



northern
beaches
council

AGENDA

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

Tuesday 27 March 2018

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

A handwritten signature in black ink that reads "DKerr".

David Kerr
Acting Chief Executive Officer

OUR VALUES

Trust

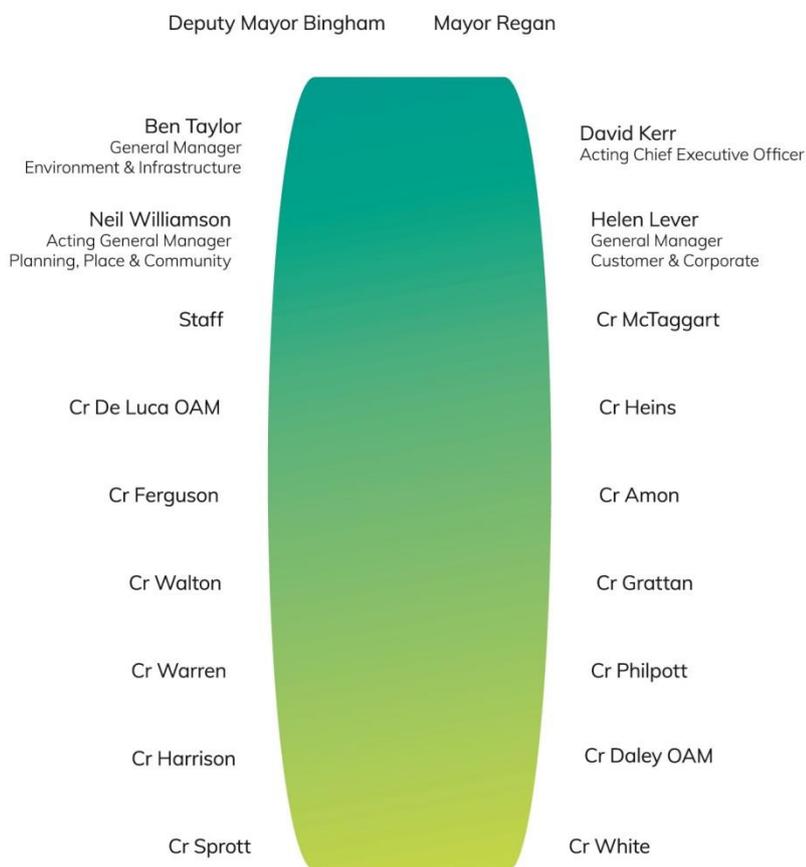
Teamwork

Respect

Integrity

Service

Leadership



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 27 March 2018
at the Civic Centre, Dee Why
Commencing at 6:30pm**

ACKNOWLEDGEMENT OF COUNTRY

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2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

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1.0 APOLOGIES

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

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

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

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 FEBRUARY 2018

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 27 February 2018, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

3.2 MINUTES OF RECONVENED ORDINARY COUNCIL MEETING HELD 6 MARCH 2018

RECOMMENDATION

That the Minutes of the Reconvened Ordinary Council Meeting held 6 March 2018, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 PUBLIC FORUM

In accordance with Part 2.8 of the Code of Meeting Practice, residents, ratepayers, applicants or other persons may request to address Council in relation to any one matter related to the general business of Council but not the subject of a report on the agenda.

5.0 ITEMS RESOLVED BY EXCEPTION

In accordance with Part 2.11 of the Code of Meeting Practice, items that are dealt with by exception are items where the recommendations contained in the staff reports in the agenda are adopted without discussion.

7.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 7.1 SUBMISSIONS ON THE 2016/17 ANNUAL FINANCIAL STATEMENTS

REPORTING MANAGER CHIEF FINANCIAL OFFICER

TRIM FILE REF 2018/156779

ATTACHMENTS NIL

EXECUTIVE SUMMARY

PURPOSE

To report to Council on submissions received on Council's audited financial reports for the period ended 30 June 2017.

SUMMARY

Section 420 of the Local Government Act 1993 ("the Act") enables any person to make submissions in respect of the Council's audited financial reports or the Auditor's Report. Four responses were provided through the online link provided of which two were submissions on the 2017 Annual Financial Statements. Copies of the four responses were provided to the Auditors.

As noted in the Independent Auditor's Report in the auditor's opinion the Council's accounting records have been kept in accordance with the requirements of the Local Government Act 1993, Chapter 13, Part 3, Division 2 (the Division), the financial statements have been presented in all material respects in accordance with the requirements of this Division, are consistent with the Council's accounting records, present fairly in all material respects the financial position of the Council as at 30 June 2017, and of its financial performance and its cash flows for the period 13 May 2016 to 30 June 2017 in accordance with Australian Accounting Standards, all information relevant to the conduct of the audit has been obtained and no material deficiencies in the accounting records or financial statements have come to light during the audit.

The submissions commented on the following:

- The nature and purpose of the auditor's reports such as the fulfilling of Local Government reporting requirements, key performance indicators and asset management
- Reporting requirements for newly amalgamated councils, the need to provide expenditure by function, a request to provide comparable ratios with the former Councils and reporting of amalgamation costs and benefits
- The timing and methodology of revaluations and depreciation, the write off of the intangible asset related to Kimbriki Environmental Enterprises, the provision for tip remediation and the restriction of cash and reserve balances
- Depreciation and its impact on profitability within the Special Purpose Financial Statements for Aquatic Centres and Parking Stations.

Based on suggestions made in the submissions, Council will review opportunities to further improve the presentation of the 2017/18 Annual Financial Statements.

RECOMMENDATION OF ACTING CHIEF EXECUTIVE OFFICER

That Council note the four submissions received on the 2016/17 Annual Financial Statements.

REPORT

BACKGROUND

The Local Government Act 1993 (“the Act”) relating to the preparation of Council’s annual financial reports requires under Section 420 that any person may make submissions in respect of the Council’s audited financial reports or the Auditor’s Report. Such submissions must be in writing and lodged with Council within 7 days after the public meeting at which these reports are presented.

Copies of all submissions received must be referred to the Council’s Auditor. The Council must take such action as it considers appropriate with respect to any submissions received, including giving notice to the Director General of the Division of Local Government of any matter that appears to require amendment of the Council’s Financial Statements.

Four responses were provided through the online link provided of which two were submissions on the 2017 Annual Financial Statements. Copies of the four responses were provided to the Auditors. The requests were:

Submission on the Annual Financial Statements	Response to Submission
<p>A couple of comments:</p> <ol style="list-style-type: none"> 1. The auditor makes the statement that the audit does not make comment on the effectiveness, efficiency or economically prudent operation of Council. 2. The KPI's need to be reviewed, particularly in relation to asset performance. For example as a matter of policy all assets are held by Council to meet the stated outcomes and program objectives of Council's Plan of Management. Each asset needs an assessment as to the "cost recovery" (actual) and cost recovery (required) to meet its objective. 	<p>This is not the purpose of the Audit Report.</p> <p>Cost recovery for each asset where it is appropriate is undertaken when applying Council’s Pricing Policy. This takes into account a range of factors such as the cost to council of providing the service, the price suggested for that service by any relevant industry body or in a schedule of charges published, from time to time by the Office of Local Government, the importance of the service to the community including the need to consider potential community service obligation and any factors specified in the regulations.</p>

<p>3. Targets/KPI's need to be developed that are designed to improve performance and service delivery as well as financial performance. For example the Aquatic Centres need to have KPI's that relate to financial performance as well as meeting a range of program objectives that may include a subsidy rather than 100% cost recovery. It may also require Council to look at policies that differentiate between resident/ratepayer fees and charges and non-resident/ratepayer fees and charges with different KPI's for each. Benchmarking is also part of financial performance as is capturing all costs involved in delivering/providing the service so that the "actual" cost is reported (marketing, HR, financial services and IT are often not allocated to libraries and aquatic centres for example). In the case of libraries the evaluation of the service and who is using and who is not is critical as all ratepayers are paying for the service.</p>	<p>Council is in the process of developing a Service structure including the allocation of corporate costs such as HR, financial services and IT to enable the reporting of the full cost of Services and provide the foundation for KPI's to be developed.</p>
<p>4. Fit for purpose is not an accounting standard but is integral to good management if assets and services are being provided that are not fit-for-purpose the cost and the outcomes will not be optimal.</p>	<p>Agreed.</p>
<p>5. There is no mention in the financial reporting from Council on a range of these matters as the accounts as the Auditor points out are to fulfill a Local Government reporting requirement. There needs to be a financial report to Council that looks at the income and expenditure as it relates to the delivery of outcomes agreed to by Council and the extent to which the services and assets are effective, efficient and economic. This is the key statement in the Auditor's report. These Financial reports don't do that.</p>	<p>This not the purpose of the Annual Financial Statements and forms a part of Quarterly Reporting under the Office of Local Government's Integrated Planning and Reporting Requirements.</p>
<p>6. Assets owned by Council that are "commercial" rather than those on community or Crown Land might better be managed by an "arms length" Business Unit of Council to ensure that "commercial-in-confidence" and optimal asset management with experienced commercial asset managers results when looking at disposals and acquisitions, maintenance, leasing and outsourcing. There is much more that I could add but this is enough to alert you to the limited value of the 2016/17 Financial Statements as a tool with KPI's and information that goes to the essence of the efficient, effective and economic management of the Council.</p>	<p>Where appropriate Council's assets are managed on an arms length basis.</p>

Submission on the Annual Financial Statements	Response to Submission
<p>Comments</p> <p>First I recognise the effort and difficulty in pulling together three different accounting systems into one set of accounts. I also recognise the Office of Local Government has reduced the reporting requirements on prior year and budget comparisons for newly amalgamated councils but there is no restriction on the Council informing the community above the minimum requirements. Budget Comparisons It is my view that some comparisons with budget could easily be made as the current set of accounts are difficult to really judge performance.</p> <p>The community has now gone 22 months with no explanation of expenditure by function and this is clearly unacceptable especially in the light of the Auditors General performance report on “Council Reporting on service delivery”. The Administrator approved a budget for the period from the 12 May 2016 to 30 June 2017. There is no reason why these figures were not presented in the consolidated income and expenditure, balance sheet and cash flow and there must be some date for possibly the simple reporting on note2(a).</p> <p>Likewise, in the presentation of the comparable ratios I see no reason why the ratios for the three previous councils could not be shown on the tables. This would demonstrate how the amalgamated council was performing relative to the old councils in previous years.</p> <p>The most important data missing is a report on the amalgamation cost and benefits that are incorporated into these results. The amalgamation was justified on these benefits and failure to report in detail in this annual report is a significant issue. It would appear that only \$6.9 million of the \$10.2 million council implementation fund was spent so that \$3.3 million flowed to profit. It is normal commercial practice in an acquisition or merger that there is a comparison with the proposal approved.</p>	<p>The Office of Local Government has recognised the additional complexities associated with the requirement to combine and extract data from three separate financial systems. In addition other factors including differences in the nature of revenue and expenditure further add to the time and complexity of providing meaningful budget comparatives.</p> <p>Council is in the process of developing a Service structure to enable the reporting of the full cost of Services. We note that in the Audit of New South Wales Performance Audit Report on Council Reporting on Service Delivery they have recommended to ensure greater transparency on service effectiveness and efficiency, the Office of Local Government (OLG) should work with councils to develop guidance principles to improve reporting on service delivery to local communities. This audit identified an interest amongst councils in improving their reporting and broad agreement with the good practice principles developed as part of the audit.</p> <p>Northern Beaches Council is a separate entity to the former Councils and the complexities noted above would significantly limit the comparability and meaningfulness of any such comparison.</p> <p>As noted in the independent audit report the auditors have advised that the Annual Financial Statements are free from material misstatement and have been appropriately prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the Local Government Act (1993) and Regulation, and the Local Government Code of Accounting Practice and Financial Reporting.</p>

Some specific issues that require a comment.
Revaluation There was a write up of assets called a desktop revaluation of \$138 million. The basis for this revaluation which is about 3% of asset values is not clear and it is not clear if the write up was audited. The write up while disclosed was not accounted for in these accounts and appear to disappear between the closing balances of the last council accounts and the opening fair values for the new council. An alternative treatment would have had that increase accounted for and moved to a revaluation reserve in these accounts. That treatment would have the benefit of any devaluations in the future when a full revaluation is done would come out of this reserve and not impact on the income statement.

Depreciation: The statement refers to a reduction of 10 % in the depreciation due to what is now called a comprehensive revaluation (not desktop) which included a reassessment of useful lives. There is no detail of what these changes were in the notes to the accounts and more detail should have been provided. Without this change the profit before grants and contributions provided for capital purposes would have been halved.
Profitability: This depreciation reduction in combination with the income from implementation grants appear to make up all the profit so that the council is really operating at breakeven and not generating any surplus funds to spend on new capital works or activities not covered by grants. This is not the message that the council reports are giving and quite different from the \$10 million profit the combination of the three independent councils were planning on achieving.

Kimbriki Write-down It was a surprise to see a write down of \$5.2 million in the intangible asset associated with the alternative waste treatment system. This loss was not disclosed to the community in the paper that recommended the new waste processing contract was presented to council Provision for reinstatement of tip This provision has now reached \$ 18 million and in only a small part of the total cost estimated to be required in many years to come. Should not some cash be restricted so that at the end the cash is available to do the remediation?
Unrestricted Cash The unrestricted balance of \$73 mill has been created by the writing back of reserves created by previous councils about \$10 mill, writing back of unexpended loans \$32 million and \$13 million held by Kimbriki which may not be available to the council. An explanation of the reasons for all these write backs would enable a judgment on the real availability of cash.

As noted in the independent audit report the auditors have advised that the Annual Financial Statements are free from material misstatement and have been appropriately prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the Local Government Act (1993) and Regulation, and the Local Government Code of Accounting Practice and Financial Reporting.

As noted in the independent audit report the auditors have advised that the Annual Financial Statements are free from material misstatement and have been appropriately prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the Local Government Act (1993) and Regulation, and the Local Government Code of Accounting Practice and Financial Reporting.

Reserves were expended not written back, in the case of unexpended loans Reserve of \$32 million this was repaid. In the case of Kimbriki Environmental Enterprises Pty Ltd this is a subsidiary of Council and as such all elements of it financial reporting are appropriately included in the Annual Financial Statements.

Special Purpose Financial Statements Looking at the profitability of Aquatic Centres and Parking Stations in these accounts it is noted that little or no depreciation has been charged on asset values of \$60 million. Could the reason for this be explained as a depreciation charge would make the loss on aquatic centres even larger?

Depreciation for the Aquatic Centres and Parking Stations was principally accounted for within Property in the current financial year. With the development of a new Service structure these costs will be fully included in future financial years. The exclusion of all depreciation has not materially impacted on the the Special Purpose Financial Statements.

CONSULTATION

As required by Section 418 of the Act, Council gave seven (7) days public notice for the meeting at which it presents Councils' Audited Financial Statements and Auditors' Reports. The public notice appeared in the Manly Daily on Saturday, 22 December 2017 and submissions on the auditor's report or the audited Financial Statements closed on 6 March 2018. Copies of all submissions received have been referred to Councils' Auditors.

TIMING

This report is being presented to the first Council meeting following the closing of the exhibition period and submissions on 6 March 2018.

FINANCIAL CONSIDERATIONS

The preparation, compilation and report on the submissions received have been provided for in Council's annual budget.

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

GOVERNANCE AND RISK CONSIDERATIONS

Nil

ITEM 7.2	MONTHLY INVESTMENT REPORT - FEBRUARY 2018
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2018/160503
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

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

SUMMARY

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

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

The Investment Report shows that Council has total cash and investments of \$246,219,499 comprising:

- Trading Accounts \$9,934,050
- Investments \$236,285,449

Performance over the period from 1 July 2017 to date was strong having exceeded the benchmark: 2.70%pa vs. 1.76%pa.

Certification – Responsible Accounting Officer

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

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2017 to date was \$3,652,688 compared to budgeted income of \$3,011,400, a positive variance of \$641,288.

POLICY CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

GOVERNANCE AND RISK CONSIDERATIONS

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

RECOMMENDATION OF ACTING CHIEF EXECUTIVE OFFICER

That Council receives and notes the Investment Report as at 28 February 2018, including the certification by the Responsible Accounting Officer.

REPORT

INVESTMENT BALANCES

INVESTMENT BALANCES				
As at 28-Feb-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	6,817,355		1.30%
Commonwealth Bank of Australia Ltd	A1+	420,699		1.30%
Commonwealth Bank of Australia Ltd	A1+	93,729		1.55%
National Australia Bank Ltd	A1+	<u>1,251,610</u>		1.50%
		8,583,393		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	4,764,628	At Call	1.85%
Commonwealth Bank of Australia Ltd	A1+	465,670	At Call	1.85%
National Australia Bank Ltd	A1+	<u>1,200,000</u>	At Call	2.00%
		6,430,298		
Mortgage Backed Securities				
Weighted Avg Life *				
Emerald Series 2006-1 Class A	AAA	<u>876,712</u>	21-Aug-51	2.215%
		876,712		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	02-Mar-18	2.65%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	06-Mar-18	2.73%
National Australia Bank Ltd	A1+	2,000,000	08-Mar-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	13-Mar-18	2.72%
Suncorp Bank	A1	2,000,000	13-Mar-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	16-Mar-18	2.71%
Bank of Queensland Ltd	A2	3,000,000	20-Mar-18	2.60%
National Australia Bank Ltd	A1+	2,000,000	22-Mar-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	27-Mar-18	2.68%
National Australia Bank Ltd	A1+	2,000,000	27-Mar-18	2.55%
Beyond Bank Australia Ltd	A2	1,000,000	29-Mar-18	2.75%
National Australia Bank Ltd	A1+	2,000,000	29-Mar-18	2.54%
Bank of Queensland Ltd	A2	2,000,000	03-Apr-18	2.60%
National Australia Bank Ltd	A1+	2,000,000	05-Apr-18	2.55%
National Australia Bank Ltd	A1+	2,000,000	10-Apr-18	2.56%
Bank of Queensland Ltd	A2	2,000,000	12-Apr-18	2.60%
Bank of Queensland Ltd	A2	1,000,000	17-Apr-18	2.65%
National Australia Bank Ltd	A1+	1,000,000	17-Apr-18	2.57%
National Australia Bank Ltd	A1+	2,000,000	19-Apr-18	2.55%
Bank of Queensland Ltd	A2	1,000,000	19-Apr-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	23-Apr-18	2.65%
National Australia Bank Ltd	A1+	2,000,000	26-Apr-18	2.55%
Bank of Queensland Ltd	A2	3,000,000	26-Apr-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	01-May-18	2.65%
National Australia Bank Ltd	A1+	2,000,000	03-May-18	2.55%
Members Equity Bank Ltd	A2	2,000,000	08-May-18	2.65%
Bank of Queensland Ltd	A2	2,000,000	10-May-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	15-May-18	2.75%
Defence Bank Ltd	A2	2,000,000	15-May-18	2.80%
Members Equity Bank Ltd	A2	1,000,000	15-May-18	2.65%

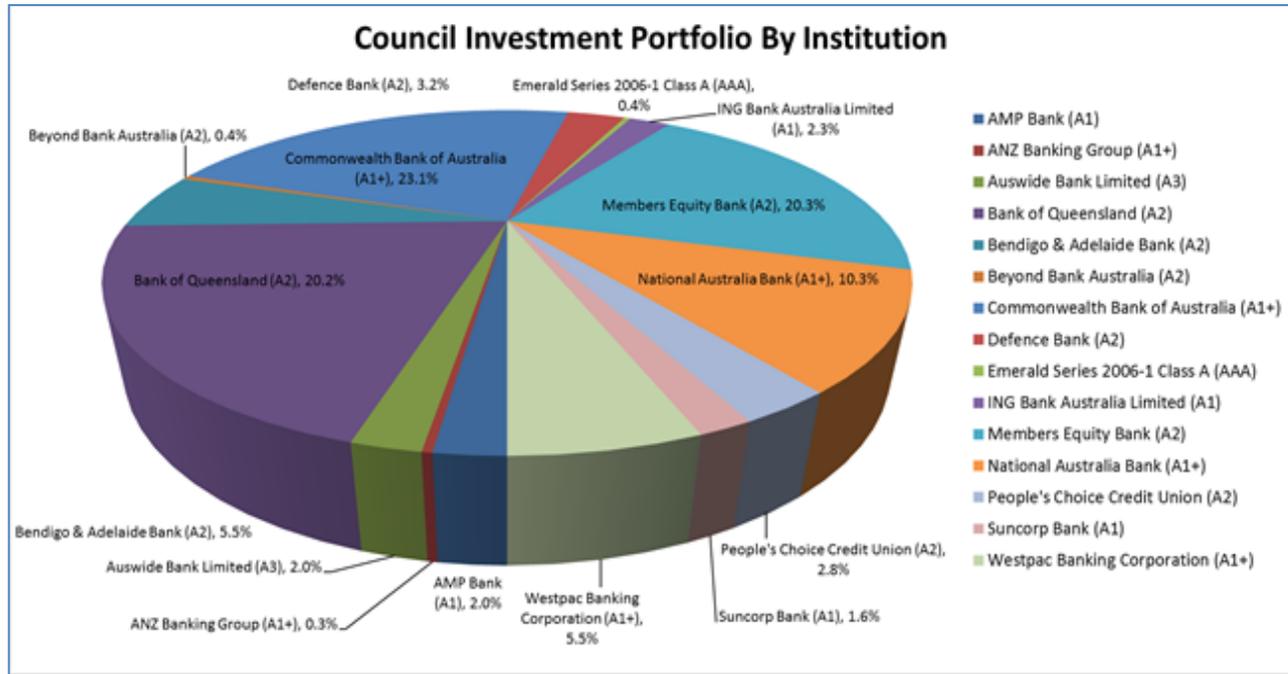
INVESTMENT BALANCES				
As at 28-Feb-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Defence Bank Ltd	A2	2,000,000	22-May-18	2.80%
Bank of Queensland Ltd	A2	1,000,000	22-May-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	24-May-18	2.65%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	29-May-18	2.54%
National Australia Bank Ltd	A1+	2,000,000	29-May-18	2.55%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	05-Jun-18	2.60%
Auswide Bank Limited	A3	1,000,000	05-Jun-18	2.70%
National Australia Bank Ltd	A1+	2,000,000	07-Jun-18	2.57%
Members Equity Bank Ltd	A2	2,000,000	12-Jun-18	2.65%
Members Equity Bank Ltd	A2	1,000,000	12-Jun-18	2.65%
Bank of Queensland Ltd	A2	2,000,000	14-Jun-18	2.60%
Bank of Queensland Ltd	A2	1,000,000	19-Jun-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	21-Jun-18	2.65%
Bank of Queensland Ltd	A2	2,000,000	21-Jun-18	2.60%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	26-Jun-18	2.80%
Bank of Queensland Ltd	A2	1,000,000	26-Jun-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	28-Jun-18	2.60%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	29-Jun-18	2.75%
Members Equity Bank Ltd	A2	2,000,000	29-Jun-18	2.65%
Bank of Queensland Ltd	A2	3,000,000	03-Jul-18	2.60%
Suncorp Bank	A1	2,000,000	05-Jul-18	2.61%
Bank of Queensland Ltd	A2	719,877	10-Jul-18	2.70%
Bank of Queensland Ltd	A2	2,000,000	10-Jul-18	2.60%
People's Choice Credit Union	A2	2,500,000	12-Jul-18	2.66%
Members Equity Bank Ltd	A2	1,000,000	17-Jul-18	2.65%
Members Equity Bank Ltd	A2	2,000,000	19-Jul-18	2.60%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	24-Jul-18	2.70%
ING Bank Australia Limited	A2	1,000,000	24-Jul-18	2.70%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Jul-18	2.59%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-Jul-18	2.55%
Defence Bank Ltd	A2	1,000,000	31-Jul-18	2.70%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	02-Aug-18	2.59%
Bank of Queensland Ltd	A2	2,000,000	07-Aug-18	2.70%
Bank of Queensland Ltd	A2	2,000,000	07-Aug-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	09-Aug-18	2.60%
Members Equity Bank Ltd	A2	1,000,000	14-Aug-18	2.65%
Members Equity Bank Ltd	A2	3,000,000	14-Aug-18	2.62%
People's Choice Credit Union	A2	2,500,000	16-Aug-18	2.66%
Members Equity Bank Ltd	A2	2,000,000	21-Aug-18	2.62%
Members Equity Bank Ltd	A2	1,000,000	28-Aug-18	2.65%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Aug-18	2.61%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	04-Sep-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	06-Sep-18	2.62%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	11-Sep-18	2.65%
ING Bank Australia Limited	A1	1,000,000	18-Sep-18	2.65%
Members Equity Bank Ltd	A2	2,000,000	18-Sep-18	2.61%
Bank of Queensland Ltd	A2	1,000,000	20-Sep-18	2.60%
Members Equity Bank Ltd	A2	2,000,000	25-Sep-18	2.60%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	27-Sep-18	2.63%

INVESTMENT BALANCES				
As at 28-Feb-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Members Equity Bank Ltd	A2	1,000,000	27-Sep-18	2.57%
Members Equity Bank Ltd	A2	1,000,000	02-Oct-18	2.62%
Members Equity Bank Ltd	A2	2,000,000	02-Oct-18	2.63%
Auswide Bank Limited	A3	2,000,000	09-Oct-18	2.67%
Members Equity Bank Ltd	A2	2,000,000	11-Oct-18	2.62%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	16-Oct-18	2.65%
Members Equity Bank Ltd	A2	3,000,000	25-Oct-18	2.60%
Defence Bank Ltd	A2	2,000,000	30-Oct-18	2.75%
Members Equity Bank Ltd	A2	1,000,000	01-Nov-18	2.62%
AMP Bank Ltd	A1	3,000,000	06-Nov-18	2.65%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	08-Nov-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	13-Nov-18	2.60%
AMP Bank Ltd	A1	2,000,000	13-Nov-18	2.65%
Bank of Queensland Ltd	A2	2,000,000	22-Nov-18	2.60%
Westpac Banking Corporation Ltd	A1+	1,000,000	04-Dec-18	2.60%
Auswide Bank Limited	A3	2,000,000	11-Dec-18	2.70%
Bank of Queensland Ltd	A2	1,000,000	20-Dec-18	2.60%
Bank of Queensland Ltd	A2	2,000,000	03-Jan-19	2.60%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	08-Jan-19	2.65%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	10-Jan-19	2.62%
Bank of Queensland Ltd	A2	1,000,000	15-Jan-19	2.60%
Westpac Banking Corporation Ltd	A1+	1,000,000	17-Jan-19	2.65%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	22-Jan-19	2.61%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	31-Jan-19	2.61%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Feb-19	2.60%
Westpac Banking Corporation Ltd	A1+	2,000,000	14-Feb-19	2.62%
Westpac Banking Corporation Ltd	A1+	2,000,000	19-Feb-19	2.64%
Westpac Banking Corporation Ltd	A1+	2,000,000	26-Feb-19	2.64%
		178,719,877		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,350,657		0.90%
		1,350,657		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	370,028	At Call	1.45%
Commonwealth Bank of Australia Ltd	A1+	2,844,049	At Call	1.45%
		3,214,076		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	03-Apr-18	1.94%
Commonwealth Bank of Australia Ltd	A1+	5,744,486	27-Apr-18	2.40%
Commonwealth Bank of Australia Ltd	A1+	4,000,000	28-Jun-18	2.43%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	16-Jul-18	2.39%
		12,744,486		
New Council Implementation Fund				
Term Deposits				
ING Bank Australia Limited	A1	900,000	20-Sep-18	2.65%
		900,000		

INVESTMENT BALANCES				
As at 28-Feb-2018				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Stronger Communities Fund				
Term Deposits				
Bendigo & Adelaide Bank Ltd	A2	500,000	13-Apr-18	2.70%
Bank of Queensland Ltd	A2	900,000	17-May-18	2.60%
Defence Bank Ltd	A2	1,000,000	12-Jun-18	2.85%
ANZ Banking Group Ltd	A1+	750,000	15-Aug-18	2.55%
ING Bank Australia Limited	A1	650,000	13-Sep-18	2.65%
Bank of Queensland Ltd	A2	2,000,000	20-Sep-18	2.62%
Members Equity Bank Ltd	A2	1,000,000	18-Oct-18	2.62%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	18-Dec-18	2.62%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	14-Feb-19	2.60%
Westpac Banking Corporation Ltd	A1+	500,000	13-Aug-19	2.71%
ING Bank Australia Limited	A1	2,000,000	19-Dec-19	2.90%
		12,300,000		
Stronger Communities Fund Round 2				
Term Deposits				
People's Choice Credit Union	A2	2,000,000	12-Jun-18	2.67%
Members Equity Bank Ltd	A2	2,000,000	12-Jul-18	2.61%
Members Equity Bank Ltd	A2	2,000,000	14-Aug-18	2.60%
Members Equity Bank Ltd	A2	4,000,000	13-Sep-18	2.62%
Westpac Banking Corporation Ltd	A1+	5,100,000	13-Dec-18	2.60%
Bank of Queensland Ltd	A2	3,000,000	05-Mar-19	2.65%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	11-Jun-19	2.77%
		21,100,000		
Total Cash and Investments		246,219,499		

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

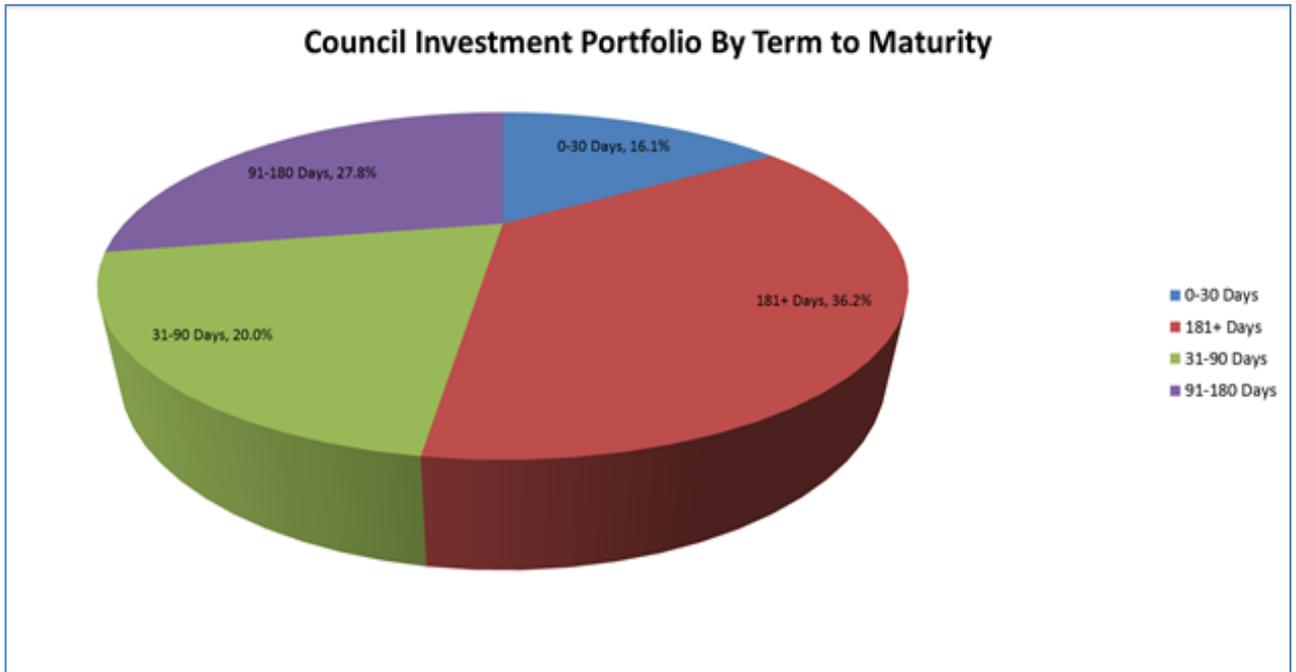
PORTFOLIO ANALYSIS



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)

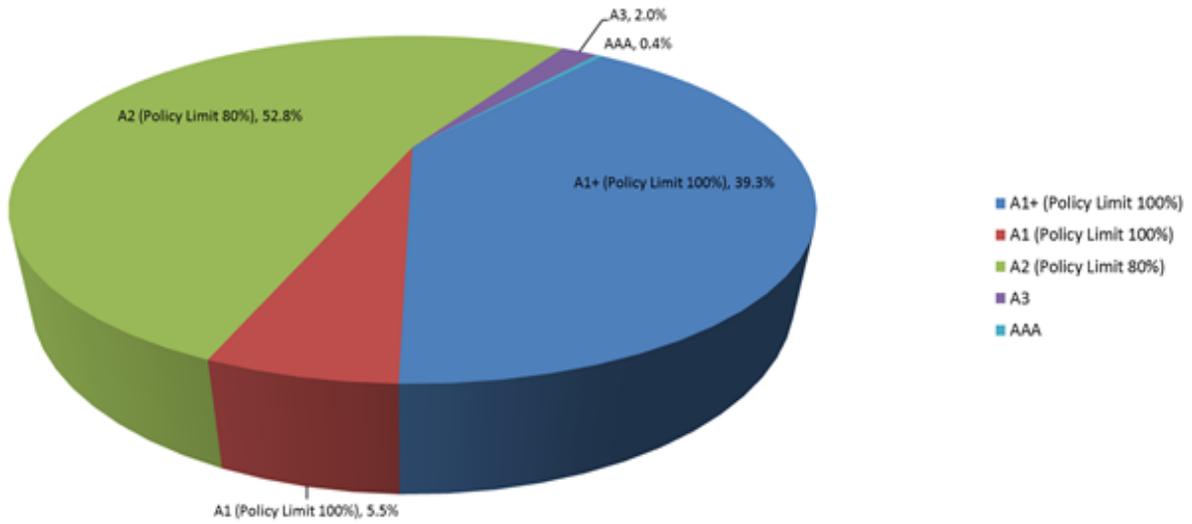


Term to Maturity Framework – Compliance with Investment Policy Requirements

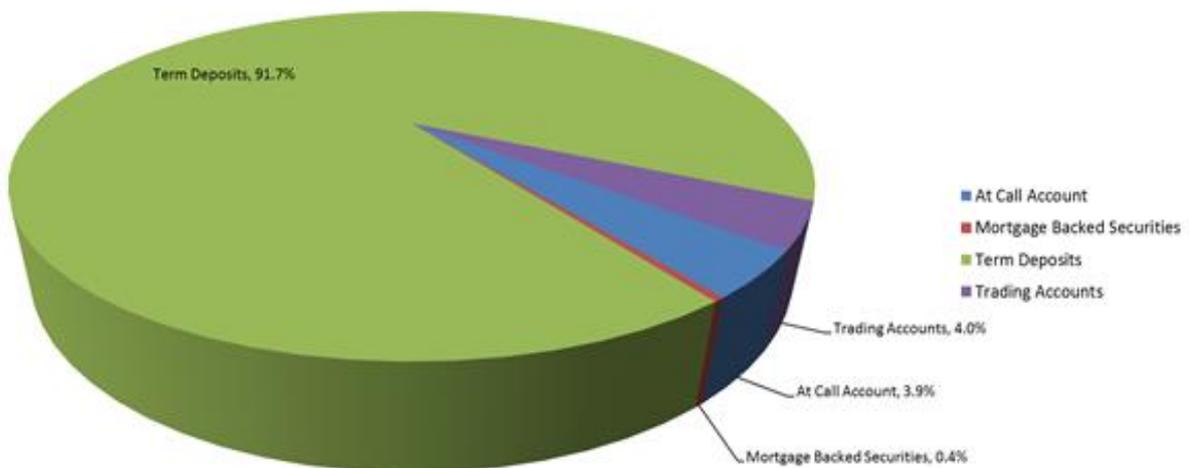
Clause 4.2.3 of Council’s Investment Policy requires Council’s investment portfolio is to be invested within the following maturity constraints:

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

Council Investment Portfolio By Institution Rating



Council Investment Portfolio By Type of Investment

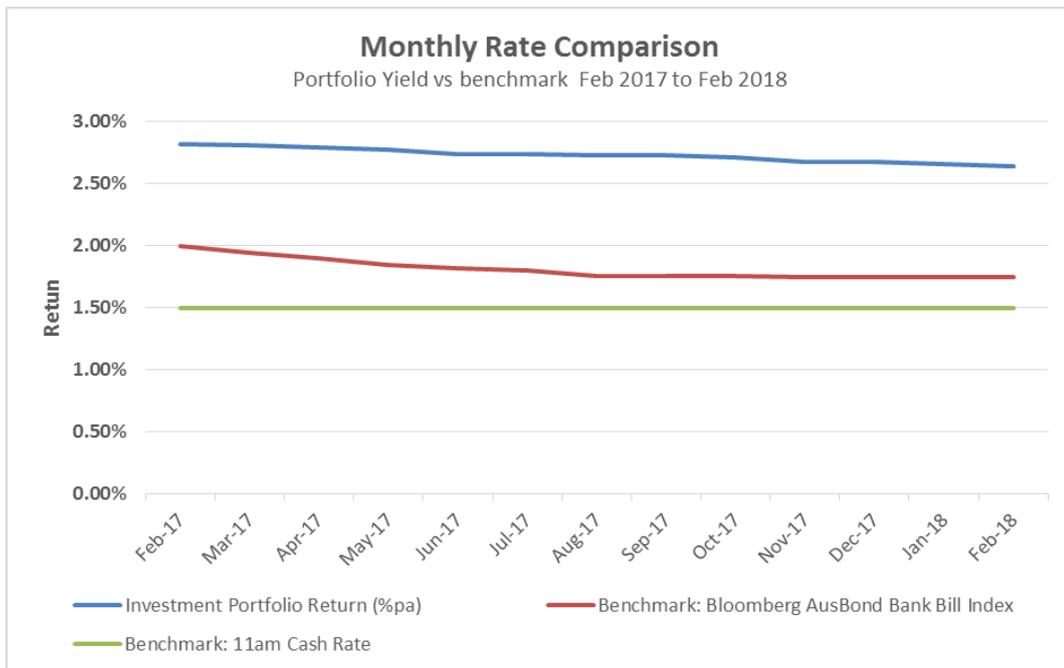


INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	2.64%	1.75%	1.50%
3 Months	2.66%	1.75%	1.50%
6 Months	2.68%	1.75%	1.50%
FYTD	2.70%	1.76%	1.50%
12 Months	2.71%	1.80%	1.50%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings



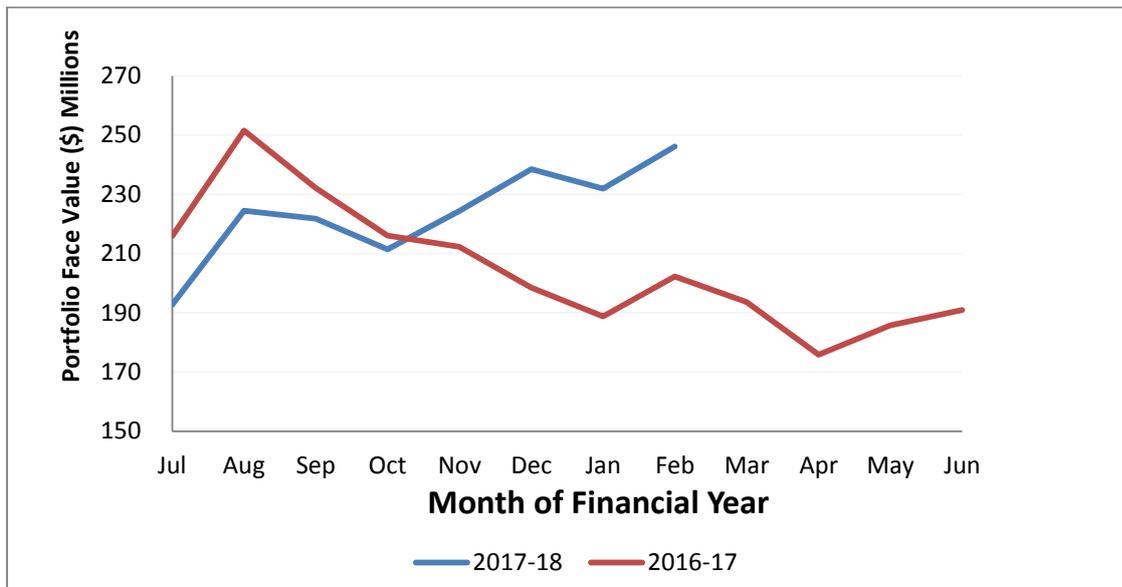
MONTHLY INVESTMENT INCOME* VS. BUDGET

	28 Feb 18 \$	Year to Date \$
Investment Income	412,184	3,623,985
Adjustment for Fair Value	12,566	28,703
Total Investment Income	424,750	3,652,688
Budgeted Income	310,800	3,011,400

*Includes all cash and investment holdings

Historical Portfolio Balance

	2017-18	2016-17
Jul	192,788,320	215,990,303
Aug	224,541,055	251,531,098
Sep	221,786,511	232,095,990
Oct	211,440,341	216,050,498
Nov	224,335,322	212,330,937
Dec	238,474,454	198,502,037
Jan	231,952,491	188,834,164
Feb	246,219,499	202,286,100
Mar		193,666,747
Apr		175,905,576
May		185,799,425
Jun		190,957,843
Average Portfolio Balance	223,942,249	205,329,227



Statement of Compliance

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

Investment Policy Compliance

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

ECONOMIC NOTES

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

According to Q4 GDP reports global economic growth in 2017 was the strongest in almost a decade and most leading economic indicators point to continuing strength through 2018. Inflation around the world is still relatively benign although there are the first signs of slightly higher wages growth and inflation in the US. Central banks are still showing no signs of hastening the process of monetary policy tightening. In Australia, the RBA is showing no signs of starting to lift its cash rate from the current record low 1.50% in the near term. Until central banks show more urgency tightening monetary policy global economic growth seems likely to gather greater momentum helping to lift the pace of Australian economic growth too.

The US economy has enjoyed one of the longer and stronger economic recoveries since the global financial crisis by international comparison. The economic recovery in the US has reached the point where it appears to be stretching productive capacity. The unemployment rate has been lodged at a 17-year low 4.1% over recent months while annual growth in average hourly earnings accelerated to a 6-year high 2.9% year-on-year in January. Q4 GDP growth at 2.6% annualised belied the strength of domestic spending in the US with consumer spending rising 3.8% annualised; residential investment spending up 11.6%; and business investment spending up 6.8%. The US economy looks set to grow at well above 3% pace in 2018 before taking account of additional stimulus from legislated tax cuts and a lift in government infrastructure spending that could push GDP growth up to 4% or more.

One of the bigger beneficiaries of strong global growth and its attendant growth in international trade is China. GDP growth in China remained strong through 2017 in the face of widespread expectations that it would fade under pressure from extensive economic reforms. China's international trade gathered momentum through 2017 helping to hold annual GDP growth around 6.8% year-on-year. China's international trade still looks very strong early in 2018. In January exports rose by 11.1% year-on-year, up from 10.9% in December, while imports rose in January by 36.9% year-on-year, up from 4.5% year-on-year in December. Much of China's economic data for January is held for combined release with February because of the lengthy Lunar New Year celebrations. At this stage, when January-February readings are released in mid-March they are likely to be consistent with GDP growth still holding above 6.5% year-on-year in Q1 2018.

The biggest upside surprise in growth through 2017 came from Europe. In Q4 every economy in the euro-area posted positive GDP growth in the quarter. Several posted GDP growths above 1.0% quarter-on-quarter. Annual GDP growth in Europe lifted to 2.7% year-on-year in Q4 and the falling number of Europeans unemployed is helping to boost spending generating even more GDP growth. European factories are performing particularly well and industrial production lifted by 5.2% year-on-year the strongest growth in more than six years. The European Central Bank is still very cautious indicating that exceptionally easy monetary conditions will persist through to at least the end of September. At some point, if European GDP growth remains robust as seems increasingly likely, the ECB will need to herald tighter monetary policy. Until that change in guidance from the ECB occurs, Europe's economic growth prospects remain very bright.

Australian economic growth is slowly improving but economic prospects are still challenging with uncertainty surrounding spending by the heavily-indebted household sector compounded by a softer outlook for housing activity and still soft wages growth. Commodity prices have mostly been firmer than expected improving incomes for the farming and mining sectors. Business investment spending is starting to rise and government infrastructure spending is lifting. Jobs growth has been very strong, providing a boost to household disposable income even while wages growth has languished. Most recently, there is just a hint of slightly better wages growth up to 2.1% year-on-year in Q4 2017. Most likely the tight labour market will see wages lift a little more through 2018. The Federal Government is also hinting at income tax cuts in the May Budget.

The investment portfolio return over the period 1 July 2017 to 28 February 2018 was 2.70% versus the Ausbond Bank Bill Index return of 1.76%.

8.0 CUSTOMER & CORPORATE DIVISION REPORTS

ITEM 8.1	AMENDMENT TO NORTHERN BEACHES COUNCIL ORDINARY MEETING SCHEDULE 2018
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2018/100718
ATTACHMENTS	NIL

REPORT

PURPOSE

To amend the Northern Beaches Council Ordinary Meeting schedule as adopted at the 24 October 2017 Council Meeting.

REPORT

On 24 October 2017, Council resolved to adopt the 2018 Northern Beaches Council Ordinary Meeting schedule (Resolution 140/17), whereby Ordinary Meetings are held on the fourth Tuesday of the month, commencing at 6.30pm (with the exception of April and July 2018).

Notification has been received that the Local Government New South Wales Annual Conference will run from 21-23 October 2018 in Albury, NSW. As a number of Councillors may attend this event, there is a high possibility that a quorum for the scheduled Ordinary Meeting of Council on 23 October 2018 will not be met. It is therefore proposed that the scheduled meeting be moved one week prior to 16 October 2018.

The revised Council Meeting schedule proposed is provided below:

Meeting No:	Meeting Type	Meeting Day	Meeting Date	Meeting Time	Location
2018/03	Ordinary	Tuesday	27 March	6.30pm	Dee Why
2018/04	Ordinary	Tuesday	17 April*	6.30pm	Dee Why
2018/05	Ordinary	Tuesday	22 May	6.30pm	Dee Why
2018/06	Ordinary	Tuesday	26 June	6.30pm	Dee Why
2018/08	Ordinary	Tuesday	28 August	6.30pm	Dee Why
2018/09	Ordinary	Tuesday	25 September	6.30pm	Dee Why
2018/10	Ordinary	Tuesday	16 October**	6.30pm	Dee Why
2018/11	Ordinary	Tuesday	27 November	6.30pm	Dee Why
2018/12	Ordinary	Tuesday	18 December	6.30pm	Dee Why

* moved 1 week prior due to Anzac Day Public Holiday

** moved 1 week prior due to LG NSW Conference

FINANCIAL CONSIDERATIONS

Council meetings are funded within existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

Nil.

SOCIAL CONSIDERATIONS

Council meetings provide an open and transparent public forum where the decisions of Council are made.

GOVERNANCE AND RISK CONSIDERATIONS

The functions of Council and its meetings are integral to the governance framework to ensure the Council delivers and meets its obligations in a transparent and accountable manner and in the interests of the community.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That the Ordinary Council Meeting scheduled for Tuesday 23 October 2018 be rescheduled to Tuesday 16 October 2018.

ITEM 8.2	NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2018/165046
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To provide to Councillors a quarterly report on all recipients and projects funded under the Northern Beaches Council Discretionary Fund Policy.

SUMMARY

The Northern Beaches Council Discretionary Fund provides the opportunity for the Mayor and Councillors, to respond to requests for financial assistance from individuals and community organisations.

Payments made for the period 19 December 2017 to 27 March 2018 totalling \$1,691.72 include:

Local Northern Beaches Council Resident (name not published) \$391.72	Assistance with the payment of an additional waste bin service due to ongoing medical requirements verified by the Sydney Children's Hospital.
Burdekin Association \$900	Sponsorship of team to participate at the Burdekin Annual Charity Golf Day on 1 May 2018. Participation assists in developing links and relationships with the Association.
Forest Men's Kitchen \$400	Forest Men's Kitchen provides support to men who are looking to develop skills in cooking and provides a networking environment. The Forest Men's Kitchen have run very successful classes at Forestville and sought assistance with rental and equipment costs for the set-up of a second venue at Warriewood.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council note that payments totalling \$1,691.72 have been made under the Northern Beaches Council Discretionary Fund Policy for the period 19 December 2017 to 27 March 2018.

REPORT

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/conferences that further develop their education or sporting endeavours at a representative level.

At the Ordinary Council Meeting held on 19 December 2017, Council adopted amendments to the Policy including a requirement that recipient and project details be reported to Council on a quarterly basis. This report includes only payments that have been finalised and does not include those currently being processed.

As required under the Policy, the maximum amount able to 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 under the Discretionary Fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer or General Manager, Customer and Corporate to certify that the expenditure is in accordance with the Policy and that the funds are available.

The next report to Council will be presented at the Ordinary Meeting of 26 June 2018.

CONSULTATION

Requests made under the Discretionary Fund are submitted to the Mayor, Deputy Mayor or Councillor and the Chief Executive Officer or General Manager, Customer and Corporate to certify that the expenditure is in accordance with the Policy and that the funds are available.

TIMING

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

FINANCIAL CONSIDERATIONS

Funding for the payments reported have been made available within the existing annual budget for the Northern Beaches Discretionary Fund.

SOCIAL CONSIDERATIONS

The Discretionary Fund supports individuals and community organisations.

ENVIRONMENTAL CONSIDERATIONS

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

ITEM 8.3	2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2018/169246
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To determine Councillor attendance at the 2018 National General Assembly of Local Government being held in Canberra from 17-20 June 2018, and to determine any motions to be submitted by Northern Beaches Council to this conference.

SUMMARY

The National General Assembly of Local Government is a key annual event for the Australian Local Government Association (ALGA). It is convened by the ALGA for local councils across Australia to develop and express a united voice on the core issues affecting local government and their communities.

Council has been asked to nominate representatives to attend the conference, to nominate one (1) voting delegate and to submit motions by 30 March 2018.

In the event of two (2) or more candidates accepting nominations to be the voting delegate, Council will resolve to use one of the following voting methods to select the delegate:

- a) Open voting
- b) Casting of lots.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That:

- A. Council nominate and endorse Councillors to attend the National General Assembly of Local Government to be held in Canberra from 17-20 June 2018.
 - B. Council nominate and endorse one (1) Councillor to attend the National General Assembly of Local Government to be held in Canberra from 17-20 June 2018 as a voting delegate.
 - C. In the event of two (2) or more candidates accepting nominations to be the voting delegate, Council will resolve to use one (1) of the following voting methods to select the delegate:
 - i. Open voting
 - ii. Casting of Lots
 - D. Council note that the Northern Beaches Council has not exercised its right to submit motions to the Australian Local Government Association for the 2018 National General Assembly.
-

REPORT

BACKGROUND

The 2018 National General Assembly of Local Government (NGA) is an opportunity for local government to identify and discuss issues which it believes should be addressed by the Australian Government.

The theme for this year's NGA – Australia's future: make it local – reflects not just the wide scope and importance of local government, but its ability to influence and affect fundamental change and improvement at the community level.

The support of the Council is required for the submission of a motion and it must be submitted to the NGA for inclusion on the agenda by Friday, 30 March 2018.

To be eligible for inclusion on the agenda motions must follow the following principles:

- a) be relevant to the work of local government nationally
- b) be consistent with the theme of the NGA
- c) complement or build on the policy objectives of your state and territory local government association
- d) propose a clear action and outcome
- e) not be advanced on behalf of external third parties who may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of local government.

The number of nominations for Councillors to attend is at the discretion of Council.

The Northern Beaches Council is entitled to nominate one (1) voting delegate to attend the conference.

Detailed Procedures for Voting Methods

- **Open Voting**

An open vote will be conducted by a show of hands.

If there are only two (2) candidates, the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one elected is to be chosen by lot.

If there are three (3) or more candidates, separate and continuing ballots are taken to exclude the candidate with the lowest number of votes, until only two (2) candidates remain.

- **Casting by Lot**

The Acting Chief Executive Officer or their delegate is the nominated Returning Officer for the selection of the voting delegate.

Casting by lot will be conducted by drawing a name out of a barrel by the Returning Officer.

The first name drawn from the barrel is selected as the voting delegate.

CONSULTATION

Councillors have been consulted regarding the submission of motions to the NGA 2018 conference.

TIMING

The NGA conference runs from 17-20 June 2018 inclusive.

FINANCIAL CONSIDERATIONS

Funds are available in the 2017/2018 operational budget for conference attendance by Councillors.

Attendance by Councillors at the National General Assembly of Local Government will be dealt with in accordance with Council's Policy for the Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

The NGA is included in the list of conferences to which this policy applies. The policy covers conference costs, registration, accommodation, travel and out of pocket expenses.

SOCIAL CONSIDERATIONS

The NGA conference offers an opportunity for social impacts in the local government area to be raised for consideration in the development of policy on national issues.

ENVIRONMENTAL CONSIDERATIONS

The NGA conference offers an opportunity for environmental impacts in the local government area to be raised for consideration in the development of policy on national issues.

GOVERNANCE AND RISK CONSIDERATIONS

This forum will assist councils in developing policy on national issues affecting local government and the Assembly will act on adopted motions by acting as an advocacy to the peak government body.

ITEM 8.4	AUDIT, RISK AND IMPROVEMENT COMMITTEE AND INTERNAL AUDIT REPORT FOR THE PERIOD 1 OCTOBER 2016 TO 31 DECEMBER 2017
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE & RISK
TRIM FILE REF	2018/190188
ATTACHMENTS	1 ↓ ARIC and Internal Audit Report - 1 October to 31 December 2017

REPORT

PURPOSE

To report the Audit, Risk and Improvement Committee and Internal Audit Report for the period 1 October 2016 to 31 December 2017 in accordance with the reporting requirements of the Audit, Risk and Improvement Committee Charter.

REPORT

In accordance with the reporting requirements set out in the Audit, Risk and Improvement Committee Charter, the Chair of the Committee will provide a consolidated Internal Audit Annual Report and Audit, Risk and Improvement Committee Annual Report to Council.

The Report covers an extended period from the inception of the Northern Beaches Council Audit, Risk and Improvement Committee on 1 October 2016 until calendar year end December 2017.

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

The Audit, Risk and Improvement Committee and Internal Audit Report for the period 1 October 2016 to 31 December 2017 report has no environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

The Audit, Risk and Improvement Committee Charter is based on the guidelines issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Local Government Act 1993.

RECOMMENDATION OF GENERAL MANAGER CUSTOMER & CORPORATE

That Council note the Audit, Risk and Improvement Committee and Internal Audit Report for the period 1 October 2016 to 31 December 2017.



northern
beaches
council

**Audit, Risk and Improvement
Committee and Internal Audit
Report for the period 1 October
2016 to 31 December 2017**

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Purpose

The purpose of this report is to provide Northern Beaches Council with a summary of the operations of the Audit, Risk and Improvement Committee and Internal Audit Function following proclamation.

History

On 12 May 2016, the former Pittwater, Manly and Warringah Councils amalgamated to form the Northern Beaches Council.

Journey of the Audit, Risk and Improvement Committee

The objective of the Committee is to provide independent assurance and assistance to the Council on risk management, controls, governance, organisational performance and improvement and external accountability responsibilities.

At proclamation, each former Council had their own independent Audit and Risk Committee, with external member and Councillor representation, an Internal Audit Function (either in-house or outsourced) and appropriate Audit and Risk Committee and Internal Audit Charters. These Committees were in operation since at least 2010 and in one case, several years before.

The Northern Beaches Council Audit, Risk and Improvement Committee Charter was presented to and adopted by Council on 9 August 2016. The Charter sets out the role, composition, authority, responsibilities and operation of the Committee and is 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.

The Charter proposed that the independent external membership comprise of an amalgam of members of the former Council's Committees, namely Liezel Preller (former Warringah Council), Brian Hrnjak (former Manly Council), Robert Dobbie (former Pittwater Council) and John Gordon (Chair across all former Council Committees). It further proposed that John Gordon be appointed as Chair of the Northern Beaches Council Audit, Risk and Improvement Committee due to his experience across all three former Councils.

The independent external members were appointed to the Committee on 30 August 2016, with the first Committee meeting held on 5 October 2016.

The Local Government Amendment (Governance and Planning) Act 2016 was assented 30 August 2016 and included a number of provisions in relation to Audit, Risk and Improvement Committees. Under Part 4A of the Act, the role of the Committee will be expanded and will require the Committee to keep under review the following aspects of Council's operations:

- (a) compliance
- (b) risk management
- (c) fraud control
- (d) financial management
- (e) governance
- (f) implementation of the strategic plan, delivery program and strategies
- (g) service reviews
- (h) collection of performance measurement data by Council
- (i) any other matters prescribed by the regulations.

As part of this objective, the Committee will ensure that there are adequate and effective systems of internal control in place throughout Council and will assist in the implementation of the internal and external audit plans. The Committee will also monitor Council's systems for collecting relevant information for the purpose of improving the Council's performance of its functions.

Although the changes to the Act apply from six months after the next election following proclamation, consistent with its commitment to good corporate governance at Northern Beaches Council, the Committee's Charter was revised in November 2017 to make provision for the expanded role of the Committee. A discussion paper is expected to be released by the Office of Local Government in 2018 providing further context regarding the expectation and obligations of the Committee in light of the requirements of Part 4A. Items arising will be incorporated into future reviews of the Charter.

At the Ordinary Council Meeting on 28 November 2017, Council adopted the amendment to the Audit, Risk and Improvement Committee membership to include representation from three Councillors. Councillors appointed to the Committee are Cr Sarah Grattan, Cr Sue Heins and, Cr David Walton.

Journey of the Internal Audit function

The purpose of the Internal Audit function is to provide an independent, objective assurance and consulting service designed to add value and improve Council's operations. It supports the organisation to accomplish its objectives by bringing a systematic disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

At proclamation, the former Pittwater Council employed a full time Internal Auditor, the former Manly Council had a shared-services agreement in place and the former Warringah Council had an outsourced internal audit services contract in place to provide internal audit services.

The draft Northern Beaches Internal Audit Charter was presented to the Audit, Risk and Improvement Committee for its approval in October 2016. The Charter sets out the framework for the conduct of the Internal Audit function at Northern Beaches Council, as well as the organisational independence requirements and safeguards to allow Internal Audit to fulfil its responsibilities.

The impact of the proclamation on Internal Audit was the consolidation of the three service delivery models into a co-sourced model. The co-sourced model comprised of the in-house Internal Auditor, who would co-ordinate the function across the newly formed Northern Beaches Council utilising the existing contractual arrangements to execute internal audit services. Upon resignation of the in-house Internal Audit Co-ordinator in November 2016, the position was reviewed and upgraded to a Head of Internal Audit position. The Internal Audit function experienced some disruption during this period of vacancy.

The Head of Internal Audit for Northern Beaches Council was appointed on 25 September 2017. Ms Mary Ruppig is a Chartered Accountant with a professional services firm background in Assurance at PwC and KPMG. The Head of Internal Audit is in the process of transforming the Internal Audit model. Optimal consideration is being given to good governance and a view to transforming the function in a way that will best suit the Northern Beaches Council to provide a progressive and responsive service.

The transformed vision for Internal Audit is to be a *strategic independent advisor, acting in partnership with stakeholders and delivering professional assurance and consulting services to assist Council in achieving its vision of delivering the highest quality service valued and trusted by our community*. Where Internal Audit may have traditionally been focused on compliance, the transformation delivers the opportunity to provide value-added services and proactive strategic advice to the organisation, well beyond the effective and efficient execution of the audit plan.

With existing internal audit service contracts in place coming to an end on 30 June 2018, the impending tender process affords the opportunity to align contract services with the transformed vision and model for Internal Audit at Northern Beaches Council.

The Internal Audit Charter is in the process of being revised to reflect Internal Audit's vision and transformed model.

Audit, Risk and Improvement Committee Structure

As outlined in its Charter, the Audit, Risk and Improvement Committee consists of seven (7) voting members and seven (7) non-voting members. Membership is as follows:

Voting Members

Independents(as of 30 August 2016)

- Mr John Gordon, Chairperson
- Mr Brian Hrnjak
- Mr Robert Dobbie
- Ms Liezel Preller

Councillors(as of 28 November 2017)

- Councillor Sarah Grattan
- Councillor Sue Heins
- Councillor David Walton

Non-Voting Members

- Mr Mark Ferguson, Chief Executive Officer
- Ms Helen Lever, General Manager - Customer and Corporate
- Mr David Walsh, Chief Financial Officer
- Mr Mark Jones, Executive Manager – Transformation and Performance
- Ms Sonya Gallery, Executive Manager - Governance and Risk
- Ms Mary Ruppig, Head of Internal Audit
- Mr Rob Koopman – Manager – Insurance and Risk

Secretariat

- Ms Pamela Tasker, Administration Officer - Internal Audit

The outsourced Internal Auditors and External Auditors are invited to attend all meetings and other Council staff may be invited to attend meetings to address any agenda item related to their service area.

Summary of Committee Meetings

In accordance with the Charter, the Committee is to meet a minimum of four (4) times per calendar year (quarterly). If necessary, an additional meeting may be held to review and endorse the annual audited financial reports and external audit opinion.

Meeting attendance during the period 1 October 2016 to 31 December 2017 was as follows:

Meeting date	Mr John Gordon	Mr Brian Hrnjak	Mr Robert Dobbie	Ms Liezel Preller	Clr David Walton	Clr Sue Heins	Clr Sarah Grattan
5 October 2016	√	√	√	√	N/A	N/A	N/A
15 November 2016*	√	√	√	Telephone	N/A	N/A	N/A
21 February 2017	√	√	√	√	N/A	N/A	N/A
16 May 2017	√	√	√	√	N/A	N/A	N/A
5 September 2017	√	√	√	√	N/A	N/A	N/A
14 November 2017	Apology	√	√	√	Observer	N/A	Observer
13 December 2017*	Telephone	√	√	Telephone	√	√	√

* Extraordinary meeting to endorse the annual audited financial reports.

Achievements of the Committee

Milestones achieved by the Committee for the period 1 October 2016 to 31 December 2017:

1. Endorsed the draft Northern Beaches Council Audit, Risk and Improvement Committee Charter following Council adoption in August 2016.
2. Participated in an induction tour of the Northern Beaches Council LGA, familiarising members with specific sites of risk and opportunity.
3. Reviewed and advised on the integration of Internal Audit activity across the merged three former Councils.
4. Reviewed the draft Northern Beaches Council Internal Audit Charter following proclamation.
5. Reviewed and endorsed the Internal Audit Annual Plan for 2016/2017.
6. Monitored the status of Internal Audit activity in relation to the approved plan.
7. Reviewed and commented on the content of individual Internal Audit reports.
8. Reviewed management's progress on implementation of audit recommendations.
9. Advised and assisted in the selection process of key personnel, namely the newly appointed Head of Internal Audit.
10. Reviewed the Northern Beaches Council Client Service Plan provided by the Audit Office of NSW.
11. Reviewed the integrated Asset Management Plans.
12. Reviewed and endorsed the Enterprise Risk Management Policy.
13. Received reports on Risk Management.
14. Received reports in relation to GIPA, PIDs, ICAC and Code of Conduct matters.
15. Received a report on the Compliments process and procedure adopted by Council's Executive Leadership team in October 2017.
16. Reviewed the Financial Statements for the period ended 30 June 2017 and received a briefing from the CFO, Deputy CFO and the independent external auditors. The Committee endorsed the statements for Council's signature.
17. Reviewed the Investment Policy in accordance with that Policy.
18. Received reports on the progress of the Northern Beaches Council Integration programme.
19. Monitored the Northern Beaches Council Transition Process as follows:
 - IT Transition Projects and Risks
 - Risk Management and Insurance
 - WorkCover Data and Performance
 - Staff Engagement Survey
 - Valuation Update: Northern Beaches Hospital
 - Valuation Update: Warringah Aquatic Centre.
20. Reviewed the continued relevance of the Committee's Charter and endorsed a revised Audit, Risk and Improvement Committee Charter in November 2017.
21. Held an "in Camera" meeting with Council's Head of Internal Audit and External Auditor in November 2017 to receive feedback on the conduct of audit activities without the presence of management.
22. Agreed on proposed succession planning and rotation of the Audit, Risk and Improvement Committee independent external members.
23. Endorsed management's proposal in relation to implementing the optimal Internal Audit model for Northern Beaches Council.

Internal Audit Activity

The risk-based draft Internal Audit Annual Plan 2016/2017 was tabled and endorsed by the Audit, Risk and Improvement Committee on 5 October 2016. The Plan had an emphasis on key transitional processes, systems and projects. Although the key focus of the Plan was transformation, a number of "business as usual" style audits were included to provide coverage of areas that are typically more at risk of fraud and corruption. This was to acknowledge that fraud and corruption risks exist and may heighten during times of significant organisational change.

Following the Internal Audit Co-ordinator's resignation in November 2016 and the effect of transition activities post proclamation, an amended draft Plan was approved with a refined focus on critical internal audits during the transition stage.

Below is the status of audits completed or in progress during the period.

Audit Name	Status	Timing	Meeting reported
Manual Journal Transitions	Complete	November 2016	May 2017
Grants Management	Complete	May 2017	May 2017
Geographical Integration System (GIS) Project Risk Management Review	Complete	August – October 2017	February 2018
Tendering & Procurement	Complete	September – November 2017	February 2018
Staff Parking Arrangements	Complete	November – December 2017	February 2018
Programme Management Office	Audit complete, audit report in finalisation phase	November 2017	N/A
Probity audits – Development Assessments	Ongoing, as required.	Ongoing	Ongoing

Audit recommendations arising from completed internal audits are tracked and management's progress with the implementation thereof is reported on at each Audit, Risk and Improvement Committee.

Looking forward into 2018

- The Audit, Risk and Improvement Committee will continue to execute its role and responsibilities as outlined in the Audit, Risk and Improvement Committee Charter.
- The Chair will co-ordinate a self-assessment of Committee members early in 2018. The results of this assessment will be used as appropriate to direct the approach of the Committee in 2018.
- The Head of Internal Audit will continue the Internal Audit transformation, working with senior management and with input from the Audit, Risk and Improvement Committee.
- The Internal Audit Charter will be revised on the basis of the Internal Audit transformation. Internal Audit will discharge its purpose, authority and responsibility as outlined by the Internal Audit Charter.
- Internal Audit and Insurance & Risk will co-ordinate a Strategic Risk and Assurance Mapping workshop with the Executive Leadership Team early in 2018 which will be used to inform the new Internal Audit Strategy and 2018/2019 risk-based Internal Audit Annual Plan.
- Internal Audit contract services will go out to tender, with new contract services effective 1 July 2018. The Audit, Risk and Improvement Committee will provide input into this process within its advisory capacity.

Conclusion

The Audit, Risk and Improvement Committee and Internal Audit function have worked cohesively and effectively over the period during a time of significant organisational change and disruption. Committee members, Internal Audit and management have worked together productively and harmoniously. I am pleased to welcome the Councillor members to the Committee and look forward to a close working relationship as we move into 2018. I take this opportunity to thank the other Committee members for their enthusiasm and commitment and the Governance and Risk team for their valuable contribution to the Committee's success. I also wish to acknowledge the important support of the Committee and the Internal Audit function from the Chief Executive Officer, Mark Ferguson, and his executive team.

John Gordon
Audit, Risk and Improvement Committee
Chairperson

9.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

ITEM 9.1	NORTH NARRABEEN ROCKPOOL AMENITIES UPGRADE - OUTCOMES FROM COMMUNITY ENGAGEMENT
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2018/147312
ATTACHMENTS	1 ↓ North Narrabeen Rockpool Amenities - Ground Floor Plan 2 ↓ North Narrabeen Rockpool Amenities - Upper Floor Plan

EXECUTIVE SUMMARY

PURPOSE

To report on the submissions received through community consultation on the refurbishment of the North Narrabeen Rockpool Amenities and seek approval to proceed with the proposed renewal.

SUMMARY

As part of Council's ongoing commitment to improving public amenities, an upgrade of the facilities of North Narrabeen Rockpool Public Amenities is proposed. With the diverse range of recreational activities that occur in this area, the project's intention is to increase the use and enjoyment of this space.

The proposed work on the ground floor includes the addition of accessible amenities, the refurbishment of the existing male and female amenities, and change rooms. The proposed work on the upper floor, being primarily utilised by the swim clubs, involves renewing the entire space as well as a full kitchen refurbishment. Further, the proposal on the ground floor includes the introduction of a café at this location.

Council has engaged with the community through a range of mediums and this report outlines the community feedback as well as the proposed next steps.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That:

- A. Council notes the community engagement feedback and the range of management measures and controls proposed as a result.
 - B. Council endorses the project to proceed as per the proposed concept.
-

REPORT

BACKGROUND

The proposed renewal of the North Narrabeen Rockpool Amenities was an existing project within the former Pittwater Council's capital works program. Upon amalgamation the project was appropriately included within the Northern Beaches capital works program and approved by the Administrator as a decision of Council.

The proposed upgrades include accessible facilities, an upgrade to the male and female amenities and change rooms, and refurbishment of the swim club room on the upper floor.

The key community engagement objective was to raise awareness and gauge the level of support or objection from the community and relevant stakeholders on the proposed building renewal and possible inclusion of a café.

A wide range of engagement techniques were applied to ensure we reached a diverse segment of the community.

CONSULTATION

Council officers undertook community engagement for an initial period of 28 days from 22 November to 19 December 2017, which involved a range of engagement activity including;

- Your Say Northern Beaches page
- Online discussion forum
- Letter box drop to residences within a 1km radius of North Narrabeen Rockpool Amenities
- Email communication to key stakeholders
- Onsite signage
- Print promotion
- Key stakeholders meetings
- Onsite drop in session
- Advertisements in the Manly Daily

Due to the high community interest in this project and concerns expressed by Councillors the engagement period was further extended to 31 January 2018 to ensure representative community feedback was captured. The above engagement activities were used during the extended engagement period, with the addition of two onsite sessions in which Council officer's surveyed users of the area regarding the proposed upgrade.

Throughout the engagement process, a total of 430 comments were received:

- over 50% of those surveyed onsite said they would use or would consider using a café
- more than half of the written and online comments were unsupportive of the proposed upgrades.

Below is a summary of the engagement techniques used and the general feedback received:

Onsite drop-ins

- 90 comments received with 46% in favour of proposed upgrade works with inclusion of café
- 14% would consider using café, not opposed
- 40% against the inclusion of a café

Online comments

- 319 online comments - via Have Your Say project page – with 23% being in favour of upgrade including café
- 72% against the inclusion of a café and /or upgrade
- 5% would consider, not opposed

Comments to Council

- 19 written comments submitted to Council via letters or emails, with:
 - 26% of those comments being in favour of the upgrade and café
 - 73% against the upgrade and café

Petitions

- Two petitions received relating to proposed upgrade works. Both petitions were against the proposed inclusion of a café citing negative impacts on the area and environmental concerns:
 - 1274 signatures received online
 - 117 signatures received via paper submission

FEEDBACK SUMMARY

There were a range of valid and important concerns raised during the consultation period which Council staff discussed in detail with a number of the key groups raising them. These issues, should the concept proceed, will need to be managed carefully and appropriately to ensure there are no negative environmental impacts to the local area.

The following are the key issues raised regarding the proposed upgrade including the café, an outline of the themes and how these issues could be managed to ensure they address the communities concerns.

Key points raised	Council Officer Response
Parking	<p>The intent is that this is a small café that would not be a destination attraction, rather it would service the current users of the area i.e. rockpool users, beach users, coastal walkway users, visitors to the holiday park.</p> <p>As such it is not proposed to increase the current car park.</p>

Key points raised	Council Officer Response
Rubbish generation	<p>This needs to be carefully managed through the controls Council has at hand. Like many of the other foreshore food and beverage leases specific requirements will need to be spelled out in:</p> <ul style="list-style-type: none"> • Tender requirements / lease terms • Adherence to Council policy requirements eg. No single use plastics • The selection of a suitable operator that will deliver to the word and intent of the proposed use.
Negative impact on the area	<p>A high priority is ensuring that there will be no additional environmental impact to the area. Council's intention is to improve the amenity of the existing area.</p>
Enough cafes in the area	<p>The intention of the café at this location is to improve the amenity for the users of the immediate area as no café currently services the immediate area.</p> <p>As can be seen, cafés have increased in the area over the last number of years, which has been driven by demand and that this competition has driven quality and value.</p> <p>This café would be sympathetic to the natural environment and minimally increases the footprint of the existing building to the rear of the building.</p>
No upgrade needed	<p>Council is committed to improving the level of service to the community with their public amenities. The current building is dated and has a number of building code non-compliances that need to be addressed.</p> <p>There is currently no accessible amenity within the building and the male and female amenities require upgrades to meet current community expectations.</p> <p>Further, there are areas of the current building that are significantly underutilised and in poor condition that should be improved to the benefit the community.</p>
Commercial viability	<p>The right operator will work with the community and service their needs and operate when there is demand.</p> <p>It's important to note that there is potential for the operation to be tenuous with a sustained community campaign against the café. This can be addressed by working with some of the key stakeholders that have concerns about the building. A suggested approach is that Council officers can include these stakeholders in helping to define what a successful operation would look like through the tender process and the lease for inclusion in the specification.</p>
I do not support	<p>Comments noted.</p>

Key points raised	Council Officer Response
Reduction of space/access and overcrowding	<p>The proposed inclusion of a café does not increase the footprint of the existing building to the front and a minimal increase to the side.</p> <p>The intent is that this café would not be a destination attraction, rather it would service the current users of the area i.e. rockpool users, beach users, coastal walkway users, visitors to the holiday park.</p> <p>A key driver of the project is to improve the amenity for the swim club and open up more of the building for community use, increasing access rather than reducing access.</p>
General issue with the floorplan	Comments noted and floorplan has been amended where it is seen as a superior solution.

As previously noted, managing and addressing these concerns is important to the project going forward, and it is planned that Council officers would continue to work closely with all stakeholders to ensure that this is done well and transparently.

There was some discussion generated on social media through a Manly Daily Facebook page post on the proposed upgrade works and inclusion of a café. The comments posted reflected a mixed reaction from our community with some supportive and some opposed.

TIMING

Council officers undertook community engagement for an initial period of 28 days from 22 November to 19 December 2017. Due to large amounts of community interest the engagement period was extended to 31 January 2018 to ensure representative community feedback was captured.

Subject to endorsement, Council officers will proceed with finalising the concept plan following the Council meeting.

The concept plan would be subject to a Development Application which will be assessed through the usual DA process.

FINANCIAL CONSIDERATIONS

The proposed upgrades will be funded from the 17/18 and 18/19 Capital Works program. Revenues generated will be additional to the current proposed budget and will assist in offsetting future pressure on rates.

SOCIAL CONSIDERATIONS

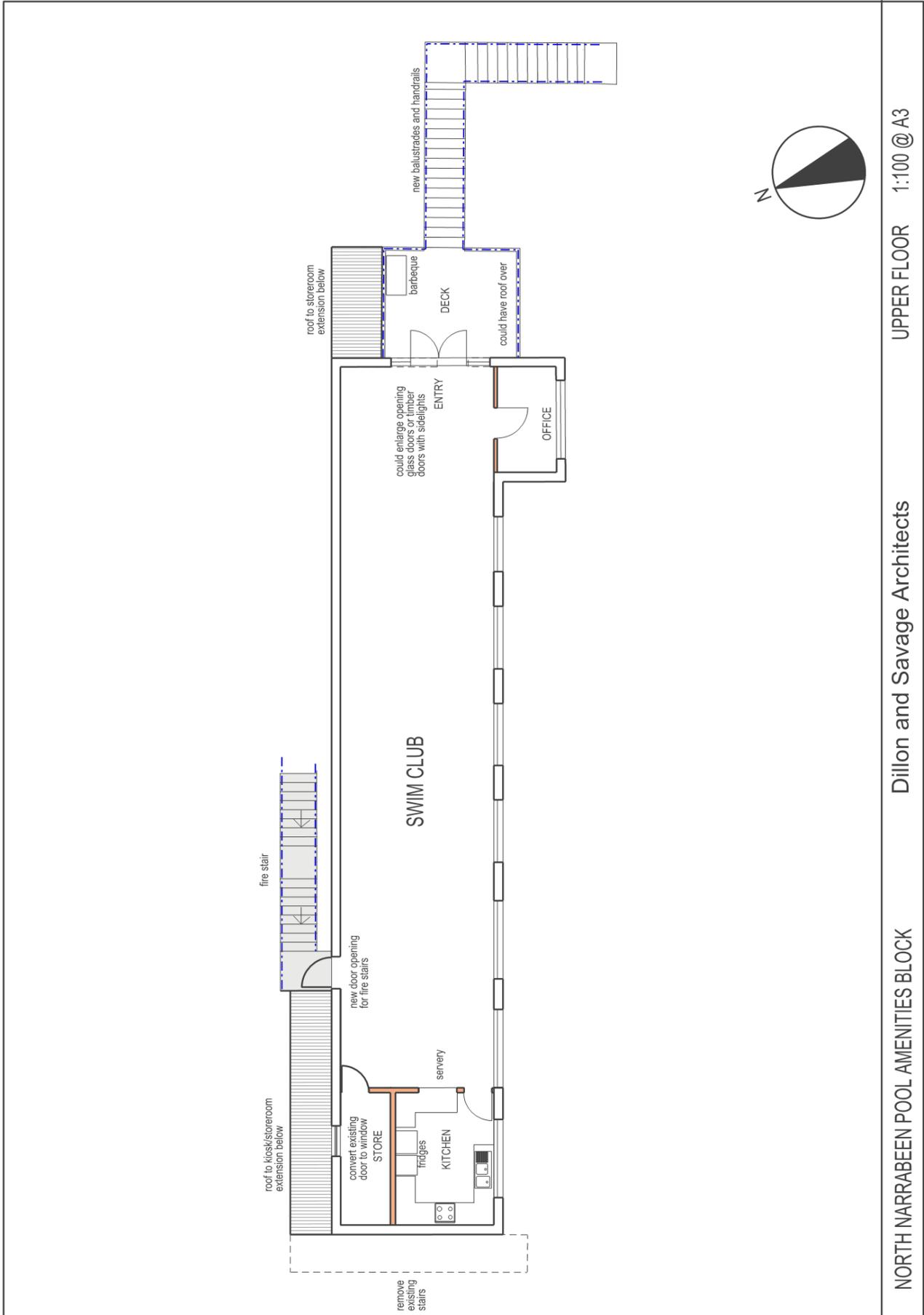
The proposal will improve the amenity for the existing users of the area, such as; rockpool users, beach users, headland walk users, holiday park users etc. as well as opening up an underutilised asset for the enjoyment of the wider community.

ENVIRONMENTAL CONSIDERATIONS

No additional impact to the environment and management measures and controls proposed.

GOVERNANCE AND RISK CONSIDERATIONS

Appropriate management measures will be put in place consistent with Council policy including external review of the DA as it is a Council proposal.



UPPER FLOOR 1:100 @ A3

Dillon and Savage Architects

NORTH NARRABEEN POOL AMENITIES BLOCK

ITEM 9.2	TRANSFER OF LAND TO COUNCIL FROM TAFE NSW
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2018/164542
ATTACHMENTS	1 ↓ Belrose TAFE Site - Plan showing proposed land transfer to Council
	2 ↓ Belrose TAFE Site - Draft Concept Plan for Futsal Facility

REPORT

PURPOSE

To consider a proposal to transfer to Council approximately 3,415m² of land in the Belrose TAFE site for the purpose of a public recreation.

REPORT

TAFE NSW, through the strong advocacy of MP Jonathon O’Dea - Member for Davidson, has recently agreed in principle to transfer to Council approximately 3,415m² of the Belrose TAFE site on Wyatt Avenue for public recreation at nominal consideration (e.g. \$1). This is subject to Council committing to develop the land adjacent to John Colet School as a Council open space recreation facility, provisionally planned as three synthetic grass courts and some associated amenities.

RECOMMENDATION OF GENERAL MANAGER ENVIRONMENT & INFRASTRUCTURE

That:

- A. Council accept and authorise the transfer of the subject TAFE NSW land identified in this report (being Lot 2 DP 536909, Lot 2620 DP 752038 and Part Lot 100 DP 874509), subject to appropriate due diligence, totalling approximately 3,415m² for nominal consideration (e.g. \$1) and fund any legal costs and disbursements in relation to this transfer (subject to subdivision consent).
 - B. Council give public notice in accordance with the Local Government Act 1993 of the proposal that the land be classified as Community land under the Local Government Act 1993.
 - C. Council authorise the Chief Executive Officer carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under the existing Power of Attorney.
-

BACKGROUND

The NSW Government owns an area of approximately 10.83ha located on Forest Way Belrose which was previously allocated for a proposed TAFE site in Belrose (known as the Belrose TAFE site). The site is currently zoned C8 Belrose North under Warringah LEP 2000 (deferred area).

The site is irregular in shape and comprises a number of parcels. The site also has frontages to Wyatt Avenue and Linden Avenue. The majority of the site is densely vegetated and holds a number of Threatened Flora Species and therefore, the site has limited development potential.

This Belrose TAFE site has been identified as surplus for disposal as part of TAFE's regular review of its property holdings and since that time, MP Jonathon O'Dea - Member for Davidson, TAFE NSW and Council staff have been in discussions regarding the future of this site.

Additionally, Roads & Maritime Services (RMS) is in discussions to retain the majority of the site in State ownership to retain the endangered bushland to be used for bio-certification off-sets to off-set the removal of other endangered bushland as a result of its recent road widening works on the Northern Beaches e.g. Warringah Road upgrade adjacent to the new Northern Beaches Hospital and the proposed Mona Vale Road widening project.

However, TAFE NSW has recently agreed in principle to offer approximately 3,415m² of the site (subject to subdivision consent based on the LEP controls) on Wyatt Avenue to Council for public recreation at nominal consideration (e.g. \$1) on the condition that:

1. Council develop the land on Wyatt Avenue adjacent to John Colet School (approximately 2,574m²) as a Council open space recreation facility, provisionally planned as three synthetic grass courts and some associated amenities
2. The land be classified as Community Land in accordance with the Local Government Act.
3. Council accepts that the land will be subject to a caveat on title that the land can only be used for community purposes for no less than 15 years.
4. Council accepts legal liability for the land upon transfer.

A plan of the subject land is included in this report as Attachment 1 and a preliminary concept plan for the proposed new Council futsal facility is included as Attachment 2.

It is important to note that Council has not been provided the ability to do appropriate due diligence on the parcels of land to be transferred. However, TAFE NSW is comfortable that the transfer is subject to appropriate due diligence to ensure Council is not taking on any unreasonable future liability in this transfer of this land.

Proposed New Council Futsal Facility at Wyatt Avenue Belrose

Council has drafted the attached concept plan to provide a vision for what is possible at the site. The concept plan contains a small sports amenities building, three multi-purpose futsal courts and minor hard and soft landscaping. The final facility mix is subject to community and stakeholder engagement. Based on the attached draft concept plan the capital expenditure required is \$1.3 million. The following high level schedule is proposed pending the availability of funding:

Stage	Timing
Community engagement on draft concept plan and preparation of design brief	2018
Design development	Early 2019
Procurement & construction	Financial Year 2019 / 2020

It is considered with a high need for further sports fields that the provision of recreational space on this land is of high value to the community. If funding is not available Council will look at staging the works over a suitable period of time to match in with funding availability.

FINANCIAL CONSIDERATIONS

The estimated budget which is required to design and construct the proposed three multi-purpose courts, small amenities building and associated landscaping is approximately \$1.3 million. Council has currently not budgeted to undertake the works and will need to allocate the capital expenditure required to design and construct proposal through the Delivery Program. It is anticipated that community consultation and detailed design will be undertaken through the 2018 / 2019 financial year with construction anticipated for the second half of 2019.

ENVIRONMENTAL CONSIDERATIONS

The area selected for the community facilities is considered one of the most degraded areas on the site. While there will be some loss of trees, none have been identified as significant or protected. Further due diligence will be conducted prior to finalization of the agreement should it be approved by Council.

SOCIAL CONSIDERATIONS

The Belrose area has deficit of modern community, youth and active recreation facilities. The proposed community facilities propose to include three multi-purpose futsal courts, but the final mix of facilities will be subject to community engagement. The benefits of the development will be greater social cohesion and encouragement of healthy lifestyle.

GOVERNANCE AND RISK CONSIDERATIONS

It is noted that the LEP controls for a subdivision application would need to be approved.





Three Futsal Courts
(25 x 15 metre)

Site boundary Option 4D

Shelter and seating

Community Building
with change room
facilities and toilets

Entry path,
landscaping and
platform seating

Provide a 1.8 metre wide path
connection between Option 3 and
4. Location of path subject to trees
and vegetation.


 BELROSE TAFE, BELROSE
 Draft Concept Plan 1:400 @A3

northern
beaches
council


10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

ITEM 10.1	PLANNING PROPOSAL – DEFERRED LANDS IN OXFORD FALLS AND BELROSE – WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2018/109768
ATTACHMENTS	1 ⇒ Draft Planning Proposal (Included In Attachments Booklet) 2 ⇒ Gateway Determination (Included In Attachments Booklet) 3 ⇒ Five Options (Included In Attachments Booklet) 4 ⇒ Sites in Oxford Falls Valley for Urban Development (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To inform Council of the Gateway Determination for the Planning Proposal for Oxford Falls Valley and Belrose North (Deferred Lands) and seek Council's endorsement to request that the Minister of Planning (Minister) not proceed with the Planning Proposal.

SUMMARY

The former Warringah Council at its meeting on 24 February 2015 resolved to proceed with a Planning Proposal to transfer planning controls for land in Oxford Falls Valley and Belrose North (Deferred Lands) from Warringah Local Environmental Plan 2000 (WLEP 2000) to Warringah Local Environmental Plan 2011 (WLEP 2011). Council submitted the draft Planning Proposal (Attachment 1) to the Department of Planning and Environment (the Department) on 15 April 2015 for a Gateway Determination.

Approximately two and half years later, on 1 November 2017, the Department issued a Gateway Determination (Attachment 2).

The Gateway Determination requires Council to, amongst other things, complete a detailed review of the future urban development potential of four sites in the Deferred Lands area (Oxford Falls West, Red Hill, Lizard Rock, and Cromer Golf Club), further examine the environmental significance of land proposed to be zoned E4 – Environmental Living, and to amend the Planning Proposal having regard to those investigations prior to undertaking any community consultation on the Planning Proposal.

The Gateway Determination requirements represent a departure from the process, methodology and recommendations previously agreed to by the Department and adhered to by Council, are not warranted having regard to Council's District Plan housing targets, and will result in significant resource and financial costs for Council to meet.

This report presents options to respond to the Gateway Determination and recommends that the Minister be requested not to proceed with the Planning Proposal.

RECOMMENDATION OF ACTING GENERAL MANAGER PLANNING PLACE & COMMUNITY

That:

- A. Council, in accordance with s3.35(4) of the *Environmental Planning and Assessment Act 1979*, request the Minister for Planning to determine that the Planning Proposal for Oxford Valley Falls and Belrose North should not proceed for the following reasons:
- a. The Gateway determination requirement to complete “Stage 2” Review of four sites in the Deferred Lands area prior to exhibiting the Planning Proposal reneges on previous longstanding agreements with the Department of Planning and Environment regarding the Local Environmental Plan translation process
 - b. The Stage 2 Review requires costly and time consuming studies that should be funded by the Department of Planning and Environment
 - c. The 2009 Planning Assessment Commission Review Report regarding the four sites generally concludes that the area is unlikely to be suitable as a release area
 - d. The Department of Planning and Environment did not support the development of the four sites in its submission to the 2009 Planning Assessment Commission Review
 - e. Urban Development in Oxford Falls Valley/ Belrose North is inconsistent with the draft Greater Sydney Regional Plan
 - f. Urban Development in Oxford Falls Valley/ Belrose North is inconsistent with the Revised Draft North District Plan
 - g. Council can meet its housing targets under the Revised Draft North District Plan without developing non-urban land
 - h. Undertaking studies for Oxford Falls Valley/ Belrose North would pre-empt Council’s Local Planning Strategy and Local Housing Strategy.
- B. Council include a copy of this report with Council’s request to the Minister for Planning outlined in A.
- C. Council notify affected landowners of its request to the Minister for Planning outlined in A.
-

REPORT

BACKGROUND

All Councils in NSW were required to prepare "Standard Instrument" Local Environmental Plans in accordance with the requirements of the Department of Planning and Environment (the Department). The former Warringah Council, undertook a comprehensive process to prepare its Standard Instrument LEP and the Warringah LEP 2011 (WLEP2011) was successfully developed.

However, in December 2011 the Minister of Planning deferred land in Oxford Falls Valley and Belrose North from the WLEP2011 in response to stakeholder concerns regarding the adequacy of consultation during the preparation of WLEP2011.

On 5 June 2012, Council resolved to undertake the first of two stages of a Strategic Review of the lands in partnership with the Department. Stage 1 of the review involved the transfer of the Deferred Lands in Oxford Falls Valley and Belrose North into WLEP2011. Stage 2 of the review involved the consideration of the future urban development potential for the area.

Upon completion of Stage 1 of the Strategic Review, the matter was considered by the former Warringah Development Assessment Panel (WDAP) which developed five options (Attachment 3) for consideration:

- Option 1: The majority of land zoned E3 with smaller areas of land zoned R2, R5, RU4 and SP2; Schedule 1 Additional Permitted Uses being amended; amendment to Clause 6.6; 3(b) to ensure a dwelling house will continue to be permitted on certain land as permitted under WLEP2000.
- Option 2: A compromise between Option 1 and the Minister's opinion (Option 3).
- Option 3: The Minister's opinion that any land zoned E3 (under Option 1) that contains 'no-to moderate' environmental constraint should remain deferred.
- Option 4: WDAP recommendation that all land remain deferred pending Stage 2 of the Strategic Review.
- Option 5: Warringah Urban Fringe Association (WUFA) recommendation to maintain all R2, R5, SP2 and RU4 zoned land as identified in Option 2, however, also zone large areas of land RU4 (where this land is proposed to be zoned E3 under Option 1 and 2).

Council officers recommended that Option 1 be adopted. Council at its meeting on 26 August 2014 resolved:

1. *That Council notes:*
 - A. *That Council staff have consistently followed the methodology determined by the NSW Department of Planning and Environment.*
 - B. *The conflicting advice it has received from the NSW Department of Planning and Environment and from the former Minister.*
 - C. *The residents' concerns regarding the review of their individual parcels of land by the NSW Department of Planning and Environment led team.*
 - D. *That the previous Council was in favour of Stage 2 of the Planning and Assessment Commission recommended studies being carried out immediately.*
 - E. *That the E3 zone is being reviewed by the NSW Department of Planning and Environment.*

2. *That Council:*
 - A. *Requests the NSW Department of Planning and Environment to consider the report which is Item 8.1 on tonight's agenda and make a determination by selecting one of the five options.*
 - B. *Recommends the renaming of the E3 zone to address public concern about the implications of having a zone entitled "Environmental Management".*
 - C. *Recommends that Stage 2 of the Planning and Assessment Commission recommended studies be carried out immediately by the State Government.*
 - D. *Expresses its concern to the State Government at the rising costs of unnecessarily administering two Local Environmental Plans.*
 - E. *Informs affected landowners of this resolution.*

On 23 January 2015, the Department responded to Council's resolution with a clear direction that a Planning Proposal be submitted based on Option 2 but with certain RU4 zoned areas changed to E4 zones. Council resolved on 24 February 2015 to proceed with the Planning Proposal in accordance with the Department's direction and the Planning Proposal was submitted to the Department on 15 April 2015 for a Gateway Determination. A Gateway Determination was not forthcoming for two and a half years.

Between April 2015 and November 2017 senior Council officers were in regular contact with the Department's staff to offer any assistance required to move the Planning Proposal forward. Council wrote to the Minister(s) and to the head of the Greater Sydney Commission and met with senior Departmental staff to ascertain the reasons for any delay and to provide assistance if required.

Despite these efforts, Council was not provided with any reason for the delay or offered an opportunity to address any outstanding concerns with the (agreed) Planning Proposal.

On 1 November 2017, the Department issued a Gateway Determination for the Planning Proposal subject to the following conditions:

1. *Prior to community consultation, Council is to complete stage 2 of the Strategic Review. This study should also examine the environmental significance of land proposed to be zoned E4 Environmental Living. The Planning Proposal must be revised to reflect any recommendations of the stage 2 study.*
2. *Prior to community consultation, the Planning Proposal is to be updated to:*
 - a) *demonstrate consistency with the draft North District Plan*
 - b) *insert a Schedule 1 Additional Permitted Uses for Oxford Falls Grammar School*
 - c) *require home based childcare be permissible with consent in environmental zones*
 - d) *include a sunset provision for a set timeframe of 3 years to allow land owners to seek development approval for currently permitted uses and a suitable savings provision for development applications lodged but not yet determined*
 - e) *provide a new project timeline.*
3. *Prior to community consultation, the revised Planning Proposal is to be provided to the Department for review and approval for public exhibition.*
4. *Community consultation is required under sections 56(2) and 57 of the Act as follows:*

- a. *the Planning Proposal must be made publicly available for a minimum of **28 days***
 - b. *the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016)*
 - c. *write to landowners in the area effected (sic) by the proposal.*
5. *Consultation is required with the following agencies under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:*
- *NSW Rural Fire Service*
 - *NSW Aboriginal Land Council*
 - *Office of Environment and Heritage*
 - *Office of Environment and Heritage – NSW National Parks and Wildlife Service*
 - *Sydney Water*
- Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.*
6. *A public hearing is not required to be held into the matter by any person or body under section 56(2) (e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
7. *The Planning Proposal is to be finalised within **12 months** from the date of the Gateway Determination.*

Stage 2 of the Strategic Review

Stage 2 of the Strategic Review, as required by condition 1 of the Gateway Determination, is largely based on the recommendations of a 2009 report authored by the Planning Assessment Commission (the Commission) which reviewed the potential of four specific sites in Oxford Falls Valley for urban development (Attachment 4) (Oxford Falls West, Red Hill, Lizard Rock, and Cromer Golf Club) at the request of the then Minister for Planning.

The Commission report was generally critical of the proposal, stating:

- None of the 4 sites substantially meets the sustainability criteria as required by the Metropolitan Strategy
- The sites fail to meet the sustainability criteria relating to access because of their distance from key centres and from public transport
- The low density housing generally proposed on the sites is not the kind of housing needed in the subregion
- There is potential land use conflict with the Earth Satellite station in Oxford Falls West, particularly for Lizard Rock and Oxford Falls West
- Parts of the four sites may be able to meet the sustainability criteria relating to Environmental Constraints. However, the cumulative impact of development on the sites must be assessed before any decisions are made to release the land for urban development

- The assessment of cumulative impact requires the assessment of the impact of future urban release areas in the whole Oxford Falls Valley area. This requires the update or completion of further studies.

In addition, the Commission noted that none of the sites were of sufficient size to function as an urban release area, being too small and dispersed to justify the increased public transport and local services required to meet the sustainability criteria.

The Commission concluded that none of the four sites were capable of urban development for at least ten years and recommended that the entire Oxford Falls catchment area be reviewed holistically to determine future development potential by undertaking the following studies:

- Transport and accessibility – road-network and bus-route potential in the Oxford Falls topography
- Management of bushfire hazard
- Water quality, aquatic ecology and hydrology of the Narrabeen Lagoon and its catchment
- Flora and fauna protection
- Visual analysis
- Satellite communication buffer zones.

In addition to the above study, and having regards for experience in Ingleside, in order to undertake a comprehensive assessment of land and development capabilities the following additional studies are also required:

- Social Infrastructure
- Land capability, salinity and contamination
- Indigenous heritage
- European heritage
- Infrastructure delivery.

Gateway Determination

The Deputy Secretary of the Department of Planning and Environment in his letter accompanying the Gateway Determination states that the new approach to the process was preferable "...given the ongoing community interest in the proposal's intention to apply environmental zones to existing land uses and the difficulty of clearly translating the existing permissible land uses to standard instrument zones."

It is noted the Department agreed to apply Environmental zones to existing residential land uses elsewhere in the Council area when translating WLEP 2000 to WLEP 2011, for example, Kimbriki Road and Mona Vale Road Terrey Hills. The proposed translation in zones in Oxford Falls is no different in that regard.

In addition, the Department created the E3 zoning under the Standard Instrument and agreed to its application in this locality. Even if Council accepted that the application of the E3 zone was somehow problematic, any issue with the translation of WLEP 2000 to the new standard instrument LEP is the responsibility of the Department. Council followed the Department's instructions in the matter.

OPTIONS TO RESPOND TO GATEWAY DETERMINATION

Three options have been considered to respond to the Gateway Determination. The required next steps and advantages and disadvantages of each option are summarised below.

1. Comply with Gateway requirements

Next steps:

- Undertake technical studies as required by Gateway Determination conditions
- Proceed to undertake amendment to LEP once studies are complete.

Advantages:

- Will result in detailed environmental studies for the area
- May assist in bringing the matter to conclusion so that the standard planning instrument applies to the entire Council area.

Disadvantages:

- The total cost of the required technical studies will be significant as evidenced by recently planned release areas and planned precincts
- The Department has not committed to funding studies (Council has repeatedly requested they be undertaken by the Department)
- There is no guarantee that the Department will support outcomes of studies given its failure to support the previously agreed Planning Proposal process with Council
- Land release in this area is inconsistent with draft Greater Sydney Regional Plan and Revised draft North District Plan
- Undertaking required studies would pre-empt Council's Local Planning Strategy/ Local Housing Strategy
- The required studies would divert Council resources away from preparation of a Local Planning Strategy as required by the soon-to-be-released North District Plan
- The required studies would take an extended timeframe to complete.

2. Prepare an amended Planning Proposal - replacing Environmental zones with Rural Residential zones

Next steps:

- Approach Department with an amended Planning Proposal replacing Environmental zones with Rural Residential zones
- Re-exhibit the amended Planning Proposal
- Resubmit to Department of Planning & Environment for a Gateway Review.

Advantages:

- The approach may be supported by the Department with less-detailed studies
- May assist in bringing the matter to conclusion so that the standard planning instrument applies to the entire Council area.

Disadvantages:

- Impact of future development on catchment health unknown
- Will result in a significant reduction in environmental protections for the Narrabeen Lagoon catchment
- Costs of required studies may still be significant
- No justification for this approach based on previous strategic analysis done by the Department and Council
- Would enable extension of the Seniors Housing State Policy to the area with consequent environmental impacts
- There is no guarantee that the Department will support outcomes of studies given its failure to support the previously agreed Planning Proposal process with Council.

3. Withdraw current Planning Proposal**Next steps:**

- Write to Department to seek withdrawal of the Planning Proposal
- WLEP 2000 to continue to apply to deferred lands until Local Planning Strategy is complete.

Advantages:

- Council's current planning controls continue to apply satisfying concerns of land being "down zoned"
- Current planning controls provide known protection for the Narrabeen Lagoon catchment
- Housing provision is considered as part of a holistic, LGA-wide review of housing and development issues in preparation of Council's overarching Local Planning Strategy
- Prevents "patchwork quilt" approach to strategic planning for the area as proposed by the Department.

Disadvantages:

- The matter would remain deferred and subject to a separate planning instrument (Warringah LEP 2000)
- Future planning for the area would be tied to the completion of the Local Planning Strategy which will take considerable time to undertake
- The Minister may take over the "Relevant Planning Authority" role from Council and seek to progress the Planning Proposal on his terms.

DISCUSSION**Requirement to complete Stage 2 Reviews reneges on previous longstanding agreements**

The process, methodology and recommendation for the project to transfer the deferred lands into Warringah LEP 2011 were developed by the Department in 2012. Since 2014 it has been agreed that the Stage 2 review would not commence until the Stage 1 translation was completed. To renege on that agreement 3 years into the translation process is unreasonable and unacceptable.

The Council and the Department jointly undertook the Project, investing significant public resources in community consultation and assessment processes, including visiting a number of sites. Not proceeding with the proposed translation and instead undertaking Stage 2 studies would not be an effective use of public funds.

No justification has been provided for the Department's changed position to council.

Despite the period of time which has elapsed since the Planning Proposal was submitted to the Department and the number of meetings and communications with high-level Departmental staff during that time in an effort to resolve apparent concerns, no indication was given at any time that there would be a requirement for the completion of the Stage 2 Review prior to progression of the Planning Proposal.

Stage 2 review requires costly and time consuming studies

The Planning Assessment Commission (the Commission) review of four sites in Oxford Falls Valley for Urban Development in 2009, instigated following the request by four major land holders, recommended to the then Minister that the future development potential of the Oxford Falls catchment area as a whole could not be determined until a range of major studies were completed, namely:

- Transport and Accessibility
- Bushfire Management hazard
- Water quality, aquatic ecology and hydrology of Narrabeen Lagoon and its catchment
- Flora and fauna protection
- Visual analysis
- Satellite communication buffer zones.

In addition, it is likely that the following additional studies will also be required:

- Social Infrastructure
- Land capability, salinity and contamination
- Indigenous heritage
- European heritage
- Infrastructure delivery.

The background studies required by the Gateway are extensive and costly, with potential for expenditure of close to \$1 million based on similar work done elsewhere.

In recent times this type of urban investigation has been led and paid for by the Department of Planning and Environment, not Council e.g. the Frenchs Forest and Ingleside Precinct. It is unreasonable therefore for Council to undertake this work without appropriate funding support.

In September 2014, Council wrote to the Secretary of Planning to communicate a resolution of Council on 26 August 2014 to, amongst other things, request the Department carry out these planning studies. Council also wrote to the then Minister to advise that expenditure of public funds for urban capability studies on land within the deferred area was premature and not a responsible use of the community's money.

Council has never identified this area for land release and does not have the budget or resources to undertake this work and deliver on our other planning commitments including the Ingleside Precinct Plan, Frenches Forest Planned Precinct, Brookvale Structure Plan, Housing Strategy, etc.

Further, it will not be possible to undertake these studies and complete the Gateway requirement for a 12 month timeline to complete the Planning Proposal process.

The 2009 Commission Review Report generally concludes that the area is unlikely to be suitable as a release area

The Commission report was generally critical of the proposal, concluding:

- None of the 4 sites substantially meets the sustainability criteria as required by the Metropolitan Strategy
- The sites fail to meet the sustainability criteria relating to access because of their distance from key centres and from public transport
- The low density housing generally proposed on the sites is not the kind of housing needed in the subregion
- There is potential land use conflict with the Earth Satellite station in Oxford Falls West, particularly for Lizard Rock and Oxford Falls West
- Parts of the four sites may be able to meet the sustainability criteria relating to Environmental Constraints. However, the cumulative impact of development on the sites must be assessed before any decisions are made to release the land for urban development
- The assessment of cumulative impact requires the assessment of the impact of future urban release areas in the whole Oxford Falls Valley area. This requires the update or completion of further studies.

In addition, the Commission noted that none of the sites are of sufficient size to function as an urban release area. They are too small and dispersed to justify the increased public transport and local services required to meet the sustainability criteria.

The Department did not support the Development of the sites in its submission to the 2009 Commission Review

In the summary of submissions in the Commission report, the Department opposed the urban development of the sites because it was inconsistent with:

- The State Plan
- Metropolitan Strategy
- Draft North East Subregional Strategy
- Metropolitan Development Program
- Warringah LEP
- Draft Comprehensive LEP
- Access to Transport Services
- Sustainability Criteria and Key Constraints

Urban Development in Oxford Falls Valley is inconsistent with the draft Greater Sydney Regional Plan

The recently released draft Greater Sydney Regional Plan (the Plan), "Our Greater Sydney 2056" identifies Oxford Falls Valley and Belrose North as Metropolitan Rural Land. Strategy 29.1 and 29.2 of the Plan state respectively:

- Maintain or enhance the values of the Metropolitan Rural Areas using place-based planning to deliver targeted environmental, social and economic outcomes, including rural residential development
- Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of the Northern Road, Luddenham

In addition, the Plan includes the following relevant Objectives and Strategies which are inconsistent with the Review:

- Objective 37 of the Plan "Exposure to natural and urban hazards is reduced" specifically refers to avoiding placing new communities in areas exposed to existing and potential hazards (e.g. bushfire)
- Strategy 25.1 Protect environmentally sensitive coastal areas and waterways
- Strategy 25.3 Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes
- Strategy 4.1 Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities
- Strategy 14.1 Integrate land use and transport plans to deliver the 30 minute city.

Urban Development in Oxford Falls Valley is inconsistent with the Revised Draft North District Plan

The Revised draft North District Plan contains the following relevant priorities and actions:

Planning Priority N18 – Better Managing Rural Areas, in the Draft Plan states that:

"..Urban development in the Metropolitan Rural Area will only be considered in the investigation areas identified in the draft Greater Sydney Regional Plan. There are no investigation areas in the North District"

Specifically, Action 67 in the Plan states:

"67 Limit urban development to within the Urban Area"

The proposed investigation of development potential in the Deferred Lands is contrary to the above priorities and actions.

Council can meet its housing targets without developing non-urban land

The Revised draft North District Plan identifies Ingleside as a Priority Growth Area (3400 dwellings) and Frenchs Forest as a Priority Precinct (5,360 dwellings on completion subject to additional infrastructure provision). Potential also exists for Brookvale to accommodate an additional 600-900 dwellings (Brookvale Structure Plan). Accordingly, Council can achieve its 0-5 year housing target of 3,400 new dwellings. Beyond this, a proper strategy will be developed to identify appropriate areas in which to accommodate growth.

In this regard, the Warringah community, at the 2009 Talk of The Town summit, gave a clear message that urban growth targets should not be achieved in non-urban lands. Council endorsed this position. More recently, Council has supported the meeting of housing targets through infill development at Frenchs Forest and Brookvale. There is therefore no strategic need for this land to be developed for urban purposes.

Undertaking studies for Oxford Falls Valley would pre-empt Council's Local Planning Strategy and Local Housing Strategy

Action 15 of the Revised Draft North District Plan requires local councils to prepare local housing strategies to deliver 6-10 year housing supply, with capacity to contribute to the longer term 20 year strategic target for the district.

Council's local housing strategy will determine where growth should occur and where studies will be needed to realise these projects. It is not appropriate to pre-empt the outcome of this work by undertaking expensive studies in areas that have not previously been identified by Council as a preferred option for further urban development.

CONSULTATION

If Council resolves to comply with Gateway conditions and undertake Stage 2 of the Strategic Review or amend the Planning Proposal, a further non-statutory and statutory public consultation will be required to be undertaken.

TIMING

If Council resolves to comply with Gateway conditions and undertake Stage 2 of the Strategic Review, the timeframes are contingent upon the resourcing/funding and completion of the studies required by the Gateway Determination Conditions.

If Council resolves to withdraw the Planning Proposal, the matter would be considered again in the context of developing Council's Local Planning Strategy in the next 2-3 years.

FINANCIAL CONSIDERATIONS

Proceeding to undertake Stage 2 of the Strategic Review cannot be undertaken within Strategic Planning's budget and resources. Should Council resolve to proceed with this work it is recommended that it only be commenced subject to appropriate funding being received from the State Government.

SOCIAL CONSIDERATIONS

Urban release of the four sites in the Deferred Lands area was not generally supported by the 2009 Planning Assessment Commission Review Report because of, amongst things, their distance from key centres and from public transport, their inability to meet identified housing needs in the sub-region, and because of potential land use conflict with the Earth Satellite station in Oxford Falls West.

ENVIRONMENTAL CONSIDERATIONS

The 2009 Planning Assessment Commission Review Report raised significant concerns regarding potential impacts of urban development on the four sites, and more broadly, on the Narrabeen Lagoon catchment. Given the ecological and environmental value of the land within the Oxford Falls Valley and Belrose North areas, and the potential provision of residential development elsewhere in the LGA, the Stage 2 review is not considered to be necessary.

GOVERNANCE AND RISK CONSIDERATIONS

Council is currently the “relevant planning authority” for the Planning Proposal. The Minister could chose to appoint another relevant planning authority to move forward with the Gateway determination should he consider that Council is no longer willing or able to support the process.

ITEM 10.2	PLANNING PROPOSAL – FACILITATING ACTIVITIES ON COMMUNITY LAND – MANLY LOCAL ENVIRONMENTAL PLAN 2013
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2018/122413
ATTACHMENTS	1 📄 Draft Planning Proposal (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek approval to submit a Planning Proposal to the Department of Planning and Environment to amend Manly Local Environmental Plan 2013 (Manly LEP) to enable activities to be arranged on Community Land without the need to undergo a consent process on each occasion.

SUMMARY

An amendment is proposed to Manly LEP to enable activities to be arranged on Community Land without the need to undergo a consent process on each occasion.

This change will ensure a consistent approach to dealing with activities on Community Land across the Northern Beaches. Currently both the Warringah Local Environmental Plan 2011 (Warringah LEP) and Pittwater Local Environmental Plan 2014 (Pittwater LEP) contain relevant provisions in their Exempt Development schedules. The change outlined in the current Planning Proposal will bring the Manly LEP into line with the Warringah and Pittwater LEPs.

RECOMMENDATION OF ACTING GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council approves the submission of a Planning Proposal to the Department of Planning and Environment to insert a new provision into Schedule 2 of Manly Local Environmental Plan 2013 to make the use of “outdoor areas of community land for commercial purposes” Exempt Development subject to the use being in keeping with the requirements of the relevant Plan of Management.

REPORT

BACKGROUND

There are currently inconsistencies between Council's Local Environmental Plans regarding approval requirements for the use of outdoor areas on Community Land in the Council area.

Specifically, the Warringah Local Environmental Plan 2011 (Warringah LEP) and Pittwater Local Environmental Plan 2014 (Pittwater LEP) allow the use of outdoor areas on Community Land as Exempt Development subject to the use being authorised in keeping with the requirements of a relevant Plan of Management. However the Manly Local Environmental Plan 2013 (Manly LEP) does not contain this provision for Exempt Development. The inconsistency hinders Council's ability to program community events, as development consent must currently be obtained for each event on Community Land before they can proceed. This includes markets and other community based events.

Accordingly, an amendment to the Manly LEP is proposed to include an Exempt Development category for the approval of outdoor commercial activities on Community Land, where authorised under a Plan of Management in accordance with the requirements of the *Local Government Act 1993*, in a similar manner to that which currently exists in the Pittwater and Warringah LEPs.

Plans of Management categorise land, authorise leases or licenses and determine what development can take place on Community Land. The key values of the land and its purpose are identified so they can be protected and enhanced. Council ensures public consultation occurs prior to the adoption of, and amendments to any Plan of Management.

Schedule 2 of both Warringah LEP and Pittwater LEP lists the Exempt Development types as follows:

Outdoor areas of community land for commercial purposes

Must be authorised under Division 2 of Part 2 of Chapter 6 of the Local Government Act.

The reference to the above section of the Local Government Act relates to the use and management of Community Land. For example, the Beaches Produce Market at Pittwater Rugby Club is authorised as a weekly outdoor event of community land for commercial purposes, not requiring a development consent. Under the above provisions, Council has determined that the use meets the requirement of the North Narrabeen Reserve Plan of Management 2004.

The North Narrabeen Reserve Plan of Management identifies Markets as Exempt Development based on the site assessment that was undertaken as part of the development of the plan of management. North Narrabeen Reserve (the Reserve) was considered suitable for a market due to its location context, management precincts, environmental quality, access, circulation and parking. Objectives for the establishment of the Reserve as a venue of non-sporting community events, as outlined in the plan of management, support the appropriate approval mechanisms to facilitate the Market without Development Consent, as Exempt Development.

In addition to the particular requirements relating to Plans of Management, all Exempt Development is also subject to existing requirements contained in each of Council's 3 LEPs which seek to ensure Exempt Development is of minimal environmental impact. In this regard the LEPs specify certain lands on which Exempt Development cannot be carried out including areas declared as critical habitat area or outstanding biodiversity or listed in the State Heritage Register. Requirements of the Building Code of Australia and the clearing of vegetation also apply under existing LEP clauses.

This Planning Proposal seeks to insert the above development types into Schedule 2 in the Manly LEP in a similar manner to both Warringah LEP and Pittwater LEP.

ASSESSMENT OF PLANNING PROPOSAL

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

At Part 1 of Council's Planning Proposal the Objectives and intended outcomes of the Schedule 2 amendment are set out. The objectives or intended outcome is to provide greater clarity around approval pathways under the Manly LEP consistent with the provisions contained in both Warringah LEP 2011 and Pittwater LEP 2014.

Part 2 of Council's Planning Proposal provides a detailed explanation of provisions. The Planning Proposal seeks to amend Manly LEP 2011 by inserting an additional exempt development category into Schedule 2 for 'Outdoor areas of community land for commercial purposes which must be authorised under Division 2 of Part 2 of Chapter 6 of the Local Government Act'.

Part 3 of Council's Planning Proposal justifies the need for the Planning Proposal and identifies that the Planning Proposal is the best means of achieving the objectives or intended outcomes. The Planning Proposal is consistent with the objectives and actions of regional, sub-regional or district plans and strategies. The Planning Proposal is also consistent with Council's local strategies as well as applicable State Environment Planning Policies and Ministerial Directions. In particular, critical habitat or threatened species, populations, or ecological communities, or their habitats, will not be adversely affected as a result of the proposal. State and Commonwealth interests are adequately addressed and adequate consideration is given to the provision of public infrastructure for the Planning Proposal.

There are no likely detrimental impacts resulting from the Planning Proposal and environmental, social and economic effects are adequately addressed.

CONSULTATION

Public exhibition of the Planning Proposal will take place following receipt of any Gateway Determination from the Department of Planning and Environment. The Gateway Determination will prescribe the minimum requirements for consultation including the exhibition period and government agency consultation requirements. Council would usually undertake consultation as follows:

- Manly Daily advertisement of the Planning Proposal at the commencement and midway through the exhibition
- Electronic copies of the exhibition material on Council's website
- Hard copies of the exhibition material at Council's Dee Why, Manly and Mona Vale Customer Service Centres
- An email to registered community members who have listed their interest on Council's Community Engagement Register.

The views of State and Commonwealth public authorities would be addressed in consultations in accordance with the Gateway Determination.

TIMING

An indicative timeline for the making of the proposed amending LEP is detailed in the Planning Proposal comprising a period of 6 months.

FINANCIAL CONSIDERATIONS

The preparation of the Planning Proposal is to be funded through Council's Operational budget as Council is the proponent for the Planning Proposal.

SOCIAL CONSIDERATIONS

The Planning Proposal seeks to provide improved and consistent approval pathways for approval of outdoor events on Community Land. These events contribute to social cohesion, community participation and enhanced sense of place and liveability.

ENVIRONMENTAL CONSIDERATIONS

The Planning Proposal is drafted to ensure environmental impacts are addressed and minimised. In this regards exempt development can only be carried out if already authorised under the *Local Government Act 1993*.

GOVERNANCE AND RISK CONSIDERATIONS

The Planning Proposal is likely to result in reduced regulatory burden for both Council and the community.

ITEM 10.3	OPEN SPACE IN THE PROPOSED FRENCHS FOREST TOWN CENTRE SITE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2018/063502
ATTACHMENTS	NIL

REPORT

PURPOSE

To inform Council of options to increase open space in the proposed Frenchs Forest town centre site as part of the ongoing development of the Northern Beaches Hospital Precinct Structure Plan in response to Council's resolution on 24 October 2017.

REPORT

At the Council meeting on 24 October 2017, Council resolved through a Mayoral Minute:

That Council:

- 1. Prepare a short report to present to Council within three months that identifies options to increase open space in the proposed Frenchs Forest town centre site as part of the ongoing development of the Northern Beaches Hospital Precinct Structure Plan.*
- 2. Form a community consultation group with the following stakeholders: Dr Rob Stokes, Brad Hazzard, Jonathon O'Dea, Brett Whitworth (Executive Director State Department of Planning and Environment), Sarah Hill (CEO Greater Sydney Commission), Fiona Morrison (Open Space Coordinator, State Minister for Planning and Housing).*

Frenchs Forest has been identified as a 'Planned Precinct' by the NSW Department of Planning and Environment (the Department), who are leading the precinct planning for the area in collaboration with Council and relevant state agencies.

In late 2017, the Department engaged a number of consultants to prepare technical studies and statutory planning controls to support the (statutory rezoning process). Council will utilise a number of these studies to prepare a Developer Contributions Plan.

The studies commissioned by the Department cover a range of topics including the following:

- Urban Design built form analysis
- Public domain, social infrastructure and open space assessment
- Green Infrastructure Plan
- Heritage
- Utilities
- Traffic and Transport
- Sustainability
- Employment
- Stormwater
- Contamination

In addition to the above, a specialist engagement and communications consultancy, have been engaged by the Department to build on previous community and stakeholder engagement undertaken by Council and to further explore the community's vision. A number of community workshops are scheduled to be held in the coming months. It is anticipated that the community workshops will assist in the development of a Local Character Statement for Frenchs Forest. This will assist the Department in validating community values and aspirations for Frenchs Forest. More information regarding the workshops will be provided to Council by the Department in due course.

In regards to options for open space, it remains too early in the design process to provide detailed options for the provision of open space in the town centre. The site identified for the town centre has an area of approximately 6.5 hectares, of which approximately 2 hectares is utilised for a playing field (approximately 30% of the site).

Whilst the size of the future open space will be a key consideration, the function of this space and its relationship with the town centre and surrounding area is crucial. Typically, the size of one football (soccer) field is approximately 0.9ha and a village green approximately 0.5 to 1 hectares. The town centre will have a dense, urban character and analysis regarding the appropriate size of the open space is with respect to function, usability and suitability in this new environment is currently underway.

The importance of the provision of open space within the town centre is recognised by Council and the community. To that end, staff have been working with the Department and the appointed Urban Design and Public Domain consultants to explore and develop best practice outcomes for the existing and future Frenchs Forest community.

Council is committed to working with the community to implement Phase 1 of the Northern Beaches Hospital Structure Plan, establishing a vibrant and sustainable new town centre, next to the Northern Beaches Hospital. In addition to the community workshops outlined above, the Northern Beaches Hospital Precinct Structure Plan Consultation Committee, adopted by Council on 28 November 2017, will provide further input and oversight into the precinct planning process.

Council anticipates that the Precinct Plan (including open space options for the town centre) will be exhibited in the second half of 2018 for public comment by the Department of Planning. Following this, the Department will consider submissions and prepare a final report and recommendation to the Minister for Planning based on community feedback. Determination of the rezoning will be made by the Minister for Planning.

FINANCIAL CONSIDERATIONS

Council will prepare a Section 94 Developer Contributions Plan in order to fund any required infrastructure, such as the embellishment of existing open space. The preparation of the Section 94 Developer Contributions Plan is included in Council's existing operational budget.

ENVIRONMENTAL CONSIDERATIONS

Open space within the future town centre will have a positive impact on the environment through the provision of a sustainable town centre with opportunities for passive open space.

SOCIAL CONSIDERATIONS

The future town centre will provide a social benefit as it will be a vibrant, new place for people to meet, socialise and visit, and will ultimately play a more important role as the Strategic Centre for the Northern Beaches over the next 20 years and beyond. Of equal importance is the 15% affordable rental housing target identified for key workers by Council. This will ensure that the Hospital precinct reflects best practice planning outcomes by integrating affordable rental housing within the new town centre, so that is in walking distance to shops, services, amenities, jobs and the new Northern Beaches Hospital.

GOVERNANCE & RISK CONSIDERATIONS

The Department are the lead government agency for the Frenchs Forest Planned Precinct. A governance arrangement has been adopted by the Department which ensures that the Department, Council and relevant state agencies work collaboratively.

RECOMMENDATION OF ACTING GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council invite the NSW Department of Planning and Environment to brief Councillors on the Frenchs Forest Precinct Plan, including the intended provision of open space, prior to public exhibition.

ITEM 10.4	REQUEST TO WAIVE THE SECTION 94A CONTRIBUTION FOR RECONSTRUCTION OF A DWELLING AT 30 DAWES ROAD BELROSE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2018/163579
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek Council's endorsement to waive the Section 94A contribution for the reconstruction of a dwelling damaged by fire at 30 Dawes Road, Belrose.

SUMMARY

Council staff do not have delegation to waive Section 94A contributions. Council's endorsement is sought to waive payment of the development contribution on compassionate grounds.

Consent for the construction of a dwelling on 30 Dawes Road, Belrose was issued by Council in 2002 and included the payment of a development contribution at the time. In 2016 this dwelling was severely damaged by a fire. Following receipt of a building report, Council issued an Emergency Order to the landowner on 23 December 2016 to repair the unsafe dwelling.

A Complying Development Certificate has been issued by ZED Certifiers for the reconstruction of the dwelling in accordance with the plans approved in 2002. On receipt of notice of this Complying Development Certificate Council requested payment of a Section 94A contribution levied in accordance with the *Northern Beaches Section 94A Plan 2017*. The Section 94A contribution for this development is \$4,800. The landowner has written to Council to seek an exemption to the Section 94A contribution.

The *Northern Beaches Section 94A Plan 2017* provides the legislative framework for Council to levy a contribution for the provision or augmentation of public infrastructure and services to meet the increased demand created by new development in the area. In this circumstance it is not considered appropriate to levy a contribution for this development as the reconstruction of the dwelling will not increase the demand for public infrastructure above the level experienced before the fire at this property.

RECOMMENDATION OF ACTING GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council waive the Section 94A contribution for the Complying Development Certificate at 30 Dawes Road, Belrose.

REPORT

BACKGROUND

Consent for the construction of a dwelling on 30 Dawes Road, Belrose was issued by Council in 2002 and included the payment of a development contribution at the time. In 2016 this dwelling was severely damaged by a fire. Following receipt of a building report Council issued an Emergency Order to the landowner on 23 December 2016 to repair the unsafe dwelling.

A Complying Development Certificate has been issued by ZED Certifiers for the reconstruction of the dwelling in accordance with the plans approved in 2002. On receipt of notice of this Complying Development Certificate, Council requested payment of a Section 94A contribution levied in accordance with the *Northern Beaches Section 94A Plan 2017*. The Section 94A contribution for this development is \$4,800. The landowner has written to Council to seek an exemption to the S94A contribution.

The *Northern Beaches Section 94A Plan 2017* provides the legislative framework for Council to levy a flat rate contribution for the provision or augmentation of public infrastructure and services to meet the increased demand created by new development in the area. In this circumstance it is not considered appropriate to levy a contribution for this development as the reconstruction of the dwelling will not increase the demand for public infrastructure above the level experienced before the fire at this property.

Section 7 of the *Northern Beaches Section 94A Plan 2017* provides exemptions to the Section 94A levy subject to the following criteria:

- 1) Exempt development
- 2) Development Applications and applications for Complying Development Certificates where the proposed cost of carrying out the development is up to and including \$100,000
- 3) Applications lodged under Section 96 of the Environmental Planning & Assessment Act 1979 (EP&A Act) to modify conditions of an existing consent
- 4) Development Applications and applications for a Complying Development Certificates for public purposes as proposed by:
 - a. Council, that involve the use of land classified as Community or Operational under the Local Government Act 1993 or as Crown Land under the Crown Lands Act 1989
 - b. Non-profit organisations, as defined by the Australian Taxation Office, on behalf of, or in partnership with Council
 - c. Government agencies
 - d. Public utility providers.
- 5) Development which complies with the Ministerial Direction under section 94E of the EP&A Act, dated 14 April 2016. This Direction provides a prohibition on a levy where a Section 94 contribution was initially required, specifically:
 - a. If a development contribution under Section 94 of the EP&A Act has been required in respect of the subdivision of land (initial subdivision), a levy under Section 94A of that Act may not be required in respect of any other development on the land, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision.

This unusual circumstance does not satisfy the provisions for an exemption to the Section 94A levy. Council staff recognise that a development contribution was paid for the construction of a

dwelling on the subject site in 2003. Levying a contribution for the same development is in this instance unreasonable and contrary to the provisions of the EP&A Act. Nonetheless, Council staff do not have delegation to waive Section 94A contributions that have been calculated and applied in accordance with the adopted contributions plan. Council's endorsement is sought to waive the Section 94A contribution on compassionate grounds.

CONSULTATION

Consultation was not considered relevant in these circumstances.

FINANCIAL CONSIDERATIONS

Waiving the Section 94A levy for this Complying Development Certificate on compassionate grounds will not significantly adversely impact Council's ability to provide the range of infrastructure items identified in the *Northern Beaches Section 94A Plan 2017* works schedule.

SOCIAL CONSIDERATIONS

The *Northern Beaches Section 94A Plan 2017* facilitates the funding mechanism for a range of public infrastructure that enhances social outcomes for the community. The waiver of this contribution will not prevent these social outcomes from being realised.

ENVIRONMENTAL CONSIDERATIONS

There are negligible environmental considerations.

GOVERNANCE AND RISK CONSIDERATIONS

A report seeking Council's endorsement to waive Section 94A contributions in these extenuating circumstances is the appropriate way for this to be considered.

11.0 NOTICES OF MOTION

ITEM 11.1	NOTICE OF MOTION NO 14/2018 - EAST ESPLANADE
TRIM FILE REF	2018/167838
ATTACHMENTS	NIL

Note: This item was deferred by resolution at the 27 February 2018 Ordinary Council Meeting.

Submitted by: Councillors Candy Bingham; Sarah Grattan

MOTION

That:

- A. Council review the 'Alcohol Prohibited Area' at East Esplanade as an Alcohol-Prohibited Area from 8.00pm to 8.00am to enable Council and Police to enforce the zoning.
- B. Council investigate the deployment of night rangers or alternative measures to deal with noise issues and enforcement of Alcohol Prohibited Areas.
- C. Council consider other strategies to clear the area of illegal drinkers.
- D. Council refer the matter to the Northern Beaches Safety Advisory Committee for ongoing monitoring.

BACKGROUND FROM COUNCILLORS CANDY BINGHAM AND SARAH GRATTAN

In recent years, East Esplanade reserve, the gateway to Manly, has become "party central" with thousands cramming into the area, particularly on Friday, Saturday & Sunday nights.

The situation has now become untenable due to increased anti-social behaviour in the early hours with urination, defecation & vomiting on personal property commonplace. Loud parties, fights & drunks wandering across the road are also a major concern.

ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Council's role in consultation with the Police Local Area Command is to define appropriate locations and timings for Alcohol Free Zones and Alcohol Prohibited Areas. A change to an existing area would benefit from wider community consultation and engagement with the Police prior to being adopted by Council.

Two Night Rangers are already employed by Council and tasked to the Manly area. Their role includes responding to complaints regarding noise and public order matters in support of the police, including patrolling public places. Council Rangers and Night Rangers have limited powers in relation to regulating Alcohol Free Zones and Alcohol Prohibited areas, and as such the Police generally take the lead on managing compliance in these areas. The Night Rangers' operational runs could be amended to include patrols of this location.

Concerns raised by residents regarding alcohol consumption and related anti-social behaviour in East Esplanade were discussed at the monthly Council and Police Operational meeting on 12 February. Recommendations from the meeting included considering a review of the Alcohol Free Zone and Alcohol Prohibited Area in East Esplanade and changes to current time restrictions.

Further to this meeting, on 13 March 2018 Superintendent Dave Darcy, the NSW Police Force Northern Beaches Local Area Commander, met with Councillors regarding matters of community safety and Police response to the community concerns raised in relation to East Esplanade.

ITEM 11.2	NOTICE OF MOTION NO 16/2018 - GREENING OF THE NORTHERN BEACHES
TRIM FILE REF	2018/176228
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That:

- A. Staff bring forward an Urban Forest Strategy to improve the tree canopy, habitat and create healthy and diverse landscaping in our streets and parks that contribute to the health and wellbeing of all that enjoy our area
 - B. Staff provide a report at the same time as to how we can encourage the community to participate in actions to increase the urban forest within the Northern Beaches LGA.
-

BACKGROUND FROM COUNCILLOR STUART SPROTT

Over the last five (5) years, the urban forest in the Northern Beaches has seen a decline. We need to halt this decline and encourage the community to plant more trees.

I am aware that many residents request the removal of trees due to the perceived danger in their backyard, particularly mature trees.

Council is currently preparing an Urban Forest Strategy which relates mainly to road reserves, parks and bushland, seeking to improve the tree canopy, improve habitat and create healthy and diverse landscaping in our streets and parks that contribute to the health and wellbeing of all that enjoy our area.

We can go even further I believe and develop a plan to encourage the community to participate in the "greening" of the area by planting trees in their private property and encouraging them to retain as many mature trees as possible. There are many ideas out there and so I am proposing that we request staff to bring forward the Urban Forest Strategy and also at the same time prepare a short report outlining proposals for how we can encourage the community to participate in actions to increase the urban forest within the Northern Beaches LGA.

ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Council is currently preparing an Urban Forest Strategy and staff can prepare a brief report using existing operational budgets within 3 months outlining opportunities as to how the community can work with Council on ways to replenish the urban forest.

ITEM 11.3	NOTICE OF MOTION NO 17/2018 - SINGLE PARENTS RATE RELIEF
TRIM FILE REF	2018/160516
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That Council staff prepare a brief report to Councillors on the feasibility (including possible cost and practical implementation) of a one year trial to provide council rates and waste charges relief, possibly similar to that provided to pensioners and those on the parenting payment, to single parents who are the primary carers of dependent children but not eligible for the parenting payment.

ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Preparation of a brief report can be carried out within existing operational budgets within 3 months. However, by way of background, it would be exceptionally difficult to administer rebate relief similar to that provided to pensioners and those on the parenting payment, to single parents who are the primary carer of dependent children but not eligible for the parenting payment. The principal reason is that those rebates for pensioners are administered under the Local Government Act 1993 and through the verification processes undertaken via Centrelink and the Department of Veteran Affairs.

ITEM 11.4	NOTICE OF MOTION NO 18/2018 - REVIEW CLAUSE 10.3.5 OF STANDARD CONTRACT FOR EMPLOYMENT OF GENERAL MANAGERS OF LOCAL COUNCILS IN NSW
TRIM FILE REF	2018/160737
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That Council write to the Department of Local Government urging it to review clause 10.3.5 of its standard contract for employment General Managers of Local Councils in NSW, so it is more in line with community and ratepayer expectations.

ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

The Office of Local Government (then the Division of Local Government) in 2011 issued the document entitled "*Guidelines for the Appointment of General Managers*".

In relation to the matter of a contract for employment the subject guideline inter alia comments as follows:

"The Standard Contract for the Employment of General Managers as approved by the Chief Executive of the Division of Local Government must be used.

The terms of the Standard Contract must not be varied. Only the term and the schedules to the Standard Contract can be individualised.

ITEM 11.5	NOTICE OF MOTION NO 19/2018 - NORTHERN BEACHES COUNCIL COMMUNITY SAFETY COMMITTEE TO BE TASKED WITH ACTION REGARDING ESCALATING ANTI-SOCIAL BEHAVIOUR
TRIM FILE REF	2018/182765
ATTACHMENTS	NIL

Submitted by: Councillor Pat Daley OAM

MOTION

That:

- A. The Terms of Reference and Charter of the Northern Beaches Council Community Safety Committee be amended in the following way:
- a. The Safety Committee currently includes a State Member of Parliament and that this component of the committee be expanded to include all four (4) State Members of Parliament on the Northern Beaches or their nominated representative. (as per below Composition/Membership of the Terms of Reference/Charter)

Proposed Composition/Membership

Membership of the Committee comprises of up to 27 representatives of organisations, groups and community members.

The Chairperson is the Mayor or his nominated delegate on this group and Deputy Chair as elected by the Mayor. The following Council members will be appointed

- Mayor (Chair) and 4 appointed Councillors (1 per Ward)

The group will consist of up to 17 members of the following Northern Beaches organisations:

- Northern Beaches Police Local Area Commander and/or a delegate
 - Northern Sydney Area Health Service
 - Corrections NSW
 - 2 x Community Service Providers
 - NSW Family and Community Services
 - Northern Beaches Liquor Accord
 - Transport NSW
 - Drug and Alcohol Service
 - 2 x Chamber of Commerce
 - 1 Surf Life Saving Sydney Northern Beaches representative
 - Youth agency representative
 - 4 State Members (representing all 4 State MP's)
-

-
- 5 Community members or groups interested in representing a broad range of strategic views in this topic across the Northern Beaches (* Ideally one member per ward).
- B. The Community Safety Committee be convened as a matter of urgency and tasked with taking immediate action regarding the escalating level of alcohol and drug abuse and related anti-social behaviour involving young people on the Northern Beaches.
- C. The name of the Northern Beaches Council Community Safety Committee retain its title for all intents and purposes however to highlight the absolute importance and urgency of this task the Safety Committee hold specific meetings regarding the issues mentioned and that it be called a Task Force when dealing with this aspect of its work.
-

BACKGROUND FROM COUNCILLOR PAT DALEY OAM

Binge drinking and illegal drug use gatherings of young people in parks and other public places across the Northern Beaches organised through social media are causing increasing problems for Police and Council Rangers.

There needs to be a much more co-ordinated response by Police and Rangers to this problem. The council and the community needs to assist the Police in every way we can. A community hotline needs to be immediately investigated.

An urgent review and much stricter enforcement of alcohol free zones across the Northern Beaches needs to also happen. There should also be a full upgrade of signage for alcohol free zone areas.

A community awareness campaign highlighting the dangers of binge drinking and illegal drug use particularly poly drug use (use of illegal drugs and alcohol together) should be organised as a matter of priority. This campaign should also involve our local schools.

There also needs to be a much more co-ordinated response between the council and the state government regarding the escalating problems of alcohol related issues on East Esplanade in Manly.

ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

In relation to timeframes for this Committee, the expressions of interest close on Monday 26 March 2018. The committee evaluation team are scheduled to evaluate responses, finalise the membership, send out invitations to successful applicants and hold the first meeting of this Committee on 12 April 2018.

ITEM 11.6	NOTICE OF MOTION NO 20/2018 - BAYVIEW BATHS ENVIRONMENTAL INVESTIGATION
TRIM FILE REF	2018/182886
ATTACHMENTS	NIL

Submitted by: Councillor Alex McTaggart

MOTION

That:

- A. Council work with Sydney Water and Beachwatch (OEH) to review recreational water quality data for what is known as the Bayview Baths in order to determine if it would be feasible to potentially restore/renew the pool and provide a briefing back to Council within 3 months.
 - B. In the event of a favourable report Council may move to a second stage of risk assessment and a refurbishment process subject to budget availability.
-

BACKGROUND FROM COUNCILLOR ALEX MCTAGGART

The iconic and historic Bayview baths has fallen into disrepair. The previous Pittwater Council was concerned regarding water quality resulting from a nearby Sydney Water sewer overflow valve which discharged after particular storm events and as a result staff were not supportive of a refurbishment of the baths and continued swimming use.

Recently further information has come to light suggesting that staff concerns regarding public health safety may not be supported in the form of a total ban on swimming in this location.

ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Council has strong relationships with both Sydney Water and Beachwatch and can undertake this review within the existing operational budget and resources. Staff can investigate whether there is sufficient data on recreational water quality to guide a decision on the use of the baths, and if not determine what time and resources would be needed to gather such data.

ITEM 11.7	NOTICE OF MOTION NO 21/2018 - GURINGAI FESTIVAL
TRIM FILE REF	2018/185001
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

MOTION

That this Council resolves to restore funding to the Guringai Festival and work with the Festival Chairs to seek a way forward and to allocate the unspent \$25,000 proposed for the Palm Beach Movie to fund this.

ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Council already has an allocated operating budget of \$15,000 for the Guringai Festival project 2017/2018 to support the delivery of events and activities that are developed annually in consultation with the co-chairs of the Festival committee. Whilst the Festival co-chairs decided earlier this year to suspend the Festival program for this year, the co-chairs have advised that with an increase in the operating budget they will deliver a one day event to be held during NAIDOC Week to support a 'day of culture and ceremony'.

The request for additional funding of \$10,000 will increase the total operating budget for the Festival to \$25,000 for 2017/2018.

The budget impact of reallocating the \$25,000 that was previously proposed to support the Palm Beach movie to the Guringai Festival project would increase the total operating budget to \$40,000. This will reduce the operating budget in Tourism and Economic Development and impact on service delivery of activation plans and tourism initiatives.

ITEM 11.8	NOTICE OF MOTION NO 22/2018 - PLASTIC STRAWS
TRIM FILE REF	2018/185024
ATTACHMENTS	NIL

Submitted by: Councillor Natalie Warren

MOTION

That:

- A. Council continues to support the work and intention of campaigns such as Plastic Free Manly, SO Manly, Boomerang Bags and others across the Northern Beaches in their efforts to reduce the use of plastic straws and other single use plastics.
 - B. Council will write to each of the Northern Beaches food and beverage proprietors to express support as per motion 1 and to encourage businesses to transition away from plastic straws, either to alternatives or to no straws altogether.
 - C. Council requests staff to report back within six months on progress to date implementing the Single Use Plastics Policy and proposing strategies that would encourage venues across the Northern Beaches to phase out the usage of plastic straws. This report to include enabling strategies for local businesses.
 - D. Council will write to the NSW Government to demonstrate the Northern Beaches' commitment to eliminating single use plastics under our Single Use Plastics Policy and strongly advocating for a ban on plastic straws and plastic bags.
-

BACKGROUND FROM COUNCILLOR NATALIE WARREN

Mass plastic use is a huge problem that contributes massive amounts to landfill and has a negative impact on ocean eco systems. Plastic straws are an unnecessary convenience with a big impact. Single use plastics (SUPs), including straws, are having an adverse affect on our world, and it's time to do something about it.

There is an alarming disconnect between what's in our hands and where it comes from, or what it means for the future. A plastic straw in your G&T might seem innocent enough, but multiply that by the billions of people who buy billions of drinks across the world every single day, and you start to get an idea of the scale of the problem. That straw you threw away after stirring your drink will outlive you and everyone else on this planet.

Many of you will have seen the stories of turtles found with plastic straws lodged inside their nostrils, and seabirds with stomachs so full of plastic that they starve to death. The plastic pollution on our beaches is impossible to ignore. This summer, a group of Manly locals, in collaboration with SO Manly and Plastic Free Manly, decided to try to do something about it and Operation Straw was born. The aim was to complete an underwater clean-up of Manly Cove once a weekend over the summer, with the aim of recording data for future use and also removing plastic straws from the ocean. These were called STRAWkles. Members of the community were a huge part of the project and they're now working on phase two - talking to local businesses about their plastic use.

The project was featured on Studio 10, ABC News and Sunrise.

A breakdown of stats:

- More than 2000 plastic straws were collected over 12 cleans.
- Straws were separated into types (e.g. slurpee straws, clear straws etc.)
- The most numerous type (more than 600) was long black straws. These are the kind found in Slurpees, and long soft drinks.
- More than 300 McDonalds straws were found, and more than 250 short black cocktail straws.
- On one STRAWkle the haul was more than 200 plastic straws and then just two days later a further 100 were collected in exactly the same spot. The straws collect in Manly Cove so frequently, and it's clear from the different types found that they are from local venues.

Some venues in Manly have already stopped using plastic straws, including Hemingway's and Four Pines. The Bavarian Beer Cafe and Hotel Steyne have recently said that they will no longer be using plastic straws after hearing about the amount found in Manly Cove.

These community groups are having some success with local businesses in persuading them to ditch plastic straws, but strong support from council on this issue would also help to supercharge the work to take plastic straws off of the menu in Manly. The Manly Chamber of Commerce is also supportive of this initiative.

A state and federal ban on plastic straws and SUPs in general is needed in the short term to get a grip on our plastic problem. Council's support of this action would send a strong message.

This initiative is embodied in the internal Single Use Plastic Elimination Strategy which has been developed by Council's Waste Education Team. This is a comprehensive document which identifies four major focus areas:

- Lobby State and federal Government for legislation Change
- Reduce SUPs in Council internal operations
- Reduce SUPs in Northern Beaches Businesses
- Reduce SUPs in Northern beaches Community.

There also a detailed action plan to support SUP reduction in the community with many actions already completed and making an impact on the Northern beaches.

One significant action in this regard is Council's adoption of the Waste Minimisation at Functions and Events Policy. Waste education staff have been very busy working with Council's Events Team and Reserves Bookings Team as well as Community Event organisers to implement this policy at all events held on Council parks and reserves.

A recruitment process is already underway to appoint an officer dedicated to engaging with Northern Beaches businesses in reducing SUPs in accordance with the Council decision. This position is funded from the Merger Savings Fund for two years.

Resources:

Council's Single Use Plastic Policy:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/single-use-plastics/single-use-plastics/singleuseplasticpolicy-current-20170822.PDF>

Waste Minimisation at Functions and Events Policy:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/waste-minimisation-functions-and-events-council/waste-minimisation-functions-and-events-approved-council/wasteminimisationatfunctionsandeventsforcouncilpolicy-current-20170822.PDF>

<https://www.somanly.org>

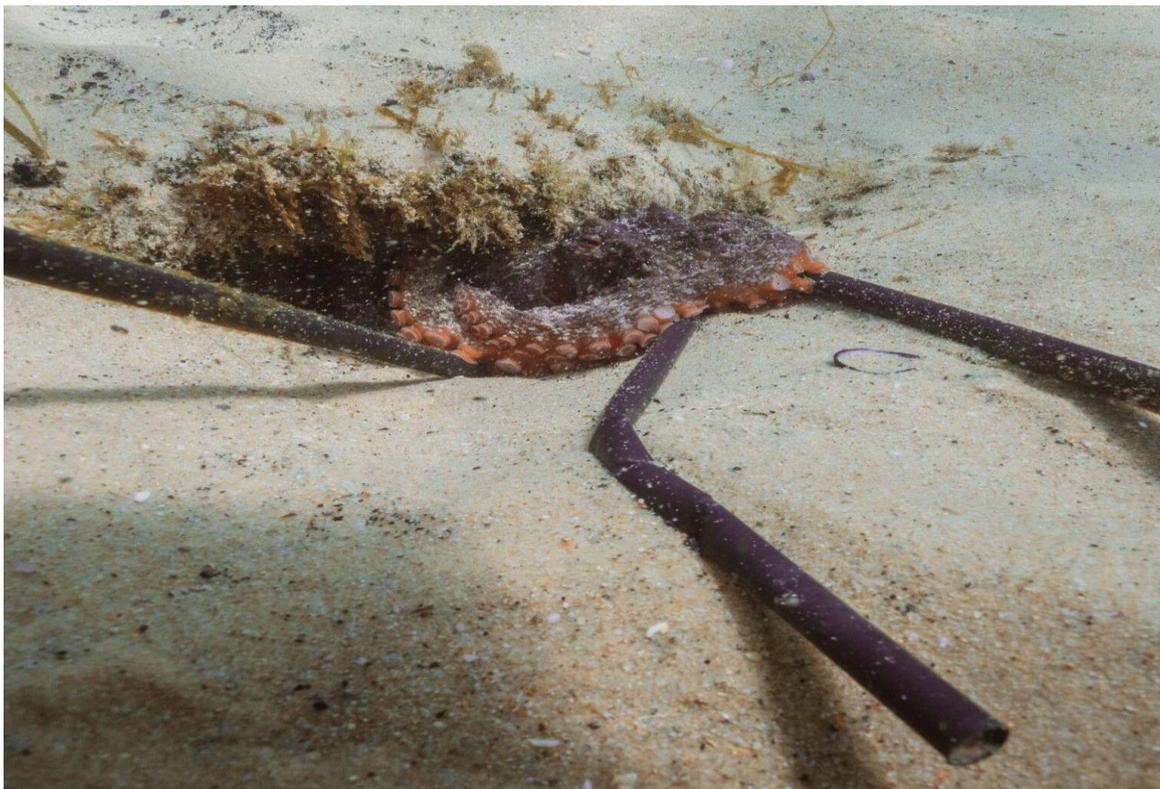
<https://www.somanly.org/operation-straw/>

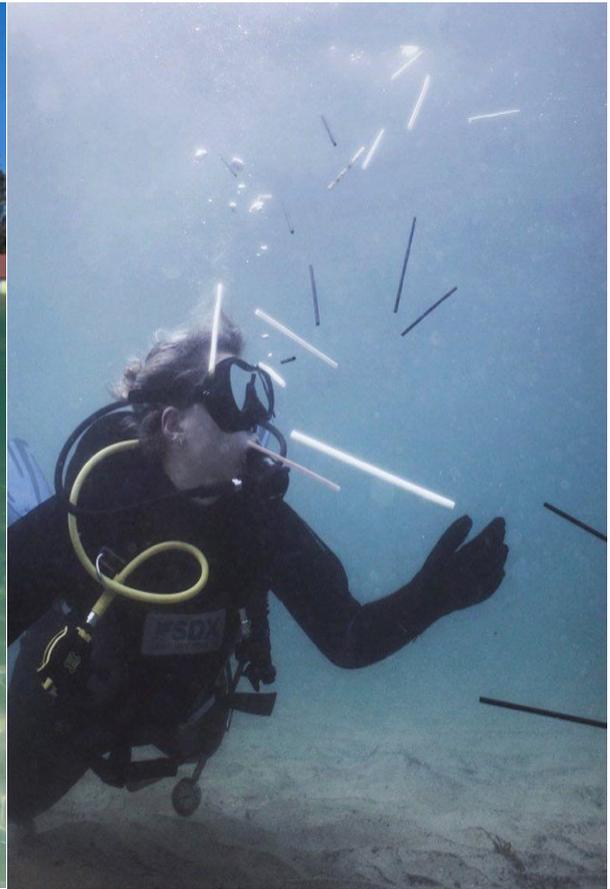
<https://www.plasticfreemanly.org/no-straw-thanks/>

<http://www.laststraw.com.au>

Pictures from STRAWkle:

An octopus clutches at straws in Manly Cove





ACTING CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 5.1(1)(c) I offer the following report on this matter to assist Council in the deliberation of this motion:

Council's Waste Management team have developed strategies, policies, programs and media campaigns targeting a range of responsible waste management initiatives and behaviour change projects, including the elimination of single use plastics (SUPs) internally and in the broader community.

These include:

- Single Use Plastic Policy
- Single Use Plastic Elimination Strategy
- Waste Minimisation at Functions and Events Policy
- Waste Education Strategy
- Targeted Campaigns including Plastic Free July, LitterGuards and "Swap this 4 That".

Council is currently recruiting an officer dedicated to working with local businesses to reduce the current reliance on single use plastics. In practice this officer will build capacity within the business community for change through responsible procurement practices and encouraging services that do not rely upon single use plastics.

Council recognises that plastic pollution is a major cause of environmental degradation and species decline worldwide and will work with our community, eliminating our reliance on single use plastics, advocating for legislative change and the delivery of a broad range of strategies that enable responsible consumption and procurement practices.

This motion can be carried out within existing operational budgets.

12.0 QUESTIONS ON NOTICE

ITEM 12.1	QUESTION ON NOTICE NO 02/2018 - MERITON DEE WHY S94
TRIM FILE REF	2018/184165
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

In relation to Meriton's Section 94 Contributions due its developments in the Dee Why Town Centre:

- A. On what date/s did Council (under the Administrator) write to Meriton a Letter of Offer regarding the amount of Section 94 developer contributions Meriton was to pay Council for its developments in the Dee Why Town Centre and what was the amount proposed?
- B. What are the total funds paid to date to Council in Section 94 by Meriton for its developments in the Dee Why Town Centre?
- C. Prior to Meriton's payment of section 94 funds to Council and Council's Letter of Offer, what was the previous calculation of section 94 Funds due for the Meriton (previously Brookfield Multiplex) developments in the Dee Why Town Centre?
- D. Does Council maintain a Section 94 payments Register and if so, what is the total amount paid by Meriton documented on that Register?

ITEM 12.2	QUESTION ON NOTICE NO 03/2018 - SITE A DEE WHY (COUNCIL OWNED SITE)
TRIM FILE REF	2018/184171
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. What is Council's current proposal for the development of Site A?
 - a) Will the site be 9-storeys?
 - b) Is the site still on the market and do sale provisions require a developer to include provision of community facilities outlined in (a) below and if not, why not?
2. Is it correct that the site will no longer include provision for:
 - a) - a new 2,700 sq/m Library
 - a Library Square
 - a 400 sq/m Community facility
 - 310 additional car parking spaces for free public use.
 - b) can Council please confirm that some or all of the facilities noted above in (a), including a new Dee Why Police Station, are to now be provided at another location(s)?

13.0 RESPONSES TO QUESTIONS ON NOTICE

ITEM 13.1	RESPONSE TO QUESTION ON NOTICE 01/2018 - OUTSTANDING RESOLUTIONS OF COUNCIL
TRIM FILE REF	2018/156755
ATTACHMENTS	NIL

Submitted by: Councillor Alex McTaggart

QUESTION

In regards to the outstanding former Pittwater Council resolutions:

- A. A resolution of Pittwater Council on 4 December 2006 refers to placing on public exhibition a trial unleashed dog exercise/swimming area at Station Beach, Palm Beach.
- B. A further resolution of Pittwater council on 4 February 2008 regarding the trial of unleashed dog swimming area at Station Beach calls for a review of environmental factors to be prepared by Council and placed on public exhibition.

As there is to date no progress on the off leash trial at Station Beach can staff advise is there a clear and definite report to Council and thus the community, containing the necessary technical information to support a suspension or cancellation of such a trial and if so did council resolve to suspend or cancel such a trial?

RESPONSE

The then Pittwater Council resolved on 4 February 2008:

1. That the responses received from Government Departments, including the Lands Department's requirements for a Review of Environmental Factors, be noted
2. That a Review of Environmental Factors be undertaken and reported to the Lands Department for assessment
3. That subject to a positive response from the Lands Department, the Review of Environmental Factors be placed on public exhibition and reported back to Council for determination.

Council's records on this matter indicate the following:

The former Pittwater Council engaged a consultant NGH Environmental to prepare a Review of Environmental factors (REF) and Biodiversity Assessment. Council received correspondence from the Land and Property Authority (LPMA) dated 6 November 2009 that the REF drafted December 2008 lacks details on how the trial and safeguard proposals would be implemented and that based on its own understanding as well as comment by other agencies it would not recommend that a dog swimming trial at Station Beach proceed. Further advice in the correspondence states that the Department of Climate Change and Water is not supportive of off leash swimming at Station Beach due to the damage and stress caused to wildlife.

The LPMA is required to apply the Principles of Crown Land Management (Section 11 of the Crown Lands Act) in managing Crown Land for the people of New South Wales. There are six principles, which afford environmental protection principles and conservation of natural resources. A proposed dog swimming area is not readily complimentary with the principles of the Crown if applied to Station Beach. It is understood the LPMA, based on its own understanding and feedback from other agencies, would not recommend that a trial at Station Beach proceed.

The REF prepared in 2008 identified the following community groups opposed to the proposal, Palm Beach and Whale Beach Association, Palm Beach Golf Club Limited, Station Beach Protection Committee and local residents. Supportive of the proposal were the Dog Owners committee which had 300 signatures.

The resolution stated that a precondition to the REF being placed on public exhibition was a positive response from the Lands Department.

There has been no formal decision by Council to cancel or suspend the trial. Should Council determine that a trial should proceed, Council would need to resolve the concerns of the LPMA as well as conduct further community consultation and accept a license for an appropriate purpose at a statutory minimum rent.



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