



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 28 May 2019

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

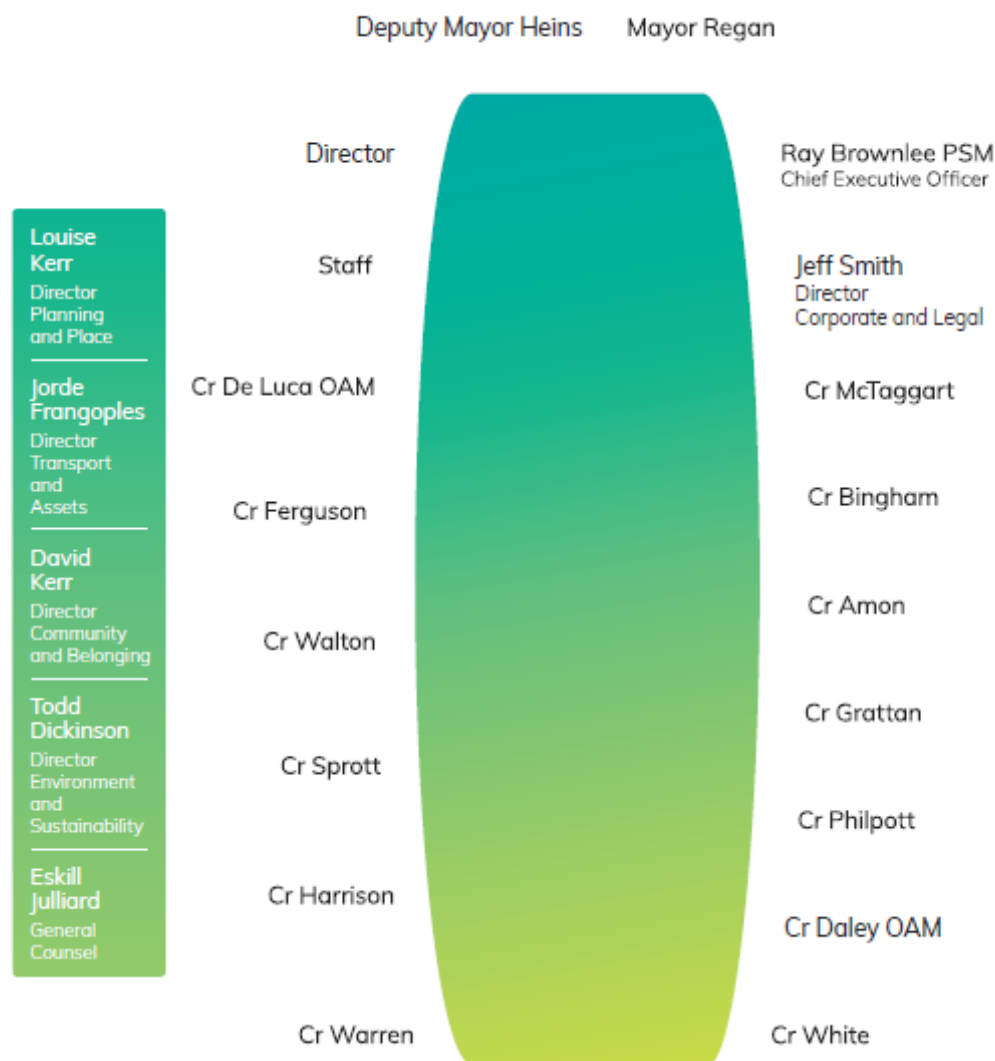
Ray Brownlee PSM
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

OUR VALUES

Trust Teamwork Respect Integrity Service Leadership



**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 28 May 2019
at the Civic Centre, Dee Why
Commencing at 6:00pm**

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18.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

2.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR PAT DALEY OAM

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

Councillor Pat Daley OAM has requested a leave of absence for the Council meetings of 28 May 2019, 25 June 2019 and 23 July 2019 to attend to personal matters.

A request for a leave of absence is to be made in accordance with section 234 of the *Local Government Act 1993* (the Act). Clauses 6.4 and 6.6 of the Northern Beaches Council Code of Meeting Practice outline the conditions of a vacancy in a councillor's civic office in accordance with the Act.

RECOMMENDATION

That:

- A. The application for a leave of absence from Councillor Daley OAM for the 28 May 2019, 25 June 2019 and 23 July 2019 Council meetings be granted.
 - B. Any apologies from Councillors be accepted.
-

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 16 APRIL 2019

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 16 April 2019, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 DISCLOSURES OF INTEREST

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

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

6.0 ITEMS RESOLVED BY EXCEPTION

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

7.0 MAYORAL MINUTES

ITEM 7.1	MAYORAL MINUTE NO 09/2019 - COUNCIL RECOGNISED AS A SUSTAINABILITY LEADER
TRIM FILE REF	2019/238425
ATTACHMENTS	NIL

BACKGROUND

Sustainability Advantage is the NSW Government's core sustainability offering for medium and large organisations across the state and has been running for over 14 years. Council joined Sustainability Advantage in October 2016. The program helps organisations understand sustainability and strengthen their performance across a comprehensive range of disciplines and initiatives. The program has over 530 current active members across a range of sectors, including corporate, not-for-profit organisations, state government agencies, and councils.

The Sustainability Advantage Recognition Scheme provides public acknowledgement of member's achievements through the program where members can achieve Bronze, Silver, Gold and Platinum partner status. Stepping through the recognition program provides a sustainability framework and validates Council's pathway to demonstrating sustainability leadership.

Since joining in October 2016 Council has been working towards achieving Bronze Partner status that has included the following:

- Implementing projects to improve our sustainability performance, including:
 - Lighting upgrades at buildings, carparks and sports fields
 - Heating and cooling system upgrades
 - Installation of solar panels at Cromer and Balgowlah depots.
- Demonstrating a commitment to sustainability through our CSP goals.
- Measuring our resource use and waste generation and developing strategies for reduction.
- Working to embed sustainability through all of Council's business units.

Implementing the sport lighting upgrades alone generated 56 Energy Saving Certificates and the Cromer and Balgowlah solar PV systems are providing 40% of the energy at each site and are on track to save Council 121 tonnes of CO₂ per year.

These projects, and participating in other Sustainability Advantage program activities and initiatives, are also assisting Council to work towards achieving its five climate change pledges as part of the Cities Power Partnership.

After an extensive application process, Council has now achieved Bronze Partner status, which recognises Council's commitment to sustainability.

With a number of exciting sustainability projects due to be realised over the coming years, including more solar PV installations, implementation of new community waste services, delivery of the Accelerated Streetlight Improvement Project, a new environment strategy, and internal process improvements we are already on our way towards achieving Silver Partner status.

RECOMMENDATION OF MAYOR

That Council:

- A. Formally acknowledge the outstanding achievement of Northern Beaches Council in attaining Bronze Partner status in the NSW Government Sustainability Advantage Program.
 - B. Congratulate Council staff from the Environment and Climate Group involved in this project.
-



Michael Regan
MAYOR

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	COUNCILLORS EXPENSES REPORT - JULY 2018 TO DECEMBER 2018
REPORTING MANAGER	EXECUTIVE OFFICER TO MAYOR
TRIM FILE REF	2018/756399
ATTACHMENTS	1 ↓ Councillor Expenditure Report - 1 July to 31 December 2018

SUMMARY

PURPOSE

To report on the expenditure by individual councillors and as a total for all councillors for the period July 2018 to December 2018, in accordance with section 17.2 of the Councillor Expenses and Facilities Policy.

EXECUTIVE SUMMARY

The Councillor Expenses and Facilities Policy (the Policy) was adopted on 28 August 2018, and outlines the payment of expenses incurred by, and the provision of facilities to the mayor and councillors. The provision of facilities and expenses assists the mayor and councillors to fulfil their roles and responsibilities in accordance with their elected office under the *Local Government Act 1993* and provides reasonable recompense for expenses incurred in undertaking civic duties.

Under section 17.2 of the Policy a report detailing the provision of facilities and reimbursed expenses to councillors is to be tabled to Council and made available on Council's website.

The councillor expenditure report at Attachment 1 details the total expenditure as reimbursed to each councillor as well as the total to all councillors in accordance with the policy for the period 1 July 2018 to 31 December 2018. This includes 'claims' as well as items such as training that Council has arranged on their behalf.

It should be noted that this report does not include the cost of 'facilities' as they are not required to be reported every six months however this cost breakdown will be reflected annually in the annual report'.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

- A. Note the expenditure by councillor and as a total for all councillors for the period 1 July 2018 to 31 December 2018, in accordance with section 17.2 of the Councillor Expenses and Facilities Policy.
 - B. Publish the details of the report on the Council's website as required under the Councillor Expenses and Facilities Policy.
-

REPORT

BACKGROUND

A policy for councillor expenses and facilities is required under sections 252 and 253 of the *Local Government Act 1993* (the Act), and clause 403 of the *Local Government (General) Regulation 2005*.

The Northern Beaches Council Councillor Expenses and Facilities Policy (the Policy) (section 17.2 – Reporting of the Policy), requires reports on the provision of expenses to councillors to be provided to Council every six months and made available to the public via Council's website.

Councillors are required to submit claims with appropriate supporting records within three months of an expense being incurred which is verified for compliance under the Policy prior to reimbursement.

Councillor expenditure is currently tracking within the adopted expenditure allocation for all councillors.

Reimbursement for expenses under the Councillor Expenses and Facilities Policy are summarised as follows:

Expense or facility	Maximum amount (per councillor)	Frequency
Other Expenses (include - meals, travel expenses in association with conferences, training, seminars, cost of attending official non-council functions including the cost of the Mayor's guest as an official invitee where applicable, publication subscriptions and annual memberships for professional bodies)	\$5,000	\$5,000 per annum
Professional Development and Training Seminars / Conferences (within NSW) Seminars / Conferences (excluding NSW) Registration and Accommodation (travel and meals come under Other Expenses)	\$5,000	\$5,000 per annum
Professional Development and Training Fund for Director's Courses (must be undertaken within 12 months of election)	Up to \$10,000	First 12 months following Council election
Vehicle – private use (includes mileage claims for private vehicle use for official business)	Refer to Section 7.3 Allowances for the use of a private vehicle will be reimbursed at the rate contained in the Local Government (State) Award .	
Home Office Expenses	\$1,000	Per annum
Child Care and/or Family Member Care	\$2,000	Per annum
Information Communications Technology (ICT expenses)	\$75 per month – standard domestic phone service \$70 per month – domestic internet service	Total of \$1,740 per annum
ICT equipment, including download of applications (apps)	Mobile phone and tablet (eg Ipad Air Pro) provided by Council	\$3,000 upon election

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

The expenses and facilities for councillors as outlined in the Councillor Expenses and Facilities Policy are incorporated into the existing operational budgets for the 2018/19 financial year.

Given this is the first term of the newly amalgamated Council, a review of the current allocation to councillors will be undertaken, as the basis for the current allocations provided is arbitrary and can be informed with data and information collected through the exercise of civic duties and the requirements to fulfil the term of office within the new local government area.

SOCIAL CONSIDERATIONS

The Councillor Expenses and Facilities Policy provides a framework for councillors to claim for expenses incurred and facilities required, enabling councillors to undertake their civic duties across the local government area.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts relating to this report.

GOVERNANCE AND RISK CONSIDERATIONS

The Councillor Expenses and Facilities Policy is required under sections 252 and 253 of the *Local Government Act 1993* (the Act), and clause 403 of the *Local Government (General) Regulation 2005*. The reporting of expenses reimbursed to councillors is to be tabled at a Council meeting and made available on Council's website under section 17.2 of the Councillor Expenses and Facilities Policy.

**Clause 17.2- Policy - Councillors six monthly expenses report to Council
July to December 2018**

Councillor - Total amounts	Amount
Clr Amon*	10,893
Clr Bingham	2,743
Clr Daley	519
Clr De Luca	2,273
Clr Ferguson	7,624
Clr Grattan*	8,718
Clr Harrison	1,006
Clr Heins	4,920
Clr McTaggart	110
Clr Philpott	1,529
Clr Sprott*	13,098
Clr Walton	3,866
Clr Warren	631
Clr White	2,145
Mayor Regan	12,577
Total Councillors expenditure	72,649

** Includes Australian Company Directors' Course - as per policy*

Expenses by type

Dedicated office equipment to Councillor (incl computers)	515
Communication charges (including phone calls, facsimile and internet)	9,051
Seminars and conferences attended by Councillors	16,445
Councillor training and skills development	25,917
Provision of care for a child or family member of a Councillor	0
Private usage of motor vehicle -reimbursement	11,037
Other expenses (includes newspaper subscriptions, stationery, non council functions)	9,684
	72,649

ITEM 8.2	QUARTERLY REPORT - STRONGER COMMUNITIES FUND AND NEW COUNCIL IMPLEMENTATION FUND
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGY AND PERFORMANCE
TRIM FILE REF	2019/185499
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To provide a progress report on the outcomes delivered and expenditure of funds from the \$36.1 million Stronger Communities Fund and \$10 million New Council Implementation Fund.

EXECUTIVE SUMMARY

Council received \$36.1 million from the NSW Government's Stronger Communities Fund (SCF) to provide funding to kick start the delivery of improved infrastructure and services to the community. The SCF funding has been broken into streams including \$1million for a Community Grants Program, \$14 million into the Connecting Communities Program and a further allocation of \$21.1 million of tied funding across 11 projects. An additional \$10 million was provided to Council under the New Council Implementation Fund (NCIF) to assist Councils with the upfront costs of implementing the new Council.

A summary of the program of work and expenditure to 31 March 2019 is below:

Program	Funding	Expenditure to 31 March 2019
Community Grants Program (SCF)	\$1,000,000	\$969,795
Connecting Communities Program (SCF)	\$14,000,000	\$8,967,884
Tied Grants Program (SCF)	\$21,100,000	\$1,858,279
NCIF	\$10,000,000	\$9,224,252
Total	\$46,100,000	\$21,020,210

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council note the Stronger Communities Fund and New Council Implementation Fund March 2019 Quarterly Update.

REPORT

BACKGROUND

The Stronger Communities Fund (SCF) was established by the NSW Government to provide new councils with funding to kick start the delivery of improved infrastructure and services to the community. Northern Beaches Council received \$36.1 million from the SCF for the following programs:

- Community Grants Program - \$1 million
- Connecting Communities Program - \$14 million
- Tied Grant Program - \$21.1 million.

Under the terms of the funding agreement quarterly progress reports are required to Council on the expenditure and outcomes until these funds are spent.

Community Grants Program - \$1 Million

The Community Grants Program has been fully allocated to 53 community projects across a variety of focus areas including disability, art and culture, the environment, sporting, supporting people at risk and volunteer organisations with successful applications announced at Council meetings on 16 December 2016 and 25 July 2017. A total of 46 projects have been completed, six this quarter.

The grant recipients are required to report on the outcomes of their project. The projects successfully completed in the quarter were:

Recipient	Project & Outcomes as Reported by the Recipients
Barrenjoey High School P&C Grant value \$50,000	Performance Space – This funding contributed to the completion of the design documentation for a Performance Space at the High School. Construction will begin in the near future, with the aim of completion by end of 2019. The benefits and community outcomes that this project brings to the community once construction is complete will be to create a purpose built performance space that is accessible and professionally outfitted, for use by community groups and students within the Northern Beaches LGA. This project satisfies a critical need in the north ward of the Northern Beaches Council LGA for a performance space identified in our own community survey and in the former Pittwater Council's 'Arts -Emerging Issues Paper 2012-2016'. This project will encourage a higher level of participation in the arts, and will increase accessibility and opportunity for participation in the arts across the broader community. It will become a vibrant and sustainable 'hub' for cultural and artistic experience within the Northern Beaches area nurturing and enriching both the local and broader community - including youth, families and the elderly.
Change Creators Inc. Grant Value \$10,000	One Million Coffee Cups – The following outcomes/benefits were achieved: <ol style="list-style-type: none"> 1. #imaKeeper are you? - 109,226 cups were saved during the implementation of this campaign, this included working with community groups and the social media push – 1,576 followers on Instagram and 144 on Facebook - Movie had 12,000 views 2. Partnerships were established with local organisations, businesses and groups (SO Manly, Bold and Beautiful, Babewatch, Northern Beaches Mums, Northern Beaches Clean Up Crew, Sprout Daily, I love Manly, Steyne Hotel, Momo Bar, Joel Coleman, Stone Realty, Manly Food Coop, Davidson Primary School,

	<p>Havana Bar, Manly Fast Ferry). Partnerships were established with other NSW, Australian and International groups (including Keep Cup, Green Canteen, Stay Tray). Additional funding was sourced through Keep NSW Beautiful, Mosman Council and Stone Realty.</p> <p>3. Responsible Cafes: - Spoke with 85 cafes - Signed up 4 cafes to 'Responsible Cafes' network - Encouraged discounts in 10 cafes - Positive feedback from 22 cafes</p>
<p>Permaculture Northern Beaches</p> <p>Grant value \$24,807</p>	<p>The Green Home – We integrated key aspects in the Green Home project that may otherwise be standalone single events. The public learned that reducing plastic, growing organics, sustainable building, and clean energy can all be combined into good and innovative design principles for our homes. A number of workshops were introduced to the Northern Beaches that have not been run here before. These included sustainable building workshops, such as building with cob and DIY workshops such as furniture and electronics repairs to reduce items going into landfill. A broad range of activities from public meetings to workshops to weekend courses to a large public event of around 400 outreach to the public on the Northern Beaches. All of the events were well attended. It is hoped that households and individuals will continue to implement many of the learnings they attained throughout the Green Home project. The information and display materials produced will continue to be circulated to interested members of the public, well beyond the completion of the community grant project. The range of formats used - workshops, public meetings, film, video, social media, website and community outreach to like-minded organisations assisted in reaching a wider sector of the community than if we had used less mediums. Through feedback, we are constantly informed that sustainable building and design is of high interest in the Northern Beaches local government area. We will ascertain how we can continue to cater for this need into the future.</p>
<p>Pioneer Clubhouse</p> <p>Grant value \$29,137</p>	<p>The Hub – The Clubhouse has established a greater profile in the community and has now commenced partnership with some local businesses. We have successfully placed four people in transitional employment positions and these individuals have gained extra skills as well as increased confidence and self-esteem. The advertising and promotion of the project to inter-agencies has seen some non-members approach the Hub and partake in the courses provided. Over the last three months of the project 17 people including two non-members approached the Hub with a desire to undertake employment and/or education. The employers have indicated a desire to become more involved with the Clubhouse to gain a better understanding of mental health. The training courses saw a total of 15 people attend the computer courses and gain additional skills in Microsoft Office and the use of social media. 11 people including three non-members attended a food hygiene and barista course and gained additional skills in food handling, preparation and coffee preparation and serving. The horticultural course provided eight individuals the opportunity to learn skills regarding growing and maintaining herbs and vegetables. This course was selected to provide individuals not interested in technology or customer service roles as a means of upskilling in areas of communication, and working with others whilst being social inclusive. It also provides the opportunity for these members to become more involved in a future potential social enterprise for PC regarding selling herbs to local businesses.</p>

<p>Pittwater Natural Heritage Association</p> <p>Grant value \$12,000</p>	<p>Supporting Bushcare in Mona Vale Basin Reserve – The volunteers benefited from the physical work and encouragement provided by the professional bush regenerators. The bushland condition of the site benefited from the extra work, and demonstrated to the wider community the value of improving the condition of the site. Volunteers at the big event in September 2017 experienced the enjoyment and value of caring for bushland. Planting of over 500 - 1,000 tubestock has been undertaken over the grant period by volunteers and contractors enabling the site to work towards recovery. The local community has been cognisant of the works and regularly provide positive commentary and recommendations to the volunteers for the works achieved to date on site. The site has a high public profile and is the main entrance point to Mona Vale Basin beach and North Mona Vale Headland. The works have improved the aesthetic quality as well as providing habitat and improving the condition of the coastal native vegetation in this significant part of the Northern Beaches Council headland natural environment.</p>
<p>StreetWork</p> <p>Grant value \$16,950</p>	<p>Pride Empowerment Program – A crime prevention strategy that pairs young people that have had contact with the criminal justice system or are ‘at risk’ of becoming involved in crime, with a positive adult role model. The objective was to reduce offending/re-offending behaviour and develop empowerment skills over an eight week program. Outcomes achieved:</p> <ul style="list-style-type: none"> • At least a 40% reduction in offending and reoffending behaviours. • At least a 85% completion of juvenile justice orders/court diversion order and non-compliance breaches. • At least 90% of Program participants achieved their stated goals and formally completed the Program. • At least 55% of Program participants' re-engaged with education, schooling or employment. • At least 60% of Program participants actively engaged in other support activities post the completion of the program (job seeking, school re-engagement, mental health/drug and alcohol counselling, workshops and mentoring sessions etc.). • At least a 30% reduction in substance misuse and other risk taking behaviours by Program participants.

Of the remaining projects, six are expected to be finalised in the next quarter and the final project prior to December 2019.

Connecting Communities Program - \$14 Million From SCF

The *Connecting Communities Program* is a \$32.6 million multi-year program of works partially funded by SCF (\$14 million). It will deliver a spectacular world class coast walk and cycleway stretching from Manly to Palm Beach and west into the Frenchs Forest hospital precinct, a network of inclusive playgrounds and improvements to sporting and surf life saving facilities. There has been significant progress with cycleway connections and shared paths with many of the Active Play projects already completed. Works have commenced on playgrounds and are progressing well.

The Program comprises:

1. The \$22.3 million *Connecting the Northern Beaches* program, providing a continuous all-weather walkway from Palm Beach to Manly and an extensive Council-wide cycleway and shared path network focused on the B-Line. This will deliver 35.5km of new cycleway and shared paths (12.4km off road and 23.1km on-road) and 36km of continuous all weather coastal walkways including 8km of new boardwalks, stairs, footpaths and tracks as well as the Palm Beach Walkway from Palm Beach Wharf to Beach Road.
2. The \$10.3 million *Connecting All Through Play* program features a regional network of inclusive accessible playgrounds including a major new all abilities playground at Lionel Watts Reserve with accessibility upgrades and new playgrounds at Manly Dam and Clontarf Reserve and upgrades to play areas across the Northern Beaches to make them more inclusive. It also includes \$4 million for sporting facilities and surf lifesaving clubs. Progress on these programs is below:

Connecting the Northern Beaches – Cycleways

Over 32 kms of cycleways and shared paths delivered. This quarter 250m of shared path in Howard Avenue, Dee Why was completed

Connecting the Northern Beaches – Coast Walk

The Coast Walk is well advanced with 5.3 kms delivered. Works during the quarter are as follows:

- 640m in Hillcrest Avenue, Mona Vale has been completed.
- The concept design of stage 2 from 347 Whale Beach Road to Florida Road, Palm Beach is currently being prepared.
- 340m completed along the section of Narrabeen Park Parade, Mona Vale from Melbourne Avenue to Robert Dunn Reserve.

Connecting All Through Play - Inclusive Play

Council resolved to significantly reduce the scope of the Manly Dam playground proposal limiting expenditure to \$300,000 and reallocate the remaining SCF funding for this project to upgrade facilities at Clontarf Reserve to meet accessibility and inclusiveness requirements. Community engagement on both playgrounds is expected to commence this financial year. Construction on the Lionel Watts playground is underway and due for completion in September 2019.

Connecting All Through Play - Active Play

Below is the status of work this quarter on upgrading sporting facilities:

- A development application is being prepared for the installation of sports field lighting at Passmore Reserve and John Fisher Park. The application is expected to be lodged this financial year.
- The contract for the construction of the extension of the western amenities at Lionel Watts Reserve has been awarded. Works are likely to start in May.

Below is the status of work on upgrading Surf Life Saving Clubs:

- South Narrabeen – Contracts have been executed and works are expected to commence early May for completion in September 2019.
- North Steyne – initial site inspection has been undertaken. The building is heritage listed so works will require additional planning.

- Warriewood – Council is working with club representatives to finalise the scope of the work prior to proceeding to tender for a design consultant.
- Queenscliff – DA for the works has been approved however the project is on hold during lease negotiations.
- Mona Vale – DA has been approved, but amendments to the approved design have been submitted at the request of the Club. Further consultation will be required.
- Long Reef – Council resolved to proceed to Development Application at its meeting of 26 February 2019. Plans are being finalised ready for DA lodgement.

Tied Grants Program - \$21.1 Million

The Tied Grants Program commenced in October 2017 whereby the NSW Government allocated \$21.1 million for the following 11 projects:

1. Church Point Community Park (Pasadena)
2. Wakehurst Parkway flood mitigation
3. Mona Vale Public School – Regional Performing Arts Centre
4. Mona Vale Surf Life Savings Club (SLSC) refurbishment
5. Long Reef SLSC refurbishment
6. Currawong Beach heritage refurbishment
7. North Pittwater foreshore improvements
8. Scotland Island wastewater feasibility study
9. Northern Pittwater permanent netball courts
10. Newport Surf Club refurbishment (planning)
11. Barrenjoey Community Performance Space.

The Church Point Community Park (Pasadena) project was abandoned and the funds disbursed among a number of other tied grant projects with confirmation on the reallocation from the Office of Local Government received in October 2018.

Progress on the remaining 10 projects is provided below.

Wakehurst Parkway Flood Mitigation

The services locations and sediment investigations reports were completed. A preliminary draft feasibility study was submitted to Council in March 2019. This confirmed that many of the proposed options to reduce the frequency of flooding on Wakehurst Parkway have the potential for negative environmental impacts. Further environmental analysis and costings are being finalised to help inform the environmental and economic feasibility of the various floodplain management options.

Mona Vale Public School: Regional Performing Arts Centre

At the February 2019 Council meeting, Council resolved to note the NSW Education Ministers request to release the SCF funds allocated to this project and that following the release of the funds, continue to support the concept in principle, ensuring the general community has access to the proposed facility.

Mona Vale Surf Life Saving Club: refurbishment

The DA was approved in February however the project is currently delayed due to changes to the floor plan as requested by the club. Additional community consultation and a modification to the DA will be required to address these proposed amendments.

Long Reef Surf Life Saving Club: refurbishment

Council resolved to proceed to Development Application at its meeting of 26 February 2019. Plans are being finalised ready for DA lodgement.

Currawong Beach Heritage: refurbishment and upgrade of existing infrastructure

A Section 60 application to the Heritage Council of NSW has been lodged for the stage 1 works which comprises the refurbishment of three cabins, games room, pathway and retaining wall. Works are expected to commence in late 2019 and carry on through 2020. A development application has been prepared for stage 2 which comprises proposed refurbishments to six cabins and associated landscaping. The DA will be lodged subject to owners consent being provided by Crown Lands. The funding from the Pasadena reallocation will go towards stage 2.

North Pittwater Foreshore Improvements

This involves works at various locations:

- Hudson Parade, Clareville: improve pedestrian safety and provide a footpath between Clareville Beach and Taylors Point.

The final construction design has been issued to the public incorporating where possible the outcomes of the community engagement. Construction will commence late April and is expected to take two months.

- George Street, Avalon: extend the seawall at George Street to the end of the road.

Stage 2 has been completed including new stair and path access to Careel Bay foreshore and finishing works for the George Street seawall.

- South Palm Beach: Landscaping works to restore grassed area amenity, improve access and drainage, construct stone flagged plaza opposite shops and construction of pathways between the pavilion and culvert.

Stage two works from Ocean Place to Horden Park is underway and expected to be completed in May.

Scotland Island Wastewater Feasibility Study

This study will assess the feasibility of providing a reticulated water and/or wastewater service. Two contracts have been awarded to conduct the feasibility study and to conduct a peer review. The consultants have finalised the high level review of social and environmental factors, property surveys and are close to completing a long list of options for water and wastewater services ready for review and assessment. They have met with Sydney Water to determine capacity in Sydney Water's water and wastewater networks. Professional peer review of the project is continuing.

Northern Pittwater Permanent Netball Courts

This includes four new hardcourts, lighting and ancillary infrastructure at Avalon Beach for training. Updating the Plan of Management has commenced.

Newport Surf Club Refurbishment

Further documentation suitable for public exhibition and the lodgement of a development application is currently being prepared.

Barrenjoey Community Performance Space

This involves the development of a multi-use community facility and performance space within the grounds of Barrenjoey High School managed by the NSW Department of Education.

The NSW Department of Education has awarded the building contract with works expected to commence early April.

New Council Implementation Fund (NCIF) - \$10 Million

The NCIF has been fully committed in accordance with the fund guidelines. The following are examples of activities eligible for funding from the NCIF:

- The provision of expert implementation advice, either from a panel of providers established by Department of Premier and Cabinet, or procured locally.
- Integrating systems to support the operation of the new council.
- Redundancy payments for staff.
- Signage for the new council.
- Development and release of the website for the new council.
- Change management programs of staff to support implementation.
- Councils may also use the NCIF to contribute to the cost of system upgrades.

The NCIF is not to be used for:

- Merger costs incurred prior to the commencement of the new council.
- Other existing or ongoing staff costs.
- Upgrades to the council's administrative buildings.

Operational priorities such as integrating core systems, signage, development of Council's website, and Operational Policy harmonisation have all been funded through NCIF.

Remaining funds and any accrued interest will be spent on the following operational areas:

- Continued signage rollout
- Management of Work, Health and Safety
- Internal website.

CONSULTATION

Engagement planned over coming months includes:

- General consultation in mid-2019 and directly with residents on concept design on 347 Whale Beach Road to Florida Road, Palm Beach.
- General consultation in mid-2019 on concept design for Beach Road, Palm Beach
- Consultation with residents along the northern headland of Bilgola Beach
- General consultation on Palm Beach Golf Course to Black Rock, Palm Beach
- Avalon netball courts via an amendment to the Ocean Beaches Plan of Management.
- Mona Vale SLSC on amended DA plans

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

At 31 March 2019 a combined total of \$16,201,105 has been spent on the *Connecting Communities Program*, *Community Grants Program* and *Tied Grants* of which \$11,795,960 is from the SCF as follows:

Program	Total Expenditure	SCF
Community Grants	\$969,796	\$969,796
Connecting Communities		
• Cycleways	\$5,321,287	\$1,337,297
• Pathways	\$4,935,863	\$4,589,575
• Inclusive play	\$2,301,382	\$2,301,382
• Active Play	\$759,151	\$739,631
Tied Grants	\$1,913,626	\$1,858,279
Total Expenditure	\$16,201,105	\$11,795,960

Any interest earned will be applied to the balance of available funds to be expended against the approved projects.

At 31 March 2019 a combined total of \$9,224,252 has been spent on the up-front costs of creating the new council from the NCIF as follows:

Expenditure Category	Total Expenditure
Expert Advice	\$268,393
Systems Integration	\$4,290,079
Redundancy	\$3,169,960
Signage	\$109,126
Website	\$675,252
Change Management	\$503,099
System Upgrades	\$20,563
Other	\$187,780
Total Expenditure	\$9,224,252

Remaining funds and any accrued interest will be spent on the following operational areas:

- Continued signage rollout.
- Management of Work, Health and Safety.
- Internal website.

SOCIAL CONSIDERATIONS

The entire Northern Beaches community will benefit from significant social, health and well-being improvements derived from use of this community infrastructure. It will connect people and places through improved active and public transport links and upgraded community infrastructure and the programs implemented by our community groups.

ENVIRONMENTAL CONSIDERATIONS

Environmental impact assessments form part of the detailed design for the major projects. Where possible works will be undertaken to minimise environmental impacts. The anticipated number of users of the new cycleways and footpaths as well as the lighting upgrades across a number of sporting facilities will have a positive impact on air quality and is another step towards reducing our community's greenhouse gas emissions. The foreshore improvement projects and the Scotland Island wastewater project will improve water quality within the Pittwater estuary upon implementation.

GOVERNANCE AND RISK CONSIDERATIONS

The Stronger Communities Fund requires the funds to have been spent or committed by 30 June 2019 and acquitted by 31 December 2019, while the Tied Grants require a commitment by 31 December 2018 and acquittal by 30 June 2019. Any uncommitted funds from either stream are to be returned to the Office of Local Government.

Two written requests for an extension of time to deliver the Tied Grant projects and a change in scope for Manly Dam and Clontarf with an extension request to September 2020 to deliver Clontarf has been submitted to the Office of Local Government for consideration. These requests were sent to the Office of Local Government in June and December 2018 and relate to the following projects:

- Wakehurst Parkway flood mitigation.
- Mona Vale Surf Life Savings Club: refurbishment.
- Long Reef Surf Life Savings Club: refurbishment.
- Currawong Beach heritage: refurbishment and upgrade of existing infrastructure.
- Scotland Island wastewater feasibility study.
- Northern Pittwater permanent netball courts.
- Barrenjoey community performance space.
- Connecting All Through Play - Inclusive Play – Clontarf works.

A formal response has not been received at the time of writing this report despite numerous follow up requests.

Although the delivery timeframe for the *Connecting Communities* program exceeds these timeframes, due to the mixed funding sources it is anticipated Council will be able to meet the acquittal timeframe prior to completion of the full program of works by utilising the Stronger Communities Fund first.

Following the Council resolution in March discussions have been held with the Department of Education in relation to the delivery of the Mona Vale Regional Performance Space. Once agreement is reached on how to proceed an application for an extension of time will also need to be made to the Office of Local Government.

An internal review process is in place for determining variation requests from community grant recipients to ensure that this public money is being spent in accordance with the objectives of the Stronger Communities Fund.

The NCIF requires the funds to have been committed by 31 December 2018. The Chief Executive Team reviewed and endorsed the final NCIF commitments in November 2018. Remaining funds and any accrued interest will be spent on the following operational areas:

- continued signage rollout
- management of Work, Health and Safety
- internal website.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	QUARTERLY BUDGET REVIEW STATEMENT AND QUARTERLY REPORT ON SERVICE PERFORMANCE - MARCH 2019
REPORTING MANAGER S	EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS EXECUTIVE MANAGER STRATEGY AND PERFORMANCE
TRIM FILE REF	2019/233461
ATTACHMENTS	<p>1 Quarterly Budget Review Statement - March 2019 (Included In Attachments Booklet 1)</p> <p>2 Quarterly Report on Service Performance - March 2019 (Included In Attachments Booklet 1)</p>

SUMMARY

PURPOSE

To present the financial and management results for the period ended 31 March 2019.

EXECUTIVE SUMMARY

The report details Council's management results for the quarter and the consolidated financial position for the nine months ended 31 March 2019. The Quarterly Report on Service Performance is a progress report on the Operational Plan 2018/19.

The Surplus from Continuing Operations which includes Capital Grants and Contributions for the financial year is forecast to increase by \$7.086m to \$34.723m. This increase is due to higher than anticipated Income from Continuing Operations of \$3.486m and lower than anticipated Expenses from Continuing Operations of \$3.6m. The Surplus from Continuing Operations before Capital Grants and Contributions for the financial year is forecast to increase by \$4.203m to \$18.159m. Capital Expenditure is forecast to decrease by \$13.470m to \$105.267m as referred to in the Capital Budget Statement.

Material proposed changes to the budget include recognition of the market value of land provided to Council for a nominal \$1 at Belrose TAFE (\$1.6m), a decrease in the cost of the domestic waste service due to a general decline in all waste streams offset by the credit issued to households reducing their bin service (\$1.6m) and proceeds from the sale of three road reserves (\$0.4m) and vehicles (\$0.5m).

Of the 228 actions of the Operational Plan 2018/19, the majority are progressing on schedule, and 32 completed. Most performance measures have met their targets. Council's high quality services received five awards across the service areas of childcare, lifeguards and procurement. Further details on service achievements are at Attachment 1 - *March 2019 Quarterly Report on Service Performance*.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

- A. Note the Budget Review Statement for the nine months ended 31 March 2019.
 - B. Approve the following changes to the Current Forecast in the March 2019 Budget Review Statement:
 - a. An increase in the forecast Surplus from Continuing Operations which includes Capital Grants and Contributions of \$7,086,486 to \$34,723,257.
 - b. A decrease in capital expenditure by \$13,469,721 to \$105,266,522.
 - C. Note the Quarterly Report on Service Performance for the period ending 31 March 2019.
-

REPORT

BACKGROUND

The Northern Beaches Council's Operational Plan 2018/19 was adopted on 26 June 2018. The Operational Plan is for the period 1 July 2018 to 30 June 2019.

The Quarterly Budget Review Statement is a regular progress report against the Operational Plan 2018/19. It has been prepared in accordance with the requirements of the *Local Government Act 1993* (s404(5)) and *Local Government (General) Regulation 2005 (CI203)*, namely that the Responsible Accounting Officer report quarterly on a budget review statement and the Chief Executive Officer report at least every six months on the principal activities.

The Quarterly Budget Review Statement provides a minimum standard of reporting to adequately disclose the Council's overall financial position as well as provide sufficient information to enable informed decision making while ensuring transparency.

The report includes:

- Service performance.
- Financial performance.
 - Recommended changes to the budget.
 - Income and expenses budget review statement.
 - Capital budget review statement.
 - Cash and investments budget review statement and cash flow statement.
 - Balance sheet.
 - Key performance indicators.
 - Contracts listing.
 - Budget review of consultancy and legal expenses.

OVERVIEW OF SERVICE PERFORMANCE

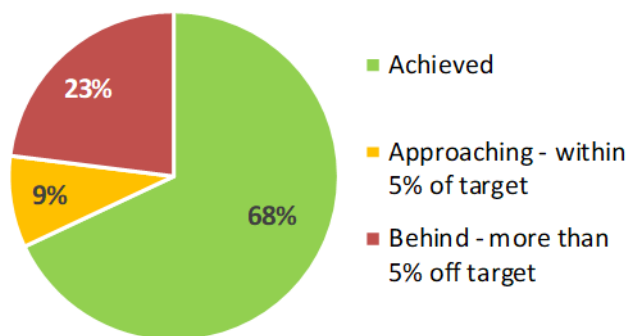
Progress on the delivery of 228 projects, 43 performance indicators and five workload measures is reported below for this Quarter.

Of the 228 projects, 80.7% of projects are either progressing or completed (32 completed). Council's target is for 80% of all projects to be completed or progressing on schedule by 30 June 2019.

Of the 43 Performance Indicators, 68% met their target, while a further 9% are approaching it (i.e. the result is within 5% of their target). Two performance measures were unable to be reported as their data capture systems are under development.

Performance at a glance

43 Performance indicators



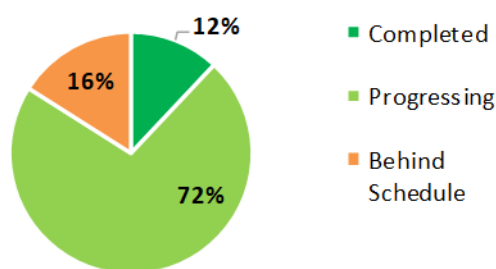
5 Awards and Recognition

N = National

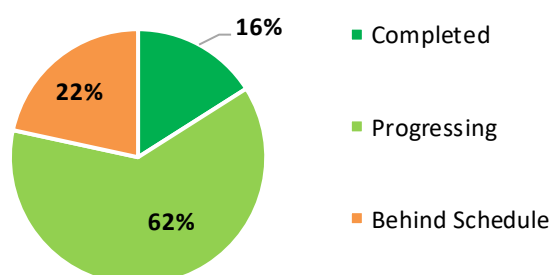
- ❖ **Outstanding Procurement Professional award** – for high quality service by Council's Procurement Manager – from Local Government NSW
- ❖ **(N) Council Lifeguards** as quarter & semi-finalists at NSW Lifeguard Surfers Cup 2019 - Surfing Australia
- ❖ **(N) Little Scientist Certification** - Belrose Children's Centre - for early childhood education programs in STEM (Science Technology, Engineering, Maths) – Australian Department of Education and Training
- ❖ **(N) 2 more Children's centres exceed the National Quality Standard in childcare** (National Quality Framework):
 - Ivanhoe Park Pre-school
 - Brookvale Children's Centre

Project status: overall 80.7% completed or progressing on schedule

103 Operational Projects



125 Capital Projects



A more detailed report on service performance is at Attachment 1 – *March 2019 Quarterly Report on Service Performance*. This shows by the 16 key services the highlights for the quarter, status and commentary on projects, performance indicators and workload measures, as well as service financials.

FINANCIAL CONSIDERATIONS

Responsible Accounting Officer Budget Review Statement

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

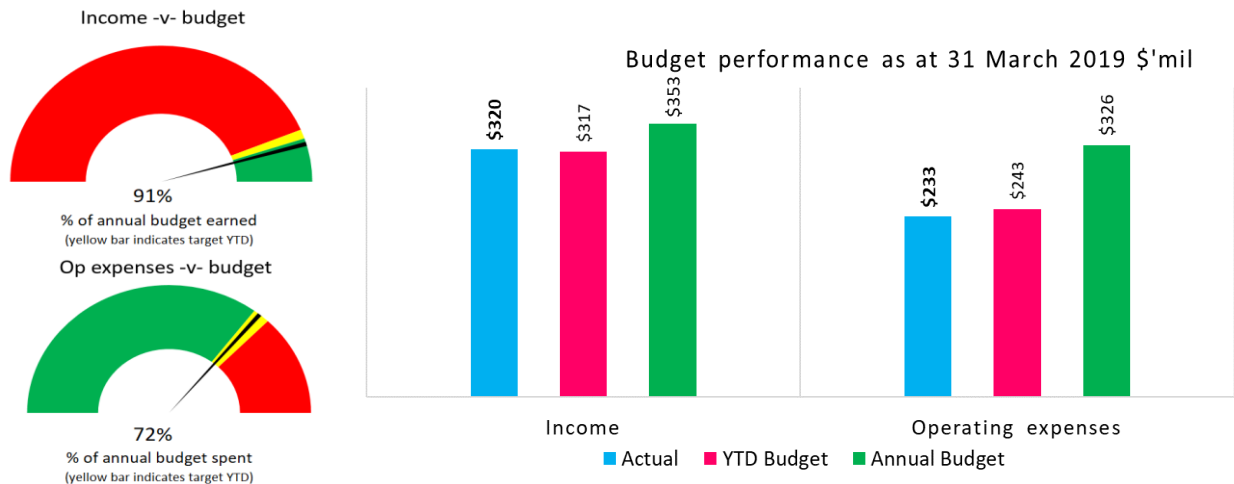
"It is my opinion that the Budget Review Statement for Northern Beaches Council for the period ending 31 March 2019 indicates that Council's projected financial position at 30 June 2019 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure."

David Walsh Chief Financial Officer, Northern Beaches Council.

Income Statement – progress and forecast changes

The attached Quarterly Budget Review Statement (QBRS) provides an overview of the Council's progress against the annual budget at the end of the March 2019 quarter and provides explanations for major variations that result in recommendations for budget changes. Further information on the financial performance and any recommended budget changes for each of the 16 services of the Delivery Program is available within the attached Quarterly Report on Service Performance.

Operating budget summary – as at 31 March 2019



The Surplus from Continuing Operations which includes Capital Grants and Contributions for the financial year is forecast to increase by \$7.086m to \$34.723m. This increase is due to higher than anticipated Income from Continuing Operations of \$3.486m and lower than anticipated Expenses from Continuing Operations of \$3.6m.

The Surplus from Continuing Operations before Capital Grants and Contributions for the financial year is forecast to increase by \$4.203m to \$18.159m.

These overall movements are detailed in the table below:

	Annual				Year to date			
	ORIGINAL	REVISED	Recommended	CURRENT	YTD	YTD	YTD	
	Budget	Budget	changes for Council resolution	Forecast	Actual	Approved Budget	Variance	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	%
Income	348,518	353,381	3,486	356,868	319,831	316,947	2,884	1%
Operating expenses	(327,793)	(325,744)	3,600	(322,144)	(233,022)	(242,679)	9,658	(4%)
Surplus / (Deficit)	20,724	27,637	7,086	34,723	86,810	74,268	12,542	17%
Surplus / (Deficit) before Capital Grants & Contributions	8,739	13,956	4,203	18,159	74,335	64,338	9,997	16%

Income Year to Date (YTD) Analysis

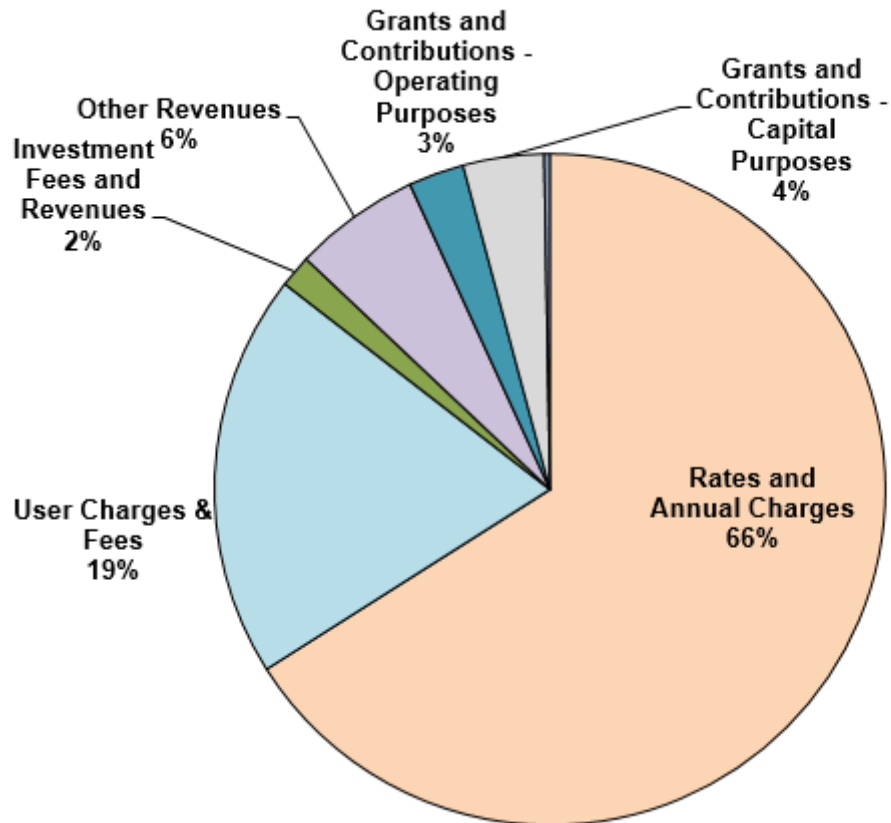
Total Income from Continuing Operations at the end of March 2019 is \$319.8m which is \$2.884m ahead of forecast. The principal reasons for this variance are as follows:

Income as at 31 March 2019 – Variance to Approved YTD Budget

YTD Variance \$'000	Details
462	Rates and Annual Charges <ul style="list-style-type: none"> Timing of pensioner rates rebates \$0.309m Additional domestic waste services \$0.178m
1,246	User Charges & Fees <ul style="list-style-type: none"> Additional income from parking stations \$0.703m Higher road restorations and permits income \$0.863m Higher patronage at the Manly Andrew Boy Charlton Aquatic Centre \$0.269m Fewer planning proposals, planning certificates and lower development assessment activity (\$0.757m) Lower childcare fees due to temporary closures at some sites for renovations (\$0.280m)
337	Investment Fees and Revenues <ul style="list-style-type: none"> Higher than anticipated investment funds available
434	Other Revenues <ul style="list-style-type: none"> Payment of the first of three instalments of the 'goodwill' payment negotiated under the Container Deposit Scheme (CDS) \$0.420m Additional retail sales in the aquatic centres \$0.250m Higher recycling and lease income at Kimbriki \$0.412m Advertising on Council structures \$0.297m Lower fines income (\$1.1m)
(2,789)	Grants and Contributions - Operating Purposes <ul style="list-style-type: none"> Prepayment of 50% of the 2018/19 Financial Assistance Grant (General \$2.1m + Local Roads \$0.8m) in June 2018
2,545	Grants and Contributions - Capital Purposes <ul style="list-style-type: none"> Recognition of the fair value of land at Belrose TAFE purchased for \$1 - \$1.573m Additional grants for the Regional Road Repair Program \$0.628m, Glen Street Synthetic Fields \$0.150m and Coastal Walk Art Trail \$0.180m
649	Gains on disposal of Assets <ul style="list-style-type: none"> Sale of three road reserves at Clontarf, Whale Beach and Palm Beach \$0.420m
2,884	TOTAL INCOME VARIANCE - YTD ACTUALS WITH YTD BUDGET

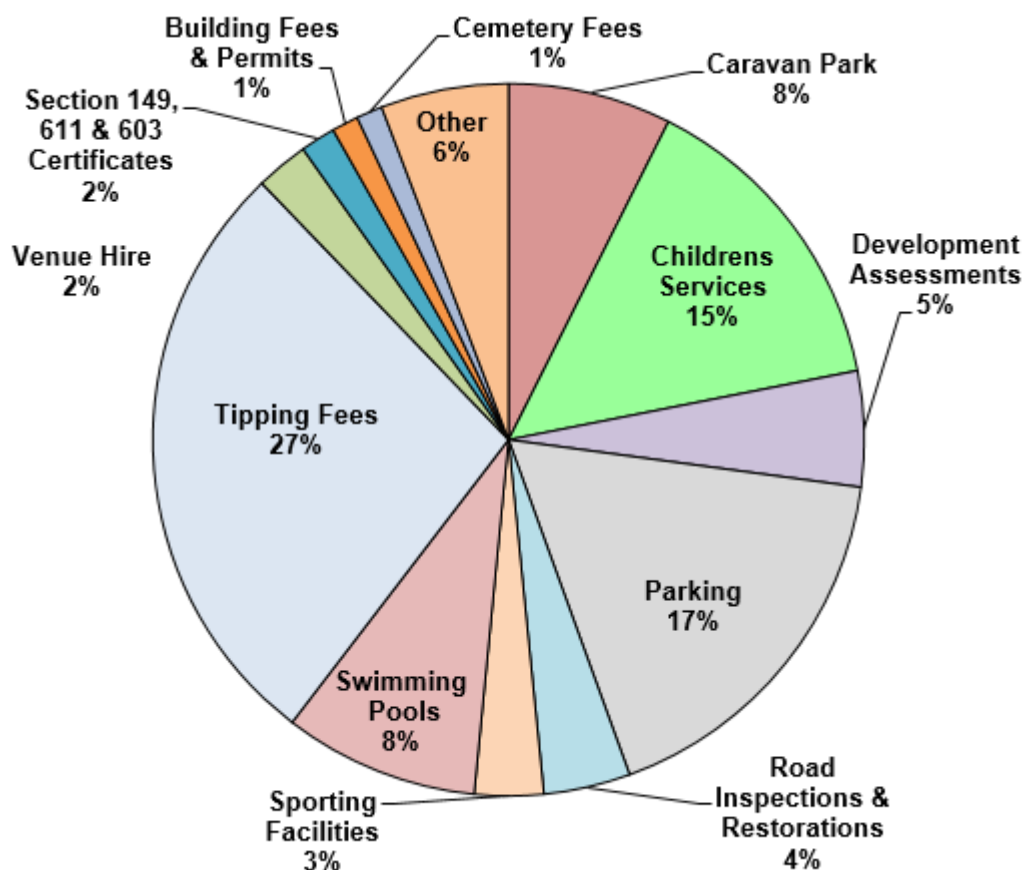
Actual Results - Consolidated

Income from continuing operations



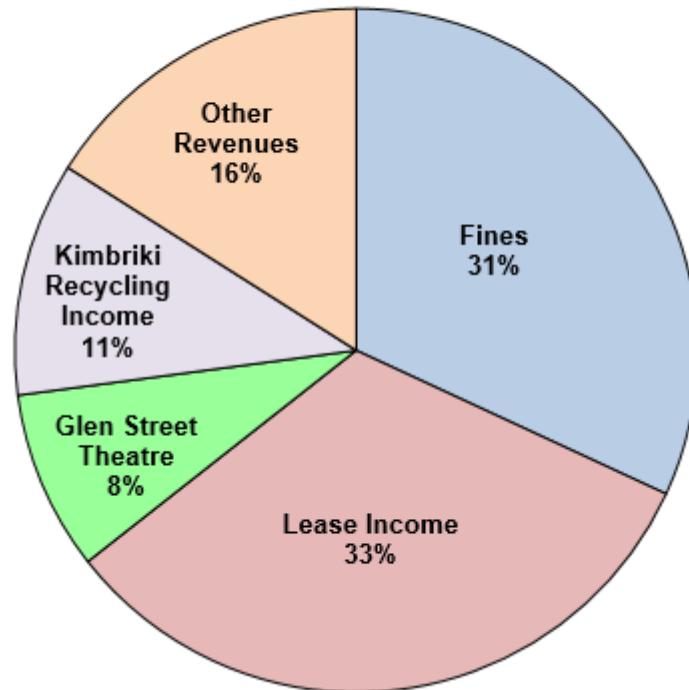
Income Item	1 July 2018 - 31 March 2019			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Rates and Annual Charges	211,117	210,654	462	0.2%
User Charges & Fees	62,308	61,061	1,246	2.0%
Investment Fees and Revenues	4,992	4,655	337	7.2%
Other Revenues	19,514	19,081	434	2.3%
Grants and Contributions - Operating Purposes	8,543	11,333	(2,789)	(24.6)%
Grants and Contributions - Capital Purposes	12,474	9,929	2,545	25.6%
Gains on disposal of Assets	883	234	649	277.7%
Total Income	319,831	316,947	2,884	0.9%

User charges and fees



User Charges & Fees Item	1 July 2018 - 31 March 2019			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Tipping Fees	17,063	16,087	976	6.1%
Parking	10,805	10,166	639	6.3%
Childrens Services	9,012	9,313	(300)	(3.2)%
Swimming Pools	5,525	5,313	211	4.0%
Caravan Park	4,625	4,936	(311)	(6.3)%
Development Assessments	3,267	3,761	(494)	(13.1)%
Road Inspections & Restorations	2,455	1,579	876	55.5%
Venue Hire	1,494	1,683	(189)	(11.2)%
Sporting Facilities	1,952	1,959	(7)	(0.4)%
Section 149, 611 & 603 Certificates	993	1,056	(63)	(5.9)%
Building Fees & Permits	756	855	(100)	(11.6)%
Cemetery Fees	739	501	238	47.5%
Other	3,621	3,852	(231)	(6.0)%
Total User Charges & Fees	62,308	61,061	1,246	2.0%

Other revenues



Other Revenue Item	1 July 2018 - 31 March 2019			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Fines	6,224	7,332	(1,108)	(15.1)%
Lease Income	6,344	6,078	266	4.4%
Glen Street Theatre	1,659	1,399	259	18.5%
Kimbriki Recycling Income	2,162	2,051	111	5.4%
Other Revenues	3,125	2,221	905	40.7%
Total Other Revenue	19,514	19,081	434	2.3%

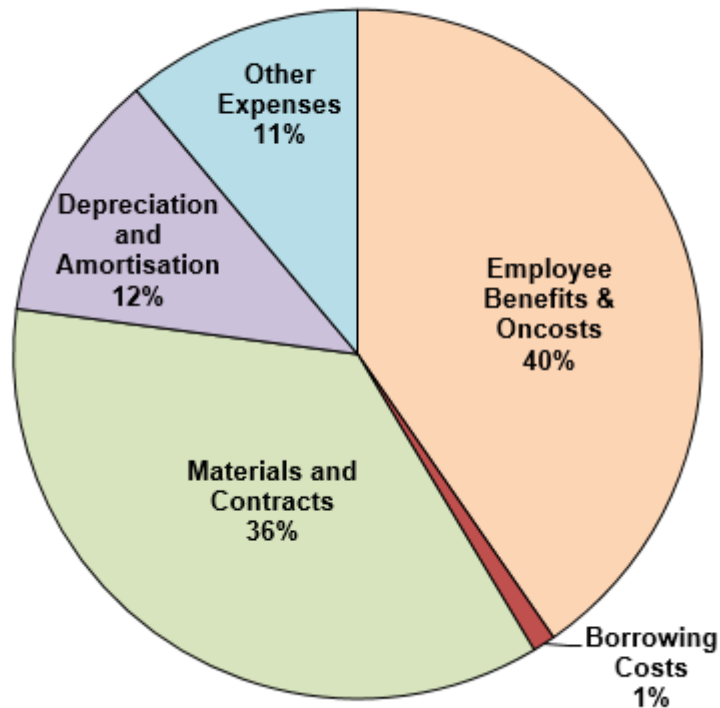
Operating expenses Year to Date (YTD) Analysis

Total Expenses from Continuing Operations at the end of March 2019 is \$233.0m which is \$9.658m under the forecast. The principal reasons for this variance are as follows:

Operating expenses as at 31 March 2019 – Variance to Approved YTD Budget

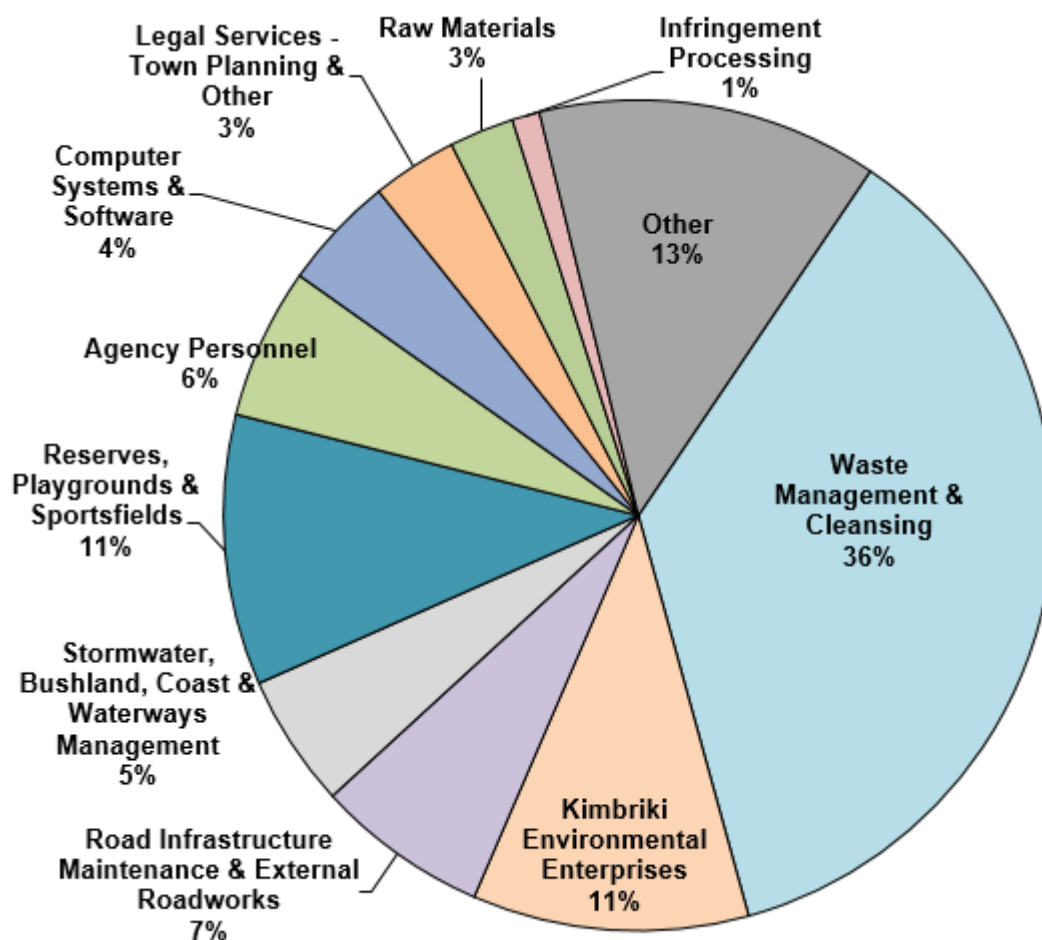
YTD Variance \$'000	Details
2,521	Employee Benefits & Oncosts <ul style="list-style-type: none"> Higher than anticipated vacancies, with agency personnel utilised where appropriate to maintain service levels while positions are vacant.
(0.024)	Borrowing Costs <ul style="list-style-type: none"> Higher remediation provision for Kimbriki (\$0.107m) Lower than anticipated interest rates on borrowings subject to a variable rate \$0.083m)
5,739	Materials and Contracts <ul style="list-style-type: none"> Higher agency and contract personnel expenses due to staff vacancies (\$2m) General decline in tonnes for all waste streams and delays in the expected cost impact of the change in import conditions for recycling in China (costs delayed pending finalisation of contract negotiations). \$5.1m Timing of NCIF projects and the Mona Vale Performance Space \$1.09m Timing of floodplain and stormwater projects \$0.656m
375	Depreciation and Amortisation <ul style="list-style-type: none"> Timing of the completion of capital works projects
1,046	Other Expenses <ul style="list-style-type: none"> Savings in street lighting and advertising costs \$0.493m Timing and savings in land tax, property management fees, rent and strata expenses \$0.175m
9,657	TOTAL OPERATING EXPENSES VARIANCE - YTD ACTUALS WITH YTD BUDGET

Expenses from Continuing Operations



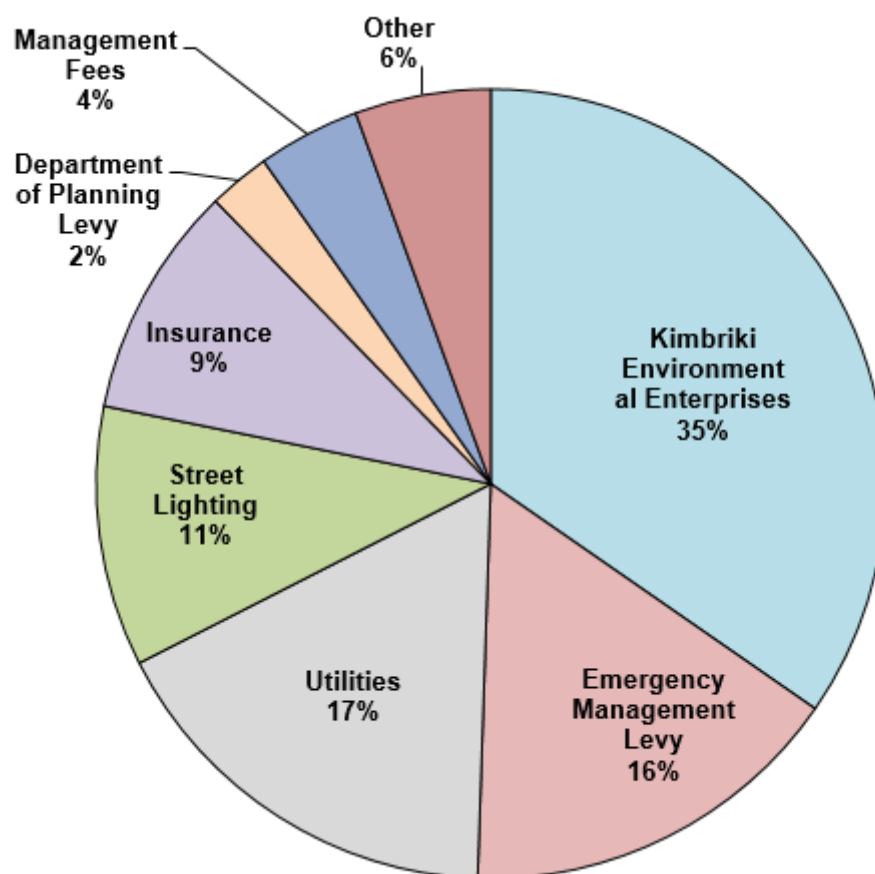
Expense Item	1 July 2018 - 31 March 2019			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Employee Benefits & Oncosts	94,043	96,565	2,522	2.6%
Borrowing Costs	2,483	2,458	(25)	(1.0)%
Materials and Contracts	83,142	88,881	5,739	6.5%
Depreciation and Amortisation	27,450	27,826	375	1.3%
Other Expenses	25,904	26,950	1,047	3.9%
Total Expense	233,022	242,679	9,658	4.0%

Materials and contracts



Materials & Contracts Item	1 July 2018 - 31 March 2019			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Waste Management & Cleansing	30,157	35,484	5,327	15.0%
Kimbriki Environmental Enterprises	8,947	8,973	26	0.3%
Road Infrastructure Maintenance & External Roadworks	5,588	5,440	(148)	(2.7)%
Stormwater, Bushland, Coast & Waterways Management	4,311	5,296	985	18.6%
Reserves, Playgrounds & Sportsfields	8,755	8,926	171	1.9%
Agency Personnel	4,892	2,805	(2,086)	(74.4)%
Computer Systems & Software	3,697	3,635	(61)	(1.7)%
Legal Services - Town Planning & Other	2,759	2,516	(243)	(9.6)%
Raw Materials	2,096	2,583	487	18.9%
Infringement Processing	895	1,004	108	10.8%
Other	11,045	12,218	1,173	9.6%
Total Materials & Contracts	83,142	88,881	5,739	6.5%

Other expenses



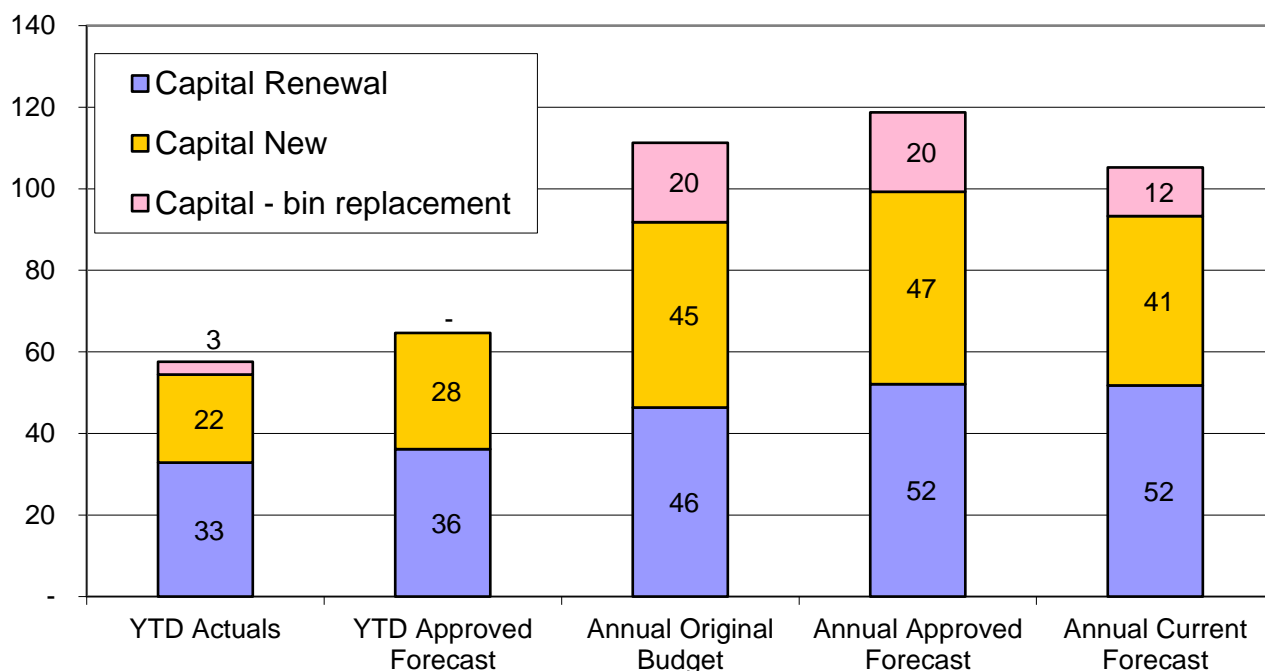
Other Expenses Item	1 July 2018 - 31 March 2019			
	YTD Actual (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	% Variance
Kimbriki Environmental Enterprises	8,974	9,091	117	1.3%
Emergency Management Levy	4,116	4,116	(0)	(0.0)%
Utilities	4,395	4,207	(188)	(4.5)%
Street Lighting	2,762	3,115	352	11.3%
Insurance	2,473	2,421	(52)	(2.1)%
Department of Planning Levy	654	480	(174)	(36.3)%
Management Fees	1,088	1,122	34	3.0%
Other	1,441	2,399	958	39.9%
Total Other Expenses	25,904	26,950	1,047	3.9%

Capital Budget Statement

Capital Expenditure is forecast to decrease by \$13.470m to \$105.267m as detailed in the Capital Budget Statement within the attached QBRs.

Expenditure on Capital Works for the nine months ended 31 March 2019 is \$57.564m.

Capital Expenditure \$'m - as at 31 March 2019



As part of the development of the draft 2019/20 capital program, a review was completed on the current (2018/19) program of works, and this identified a number of projects that would not be completed this financial year. As these projects will be progressed in 2019/20 they need to be deferred from the 2018/19 budget to the draft 2019/20 budget.

Full details of forecast changes to capital projects and their defined funding source(s) are included in the attached Quarterly Budget Review Statement. The significant projects or part projects requiring deferral to 2019/20 include:

Project Title	Rollover \$	Reason
Bins replacement	\$3,000,000	Revised implementation timetable
Connecting all Through Play – Active Play	\$1,692,793	Surf Life Saving Clubs projects at North Steyne, Warriewood and Queenscliff on hold awaiting lease agreements/MOUs and finalisation of project scope with the relevant clubs
Church Point Masterplan Wharf Extension	\$1,634,756	Delays in crown land acquisition
Connecting Communities – Cycleways Program	\$1,633,790	Pittwater Road Collaroy works delayed by Sydney Water. Further consultation required for the Newport to Avalon shared path
Collaroy-Narrabeen Coastal Protection Works	\$1,166,000	Construction delayed due to finalisation of grant funding, design and contractor engagement

Financial Performance Measures

The following financial performance measures indicate that Council is in a strong and sustainable position.

	Forecast result 30/6/2019 \$'000	Forecast indicator 30/6/2019 %		Benchmark
\$ '000				

1. Operating Performance

Total continuing operating revenue¹ excluding capital grants and contributions less operating expenses

Total continuing operating revenue¹ excluding capital grants and contributions

16,859
339,003

4.97%

✓

>0%

This ratio measures Council's achievement of containing operating expenditure within operating revenue. It is important to distinguish that this ratio is focusing on operating performance and hence capital grants and contributions, fair value adjustments, net gain on sale of assets and reversal of revaluation decrements are excluded.

2. Own Source Operating Revenue

Total continuing operating revenue¹ excluding all grants and contributions

Total continuing operating revenue¹ inclusive of capital grants and contributions

322,756

355,568

90.77%

✓

>60%

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

3. Unrestricted Current Ratio

Current assets less all external restrictions

Current liabilities less specific purpose liabilities

133,011

45,242

2.94x

✓

>1.5x

The Unrestricted Current Ratio is specific to local government and is designed to represent a Council's ability to meet short term obligations as they fall due. Restrictions placed on various funding sources (e.g. developer contributions, unexpended grants and domestic waste income) complicate the traditional current ratio used to assess liquidity of businesses as cash allocated to specific projects is restricted and cannot be used to meet a Council's other operating and borrowing costs – these funding sources are removed from this ratio.

¹: Excludes fair value adjustments, reversal of revaluation decrements and net gain on sale of assets.

CONSULTATION

Where relevant, community feedback on activities or events is included in the attachment.

TIMING

The Quarterly Budget Review Statement meets the requirements of the *Local Government Act 1993* (s404(5)) and *Local Government (General) Regulation 2005* (Cl203), namely that Council report quarterly on a budget review statement, and at least every six months on the principal activities of its Operational Plan.

LINK TO COUNCIL STRATEGY

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

SOCIAL CONSIDERATIONS

The report discloses progress on implementing the Operational Plan 2018/19. This includes the continued delivery of capital works and services that support our community and economy. These initiatives will have a positive social and economic impact on the community.

ENVIRONMENTAL CONSIDERATIONS

The report provides progress on implementing the Operational Plan 2018/19 which includes a range of projects which will protect and enhance our natural environment through management of coast, bush and biodiversity; implementing catchment management initiatives; and comprehensive environmental works and education on our urban and natural settings.

GOVERNANCE AND RISK CONSIDERATIONS

The Quarterly Budget Review Statement meets the statutory reporting requirements for progress at the end of the quarter – i.e. implementation of the Operational Plan 2018/19 and Council's overall financial position. It is provided to enable informed decision making while also ensuring transparency on Council's governance, business assurance and financial sustainability.

ITEM 9.2	MONTHLY INVESTMENT REPORT - MARCH 2019
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2019/198729
ATTACHMENTS	NIL

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*.

EXECUTIVE SUMMARY

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

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

The Investment Report shows that Council has total cash and investments of \$233,537,191 comprising:

- Trading Accounts \$1,976,546
- Investments \$231,560,645

Performance over the period from 1 July 2018 to date was strong having exceeded the benchmark: 2.70%pa vs. 1.91%pa.

Certification – Responsible Accounting Officer

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

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2018 to date was \$4,635,959 compared to budgeted income of \$4,140,750, a positive variance of \$495,209.

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

Council's Investment Policy and Strategy were reviewed in September 2018 by Council's Investment Advisors Laminar Capital Pty Ltd, who confirmed that the current policy *"remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet"* and that they *"do not recommend any changes to the list of approved investments or credit limit frameworks"*. They also stated that *"The portfolio remains conservatively placed, well within the investment portfolio limits from a risk and term to maturity perspective"*.

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

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council receives and notes the Investment Report as at 31 March 2019, including the certification by the Responsible Accounting Officer.

REPORT

INVESTMENT BALANCES

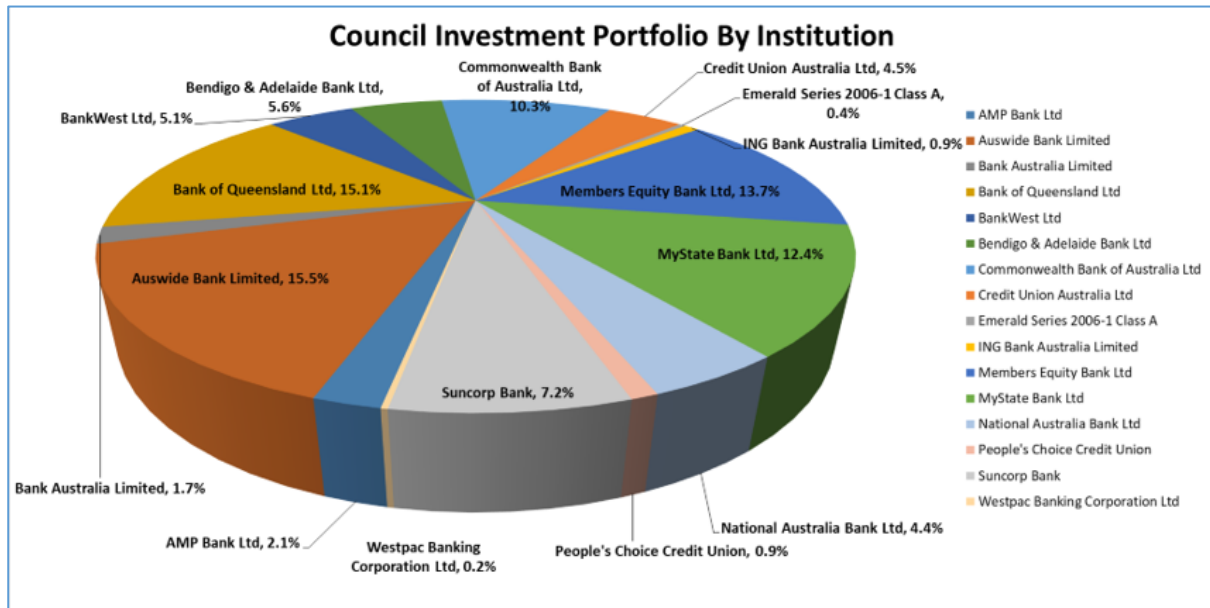
INVESTMENT BALANCES				
As at 31-Mar-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	481,633		1.55%
Commonwealth Bank of Australia Ltd	A1+	192		1.55%
National Australia Bank Ltd	A1+	34,776		1.50%
		516,601		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,574,490	At Call	1.75%
		1,574,490		
Mortgage Backed Securities				
Emerald Series 2006-1 Class A	AAA	867,112	21-Aug-51	2.3594%
		867,112		
Term Deposits				
Auswide Bank Limited	A2	3,000,000	02-Apr-19	2.86%
Members Equity Bank Ltd	A2	2,000,000	04-Apr-19	2.80%
Bank of Queensland Ltd	A2	3,000,000	09-Apr-19	2.75%
Suncorp Bank	A1	2,000,000	11-Apr-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	16-Apr-19	2.75%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	23-Apr-19	2.78%
Bank of Queensland Ltd	A2	2,000,000	30-Apr-19	2.75%
Suncorp Bank	A1	2,000,000	30-Apr-19	2.75%
Suncorp Bank	A1	2,000,000	30-Apr-19	2.75%
BankWest Ltd	A1+	2,000,000	02-May-19	2.80%
Members Equity Bank Ltd	A2	2,000,000	07-May-19	2.75%
BankWest Ltd	A1+	2,000,000	07-May-19	2.80%
Members Equity Bank Ltd	A2	3,000,000	09-May-19	2.80%
Members Equity Bank Ltd	A2	2,000,000	14-May-19	2.80%
BankWest Ltd	A1+	2,000,000	16-May-19	2.80%
BankWest Ltd	A1+	3,000,000	21-May-19	2.80%
Bank of Queensland Ltd	A2	2,000,000	23-May-19	2.75%
Suncorp Bank	A1	2,000,000	28-May-19	2.75%
BankWest Ltd	A1+	3,000,000	04-Jun-19	2.75%
People's Choice Credit Union	A2	2,000,000	04-Jun-19	2.90%
Members Equity Bank Ltd	A2	2,000,000	06-Jun-19	2.75%
National Australia Bank Ltd	A1+	2,000,000	06-Jun-19	2.80%
Bank Australia Limited	A2	2,000,000	11-Jun-19	2.90%
Auswide Bank Limited	A2	2,000,000	13-Jun-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Jun-19	2.75%
Bank of Queensland Ltd	A2	3,000,000	20-Jun-19	2.75%
Bank of Queensland Ltd	A2	3,000,000	25-Jun-19	2.75%

INVESTMENT BALANCES				
As at 31-Mar-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Bank of Queensland Ltd	A2	2,000,000	25-Jun-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	27-Jun-19	2.75%
Members Equity Bank Ltd	A2	1,000,000	02-Jul-19	2.80%
Suncorp Bank	A1	2,000,000	04-Jul-19	2.81%
Bank Australia Limited	A2	2,000,000	04-Jul-19	2.95%
Bank of Queensland Ltd	A2	2,000,000	09-Jul-19	2.75%
National Australia Bank Ltd	A1+	1,000,000	11-Jul-19	2.73%
National Australia Bank Ltd	A1+	719,877	11-Jul-19	2.80%
Auswide Bank Limited	A2	2,000,000	11-Jul-19	2.75%
Auswide Bank Limited	A2	2,000,000	16-Jul-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	23-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	25-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	30-Jul-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	01-Aug-19	2.85%
Bank of Queensland Ltd	A2	2,000,000	06-Aug-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	06-Aug-19	2.85%
Bank of Queensland Ltd	A2	1,000,000	08-Aug-19	2.75%
National Australia Bank Ltd	A1+	2,000,000	08-Aug-19	2.75%
Auswide Bank Limited	A2	2,000,000	13-Aug-19	2.85%
Credit Union Australia Ltd	A2	2,000,000	13-Aug-19	2.75%
Auswide Bank Limited	A2	2,000,000	15-Aug-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	20-Aug-19	2.75%
Members Equity Bank Ltd	A2	3,000,000	03-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	05-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	10-Sep-19	2.75%
Credit Union Australia Ltd	A2	1,000,000	12-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	17-Sep-19	2.75%
Auswide Bank Limited	A2	2,000,000	17-Sep-19	2.80%
Bank of Queensland Ltd	A2	2,000,000	20-Sep-19	2.75%
MyState Bank Ltd	A2	2,000,000	24-Sep-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Sep-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Sep-19	2.87%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	01-Oct-19	2.75%
MyState Bank Ltd	A2	2,000,000	03-Oct-19	2.87%
MyState Bank Ltd	A2	1,000,000	03-Oct-19	2.85%
Credit Union Australia Ltd	A2	2,000,000	08-Oct-19	2.82%
National Australia Bank Ltd	A1+	2,000,000	10-Oct-19	2.75%
Members Equity Bank Ltd	A2	1,000,000	15-Oct-19	2.75%
Suncorp Bank	A1	2,000,000	15-Oct-19	2.60%
MyState Bank Ltd	A2	2,000,000	15-Oct-19	2.85%
MyState Bank Ltd	A2	2,000,000	17-Oct-19	2.85%
MyState Bank Ltd	A2	2,000,000	23-Oct-19	2.85%
AMP Bank Ltd	A2	1,450,000	24-Oct-19	2.80%
MyState Bank Ltd	A2	2,000,000	29-Oct-19	2.87%
MyState Bank Ltd	A2	2,000,000	05-Nov-19	2.87%
MyState Bank Ltd	A2	2,000,000	07-Nov-19	2.85%

INVESTMENT BALANCES				
As at 31-Mar-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Suncorp Bank	A1	4,000,000	12-Nov-19	2.60%
MyState Bank Ltd	A2	2,000,000	12-Nov-19	2.85%
AMP Bank Ltd	A2	2,000,000	14-Nov-19	2.80%
MyState Bank Ltd	A2	2,000,000	19-Nov-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Nov-19	2.87%
Auswide Bank Limited	A2	2,000,000	28-Nov-19	2.80%
MyState Bank Ltd	A2	2,000,000	05-Dec-19	2.85%
Credit Union Australia Ltd	A2	1,500,000	10-Dec-19	2.73%
Auswide Bank Limited	A2	3,000,000	10-Dec-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	17-Dec-19	2.75%
Auswide Bank Limited	A2	3,000,000	07-Jan-20	2.75%
Credit Union Australia Ltd	A2	2,000,000	21-Jan-20	2.76%
Auswide Bank Limited	A2	3,000,000	04-Feb-20	2.75%
Credit Union Australia Ltd	A2	2,000,000	25-Feb-20	2.78%
Auswide Bank Limited	A2	3,000,000	03-Mar-20	2.75%
		181,669,877		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,459,946		0.90%
		1,459,946		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	786,462	At Call	1.90%
		786,462		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	500,000	01-Apr-19	2.25%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	02-Apr-19	2.52%
Commonwealth Bank of Australia Ltd	A1+	7,262,705	29-Apr-19	2.52%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	30-Apr-19	2.36%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	30-Apr-19	2.61%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	20-May-19	2.32%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	29-May-19	2.41%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	25-Jun-19	2.38%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Jun-19	2.38%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	16-Jul-19	2.64%
		17,762,705		
New Council Implementation Fund				
Term Deposits				
Suncorp Bank	A1	900,000	21-Nov-19	2.60%
		900,000		

INVESTMENT BALANCES				
As at 31-Mar-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Stronger Communities Fund				
Term Deposits				
Auswide Bank Limited	A2	1,000,000	18-Apr-19	2.75%
Bank of Queensland Ltd	A2	650,000	18-Jun-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	23-Jul-19	2.70%
AMP Bank Ltd	A1	1,450,000	13-Aug-19	2.80%
Westpac Banking Corporation Ltd	A1+	500,000	13-Aug-19	2.71%
Bank of Queensland Ltd	A2	600,000	17-Oct-19	2.80%
ING Bank Australia Limited	A1	2,000,000	19-Dec-19	2.90%
		8,200,000		
Stronger Communities Fund Round 2				
Term Deposits				
Members Equity Bank Ltd	A2	2,000,000	11-Apr-19	2.85%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	16-May-19	2.75%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	11-Jun-19	2.77%
Bank of Queensland Ltd	A2	2,000,000	18-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	30-Aug-19	2.75%
Auswide Bank Limited	A2	2,000,000	17-Sep-19	2.90%
Auswide Bank Limited	A2	2,500,000	22-Oct-19	2.90%
Auswide Bank Limited	A2	1,800,000	21-Nov-19	2.82%
National Australia Bank Ltd	A1+	2,500,000	05-Mar-20	2.65%
		19,800,000		
Total Cash and Investments		233,537,191		

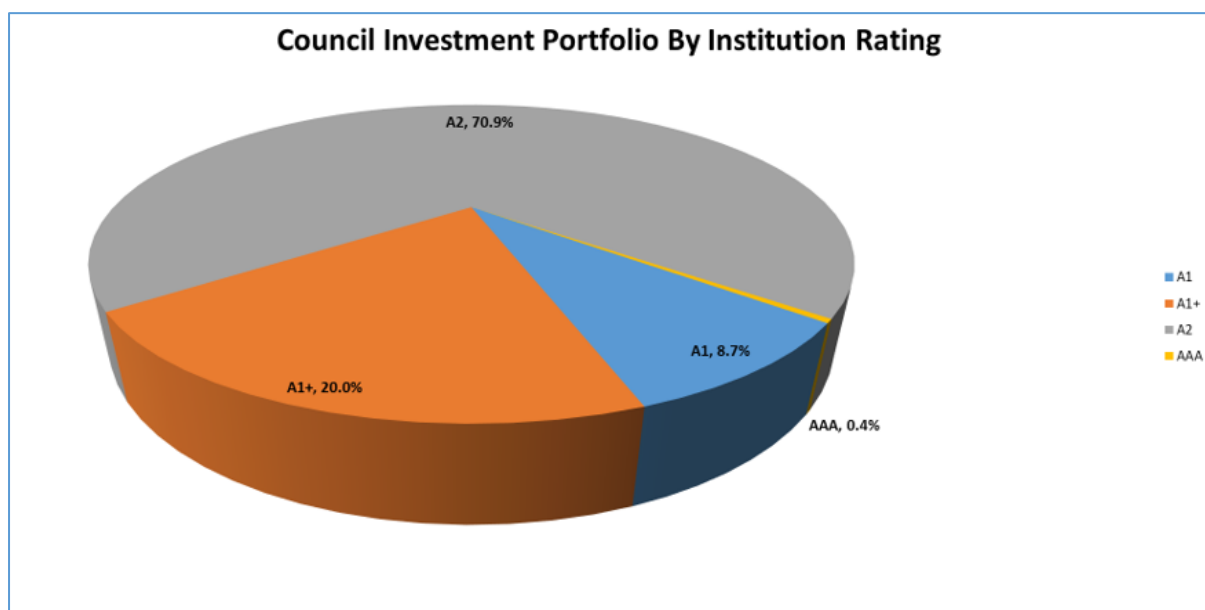
PORTFOLIO ANALYSIS



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+	A-1	40%	Yes
A			
A-			
BBB+	A-2	30%	Yes
BBB			
BBB-			
Unrated	Unrated	10%	Yes (\$Nil)



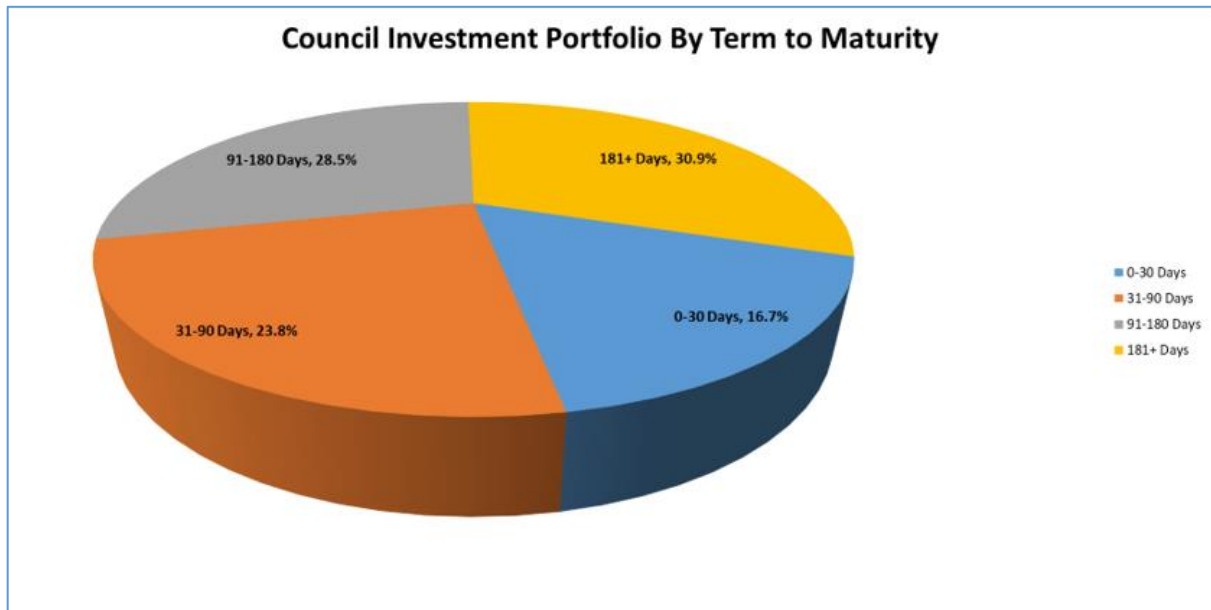
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

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

* Or Moody's / Fitch equivalents

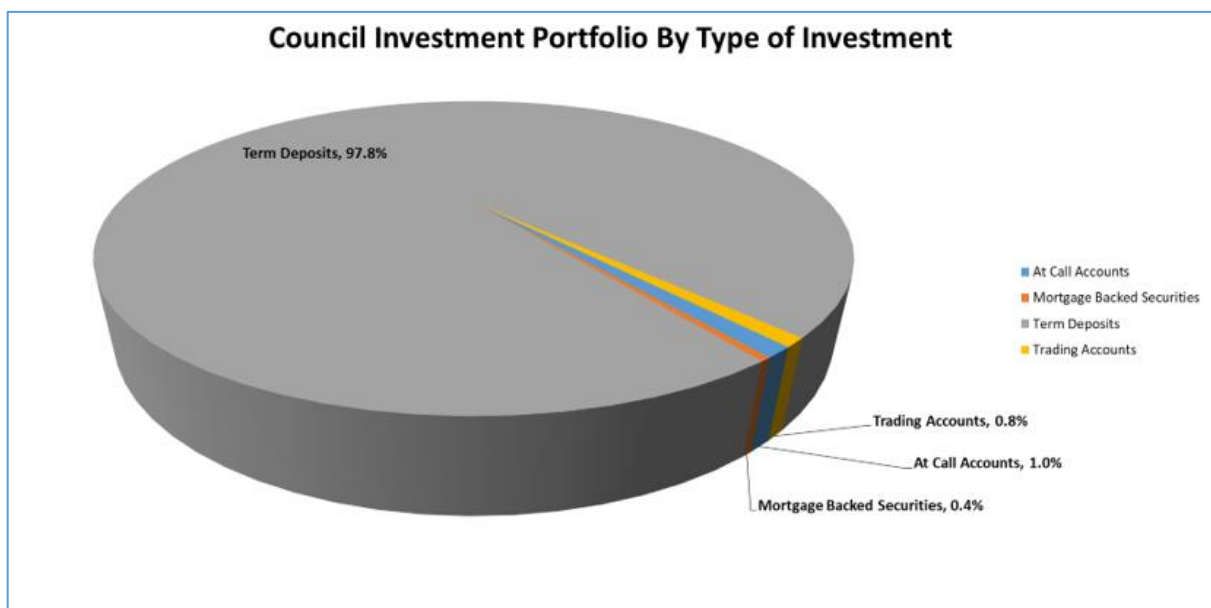
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



Term to Maturity Framework – Compliance with Investment Policy Requirements

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

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

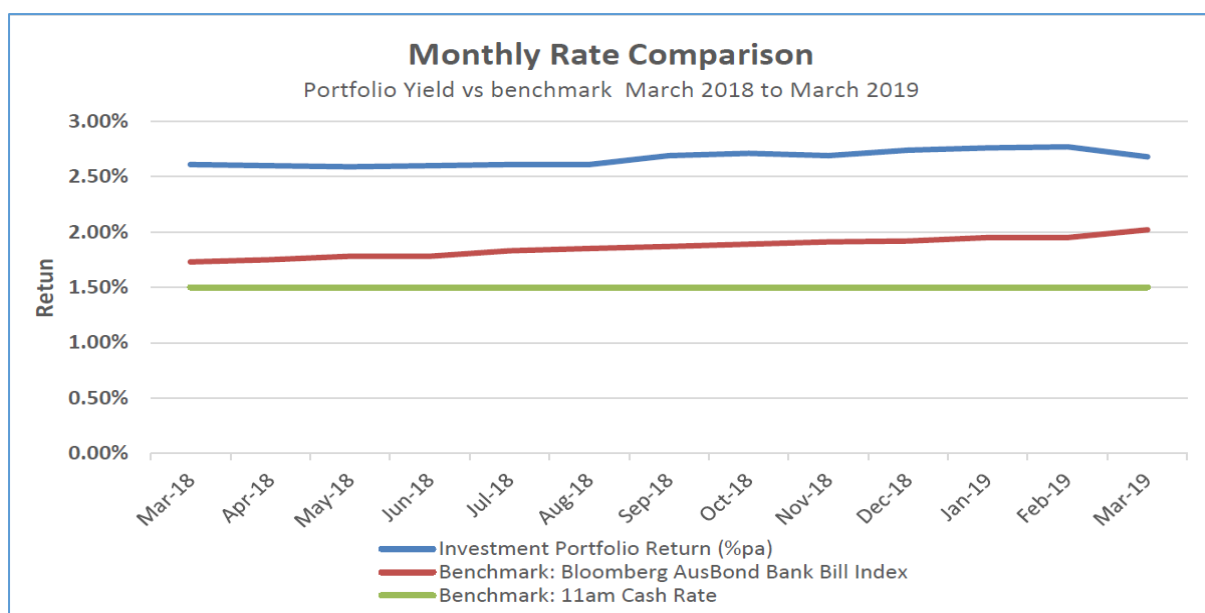


INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate *
1 Month	2.68%	2.02%	1.50%
3 Months	2.74%	1.97%	1.50%
6 Months	2.73%	1.94%	1.50%
FYTD	2.70%	1.91%	1.50%
12 Months	2.67%	1.88%	1.50%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

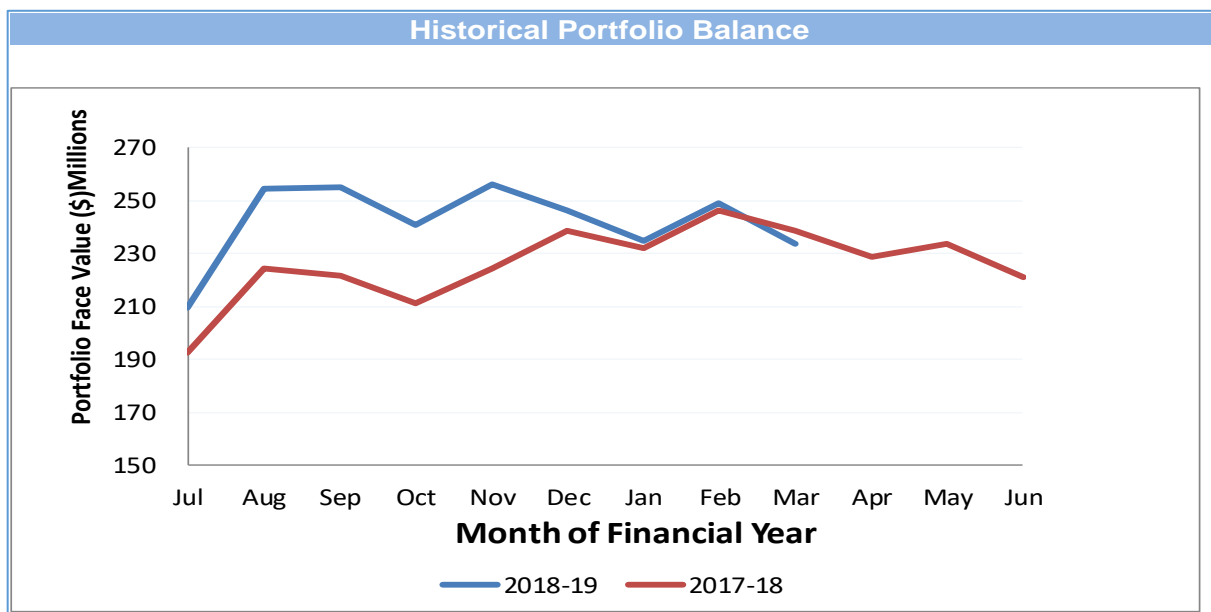


MONTHLY INVESTMENT INCOME* VS. BUDGET

	31 March 19 \$	Year to Date \$
Investment Income	542,709	4,618,330
Adjustment for Fair Value	7	17,629
Total Investment Income	542,716	4,635,959
Budgeted Income	450,000	4,140,750

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2018-19	2017-18
Jul	209,605,515	192,788,320
Aug	254,510,268	224,541,055
Sep	254,769,836	221,786,511
Oct	240,996,644	211,440,341
Nov	256,137,875	224,335,322
Dec	246,453,069	238,474,454
Jan	234,499,949	231,952,491
Feb	249,011,046	246,219,499
Mar	233,537,191	238,498,965
Apr		228,632,853
May		233,702,341
Jun		220,859,601
Average Portfolio Balance	242,169,044	226,102,646



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)

More signs of moderating pace of global economic growth emerged in March exciting market speculation that the US economy could be heading towards recession next year. Concerns about potential recession also became more prominent in Australia after a second consecutive soft quarterly GDP report and more signs of an entrenched slowdown in housing activity. Set against these concerns about fading economic growth labor market conditions in many parts of the world and notably the US remain very tight. In China, growth is moderating but the authorities are responding with fiscal spending. There are signs that global economic growth is losing momentum in the near-term, but equally in most countries, monetary policy is on pause and fiscal expansion is becoming more common.

Turning to the US economy, leading indicators of activity released in March presented a mixed-picture. Consumer sentiment/ confidence lifted, notably the consumer confidence reading lifting to 131.4 in February from 121.7 in January. Manufacturing leading indicators were mostly softer with the February ISM manufacturing PMI down to 54.2 from 56.6. The non-manufacturing (services sector) PMI improved to 59.7 in February from 56.7 in January. Key housing indicators were a very mixed bag. February existing home sales rose by 11.8% month-over-month, while January new home sales fell by 6.9% month-over-month. The forward-looking home sales indicator, pending home sales lifted 4.6% month-over-month in January.

In China, the economy is showing signs of settling in to a lower-growth groove with the authorities starting to boost fiscal spending but with the focus this time more on boosting household spending power rather than lifting infrastructure spending. The trade war with the US is hurting China's economy. The trade talks between the US and China showed further signs of progress during March and are likely to result in a trade deal between the US and China in April or May.

Meanwhile, the regular non-trade monthly economic indicators show signs of an economy that is stabilising. February fixed asset investment spending lifted to 6.1% year-over-year while retail sales growth was steady in February at 8.2% year-over-year. February industrial production was the odd one out with growth moderating to 5.3% year-over-year. At this stage, China's GDP growth looks softest in Quarter 1 2019 as the economy responds to easier monetary and fiscal policy settings as well as a trade deal with the US.

The reduction in the pace of economic growth remains most pronounced in Europe. GDP growth was only 0.2% quarter-over-quarter in Quarter 4 2018 slowing annual growth to 1.2% year-over-year. More disturbingly among the bigger European economies Italy has slipped in to recession with back-to-back negative quarterly GDP growth in Quarter 3 and Quarter 4 and growth in Germany was negligible in Quarter 4 after falling in Quarter 3. Leading economic indicators are pointing to more weakness ahead in European growth although the latest January readings of industrial production, sales and unemployment were all surprisingly strong. There are also signs of more budget spending in several European countries including Germany. Many problems still beset Europe. Political unrest is high in several European countries, especially France. High debt undermining confidence in banks remains an issue in Italy in particular. The ECB recognizes that downside risks to the European growth outlook are mounting and is considering new unconventional monetary policy easing measures if needed.

In Australia, Quarter 4 GDP growth disappointed rising only 0.2% quarter-over-quarter and lowering annual growth to 2.3% year-over-year. Falling spending on housing and weak growth in household consumption spending were the main factors behind soft GDP. There were some bright spots in the GDP numbers. Business investment spending on plant and machinery grew faster in Quarter 4 and income growth in the quarter was strong, especially for businesses. The main problem is that there is little sign of improvement in housing in the near-future. The decline in house prices accelerated in Quarter 4 2018. The weakness in housing investor home loans has spread to owner-occupier loan commitments. Falling home loan commitments tell a story of an unrelenting credit squeeze as lenders work to improve lending standards.

ITEM 9.3	MONTHLY INVESTMENT REPORT - APRIL 2019
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2019/251074
ATTACHMENTS	NIL

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*.

EXECUTIVE SUMMARY

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

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

The Investment Report shows that Council has total cash and investments of \$215,948,342 comprising:

- Trading Accounts \$5,342,491.
- Investments \$210,605,851.

Performance over the period from 1 July 2018 to date was strong having exceeded the benchmark: 2.70%pa vs. 1.92%pa.

Certification – Responsible Accounting Officer

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

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

Actual investment income for the period from 1 July 2018 to date was \$5,121,832 compared to budgeted income of \$4,555,750, a positive variance of \$566,082.

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

Council's Investment Policy and Strategy were reviewed in September 2018 by Council's Investment Advisors Laminar Capital Pty Ltd, who confirmed that the current policy *"remains consistent with the Ministerial Investment Order and guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet"* and that they *"do not recommend any changes to the list of approved investments or credit limit frameworks"*. They also stated that *"The portfolio remains conservatively placed, well within the investment portfolio limits from a risk and term to maturity perspective"*.

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

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

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

REPORT

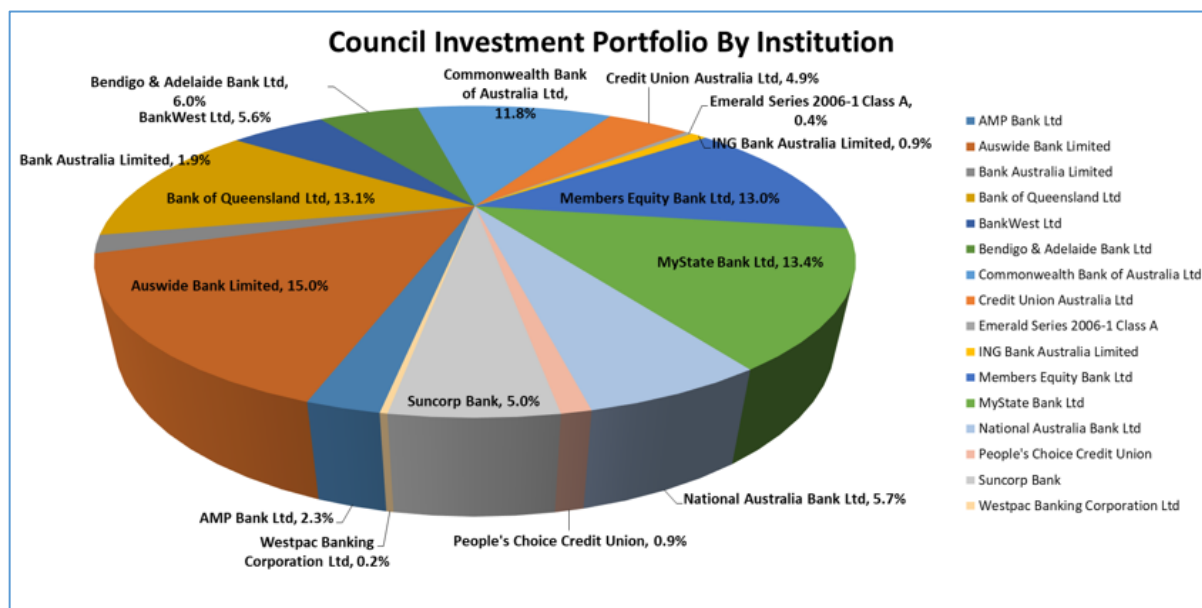
INVESTMENT BALANCES

INVESTMENT BALANCES				
As at 30-Apr-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	3,618,950		1.55%
Commonwealth Bank of Australia Ltd	A1+	161,992		1.55%
National Australia Bank Ltd	A1+	42,016		1.50%
		3,822,958		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	2,071,493	At Call	1.75%
		2,071,493		
Mortgage Backed Securities				
Emerald Series 2006-1 Class A	AAA	867,113	21-Aug-51	2.3594%
		867,113		
Term Deposits				
BankWest Ltd	A1+	2,000,000	02-May-19	2.80%
Members Equity Bank Ltd	A2	2,000,000	07-May-19	2.75%
BankWest Ltd	A1+	2,000,000	07-May-19	2.80%
Members Equity Bank Ltd	A2	3,000,000	09-May-19	2.80%
Members Equity Bank Ltd	A2	2,000,000	14-May-19	2.80%
BankWest Ltd	A1+	2,000,000	16-May-19	2.80%
BankWest Ltd	A1+	3,000,000	21-May-19	2.80%
Bank of Queensland Ltd	A2	2,000,000	23-May-19	2.75%
Suncorp Bank	A1	2,000,000	28-May-19	2.75%
BankWest Ltd	A1+	3,000,000	04-Jun-19	2.75%
People's Choice Credit Union	A2	2,000,000	04-Jun-19	2.90%
Members Equity Bank Ltd	A2	2,000,000	06-Jun-19	2.75%
National Australia Bank Ltd	A1+	2,000,000	06-Jun-19	2.80%
Bank Australia Limited	A2	2,000,000	11-Jun-19	2.90%
Auswide Bank Limited	A2	2,000,000	13-Jun-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	18-Jun-19	2.75%
Bank of Queensland Ltd	A2	3,000,000	20-Jun-19	2.75%
Bank of Queensland Ltd	A2	3,000,000	25-Jun-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	25-Jun-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	27-Jun-19	2.75%
Members Equity Bank Ltd	A2	1,000,000	02-Jul-19	2.80%
Bank Australia Limited	A2	2,000,000	04-Jul-19	2.95%
Suncorp Bank	A1	2,000,000	04-Jul-19	2.81%
Bank of Queensland Ltd	A2	2,000,000	09-Jul-19	2.75%
National Australia Bank Ltd	A1+	1,000,000	11-Jul-19	2.73%
Auswide Bank Limited	A2	2,000,000	11-Jul-19	2.75%
National Australia Bank Ltd	A1+	719,877	11-Jul-19	2.80%
Auswide Bank Limited	A2	2,000,000	16-Jul-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	23-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	25-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	30-Jul-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	01-Aug-19	2.85%
Bank of Queensland Ltd	A2	2,000,000	06-Aug-19	2.75%

INVESTMENT BALANCES				
As at 30-Apr-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Members Equity Bank Ltd	A2	2,000,000	06-Aug-19	2.85%
Bank of Queensland Ltd	A2	1,000,000	08-Aug-19	2.75%
National Australia Bank Ltd	A1+	2,000,000	08-Aug-19	2.75%
Credit Union Australia Ltd	A2	2,000,000	13-Aug-19	2.75%
Auswide Bank Limited	A2	2,000,000	13-Aug-19	2.85%
Auswide Bank Limited	A2	2,000,000	15-Aug-19	2.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	20-Aug-19	2.75%
Members Equity Bank Ltd	A2	3,000,000	03-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	05-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	10-Sep-19	2.75%
Credit Union Australia Ltd	A2	1,000,000	12-Sep-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	17-Sep-19	2.75%
Auswide Bank Limited	A2	2,000,000	17-Sep-19	2.80%
Bank of Queensland Ltd	A2	2,000,000	20-Sep-19	2.75%
MyState Bank Ltd	A2	2,000,000	24-Sep-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Sep-19	2.87%
MyState Bank Ltd	A2	2,000,000	26-Sep-19	2.85%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	01-Oct-19	2.75%
MyState Bank Ltd	A2	2,000,000	03-Oct-19	2.87%
MyState Bank Ltd	A2	1,000,000	03-Oct-19	2.85%
Credit Union Australia Ltd	A2	2,000,000	08-Oct-19	2.82%
National Australia Bank Ltd	A1+	2,000,000	10-Oct-19	2.75%
Members Equity Bank Ltd	A2	1,000,000	15-Oct-19	2.75%
MyState Bank Ltd	A2	2,000,000	15-Oct-19	2.85%
Suncorp Bank	A1	2,000,000	15-Oct-19	2.60%
MyState Bank Ltd	A2	2,000,000	17-Oct-19	2.85%
MyState Bank Ltd	A2	2,000,000	23-Oct-19	2.85%
AMP Bank Ltd	A2	1,450,000	24-Oct-19	2.80%
MyState Bank Ltd	A2	2,000,000	29-Oct-19	2.87%
MyState Bank Ltd	A2	2,000,000	05-Nov-19	2.87%
MyState Bank Ltd	A2	2,000,000	07-Nov-19	2.85%
MyState Bank Ltd	A2	2,000,000	12-Nov-19	2.85%
Suncorp Bank	A1	4,000,000	12-Nov-19	2.60%
AMP Bank Ltd	A2	2,000,000	14-Nov-19	2.80%
MyState Bank Ltd	A2	2,000,000	19-Nov-19	2.85%
MyState Bank Ltd	A2	2,000,000	26-Nov-19	2.87%
Auswide Bank Limited	A2	2,000,000	28-Nov-19	2.80%
MyState Bank Ltd	A2	2,000,000	05-Dec-19	2.85%
Auswide Bank Limited	A2	3,000,000	10-Dec-19	2.75%
Credit Union Australia Ltd	A2	1,500,000	10-Dec-19	2.73%
Members Equity Bank Ltd	A2	2,000,000	17-Dec-19	2.75%
Auswide Bank Limited	A2	3,000,000	07-Jan-20	2.75%
Credit Union Australia Ltd	A2	2,000,000	21-Jan-20	2.76%
Auswide Bank Limited	A2	3,000,000	04-Feb-20	2.75%
Credit Union Australia Ltd	A2	2,000,000	25-Feb-20	2.78%
Auswide Bank Limited	A2	3,000,000	03-Mar-20	2.75%
		161,669,877		

INVESTMENT BALANCES				
As at 30-Apr-2019				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,519,533		0.90%
		1,519,533		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	800,032	At Call	1.45%
		800,032		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	20-May-19	2.32%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	29-May-19	2.41%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	25-Jun-19	2.38%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Jun-19	2.38%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	16-Jul-19	2.64%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	29-Jul-19	2.14%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	29-Jul-19	2.14%
Commonwealth Bank of Australia Ltd	A1+	8,297,336	28-Oct-19	2.12%
		17,297,336		
New Council Implementation Fund				
Term Deposits				
Suncorp Bank	A1	900,000	21-Nov-19	2.60%
		900,000		
Stronger Communities Fund				
Term Deposits				
Bank of Queensland Ltd	A2	650,000	18-Jun-19	2.75%
Members Equity Bank Ltd	A2	2,000,000	23-Jul-19	2.70%
AMP Bank Ltd	A2	1,450,000	13-Aug-19	2.80%
Westpac Banking Corporation Ltd	A1+	500,000	13-Aug-19	2.71%
Bank of Queensland Ltd	A2	600,000	17-Oct-19	2.80%
ING Bank Australia Limited	A1	2,000,000	19-Dec-19	2.90%
		7,200,000		
Stronger Communities Fund Round 2				
Term Deposits				
Bendigo & Adelaide Bank Ltd	A2	2,000,000	16-May-19	2.75%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	11-Jun-19	2.77%
Bank of Queensland Ltd	A2	2,000,000	18-Jul-19	2.75%
Bank of Queensland Ltd	A2	2,000,000	30-Aug-19	2.75%
Auswide Bank Limited	A2	2,000,000	17-Sep-19	2.90%
Auswide Bank Limited	A2	2,500,000	22-Oct-19	2.90%
Auswide Bank Limited	A2	1,800,000	21-Nov-19	2.82%
National Australia Bank Ltd	A1+	2,500,000	05-Mar-20	2.65%
National Australia Bank Ltd	A1+	2,000,000	09-Apr-20	2.50%
		19,800,000		
Total Cash and Investments		215,948,342		

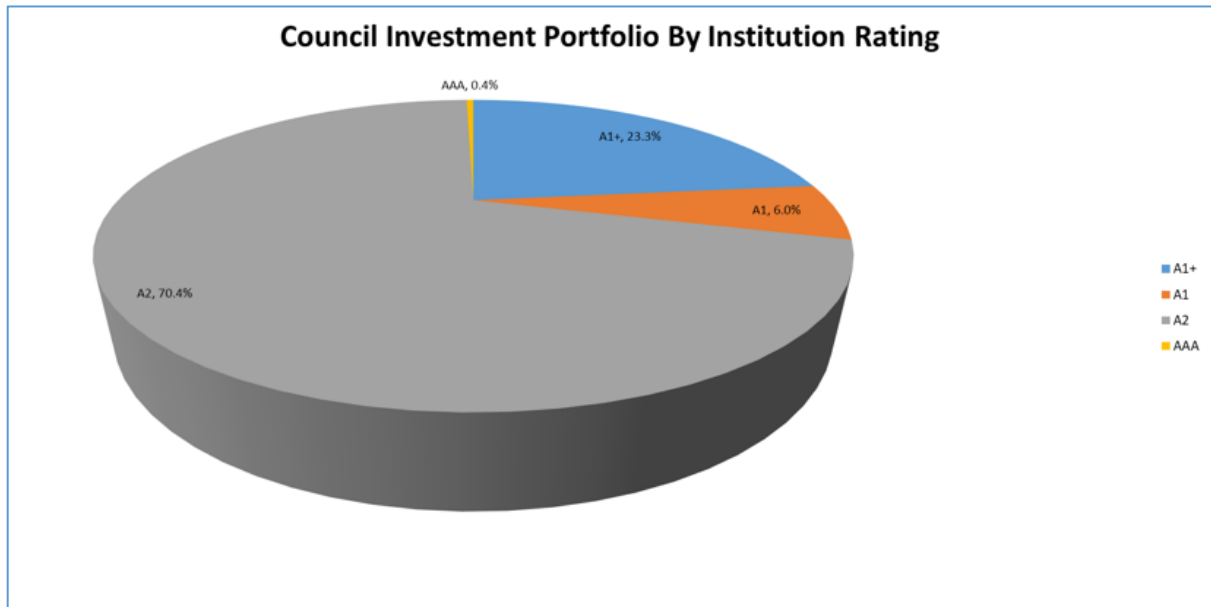
PORTFOLIO ANALYSIS



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+	A-1	40%	Yes
A			
A-			
BBB+	A-2	30%	Yes
BBB			
BBB-	A-3	10%	Yes
Unrated	Unrated	10%	Yes (\$Nil)



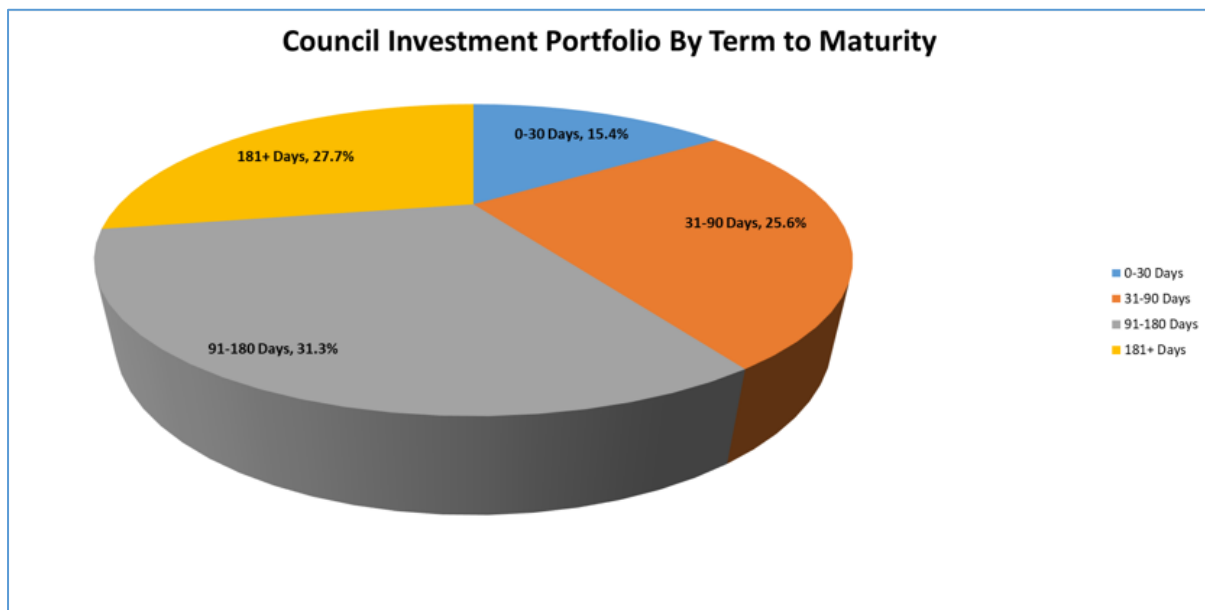
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

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

* Or Moody's / Fitch equivalents

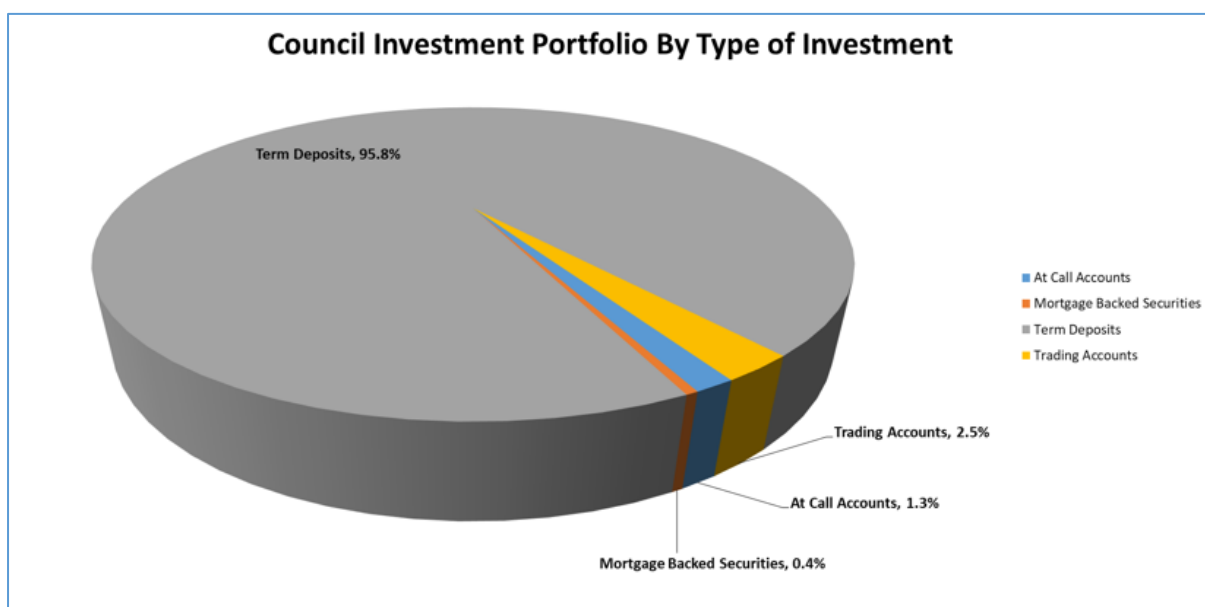
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



Term to Maturity Framework – Compliance with Investment Policy Requirements

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

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

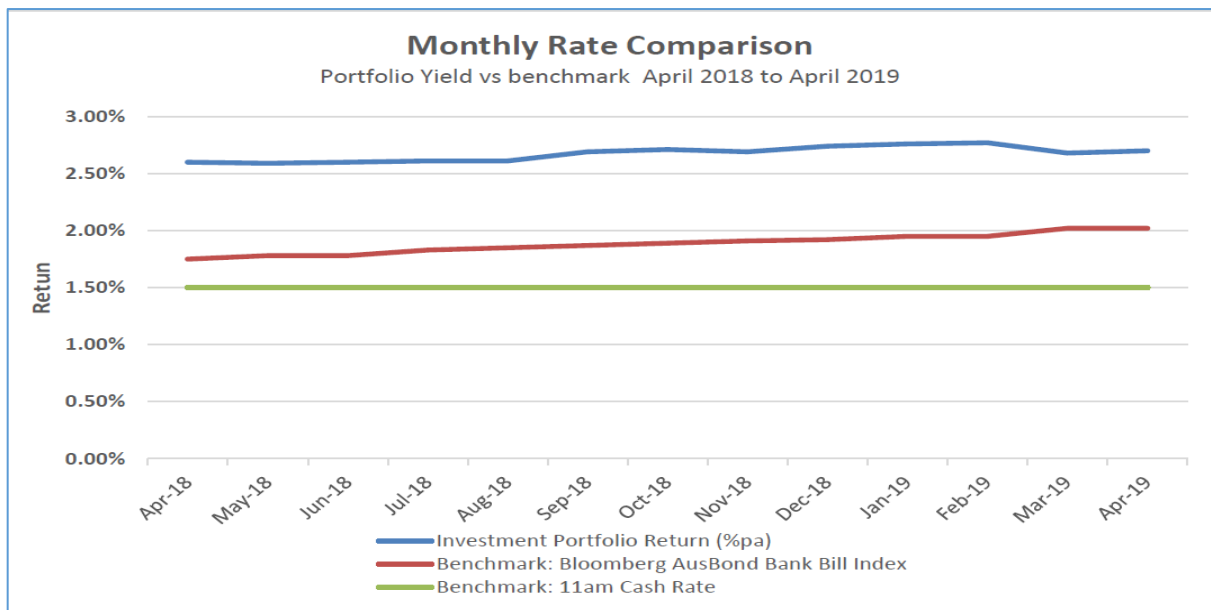


INVESTMENT PERFORMANCE VS. BENCHMARK

	Investment Portfolio Return (%pa)*	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate *
1 Month	2.70%	2.02%	1.50%
3 Months	2.72%	2.00%	1.50%
6 Months	2.72%	1.96%	1.50%
FYTD	2.70%	1.92%	1.50%
12 Months	2.68%	1.90%	1.50%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

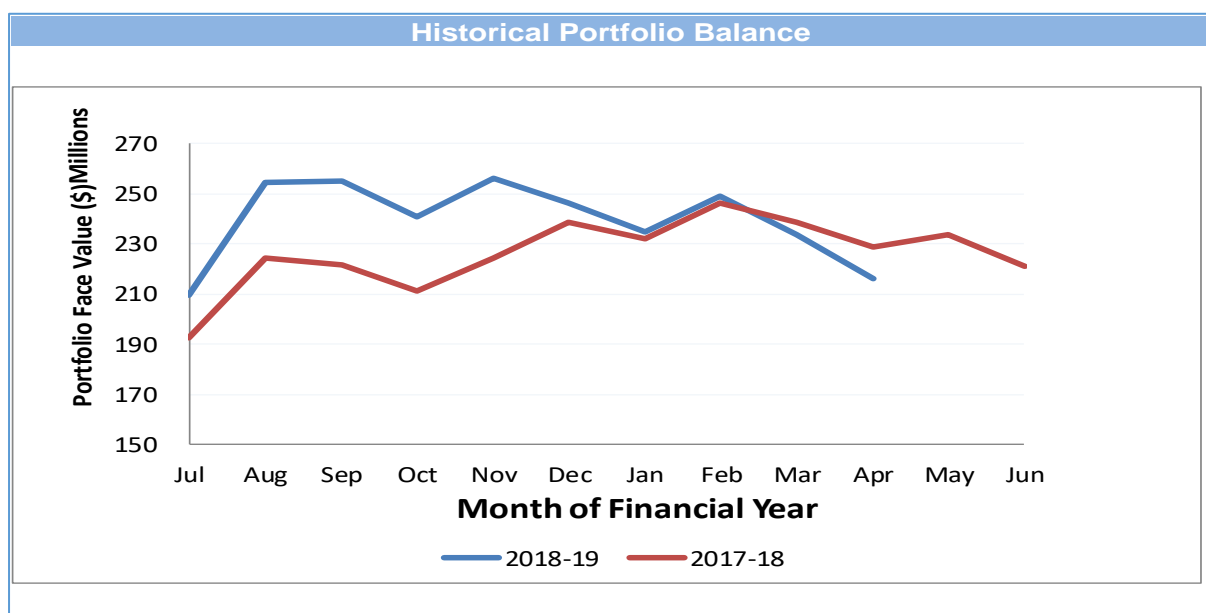


MONTHLY INVESTMENT INCOME* VS. BUDGET

	30 April 19 \$	Year to Date \$
Investment Income	485,872	5,104,202
Adjustment for Fair Value	1	17,630
Total Investment Income	485,873	5,121,832
Budgeted Income	415,000	4,555,750

*Includes all cash and investment holdings

Historical Portfolio Balance		
	2018-19	2017-18
Jul	209,605,515	192,788,320
Aug	254,510,268	224,541,055
Sep	254,769,836	221,786,511
Oct	240,996,644	211,440,341
Nov	256,137,875	224,335,322
Dec	246,453,069	238,474,454
Jan	234,499,949	231,952,491
Feb	249,011,046	246,219,499
Mar	233,537,191	238,498,965
Apr	215,948,342	228,632,853
May		233,702,341
Jun		220,859,601
Average Portfolio Balance	239,546,973	226,102,646



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)

Annual GDP growth improved unexpectedly in Quarter 1 2019 in the world's two biggest economies, the US and China presenting a challenge to the view that global economic growth is sliding in 2019. While the improvement in GDP growth is not universal, in the few countries that have reported Quarter 1 one emerging theme is that monthly economic readings for February and March have for the most part surprised on the strong side of market expectations. During April some of the potential downside risks to growth internationally have also become less concerning. Brexit has been pushed out pending further negotiations to the end of October. International trade negotiations between the US and China appear to be moving towards a deal. Providing the run of global economic readings continues to point to improving growth - and easier fiscal policy settings stable to easier monetary conditions should support stronger growth – it is reasonable to expect analysts to start upgrading global economic growth forecasts at least for 2019.

Turning to the US economy, the advance Quarter 1 GDP reading at 3.2% annualised growth beat consensus forecasts by a percentage point. The strong result was a positive surprise especially as two big growth-crimping factors affected the result, the prolonged shutdown of Federal Government agencies in February plus the worst winter weather in 40 years across a large area of the mid-western and eastern states. The components of GDP growth were mixed strength. Residential spending was weak, while non-residential investment spending was relatively strong. A little over half of the GDP growth rate came from the combined contributions of rising inventories and net exports. Any concern about the comparatively modest growth in consumer spending and the fall in residential spending, however, is alleviated by signs of improvement in recent monthly readings of retail sales and new home sales.

In China, March and Quarter 1 economic readings have almost all beaten expectations and seem to imply that growth is being boosted by the easier monetary and fiscal measures announced earlier in the year. Quarter 1 GDP stabilised at 6.4% year-on-year and defying forecasts of a slowing growth rate. March economic readings were almost all noticeably stronger than expected. Exports rose 14.2% year-on-year. March fixed asset investment spending accelerated to 6.3%; industrial production lifted sharply to 8.5%; and March retail sales rose by 8.7% year-on-year. The shifting lunar New Year holidays may have had some influence on the rise in the monthly data in March relative to February. Nevertheless, purchasing manager reports from the manufacturing and services sectors less influenced by seasonal factors are also showing marked improvement over the last two months. China's GDP growth looks set to hold at 6.4% year-on-year confounding the early 2019 forecasts of most analysts looking for a dip in China's growth rate.

The preliminary reading of Quarter 1 European GDP is expected to show stable albeit low annual GDP growth. While European Quarter 1 GDP growth is not expected to show the early signs of revival evident in the US and China there are signs of improvement in some monthly European economic readings that hold the promise of better GDP growth in Quarter 2. European retail sales were firm in February. Unemployment is holding down at a decade low 7.8%. Budget spending is increasing in most European economies including most recently the concessions promised by French President Macron in response to the repeated weekend Paris yellow shirt protests. The threat of imminent economic disruption from a no-deal Brexit has been avoided by extending negotiations between Britain and the EU by six months. The European Central Bank has provided stronger indications that it stands ready to ease monetary conditions if needed.

In Australia, the dated but latest Quarter 4 GDP growth disappointed rising only 0.2% quarter-on-quarter and lowering annual growth to 2.3% year-on-year from 2.8% in Quarter 3. The more current Quarter 1 CPI reading was also lower than expected coming in flat for the quarter and up only 1.3% year-on-year compared with 1.8% in Quarter 4 2018 and now sitting well below the RBA's 2-3% target band. The combination of weak real GDP growth and below-target inflation are promoting calls for the RBA to consider reducing its 1.50% official cash rate.

ITEM 9.4	OUTCOME OF PUBLIC EXHIBITION - CODE OF MEETING PRACTICE
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2019/201875
ATTACHMENTS	<p>1 NSW Office of Local Government Code of Meeting Practice (Included In Attachments Booklet 1)</p> <p>2 Northern Beaches Council Code of Meeting Practice (Included In Attachments Booklet 1)</p>

SUMMARY

PURPOSE

To report the outcome of the public exhibition and seek adoption of the Northern Beaches Council Code of Meeting Practice.

EXECUTIVE SUMMARY

The Code of Meeting Practice (the Code) provides direction on how Council conducts its meetings.

On 14 December 2018, a Model Code of Meeting Practice (Attachment 1) was prescribed under the Local Government (General) Regulation 2005 (the Regulation) by the NSW Office of Local Government (OLG). NSW councils were granted a six-month period during which to adopt a new code based on the prescribed model.

The draft Northern Beaches Council Code of Meeting Practice was placed on public exhibition for a period of 42 days following Council's resolution (Res 008/19) of 26 February 2019. No general submissions were received from the public. Three submissions were put forward directly through councillors. The matters raised through these submissions have been reviewed and minor changes are included in the revised Code provided at Attachment 2 for Council's consideration.

The revised Code has incorporated all mandatory elements of the OLG Model Code with some additional provisions specific to the needs of Northern Beaches Council and minor refinements to strengthen or clarify meeting practices in line with the Model Code.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

- A. Council note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice.
 - B. Council adopt the Northern Beaches Council Code of Meeting Practice to be put into effect and replace the current Northern Beaches Council Code of Meeting Practice (May 2017) for all Council meetings following the 28 May 2019 Council meeting.
 - C. As a matter of efficiency in Council meetings, there be a standing reduction applied to all councillor speeches from 5 minutes to 3 minutes with the option of an additional 2 minutes to conclude a speech where resolved by Council and that this be noted as a standing practice within the Code of Meeting Practice.
-

REPORT

BACKGROUND

Following amendments made to the Local Government Act 1993 in August 2016 by the Local Government Amendment (Governance and Planning) Act 2016, a Model Code of Meeting Practice has been prescribed under the Local Government (General) Regulation 2005 (Attachment 1).

The new Model Code was released by the OLG on 14 December 2018 and NSW councils were granted six months, until 14 June 2019, to adopt a new code based on the prescribed model.

The principal object of prescribing the Model Code is to promote the governing body's sound decision making processes to ensure they are in the best interests of the council and the community. A model code also provides greater uniformity and consistency across local government while still providing flexibility for variations which are unique to councils.

The Model Code aims to introduce plain language to make the prescribed meeting rules more accessible and easier to understand and facilitates more efficient and contemporary practices, such as electronic notices, electronic voting and webcasting.

The key changes introduced through the OLG Model Code include:

- New meetings principles.
- Optional rules for pre-meeting councillor briefings.
- An optional outline for public forums.
- A requirement for meetings to be webcast.
- Defining the use of mayoral minutes without notice.
- Optional rules requiring a staff report for motions seeking decisions that do not align with councils' integrated planning and reporting (IP&R) objectives.
- An outline for allowing multiple items to be adopted in a block (by exception).
- Optional rules allowing rescission motions to be dealt with at the same meeting in cases of urgency and allowing matters to be recommitted to correct an error.
- Optional time limits on meetings.

Northern Beaches Council adopted its current Code of Meeting Practice on 22 May 2018, which was based on the initial consultation draft of the OLG's Model Code. The changes now contemplated by the draft Code for Council's consideration take into account the non-mandatory practices which were adopted in the May 2018 Code as well as the updates made to the final OLG Model Code.

Council, at its meeting on 26 February 2019, approved the draft policy to go on public exhibition for 42 days to provide the community an opportunity to review and comment. The exhibition period was from 3 March 2019 to 14 April 2019.

Response to Public Exhibition

No public submissions were directly received through the exhibition process and three submissions were provided by Northern Beaches Council councillors. An outline of the considerations put forward through this process and the recommended Council response is provided in the table below:

Key consideration	Recommended Council response
<p><u>Time limit of meetings</u></p> <p>Clarifying the ability to continue the meeting to the conclusion of the current matter under consideration and clarifying the procedure for an extension of the meeting time.</p>	<p>Clauses 19.3 and 19.4 have been amended in the Code to reflect this consideration</p> <p>Clause 19.3 has been amended to provide for Council to resolve to extend the meeting by 30 minutes to 11:30pm if there are remaining items on the agenda. At 11.30pm if Council has commenced debate on a matter (which has been moved and seconded), an automatic extension will be applied to allow completion of the debate and voting on that matter only. Once that matter has been finalised, if there are further items remaining on the agenda, the Chairperson can then defer items to the next ordinary meeting or adjourn the meeting.</p> <p>Clause 19.4 has been amended in the event that Council may decide to conclude the meeting at 11pm or not vote to extend the meeting. This clause provides clarity on the process for finalising the matter currently being debated and concluding the meeting, where the meeting will continue until the matter under consideration (which has been moved and seconded) is debated and voted upon. Once that matter has been finalised, if there are further items remaining on the agenda, the Chairperson can then defer items to the next ordinary meeting or adjourn the meeting.</p>
<p><u>Items by exception</u></p> <p>Establishing an order/sequence that will be used for councillors to call for items to be debated for each meeting (and excluded from Items by Exception)</p>	<p>This item deals with a matter of meeting protocol. Processes for matters of protocol can be put in place through various means by mutual agreement of the Council or as put in place by the Chair of the meeting. A means to address the protocol can be procedurally resolved by Council.</p> <p>No further amendment has been included in the Code.</p>
<p><u>Urgency of mayoral minutes</u></p> <p>Inclusion of the urgency definition as provided in the Model Code of Meeting Practice to guide what can be included as a mayoral minute in the business of the meeting.</p>	<p>Clause 10.12 has been amended to include the exact wording from the same clause in the Model Code of Meeting Practice. This clause now includes the definition of an urgent matter.</p> <p>Clause 10.9 (also replicated exactly from the Model Code of Meeting Practice) provides that the Mayor may to put to the meeting without notice any matter that is in the jurisdiction of council or that council is aware of.</p> <p>The Code has additionally included amendments to remove the definition of 'urgent business' from the general definitions section. Clauses 4.30, 10.3 and 10.7 have also reinstated the reference to 'urgency' to ensure that the removal of the general definition for urgent business is accurately accounted for throughout the Code as an amendment (in line with the Model Code of Meeting Practice).</p>

The draft retains many of the key optional elements of the current Northern Beaches Council Code (May 2018), such as the public address and public forum, as well as many of the timeframes applied to the business of the meeting. These are identified in the draft Code at Attachment 2 in blue italics. New or amended clauses developed during this review are identified in bold blue italics in the draft Code at Attachment 2.

Other minor administrative amendments to the draft Code (since it was placed on public exhibition) are outlined in the following table:

Consideration	Amendment
For meeting efficiency, a Council resolution to reduce councillor speech times from 5 minutes to 3 minutes will be included in the Code and applied as a standing practice	Following clause 11.24, a notation will be inserted in the Code of Meeting Practice to reference the resolution of Council that there be a standing reduction applied to all councillor speeches from 5 minutes to 3 minutes with the option of an additional 2 minutes to conclude a speech where resolved by Council.
Clarification on how questions with notice can be responded to.	Clause 4.18 (Questions with notice) has included the exact wording of Model Code of Meeting Practice.
Clearer guidance on the application of the Code relating to pre-meeting briefing sessions	Clause 4.34 (Pre-meeting briefing sessions) amended with the word 'may' replacing the former word 'with' in line with exact wording of Model Code of Meeting Practice.
Clearer guidance on the application of the Code relating to questions – to include further clarity relating to questions with notice	Clause 10.22 (Questions) amended to include responses to questions with notice.
For clearer guidance on the application of the Code relating to the withdrawal of a notice of motion	Clause 11.3 (Notices of motion) amended to the exact wording of Model Code of Meeting Practice. The additional wording relating to councillors withdrawing notices of motion prior to public address) has been retained from the draft as a new sentence.
For clearer guidance on the application of the Code relating to the time limit for speeches and Council's option to grant consent for further time	Clause 11.22 (Limitations on speeches) has been amended to reflect the exact meaning of the Model Code of Meeting Practice to allow the consent of council to be granted to a councillor to speak longer than the allocated time.
For clearer guidance on the application of the Code, the definition of urgency has been applied to every clause specifically rather than as a general definition	The definition for urgency is removed from the general definitions and the exact clause wording from the Model Code of Meeting Practice has been applied to each specific clause referring to urgency.

CONSULTATION

The Council conducted two councillor workshops on 12 February 2019 and 7 May 2019 to inform the development and considerations of the draft Code of Meeting Practice.

The draft Code of Meeting Practice concluded its 42-day public exhibition on 14 April 2019. It received:

- 106 visits to the Northern Beaches Council Your Say webpage.
- 54 document downloads.
- No public comments (via the website).
- Three submissions from councillors.

TIMING

The Code of Meeting Practice is required to be adopted within 6 months from the date it is prescribed, which is 14 June 2019.

If adopted by the Council at the 28 May 2019 meeting, it will commence from 29 May 2019.

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

The operational activities and obligations arising from the Code of Meeting Practice are funded within existing operational budgets.

SOCIAL CONSIDERATIONS

The Code of Meeting Practice provides a framework and guidance for community participation at Council meetings. The Code outlines how the public may consider and comment on the business of Council through the public address of Council meeting agenda items, as well as an opportunity to bring community issues to a public forum at each ordinary Council meeting.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts associated with the adoption of the Code of Meeting Practice.

GOVERNANCE AND RISK CONSIDERATIONS

The Code of Meeting Practice provides a regulatory and decision-making framework for Council meetings to promote the accessibility, accountability and transparency of Council decisions.

Following amendments made to the Local Government Act 1993 in August 2016 by the Local Government Amendment (Governance and Planning) Act 2016, a Model Code of Meeting Practice is prescribed under the Local Government (General) Regulation 2005 and provides a mandatory minimum meeting standard and guidance for all councils across NSW.

ITEM 9.5	OUTCOME OF PUBLIC EXHIBITION - LEGISLATIVE COMPLIANCE POLICY
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2019/201897
ATTACHMENTS	1 ↓ Northern Beaches Council Legislative Compliance Policy

BRIEF REPORT

PURPOSE

To report the results of the public exhibition and to seek adoption of the Legislative Compliance Policy (Attachment 1).

REPORT

Council's commitment to fulfilling and monitoring its legislative compliance obligations is outlined through the Legislative Compliance Policy. Council's legislative compliance program takes a risk based approach which sits behind the first line risk defence practices of the organisation to provide support and assurance that it is meeting its legislative and regulatory compliance obligations and managing any related risk exposures.

The draft policy has been developed with regard to the international standard (AS/ISO 19600:2015 Compliance Management Systems – Guidelines), and relevant guidance material and publications issued through the NSW Government. A compliance program is rolling out across Council to deliver to the commitments outlined within the policy.

The draft was exhibited for 28 days to provide the community an opportunity for review and comment. During this period the draft policy was accessed 8 times and no submissions were received. No amendments have been made to the draft as a result of the public exhibition of the policy.

Consultation

Senior Council staff were consulted on the draft Legislative Compliance Policy. The draft policy was endorsed by the Audit Risk and Improvement Committee on 19 February 2019 and Council approved the draft policy to go on public exhibition for a period of 28 days at its 26 February 2019 meeting.

The community consultation included the provision of information on the 'Your Say' project web page including an online submission form; the availability of the draft policy at Council's customer service locations; and email notifications through our community engagement database, registered community groups and other key stakeholders.

Timing

The draft Legislative Compliance Policy was publically exhibited from 11 March to 7 April 2019.

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

There are no financial implications relating to the adoption of the Legislative Compliance Policy. The compliance program operating in accordance with the policy will be carried out under existing operational budgets.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts associated with the policy.

SOCIAL CONSIDERATIONS

There are no social impacts associated with the policy.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Legislative Compliance Policy supports Council's commitment to a legislative compliance program as a foundational pillar of Council's Enterprise Risk and Opportunity Management Framework. The draft policy outlines Council's commitment to fulfilling and monitoring its compliance obligations and to monitoring the related risk exposures of non-compliance to promote this business assurance function.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

- A. Notes the outcome of the public exhibition of the draft Legislative Compliance Policy.
 - B. Adopts the Legislative Compliance Policy.
-

Council Policy

Legislative Compliance Policy

Policy Statement

To outline Council's commitment to a legislative compliance management program which provides assurance and builds the capacity of Northern Beaches Council to meet its key compliance obligations, promote a compliance culture and uphold good corporate governance practices.

Northern Beaches Council's legislative compliance policy and legislative compliance program enables the Northern Beaches Council to:

- understand its legislative compliance risks
- conduct business and activities in a lawful and responsible way to protect the reputation and credibility of the Northern Beaches Council
- develop, implement and monitor internal controls to manage and provide assurance on legislative compliance risks
- identify responsibilities for meeting specific compliance obligations
- assess and improve compliance performance.

Principles

Compliance Management System

Implementation

Northern Beaches Council applies a risk-based approach to implementing its compliance management system by conducting regular assurance activities for legislative compliance, such as compliance risk assessments, compliance self-assessments, reporting and audits.

The risk of non-compliance will be monitored and effective internal controls put in place to reduce compliance risk to an acceptable level.

Staff will receive appropriate communication and training to meet their compliance responsibilities within the scope of their roles.

The various components of the Council's compliance management system, together promote the importance of compliance to all staff. Key components include:

- legislative compliance policy
- legislative compliance register - a register of key compliance obligations, responsibilities assigned to each obligation
- policy register - lists key Northern Beaches Council policies, policy owners and policy review dates
- quarterly review and management sign-off to report against the compliance obligations outlined through the Office of Local Government's Compliance and Obligations annual calendar
- assurance activities involving regular compliance risk assessments, conducted in accordance with the Northern Beaches Council's Enterprise Risk and Opportunity Management Framework

- an embedded compliance culture led by senior management that is committed, proactive, visible, consistent, and promotes staff awareness
- subscription services made available to senior management to flag changes to compliance obligations
- delegations register
- training and awareness program through Code of Conduct training, staff communication of change to or new obligations, and targeted staff training to ensure they meet obligations within the scope of their roles.

Monitoring and evaluating

The key activities of monitoring and evaluating the legislative compliance management program include:

- identifying new or changes to existing legislative compliance obligations through notifications from subscription services and reviews of the legislative compliance register by compliance owners
- conducting regular legislative compliance risk assessments, including identifying new or emerging compliance risks and assessing the effectiveness of and identifying gaps in existing controls
- regular reporting on legislative compliance obligations and/or exceptions
- reviewing and monitoring legislative compliance activities designed to meet compliance obligations within the scope of the reviewer's roles
- conducting internal self-assessments and external independent reviews and/or audits based the legislative compliance register relating to specific legislation and Northern Beaches Council policies
- reporting the results of reviews to the Chief Executive Officer and the Audit Risk and Improvement Committee.

Continuous improvement

Council is committed to the ongoing improvement to the legislative compliance management program by:

- staff reporting to management instances where they consider obligations are not being complied with
- senior managers implementing corrective action that is appropriate when legislative non-compliance is identified
- senior managers regularly reviewing legislative compliance procedures to identify areas for improvement
- timely escalation of any unresolved issues to the appropriate management level
- the Executive Manager Governance and Risk or relevant senior manager reporting to the Chief Executive Officer and the Audit Risk and Improvement Committee on instances of significant non-compliance, or increases in legislative compliance risk exposures, and corrective actions to address them.

Scope and application

The Northern Beaches Council Legislative Compliance Policy conforms to international standard AS/ISO 19600:2015 Compliance Management Systems – Guidelines.



This policy applies to all areas of Council and to all staff commensurate with their roles, functions, authority and span of control.

Key roles and responsibilities

- All staff must:
 - comply with relevant obligations within the scope of their roles
 - report to their manager or supervisor instances where they consider obligations are not being complied with
 - actively identify and seek additional support in understanding their compliance obligations
 - develop the compliance performance and culture within their teams by promoting opportunities for staff to increase their understanding, apply and continuously improve on compliance obligations relating to their roles.
- The Governance and Risk unit:
 - reviews and reports on updates from the Office of Local Government and other pronouncements likely to impact Northern Beaches Council
 - maintains a watching brief on selected legislation and updates senior management of any changes
 - ensures a relevant subscription service is available to key staff to provide active alerts for changes to legislative compliance obligations
 - coordinates compliance risk assessments and updating the Compliance Risk Register for changed or new obligations
 - reports to the Chief Executive Officer and the Audit Risk and Improvement Committee on the effectiveness of the compliance management program. This includes the results of compliance risk assessments, audits and/or self-assessment outcomes, any non-compliance, and any actions taken to minimise the risk of non-compliance to acceptable levels
 - coordinates the policy register to ensure that policies are monitored and are periodically reviewed and updated
 - provides advice to senior managers and other staff on the compliance management program.
- Senior managers have responsibility for ensuring compliance with obligations within their teams and within their area of responsibility. Senior managers are required to:
 - promote a compliance culture to meet compliance obligations by providing support, communication and training where necessary
 - identify, understand and respond to new compliance obligations
 - monitor compliance with current compliance obligations
 - ensure controls are designed, implemented and are in place to minimise the risk of non-compliance
 - investigate and respond to incidents of non-compliance
 - report back on the fulfilment of compliance obligations, through the management sign-off assessing compliance against the Office of Local Government's compliance



and obligations annual calendar and the reviews arising from the legislative compliance register.

- The Chief Executive Officer is ultimately operationally responsible for the Northern Beaches Council's legislative compliance program and to ensure adequate resources are allocated to meet compliance obligations. The Chief Executive Team promotes a compliance culture. Activities include:
 - monitoring compliance with relevant codes, practices, laws and directives
 - ensuring necessary processes and treatment plans are in place to ensure the Northern Beaches Council is complying with its obligations
 - supporting continuous improvement of the compliance management system.
- The Audit Risk and Improvement Committee independently reviews the legislative compliance program at the Northern Beaches Council, by:
 - determining whether management has appropriately considered compliance risks as part of its governance framework
 - reviewing the effectiveness of the program for informing and monitoring Council's compliance with applicable laws and regulations, and its policy register
 - reviewing and advising on the Legislative Compliance Policy to ensure that it contributes to the risk management processes of Council.
- The Council, as the governing body, commits Northern Beaches Council to the Legislative Compliance Policy and sets the expectations, direction and tone of the legislative compliance program. The Council is to be satisfied, through examining appropriate assurance processes and through the advice of its independent committees and the Chief Executive Officer, that the legislative compliance program is effectively managing the risk exposures of non-compliance across the organisation.

References and related documents

- AS/ISO 19600:2015 Compliance Management Systems – Guidelines
- AS/ISO 31000:2018 Enterprise Risk Management – Guidelines
- Northern Beaches Council Enterprise Risk Management Policy
- Northern Beaches Council Risk and Opportunity Management Framework
- Northern Beaches Council Risk and Opportunity Management Guidelines
- NSW Treasury Guide for Audit & Risk Committees: Compliance Management (June 2017)
- Northern Beaches Council Code of Conduct
- Northern Beaches Council Public Interest Disclosures Policy

Definitions

In the context of this policy and in line with AS/ISO 19600:2015:

Compliance: refers to adhering to the requirements of laws, regulations, government directions, industry and organisational standards and codes, principles of good governance, requirements for certain certifications, accepted community and ethical standards and Northern Beaches Council policies and frameworks.



Compliance culture: refers to the values, ethics and beliefs that exist throughout Council and how they interact with the structures and control systems to produce behavioural norms that are conducive to compliance outcomes.

Compliance management program: refers to the various functions and practices including the roles and responsibilities of key staff or areas, and the activities they undertake which, when combined, are intended to provide assurance that Council complies with its obligations.

Compliance risk: is the effect of uncertainty on compliance objectives. It is characterised by the likelihood of occurrence and the consequence of non-compliance.

Legislative compliance register: is a list of the key legislative compliance obligations of the Northern Beaches Council. Each obligation is risk assessed and is assigned a responsible manager to ensure compliance to the obligation.

Risk Management: is the systematic application of management policies, procedures and practices to the tasks of communication, consultation, establishing the context, and identifying, analysing, evaluating, treating and monitoring and reviewing risk – as outlined in the Northern Beaches Council Enterprise Risk Management Policy

Staff: refers to a person working at or on behalf of the Northern Beaches Council and includes part-time, full-time, and temporary staff and also includes contractors.

Senior managers: includes the Chief Executive Officer, Directors, Executive Managers, Business Performance Executives, Head of Integrity and Complaints Resolution, Head of Internal Audit, and management positions which may be deemed as senior due to the size, nature or risk profile of the portfolio they manage.

Responsible Officer

Executive Manager Governance and Risk

Review Date

It is intended that this policy will be reviewed every two years or earlier if significant new information, legislative or organisational change warrants an update to this policy.

The next review is scheduled for April 2021.

Revision History

Revision	Date	Status	TRIM Ref
1	28 May 2019	Legislative Compliance Policy adopted by Council	2019/027602

ITEM 9.6	CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 19 FEBRUARY 2019
REPORTING MANAGER	EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2019/201837
ATTACHMENTS	1 ARIC Minutes - 19 February 2019 (Included In Attachments Booklet 1)

BRIEF REPORT

PURPOSE

To report the minutes of the Audit, Risk and Improvement Committee meeting held on 19 February 2019.

REPORT

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

In accordance with the Audit, Risk and Improvement Committee Charter, the minutes of Audit, Risk and Improvement Committee meetings are to be reported to Council. The confirmed minutes of the meeting held on 19 February 2019 are reported in full as per Attachment 1.

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts in relation to this report.

SOCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

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

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 19 February 2019.

ITEM 9.7	OUTCOME OF PUBLIC EXHIBITION - CODE OF CONDUCT
REPORTING MANAGER	HEAD OF INTEGRITY AND COMPLAINTS
TRIM FILE REF	2019/230747
ATTACHMENTS	1 ⇒ 2019 Northern Beaches Council Code of Conduct (Included In Attachments Booklet 1) 2 ⇒ 2019 Procedures for the Administration of the Northern Beaches Council Code of Conduct (Included In Attachments Booklet 1)

SUMMARY

PURPOSE

To report the outcome of the public exhibition and seek adoption of the:

- Northern Beaches Council Code of Conduct 2019 (the Code).
- Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019 (the Procedures).

SUMMARY

The Northern Beaches Council Code of Conduct (the Code) sets the minimum standards of conduct for all Council officials.

On 14 December 2018, a Model Code of Conduct was prescribed under the Local Government (General) Regulation 2005 (the Regulation) by the NSW Office of Local Government (OLG). NSW councils were granted a six-month period during which to adopt a new code based on the prescribed model.

The draft Northern Beaches Council Code of Conduct 2019 and the draft Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019 were placed on public exhibition for a period of 28 days following Council's resolution (Res 111/19) of 16 April 2019. Two submissions were received from the public. The matters raised through these submissions have been reviewed and no changes are proposed in the Code and the Procedures provided at Attachment 1 and 2 respectively for Council's consideration.

The Code has incorporated all mandatory elements of the OLG Model Code with some additional provisions specific to the needs of Northern Beaches Council.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

- A. Notes the outcome of the public exhibition of the draft Northern Beaches Council Code of Conduct 2019 and draft Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019.
 - B. Adopt the Northern Beaches Council Code of Conduct 2019 and the Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019.
-

REPORT

BACKGROUND

The 2018 Model Code of Conduct (the Model Code) for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures) were prescribed on 14 December 2018 under the *Local Government (General) Regulation 2005* and Section 440 of the *Local Government Act 1993* (LGA).

Council currently operates under the provisions of the 2015 Model Code and 2013 Procedures, which were last adopted by Council at its Ordinary Meeting of 27 November 2018 and which remain in force until the draft Code of Conduct and draft Procedures, are adopted.

Councils have six months from the date of prescription (14 December 2018 – 14 June 2019), to adopt a code of conduct and procedures based on the prescribed Model Code and Procedures.

The draft Northern Beaches Council Code of Conduct 2019 and draft Procedures for the Administration of the Northern Beaches Council Code of Conduct 2019 were exhibited for 28 days to provide the community an opportunity to review and comment on them.

CONSULTATION

The draft Code and Procedures were placed on public exhibition for a period of 28 days, through:

- Information on the 'Your Say' project web page including an online submission form.
- Copies of the draft policy being made available in all customer service locations.
- Email notifications to our community engagement database, registered community groups and other key stakeholders.

The feedback and actions are summarised in the table below:

Issue Raised	Response
General dissatisfaction relating to Council/Local Government and operational matters, including staff, bicycle access and signage and revenue.	Submission not directly relevant to the Code of Conduct.
Concern that the draft does not explicitly address the use of social media, specifically by Councillors.	The Office of Local Government excluded specific guidance on the use of social media, as it was deemed an area which would be overly onerous for Councils to manage, given the often nuanced and subjective nature of social media activity. Further, Council considers that communication activity as it relates to the Code should not be limited to social media channels only.

TIMING

Councils have six months from the date of prescription (14 December 2018 – 14 June 2019), to adopt a code of conduct and procedures based on the prescribed Model Code and Procedures. The commencement date of Council's Code and Procedures is anticipated to be 29 May 2019, if they are adopted at the 28 May 2019 Ordinary Council meeting.

LINK TO COUNCIL STRATEGY

This report is aligned to the Community Strategic Plan Outcomes of Good Governance:

- Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Goal 20 - Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.

FINANCIAL CONSIDERATIONS

The exhibition of the draft Code and draft Procedures was funded within existing operational budgets.

SOCIAL CONSIDERATIONS

Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code in their adopted codes of conduct.

Accordingly, while the opportunities to make changes to the Code and Procedures are limited, the public exhibition period represents an opportunity for the community to understand the ethical and behavioural standards that apply to council officials.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental implications in regard to the Code of Conduct or Procedures.

GOVERNANCE AND RISK CONSIDERATIONS

If the Northern Beaches Council Code and Procedures are not adopted by 14 June 2019, Council will be subject to the provisions of the prescribed Model Code and Procedures from that date until adoption of a Northern Beaches Council Code and Procedures.

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	ADOPTION OF THE NORTHERN BEACHES CULTURAL COLLECTION MANAGEMENT AND GIFTS POLICY AND THE PUBLIC ART POLICY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2019/053619
ATTACHMENTS	<ol style="list-style-type: none"> 1 📄 Cultural Collections Management and Gifts Policy and Public Art Policy - Submissions Summary Report (Included In Attachments Booklet 2) 2 📄 Northern Beaches Cultural Collections Management and Gifts Policy - revised May 2019 (Included In Attachments Booklet 2) 3 📄 Northern Beaches Cultural Collection Management and Gifts Guidelines - Revised May 2019 (Included In Attachments Booklet 2) 4 📄 Public Art Policy - revised May 2019 (Included In Attachments Booklet 2) 5 📄 Public Art Guidelines - Revised May 2019 (Included In Attachments Booklet 2) 6 📄 Draft Terms of Reference Public Art Working Group (Included In Attachments Booklet 2) 7 📄 Draft Terms of Reference Public Art Selection Panel (Included In Attachments Booklet 2)

SUMMARY

PURPOSE

Report on the submissions received following the public exhibition of the Northern Beaches Cultural Collection Management and Gifts Policy and the Public Art Policy and to seek adoption of the policies and Terms of Reference for the Public Art Working Group and Public Art Selection Panel.

EXECUTIVE SUMMARY

The draft Northern Beaches Cultural Collection Management and Gifts Policy and the draft Public Art Policy defines the principles and objectives by which the Northern Beaches Council's cultural collections will be developed and managed into the future. The two Policies sit within an overall framework of plans and strategies that Council has developed to deliver a wide range of arts, culture and heritage outcomes for the community.

Both draft Policies were placed on public exhibition from 30 November 2018 to 19 January 2019 following the resolution of Council (333/18) on 27 November 2018. Nine submissions were received from the community and the matters raised through the submissions have been reviewed and reported upon in Attachment 1. In addition, minor changes have been included in the Northern Beaches Cultural Collection Management and Gifts Policy and Public Art Policy and their accompanying Guidelines for the consideration of Council as highlighted in Attachments 2-5.

The Public Art Policy will be implemented in accordance with the Policy and Guidelines. To ensure that the procurement of public art meets the required quality standards, it is recommended that Council establish a Public Art Working Group consisting of community and Councillor representatives and an expert Public Art Selection Panel to assist in the selection of major art works.

Implementation of the Policies relates to the following Northern Beaches Community Strategic Plan Outcomes: Places for People; Goal 7; Community and Belonging; Goal 10 and Good Governance; Goal 19.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

- A. Adopt the amended Northern Beaches Cultural Collection Management and Gifts Policy and the amended Public Art Policy.
 - B. Adopt the Terms of Reference and Charters for the Public Art Working Group and the Public Art Selection Panel.
 - C. Nominate up to three Councillors as members of the Public Art Working Group.
-

REPORT

BACKGROUND

Northern Beaches Council is the custodian of a diverse cultural collection that includes artworks, public art, civic ephemera and local history items, which directly relate to the Northern Beaches area and its communities. The Collection includes a series of existing sub-collections established by the former Manly, Pittwater and Warringah Councils. These include the Manly Art Gallery & Museum Collection, Local Studies Collections, Public Art, Community Art and Civic Collections.

These many collections (of varying size and scope) hold value from a social, historic and cultural perspective for the Northern Beaches community. Council's management and development of these collections supports the role that cultural objects play in facilitating Council's exhibition and education programs; preserving our heritage places; enlivening our public spaces; and expressing a local Northern Beaches identity and the community's connection to place. They are also a significant financial asset.

Manly Art Gallery & Museum's Collection was valued at over \$7 million in 2010 and Council is currently actively developing and expanding its collection of public art through the \$2 million Coast Walk Public Art project. Managing and developing these cultural assets in a sound and transparent way is a priority for the community.

Consequently, the Northern Beaches Cultural Collection Management and Gifts Policy and Public Art Policy have been developed to:

- Provide a framework to assess offers of donation of artistic, heritage or cultural material.
- Communicate the principles and purpose of how and why Council collects and acquires cultural material, including public art.
- Deliver a clear and coordinated direction for developing and managing all Council's cultural collections into the future.

CONSULTATION

The draft Northern Beaches Cultural Collection Management and Gifts Policy and the draft Public Art Policy were placed on public exhibition from 30 November 2018 to 19 January 2019, with an online submission form and capacity to download the Policies and their accompanying Guidelines.

Notification of the exhibition period for the draft Strategy was published in the Manly Daily on Saturday 1 December 2018 and Saturday 19 January 2019.

Community Engagement Open - 30 November 2018 to 19 January 2019	
CER invitation to comment (email)	Sent to 4,393 people
Your Say project page	480 page views 318 downloads (of policy documents) Nine online submissions received

Feedback received was supportive of the new Policy framework and Council urged to review its existing integrated planning mechanisms in relationship to public art in private developments and benchmark them against best practice models implemented by other local councils. Key themes raised from the feedback included:

Diversity and Access	Cultural collection strategies that engage with ATSI [Aboriginal and Torres Strait Islander] communities and CALD [Culturally and Linguistically Diverse] communities, young people and the elderly
Funding and Resourcing	Council's funding commitment to the management of their cultural collections and the potential for fundraising to develop the collections
Collections Scope	What cultural material is and is not included in the Policy scope
Assessing Acquisitions	Community consultation and external expertise as an appropriate assessment model
Artists Moral Rights	Copyright, ownership, artists acknowledgement and intellectual property
Management of Public Art	Professional expertise required to deliver public art
Public Art in Private Developments	Sustainable funding model for public art via developer contributions and mandatory Development Assessment criteria

Internal stakeholders across the organisation have also been consulted, including the Director and Curators of Manly Art Gallery & Museum, Arts and Cultural Development Officers, Strategic and Place Planning teams, Local Studies Librarians and the Local Studies Historian.

After reviewing the feedback received, the changes outlined below have been to the draft Policies and their accompanying Guidelines:

Amendments to the draft Cultural Collections Management and Gifts Policy and Guidelines
<u>Policy - Additional Principle:</u> Aboriginal people are the cultural owners and managers of items or objects relating to their heritage on the Northern Beaches, and as such, any cultural material offered to Council will be referred to the appropriate custodians.
<u>Policy - Revision of Principle:</u> Distinctive and verifiable connection with the Northern Beaches. Principle moved to the Specific Acquisition Criteria for the Local Studies Collection.
<u>Policy & Guidelines - Revision of Principle:</u> All collecting activity and collection management processes will be conducted in accordance with the ICOM Code of Ethics for Museums and within the framework of the NSW Heritage Office Movable Heritage Principles , the Library Council of NSW Standards and Guidelines for NSW public libraries and the Australian Copyright Council Moral Rights .
<u>Policy - Revision of Specific Acquisition Criteria for MAG&M:</u> Works of high quality by significant Australian artists, both historical and contemporary, in a range of mediums

<p align="center">Amendments to the draft Cultural Collections Management and Gifts Policy and Guidelines</p>
<p><u>Guidelines – Revised Collecting Principle in 2.4:</u> No artworks, objects or cultural material will be acquired that relate to Aboriginal heritage on the Northern Beaches. Aboriginal people are the cultural owners and managers of items or objects relating to their heritage, and as such, any cultural material offered to Council will be referred to the appropriate custodians</p>
<p><u>Guidelines - Revision to 4.1.7 Artist's Moral Rights:</u> Artist's moral rights will be observed when artworks from the Collection are exhibited, with the right of public acknowledgment as creator of a work and the right of integrity, that the work will not be materially altered or distorted, or treated in a way that is prejudicial to the artist's reputation. Artworks will be displayed in good repair and condition and if they are to be relocated or repaired the artist will be informed. When an item on display is a reproduction this will be acknowledged.</p>
<p align="center">Amendments to the draft Public Art Policy and Guidelines</p>
<p><u>Policy - Additional section: Acquisitions:</u> Acquisitions to the Public Art Collection will be considered with the support of a Public Art Selection Panel, comprising of up to four representatives with professional expertise and extensive experience in the selection and commissioning of public art; the visual arts; architectural, urban and landscape design or Aboriginal cultural heritage.</p>
<p><u>Policy - Revision to Definition:</u> Public Art refers to a range of artwork and art-based activities that interface with the public, including property in private ownership that has publicly accessible space and the public domain. Public Art can include sculpture, place-making elements, wall embellishments, art integrated into the design of buildings, artist-designed seating and fencing, paving work, lighting elements and other creative possibilities. Public Art can serve both an aesthetic and functional purpose.</p>
<p><u>Guidelines - Revision to 2.4 Community Art Projects:</u> Council will facilitate and support a range of creative arts practices that involve community participation - from collaborative design through to the actual creation of artworks in public spaces - to enhance community engagement, raise community awareness and contribute to positive cultural development outcomes and inclusive opportunities for the communities of the Northern Beaches.</p>
<p><u>Guidelines - Revision to 5.2 Development Approval:</u> Permanent public art proposals may require development consent, and as such, advice will be sought from Council's planning teams prior to the commencement of all public art projects.</p>

Implementation

The respective asset owners of each collection will implement the Cultural Collections Management and Gifts Policy, in accordance with the Policy and Guidelines (Attachments 2 & 3).

The Public Art Policy will be implemented in accordance with the Policy and Guidelines (Attachments 4 & 5). For the procurement of public art, it is proposed that Council establish a Public Art Working Group and a Public Art Selection Panel, to be governed by the draft Terms of Reference and Charters (Attachments 6 & 7).

Public Art Working Group

The Public Art Working Group will provide advice on the development of strategies for public art, the identification of specific sites and the drafting of artists' briefs for major artworks in the Northern Beaches.

The first artworks for consideration by the Working Group will be the works along the Coast Walk, in accordance with the draft Coast Walk Public Art Strategic Plan. In the draft Terms of Reference and Charter of the Working Group (Attachment 6) membership consists of up to three Councillors and seven (7) community representatives. This membership will ensure that the Council's vision for public art is effectively implemented.

Public Art Selection Panel

The Public Art Selection Panel will review, assess and recommend artworks to Council. The principal objective of the Panel will be to assist Council in implementing the vision and goals of the Arts and Creativity Strategy, once adopted, the delivery of the Coast Walk Public Art Strategic Plan and other public art projects initiated by Council.

The Group will provide advice on the decision-making process to:

- select artists for site-specific permanent public art projects in accordance with the Coast Walk Public Art Strategic Plan and its curatorial framework
- select artists for significant permanent public artworks associated with major capital projects delivered by Northern Beaches Council.

Collectively the Panel will have knowledge of Sydney's creative sector, an informed view of the Northern Beaches coastline and an understanding of the place-making potential of public art for the Northern Beaches.

In accordance with the Terms of Reference and Charter (Attachment 7) membership of the Panel will comprise up to five members representing the following:

- Four community representatives with professional expertise and extensive experience in the selection and commissioning of public art; the visual arts; architectural, urban and landscape design or Aboriginal cultural heritage.
- The Executive Manager Community Arts & Culture, or delegate.

The establishment of the Public Art Working Group and the Public Art Selection Panel will ensure that the community's desire for high quality design and artworks contribute to Council's vision for the Northern Beaches.

TIMING

Both Policies are supported by existing operational processes and procedures and will be implemented once adopted by Council.

LINK TO COUNCIL STRATEGY

This report relates to the following Community Strategic Plan Outcomes:

Places for People

- Goal 7 - Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of the community.
- Goal 10 - Our community is stimulated through a diverse range of cultural and creative activities and events.

Good Governance

- Goal 19 - Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

The adoption of the Policies have no direct financial impact on Council's budget, with the cost of procurement and maintenance of the collections included in the relevant budget areas.

The Policies promote the long-term financial sustainability of developing and managing Council's cultural collections, including providing a robust framework around commissioning and acquiring public art for Council's capital projects, including the Coast Walk.

The Policies will integrate the procurement of public art, cultural asset management and the care of cultural items within Council's long term financial and strategic resourcing planning. This will ensure they are valued, insured, maintained, preserved and appreciated long into the future.

SOCIAL CONSIDERATIONS

The Policies demonstrate Council's commitment to delivering an inclusive and connected community through promoting effective and responsible development and management of Council's diverse cultural assets. The implementation of the Policies will ensure Council's cultural collections reflect the community's values and important connections with the past and the present are retained for future generations.

ENVIRONMENTAL CONSIDERATIONS

The Policies promote the use of sustainable practices in the management and development of Council's cultural assets to protect the needs of future generations.

GOVERNANCE AND RISK CONSIDERATIONS

The adoption of these Policies will provide an appropriate framework to guide the management and development of Council's cultural collections into the future. Overarching policy management of the cultural collections will ensure all potential risks are identified, assessed and mitigated and appropriate measures to protect this valuable cultural asset are undertaken.

In alignment with community feedback, the robust procurement process outlined in the Public Art Guidelines ensures advice on the selection of permanent public artwork is provided by an expert Public Art Selection Panel. Appointed by the Chief Executive Officer and governed by a Charter and Terms of Reference, the Panel will be comprised of independent, external curatorial professionals.

ITEM 10.2	NORTHERN BEACHES COAST WALK PUBLIC ART STRATEGY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2019/252970
ATTACHMENTS	<ol style="list-style-type: none"> 1 ☞ Northern Beaches Coast Walk Public Art Strategic Plan, Amended Draft Report, May 2019 (Included In Attachments Booklet 2) 2 ☞ Northern Beaches Coast Walk Public Art Scoping Study, Draft Report, May 2019 (Included In Attachments Booklet 2) 3 ☞ Coast Walk Strategic Plan Submission Summary - May 2019 (Included In Attachments Booklet 2)

SUMMARY

PURPOSE

To provide feedback to Council following the public exhibition of the draft Northern Beaches Coast Walk Public Art Strategic Plan (Attachment 1) and recommend that Council adopt the plan as amended following public exhibition.

EXECUTIVE SUMMARY

This report provides the project background and the outcomes of the public exhibition and submissions from the community regarding the Northern Beaches Coast Walk Public Art Strategic Plan and associated background document, the draft Northern Beaches Public Art Scoping Study (Attachment 2).

The objective of the Coast Walk Public Art Strategic Plan is for the artworks to reflect the cultural, heritage and natural significance of the Northern Beaches. This is with the view to create a world class walking experience for both the local community and visitors. Council has allocated \$2 million to the development and implementation of the Coast Walk Public Art Strategic Plan, to be expended over the next 3 years.

The following Community Strategic Plan (CSP) goals are the major goals that align with the projects:

- Goal 1 – Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Goal 8 – Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Goal 9 – Our community is healthy, active and enjoys a broad range of creative and recreational activities.
- Goal 10 – Our community is stimulated through a diverse range of cultural and creative activities and events.

Extensive community engagement, marketing and communication plans were implemented to engage with and inform the community about the project. The final stage of community engagement was a public exhibition period from 1 March until 3 March to receive final feedback on the draft Northern Beaches Coast Walk, Scoping Study and the draft Northern Beaches Coast Walk Public Art Strategic Plan.

A total of 12 submissions were received during the public exhibition period, of which nine were in strong support of the draft Strategic Plan. After a thorough review of all submissions, summarised in Attachment 3, there are no significant changes recommended to the draft Strategic Plan. Due to a final edit of the document, some minor word changes are recommended that do not vary the intent of the draft Strategic Plan, with no structural changes to the documents.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council adopt the amended Northern Beaches Coast Walk Public Art Strategic Plan and supporting documents for implementation.

REPORT

BACKGROUND

On 27 June 2017, the Northern Beaches Council Administrator resolved to allocate \$2 million over four years to fund public art in key locations along the Northern Beaches Coast Walk (Coast Walk) from Manly to Palm Beach.

Extract from Item no. 5.4 at 27 June 2017 Council Meeting:

The funding is for Public Art in key locations e.g. the Coast Walk, with commissions from local artists where possible - \$500,000 per year for four years commencing in 2017/18.

The defined objective for the project was that the public artworks would reflect the cultural, heritage and natural significance of the Coast Walk. This was with the view to creating a world class walking experience for both the local community and visitors. To ensure the ongoing quality of the Coast Walk Public Art Program, Council required a clear and robust Strategic Plan, informed by a thorough scoping study of the 36km of Coast Walk to support a cost-effective and strategic implementation framework.

In April 2018 GML Heritage were contracted to work with Council to develop the Strategic Plan and Implementation Framework to guide Council's vision for the long-term implementation for the Coast Walk Public Art Project. Extensive stakeholder engagement informed the strategic direction and development of the project. A range of community engagement activities captured the cultural, social, environmental and heritage significance of the Coast Walk.

The Coast Walk Public Art Strategic Plan (Attachment 1) provides guidance for Council to deliver high quality public artworks at various sites along the walkway that reflect the cultural, heritage and natural significance of the Northern Beaches coastline.

The Coast Walk Scoping Study (Attachment 2) provides detailed information on the research undertaken to develop the Coast Walk Public Art Strategic Plan and will assist in the development of curatorial responses through public art at key locations along the Coast Walk.

Focusing on the cultural, heritage and natural elements it was essential to engage with the stakeholders that share and care about the coastline.

The Plans will assist Council in facilitating best practice processes for:

- site identification of appropriate artwork locations
- the successful procurement, commissioning and acquisition of works
- community engagement program
- appropriate materials, fabrication and installation
- a maintenance program of a series of new public artworks.

Once adopted, the Coast Walk Public Art Strategic Plan will be implemented in accordance with the Northern Beaches Cultural Collection Management and Gift Policy and the Public Art Policy. These documents provide policy and procedures for the commissioning, selection, procurement, acquisition, installation and maintenance of public artworks.

Community Consultation

Community engagement was important in the development of the draft Coast Walk Strategic Plan, with the main objective being to understand what the community wants the Coast Walk to provide in the long term as an interactive experience.

Commencing in April 2018, community and stakeholder engagement informed the Northern Beaches Coast Walk Public Art Strategic Plan through many face-to-face forums and workshops. The consultation process was designed to reach a diverse population sample from across the Northern Beaches Local Government Area. The engagement methods were primarily qualitative but where possible, quantitative data was collected. Participants also identified priorities and areas of importance.

Participants in the consultation identified the following issues for consideration when planning for public art along the Coast Walk:

- The need for art to be sympathetic to the natural setting and context.
- A need and opportunity for Aboriginal heritage to be better integrated along the Coast Walk.
- Art is not always seen as physical and permanent with a desire for temporary and activation based experiences that enhanced the Coast Walk.
- Views and vistas are important and they should be preserved or enhanced.
- Desire for the Coast Walk to be an educational experience.

Community Consultation – Stage 2

The draft Coast Walk Public Art Strategic Plan was on public exhibition from 1st to 31st March 2019. During the Public Exhibition period, residents and stakeholders were informed and engaged via the Your Say Page and Public Exhibition online feedback, advertising and social media.

The numbers engaged and informed is as follows:

Stage Two Coast Walk Public Art Strategic Plan		
Engagement Process	Public Art Working Group feedback workshops x 2	20
	Formal written submissions made	12
	Artists registered	40
Your Say	Visitors (From Visitors Summary)	565
	Total directly engaged	637

A total of 12 submissions were received. The comments in summary were:

- Nine (75%) of the respondents were extremely positive. In particular, the arts community embraced the approach of the Strategic Plan and endorsed the future approach to implementing public art along the Northern Beaches Coast Walk. This included one respondent commenting on the length of time the project has taken and others providing ideas and suggestions on how to implement the Strategic Plan to ensure the best artistic and creative result for the community.
- Three of the respondents were against the project and called for the project to not proceed on the basis that the environment should be left alone and that public art is not the role of Council.

After a thorough review of all submissions, summarised in Attachment 3, there are no significant changes recommended to the draft Strategic Plan. A final edit has also been undertaken with minor word changes recommended that do not vary the intent of the draft Strategic Plan, with no structural changes to the document.

TIMING

The Coast Walk Strategic Plan was on public exhibition from 1 March to 31 March 2019.

During this time, a call out for Artists to Register Their Interest (RTI) to participate in the project was undertaken. Council's Your Say Page received forty registrations of interests by artists and artistic groups. All artists that registered will receive notification of the tender for the procurement of permanent public art works along the Coast Walk. The registration of interest will remain open so artists can register at any time.

In addition, the procurement for the public art projects will be advertised for open tender through Tenderlink and advertised through arts publications such as Arts Hub, Australian Sculpture Society Newsletters, Manly Art Gallery and Museum Newsletters. The Tender will also be advertised through normal processes such as the Sydney Morning Herald, Council's social media networks and national and local print media.

Staging of Sites

The sites from Manly to Palm Beach have been selected by the Coast Walk Public Art Working Group and through the community engagement process. These sites are in the Scoping Study (Attachment 2) and the Strategic Plan (Attachment 1).

The works will be selected, commissioned, designed, fabricated and installed in conjunction with Council project teams and a Selection Panel of arts industry experts, as per the Public Art Policy.

The timing of the delivery of the works will vary for each artwork in accordance with the timing of any associated works occurring at these sites and priority capital projects. The draft sites for the first three stages are detailed below.

Stage 1 – 10 Priority Sites

- Manly Corso Beachside (East) Coast Walk Entrance Sign only
- Dee Why Headland
- Long Reef Headland
- Collaroy Beach South
- North Narrabeen Rockpool and surrounds
- Turrimetta Headland Reserve
- Mona Vale South Headland (Robert Dunn Reserve)
- Mona Vale North Headland
- Avalon Beach
- Bangalley Park
- Pittwater Park - Palm Beach.

Stage 2 - Further 10 Priority Sites and Headland Markers

- Observation Point- Palm Beach
- Avalon Beach and Surf Club
- Newport Beach Reserve

- Bilgola Headland
- Mona Vale Surf Life Saving Club
- Warriewood Surf Club Landscape
- Long Reef Surf Life Saving Club
- Dee Why Rock Pool
- Freshwater Beach Reserve
- Queenscliff Headland - Freshwater Park
- Manly Surf Life Saving Club.

Stage 3 – Further 10 Priority sites to be identified (funding permitted).

LINK TO COUNCIL STRATEGY

The report relates to the following Community Strategic Plan outcomes:

Protection of the Environment:

- Goal 1 – Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.

Places for People:

- Goal 8 – Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Goal 9 – Our community is healthy, active and enjoys a broad range of creative and recreational activities.
- Goal 10 – Our community is stimulated through a diverse range of cultural and creative activities and events.

FINANCIAL CONSIDERATIONS

Project Funding

This project is funded from the allocation of \$2 million from the Merger Savings Fund, as per the Council resolution of 27 June 2017. This budget will cover project management fees, payments for curators (if required), community engagement and the design, fabrication and installation of permanent public art works.

The current estimate for artworks to be developed and installed is from \$100,000 ex GST to \$250,000 ex GST per artwork. Through the procurement process some of the works may come under \$100,000.

Additional resources will be required for ongoing maintenance of the art works and activation events or programming that occurs on the Coast Walk in accordance with the draft Strategic Plan.

Grants and Sponsorship

Council has been seeking funding from state and federal grant funding bodies and other sources. A successful grant application from the Clubs Community NSW Infrastructure Fund has awarded the project \$200,000 for Aboriginal Artworks and signage along the Coast Walk.

A Sponsorship and Gifts Plan will be developed on finalisation of the draft Northern Beaches Cultural Collection Management and Gifts Policy. This is to ensure a strategic and ethical approach to any gifts or sponsorship will occur is in accordance to the Gifts Policy and Public Art Policy.

Deductable Gift Recipient Status

Research has been undertaken regarding the establishment of a Charitable Trust for the purpose of receiving tax deductible donations, gifts of money or artworks for the Coast Walk.

Legal advice has been sought from King & Wood Mallesons in relation to extending the Manly Art Gallery and Museum Tax Deductible Status, with the view to developing public art collection that attracts tax deductibility.

Current Value of Art Works

No formal cost estimate has been undertaken of the (approximately) fifty artworks that are currently in situ along the Coast Walk. It is estimated that Council potentially owns works that are worth over \$1 million.

Probity

In accordance with the Northern Beaches Council's Procurement Policy and Project Management Methodology (PMM) for Major Projects, a Public Art Probity Plan is to be developed for the implementation of the Coast Walk Public Art Strategic Plan and the procurement and commissioning of works for of all future public art on the Northern Beaches.

SOCIAL CONSIDERATIONS

The social and community impact of implementing the Coast Walk Public Art Strategic Plan over the next three years will be more art, community engagement, projects and programs that will add vibrancy to the Coast Walk. The project will benefit the entire Northern Beaches community by drawing a connection between the villages, beaches and headlands from the north to the south of the Northern Beaches. Public art on the Coast Walk will serve to connect the community through the arts and contribute to social wellbeing and community cohesion. It will provide a source of civic pride and assist to create a vibrant community, providing opportunities for events, the arts and education.

The Coast Walk's significant values can be reimagined through public artworks and this can generate lasting community benefits. It will enhance the vitality and attractiveness of the public realm and support longer-term investment in artistic and creative innovation, capacity and capability.

The art will be integrated into the design and function of places through the engagement of artists in design teams for public domain works and strong open community engagement.

Innovation

Interactive and alternative forms of contemporary work and installations in digital and other new media arts will create exciting new opportunities for user experiences. To enhance the experience of the Northern Beaches Coast Walk and the opportunities that this project affords a digital application (App) is under development to guide people that are using the Coast Walk and their journey in engaging with this extraordinary natural environment and the integrated artworks along the way.

The App will assist addressing the local and visitor request for more information about our area and its aboriginal heritage, cultural heritage and the natural significance of the Northern Beaches coastline. It will be an educational tool available for schools and the general public.

The objective is to ensure that through education our coastline is appreciated, cared for by visitors and protected by our community as its custodians.

ENVIRONMENTAL CONSIDERATIONS

Feedback from the community strongly states that they do not want to see the natural environment destroyed by development of the Coast Walk, with this strongly reflected in the draft Strategic Plan. It is recommended to implement sustainable procurement principles, including protecting the natural environment. Energy, water and environmentally sustainable design measures will be considered in the planning processes of all artworks and their delivery.

GOVERNANCE AND RISK CONSIDERATIONS

To facilitate the project, a clear Governance framework was developed and agreed upon in line with Northern Beaches Council's Committee Framework, Terms of Reference and policies. Other Council policies and Governance frameworks were adhered to in accordance with Council's protocols including our Community Engagement Policy and Project Management Methodology.

A high level Risk Management Plan was developed as part of the Project Initiation Documentation and includes Stage Gate Planning to minimise the risk to Council. A construction and materials Risk Management Plan will be undertaken for the design and construction of the artworks due to the extremely corrosive environment that many of the artworks will be placed. Adherence to the plan will also ensure that the works are designed and developed to withstand the extreme conditions of the ocean and beach environment.

ITEM 10.3	DRAFT MINUTES FOR THE COMMUNITY SAFETY COMMITTEE MEETING ON 11 APRIL 2019
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2019/267549
ATTACHMENTS	1 Minutes - Community Safety Committee - 11 April 2019 (Included In Attachments Booklet 2)

BRIEF REPORT

PURPOSE

To report the minutes of the Community Safety Committee meeting held on 11 April 2019.

EXECUTIVE SUMMARY

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

The discussion at the meeting of 11 April 2019 included:

- Community Safety Plan update by consultant Patrick Shepherdson, sharing a broader vision for 'safety' considerations in a strategic plan.
- Presentation by General Manager of the Manly Warringah Women's Resource Centre.
- Update on work in suicide prevention including funding from the Local Drug Action Team.
- Discussion regarding the appropriate response by the Committee to the Special Commission of Inquiry into the drug 'ice' on behalf of the Committee.

The Minutes from 11 April 2019 are presented for notation.

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

This report contains no financial considerations.

ENVIRONMENTAL CONSIDERATIONS

This report contains no environmental considerations.

SOCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

The Committee is conducted according to Council's governance framework and adopted Terms of Reference.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council note the Minutes of the Community Safety Committee meeting held on 11 April 2019.

ITEM 10.4	COMMUNITY LIBRARY FUNDING FOR THE BOOKLOVERS' CLUB NORTHERN BEACHES INC.
REPORTING MANAGER	EXECUTIVE MANAGER LIBRARY SERVICES
TRIM FILE REF	2019/186650
ATTACHMENTS	NIL

SUMMARY

PURPOSE

Seek approval to provide the 2018/19 funding allocation of \$1,300 to The Booklovers' Club Northern Beaches Inc.

The funding will assist this community based library purchase books for its members.

EXECUTIVE SUMMARY

Council provides an annual subsidy to this community library as it is seen as a cost effective approach to delivering basic library services.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That, in accordance with section 356 (1) of the *Local Government Act 1993*, Council approve the 2018/19 funding allocation of \$1,300 for The Booklovers' Club Northern Beaches Inc.

REPORT

BACKGROUND

As a principle Council provides funding to community libraries.

Booklovers' Club Northern Beaches Inc. meet once a month for book discussions and once a month for author talks. There are over one hundred members who attend the meetings and borrow from the library.

The Booklovers' Club is housed in the Tramshed Arts and Community Centre, Narrabeen for the purposes of delivering library services for their local communities and security for their materials. Volunteers also assist with the management of the library operations and Council provides ongoing management and infrastructure support, such as library development techniques and building maintenance.

LINK TO COUNCIL STRATEGY

This report is linked to the Community Strategic Plan Outcome of Community and Belonging Goal 12 - Our community is friendly and supportive.

FINANCIAL CONSIDERATIONS

While funding has been budgeted in the current financial year Northern Beaches Library operational budget, Council resolution is required to disburse the funds in line with section 356 (1) of the *Local Government Act 1993*.

SOCIAL CONSIDERATIONS

The Booklovers Club Northern Beaches Inc. is an important social and community asset which provides library services and volunteering opportunities to residents in the council area.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations.

GOVERNANCE AND RISK CONSIDERATIONS

There are no governance and risk considerations.

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	NORTHERN BEACHES COUNCIL AFFORDABLE HOUSING CONTRIBUTIONS SCHEME
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/002522
ATTACHMENTS	<p>1 Northern Beaches Council Affordable Housing Contribution Scheme (Included In Attachments Booklet 3)</p> <p>2 Northern Beaches Council Affordable Housing Tenancy Guidelines (Included In Attachments Booklet 3)</p>

SUMMARY

PURPOSE

To seek Council approval to submit the Northern Beaches Council Affordable Housing Contributions Scheme to the Department of Planning and Industry for exhibition with proposed changes to the Warringah LEP 2011 to implement the Frenchs Forest Planned Precinct, and to exhibit the Northern Beaches Council Affordable Housing Tenancy Guidelines.

EXECUTIVE SUMMARY

In June 2017, Council adopted the Affordable Housing Policy for the Northern Beaches Local Government Area (LGA).

In April 2018, Council was included in *State Environmental Planning Policy No. 70 - Affordable Housing* (SEPP 70) enabling Council to develop affordable rental housing requirements in our Local Environmental Plans (LEPs) in areas subject to increases in residential density or zoning "uplift". Council subsequently commenced work on developing affordable rental housing LEP requirements for the Frenchs Forest Planned Precinct.

In February 2019, the Department of Planning and Industry finalised guidelines for an Affordable Housing Contributions Scheme that each Council must prepare to accompany proposed LEP amendments for affordable rental housing. Such Schemes outline principles, processes and requirements for the dedication of dwellings and the payment of contributions to Council for affordable rental housing.

Council has developed an Affordable Housing Contribution Scheme (Attachment 1) for the Northern Beaches in accordance with those guidelines, which sets out Council's requirements for affordable housing contributions for the Frenchs Forest Planned Precinct. The Scheme requires the dedication to Council of one or more complete dwellings with a gross floor area equivalent to 15% of the residential component of any development within the town centre and 10% within the transition area, consistent with the exhibited Hospital Precinct Structure Plan.

Council has also developed Guidelines for the allocation and management of tenancies for properties dedicated to Council. The Guidelines (Attachment 2) set out the criteria for eligibility of tenants for the program, rent, management of waiting lists, and asset management.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

- A. Submit the draft Northern Beaches Council Affordable Housing Contributions Scheme to the NSW Department of Planning and Industry for public exhibition with the amendments to Warringah Local Environmental Plan 2011 required to implement the Frenchs Forest Planned Precinct.
 - B. Exhibit the Northern Beaches Council Affordable Housing Tenancy Guidelines.
-

REPORT

BACKGROUND

Housing affordability remains an issue affecting the Northern Beaches. Planning for affordable housing is therefore necessary to ensure the delivery of a variety of housing to meet the needs of our community now and into the future.

In June 2017, Council adopted an Affordable Housing Policy (the Policy) for the Northern Beaches Local Government Area (LGA). The Policy outlines Council's position and approach to the provision of affordable housing in the Northern Beaches, and together with the Affordable Housing Policy Action Plan (Action Plan), guides Council's actions to support affordable housing.

A key element of the Policy and Action Plan was to undertake an Expression of Interest (EOI) for the provision of Affordable Housing Services on the Northern Beaches by Community Housing Providers (CHPs). This would allow CHPs to manage affordable housing stock delivered to Council through *State Environmental Planning Policy No. 70 - Affordable Housing* (SEPP 70) and other planning mechanisms and to determine the best model for the ongoing control and management of any affordable housing properties.

Council issued the EOI in March 2018, with three submissions subsequently received from CHPs. At its meeting on 28 August 2018, Council resolved that the preferred management model for the ongoing control and management of affordable housing with a CHP is head leasing of Council-owned properties, and that an open request for tender (RFT) for the appointment of the CHP be undertaken. The RFT cannot be issued until Council has finalised requirements for affordable housing in its Local Environmental Plans (LEPs) and the dedication of affordable housing to Council is imminent.

Another key element of the Policy and Action Plan was lobbying for the inclusion of the Northern Beaches LGA in SEPP 70. This was achieved in April 2018, enabling Council to include LEP provisions for affordable housing in areas subject to rezoning or zoning "uplift".

Council has subsequently been working with the Department of Planning and Industry (the Department) to develop affordable housing requirements for inclusion in Council's LEP for the Frenchs Forest Planned Precinct. It is anticipated that public exhibition of amendments to Council's LEP to implement Phase 1 of the Frenchs Forest Planned Precinct will be undertaken by the Department in mid-2019.

In February 2019, the Department also released guidelines for developing an Affordable Housing Contribution Scheme and allowed all councils in the State to develop affordable rental housing programs under SEPP 70. The Affordable Housing Contribution Scheme is the primary mechanism for Council to levy for affordable housing through its LEPs.

Council has developed a Affordable Housing Contribution Scheme (Attachment 1) for the Frenchs Forest Planned Precinct consistent with the Department's guidelines. The Scheme contains principles and objectives, the areas to which the Scheme applies, contribution rates, how contributions are to be calculated and made, and conditions and administrative requirements.

The Scheme will apply initially to the Frenchs Forest Planned Precinct, however may be extended to other areas that are rezoned or are subject to increases in residential density in the future. Each area will be subject to a separate feasibility analysis to determine the required contribution rate.

Tenancy Guidelines have also been developed which set out proposed requirements for the allocation and management of tenancies for properties within Council's affordable housing portfolio.

AFFORDABLE HOUSING CONTRIBUTIONS SCHEME

Objectives of the Contributions Scheme

The objectives of Councils Affordable Housing Contributions Scheme are to provide local residents and key workers on low to moderate incomes with access to affordable rental accommodation to assist them to enter the private rental market or home ownership.

Legislative basis for the affordable housing contributions

The Environmental Planning & Assessment Act (EP&A Act) enables the collection of contributions for affordable housing where a proposed development will or is likely to reduce the availability of affordable housing within the area, where the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site or where a need for affordable housing is identified.

The need for affordable housing has been identified within the Northern Beaches LGA via its inclusion in SEPP 70 and specific contribution rates have been identified within the Hospital Precinct Structure Plan.

Affordable Housing Contributions Scheme Principles

The Scheme contains the following principles:

- (1) To ensure accommodation for a diverse residential population representative of all income groups is available in the Northern Beaches.
- (2) Affordable housing must be rented to tenants within low to moderate gross household incomes and at rents that do not exceed a benchmark of 30% of their actual household income.
- (3) Dwellings provided for affordable housing must be managed to maintain their continued use for affordable housing.
- (4) Net rental returns must be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing.
- (5) Affordable housing must be constructed to an appropriate standard.
- (6) The affordable housing rental program is to be a transitional program for tenants to enter the private rental market or home ownership by the end of that period.

Requirements of the Contribution Scheme

The Scheme establishes an affordable housing contribution rate as it applies to the land within the Frenchs Forest Precinct based on feasibility analysis undertaken by both Council and the Department. Additional precincts could be added to the Scheme where rezoning “uplift” is proposed.

The Scheme requires the dedication, free of cost to Council, of one or more complete dwellings with a gross floor area equivalent to 15% of the residential component of the development (Accountable Total Floor Space) within the town centre and 10% within the transition area, as identified within Figure 1 of the Scheme.

Generally, the contribution (applied via a condition of development consent) would be provided by the construction and dedication of affordable housing dwellings to Council free of charge, to Councils specifications (with each dwelling to have a gross floor area of not less than 50 square metres).

However, a monetary contribution that is equivalent to the 'dedicated amount' of affordable housing dwellings or a combination of dedication and monetary contribution, may also be accepted in certain circumstances. Certain development is also excluded from making affordable housing contributions, such as for community housing, group homes and public housing.

Monetary contribution amounts will be adjusted on an annual basis with reference to movements in the median strata dwelling price in the Northern Beaches LGA. Where a condition requiring a monetary contribution has already been imposed, the contribution amount will be adjusted to the period in which it is paid.

Where an affordable housing dedication has been made or a contribution has been paid in accordance with the Scheme, further dedication of dwellings or contributions will not be required for future development on the land if the total floor area of the new development is the same. However, should development for a larger floor space than previous be sought, a contribution would be required for the difference in floor space.

Funds Management and Monitoring of the Scheme

All affordable housing contributions received as an "equivalent monetary contribution", (including any financial return resulting from the management of funds in waiting), will be managed and allocated by Council. When sufficient funding becomes available, it will be used for developing affordable housing in accordance with this Scheme.

The Scheme will be reviewed and amended as required in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979*.

AFFORDABLE HOUSING MANAGEMENT

Following the dedication of housing stock to Council, Council will Tender for a registered CHP with the relevant experience and expertise to manage its affordable rental housing portfolio. The CHP will be paid a management fee negotiated as part of the selection process, with income generated from the rental properties intended to cover the cost of maintaining the properties together with the program's administration.

Tenancy Guidelines

Council has developed guidelines for the allocation and management of tenancies, including:

- (1) Tenants will need to satisfy a number of criteria to be eligible for Council's affordable housing program, such as:
 - being permanently employed earning a gross weekly household income not exceeding the median household income for Sydney
 - being over the age of 18 years an Australian citizen or permanent resident and having a local connection to the Northern beaches LGA (via employment or family connections)
 - not owning assets or property that could reasonably be used to solve their housing needs, including already living in subsidised housing or being a former tenant of Council's Affordable Rental Housing Program.
- (2) Dwellings will be advertised for rental and offered to those with the greatest evidenced need for rental accommodation for a maximum period of five (5) years.
- (3) Rents will be calculated in accordance *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- (4) Eligible applicants not offered rental will be placed on a waiting list and contacted again when a dwelling becomes available within the next 12-month period.

Property/Asset Management

All Council owned affordable rental housing dwellings will be classified as 'operational' under the *Local Government Act 1993*, with the portfolio to be reviewed every three years to determine whether dwellings should be disposed of and replaced or retained and further funds provided for their maintenance or renewal. Any funds generated will remain within the Program.

CONSULTATION

The Affordable Housing Contributions Scheme will be publicly exhibited with proposed amendments to the Warringah LEP 2011 to implement the Frenchs Forest Planned Precinct.

TIMING

Councils Affordable Housing Contributions Scheme will accompany the exhibition of the Frenchs Forest Planned Precinct in mid-2019.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan of Places for People outcome Goal 7 Strategy (c) - Advocate for improved housing affordability.

FINANCIAL CONSIDERATIONS

Affordable housing provided and retained under Council ownership will require Council to control a larger asset portfolio, which should increase in value. The management of ongoing maintenance costs of any affordable housing will be covered by the Guidelines.

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

The provision of affordable housing on the Northern Beaches could contribute to reduced transport emissions by reducing the need for key workers to travel long distances.

GOVERNANCE AND RISK CONSIDERATIONS

Appropriate governance arrangements will be established for the transfer of affordable housing stock (or financial contribution) to Council and its subsequent management by a Community Housing Provider. These arrangements will be developed and reported to Council following a Request for Tender process.

ITEM 12.2	PLANNING PROPOSAL TO REZONE LAND WITHIN AND ADJOINING THE MANLY WARRINGAH WAR MEMORIAL STATE PARK
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/204904
ATTACHMENTS	1 Planning Proposal (Included In Attachments Booklet 3)

SUMMARY

PURPOSE

To seek Council's approval to submit a Planning Proposal to the Department of Planning and Industry to rezone land within and adjoining 'Manly Warringah War Memorial State Park' from R2 (Low Density Residential) to RE1 (Public Recreation) and SP2 (Infrastructure) under Warringah Local Environmental Plan 2011 (WLEP2011), and to omit residential development standards and controls that would no longer be relevant in the proposed new zones.

SUMMARY

On 27 November 2018 Council resolved to prepare a planning proposal to amend WLEP2011 to rezone three (3) Crown Land lots and two (2) Sydney Water lots located within and adjoining the Manly Warringah War Memorial State Park (State Park) from R2 (Low Density Residential) to RE1 (Public Recreation), to protect the environmental, recreational, aesthetic and cultural values of the subject land, the State Park, and the water quality of Manly Dam.

In preparing the Planning Proposal, Council staff recommended that further changes be made as follows:

- That additional Crown land (Lot 1 DP 1200869) be rezoned from R2 to RE1.
- That Sydney Water Lot 1 DP 835123 (water tower - reservoir) be rezoned from R2 (Low Density Residential) to SP2 (Infrastructure) rather than RE1 (Public Recreation) to support its current and ongoing public infrastructure use as a 'water supply system'.
- That residential development controls for height of buildings and minimum lot size be removed from the subject lots to reflect the zoning changes.

Council's Biodiversity and Bushland Team and Heritage Advisor support the proposal as the rezoning will serve to protect the subject land and the State Parks ecological, scientific, recreational, scenic, aesthetic or cultural values.

The planning proposal is consistent with the objectives and actions of the Greater Sydney Regional Plan, North District Plan and the Manly Warringah War Memorial Park Plan of Management, 2014 (POM).

Approval from Sydney Water and the Department of Planning and Industry is required to rezone the land for public purpose i.e. RE1 (Public Recreation) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

Roads Maritime Services (RMS) has earmarked Lot 1 DP 710023 (Bushland Site) and part of Sydney Water Lot 1 DP 835123 for possible acquisition as a temporary construction site for the Beaches Link Tunnel Project. The use of the site for this purpose could be undertaken under State Environmental Planning Policy – Infrastructure, whether or not the sites are rezoned RE1.

Although outside the scope of this Planning Proposal, it is recommended that Lot 1 DP 710023 be ultimately acquired by the Crown and incorporated into the State Park to support the Park's vision and enable more effective management of the "urban edge".

It is also recommended that the Warringah Development Control Plan 2011 be amended by removing residential development controls, including setback and minimum landscaped area controls, from the subject land given the proposed rezoning.

The Northern Beaches Local Planning Panel considered the Planning Proposal at its meeting on 1 May 2019 and resolved to support the officer's recommendations for the reasons outlined in the report.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

- A. Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning and Industry for a Gateway Determination to amend Warringah Local Environmental Plan 2011 to:
 - a. Rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):
 - Lot 76 DP 504237 (Crown Land)
 - Lot 77 DP 504237 (Crown Land)
 - Lot 2 DP 710023 (Crown Land)
 - Lot 1 DP 1200869 (Crown Land)
 - Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site)
 - b. Rezone Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System'
 - c. Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.
 - B. Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning and Industry via the Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.
 - C. Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls, from land covered by the Manly Warringah War Memorial State Park Planning Proposal.
 - D. Seeks approval from Sydney Water and the Department of Planning and Industry (Water, Property and Housing) to rezone land for a public purpose (RE1 (Public Recreation)) following a Gateway Determination being issued by the Department of Planning and Industry (Planning and Places).
 - E. Writes to the relevant Minister to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park.
-

REPORT

BACKGROUND

This Planning Proposal was initiated by a resolution of Northern Beaches Council at its meeting on 27 November 2018, Item 12.5 - Notice of Motion No 65/2018 - *Rezoning of parcels of land, Manly Warringah War Memorial Park*, that:

- A. Council prepare a Planning proposal to rezone the five lots owned by Sydney Water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:
- a) Three Crown land lots:
 - i. Lot 76 DP 504237
 - ii. Lot 77 DP 504237
 - iii. Lot 2 DP 710023
 - b) Two Sydney Water lots:
 - i. Lot 1 DP 710023- bushland site (surplus land)
 - ii. Lot 1 DP 835 123 - with water tower (reservoir)

The following changes are recommended to the Planning Proposal following investigations by Council staff:

- A small (approximately 82sqm) southern adjoining Crown Land lot (Lot 1 DP 1200869) is proposed to be included in the Planning Proposal and rezoned from R2 to RE1. This land adjoins the Sydney Water lot and State Park and is located within the Manly Dam and Surrounds Heritage Conservation Area.
- Sydney Water Lot 1 DP 835123 is alternatively proposed to be rezoned from R2 to SP2 (Infrastructure) to reflect its current and ongoing operational use as 'water supply system'.
- Residential development standards for height and minimum lot size are proposed to be removed from the Height of Building Map and Minimum Lot Size Map of WLEP2011 for all of the subject lots, to reflect the abovementioned zoning changes.

Figure 1 (below) shows the location of the four Crown Land lots and two Sydney Water lots that are the subject of this Planning Proposal.

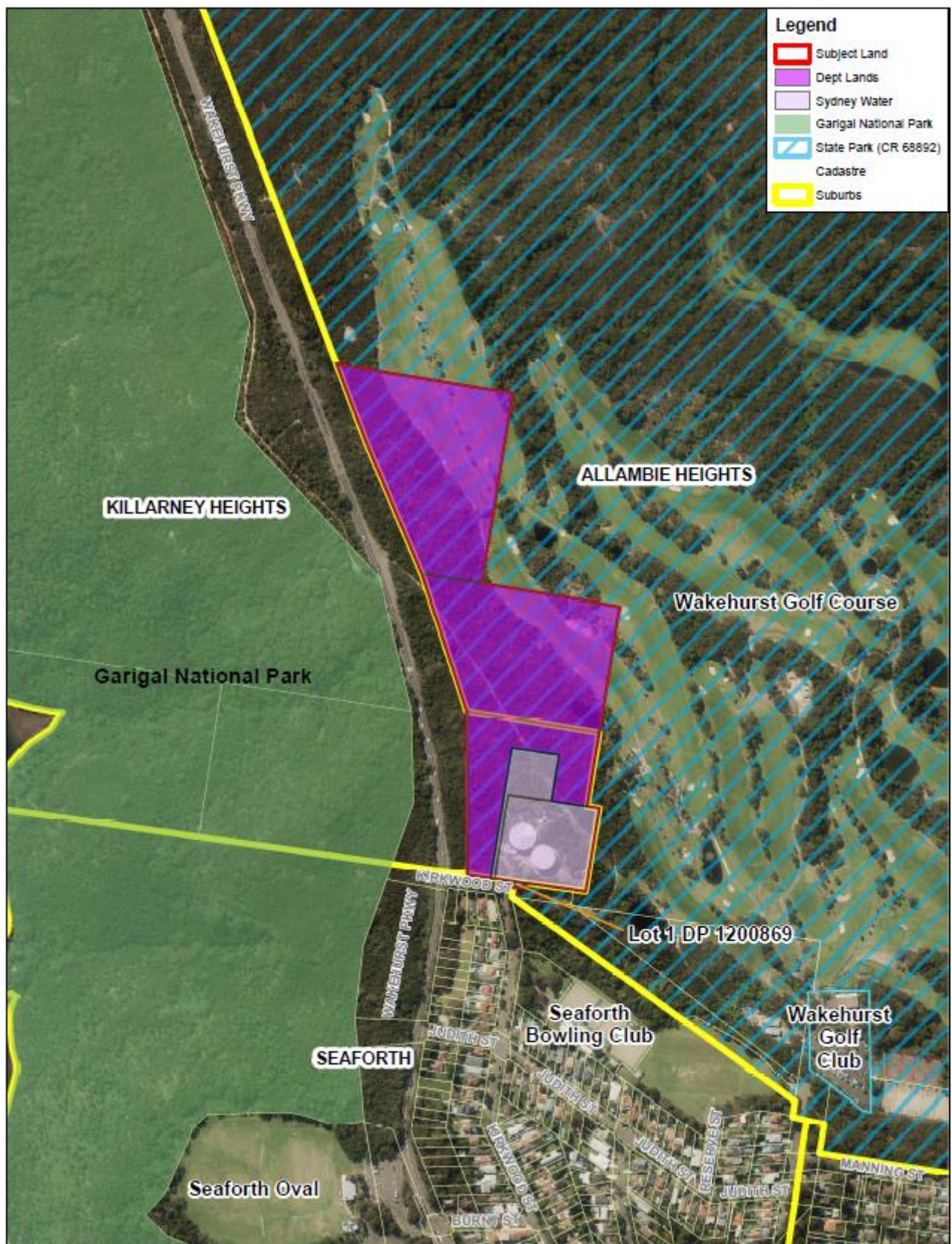


Figure 1: Location Map

CONTEXT

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

All of the six lots are currently zoned R2 Low Density Residential under WLEP2011. The proposed rezoning of the land to RE1 and SP2 is generally consistent with the former Warringah Local Environmental Plan 19852005 (WLEP1985) zoning of the subject land as County Open Space and Special Uses and would correct what is considered an anomaly in WLEP2011 (as detailed further in the Planning Proposal).

The three northern Crown Land Lots are also located within the State Park and all four Crown Land lots are located within the Manly Dam and Surrounds Heritage Conservation Area.

The six lots:

- Contain or are likely to contain important core habitat for local native species including many threatened species and their habitat.
- Contain bushland that protects the water quality of the Manly Dam Catchment and contributes to the environmental, cultural and aesthetic values of the State Park.
- Function as an important wildlife corridor, connecting Manly Dam to Garigal National Park and as one of only two north-south links within the Manly Dam Reserve.
- Are identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site.
- Are Bush Fire Prone Land and identified on the Land Slip Risk Map (Area A) under WLEP2011.

The three northern Crown Land lots:

- Have a total area of approximately 8.67ha.
- Are located within the State Park and the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011.
- Are managed by the Manly Warringah War Memorial Park Plan of Management, 2014 (POM).
- Are important for their recreational values, forming part of the Manly Dam Mountain Bike Track loop and the Wakehurst Golf Course.
- Contain potentially contaminated landfill under the eastern flat areas of the Wakehurst Golf Course.

The two southern Sydney Water lots (Lot 1 DP 710023 and Lot 1 DP 835123):

- Have a total area of approximately 4132sqm and 12347.6sqm respectively.
- Are surrounded by the State Park; Manly Dam and Surrounds Heritage Conservation Area; and the POM.
- Are identified as a potential temporary construction site (Option 2) for the Beaches Link Tunnel Project.

- Lot 1 DP 835123 (Water Tower - Reservoir):
 - Contains Bantry Bay Reservoir and Bantry Bay Pumping Station that are listed as locally significant heritage items under WLEP2011.
 - Provides public infrastructure – 'Water Supply System' as defined under LEP2011.

The small southern Crown Land lot (Lot 1 DP 1200869):

- Has a total area of approximately 82sqm.
- Is bounded by the heritage listed Sydney Water Tower to the north, State Park to the east and west and Kirkwood Road to the west.
- Is located within the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011.

Figures 2, 3 and 4 (below) shows the current and proposed land use zones, height of building and lot size controls under WLEP2011 respectively.



Figure 2: Current and Proposed Land Zoning Map under WLEP2011



Figure 3: Current and Proposed Height of Building Map under WLEP2011



Figure 4: Current and Proposed Minimum Lot Size Map under WLEP2011

PLANNING PROPOSAL

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

Part 1 Intended Outcomes

The intended outcomes of the Planning Proposal are:

- to provide for a range of recreational settings, activities and land uses that are compatible with and protect the environmental, recreational, aesthetic and cultural values of the State Park and the water quality of Manly Dam
- to support the current ongoing public infrastructure use of Sydney Water Lot 1 DP 835 123 as a 'Water Supply System'.

Part 2 Explanation of Provisions

Council's Planning Proposal seeks to amend WLEP2011 by updating the Land Zoning Map to rezone five (5) of the six (6) lots from R2 (Low Density Residential) to RE1 (Public Recreation) and to rezone the sixth lot being Sydney Water Lot 1 DP 835123 (water tower - reservoir) from R2 (low density residential) to SP2 (Infrastructure). It is also proposed that certain residential development standards for height of building and minimum lot size for subdivision are removed for the subject lots given residential development will no longer be permitted on the land.

Part 3 Justification

This section justifies the need for the Planning Proposal and outlines why it is the best means of achieving the intended outcomes for the subject land.

The Planning Proposal has been assessed as being consistent with and supported by applicable Regional, Sub regional and Local Plans/Strategies/databases including the:

- Greater Sydney Regional Plan
- North District Plan
- Manly Warringah War Memorial State Park, 2017 (State Park)
- Manly Warringah War Memorial Park Plan of Management, 2014 (POM)
- Northern Beaches Community Strategic Plan 2017-2028 'SHAPE 2028'
- Warringah Bush Fire Prone Land Map 2016 and Draft Northern Beaches Bush Fire Prone Land Map 2018
- Warringah Local Environmental Plan 2011 (WLEP2011)
- Objectives and permitted/prohibited land uses of the proposed RE1 and SP2 Zones
- Land Slip, Minimum Lot Size, Height of Buildings requirements
- Manly Dam and Surrounds Heritage Conservation Area and two heritage items: Item 1147 Bantry Bay Reservoir (WS 0008) and Item 1148 Bantry Bay Water Pumping Station (WPS 122), are located on the subject land as listed in Schedule 5 of WLEP2011.

Although the Sydney Water lots are identified as a potential temporary construction site for the Beaches Link Tunnel Project, preliminary feedback from Roads Maritime Services (RMS) is that the proposed RE1 and SP2 zones are unlikely to impact this project.

The Planning Proposal was also assessed against its consistency with applicable State Environmental Planning Policies (SEPPs) and Ministerial Directions. Inconsistency with SEPP 55 (Remediation of Land) and Ministerial Directions 3.1 (Residential Zones) and 6.2 (Reserving Land for Public Purposes) were considered as follows:

SEPP 55 (Remediation of Land)

Refer to the discussion under the *Potentially Contaminated Land* heading below.

Ministerial Direction 3.1 Residential Zones

The objectives of this direction are to:

- a) *Encourage a variety of choice of housing types to provide for existing and future housing needs*
- b) *To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services*
- c) *To minimise the impact of residential development on the environment and resource lands.*

Specifically, the Direction states that a Planning Proposal should not contain provisions, which will reduce the permissible residential density of land. The Planning Proposal may be inconsistent with the terms of this direction if Council can satisfy the Secretary of the Department of Planning and Industry (DPI) that the provisions of the inconsistencies of the Planning Proposal are of minor significance.

The provisions of the Planning Proposal to rezone the land from a residential zone to zones that do not support residential development are considered of minor significance based on the size of the land involved, and given that the subject land is unlikely ever be developed for residential purposes in the future given environmental constraints.

Ministerial Direction 6.2 - Reserving Land for Public Purposes

This direction requires that approval is granted from the Department of Planning and Industry and Sydney Water to reserve the land for a public purpose via the proposed RE1 (Public Recreation) zone. Compliance with this Ministerial Direction will be sought via the Gateway Determination statutory consultation process.

CONSULTATION

Public exhibition of the Planning Proposal will take place following receipt of a Gateway Determination from DPI to proceed with the Planning Proposal. 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:

- A public notice in the Manly Daily notifying of the public exhibition at the commencement and midway through the exhibition
- Notification in writing to affected and adjoining landowners
- Notification of key stakeholders, including but not limited to the 'State Park Advisory Committee' and the local environmental conservation group 'Save Manly Dam Catchment Committee'
- Electronic copies of the exhibition material on Council's website
- An email to registered community members who have listed their interest on Council's Community Engagement Register.

The following State Government Agencies are identified as requiring consultation following a Gateway Determination to proceed with the Planning Proposal:

The Department of Planning and Industry – Water, Property and Housing (WPH)

WPH is the landowner of the four (4) Crown Land lots that are proposed to be rezoned from R2 to RE1. Preliminary feedback was sought from WPH however, no response had been received at the time of writing of this report.

Sydney Water

Sydney Water is the landowner of Lot 1 DP 835123 (Water Tower- Reservoir) and Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site) which are proposed to be rezoned from R2 to SP2 and RE1 respectively.

Preliminary feedback from Sydney Water indicates support for the proposed SP2 zoning of Lot 1 DP 835123 (Water Tower -Reservoir).

Sydney Water does not object to the proposed RE1 zoning of Lot 1 DP 710023 (Bushland Site); however, they consider the site should be acquired by Council at market value based on the proposed RE1 zoning. This is not Council's intention and Council does not propose to create an acquisition clause in the Planning Proposal.

Sydney Water also note that Roads Maritime Services (RMS) has earmarked this lot and part of Sydney Water Lot 1 DP 835123 for possible acquisition as a temporary construction site for the Beaches Link Tunnel Project (refer to RMS comments below).

Sydney Water's approval is required to rezone Lot 1 DP 710023 to a public purpose i.e. RE1 (Public Recreation) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

Whilst outside the scope of this Planning Proposal, it is recommended that Lot 1 DP 710023 be acquired by the Crown and incorporated into the State Park to support the Park's vision and to enable more effective management of the "urban edge" (under the *Crown Lands Act 1989*, land must be owned by the Crown to be included in a State Park).

Roads and Maritime Services (RMS)

The Beaches Link Tunnel Project identifies Sydney Water Lot 1 DP 710023 (bushland site) and part of Sydney Water Lot 1 DP 835123 (water tower- reservoir) as a potential temporary construction site during the construction of the tunnel (refer to Section B of the Planning Proposal for more detail).

RMS has given preliminary feedback that the proposed RE1 and SP2 zones would not have any adverse implications for the Beaches Link Tunnel Project as these works could be undertaken via State Environmental Planning Policy – Infrastructure (SEPP Infrastructure).

Aboriginal Heritage Office

The Aboriginal Heritage Office will be consulted as the subject land has been identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site.

Local Planning Panel

Council's Local Planning Panel considered the Planning Proposal at its meeting on 1 May 2019 and resolved to support the officer's recommendations for the reasons outlined in the report.

TIMING

It is anticipated that the Planning Proposal will be completed in 6 - 12 months from the date of Council's approval to proceed. Following the issue of a Gateway determination, Council will be required to formally exhibit the Planning Proposal for 28 days. The matter will be reported back to Council for final consideration following that exhibition.

LINK TO COUNCIL STRATEGY

This reports relates to the following Community Strategic Plan Outcomes

Protection of the Environment

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

Places for People

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

FINANCIAL CONSIDERATIONS

The Planning Proposal process will be undertaken within the existing Strategic and Place Planning budget.

SOCIAL CONSIDERATIONS

The subject land is valued socially for:

- Public recreation such as bushwalking, mountain bike riding and golf
- Bushland environment - aesthetic/ scenic beauty
- A place of Remembrance - Manly Warringah War Memorial
- Manly Dam Water Catchment
- Ecological Value - providing potential and known habitat for hundreds of local native species
- Scientific Value - providing potential habitat for state and Commonwealth listed threatened species
- European Heritage Significance (containing two heritage items and partially covered by the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011)
- Aboriginal Heritage Significance - with the land identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site
- The Bantry Bay Reservoir and Bantry Bay Pumping Station that are listed as locally significant heritage items under WLEP2011
- Opportunities for educational activities and community engagement programs
- Public infrastructure with regard to the Sydney Water Tower/Reservoir.

The proposed RE1 and SP2 zoning of the subject land will provide for a range of recreational settings, activities and land uses that are compatible with and protect the environmental, recreational, aesthetic and cultural values of the State Park and the water quality of Manly Dam. The proposed SP2 zone will also support the current ongoing public infrastructure use of Sydney Water Lot 1 DP 835 123 as a 'Water Supply System'.

Consultation with the NSW Aboriginal Heritage Office is required following a Gateway Determination to ensure any potential impacts on Aboriginal Heritage are adequately addressed.

ENVIRONMENTAL CONSIDERATIONS

Council's Bushland & Biodiversity team has assisted in the preparation of the Planning Proposal and confirms that the likely environmental effects of the planning proposal will be to better protect manage and restore the public lands ecological, scientific, cultural or aesthetic values. The Planning Proposal supports the following environmental considerations:

Biodiversity Impacts

The Planning proposal references several local and state ecological studies and mapping databases that provide evidence that the subject lots contain important core habitat for local native species including many threatened species and their habitat. The land is also likely to function as an important wildlife corridor, connecting Manly Dam to Garigal National Park.

The subject lots have the following biodiversity values:

- Mapped as "Priority Habitats" (coloured green) within the Connected Corridors for Biodiversity project by Southern Sydney Regional Organisation of Councils in December 2016
- The subject lots are part of the "Middle Harbour Valley" habitat area that is mapped as the highest fauna habitat ranking. Middle Harbour Valley is only one of 13 fauna habitat areas mapped as the highest ranking within the Sydney Metropolitan Area
- Mapped as having "Biodiversity Value" under the Biodiversity Conservation Act 2016 due to "threatened species or communities with potential for serious and irreversible impacts"
- Connectivity values between Manly Dam Reserve and Garigal National Park
- The subject lots all contain intact native bush, all mapped as native plant community types
- At least four threatened species have already been recorded within Lot 1 DP 835123
- The immediate locality is known to contain at least thirty (30) threatened flora and fauna species.

The proposed RE1 and SP2 zones will introduce new zone objectives and land use permissibility that will better protect the local flora and fauna and their habitats compared to the current R2 zone. No adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats are likely because of the proposal.

Scenic Protection

The State Park is highly valued for the scenic beauty of its natural bushland environment. The proposed RE1 and SP2 zones would preclude future residential development on the subject land which would intrude into the Park's visual catchment, and/or skyline, detracting from the Parks natural aesthetic appeal.

Water Quality of Manly Dam

The subject land drains into Manly Dam, which is valued by the community for its high water quality and recreational uses. The proposed RE1 and SP2 zones would minimise potential residential development impacts such as fertiliser use and uncontrolled or polluted stormwater runoff from affecting the water quality of Manly Dam.

GOVERNANCE AND RISK CONSIDERATIONS

The following Governance and Risks considerations have been identified with regard to the Planning Proposal:

Delegation of Plan Making Authority

As the Planning Proposal is considered of local significance only, it is recommended that Council requests delegation to exercise the function of local plan making authority for the Planning Proposal from the Department of Planning and Industry.

Warringah Development Control Plan 2011 (WDCP2011)

In support of the proposed RE1 and SP2 zones it is recommended that Council prepare and exhibit consequential amendments to WDCP2011 to remove residential development controls, including setback and minimum landscaped area controls, from the subject land.

The State Park and associated Plan of Management (POM) - Boundary Amendments and Land Ownership

The Manly-Warringah War Memorial State Park was established on 7 April 2017 and is under the care, control and management of the Manly Warringah War Memorial Park (R68892) Reserve Trust. Northern Beaches Council manages the affairs of the Trust and carries out the day-to-day management of the Park on behalf of the Trust under the provisions of the *Crown Lands Act 1989*.

As the POM was finalised before the formation of the State Park in 2017, the land managed by the POM differs slightly from the State Park boundaries. Although outside the scope of this Planning Proposal, the POM requires updating so that Council can properly manage all of the land within the State Park.

In order for land to be included in a State Park it must be owned by the Crown under the *Crown Lands Act 1989*. It is recommended that ownership of Sydney Water Lot 1 DP 710023 (surplus bushland site) is transferred to the Crown (Department of Planning and Industry) and that this lot and the small southern Crown Land lot (Lot 1 DP 1200869) are consolidated into the State Park to support the Park's vision and enable more effective management of the "urban edge".

State Government Approvals

The approval of Sydney Water and the Department of Planning and Industry is required to rezone the land for a public purpose (i.e. proposed RE1 (Public Recreation)) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000. This requirement represents a potential risk to the progression of this Planning Proposal.

Landslip Risk

WLEP2011 identifies the subject land as 'Area A- Slopes less than 5 degrees' and 'Area B - Flanking Slopes from 5 to 25 degrees' in terms of landslip risk. Council must therefore consider risk associated with landslides and their impact on both property and life when assessing development applications. Furthermore, such development must not cause significant detrimental impacts because of storm water discharge from the development site or impact on or affect the existing subsurface flow conditions.

The Planning Proposal is consistent with the existing provisions as applicable.

Potentially Contaminated Land

Parts of the two northern Crown Land lots (the flat part of the lots under the Wakehurst Golf Course) contain 'demolition' and 'excavation' landfill materials and possibly other types of landfill material that may be contaminated.

It is considered that the land is suitable in its current state for its current and ongoing use as a golf course, which forms part of the State Park. The proposed RE1 zone would support the continued use of the land as a golf course.

As detailed in the Planning Proposal, to satisfy the requirements of SEPP 55 (Remediation) it is recommended that detailed site investigation and contamination testing should be conducted in conjunction with any future development application for a use of the land that is different to the current golf course use. A "trigger" is proposed to be included on Council's Spatial Information System to alert Council Officers to potential land contamination on the subject properties and the requirements of SEPP 55 (Remediation).

Bush Fire Prone Land

The land is Bush Fire Prone Land in close proximity to Garigal National Park and dense bushland of the State Park. The proposed rezoning from R2 to RE1 and SP2 would serve to protect life and property from potential bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone area. It would also protect native flora and fauna from land clearing pressure to create bush fire asset protection zones along the Park's boundaries.

ITEM 12.3	PLANNING PROPOSAL - 1294-1300 PITTWATER ROAD AND 2-4 ALBERT STREET NARRABEEN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/160668
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Planning Proposal (Included In Attachments Booklet 3) 2 ⇒ Planning Proposal – Height of Building and Additional Permitted Uses Maps (Existing as Submitted and Proposed) (Included In Attachments Booklet 3) 3 ⇒ Submissions Table (Included In Attachments Booklet 3)

SUMMARY

PURPOSE

To inform Council of the receipt of a Planning Proposal for the 1294 -1300 Pittwater Road and 2-4 Albert Street, Narrabeen and to seek Council's approval to submit an amended Planning Proposal to the NSW Department of Planning and Industry for a Gateway determination, and to prepare site specific amendments to Warringah Development Control Plan 2011 (the DCP) to achieve the best redevelopment outcomes for the site.

EXECUTIVE SUMMARY

A Planning Proposal has been lodged on behalf of the owners of 1294-1300 Pittwater Road and 2-4 Albert Street Narrabeen (the site) to amend Warringah Local Environmental Plan 2011 (the LEP) to increase the maximum height standard from 8.5m to 11m on the site and to permit the additional uses of commercial premises, medical centre and shop-top housing. The land is currently zoned R3 Medium Density Residential.

The site comprises six lots, has an area of 4,704 square metres, and is occupied by a variety of one and two story commercial and residential buildings including a heritage item (Californian bungalow) at 2 Albert Street and medical centre at 4 Albert Street.

The Planning Proposal and accompanying development concept plans, showing a mix of two, three and four storey buildings, were exhibited from 9 - 24 March 2019. Twenty-five (25) submissions were received during the exhibition period raising concerns with: the proposed change in height; congestion; pedestrian safety; amenity issues from traffic and parking; general loss of amenity and character; lack of detailed designs; and landscaping.

Following consideration of submissions and the recommendations of Council's Local Planning Panel, it is recommended that an amended Planning Proposal is submitted to the NSW Department of Planning and Industry (DPI) for a Gateway Determination which:

- Supports the changes sought by the applicant subject to retention of the 8.5 metre height limit on that part of the site that contains the heritage item (2 Albert Street) and the front portion of 4 Albert Street
- Permits the additional uses of commercial premises, medical centre and shop-top housing, but only on that part of the site at the corner of Pittwater Road and Albert Street
- Permits a maximum of 1,150 square metres of medical centre and commercial floor space (including retail and business premises within the shop top housing)
- Requires a proportion of the dwellings on the site to be dedicated to Council for affordable rental housing, with the exact number to be established by a financial feasibility analysis undertaken by Council in consultation with the proponent.

It is also recommended that site-specific Development Control Plan (DCP) amendments are prepared and exhibited with any Gateway Determination by the Department to address more detailed design issues raised in public submissions and in submissions from Council's Heritage Planner and Landscape Architect.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

- A. Council submits an amended Planning Proposal to the NSW Department of Planning and Industry for gateway determination to amend WLEP 2011 to:
 - a. increase the maximum building height standard on the site to 11 metres with the exception of 2 Albert Street, Narrabeen being lot 1, DP613544 (containing heritage listed dwelling house) and the front part of 4 Albert Street, Narrabeen being part lot 8C, DP200030 which will retain an 8.5 metre height limit.
 - b. permit the additional uses of commercial premises, medical centre and shop-top housing on the area of the site adjoining the intersection of Pittwater Road and Albert Street.
 - c. permit a maximum of 1,150 square metres of medical centre, commercial premises, and the retail/ business premises component of any shop-top housing to the area referred to b. above.
 - d. require a proportion of the additional dwellings on the site resulting from the Planning Proposal to be dedicated to Council as affordable rental housing, with the exact requirement being established by a financial feasibility analysis undertaken by Council in consultation with the proponent.
 - B. The applicant is requested to submit draft site-specific planning controls to be incorporated in Council's DCP to further guide the redevelopment of the site having regard to the Urban Design Guidelines accompanying the Planning Proposal and addressing the matters outlined in this report.
 - C. The applicant be requested to provide an amended Traffic Impact Assessment Report addressing the issues outlined in this report for exhibition with any Gateway determination issued by the NSW Department of Planning and Industry.
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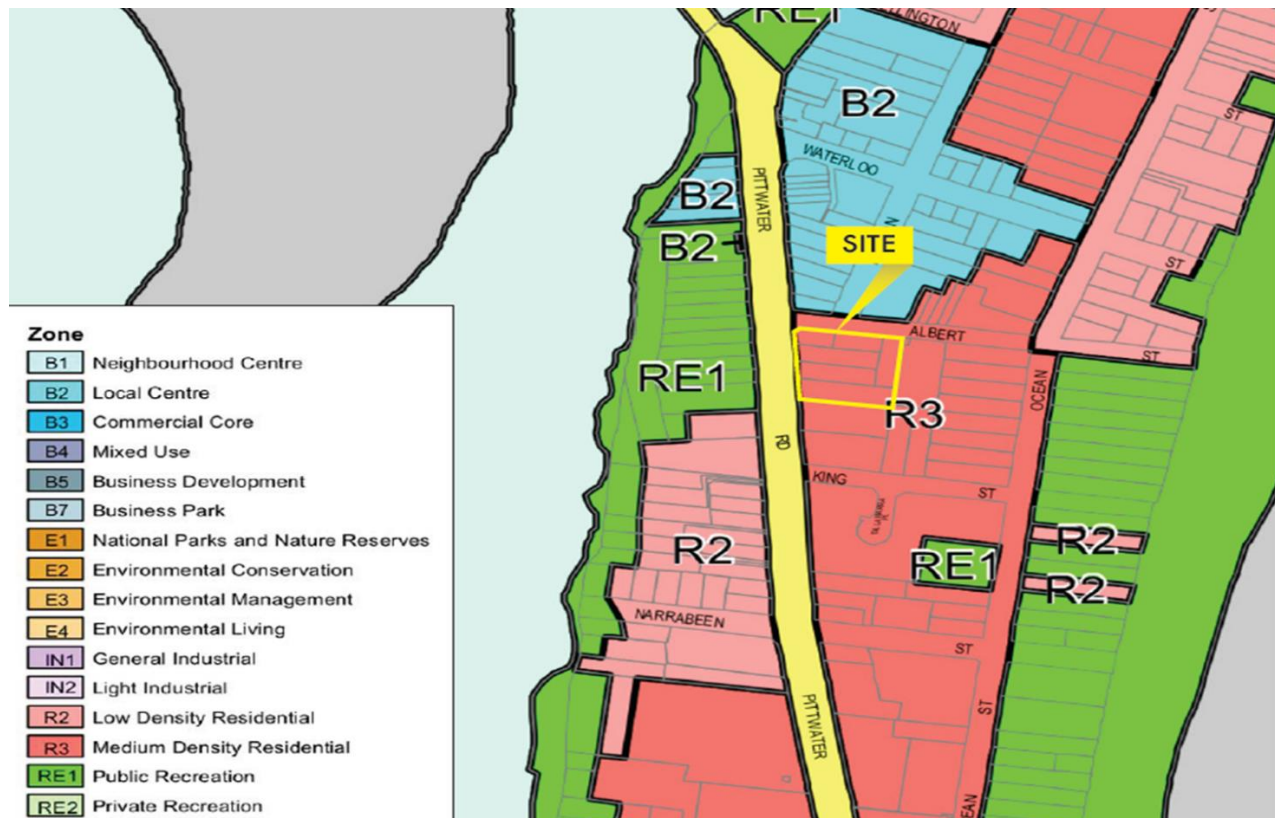
REPORT

BACKGROUND

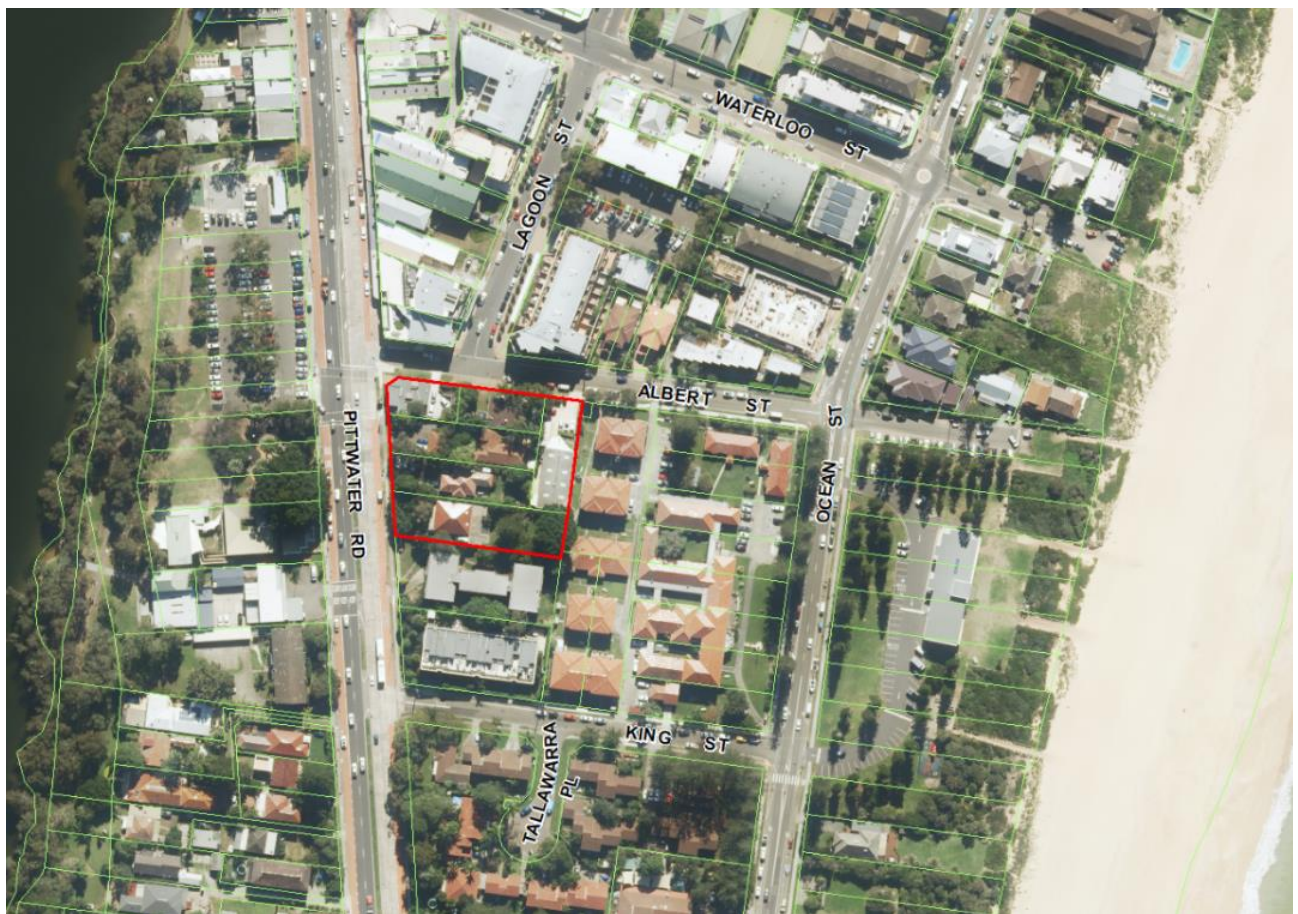
Highgate Management Pty Ltd (the 'Applicant') has submitted a Planning Proposal to Council on behalf of the owners of the subject site to amend Warringah Local Environmental Plan 2011 (the LEP) to increase the maximum building height standard on the site from 8.5m to 11m and to permit the additional uses of commercial premises, medical centre and shop-top housing.

The Planning Proposal (Attachment 1) is accompanied by an Urban Design Study, Traffic Assessment Study, Economic Impact Study, Flood Risk Assessment, and Concept Plans for potential future development of the site.

The site is currently zoned R3 Medium Density Residential under Warringah LEP 2011 which permits a range of uses including residential flat buildings but does not permit commercial or retail uses or medical centres.



The site comprises six lots and is occupied by a mix of existing land uses including a commercial office building (a former bank), family medical centre and dental surgery and several dwellings, including a heritage item (Californian Bungalow).



Concept plans submitted with the Planning Proposal show a mix of 2-4 storey buildings on the site. Shop-top housing would be confined to the north-western corner of the site (3 storeys), with two part 3/ part 4 storey residential flat buildings located on the southern part of the site. A part 2 storey/part 3 storey flat/ terrace building is proposed in the north-eastern corner of the site. The existing Californian Bungalow is proposed to be retained.



CONSULTATION

Public Exhibition

A preliminary public exhibition was undertaken in accordance with Council's requirements for Planning Proposals from Saturday 9 March 2019 to Sunday 24 March 2019.

The Planning Proposal and all relevant documents were publically exhibited at the Dee Why and Mona Vale customer service centres as well as on Council's website. An advertisement was placed in the Manly Daily notifying the community of the exhibition on Saturday 9 March 2019. Council's 'Have Your Say' website registered 118 views/downloads of the Planning Proposal document on the web page.

Council received twenty-five (25) submissions during the public exhibition period raising issues with the proposed change in height (12 submissions); congestion, safety and amenity issues from traffic and parking (13 submissions); general loss of amenity and character; lack of detailed design drawings; and, landscaping. One submission indicated unqualified support and one indicated unqualified objection. A detailed assessment of submissions received is included at Attachment 3.

Internal Consultation

Urban Design

Council's Urban Design staff support the proposed concept of an 'active frontage' at the corner of Pittwater Road and Albert Street. Such street activation will compliment and support the Narrabeen Local Centre. Similarly, the proposed concepts in the Urban Design Report involving modulation of heights within the proposed 11m envelope are also generally supported. In this regard, the applicant's Built Form Strategy (Section 4, Urban Design Study) supports a mix of part 2, 3 and 4 storey development and building separation. It is recommended that site-specific DCP provisions are developed to accompany the proposed amendments to ensure that important elements in the concept plans are subject to consideration in any future Development Application for the site.

Heritage

Council's Heritage Planner has assessed the impact of proposed height amendments on a listed heritage cottage on the site (large inter-war Californian bungalow) and on another heritage item in the vicinity, known as 'Furlough House' at 72-90 Ocean Street, Narrabeen. This site comprises a number of one and two storey residential buildings circa 1952.

Council's Heritage assessment does not support a blanket increase in height for the site. Changes to the height standard for the land comprising the heritage cottage, its curtilage, and the area of proposed 'Building D' at the northeastern corner of the site are not supported. The assessment goes on to say that, the remainder of the site could potentially sustain a 9m or 10m height limit without affecting upon the heritage item and the adjoining heritage item.

Landscaping

Council's Landscape Architect has considered the existing landscape character, potential tree impacts, and provision of deep soil areas for future plantings.

Whilst a large Hills Fig on the site is proposed to be protected, other trees also provide significant landscape amenity and require retention, for example, a Podocarpus Brown Pine and two Cottonwood trees are prominent along Pittwater Road and a Norfolk Island Pine near the Hills Fig has cultural significance. Along Albert Street, the existing Cheese Tree and She Oaks provide valuable landscape amenity as a transition between the streetscape.

Traffic and Parking

The Traffic Impact Assessment for the Planning Proposal assumes 48-60 dwellings and 1,150m² of non-residential floor space. All vehicular access to the site would be from Albert Street to a basement carpark. An initial assessment indicates that approximately 138 car parking spaces would be required for the development of the site. The traffic assessment concludes such a development would not adversely affect the performance of surrounding roads.

Council's Traffic Team have advised that:

- evidence of the modelling must be provided to be satisfied that the traffic assessment is correct
- traffic generation rates assumed may not be consistent with RMS guidelines and require review
- as the site adjoins a state road, RMS will be required to provide comment on the Planning Proposal.

Given the above comments, and noting that RMS will be required to comment on the planning proposal, it is recommended that an amended Traffic Assessment be provided by the applicant and exhibited with any Gateway Determination issued by the NSW Department of Planning and Industry.

Local Planning Panel Comments

The Northern Beaches Local Planning Panel considered the Planning Proposal at the meeting held on 1 May 2019. The LPP supports the Planning Proposal subject to:

- the additional permitted uses of shop top housing, commercial premises, and medical centre being confined to that part of the site adjoining the intersection of Pittwater Road and Albert Street
- clarification that the commercial premises, medical centre, and the commercial/retail uses associated with any shop-top housing being limited in area to 1,150 square metres

- proportion of the additional dwellings to be dedicated to Council as affordable rental housing, with exact requirement being established by a financial feasibility analysis being undertaken by Council in consultation with the proponent.

ASSESSMENT OF PLANNING PROPOSAL

The Planning Proposal complies with guidelines and practice notes including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals' subject to the recommendations outlined in this report.

Strategic Justification for the Planning Proposal

The "Greater Sydney Regional Plan 2056 – A Metropolis of Three Cities – Connecting People" sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. Narrabeen is located within the "Eastern Harbour City" area.

This Planning Proposal is consistent with the following objectives in the Greater Sydney Regional Plan:

Objective 10 (Greater Housing Supply)

The Planning Proposal would result in the more efficient use of land, potentially increasing housing supply in Sydney and the Northern Beaches LGA.

In 2016, 55.7% of all dwellings in the Northern Beaches Council area were separate houses; 17.2% were medium density dwellings, and 25.9% were in high-density dwellings.

The Planning Proposal would increase the supply of medium density housing in an appropriate location, helping Council to meet the housing targets in the North District Plan. It provides for local infill development in an existing urban area with easy walking distance to a local centre, a good range of facilities, recently improved public transport, and improves housing diversity.

Objective 11 (Housing is more diverse and affordable)

The Planning Proposal is consistent with this objective in that it would allow the land to be more effectively developed to provide medium density housing. Medium density housing provides for an alternative, more affordable, housing choice when compared to detached dwellings. It is also noted that this report recommends that a proportion of the additional dwellings be dedicated to council as affordable rental housing.

Objective 14 (Integrated land use and transport creates walkable and 30 minute cities)

The site is well located to public transport with Pittwater Road B-Line bus services located within 50m of the site. Future residents of the site will also have access to the services, jobs and facilities that are available within the Narrabeen Local Centre.

The North District Plan sets out the planning priorities and actions for the growth of the North District. The site is located immediately adjacent to the Narrabeen Local Centre, as identified in the North District Plan.

The Planning Proposal is consistent with the North District Plan, particularly with respect to the following planning priorities:

Planning Priority N3 (Providing services and social infrastructure to meet people's changing needs)

By 2036, the North District is expected to see an 85 per cent increase in people aged 85 and over, and a 47 per cent increase in the 65–84 age group. The local government areas of Hornsby, Ryde, Ku-ring-gai and Northern Beaches will have the largest projected increase in the 65-94 age groups.

The provision of more diverse housing types and more medium density housing within walkable neighbourhoods will create opportunities for older people to continue to live in their community and close to health and support networks.

These demographic observations are equally applicable to the inclusion of a medical centre and commercial premises as additional permitted uses on the site.

Planning Priority N5 (Providing housing supply, choice and affordability, with access to jobs, services and public transport)

The Planning Proposal is consistent with this planning priority in that it will facilitate the future development of the site to provide residential accommodation within very close proximity to public transport services and a range of other community facilities and services.

The Planning Proposal meets the objectives relating to greater housing supply as it would contribute to meeting the North District's housing target of 92,000 dwellings from 2016-2036. A height limit of 11.0m over part of the site allows the site to better cater for the demands of Sydney's changing population by providing a broader range of housing options to suit different lifestyle and affordability needs. It provides the opportunity for more economic and efficient local infill development in an existing urban area with walkable access to community, retail, commercial and other facilities and good public transport, achieving greater housing diversity and supply without impacting in any significant or unreasonable way on local character and/ or amenity. This report also recommends that proportion of the additional dwellings be dedicated to council as affordable rental housing.

Planning Priority N6 (Creating and renewing great places and local centres, and respecting the District's heritage)

Narrabeen Local Centre lies immediately to the north of the site. All parts of the centre are within a five minute walk of the site. Public transport is available within a two minute walk. A principle of strategic planning is to increase residential development in, or within a walkable distance of a centre. The site is therefore well suited to an increase in residential development. The Planning Proposal will achieve that outcome as well as ensuring space for the non-residential uses presently on the site.

It is proposed to retain the heritage item on the site and to provide suitable setbacks to the item from other buildings. The proposal will also not affect the heritage significance of the adjoining heritage item, Furlough House.

Planning Priority N12 (Delivering integrated land use and transport planning and a 30 minute city)

The site is well located in terms of public transport and has good access to a local centre. The proposed increase in the height standard on the site will facilitate medium density residential development, allowing the benefits of accessibility to be better utilised.

The Future Transport Strategy 2056 is an overarching strategy, supported by a suite of plans to achieve a 40-year vision for our transport system. The site benefits from the improvement of bus services between the City and the Northern Beaches via the B-Line. These new bus services travel along Pittwater Road, a road to which the site has frontage.

The site is relatively large (4,700sqm), regular shape with multiple frontages. This provides the opportunity for an increase in development density on the site without impacting neighbouring properties or the locality. The Concept Plans for redevelopment of the site accompanying the proposal show no significant impacts in terms of amenity, heritage, landscape, and traffic.

As the site directly adjoins the commercial centre with an 11 metre height standard, and is bounded to the south by two residential flat buildings of approximately the same height, the proposed height standard is considered generally appropriate (see comments below). The proposal could not therefore be used as precedent for extension of an 11 metre height standard to properties further south along Pittwater Road.

Proposed Building Height

The proposed maximum height of buildings development standard of 11m is supported over much of this 4,704sqm site with the exception of 750sqm of the site that comprised a listed heritage cottage and its curtilage at the northern eastern corner of the site.

Council's recommendations for amending the applicant's submitted Planning Proposal are made in the context of a well-considered redevelopment scheme supported by a range of technical studies (urban design, heritage, economic, traffic, flooding) and supporting staff comments (urban design, heritage).

The site adjoins the B2 Local Centre zone to the north that has a 11m height standard. Other surrounding residential development is of comparable height and scale, with the exception of the identified on-site and adjoining heritage items. However, the proposed separation from these items is sufficient to provide a suitable transition between developments.

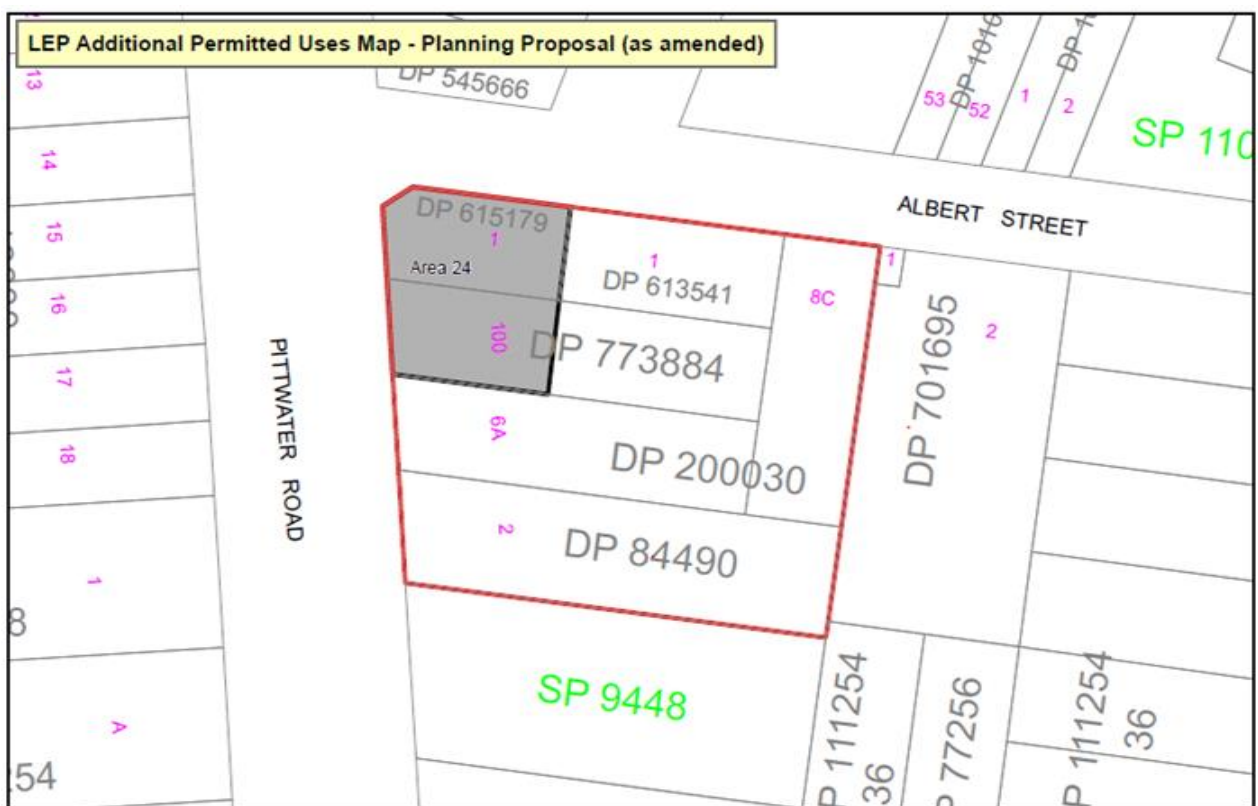
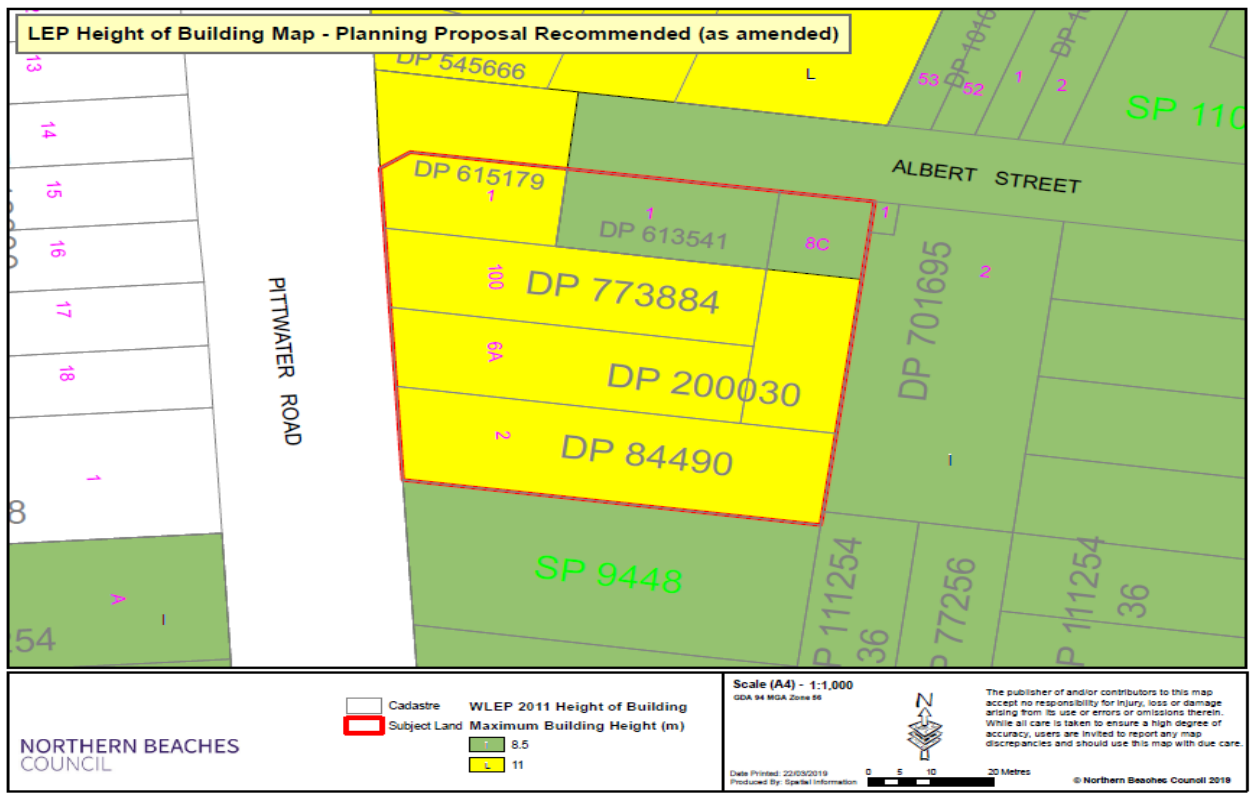
The applicant's indicative redevelopment scheme supports a range of building heights across the site of between two (2) and four (4) storeys. At the north eastern corner of the site between the heritage cottage at 2 Albert Street and the adjoining 'Furlough House' heritage site ('Building D'), the scheme proposes redevelopment that is partly 2 storey to the street with a third storey in an attic configuration. This will provide for a more consistent pattern of two storey built form at this part of the site, which is supported by Council's Urban Designer and Heritage Planner.

The intended outcomes of the Planning Proposal may be achieved without change to the existing 8.5m height standard for that part of the site comprising the heritage item and its curtilage at the northeastern corner of the site.

Height of Building and Additional Permitted Uses Maps (Attachment 2) have been prepared by Council to accompany the Planning Proposal excluding 2 Albert Street (comprising the heritage cottage) and part of 4 Albert Street (adjoining to the east).

On that part of the site where the 11m height standard is proposed, a number of site-specific DCP controls are recommended to guide the future development:

- The development of land near the on-site heritage item at 2 Albert Street and the adjoining heritage item at 72-90 Ocean Street Narrabeen ('Furlough House') must have particular regard to the effect on the heritage significance of these two heritage items.
- The height of buildings adjoining the side and rear of the heritage cottage at 2 Albert Street is to be generally limited to three storeys. At the eastern side of the cottage, a maximum two storey built form is required to address the heritage significance of adjoining properties. At the rear of the cottage, new buildings up to four storeys would overwhelm and dominate the heritage cottage, particularly viewed along Lagoon Street. The adoption of an attic configuration for any fourth storey is required to minimise this impact.
- The height of buildings at 1294-1300 Pittwater Road, Narrabeen is to be limited to three storeys fronting Pittwater Road (see also setback controls below).



Active Frontage and Setback

The 'active frontage' proposed for future development at the corner of Pittwater Road and Albert Street in the report prepared by GMU accompanying the Planning Proposal is considered an important aspect of the proposal, supporting the revitalisation of the southern end of the town centre, and improving the amenity of the public domain.

The corner of Pittwater Road and Albert Street comprises a main road crossing opposite the community 'Tram shed' complex. Further DCP controls are recommended to ensure active frontages and the desired streetscape outcomes as detailed in Urban Design Guidelines and Masterplan in the GMU Report.

It is recommended that a setback at this corner location would be appropriate as a transition between the commercial shop frontages to the north and residential setbacks to the south. The existing DCP controls provide for zero lot frontages in the commercial centre and 6.5m front setback in the residential zone. Accordingly, site-specific DCP controls are recommended to achieve a 3m setback at this busy street corner comprising shops and the like.

Limit on Commercial Floor space

The site is zoned Residential R3 Medium Density Residential. With the inclusion of proposed additional permitted uses (commercial premises, medical centre, shop-top housing), it is important to ensure that the overall objectives of the R3 Medium Density Residential zone are not compromised. Limiting the proposed floor space dedicated to these proposed uses on the site to the current level (approximately 1,150sqm) will ensure that the majority of the site will be used for residential purposes.

Having regard to the comments of the Northern Beaches Local Planning Panel, it is also proposed to include a provision in the Planning Proposal which limits the commercial uses to that part of the site adjoining the intersection of Pittwater Road and Albert Street.

Affordable Housing

Council's Affordable Housing Policy states 'Council is committed to a 10% affordable rental housing target for all strategic plans and planning proposals for urban renewal or greenfield development and that higher rates will be sought where feasible. Concept plans identify the potential for a total of between 48 and 60 dwellings on the site.

The Planning Proposal as lodged does not specifically provide for affordable housing.

With Council's recent inclusion in State Environmental Planning Policy 70 (Affordable Housing-Revised Schemes) Council may prepare a Planning Proposal with specific requirements for the provision of affordable rental housing. The NSW Department of Planning and Industry would generally require a feasibility analysis to be undertaken to support such a proposal.

As the Planning Proposal does not propose rezoning of the land, it is not reasonable to require 10% of all new dwellings to be provided as affordable rental housing. However, the Planning Proposal will result in an increase in the development potential and dwelling yield of the site. It is recommended that the amended Planning Proposal include an affordable rental housing provision, with the exact requirement for the site being established via a feasibility analysis undertaken by Council in consultation with the applicant.

Council has prepared a draft Affordable Housing Contributions Scheme in accordance with Council's Affordable Housing Policy and Guidelines issued by the NSW Department of Planning and Industry. The Scheme sets out Council's processes for the delivery of affordable rental housing and is required to support LEP amendments, which include affordable rental housing requirements. The Scheme will be publicly exhibited with the Planning Proposal following the issue of a Gateway Determination.

Proposed Site Specific DCP Controls

Having regard to resident submissions, Council's own analysis, and the applicant's Urban Design Study, the following site specific DCP controls are recommended:

Modulation of maximum number of storeys

Limit redevelopment at three and four storey to parts of the site that are setback from front and side boundaries and from the heritage cottage.

Active Frontage

Allow for active frontage at the corner of Pittwater Road and Albert Street with a setback of 3m providing for shops and business premises at street level.

Setback (front, side and rear)

A 3m setback of the active frontage on the corner of Pittwater Road and Albert Street. The existing DCP site control requires setbacks of 4.5m (side) and 6m (rear). These would be retained but with additional requirement for 2m deep soil planting along these boundaries at the eastern and southern sides of the site. An additional setback of 12m is required at the SE corner of the site to protect the large Fig tree (see Landscaping below). Any fourth storey element along the remainder of the Pittwater frontage (1294-1300 Pittwater Road, Narrabeen) should be setback at least 10m from the street.

Heritage listed dwelling (general)

The redevelopment of land between 2 Albert Street Narrabeen (heritage cottage) and 72-90 Ocean Street Narrabeen ('Furlough House') must have particular regard to the effect on the heritage significance of these 2 heritage items. A two storey built form in this location is required to address the heritage significance of these items. Similarly, the redevelopment of land at the rear (south) of 2 Albert Street must generally be limited to three storeys, with any fourth storey being designed as an attic roof.

Heritage listed dwelling (general)

Lodgment of a Conservation Management Plan will be required to accompany any DA for redevelopment or change of use of the dwelling.

Heritage listed dwelling (setback)

A 12m setback to the rear and a 9m setback to either side of the heritage dwelling. Any new building to the east of the heritage dwelling along Albert Street is to be no closer to the street than the established building line for this heritage item.

Heritage listed dwelling (height in vicinity)

The height of buildings adjoining the side (west) and rear of the heritage cottage at 2 Albert Street is to be limited to three storeys

Landscaping

A number of existing trees identified as providing significant landscape amenity are to be retained and integrated into the site planning where possible including: the Hills Fig (*Ficus hillii*) and Norfolk Island Pine (SE corner of site); Podocarpus Brown Pine and 2 Cottonwood trees (along Pittwater Road) and a Cheese Tree and She Oaks (along Albert Street). The existing minimum requirement for 50 percent-landscaped area is not proposed to be varied.

TIMING

It is anticipated that the time of completion for this Planning Proposal will be 6 – 12 months from the date of Council's approval to proceed. Following the issue of a Gateway Determination Council will be required to exhibit the Planning Proposal for a period likely to be 28 days. The Planning Proposal will be reported back to Council for final consideration following the public exhibition.

LINK TO COUNCIL STRATEGY

This reports relates to the Community Strategic Outcomes of Places for People Goal 7 – Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.

FINANCIAL CONSIDERATIONS

The economic impact of the Planning Proposal has been assessed in a technical study accompanying the proposal. This study supports the proposed increased provision of medical and commercial facilities at the subject site as current uses. Council supports this position on grounds that the commercial floor space is limited to a maximum of 1,150sqm which represents the current commercial floor area on the land.

SOCIAL CONSIDERATIONS

The Planning Proposal and associated site-specific DCP controls as recommended in this report provide for future revitalisation of the southern end of the Narrabeen town centre. Further activation and walkability to Narrabeen village is facilitated. Connectivity and public domain interfaces will be improved due to the site's prominent location near shops, community services and transport.

ENVIRONMENTAL CONSIDERATIONS

The environmental considerations associated with the Planning Proposal relate primarily to whether the proposed height of building standard is appropriate, potential impacts on traffic, and the potential impacts on two heritage items. The proposed height limit is considered generally appropriate and other matters are or can be adequately addressed via the submission of an amended Planning Proposal and the preparation of a site-specific DCP. Further traffic assessment will also be required as part of the Planning Proposal assessment process.

GOVERNANCE AND RISK CONSIDERATIONS

The Planning Proposal as submitted seeks certain amendments to the LEP and includes an indicative redevelopment scheme that is considered would achieve good outcomes for the site. Site-specific DCP controls are recommended in this report as an appropriate planning mechanism to ensure that any future development application is prepared and determined in a manner that is consistent with the scheme.

ITEM 12.4	SUBMISSION TO THE DEPARTMENT OF PLANNING AND INDUSTRY ON LOCAL CHARACTER AND PLACE GUIDELINES
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/215982
ATTACHMENTS	1 Local Character and Place Guidelines (Included In Attachments Booklet 4) 2 Discussion Paper Local Character Overlays (Included In Attachments Booklet 4) 3 Council's Submission (Included In Attachments Booklet 4)

SUMMARY

PURPOSE

To advise Council of the release of 'Local Character and Place Guidelines' and related Discussion Paper on 'Local Character Overlays' prepared by the Department of Planning and Industry, and to seek support for a submission to the Department on the Discussion Paper.

EXECUTIVE SUMMARY

The Department of Planning and Industry (DPI) has released publications about the role of local character assessment in planning the future of our communities:

- Local Character and Place Guideline (Attachment 1), supports a better understanding of local character and a range of approaches to integrate character into plan making, including through Council's Local Strategic Planning Statement, Local Environmental Plan and Development Control Plan.
- Discussion Paper – Local Character Overlay (Attachment 2) explores a proposed approach to introducing local character overlays into the Standard Instrument Local Environmental Plan.

Council's draft submission (Attachment 3) supports the Local Character and Place Guideline and the provision of a new Local Character Overlay control for inclusion in Council's Northern Beaches Local Environmental Plan.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

- A. Notes the release of Local Character and Place Guidelines by the Department of Planning and Industry.
 - B. Approve the Northern Beaches Council submission to the Department of Planning and Industry Discussion Paper – Local Character Overlays contained in Council's Submission attached to this report.
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REPORT

BACKGROUND

Councils have undertaken the assessment of desired future character as part of the planning process in different forms for many years. The Warringah LEP 2000 was the first “place-based” LEP in NSW, containing “locality statements” for all identified localities in the Council area. Locality statements are contained in the Pittwater DCP and local character is identified in Manly through specific DCP provisions and through Heritage Conservation Areas in the Manly LEP 2013.

On 26 February 2019, the Department of Planning and Industry released “Local Character and Place Guidelines” (the Guidelines) and a “Discussion Paper – Local Character Overlays” (the Discussion Paper).

The Guidelines seek to elevate local character consideration in the NSW planning framework, making local character a key consideration in strategic planning for councils across NSW. The Guidelines provide a tool to better understand local character and to help councils incorporate local character assessment in future plan making.

The Guidelines

Part 1 of the Guidelines provide a framework for implementing local character considerations using the NSW planning system. Whilst regional and district plans are discussed, the Guidelines recognise that local government is ultimately best placed to influence and support local character.

A range of local mechanisms for integrating character in planning include the Integrated Planning and Reporting Framework (Community Strategic Plans), Local Strategic Planning Statements, Local Housing Strategies, LEPs, DCPs and Local Character Statements. Three specific approaches are discussed:

Approach 1 – Local Strategic Planning Statement driven: The LSPS identifies character areas and desired future character. The LEP would be drafted so that its zones, objectives and standards align with the LSPS. The DCP would be updated with detailed controls to achieve desired future character.

Approach 2 – LEP Overlay and Local Character Statement driven: While the strategic direction and broad character influences are identified in the LSPS, the preparation of stand alone local character statements would inform the LSPS and would be translated into LEP local character overlays, which map and identify character assessments and desired future character. The LEP local character overlays and LEP zones, objectives and standards would align to the local character statements. The DCP would also be updated with detailed controls to achieve desired future character.

Approach 3 – Development Control Plan driven: The detailed description of the character areas, their desired future character and detailed development controls are included in the DCP, aligned with the LSPS and LEP.

Parts 2 and 3 of the Guidelines provide a character assessment toolkit and guidance for integrating local character into a plan.

The Discussion Paper – Local Character Overlays

‘Local Character Overlays’ are defined as “a map layer and associated clause that could be introduced into an LEP which would identify character areas. This would provide a legal mechanism for requiring additional character assessments to be undertaken as part of a development application, provide alternative requirements, or could exclude certain areas from complying development” (Department of Planning and Environment, 2019).

The functions of an LEP map layer could be to identify the character area and the broad categorisation of an area's desired future character i.e. 'protect', 'enhance' or 'change'. Further, the mapping may also potentially trigger local variations or in exceptional circumstances, exclusions from statewide policy e.g. State Environmental Planning Policies (SEPPs). The Discussion Paper proposes a range of criteria and indicative information requirements for Council's that may seek variations or exclusions from statewide policy based on local character.

The provision of an LEP clause associated with the map overlay could have a range of functions as follows:

- require DA applicants to meet particular DCP controls within the character area
- require DA applicants to submit 'statements of consistency' with the desired future character and include consideration of such a statement in DA assessment
- identify local character requirements (to meet controls or lodge statement as above) for certain development proposals, and/or
- implement the LSPS, reflecting the community's future vision for an area.

SUBMISSION ON DISUSSION PAPER

The draft Submission (Attachment 3) to the Discussion Paper generally supports the proposed increased focus on the assessment of character in the strategic land use planning process.

The draft Submission supports Approach 2 as outlined in the Discussion Paper for incorporating local character into the planning process, that is, the proposed provision of Local Character Overlays or maps in an LEP with a supporting LEP provision. This approach is recommended to ensure that character assessment is given the same legal weight as other planning matters in the development application process.

The draft Submission also addresses a range of questions raised in the Discussion Paper and makes a number of other points:

- Local character overlays are a helpful tool in understanding the character of a place.
- Opportunities for identifying areas for local exclusions and variation to statewide policy are supported.
- The addition of LEP provisions for character would necessitate a review of DCP provisions to ensure consistency of those controls with future local character requirements.
- The submission of a 'statement of consistency' with local character by an applicant or consultant on behalf of the applicant is not sufficient to demonstrate compliance with local character requirements.
- Council's LEPs already adopt a wide variety of mapping overlays, with associated LEP clauses adopting a place-based planning approach, for example heritage conservation areas.
- The desired future character of a place may involve change, but not necessarily growth. There is more to change than just growth. For example, a place which may be attributed a characterisation of 'change' may involve shifts in how people live, work and recreate which may redefine the character of an area into the future but growth in the population of the place may be restrained for any number of environmental, social or economic reasons.

TIMING

The deadline for submissions on the Discussion Paper was 20 May 2019 however, an extension of time has been obtained from the Department of Planning and Industry to enable consideration of the matter by Council at the 28 May 2019 Council meeting.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Places for People Goal 7 - Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.

FINANCIAL CONSIDERATIONS

The Guidelines identify a range of economic features that shape the unique identity of an area such as the type of business, jobs, supply chains, and transport networks that assist in movement of goods and people.

SOCIAL CONSIDERATIONS

The Guidelines identify a range of social features that should be considered when identifying the local character of an area. Both the demographics of an area and the forecast demographic composition of a place provide important insights for the planning process.

ENVIRONMENTAL CONSIDERATIONS

The Guidelines recognise that the combination of natural and built environments and the interaction between these environments contributes to the local character of an area.

GOVERNANCE AND RISK CONSIDERATIONS

There are no Governance and Risk considerations associated with the reporting of Guidelines and consideration of proposed options for local character overlays. The Guidelines for local character and place will contribute positively to future land use planning under the Northern Beaches LEP and DCP.

ITEM 12.5	AMENDMENT TO WARRINGAH DEVELOPMENT CONTROL PLAN 2011 FOR ADAPTABLE HOUSING REQUIREMENTS
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/215348
ATTACHMENTS	1 ↓ Proposed Amendment to Warringah Development Control Plan 2011 2 ↓ Existing Development Control Plan Provisions for Adaptable Housing

SUMMARY

PURPOSE

To seek approval to exhibit draft amendments to Warringah Development Control Plan 2011 to address an action in Council's Disability Inclusion Action Plan. The proposed amendment seek to require the provision of 10% adaptable housing for new medium and high-density residential developments.

EXECUTIVE SUMMARY

Action FA2-15 of the Northern Beaches Council Disability Inclusion Action Plan, 2017 (DIAP) requires Council to 'make provision for 10% adaptable housing for new medium and high density residential developments'.

A Review of Councils' Development Control Plans (DCPs) identified that the Manly and Pittwater DCPs currently satisfy the DIAP requirements (requiring between 10% and 50% of adaptable housing depending on development type). The draft Dee Why Town Centre DCP, which proposes changes to Warringah DCP will also meet this standard, as it requires 10% adaptable housing.

The Warringah DCP 2011 does not currently have provisions for adaptable housing.

This Report recommends the introduction of a provision for 10% adaptable housing in all new medium and high-density residential developments under Warringah DCP 2011 (Attachment 1). It is noted that a more detailed review of all adaptable housing requirements in the LGA will be undertaken in the preparation of the Northern Beaches LEP and DCP, due in 2021.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

- A. Approve draft amendments to Warringah Development Control Plan 2011 to make provision for 10% adaptable housing for medium and high-density residential development as shown in Attachment 1 for public exhibition for at least 28 days.
 - B. Note that the draft amendments to Warringah Development Control Plan 2011 will be reported to Council following the public exhibition.
 - C. Delegate authority to the Chief Executive Officer to make any changes to the public exhibition of the draft amendments to Warringah Development Control Plan 2011 as a result of consideration of this report.
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REPORT

BACKGROUND

At its meeting on 27 June 2017, Council adopted the Northern Beaches Council Disability Inclusion Action Plan (DIAP) in accordance with legislative requirements of the Disability Inclusion Act NSW (2014). The broad aim of the plan is to develop and implement actions that will improve the lives of people living with disability. Council is required to report on its progress in meeting the actions in the DIAP in its Annual Report and provide details to the Minister for Disability Services and the Disability Council NSW.

Action FA2-15 of the DIAP, under the Plan's Focus Area – 'Creating Liveable Communities' states:

'Review and update Council's Development Control Plans to make provision for 10% adaptable housing for new medium and high density developments.'

The DIAP description of this above action notes that Council should aim for best practice in terms of adaptable housing provision for new medium and high-density developments. This action supports the following strategies in the DIAP:

Strategy FA2-9: Improve neighbourhood connectivity, suburb movement and access.

Strategy FA2-10: Council includes people with disability and/or relevant technical expertise in policy, strategic planning and advisory forums to assist.

Existing DCP Provisions for Adaptable Housing

Existing DCP provisions for adaptable housing vary across the LGA and the justification for those variations is unclear.

Manly and Pittwater DCPs currently satisfy the DIAP requirements (requiring between 10% and 50% of adaptable housing depending on development type). The draft Dee Why Town Centre DCP, which proposes changes to the Warringah DCP 2011, and commence in conjunction with the Dee Why Town Centre LEP, also meets this standard, requiring 10% adaptable housing.

However there are no provisions for adaptable housing in the Warringah DCP 2011.

In summary, the existing DCP provisions for Adaptable Housing in the LGA (Attachment 2) are as follows:

- Manly DCP 2013 paragraph 3.6.3.1: requires 25% of all residential development to be adaptable. The DCP clause also details certain building features that are to be included for adaptable housing e.g. continuous accessible path of travel, adaptable parking spaces, easy to use facilities and easy egress for emergency.
- Pittwater DCP 2013 part C1.9: requires adaptable housing at various rates based on development type, for example, Residential Flat Buildings and Shop Top Housing require 20%; Multi Dwelling Housing, Boarding Houses, Group Homes and Hostels require 50%. The DCP clause also details certain building features to comply with 'Class B' Australian Standard AS4299:1995, for example, all listed essential building features and 50% of listed desirable features and other provisions of the Liveable Housing Guideline (LHA, 2011).
- Draft changes to the Warringah DCP for the Dee Why Town Centre - Warringah DCP 2013 part G1 - section 5 (Dee Why Town Centre), require 10% adaptable dwellings for all residential development in Dee Why Town Centre. The DCP clause also details certain building features to comply with 'Class C' Australian Standard AS4299:1995 i.e. all listed essential building features.

PROPOSED AMENDMENT TO WARRINGAH DCP 2011 FOR ADAPTABLE HOUSING

The inclusion of adaptable housing requirements into Warringah DCP 2011 will ensure that all new medium and high-density residential developments across the Northern Beaches will provide for at least 10% adaptable housing.

The proposed amendments for adaptable housing for in the Warringah DCP 2011 are as follows:

Objective

- *To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.*

Requirement

- *Where a development comprises at least five (5) dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299.*

NOTE:

Evidence of compliance with the Adaptable Housing Class C requirements of AS 4299 shall be submitted when lodging a DA and certified by an experienced and qualified housing professional (e.g. Architect or Accredited Building Certifier).

Attachment 1 details the tracked changes and location of the proposed amendments to Warringah DCP 2011. The proposed amendment is consistent with provisions adopted in the DCP for Dee Why Town Centre and meets the DIAP action to 'Review and update Council's Development Control Plans to make provision for 10% adaptable housing for new medium and high density developments'.

A further review of the Adaptable Housing provisions will be undertaken in the drafting of the Northern Beaches DCP in the next two years.

CONSULTATION

The Review of DCP Adaptable Housing provisions has included consultations with Council's Community Development Team. The extent of consultation satisfies the DIAP (Strategy FA2-10).

The public exhibition of the draft amendments to the Warringah DCP will be in accordance with legislative requirements under the Environmental Planning and Assessment Regulation 2000 and Council's Engagement Strategy. This will include a public exhibition notified in the local newspaper and online engagement on Council's 'Have your Say' page.

TIMING

The DIAP requires Action FA2-15 to be finalised in year's three to four of the Plan. Consequently, this action is targeted for completion between June 2019 and June 2020.

Public exhibition of the draft amendments will be for a period of at least 28 days. Following the review and consideration of submissions a further report will be presented to Council to finalise the DCP amendments.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Places for People Goal 8 - Our neighbourhoods inspire interactions, inclusion and support health and wellbeing.

FINANCIAL CONSIDERATIONS

The proposed DCP amendments are operational matters for Council and there are no significant financial considerations.

SOCIAL CONSIDERATIONS

The proposed DCP amendments will support the health and wellbeing of our community, particularly seniors and people with a disability.

ENVIRONMENTAL CONSIDERATIONS

The adoption of updated DCP provisions will create greater certainty for the community, resulting in adaptable housing provisions for all medium and high-density residential development across the Northern Beaches.

GOVERNANCE AND RISK CONSIDERATIONS

The proposed DCP Amendments improve operational matters in alignment with the DIAP and particularly meeting Action FA2-15 of the DIAP, creating greater certainty for the community and Council staff, improving governance and reducing risk.

Proposed Amendments to Warringah Development Control Plan 2011

Insert additional text highlighted in red font and detailed below:

Part D - Design

D18 Accessibility and Adaptability

Applies to Land

This control applies to all development for

- non-residential purposes on land in relation to the Accessibility Requirements of this section
- residential purposes on land in relation to the Adaptability Requirements of this section

to which Warringah Local Environmental Plan 2011 applies.

Objectives

- To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.
- To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.
- To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.

Requirements

1. The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.
2. There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.
3. Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.
4. Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.
5. There is to be effective signage and sufficient illumination for people with a disability.
6. Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.

Note Australian Standard AS1428.4:2002 'Design for Access and Mobility Part 4: Tactile Indicators' applied at the time the DCP was adopted.

7. Access for people with a disability is to be provided at the main entrance to the development.
8. Development is to comply with Australian Standard AS1428.2.

Note: All applicants are reminded of their responsibilities under the Disability Discrimination Act 1992.

Note: The Residential Flat Design Code provides accessibility standards which are to be satisfied for residential flat building developments

9. Where a development comprises at least 5 dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299

Note: Evidence of compliance with the Adaptable Housing Class C requirements of AS 4299 shall be submitted when lodging a DA and certified by an experienced and qualified housing professional (e.g. Architect or Accredited Building Certifier)

10. Where a development comprises at least five (5) dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299.

Note: Evidence of compliance with the Adaptable Housing Class C requirements of AS 4299 shall be submitted when lodging a DA and certified by an experienced and qualified housing professional (e.g. Architect or Accredited Building Certifier).

Existing DCP Provisions for Adaptable Housing

- **A: Manly DCP 2013**
- **B: Pittwater DCP 2014**
- **C: Warringah DCP 2011 (Dee Why Town Centre only)**

A: Manly DCP 2013

Paragraph 3.6.3.1 Accessible (Adaptable) Accommodation Requirements

Access in accordance with AS4299 - Adaptable Housing must be provided to at least 25 percent of dwellings within residential accommodation containing 4 or more dwellings.

- a) The provision of any required Adaptable Housing need to be demonstrated in the DA drawings. In particular, the following building features are to be included for adaptable housing:
 - i) Provision of plans showing the dwelling in its pre-adaptation and post adaptation stages;
 - ii) A continuous accessible path of travel from the car space to and within the adaptable dwelling and to common facilities;
 - iii) Provision of an adaptable parking space of at least 3.8m wide;
 - iv) Circulation space to allow potential wheelchair manoeuvrability externally and internally;
 - v) Modular kitchen cabinetry;
 - vi) Easily adjustable bathroom facilities;
 - vii) Easy to use laundry facilities;
 - viii) Easy use of Garbage facilities by mobility impaired residents; and
 - ix) Easy egress in case of emergency.
- b) Council's DA determination may condition that the required adaptable units be certified to meet the essential design elements listed in Australian Standard - AS4299. In this regard, applicants will need to submit sufficient design and construction details with the DA that demonstrate that the development is capable of satisfying future levels of access - post adaptation to meet access requirements including full wheelchair accessibility.
- c) In relation to Backpackers' Accommodation at least 1 room capable of accommodating 4 people should be adaptable for access to a person with a disability. Kitchen facilities should also be capable of being used by a person with a disability. Toilet and shower rooms should be provided of suitable design and dimension to allow ease of use by a person with a disability as required by Australian Standard - AS 1482

B: Pittwater DCP 2014

Part C1.9 Adaptable Housing and Accessibility

Outcomes

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing.

All members of the community enjoy equitable access to buildings to which the general public have access.

Housing for Seniors or People with a Disability is accessible, adaptable and safe.

Equitable access in the public domain.

Controls - Adaptable Housing

The design of residential development shall meet the criteria of Australian Standard AS 4299:1995 Adaptable Housing as follows:

Development	Percentage of adaptable units (rounded up)	Minimum class under AS 4299:1995
Multi Dwelling Housing, Boarding Houses, Group Homes and Hostels, excluding those in Warriewood Valley	50%	Class B
Residential Flat Buildings, Shop Top housing and Mixed Use developments comprising residential accommodation.	20%	Silver level of the <i>Liveable Housing Guideline</i> .
Residential development in Warriewood Valley not elsewhere identified in this table.	25%	Class B
Seniors Living	100%	Per the requirements of the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>

The development application must be accompanied by certification from an accredited access consultant confirming that the nominated adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 4299:1995

C: Warringah DCP 2011 (Dee Why Town Centre only)

Part G1 – Section 5 Design and Architectural Diversity – Housing – Paragraph 4*

Where a development comprises at least 5 dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299. Evidence of compliance with the Adaptable Housing Class C requirements of AS 4299 shall be submitted when lodging a DA and certified by an experienced and qualified housing professional (e.g. Architect or Accredited Building Certifier)

*Note: the above provision for Warringah DCP 2011 was adopted by Council at its Ordinary Meeting on 26 February 2019 but is are not due to commence until the Amending LEP for Dee Why Town Centre is published. This provisions for Dee Why is identical to the proposed provision to apply for all medium and high density residential development under Warringah DCP 2011.

ITEM 12.6	ADOPTION OF THE MOVEABLE HERITAGE MANAGEMENT POLICY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/124081
ATTACHMENTS	1 Moveable Heritage Management Policy (Included In Attachments Booklet 4) 2 Summary of Submissions (Included In Attachments Booklet 4)

SUMMARY

PURPOSE

To provide feedback to Council following the public exhibition of the draft Moveable Heritage Management Policy (Attachment 1) and recommend that Council adopt the Policy as amended following public exhibition.

EXECUTIVE SUMMARY

At the Council meeting of 19 December 2017, Council resolved to prepare a Moveable Heritage Management Policy (the Policy).

A draft Moveable Heritage Management Policy was prepared and considered by Council on 17 April 2018. Council at that meeting resolved as follows:

- A. *Council place the draft Moveable Heritage Management Policy on public exhibition for a period of 28 days inviting submissions.*
- B. *Council consult with relevant business units and the Places for People Strategic Reference Group.*
- C. *Council report back following the completion of public exhibition and internal consultation.*

The draft Policy was exhibited for 28 days from 26 May 2018 to 22 June 2018. Nine submissions were received during the exhibition period suggesting amendments to the draft Policy. The draft Policy was presented to the Places for People Strategic Reference Group meeting on 13 September 2018.

Following the consideration of public submissions received from the Manly, Warringah, Pittwater Historical Society and community members, minor amendments have been made to the Policy.

The revised draft Policy is now reported back to Council for adoption.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council adopt the Moveable Heritage Management Policy as shown in the attached Moveable Heritage Management Policy.

REPORT

BACKGROUND

Council at the meeting on 19 December 2017 considered a Notice of Motion on Moveable Heritage and resolved to prepare a draft Moveable Heritage Management Policy.

The Moveable Heritage Management Policy was reported to Council on 17 April 2018, and Council resolved that:

- A. *Council place the draft Moveable Heritage Management Policy on public exhibition for a period of 28 days inviting submissions.*
- B. *Council consult with relevant business units and the Places for People Strategic Reference Group.*
- C. *Council report back following completion of public exhibition and internal consultation.*

This report provides feedback to Council following the public exhibition of the draft Moveable Heritage Management Policy (the Policy) and recommends that Council adopt the Policy as amended.

What is Moveable Heritage?

Moveable heritage is defined by the NSW Heritage Office as '*any natural or manufactured object of heritage significance, but excludes archaeological relics found underground or underwater.*'

Moveable heritage by its nature is not fixed or attached to land. As a result, moveable heritage consists of objects that can be moved and are highly portable.

The custodians of moveable heritage include private individuals, community organisations as well as all levels of government.

Like other types of heritage, moveable heritage can provide historical information about an area, its development and the people and their stories who have been integral to the development of an area. As a result, moveable heritage can cover a wide range of objects and collections, ranging from physical objects (e.g. furniture, honour boards, medals etc.) through to collections of photographs, documents, maps, paintings etc.

Who is responsible?

Everyone in the community is responsible for preserving and protecting important moveable items of heritage significance.

Specifically, Council has a responsibility to identify, protect and manage the heritage of its local area. The collection and management of moveable heritage of significance is not covered by any specific legislation. It is a matter for Council's to decide how they want to manage moveable heritage.

Relationship to draft Collections Management and Gift Policy

In late 2018, Council commenced preparation of a draft Northern Beaches Collection Management and Gifts Policy (the Collection Policy). The Policy was designed to guide decision making processes around collection development, acquisitions, preservation and care, access and de-accessioning, across all sections of Council. As a result, the Moveable Heritage Management Policy needs to be consistent with the intentions and requirements of the draft Collections Management and Gifts Policy.

The draft Policy was considered by Council at its meeting of 27 November 2018 and was placed on public exhibition from 30 November 2018 to 19 January 2019. The draft Northern Beaches Collection Management and Gifts Policy and draft Public Art Policy (exhibited at the same time) are also presented to Council for adoption in this agenda under Item 10.1.

The Moveable Heritage Management Policy will work together with the Collection Policy, once adopted. Many existing objects of moveable heritage are held in existing sub-collections (e.g. Local Studies Collection; Manly Art Gallery & Museum Collection etc.) and their management will be guided by the Collection Policy, once adopted.

During the exhibition nine submissions were received, a Summary of Submissions is provided in Attachment 2.

Generally, the submissions were supportive of the draft Policy, however some submissions raised concerns around the scope of the Policy, including:

Submission	Responses
<i>The Policy should extend beyond Council possessions and include privately held items and collections.</i>	This matter is included in the Policy, with a first priority for recording objects in Council ownership.
<i>The Policy was limited to 3D moveable objects and didn't include paper-based items.</i>	The Policy is not restricted to 3D objects, however wording changes have been made to the Policy to clarify that it applies to all types of moveable heritage objects.
<i>The Policy should include reference to 'places and people' in the definition of moveable heritage.</i>	The definition adopted in the Policy is the NSW Heritage Office definition and the connection with 'people and places' is recognised by the Principles included within the Policy, which were issued by the NSW Heritage Office.
<i>The Policy should include preservation and conservation of items.</i>	This is more appropriately dealt with in the future Northern Beaches Heritage Strategy.
<i>The Policy should include guidelines to assist and encourage non-Council parties and owners to identify potential items of moveable heritage they own, record their details and manage their preservation.</i>	The Policy principles already recognise that education of the community is important to assist in the conservation of items in private ownership.
<i>Council storage facility is important.</i>	This matter is recognised in the Policy.

Proposed amendments to draft Policy

As a result of public exhibition and internal consultation, a number of changes have been made to the wording of the draft Policy, namely:

Definitions - wording has been changed to more clearly define what objects are classified as movable heritage, in doing so, making it clear that the Policy does not only apply to 3D objects. Also wording to explain why moveable heritage uses the term *object* rather than *item*, to clarify the use of the word *object*, in this Policy.

Establishment of Moveable Heritage Register – wording has been changed to clarify that the Register will apply to all objects of movable heritage, not just Council owned, even though the initial focus of the register will be recording objects in Council ownership.

Relationship to Collection Management Policy – new section added to Policy to recognise the relationship of this Policy to the Collection Management Policy.

On-going Management of Register – wording changed to recognise opportunities for the use of volunteers to assist in documentation and addition of movable heritage objects onto the Register.

The final Policy can be seen as per attached Moveable Heritage Management Policy.

CONSULTATION

The draft Moveable Heritage Management Policy was exhibited for 28 days from 26 May 2018 to 22 June 2018. Key stakeholders, such as the Manly, Warringah, Pittwater Historical Society were also invited to comment on the draft Policy. Submissions received and subsequent responses are included in the attached Summary of Submissions.

Consultation with Places for People Strategic Reference Group

The draft Policy was presented to the Places for People Strategic Reference Group (SRG) meeting on 13 September 2018 for its information and feedback. The Group was advised that Council was preparing an overarching Collection Management Policy and that finalisation of the Moveable Heritage Management Policy should be aligned with the Collection Management Policy to ensure consistency. At the same meeting, the SRG was briefed on the Northern Beaches Thematic History project and advised of the relationships between the two projects.

Internal Consultation

Internal consultation with other business units of Council was initially undertaken during preparation of the draft Policy and the Library (Local Studies) were notified of the exhibition of the draft Policy. Given the time elapsed since exhibition, the Local Studies team have recently been contacted again for comment.

It is understood that the Library will be implementing a new Collections Management system over the next 12 months and this software can be used for the establishment of the Moveable Heritage Register, which is the first priority of the Moveable Heritage Management Policy.

Consultation has also occurred with Council's Business Performance team, in relation to their draft Northern Beaches Collection Management and Gifts Policy. The Moveable Heritage Management Policy is consistent with the adopted principles and guidelines within the draft Northern Beaches Collection Management and Gifts Policy.

TIMING

The Policy will come into effect following adoption.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Community Belonging - Goal 12 Strategy (d) - Our community is friendly and supportive and value and celebrate our diverse heritage and cultural differences.

FINANCIAL CONSIDERATIONS

The endorsement and implementation of the Policy will present a range of short term and ongoing resourcing considerations including:

- Staff resources required to implement the Policy, including the establishment of the Moveable Heritage Register, data entry into the on-line management system and the investigation and research of existing items and future donations. This can be absorbed by current staff resources in the Strategic and Place Planning Team.
- Small budget allocation of funds on an annual basis to purchase Moveable Heritage objects/items as outlined in the Policy. There is no specific budget allocation in the draft 2019/20 budget. However, this can be included as a quarterly budget review when required.

Furthermore, long term consideration for the storage of Moveable Heritage objects and items will need to be considered and investigated, as there is no consolidated site within Council suitable or appropriate for this purpose.

A request for funding in the investigation of storage option for the long term housing and display of Council owned Moveable Heritage objects/ items will be made through the 2020/21 budget process.

SOCIAL CONSIDERATIONS

Objects of moveable heritage can provide a link with the history and development of an area. The Policy will ensure that important links with the past will be retained for future generations.

ENVIRONMENTAL CONSIDERATIONS

There are no relevant environmental considerations.

GOVERNANCE AND RISK CONSIDERATIONS

The adoption of a policy will provide an appropriate framework to guide the management of moveable heritage into the future.

ITEM 12.7	OUTCOME OF PUBLIC EXHIBITION - DRAFT VOLUNTARY PLANNING AGREEMENT FOR 9, 11, 12 & 13 FERN CREEK ROAD, WARRIEWOOD
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/201296
ATTACHMENTS	<ol style="list-style-type: none"> 1 Council Concept - Sector 8 & 9 Open Space Masterplan (Included In Attachments Booklet 4) 2 Memorandum of Understanding and Deed of Agreement (Included In Attachments Booklet 4) 3 Draft Voluntary Planning Agreement (Included In Attachments Booklet 4) 4 Probity Audit Report (Included In Attachments Booklet 4) 5 Proposed Plan of Subdivision (Included In Attachments Booklet 4)

SUMMARY

PURPOSE

To inform Council of the outcomes of the public exhibition of the draft Voluntary Planning Agreement for 9, 11, 12 and 13 Fern Creek Road, Warriewood and seek Council's resolution to provide delegation to the Chief Executive Officer to execute the Voluntary Planning Agreement.

EXECUTIVE SUMMARY

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

In 2013, Frasers Property Limited (Frasers) as the owner of adjoining land parcels 11, 12 & 13 Fern Creek Road presented a land swap proposal to Council to facilitate the achievement of the preferred open space layout on the south side of Fern Creek and provide for the development of the owner's landholdings. A period of consultation followed with adjoining land owners and the Warriewood Valley Residents Association. From this consultation, the Council agreed to a park layout on 18 May 2015, being Council Concept – Sector 8 & 9 Open Space Masterplan (Attachment 1) and authorised the General Manager to commence negotiations with Frasers. This was formalised via a Memorandum of Understanding (MOU) and Deed of Agreement (Attachment 2) that was executed following the Council decision on 19 March 2016. The Deed of Agreement represents the final agreed position between the two parties and has attached the agreed land swap plan referred to as Annexure A.

At its meeting of 19 December 2017, Council resolved to progress a Planning Proposal (PP0002/16) to rezone the subject properties to enable the creation of the southern half of the planned Central Local Park in the Warriewood Valley Release Area, and to enable the development of the remaining land in an orderly and economic manner for housing. Commercial negotiations to deliver the Central Local Park resulted in adjustments to the zoning boundaries within 9, 11, 12, 13 Fern Creek Road, and the allocation of an amended dwelling yield to the subject properties. These changes to Pittwater Local Environmental Plan 2014 came into effect on 20 April 2018 when they were published on the NSW legislation website.

On 12 October 2018, GLN Planning on behalf of Council's Property Team and Frasers lodged a draft Voluntary Planning Agreement (VPA) with Council. The draft VPA seeks to deliver the infrastructure obligations of each party in accordance with the executed Deed of Agreement following the rezoning of the subject lands. Minor changes were made to the draft VPA following a legal review initiated as part of the assessment of the draft VPA.

The amended draft VPA and supporting documentation were publicly exhibited for 28 days in accordance with the provisions of the *Environmental Planning & Assessment Regulation 2000* and Council's resolution of 26 February 2019. Three submissions were received during the exhibition period. The issues raised in these submissions are addressed later in this report (Table 1). No changes were made to the exhibited draft VPA following the public exhibition.

The Voluntary Planning Agreement (Attachment 3) is now presented to Council for finalisation. Procure Group was engaged in an oversight capacity, in relation to the assessment of the draft VPA including assessment of submissions from the exhibition phase. Procure Group has updated its Probity Audit Report (Attachment 4) to account for the public exhibition phase, and concludes that correct probity processes have been followed throughout this process.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

- A. Note the outcomes of the public exhibition of the draft Voluntary Planning Agreement.
 - B. Agree to enter into the Voluntary Planning Agreement to facilitate the land swap to deliver the southern half of the Central Local Park.
 - C. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
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REPORT

BACKGROUND

In accordance with the Memorandum of Understanding (MOU) and the Deed of Agreement (Deed) that mandated the terms of a land swap agreement, the draft VPA has been prepared to facilitate the expansion of the planned Central Local Park as well as allowing the development of the remaining land in an orderly and economic manner for housing.

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

Council consulted other adjoining landowners and the Warriewood Residents Association prior to making its decision on the proposition. This consultation resulted in a concept plan for the land swap being endorsed by Council on 18 May 2015, including authorisation for the General Manager to commence negotiations with Frasers. The MOU signed by Council's General Manager on 29 September 2015 and signed by Frasers General Manager on 1 October 2015, identifies details of the areas of land to be swapped and retained by the parties. The proposed terms of the MOU was ratified by Council on 19 March 2016, and Council's General Manager was authorised to sign the Deed. A locality plan showing the land swap arrangements is shown in Figure 1 below.

Figure 1 – Locality Plan



The Deed, signed by the parties on 29 March 2016, contains details of the provision of infrastructure such as extension to Fern Creek Road, a new east-west road, stormwater infrastructure and undergrounding the high voltage power lines. This Deed represents the final agreed position of Council and Frasers Property, with the agreed obligations stipulated under parts 3 and 4 of the Deed. The draft VPA is, after the subject lands being rezoned in April 2018, the statutory mechanism that brings the land swap agreement (as reflected in the executed Deed) to fruition.

It is understood that a subdivision to create 7 'superlots' is being progressed via Exempt Development provisions. This subdivision will facilitate the creation of the new allotments to be transferred between Council and Frasers. The Plan of Subdivision (Attachment 5) being progressed by the applicant on behalf of both parties does not involve construction or earthworks as a prerequisite of this subdivision, and is due to be registered with the NSW Land Registry Services following the execution of the VPA.

CONSULTATION

The draft VPA, draft Explanatory Note, signed MOU and Deed of Agreement, Proposed Plan of Subdivision, and the Probity Report dated 30 January 2019 were publicly exhibited for 28 days from 2 March 2019 to 31 March 2019 in accordance with the provisions of the *Environmental Planning & Assessment Regulation 2000* and Council's resolution of 26 February 2019.

During the exhibition period 202 people viewed the Have Your Say page on Council's website, the documents were downloaded 21 times, and three submissions were received. The issues raised in these submissions are addressed in Table 1 below.

Table 1 – Response to Submissions

Submission	Issue	Response
1	<i>"Does the draft VPA propose any changes that have not already been agreed by Council?"</i>	The executed Deed of Agreement (Deed) signed by Frasers and Council on 19 April 2016 identifies the infrastructure to be delivered by both parties. There are no changes to the infrastructure between the Deed and the exhibited draft VPA.
2	<i>"There is no mention of effects on stormwater and flood mitigation. Development will result in additional water channelled into Fern Creek and could impact downstream properties."</i>	The construction of stormwater infrastructure is identified in the draft VPA. The draft VPA identifies that Frasers Property will construct stormwater infrastructure within Fern Creek Road and Council will construct the section of stormwater infrastructure between Fern Creek Road and Fern Creek (across the future park). Any development on the future Frasers Property land will need to comply with Council's planning controls and policies. All development must address the Warriewood Valley Water Management Specification (the Specification). This policy addresses all aspects of water cycle management including water balance, watercourse and floodplain management. Any future development on this site will need to demonstrate appropriate stormwater management options in accordance with the Specification to ensure no adverse flooding or stormwater impacts to adjoining properties.

3	Can the draft VPA “be adjusted to include a greater component of green infrastructure”.	<p>A VPA is the legal instrument that facilitates dedication of land free of cost, a monetary contribution, or provides any other material public benefit to be applied towards a public purpose.</p> <p>An agreed list of infrastructure obligations is contained in the executed Deed signed by both parties on 19 April 2016. These agreed obligations are reflected in the draft VPA.</p> <p>Green infrastructure such as stormwater management facilities, creekline corridors and the cycleway network are not part of the Deed or the Draft VPA.</p> <p>The specific green infrastructure is being funded and delivered in Warriewood Valley via the <i>Warriewood Valley Development Contributions Plan Amendment 16 Revision 3</i>.</p>
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The issues raised during the public exhibition are minor in nature. No changes were made to the VPA post exhibition.

Next Steps

It is recommended that Council delegate authority to the Chief Executive Officer to execute the VPA on Council's behalf.

Once the VPA is signed and executed by all parties, the VPA is placed on the title of each subject property. This will ensure that the infrastructure obligations in the VPA are binding on any future owners of the Frasers land. The registration of the VPA on the subject lands satisfies the conditions precedent in the Deed and facilitates the land swap.

TIMING

If agreed by Council and appropriate delegation is provided to the Chief Executive Officer, the execution of the VPA and the land swap can occur shortly thereafter.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan outcomes of Places for People:

- Goal 7 - Our urban planning reflects is the unique character of our villages and natural environment and is responsive to the evolving needs of our community.
- Goal 8 - Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Goal 9 - Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

FINANCIAL CONSIDERATIONS

The VPA nominates that Council will construct the stormwater infrastructure (underground stormwater pipe) between the Fern Creek Road extension and Fern Creek, and the undergrounding of the 33kV powerlines (based on 50:50 funding by Council and Frasers). These items are included in the design and cost for the construction of the southern half of the Central Local Park. The Central Local Park is listed in the *Warriewood Valley Development Contributions Plan Amendment 16 Revision 3*.

All money to be gained by Council as a result of the land swap agreement will be returned to the Warriewood Valley contributions reserves as Council used contributions to purchase 9 Fern Creek Road.

The money will, in effect, be used to forward fund the embellishment works associated with the southern part of the Central Local Park. These works are in the Draft Delivery Program 2019-2023 (currently on exhibition).

SOCIAL CONSIDERATIONS

The VPA identifies which party is responsible for delivery of infrastructure that, in turn, will facilitate orderly development of this remaining undeveloped land in the release area. It facilitates the delivery of the southern half of the Central Local Park, improving the utility and design of the passive open space layout to deliver a large linear shaped open space area spanning both sides of Fern Creek. This will encourage social activities/interactions; assists in fostering a sense of community identity; enhance existing public space and recreation networks for the benefit of future generations and improve the quality of public space through upgrading and managing existing networks.

Additionally, the enabling infrastructure associated with this VPA facilitates access connections to serviceable residential land that can be developed for housing.

Progressing the VPA is in the public interest.

ENVIRONMENTAL CONSIDERATIONS

The VPA is the statutory mechanism for delivery of infrastructure by both parties.

The design and assessment of the infrastructure is subject of a future development application to be lodged with Council for its assessment and subsequent determination. In regard to infrastructure delivered by Council, an environmental assessment will be undertaken in accordance with legislative requirements and any environmental impacts will be mitigated during construction. Any future development on the Frasers land will be required to comply with Council's existing planning controls. Environmental impacts will be considered during the assessment of a development application and will be mitigated during construction.

GOVERNANCE AND RISK CONSIDERATIONS

External probity specialists were engaged in an oversight capacity and to undertake a probity audit in relation to the assessment of the draft VPA including assessment of submissions from the exhibition phase. Procure Group has updated its Probity Audit Report to account for the public exhibition phase, and concludes that correct probity processes have been followed throughout this process.

ITEM 12.8	PITTWATER WATERWAY STRATEGY (2038)
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2019/009134
ATTACHMENTS	1 ⇒ Pittwater Waterway Strategy (2038) (Included In Attachments Booklet 4) 2 ⇒ Summary of Submissions (Included In Attachments Booklet 4)

EXECUTIVE SUMMARY

PURPOSE

To update Council in relation to the outcome of the community engagement process and to seek Council's endorsement to adopt the Pittwater Waterway Strategy 2038.

SUMMARY

At its meeting of 27 November 2018 Council resolved to place the Pittwater Waterway Strategy 2038 (Draft) on public exhibition for a period of eight weeks. The public exhibition period commenced on 8 December 2018 and closed on 3 February 2019.

The Pittwater Waterway Strategy 2038 (the Strategy) (Attachment 1) sets the strategic framework to guide future planning directions, decisions and actions associated with the Pittwater waterway. The future of Pittwater waterway is captured by the community vision:

"A place of natural wonder and beauty. It will be a place that balances the majesty of nature with vibrant and diverse activity. A place for all to enjoy".

The vision will be realised by focusing on the following themes:

- Economics of the waterway
- Natural environment
- Natural reserves and recreation
- Development of the waterway
- Activating the waterway
- Waterway regulation.

47 submissions were received during exhibition. Based on the feedback received 9 amendments are being made to the Pittwater Waterway Strategy.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council adopt the Pittwater Waterway Strategy 2038 and endorse its implementation to sustainably manage the Pittwater Waterway over the next 20 years.

REPORT

BACKGROUND

At its meeting of 5 August 2013, the former Pittwater Council resolved, "That Council undertake a strategic review of the land use planning provisions relating to the Pittwater waterway..."

The Pittwater Waterway Review commenced in July 2015 in partnership with Transport for NSW. A Demographic & Economic Study was commissioned and extensive stakeholder and community consultation was undertaken in 2015 and 2016.

Feedback from the community was clear that the Pittwater waterway is an important natural asset that is highly valued and faces increasing demand pressures.

In response, Council developed The Pittwater Waterway Review Stage 1 - Discussion Paper (The Discussion Paper) to facilitate discussion on key issues affecting the waterway with our community. The Discussion Paper outlined the community vision for the waterway.

"A place of natural wonder and beauty. It will be a place that balances the majesty of nature with vibrant and diverse activity. A place for all to enjoy".

The vision is to be achieved through focusing on the following themes:

- The Economics of the waterway
- Natural Environment
- Natural reserves and recreation
- Development of the waterway
- Activating the waterway
- Waterway regulation.

The themes within the Discussion Paper guided and directed community discussion on the key issues and suggested strategies identified during initial community and stakeholder consultation. The Discussion Paper was exhibited for 6 weeks from 1 April to 14 May 2017 with the feedback from the exhibition being reported to Council on 27 June 2017. More than 140 people attended the community engagement events and 64 submissions were received from State Government agencies, key stakeholders and the wider community.

Importantly, this feedback was used to inform the Pittwater Waterway Strategy 2038. The Strategy sets the strategic framework for future planning and decision making over the next 20 years. The Strategy will guide and inform future directions, decisions and actions associated with the Pittwater waterway.

At its meeting of 27 November 2018 Council resolved to place the Pittwater Waterway Strategy 2038 (Draft) on public exhibition for a period of eight weeks. The public exhibition period commenced on 8 December 2018 and closed on 3 February 2019.

The Pittwater Waterway Strategy 2038 (the Strategy) is the second and final phase of the Pittwater Waterway Review prior to implementation.

The Pittwater waterway is iconic and one of the Northern Beaches' most significant natural assets. It fundamentally embodies the spirit and character of the Northern Beaches and makes the area such a beautiful place to live, work and visit.

The Pittwater Waterway Strategy 2038 is our vision for a place that balances the majesty of nature with vibrant and diverse activity. It outlines key future strategy directions regarding how we sustainably manage the Pittwater waterway.

Our approach is to try to balance the array of diverse and competing pressures ranging from varied recreational use and the demand to increase boat storage, to valuing our delicate estuarine habitats and outstanding environmental setting.

This strategy is a non-statutory guiding document structured on six themes, with each theme having key strategies and directions.

CONSULTATION

The public exhibition period for the Pittwater Waterway Strategy 2038 was from 8 December 2018 to 3 February 2019. Community and stakeholder input captured during the public exhibition provided valuable information and feedback to ensure that Council can sustainably manage the Pittwater Waterway in the next 20 years through the implementation of this Strategy. A summary of submissions received is provided in Attachment 2.

Community and stakeholder input was sought through a range of online and face-to-face engagement methods, including:

- 611 downloads of documents related to the Pittwater Waterway Strategy 2038 (Draft).
- 65 attendees at pop-up sessions.
- 47 written submissions.
- Stakeholder meetings.
- Council News electronic articles, and adverts in the Manly Daily.

Amendments to The Pittwater Waterway Strategy

The following nine amendment have been made to The Strategy:

- Page 10: Reference Number 5 corrected
- Page 11: Attribution added to pie graph
- Page 12: Graph removed
- Page 13: Graph amended with correct mooring numbers
- Page 24: Direction 6 amended to add "... a comprehensive management plan for The Basin in conjunction with Transport for New South Wales and Roads and Maritime Services'
- Page 28: Strategy 4 wording amended from bush care to bush regeneration
- Page 28: Strategy 5 wording amended to "Improve environmental protection with long term-strategic planning and development controls"
- Page 44: Direction 5 wording amended to "... An Additional Permitted Use for Avalon Sailing Club and BYRA for Community Facilities ..."
- Page 44: Direction 7 wording amended from 'now wash zone' to 'low wash zone'.

TIMING

Once adopted, work will commence to deliver the Pittwater Waterway Strategy 2038.

LINK TO COUNCIL STRATEGY

This report relates to the following Community Strategic Plan Outcomes:

Protection of the Environment

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

Places for People

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

Vibrant Local Economy

- Goal 15 – Our centres attract a diverse range of businesses providing opportunities for work, education, leisure and social life.

Transport, Infrastructure and Connectivity

- Goal 16 – Our integrated transport networks meet the needs of our community.
- Goal 17 – Our community can safely and efficiently travel within and beyond Northern Beaches.

FINANCIAL CONSIDERATIONS

The Strategy contains actions that will have financial implications on Council's business units to ensure delivery of the Strategy over the next 20 years in accordance with the implementation plan. Numerous identified projects have already commenced or are identified in existing business plans such as additional boat and kayak storage, upgrades to wharves and proposed changes to planning controls. The Strategy also contains actions that will require financial input from the State Government and are to be delivered through ongoing conversations and lobbying with relevant State Government Agencies.

SOCIAL CONSIDERATIONS

The vision and strategy objectives all have strong social considerations and delivery of the Strategy will bring about significant social benefits to the community such as our objective of providing a range of diverse opportunities to access, use and enjoy the waterway.

ENVIRONMENTAL CONSIDERATIONS

The adoption of the Pittwater Waterway Strategy 2038 will have benefits from an ecologically sustainable development and environmental perspectives as it seeks to balance the vast array of competing demand pressures facing the waterway. The Strategy also includes recommendations for amending the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Pittwater

Development Control Plan (DCP 21) to balance the competing demand pressures identified as a driver of this Review and from the feedback received from key stakeholders and the community.

Given the expected time required to complete the Local Strategic Planning Statements and new Northern Beaches Local Environmental Plan some amendments to the PLEP 2014 and DCP 21 will have to occur prior to their finalization and gazettal.

GOVERNANCE AND RISK CONSIDERATIONS

Although the Strategy is not a statutory document, it will provide a clear strategic framework to direct future Council actions to assist in delivering the community vision for the Pittwater waterway.

ITEM 12.9	REPORTING VARIATION TO DEVELOPMENT STANDARDS - SEPP1 - DEVELOPMENT STANDARD AND CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS
REPORTING MANAGER	EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT
TRIM FILE REF	2019/205628
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To report to Council the variations to development standards granted under State Environmental Planning Policy No. 1 – Development Standards (SEPP1) or under Clause 4.6 of the Manly Local Environmental Plan (MLEP 2013), Pittwater Local Environmental Plan (PLEP 2014) and Warringah Local Environmental Plan (WLEP 2011), as required by the NSW Department of Planning and Environment.

EXECUTIVE SUMMARY

During the period of 1 January 2019 to 31 March 2019, the following variations were granted:

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

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council notes the development applications granted for approval with variations to development standards during the period of 1 January 2019 to 31 March 2019.

REPORT

BACKGROUND

The following tables show all variations granted during the period under each planning instrument and by determination (i.e. staff under delegation or by a determination panel). The independent external panels include the Northern Beaches Local Planning Panel (NBLPP) and the Sydney North Planning Panel (SNPP). The internal determination panel is the Development Determination Panel (DDP).

SEPP 1 Variations Granted under PLEP2014

No SEPP1 variations were granted during the period of 1 January 2019 to 31 March 2019.

Clause 4.6 Variations Granted under the PLEP2014

The following applications had a Clause 4.6 variation granted during the period of 1 January 2019 to 31 March 2019.

App. No.	Address	Category of Development	Clause 4.6 Development Standard	% of variation	Determined by
DA2018/0737	24 Kananook Avenue BAYVIEW	Residential - New second occupancy	4.3 Height of buildings	9.50%	Delegated Authority
DA2018/1291	113 Pacific Road PALM BEACH	Residential - Alterations and additions	4.3 Height of buildings	9.70%	Delegated Authority
DA2018/1462	42 Riverview Road AVALON BEACH	Residential - Alterations and additions	4.3 Height of buildings	1.60%	Delegated Authority
DA2018/1651	2177 Pittwater Road CHURCH POINT	Residential - Single new detached dwelling	4.3 Height of buildings	9.10%	Delegated Authority
DA2018/1679	7 The Outlook BILGOLA PLATEAU	Residential - Alterations and additions	4.3 Height of buildings	4.50%	Delegated Authority
DA2018/1916	147 Queens Parade NEWPORT	Residential - Alterations and additions	4.3 Height of buildings	9.90%	Delegated Authority
DA2018/1935	47-49 Elanora Road ELANORA HEIGHTS	Residential - Alterations and additions	4.3 Height of buildings	4.50%	Delegated Authority
DA2018/1965	166 Prince Alfred Parade NEWPORT	Residential - Alterations and additions	4.3 Height of buildings	9.88%	Delegated Authority

SEPP 1 Variations Granted under the MLEP2013

No SEPP1 variations were granted during the period of 1 January 2019 to 31 March 2019.

Clause 4.6 Variations Granted under the MLEP2013

The following applications had a Clause 4.6 variation granted during the period of 1 January 2019 to 31 March 2019.

App. No.	Address	Category of Development	Clause 4.6 Development Standard	% of variation	Determined by
DA2018/1077	1 A Panorama Parade SEAFORTH	Residential - Alterations and additions	4.4 Floor space ratio	8.40%	Delegated Authority
DA2018/1312	19 Tutus Street BALGOWLAH HEIGHTS	Residential - Single new detached dwelling	4.3 Height of buildings	10%	DDP
DA2018/1519	3 / 15 Cliff Street MANLY	Residential - Alterations and additions	4.3 Height of buildings and 4.4 Floor space ratio	7.4% 8.85%	Delegated Authority
DA2018/1563	76 Woodland Street BALGOWLAH HEIGHTS	Residential - Alterations and additions	4.3 Height of buildings	1.10%	Delegated Authority
DA2018/1599	124 Woodland Street BALGOWLAH	Residential - Alterations and additions	4.4 Floor space ratio	30.70%	DDP
DA2018/1615	30 Alma Street CLONTARF	Residential - Alterations and additions	4.3 Height of buildings	13.27%	DDP
DA2018/1640	18 Magarra Place SEAFORTH	Residential - Alterations and additions	4.3 Height of buildings	4.60%	Delegated Authority
DA2018/1703	2 Panorama Parade SEAFORTH	Residential - Alterations and additions	4.3 Height of buildings	18.70%	DDP
DA2018/1768	8 Allenby Street CLONTARF	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	5.8% 8.80%	Delegated Authority
DA2018/1770	13 Peronne Avenue CLONTARF	Residential - Alterations and additions	4.3 Height of buildings	16.47%	DDP
DA2018/1831	3 / 3 Oyama Avenue MANLY	Residential - Alterations and additions	4.3 Height of buildings	49.50%	NBLPP
DA2018/1847	7 North Harbour Street BALGOWLAH	Residential - Single new detached dwelling	4.3 Height of buildings	20%	DDP
DA2018/1884	94 Griffiths Street FAIRLIGHT	Residential - New second occupancy	4.3 Height of buildings	3.50%	Delegated Authority
DA2018/1888	13 Beatrice Street CLONTARF	Residential - Alterations and additions	4.3 Height of buildings 4.4 Floor space ratio	8.2% 19.9%	DDP

SEPP 1 Variations Granted under the WLEP2011

No SEPP1 variations were granted during the period of 1 January 2019 to 31 March 2019

Clause 4.6 Variations Granted under the WLEP2011

The following applications had a Clause 4.6 variation granted during the period of 1 January 2019 to 31 March 2019.

App. No.	Address	Category of Development	Clause 4.6 Development Standard	% of variation	Determined by
DA2018/0635	19 Mary Street BEACON HILL	Residential - Alterations and additions	4.3 Height of buildings	9.40%	Delegated Authority
DA2018/1206	33 Hay Street COLLARROY	Residential - Single new detached dwelling	4.3 Height of buildings	4.70%	Delegated Authority
DA2018/1254	4-6 Niangala Close BELROSE	Commercial/Retail/Office	4.3 Height of buildings	13.60%	NBLPP
DA2018/1290	2 Tourmaline Street NARRABEEN	Residential - Alterations and additions	4.3 Height of buildings	1.2%	DDP
DA2018/1292	34 Adams Street FRENCHS FOREST	Residential - Seniors Living	4.3 Height of buildings	8.28%	Delegated Authority
DA2018/1373	5 Edgecliff Boulevard COLLARROY PLATEAU	Residential - Single new detached dwelling	4.3 Height of buildings	5.06%	Delegated Authority
DA2018/1455	4 Beverley Place CURL CURL	Residential - Single new detached dwelling	4.3 Height of buildings	9.88%	Delegated Authority
DA2018/1477	40 Oliver Street FRESHWATER	Residential - Single new detached dwelling	4.3 Height of buildings	25%	Delegated Authority
DA2018/1550	3 Eastbank Avenue COLLARROY	Residential - Alterations and additions	4.3 Height of buildings	8%	Delegated Authority
DA2018/1614	20 Sorlie Road FRENCHS FOREST	Residential - Alterations and additions	4.3 Height of buildings	4.58%	Delegated Authority
DA2018/1638	17 Ryan Place BEACON HILL	Residential - Alterations and additions	4.3 Height of buildings	9.40%	Delegated Authority
DA2018/1987	1 Daisy Street BALGOWLAH	Residential - Alterations and additions	4.3 Height of buildings	5.60%	Delegated Authority
DA2019/0041	51 Evans Street FRESHWATER	Residential - Alterations and additions	4.3 Height of buildings	4.60%	Delegated Authority

LINK TO COUNCIL STRATEGY

This reports relates to the Community Strategic Plan Outcome of Environmental Sustainability Goal 5 Strategy (a) - Our built environment is developed in line with best practice sustainability principles and ensure integrated land use planning balances the environmental, social and economic needs of present and future generations.

FINANCIAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

Reporting variations to Council satisfies the Department of Planning and Environment's requirements and provides transparency in decision making, in addition to publishing this information on Council's website, hence reducing the risk to the organisation.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	ACCESS TO QUEENSCLIFF HEADLAND
REPORTING MANAGER	EXECUTIVE MANAGER CAPITAL PROJECTS
TRIM FILE REF	2019/173939
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To provide Council with a report on the potential for improvements to access to Queenscliff Headland.

EXECUTIVE SUMMARY

Council resolved on 18 December 2018 (Resolution 401/18) that staff prepare a report for Council assessing current accessibility to Queenscliff Headland and options to improve accessibility for parents with prams, wheel chairs and bike riders.

The provision of greater accessibility north of Queenscliff Bridge and the provision of ramps has been raised by residents in the past with both the Northern Beaches Council and the former Warringah Council.

The existing pathway network linking Queenscliff Beach and Upper Greycliffe Street has been assessed and three options identified that could improve accessibility. Taking into account estimated construction costs, topography constraints, visual and environmental impacts, the option of a new footpath on the north side of Greycliffe Street, linking into an existing footpath on Upper Greycliffe Street has been identified as the most viable option. Due to site constraints there is insufficient space for a shared user path at this location.

A number of funding options to improve accessibility to Queenscliff Headland have been explored including grants, reallocation of Coast Walk funds and developer contributions. Further investigations and design work is required to confirm construction cost estimates for the recommended option. Mr Paul Oates has applied for a grant under the 'My Community Project' with Northern Beaches Council as project sponsor, seeking funds to progress with design and investigation works for the recommended design option. The outcome of this grant application is expected to be known around September 2019.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

- A. Council note the condition assessment undertaken by staff of the stairs at the northern end of Queenscliff (Stuart Sommerville) Bridge.
 - B. The minor renewal of the stairs at the Northern end of Queenscliff (Stuart Sommerville) Bridge, including the installation of a new handrail and repair of damaged treads, be prioritised and added to the Footpath Renewal program.
 - C. Council endorse Option 1 – footpath on north side of Greycliffe Street, as the preferred concept option to improve accessibility to Queenscliff Headland for the design and investigation works to be undertaken in 2020/21
 - D. Council recognise that the option of an inclinator next to the stairs at the northern end of Queenscliff (Stuart Sommerville) Bridge is not a viable option due to high ongoing maintenance costs, risk of anti-social behaviour and potential for breakdown of equipment.
-

REPORT

BACKGROUND

Council resolved on 18 December 2018 (Resolution 401/18) that:

- A. *Council staff prepares a report on:*
- a. *The present condition of and adequacy of community accessibility of the public stairs at the northern end of the Queenscliff (Stuart Somerville) Bridge, part of the Northern Beaches Coastal Walk. This should include the safety and practicality of alternative equitable access routes to these stairs.*
 - b. *What action would be appropriate to bring the stairs to acceptable accessibility NSW standards and other legislative requirements of the Northern Beaches Council.*
 - c. *What design options could be available, in consultation with Mr. Paul Oates and the Queenscliff community, to improve accessibility for wheelchairs, parents with prams, bike riders with difficulty carrying a bike up steep and long stairs, and/or other people with accessibility issues.*
 - d. *What funding options would be available to improve the accessibility of these stairs, including NSW and Federal Government grants, existing Section 94 contributions funds and /or improved prioritisation of the Northern Beaches coastal walk capital expenditure.*
 - e. *What criteria was used to assess priority capital expenditure on the Northern Beaches Coastal Walk and what ranking if any did equitable access receive. If any priority ranking exists, did the priority ranking system including the following criteria: frequency of use (pedestrian count), availability of alternative safe and convenient equitable access, prioritise Manly to Palm Beach (South to North), lack of impediments (land ownership, heritage, topography, services).*
 - f. *The Council investigates the cost of building an accessible inclinor next to the Queenscliff stairs and researches possible grant funds available for its construction.*
- B. *The report is brought back to Council within 4 months.*

The provision of greater accessibility north of Queenscliff Bridge and the provision of ramps has been raised by residents of in the past both with the Northern Beaches Council and the former Warringah Council.

Due to the steepness of the terrain, in order to construct paths or ramps at these locations to satisfy accessibility standards, multiple switchbacks (hairpin turns) and substantial retaining walls to support the elevated pathway would be required. As alternate accessible paths of travel are available and significant cost estimates to construct accessible ramps, provision of new accessible routes was previously considered a low priority.

A petition was received by Council on 26 October 2018 via Change.org to improve access for prams, wheelchairs and those with accessibility issues at the Queenscliff stairs.

Assessment of existing stairs and compliance with current standards

The existing stairs adjacent to number 19 Greycliffe Street link the upper and lower portion of Greycliffe Street. The streets are connected by 52 stairs broken up by three landings.

The stairs are largely in a sound condition and would have been compliant with relevant standards at the time they were constructed. However, when assessed against the current Australian Standard for Design for access and mobility (AS1428) there are a number of deficiencies. These deficiencies include, only one handrail, non-compliant handrail, non-compliant landings, non-compliant riser heights and tread depths. There is also no kerb access ramp to access the path at Greycliff Street. A rail was installed in recent years on the west side of these stairs to allow cyclists to walk up the stairs whilst pushing their bicycle along the rail. An image of this existing stair access is shown in Figure 1 below.

Alternate routes from the stairs are available for pedestrians, wheelchairs and bikes. The primary route for alternate access to avoid the stairs is west along the existing footpath on Queenscliff Road, across the road at the intersection of Greycliffe Street and then along the southern side of Greycliffe Street.

The alternate route is an additional 560 metres and presents a number of challenges to pedestrians, and other community members with accessibility issues. These include no formal crossing point, inadequate sight distances around corners and steep sections of path.



Figure 1 – Existing stair access linking Greycliffe Street to Upper Greycliffe Street

Renewal of Existing Stair access North of Queenscliff Bridge

To bring the stairs into full compliance with current accessibility standards AS1428 Council the required adjustments to the existing stairs would ultimately result in the full reconstruction of the stairs.

As the stairs are considered generally fit for purpose, it is recommended that the Transport and Civil Infrastructure Assets team prioritise the minor renewal of the stairs and by placing them on a future renewal program. At a minimum, the renewal scope would include the installation of new compliant handrail and repair of any damaged stair treads.

Options to improve accessibility to Queenscliff Headland

This report focuses on accessibility between Lower and Upper Greycliffe Street, shown as Section 1 in Figure 2 below. Feedback from the community via Mr Paul Oates is that this is the priority section which would improve accessibility to Queenscliff Headland. However, it should also be noted that there are two other locations between Queenscliff Beach and Freshwater Beach that are currently linked by stairs, shown as Section 2 and Section 3 in Figure 2.



Figure 2: Queenscliff Headland

A site survey was conducted to determine the level differences, and three viable options were identified as outlined in the table below.

Item	Description	Cost Estimate
Section 1 – Greycliffe Street		
Option 1 - Path on northern side	New footpath on North side of Greycliffe Street, approximately 145m in length	\$650,000
Option 2 - Accessible Ramp	1:14 DDA accessible ramp, 114m in length with 2 switchbacks	\$1,400,000
Option 3 - Inclinator	Residential grade inclinator with new emergency stair access adjacent to No. 19 Greycliffe Street	\$670,000 plus ongoing operating costs of \$20,000 pa.

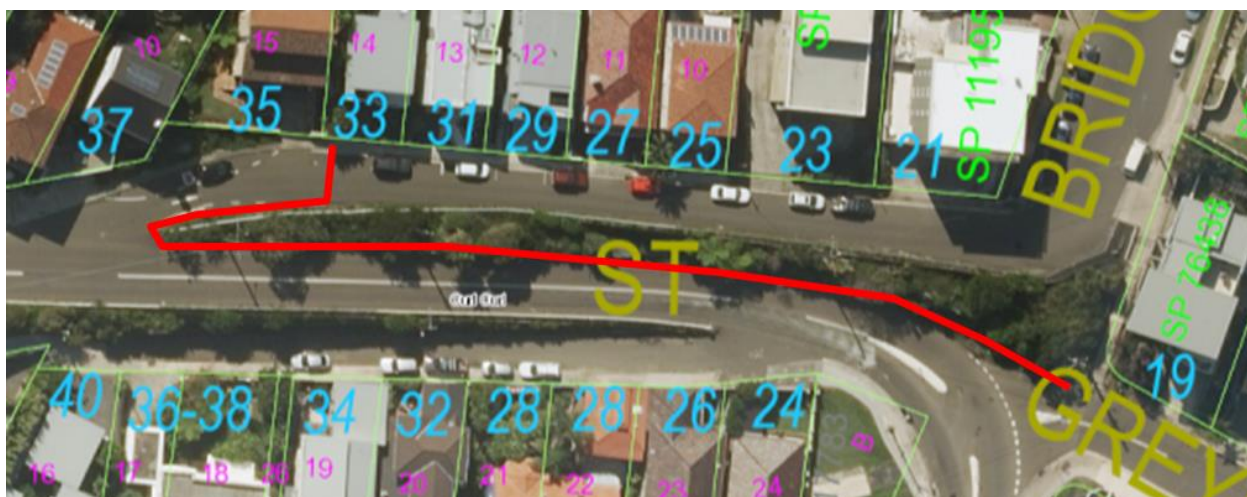


Figure 3: Option 1 - Potential new footpath on northern side of Greycliffe Street

Option 1 is recommended as the preferred solution based upon estimated construction cost, visual and environmental impacts. This new footpath would link with an existing path on Upper Greycliffe Street with a crossing point at a distance from the corner to meet sight distance requirements under the relevant standards. This footpath would closely follow the existing road gradient and 1 in 14 compliance with AS1428 Design and Access for Mobility may not be fully achievable. This option would significantly improve access for parents with prams.

However, detailed site investigations including geotechnical and environmental investigations are required in order to confirm estimated construction cost. Current cost estimates includes a nominal allowances to relocate in ground and above ground services that may conflict with the design, however this cannot be accurately determined until further investigations are undertaken.

Funding Options

In order to progress with the recommended option to improve access to Queenscliff Headland a funding source would need to be identified. Potential funding sources for these initiatives could include grants and/or developer contributions.

State/Federal Grants

There are various grant programs administered by state or federal authorities. There are no specific programs identified that those focus directly on improving access in the road reserve for those with accessibility issues. There are however grant programs specifically focused on local infrastructure under which the project may be eligible.

Community Building Partnerships Program

The NSW Government is investing in infrastructure projects through the Community Building Partnerships Program that deliver positive social, environmental and recreational outcomes, while promoting community participation, inclusion and cohesion. Local councils are eligible to apply for grants between \$2500 and \$330,000. The average grant awarded is around \$20,000.

One of the criteria stipulates that “the project develops a vibrant, sustainable and inclusive community through the enhancement or construction of community infrastructure”.

My Community Project

This grant program administered by the NSW State Government provides funding to projects identified by the community. My Community Project will enable individuals to put forward ideas for projects in their area, and a public vote will show which projects have the most community support to receive funding. Successful projects will receive funding between \$20,000 and \$200,000.

People can nominate projects together with the support of a local organisation as the project sponsor. Some examples of projects that could be funded include playgrounds, paths or ramps to improve access, community transport services, public gardens, upgrades to local sporting or community facilities, public art, cultural festivals, programs for youth and health initiatives.

The 2019 program is currently open for the proposal of projects by the community and closed on 15 May 2019.

Developer Contributions

Accessibility improvements to Queenscliff Headland may be able to be funded from developer contributions in the future. Paths across the Northern Beaches are funded from the New Footpath Program which identifies and prioritises funding for new paths.

The WALK - Northern Beaches Walking Plan (Walking Plan) will inform and set footpath priorities across the Northern Beaches. The Walking Plan will provide a consistent framework to assess the priority of all footpath requests and guide the funding of the highest priority works.

Northern Beaches Coast Walk Prioritisation and Ranking criteria

The Coast Walk project is being completed under the Connected Communities program of works, funded from the Stronger Communities Fund. Council's vision is to provide an iconic world class fully continuous coastal walkway linking Palm Beach to Manly together through a series of paths linking north and south.

As funding was limited, Council's key criteria for prioritising sections of the coastal walkway was through the identification of the missing links to provide 36 km of continuous all-weather coastal walkways from Palm Beach to Manly. Due to the nature of the topography within the Coast Walk, it was not possible to provide a continuously accessible pathway for the full length of the works without major cost and environmental implications.

Existing access is provided between Queenscliff Road and Undercliff Road therefore, no funding was allocated to these works under the Coast Walk project.

Other sections of existing path exist along the length of the Coast Walk, where due to the location and terrain, stairs are the only option. This includes the stairs at the northern end of Freshwater Beach, Mona Vale Headland to Hillcrest Avenue, sections down south Bilgola headland and back up to north Bilgola headland and the stairs linking Whale Beach Road with Palm Beach. These sections have also not received funding as paths already exist and the Coast Walk project did not seek to provide an accessible path from Manly to Palm Beach.

Provision of an inclinator to link upper and lower Greycliffe Street

As previously outlined the option of an inclinator has been assessed. A high level budget estimate has been developed. At Location 1, Greycliffe Street the estimated initial construction cost for an inclinator is \$670,000 plus ongoing maintenance costs estimated at \$20,000 per annum. However, an inclinator is not recommended due to ongoing maintenance costs and the risk of anti-social behavior, vandalism and potential for breakdown of equipment.

This estimate is also based on a residential grade inclinator which is unlikely to withstand constant use in a public and coastal environment. Budget estimates for a commercial grade inclinator could not be sourced at the time of writing this report but are likely to be significantly more expensive.

An alternative to an inclinator is a lift, which is becoming more commonly used in the public domain to address accessibility. For example, a lift with pedestrian overpass has been installed by the RMS in recent years at Warringah Road near Starkey Street in Forestville. However, it should be noted that at Greycliffe Street, Queenscliff a lift would address accessibility at only one of three locations across Queenscliff headland that currently has stair access. A lift at this location would also present visual impacts on the environment that would need to be assessed.

CONSULTATION

As part of this initial report the ideas submitted by the Better Access for Queenscliff group and previous correspondence from Mr Paul Oates has been considered.

An on-site meeting was held with Mr Paul Oates on Monday 8 April 2019 and the three options outlined in this report for improving accessibility between lower and Upper Greycliffe Street were discussed.

Any proposed access improvements to Queenscliff Headland would require significant community consultation due to the localised impacts the construction ramps would produce. The most significant impact would be visual and service relocations.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of Transport, Infrastructure and Connectivity Goal 16 - Our integrated transport networks meet the needs of our community.

FINANCIAL CONSIDERATIONS

All of the possible options identified in this report would require significant investment by Council in order to construct. At this time no funding has been allocated to this project in future capital works program but could be considered by Council in the future.

A grant application under the My Community Program has been lodged by Mr Paul Oates, with Northern Beaches Council as the Project Sponsor seeking funds to progress with further design and investigations for improved access to Queenscliff Headland. The outcome of this grant application is not expected to be known until September 2019.

If this grant application is unsuccessful, it is recommended that a budget bid be prepared for the FY 20/21 Capital works program to progress with design, investigation and further community consultation only. This would allow for cost estimates for construction to be refined and presented to Council for future consideration.

SOCIAL CONSIDERATIONS

The provision of a new footpath to link the lower and upper sections of Greycliffe Street for prams, and those with accessibility issues would result in localised improvements and provide greater access to Queenscliff headland.

Existing routes exist for those with access issues and whilst these do increase the distance of travel are already available in the area.

Inclinators are likely to present a target for graffiti, vandalism and other anti-social behaviour and will result in significant ongoing investment to maintain and operate in a safe and clean manner.

ENVIRONMENTAL CONSIDERATIONS

Any potential improvements as identified in the above report would result in significant structures being built close to existing residences and its impacts would require consultation with adjoining residents and the wider community.

There also potential impacts to existing vegetation that would need to be assessed and considered during consultation.

Any potential improvements would also result in temporary construction impacts to traffic, pedestrian access, noise and dust.

GOVERNANCE AND RISK CONSIDERATIONS

The provision of accessible ramps or inclinators in Queenscliff would likely result in further requests for similar treatments across the Northern Beaches where terrain dictates that accessible paths of travel are unavailable. This would result in significant costs to replicate the treatments in similar locations.

ITEM 13.2	PUBLIC EXHIBITION OF DRAFT CLONTARF BEACH MASTERPLAN
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2019/224506
ATTACHMENTS	1 Public Exhibition of Draft Clontarf Beach Masterplan

SUMMARY

PURPOSE

To seek endorsement from Council to publicly exhibit the draft Clontarf Beach Masterplan.

EXECUTIVE SUMMARY

Clontarf Beach is one of the most iconic harbour beaches in Sydney. The area is renowned for its strong natural, cultural and built heritage, its wonderful vistas and the fun that people from all over Sydney enjoy. As its popularity has increased, infrastructure to support use has not been renewed or upgraded to meet current expected levels of service. As a result, the park no longer functions well and consequently does not meet the community's expectations.

To resolve this situation, Council is committed to working with the community to develop a masterplan for this iconic location that will be implemented as part of our forward capital works program. Council has undertaken initial community engagement and technical investigations to prepare the attached draft Masterplan. This included a formal engagement period with the general community in late 2018, ongoing liaison with key stakeholders, and obtaining expert heritage, arboriculture, coastal engineering and civil engineering advice.

The overall vision for Clontarf Reserve is to achieve potential recreational opportunities whilst conserving and enhancing natural and cultural heritage values for this iconic foreshore open space.

The key features proposed by the draft masterplan to assist in delivering the vision include:

- realigning the car park to the eastern side of the site to create more and contiguous open space
- an expansion of the tidal pool to 50 metres in length
- an upgrade of the playground and installation of additional small toilets adjacent
- Sandstone bleachers overlooking the tidal pool
- better connections between key features
- preservation of the heritage values of the site.

It is proposed to publicly exhibit the draft Masterplan over the month of June and report the recommended final plan back to Council in July 2019.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council endorse the draft Clontarf Beach Masterplan for public exhibition for at least 28 days.

REPORT

BACKGROUND

Clontarf Beach is one of the most iconic harbour beaches in Sydney. The area is renowned for its strong natural, cultural and built heritage, its wonderful vistas and the fun that people from all over Sydney enjoy. The foreshore park overlooking Middle Harbour, Clontarf Marina and the Spit Bridge is highly valued by the local residents and the broader community as well as day visitors and tourists. It is a popular destination for socialising and picnicking since the 19th century and is a key stopping point on the Manly to Spit Walk.

Key features of the park include:

- the large planted Fig trees and iconic Norfolk Pines, which have been subject to recent vandalism and present ongoing maintenance issues
- Clonny's Restaurant / kiosk facilities, which is a centre-piece facility servicing patrons and users of the park
- variety of grassed picnic areas on the foreshore and surrounds
- recreational facilities including the Victor Chang playground, picnic shelters / table settings, bbqs and amenities building.
- Car parking areas located on either side of the main access road into the park, along Sandy Bay Road, Holmes Avenue and Monash Crescent; also presents a key issue during busy times as there is no public transport option to Clontarf.

The park itself is heritage-listed as well as a number of specific items ie:

- Middle Harbour Syphon, a large concrete aqueduct and pumping station structure owned and operated by Sydney Water, which dissects the open spaces and impedes connectivity physically and visually
- Clontarf tidal rock pool, built in 1949, which is need of critical renewal works to address public safety
- Norfolk Island Pine commemorative tree, which has been vandalised in recent years.

The reserve areas are zoned for the purpose of public recreation and considered regionally significant in terms of natural, visual, social, recreation, cultural, educational, future generational and heritage values.

As its popularity has increased, infrastructure to support use has not been renewed or upgraded to meet current expected levels of service. As a result, the park no longer functions well, does not have enough capacity to meet demand and consequently does not meet the community's expectations.

To resolve this situation, Council is committed to working with the community to develop a masterplan for this iconic location that will be implemented as part of our forward capital works program. The main objectives of this project are to:

- Prepare a Landscape Masterplan for Clontarf Park that will provide planning and design direction for Council to deliver open space recreation improvements for the social and recreational benefits of the community, whilst conserving environmental, cultural heritage and scenic values.
- Address key issues including connectivity, inclusion, accessibility and sustainability for future use and ongoing management of the area.

- Engage with the key external stakeholders including the Clontarf Community Forum and broader community, and incorporate valid feedback in the development of the Landscape Masterplan.

Council has undertaken robust community engagement and technical investigations to prepare the attached draft Masterplan. This included a formal engagement period with the general community in late 2018, ongoing liaison with key stakeholders, and obtaining expert heritage, arboriculture, coastal engineering and civil engineering advice.

The overall vision for Clontarf Reserve is to achieve potential recreational opportunities for this iconic area whilst conserving and enhancing natural and cultural heritage values for this highly valued foreshore open space.

Issues raised through the consultation and technical investigations include the following:

Issue	Response
The location of car park bisects the open space making the eastern grassed area underutilised and the foreshore area overly congested	Council proposes to realign the car park to the eastern side of the park to provide contiguous parkland across the site. This should have the effect of spreading recreational usage more evenly over the open space and will significantly reduce the risk created by moving vehicles particularly in proximity to the playground.
The interface between the park and tidal pool is poor, unsafe and not conducive of recreation	Council proposes to replace the existing dilapidated seawall with sandstone bleachers. This will create a raised seating area for users of the beach and tidal pool, arrest the erosion of the park and provide safer access to the tidal pool via stairs and an accessible ramp.
The trees are vital to the park and must be protected	Council has designed the masterplan to retain the significant trees on site. While there will be some loss of trees to facilitate the proposed realignment of the car park, these will be offset elsewhere in the park.
The park is too popular and has too much impact on surrounding residents.	Council cannot prevent people from visiting such an attractive destination. Council can mitigate the impacts on residents through designing the park to be more resilient to the use, more efficient car parks to ease congestion and making changes in the surrounding streets to parking arrangements to ease direct impact on residents' ability to move around freely.
The playground is unimaginative and not inclusive	The playground is proposed to be upgraded to make it innovative, inclusive and challenging. Inspiration has been drawn from the surrounding trees and beach.

Issue	Response
Council should provide a commuter wharf	Given Council is a strong advocate of better public transport networks and has a goal to reduce the community's reliance on cars, the works do not inhibit the provisions of a commuter wharf in the future by transport.
The tidal pool should be 50m in length	Council has included an extension of the tidal pool in the draft Masterplan, however this will not be undertaken during the renewal project in 2019/2020.
The toilets are too far away from the playground	Council is proposing a small new unisex toilet block next to the upgraded playground.

To deliver on the vision for the reserve, the key features proposed by the draft masterplan include:

- Realigning the car park to the eastern side of the site to create more and contiguous open space.
- An expansion of the tidal pool to 50 metres in length.
- An upgrade of the playground and installation of additional small toilets adjacent to it.
- Sandstone bleachers overlooking the tidal pool.
- Better connections between key features.
- Preservation of the heritage values of the site.

CONSULTATION

Council has consulted widely during the preparation of the draft masterplan through meetings with key stakeholders groups and a broad community engagement period in late 2018. Over 90 formal responses were received and over 100 people attended two on site information sessions. Council has also addressed the Clontarf Community Forum on two occasions.

Council proposes to engage the community on the draft Masterplan through, but not limited to, the following:

- Feedback through the project's Your Say Northern Beaches web page.
- Promotion through print media and Council's social media platforms.
- Promotion through Council's community engagement register.
- Signs on site.
- Two drop in sessions on site.

TIMING

Council will commence community engagement in June 2019. Should only minor modifications to the draft Masterplan be necessary following community engagement, it is expected that a report to recommend adoption of the Masterplan will be considered by Council in July 2019. Following adoption, Council will issue tenders for the design and construction of the playground upgrade including the construction of a new unisex accessible toilet.

LINK TO COUNCIL STRATEGY

This report relates to the Strategic Plan Community Outcome Places for People Goal 9 – Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

FINANCIAL CONSIDERATIONS

Stage One, consisting of the upgrade to playground, providing better accessibility to toilets and the construction of sandstone bleachers is included in Council's draft Delivery Program for delivery in the 2019-2020 financial year. \$1.2m in funding has been identified. Future stages including the realigning of the car park and extension of the tidal pool will need to be considered in the 2021-2022 financial year.

SOCIAL CONSIDERATIONS

Clontarf Beach is a unique and iconic location on the Northern Beaches. It is renowned as one of the best picnic spots for families in Sydney and the proposed works have been designed to better facilitate that usage as well as recognising the needs of the local community who love the park.

ENVIRONMENTAL CONSIDERATIONS

Council has gone to great efforts to minimise impacts on the natural environment that could be created by the proposed works. While some trees are proposed to be removed to realign the car park, the new configuration of open space will create the opportunity for additional planting at the site. The significant trees that form an integral part of the landscape character of the site will be protected. The works along the foreshore have been designed to reduce erosion and sediment entering Middle Harbour and the bleachers have been positioned based on coastal engineering advice to minimise the risk of sand movement from the beach.

GOVERNANCE AND RISK CONSIDERATIONS

Council has and continues to engage with the community in accordance with Council's Community Engagement Framework. The greatest risk is a delay in finalising the masterplan, which could put Council's Grant funding through the Stronger Communities Program at risk.





MASTERPLAN PROPOSALS

- 1 Peronne Avenue / Sandy Bay Rd Intersection**
 - Improve sense of arrival to Clontarf foreshore open space including directional signage, landscape treatment and restoration of Sydney Water structures;
 - Formalise safe pedestrian connections to reserve from Holmes Avenue and Peronne Avenue.
- 2 Main Park Entry**
 - Improve park entrance with gateway signage and landscape treatment
- 3 Carpark Layout Modifications**
 - Review carpark layout to improve traffic congestion, pedestrian safety and create cohesive open space areas;
 - Widen existing carpark entry & change eastern parking areas to one-way loop systems;
 - Re-align main two-way car parking area along southern side of reserve to provide car parking for 200 vehicles (existing car park - 189 vehicles) including 3 accessible spaces (allows for mini-buses) & drop-off and pick-up zone for 3 vehicles
 - Use of permeable paving treatment for parking bays
 - Provide turning area for long vehicles adjacent boat ramp
 - Provide parking modifications (12 No.) and replace with suitable native tree species (shown dashed)
 - Provide clear, safe pedestrian crossings through car park
- 4 Additional parking along Sandy Bay Road**
 - Remove garden beds to gain 2 parking bays adjacent Clontarf Reserve
- 5 Main Pedestrian Promenade**
 - Provide pedestrian promenade (3.6m wide) that references alignment of historical roadway, with decorative gravel surface and sandstone edges. Allows for delivery access and emergency / maintenance vehicles.
 - Formal sandstone paved entry with Cook Pine plantings and accent lighting
 - Provide central meeting point with Feature Palms and circular seating
 - Provide casual cafe style seating areas either side of promenade
- 6 Pedestrian Pathway Network**
 - Provide pedestrian pathway (1.5m wide) through reserve connecting park facilities and open spaces, with coloured concrete (exposed aggregate)
 - Upgrade of pole lighting along pathways in keeping with heritage style
- 7 Improvements to Cafe / Kiosk**
 - Relocate carparking to provide better building presence and physical and visual connection with open spaces;
 - Provide pedestrian pathways to main entry and for deliveries
 - Renovate existing building (internal and external) and outdoor dining area
- 8 Playground Upgrade**
 - Provide more inclusive, fun and challenging play space for all ages and abilities, design based on a 'natural' theme, containing areas for sand/sift and use of rubber and bark mulch for accessibility
 - Modify playground footprint to increase foreshore open space, make use of large Fig Tree shade and redesign shade sail structure to suit
 - Incorporate circular timber seating around base of existing Camphor Laurel and Fig Tree;
- 9 Youth Spaces / Fitness Activities**
 - Provide facilities for young people with casual and walled seating, such as ball shooting area, parkour / fitness equipment, dance / performance platform
- 10 Tidal Pool Renewal**
 - Investigate potential for widening pool (to 50m length) and incorporate accessible boardwalk along one side
- 11 Foreshore Edge Treatments**
 - Provide pedestrian pathway to foreshore frontage and incorporate beach shower, footwash & drinking facilities
 - Reinstate foreshore edge with sandstone logs south of pool to boat ramp
- 12 Public Amenities Upgrade**
 - Interim minor works to improve condition of existing amenities, meet current accessibility code, and aesthetics in keeping with style of cafe/kiosk and new park structures
 - Provide new accessible toilet facilities in northern end of reserve near playground (1 existing toilet, 1 under construction)
 - Design & install 1.1m x 1.1m x 1.1m timber cubicles, re-orientated to face central open space, providing male / female change and toilet facilities with central wash basins / breakaway area, as well as accessible adult change facilities
- 13 Delineate boat ramp zone using coloured concrete**
- 14 Sydney Water Infrastructure (NSOCS Syphon & Aqueduct)**
 - Planned restoration to improve visual amenity of heritage-listed structures following removal of existing structures
 - Provide new accessible pedestrian connection of open spaces and viewing area to harbour
 - Potential heritage interpretation / art space for heritage-listed items and Clontarf's natural and cultural heritage
- 15 Grassed Open Space Facilities**
 - Maintain and enhance existing park features including park furniture, new bbo/outdoor kitchen areas, upgraded / additional picnic shelters, upgraded pole lighting, ongoing maintenance regime to aid upkeep of grassed areas
- 16 Improve Mainly to Split Walk connectivity including high tide access for walk in the future**
 - Clontarf Reserve Lands Plan of Management

Clontarf Park Landscape Masterplan

Sheet 03 - Clontarf Reserve Plan

Scale: 1:1000 @A3

ITEM 13.3	PUBLIC EXHIBITION OF AMENDMENTS - OCEAN BEACHES PLAN OF MANAGEMENT TO FACILITATE NETBALL COURTS AT AVALON BEACH
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2019/224513
ATTACHMENTS	1 Final Concept Plan Avalon Beach Netball Courts (Included In Attachments Booklet 4) 2 Avalon Beach Draft Plan of Management (Included In Attachments Booklet 4)

SUMMARY

PURPOSE

To seek Council approval for public exhibition of the required amendments to the Ocean Beaches Plan of Management to facilitate the installation of netball courts at Avalon Beach Reserve, Avalon Beach.

EXECUTIVE SUMMARY

Council has identified a service gap in fit for purpose hardcourt facilities for netball players in the northern peninsula. Two clubs, Pittwater Peninsula and Newport Breakers have over 500 members between them without fit for purpose hardcourts. The Northern Beaches Sportsfield Strategy identified the need to fill this service gap with the development of hardcourts and Australian Standard sportsfield lighting in Avalon.

After consultation with key stakeholders including the two netball clubs, Avalon Public School, members of the Avalon Place Plan Working Group and the Avalon Beach Surf Club, the preferred location has been identified as the grass area between Barrenjoey Road and the dunes in Avalon Beach Reserve, bordered by the fenced off leash dog area to the north.

To facilitate the construction of these courts the *Local Government Act 1993* requires Council to amend the Ocean Beaches Generic Plan of Management to facilitate a re-categorisation of the land from Park to Sportsground. A concept plan of the proposal is attached. Key features include four hardcourt netball courts with a green surface, half-court basketball court, bridge across Careel Creek to connect the two sets of courts and lighting to Australian Standards.

Council has been successful in obtaining \$562,000 in Grants from the State Government to fund the courts.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

- A. Council publicly exhibit the draft Plan of Management amendments and concept plan for the proposed netball courts at Avalon Beach Reserve, Avalon Beach for a period of 42 days which is to include a mandatory public hearing chaired by an independent facilitator.
 - B. The outcomes of the public exhibition and public hearing be reported back to Council at the Ordinary Council meeting in August 2019.
-

REPORT

BACKGROUND

The Northern Beaches Sportsground Strategy, adopted in 2017, identified a critical shortfall in capacity for sport on the Northern Beaches. Sport is a critical component of the Northern Beaches community. Not only does it encourage members of the community to engage in physical activity, it also provides an important conduit for the community to come together. Both of these outcomes are becoming increasingly important as society's behaviour becomes more sedentary and isolated.

The Sportsground Strategy specifically identifies the need for additional hardcourts to service the needs of netball users in the northern end of the Pittwater Ward. The two clubs that operate from here have over 500 members combined and currently have to use grass courts or car parks to train without Australian Standard floodlighting. Higher level teams travel as far as Curl Curl to find appropriate facilities.

Council proposes to address this situation through the installation of four hardcourts at Avalon Beach Reserve. A concept plan is attached to this report. The selection of this location follows a technical review of available sites, including Old Barrenjoey Road Netball and Careel Bay, and consultation with key stakeholders.

Key stakeholders consulted during the site selection and key details of the proposal includes, but is not limited to:

- Pittwater Peninsula Netball Club
- Newport Breakers Netball Club
- Avalon Surf Lifesaving Club
- Avalon Public School
- Manly Warringah Netball Association
- Avalon Place Plan Working Group, which consists of representatives of the following community groups:
 - Clareville Avalon Beach Residents Association
 - Palm Beach Whale Beach Residents Association
 - Avalon Chamber of Commerce
 - Avalon Preservation Society
 - Palm Beach Chamber of Commerce.

The table below summarises the key outcomes of consultation:

Issue	Response
Netball courts need to be close together	Council will construct a bridge across Careel Creek to connect the two sets of courts
The site for the eastern courts is used as overflow car parking on Avalon market day	The eastern courts will be built to carpark standard to be able to facilitate overflow car parking
Asphalt will appear to be ugly from Barrenjoey	Council will ensure the courts are green in colour to blend better into the surrounding

Issue	Response
Road	environment
Netball/basketball combination posts are too heavy for netball coaches to rotate safely	Netball courts will have dedicated posts that can be removed for major events that need the space for parking.
There are no basketball courts in the area	Council will include a half basketball court as part of the proposal
The courts need to be well lit	Lighting will be to Australian Standards.
Competition on Saturdays is not appropriate at this location	Council does not determine where competitions are played, this is the responsibility of Manly Warringah Netball
Helicopters land on the proposed netball courts for emergency evacuations	The netball courts will have removable posts to allow for helicopters to land. The Avalon Surf Life Saving Club and Council's Beach Services team have been consulted and are satisfied with this arrangement. An alternative landing point is also available in the north of Des Creagh Reserve 350m away at the other end of the 'Yellow Brick Road' shared path. This compares favourably to many other beaches such as Bilgola, Palm Beach or Whale Beach where the nearest helicopter landing area is several kilometres away.

Council is required to amend the Ocean Beaches Plan of Management. The principal change is to recategorise the land from Park to Sportsground, to facilitate its use for sport and allow development of the netball courts. Council is also undertaking minor housekeeping on the Plan to reflect current legislation. The Plan of Management amendments are attached in attachment 2.

CONSULTATION

Council will be undertaking the statutory 42-day public exhibition period for the project, including a mandatory public hearing chaired by an independent facilitator. Council will advertise this community engagement process through its Community engagement register, advertising in local print media, signs on site and through its social media platforms.

TIMING

Community engagement will commence on 1 June 2019 and conclude on 14 July 2019. Once the exhibition closes, Council will issue a tender for design and construction of the netball courts. Both the proposed Plan of Management changes and the tender will be considered by Council at the August 2019 Council meeting.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome Places for People Goal 9 – Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

FINANCIAL CONSIDERATIONS

The estimate for the project is \$540,000 including contingency, which is within the budget of \$562,000. A condition of the State Government Grant is that the project is completed by 31 December 2019.

SOCIAL CONSIDERATIONS

Sport plays a vital part in the physical well-being of the Northern Beaches Community and also the social fabric of the community. Facilitating fit for purpose netball facilities at an appropriate location will not only benefit the netball clubs but will also provide other potential users an opportunity to play and connect rather than pursuing more isolated sedentary pursuits.

ENVIRONMENTAL CONSIDERATIONS

Council will manage the environmental risk of pollutants from construction entering the Careel Creek catchment through the use of appropriate erosion and sediment controls. The undesirable Norfolk Hibiscus plants will need to be removed as part of the works as their spores can cause respiratory and eye distress. They will be replaced with endemic species.

GOVERNANCE AND RISK CONSIDERATIONS

Council is undertaking community engagement and procurement in accordance with Council policy.

ITEM 13.4	PROPOSED SALE OF COUNCIL OPERATIONAL LAND ADJACENT TO OXFORD FALLS GRAMMAR SCHOOL - LOT 2 DP 1229082 WAKEHURST PARKWAY OXFORD FALLS
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2019/257735
ATTACHMENTS	1 ↓ Plan of Land Proposed to be Sold to Oxford Falls Grammar School - Lot 2 DP 1229082 adjacent 1078 Oxford Falls Road School

SUMMARY

PURPOSE

To consider the proposed sale of the subject land.

EXECUTIVE SUMMARY

On 24 October 2017, Council resolved (Resolution 130/17) to submit the Planning Proposal to reclassify the subject land from Community Land to Operational Land to the Department of Planning & Environment.

The reclassification was subsequently gazetted on 24 August 2018 and the Oxford Falls Grammar School has now approached Council seeking to purchase the subject land in line with the recent purchase of the portion of Council land immediately to the south of this site.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council authorises:

- A. The sale of Lot 2 DP 1229082 Wakehurst Parkway Oxford Falls to the adjoining land owner Oxford Falls Grammar School at 1078 Oxford Falls Road Oxford Falls (Lot 1 DP 1046451) in accordance with independent valuation advice received by Council, conditional upon the land to be sold being consolidated with the adjoining land parcel.
 - B. The Chief Executive Officer to negotiate and execute all documentation necessary in order to give effect to this resolution.
 - C. All costs associated with the items in the resolution, including but not limited to, Council's legal costs, GST if applicable, document registration etc., to be funded by the applicant.
-

REPORT

BACKGROUND

The subject Council land is situated between Oxford Falls Grammar School and Wakehurst Parkway. The land has dimensions of 15 metres x 196.24 metres and an area of 2,025 metres squared. The land is zoned RE1 – Public Recreation under the provisions of the Warringah LEP 2013 and is classified as ‘Operational Land’ under the Local Government Act 1993.

Due to its location (in between the School and Wakehurst Parkway) and previous ownership by the School, the subject land is generally only accessed and used by the School as an extension to its school grounds. The School also has an underground easement for drainage of water in part of the subject land. Oxford Creek also runs through the subject land.

Previously, the subject land together with a similar portion of land to the south, formed one long parcel of land. Under the 1990 Development Consent to build Oxford Falls Grammar School, this land was dedicated to Council and subsequently rezoned Proposed Recreation 6(c).

Council practice at the time was to require the dedication of a strip of land along main roads in order to provide a parkway vista and in this instance to prevent additional vehicular access points onto Wakehurst Parkway. Once dedicated, the land was classified as ‘Community Land’ under the Local Government Act 1993 and was managed in accordance with the provisions of the General Community Use Plan of Management (GCU).

In 2005, a report was submitted to Council regarding the encroachment of the School onto the southern portion of the land. Council resolved to commence the reclassification process to reclassify the southern portion of the site as ‘Operational Land’ with a view to leasing it back to the School. The reclassification of the southern portion was gazetted in 2008, however, the northern portion, which is the subject of this report, remained classified as ‘Community Land’.

In 2015, the School applied to purchase the southern portion of the site and on 22 March 2016 Council resolved to sell off the southern portion to the School and the lodgement of a development application (DA2016/0662) to subdivide the site into two with the boundary being the line between the ‘Operational Land’ in the south (Lot 1) and the ‘Community Land’ to the north (Lot 2).

Development Consent was granted by Council on 21 October 2016, with conditions of consent including that there be no vehicular access from Lot 1 to the Wakehurst Parkway and that Lot 1 was to be consolidated into the larger school site.

The sale of the southern portion of the site to the School was completed in early 2018.

In 2017, a Planning Proposal (PEX2017/0004) was lodged by the School to reclassify Lot 2 from ‘Community Land’ to ‘Operational Land’ in order to make a future application to purchase this land.

This Planning Proposal included an assessment of the future use of the land in accordance with the then Warringah Community Strategic Plan 2023 and following internal stakeholder and public consultation, it was deemed that this land was surplus to Council requirements.

Council resolved at its meeting on 26 April 2017 to support the submission to the Department of Planning for Gateway determination. Following the approval of the Gateway determination, Council resolved at its meeting on the 24 October 2017 to submit the Planning Proposal to reclassify the subject land from Community Land to Operational Land to the Department of Planning and Environment.

The reclassification was gazetted on 24 August 2018. Part of this reclassification included a requirement that a Restriction on Use be registered on the title of the land which prohibits all access (including pedestrian and vehicular) to and from Wakehurst Parkway (in accordance with Roads and Maritime Services requirements). Consequently, the School has now applied to purchase the subject land.

CONSULTATION

The application by the School to purchase the subject land was referred to the relevant Council departments and Roads & Maritime Services (RMS) for comments.

No objections were received by the relevant Council departments.

When the RMS was consulted at the Planning Proposal (reclassification) stage, it requested a Restriction on Use be placed on the land title prohibiting access to Wakehurst Parkway so there would be no future requirements for school zones or traffic calming on this arterial road. As the Restriction on Use has already been registered on title, it is considered that any concerns from the RMS have been satisfied.

TIMING

The sale is expected to be completed within the next six months.

LINK TO COUNCIL STRATEGY

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

FINANCIAL CONSIDERATIONS

Council has received independent valuation advice on the subject land. The School concurs with the valuation assessment and wishes to proceed with purchasing the Operational Land. A copy of the independent valuation advice will be available at the Council meeting.

SOCIAL CONSIDERATIONS

The subject land is generally inaccessible to the general public due to its location between Wakehurst Parkway and the School. Its size, shape and location make it unsuitable for any future public use and the land is not needed for future road widening of Wakehurst Parkway as sufficient land is already contained within the road reserve.

ENVIRONMENTAL CONSIDERATIONS

Oxford Creek runs through the site, however, the sale of the land will not impact this. Any future development of the site would require lodgment of a Development Application which would be assessed by Council's Natural Environment and Climate Change Group.

GOVERNANCE AND RISK CONSIDERATIONS

It is Council policy to require that any relatively small parcel of land which is sold to an adjoining owner be consolidated with the larger site. This will apply to the subject land.



ITEM 13.5

**OUTCOME OF PUBLIC EXHIBITION - NORTHERN BEACHES
COUNCIL OUTDOOR DINING AND FOOTPATH MERCHANDISE
POLICY**

REPORTING MANAGER

EXECUTIVE MANAGER PROPERTY

TRIM FILE REF

2019/240611

ATTACHMENTS

- 1 [📄](#) Northern Beaches Council Outdoor Dining and Footpath Merchandise Policy - Draft (Included In Attachments Booklet 4)
- 2 [📄](#) Northern Beaches Council Outdoor Dining and Footpath Merchandise Guide (Included In Attachments Booklet 4)

SUMMARY

PURPOSE

To report the results of the public exhibition and to seek adoption of the draft Outdoor Dining and Footpath Merchandise Policy.

EXECUTIVE SUMMARY

At the Council meeting on 26 February 2019 it was resolved that "Council endorse the draft Outdoor Dining and Footpath Merchandise Policy to be placed on public exhibition for a minimum period of 28 days".

The purpose of the draft Outdoor Dining and Footpath Merchandise Policy and Guide is to provide structure, consistency and transparency in the assessment process as well as providing effective guidelines for compliance and enforcement of approvals. Once adopted the draft policy would replace the Outdoor Dining and Footpath Merchandise Policies of the three former Councils, thus supporting a single approach to the assessment and regulation of Outdoor Dining and Footpath Merchandise approvals.

The draft Outdoor Dining and Footpath Merchandise Policy was open for public exhibition for a period of 38 days closing on Sunday 7 April 2019. 14 people viewed the draft Policy via the 'Your Say' project web page. Four Submissions were received and have been summarised in this report.

No changes to the Policy have been proposed as a result of the public exhibition feedback, however the Guide has been amended to reflect a concern raised in a submission.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

- A. Note the submissions received from the exhibition period.
 - B. Adopt the draft Northern Beaches Council Outdoor Dining and Footpath Merchandise Policy.
 - C. Revoke the following policies:
 - a. The former Manly Council Policy O6 Outdoor Dining Areas adopted 19 March 2007.
 - b. The former Warringah Council Policy STR-PL 340 Outdoor Eating Area adopted 25 August 1998.
 - c. The former Manly Council Policy F30 Footpath Trading – Approval to Display Articles on Footpath adopted 4 May 1998.
-

REPORT

BACKGROUND

Prior to amalgamation, the former Manly and Warringah Council's had adopted Outdoor Dining policies in place, and the three former Council's issued approvals and collected fees based on Council's fees and charges.

The former Manly Council adopted and implemented its own Merchandise Policy, and both Manly Council and Pittwater Council issued approvals and collected fees based on Council's fees and charges.

The proposed Outdoor Dining and Merchandise Policy will consolidate the Outdoor Dining and Footpath Merchandise Policies of the three former Councils to a consistent, single Northern Beaches Council approach for assessment and regulation of Outdoor Dining and Footpath Merchandise Approvals.

The Policy Principles include:

- Contributing to a vibrant and welcoming street environment while supporting local economic development.
- Maintaining the pedestrian thoroughfare as the primary purpose of the footpath and promoting accessibility by maintaining a consistent and predictable clear path of travel for all users.
- Ensuring street furniture, display stands, racks or containers are of a suitable standard and visually pleasing, contributing to the creation of an appealing streetscape
- Fostering neighbourhood amenity through minimising additional noise, visual and other adverse impacts.
- Encouraging the use of sustainable materials and eco-friendly management practices.
- Minimising public liability risk through the issue of approvals considered against the Outdoor Dining and Footpath Merchandise Guide.
- Monitoring compliance with approvals and undertaking enforcement action when appropriate.
- Charging a fee for the use of the footpath as set out in Council's Fee and Charges.

The Policy also comes with a "Northern Beaches Outdoor Dining and Footpath Merchandise Guide" that provides practical information and considerations about how outdoor dining and merchandising will be assessed, as well as a range of other considerations that applicants will need to think about.

SUBMISSIONS SUMMARY

14 people viewed the draft Policy via Council's 'Your Say' project web page and four submissions were received. These submissions have been summarized below and include a recommended Council response.

Theme	No. of comments	Council Response
Outdoor dining and footpath merchandise enhances local community	2	Council supports this view

Lack of compliance or awareness of requirements of outdoor dining usage results in insufficient footpath clearances for pedestrians	2	The draft Policy and guide include standardised minimum pedestrian footway clearances
Dogs in outdoor dining areas cause trip hazard issues	1	The guide has been amended to refer to the State Government's position, which allows dogs in outdoor dining areas subject to conditions
Cleanliness and litter concerns	1	The draft Policy and guide require approval holders to keep their outdoor dining areas clean and free from litter

CONSULTATION

The draft Policy was placed on public exhibition from 1 March 2019 to 7 April 2019. The consultation process included:

- Council staff briefed the Economic and Smart Communities SRG
- Information on the 'Your Say' project web page including an online submission form
- Copies of the Policy and guide were displayed in all customer service and library locations
- Advertisements were placed in the Manly Daily
- Bulk emails were sent to our community engagement database, registered community groups, and other key stakeholders
- Existing outdoor dining and merchandise approval holders were notified
- Northern beaches Chambers of Commerce were notified

TIMING

The draft Policy will be effective 1 July 2019 once adopted by Council. Compliance with the Policy will be phased in over a 12 month period from that date.

Current applications for Outdoor Dining and Merchandising will be transferred onto the new Policy as and when they become due for renewal with all new applications being assessed under the new Policy from 1 July 2019. Compliance with the new Policy with regard to Merchandise applications will be phased in over a 12 month period from the Policy becoming effective to ensure the former Warringah Council area have an opportunity to apply for approval given there was no Merchandise Policy previously for this area.

LINK TO COUNCIL STRATEGY

The report relates to the following Community Strategic Plan outcomes:

Places for People

- Goal 8 - Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.

Vibrant Local Economy

- Goal 15 – Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
- Goal 18 – Our community can safely and efficiently travel within and beyond Northern Beaches.

FINANCIAL CONSIDERATIONS

The implementation of the Policy and guide will have minimal impact on Council's income budgets, as income will continue to be generated for outdoor dining and merchandise approvals based on Council's fees and charges.

SOCIAL CONSIDERATIONS

The adoption of the draft Policy and Guide will ensure that the ancillary use of the footpath does not interfere with the safety and functioning of the footpath or any nearby road.

They will enable the compliance of appropriate use of the footpath so that they contribute to the diversity and attractiveness of the area and contribute to the local character and identity.

ENVIRONMENTAL CONSIDERATIONS

The adoption of the draft Policy and guide will facilitate the use of sustainable materials and eco-friendly management practises within outdoor dining areas.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Policy and Guide supports a consistent, single approach to the assessment and compliance of Outdoor Dining and Footpath Merchandise approvals across the Northern Beaches Council Area.

Should the draft Policy not be adopted, Council will be subject to the provisions prescribed in the former Council policies. Inconsistencies in the assessment process and compliance of outdoor dining and merchandise across the Northern Beaches would remain.

14.0 NOTICES OF MOTION

ITEM 14.1	NOTICE OF MOTION NO 16/2019 - FUTURE USE OF COUNCIL CHAMBERS IN MANLY TOWN HALL
TRIM FILE REF	2019/254006
ATTACHMENTS	NIL

Submitted by: Councillor Candy Bingham

MOTION

That:

- A. Council investigate at this time providing the former meetings rooms of Manly Council, upstairs in the Manly Council Chambers, as halls for public hire for events, meetings, performances and other suitable uses.
- B. A report is brought back to Councillors within three months.

BACKGROUND FROM COUNCILLOR CANDY BINGHAM

With the amalgamation of the former Manly Council into the Northern Beaches Council in May 2016, the requirement of the former Council meeting rooms have now become surplus to requirements.

There is a severe lack of community space for hire in Manly, and Council currently has no community centre in the area. The relocation of Community Northern Beaches from Wentworth Street later this year to make way for the expansion of the public school will see another public hall no longer available for hire.

The former Council chambers in the Manly Town Hall can operate as one large room, or be divided into three smaller rooms. It is located in the centre of Manly's CBD with easy access and catering facilities.

In addition to the space being used by the Council for such things as art and history exhibitions and civic gatherings, the area could be hired out as a performance space and music venue. It would also be suitable for classes, talks, cinema events and so on.

ITEM 14.2	NOTICE OF MOTION NO 17/2019 - FREEZE TO COUNCILLOR AND MAYORAL FEES
TRIM FILE REF	2019/260838
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

MOTION

That, pursuant to section 248 of the *Local Government Act 1993*, the Council fixes the annual fee for:

- A. Councillors for the period 1 July 2019 to 30 June 2020 at \$29,670 payable monthly in arrears, being a freeze on the amount paid to Councillors for the period 1 July 2018 to 30 June 2019.
 - B. The Mayor for the period 1 July 2019 to 30 June 2020 at \$86,440 payable monthly in arrears, being a freeze on the amount paid to the Mayor for the period 1 July 2018 to 30 June 2019.
-

CHIEF EXECUTIVE OFFICER REPORT

In accordance with Council's Code of Meeting Practice Clause 4.15(a) I offer the following report on this matter to assist Council in the deliberation of this motion:

In April 2019, the Local Government Remuneration Tribunal (the Tribunal) published its Annual Report and Determination which outlines its determination of the minimum and maximum annual fee range payable to a mayor and councillor based on the category which the council falls within.

The Tribunal has awarded an allowable increase of 2.5 per cent to the current fees for mayors and councillors for the 2019/20 financial year for all categories of NSW councils.

Pending Council's consideration of this notice of motion, a report would be brought to the 25 June 2019 Council meeting to recommend the Tribunal's allowable 2.5 per cent fee increase.

ITEM 14.3	NOTICE OF MOTION NO 18/2019 - LEASES AND LICENCES REGISTER
TRIM FILE REF	2019/278173
ATTACHMENTS	NIL

Submitted by: Councillor Alex McTaggart

MOTION

That:

- A. Council prepare a register of all leases and licences issued and maintain the register annually.
 - B. The register be linked to the asset management register currently being prepared.
 - C. The register contain the relevant information, location of Lease, term, leasee and lease fee and if the fee is covered by councils Fees and charges schedule.
 - D. The register be in a format that allows for both councillor and public access while protecting confidentiality particularly for the tender or expression of interest process.
 - E. The lease and licence income be presented in either the budget or annual return to demonstrate transparency.
 - F. The Economic and Smart Communities Strategic Reference Group and the Audit, Risk and Improvement Committee have input into the design of the Lease and Licence register.
-

BACKGROUND FROM COUNCILLOR ALEX MCTAGGART

Council staff are currently undertaking internal consultation to develop an asset management strategy and policy and has presented to Councillors in a briefing a preliminary schedule of built assets classified by use and given a conditional condition ranking.

Most of the assets identified are income earning and are the subject of a lease or licence to community groups, companies or individuals.

These leases and licences are predominately issued by staff under delegation and not reported to council and the community in a regular manner.

In addition income from Leases and Licences are not separately reported in councils budget papers so there is no performance measure on the return to community on these assets.

A public register is necessary for transparency and accountability.

ITEM 14.4	NOTICE OF MOTION NO 19/2019 - NIGHT-TIME/TWILIGHT & CULTURE MANAGEMENT POLICY
TRIM FILE REF	2019/280049
ATTACHMENTS	NIL

Submitted by: Councillor Sue Heins

MOTION

That:

- A. Council prepare a policy on Night Time/Twilight & Culture Management Policy.
- B. The strategy underpinning the policy take into consideration two evening economies, Twilight and Nighttime and a range of possible activities and cultural activities used to activate an area.
- C. The policy identify areas in the local government area that are suitable for Twilight/Night time activities.
- D. Council investigate amending planning laws to ensure that new developments are adequately soundproofed for future night time activities and report back to Councillors.
- E. The strategy is done in consultation with residents, Chambers of Commerce, hospitality businesses, creatives, music industry, lighting technicians, security industry, environmental health professionals and any other related industries.
- F. A report be brought back to Council identifying timeframes, costing, impacts, benefits etc. and include a Councillor briefing updating Councillors on where Council is up to with current Night-Time Economy strategies and committee input within 4 months.

BACKGROUND FROM COUNCILLOR SUE HEINS

Sydney's arts and cultural sector employs nearly 47,000 people with the largest share in media production and broadcasting (36 per cent) followed by music, performing and visual arts (20 per cent).

The Northern Beaches has a history of artists from many creative backgrounds. It is important to plan for areas that can accommodate their skills and encourage vibrancy in our areas.

Council makes mention of night time activities in its Masterplans and Placemaking strategies but without a Night Time/Twilight & Culture Management Policy these activities may be lost without the lens of night-time/twilight activities in aspects of planning.

This sector is important and needs to factor in so the local government area does not lose areas due to residential sprawl in the future.

The need to differentiate between Twilight and Night-Time is important in that suburban areas that would like activities to do after hours can feel safe in the knowledge that these events finish earlier and assists business and creative communities with a clearer direction on opportunities across the Northern Beaches.

ITEM 14.5	NOTICE OF MOTION NO 20/2019 - NATIONAL TREE DAY
TRIM FILE REF	2019/280326
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That Council:

- A. Identify potential sites for tree planting across the Northern Beaches.
- B. Write to all schools in the Northern Beaches Local Government Area promoting our upcoming National Tree Day activities and gauging their interest in undertaking tree planting at sites near their school.
- C. Brief Councillors within two months on the potential costs of having school based tree planting of these sites.

BACKGROUND FROM COUNCILLOR STUART SPROTT

Sydney needs an ambitious tree planting program to boost human health and wildlife habitat. Trees are known to reduce the urban heat island effect and improve air quality, and encourage people to exercise outdoors which in turn reduces stress and anxiety.

In the recently exhibited Urban Tree Canopy Plan, Council states that it will strive to achieve the highest canopy cover on Council managed lands compared to Sydney councils by 2038. This motion will help to achieve that.

Greenery in cities is also important for biodiversity which a United Nations report recently identified as a global crisis, especially if we are clever about which species we plant and where.

We have recently seen the large numbers of school children calling for more to be done on climate change. This motion gives those children the opportunity to take part in making a real change in building a better future for us all by greening our cities and growing the tree canopy.

15.0 QUESTIONS ON NOTICE

ITEM 15.1	QUESTION ON NOTICE NO 04/2019 - PORTRAITS OF MAYORS FROM FORMER COUNCILS
TRIM FILE REF	2019/267469
ATTACHMENTS	NIL

Submitted by: Councillor Ian White

QUESTION

Could the pictures of the former Mayors of Pittwater Council be moved to the wall next to the former mayors of Warringah?

BACKGROUND

Mayor's pictures for the former Pittwater Council are currently outside the Mayor's office in Vuko Place Council Office which are not accessible by the public.

ITEM 15.2	QUESTION ON NOTICE NO 05/2019 - CUSTOMER SERVICE MOBILE APP
TRIM FILE REF	2019/281306
ATTACHMENTS	NIL

Submitted by: Councillor Candy Bingham

QUESTION

To complement the excellent customer service call centre now operating, when is Council planning to release a Customer Service Mobile Phone App such as Snap, Send, Solve, so that maintenance issues can be reported directly to Council from mobile phones?

17.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

A. In accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- a Item 17.1 Northern Beaches Environment Centres Update on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993]; and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses changes that could affect staff, and future commercial arrangements with an entity contracted to Council, and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would result in unnecessary stress to personnel and confer a commercial advantage on an individual that Council conducts business with.

- b Item 17.2 RFT 2019/094 - Design and Construction of Local Government Area Entry Markers on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

Reason: This report discusses details of tenders for design and construction services and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would prejudice the commercial position of the person who supplied it.

- c Item 17.3 RFT 2018/320 - Purchasing of Children's Services Products on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses the results of a tender evaluation process and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would damage the commercial position of the person who supplied it.

- d Item 17.4 Provision of eBooks and eAudio for the Library Service on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses commercial in confidence services pricing for eAudio and eBooks and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would prejudice the commercial position of the organisations who supplied it.

- e Item 17.5 Completion of Works to Beacon Hill Community Centre and Nolan Reserve Amenities on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993]; and matters affecting the security of the Council, Councillors, Council staff or Council property [10A(2)(f) Local Government Act 1993].

This report discusses circumstances surrounding the termination of a construction contract and the reasons to follow an alternative procurement process to complete the works, and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could confer a commercial advantage on tenderers and may also affect the security of the sites in question.

- f Item 17.6 RFT 2019/073 - North Narrabeen Ocean Rock Pool Central Boardwalk Replacement Works on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses RFT2019/073 – North Narrabeen Ocean Rock Pool Central Boardwalk Replacement Works and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would reveal the confidential tendered price of this project.

- g Item 17.7 RFT 2019/008 - Lionel Watts Skate Park on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses commercial in confidence information and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would not meet Council's legal requirements as per the documented tender process.

- h Item 17.8 RFT 2019/080 - Sports Field Renovation & Line Marking Panel on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses commercial in confidence information and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would not meet Council's legal requirements as per the documented tender process.

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- i Item 17.9 RFT 2018/126 - Services for Heating, Ventilating and Air Conditioning on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses commercial in confidence services pricing for heating, ventilating and air conditioning, and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would prejudice the commercial position of the organisations who supplied it.

- j Item 17.10 RFT 2019/031 - Manly Life Saving Club Design Consultancy Services on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses commercial-in-confidence tender submissions and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could impact the companies that submitted them.

- k Item 17.11 RFT 2019/036 - Lakeside Caravan Park Cabin and Amenities Refurbishment on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses commercial in confidence information and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would not meet Council's legal requirements as per the documented tender process.

- l Item 17.12 Acquisition and Proposed Transfer of Land to Council on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses a potential land dealing with a private landholder and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information could provide a commercial advantage to the owner of the land and potentially disadvantage Public Authorities position in negotiations.

- B. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.
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18.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

In accordance with Part 15 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.



northern
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council

