through private property, is vital. This benefits biodiversity in supporting abundance and diversity in animal and plant populations.	<p>Wildlife corridors and connectivity are addressed in Theme 1: Bushland and Theme 4: Biodiversity with a commitment for "Improving the connectivity of wildlife corridors". Strategies in these two themes include addressing land-use planning, on ground works and education, engagement and collaboration.</p> <p><b>To improve understanding of where the action to improve and protect wildlife corridors appears "including wildlife corridors" will be added as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Theme 1: Bushland, first "We will" dot point "Work to protect existing bushland, including wildlife corridors, and enhance..."</b></li> <li>• <b>Theme 1: Bushland, second "We will.." dot point "Protect our bushland, including wildlife corridors, and its associated biodiversity..."</b></li> <li>• <b>Theme 4: Biodiversity, first "We will..." dot point "Prioritise high value conservation sites, including wildlife corridors, and implement on-ground works, such as bush regeneration...."</b></li> </ul> <p><b>Theme 4: Biodiversity, second "We will..." dot point "Prepare and implement a strategic approach to biodiversity land management, including identification and protection of wildlife corridors, and use this to inform our strategic land use planning and development controls".</b></p>

Issue Title	Key consideration in submission	Council response
Tree Cover	<p>Strong support for the retention of trees and tree canopy, including old growth trees and only planting locally native plant species.</p> <p>Some submissions were requesting a percentage increase to be added to the commitment for urban tree canopy.</p>	<p>Protecting urban trees is captured in the Strategy in Theme 6: Green Neighbourhoods, including with the commitment on pg. 31 of "Increasing the existing urban tree canopy to expand the local green grid".</p> <p>The draft Urban Tree Canopy Plan addresses the need to protect mature and existing trees.</p> <p>Council recently received additional tree canopy data and is currently reviewing it. Once this information has been assessed we will consider adding a percentage to the commitment under Theme 6: Green Neighbourhoods for "Increasing the existing urban tree canopy to expand the local green grid" during the first review of the Strategy.</p> <p><b>No current change proposed to the Strategy. Council will continue to work to finalise then implement the draft Urban Tree Canopy Plan 2019 to facilitate action.</b></p>
Air Quality and other Pollution	<p>Requests to add in additional information for air quality, noise pollution etc., including specifically those from wood fire heaters. Also requesting to include UV as an issue, noting that addressing shade also addressed urban heat, health and social benefits.</p>	<p>References in the draft Strategy are to be improved and expanded to various urban hazards, including air, noise, light, water, UV and soil.</p> <p><b>Amendments are as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Include "air, noise, light, water and soil pollution and UV" into the second paragraph on pg. 27.</b></li> <li>• <b>Add in "We will reduce air, noise, light, water and soil pollution and reduce exposure to UV" on para. 2 on pg. 28.</b></li> <li>• <b>Add in a new "We will" to "Undertake proactive inspections, education programs and environmental auditing to minimise air, noise, water, light and soil pollution and reduce exposure to UV. This includes implementing the NSW Wood Smoke Reduction Program."</b></li> <li>• <b>Insert description of urban hazards into Theme 8 as "Our community will continue to be exposed to urban hazards from past and present development activities, such as air, noise, light, water and soil pollution and UV exposure. The hazards are</b></li> </ul>



Issue Title	Key consideration in submission	Council response
		<p>heavily influenced by land use, with major road corridors linked to noise and air pollution, industrial areas posing risk of stormwater contamination and residential areas contributing to woodsmoke pollution, especially in winter. These hazards are discussed previously in Theme 2: Waterways and Catchments and Theme 5: Sustainable Built Environment."</p> <p>See also the amendment discussed below in the Beaches Link Tunnel and Frenchs Forest topic relating to the Beaches Link Tunnel.</p>
Circular Economy	Seeking improved references for supporting a circular economy.	<p>The Strategy does address emissions from consumption, primarily in Theme 7: Sustainable Living.</p> <p><b>Further amendments will be made to include supporting a circular economy as follows:</b></p> <ul style="list-style-type: none"> <li>• Add in to Theme 7: Sustainable Living, paragraph 4 "As a community we need to support a strong circular economy and where possible buy and source products locally".</li> <li>• Add in a definition for a circular economy to the glossary as "A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life".</li> <li>• Amend Council Operations "We Will..." statement to say "Monitor our waste generation and minimise waste, maximise recycling, reduce waste to landfill and support a circular economy."</li> </ul>



Issue Title	Key consideration in submission	Council response
Beaches Link Tunnel and Frenchs Forest Precinct	Submissions expressed generally not wanting more bushland lost to either the Frenchs Forest Precinct or the Beaches Link Tunnel. Further, the submissions do not support more cars in the Northern Beaches.	<ul style="list-style-type: none"> <li>Frenchs Forest Precinct is being developed along its own planning process. This has included precinct specific studies.</li> <li>Council's endorsed position on the Beaches Link Tunnel is to support the project subject to public transport and the resolution of design matters and associated impacts (Local Strategic Planning Statement, A19.7). This Strategy is being updated to better address air quality issues and a specific reference to the tunnel is proposed in Theme 5: Sustainable Built Environment. Further, Northern Beaches Move Transport Strategy, referenced in this strategy, includes transitioning our community to lower emissions vehicle, increasing public and active transport and reducing private car use.</li> <li>For projects like this into the future there are various goals, commitments and strategies which relate to protection of the environment and building sustainably, which include the aspirations for "No net loss of bushland" and "Net zero emissions in our community by 2030".</li> </ul> <p><b>Amend Theme 5: Sustainable Built Environment "We will..." dot point 4 into the following two items:</b></p> <ul style="list-style-type: none"> <li><b>"Encourage state and federal governments to rapidly drive down emissions and water use and avoid pollution through actions such as better building standards for residential and non-residential buildings and relevant infrastructure e.g. increasing BASIX and implementing standards for non-residential development.</b></li> <li><b>Partner with all levels of government to deliver best practice infrastructure e.g. the Beaches Link Tunnel and the rapid public transport expansion and associated infrastructure."</b></li> </ul>

Issue Title	Key consideration in submission	Council response
Single Use Plastics	Support for reducing single use plastics and keeping single use plastics, and other litter, out of our waterways in the first place as well as strategies for removing them once they make their way in.	<p>Single use plastics are referenced primarily in Theme 2: Waterways and Catchments, Theme 3: Coast and Theme 7: Sustainable Living. In these themes there are commitments relating specifically to the reduction of single use plastics. There are accompanying strategies for how to meet these commitments which include education, engagement, collaboration, innovation, partnerships and removal works.</p> <p>Council will continue ongoing implementation of current programs to reduce single use plastics.</p> <p><b>Amend the commitments for Themes 2 and 3 to make it clearer that this includes control actions at the point of origin as well as removal.</b></p> <p><b>Amend the commitment in Theme 2: Waterways and Catchments to "Actively working to keep single use plastics and other litter out of our network".</b></p> <p><b>Amend the commitment in Theme 3: Coast to "Actively working to keep single use plastics and other litter off our coast".</b></p> <p><b>Update the "We will..." in Theme 7: Sustainable Living on pg. 35 to read "Minimise the use of single use plastics and disposable items by promoting use of reusable items."</b></p>
Dogs	<p>Submissions stated that the impact of dogs on native wildlife was not considered in a similar way to other threats including the need to keep dogs on leashes.</p> <p>Some submissions also addressed the issues of dogs on beaches, both for and against.</p>	<p>It is proposed to amend the relevant reference to cover invasive species and domestic animals, therefore including dogs.</p> <p><b>Amend Theme 4: Biodiversity, paragraph 5, to "To protect our biodiversity we need to consider and protect each different scale, from the worms that process nutrients in our estuaries, to reducing the impact of feral and domestic animals on our native wildlife".</b></p>
<b>CREATE</b>		
Local Food Production	Seeking greater reference to local food production and sales in the Strategy. The primary focus was to reduce food miles and in the case of community gardens, promote social connection and green infrastructure.	Expand references in Theme 7: Sustainable Living to specifically mention sourcing and buying locally, which includes through local food hubs/forests/production/markets and. It is further acknowledged in its contribution to green infrastructure and the green grid in the definition on Theme 6: Green

Issue Title	Key consideration in submission	Council response
	Submissions also requested that education was needed in the community on how to buy without packaging etc.	<p>Neighbourhoods (pg. 30).</p> <p>Council will consider actions on how to support this in the development of the action plans.</p> <p><b>Add in to Theme 7: Sustainable Living, paragraph 4 "As a community we need to support a strong circular economy and where possible buy and source products locally" (Note: this is also listed under the Circular Economy issue).</b></p> <p><b>Amend Theme 7: Sustainable Living, "We will..." first dot point to "Motivate, inspire, support and encourage our community to reduce resource consumption and emissions production. We will promote making choices to reduce waste production, energy and water use by buying and sourcing products locally. We will do this through engagement, education and incentives..."</b></p>
Greener Neighbourhoods	Support for green infrastructure, in particular vertical and roof gardens.	<p>Theme 6: Green Neighbourhoods discusses improving our local green infrastructure. This does include vertical and roof gardens and reference to these will be made clearer.</p> <p><b>Update Theme 6: Green Neighbourhoods, second dot point under "We will..." on pg. 31 to "Support, encourage and enable green infrastructure development, including vertical and roof gardens, through our planning instruments and regulations."</b></p>
<b>LIVE</b>		
Emissions from other Sources	Ensure reducing emissions from sources other than energy use and waste production are discussed. This includes emissions associated with consumption and purchasing of items such as clothes, building materials, diet, food etc. are being discussed and the community educated to reduce these emissions.	<p>Discussion on emissions from consumption and other resource use is currently included in the Strategy. The infographic on pg. 29 will be renamed to Environmental Footprint and a definition will be added on pg. 44.</p> <p><b>Amend the Strategy to include a definition on pg. 44 of Environmental Footprint as follows: "The effect that a person, company, activity etc. has on the environment, for example the amount of natural resources they use and the amount of harmful gases they produce".</b></p> <p><b>Label the infographic on pg. 29 "Environmental Footprint".</b></p>

Issue Title	Key consideration in submission	Council response
		<b>Update the Strategy as described in the topic Local Food Production above to include references to buying local.</b>
Definition of Live	Potential to expand the Live statement on pg. 5 to include reference to natural hazards and being prepared for current impacts.	<p>Expand the introduction to the Live section to reflect that it refers to addressing current and future impacts of natural hazards as well as climate change.</p> <p><b>Amend the Live definition on pg. 5 to "We will live sustainably every day to reduce our waste generation and resource use. We will prepare for the current and future impacts of natural hazards and climate change".</b></p>
Supporting Innovation	Embrace innovation to tackle the challenges faced. This includes through partnerships and collaboration on projects and initiatives.	<p>Supporting innovation is represented throughout the document in most Themes, and could be improved in Theme 8.</p> <p><b>Update Theme 8 "We will.." dot point 3 to "Continually incorporate best available climate change and natural hazard knowledge and practices, including considering innovative solutions, into our strategic land use planning, development controls, construction and operations."</b></p>
Coastal Protection	Submissions discussed that Council needs to have a planned approach to managing coastal erosion. This includes considering planned retreat and also included support both for and against building seawalls.	<p>Commitments in Theme 8: Adaptation and Resilience include "...actively managing risks from bushfires, coastal erosion and inundation...." and "Public infrastructure designed, constructed and maintained to address climate change". Theme 3 is proposed to be expanded to include protecting people and property from coastal processes.</p> <p>More detail on how we go about this, including through development and implementation of Coastal Zone Management Plans and Coastal Management Programs which we will continue to develop and implement, and will be considered in the action plans.</p> <p><b>Amend the Theme 3: Coast, "We will..." dot point 3 to "Improve the condition of our coastal and marine environment using regeneration and habitat enhancement techniques, and minimise the impacts of coastal processes on people and property."</b></p>

Issue Title	Key consideration in submission	Council response
Waste	Support for waste reduction, including composting and queries regarding a residential food/organic waste bin. This included a strong focus on the need for education and engagement to achieve change.	<p>Waste reduction for the community is included in commitments in Theme 7: Sustainable Living which aim to reduce waste to landfill and the amount of waste generated per person. There are a number of relevant "We will..." items in this theme which address education, supporting innovation and service delivery.</p> <p>The concept of the circular economy has also been addressed (see previous discussion) and amendments proposed to include this in the Strategy.</p> <p>With regard to a residential organic waste collection service, this service is currently provided by post collection sorting of the red bins and future innovations and improvements to this process are captured in Theme 7.</p> <p><b>No change is proposed to the Strategy. Council will continue to deliver community waste education programs, implement the new waste service and seek opportunities for innovation.</b></p>
<b>COUNCIL OPERATIONS</b>		
More ambitious Council commitments	Considering Council has greater control over its own operations, than the greater community, the commitments for Councils Operations should be more ambitious.	<p>The current commitments were developed following detailed modelling for Council operations. The commitments consider the scale of shift needed to achieve net zero emissions across Council and the complexity of infrastructure upgrades, low emission heavy vehicle opportunities, existing contracts etc. It is deemed that achieving the proposed commitments will be ambitious.</p> <p>Council's water reduction target was developed considering water efficiency upgrades already completed, impacts of varying weather conditions over time on irrigation demands and large scale reductions being heavily reliant on significant infrastructure changes. Council's commitment was selected to be more ambitious than the community's and we will continue to seek opportunities to reduce our water use by 10%. No amendments are proposed.</p> <p><b>No change proposed to the Strategy.</b></p>

Issue Title	Key consideration in submission	Council response
		<b>Continue to seek opportunities to reduce our emissions and water use, including energy efficiency upgrades, the expansion of solar across Council assets and water saving projects.</b>
<b>GENERAL</b>		
Support	<p>The significant majority of submissions were in support of the Strategy. Support was expressed for one or more of the following:</p> <ul style="list-style-type: none"> <li>• Protection of the Environment</li> <li>• The whole Strategy</li> <li>• Climate Change Action</li> <li>• Climate Change Declaration</li> </ul> <p>Submissions were considered to be in support of the Strategy if they included a direct comment of support as well as if they directly addressed what the Strategy is aiming to achieve. For example, a submission that discussed needing better bicycle path networks was taken as in support as this aligns with items included in the Strategy and overall what it is aiming to achieve.</p>	<p>The strong support for the Strategy, climate change action and the Climate Change Emergency is acknowledged.</p> <p><b>Amend Pg. 10, 1st paragraph under Climate Change to read, "Council declared a climate emergency in August 2019 noting that we must take the opportunity to work collaboratively with the community and key stakeholders to accelerate action. We need to significantly reduce carbon emissions to minimise future risks and address long term predicted effects of climate change, including impacts from sea level rise..."</b></p>
Do not support	<p>Some submissions did not support Council with one or more of the following:</p> <ul style="list-style-type: none"> <li>• Action on climate change.</li> <li>• Supporting renewable energy.</li> <li>• Prioritising other actions over collection of waste, maintenance of roads and collection of rates.</li> </ul> <p>Submissions were focused on the following main areas including:</p> <ul style="list-style-type: none"> <li>• Non-acceptance that human induced climate change was occurring.</li> <li>• It is not as bad as it is being made out.</li> </ul>	<p>Council's CSP developed with extensive community consultation, includes Community Outcomes for Environmental Protection and Environmental Sustainability. These both include the need to address both protecting our environment and addressing climate change. Further, Council's adopted position acknowledges that we are in a state of climate emergency that requires immediate action.</p> <p>Various legislation relevant to Council stipulates Council is to protect our environment for example through ecologically sustainable development principles and by considering impacts on future generations in decisions made today.</p> <p><b>Amend the Strategy to include at the start of pg. 8 under Our Strategic Line of Sight "Various legislation requires Council to take action to protect our environment</b></p>



Issue Title	Key consideration in submission	Council response
	<ul style="list-style-type: none"> <li>This is not an issue for local government to deal with.</li> </ul>	<p><b>and consider the impacts on future generations in the decisions we make today. Further..."</b></p>
Action Level Comments	<p>The majority of comments received proposed actions for Council to consider implementing as part of the Strategy. Comments varied from specific location comments, such as trees in a certain park, to general actions like supporting composting in schools and community gardens etc.</p>	<p>Each suggestion was considered to ensure that the concept of the action being proposed was sufficiently represented in the Strategy. All action level comments are being recorded and will be incorporated when developing the relevant action plans. The strategy discussed the action plans in both the "Our Plans" section (pg. 9) and the Implementing the strategy section (pg42).</p> <p>Comments relating to work being undertaken currently will be forwarded to the relevant department for consideration.</p> <p><b>No change is proposed to the Strategy. Where work is already being done we will continue doing this, for other actions they will be considered in development of the action plans.</b></p>
Education, Engagement and Collaboration	<p>Reiterating how important education, engagement and collaboration is going to be to achieve the goals in the Strategy. This included the importance of the environment centres as conduits for delivering the education, engagement and collaboration and the importance of working with established community groups.</p>	<p>The Strategy which has a strong focus on education, engagement and collaboration, is introduced on page 14 under Council's ability to influence. As well as paragraphs about Education and Engagement and Collaboration there is a statement that reads "It will take mobilising our entire community to achieve the goals, commitments and aspirations in this plan. Collaboration, engagement and education has been incorporated throughout the themes to ensure the natural environment is protected, valued and enjoyed by our community, and the community is motivated, inspired and supported to live more sustainably".</p> <p><b>No change is proposed to the Strategy. Council will continue to partner with various local community groups and key stakeholders to leverage their knowledge, expertise and local connections.</b></p>

Issue Title	Key consideration in submission	Council response
Population Growth - Infrastructure	Unsupportive of population growth due to concerns that infrastructure is currently inadequate. These submissions focused on the need to improve public transport and active travel infrastructure.	<p>The Strategy discusses population growth on pg. 12 under Challenges and Opportunities. It includes "We need to manage any growth so it occurs in the right locations and is supported by sustainable infrastructure." and "To address this challenge, we need to: ...* provide suitable supporting infrastructure." The challenge of our transport network is also discussed.</p> <p>This Strategy references the Move - Northern Beaches Transport Strategy in Theme5: Sustainable Built Environment and Theme 7: Sustainable Living.</p> <p>This issue is also addressed in the Local Strategic Planning Statement (LSPS) in Priority 9 and Priority 19. These include promoting the regional public transport network which will promote north-south and east-west connections enhancing connections to strategic and metropolitan centres to improve access to jobs and services. The public transport connections identified in Priority 19 not only guide planning decisions about future growth, but they also respond to existing settlement patterns and will enhance public transport for existing residents.</p> <p>The LSPS includes a number of actions for the preparation of studies that will address both existing and projected needs. These studies include housing, employment, social infrastructure, green infrastructure and transport. They also include an LGA-wide land use infrastructure implementation plan which will set out a plan for funding and timing for delivery of new infrastructure.</p> <p><b>No change is proposed to the Strategy, noting that Council will continue to deliver infrastructure improvements, for example improved shared path networks, and advocate to other level of government to do the same, for example through the expansion of the rapid transport network.</b></p>



Issue Title	Key consideration in submission	Council response
Population Growth - Environmental Implications	Unsupportive of population growth due to the fact this, and associated development, will make it hard to reach the goals, aspirations and commitments in the Strategy.	<p>The pressure of population growth is addressed on pg. 12 under Challenges and Opportunities. It notes that "We know that development can put significant pressure on our environment. This includes the impacts that come from increasing consumption and an expanding urban footprint." and continues to say we need to address this challenge through "ensuring housing is suitable and sustainable; provide suitable supporting infrastructure; and protect the natural environment."</p> <p>Population growth, and associated development, is a key driver for the Create section of the Strategy which acknowledges that "Development is a constant pressure of urban living. We have the opportunity to use our land use planning instruments and controls to design and build our neighbourhoods well so they fit within our natural environment, rather than damage and destroy it, and reduce resource use."</p> <p>Further the challenge is noted in Theme 7: Sustainable Living as "The amount we use and consume is set to rise as the Northern Beaches populations grows...". Actions which impact this are discussed as larger households with more people, owning and driving petrol or diesel cars, taking long flights and eating meat." The strategies in Theme 5 and 7 list ways in which we will engage with the community around reducing consumption and emissions, how we will use land use planning controls to reduce resource use, work in partnership for innovative solutions and advocate other levels of government for influential change.</p> <p><b>With consideration for reducing resource consumption references supporting a circular economy have been improved as described in the "Circular economy" topic previously.</b></p> <p><b>No other changes to the Strategy are proposed.</b></p>

Issue Title	Key consideration in submission	Council response
Protection of Aboriginal Heritage	Requesting additional references to the Aboriginal Heritage of the Northern Beaches. This included acknowledging their strong connection to the past as well as protecting sites into the future.	<p>Council staff worked with the Aboriginal Heritage Office (AHO) to prepare appropriate updates to the Strategy. It was recommended that changes recognise the long standing relationship Aboriginal people have with the land.</p> <p>Amend the Strategy to address the impacts on aboriginal sites from climate change and natural hazards and strategies to protect these. Guidance for this came from the recent Coastal Erosion of Aboriginal Heritage (AHO, 2019) report.</p> <p>The following existing two statements are relevant to Aboriginal heritage:</p> <ul style="list-style-type: none"> <li>pg. 19, Theme 1: Bushland. "Consider scenic and cultural landscapes and heritage in strategic land-use planning, development controls and when undertaking works".</li> <li>pg. 39, Theme 8: Adaptation and Resilience. "Collect good quality, meaningful data and leverage local knowledge to support and enable decisions".</li> </ul> <p><b>Insert information on pg. 6 in place of the current Strategy Time Line referencing Aboriginal Heritage.</b></p> <p><b>Amend the second paragraph under the Climate Change heading on pg. 10 to:</b>  <b>"Climate change is affecting biodiversity and water quality as ecosystems response to increased temperatures. Severe storms and rising sea levels have potential to erode Aboriginal heritage sites. We may see changes to insurance premiums and maintenance and repair costs, while heatwaves will impact public health."</b></p> <p><b>Add in additional discussion on Aboriginal Heritage sites to Theme 8: Adaptation and Resilience, paragraph 1 on pg. 38:</b>  <b>"We will also see impacts on the diversity of our plants and animals (IPBES, 2019). Our local Aboriginal heritage sites will be exposed to more severe erosion (AHO, 2019)".</b></p>

Issue Title	Key consideration in submission	Council response
		<p><b>Add in an additional "We will..." strategy to Theme 8: Adaptation and Resilience:</b>  <b>"Continue to monitor and record Aboriginal and European heritage sites, salvage sites, undertake conservation works where appropriate, and deliver education and training programs".</b></p> <p><b>Insert a reference for the AHO report:</b>  <b>"Aboriginal Heritage Office (2019) Coastal Erosion of Aboriginal Heritage, North Sydney 2019".</b></p>
Youth Engagement	In the early stages of the public engagement we received a number of submissions requesting that Council engage with local youth.	<p>In response to the early submission stating that they wanted more youth engagement we did the following:</p> <ul style="list-style-type: none"> <li>• Posted to KALOF social media page for comments.</li> <li>• Sent emails to local 'green' teachers encouraging them to promote making submissions to their students.</li> <li>• Discussed the engagement to the Youth Advisory Committee at their meeting, including a follow up reminder email.</li> <li>• Continued posts on other social media platforms.</li> </ul> <p>In addition, members of the Green Team, which is a youth-run, volunteer-based environment initiative, attended a community run workshop to prepare comments and submissions.</p> <p><b>The promotion of the draft Strategy was expanded during the consultation period with consideration for youth. The final submission numbers showed that at least 30 of the written submissions came from people aged 25 and under.</b></p>

Some minor editorial amendments to correct wording and typing errors or enhance readers understanding are also proposed.

The key themes feedback and proposed responses were presented to the Environment Strategic Reference Group on Thursday 28 November who recommended:

*That the revised Strategy be presented to Council for adoption.*

**TIMING**

Subject to the endorsement by Council, the action plans will be developed. The action plans, which guide the delivery of the goals and work towards achieving the aspirations and commitments, will span 4 years and will align with Council's Delivery and Operational Plans.

Council will evaluate the progress against the goals, commitments and aspirations with a detailed assessment, report and review, to be completed every two-four years. This will allow us to adapt the commitments, goals and aspirations in light of fast paced changes in the market, knowledge, technology, as well as federal and state policies

Current programs being undertaken which align with the Strategy will be continued.

**LINK TO COUNCIL STRATEGY**

This report relates to the following Community Strategic Plan outcomes:

**Protection of the Environment:**

- Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations
- Goal 2 – Our environment and community are resilient to natural hazards and climate change
- Goal 3 – Our community is well-supported in protecting the environment.

**Environmental Sustainability:**

- Goal 4 – Our Council is recognised as a community leader in environmental sustainability
- Goal 5 – Our built environment is developed in line with best practice sustainability principles
- Goal 6 – Our community will continue to work towards sustainable use of resources.

**FINANCIAL CONSIDERATIONS**

Implementation of this Strategy across the diverse operations of Council will consider the quadruple bottom line principles of sustainability to deliver equally on environmental, social, economic and good governance outcomes. We intend to deliver this Strategy within our existing resources, in line with the Long Term Financial Plan. We will seek opportunities to leverage external funds where we can.

**SOCIAL CONSIDERATIONS**

The Strategy includes directions for how we will protect and improve the liveability of the Northern Beaches. In particular it includes strategies to foster a more connected and resilient community.

**ENVIRONMENTAL CONSIDERATIONS**

The Strategy provides Council and the Community with the strategic direction to protect and improve our environment, now and for future generations.

**GOVERNANCE AND RISK CONSIDERATIONS**

The Strategy provides clear direction for Council to deliver the Protection of the Environment and Environmental Sustainability Community Outcomes. Council will evaluate the progress against the goals, commitments and aspirations with a detailed assessment, report and review to every four years.

## 12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT VOLUNTARY PLANNING AGREEMENT POLICY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2019/634322
ATTACHMENTS	1 <a href="#">⇒</a> Draft Voluntary Planning Agreement Policy (Included In Attachments Booklet) 2 <a href="#">⇒</a> Draft Voluntary Planning Agreement Guideline (Included In Attachments Booklet)

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### SUMMARY

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#### PURPOSE

To report on the outcomes of the public exhibition and seek the adoption of the draft Voluntary Planning Agreement Policy.

#### EXECUTIVE SUMMARY

A draft Voluntary Planning Agreement Policy (the “draft VPA Policy”) and draft Voluntary Planning Agreement Guideline (the “draft VPA Guideline”) have been placed on public exhibition.

The draft Voluntary Planning Agreement Policy sets out Council’s position relating to Voluntary Planning Agreements (“VPAs”) and the draft VPA Guideline sets out the procedures relating to VPAs.

If adopted the draft VPA Policy will replace the existing Warringah VPA Policy and apply to all VPAs entered into by the Northern Beaches Council.

The draft VPA Policy was publicly exhibited in accordance with Council’s resolution of 22 October 2019. Council received no submissions during the exhibition period. No amendments to the draft VPA policy are proposed prior to adoption.

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#### RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Adopt the draft Voluntary Planning Agreement Policy and draft Voluntary Planning Agreement Guideline.
  2. Rescind the Warringah Voluntary Planning Agreement Policy.
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**REPORT**

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**BACKGROUND**

The draft Voluntary Planning Agreements Policy (the “draft VPA Policy”) sets out Council’s position relating to voluntary planning agreements (“VPAs”). Supporting the draft VPA Policy is a draft Voluntary Planning Agreement Guideline (the “draft VPA Guideline”) that outlines the procedures and requirements to be followed when assessing a VPA.

The draft VPA Policy and draft VPA Guideline are consistent with the legal and procedural framework for VPA obligations as set out in Division 7.1 of Part 7 of the Environmental Planning and Assessment Act 1979 and Division 1A of Part 4 of the Environmental Planning and Assessment Regulation 2000. In addition, the draft VPA Policy and draft VPA Guideline are guided by a Planning Agreement Practice Note issued by the Department of Infrastructure, Planning and Natural Resources in July 2005.

The draft VPA Policy will replace the existing Warringah VPA Policy and apply to all VPAs entered into by the Northern Beaches Council.

At the meeting on 22 October 2019, Council resolved:

*That Council:*

- A. Council place the draft Voluntary Planning Agreement Policy on public exhibition for a minimum of 28 days.*
- B. The draft Voluntary Planning Agreement Policy and associated guideline should be amended prior to exhibition to include reference to the Local Strategic Planning Statement under the ‘guiding principles’ section of the document.*
- C. The outcomes of the public exhibition be reported to Council.*

The draft Voluntary Planning Agreement Policy and associated guideline were amended prior to exhibition to reference the Local Strategic Planning Statement in accordance with recommendation B above.

**CONSULTATION**

The draft VPA Policy was exhibited on Council’s ‘Have Your Say’ webpage from 26 October to 24 November 2019.

In this period, there were no document downloads of the draft Policy. Council received no submissions.

No amendments to the draft VPA policy are proposed prior to adoption.

**TIMING**

The draft VPA Policy will take effect once adopted and will apply to all future VPAs entered into by Northern Beaches Council.

**LINK TO COUNCIL STRATEGY**

This report relates to the following Community Strategic Plan Outcomes:

- Good Governance: Goal 19 – Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Partnerships and Participation: Goal 22 – Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

**FINANCIAL CONSIDERATIONS**

There will be no additional financial burden to Council in the implementation of the draft VPA Policy.

**SOCIAL CONSIDERATIONS**

The draft VPA Policy sets out the criteria that Council will use to assess an offer including what, if any, public benefits are offered.

The draft VPA Guideline is a procedural document and demonstrates Council's commitment to being transparent and trusted to make decisions as well as to actively engage the community in decision making processes.

**ENVIRONMENTAL CONSIDERATIONS**

There will be no adverse environmental impacts resulting from the implementation of the draft VPA Policy.

**GOVERNANCE AND RISK CONSIDERATIONS**

Ensuring a robust, complete and up to date policy environment is key to Council's governance framework. The draft policy that will apply to the entire local government area will reduce risk to the organisation through updating the draft VPA policy in line with current legislation and best practice guidelines.

<b>ITEM 12.2</b>	<b>PLANNING PROPOSAL TO REZONE LAND WITHIN AND ADJOINING THE MANLY WARRINGAH WAR MEMORIAL STATE PARK</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC &amp; PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2019/656059</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Letter from the Hon Melinda Pavey MP</a></b>

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## SUMMARY

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### PURPOSE

To seek Council's approval to withdraw a Sydney Water site (Lot 1 DP 710023) from the current Planning Proposal to rezone land owned by Sydney Water, the Crown and the Department of Lands, within and adjoining the Manly Warringah War Memorial State Park from low density residential (R2) to Public Recreation (RE1) under the Warringah Local Environment Plan 2011.

### EXECUTIVE SUMMARY

On 27 November 2018, Council resolved as follows:

*That:*

- A. *Council prepare a Planning Proposal to rezone the five lots owned by Sydney Water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:*
  - a. *Three Crown land lots:*
    - i. *Lot 76 DP 504237*
    - ii. *Lot 77 DP 504237*
    - iii. *Lot 2 DP 710023.*
  - b. *Two Sydney Water lots:*
    - i. *Lot 1 DP 710023 – bushland site (surplus land)*
    - ii. *Lot 1 DP 835123 – with water tower (reservoir).*

In accordance with the above decision, a Planning Proposal was prepared and reported to Council on 28 May 2019 wherein it was resolved as follows:

*That Council:*

- A. *Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning and Industry for a Gateway Determination to amend Warringah Local Environmental Plan 2011 to:*
  - a. *Rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):*
    - iii. *Lot 76 DP 504237 (Crown Land)*
    - iv. *Lot 77 DP 504237 (Crown Land)*



- v. *Lot 2 DP 710023 (Crown Land)*
- vi. *Lot 1 DP 1200869 (Crown Land)*
- vii. *Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site).*
- b. *Rezone Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System'.*
- c. *Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.*
- B. *Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning and Industry via the Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.*
- C. *Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls, from land covered by the Manly Warringah War Memorial State Park Planning Proposal.*
- D. *Seeks approval from Sydney Water and the Department of Planning and Industry (Water, Property and Housing) to rezone land for a public purpose (RE1 (Public Recreation)) following a Gateway Determination being issued by the Department of Planning and Industry (Planning and Places).*
- E. *Writes to the relevant Minister to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park.*

Prior to issuing a Gateway Determination, the Department of Planning, Infrastructure and Environment (DPIE) required Council to consult with Sydney Water. Sydney Water has since advised that their support for rezoning the subject property is conditional upon the land being acquired at market value. A valuation of the site has been obtained. The valuation obtained, as at 18 October 2019 is significant. Funds have not been allocated within Council's property fund for the acquisition of Lot 1 DP 710023.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Withdraw Lot 1 in DP 710023 from the Manly Warringah War Memorial State Park Planning Proposal previously submitted to the then Department of Planning and Environment.
  2. Not proceed with acquisition of Lot 1 DP 710023 (Sydney Water – Surplus Bushland Site) at current market value.
  3. Proceed with Phase 1 contamination report for the remaining lots.
  4. Subject to a favourable outcome from the Phase 1 contamination report, progress the Planning Proposal to a Gateway Determination.
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**REPORT**

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**BACKGROUND**

On 27 November 2018, Council resolved as follows:

*That:*

- A. *Council prepare a Planning Proposal to rezone the five lots owned by Sydney Water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:*
- a. *Three Crown land lots:*
- viii. *Lot 76 DP 504237*
- ix. *Lot 77 DP 504237*
- x. *Lot 2 DP 710023.*
- b. *Two Sydney Water lots:*
- xi. *Lot 1 DP 710023 – bushland site (surplus land)*
- xii. *Lot 1 DP 835123 – with water tower (reservoir).*

In accordance with the above decision, a Planning Proposal was prepared and reported to Council on 28 May 2018 wherein it was resolved as follows:

*That Council:*

- A. *Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning and Industry for a Gateway Determination to amend Warringah Local Environmental Plan 2011 to:*
- a. *Rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):*
- xiii. *Lot 76 DP 504237 (Crown Land)*
- xiv. *Lot 77 DP 504237 (Crown Land)*
- xv. *Lot 2 DP 710023 (Crown Land)*
- xvi. *Lot 1 DP 1200869 (Crown Land)*
- xvii. *Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site).*
- b. *Rezone Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System'.*
- c. *Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.*
- B. *Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning and Industry via the Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.*
- C. *Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum*

*landscaped area controls, from land covered by the Manly Warringah War Memorial State Park Planning Proposal.*

- D. Seeks approval from Sydney Water and the Department of Planning and Industry (Water, Property and Housing) to rezone land for a public purpose (RE1 (Public Recreation)) following a Gateway Determination being issued by the Department of Planning and Industry (Planning and Places).*
- E. Writes to the relevant Minister to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park.*

Prior to issuing a Gateway Determination, the Department of Planning, Infrastructure and Environment (DPIE) required Council to consult with Sydney Water. Sydney Water has since advised that their support for rezoning the subject property is conditional upon the land being acquired at market value (refer to attachment 1). A valuation of the site has been obtained. The valuation obtained, as at 18 October 2019 is significant. Funds have not been allocated within Council's property fund for the acquisition of Lot 1 DP 710023.

### **Context**

The six (6) lots subject to the Planning Proposal are located within or surrounding the south-west boundary of the Manly Warringah War Memorial State Park (State Park) and are generally surrounded by the Wakehurst Parkway and Garigal National Park to the west, the State Park including the Wakehurst Golf Club and Manly Dam to the north and east, and the Seaforth Bowling Club, and low density residential development to the south.

All of the six (6) lots are currently zoned R2 Low Density Residential under WLEP2011. These parcels of land were zoned as various forms of open space reservation from the Warringah Shire Planning Scheme 1963 until Warringah LEP 2000. Under WLEP2000 these sites were managed within the locality of G3 Manly Lagoon Suburbs locality characterised as detached style housing. With the Warringah LEP2011, these parcels became R2 zoning, reflecting land use within the broader locality under the WLEP2000 scheme.



**Figure 1 Map of the six (6) subject sites including lot numbers and description**

## **Issues**

The Planning Proposal was submitted to the Department of Planning, Industry, & Environment (DPIE) for Gateway determination on 29 May 2019. A preliminary assessment of the Planning Proposal identified a number of issues notified to Council via email on 17 July 2019, as follows:

### **Consent from Sydney Water to rezone land**

Council wrote to the Hon Melinda Pavey, MP to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park as per the Council resolution on 28 May 2019.



In response, Melinda Pavey MP highlighted that *“Sydney Water’s support of the rezoning and inclusion of Lot 1 DP 710023 in the Manly-Warringah Memorial State Park is conditional upon the land being acquired.”* Follow up conversations with Minister Pavey’s nominated contact, have confirmed that there is a clear expectation that any acquisition of the Sydney Water property by Council would be at market value.

### **Valuation of Sydney Water surplus bushland site**

Council has since sought a market rate valuation for the surplus bushland site owned by Sydney Water.

Funds have not been set aside in Council’s property budget for the acquisition of Lot 1 DP 710023 (Sydney Water’s Surplus Bushland Site).

Council had previously notified Crown Lands of the preparation of a Planning Proposal on 21 February 2019 and received no response. Evidence of this correspondence was forwarded to the DPIE on 19 July 2019.

Further correspondence to Crown Lands was sent on 13 September 2019 seeking Crown Lands support for the Proposal, to which Council is yet to receive a response.

### **Preliminary Contamination Investigation**

Recent case law requires that Council undertake a contamination assessment prior to resolving a Gateway Determination, otherwise any Gateway result may be invalid.

A quotation to undertake phase 1 preliminary site investigation for the purpose of rezoning the subject land has been obtained by Council. The estimated cost is \$9,800 (excluding GST). This quote covers the five lots subject to the proposed rezoning, including four Crown Land lots and the Sydney Water owned lot.

Depending on the findings of the Phase 1 Investigations, Phase 2 investigations could be required. Indicative costs for phase 2 testing could reach up to \$150,000- \$200,000, based on recent studies undertaken elsewhere within the Northern Beaches LGA.

The extent of possible contamination is likely to relate to the area of former landfill under Wakehurst Golf Course across three sites which are already incorporated into the Manly Warringah War Memorial State Park.

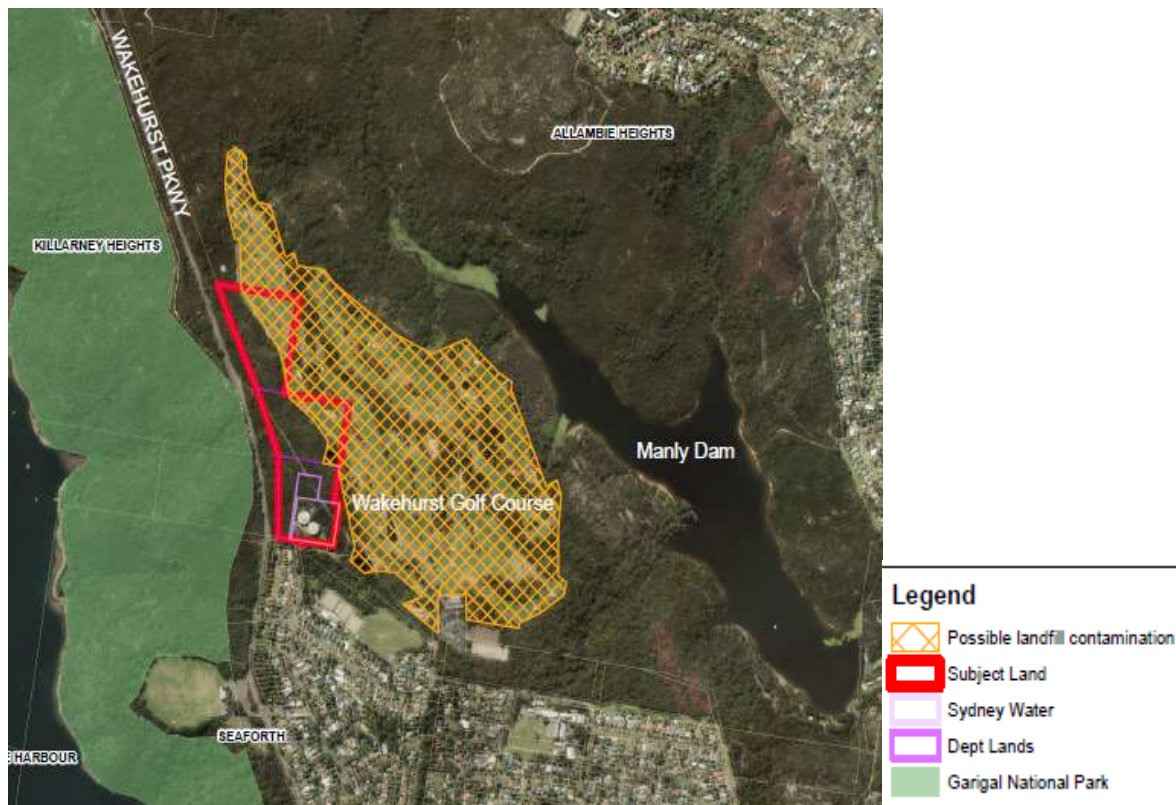


Figure 2 Potential Landfill Contamination of Crown Land lots containing Wakehurst Golf Course

## CONSULTATION

### Sydney Water LEP Submission

A formal request from Sydney Water was received on 26 September 2019 to rezone 50 sites as part of Council's broader LEP review. Sydney Water believes that rezoning their lots to SP2 – Infrastructure; better reflects the land's ongoing, permanent use as vital water and sewage infrastructure; provides clarity to the community as to the current and intended use of the land; is consistent with planning objectives to provide for infrastructure and related uses; and confirms the land is intended to support population growth within the LGA, providing services and infrastructure to meet people's changing needs.

Whilst Sydney Water's recommended rezoning of its operational land does not include Lot 1 DP 710023 (surplus bushland site), it does include the adjacent reservoir land and provides an opportunity for Council to negotiate the future of this bushland site alongside a broader review of zoning for Sydney Water Operational Sites across the Northern Beaches LGA.

## TIMING

The LEP and DCP Review project is expected to be completed in late 2021.

## LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan outcome of Good Governance Goal 19(c) - Ensure the long-term financial sustainability of Council through strategic management of assets.

## FINANCIAL CONSIDERATIONS

The estimated market value for Lot 1 DP 710023 (Sydney Water surplus bushland site) at 18 October 2019 is significant. Funds have not been set aside in Council's property fund for this property acquisition and this report does not recommend acquisition of the site at market value.

Rezoning the subject sites will require a Preliminary Contamination Investigation. The cost for the Phase 1 investigations would be \$9,800 (excluding GST).

If a Phase 1 Preliminary Contamination Investigation were to uncover contamination at a level presenting risks to human health for existing and/or proposed uses, a Phase 2 investigation may be required with indicative costs of up to \$150,000-\$200,000 (based on recent studies).

## **SOCIAL CONSIDERATIONS**

The subject land provides for a number of important functions for our community, Council aims to secure these functions via the preparation of Councils new Northern Beaches LEP.

## **ENVIRONMENTAL CONSIDERATIONS**

Rezoning the subject sites may afford a higher level of safeguard to better protect, manage and restore the public lands ecological, scientific, cultural and aesthetic values, however there are alternate, and more cost efficient, measures that can be taken to protect the sites longer term.

The subject lots contain important core habitat for local native species including many threatened species and their habitat. The land is also likely to function as an important wildlife corridor, connecting Manly Dam to Garigal National Park. The State Park is highly valued for the scenic beauty of its natural bushland environment. The proposed RE1 and SP2 zones would preclude future residential development on the subject land, protecting the park's natural aesthetic appeal and the water quality of Manly Dam by minimising potential residential development impacts.

## **GOVERNANCE AND RISK CONSIDERATIONS**

### **State Government Approvals**

The approval of Sydney Water and the DPIE is required to rezone the land for a public purpose (i.e. proposed RE1 (Public Recreation)) as per Ministerial Direction 6.2 – Reservation of Land for Public Purposes and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

This requirement represents an ongoing risk to the progression of this Planning Proposal, even with potential negotiations through the LEP review process as Sydney Water have made their support for rezoning conditional upon the land being acquired at market rate.



Scanned 11-09-2019



**The Honourable Melinda Pavey MP**  
Minister for Water, Property and Housing

Ref: IM19/11286  
LMF19/246

Mr Ray Brownlee  
Chief Executive Officer  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655



Dear Mr Brownlee

Thank you for your letter of 3 June 2019, on behalf of Northern Beaches Council, requesting the inclusion of Sydney Water land (Lot 1 DP 710023) and Crown land (Lot 1 DP1200869) in the Manly-Warringah War Memorial State Park. I also note Council's resolution to submit a planning proposal to the Department of Planning, Industry & Environment (DPIE) - Crown Lands to rezone these sites from R2 (Low Density Residential) to RE1 (Public Recreation).

Lot 1 DP1200869 is not Crown Land administered under the *Crown Land Management Act 2016*. The subject site falls under the responsibility of the Minister administering the *Public Works and Procurement Act 1912*. I have forwarded your letter to the Hon Robert Stokes MP for a response on the possible inclusion of this lot in the Manly-Warringah War Memorial State Park.

Sydney Water's support of the rezoning and inclusion of Lot 1 DP 710023 in the Manly-Warringah War Memorial State Park is conditional upon the land being acquired.

If Council wishes to facilitate this project it should commence acquisition of the subject land.

Should you wish to discuss this matter further, I have asked that Mr Chris Wright, Senior Group Leader Property & Projects in DPIE Crown Lands be available to assist you. Mr Wright can be contacted on (02) 9842 8328.

Thank you again for bringing this matter to my attention. I trust this information is of assistance.

Yours sincerely

5 SEP 2019

**Melinda Pavey MP**  
Minister for Water, Property and Housing

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 7300 ■ F: (02) 9339 5570 ■ W: nsw.gov.au



<b>ITEM 12.3</b>	<b>PLANNING PROPOSAL 10-12 BOONDAH RD AND 6 JACKSONS RD, WARRIEWOOD PEX2019/0003</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC &amp; PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2019/665663</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Submissions (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To report the assessment of a Planning Proposal lodged for 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood (properties located within the area known as the Southern Buffer within the Warriewood Valley Urban Land Release Area) and recommend that Council reject and not progress the Planning Proposal to a Gateway Determination.

### SUMMARY

On 29 August 2019, Northern Beaches Council (Council) received a Planning Proposal (PEX2019/0003) for 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood (the site) that seeks to amend the Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014) to permit a four (4) storey residential flat building development with a yield of 110 to 130 dwellings and open space purposes including two new sports fields (the 2019 Planning Proposal).

The 2019 Planning Proposal is requesting the following amendments to Pittwater LEP 2014:

- Rezone the site from RU2 Rural Landscape zone to R3 Medium Density Residential zone and RE1 Public Recreation zone.
- Amend the Height of Buildings Map to increase the maximum building height from 8.5m to 15.0m.
- Amend the Lot Size Map to remove the 1 hectare minimum lot size standard.
- Amend Clause 6.1(3) and the Urban Release Area Map to enable a dwelling yield of 110 to 130 dwellings.

The Applicant, Henroth Investments Pty Limited (Henroth) originally provided as a part of the 2019 Planning Proposal, an offer to enter into a Voluntary Planning Agreement (VPA) with Council. This would dedicate 6 Jacksons Road to be rezoned as open space to facilitate the provision of a new full-sized sports field and a small sized sports field, with all costs to be offset against any development contributions that would otherwise be levied on the proposed development.

Subsequently, by letter dated 8 November 2019 Henroth provided to Council a revised VPA offer as follows:

- Remove the request that all costs associated with the proposed sports playing fields works be offset against any Section 94 levies that would otherwise be payable to Council.
- Dedication to Council of 6 Jacksons Road and construction of the sports fields.
- In addition to any Section 94 levies, otherwise payable the applicant will assist in funding the rehabilitation of Endangered Ecological Communities (EEC's) in the local area including the Narrabeen Creek riparian corridor.

- The applicant has offered to construct (in partnership with Council) a new 130-140 space at grade public car park on the Council's Public Open Space zoned land between the existing Boondah Road sports fields and Pittwater Road and upgrade the existing car parking area at the Heather Nelson Centre.

The Development Contributions Committee considered the amended VPA offer on 27 November 2019 and resolved to not support the amended offer as it has not demonstrated appropriate public benefit.

Council commissioned DFP Planning Pty Limited (DFP) to undertake an independent assessment of the 2019 Planning Proposal in accordance with the NSW Planning and Environment's *Planning Proposal: A Guide to Preparing Planning Proposal* (December 2018).

DFP has concluded that the 2019 Planning Proposal should not be supported by Council on a number of grounds including (but not limited to) potential adverse environmental impacts, flooding, bushfire risks, inconsistency with relevant strategic planning framework, inconsistency with relevant State Government Section 9.1 Directions and insufficient strategic merit and site-specific merit.

DFP recommends that Council not progress the Planning Proposal to a Gateway Determination.

The Northern Beaches Local Planning Panel considered the subject Planning Proposal at its meeting on 9 December 2019 and advised Council not to progress the 2019 Planning Proposal lodged for 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood to a Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

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## RECOMMENDATION OF INDEPENDENT PLANNING CONSULTANT AND DIRECTOR PLANNING AND PLACE

### Part 1

That Council not progress the 2019 Planning Proposal lodged for 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood to Gateway for determination for the following reasons:

1. It is inconsistent with the relevant Strategic Planning Framework being the *Warriewood Valley Strategic Review Addendum Report* adopted 17 November 2014, amended 19 December 2017 by the Northern Beaches Council and incorporated in Clause 6.1 Warriewood Valley Release Area of the *Pittwater Local Environmental Plan 2014*.
2. The 2019 Planning Proposal has not demonstrated sufficient Strategic Merit or Site-Specific Merit as required under the NSW Planning, Industry and Environment's *Planning Proposals: A guide for preparing planning proposals* (December 2018).
3. The 2019 Planning Proposal will exacerbate an existing under supply of open space land in the Warriewood Valley Release Area through both the increased demand arising from the additional unplanned residential population and the loss of a significant area of land that has been identified and planned by Council for Open Space provision in the relevant Local Strategic documents.
4. The Planning Proposal is inconsistent with the following applicable Ministerial Planning Directions under Section 9.1 of the EP&A Act 1979:
  - A. 1.2 Rural Zones
  - B. 2.1 Environment Protection Zones
  - C. 2.3 Heritage Conservation
  - D. 4.1 Acid Sulfate Soils
  - E. 4.3 Flood Prone Land

- F. 4.4 Planning for Bushfire Protection
- G. 7.1 Implementation of the Metropolitan Strategy.
- 5. The proposed four storey residential flat building development envisaged by the 2019 Planning Proposal on 10 and 12 Boondah Road is considered to be excessive in building height, scale and density when compared with the local character context of the Warriewood Valley in the vicinity of the site and having the regard to environmental constraints of the site. The proposal is inconsistent with the relevant design principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, particularly in respect to the proposed 15m maximum building height standard and the proposed yield of 110-130 dwellings.
- 6. The proposed construction of active open space (new synthetic surfaced sports fields) on 6 Jacksons Road and the proposed residential flat building development on 10 Boondah Road is unacceptable as it would involve the destruction of areas of remnant Swamp Oak Floodplain Forest, being an Endangered Ecological Community (EEC) of significant biodiversity value.
- 7. The proposed residential flat building development on 10 and 12 Boondah Road is unacceptable as it would involve the destruction of an area of remnant Bangalay Sand Forest, being an Endangered Ecology Community (EEC) of significant biodiversity value.
- 8. The 2019 Planning Proposal is inconsistent with the following Planning Directions and Priorities of Council's *Towards 2040 Draft Local Strategic Planning Statement* (Draft LSPS):
  - A. Direction – Landscape:
    - Priority 1 – Healthy and valued coast and waterways
    - Priority 2 – Protected and enhanced bushland and biodiversity
    - Priority 5 – Greener urban environments
    - Priority 6 – High quality open space for recreation.
  - B. Direction – Resilience:
    - Priority 8 – Greater community resilience to natural hazards and climate change.
  - C. Direction – Infrastructure and Collaboration:
    - Priority 9 – Infrastructure delivered with employment and housing growth.
  - D. Direction – Housing:
    - Priority 15 – Housing supply, choice and affordability in the right locations.
- 9. The "Site-Specific" 2019 Planning Proposal to enable the proposed four storey residential flat building development and open space purposes is considered to be pre-emptive and it would create an undesirable precedent in light of Council's *Towards 2040 Draft LSPS* which has recently been on public exhibition and includes the following Actions:
  - A. Action 6.5 – Investigate the provision of sports fields in new housing development areas including Warriewood Valley and potentially Ingleside.
  - B. Action 15.1 – Prepare and implement a local housing strategy.
  - C. Action 15.2 – Develop LEP and DCP controls informed by the local housing strategy to ensure the supply and mix of housing responds to community needs.

10. The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Objectives of the Greater Sydney Region Plan:
  - A. Direction for Livability:

Objective 7 – Communities are healthy, resilient and socially connected.

Objective 13 – Environmental Heritage is identified, conserved and enhanced.
  - B. Direction for Sustainability:

Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

Objective 30 – Urban Tree Canopy cover is increased.

Objective 31 – Public Open Space is accessible, protected and enhanced.
11. The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Planning Priorities of the North District Plan:
  - A. Direction for Livability:

Planning Priority N3 – Providing Services and social infrastructure to meet people's changing needs.
  - B. Direction for Sustainability:

Planning Priority N16 – Protecting and enhancing bushland and biodiversity.

Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections.

Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change.

Planning Priority N23 – Preparing local strategic planning statements informed by local strategic planning.
12. The development of sports fields at 6 Jacksons Road as envisaged under the 2019 Planning Proposal is considered to be inconsistent with Clause 6.1(4) of the Pittwater LEP 2014 as it does not provide for the rehabilitation of aquatic and riparian vegetation habitats and ecosystems within the Narrabeen Creek Line Corridor within the full extent of the creek line corridor as shown on the Urban Release Area Map of the LEP.

## Part 2

Should Council decide to support the 2019 Planning Proposal for submission to the Department of Planning Industry and Environment for a Gateway Determination, the applicant should be requested to provide the following:

1. Sufficient information outlining the pre and post development flood regime for a range of magnitude flood events up to and including the Probable Maximum Flood (PMF) event.
2. The Applicant to confirm the most contemporary flood risk data for the site. This should be through obtaining a comprehensive Flood Information Report from Council.
3. The Applicant to prepare a Water Management Report meeting the requirements of the Warriewood Valley Water Management Specification 2001 or as amended which requires the following information to be provided at the Planning Proposal stage.
  - A. Concept Stormwater Drainage Plan – Inter-allotment drainage and water quality treatment devices including infiltration rates; and

- B. Detention systems – On-site Detention (OSD) for 1% Annual Exceedance Probability (AEP) is required for the portion of the land that this flood affected. However, in these areas OSD is required for more frequently occurring events such as the 5% AEP and the 20% AEP (page 69 Water Management Specification 2001).
4. The Applicant will only be permitted to fill the site where it can be demonstrated within the Water Management Report that:
  - A. There is no net decrease in the flood plain volume of the flood way or flood storage area within the property for any flood event up to the 1% AEP flood event and the PMF event including climate change considerations for both design events;
  - B. There is no additional adverse flood impact on the site and surrounding properties and flooding processes for any flood event up to the PMF event including climate change impacts.
5. The Applicant to demonstrate that the risk to life in all events up to and including in a Probable Maximum Flood event can be safely managed, with evacuation as a preference for flood emergency response.
6. An Aboriginal Cultural Heritage Assessment for the 2019 Planning Proposal.
7. An Acid Sulfate Soil Assessment for the 2019 Planning Proposal.
8. A Land Contamination Assessment report for the 2019 Planning Proposal in accordance with the requirements for Clause 6 of SEPP 55 – Remediation of Land.
9. Information demonstrating how the 2019 Planning Proposal complies with the provisions of SEPP (Coastal Management).
10. The Applicant is to reconsider the design of the 2019 Planning Proposal with a substantially reduced footprint, which first avoids then minimizes impacts to the known Biodiversity Values of the site as referred to in the Council's internal referral response from Council's Senior Environment Officer, Biodiversity and Planning.
11. The Applicant is to provide additional information to demonstrate how the 2019 Planning Proposal will satisfy the matters raised in the NSW Rural Fire Service letter advice in respect to the 2019 Planning Proposal in the consideration of the requirements set out in the new Draft Planning for Bushfire Protection (PBP) which include the following matters:
  - A. The proposed 15 metre setback to the western boundary/Warriewood Wetlands may not be sufficient to comply with the minimum requirements setout in Appendix 1 of the PBP.
  - B. Buildings exceeding 3 storeys in height are considered to be multi-storey buildings. Multi-storey buildings are required to comply with the performance criteria within Chapter 5 including the requirement for an Asset Protection Zone (APZ) which meets a threshold of 29kW/m<sup>2</sup>, along with additional considerations setout in Section 8.2.2 of the PBP.
12. The Applicant is to reconsider the design of the 2019 Planning Proposal to provide a minimum 25m width vegetated riparian corridor zone either side of the Narrabeen Creek centre line.
13. Traffic and Transport matters raised by Council's Officers and the Roads and Maritime Services.

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## REPORT

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### BACKGROUND

#### ***Previous Planning Proposal (PP 0007/13)***

In late 2013 Henroth lodged a Planning Proposal with the former Pittwater Council for privately owned properties in the Southern Buffer of the Warriewood Valley Urban Release Area being 6 Jacksons Road and 3,6,8,10 and 12 Boondah Road, Warriewood (the 2013 Planning Proposal). The 2013 Planning Proposal was for a large mixed use development comprising retail, commercial and residential land uses.

DFP were commissioned by the Council at that time to undertake an independent assessment of the 2013 Planning Proposal.

On 17 March 2014 the former Pittwater Council resolved not to support the 2013 Planning Proposal for the following reasons:

- "1. That Council note the contents of Dox Fox Planning's Assessment of Planning Proposal PP 0007/13 for 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood.*
- 2. That the Planning Proposal PP 0007/13 not be supported for referral to NSW Planning and Infrastructure for Gateway determination based on the reasons provided by Dox 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 2012 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 the Planning Proposal, the recommendations of Dox 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."*



Henroth subsequently requested a Pre-Gateway Review of the 2013 Planning Proposal from the Department of Planning and Environment (the Department) 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 in respect to the 2013 Planning Proposal and recommended:

- "1. 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:*
- a. 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.*
  - b. 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.*
  - c. 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.*
  - d. 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.*
  - e. 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.*
  - f. 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."*

### **Previous Planning Proposal (PP 0005/16)**

In December 2016, Henroth lodged with Northern Beaches Council (Council) a Planning Proposal in respect to 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood (the 2016 Planning Proposal). The 2016 Planning Proposal sought an amendment to the Pittwater LEP 2014 to permit a 3-4 storey residential flat building with a yield of 25-30 dwellings and a 2 storey bulky goods retail centre of 16,000 – 17,000 gross floor area (GFA). The Masterplan for the 2016 Planning Proposal included a boardwalk link to the Warriewood Wetlands and a possible future plaza.



A report on the 2016 Planning Proposal was considered at the Ordinary Council Meeting on 28 March 2017 at which Council resolved not to progress the 2016 Planning Proposal for the site to Gateway Determination for the following reasons:

- a. *"It is inconsistent with the relevant strategy study being the Warriewood Valley Strategic Review Addendum Report (2014), adopted by the former Pittwater Council 17 November 2014 and subsequently incorporated into the Pittwater Local Environmental Plan 2014.*
- b. *Strategic merit or site-specific merit in line with the NSW Planning and 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."*

On 22 March 2017 the proponent submitted a request for a Rezoning Review to the Department in respect to the 2016 Planning Proposal.

On 31 May 2017 the Sydney North Planning Panel (Panel) considered the Department's Briefing Note as well as the views of Council and the proponent. The Panel's Rezoning Review Record of Decision in respect to the 2016 Planning Proposal states as follows:

*"The reasons for the Panel's decision not to recommend that the proposal proceed to Gateway Determination are as follows:*

1. *The Panel notes that the proposal is smaller in scale and of different proposed uses to those previously assessed by the Joint Regional Planning Panel in February 2015. However, a number of the reasons noted for recommending refusal at that time remain.*
2. *The site is flood-prone land. The proposal is inconsistent with s117 Direction 4.3.*
3. *State Emergency Services has noted that the proposed 'sheltering in place' and evacuation strategy is unacceptable.*
4. *The Panel notes that the Roads Maritime Services has advised that the Traffic Study submitted does not adequately analyse cumulative traffic impacts and an addendum traffic study is required prior to any Gateway Determination.*
5. *The Panel is of the view that the potential traffic impacts of accessing and egressing a bulky goods facility from a collector road serving a residential area is unacceptable.*
6. *Council's planning strategies, including the Pittwater Open Space Study, the Addendum Report to the Strategic Review, and the Warriewood Valley Section 94 Contribution Plan, have identified the majority of the site for future active open space. The Panel notes that the proposal suggests a cap on the amount of residential development and that active open space could be provided elsewhere, however there is no firm proposal to address the need.*
7. *The proponent submits that the proposal has strategic merit in relation to meeting the draft District Plan's goal of accommodating growth in local centres. However, the Panel is of the view that a major bulky goods outlet is inconsistent with the nature and scale of a local neighbourhood centre and that the proposed bulky goods facility is separate to the existing local centre. Further, the Panel is not of the view that some of the Sustainability provisions of the draft District Plan have been satisfied, particularly in relation to water quality and transport.*
8. *The Panel does not agree that the provision of a public walkway and plaza to view the Wetlands is of itself sufficient merit to justify the proposal."*

On 31 August 2017 Henroth filed Class 4 Proceedings (*Henroth Investments Pty Limited v Sydney North Planning Panel (2018) NSW LEC 112*) seeking a Judicial Review challenging the decision of the Panel in relation to the Rezoning Review made on 31 May 2017 recommending that the 2016 Planning Proposal should not proceed to a Gateway Determination.

On 31 July 2018 His Honour, Justice Pain of the NSW Land and Environment Court issued Court Orders in respect to the subject Court Proceedings dismissing the Applicant's Amended Summons dated 16 March 2018.

Henroth subsequently filed an Appeal with the NSW Court of Appeal Supreme Court (*Henroth Investments Pty Limited v Sydney North Planning Panel (2019) NSW CA68*) with a decision of the NSW Court of Appeal being issued on 12 April 2019 dismissing the subject Appeal by Henroth challenging the Panel's Rezoning Review determination of the 2016 Planning Proposal.

### **Current Planning Proposal (PEX 2019/0003)**

On 29 August 2019 Henroth submitted the current 2019 Planning Proposal (PEX 2019/0003) with Council for 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood seeking an amendment to the Pittwater LEP 2014 (the 2019 Planning Proposal). The 2019 Planning Proposal seeks the rezoning of the site from RU2 - Rural Landscape zone to R3 – Medium Density Residential zone and RE1 – Public Recreation zone under an amendment to the Pittwater LEP 2014 to permit a four (4) storey residential flat building development on 10 and 12 Boondah Road (with a 15.0 metre maximum building height limit and a dwelling yield of 110 to 130 dwellings) and open space purposes (including two (2) new synthetic surfaced sports fields) on 6 Jacksons Road, Warriewood including reconstruction of the existing Boondah Road sports fields.

The following supporting documents were submitted by Henroth with the original 2019 Planning Proposal:

- Planning Proposal Report prepared by SJB Planning dated August 2019.
- Henroth letter dated 27 August 2019 providing an offer to Council to enter into a Voluntary Planning Agreement (VPA) "to deliver the new playing fields with all costs to be offset against any development contributions that would otherwise be levied on our proposed development"
- Urban Design Analysis and Concept Master Plans prepared by Buchans Architects dated 23 August 2019.
- Biodiversity Constraints Assessment report prepared by Travers Bushfire and Ecology dated August 2019.
- Bushfire Protection Assessment report prepared by Travers Bushfire and Ecology dated August 2019.
- Flood Planning Assessment report prepared by Calibre Engineers dated 26 August 2019.
- Transport Impact Assessment report prepared by Ason Group dated 21 August 2019.
- Ground Water Measurements Memorandum prepared by Douglas Partners dated 16 August 2019.
- Preliminary Geotechnical Assessment report prepared by Douglas Partners dated 15 December 2016.
- Memorandum response to comments (acid sulfate soils and water quality impacts) prepared by Douglas Partners dated 2 May 2017.

### Revised VPA Offer

By letter dated 8 November 2019 Henroth submitted to Council a revised VPA offer as follows:

- Remove the request that all costs associated with the proposed playing fields works be offset against any Section 94 levies that would otherwise be payable to Council.
- Dedication to Council of 6 Jacksons Road and construction of the sports fields.
- In addition to any Section 94 levies otherwise payable the applicant will assist in funding the rehabilitation of Endangered Ecological Communities (EEC's) in the local area including the Narrabeen Creek riparian corridor.
- The applicant has offered to construct (in partnership with Council) a new 130-140 space at grade public car park on the Council Public Open Space zoned land between the Boondah Road sports fields and Pittwater Road and upgrade the existing car parking area at the Heather Nelson Centre.

The revised VPA by Henroth to Council included the following supporting documents:

- Henroth letter dated 8 November 2019 providing the revised VPA offer to Council.
- Concept Plans for the proposed Boondah Reserve car parking area prepared by Buchans Architects dated 8 November 2019.
- SJB Planning letter dated 8 November 2019 providing an assessment of the 2019 Planning Proposal under the Towards 2040 Draft LSPS.
- Ason Group letter dated 8 November 2019 providing an assessment for the revised VPA offer for the new public car park.
- Travers Bushfire and Ecology letter dated 8 November 2019 providing a response on ecological matters for the revised VPA offer.

The Development Contributions Committee considered the amended VPA offer at an extraordinary meeting on 27 November 2019. At this meeting the Committee resolved:

*That the Development Contributions Committee:*

1. *Do not support the amended offer to enter into a VPA as it has not demonstrated appropriate public benefit for the following reasons:*
  - A. *The proposal will result in a net loss of open space.*
  - B. *The adverse ecological impacts are unlikely to be offset within the local government area.*
  - C. *The provision of additional commuter parking spaces has already been planned within the existing commuter car park and will be delivered by TfNSW when required.*

### Council Pre-Lodgement Meeting

DFP has been informed by Council's Planning Officers that Henroth did not request a Planning Proposal Pre-Lodgement Meeting prior to submitting the 2019 Planning Proposal (PEX 2019/0003) to Council on 29 August 2019.



## Site Context

The site is located within the Southern Buffer of the Warriewood Valley Urban Land Release Area in the Northern Beaches LGA. **Figure 1** below shows the Site Location – Aerial Photograph.

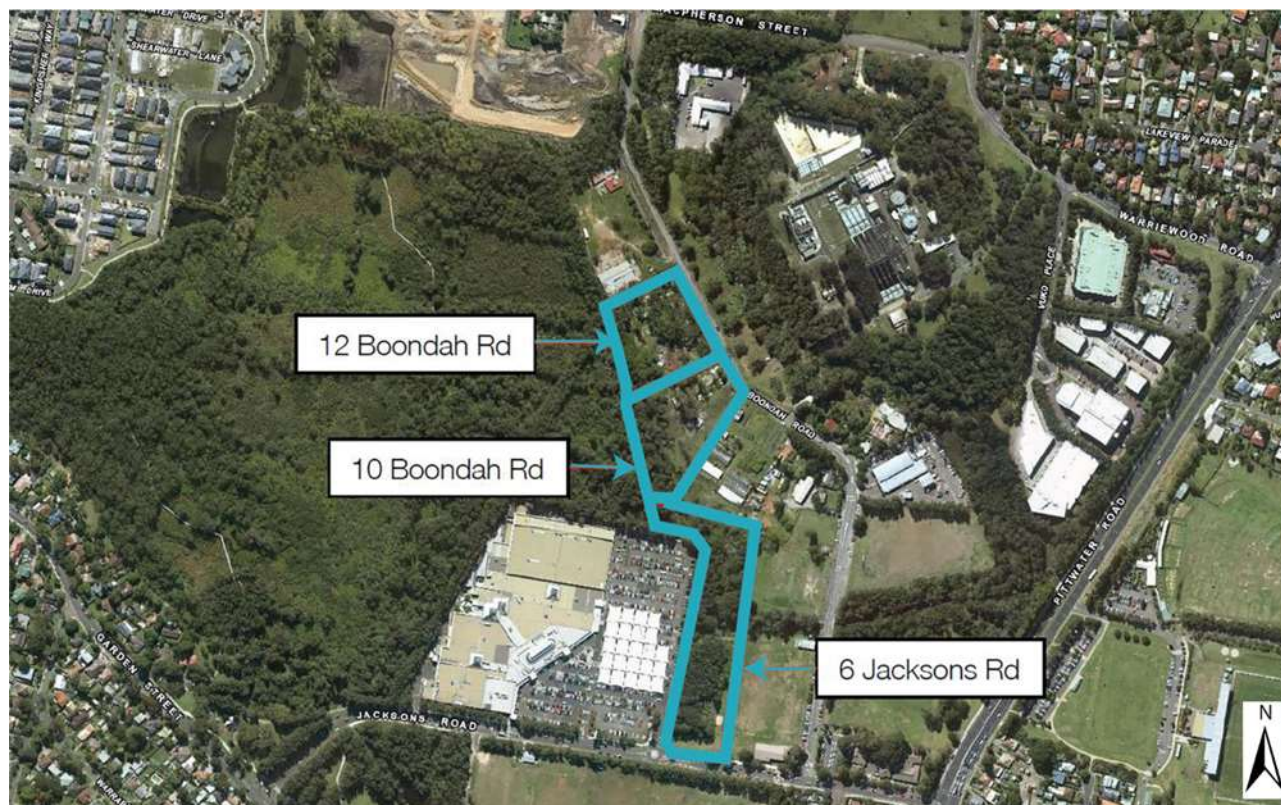


Figure 1 – Site Location – Aerial Photograph

The site comprises three (3) allotments of land with the real property description and owners being:

Address	Property Description	Owners
10 Boondah Road	Lot 4, DP 26902	Henry Fraser Pty Ltd
12 Boondah Road	Lot 3, DP 26902	Cassius Investments Pty Ltd
6 Jacksons Road	Lot 9, DP 806132	Henlen Pty Ltd

The site overall is an irregular shape with a total site area of approximately 35,582m<sup>2</sup>.

Historically 10 and 12 Boondah Road has been used for intensive agricultural purposes but is now partly used for rural and storage purposes. 6 Jacksons Road is largely undeveloped remnant vegetation and riparian creek line with informal paths adjacent to the existing sports fields and Warriewood Square Shopping Centre.

The topography of the site is generally flat and low lying land including a section of the Narrabeen Creek Riparian Corridor.

The three lots comprising the site all contain significant biodiversity and wildlife connectivity value, including Threatened Ecological Communities (TEC) and Threatened Species and their habitats. In particular, the site contains two Endangered Ecological Communities (EEC), being Bangalay Sand Forest an EEC within NSW Biodiversity Conservation Act 2016 (NSWBC Act) located on 12 Boondah Road and Swamp Oak Floodplain Forest an EEC within NSWBC Act and Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) located on 6 Jackson Road and 10 Boondah Road.

The site is classified as flood-prone land during the 1% AEP (100 year) and the PMF flood events.

The site is classified as Vegetation Category 1 and Vegetation Buffer as shown on Council's Bushfire Prone Land Map.

6 Jackson Road adjoins the existing Boondah Road sports fields and community centre fronting Jacksons Road and Boondah Road to the east. Warriewood Square Shopping Centre directly adjoins 6 Jackson Road to the west.

10 and 12 Boondah Road adjoin a recently constructed three storey residential flat building development to the north along Boondah Road. Adjoining 10 and 12 Boondah Road to the south east are two rural/residential properties. Opposite to 10 and 12 Boondah Road to the north east is the Council's Works Depot, Sydney Water Sewage Treatment Plant and a rural/residential property at 3 Boondah Road which was acquired by Council on 15 December 2017 for public open space purposes. To the south west of 10 and 12 Boondah Road is the Warriewood Wetlands, (see Figure 1).

The current zoning of the site is RU2 Rural Landscape zone under the provisions of Pittwater LEP 2014.

A minimum lot size standard of 1 hectare applies to the site under Clause 4.2 of Pittwater LEP 2014.

An 8.5 metre maximum building height standard applies to the site under Clause 4.3 of Pittwater LEP 2014.

The site is located in an area designated as Class 3 Acid Sulfate Soils under Clause 7.1 of Pittwater LEP 2014.

The site is identified as being within the Southern Buffer Area with part of 6 Jackson Road being identified as Creek Line Corridor as shown on the Urban Release Area Map of the Pittwater LEP 2014. The Southern Buffer Area which includes the site is not identified under the Table in Clause 6.1(3) of the Pittwater LEP 2014 as permitting a total number of dwellings on any of the allotments as part of (3) the Warriewood Valley Urban Land Release Area. Furthermore, Clause 6.1 of the Pittwater LEP 2014 specifies the following objectives for the development of land in the Warriewood Valley Release Area:

- “(a) 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;*
- (b) to ensure that the development in that area does not adversely impact on waterways and creek line corridors, protects existing native riparian vegetation and rehabilitates the creek line corridors.”*

The Warriewood Valley Strategic Review Addendum Report (December 2017) identifies 10 and 12 Boondah Road as land for 'Recreation' (i.e public open space purposes) and 6 Jacksons Road as land having 'No development potential'.

## Assessment of Planning Proposal

The assessment of the 2019 Planning Proposal has been undertaken by DFP in accordance with the NSW Planning and Environment's *Planning Proposals: A Guide to preparing Planning Proposals* (December 2018).

### Part 1 – Objectives or Intended Outcomes

To amend the Pittwater LEP 2014 to facilitates urban development involving the construction of a four (4) storey residential flat building development comprising five (5) apartment buildings with a total yield of between 110 to 130 dwellings, a part basement level and part above ground level car parking facility, a single two way driveway ramp access to Boondah Road, site landscaping and ancillary works to be located on 10 and 12 Boondah Road.

The 2019 Planning Proposal and the revised VPA offer also includes the construction of active open space (i.e two synthetic surfaced sports fields) and passive open space areas to be located on 6 Jacksons Road, Warriewood in association with reconstruction of the Boondah Road existing sports fields and construction of a new 130-140 space at grade car park on the Council Public open space land on the eastern side of Boondah Road and Pittwater Road and upgrading of the existing car parking area at the Heather Nelson Centre; and funding towards the rehabilitation of EEC's in the local area including the Narrabeen Creek riparian corridor .

Figure 2 below is an extract of the 2019 Planning Proposal Concept Master Plan – Site Context prepared by Buchan Architects for the site.



Figure 2 – Master Plan Context



## Part 2 – Explanation of Provisions

The 2019 Planning Proposal seeks to:

- Amend the Land Zoning Map to show the site as R3 - Medium Density Residential zone and RE1 – Public Recreation zone (see Figure 3 Land Zoning Map below):

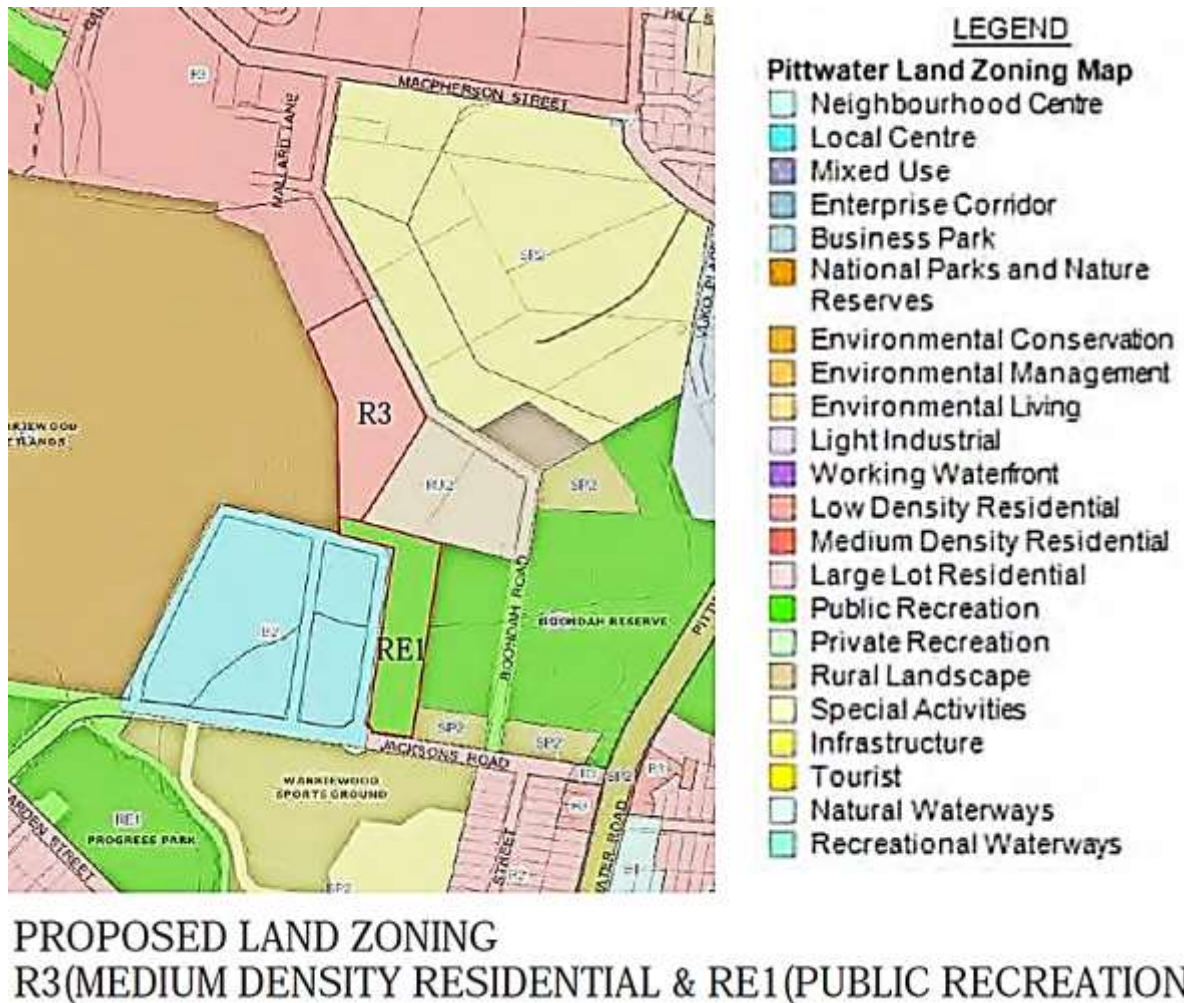


Figure 3 – Proposed Land Zoning Map

- Amend the Height of Buildings Map to impose a Maximum Building Height of 15.0 metres over part of the site being 10 and 12 Boondah Road (see **Figure 4** Height of Buildings Map below):

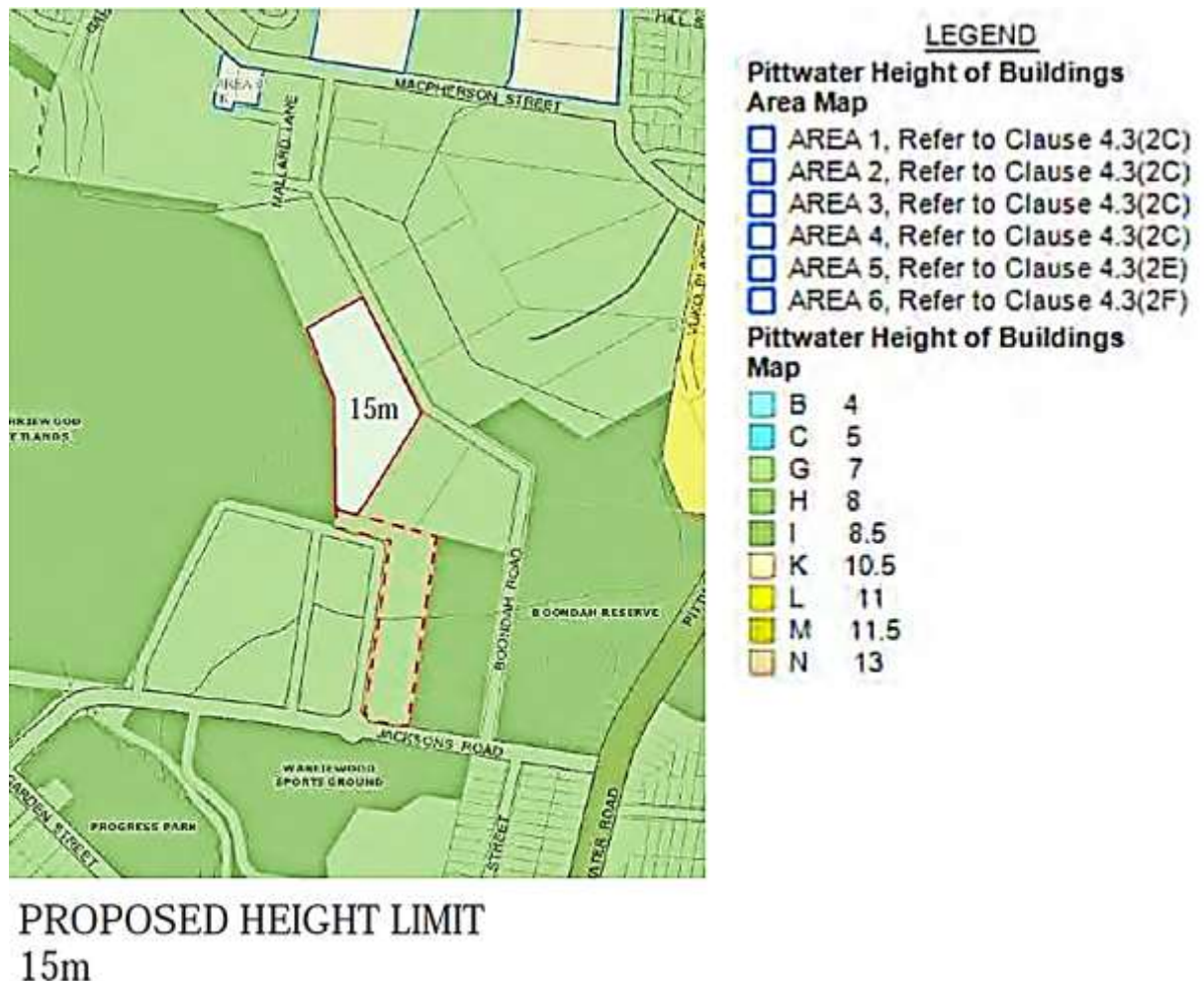


Figure 4 – Proposed Height of Buildings Map

- Amend the table in Clause 6.1(3) to show the potential of part of the site as a Sector within the Warriewood Valley Urban Release Area with a yield of 110 to 130 dwellings (which equates to approx. 60 dwellings per hectare) for the proposed R3 zoned part of the site being 10 and 12 Boondah Road.
- Delete the site from the Minimum Lot Size Map (i.e 1 hectare minimum lot size standard).

## DFP Response

### 1. Proposed Zonings under Pittwater LEP 2014

Should Council resolve to support the 2019 Planning Proposal, then the proposed R3 Medium Density Residential zone for 10 and 12 Boondah Road and RE1 Public Recreation zone for 6 Jackson Road, Warriewood are considered to be appropriate to accommodate the future land uses envisaged by the 2019 Planning Proposal.

However, for the reasons outlined in this Assessment Report, DFP considers that the 2019 Planning Proposal should not be supported by Council on a number of grounds.

## **2. Proposed 15 metre Maximum Building Height Standard Under Pittwater LEP 2014**

Notwithstanding that DFP considers the 2019 Planning Proposal should not be supported by Council, it is also considered by DFP that a 15.0 metre maximum building height standard which is intended to permit a four storey residential flat building development on 10 and 12 Boondah Road would be inappropriate having regard to the building height, scale and density when compared to the local character context of the Warriewood Valley and having regard to the environmental constraints of the site particularly bushfire and flooding risks and potential impacts on significant vegetation including two (2) EEC's within the site and edge effects on the adjoining Warriewood Wetlands.

Accordingly, the 2019 Planning Proposal is considered to be inconsistent with the design quality principles under *SEPP 65 – Design Quality of Residential Apartment Development* particularly the following:

- Principle 1: Context and Neighbourhood Character.
- Principle 2: Built Form and Scale.
- Principle 3: Density.

The existing and emerging residential neighbourhood character and predominant built form and scale of the Warriewood Valley Urban Release Area is a diverse mix of one, two and three storey low density housing, seniors housing, townhouses and apartment buildings. The Meriton residential flat development in Macpherson Street and Gahnia Road comprises three and four storey apartment style buildings.

Should Council decide to support the 2019 Planning Proposal it should request Henroth to submit a revised Concept Master Plan for the site with the proposed residential flat buildings on 10 and 12 Boondah Road being limited to a maximum building height of three (3) storeys which would be consistent with the recently constructed residential flat building development adjoining the site to the north at 16-18 Boondah Road.

## **3. Proposed Density under Pittwater LEP 2014**

For the reasons outlined above, DFP does not agree with Henroth's request for a yield of 110 to 130 dwellings under Clause 6.1 of the Pittwater LEP 2014. Should Council decide to support the 2019 Planning Proposal, it should request the proponent to provide a revised Concept Master Plan for a proposed three storey maximum residential flat building development on 10 and 12 Boondah Road in order to determine the appropriate dwelling density yield for the site.

However, as previously noted, DFP is not recommending that Council support the 2019 Planning Proposal on several grounds.

## **4. Proposed Zoning of 6 Jackson Road to RE1 Public Recreation Zone under Pittwater LEP 2014**

DFP does not support the 2019 Planning Proposal in respect to the rezoning of 6 Jacksons Road to RE1 Public Recreation zone and the proposed development of most of the allotment as synthetic surfaced sports fields as this is considered to be inconsistent with the existing site constraints and environmental attributes of this allotment. 6 Jackson Road contains Swamp Oak Floodplain Forest, an EEC within the NSWBC Act 2016 and Commonwealth EPBC Act 1999 and a section of the Narrabeen Creek Line Corridor as shown on the Warriewood Valley Urban Release Area Map of the Pittwater LEP 2014.

6 Jackson Road is a highly constrained allotment being bushfire prone land, flood affected and with significant biodiversity values. Due to these environmental attributes and site constraints, the *Warriewood Valley Strategic Review Addendum Report* (December 2017) recommended that 6 Jackson Road should have a land use designation of "No Development Potential". 6 Jackson Road is not considered suitable for active open space (synthetic surfaced sports fields) given its existing site and environmental constraints. The proposed use of this allotment in conjunction with the existing Boondah Road sports fields and which will require substantial cut a fill earthworks including within the Narrabeen Creek Line Corridor is considered to be questionable in respect to the suitability of the land for such active recreation purposes.

### **Part 3 – Justification**

#### **Section A – Need for the Planning Proposal**

##### **1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, Strategic Study or Report?**

The 2019 Planning Proposal report prepared by SJB Planning (August 2019) contends that the site has been part of the broader Warriewood Valley Land Release since its inception and that the following strategic studies or reports are of relevance:

- a) The *Warriewood Valley Planning Framework 2010*.
- b) The *Warriewood Valley Strategic Review*.
- c) The *Warriewood Valley Strategic Review Addendums* – 17 November 2014 and 19 December 2017.

##### **1.1 Warriewood Valley Planning Framework 2010**

The 2019 Planning Proposal report states:

*"The land subject of this Planning Request is located within Sectors 15 and B under the Planning Framework (refer to Figure 6 overleaf).*

*Under the Planning Framework, Sectors 15 and B are identified as potential employment generating land. The framework also identifies that the land is subject to potential flooding and sea level rise due to climate change.*

*The objective of the framework is to provide a basis against which to assess and consider the preparation of detailed Planning Proposals to pursue urban development of land in the release area."*

#### **DFP Response**

DFP agrees with the above comments in respect to the Warriewood Valley Planning Framework (WPF) 2010. However, the WPF has been superseded by more recent local strategic studies and reports which recommend a forward path for certain Sectors of land within the Warriewood Valley Release Area, including the Southern Buffer.

##### **1.2 Warriewood Valley Strategic Review**

The 2019 Planning Proposal report states:

*"The Department of Planning & Environment (DP&E) and the former Pittwater Council completed and endorsed the Warriewood Valley Strategic Review into the planning framework within Warriewood Valley. The review sought to explore opportunities for increased development potential within undeveloped sectors of the release area. The review examined dwelling densities, height controls, transport network capacity and infrastructure capacity, and demands within the valley and surrounding areas.*



*The review identified that residential development may be possible in the northern areas of the southern buffer, which comprises the sites known as 10 and 12 Boondah Road.*

*The development capability mapping identified 10-12 Boondah Road as having “more” development potential, having few constraints to urban development.*

*The further analysis including flooding and climate change identified 12 Boondah Road as being category B and D for urban development, with the balance of the land as category F.”*

#### DFP Response

DFP agrees with the above comments in respect to the Warriewood Valley Strategic Review but also notes that 6 Jacksons Road is wholly classified as category F having limited development potential for urban purposes. The Warriewood Valley Strategic Review (WVSR) has been superseded by the Warriewood Valley Strategic Review Addendum (see below comments).

### **1.3 Warriewood Valley Strategic Review Addendum (November 2014)**

The 2019 Planning Proposal report states:

*“The capability mapping for the November 2014 Addendum identified 10-12 Boondah Road as including land of “more” development capability to moderate and less capability.*

*Council identified that 4.6ha of open space should be secured from 3, 6, 8, 10, and 12 Boondah Road. Accordingly, a land use designation of recreation was applied to the subject land. Council has acquired 3 Boondah Road. Taking into account this acquisition and the proposal to dedicated [sic] approximately 1.2ha of open space, approximately 2ha of additional open space would be secured. The utility and level of service of the open space is increased through the proposed embellishment of the field as a synthetic surface which significantly increases the use capacity of this facility.”*

#### DFP Response

DFP disagrees with the above comments and considers that the 2019 Planning Proposal is inconsistent with the findings and recommendations of the *Warriewood Valley Strategic Review Addendum report* (November 2014).

The *Warriewood Valley Strategic Review Addendum report* (November 2014) recommends that 10 and 12 Boondah Road, should have a “Recreation” land use designation (i.e public open space purposes) and 6 Jacksons Road should have a land use designation of “No development potential” as the land has significant environmental values and site constraints. DFP does not consider that 6 Jacksons Road is suitable for the provision of active open space in the form of synthetic surfaced sports fields due to the site constraints and environmental attributes of this land including an area of Endangered Ecological Community (EEC) being Swamp Oak Floodplain Forest.

### **1.4 Warriewood Valley Strategic Review Addendum (December 2017)**

The 2019 Planning Proposal report states:

*“The December 2017 Addendum maintained the capability for development classification for the subject land as being a range between “more” and “less” development capability.*

*The recreation land use designation was maintained.”*

#### DFP Response

DFP considers the 2019 Planning Proposal is inconsistent with the *Warriewood Valley Strategic Review Addendum* (December 2017) as the recommended land use designation for 10 and 12 Boondah Road is “Recreation” (i.e public open space purposes) and for 6 Jacksons Road is “No Development Potential”.

In particular, the Warriewood Valley Strategic Review Addendum report (December 2017) states:

*"The properties 3, 6, 8, 10 and 12 Boondah Road are recommended to have a "Recreation" land use designation for the following reasons:*

- *The planning for 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 thousand 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.*
- *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 thousand 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 insofar 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.*

*6 Jacksons 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 this property is recommended to have a land use designation of 'No development potential'." (see pages 50 to 52)*

Furthermore, the 2019 Planning Proposal seeks the rezoning of 10 and 12 Boondah Road to an R3 - Medium Density Residential zone to permit a four (4) storey residential flat buildings development with a total yield of 110 to 130 dwellings. Adopting the 2.83 hectares/per 1,000 population open space standard that has been applied to the Warriewood Valley Release Area, the proposed residential flat building development at 10 and 12 Boondah Road would create an additional need for approximately 0.84 to 0.99 hectares of active and passive open space in the Warriewood Valley to cater for the unplanned increased demand of the new additional residential population.

It is noted that the *Warriewood Valley Strategic Review Addendum Report* was adopted by Northern Beaches Council on 19 December 2017 and took effect on 13 January 2018 (the Addendum Report). This is the current Addendum Report which applies to the Warriewood Valley Release Area. Whilst the Addendum Report was endorsed by Council, it has not been endorsed to date by the Department.

Notwithstanding, it is noted that Clause 6.1(1) of the Pittwater LEP 2014 relating to the development of land in the Warriewood Valley Release Area states that the objectives of this Clause are as follows:

- “(a) *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;*
- “(b) *To ensure that development in that area does not adversely impact on waterways and creek line corridors, protects existing native riparian vegetation and rehabilitates the creek line corridors.”*

The table in clause 6.1(3) relates to buffer areas and sectors.

The site is within the Southern Buffer area as shown on the Pittwater LEP 2014 Urban Release Area Map. The Southern Buffer area is not listed in the table under Clause 6.1(3) which specifies the total number of dwellings to be erected on specified land areas in the Warriewood Valley. Its exclusion means the LEP makes no provision for an urban land release dwelling yield on the site beyond what is permissible under the RU2 zone.

Clause 6.1(4) of the Pittwater LEP 2014 also applies to the site and is relevant to the 2019 Planning Proposal as it provides that development consent must not be granted for development on land unless the consent authority is satisfied that the development will not have any significant adverse impact on any of the following:

- “(a) *Opportunities for rehabilitation of aquatic and riparian vegetation habitats and ecosystems within creek line corridors,*
- “(b) *The water quality and flows within creek line corridors*
- “(c) *The stability of the bed, shore and banks of any watercourse within creek line corridors”*



6 Jacksons Road is shown as being partly located within the Narrabeen Creek Corridor on the Warriewood Valley Urban Release Area Map of the Pittwater LEP 2014.

The 2019 Planning Proposal is considered to be inconsistent with Clause 6.1(4) of the Pittwater LEP 2014 as it proposes to redevelop 6 Jacksons Road into active open space (synthetic surfaced sports fields) in association with the reconstruction of the existing Boondah Road sports fields requiring cut and fill earthworks and it does not provide for the full width rehabilitation of the existing creek line corridor.

### **1.5 Towards 2040 Draft Local Strategic Planning Statement**

On 24 September 2019, the Council considered a report on the *Towards 2040 Draft Local Strategic Planning Statement* (Towards 2040 Draft LSPS) and resolved to place it on public exhibition for a minimum of 44 days and for the outcomes of the public exhibition to be reported to Council with the final Local Strategic Planning Statement. The Towards 2040 Draft LSPS was on public exhibition from 27 September 2019 to 10 November 2019 and submissions are currently being reviewed by Council.

The 2019 Planning Proposal report does not consider the Towards 2040 Draft LSPS which is not surprising as the Application (PEX2019/0003) was lodged by Henroth with Council on 29 August 2019 which is prior to the report on the Towards 2040 Draft LSPS being considered at Council's Ordinary Council Meeting on 24 September 2019 and subsequently being placed on public exhibition.

Towards 2040 Draft LSPS has been prepared by Council in accordance with the requirements of Section 3.9 of the EP&A Act 1979. It will inform the development of Council's new Local Environmental Plan (LEP) and Development Control Plan (DCP), broader Council policies and strategies and the assessment of Planning Proposals for changes to Council's planning controls.

Towards 2040 Draft LSPS aligns with the *North District Plan* and *Greater Sydney Region Plan* and acts as the bridge between strategic land use planning at the district level and local statutory planning for the Northern Beaches LGA.

By letter dated 8 November SJB Planning on behalf of Henroth comments that the 2019 Planning Proposal is consistent with the following planning priorities of the Towards 2040 Draft LSPS:

- Priority 2 – Protected and enhanced bushland and biodiversity.
- Priority 5 – Green urban environment.
- Priority 6 – High quality open space for recreation.
- Priority 9 – Infrastructure delivered with employment and housing growth.
- Priority 15 – Housing supply choice and affordability in the right locations.
- Priority 17 – Centres and neighbourhoods designed to reflect local character and lifestyles.

However, DFP considers that the 2019 Planning Proposal is inconsistent with the Council's Towards 2040 Draft LSPS in regards to the following statement in respect to an application for a Planning Proposal seeking additional residential density (pg 32):

*“Managing growth and change*

*No immediate change is required to current planning controls to meet housing targets.*

*Planning Proposals seeking changes to the planning controls for additional development capacity through spot rezoning must have strategic merit and site – specific merit.*

*Planning Proposals that simply seek additional residential density above the current controls will have challenges in demonstrating their strategic merit as they are not necessary to achieve the housing targets and the strategic direction set out in Towards 2040.” (see page 32).*

It is also the opinion of DFP that the 2019 Planning Proposal is inconsistent with several of the strategic planning principles for managing growth and change specified in the Towards 2040 Draft LSPS which state:

- “• *Proposals must protect and enhance the natural blue grid and the community’s environmental values and uses for the coast and waterways (P1).*
- *Proposals must retain native vegetation and maintain or enhance ecological functions in core areas and wildlife corridors (connection zones) (P2, P15).*
- *Proposals must contribute to the local green grid, retain mature trees and offset tree canopy loss by planting a minimum of 2 trees for any 1 tree removed (P5, P15).*
- *Proposals must not intensify urban development in areas where there are unacceptable risks from natural and urban hazards (P8, P15).*
- *Proposals must be supported by an infrastructure assessment and demonstrate that demand for the infrastructure it generates can be satisfied. This includes social and transport infrastructure. (P9, P11).*
- *Proposals must create a public benefit, such as open space, affordable rental housing and other identified infrastructure needs. A minimum 10% affordable rental housing is required for all planning proposal’s with higher rates where feasible (P15, P16).”*

The Towards 2040 Draft LSPS states in relation to Implementation – Planning Controls:

- *“The new Northern Beaches LEP and DCP will align with Towards 2040.*
- *Towards 2040 includes a number of actions to prepare new LEP and DCP controls. These will be addressed in our initial LEP and DCP, where possible. Where further work is required, it will be addressed in future amendments.*
- *Planning Proposals to amend the LEP, prepared by Council or applicants, must accord with the Environmental Planning and Assessment Act 1979.*
- *Planning Proposals must include an assessment of whether they will give effect to Towards 2040. In making this assessment, the priorities and related principles must be considered together. It is not appropriate to justify a planning proposal based on a single element of Towards 2040.”*

DFP considers that it would be inappropriate for Council to support the 2019 Planning Proposal to rezone the site from RU2 - Rural Landscape zone to R3 – Medium Density Residential zone and RE1 – Public Recreation zone under an amendment to the Pittwater LEP 2014 to permit a four (4) storey residential flat building development and open space given the current status of the Towards 2040 Draft LSPS. A specific Priority Action referred to in the Towards 2040 Draft LSPS is for Council to undertake in the short term a Housing Strategy for the whole of the Northern Beaches LGA and to prepare a new Northern Beaches LEP and DCP.

**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 Applicant's expressed objectives and intended outcomes.

**Section B – Relationship to Strategic Planning Framework**

**Does the proposal have strategic merit?**

**3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional plan, or district plan or strategy (including any exhibited draft plans or strategies)?**

**3.1 Greater Sydney Region Plan**

The Greater Sydney Region Plan (March 2018) provides the vision for Greater Sydney as a Metropolis of Three Cities comprising the Western Parkland City, the Central River City and the Eastern Harbour City (the Greater Sydney Region Plan).

The Greater Sydney Region Plan provides the overall strategic planning framework and vision for the Greater Sydney Metropolitan Area with Policy directions in the key areas:

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability.

The Northern Beaches LGA is identified as being within the Eastern Harbour City under the Greater Sydney Region Plan.

The 2019 Planning Proposal report contends that the rezoning proposal to facilitate the residential flat building development and open space areas for the site is consistent with the relevant Directions and Objectives of the Greater Sydney Region Plan.

Notwithstanding, it is considered that the 2019 Planning Proposal is not consistent with the following Directions and Objectives of the Greater Sydney Region Plan:

Direction	Objective	Consistency
<b>Liability</b>		
A City for People	Objective 7: Communities are healthy, resilient and socially connected	It is agreed that the 2019 Planning Proposal is well located for active connection to existing facilities and services.  It is not agreed that the 2019 Planning Proposal would deliver suitable land for active open space purposes given the site constraints and environmental values of 6 Jackson Road, which contains an EEC (Swamp Oak Flood Plain Forest).  Furthermore, the proposed residential flat building development at 10 and 12 Boondah Road, would result in additional demand for open space as a result of the unplanned additional residential population. The 2019

Direction	Objective	Consistency
		Planning Proposal would preclude the future development of this land for open space purposes as envisaged in the Council's endorsed Local Strategic Planning documents.
A City of Great Places	Objective 13:  Environmental Heritage is identified, conserved and enhanced	The 2019 Planning Proposal would not result in the conservation and enhancement of the environmental heritage attributes of the site which includes two(2) EEC areas. The 2019 Planning Proposal may result in adjoining adverse impacts on the Warriewood Wetlands, and the Narrabeen Creek Corridor including potential edge-effects associated with maintaining a bushfire APZ adjacent to the Wetlands.
<b>Sustainability</b>		
A City in its Landscape	Objective 27:  Biodiversity is protected, urban bushland and remanent vegetation is enhanced.  Objective 30:  Urban Tree canopy cover is increased.  Objective 31:  Public Open Space is accessible, protected and enhanced	The 2019 Planning Proposal is inconsistent with Objectives 27, 30 and 31 as it will not protect the significant biodiversity values of the site which includes remnant native vegetation including two(2) EEC areas and it will result in the loss of existing urban tree canopy.  6 Jacksons Road is not considered to be suitable for development as active open space (synthetic surfaced sports fields) due to site constraints and the significant environmental attributes of the land.  The proposed residential flat building development of 10 and 12 Boondah Road would preclude the future provision of public open space as envisaged by Council's current local strategic planning policies.

### 3.2 North District Plan

The *North District Plan* (March 2018) applies to the 2019 Planning Proposal.

The following provides commentary on aspects of North District Plan that are relied upon by the 2019 Planning Proposal as submitted and/or are relevant to a consideration of whether or not the Proposal has strategic merit.

Direction and Planning Priority	Comment
<b>Direction for Infrastructure and Collaboration</b>  Planning Priority N1 – Planning for a city supported by infrastructure	It is agreed that the proposed residential flat building development would provide housing which utilises existing available public infrastructure and the site has good connectivity to retail, commercial, community services, employment, recreational facilities and public transport services.

Direction and Planning Priority	Comment
<p><b>Direction for Liveability</b></p> <p>Planning Priority N3 – Providing services and social infrastructure to meet people's changing needs</p>	<p>The 2019 Planning Proposal is inconsistent with Planning Priority N3 as 10 and 12 Boondah Road are identified under the <i>Warriewood Valley Strategic Review Addendum Report</i> (December 2017) and the <i>Warriewood Valley Section 94 Development Contribution Plan</i> to be developed for active open space purposes and not for a proposed residential flat building development. 6 Jacksons Road is considered to be unsuitable for development as active open space (sports fields) due to its site constraints and environmental attributes. Part of 6 Jacksons Road is identified in the <i>Warriewood Valley Development Contribution Plan</i> as Creek line Corridor to be retained and rehabilitated as passive open space and to facilitate provision of drainage and floodway infrastructure to service the Warriewood Valley.</p>
<p>Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>It is agreed that the proposed residential flat building development on 10 and 12 Boondah Road would be well connected to the local community with relatively good access to transport, retail, employment, community facilities and existing open spaces.</p>
<p>Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>It is agreed that the 2019 Planning Proposal would provide additional housing in an apartment style on 10 and 12 Boondah Road in a walkable neighbourhood with direct and safe access to shops, services and public transport. The 2019 Planning Proposal does not provide for any component of affordable housing but this could be addressed at the DA stage if the site is rezoned.</p> <p>The <i>North District Plan</i> sets a target for an additional 3,400 dwellings in the Northern Beaches LGA between 2016 and 2021. Council's Towards 2040 Draft LSPS states:</p> <p><i>"We are well on the way to achieving this target through developments in existing centres and in areas such as Warriewood Valley. We will develop a 6-10 year housing target and a 20 year target in our local housing strategy scheduled to be released in the first half of 2020."</i></p> <p>DFP considers it would be pre-emptive and result in an undesirable precedent to proceed with the 2019 Planning Proposal for the site pending the outcome of the Council's new Housing Strategy to be completed in the first half of 2020 consistent with Planning Priority 15 – "Housing supply, choice and affordability in the right locations" as specified in the Towards 2040 Draft LSPS.</p> <p>Council's Housing Strategy is the logical and proper process to determine through a comprehensive Northern Beaches LGA-wide analysis the best locations and types of residential accommodation and to give effect to Planning</p>



Direction and Planning Priority	Comment
	<p>Priority N5.</p> <p>Furthermore, given the current situation with regards to achieving housing targets and planned supply, in the Northern Beaches LGA there is no imperative to progress Planning Proposals ahead of completion of the Housing Strategy targeted to be completed in 2020, particularly where the land involves site constraints, potential hazards and detrimental impacts which might outweigh any public benefit from an additional housing supply perspective.</p>
Planning Priority N6 – Creating and renewing great places and local centres and respecting the District's heritage.	It is agreed that the 2019 Planning Proposal would provide additional housing in close proximity to the B-Line public bus transport services and the site is located within a walkable catchment of the Warriewood Square Shopping Centre.
<p><b>Direction for Productivity</b></p> <p>Planning Priority N12 – Delivering integrated land use and transport planning and a 30-minute city</p>	It is agreed that the site is within a walkable catchment to a range of existing retail, commercial, community and recreational areas as well as public transport services (the B-Line bus services).
Planning Priority N14 – Leveraging inter-regional transport connections	It is agreed the site is well located to the B-Line public bus services.
<p><b>Direction for Sustainability</b></p> <p>Planning Priority N16 – Protecting and enhancing bushland and biodiversity</p>	The 2019 Planning Proposal is considered to be inconsistent with Planning Priority N16 as it will not protect and enhance the significant native bushland vegetation, wildlife connectivity value and biodiversity of the site which includes two (2) Endangered Ecological Communities (EEC) and threatened fauna species and their habitats. The 2019 Planning Proposal is inconsistent with Planning Priority N16 as it relies on biodiversity offsets rather than attempting to avoid and minimise impacts on significant native vegetation and the biodiversity values of the site.
Planning Priority N18 – Better managing rural areas	It is agreed that the site is not part of the metropolitan rural area but rather is located within the Southern Buffer of the Warriewood Valley Urban Release area.
Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections	The 2019 Planning Proposal is inconsistent with Planning Priority N19 as the proposed residential flat building development on 10 to 12 Boondah Road and the proposed active open space (new synthetic surfaced sports fields) on 6 Jacksons Road would reduce the existing native tree canopy cover and it would not retain and facilitate the vegetated rehabilitation of the full extent of the Narrabeen Creek Line Riparian Corridor as shown on the Warriewood Valley Urban Release Area Map of the Pittwater LEP 2014.
Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change	The 2019 Planning Proposal is inconsistent with Planning Priority N22 as it does not satisfactorily address the natural and urban hazards of the site and locality, particularly in respect to flooding, bushfire and potential for land contamination and acid sulfate soils.

Direction and Planning Priority	Comment
<b>Direction of Implementation</b>  Planning Priority N23 – Preparing local strategic planning statements informed by local strategic planning	<p>The 2019 Planning Proposal is inconsistent with Planning Priority N23 as it is considered to be inconsistent with Planning Priorities 1, 2, 5, 6, 8, 9 and 15 of Council's Towards 2040 Draft LSPS. In any event, the determination as to whether the site should be developed for medium density housing and open space purposes should await the outcome of Council's Housing Strategy to be completed in the first half of 2020 and the preparation of the new Northern Beaches LEP and DCP.</p> <p>It is noted that the Toward 2040 Draft LSPS provides as an Action 6.5 <i>"Investigate the provision of sports fields in new housing development areas including Warriewood Valley and potentially Ingleside in the short term."</i></p>

**4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

The 2019 Planning Proposal report states in relation to this matter as follows:

*"The Local Strategic Planning Statement (LSPS) for the Northern Beaches LGA is yet to be finalised or exhibited. Exhibition is expected in October 2019.*

*The Warriewood Valley Strategic Review (WVSR) was endorsed by the DP&E in 2013.*

*Of relevance however, is the Warriewood Valley Planning Framework Addendums (Framework) and Warriewood Valley Development Contributions Plan, Amendment 16, Revision 3."*

The *Warriewood Valley Strategic Review Addendum Report* was originally adopted by Council on 17 November 2014, with further amendments adopted on 19 December 2017 and coming into effect on 13 January 2018 (the Addendum Report). The purpose of the Addendum Report was to identify and recommend a forward path for the remaining undeveloped sectors in the Warriewood Valley Urban Release Area including the investigation of development opportunities in the Southern Buffer which includes the site of the 2019 Planning Proposal.

Whilst the Addendum Report has been endorsed by the Council, it has not been endorsed to date by the Department.

Notwithstanding, the first objective of Clause 6.1 (Warriewood Valley Release Area) of the Pittwater LEP 2014, which was approved by the Department and the Minister for Planning, gives effect to both the *Warriewood Valley Strategic Review Report* and the *Warriewood Valley Strategic Review Addendum Report* stating as follows:

**"6.1 Warriewood Valley Release Area**

(1) *The objectives of this Clause are as follows:*

- (a) *To permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and the The Warriewood Valley Strategic Review Addendum Report.*
- (b) *To ensure that development in that area does not adversely impact on waterways and creek line corridors, protects existing native riparian vegetation and rehabilitates the creek line corridors."*



The 2019 Planning Proposal is inconsistent with the Addendum Report which recommends that 2 and 4 Jacksons Road and 2, 2A, 3, 4A, 6, 8, 10, 12 Boondah Road should have a land use designation of "Recreation" to be acquired by the Council for public open space purposes and that 6 Jacksons Road have "No Development Potential" and accordingly, this allotment should remain RU2 Rural Landscape zone under Pittwater LEP 2014.

The *Warriewood Valley Contributions Plan* (Amendment 16 Revision 3) 2018 identifies part of 6 Jacksons Road as Creek line Corridor land to be dedicated with any future development of the site as a part of the *Multi Functional Creek Line Corridor Strategy* for the Warriewood Valley Release Area. The *Warriewood Valley Contributions Plan* identifies 10 and 12 Boondah Road as "*Land identified for purchase for active open space*".

The Towards 2040 Draft LSPS was adopted by Council at its Ordinary Council Meeting on 24 September 2019 and, accordingly, it is not a final Local Strategic Planning Statement endorsed by Council and the Department. As previously noted, the 2019 Planning Proposal Application was lodged with Council on 29 August 2019 and, as a result, this application does not address the Towards 2040 Draft LSPS.

However, by letter dated 8 November 2019 SJB Planning on behalf of the applicant provided an assessment of the 2019 Planning Proposal under the Towards 2040 draft LSPS submitting consistency with the following planning priorities:

- Priority 2 – Protected and Enhanced Bushland and Biodiversity.
- Priority 5 – Greener Urban Environmental.
- Priority 9 – Infrastructure Delivered with Employment and Housing Growth.
- Priority 15 – Housing Supply, Choice and Affordability in the Right Locations.
- Priority 17 – Centres and Neighbourhoods Designed to Reflect Local Character and Lifestyle.

This Assessment Report has reviewed the 2019 Planning Proposal under the Towards 2040 Draft LSPS and it is considered to be inconsistent with relevant Planning Directions and Priorities and with relevant Planning Directions and Priorities and would be pre-emptive of Council preparing and implementing its Housing Strategy for the whole of the Northern Beaches LGA.

Furthermore, Planning Priority 6 of the Towards 2040 Draft LSPS is "High quality open space for recreation" which states:

*"Present estimates predict a 40-hectare shortfall of land for sport by 2031 and demand on regional open space, such as beaches will increase."* (see page 68)

*"Principles*

- *Improve* the provision, diversity and quality of open space for recreation.
- Design open space to be flexible, versatile, multi functional and fit for purpose.
- Ensure open space responds to demand and meets diverse community needs.
- Use open space to connect people to nature.
- Ensure new open space contributes to, connects and enhances the local green grid.
- Design sustainable open space that considers life cycle costs, management and maintenance.
- Encourage collaboration and partnerships to promote shared use.
- Support roof top parks, increase building setbacks and conversation of road space in built-up areas.

- Design vibrant, accessible and interactive open space.
- Ensure access to natural open space and waterways is sustainable so that these areas are preserved for the future.
- Locate all new residential development within 400m of open space and all high density areas within 200m of open space.” (see page 69).

Action 6.5 of the Towards 2040 Draft LSPS provides that Council will in partnership with DPIE in the short term “Investigate the provision of sports fields in new housing development areas including Warriewood Valley and potentially Ingleside”. (see page 69).

**(a) Does the proposal have strategic merit?**

For the reasons outlined in this Assessment Report, DFP considers that the 2019 Planning Proposal does not have satisfactory Strategic Planning Merit having regard to the *Greater Sydney Region Plan*, *North District Plan*, *Warriewood Valley Strategic Review Addendum Reports* (2014 and 2017), *Warriewood Valley Development Contribution Plan* and the *Towards 2040 Draft LSPS*.

**(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 2019 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"> <li>• Bushfire</li> <li>• Acid Sulfate Soils</li> <li>• Flora and fauna (Biodiversity)</li> <li>• Soil stability, erosion, sediment, landslip assessment and subsidence</li> <li>• Stormwater and flood management including potential adverse impacts on the adjacent Warriewood Wetlands and the Narrabeen Creek Line Riparian Corridor.</li> <li>• Infrastructure servicing</li> <li>• Coastal management</li> <li>• Extent of cut and fill earthworks</li> </ul>
<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</p>	<p>Although the site borders on R3 Medium Density Residential zoned land to the north and Warriewood Square Shopping Centre (zoned B2 Local Centre) to the south west, the 2019 Planning Proposal is inconsistent with the predominantly one (1), two (2) and three (3) storey mixed residential character of the surrounding area.</p> <p>The intended outcome of the 2019 Planning Proposal is inconsistent with the likely future local strategic planned land use of 10 and 12 Boondah Road, Warriewood which is intended for active open space and therefore does not have merit.</p> <p>The proposition that 6 Jackson Road has utility as active open space (synthetic surfaced sports fields) is not supported due to the site constraints and environmental attributes of the land.</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 2019 Planning Proposal will increase the demand for public infrastructure and services and would require additional open space in a locality that already suffers from an under supply of open space.</p> <p>The 2019 Planning Proposal will not only increase the demand for open space but it will significantly reduce the opportunities for additional required open space to be provided within the Warriewood Valley Release Area on land suitable for such purposes.</p> <p>If the 2019 Planning Proposal were to progress it would significantly exacerbate a clear deficit in provision of active open space to accommodate the needs of residents in the Warriewood Valley Release Area. The 2019 Planning Proposal has not provided alternative suitable locations adjacent to/within the Warriewood Valley that are not already utilised for active open space. 6 Jacksons Road is considered to be unsuitable for active open space due to site constraints and environmental values of the land which includes an area of significant biodiversity valued EEC.</p> <p>A traffic and transport 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 including the provision of proposed public pathways.</p>
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**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

<b>Title of State Environmental Planning Policy (SEPP)</b>	<b>Applicable</b>	<b>Consistent</b>
SEPP No 1 – Development Standards	YES	YES
SEPP No 19 – Bushland in Urban Areas	NO	N/A
SEPP No 21 – Caravan Parks	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	<b>NO</b>
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 (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

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent
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
SEPP (Coastal Management)	YES	<b>NO</b>

In relation to *SEPP No. 55 – Remediation of Land*, the 2019 Planning Proposal Application has not included a Site Contamination Assessment report. Clause 6(2) of SEPP 55 requires the consent authority to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. Such report must be provided, and Council must have regard to it prior to any resolution to forward a Planning Proposal for a Gateway Determination.

A recent NSW Supreme Court judgement deemed a Gateway Determination for a Planning Proposal invalid as a site contamination report was not provided or considered. (*Moorebank Recyclers Pty Ltd v Tanlane Pty Ltd* [2018] NSWCA 304).

The site of the 2019 Planning Proposal as well as surrounding properties including the Warriewood Wetlands falls within the mapped areas of the SEPP (Coastal Management). The 2019 Planning Proposal report does not provide an assessment of consistency under the provisions of SEPP (Coastal Management) particularly have regard to the site being within and adjoining mapped Coastal Wetlands, Littoral Rainforest and Coastal Environment Area.

The following is a list of the deemed SEPP's formerly Sydney Regional Environmental Plans relevant to the site.

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

#### 6. Is the Planning Proposal consistent with applicable Ministerial Directions (S.9.1 Directions)?

1 Employment and Resources			
	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	YES	<b>NO</b>
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 2019 Planning Proposal is not consistent with Direction “1.2 Rural zones” as it intends to rezone the land from a RU2 – Rural Landscape zone to R3 – Medium Density Residential zone and RE1 – Public Recreation zone under an amendment to the Pittwater LEP 2014 to permit a 4 storey residential flat buildings development on 10 and 12 Boondah Road and open spaces purposes including 2 new sports fields on 6 Jacksons Road. The Addendum Report which is the current local strategy framework does not support the rezoning of the site from RU2 zone to R3 zone (10 and 12 Boondah Road) and RE1 zone (6 Jacksons Road).

<b>2 Environment and Heritage</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
2.1	Environment Protection Zones	YES	<b>NO</b>
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	<b>NO</b>
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 2019 Planning Proposal is not consistent with “2.1 Environmental Protection zones” due to:

- The proposal does not include adequate provision for the protection and conservation of environmentally sensitive areas of the site which include two (2) EEC listed areas as well as listed threatened endangered fauna species and habitats.
- The provision and maintenance of Asset Protection Zones (APZ) for the fire protection of the residential flat building development on 10 and 12 Boondah Road and the construction of the sports fields will adversely impact on the biodiversity values of the site (including two (2) EEC areas) as well as potentially adversely impacting on the adjoining Warriewood Wetlands and the Narrabeen Creek Line Riparian Corridor.

The 2019 Planning Proposal is not consistent with “2.3 Heritage Conservation” due to:

- The 2019 Planning Proposal Application does not provide an Aboriginal Cultural Heritage Assessment report which is necessary to investigate the archaeological and cultural heritage values associated with the site in order to inform the suitability of the proposed residential flat building development and proposed open space envisaged by the current 2019 Planning Proposal prior to any potential rezoning of the land.

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<b>3 Housing, Infrastructure and Urban Development</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
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 2019 Planning Proposal is not consistent with “4.1 Acid Sulfate Soils” due to:

- The site of the 2019 Planning Proposal has a high probability of containing acid sulfate soils. The proposed residential flat building development and the proposed open space areas include substantial excavation for the basement level car parking areas, flood storage areas and for the construction of the synthetic surfaced sports fields and reconstruction of the existing Boondah Road sports fields. The proposed development has the potential to alter the ground water table and pose threats of acid sulfate soils impacting on the Narrabeen Creek Riparian Corridor, Warriewood Wetlands, ground dependent ecosystems and the downstream environment.

The 2019 Planning Proposal Application includes a Memorandum prepared by Douglas Partners dated 2 May 2017 which comments on the high probability of acid sulfate soils (ASS) occurring on the site and states:

*“A detailed Acid Sulfate Soils Management Plan will be required for this site prior to commencement of construction to manage the impacts of ASS”*

It is noted that the Memorandum prepared by Douglas Partners dated 2 May 2017 relates to the previous 2016 Planning Proposal and not the current 2019 Planning Proposal.

The 2019 Planning Proposal is not consistent with “4.3 Flood Prone Land” in addition to Clause 7.3 of the Pittwater LEP 2014. The 2019 Planning Proposal has not demonstrated that the proposed development:

- is compatible with the flood hazard of the land
- will not significantly adversely affect flood behaviour
- incorporates appropriate measures to manage risk to life from flood
- will not significantly adversely affect the environment.

The 2019 Planning Proposal is not consistent with “4.4 Planning for Bushfire Protection” due to:

- By letter dated 22 October 2019 NSW Rural Fire Service (RFS) has advised that they have reviewed the 2019 Planning Proposal in consideration of the requirements set out in the new Draft Planning for Bushfire Protection (PBP), and *“raises no objection to the proposed rezoning of the site.”* Notwithstanding the RFS indicate that based upon an assessment of the available information and limited plans, the following comments are made:
  - *the proposed 15m setback to the western boundaries/Warriewood Wetlands may not be sufficient to comply with the minimum requirements set out in Appendix 1. The potential bushfire hazards have been assessed as a Coastal Swamp Forest and falls within a Forest classification within the revised PBP. Where mixes of vegetation formations are located together, the vegetation formation providing the greater hazard shall be used for the purpose of the assessment*

- *buildings exceeding three storeys in height are considered to be multi-storey buildings. Multi-storey buildings are required to comply with the performance criteria within Chapter 5 including the requirement for an Asset Protection Zone (APZ) which meets and threshold of 29kW/m<sup>2</sup>, along with additional considerations set out in Section 8.2.2 of the PBP*
- *while the site can accommodate residential development any future development plans and bushfire assessment report must address the above issues and demonstrate compliance with the PBP."*

Council's Biodiversity Bushfire internal referral response comments:

- *my review has focused on the relevant performance criteria to be achieved for future residential development in accordance within Pre-release PBP 2018. I haven't assessed the adequacy of water supply, road network etc or other aspects of the Ministerial Direction requirements*
- *PBP states that "Where mixes of vegetation formations are located together, the vegetation formation providing the greater hazard shall be used for the purpose of assessment. The combination of vegetation and slope that yields the worst case scenario shall be used."*
- *based on this requirement, the vegetation formation class providing the greatest hazard within Warriewood Wetlands is Coastal Swamp Forest*
- *setbacks for Building E (NB referred incorrectly to as Building D in the Bushfire Report) should be based on this Forest vegetation formation*
- *based on Table A1.12.5 of PBP 2018, and applying the minimum APZ requirements from the Travers report used for Building A, a minimum setback of 24 metres is required from the Warriewood Wetlands and retained vegetation on the site*
- *Travers have used BAL- 29 construction in their assessment, and PBP states that for BAL- 29 "attack by burning debris is significant and radiant heat flux (not greater than 29kW/m<sup>2</sup>) threatens building integrity. Specific construction requirements for ember and higher radiant heat are warranted. Some flame contact is possible." The application of BAL-19 construction may be more appropriate for the location in order to avoid flame contact, and this would require a minimum setback of 33 metres*
- *the current setback of 15 metres provided in the Plans for Building E would equate to BAL - Flame Zone, and the RFS would not accept this for a future development.*

The concept plans for the proposed residential flat building development prepared by Buchan Architects submitted with the 2019 Planning Proposal show the western most residential flat building set back approximately 15 metres to the south-west site boundary adjoining the Warriewood Wetlands which may not be a sufficient APZ to comply with the revised PBP.

It is further noted that the concept plans for the proposed residential flat building development referred to in the Bushfire Protection Assessment report prepared by Travers Bushfire and Ecology dated August 2019 are different from the concept plans prepared by Buchan Architects submitted with the 2019 Planning Proposal Application.

<b>5 Regional Planning</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
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

<b>5 Regional Planning</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
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	YES	<b>NO</b>

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

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

The 2019 Planning Proposal is not consistent with “5.10 Implementation of Regional Plans” and “7.1 Implementation of the Metropolitan Strategy” for the reasons outlined earlier in this Assessment Report.

### **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 2019 Planning Proposal report states as follows:

“The request for a Planning Proposal is supported by an ecological constraints analysis. This analysis has been 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 assessment does recommend target surveys for Koalas and Swift Parrot to satisfy the Bioversity Conservation Act 2016 and the Environmental Protection and Biodiversity Conservation Act 1999.”

Council's Environment Officer Bushland and Biodiversity Section has assessed the 2019 Planning Proposal in respect to the bushland and biodiversity impacts of the proposed development and states as follows:

"The subject lots contain significant biodiversity and wildlife connectivity value, including Threatened Ecological Communities (TEC) and threatened species and their habitats. This is detailed within the submitted comprehensive Biodiversity Constraints Assessment (Travers Bushfire and Ecology, August 2019).

The Planning Proposal, as presented, has not been sited and designed to avoid and minimise impacts to biodiversity and will result in a direct net loss of biodiversity. In fact, impacts to TECs have increased compared with the previous proposal. Additional impacts include a reduction in wildlife connectivity function of the land and indirect impacts associated within [sic] increased light and noise pollution.

As per the mitigation hierarchy, any proposal must first avoid, then minimise impacts to biodiversity, prior to assessing the offset requirements for the residual biodiversity impacts. The current proposal will trigger entry into the Biodiversity Offset Scheme (BOS) via at least 2 of the 3 triggers, suggesting a significant impact to threatened biodiversity.

We note that formal offset obligations required by the BOS for these biodiversity values (TECs and threatened species) are not available on the Northern Beaches and hence entry into the BOS should be avoided as this results in net loss of biodiversity within the LGA.

Council's Natural Environment – Biodiversity section recommends refusal of the proposal in its current form."

Council's Environmental Officer, Bushland and Biodiversity Section has assessed the Travers Bushfire and Ecology letter dated 8 November 2019, submitted by the applicant with the revised VPA offer and states as follows:

*"In summary, the letter provides no new information and in some places contradicts their previous report. Our recommendation for refusal still stands.*

- *Under the NSW BC Act biodiversity framework, development impacts which exceed the biodiversity offset scheme threshold, such as this proposal, are considered to significantly affect threatened entities.*
- *The proposal has not been sited and designed to avoid and minimise impacts to threatened entities. Previous designs would result in less impact to threatened entities.*
- *There are likely indirect impacts which have not been quantified or assessed, including edge-effects into the adjoining EEC within Warriewood Wetlands, likely reduction in wildlife connectivity, removal of an unknown number of mature Eucalyptus robusta which provide an important winter-flowering food source, and increased light pollution and noise.*
- *There are no like-for-like offsets available within the Northern Beaches LGA."*

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

***Flooding Risk***

The 2019 Planning Proposal states as follows:

*"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".*

Council's Stormwater, Floodplain Engineering Section has assessed the 2019 Planning Proposal and states as follows:

*"The site is identified as being partially located within the high flood risk precinct as identified in both the Narrabeen Lagoon Flood Study, 2013 and Ingleside, Elanora and Warriewood Overland Flow Study, 2019. The information provided (by) the applicant does not provide sufficient information to satisfy the provisions and is inconsistent with Section 9.1 Direction 4.3 Flood Prone Land in addition to Clause 7.3 of the Pittwater LEP 2014. Currently the proposal has not demonstrated that the development:*

- is compatible with the flood hazard of the land*
- will not significantly adversely affect flood behavior*
- incorporates appropriate measures to manage risk to life from flood*
- will not significantly adversely affect the environment."*

Council's Coast and Catchments Section has assessed the 2019 Planning Proposal and states as follows:

***"Relevant riparian and water quality controls:***

*Pittwater LEP 6.1 (1) (b) and (4)*

*Pittwater 21 DCP C6.1 and C6.6*

*Warriewood Valley Water Management Specification).*

***Narrabeen Creek (riparian):***

*A 25 metre vegetated riparian zone is required either side of the creek to help maintain a healthy ecosystem and wildlife corridor. An additional 25m private buffer is required either side of the riparian zone (together totalling 100m – 50m either side of the creek) that could incorporate playing fields, water sensitive urban design treatment devices or shared paths.*

*The developer is only required under their development to restore the area of creek corridor on their land at 6 Jackson Road, Warriewood. Appropriate setbacks (15m) are maintained to Warriewood Wetlands in the concept plan provided.*

***Opportunities:***

*The culvert/pipe under Warriewood Square is in poor condition and needs upgrading. Taking flows away from this pipe will extend the life of this section. I believe upgrading of the pipe is the responsibility of Warriewood Square. The remainder of this section of creek between Warriewood Square and Boondah Road has not yet been restored, but is Council's responsibility. There are only minor works required here.*

*No work is required to the creek upstream of Boondah Road to Macpherson Street. The lower section was rehabilitated as a wetland about 20 years ago and the upper section is owned by Sydney Water.*

***Stormwater quality:***

*The development is expected to be able to meet water quality requirements, and therefore this is not a constraint on the development."*



## Bushfire risk

The 2019 Planning Proposal states as follows:

*“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)”.*

As previously noted in this report, the RFS has reviewed the 2019 Planning Proposal and raises no objection to the proposed rezoning of the site. However, the RFS has commented that the proposed 15 metre setback to the south-west site boundary which adjoins the Warriewood Wetlands may not be sufficient to comply with the minimum requirements set out in Appendix 1 of the new Draft Planning for Bushfire Protection (PBP).

## Site Contamination

The 2019 Planning Proposal report states:

*“The site has not been the subject of environmental site assessment in regard to potential contamination, however it is acknowledged that the area may have been subject to fill that has the potential for contamination. Such Areas of Environmental Concern (AECs) will require further investigation and potential remediation, which can reasonably required as a condition of gateway determination. However, it is unlikely that filling would prevent the area covered by the Planning Proposal request from being made suitable for residential use and occupation without risk to human health.”*

The 2019 Planning Proposal does not comply with Clause 6 of SEPP No. 55 – Remediation of Land as no Site Contamination Assessment report has been submitted by the proponent for the current rezoning proposal and this is a mandatory requirement prior to a Gateway Determination.

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

### Social Effects

The 2019 Planning Proposal report states:

*“The Planning Proposal will provide an opportunity for the redevelopment of the site for additional housing adjacent to an existing local centre, accessible to public transport and open space areas.*

*The proposal is supported by an offer to dedicate land for open space...*

*The potential for additional dwellings is unlikely to place unreasonable burden on community facilities earmarked to be constructed in the surrounding urban release areas, which could be augmented through Council’s normal collection of Section 7.11 Contributions.*

*A Social Impact Statement will be prepared should the proposal obtain Gateway determination.”*

The Council’s Strategic and Place Planning Section has assessed the 2019 Planning Proposal and states:

*“The additional development contemplated by this Planning Proposal will increase the infrastructure requirements in Warriewood Valley.*

*Some of the identified infrastructure in the Warriewood Valley Contributions Plan may not require augmentation, such as the creek line corridor land, community facility floor space, and potentially the pedestrian and cyclist link.*



*Conversely, the increase in residential population will result in additional active open space area and potentially, traffic and transport improvements. The proposal will compromise the land identified for future sports fields. Finding 4.64 hectares of land suitable for sports fields in or close proximity to Warriewood Valley will be the challenge. In the absence of the traffic modelling and the agreement by the RMS, the impacts of the proposed development on traffic and transport are unknown.*

*Nonetheless, there is insufficient nexus and inequitable for other developments in the Warriewood Valley Release Area to contribute towards the cost of future traffic improvements specific to this individual development.”*

### **Economic Effects**

The 2019 Planning Proposal report states:

*“The rezoning will provide increased housing supply and diversity in a location with good access to nearby services. The economic impact of the proposal would be the subject of a full assessment should the proposal achieve Gateway Determination.”*

It is agreed that the 2019 Planning Proposal would provide additional housing with good connectivity to nearby retail, commercial, community, schools and recreational facilities, as well as the B-Line public bus services. However, the proposed residential flat building development on 10 and 12 Boondah Road would not only increase the demand for the provision of open space and other infrastructure requirements in the Warriewood Valley urban release area, it would also preclude the intended future development of the site for open space purposes, including sports fields in accordance with Council’s adopted *Warriewood Valley Strategic Review Addendum Report* (December 2017) and Council’s *Warriewood Valley Development Contribution Plan*.

### **Section D State and Commonwealth interests**

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

Council’s Strategic and Place Planning Unit have assessed the infrastructure requirements for the 2019 Planning Proposal and states as follows:

*“Since the proposed development is in the Southern Buffer Area, a traffic modelling of the proposal reviewed and agreed to by RMS, would be required to determine the impacts of the development on traffic and transport.*

*If agreed to then, any traffic improvements generated by this development alone including the frontage of Boondah Road will need (to) be incumbent on the developer at the DA Phase as these development -specific traffic improvements are required due to this development occurring. It would be inequitable on other developments in the Warriewood Valley Release Area to include such future traffic improvements specific to this individual development into the WWV Contributions Plan now when the land release development is nearing completion.*

### **Summary**

*The additional development contemplated by the Planning Proposal will increase the infrastructure requirements in Warriewood Valley some of the identified infrastructure in the Warriewood Valley Contribution Plan may not require augmentation, such as the creek line corridor land, community facility floorspace, and potentially the pedestrian cyclist link.*

*Conversely, the increase in residential population will result in additional active open space area and potentially, traffic and transport improvements. The proposal will compromise the land identified for future sports fields. Finding 4.64 hectares of land suitable for sports fields in or close proximity to Warriewood Valley will be the challenge. In the absence of the traffic modelling and the agreement of the RMS the impacts of the proposed development on traffic and transport are unknown.*

*Nonetheless, there is insufficient nexus and inequitable for other developments in the Warriewood Valley Release Area to contribute towards the cost of future traffic improvements specific to this individual development.”*

By email dated 30 October 2019 the RMS have advised Council:

*“After reviewing the Traffic report, RMS notes that the current planning proposal would have a traffic generation that is significantly less than the previous proposal that RMS commented on in 2017. Considering this, if the modelling has been done correctly, I cannot see any major issues with this planning proposal proceeding.*

*Please consider the above as preliminary advice only and may change on review of the traffic modelling. Please send through the Sidra Modelling file for review so that we can provide a formal response.”*

**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 2019 Planning Proposal has not progressed to the Gateway for a determination.

**Community Engagement**

Preliminary (non-statutory) public notification of the 2019 Planning Proposal was undertaken by Council between 14 and 29 September 2019. The revised VPA offer and other supporting documents submitted by Henroth to Council on 8 November 2019 have not been placed on a preliminary (non-statutory) public notification.

Property owners within the Warriewood Valley and one Community Group were sent notification letters by Council (837), and the 2019 Planning Proposal was advertised in the Manly Daily on 14 and 21 September 2019. The relevant 2019 Planning Proposal documents were made available electronically on Council's website and in hard copy in Council's Customer Service Centres at Manly, Dee Why and Mona Vale.

During the preliminary (non-statutory) notification of the 2019 Planning Proposal a total of 54 submissions were received from the local community consisting of:

- 48 on line submissions via the Council's "Your Say" project web page
- 5 emails directed to the Council
- 2 letters posted to the Council.

Note: The Manly Warringah Football Association lodged the same submission online and by post and is counted as one submission.

Of 54 submissions, 7 were in support and 47 objected to the 2019 Planning Proposal. A copy of the submissions received is contained in Attachment 1. The matters raised in submissions that support the 2019 Planning Proposal are:

- Infill urban development opportunity.
- Consistency with adjoining developments in the Warriewood Valley.
- The 2019 Planning Proposal is consistent with the Greater Sydney Region Plan, North District Plan, Pittwater Local Planning Strategy 2011, Warriewood Valley Planning Framework 2010 and the Warriewood Valley Strategic Review Addendum.
- The Planning Proposal is supported by an analysis of the opportunities and constraints of the site.

- The Planning Proposal has the potential to provide accommodation that is well located to the B-Line public bus transport services and Warriewood Square shopping centre.
- The proposed development is the first step to complete the Southern Buffer.
- It is an opportunity for the Council to acquire land for the community.
- Consistent with the local character.
- The site is unsightly and overgrown with Lantana and scrub.
- People need homes to live in and this is an ideal location.
- Provision of additional sports fields is supported by Narrabeen Football Club and Manly Warringah Football Association.

The objection issues raised in submissions to the 2019 Planning Proposal are as follows:

- Objection to residential flat buildings above 3 storeys in height in the Warriewood Valley.
- Need more open space, particularly sports fields.
- Undesirable precedent.
- Adverse traffic impacts.
- The 2019 Planning Proposal is inconsistent with the Warriewood Valley Strategic Review.
- Minimum lot size of 1ha should not be deleted.
- Destruction of the creek line vegetation.
- Need for a community consensus on what the Southern Buffer should be used for in the future.
- Increase to the dwelling yield to 120 dwellings for the site is inappropriate.
- The proposal will result in an unacceptable loss of bushland.
- The site is in a flood zone.
- VPA offer to dedicate open space (synthetic surface sports fields) will result in little benefit as the requested trade-off is the proponent's release from any Section 94 Contribution obligations. (Note: The revised VPA offer from Henroth agrees to payment of Section 94 levies.)
- Adverse impacts of spot rezonings.
- Parking impacts of the proposal and lack of existing parking for the existing land uses including sports fields in the Warriewood Valley.
- Over development of the site.
- Need more schools.
- No infrastructure to support the proposed development.
- Proposed development will have adverse impact on the Warriewood Wetlands.
- Flooding risk.
- Bushfire risk.
- Adverse impacts on native flora and fauna (biodiversity).

### Agency Referrals

The following state agencies were advised of the 2019 Planning Proposal and invited to make comment:

- NSW Department of Planning Industry & Environment
- NSW Rural Fire Service
- State Emergency Service
- Roads & Maritime Services
- Sydney Water.

### Internal Referrals

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

- Biodiversity
- Strategic and Place
- Traffic
- Bushfire
- Flooding
- Landscape
- Parks
- Coast and Catchments.

The comments received from Council's internal technical experts were mostly critical of the 2019 Planning Proposal and the revised VPA offer in respect to the quality of the submission and the impacts of any proposed rezoning of the site to permit the proposed four storey residential flat building development, public open space and car park purposes.

### Advice of Northern Beaches Local Planning Panel

The Northern Beaches Local Planning Panel considered the subject Planning Proposal at its meeting on 9 December 2019 and advised Council as follows:

*The Northern Beaches Local Planning Panel advises Council not to progress the 2019 Planning Proposal lodged for 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood to a Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 for the following reasons:*

- It is inconsistent with the relevant Strategic Planning Framework being the Warriewood Valley Strategic Review Addendum Report adopted 17 November 2014, amended 19 December 2017 by the Northern Beaches Council and incorporated in Clause 6.1 Warriewood Valley Release Area of the Pittwater Local Environmental Plan 2014.*
- The 2019 Planning Proposal has not demonstrated sufficient Strategic Merit or Site-Specific Merit as required under the NSW Planning, Industry and Environment's Planning Proposals: A guide for preparing planning proposals (December 2018).*

- C. *The 2019 Planning Proposal will exacerbate an existing under supply of open space land in the Warriewood Valley Release Area through both the increased demand arising from the additional unplanned residential population and the loss of a significant area of land that has been identified and planned by Council for Open Space provision in the relevant Local Strategic documents.*
- D. *The Planning Proposal is inconsistent with the following applicable Ministerial Planning Directions under Section 9.1 of the EP&A Act 1979:*
- i 1.2 Rural Zones*
  - ii. 2.1 Environment Protection Zones*
  - iii. 2.3 Heritage Conservation*
  - iv. 4.1 Acid Sulfate Soils*
  - v. 4.3 Flood Prone Land*
  - vi. 4.4 Planning for Bushfire Protection*
  - vii. 7.1 Implementation of the Metropolitan Strategy.*
- E. *The proposed 4 storey residential flat building development envisaged by the 2019 Planning Proposal on 10 and 12 Boondah Road is considered to be excessive in building height, scale and density when compared with the local character context of the Warriewood Valley in the vicinity of the site and having the regard to environmental constraints of the site. The proposal is inconsistent with the relevant design principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, particularly in respect to the proposed 15m maximum building height standard and the proposed yield of 110-130 dwellings.*
- F. *The proposed construction of active open space (new synthetic surfaced sports fields) on 6 Jacksons Road and the proposed residential flat building development on 10 Boondah Road is unacceptable as it would involve the destruction of areas of remnant Swamp Oak Floodplain Forest, being an Endangered Ecological Community (EEC) of significant biodiversity value.*
- G. *The proposed residential flat building development on 10 and 12 Boondah Road is unacceptable as it would involve the destruction of an area of remnant Bangalay Sand Forest, being an Endangered Ecology Community (EEC) of significant biodiversity value.*
- H. *The 2019 Planning Proposal is inconsistent with the following Planning Directions and Priorities of Council's Towards 2040 Draft Local Strategic Planning Statement (Draft LSPS):*
- *Direction – Landscape:*
    - Priority 1 – Healthy and valued coast and waterways*
    - Priority 2 – Protected and enhanced bushland and biodiversity*
    - Priority 5 – Greener urban environments*
    - Priority 6 – High quality open space for recreation.*
  - *Direction – Resilience:*
    - Priority 8 – Greater community resilience to natural hazards and climate change.*

- *Direction – Infrastructure and Collaboration:*  
*Priority 9 – Infrastructure delivered with employment and housing growth.*
  - *Direction – Housing:*  
*Priority 15 – Housing supply, choice and affordability in the right locations.*
- I. *The “Site-Specific” 2019 Planning Proposal to enable the proposed 4 storey residential flat building development and open space purposes is considered to be pre-emptive and it would create an undesirable precedent in light of Council’s Towards 2040 Draft LSPS which has recently been on public exhibition and includes the following Actions:*
- a) *Action 6.5 – Investigate the provision of sports fields in new housing development areas including Warriewood Valley and potentially Ingleside.*
  - b) *Action 15.1 – Prepare and implement a local housing strategy.*
  - c) *Action 15.2 – Develop LEP and DCP controls informed by the local housing strategy to ensure the supply and mix of housing responds to community needs.*
- J. *The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Objectives of the Greater Sydney Region Plan:*
- i. *Direction for Livability:*
    - *Objective 7 – Communities are healthy, resilient and socially connected.*
    - *Objective 13 – Environmental Heritage is identified, conserved and enhanced.*
  - ii. *Direction for Sustainability:*
    - *Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.*
    - *Objective 30 – Urban Tree Canopy cover is increased.*
    - *Objective 31 – Public Open Space is accessible, protected and enhanced.*
- K. *The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Planning Priorities of the North District Plan:*
- i. *Direction for Livability:*
    - *Planning Priority N3 – Providing Services and social infrastructure to meet people’s changing needs.*
  - ii. *Direction for Sustainability:*
    - *Planning Priority N16 – Protecting and enhancing bushland and biodiversity.*
    - *Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections.*
    - *Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change.*
    - *Planning Priority N23 – Preparing local strategic planning statements informed by local strategic planning.*



- L. *The development of sports fields at 6 Jacksons Road as envisaged under the 2019 Planning Proposal is considered to be inconsistent with Clause 6.1(4) of the Pittwater LEP 2014 as it does not provide for the rehabilitation of aquatic and riparian vegetation habitats and ecosystems within the Narrabeen Creek Line Corridor within the full extent of the creek line corridor as shown on the Urban Release Area Map of the LEP.*

## **TIMING**

90 days after submitting the Planning Proposal, if the Council has notified the applicant that it does not support their plans or has failed to indicate its support, the applicant may ask the Department for a Rezoning Review. In this case, the relevant date on which the applicant can request a rezoning review is 27 November 2019. If a Rezoning Review is requested, the review will be undertaken by the Sydney North Planning Panel who will determine whether or not the proposal has merit and should proceed or not proceed to Gateway Determination. At the time of writing this report, Council had not received any notification of a Rezoning Review having been requested. The applicant gave a verbal undertaking at a prior meeting to not request a Rezoning Review until Council had considered the Planning Proposal.

## **LINK TO COUNCIL STRATEGY**

This report relates to the following Community Strategic Plan Outcomes:

### Protection of the Environment:

- Goal 1 - Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Goal 2 - Our environment and community are resilient to natural hazards and climate change.
- Goal 3 - Our community is well-supported in protecting the environment.

### Places for People

- Goal 9 - Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

## **FINANCIAL CONSIDERATIONS**

Should the 2019 Planning Proposal proceed and subsequently be finalised, it would have the following financial impacts:

- a) The construction of the proposed residential flat building development public open space and car parking area would create jobs with associated financial benefits to the local community.
- b) There is the potential for adverse 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 site as part of any future development), however this is difficult to determine without further and more detailed flooding information.
- c) There is the potential for adverse economic effects to result as a consequence of bushfire to both the proposed residential flat building development and the open space areas.
- d) Any future development consent would require a contribution in accordance with the *Warriewood Valley Development Contributions Plan* to contribute to the provision of infrastructure and services required to support the development and residents in Warriewood Valley."

- e) The Council's Development Contributions Committee resolved at its meeting on 15 October 2019 in respect to the original VPA offer from Henroth for the 2019 Planning Proposal as follows:

- "A. Does not support the offer to enable commencement of negotiation to enter into a Voluntary Planning Agreement at 6 Jacksons Road, Warriewood having regard for:*
- i. Negative environmental impacts associated within impacts on identified EC's and threatened fauna on the subject site.*
  - ii. Negative financial impacts on the Warriewood Valley Contributions Plan as a result of the proposed offsetting of development contributions in the Warriewood Plan.*
  - iii. The benefit of potential new sports fields not being outweighed by negative environmental and financial impacts.*

- B. Request that the Applicant be advised of the Committee's decision."*

By letter dated 8 November 2019 Henroth submitted a revised VPA offer to Council removing the request that all costs associated with the proposed sports playing fields works be offset against any Section 94 levies that would otherwise be payable to the Council. The revised VPA offer includes (in addition to the previously offered new playing fields) the applicant constructing (in partnership with Council) a new 130-140 space at grade public car park on the Council's existing public open space zoned land between the Boondah Road sports fields and Pittwater Road and upgrading the existing car parking area at the Heather Nelson Centre. The revised VPA offer also includes providing funding for the rehabilitation of EEC's in the local area including sections of the Narrabeen Creek Line Corridor.

Council's Manager, Transport Network has provided the following comments on the revised VPA offer:

*"I have reviewed the updated planning proposal and any car parking requirements for the proposed sport fields needs to be identified through undertaking a parking accumulation and demand study on the existing adjoining playing fields. There is no study/evidence provided on the need of additional parking spaces for the sport fields.*

*It is agreed that the provision of additional car parking close to the B-line would be beneficial for public. The delivery of the additional parking spaces should not be at the expense of the community open space when there is a viable alternative where this can be provided at the existing B-line car park through construction of additional levels on the existing structure that has been engineered to take an additional 2 levels to what was built. It is recommended that the TfNSW to be approached for the provision of additional parking spaces at the existing B-line Carpark as part of the VPA. This will eliminate the adverse impact resulting from the additional access on Pittwater Road and Boondah Road."*

Furthermore, Council's Park Assets and Landscape Section have provided comments on the revised VPA offer as follows:

**"Parks Assets review of revised VPA**

*The revised VPA proposal, with the addition of carparking that replaces existing recreational open space is not supported by Parks Assets, as the scheme reduces available recreational open space. The reduction of public open space, within a LGA that has identified the existence of insufficient public open space to cater for the recreational needs of its residents does not provide a public benefit.*

*The deficiency in recreational open space is identified in numerous Council reports, including:*

- *Draft Local Strategic Planning Statement 2019.*
  - *Priority 6: High quality open space for recreation, predicts a 40 hectare shortfall of land for open space and sport by 2031. Reference within the Draft Local Strategic Planning Statement identifies the need for innovative solutions to address this shortfall. The revised VPA scheme does not provide any proposals to replace the loss of the open space through other solutions.*
- *Pittwater Public Space and Recreation Strategy 2014.*
  - *A key component of the strategy is to upgrade and expand existing public space, sport and recreation networks. The revised VPA scheme reduces land available for open space recreation.*
  - *The strategy identifies the community's wish to protect, conserve and enhance the natural environment. The revised scheme requires removal of numerous mature trees of streetscape amenity value.*
- *Warriewood Valley Contribution Plan.*
  - *The proposed additional dwellings results in an increase in the overall demand for open space, by area, within the Warriewood Valley Release Area, and the revised VPA proposal fails to provide for the additional area of open space.*

*The revised VPA scheme as shown on the plans does not appear to impact upon the Netball courts boundaries. Conversely the plans do not show the extent of the courts on the plans to verify this.*

*A key component of Priority 6 of the Draft Local Strategic Planning Statement is the conversion of single-use open space by creating multi-functional spaces to increase sport and recreation. The impact upon this opportunity has not been investigated against the proposed extent of the proposed carparking.*

### ***Landscape review of revised VPA***

#### ***1. 6 Jacksons Road Warriewood:***

*The proposed new playing field at 6 Jacksons Road will result in the loss of the existing perimeter tree planting along the western boundary. This area is mapped under the Pittwater DCP as existing Swamp Oak Floodplain Forest Endangered Ecological Community (EEC).*

*The EEC provides a landscape amenity worthy of retention as a landscape buffer between the Warriewood Square property and the existing open space along Boondah Rd.*

*To satisfy clause B4.14 Development in the Vicinity of Wetlands, which includes land with Swamp Oak Forest, development shall not adversely impact on the wetlands, and to satisfy clause B4.22 Preservation of Trees and Bushland Vegetation, endangered ecological communities shall be protected.*

*The revised VPA proposal does not provide such protection and preservation of the EEC.*

*Additionally, clause C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development, requires that landscape buffer zones shall separate incompatible land uses. In this instance it is reasonable to suggest that Warriewood Square is incompatible with the proposed active recreation open space, such that a landscape buffer should be maintained if existing or provided otherwise.*

*In its current form, the revised VPA proposal is not supported. To support the provision of playing fields in this location, a landscape buffer, possibly in the order of 10 metres wide would need to be provided, with the buffer consisting of the preservation of existing EEC trees.*

2. *4 Jacksons Road Warriewood:*

*The proposed carparking over existing open space is not supported due to the loss of valuable open space and the loss of vegetation that provides a streetscape amenity and a visual buffer between Pittwater Road and the recreational open space upon this land."*

The Development Contributions Committee considered the amended VPA offer at an extraordinary meeting on 27 November 2019. At this meeting the Committee resolved:

*That the Development Contributions Committee:*

1. *Do not support the amended offer to enter into a VPA as it has not demonstrated appropriate public benefit for the following reasons:*
  - A. *The proposal will result in a net loss of open space.*
  - B. *The adverse ecological impacts are unlikely to be offset within the local government area.*
  - C. *The provision of additional commuter parking spaces has already been planned within the existing commuter car park and will be delivered by TfNSW when required.*
- f) Should the 2019 Planning Proposal proceed and subsequently be finalised, without an adequate funding mechanism identified for any additional traffic and other infrastructure required, there is a risk that Council would have to fund the required infrastructure.
- g) The proposed flood storage solution on the reconstructed Boondah Road Public Reserve and the new synthetic sports fields at 6 Jacksons Road is likely to impose a financial burden on Council for maintenance.
- h) The proposed carpark on the Boondah Road Public Reserve and Pittwater Road is likely to impose a financial burden on Council for maintenance.

## **SOCIAL CONSIDERATIONS**

The 2019 Planning Proposal is inconsistent with the following:

- a) The *Warriewood Valley Strategic Review Addendum Report* (December 2017), *Pittwater Public Space and Recreation Strategy 2014* and the *Warriewood Valley Development Contributions Plan* identifies 10 and 12 Boondah Road in conjunction with neighbouring properties as required for open space purposes as it is in close proximity to existing sports fields, is flood affected land and will provide for the open space needs of the new population of the Warriewood Valley Urban Release Area.
  - The 2019 Planning Proposal will not only increase the demand for active and passive open space, but it will reduce the opportunities for additional required open space to be provided within the broader Warriewood Valley Urban Release Area. It is considered that the development of the proposed synthetic surface sports fields on 6 Jacksons Road is not supported due to the significant environmental attributes and site constraints of this land.
  - The proposed carpark will reduce the amount of existing public open space land in the Warriewood Valley available to the local community for recreation purposes.

- b) There is the potential for adverse social impacts to result as a consequence of flooding.
- c) There is the potential for adverse social impacts to result as a consequence of bush fires.

## ENVIRONMENTAL CONSIDERATIONS

It is considered that the adverse environmental impacts of the 2019 Planning Proposal will be significant. The 2019 Planning Proposal is inconsistent with the following Local Planning Directions:

- 1.2 Rural Zones.
- 2.1 Environment Protection Zones.
- 4.1 Acid Sulfate Soils.
- 4.3 Flood Prone Land.
- 4.4 Planning for Bushfire Protection.

The 2019 Planning Proposal documentation fails to demonstrate that the environmental impacts are acceptable, and Council's technical officers have raised the following areas of concern:

- Bushfire risk.
- Flooding risk.
- Significant adverse impact on biodiversity and wildlife connectivity value of the site and the surrounding locality including the Warriewood Wetlands. The site includes Endangered Ecological Communities (EEC) and threatened species and their habitats.
- Acid sulfate soils.
- Soil stability, erosion, sediment, landslip assessment and subsidence.
- Stormwater management.
- Infrastructure servicing.
- Adverse impacts on the Narrabeen Creek Line Corridor with earthworks and loss of existing and future vegetated riparian corridor to provide for the proposed new sports fields on 6 Jacksons Road and the reconstructed Boondah Road Public Open Space zoned land.

## GOVERNANCE AND RISK CONSIDERATIONS

There are a number of risks associated with the progression of this Planning Proposal related to open space provision, environmental impact, flooding, bushfire, and traffic. It is recommended that Council reject and not progress the Planning Proposal to Gateway. If Council decides to not progress the Planning Proposal, there is the added possibility that the applicant will request a Rezoning Review and that the decision as to whether or not the Planning Proposal proceeds will then rest with the Sydney North Planning Panel.

## CONCLUSION

The 2019 Planning Proposal is not supported by DFP as it seeks to create development potential on the site comprising a four (4) storey residential flat building development and proposed open space areas (new synthetic surfaced sports fields) and a public car parking area which does not respond appropriately to the environmental attributes and physical constraints of the site.

The 2019 Planning Proposal is inconsistent with Council's local strategic planning directions for the Southern Buffer of the Warriewood Valley Urban Land Release Area as contained in the *Warriewood Valley Strategic Review Addendum Report* (December 2017); *Warriewood Valley Development Contributions Plan*; *Pittwater Public Space and Recreation Strategy 2014* as it will not only increase the demand for open space as a result of the 110-130 dwelling yield of the



proposed residential flat building development (new population), but it will also reduce the opportunities for providing additional required open space on 10 and 12 Boondah Road, as well as neighbouring properties, consistent with the Council's Local Strategic Planning Framework for the Warriewood Valley Urban Land Release Area.

It is the opinion of DFP that should the 2019 Planning Proposal proceed and subsequently be finalised, it would be premature and create an undesirable precedent, particularly having regard to Council's adoption of Towards 2040 Draft LSPS at its Ordinary Council Meeting on 24 September 2019. The Towards 2040 Draft LSPS includes an undertaking to finalise a new Housing Strategy for the Northern Beaches LGA in the first half of 2020 consistent with Planning Priority 15 "*Housing supply, choice and affordability in the right locations*". The Towards 2040 Draft LSPS states in respect to "*Managing, growth and change*".

*"The local housing strategy will investigate opportunities for changes to the planning controls to address housing needs, such as low levels of social housing and affordable housing, as well as provision of a diversity of housing types to cater for different demographic groups.*

*Planning proposals seeking changes to the planning controls for additional development capacity through spot rezoning must have strategic merit and site-specific merit. In some cases, these planning proposals may have merit and contribute to targets by unlocking previously identified capacity, particularly where they also have genuine broader public benefit, as well as achieving high quality planning and urban design outcomes.*

*Planning proposals that simply seek additional residential density above the current controls will have challenges in demonstrating their strategic merit as they are not necessary to achieve the housing targets and the strategic direction set out in Towards 2040. (see page 32).*

Furthermore, once the Council and the Department have endorsed the final Towards 2040 LSPS, it is the Council's intention to prepare a new Northern Beaches LEP and DCP. It is noted that *Priority 6 – "High quality open space for recreation in the Towards 2040 Draft LSPS includes Action 6.5 "Investigate the provision of sports fields in new housing development areas including Warriewood Valley and potentially Ingleside"*.

In the circumstances, it is the opinion of DFP that the 2019 Planning Proposal with the revised VPA offer does not demonstrate sufficient strategic merit or site-specific merit and cannot be justified to proceed to a Gateway Determination having regard to all of the relevant considerations under the Department's *Planning Proposals – A Guide to Preparing Planning Proposals* (December 2018). DFP recommends that Council reject the 2019 Planning Proposal for the reasons outlined in the recommendation of this Assessment Report.

The Northern Beaches Local Planning Panel considered the subject Planning Proposal at its meeting on 9 December 2019 and advised Council not to progress the 2019 Planning Proposal lodged for 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood to a Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.



<b>ITEM 12.4</b>	<b>PLANNING PROPOSAL - HERITAGE LISTING OF 21 WHISTLER STREET, MANLY</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC &amp; PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2019/670954</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Planning Proposal - 21 Whistler Street, Manly (Included In Attachments Booklet)</a></b> <b>2 <a href="#">Heritage Report on 21 Whistler Street Manly (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To report the assessment of a Planning Proposal to list 21 Whistler Street, Manly as a heritage item under Manly LEP 2013 and to seek a resolution to submit the proposal for a Gateway Determination.

### EXECUTIVE SUMMARY

Development Application 2019/1669 (DA2019/1669) was lodged with Council on 11 October 2018. The application sought consent for the demolition of the existing building on 21 Whistler Street, Manly and the construction of a shop top housing development. The development application was referred to Council's Heritage Advisor for comment due its proximity to a number heritage items in the vicinity. During the assessment of the development application the property was identified as being of potential heritage significance due to its association with Thomas Rowe, a celebrated architect and the first Mayor of Manly Council.

Council commissioned an independent heritage consultant to assess the significance of the property. The assessment found that the property met four criteria for a heritage listing and recommended that Council proceed to place an Interim Heritage Order (IHO) on the property. Council resolved at its meeting of 24 September 2019 to place an IHO on the property which was published in the Government Gazette on 27 September 2019. Subsequently on 16 October 2019, the Northern Beaches Local Planning Panel determined the subject development application by way of refusal, in which the IHO was one of the reasons stated for refusal.

In accordance with the terms of the IHO, Council now has six months to resolve to list the property as an item of heritage under Schedule 5 of Manly Local Environmental Plan 2013. To list the property as a local heritage item requires the preparation, adoption and gazettal of a Planning Proposal to amend Schedule 5 Environmental Heritage and the Heritage Map of Manly Local Environmental Plan 2013. A Planning Proposal (Attachment 1) to achieve this outcome has been prepared.

The Northern Beaches Local Planning Panel (LPP) considered the subject Planning Proposal at its meeting on 9 December 2019. The applicant's representative provided information to the LPP and the LPP deferred consideration of the matter to allow Council's Heritage Consultant to review the information provided by the applicant at the LPP meeting. The LPP are expected to provide their recommendation by Tuesday 17 December 2019 and the advice of the LPP will be provided to Councillors prior to the Council meeting.

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### RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council resolve to submit the attached Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.

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## REPORT

## BACKGROUND

A Planning Proposal (Attachment 1) has been prepared by Northern Beaches Council (the 'Applicant') to list the subject site at 21 Whistler Street Manly, as an item of local heritage in Schedule 5 of Manly Local Environmental Plan 2013.

The site is located close to the southwest corner of the intersection between Whistler Street and Raglan Street. The site is zoned B2 Local Centre, and is situated in close proximity to the Manly Town Centre, Manly Oval and Manly Beach.

To the east of the property at 34 Whistler Street is the State heritage listed 'Electricity substation No 15009', which is listed as item I255 in Schedule 5 of Manly Local Environmental Plan 2013, in addition to it being listed on the State Heritage Register.

The site is approximately 278 square metres in area and is currently occupied by a modified late 19<sup>th</sup> century single storey building with a two storey mid 20<sup>th</sup> century addition on its northern extent. The building encompasses two dwellings, a lock-up garage and an interior garden. The building is well-maintained and has identified heritage value.



Figure: 1 Aerial Image - Subject property marked by red cross hatching

Development Application (DA2019/1669) was lodged with Council on 11 October 2018. The application sought consent for the demolition of the existing building on 21 Whistler Street, Manly and the construction of a shop top housing development. The development application was referred to Council's Heritage Advisor for comment due its proximity to a number heritage items within the vicinity, the closest being the State Heritage listed electricity substation at 34 Whistler Street, Manly.

During the assessment of this development application, the property was identified as being of potential heritage significance due to its association with Thomas Rowe, a celebrated architect and the first Mayor of Manly Council. While the development application did provide a Heritage Impact Statement noting this connection, it considered the building and the connection to be of low significance and not worthy of retention and protection. It recommended a photographic archival recording and the development of an interpretation strategy. Council's heritage advisor after reviewing the relevant information established that the building was of significance due to the link and should be retained and protected.

Given the discrepancy between the Heritage Impact Statement and Council assessment of the level of heritage significance, a heritage consultant (Full Circle Heritage) was engaged to undertake an independent assessment in April 2019 and provided a report (Attachment 3).

The results of the assessment indicated that based on the material available, the building could meet the threshold for inclusion in the Manly Local Environmental Plan 2013 as an item of local heritage significance. The assessment found that 21 Whistler Street, Manly contained the remains of the former service wing of a much larger dwelling called 'Roseville' that Rowe himself designed and constructed in 1876/7. Rowe owned the property for a number of years and resided there for a period while serving as the first Mayor of Manly Council. The assessment concluded with the recommendation to undertake additional research and assessment to obtain a greater understanding of the heritage significance of the building, including an assessment against the NSW Heritage Office's guidelines and criteria for heritage listing. Based on the recommendation Council engaged a heritage consultant to undertake the additional research and assessment.

Robertson and Hindmarsh Architects (RHA) were engaged in June 2019 to undertake the additional research. RHA concurred with the findings of Full Circle Heritage, that the property contained the remnants of the service wing of 'Roseville' and further expanded on that research. The assessment indicated that the property was a rare example of a Rowe building in Manly and furthermore the survival of the service wing demonstrated Rowe's philosophy and approach to sanitation and public health in building design.

In summary, the consultant found that the property met four criteria of the NSW Heritage Office's criteria for a heritage listing being:

- Historical significance as it shows evidence of a significant human activity and is associated with a historical phase being the development of Manly.
- Associative significance due to its links to Thomas Rowe, a celebrated architect and the first Mayor of Manly.
- Technical significance due its evidence of Thomas Rowe's approach to sanitation and health in building design.
- Rarity as the only remaining large service outbuilding in the Manly town centre from the 19<sup>th</sup> Century period.

Further information on how the property meets the established criteria can be found in RHA's report, which is attached to the Planning Proposal.



In addition, RHA also recommended that Council proceed to place an Interim Heritage Order (IHO) on the property. Council resolved at its meeting of 24 September 2019 to place an IHO on the property, which was published in the Government Gazette on the 27 September 2019. Subsequently on 16 October 2019, the Northern Beaches Local Planning Panel determined DA2019/1669 for the property by way of refusal. The heritage significance of the property and the IHO formed one of the reasons stated for refusal.

In accordance with the terms of the IHO, Council now has six months to decide whether to list the property as an item of heritage in the Manly Local Environmental Plan 2013 or not. To list the item requires the preparation, adoption and gazettal of a Planning Proposal to amend the Manly Local Environmental Plan 2013. This Planning Proposal aims to achieve this outcome.

A report was presented to the Northern Beaches Local Planning Panel at its meeting of 9 December 2019 for advice. The applicant at the meeting provided the panel with additional information. The resolution of the Northern Beaches Local Planning Panel was as follows:

*“The Northern Beaches Local Planning Panel defers advising the Council until the panel receives an assessment by Council’s Heritage Consultant concerning documents provided by the applicant today which the applicant contended does not warrant the item being listed as a heritage item”.*

It is expected that the LPP will provide their advice to Council on the Planning Proposal prior to the matter being considered by Council on 17 December 2019. The advice of the LPP will be circulated to Councillors prior to the Council meeting.



Figure 2: Street view of 21 Whistler Street (Robertson & Hindmarsh Pty Ltd, 1 July 2019)

## CONSULTATION

Should the proposal receive a Gateway Determination to proceed, the Planning Proposal will be placed on statutory exhibition. The proposal will be on exhibition for a minimum of 28 days, or as directed by the Gateway Determination.

Should the Planning Proposal proceed to exhibition, consultation will be undertaken as follows:

- A public notice in the Manly Daily notifying of the public exhibition and exhibition period.
- Notification to affected and adjoining land owners.
- Notification to the NSW Heritage Office.
- Electronic copies of the exhibition material placed on Council's website.
- Printed copy of the Planning Proposal placed in Manly Customer Service Centre.

Should the Determination require consultation with State government agencies, they will be notified of the proposal and given the opportunity to provide a response.

## TIMING

Task	Anticipated timeframe
Submission to DPIE for Gateway Determination	February 2020
Gateway Determination	April 2020
Government agency consultation (if required)	May 2020
Commencement of public exhibition	June 2020
Completion of public exhibition	July 2020
Consideration of submissions	July 2020
Consideration of a proposal post-exhibition	August 2020
Date of submission to the Department to finalise the LEP	August 2020
Forwarding of the plan to the PCO for publication	September 2020
Gazettal of LEP Amendment	October 2020

## LINK TO COUNCIL STRATEGY

The Planning Proposal aligns with the following Goal 12: Our community is friendly and supportive part (d) Values and celebrates our diverse heritage and cultural differences of the Northern Beaches Community Strategic Plan 2018-2028.

## FINANCIAL CONSIDERATIONS

The Planning Proposal will be prepared within the existing Strategic and Place Planning budget.

## SOCIAL CONSIDERATIONS

Protection of the built heritage of the Northern Beaches has significant positive social impacts for the broader community. It provides opportunities for significant items from our history to be protected and preserved for future generations to enjoy and provides a valuable physical link to our past. This Planning Proposal therefore will have a positive social impact.

**ENVIRONMENTAL CONSIDERATIONS**

It is not considered that there will be any significant impact on the natural environment as a result of this Planning Proposal.

**GOVERNANCE AND RISK CONSIDERATIONS**

The heritage listing of the property is unlikely to generate significant additional risk.



## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

<b>ITEM 13.1</b>	<b>CONTRACT EXTENSION - BUS SHELTER ADVERTISING</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2019/660060</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### SUMMARY

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#### PURPOSE

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

#### EXECUTIVE SUMMARY

There are currently three contracts covering the supply, cleaning and maintenance of bus shelters across the Northern Beaches Council local government area. These contracts expire on 30 November 2019 (former Warringah and Pittwater area) and December 2023 (former Manly area). The contract for the former Warringah area was previously reported to Council in December 2017 where Council resolved to extend the contract to 30 November 2019.

The existing agreements with former Warringah and Pittwater areas have expired on 30 November 2019. It is proposed to extend these contracts to bring them into line with the existing Manly contract expiry in 2023.

This will allow the development of a single tender in 2023 when contracts are aligned to seek to provide greater value for money and efficiencies for Council.

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#### RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

- 1 Council resolve pursuant to section 55(3)(i) of the Local Government Act 1993 that a satisfactory result would not be achieved by inviting tenders for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas because of extenuating circumstances by reason of the following:
  - A. Council has an immediate and critical need to take the necessary steps to ensure that the service continues.
  - B. In order to align all three existing agreements, Council is required to continue the current service to December 2023.
  - C. Due to uncertainties in the market, the size and complexity of the service (including the capital expenditure required to modernise the service), a tender process for an interim period would limit the utility and competitiveness of the tender process.
  - D. The proposed contractor has the experience, expertise and resources to satisfy the requirements of the contract for an interim period.

- 2 Council approve an extension of the term of the current contracts with oOh!media Street Furniture Pty Ltd (formerly Adshel Street Furniture Pty Ltd) for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas to December 2023.
  - 3 Authority be delegated to the Chief Executive Officer to negotiate, execute and administer as necessary the contracts for supply, maintenance and operation of bus shelters and associated advertising to give effect to this resolution.
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## REPORT

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### BACKGROUND

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

- Former Pittwater Council area – November 1999 to November 2019 (Adshel Street Furniture Pty Ltd - no advertising income as pays for maintenance of other non-advertising shelters)
- Former Warringah Council area – February 1998 to February 2018 (Adshel Street Furniture Pty Ltd – advertising income received) extended to November 2019 by Council resolution in December 2017
- Former Manly Council area – December 2003 to December 2023 (JC Decaux Australia Pty Ltd – advertising income received).

Council has previously approved the extension of the former Warringah contract as an alternate procurement to 30 November 2019.

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

Since extending the former Warringah contract, there have been a number of industry developments that have impacted Council's ability to progress the procurement of a new contract.

These include the legal action taken by Telstra against City of Sydney, City of Melbourne and City of Brisbane in relation to telephone booths as low impact facilities. In May 2019, Telstra began proceedings in the federal court against the City of Melbourne to overturn the refusal of 81 applications for the new phone booths. On 25 June 2019, the Sydney and Brisbane City Councils joined the case as co-respondents.

This case has created a level of uncertainty in the market place and has the potential to impact the Out-of-Home advertising market. Out-of-Home advertising consists of roadside billboards, small format advertising on street furniture, buses, shopping centres and railway stations. There may be an effect on the advertising revenue associated with roadside advertisements such as those formats on street furniture, such as bus shelters.

Additionally, there are a number of organizations currently calling tenders for the commercialization of street furniture e.g. bus shelter advertising (City of Sydney, City of Parramatta and Sydney Trains). As such, given the limited capacity within the market place, if Council were to call tenders, this may result in unfavourable commercial terms.

Council engaged a consultant, Nexus Factor, to assist with the development of a procurement strategy based on their extensive experience in the Out-of-Home advertising industry and through ongoing work for various local and state government authorities and public transport organisations.

It is intended to issue a consolidated tender for the whole LGA that also includes separable portions. This would allow Council to ensure competitive bids for either the whole LGA and/or the prime advertising locality of Manly with the objective of maximising the returns for our community. Calling tenders for a service commencing in 2023 gives Council the potential to assess the returns for a single supplier across the whole LGA or retain the current divide, given differing marketing strategies of suppliers.

It would also provide the added flexibility to allow Council to consider the modernisation and upgrade of street furniture to a consistent appearance and standard across the LGA. This may or may not be seen as desirable in the eyes of the community, given that many of the shelters remain in good condition, albeit some have been in service for 20 years.

The replacement of such shelters may also make them more commercially viable with the introduction of digital displays, which cannot be retrofitted to many of the existing shelters.

This report requests an exemption from tendering based on extenuating circumstances being the requirement to continue an essential service and revenue generation for an interim period up to 30 December 2023 while developing tendering methodologies and allowing the review and consolidation of the of contract. A satisfactory result would not be achieved by inviting tenders and potentially switching service providers for this interim period, whilst also awaiting the outcome of the federal court action by Telstra.

### **LINK TO COUNCIL STRATEGY**

This report relates to the Community Strategic Plan Outcomes of

- Transport, Infrastructure and Connectivity: Goal 17 - Our community can safely and efficiently travel within and beyond Northern Beaches.
- Good Governance: Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community and Transport, Infrastructure and Connectivity.

### **FINANCIAL CONSIDERATIONS**

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

### **SOCIAL CONSIDERATIONS**

There is a significant risk that the existing bus shelters will not be maintained to the current standard if Council did not extend the service.

### **ENVIRONMENTAL CONSIDERATIONS**

The contract for extension contains no environmental considerations.

### **GOVERNANCE AND RISK CONSIDERATIONS**

A Council resolution is required to extend the bus shelter contracts as alternate procurement given the existing contracts have been extended previously.

Following the acquisition of Adshel Australia Pty Ltd, the legal entity of the proposed contractor is now oOh!media Street Furniture Pty Ltd.

<b>ITEM 13.2</b>	<b>OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE MANLY RESIDENT PARKING PERMIT SCHEME</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2019/679566</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">Manly Parking Permit Framework for Council Report 17 December 2019 (Included In Attachments Booklet)</a></b> <b>2 <a href="#">Manly Parking Permit Community Engagement Comments and Council Response (Included In Attachments Booklet)</a></b>

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## SUMMARY

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### PURPOSE

To receive the report on the community engagement and seek adoption of the Manly Parking Permit Scheme Review outcomes.

### EXECUTIVE SUMMARY

The existing Manly Residential Parking Permit Schemes, whilst compliant when installed, does not meet current Roads and Maritime Services (RMS) requirements for Residential Parking Schemes. An audit has been carried out to determine the number of on street parking spaces, as well as an analysis of permits issued across the ten precinct areas, with a view to improving the operation of Resident Parking Schemes.

Currently there are approximately 3,812 on-street resident parking spaces across the scheme areas and over 11,000 permits issued. This has potential to create difficulties for residents issued with the residential parking permit to be able to find suitable parking near their residence.

Council invited residents, owners, and businesses in and around the scheme areas to attend a series of engagement forums, as well as engaging with all residents and property owners in the affected precincts. A strong theme of the feedback received during the community engagement is to enhance the operation of the schemes to provide permits for the use of residents.

Changes proposed to these schemes assists to move towards alignment with current RMS permit parking guidelines.

This report relates to the adopted MOVE - Transport Strategy actions 5.1 and 5.2, and Goal 17 Strategy c Improve parking options in centres, villages and places, and Goal 19 Strategy b Establish a strong corporate governance framework to ensure decisions and transactions are ethical, efficient, and fair, from the Community Strategic Plan.

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**RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That:

1. Council note the feedback received during the public exhibition period for the Draft Manly Parking Permit Scheme Framework and the Manly Parking Permit Scheme – Revised Framework.
  2. Council adopt the Manly Parking Permit Scheme – Revised Framework:
    - A. Enabling the number of Residential Permits to be two per eligible residential property with a third permit to be assessed in extenuating circumstances under the delegation of the Chief Executive Officer.
    - B. Enabling the number of Residential Permits to be 1 per bedroom in eligible Boarding Houses.
    - C. Introduce a single Multi-use Parking Permit linked to the property to facilitate trades, visitors, etc.
    - D. Introduce a Business Parking Permit with an eligibility of one per business.
    - E. Introduce a Support Worker Permit to eligible support worker vehicles.
    - F. Introduce a Car Share Permit to eligible car share vehicles.
    - G. Introduce a Special Issue Parking Permit to eligible charities, schools, volunteers and not for profit services at the discretion of the Chief Executive Officer.
  3. The fees for the Parking Permit Scheme for Manly as printed in the Fees and Charges 2019/20 which was adopted by Council on 25 June 2019 be amended as follows:
    - A. The existing fees applied from 1 July 2019 continue in operation until 17 December 2019.
    - B. The New Parking Permit Scheme (Table 1 in financial considerations) fees commence operation on 18 December 2019.
  4. The amended fees for Parking Permit Scheme for Manly (Table 2 in Financial Considerations) be place on exhibition for a minimum of 28 days and be reported back to Council along with any submission.
  5. Review the operation of the:
    - A. Multi-use Parking Permit after the first 12 months of implementation.
    - B. Residential Permit scheme prior to the expiry of the first 3-year cycle.
-



## REPORT

### BACKGROUND

Council resolved on 16 April 2019 to review of the existing Resident Parking Permit Schemes around the Manly. At the time of implementation, these schemes were consistent with the guidance provided by Roads and Traffic Authority (now Roads and Maritime Services). However, these guidelines have changed and these schemes do not meet the current standard.

A parking permit scheme is intended to achieve the following objectives:

- Improve amenity for particular classes of road users who do not have a sufficient amount of off-street parking facilities or unrestricted on-street parking facilities available.
- Provide reasonable on-street car parking spaces for road users.
- Provide parking schemes to manage extreme demands for parking that would otherwise be placed on the road system.
- Provide an appropriate mix of on-street parking spaces in residential streets and in streets close to commercial centres.
- Support regional transport objectives and strategies that have been framed with commuters in mind.
- Increase public transport usage by converting those unrestricted kerb side parking spaces in residential areas into restricted parking spaces such as permissive parking spaces or pay parking spaces where appropriate.

A review of the current operations of the Manly Residential Parking Permit Scheme, and desktop audit of the ten identified scheme areas in Manly was undertaken to determine compliance with RMS Parking Permit Guidelines. The ten scheme areas are listed below with the number of permits issued and available on-street parking spaces.

Scheme Area	On-Street Spaces	Permits Issued*
Little Manly	741	2,036
Balgowlah (including Ethel Street) <b>(2)</b>	66	67
Tower Hill and Extension <b>(2)</b>	585	2,361
Isthmus	268	1,032
Ocean Beach	1,097	3,045
Fairy Bower	246	1,360
Ivanhoe Park and Extension <b>(2)</b>	809	1,588
<b>TOTAL</b>	<b>3,812</b>	<b>11,489</b>

\* Based on system reporting

Council initially consulted on a staged approach to implement reforms to allow the community to transform the way they manage parking. This approach, whilst not meeting all the requirements of the RMS guidelines, demonstrates Council is moving towards a scheme that is more closely aligned to the Guidelines, without dismantling the long held social fabric of the Manly Area.

**Initial Proposal**

The initial changes proposed included eligibility requirements, linking the permit to a registration and address within the scheme area. The Northern Beaches Residential Parking Permit Framework provides guidance to allocate dedicated permits for visitors, along with permits to assist the community by providing parking for the day-to-day needs, including Carers, trades, and support worker permits as detailed below:

- Visitor's Parking Permits (trial) – single day use and available in books of five and ten (based on period of residence) on a scratch and use basis.
- Tradesperson Parking Permit – purchased on a needs basis by the week (or part thereof to a maximum of three weeks but not consecutive weeks).
- Carers Parking Permits – assigned to the property for Carers as defined by the NSW Carers (Recognition) Act 2010.
- Support Worker Parking Permit – assigned to registered Care Providers vehicles.

Council will also formalise the Business Permit and Car Share Permits to clearly manage these users outside of the current residential parking permit scheme.

- Business Parking Permit – restricted to vehicles registered to the business and used for the primary activity of the business, subject to off-street space availability.
- Car Share Parking Permit – floating permit to facilitate the uptake of Car Share as a mobility service.

Responding to significant feedback on Initial Proposal, a Revised Proposal was consulted with the Community.

**Revised Proposal**

Council staff further refined the proposed changes to the existing scheme eligibility requirements and developed a stand-alone framework for the existing Manly Parking Permit Scheme areas.

The eligibility criteria remains the same with vehicle registration linked to an address within the scheme area, and printed on the permit. Two permits are proposed to be issued per residential property provided the eligibility criteria is met, consisting of:

- residing permanently at the address within the existing Manly parking permit scheme area,
- having the vehicle registered to the property
- full private use of a company vehicle.

The possibility of a third permit residential permit in accordance with the above criteria will be considered in extenuating circumstances, under the delegation of the Chief Executive Officer.

For Boarding Houses, Council will issue one Residential Parking permit to each bedroom provided the eligibility criteria as detailed in the Manly Parking Permit Framework is satisfied.

The table below outlines the permit types and the eligibility requirements.

Permit Type	Details
Residential Parking Permit	Up to 2 permits available linked to address and vehicle registration
Residential Parking Permit	Additional 3 <sup>rd</sup> permit in extenuating circumstances linked to address and vehicle registration
Residential Parking Permit (Boarding House)	1 permit per bedroom linked to the address and vehicle registration
Multi- Use Permit	1 permit per residential property for use by visitors, tradespeople and carers with a unique identifier related to the property – to be trial for 12 months prior to review.
Business Parking Permit	1 Business permit issued to a registered business, including sole traders, and linked to the property and vehicle registration
Car Share Permit	Based on the current usage data provided by the Car Share provider and linked to the vehicle registration. This continues the existing arrangements for floating vehicles and does not guarantee a parking space.
Support Worker Permit	1 per registered vehicle operating in the scheme areas for accredited service providers – issued to the provider.
Special Issue Parking Permit	To recognise the value charitable and not-for-profit organisations provide to the community council will provide restricted use permits at the discretion of Chief Executive Officer to continue the work within the community. These are dealt with on a case by case basis and restricted to a time and day issue.

To acknowledge historical issues with country based families owning a second residence/unit in the Manly Area, limited provisions have been made to allow owners of these secondary residences to access a Multi-Use permit to accommodate seasonal access to the property where they are the owner. This **will not be provided** for those properties that are used as an Air-BNB, etc. or short-term holiday rentals.

As an interim measure (12 Months) the Multi- use permit may be attached to a Trailer/Boat/or Caravan for the duration of the trial, this will be discontinued at the 12 month review, but will allow the 16 residents (only 16 trailer permits issued) who currently have a trailer permit to transition to a different arrangement.

## CONSULTATION

### *Initial Consultation April 2019*

Staff have conducted a series of drop in sessions to allow the communities, both within the scheme areas and those in the nearby streets that are currently impacted through the reallocation of parking to unrestricted zones close to the precinct boundaries. The opportunity to provide comment through the online platform was also available, as was the ability to detail their concerns in a written submission, and reported to the August Council meeting.

### Stage 1 Consultation

In the Stage 1 community consultation, which commenced in August 2019, after Council endorsed the Draft Northern Beaches Parking Permit Framework to be placed on Public Exhibition. Council sought comment from the community on the Northern Beaches Parking Permit Scheme Draft Framework from Thursday 22 August to Sunday 13 October 2019.

Notifications to the community included:

- Media release 29 August 2019.
- Seven notices placed in Council's column in the *Manly Daily*.
- Six direct emails to 7,700 recipients.
- Four inclusions in Council's Community Engagement newsletter to 22,000 recipients.
- One inclusion in Council's E News.
- One email to Manly Mainstreet Newsletter Business Chamber (615 recipients).
- Pull up banner at Manly Town Hall.
- Posters and flyers at customer service and Manly Library.
- Reminder email to all permit holders requesting that they have their say (19 September).

Engagement activities included:

- Online consultation page on Your Say Northern Beaches with an online survey and Q&A Forum.
- Three information sessions held 7, 10 and 11 September attended by over 90 people.
- Stakeholder meetings with Manly Community Forum 16 September, Manly Business Chamber 17 September.
- Roads and Maritime Services and Council with Manly Community Forum, Greater Manly Residents Group, Families for Manly, and Manly Business Chamber on 20 September 2019.
- Five pop-ups at Manly Wharf on weekday morning and afternoon peak hours on Thursday 19, Friday 20 and Monday 23 September.

In response, Council received feedback through:

- Direct feedback during the public meetings that were recorded directly in the published minutes.
- 653 people making 781 submissions via the online survey.
- 80 people making 153 completions to the online Q&A Forum.

### Stage 2 Consultation

At the conclusion of the Stage 1 Consultation, Council extended the consultation period for an additional 24 days to consult on the Manly Parking Permit Scheme – Revised Framework Version 2- November 2019.

This additional phase included:

- A notification email to the previous 7,700 recipients.
- Two inclusion in the Council's Community Engagement newsletter to 22,000 recipients.
- Four notices placed in the Council's Column in the Manly Daily.
- Targeted contact with the Resident's Groups and Associations.

In response, Council received feedback through:

- 139 online submissions via the Your Say system.
- Six written submissions received.

The engagement response summary document is attached as an appendix.

### **TIMING**

The proposed implementation of any approved changes is detailed in the table below.

<b>Scheme Area</b>	<b>Proposed changes Commence</b>
Little Manly	1 February 2020
Balgowlah	1 February 2020
Isthmus	1 March 2020
Ocean Beach	1 April 2020
Tower Hill + Extension	1 May 2020
Ethel Street	1 June 2020
Fairy Bower	1 July 2020
Ivanhoe Park + Extension	1 August 2020

## LINK TO COUNCIL STRATEGY

This report related to the following Community Strategic Plan outcomes:

- Transport, Infrastructure and Connectivity: Goal 17 Strategy(c) – Improve parking options in centres, villages and places.
- Good Governance: Goal 19 Strategy(b) – Establish a strong corporate governance framework to ensure decisions and transactions are ethical, efficient, and fair.

It also relates to the adopted MOVE - Transport Strategy specifically actions 5.1 - Develop local parking management plans for town and village centres including higher turnover parking in areas of high demand and 5.2 - Regularly review local parking management for high visitations places such as beaches, parks and recreational areas.

## FINANCIAL CONSIDERATIONS

The Council's current adopted 2019/20 fees and charges for parking permits be implemented at the time of renewal of permits.

Fees and Charges 2019/20 adopted by Council on 25 June 2019 was exhibited with two sets of fees for the Manly Parking Permit Scheme in accordance with section 405 of the Local Government Act. The first set of fees applied as of 1 July up until the new parking scheme commenced. The second set of fees were for the New Parking Scheme and would commence operation when the new scheme came into effect.

**TABLE 1.**

Permit type	Fee	Pensioner	*Postage
Manly Parking Permits - First Permit	\$47	N/A	N/A
Manly Parking Permits - Second Permit	\$121	N/A	N/A
Manly Parking Permits - Third Permit	\$210	N/A	N/A

Based on the revisions made as part of the Stage 2 engagement process the fees and charges required some additions and amendments to introduce the specified fees for the Business Parking Permits, Car Share Parking Permits, Support Worker, fees for replacement of lost and damaged permits, and the Special Issue permit for the "Not for Profit" Organisations.

Amendments also include the removal of redundant fees from the Fees and Charges.



**TABLE 2.**

Permit type	Fee*	Pensioner*
Manly Parking Permits - First Permit (Residential or Multi-use)	\$47	\$23.50
Manly Parking Permits - Second Permit (Residential or Multi-use)	\$121	\$60.50
Manly Parking Permits - Third Permit (Residential or Multi-use)	\$210	\$105
Manly Parking Permit - Fourth Permit (Extenuating Circumstances only)	\$210	\$105
Manly Parking Permits - Business	\$220	N/A
Manly Parking Permits - Car Share	\$220	N/A
Manly Parking Permits - Support Worker	\$47	N/A
Manly Parking Permits - Multi-use Lost	\$220	\$110
Manly Parking Permits - Special Issue not for profit organisation	\$23.50	N/A
Manly Parking Permits - New vehicle, windscreen, lost, temporary permits (except multi-use)	\$26.50	\$13.25
Removal of the boat trailer permit fee from the approved Fees and Charges	Delete	
Removal of the box trailer permit fee from the approved Fees and Charges	Delete	
Removal of existing replacement fee - Parking permit scheme	Delete	
Removal of the Permit Holder fee - no longer required	Delete	
Removal of the Residential Permit Visitor Tag fee - no longer required	Delete	

\*Plus a \$10.00 postage charge if required.

## SOCIAL CONSIDERATIONS

It is expected that introducing these changes to the operation of the existing Manly Residential Parking Permit Schemes, is likely to create some level of community concern as Council moves towards implementing a more compliant scheme that better addresses the needs of the community to improve parking availability.

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental issues expected with this project.

**GOVERNANCE AND RISK CONSIDERATIONS**

The Manly Parking Permit Scheme does not strictly comply with the current RMS Parking Permit Guidelines, or the Road Transport (General) Regulation 2013, which provides legislative authority to implement any scheme of this type. The proposed policy is a significant step towards meeting the RMS guidelines.

There is the ongoing impact of difficulties for residents in some areas who are not able to find suitable parking within reasonable distances of their property, who may be placed at risk at times having to walk a considerable distance from available parking to their residence, often with small children.

<b>ITEM 13.3</b>	<b>WESTERN FORESHORE PARKING AND SCOTLAND ISLAND ACCESS PERMIT FEES AND CHARGES</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE</b>
<b>TRIM FILE REF</b>	<b>2019/695011</b>
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1 <a href="#">Palm Beach Parking Demand Management Strategy (Included In Attachments Booklet)</a></li> <li>2 <a href="#">Minutes of Northern Beaches Council Local Traffic Committee Item 4.1 Scotland Island TMP July 2019 (Included In Attachments Booklet)</a></li> <li>3 <a href="#">Scotland Island Traffic Management Plan as approved by Traffic Committee (Included In Attachments Booklet)</a></li> <li>4 <a href="#">Yoursay summary 22.5 to 19.6 Scotland Island (Included In Attachments Booklet)</a></li> <li>5 <a href="#">Community Engagement Report_Scotland Island TMP (Included In Attachments Booklet)</a></li> </ol>

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## SUMMARY

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### PURPOSE

To endorse the recommended fees and charges for Western Foreshore Parking Permits (Pittwater Park North), and Scotland Island Access Permit to be placed on public exhibition for 28 days in accordance with section 405 of the Local Government Act.

### EXECUTIVE SUMMARY

Council adopted the Palm Beach Parking Management Strategy in November 2017, to assist in providing a suitable parking solution for both the residents and commuters of the offshore communities who access their properties from Palm Beach Wharf, residents and businesses of Palm Beach and visitors to this area.

A trial was implemented in December 2018 to determine whether a dedicated parking permit system provided for the needs of the off shore communities. This trial allowed for enforceable, dedicated parking available for the Coasters Retreat and Greater Mackerel Beach residents.

Recent consultation confirmed that this system was working as desired and the community would like it implemented as a permanent solution with some minor modifications.

The Northern Beaches Council Local Traffic Committee approved the Scotland Island Traffic Management Plan on 2 July 2019, to restrict access to the roads on Scotland Island to vehicles with permits only to; improve safety for pedestrians and motorists, address issues of illegal behavior and to regularise the use of approved vehicles, to reduce the number of vehicle on the island and to allow the use of certain types of utility vehicles under a conditional registration system.

Ongoing discussions with the community have taken place to resolve the pathway to the implementation and conditional registration inspections to finalise the project. The fees for the access permits was widely consulted during the TMP process at the two public meetings staff held on the Island, and the current fees were generally agreed to by the majority of the community affected by the proposal. The consultation report is attached for reference.

**RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS**

That:

1. Council place the draft fees and charges on public exhibition for a minimum of 28 days for:
    - A. Western Foreshore Parking Permits (Pittwater Park North).
    - B. Scotland Island Access Permits.
  2. The outcome of the public exhibition be reported to Council.
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## REPORT

### BACKGROUND

Parking permit schemes have been established for a number of years across the LGA to provide parking to residents in dedicated parking areas. This report outlines the fees and charges to be included in the 2019/2020 Fees and Charges to manage the below permits types:

1. Western Foreshore parking permit.
2. Scotland Island vehicle access permit.

#### 1. Western Foreshore Parking Permit

The Palm Beach Parking Demand Management Strategy was adopted by Council in November 2017 and details arrangements relating to the management of parking to accommodate the offshore community residing at Coasters Retreat and Great Mackerel Beach, as well as parking requirements to support the local recreational area and businesses.

The Western Foreshore Permit was implemented as a trial for a 12-month period between 1 December 2018 and 30 November 2019 and is valid in the Pittwater Park (north) carpark. Only residents from Coasters Retreat or Great Mackerel Beach are eligible to apply for a permit.

Following consultation with the Coasters Retreat and Great Mackerel Beach community, support was received to continue with the Western Foreshore parking permit scheme on a permanent basis.

In response to feedback received during this process to management of the provision of parking for residents this was reduced to a fee of \$47 for the Western Foreshore Parking Permit, in line with the Manly RPS fee.

Council resolved that as part of the Palm Beach Parking Demand Management Strategy, revenue from the sale of the Western Foreshore parking permit is allocated to the management of the scheme by Council and to commuter improvements for the Coasters Retreat and Great Mackerel Beach community.

#### 2.1 Proposed Western Foreshore parking permit fees to be adopted

Permit type	Fee	Pensioner	*Postage
Western Foreshore Parking Permit - full year	\$47	No	\$10
Western Foreshore Parking Permit - New vehicle, windscreen, lost, temporary permits	\$26.50	\$13.25	\$10

\* Registered post through Australia Post

#### 2. Scotland Island Access Permit fees to be adopted

A proposal was developed in response to serious concerns raised by the Community to the Northern Beaches Council, Roads and Maritime Services and NSW Police. This project restricts access to the road network by means of Northern Beaches Council exercising its functions as described below to vehicles registered in NSW and holding a Scotland Island vehicle permit issued by Council.

The Roads and Maritime Services (RMS), under Section 50 of the Transport Administration Act 1988, has delegated to Council's powers in respect of most traffic control facilities on roads and road related areas that are not classified roads. The exercise of powers delegated to Council's is subject to a number of conditions that include the preparation of a Traffic Management Plan (TMP) prescribed works under the subject delegation. The preparation and submission of a TMP to the RMS for approval is required from Council prior to exercising the following powers under Section 116 of the Roads Act 1993.

The prohibition/restriction of the passage of traffic on a public road or road related area to any one or more of the following classes of traffic:

- a) Pedestrians.
- b) Vehicles.
- c) Motor vehicles.

Accordingly, with the approval of the RMS, Council will restrict/limit the use of vehicles on Scotland Island to only those vehicles authorised by Council. The TMP was prepared in accordance with the Roads and Traffic Authority's document 'Procedures for use in the Preparation of a Traffic Management Plan (TMP) - Version 2 December 2001' and was used by Council as a basis for undertaking a public consultation and approval process.

Council will issue two types of permits:

- 1. Vehicle use on Scotland Island Only - Scotland Island Access Permit – Resident Vehicle.
- 2. Vehicle providing service on Scotland Island – Temporary Access Permit – Service Vehicle.

Permit type	Fee	Pensioner	*Postage
Scotland Island Access Permit – Resident Vehicle	\$25 per year	No	\$10
Scotland Island Access Permit – Permitted Service Vehicle	\$10 per day	No	\$10 if required

\* Registered post through Australia Post

## CONSULTATION

Council has consulted extensively with the affected local communities relating to the development of both schemes and strategies relating to parking and vehicle access.

Outcomes and detailed community engagement reports of the consultation undertaken for the Palm Beach Parking Demand Management Strategy has previously been reported to Council and the recent targeted email reminder that the permits were to be renewed and the revised cost had taken into account the feedback from the resident's associations.

The main themes were around the signage and enforcement – both of which have been address with signage changes and inclusion of the Palm Beach village as a priority for Parking Officers with assistance from the Transport Network team as required managing the main peak times/days.

The Scotland Island Project has seen Council hold two community meetings on the island and staff received 17 written submissions in response to the proposal. These submissions were reported to the Northern Beaches Council Local Traffic Committee and the project was approved by the Local Traffic Committee. The consultation summary and our say snapshot is attached to this report.

Further consultation with SIRA and the RMS has continued from this process to ensure a smooth implementation of the outcomes of the TMP.



**TIMING**

It is proposed that the fees and charges detailed in this report be implemented as follows:

**1. Western Foreshore parking permit**

To apply from 1 March 2020. Residents will be invoiced following the adoption of the associated fees and charges.

**2. Scotland Island**

The Scotland Island Access permits will come into effect from the 1 March 2020 for residential island based vehicles. The Scotland Island Service Vehicle permit will come in to effect on the 1 April 2020.

**LINK TO COUNCIL STRATEGY**

This report relates to outcomes of the Community Strategic Plan of:

- Transport, Infrastructure and Connectivity: Goal 17 - Our community can safely and efficiently travel within and beyond Northern Beaches: Improve parking options in centres, villages and places.
- Good Governance: Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.

**FINANCIAL CONSIDERATIONS**

Parking permit schemes require a significant investment of council resources across a number of business units to develop, administer, implement and maintain to a high level.

The introduced fees and charges provide an opportunity for Council to cover these costs and to provide a service to the community.

**SOCIAL CONSIDERATIONS**

The fees and charges associated with the Western Foreshore parking permits and Scotland Island Access Permit will allow Council to manage the schemes permits for the benefit of residents.

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental considerations associated with this report.

**GOVERNANCE AND RISK CONSIDERATIONS**

The communities affected have had their concerns addressed as part of the projects to ensure a fair and equitable application of the appropriate fees and charges for parking and access requirements.

<b>ITEM 13.4</b>	<b>OUTCOME OF PUBLIC EXHIBITION AND ADOPTION FOR THE TRIAL USE OF MCCARRS CREEK RESERVE BY CASTLE TRIBE INC.</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER PARKS AND RECREATION</b>
<b>TRIM FILE REF</b>	<b>2019/680921</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Advice from NSW Rural Fire Service to Council</b> <b>2 <a href="#">↓</a> Overview of community feedback and Council responses - Castle Tribe Inc. Proposed Use of McCarrs Creek Reserve</b>

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## SUMMARY

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### PURPOSE

To consider the community feedback received from the public exhibition of the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12-month trial.

### EXECUTIVE SUMMARY

At the Council meeting held 27 August 2019, Council resolved that:

- A. *Council place the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12 month trial on public exhibition for a period of at least 28 days.*
- B. *The outcomes of the public exhibition be reported to Council.*

Community feedback on the proposed trial was sought during the public exhibition period 12 September 2019 to 14 October 2019. 310 responses were received:

- 161 Northern Beaches residents responded - 76% supported the trial, 22% did not support the trial and 2% provided no objection or non-relevant feedback.
- 59 residents living near the Reserve responded - 39% supported the trial, 56% did not support the trial and 5% provided no objection or non-relevant feedback.

The key reasons for supporting the trial included the sense of community arising from attending these events and the importance of connecting with others.

The key reasons for not supporting the trial were the negative impacts from drumming noise and the risks associated with permitting a fire at their events.

Following consideration of the advice from the NSW Rural Fire Service (RFS) (Attachment 1), Northern Beaches Local Area Command (Police) and community feedback it is recommended that a 12-month trial proceed on conditions, outlined in this report, including:

- 10 events during the trial period January 2020 to December 2020.
- Event timing 12noon to 10pm (including bump in/out).
- Ceremonial fire (one only)
  - Not permitted when there is a RFS Bush Fire Danger Rating of catastrophic, extreme, severe, or very high.
  - Not permitted during a total fire ban.
  - RFS conditions are to be met regarding fires including that nearby residents, the RFS and Emergency Services are appropriately notified.

- RFS be arranged to inspect the fire place at the first event where a fire is held.
- Alcohol prohibited.
- Drumming to cease at 9pm and continuous drumming not permitted.
- Organisers to notify and minimise impacts on nearby residents and other users of the Reserve.

In developing these conditions consideration has been given to the lack of trust and goodwill expressed by some local residents in Castle Tribe Inc. Building trust and goodwill in the local community is an important factor for Castle Tribe Inc's proposed events.

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## RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council note the community feedback received during the public exhibition period for the proposed use of McCarrs Creek Reserve by Castle Tribe Inc.
  2. Council approve Castle Tribe Inc's use of McCarrs Creek Reserve for 12 months on a trial basis as outlined in this report.
  3. The outcomes of the trial be reported to Council.
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**REPORT**

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**BACKGROUND**

At the Council meeting held 27 August 2019, Council considered a submission from Castle Tribe Inc. to use the western area of McCarrs Creek Reserve to hold a community-drumming event on the first Saturday of every month. Proposed activities included; children's activities, sharing and support circles, food and drinks made available (alcohol prohibited) and drumming, playing music and dancing near a fire. It was resolved at this meeting that:

- A. *Council place the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12 month trial on public exhibition for a period of at least 28 days.*
- B. *The outcomes of the public exhibition be reported to Council.*

**Public Exhibition**

Community feedback on the proposed trial was sought during the public exhibition period 12 September 2019 to 14 October 2019. During this time feedback could be made via an on-line Have Your Say feedback form.

The opportunity to provide feedback was publicised on Council's website, in local print media and signs at the Reserve. Letters were also delivered to nearby residents and e-mails sent to key stakeholders and Council's Community Engagement Register contacts.

***Feedback on the Proposed Trial***

310 responses were received about the proposed trial. A summary of responses is outlined below:

- 310 Responses (293 on-line and 17 emails / letters).
  - 247 (80%) supported the proposed trial.
  - 58 (19%) did not support the proposed trial.
  - 5 (2%) provided no objection or non-relevant feedback.
- 310 Responses
  - 161 (%) from Northern Beaches residents.
  - 149 (%) from residents living outside the Northern Beaches.
- 161 Northern Beaches Responses
  - 122 (76%) supported the proposed trial.
  - 36 (22%) did not support the proposed trial.
  - 3 (2%) provided no objection or non-relevant feedback.
- 59 responses from the suburbs of Bayview, Church Point, McCarrs Creek, Elvina Bay, Lovett Bay, Morning Bay and Scotland Island
  - 23 (39%) supported the proposal.
  - 33 (56%) did not support the proposal.
  - 3 (5%) provided no objection or non-relevant feedback.
- The Bayview, Church Point Residents Association made a submission objecting to the proposed trial and highlighted the extreme bushfire risks and unsociable levels of noise.

- Staff also attended a resident organised meeting at the Reserve. The 14 people who attended all opposed the proposed trial.

Reasons for supporting the proposed trial include:

- 103 responses referred to the sense of community arising from attending these events, the importance of connecting with others and the inclusivity of group.
- 71 responses referred to the safe nature of these events as they are alcohol free, family friendly and for all ages.
- 50 responses referred to the positive impact attending these events has on mental health and wellbeing.
- 26 responses referred to the suitability and importance of the Reserve and its natural setting as the location.
- Six responses mentioned the creative/artistic nature of these events.

Reasons for not supporting the proposed trial:

- 40 responses referred to the negative impact on people living near the Reserve and other Reserve users from drumming noise. Some responses indicated that the impact arises from the volume of drumming, the length of continuous drumming time, the drumming ongoing for the entire event and the drumming being held late into the evening.
- 35 responses referred to the risks associated with permitting a fire at their events. Some submissions indicate a fear that Castle Tribe Inc. will not safely manage their fire and that there is a possibility of the fire spreading to homes, the nearby Ku-ring-Gai National Park and flora and fauna.
- The events will attract anti-social behaviour.
- Concern that Castle Tribe Inc. and people attending their events will not comply with Council's conditions of use of the Reserve particularly; safe management of a fire, overnight parking, no alcohol and ending the event and drumming at the permitted times. Some responses indicate their concern is based on the notion that some people in Castle Tribe Inc. are the same people that conducted unauthorised drumming events in the Reserve in 2018.
- Concern that Council will not monitor and enforce Castle Tribe's compliance with its conditions of use of the Reserve particularly regarding the fire, noise and removing rubbish.
- Can these events be held in a range of different locations.
- The amenities in the Reserve are not sufficient for large events.
- At the resident meeting those who attended indicated they had a lack of trust and confidence that the people proposing this event would; take care of the Reserve, responsibly manage the fire and drumming noise and abide by conditions set by the Council. For these people the lack of trust and goodwill has arisen from the fact that unauthorised events were held in this Reserve in 2018 which included drumming and an open fire.

Responses to the feedback themes are outlined in Attachment 2.

In the report to Council 27 August 2019 it was reported that the NSW Rural Fire Service (RFS) had no objection to Castle Tribe lighting a fire provided appropriate fire safety is in place. A permit would not be required outside the Bush Fire Danger Period, 1 October to 31 March. The RFS also recommended they notify adjoining properties of their intent to have fires at their events.

Further advice was sought from the RFS about Bush Fire Danger Ratings. The RFS recommended that *no fires are permitted when fire danger rating is very high or above*. The rating categories are: catastrophic, extreme, severe, very high, high, low moderate or none. Should the trial proceed a fire could be permitted only when the rating is high, low moderate or none.

The RFS also clarified that they and Emergency services are also to be notified of event dates. This will ensure, amongst other things, that any calls from the community about the event are directed to the RFS and not Fire Rescue NSW.

The NSW National Parks and Wildlife Service were informed about the proposed trial and the proximity to Ku-ring-Gai National Park - their response was that they had *no comment*.

As previously reported the Northern Beaches Local Area Command (Police) has no objection to their events conditional on noise ceasing at 10pm and that they abide by Council's regulations.

### **Proposed Trial**

Following consideration of the advice from the RFS, Police and community feedback it is recommended that a 12-month trial proceed on conditions including:

- Trial period - 12 months from January 2020 to December 2020.
- Frequency of events - 10 events during the trial period, maximum 1 event a month on a Saturday.
- Location - western area of the Reserve.
- Event timing 12pm to 10pm (including bump in/out).
- Reserve gate closure
  - Council's security to arrive 9.45pm, inform attendees the Reserve gate is closed at 10pm and close the gate at 10pm.
- Ceremonial fire (one only)
  - Not permitted when there is a RFS Bush Fire Danger Rating of catastrophic, extreme, severe, or very high.
  - Not permitted during a total fire ban.
  - RFS conditions are to be met regarding fires including that nearby residents, the RFS and Emergency Services are appropriately notified.
  - RFS be arranged to inspect the fire place at the first event where a fire is held.
- Open fires for cooking not permitted.
- Alcohol prohibited.
- Drumming
  - To cease at 9pm.
  - Continuous drumming throughout each event is not permitted.
- Organisers to notify and minimise impacts on nearby residents and other users of the Reserve.
- Council's usual conditions and fees for Reserve use also apply.



## CONSULTATION

Community engagement would be undertaken during a trial if it proceeds. Feedback received would inform a report to Council about the trial.

## TIMING

Should Council agree to the proposed trial the following timetable would apply in 2020:

- January:
  - No event permitted.
  - Castle Tribe Inc. to notify residents, RFS, Emergency Services including Police of event dates.
- February, March, April, May, June, July, August, September, October, November:
  - Ceremonial fire permitted.
- December:
  - No event permitted - Trial ends – report to Council on the results of the trial

## LINK TO COUNCIL STRATEGY

This proposal relates to the Community Strategic Plan Community Outcomes:

### Places for People:

- Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

### Community and Belonging:

- Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events.
- Goal 12: Our community is friendly and supportive.

## FINANCIAL CONSIDERATIONS

Should Council agree to the proposed trial, fees and a bond will be applied as per Council's adopted fees and charges 2019/20 and 2020/21.

## SOCIAL CONSIDERATIONS

Based on the community feedback the Castle Tribe Inc. proposed events provides opportunities for social interaction to facilitate friendships and mental and physical wellbeing.

Council's parks and open spaces are places that can be used to provide opportunities for community building which has benefit for individuals and our the community as a whole.

In developing this report consideration has also been given to the lack of trust and goodwill expressed by some local residents in Castle Tribe Inc. This group have indicated that their intent is to hold these events in the Reserve on a regular basis after the trial. Building trust and goodwill in the local community is an important factor for their proposed events.

The proposed timetable and conditions of this report provides Castle Tribe Inc. the opportunity to build rapport with the local community.

**ENVIRONMENTAL CONSIDERATIONS**

Should Council agree to the proposed trial they would be required to minimise impacts on the Reserve and to ensure the Reserve is clean and tidy after each event. Relevant environmental conditions would apply.

**GOVERNANCE AND RISK CONSIDERATIONS**

Should Council agree to the proposed trial Castle Tribe Inc. would be required to implement their approved safety and risk management plan and abide by the proposed timetable and conditions outlined in this report.

Council would also undertake random inspections to ensure conditions of use are met (particularly regarding fire management) and noise levels would be measured at the first event and feedback provided to the group.

**Advice from NSW Rural Fire Service to Council 6/11/19****Fire Permits**

RFS do not issue or is there a requirement for a Fire permit for the purpose of a cooking fire, a social fire (keeping warm), or a ceremonial fire. This is the case during the Bush fire danger period also. There would however need to be a trigger to say on any particular event that NO FIRES are permitted when FIRE Danger Rating is VERY High or above. Generally a fire permit only last 21 days so would have to be issued every month/ event. If fires are within a contained vessel and water is on hand things should be ok. Fire for the purpose of cooking is ok if within the established BBQ sites, or Gas BBQs are brought in.

**Resident's notice**

Advice was provided and is noted in the documents, that a letter box drop be provided to adjoining properties, firstly regarding the use of Fire, as many 000 calls are generated from properties in McCarrs Creek Road and possibly higher up from property in Bayview Heights, Kennedy Place etc. The letter box drop will also allow the organisers to notify residents about potential noise as well. One letter box drop could be sufficient out lining all dates of festival.

The problem with all properties that may call 000 due to a potential fire is that they are within FRNSW boundary. With this in mind, some form of notice would be required to 000 advising of the days/s of the events. A general notice to our Office would assist in knowing when things are happening also, as we can get local calls aside from 000.

**Attachment 2: Community Feedback, Castle Tribe Inc. Proposed Use of McCarrs Creek Reserve.**

At the Council meeting held 27 August 2019, Council resolved that:

- A. *Council place the proposed use of McCarrs Creek Reserve by Castle Tribe Inc. for a 12 month trial on public exhibition for a period of at least 28 days.*
- B. *The outcomes of the public exhibition be reported to Council.*

Community feedback on the proposed trial was sought during the public exhibition period 12 September 2019 to 14 October 2019. 310 responses were received. A summary of the comments received and responses is presented in the following table.

Community Feedback (arranged by theme)	Responses
<b>1. Noise from drumming.</b> <ul style="list-style-type: none"><li>40 responses referred to the negative impact on people living near the Reserve and other Reserve users from drumming noise. Some responses indicated that the impact arises from the volume of drumming, the length of continuous drumming time, the drumming ongoing for the entire event and the drumming being held late into the evening.</li></ul>	<p>It is proposed that these conditions apply:</p> <ul style="list-style-type: none"><li>10 events are permitted during the trial period January 2020 to December 2020 (request was 12 events a year).</li><li>Event timing 12noon to 10pm including bump in / out (request was for 12noon to 12 midnight).</li><li>Drumming ceases at 9pm and continuous drumming throughout each event is not permitted.</li><li>At the first event in the trial period, Council will measure noise levels and provide feedback to the Castle Tribe Inc.</li><li>Castle Tribe Inc. would be required to implement their approved safety and risk management plan and abide by the proposed timetable and conditions.</li></ul> <p>Council would also undertake random inspections to ensure conditions of use are met.</p>
<b>2. Risks from the Proposed Fire</b> <ul style="list-style-type: none"><li>35 responses referred to the risks associated with permitting a fire at their events. Some submissions indicate a fear that Castle Tribe Inc. will not safely manage their fire and that there is a possibility of the fire spreading to homes, the nearby Ku-ring-Gai National Park and flora and fauna.</li></ul>	<p>It is proposed that these conditions apply:</p> <ul style="list-style-type: none"><li>Ceremonial fire (one only permitted per event)</li><li>Not permitted during a total fire ban.</li><li>Not permitted when there is a RFS Bush Fire Danger Rating of catastrophic, extreme, severe, or very high. (as per advice to Council from RFS 6/11/19).</li><li>RFS conditions to be met regarding fires including that nearby residents, RFS, Emergency Services are notified (as per advice to Council from RFS 6/11/19).</li><li>RFS be arranged to inspect the fire place at the first event where a fire is held (Castle Tribe Inc. suggestion).</li><li>Appropriate fire safety is in place (as per advice from RFS 3/4/19)</li><li>Fires are to be within a contained vessel and water must be on hand. Castle Tribe indicate they will use a large fire dish as their vessel for the fire. Water buckets, fire extinguisher and fire blankets to be onsite, at the fire location at all times during each event.</li><li>Castle Tribe Inc. would be required to implement their approved safety and risk management plan and abide by the proposed timetable and conditions.</li><li>Additional fires, as requested for cooking, not permitted.</li></ul> <p>Council would also undertake random inspections to ensure conditions of use are met.</p>

	<p>The NSW National Parks and Wildlife Service were informed about the proposed trial and proximity to Ku-ring-Gai National Park - their response was that they had <i>no comment</i>.</p>
<p><b>3. Compliance with conditions of use.</b></p> <ul style="list-style-type: none"> <li>Concern that Castle Tribe Inc. and people attending their events will not comply with Council's conditions of use of the Reserve particularly; safe management of a fire, overnight parking, no alcohol and ending the event and drumming at the permitted times. Some responses indicate their concern is based on the notion that some people in Castle Tribe Inc. are the same people that conducted unauthorised drumming events in the Reserve in 2018.</li> <li>Concern that Council will not monitor and enforce Castle Tribe's compliance with its conditions of use of the Reserve particularly regarding the fire, noise and removing rubbish.</li> </ul>	<p>It is proposed that these conditions apply:</p> <p>Council to:</p> <ul style="list-style-type: none"> <li>Undertake random inspections to ensure conditions of use are met (particularly regarding fire management).</li> <li>Arrange noise levels to be measured at the first event and feedback provided to the group.</li> <li>Arrange for security to arrive at 9.45pm, inform attendees the Reserve gate is closed at 10pm and close the gate at 10pm.</li> <li>Undertake an inspection of the Reserve prior to the first event. The outcome will determine the bond fee. The amount of bond retained will be based on a post event inspection after the final event during the trial.</li> <li>Respond to feedback from the community during the trial as required.</li> <li>Monitor and respond to Council compliance matters.</li> </ul> <p>Castle Tribe Inc. to:</p> <ul style="list-style-type: none"> <li>Ensure the Reserve is clean and tidy after each event.</li> <li>Implement their approved waste management plan.</li> <li>Pay for any additional waste services.</li> <li>Implement their approved safety and risk management plan which includes no alcohol for these events at this Reserve.</li> <li>Abide by all the Council's conditions for the trial.</li> </ul> <p>In regard to fire matters refer to response in item 2.</p>
<p><b>4. The amenities in the Reserve are not sufficient for large events.</b></p>	<p>Castle Tribe Inc. to:</p> <ul style="list-style-type: none"> <li>Liaise with Council throughout the trial about their numbers and the need (if any) for the provision of portable toilets (at their cost) and/or additional cleaning.</li> </ul> <p>Council to:</p> <ul style="list-style-type: none"> <li>Continue to clean and service the toilets in the Reserve as usual.</li> <li>Recover from Castle Tribe Inc. the cost of additional cleaning required / requested for their events.</li> </ul>
<p><b>5. The events will attract anti-social behaviour.</b></p>	<p>It is proposed that these conditions apply:</p> <ul style="list-style-type: none"> <li>Alcohol prohibited.</li> <li>Event timing 12noon to 10pm including bump in / out (request was for 12noon to 12 midnight) – reducing late night use of the Reserve.</li> </ul>

	<p>Castle Tribe Inc. to:</p> <ul style="list-style-type: none"> <li>• Report any incidents to Council immediately – during office hours contact the Parks and Recreation team, otherwise contact Council's via out of hours phone number. Council will action those matters for which it is responsible and refer other matters to relevant agencies.</li> <li>• Notify Police of all their event dates and during their events report any relevant matters to the Police.</li> <li>• To implement their approved safety and risk management plan and abide by the proposed timetable and conditions.</li> </ul>
<p><b>6. Location</b></p> <ul style="list-style-type: none"> <li>• 26 responses referred to the suitability and importance of the Reserve and its natural setting as the location.</li> <li>• Can these events be held in a range of different locations? Rather than all at the Reserve.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to permit Castle Tribe Inc's use of McCarrs Creek Reserve on a trial basis for 12 months. However, in response to community feedback it is proposed that 10 events are permitted during a trial period of January 2020 to December 2020.</li> <li>• Castle Tribe Inc. have indicated that if they did not get approval for all 12 events they would seek alternate locations for the other two (2) events.</li> </ul>
<p><b>7. Sense of Community</b></p> <ul style="list-style-type: none"> <li>• 103 responses referred to the sense of community arising from attending these events, the importance of connecting with others and the inclusivity of group.</li> </ul> <p><b>8. Safe event</b></p> <ul style="list-style-type: none"> <li>• 71 responses referred to the safe nature of these events as they are alcohol free, family friendly and for all ages.</li> </ul> <p><b>9. Wellbeing</b></p> <ul style="list-style-type: none"> <li>• 50 responses referred to the positive impact attending these events has on mental health and wellbeing.</li> </ul> <p><b>10. Creative/ Artistic Events</b></p> <ul style="list-style-type: none"> <li>• Six responses mentioned the creative/artistic nature of these events.</li> </ul>	<p>The Castle Tribe Inc. proposal relates to Council's Community Strategic Plan Community Outcomes:</p> <p>Places for People and these goals</p> <ul style="list-style-type: none"> <li>• Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.</li> <li>• Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.</li> </ul> <p>Community and Belonging and these goals</p> <ul style="list-style-type: none"> <li>• Goal 10: Our community is stimulated through a diverse range of cultural and creative activities and events.</li> <li>• Goal 12: Our community is friendly and supportive.</li> </ul>



**ITEM 13.5**

**REPORTING MANAGER**

**ATTACHMENTS**

**STATION BEACH DOG TRIAL**

**EXECUTIVE MANAGER PARKS AND RECREATION**

**Nil**

*Report pending*

## 14.0 NOTICES OF MOTION

<b>ITEM 14.1</b>	<b>NOTICE OF MOTION NO 43/2019 - BIKE PARKING RACKS</b>
<b>TRIM FILE REF</b>	<b>2019/640705</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor David Walton

*(Originally submitted to the 26 November 2019 Council meeting)*

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### MOTION

That Council:

1. Immediately investigate the cancellation of the purchase of double tier bike parking racks for the Manly Wharf area that have been ordered from Holland and negotiate a refund on that purchase as a result of its delayed delivery which may be in breach of the purchase contract.
2. Then commence obtaining quotes from local Northern Beaches metal and steel fabrication company(s) and other NSW companies, for the production and/or installations of double tier bike parking racks for the Manly Wharf area, in a competitive procurement process in compliance with our procurement policy.

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### BACKGROUND FROM COUNCILLOR DAVID WALTON

As a result of reading a response to a Councillor request about the delayed installation of bike racks to be installed at the Manly Wharf, where Council management's advice was that the delay relates to "unforeseen packing issues the racks have not yet departed Holland", the following issues have driven the movement of this motion:

- Why after much discussion and debate on supporting local businesses, local Northern Beaches businesses appear not to be prioritised in our procurement processes in a reasonable and financially responsible way, to produce and/or purchase metal bike racks, over a supplier from Europe which is more than 16,000 kilometres away?
- Why after listening to constant calls to reduce carbon emissions, including the Northern Beaches Environment and Climate Change Strategy 2040 plan, we are having bike racks shipped from Holland by ship/air, of simple metal products that can be produced on the Northern Beaches, probably from new or recycled metal from Australian suppliers?
- A review of Yellow Pages produced a find of 24 local metal/steel fabrication companies that may be capable of producing bike racks.

<b>ITEM 14.2</b>	<b>NOTICE OF MOTION NO 44/2019 - ZERO WASTE TO OUR WATERWAYS</b>
<b>TRIM FILE REF</b>	<b>2019/665457</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott; David Walton

*(Originally submitted to the 26 November 2019 Council meeting)*

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## MOTION

That Council:

1. Acknowledges the great work that staff have already done in installing gross pollutant traps in the Local Government Area.
2. Becomes the third council and joins both Ryde and Burwood Councils in setting a Zero Waste to Ocean target by 2030.
3. Develop a "Zero Waste to Ocean" Charter and invite other councils to sign.
4. Identifies a sustainable source of funding for the appropriate implementation and management of principal and supplementary actions.
5. Investigates the modification of existing stormwater treatment assets.
6. Installs stormwater treatment assets to all new developments areas.
7. Continues to appropriately manage new and existing stormwater treatment assets.
8. Investigates the latest technologies and procedures to eliminate waste from our stormwater and waterways.

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## BACKGROUND FROM COUNCILLOR STUART SPROTT; DAVID WALTON

In recent meetings I moved and spoke for gross pollutant traps to stop plastics from entering our waterways but I feel we can take this further.

Our beaches are an important and integral part of our heritage and we as Councillors are charged with being the custodians of our beaches, oceans, rivers and lands. These beaches are not only our beaches but are the beaches for the people of Sydney, Australia and indeed the world and are not just here for us but for generations to come.

Not only should we leave these beaches clean but we should strive to leave them better than how we found them.

I believe that we should lead the way in stormwater management, we should strive to be world leaders with innovation in procedures in stormwater management to protect our oceans from plastic pollution.

The world is covered by 75% by water and by 2050 we will have more plastic in the ocean than we will have fish. Plastics that we as the human race have created and then deposited in our oceans. These plastics will break down into micro plastics and have and will enter our food chain. These plastics will kill and continue to kill our sea life for decades to come. I believe as a Council this is an area we can make a real difference and put Northern Beaches Council on the map, set the standard and show we are a community and a Council that cares about our oceans and our environment.

**ITEM 14.3 NOTICE OF MOTION NO 45/2019 - WAKEHURST PARKWAY  
TREE MANAGEMENT****TRIM FILE REF 2019/649021****ATTACHMENTS NIL**

Submitted by: Councillor Rory Amon

*(Originally submitted to the 26 November 2019 Council meeting)*

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**MOTION**

That Council:

1. Calls on the Roads and Maritime Services to ensure that the safety of the Wakehurst Parkway (Narrabeen to Frenchs Forest) corridor is maintained in relation to risks present by trees and to provide assurances regarding the nature and frequency of their maintenance program.
2. Writes to the Roads and Maritime Services, the State Members of Parliament for Pittwater, Davidson and Wakehurst regarding this matter.

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**BACKGROUND FROM COUNCILLOR RORY AMON**

Together with Warringah Road, Mona Vale Road, Pittwater Road through to the Spit, the Wakehurst Parkway (Narrabeen to Frenchs Forest) is a vital transport corridor. With the new Frenchs Forest Hospital and a new town centre on the way, the Parkway becomes even more significant for residents on the Coast. 20,000 cars travel the Parkway each day.

The Parkway is home to significant tree life. Along the roadside, there is a significant number of trees which pose risk to community safety - leaning trees, overgrown branches which, in high winds or other conditions, can break fall and cause harm, including impeding the road way.

The Roads and Maritime Services is responsible for maintaining the safety of the Wakehurst Parkway. However, the effectiveness of this program is not clear. See, for example, the recent article in the November Pittwater Life edition which can be accessed on page 12 of the below link <https://www.yumpu.com/en/document/read/62894765/pittwater-life-november-2019-issue>.

<b>ITEM 14.4</b>	<b>NOTICE OF MOTION NO 46/2019 - WARRIEWOOD DEVELOPMENT CONTROL PLAN BREACHES</b>
<b>TRIM FILE REF</b>	<b>2019/652644</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon

*(Originally submitted to the 26 November 2019 Council meeting)*

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## MOTION

That Council:

1. Opposes the continued use of the Exempt and Complying Development Codes 2008 SEPP (Codes SEPP) within the Northern Beaches LGA. Council remains concerned about the impacts that buildings approved under the Codes SEPP have on local character, streetscapes and residential amenity. The state wide (generic) planning provisions undermine local site and locality based development controls.
2. Writes to The Minister for Planning and Public Spaces and Member for Pittwater, the Hon. Rob Stokes, The Hon. Brad Hazzard MP, The Hon. Jonathan O'Dea MP, James Griffin MP informing them of Council's opposition and concerns relating to the operation of the Codes SEPP.

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## BACKGROUND FROM COUNCILLOR RORY AMON

Development Control Plans (DCP) are in place to provide detailed planning and design guidelines to support the planning controls in the Local Environmental Plan developed by a council. A major purpose of a DCP is to ensure development occurs consistent with the character of a local area. For example, a DCP can require that the roof and building colours of new developments can only be a certain kind.

Unfortunately, where an application is made pursuant to the Exempt and Complying Development Codes 2008 SEPP (SEPP), the provisions of the relevant DCP can be overridden. This defeats the purpose of a DCP and the orderly planning it is meant to facilitate. It is important to note that the DCP is a product of community consultation and a decision of a democratically elected Council. That community consultation process and the decisions of the elected Council can be disregarded where developments made pursuant to the SEPP conflict with the requirements of the DCP.

The SEPP can be valuable in allowing non-controversial development to occur quicker and more cheaply, but this should not occur at the expense of a DCP's requirements.

The issue of a DCP conflicting with the SEPP is particularly relevant to the Warriewood Valley. It is no doubt applicable elsewhere around the Northern Beaches. The latest example in Warriewood is a new build, which was approved as a development pursuant to the SEPP, on Garden Street between Orchard and Macpherson. The relevant Warriewood Valley DCP mandates certain colours for buildings and rooves to maintain the local character and streetscape. This new development in Warriewood is essentially a white box, which is in breach of the DCP but compliant with the SEPP. This is not the first such example and will not be the last. The SEPP needs to be amended so that applications pursuant to the SEPP are not inconsistent with the relevant DCP.

### ITEM 14.5

**NOTICE OF MOTION NO 47/2019 - BIKE SHARE OPERATIONS**  
**EXPRESSION OF INTEREST**

TRIM FILE REF

**2019/666050**

## ATTACHMENTS

**NIL**

Submitted by: Councillor Stuart Sprott; David Walton; Rory Amon

*(Originally submitted to the 26 November 2019 Council meeting)*

## MOTION

That Council:

1. Immediately suspend the expression of interest for Bike Share Operations and resubmit it with the inclusion of a "docking station only" option.
2. Prepare a briefing on the advantages and disadvantages of GPS positioning systems verses docking station for bike share systems and to be presented to Council before a decision is made to proceed with the expression of interest process.

### BACKGROUND FROM COUNCILLOR SPROTT

Recently an Expression of Interest (EOI) was issued out to the public, and this EOI allows for the introduction of electric scooters and bikes with satellite positioning system to be introduced into the community. This type of system allows for the user to drop the bike at any one spot to be collected within a time frame by the participating company. This system allows for a bike to be dropped off in the middle of the Manly Corso for example for a period of 24 hours causing nothing but a hazard to shoppers and pedestrians. These types of systems have recently caused problems in Melbourne and Brisbane and are a major problem for councils in Europe. Dedicated docking stations are now being retro fitted in high tourist areas in Europe to combat this growing problem. Docking stations organise the bikes away from a busy area so as not to cause pedestrian hazards. This will reduce the visual pollution of bikes and the real time pollution of bikes being dumped in our creeks, rivers oceans and bush land. This EOI is for a period of 5 years, this is a system we need to get right now before we go out to tender.

Below is a photo taken Thursday 14th November 2019, at circular key at the entrance of wharf 2, and photo 2 is of the docking stations that are now being used in Europe due the dangers and pollution caused by these bike share systems.



Photo 1



Photo 2



<b>ITEM 14.6</b>	<b>NOTICE OF MOTION NO 48/2019 - RECOGNITION FOR NETBALL AND COMMUNITY CONTRIBUTION</b>
<b>TRIM FILE REF</b>	<b>2019/663284</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Stuart Sprott; Vincent De Luca OAM  
(Originally submitted to the 26 November 2019 Council meeting)

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## MOTION

That in recognition of the long service and outstanding work for the people of Frenchs Forest in the area of netball, Council writes to the Geographical Names Board of NSW and associated State Government departments requesting the newly refurbished netball courts at Melwood Oval be named the Margaret Cliff Netball Courts.

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## BACKGROUND FROM COUNCILLOR STUART SPROTT; VINCENT DE LUCA OAM

Margaret Cliff is a Life Member and a stalwart of Forest Netball Club, where she has served for 49 years and is also a current committee member of the Forestville RSL Memorial Playing Fields Committee (formerly a section 534A Local Government Act committee). She has held a position on this Committee in excess of 23 years.

Margaret has also been a valued Executive Member of Manly Warringah Netball Association for in excess of 25 years, retiring this year, but is still an "Active Lwive Member," on various sub-committees and looking after the Association's history.

With the recent completion of the new courts at Forestville, the Club's Committee thought it would be a worthy gesture to acknowledge her for her contribution to both Forest Netball Club and the community.

As the "memorial bench" is now out of the question, this motion seeks support to name the netball complex, which is within the boundaries of the Memorial Playing Fields, in her honour, with something along the lines of "The Margaret Cliff Netball Courts".

## CHIEF EXECUTIVE OFFICER REPORT

*In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:*

A plaque will cost approximately \$1,500. This can be funded from the Parks Budget, subject to meeting the requirements of the "Naming our Reserves, Roads and Facilities Policy".

<b>ITEM 14.7</b>	<b>NOTICE OF MOTION NO 49/2019 - VOLLEYFEST FUNDING</b>
<b>TRIM FILE REF</b>	<b>2019/663317</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon; Pat Daley OAM

*(Originally submitted to the 26 November 2019 Council meeting)*

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## MOTION

That Council:

1. Calls on Destination NSW to renew a level of funding for the 2020 VolleyFest tournament.
2. Calls on the Federal Government to provide funding to support the continuation of VolleyFest.
3. Write to Destination NSW, the Member for Manly, and the Member for Warringah regarding this issue.

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## BACKGROUND FROM COUNCILLOR RORY AMON

VolleyFest is an annual volleyball festival held in Manly attracting the best Australian talent, serving as a nursery for past, present and future Olympians. It is an event of local, national and international importance.

Destination NSW has supported VolleyFest since 2016 as part of a four-year additional funding commitment made by the NSW Government to the agency in 2015, which has now expired.

Destination NSW has contracted many other events to drive tourism in NSW over the 2019-20 financial year, and unfortunately the investment requested for Volleyfest cannot be accommodated in this year's events budget.

Volleyball is an Olympic sport, and whilst the State Government, side by side with Council in most cases, supports and funds the entire events calendar at Manly - it would be great to see some Federal/Commonwealth funding to help support events that people want.

Destination NSW recently announced that it will not provide funding of \$400,000 funding cut to the event in 2020, as the funding commitment has expired. This event is important, not only to our volleyball community but our local economy. Hosting major events requires a partnership between Federal, State and Local governments. Council has been a dutiful partner, contributing \$230,000 support, by way of in-kind support and grants, and the State Government has provided vital support over the past four years. To date, no Federal Government funding has been provided to support VolleyFest.

In 2019, VolleyFest attracted 60,000 spectators, 1,200 event participants, \$1.66million in gross value added, arising from the creation of 23 full time jobs, overnight stayers, and a \$29 average spend locally per day.

Losing VolleyFest would be a great shame and it should be saved.

<b>ITEM 14.8</b>	<b>NOTICE OF MOTION NO 50/2019 - CHILD SAFEGUARDING</b>
<b>TRIM FILE REF</b>	<b>2019/651281</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Sarah Grattan

*(Originally submitted to the 26 November 2019 Council meeting)*

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## MOTION

That Council prioritise the development of a policy position in respect of Child Safeguarding and report back to Council in March 2020 with a progress report.

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## BACKGROUND FROM COUNCILLOR SARAH GRATTAN

1. Children are not only our future, but importantly they are citizens today with unique experiences and perspectives which are often overlooked. As a Council we need to ensure we create places where children have a voice and are involved with opportunities for decision making to allow creativity and safety for generations to come. We can then embed children's participation in Council decision making processes that impact them, including community engagement and consultation processes.
2. Child Safeguarding is defined as the duty of care and responsibility of private and public organisations to adopt preventative and responsive systems, policies and practices to safeguard from harm and abuse all the children they come into direct and indirect contact with in their day-to-day operations and work.
3. Ten Child Safe Principles were developed by the National Children's Commissioner (upon request of the Australian Government, following recommendation from the Royal Commission) and as of February 2019, the National Principles have been endorsed by members of the Council of Australian Governments, including the Prime Minister and state and territory First Ministers. Council need to develop a commitment to including children which reflect the National Principles For Child Safe Organisations:

### National Principles for Child Safe Organisations

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
  9. Implementation of the national child safe principles is regularly reviewed and improved.
  10. Policies and procedures document how the organisation is safe for children and young people.
4. With many of these principles already being acted upon within Council, we are well placed to develop an overarching framework that would enable NB Council to be recognised as a leader in child-safeguarding space.
- a. The NB Council have specific organisational policies and procedures in place for identified areas of the business (Children's Services, Community Centre hirers, Pools etc) where council offers a direct service or use of a space. The development of a Child Safeguarding Policy, which considers the ten Child Safe Standards resulting from the Royal Commission, would provide a holistic approach that builds on our current good practice in these areas of Council operations.
  - b. Well thought out physical spaces and environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. We need to expand into the design of places and spaces to facilitate Child safeguarding within a framework – an example is new parks and reserves where toilet facilities for children are linked to playgrounds, lighting and safety, sustainability messaging. Cross-departmental coordination is integral to building a child-friendly city.
  - c. A child friendly approach is informed by evidence and by community participation, in particular children and young people having a voice in decisions that affect their lives. Council already have a youth council and an active youth engagement team.
5. Inclusive participation is a fundamental right of all children and lies at the heart of building a child-friendly city. The active engagement of children, particularly including those that are marginalised and vulnerable, is essential if the policies, services and facilities that they use or that affect them are to reflect and address their concerns, ideas and priorities. A Child Safeguarding Framework could encompass inclusion as part of a child-safe community. Council are already well on the way of providing inclusive places for children through its playground developments but more could be done.

## CHIEF EXECUTIVE OFFICER REPORT

*In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:*

This motion if adopted can be implemented with existing funds.

<b>ITEM 14.9</b>	<b>NOTICE OF MOTION NO 51/2019 - SAFETY REVIEW OF JUMP ROCK</b>
<b>TRIM FILE REF</b>	<b>2019/665786</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Candy Bingham

*(Originally submitted to the 26 November 2019 Council meeting)*

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## MOTION

That Council undertake a complete safety review of Jump Rock and related jump sites at Collins Beach.

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## BACKGROUND FROM COUNCILLOR CANDY BINGHAM

It is estimated that every summer thousands of teenagers (and many adults) descend on the area known as Jump Rock at Collins beach in Manly to jump from the rock platform. This activity has been going on for decades.

The jump is promoted extensively on the web and Facebook, including in a list of “The 5 Best Jumping Spots in Australia”.

You can view people jumping here: <https://youtu.be/sdoGNx0Rgeg>

Due to the danger of this activity and a number of injuries, in 2007 Manly Council tried to discourage jumpers by building a number of fences to block pedestrian access to the rock overhanging and a number of platforms.

However, this has been unsuccessful and in fact has made the activity more dangerous. People still jump by climbing around the fence and jumping from the narrow ledge that provides no run-up. Even worse, they climb on the top of the fence – a slippery metal rail – that is used as a high-risk eight metre jumping tower by people who find the natural five metre drop too tame.

A different set of problems applies to a lower three metre drop rock overhang, a few metres below and to the side of Jump Rock. This area is completely fenced off, meaning that people no longer have the option of a low jump.

There are also reports of people being injured jumping from an alternative rock hanging about 25 metres closer to the beach, where they land in shallow water that the original jump rock site.

In 2009 the Manly Council considered, but did not pursue, alternative to the current fencing arrangement, including removing the fence completely, making the fence harder to get around or harder to use as a high-dive tower. It also considered demolishing the rock platform entirely by decided that was inappropriate.

## CHIEF EXECUTIVE OFFICER REPORT

*In accordance with Council’s Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:*

Council will engage an external risk consultant to consider some options for jump rock. The likely cost is in the vicinity of \$20,000.

This can be funded from Parks Operational budget.

<b>ITEM 14.10</b>	<b>NOTICE OF MOTION NO 52/2019 - POWDERWORKS ROAD SPEED CAMERA REQUEST</b>
<b>TRIM FILE REF</b>	<b>2019/689240</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Rory Amon

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## **MOTION**

Council write to the Centre for Road Safety in support of the Council staff application for a camera assessment in the section of Powderworks Road, between Lesley Close and Cooleena Road.

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## **BACKGROUND FROM COUNCILLOR RORY AMON**

Powderworks Road, Elanora Heights is a known blackspot with frequent accidents.

Council has recently received a petition from residents for consideration to be given to installing a fixed speed camera in the section of Powderworks Road, between Lesley Close and Cooleena Road. Council has made an application through the online RMS portal regarding this matter. The application was based on the ongoing accident history at this location and meets the general criteria for fixed cameras. The location is not suitable for the use of mobile enforcement camera vehicles. This will compliment the safety upgrade works that are currently in final design for this section of Powderworks Road.



<b>ITEM 14.11</b>	<b>NOTICE OF MOTION NO 53/2019 - AUSTRALIA DAY CITIZENSHIP CEREMONIES</b>
<b>TRIM FILE REF</b>	<b>2019/704022</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Kylie Ferguson

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## **MOTION**

That Council holds future Citizenship Ceremonies on Australia Day on a rotating basis at the following three locations:

1. Newport Beach.
2. Dee Why Beach.
3. Manly Beach.

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## **BACKGROUND FROM COUNCILLOR KYLIE FERGUSON**

Australia Day Citizenship Ceremonies have long been a tradition on the Northern Beaches and they play an important part of Australia Day celebrations.

Australian citizenship symbolises our unity as a nation and represents commitment to Australia and its people, the values we share and our common future. It also symbolises the sense of belonging to this country where people have decided to make it their home and nothing more brings relevance than having these ceremonies on the Beach on Australia Day.

Australia Day is special to many people and that is why 16,000 choose Australia Day to become an Australian Citizen.

The three former Councils all held Citizenships at various locations. The former Pittwater Council held their Citizenship Ceremony at Newport Beach which was well supported from the Community. Since the amalgamation, Ceremonies have been held at the Glen Street Theatre, far away from the beach and Australia Day Festivities.

<b>ITEM 14.12</b>	<b>NOTICE OF MOTION NO 54/2019 - MANLY WHARF</b>
<b>TRIM FILE REF</b>	<b>2019/704885</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Candy Bingham

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## **MOTION**

That Council write to Andrew Constance, the Minister for Transport & Roads (NSW), requesting a copy of the 99-year lease between Roads and Maritime Services (RMS) and TMG Developments for Manly Wharf.

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## **BACKGROUND FROM COUNCILLOR CANDY BINGHAM**

Manly Wharf is the gateway to the Northern Beaches with an estimated Five million people visiting Manly by ferry each year, and thousands of local residents using the ferry services to commute to the city for work.

After obtaining a lease for 99 years from the then Roads and Maritime Services (RMS), Merlins, under the direction of Tom Hayson, invested \$50m upgrading the facility with extensive retail offerings. It opened on December 1990 but the operation failed and a subsequent lease was granted to TMG Developments for 99 years, commencing 24/5/91.

This lease does not expire until 23/5/2090.

While the offering at the wharf has proven successful with an extensive expansion of the footprint and a variety of restaurants and retail outlets, concerns remain about the lack of maintenance of the Wharf complex, its general grubby appearance, lack of public space and the location of the public toilets.

Provision of a copy of the existing lease will enable Council to clarify who is responsible for what in relation to the ongoing maintenance and provision of services at Manly Wharf.

**ITEM 14.13**

**NOTICE OF MOTION NO 55/2019 - 5G ON THE NORTHERN BEACHES**

**TRIM FILE REF**

**2019/704977**

**ATTACHMENTS**

**NIL**

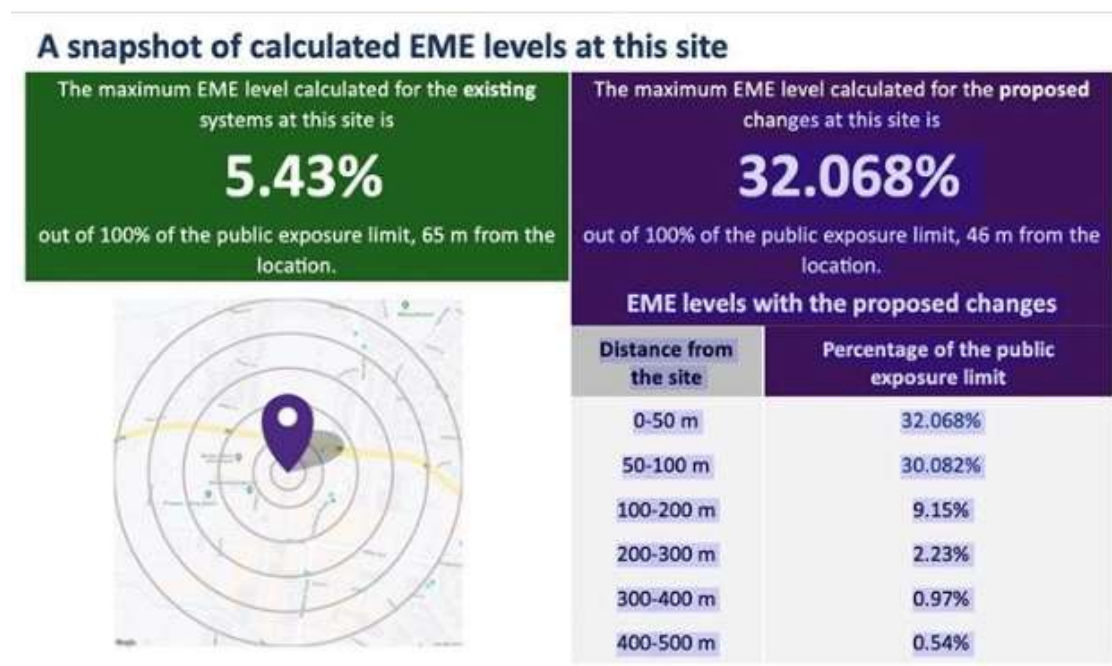
Submitted by: Councillor Vincent De Luca OAM

**MOTION**

That Council:

1. Notes the concern of some residents regarding (EME) from 5G proposed installations across the Northern Beaches, particularly at 92A Mona Vale Road, Warriewood where it is alleged the EME levels will go from 5.43% to 32.068%.
2. Noting that 5G Infrastructure falls under the Federal Government's jurisdiction, Council formally writes to local Federal MPs, Jason Falinski MP and Zali Steggall MP requesting they respond to community concern and ensure independent testing of 5G infrastructure on the Northern Beaches in the interests of public safety as a matter of urgency.

**BACKGROUND FROM COUNCILLOR VINCENT DE LUCA OAM**



**ITEM 14.14 NOTICE OF MOTION NO 56/2019 - THE DUNNY DOOR CAMPAIGN****TRIM FILE REF 2019/705230****ATTACHMENTS NIL**

Submitted by: Councillor Vincent De Luca OAM

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**MOTION**

That Council:

1. Note that one in five Australian women experience sexual assault, domestic or family violence.
2. Note 'The 'Dunny Door Campaign' aims to place a National 1800RESPECT sticker on the back of every public toilet door in Australia to help those who are victims of sexual assault, Domestic or family violence.
3. Requests the Chief Executive Officer to furnish a short report to the February 2020 Council meeting on the feasibility and cost of placing such stickers on all Council controlled public toilets on the Northern Beaches.

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**BACKGROUND FROM COUNCILLOR VINCENT DE LUCA OAM**

<b>ITEM 14.15</b>	<b>NOTICE OF MOTION NO 57/2019 - NETWORK OF RECYCLING CENTRES</b>
<b>TRIM FILE REF</b>	<b>2019/706122</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Natalie Warren

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## **MOTION**

That Council staff bring back a feasibility study to a council briefing within four months regarding how Council might go about setting up a network of distributed recycling centres throughout the Northern Beaches LGA, including details such as:

- Identifying possible locations for recycling centres.
- An initial business plan and operating model that allows for expansion in stages.
- Any potential grants available.
- Visiting and benchmarking successful business models in other LGAs.

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## **BACKGROUND FROM COUNCILLOR NATALIE WARREN**

Whilst many education and community programmes exist to encourage reuse, recycling and reducing consumption, the fact remains that many residents simply throw out bulky goods which may not be at the end of their useful life. Once these goods are in the back of the compacter, they generally cannot be recycled. They are taken to Kimbriki and mostly end up in landfill.

However bulky goods which are taken to Kimbriki by residents can be donated to the Buy Back Centre. Kimbriki management is currently looking at revitalising the Buy Back Centre, by moving it outside of the weigh bridge and creating a social enterprise precinct to encourage the growth of bulky and useful goods recycling, to reduce the landfill tonnage.

I believe we can do even better than this, potentially by setting up a network of distributed recycling centres in complement to Kimbriki. For example Canberra has two tip shops, called "Green Sheds". This small network provides employment, keeps waste out of landfill, reduces greenhouse gas emissions and turns a profit which is donated to charity - \$850k so far since opening and 73 jobs created with 62m kg saved from landfill.

Some of the programmes and services offered by this and other networks of recycling centres are:

- Pick up of goods as well as drop off.
- Employ electricians to check and repair electronic goods.
- Have technicians who clean and prepare computers for resale.
- "Mend sheds" for minor repairs on a DIY basis.
- "Mens sheds" which offer residents a chance to work on projects together and have been shown to hugely improve mental health in older men who participate.
- Retail shops for vintage and high end items.
- Junkyard cafes for lower end / more industrial items with a food and drink facility.

This motion calls to a feasibility study to see if a network of “Green Beach Sheds” could be set up on the Northern Beaches, following the business models used in Canberra’s Green Sheds. Potential locations should be investigated which would shorten the trip for residents both in the north and south of the peninsula, since the current Buy Back Centre is 20km from both Manly and Palm Beach.

Additional services should be investigated as described above as well as a business case, potential operating model and any grants which may be available from State or Federal Government. For example the EPA/NSW Environmental Trust Resource Waste and Recycling Infrastructure Fund. Assistance could also be sought from other successful operators e.g. The Community Resource Network (CRN) and Resource Recovery Australia (RRA).



**ITEM 14.16****NOTICE OF MOTION NO 58/2019 - HONOURING STATE  
EMERGENCY SERVICE AND RURAL FIRE SERVICE****TRIM FILE REF****2019/716790****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

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**MOTION**

That Council:

1. Acknowledge the outstanding service, particularly recently during the unprecedented bushfires and storms, of Northern Beaches State Emergency Service (SES) and Rural Fire Service (RFS) officers.
  2. In honour and in appreciation of Northern Beaches' SES and RFS Officers' outstanding service Council's Chief Executive Officer be requested to investigate and report to the first 2020 Council meeting the feasibility of Council granting free access to them and their families, upon proof of membership of a Northern Beaches SES or RFS a year's access to all Council run pools as well as one free parking sticker for the member, for one year, upon proof of membership of a Northern Beaches SES or RFS.
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## 15.0 QUESTIONS WITH NOTICE

<b>ITEM 15.1</b>	<b>QUESTIONS WITH NOTICE NO 23/2019 - COLLECTION OF BINS</b>
<b>TRIM FILE REF</b>	<b>2019/712963</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

### QUESTION

1. Since the revelation at the Council meeting of 27 August 2019 that there had been 6,747 of the old bins not having been removed, how many further complaints have been received since that last report?
2. How many complaints/reports of non-collection of bins have been received by Council since the report of the 9,466 missed collections since that last report?

**ITEM 15.2****QUESTION WITH NOTICE NO 24/2019 - STAFFING  
EXPENDITURE SINCE AMALGAMATION****TRIM FILE REF****2019/713047****ATTACHMENTS****NIL**

Submitted by: Councillor Vincent De Luca OAM

**QUESTION**

Since the amalgamation:

1. How many staff have been made redundant?
2. What is the total expenditure on redundancies to date?
3. How many new staff positions have been created since amalgamation?
4. What is the total amount of expenditure (including employee on costs) of these new positions to date?

<b>ITEM 15.3</b>	<b>QUESTION WITH NOTICE NO 25/2019 - URM CONTRACT</b>
<b>TRIM FILE REF</b>	<b>2019/713315</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

**QUESTION**

1. Does the contract have Key Performance Indicators and Service expectation provisions and if so, what are these?
2. On what grounds, and in accordance with what provisions of the Contract, can the Contract be terminated?
3. Has Council made any formal complaints to URM as to its performance to date, if so, on what dates and in what regard?

**16.0 RESPONSES TO QUESTIONS WITH NOTICE****ITEM 16.1****RESPONSE TO QUESTION TAKEN ON NOTICE NO 09/2019 -  
ITEM 19.2 RFT 2019/155 - WEBSITE HOSTING AND SUPPORT****TRIM FILE REF****2019/694543****ATTACHMENTS****NIL**

Taken on notice at the Council meeting on 26 November from: Councillor Rory Amon

**QUESTION**

Has Council undertaken personal director searches for the directors of Previous Next Pty Ltd?

**RESPONSE**

Council has not undertaken personal director searches for the directors of Previous Next Pty Ltd, as it is not normal practice under Council's procurement process.

**ITEM 16.2**                      **RESPONSE TO QUESTION TAKEN ON NOTICE NO 10/2019 -  
ITEM 19.4 RFT 195/2019 - INTRANET IN A BOX USING  
MICROSOFT SHAREPOINT ONLINE MODERN SITES**

**TRIM FILE REF**                      **2019/694560**

**ATTACHMENTS**                      **NIL**

Taken on notice at the Council meeting on 26 November 2019 from: Councillor Rory Amon

**QUESTION**

What is the company name of WebVine?

**RESPONSE**

The full company name is WebVine Consulting Pty Ltd.



## 17.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### RECOMMENDATION

That:

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

- A. Item 17.1 RFT 2019/113 - Public Art Artist Panel on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- B. Item 17.2 RFT 2019/060 - Landscape Works for a New Pathway, Retaining Walls and Stormwater Drainage at Pittwater State Park, Currawong Beach. on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

- C. Item 17.3 RFT 2019/280 - Major Building and Restoration Works at Pittwater State Park, Currawong Beach NSW on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

- D. Item 17.4 RFT 2019/118 - Architectural Services - Warriewood Valley Community Centre on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- E. Item 17.5 RFT 2019/088 - Northern Beaches Council Consultancy Services Panel on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning preferred consultancy services. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information could advise suppliers of successful tenderers before adoption by Council.

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- F. Item 17.6 RFT 2019/266 - Sportsfield and Car Park Works - 3 Boondah Road, Warriewood on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning total cost of the project along with the preferred supplier. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information could cause miss information in the public domain.

- G. Item 17.7 RFT 2019/279 - Clontarf Reserve Seawall and Bleachers Works on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- H. Item 17.8 RFT 2019/274 - LM Graham Reserve Sports Amenities on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- I. Item 17.9 RFT 2019/184 - Little Manly Tidal Pool Renewal on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

- J. Item 17.10 RFT 2019/281 - Forty Baskets Tidal Pool Renewal on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

- K. Item 17.11 Land Purchase - 265 Whale Beach Road, Whale Beach on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses land valuation and purchasing, and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would confer a commercial advantage on the other party of this potential transaction.

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- L. Item 17.12 Mayoral Minute No 23/2019 - Annual Performance Review of the Chief Executive Officer October 2018 - September 2019 on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].

This report discusses/provides advice concerning The Chief Executive Officer's Performance Review.

2. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.
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## **18.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION**

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

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northern  
beaches  
council

