

AGENDA

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

Tuesday 27 April 2021

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 27 April 2021
at the Civic Centre, Dee Why
Commencing at 6:00pm**

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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

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.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 MARCH 2021

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 23 March 2021, 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.

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT DESTINATION MANAGEMENT PLAN
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2021/106230
ATTACHMENTS	1 Destination Northern Beaches: Creating a Sustainable Visitor Economy (Included In Attachments Booklet) 2 Community Engagement Report (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report to Council the outcome of the public exhibition of the draft Destination Management Plan (DMP) and the COVID Recovery Action Plan and to seek endorsement for the final Destination Management Plan (DMP), Destination Northern Beaches: Creating a sustainable visitor economy.

EXECUTIVE SUMMARY

The Destination Management Plan is a five-year strategy representing a new era of collaboration between our community, local industry and government.

It aims to guide planning and decision making to ensure the impact from visitation does not harm our environment or undermine our way of life but adds value to our economy and vibrancy to our region's thriving villages and centres.

Consultation was delivered in three stages and this report presents the findings from the final stage.

The drafting of the DMP and delivery of the successive consultation stages was impacted by the disruption to the local tourism industry from the bushfires and floods over the summer period from 2019-2020. In addition, the cessation of the global tourism industry in the wake of the COVID-19 pandemic in early 2020 dramatically changed the local tourism landscape and feedback from our local operators has helped shape the final Plan.

These significant events also resulted in the draft Plan undergoing several revisions to reflect the changing conditions in the global tourism market. This review process ensured feedback from key stakeholders was used to inform the final structure and actions that are now incorporated in to the final Plan.

The engagement process reached over 6,500 people who visited the Your Say project page. A total of 211 unique submissions were received. Consultation was held with a range of key stakeholders including community, businesses, local chambers of commerce, government agencies and Manly's Tourism & Economic Recovery Taskforce.

Overall the feedback reflected the community's solid recognition of the importance and value of the visitor economy in underpinning employment and the broader economy. There was a mix of attitudes towards tourism with many respondents contributing solutions and ideas on how to manage visitation to the region.

Some responses highlighted concerns about the impact from visitation in the peak summer season. This was a strong theme from respondents from the northern areas.

There was also broad support for developing a destination identity and the need for increased marketing, improved digital and visitor services to promote the region. Respondents also highlighted the impact and need for improving and building new infrastructure around mountain biking, promoting the experiences outside of Manly and Palm Beach and looking at other product development that would support year-round visitation and dispersal across the region.

Key aspects of interest or concern have been grouped under themes in the Community and Stakeholder Engagement Report. (See Attachment 2).

Other feedback pointed out improvements to the structure of the draft DMP document, the need for a stretch target, clearer goals, prioritised action plan, performance measures and other editorial suggestions.

Since exhibiting the draft DMP and Two-Year Recovery Action Plan, the NSW Government launched the Visitor Economy Strategy 2030 in January 2021. Destination NSW (DNSW) provided written feedback to Council supporting the draft DMP recognising that it complies with the government's strategy principles and the NSW Statewide Destination Management Plan guidelines.

As a result, the draft DMP has been updated to reflect community feedback presenting a new structure with greater focus on goals and actions categorised under two strategic priority areas, destination management and destination marketing. The action plan has been integrated in to the final Plan to ensure there is a clear framework demonstrating how the strategic goals will be achieved through the implementation of actions.

The final Plan, Destination Northern Beaches: Creating a sustainable visitor economy, is designed to respect the community's desire to protect the quality of life enjoyed on the Northern Beaches while at the same time setting a foundation for what the visitor economy could look like if managed sustainably with a balance of community aspirations, business capability and protection of the natural environment.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Note the consultation outcomes in the Community and Stakeholder Engagement Report for the draft Destination Management Plan (DMP) and Two-Year Economic Recovery Action Plan.
 2. Adopt the final plan, Destination Northern Beaches: Creating a Sustainable Visitor Economy and Action Plan.
-

REPORT

BACKGROUND

The Northern Beaches has attracted the attention of visitors for many years with its scenic beauty, diversity, rich cultural history and natural amenity.

Tourism has a vital role in the region's economy providing employment that accounts for 12 percent of all local jobs, almost double the state average.

This Destination Management Plan is a first for Council, marking a new era of collaboration with community, local industry and key stakeholders. The plan recognises the ongoing and significant economic benefits tourism contributes to the Northern Beaches and sets a five-year direction for our visitor economy.

It has been built on previous studies and plans, including the SHOROC Visitor Economy Opportunity Paper, Pittwater Tourism Emerging Issues Paper, the Manly Destination Management Plan and Council's Community Strategic Plan (CSP) Shape 2028.

It has been informed by a range of data sets, global trends in travel and importantly, feedback received by our community and local tourism industry.

In the wake of the COVID-19 pandemic the community consultation plan was developed to be flexible over three stages, this included:

Stage 1: Key stakeholder engagement and Tourism Summit

Stage 2: Public consultation on the Key Directions paper; and

Stage 3: Community and stakeholder engagement on the draft DMP and Two- Year Recovery Plan.

This staged approach was developed in response to the disruption from the bushfires in late 2019, floods in early 2020, through to the collapse of the international travel market in 2020. The engagement process was designed to support broad community participation during these uncertain times.

Feedback from across all stages of community consultation has now been used to shape and inform the structure, strategic aims, goals and actions of the final Plan. It is designed to reflect the aspirations of our community while also realising the potential of a stronger visitor economy.

New NSW Visitor Economy Strategy 2030

Since exhibiting the draft DMP and Two-Year Recovery Plan, the NSW Government launched the state's new Visitor Economy Strategy 2030 in January this year that will aid industry recovery and turbocharge the state's visitor economy.

Destination NSW (DNSW) provided written feedback to Council supporting our draft DMP in February 2021, recognising that it complies with the Visitor Economy Strategy's principles and priorities. DNSW also confirmed Council's draft DMP aligns with the NSW Statewide Destination Management Plan guidelines.

Below are the aligning principles in the NSW Visitor Economy Strategy 2030:

Principles - NSW Visitor Economy Strategy 2030
Put the Visitor First
Accelerating digital innovation
Lead with our strengths
Move fast, be responsive and agile
Collaboration with industry and government

The NSW Visitor Economy Strategy 2030 includes a range of measures to monitor recovery and performance of the NSW visitor economy, these have also been adopted in the final Plan to help track and evaluate the outcomes from the implementation of the actions, and these include:

- community satisfaction
- visitor expenditure (by domestic day and overnight)
- share of Gross State Product and Jobs
- average length of stay
- average yield (spend)
- repeat visitation
- investment in visitor infrastructure
- access to visitor attraction
- visitor satisfaction accommodation and experiences
- visitor attendance and economic impact with events.

Council will continue to work with DNSW to respond and support their direction to ensure we continue to collaborate, support and capitalise on opportunities that will benefit the community and our visitor economy.

Manly Tourism & Economic Recovery Taskforce

Throughout the public exhibition period the Manly Tourism & Economic Recovery Taskforce has been engaged to provide input into the strategic direction for the region's globally renowned visitor destination.

A consistent theme in feedback from the group has been the need for a coordinated and collaborative approach to developing and implementing marketing and promotional campaigns for Manly as the gateway to the region.

CONSULTATION

Consultation throughout the development of the draft DMP has played a key role in activating the local industry, our community and businesses, and enabled each to contribute to shaping the direction of the Plan.

The objective of the final stage of consultation was to seek feedback and input on the direction for managing the impact of visitation and on ways to build on the economic potential of our visitor economy.

The draft DMP and Two-Year Recovery Plan were endorsed to go on public exhibition by Council at the 24 November 2020 meeting. The consultation period ran from 3 December 2020 to 16 February 2021. Details of the findings are included in the attached Community and Stakeholder Engagement Report. (See Attachment 2).

The engagement process reached over 6,500 people who visited the project page on the Your Say website. A total of 211 unique submissions were received. The majority of submissions were from community members, along with strong representation from the local tourism industry. Other key stakeholders who provided feedback and review include:

- Economic and Smart Communities SRG
- Five local Business Chambers
- Destination NSW (DNSW)
- Sydney Harbour Federation Trust and National Parks & Wildlife Service (NPWS)
- Northern Beaches TAFE & ICMS
- Manly Tourism & Economic Recovery Taskforce
- Tourism operators – (53 phone meetings)
- Accommodation providers
- Resident Associations.

Throughout the three stages of consultation, Council actively sought feedback from the local tourism industry. There were 30 detailed submissions received from local tourism businesses.

The consultation was primarily promoted through multiple email newsletters (EDMs) including community, business and tourism newsletters. It was also promoted through Council's social media channels and featured in local print advertising.

Feedback was captured through an online submission form embedded into the 'Your Say' project page. The form included an open-field comments box for respondents to provide feedback. Email and written comments were also received.

Briefings with the tourism industry via webinars were held from November 2020 to February 2021 to inform the sector of the public exhibition stage. Staff at the Manly Visitor Information Centre were conducting support calls to local tourism operators throughout this period and gathered feedback and comment on the draft DMP.

Internal consultation was undertaken with Business Units across Council to ascertain current tourism provisions, seek feedback and relevance of the draft DMP and actions to their businesses.

Findings

Overall, feedback from the consultation indicates a solid level of recognition of the importance and value of the visitor economy in underpinning local employment and the broader economy.

One of the key challenges identified in the consultation process was the pressure being exerted on the region during peak periods of visitation, especially in the north. This was accompanied by concerns about the need to better manage the impact of large numbers of visitors.

There was also broad support for developing a destination identity and the need for marketing to promote the region. Respondents also highlighted the impact and need for improving and building new infrastructure around mountain biking, promoting the experiences outside of Manly and Palm Beach and looking at other product development that would support year-round visitation and dispersal across the region.

A few respondents expressed concern about the engagement process, requesting further public consultation and the use of survey tools for the resident community. This was in the context of a few submissions from the northern area opposed to increasing visitation and promoting tourism.

In view of the objectives of the stage three consultation, a survey tool was not recommended as an effective means to gain feedback from the community, rather written submissions provided more detail and qualitative information.

There was also feedback about the structure of the draft DMP, citing it was difficult to read and that it did not have a clear strategy, goals or performance measures.

The consultation feedback has been reviewed and incorporated into the updated Destination Northern Beaches Plan. The final Plan also includes the action plan, providing a better structure and demonstrating how the strategic goals and priorities are reflected in the actions. (See Attachment 1).

Themes

Across all stages of consultation, a number of consistent themes arose:

1. Impact of increasing visitor numbers
2. Pressure on transport and parking
3. Impact on the natural environment
4. Limited range of visitor accommodation and impacts of short-term holiday lets
5. Opportunities to improve recreational facilities for road and mountain biking
6. Greater focus on targeted marketing and visitor servicing.

A large proportion of respondents agreed that digital representation for the region is lacking along with more visitor servicing.

There were a significant number of mentions about mountain biking and road cycling and the benefits that could be gained for the region with increased investment in these activities.

TIMING

The timeframe to develop the draft DMP has been impacted by the COVID-19 Pandemic declared in March 2020. This required a review of the plan to reflect major changes in global tourism, namely closed international borders for the foreseeable future, the need to refocus on domestic markets, the creation of COVID-safe itineraries and increased digital visitor servicing. This resulted in the drafting and consulting on a draft Two-Year Recovery Action Plan, which has now been incorporated into the final Plan.

Due to the three-week COVID lockdown over December 2020/January 2021 and in view of social distancing restrictions that were still in effect, consultation was limited to phone, email and digital communications.

	Timeline	Activity
Stage 1	October 2018	Councillor briefing.
	December 2018	Consultants engaged.
	January – March 2019	Consultation with industry, key stakeholders and Economic and Smart Communities SRG.
	March 2019	Detailed situation analysis.
	May – July 2019	Tourism summit, community consultation on Key Directions Paper.
Stage 2	November 2020	Councillor briefing. Draft Destination Management Plan - Northern Beaches: Creating a sustainable visitor economy (DMP). Draft Destination Northern Beaches: Two-Year Recovery Plan. Council Meeting.
Stage 3	November 2020 – February 2021	Public exhibition.
	April 2021	Councillor Briefing. Report to Council on community engagement outcomes and present the final Destination Northern Beaches Plan for endorsement.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.
 - d. Enhance and extend opportunities for sustainable tourist economy throughout the area

Planning for a sustainable visitor economy is also guided by a suite of plans and strategies including:

- Towards 2040 Local Strategic Planning Statement (LSPS)
 - Priority 22: Jobs that match the skills and needs of the community
 - Priority 26: Manly as Sydney's premier seaside destination
 - Priority 29: A thriving, sustainable tourism economy
 - Priority 30: A diverse night-time economy
- Environment and Climate Change Strategy 2040
- Arts and Creativity Strategy 2029
- Transport Strategy 2038
- Pittwater Waterway Strategy 2038

- Internal Council business units: Open Space and Recreation, Arts and Culture, Strategic Planning, Property, Events, Greener Communities, Environment and Climate Change.

FINANCIAL CONSIDERATIONS

Included in the 2021/22 proposed operational budget is funding for the development of a destination website, information architecture and destination marketing campaign. Funding is also available in the operational budget for 2020/2021 to support development of visitor marketing campaigns through events.

SOCIAL CONSIDERATIONS

Through the consultation process the feedback shows our community's deep love for the place they live in and the need for an increased focus on destination management. Feedback has highlighted the importance of collaboration between Council, our local tourism industry, community and all levels of government. The key is finding the balance between protecting what the local community value about our extraordinary region and the potential benefits of our visitor economy.

The draft Destination Northern Beaches Plan provides the framework to:

1. Have a balanced approach.
2. Support the local tourism industry.
3. Create a destination identity and promote it in a way that respects the local community's aspirations.

Through this consultation it is clear moving forward, Council can help alleviate residents' concerns around tourism by promoting a greater understanding about the role that visitation plays in supporting the local economy.

ENVIRONMENTAL CONSIDERATIONS

The Plan identifies the region's natural environment as a key asset and how nature contributes to driving visitation across the region.

By aligning this document with the Environment and Climate Change Strategy 2040 Protect. Create. Live, Council is committed to ensuring visitation to the region is in balance with protecting our bushland, beaches, waterways and wildlife.

GOVERNANCE AND RISK CONSIDERATIONS

Through the development of the draft DMP the need for ongoing collaboration with all stakeholders was identified. This is also highlighted by the positive role the Manly Tourism & Economic Recovery Taskforce has played in promoting stronger partnerships between the state government and the local business community.

A key action in the final Plan is the need for Council to lead a Destination Management Group to oversee and guide the delivery of destination management and marketing actions.

There is a risk that in the absence of a Destination Management Plan, the opportunity to secure future funding or value in kind partnerships could be lost.

While it is not a regulatory requirement of Council, it is an important document that aligns the direction of Council with Destination New South Wales.

ITEM 8.2	EVENT SPONSORSHIP FOR THE NORTH HEAD CONCERT SERIES, NIGHT AT THE BARRACKS
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2021/240406
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek Council's endorsement to enter into an event sponsorship agreement to provide marketing and in-kind support up to the value of \$50,000 for the new event at Manly, the North Head Concert Series known as, Night at the Barracks.

EXECUTIVE SUMMARY

The arts and entertainment sector has suffered significantly through the COVID-19 pandemic. To start reactivating these industries, local event organiser, Second Sunday Pty Ltd has approached Council to support their new event, the North Head Concert Series, Night at the Barracks.

The event is supported by the Manly Tourism and Economic Recovery Taskforce and the Manly Business Chamber. It has received federal funding through the Restart Investment to Sustain and Expand (RISE) fund.

Night at the Barracks is being promoted as a spectacular, high end, live arts experience. The program will feature Australia's leading ballet, dance, orchestra, classic opera and musical theatre talent, as well as other contemporary performances yet to be announced.

The outdoor concert series will be staged over 20 nights at the historical North Head Artillery Barracks in the marching ground, from Thursday 14 October to Sunday 14 November 2021.

The event is seeking to promote Manly as a destination for high quality entertainment and great dining experiences by collaborating with local hospitality businesses.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That, subject to Second Sunday Pty Ltd obtaining all necessary approvals, Council:

1. Support the North Head Concert Series, Night at the Barracks (Event), by providing marketing, infrastructure and in-kind support up to a total value of \$50,000, calculated on the basis of the Event being staged over 20 nights, with support being reduced should the Event schedule be varied by Second Sunday Pty Ltd.
2. Authorises the Chief Executive Officer to do all things necessary to give effect to this resolution, including entering into a sponsorship agreement with Second Sunday Pty Ltd, which sets out the benefits and obligations of each party for the provision of marketing, infrastructure and in-kind support up to the total value of \$50,000 in support of the Event.
3. Requires the Chief Executive Officer to provide an evaluation report to Council which sets out the economic and social benefits of the Event within 3 months after the Event is delivered.

REPORT

BACKGROUND

The North Head Concert Series, Night at the Barracks aims to support the reactivation of the Australian arts and entertainment sector which has been significantly impacted by the COVID-19 pandemic. Most mass gatherings over the past year have not been able to proceed and this in turn has seen many people working in this sector and supporting industries (e.g. sound, stage, lighting, musicians) lose their jobs and face financial hardship.

The North Head Concert Series is the first event of its kind to be delivered in this open space performance area. This event has the potential to provide employment to over 650 performers and event professionals, including several companies that have been in hibernation since the cessation of major live events last year.

In addition, the event organiser Second Sunday proposes to work closely with local businesses in and around Manly to ensure the benefits of the increase in visitation flow through to the community. This will include traditional hospitality and tourism providers plus associated businesses including transport and various professional services.

The Manly Tourism and Economic Recovery Taskforce, an initiative of the Member for Manly, James Griffin MP has endorsed the event. Second Sunday subsequently has approached Council to be an official event partner.

BENEFITS TO COUNCIL

The sponsorship and partnership with Second Sunday will deliver the following benefits, including but not limited to:

1. Council will be given the status as the Official Partner, Night at the Barracks, North Head.
2. Recognition of Council across all event advertising, promotional materials and signage, such as:
 - a. Displaying Council's tourism video/ identity displayed on the event big screen.
 - b. Acknowledging Council on the event official website and in all appreciation messaging.
 - c. Including acknowledgement of Council in print advertising and in the official program.
3. Acknowledgement of Council in relevant marketing and promotional activities via logo and #hashtag, as well as other bespoke media opportunities as they present.
4. Acknowledgement of Council in all event promotions across digital and social channels.
5. Including recognition of Council in the official media launch event.
6. Collaborating with Council and other local key stakeholders to identify opportunities for local businesses to be engaged with the event, including accommodation service providers.
7. Collaborating with Council to identify opportunities for community groups to engage with the event, including local performers.
8. Providing an opportunity for Council to run a stall/activation on site.
9. Providing access to promotional content for amplification across Council's digital and social media channels.
10. Sharing of research/data to construct a detailed post event report to provide insights on consumer engagement, economic and social benefits from the event.

CONSULTATION

The event organiser, Second Sunday presented the proposal to the Manly Tourism and Economic Recovery Taskforce to seek feedback.

The Taskforce, founded by, Member for Manly, James Griffin MP consists of local business representatives who are also local residents, excelling in their fields and committed to supporting the recovery of the local economy through the continuing pandemic.

The Taskforce, James Griffin MP, along with the Federal Member for Warringah, Zali Steggall, MP support this event and are also working collaboratively to provide PR support where possible.

TIMING

The event is scheduled to run for five weeks, every Thursday to Sunday evening from 14 October to 14 November 2021.

Tickets will go on sale in May 2021 with marketing support from Council requested from this time.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural, creative activities and events.
- Vibrant Local Economy - Goal 13: Our businesses are well-connected and thrive in our environment that supports innovation and economic growth.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life.

This report also relates to the Northern Beaches Events Strategy 2018 – 2023.

FINANCIAL CONSIDERATIONS

Marketing and in-kind support up to the value of \$50,000 for the event will come from the 2020/21 and 2021/22 Event Grants and Sponsorship budget. The printing, installation and de-installation of promotional flags and production of signage is estimated to cost up to \$10,000. Costs for supporting traffic management and associated infrastructure is valued up to \$40,000.

SOCIAL CONSIDERATIONS

The Night at the Barracks event is an opportunity for the community to reengage with the performing arts that will promote a sense of belonging and wellbeing and encourage community connectedness.

It is an opportunity to create a new outdoor event site that has not used in this format before.

Council staff will work with the event organiser, Second Sunday to ensure the impact on local residents is minimised during bump in/out and on event days. Second Sunday will be contactable throughout the event to respond to resident enquiries.

ENVIRONMENTAL CONSIDERATIONS

Second Sunday will provide the authority who manages the barracks site at North Head, the Sydney Harbour Federation Trust, with all required reporting and assessments to ensure their event meets the requirements for minimising any impact on the surrounding natural environment.

GOVERNANCE AND RISK CONSIDERATIONS

Council will work with Second Sunday, to oversee planning and event delivery that will take place on Council land. This is to ensure issues relating to concerns about parking and traffic are addressed.

Council will review and approve traffic management plans through its regulatory processes.

A comprehensive Risk Management Plan, together with other event production, site plans, traffic management plans will be part of their application process with the Sydney Harbour Federation Trust who is the approving body.

Following Council's endorsement of this event sponsorship, an agreement will be drafted and agreed between both parties outlining the benefits and obligations. Should the event change in terms of scope and delivery from what has been proposed by Second Sunday, Council may amend the sponsorship to be commensurate with the change/s.

Council's sponsorship, including marketing and in-kind support will be contingent upon event approvals by the regulatory authorities.

This sponsorship for the event at Manly, the North Head Concert Series, Night at the Barracks has been developed under the Council Policy, Community Grants and Partnerships (2019) that governs the distribution of funds under the Local Government Act 1993, s356.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	MONTHLY INVESTMENT REPORT - MARCH 2021
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2021/240539
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 \$153,861,974 comprising:

- Trading Accounts \$1,723,479
- Investments \$152,138,495

Performance over the period from 1 July 2020 to date was strong having exceeded the benchmark: 0.83%pa vs. 0.43%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.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the Investment Report as at 31 March 2021, including the certification by the Responsible Accounting Officer.

REPORT

BACKGROUND

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.

LINK TO 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 2020 to date was \$1,044,863 compared to budgeted income of \$1,168,083, a negative variance of \$123,220.

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

The Investment Policy was reviewed by the Audit, Risk and Improvement Committee at their meeting in December 2020, and no change to the Policy was required following that review.

Council's Investment Policy and Strategy were reviewed in September 2020 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".

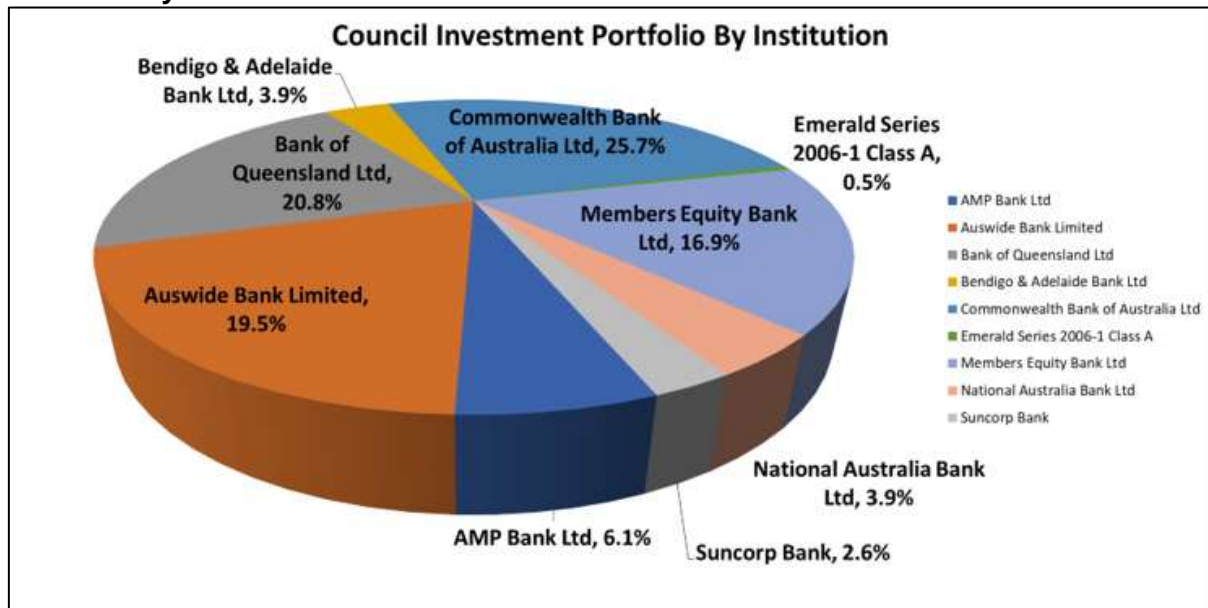
Investment Balances

INVESTMENT BALANCES				
As at 31-Mar-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	248,298		0.15%
National Australia Bank Ltd	A1+	40,041		0.00%
		288,339		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	6,302,090	At Call	0.20%
		6,302,090		
Mortgage Backed Securities				
Emerald Series 2006-1 Class A	A*	826,432	21-Aug-51	1.3627%
		826,432		
Term Deposits				
Auswide Bank Limited	A2	3,000,000	07-Apr-21	0.80%
Members Equity Bank Ltd	A2	3,000,000	08-Apr-21	0.50%
Bank of Queensland Ltd	A2	1,000,000	13-Apr-21	0.80%
Auswide Bank Limited	A2	2,000,000	13-Apr-21	0.80%
Auswide Bank Limited	A2	2,000,000	13-Apr-21	0.50%
Members Equity Bank Ltd	A2	2,000,000	15-Apr-21	0.50%
Members Equity Bank Ltd	A2	3,000,000	20-Apr-21	0.50%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	22-Apr-21	0.66%
Bank of Queensland Ltd	A2	2,000,000	27-Apr-21	0.75%
Members Equity Bank Ltd	A2	3,000,000	29-Apr-21	0.55%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	04-May-21	0.65%
Members Equity Bank Ltd	A2	3,000,000	06-May-21	0.50%
Bank of Queensland Ltd	A2	1,000,000	11-May-21	0.85%
Members Equity Bank Ltd	A2	2,000,000	11-May-21	0.50%
AMP Bank Ltd	A2	2,500,000	13-May-21	0.70%
Bank of Queensland Ltd	A2	3,000,000	18-May-21	0.50%
Members Equity Bank Ltd	A2	1,000,000	20-May-21	0.45%
Members Equity Bank Ltd	A2	2,000,000	25-May-21	0.45%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	25-May-21	0.67%
Auswide Bank Limited	A2	1,000,000	27-May-21	0.55%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	01-Jun-21	0.66%
Bank of Queensland Ltd	A2	2,000,000	08-Jun-21	0.65%
Members Equity Bank Ltd	A2	2,000,000	08-Jun-21	0.45%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	10-Jun-21	0.60%
AMP Bank Ltd	A2	2,500,000	15-Jun-21	0.70%
Members Equity Bank Ltd	A2	2,000,000	15-Jun-21	0.45%
Auswide Bank Limited	A2	2,000,000	17-Jun-21	0.55%
Bank of Queensland Ltd	A2	3,000,000	22-Jun-21	0.50%
Auswide Bank Limited	A2	1,000,000	24-Jun-21	0.55%
Members Equity Bank Ltd	A2	1,000,000	24-Jun-21	0.45%
National Australia Bank Ltd	A1+	2,000,000	29-Jun-21	0.30%
Bank of Queensland Ltd	A2	2,000,000	29-Jun-21	0.70%
Members Equity Bank Ltd	A2	2,000,000	01-Jul-21	0.45%
Bank of Queensland Ltd	A2	1,000,000	06-Jul-21	0.33%
Bank of Queensland Ltd	A2	2,000,000	06-Jul-21	0.50%
Suncorp Bank	A1	2,000,000	08-Jul-21	0.35%
Bank of Queensland Ltd	A2	3,000,000	13-Jul-21	0.50%
Auswide Bank Limited	A2	2,000,000	15-Jul-21	0.55%

INVESTMENT BALANCES				
As at 31-Mar-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	20-Jul-21	0.50%
Suncorp Bank	A1	2,000,000	22-Jul-21	0.35%
Bank of Queensland Ltd	A2	2,000,000	27-Jul-21	0.35%
Bank of Queensland Ltd	A2	2,000,000	29-Jul-21	0.60%
Bank of Queensland Ltd	A2	3,000,000	03-Aug-21	0.50%
Auswide Bank Limited	A2	1,000,000	05-Aug-21	0.55%
Bank of Queensland Ltd	A2	2,000,000	10-Aug-21	0.37%
National Australia Bank Ltd	A1+	2,000,000	12-Aug-21	0.30%
National Australia Bank Ltd	A1+	1,000,000	17-Aug-21	0.30%
Auswide Bank Limited	A2	1,000,000	17-Aug-21	0.55%
Bank of Queensland Ltd	A2	2,000,000	19-Aug-21	0.35%
Auswide Bank Limited	A2	2,500,000	07-Sep-21	0.55%
Auswide Bank Limited	A2	2,000,000	14-Sep-21	0.55%
Auswide Bank Limited	A2	2,000,000	16-Sep-21	0.55%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	21-Sep-21	0.75%
Auswide Bank Limited	A2	2,000,000	23-Sep-21	0.45%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	28-Sep-21	0.70%
Auswide Bank Limited	A2	2,000,000	05-Oct-21	0.55%
Auswide Bank Limited	A2	2,000,000	12-Oct-21	0.55%
AMP Bank Ltd	A2	900,000	19-Oct-21	0.75%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	26-Oct-21	0.41%
Bank of Queensland Ltd	A2	1,000,000	04-Nov-21	0.40%
Auswide Bank Limited	A2	2,500,000	09-Nov-21	0.55%
AMP Bank Ltd	A2	1,500,000	04-Jan-22	0.75%
AMP Bank Ltd	A2	2,000,000	18-Jan-22	0.75%
National Australia Bank Ltd	A1+	1,000,000	04-Feb-22	0.40%
		123,400,000		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,435,140		0.00%
		1,435,140		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	467,341	At Call	0.01%
Commonwealth Bank of Australia Ltd	A1+	1,814,423	At Call	0.01%
		2,281,764		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Apr-21	0.25%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	09-May-21	0.24%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	17-May-21	0.26%
Commonwealth Bank of Australia Ltd	A1+	11,328,208	24-May-21	0.25%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Jun-21	0.27%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Jun-21	0.24%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Jun-21	0.27%
		19,328,208		
Total Cash and Investments		153,861,974		

*Rating is based on a private rating advised by the issuer to Council's Investment Advisors.

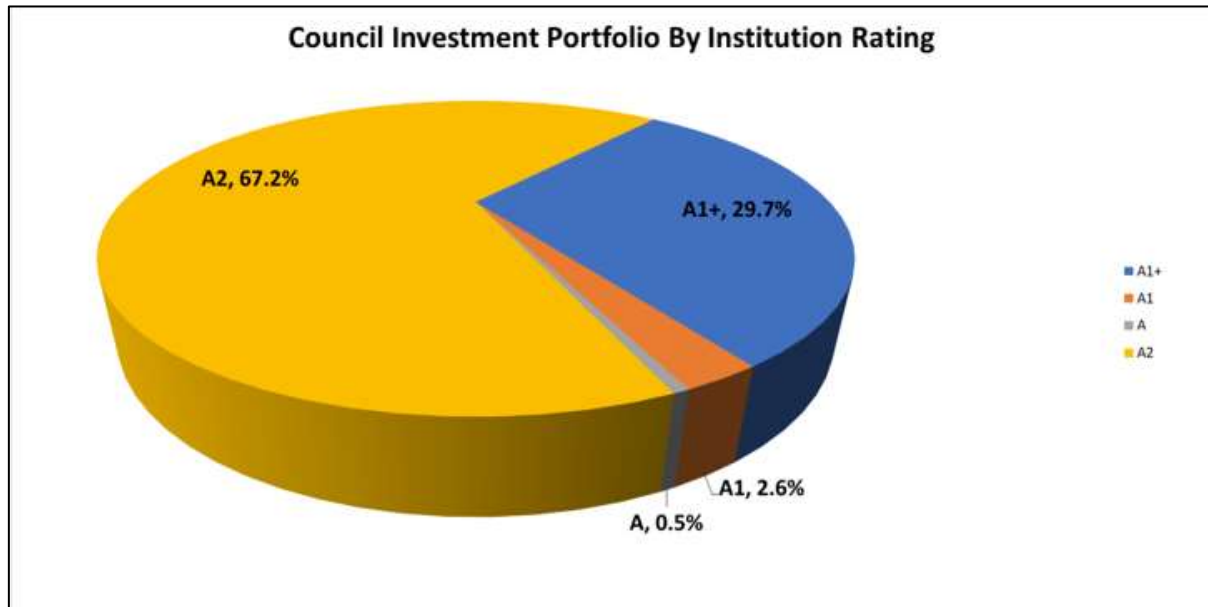
Portfolio Analysis



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)



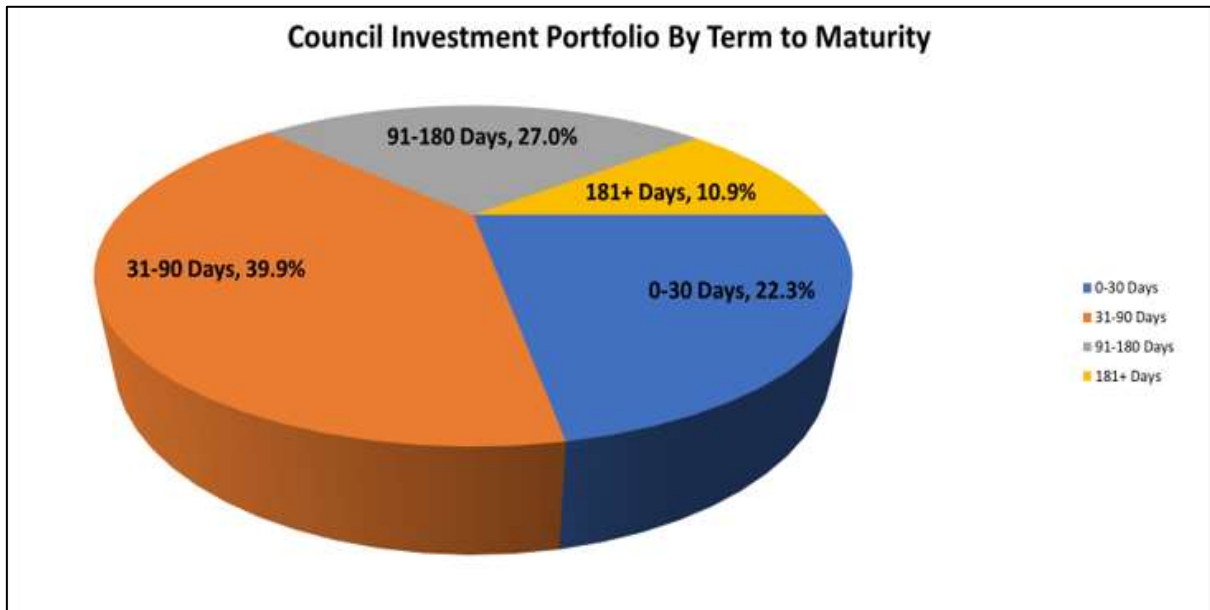
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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-	A-2	80%	Yes
BBB+			
BBB			
BBB-	A-3	30%	Yes
Unrated**	Unrated**	20%	Yes (\$Nil)

* Or Moody's / Fitch equivalents

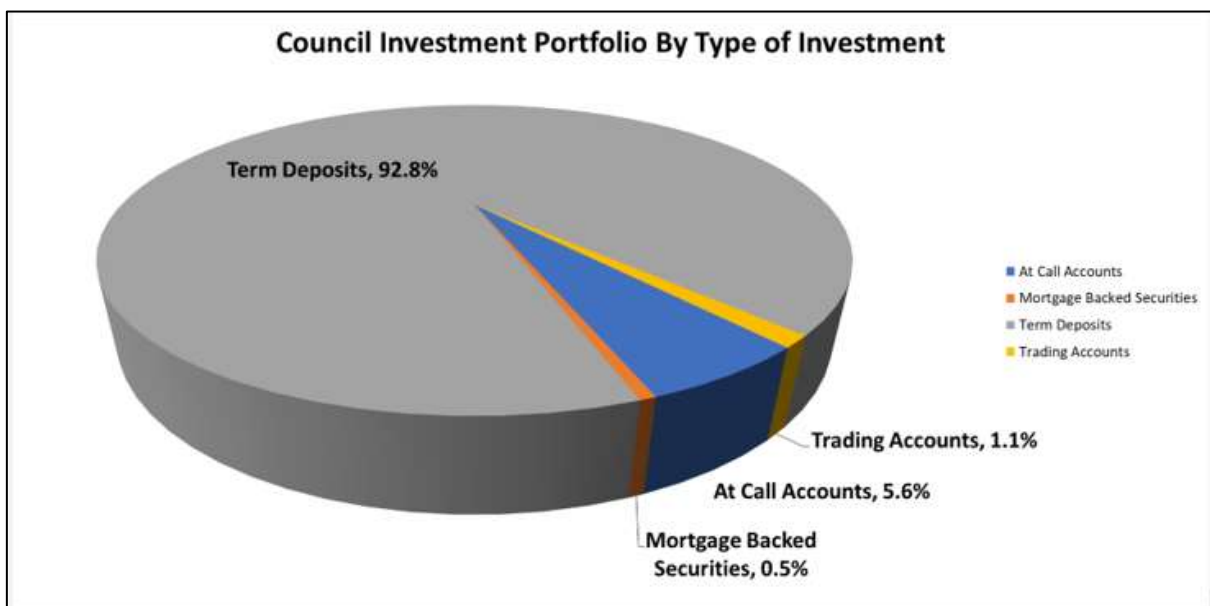
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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

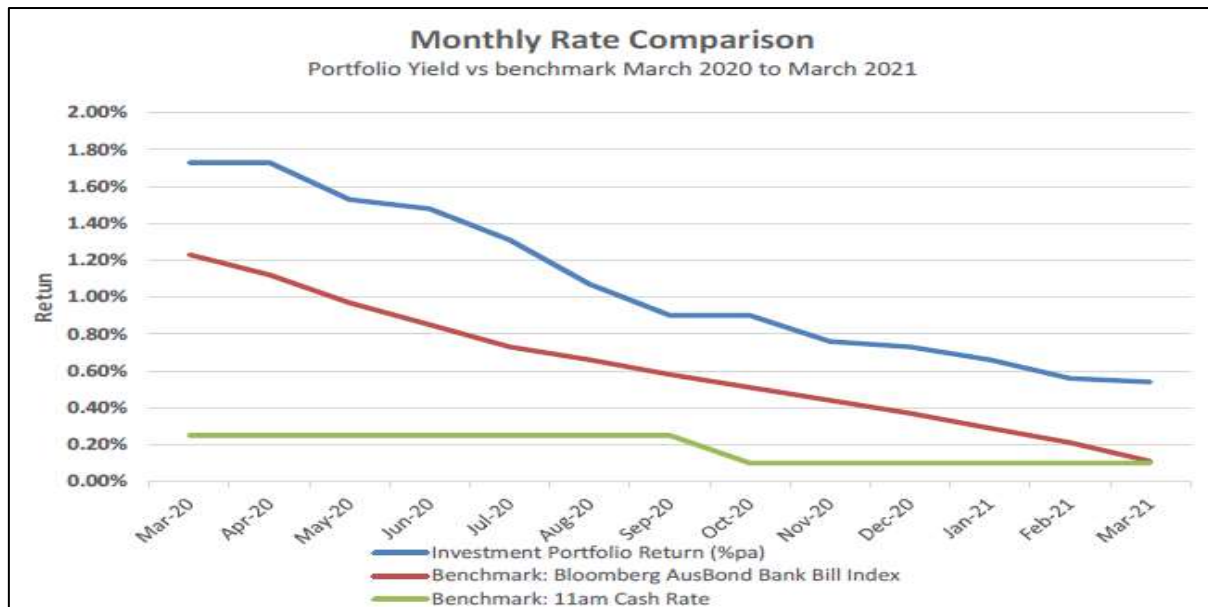


Investment Performance Vs. Benchmark

	Investment Portfolio Return (%pa) *	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	0.54%	0.11%	0.10%
3 Months	0.59%	0.20%	0.10%
6 Months	0.69%	0.32%	0.10%
FYTD	0.83%	0.43%	0.15%
12 Months	1.01%	0.57%	0.18%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

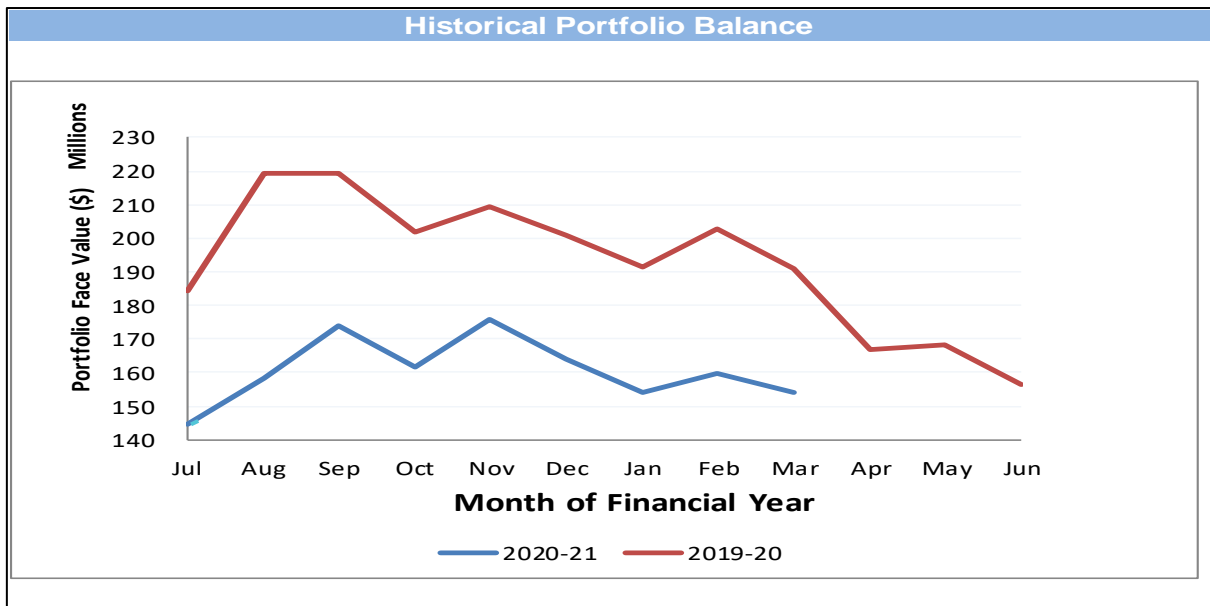


Monthly Investment Income* Vs. Budget

	Mar 2021 \$	Year to Date \$
Investment Income	68,743	977,832
Adjustment for Fair Value	(5)	67,031
Total Investment Income	68,738	1,044,863
Budgeted Income	116,857	1,168,083

* Includes all cash and investment holdings

Historical Portfolio Balance		
	2020-21	2019-20
Jul	144,611,603	184,317,848
Aug	158,270,262	219,369,559
Sep	173,826,570	219,459,189
Oct	161,704,389	201,971,383
Nov	175,913,936	209,221,468
Dec	163,952,299	200,959,271
Jan	154,102,219	191,226,461
Feb	159,915,952	202,672,569
Mar	153,861,974	190,792,653
Apr		166,981,616
May		168,080,277
Jun		156,257,927
Average Portfolio Balance	160,684,356	192,609,185



Statement of Compliance

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

Investment Policy Compliance

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

ECONOMIC NOTES

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

More signs showed of global economic recovery in March albeit bumpier in some parts such as in the US and Europe. Positive news of rising Covid-19 vaccination rates was tempered by an increase in infection rates in some countries including several in the EU forcing a return to restrictions. The US Congress passed the Biden Administration's stimulus package increasing and extending income support for US households. Major central banks including the US Federal Reserve and the ECB reaffirmed their commitment to monetary stimulus for the long haul. Continuing extensive fiscal and monetary stimulus combined with evidence of global economic improvement are underpinning forecasts of very strong global GDP growth in 2021 with the best of the growth occurring in the second half of the year and extending into 2022.

In the US, the lumpy payments from government income support programs are showing in bumpy economic reports. For example, January retail sales lifted by 7.6% m-o-m on a government-boosted 11.1% m-o-m lift in personal income in the same month, but in February retail sales fell by 3.0% m-o-m. The story was similar for housing permits, up 10.7% m-o-m in January but down 10.8% in February. Despite the variability month-to-month, retail sales and housing permits are at high levels and trending upwards. Other US indicators are showing more consistent recovery. Rising demand for housing has pushed national house price growth above 10% y-o-y. US manufacturers are benefitting from rising domestic spending and the global shift in favour of buying goods during the pandemic. The latest regional manufacturing purchasing manager reports have shown strong increases so far. The March Empire (New York) State survey rose to +17.4 from +12.1 in February while the Philadelphia Fed survey rose to +51.8 from +23.1.

Unlike the US where GDP growth is likely to accelerate through 2021, China's annual GDP growth may have peaked in Q1 2021. China was first into the Covid-19 pandemic and first out back in Q2 2020 when the first signs of economic recovery started to show. By Q4 2020 China's economy had recovered all of the output and demand lost in the pandemic and more. In Q4 2020 GDP rose 6.5% y-o-y, a positive outlier in a world where almost all other countries experienced negative annual GDP growth, some as much as -10% y-o-y. In Q1 2021, China's annual GDP growth rate will push well above 10% y-o-y, perhaps even above 20% y-o-y, mostly because of the weak base for comparison in Q1 2020 when China was in lockdown battling the pandemic.

In Europe, Covid-19 vaccination programs are moving slower than hoped other than in the United Kingdom. Covid-19 infection rates have risen again in several countries constituting a third wave and necessitating a return to restrictions. The restrictions are limiting economic recovery in the near-term but fiscal stimulus measures combined with accommodating monetary conditions still point to strong economic improvement. The effect of policy stimulus will be reinforced in the northern summer when warmer weather and higher numbers of people vaccinated slow the pandemic. Reflecting the brighter outlook, leading European economic indicators are positive. The latest March purchasing managers' reports showed the manufacturing PMI rising to 62.4 from 57.9 in February and the services sector PMI lifting to 48.8 from 45.7 in February. Europe is likely to show much stronger economic reports starting later in Q2 2021.

In Australia, the economy grew more strongly than expected in Q4 2020, up 3.1% q-o-q and down only 1.1% y-o-y, confirming that Australia's economic recovery was among the strongest in the world, barring China. The three key early drivers of Australia's economic recovery are rising retail spending and exports and sharply rising spending on housing. Business investment spending also showed first signs of improvement in Q4. All told the economic recovery is progressing much faster than predicted by all forecasters including Treasury and the RBA. In March, there were more signs that Australian economic recovery is gathering pace. Home buying activity has been particularly strong. The value of housing finance commitments rose in January by 12.3% m-o-m after increasing 7.1% in December. More current weekly home auction reports during March showed high sales volumes, clearance rates and prices all markers of strengthening housing activity.

ITEM 9.2	PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2021-2025, OPERATIONAL PLAN AND BUDGET 2021/22
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGY AND PERFORMANCE AND EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS
TRIM FILE REF	2020/765202
ATTACHMENTS	<ol style="list-style-type: none"> 1 📄 Draft Delivery Program 2021-2025 and Operational Plan and Budget 2021/22 (Included In Attachments Booklet) 2 📄 Draft Fees and Charges 2021/22 (Included In Attachments Booklet) 3 📄 Environmental Levy Component of Rate – Increase in Annual Contribution Policy (Manly) (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council endorsement:

- for the public exhibition of the draft Delivery Program 2021-2025 and Operational Plan 2021/22 (including the Budget and Fees and Charges);
- to revoke the former Manly Council 'Environmental Levy Component of Rate – Increase in Annual Contribution' Policy; and
- to undeclare seven services as 'business activities' for the purpose of Special Purpose Financial Reporting.

EXECUTIVE SUMMARY

Our Budget and Delivery Program has a focus on continuing to build economic, environmental and social resilience to ensure we are prepared for any future challenges.

The draft Delivery Program 2021-2025 outlines the Council's priorities over the next four years to deliver the goals identified in the Community Strategic Plan. It addresses Council's operations and allocates responsibility areas for each action. The draft Operational Plan 2021/22 (including the Budget plus Fees and Charges) is a subset of the Delivery Program and details the specific actions Council will deliver during the year.

The 2021/22 budget projects total expenditure of \$452 million, including a capital works program of \$106 million. It shows that our financial position is sound, with a projected Operating Surplus before Capital Grants and Contributions of \$11 million and a balanced budget position. A further \$5 million in loan repayments will also be made during the year, reducing the loans balance to \$17 million by 30 June 2022.

Highlights of the \$106 million capital works program include:

- \$10.6 million to resurface 13km roads, renew 2km footpaths and build 6km of new ones
- \$16.1 million to upgrade surf clubs including Mona Vale and Long Reef Surf Lifesaving Clubs
- \$9.6 million for stormwater works to reduce flooding and pollution
- \$7.8 million to improve pedestrian safety in school zones

- \$7.6 million to construct a Clean Water Diversion System at Kimbriki (funded by income generated at Kimbriki)
- \$4.8 million towards the construction of Warriewood Valley Community Centre along with \$2.1 million for open space and transport in Warriewood Valley
- \$4.9 million for cycleways and Coast Walk paths
- \$2.1 million on public amenities at Little Manly Point, Forestville Town Centre and Shelly Beach and the Porters Reserve change room
- \$1.7 million on wharves at Mackerel and Currawong beaches, and design for Church Point wharf
- \$1.5 million for Church Point and surrounding infrastructure along with \$1.4 million to improve commercial centres at Forestville, Church Point Manly Corso and West Esplanade.

Council is required by the NSW Government to harmonise the rating structures of the former Manly, Pittwater and Warringah Councils by 1 July 2021 to provide a more equitable approach to rates collection. Following Council's decision on 23 March 2021 to fully harmonise the rating structure on 1 July 2021, the budget has been prepared based on the endorsed 'Weighted average minimum harmonisation model' (scenario 4). Council also endorsed the harmonisation of the Stormwater Management Services Charge (previously only applied to former Manly and Pittwater ratepayers) and chose the most generous pensioner concession arrangements.

In accordance with the Local Government Act 1993 the documents need to be exhibited for a minimum of 28 days. The outcomes of this exhibition will be reported back to Council for consideration prior to adopting the Budget 2021/22.

With the commencement of the new rating structure from 1 July 2021, the 'Environmental Levy Component of Rate – Increase in Annual Contribution Policy' is proposed to be revoked as it is no longer required as it relates to the former Manly Council rating structure. Revoking this policy does not impact the environmental outcomes of the Council as these environmental programs will continue.

Council currently prepares seven Special Purpose Financial Statements each financial year for its declared business activities. A recent review of these activities was undertaken following feedback from the Audit Office regarding the materiality and nature of the activities declared against the intended purpose of Special Purpose Financial Reporting. Following an assessment by Council staff and a review by ARIC, it is recommended the Council undeclare these services as business activities for the purpose of special purpose financial reporting.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That:

1. Council place the draft Delivery Program 2021-2025 and Operational Plan 2021/22 (including the Budget and Fees and Charges) on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition of the draft Delivery Program 2021-2025 and Operational Plan 2021/22 be reported back to Council.
3. Council continue to maintain the bank overdraft facility of \$5 million with the Commonwealth Bank of Australia which was originally approved by Council on 28 April 2020 for a period of 12 months.
4. Council declare Council has no business activities for the purpose of Special Purpose Financial Reporting.

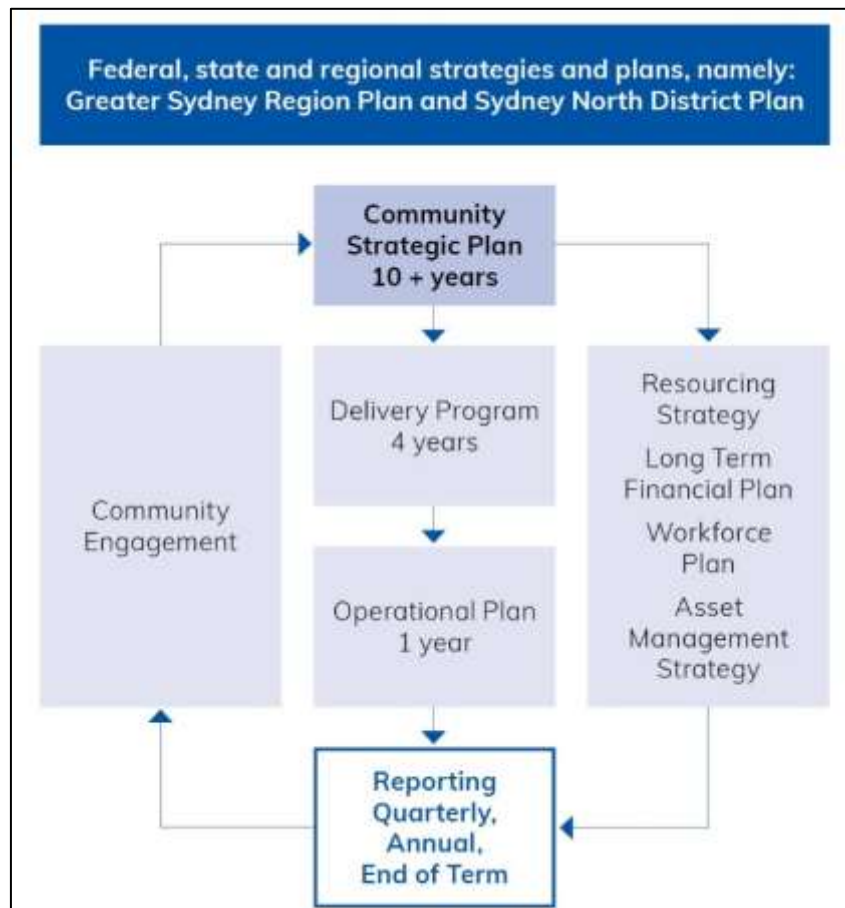
5. Council revoke the policy 'Environmental Levy Component of Rate – Increase in Annual Contribution' (former Manly Council).
 6. Council delegate authority to the Chief Executive Officer to do all things necessary in order to give effect to this resolution.
-

REPORT

BACKGROUND

The Local Government Act 1993 (the Act) and *Integrated Planning and Reporting Guidelines* (2013) require every NSW council to develop integrated plans with its community see Figure 1.

Figure 1: Integrated Planning and Reporting Framework



The Community Strategic Plan (CSP) is our community's high level plan for the next ten years, and was adopted by Council on 17 April 2018. The Resourcing Strategy supports the delivery of the CSP and sets out the workforce, finances and assets that enable Council to provide its services.

Under section 404 of the Act, the Delivery Program must address the strategies outlined in the CSP, within the available resources set out in the Resourcing Strategy. It details the principal activities to be undertaken, and how we will measure our effectiveness. It also reflects our commitment to the community's vision for the area:

Northern Beaches - a safe, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment.

Council's Delivery Program covers four years 2021-2025, with the Operational Plan comprising the first year 2021/22. The Operational Plan details the year's activities, expenditure, income, rates, domestic waste charge, borrowings and fees and charges.

Delivery Program and Operational Plan

The Delivery Program 2021-2025 continues to respond to community priorities identified through extensive community engagement since 2017.

The document is structured around 16 key services, each showing how they address the 22 goals of the CSP. A section titled 'Delivering for the Northern Beaches' outlines Council's priorities to progress key aspects of the CSP:

- Environment and sustainability
- Health and recreation
- Planning for the future
- Community and creativity
- Vibrant centres and business
- Connected transport.

These priorities are addressed across the key services with allocated programs and projects. For each service, the document shows the following elements for the next four years:

- Ongoing services and programs
- Operational and capital projects
- Performance measures, with revised targets
- Satisfaction measures
- Income and expenditure.

The Operational Plan 2021/22 supports the continued delivery of high quality services and key operational projects to ensure better outcomes for our community. It also includes a capital works program of \$106 million. Highlights include:

- \$10.6 million to resurface 13km roads, renew 2km footpaths and build 6km of new ones
- \$16.1 million to upgrade surf clubs including Mona Vale and Long Reef Surf Lifesaving Clubs
- \$9.6 million for stormwater works to reduce flooding and pollution
- \$7.8 million to improve pedestrian safety in school zones
- \$7.6 million to construct a Clean Water Diversion System at Kimbriki (funded by income generated at Kimbriki)
- \$4.8 million towards the construction of Warriewood Valley Community Centre along with \$2.1 million for open space and transport in Warriewood Valley
- \$4.9 million for cycleways and Coast Walk paths
- \$2.1 million on public amenities at Little Manly Point, Forestville Town Centre and Shelly Beach and the Porters Reserve change room
- \$1.7 million on wharves at Mackerel and Currawong beaches, and design for Church Point wharf
- \$1.5 million for Church Point and surrounding infrastructure along with \$1.4 million to improve commercial centres at Forestville, Church Point Manly Corso and West Esplanade.

BUDGET OVERVIEW AND FINANCIAL FORECASTS

Increase in Bank Overdraft Limit

The majority of Council's investments are held in Term Deposits which are scheduled for redemption to ensure liquidity requirements are being met in a normal operating environment.

Given the uncertainties associated with the length and impact of the COVID-19 pandemic, in April 2020 Council approved an increase in the Council's bank overdraft from \$500,000 to \$5 million for a period of 12 months. As sudden closures and restrictions create significant pressure on Council's cashflow, the overdraft was an integral and prudent part of cash management without the need for the early redemption of term deposits.

Council staff recommend continuing to maintain the \$5 million overdraft as this is an appropriate facility for an organisation of our size and is a prudent measure to mitigate the risks of future shocks and stresses on our organisation.

Draft Budget 2021/22

The 2021/22 budget projects total expenditure of \$452 million, including a capital works program of \$106 million. It shows that our financial position is sound, with a projected Operating Surplus before Capital Grants and Contributions of \$11 million and a balanced budget position. The \$11 million surplus from the operating budget contributes towards the funding required for the capital works program (\$106 million) and loan repayments (\$5 million). The balance of funding is derived from capital grants and contributions, proceeds on the sale of vehicles, funding allocated to asset depreciation and the Council's cash reserves and working capital. With the application of all these funding sources the Council has achieved a balanced budget.

The proposed \$106 million capital works program responds to the priorities in the Community Strategic Plan for improving infrastructure to more easily move around, protect our environment and provide attractive spaces where we can play sport or relax with friends and family. This investment includes \$40.4 million in asset renewal to improve the overall condition of our assets and to reduce ongoing operational costs associated with asset repair and maintenance. A further \$65.2 million will deliver high priority new assets to the community.

Efficiency savings

The Council has achieved a reduction in operating costs in the development of the 2021/22 draft budget, meeting the \$2.75m target reduction set out in the Long Term Financial Plan for 2021/22. This includes Council's new renewable energy electricity supply agreement which will result in a reduction of Council's carbon emissions by 80% from 2021 (approximately 20,000 tonnes CO₂-e per annum), while also saving an estimated \$1.9 million in expenditure over seven years (\$230,000 in 2021/22).

REVENUE POLICY

Rating Structure 2021/22

The State Government via the Independent Pricing and Regulatory Tribunal (IPART) caps the total general income that may be raised from levying rates on property. IPART has determined that general income from rates in 2021/22 may increase by a maximum of 2.0%.

The 2.0% rate peg is based on the change in the Local Government Cost Index (LGCI) and consideration of a productivity factor. The LGCI is effectively a price index for councils in NSW. It measures price changes over the past year for goods, materials and labour used by an average council. The index has 26 weighted cost components, with the main contributors to the change in the LGCI being:

- An increase of 2.4% in employee benefits and on-costs, measured by the ABS wage price index for the NSW public sector
- An increase of 0.7% in construction works – roads, drains, footpaths, kerbing, bridges costs, measured by the ABS producer price index for roads and bridge construction – NSW.

The draft Operational Plan and Budget 2021/22 is based on an increase in total general income of 2.0%, which raises an additional \$3.5 million to ensure the Council can sustain existing service levels and maintain assets.

Northern Beaches Council is required by the NSW Government to harmonise the rating structures of the former Manly, Pittwater and Warringah Councils by 1 July 2021 to provide a more equitable approach to rates collection across the local government area. Following Council's decision on 23 March 2021 to fully harmonise the rating structure on 1 July 2021, the budget has been prepared based on the endorsed 'Weighted average minimum harmonisation model' (scenario 4).

The rating structure will be based entirely upon property valuations (ad valorem) but with minimum rates applying where appropriate. Rates for 2021/22 will be assessed on land values as at 1 July 2019.

Stormwater Management Services Charge 2021/22

As part of the rates harmonisation process, Council has also endorsed the harmonisation of the Stormwater Management Services Charge (previously only applied to former Manly and Pittwater ratepayers). From 2021/22 the Stormwater Management Services Charge will be levied to all eligible residential and business ratepayers to fund a program of stormwater improvement projects. The charge is forecast to raise \$2 million in 2021/22.

Domestic Waste Management Charge 2021/22

The Domestic Waste Management (DWM) Service is provided to all residential properties on the Northern Beaches. Council must make and levy an annual charge for the service and income must not exceed the reasonable cost to Council of providing the services (Section 496 and 504). The standard domestic waste charge is proposed to be \$466.00 in 2021/22 (a \$20 increase on the 2020/21 charge), raising \$45 million in revenue.

The increase in the charge includes the expansion in the eligibility criteria for the voluntary pensioner rebate for waste charges (\$2 of the 2021/22 increase) and removal of the adjustment to reduce the surplus of funds in the domestic waste reserve in 2020/21 (\$15 of the 2021/22 increase).

Fees and Charges 2021/22

The draft Fees and Charges is at Attachment 2. Council's Pricing Policy ensures Council recovers its costs in delivering a service, while also allowing for fees and charges to be discounted where appropriate in recognition of Council's community service obligations.

Fees and Charges relate mainly to the recovery of service delivery costs through the charging of fees to users. These include use of leisure, entertainment and other community facilities and the provision of human services such as long day care, vacation care and family day care. In setting the budget, the key principle for determining the level of user charges has been to ensure that increases relate directly to the costs incurred in providing the service.

DECLARED BUSINESS ACTIVITIES FOR SPECIAL PURPOSE FINANCIAL REPORTING

Council currently prepares seven Special Purpose Financial Statements (SPFS) each financial year for the following declared business activities:

- Certification - \$1.2 million (2019/20 income)
- Glen Street Theatre - \$1.7 million
- Parking Stations - \$3.9 million
- Sydney Lakeside Holiday Park - \$5.9 million
- Aquatic Centres - \$7.1 million
- Children's Services - \$13.5 million
- Kimbriki Environmental Enterprises - \$38.8 million.

Council staff have undertaken a review of the declared business activities against the requirements within The Local Government Code of Accounting Practice and Financial Reporting. This followed feedback from the Audit Office about the duplication of audited information including Kimbriki's audited financial statements and the materiality and nature of the activities declared against the intended purpose of Special Purpose Financial Reporting.

SPFS are required to demonstrate that Council is meeting its obligations under the National Competition Policy for large scale significant functions of Council which operate in competition with the private sector. Northern Beaches Council has retained the declaration of the previous councils' business activities.

Council staff have assessed these services and recommend the Council undeclare them as business activities in view of:

- the scale of Northern Beaches Council
- the purpose of the service is to provide a community benefit
- information is available elsewhere for these activities including within the General Purpose Financial Statements.

This assessment was discussed and noted by the ARIC at their meeting on 9 March 2021 along with the Audit Office who support staff's recommendation to undeclare the seven services as business activities, which will result in the removal of the SPFS.

FORMER MANLY COUNCIL ENVIRONMENTAL LEVY POLICY

The Local Government (Council Amalgamations) Proclamation 2016 states that the policies of the three former councils (Manly, Pittwater and Warringah) remain in effect until Council adopts a new policy or the former policy is revoked.

This report proposes to revoke the 'Environmental Levy Component of Rate – Increase in Annual Contribution Policy' which relates to the policy position of the former Manly Council (Attachment 3) to ensure the Environmental Levy allocation increased by the same percentage that rate revenue increased each year. As the new Northern Beaches harmonised rating structure will commence from 1 July 2021, this policy is no longer required as it relates to the former Manly Council rating structure.

The former Manly Council established an 'Environmental Levy' to identify funding from their ordinary rates revenue for environmental purposes. In 2020/21 this funded \$1.06 million in ongoing programs within the former Manly Council area in bush regeneration, coast and waterway management, environmental sustainability and education, natural hazards management and biodiversity programs.

Revoking this policy does not have a financial impact, nor does it impact the environmental outcomes of the Council as these environmental programs will continue.

CONSULTATION

The draft documents will be placed on exhibition for a minimum of 28 days. Promotion and engagement will include:

- A dedicated Your Say page, including all documents
- Social media
- Four forums online and face to face
- Providing short summaries of the draft Operational Plan for different localities across the Northern Beaches
- Bulk emails to around 23,000 people on our Community Engagement Register.

Submissions can be made online as well as via letter and email.

TIMING

The draft documents will be exhibited for a minimum of 28 days. A summary of the submissions received along with revised Delivery Program, Operational Plan and Fees and Charges will be presented to Council on 22 June 2021 for consideration.

LINK TO STRATEGY

The Delivery Program addresses all of the Community Strategic Plan's eight outcomes and 22 goals. The development and exhibition of the plan itself address these three key goals:

- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

The 2021/22 budget projects total expenditure of \$452 million, including a capital works program of \$106 million. This includes investing \$40.4 million in asset renewal to improve the overall condition of our assets and a further \$65.2 million in delivering high priority new assets to the community. It shows that our financial position is sound, with a projected Operating Surplus before Capital Grants and Contributions of \$11 million, a further \$5 million in loans repaid and a balanced budget position.

The Council is anticipated to achieve the Office of Local Government financial and asset performance benchmarks in 2021/22.

SOCIAL CONSIDERATIONS

The Delivery Program and Operational Plan include initiatives aimed at creating a safer and more inclusive and connected community.

ENVIRONMENTAL CONSIDERATIONS

The Delivery Program and Operational Plan include initiatives aimed at protecting the environment and improving the environmental sustainability of the Northern Beaches. Revoking the 'Environmental Levy Component of Rate – Increase in Annual Contribution Policy' will not impact the environmental outcomes of the Council as the environmental programs previously identified as Environmental Levy programs will continue.

GOVERNANCE AND RISK CONSIDERATIONS

The development of the Delivery Program and Operational Plan is integral to the governance framework of Council. These documents have been prepared in accordance with Sections 402-405 of the Local Government Act 1993 and the Office of Local Government's *Integrated Planning and Reporting Guidelines for local government in NSW (2013)* and *Integrated Planning and Reporting Manual for Local Government in NSW (2013)*.

The Council's Pricing Policy guides the pricing of Council's services along with the annual budget process. This mitigates the risk of Council not meeting competitive neutrality guidelines.

ITEM 9.3	COUNCILLOR EXPENSES 1 JULY TO 31 DECEMBER 2020
REPORTING MANAGER	ACTING EXECUTIVE MANAGER GOVERNANCE AND RISK
TRIM FILE REF	2021/233591
ATTACHMENTS	1 Councillor Expenses Report 1 July 2020 to 31 December 2020

SUMMARY

PURPOSE

To report on the expenditure of councillors for the period 1 July to 31 December 2020 in accordance with section 17.2 of the Councillor Expenses and Facilities Policy.

EXECUTIVE SUMMARY

The Northern Beaches Council 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 under the *Local Government Act 1993 (NSW)* and provides reasonable recompense for expenses incurred in undertaking civic duties.

Under clause 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 below details the total expenditure as reimbursed to each councillor for the period 1 July to 31 December 2020.

The Council resolved at the 25 August 2020 Council meeting (Resolution 205/20) to publish the councillor expenses within councillor profiles on the website.

To support councillors in tracking their expenses, councillors are provided with a monthly expense report. Prior to the publication of this report all councillors were provided an opportunity to review their individual expenditure.

This report contains all expenses claimed by councillors within the reporting period and reimbursed under the Policy.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 July to 31 December 2020.

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*.

Under clause 17.2 – Reporting of the Policy, a report on the provision of expenses to councillors is to be provided to Council every six months and made available to the public through Council's website.

Reimbursement for expenses as detailed under the Councillor Expenses and Facilities Policy is provided as follows as an excerpt from the Policy:

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

CONSULTATION

Councillors are provided with a monthly update tracking their individual councillor expenses, or on demand as requested. Councillors were provided an opportunity to review their individual expenditure from 1 July to 31 December 2020.

TIMING

The Councillor Expenses and Facilities Policy requires the reporting of councillor expenses each six months.

LINK TO 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 financial commitment for councillor expenses and facilities is outlined within the Councillor Expenses and Facilities Policy adopted by Council on 28 August 2018. Provision for expenses and facilities was included within the existing operational budgets for the 2020/21 financial year.

SOCIAL CONSIDERATIONS

The Councillor Expenses and Facilities Policy provides a framework for councillors to claim for expenses incurred and facilities required for 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 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 clause 17.2 of the Councillor Expenses and Facilities Policy.

Councillor Expenditure 1 July 2020 to 31 December 2020
(excluding internal charges for councillor ICT and meetings)

Councillor	Amount \$
Cr Amon	2,499
Cr Bingham	3,220
Cr Daley	1,529
Cr De Luca	953
Cr Ferguson	804
Cr Grattan	941
Cr Harrison	0
Cr Heins	451
Cr McTaggart	0
Cr Philpott	391
Cr Sprott	2,296
Cr Walton	1,263
Cr Warren	391
Cr White	201
Mayor Regan	4,192
Total councillor expenditure	19,131

ITEM 9.4	MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 8 DECEMBER 2020
REPORTING MANAGER	EXECUTIVE MANAGER INTERNAL AUDIT AND COMPLAINTS RESOLUTION
TRIM FILE REF	2021/160943
ATTACHMENTS	1 ➡ Confirmed Minutes of the Audit, Risk & Improvement Meeting held on 8 December 2020 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 8 December 2020.

EXECUTIVE SUMMARY

The Audit, Risk and Improvement Committee (ARIC) plays a pivotal role providing Council with independent assurance and advice in the areas of internal audit, financial management, risk management, compliance and control, and organisational performance and improvement, along with external accountability responsibilities.

In accordance with the Audit, Risk and Improvement Committee Charter, the confirmed minutes of Audit, Risk and Improvement Committee meetings are to be reported to Council. The confirmed minutes of the meeting held on 8 December 2020 are reported in full at attachment one.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 8 December 2020.

REPORT

BACKGROUND

The purpose of the meeting held on 8 December 2020 was to provide the Audit, Risk and Improvement Committee with progress updates in the areas of internal audit, financial management, risk management, compliance and control, and organisational performance and improvement.

LINK TO 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

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

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.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts in relation to this report.

GOVERNANCE AND RISK CONSIDERATIONS

The Committee functions in accordance with the non-mandatory guidelines issued by the Chief Executive of the Office of Local Government under 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*.

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	STAKEHOLDER CONSULTATION ON NSW DPI FISHERIES' SHARK MANAGEMENT STRATEGY
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2021/279729
ATTACHMENTS	1 Download Draft Northern Beaches Council Response: Stakeholder Consultation on Preferred Shark Mitigation Measures in NSW

SUMMARY

PURPOSE

To provide information regarding the New South Wales (NSW) Department of Primary Industries – Fisheries (DPI Fisheries) stakeholder consultation on preferred shark mitigation measures in NSW and provide a draft submission on this matter for Council's consideration.

EXECUTIVE SUMMARY

The primary strategy to mitigate against unprovoked shark attacks on coastal beaches from Newcastle to Wollongong is the Shark Meshing (Bather Protection) Program (SMP). The SMP deploys shark nets at 51 beaches from Newcastle to Wollongong, including 15 in the Northern Beaches Local Government Area (LGA).

In 2015, DPI Fisheries began a five-year program, the NSW Shark Management Strategy (SMS), to investigate opportunities to increase public protection from shark attacks and reduce bycatch of non-target species. This was done through research, community education and trials of various shark detection and deterrent technologies. Methods included drones, SMART (Shark Management Alert in Real-Time) drumlines, shark listening stations, shark nets, helicopters, personal protection, clever buoys (sonar shark detection) and barriers.

Whilst this program concluded in June 2020, DPI Fisheries are continuing shark detection and deterrent activities including drones, shark nets and tagging, as well as community awareness and education on the Northern Beaches.

In March 2021, DPI Fisheries released an online survey titled "Stakeholder Consultation on Preferred Shark Mitigation Measures in NSW" (The Survey) to assess support for various shark mitigation measures. Individuals, Non-Government Organisations and councils are all invited to respond. The Survey opened on 8 March 2021 and closed to the public on 4 April 2021 and will close to councils on 30 April 2021.

Staff have prepared a draft response to the Survey on behalf of Council, included as an attachment, which is proposed for endorsement.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council endorse the submission of the response to the "Stakeholder Consultation on Preferred Shark Mitigation Measures in NSW" online survey to DPI Fisheries.

REPORT

BACKGROUND

The primary strategy to mitigate against unprovoked shark attacks on coastal beaches from Newcastle to Wollongong is the Shark Meshing (Bather Protection) Program (SMP). The SMP deploys shark nets at 51 beaches from Newcastle to Wollongong, including 15 in the Northern Beaches LGA. The following beaches on the Northern Beaches are covered by the SMP:

- Sydney North region: Palm, Whale, Avalon, Bilgola, Newport, Mona Vale and Warriewood.
- Sydney Central region: North Narrabeen, Narrabeen, Dee Why, Curl Curl, Freshwater, Queenscliff, North Steyne and Manly.

The objectives of the SMP are to:

- Reduce risk to humans from shark bites at beaches subject to the SMP.
- Minimize the impact on non-target species and to ensure that the SMP does not jeopardise the survival or conservation status of threatened species, populations and ecological communities.

Management of the SMP is the responsibility of DPI Fisheries. Council lifeguards contribute to shark bite mitigation by closing beaches and informing beach users when sharks are observed.

Nets are set from 1 September to 30 April. The precise position of the nets at each location is determined by prevailing weather conditions and currents but they are generally set parallel to beaches near the surf clubs and patrolled swimming areas.

The application of shark nets is a polarising issue amongst coastal communities. Some beach users believe they are an effective management strategy in preventing unprovoked shark attacks. Others view their environmental impact on non-target marine species as significant and contend that they should be replaced with alternative technologies.

Recently, Council has been approached by conservation and animal welfare organisations, including the Humane Society International, to support a trial of alternative measures on the Northern Beaches as a replacement for shark nets. Council refers such approaches to DPI Fisheries as the agency with the expertise and responsibility for designing and implementing shark bite mitigation strategies in NSW.

NSW Shark Management Strategy (2015-2020)

In 2015 DPI Fisheries began a five-year program, the NSW Shark Management Strategy or SMS, to investigate opportunities to increase public protection from shark attacks and reduce bycatch of non-target species. This was done through research, community education and trials of novel shark detection and deterrent technologies. Measures trialled by DPI Fisheries included:

- Educational programs - to reduce risk through the changed behaviour of beachgoers.
- Shark detection - helicopters, drones, clever buoys and VR4G listening stations which detect tagged sharks and send an alert to beachgoers via the SharkSmart app.
- Shark deterrents - barriers, personal deterrents (e.g. electrical) and SMART drumlines.

Measures trialed on the Northern Beaches included:

- Drones - two drones for shark detection on the Northern Beaches provided to Surf Life Saving NSW.

- SMART drumlines - SMART trials were conducted in the Northern Beaches 1 February – 11 May 2019 and 1 September – 1 December 2019. SMART drumlines are intended as a non-lethal alternative deterrent to shark nets that are more effective at catching target shark species, with lower bycatch and mortality. SMART drumlines marginally outperformed shark nets during the trial period by catching more target sharks (9 compared to 4), catching fewer non-target species (23 compared to 34) and resulting in lower mortality (2 dead animals compared to 26 in nets).
- Shark tagging program - tags provide data for research and/or VR46 listening station SMS alerts. The nearest listening station to the Northern Beaches is at Bondi Beach.

The effectiveness of alternative measures can vary with respect to location, conditions, target species and target beach user group. A summary of the findings of the trial against the objectives of the SMP is provided in the table below.

Objective 1: Risk of Shark Bite	Given the low number of shark attacks in NSW, particularly fatal ones, it is not possible to determine which measures improve or maintain the level of swimmer safety compared to shark nets.
Objective 2: Reduced Environmental Impact	With respect to environmental impacts, shark detection measures have the lowest bycatch. Comparisons between SMART drumlines and shark nets indicate that drumlines catch more target sharks, less non-target animals and result in lower overall mortality.

Council has sought and received assurances from DPI Fisheries that the NSW Government will continue to bear the costs of and be solely responsible for implementing and managing shark mitigation at ocean beaches. DPI has not informed Council what core measures are to be included in its ongoing shark strategy beyond the 2020/21 SMP season.

Community and Stakeholder Engagement for Shark Management Strategy

In February 2021 DPI Fisheries initiated a state-wide community and stakeholder engagement program to communicate the results of the trials and gauge support for existing and alternative shark bite mitigation measures. This included stakeholder forums and publishing results of the trials online through a series of videos and fact sheets at www.sharksmart.nsw.gov.au.

To assess support for various shark mitigation measures, DPI Fisheries released the online Survey on 8 March 2021. The Survey will close to the public 4 April 2021 and Councils on 30 April 2021. Individuals, Non-Government Organisations and Councils are all invited to respond to the Survey.

The Survey requires the respondent to identify preferences and quantify support for a range of shark mitigation measures (including education, beachgoer behaviour, shark detection and shark deterrence), timing and duration of deployment, research opportunities and the option to provide comment.

Council has promoted the DPI Fisheries stakeholder consultation survey to the Northern Beaches community via "Have Your Say" Community Engagement News and online Northern Beaches News.

Proposed Council response to Shark Management Strategy Survey

Council's response is summarised as follows:

- Council welcomes the opportunity to provide comment on initiatives that may inform DPI Fisheries ongoing NSW Shark Program.

- Council endorses the objectives of the current SMP and considers any future shark management strategy should also aim to reduce the risk of shark bite and minimise the impact of mitigation measures on target and non-target species.
- Any programs or technology that result in lower shark and/or non-target bycatch mortality, whilst maintaining or improving the safety of recreational users of our waterways, are supported by Council.

The highest preference has been allocated to 7 of the 9 mitigation measures related to education detection and personal deterrence as these measures do not have an impact on any marine species. Lower preference values have been assigned to both shark nets and SMART drumlines in recognition of the greater environmental impact these deterrent measures have relative to other technologies.

The efficacy of individual mitigation measures will vary with respect to factors such as location, conditions, season, target species and user groups. DPI Fisheries is, and should continue to be, the agency with the resources, responsibility and expertise to design and implement a cost-effective shark bite mitigation strategy. Council supports DPI to continue to assess existing and innovative mitigation measures and continue to refine and improve the shark strategy to meet its objectives with respect to beachgoer safety and environmental impacts.

CONSULTATION

Councillors and staff have participated in the stakeholder forums associated with the Survey. Council has promoted the DPI Fisheries stakeholder consultation survey to the Northern Beaches community via “Your Say” Community Engagement News and online Northern Beaches News.

Environment and Climate Change staff have sought and received comments from other relevant teams within Council such as Beach Services and Parks and Recreation.

Surf Life Saving NSW has advised it has encouraged the Sydney Northern Beaches Branch to make their own submission directly to DPI Fisheries. Sydney Northern Beaches Branch has confirmed it provided a submission and it is understood their current preference is SMART drumline tagging and listening buoys supplying notification via Shark Smart app.

A proposed Council response to the Survey is attached for the consideration of Council.

TIMING

A response to the Survey is required by 30 April 2021. Council will continue to engage with DPI Fisheries on the most effective and appropriate shark mitigation actions for the Northern Beaches LGA.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

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

FINANCIAL CONSIDERATIONS

Council has sought and received assurances from DPI Fisheries that the NSW Government will continue to bear the costs of and be solely responsible for implementing and managing shark

mitigation at ocean beaches. DPI Fisheries has not informed Council what core measures are to be included in its ongoing shark strategy beyond the 2020/21 SMP season, however given the above assurances, it is assumed the measures will not result in a financial impact to Council.

SOCIAL CONSIDERATIONS

The safety of our community while swimming at our beaches is a priority for Council and the Survey responses have been drafted to reflect this.

ENVIRONMENTAL CONSIDERATIONS

DPI Fisheries has the expertise and responsibility for determining the significance of SMP impacts on aquatic ecology and threatened species. The SMP is subject to environmental assessment by DPI Fisheries and reviewed by NSW Fisheries Scientific Committee. The evidence provided by DPI Fisheries in support of the Survey indicates that the SMP increases the level of non-target species and by-catch compared with other measures such as drumlines. Staff agree that programs or technology that seek to lower shark and/or non-target bycatch mortality should be supported where they maintain or improve the safety of recreational beach users.

GOVERNANCE AND RISK CONSIDERATIONS

There are risks and benefits associated with a change in shark mitigation strategies. While a change in strategy may result in a reduced bycatch, it may inadvertently increase the risk of an interaction. While the data on reduced bycatch from different options appears robust, there does not appear to be sufficient data to determine which if any option materially reduces the risk of human interaction with sharks (simply because the background risk is so low).

Accordingly, while Council can make comment with respect to survey feedback, any decision to replace the current strategy is the responsibility of DPI Fisheries in consideration of all the relative risks and benefits to both the environment and the swimming population. Council will continue to rely on the advice of DPI Fisheries on the appropriate detection and deterrence actions for the shark interactions on the Northern Beaches.

Attachment 1

Draft Northern Beaches Council Response: Stakeholder Consultation on Preferred Shark Mitigation Measures in NSW

Note: This survey is being conducted via an online platform. Council staff will enter the responses to the questions below following the responses being endorsed by Council.

Name of organisation: Northern Beaches Council

Contact name: Yianni Mentis, Executive Manager, Environment & Climate Change

Email: yianni.mentis@northernbeaches.nsw.gov.au

Question 1: When do you think shark mitigation measures should be deployed?

All year

Question 2: The list below includes different community education and shark-alert measures. Which if any do you support in your local government area (or NSW in general)

Measure	Supported	Not Supported
2.1 Beach signage informing beachgoers about how to avoid the chance of a shark encounter	Yes	
2.2 Community education forums (e.g. information nights at surf clubs, community meetings)	Yes	
2.3 Pop-up Mobile SharkSmart Education (e.g. DPI SharkSmart education trailer attends beaches, schools and surfing events)	Yes	
2.4 SharkSmart App (using alerts from shark listening stations)	Yes	
2.5 Digital communications (through social media or special interest websites)	Yes	
2.6 SharkSmart Education 'packages' for different beach user groups (videos or FAQs relevant to surfers, divers, surf life savers)	Yes	

Question 3: The list below includes different aerial surveillance measures like helicopters and drones. Which, if any, do you support in your local government area (or NSW in general)?

Measure	Supported	Not Supported
3.1 Helicopters	Yes	
3.2 Drones	Yes	

Question 4: The list below includes different in-water measures. Which, if any, do you support in your local government area (or NSW in general)?

Measure	Supported	Not Supported
4.1 Shark Listening stations linked to the SharkSmart app (detection tracking notifications)	Yes	
4.2 Personal shark deterrent devices	Yes	
4.3 SMART drumlines	Yes	
4.4 Shark mesh nets	Yes	

Question 5: Which of the following research topics, should the government focus on in your local government area (or in NSW in general) to increase protection of beachgoers?

Measure	Supported	Not Supported
5.1 Shark movement patterns and behaviour	Yes	
5.2 Role of sharks in the marine ecosystem	Yes	
5.3 Drone technology improvements	Yes	
5.4 Patterns in human-shark interactions	Yes	
5.5 Monitoring of shark populations	Yes	

Question 6: Please indicate which (if any) of the shark mitigation measures listed below you would prefer for your region (or NSW in general). For each option, please use the slider bar to indicate your preference on a scale of 0 to 10 where 0=No preference and 10=High preference.

Measure	Preference
6.1 Community Education (e.g. signs, mobile education and pop-ups)	10 – High Preference (please see text below)
6.2 Helicopters	10 – High Preference (please see text below)
6.3 Drones	10 – High Preference (please see text below)
6.4 SMART drumlines	8 – High Preference, recognising impact to target and non-target marine species
6.5 Shark mesh nets	8 – High Preference, recognising impact to target and non-target marine species
6.6 Shark Listening stations linked to the SharkSmart app (detection tracking notifications)	10 – High Preference (please see text below)
6.7 Personal shark deterrent devices	10 – High Preference (please see text below)
6.8 Personal responsibility (self-education and risk analysis)	10 – High Preference (please see text below)
6.9 Research to learn more about sharks and mitigation technologies	10 – High Preference (please see text below)

Question 7: In 2000 characters or less (approximately 300 words), can you tell us why you selected those options the way you did based on the needs in your local area (or NSW in general)?

Northern Beaches Council is satisfied with the program as implemented by DPI Fisheries and currently participates in the implementation of this program by providing additional shark detection and closing beaches when necessary.

DPI Fisheries funded programs or technology that result in lower shark &/or non-target bycatch mortality, whilst maintaining or improving the safety of recreational users of our waterways, are supported.

DPI Fisheries is, and should continue to be, the agency with the expertise and responsibility for designing and implementing shark bite mitigation strategies in NSW. In practice a combination of the measures above will be applied at each location based on site specific factors. It is requested that:

- DPI Fisheries confirm the most efficient detection strategy or combination of strategies for the Northern Beaches
- DPI Fisheries develop and provide additional information on the effectiveness and cost associated with alternative shark bite mitigation measures relative to shark nets.

Question 8: Do you have any further comments or suggestions for the NSW Government regarding shark mitigation in your region (or NSW in general), including any local factors that you feel should be considered?

Yes

Question 9: In 600 characters or less (approximately 100 words), please provide your additional comments/suggestions based on the needs in your local area (or NSW in general):

Council welcomes the opportunity to provide comment on initiatives that may inform DPI Fisheries ongoing NSW Shark Program. Council endorses the objectives of the current SMP Management Plan and believes any future shark strategy should also aim to reduce the risk of shark bite and minimise the impact of mitigation measures on target and non-target species. Additional, information on relative benefits to risk of various strategies and costings to better inform a decision to support additional measures to those funded by DPI Fisheries would be welcome.

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2021 AND POOLING OF CONTRIBUTION RESERVES
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2020/154635
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 (Included In Attachments Booklet) 2 ⇒ Practice Note on Section 7.12 Fixed Development Consent Levies 2021 (Included In Attachments Booklet) 3 ⇒ Ministerial Direction 2020 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council endorsement to place on public exhibition the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021, and to pool funds so there is a single reserve for each of the repealed contributions plans.

EXECUTIVE SUMMARY

The *Environmental Planning and Assessment Act 1979* (EP&A Act) allows Council to levy development, based on the estimated cost of works, in the majority of the Northern Beaches (except in the Dee Why Town Centre and Warriewood Valley Release Area) to fund the provision, extension, or augmentation of public infrastructure and services necessary to meet the increased demand in the catchment area. The levy is a flat rate contribution currently up to 1% of development costs.

At its meeting of 25 June 2019, Council adopted the Northern Beaches Section 7.12 Development Contributions Plan 2019 (the 'Contributions Plan'). A review of the Contributions Plan was recently completed to ensure compliance with recent legislative changes and Council's Draft 2021/22 Capital Works Program. If agreed to by Council, the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 will be exhibited for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000. The outcomes of this exhibition will be reported back to Council.

Contribution payments under repealed plans (Manly Section 94 Contributions Plan and Pittwater Section 94 Contributions Plan) in the former Manly and Pittwater Council areas continue to be received, on a sporadic basis possibly until 2024. The existing reserves for these two repealed plans can be further pooled such that there is a single reserve for each repealed plan in the former Manly and Pittwater areas. This, in turn, expedites and simplifies the timely expenditure of these funds while still ensuring that funds are spent within the former LGA in which they were collected. Council support is sought for this approach.

The pooling of reserves is supported by Council's finance team, and is in accordance with the direction established in Ministerial Direction - *Environmental Planning and Assessment (Local Infrastructure Contributions – Pooling of Contributions) Direction 2020*. If Council agrees to the pooling of existing reserves, it will result in changes to reporting in the annual financial statements.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council endorse the public exhibition of the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 for a minimum 28 days.
 2. The outcomes of the public exhibition of the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 be reported back to Council.
 3. Council support the pooling of financial reserves to affect a single reserve for each repealed contributions plan relevant to the former Manly and Pittwater areas, to facilitate expenditure toward infrastructure delivery in the same area to which the superseded contribution plan applied.
 4. If Part 3 is adopted, it is to commence on 1 July 2021.
-

REPORT

BACKGROUND

At its meeting of 25 June 2019, Council resolved:

That Council:

- A. *Approve the approach to impose development contributions on secondary dwellings and, in effect, rescind the former Pittwater Council resolution of 20 October 2008.*
- B. *Repeal the Northern Beaches Council Contributions Plan 2018, the Manly Section 94 Contributions Plan 2004 and the Pittwater Section 94 Contributions Plan for Residential Development 2015.*
- C. *Approve the Northern Beaches Council Section 7.12 Contributions Plan 2019.*
- D. *Give public notice of the approval of the Northern Beaches Council Section 7.12 Contributions Plan 2019 in the Manly Daily.*
- E. *Approve the approach on the administration of the financial reserves associated with all repealed contributions plans from 1 July 2019, in particular:*
 - a. *The reporting of relevant plans in Council's financial statements, the reserves associated with each relevant repealed plan be transferred as a consolidated amount in a new infrastructure element labelled 'Local Infrastructure (repealed plan)' on 1 July 2019'.*
 - b. *Ensure that all funds held in the reserves of superseded contributions plans are spent in the same area to which the superseded contributions plan applied.*

The Northern Beaches Section 7.12 Development Contributions Plan:

- 1. Applies to the majority of land in the Northern Beaches except the Warriewood Valley release area and Dee Why Town Centre.
- 2. Facilitates delivery of a broad range of infrastructure and services, funded by development contributions from 'infill' or 'non-growth' areas.
- 3. Applies to all development, including secondary dwellings and Complying Development Certificates where the cost of works is above \$100,000.
- 4. Includes a Works Schedule consistent with the Capital Works Delivery Program 2021-2024

Draft Northern Beaches Section 7.12 Development Contributions Plan (the 'Draft Plan')

The first review of the Contributions Plan has coincided with the release of the Practice Note on Section 7.12 fixed development consent levies (Department of Planning, Industry and Environment (DPIE), issued 12 February 2021). The Practice Note specifies that:

A works schedule in s7.12 contributions plan should not include any costs associated with the administration of s7.12 contributions plan.

The removal of Plan Administration will have a financial impact on Council. Previously, Council had used up to 1.5% of annual expenditure (on average \$90,000 per year) to administer the plan (generally for staff salaries and reviews of the Contributions Plan).

Key Changes to the Draft Plan

Key changes proposed in the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 include:

1. Definition of “internal fit out works” consistent with clause 25J of the Environmental Planning and Assessment Regulation 2000, to read as follows:

For the purposes of this Plan, “internal fit out works” means fittings and furnishings within an existing tenancy unit/dwelling and may include changes to approved egress or openings so long as there is no enlargement or expansion of the egress/opening, no expansion or enlargement of floor space, no change to building classification, or intensification of use.

2. Omission of any reference to ‘Plan Administration’, and administrative changes associated with reference to Tables contained in the Draft Plan.
3. An update of the Infrastructure Schedule consistent with Council’s Capital Works Program with delivery of infrastructure items over ten years from FY2021/22 to FY2030/31. As such, the timing sequence in the Infrastructure Schedule will be expressed as short term (1-4 years), medium term (5-7 years) and long term 8-10 years (Table 1).

This updated infrastructure schedule includes the construction of the Warriewood Valley community facility being partially funded by this Plan.

Job Name	Estimated Total Contributions Expenditure*	Estimated Completion*
Playgrounds - New and Upgrades	\$ 720,000	S
Foreshores - New and Upgrades	\$1,115,000	S, L
Sportsground – new and upgrade program	\$3,500,000	S, M, L
Synthetic Sportsground Conversion	\$3,940,000	S, M
Wyatt Avenue Park Embellishment	\$24,000	S
Reserves – New and Upgrades	\$3,000,000	M, L
Recreational Trails - New and Upgrades	\$4,050,000	S, M, L
McKillop Park Walk	\$1,600,000	M
Warriewood Community Centre (portion of the community floorspace – broader Mona Vale catchment area)	\$1,751,301	S
Youth Friendly Spaces	\$600,000	S
Mona Vale Surf Life Saving Club and Amenities	\$1,000,000	S
Forestville Town Centre New Amenities	\$300,000	S
Total Social Infrastructure Facilities	\$19,765,301	S
New Footpaths	\$7,700,000	S, M, L

Job Name	Estimated Total Contributions Expenditure*	Estimated Completion*
New Kerb and Gutter	\$1,150,8172	S
New Traffic Facilities	\$7,900,000	S, M, L
Total Active Transport	\$13,606,542	
Commercial Centre Upgrade Program	\$6,550,000	S, M, L
Church Point Commuter Wharf Expansion	\$340,138	S
Dee Why Town Centre – Construction – Phase 1	\$1,684,411	L
Avalon Place Plan (when adopted, implement identified works)	\$2,779,117	S
Total Public Domain Works	\$12,716,549	

Table 1 – Infrastructure Schedule

* Delivery Timeframe based on 1-4 years (S), 5-7 years (M) and 8-10 years (L)

Additional Pooling of Contribution Reserves

Currently, there are 4 reserves under the repealed Manly Section 94 Contributions Plan 2004 and another 4 reserves under the repealed Pittwater Section 94 Contributions Plan for Residential Development. Further pooling of these reserves into a single reserve for each repealed Plan will facilitate expedited delivery of infrastructure in the former Manly and Pittwater areas. The pooling of reserves is permitted under the *Environmental Planning and Assessment Act 1979* as well the Ministerial Direction entitled *Environmental Planning and Assessment (Local Infrastructure Contributions – Pooling of Contributions) Direction 2020* (issued 18 May 2020). The Ministerial Direction reads, in part as follows:

If a local council holds monetary contributions that have been paid for different purposes, including for purposes identified in more than one contributions plan that applies in the local government area concerned, the council is to endeavor to pool those contributions, and apply them progressively, in order to facilitate the provision of the public amenities and public services to which any of those contributions plans relate.

If Council agrees to the pooling of existing reserves, this will result in changes to reporting of the annual financial statements.

The annual financial statements include a 'Statement of Developer Contributions' which lists the funds held in each Contributions Plan by the various elements of public amenities and services for which they have been collected and spent. Pooling the funds within a plan would result in the transfer of the various elements in a plan into one line labelled 'Local Infrastructure (Repealed Plan)' with a footnote referencing the date of the council resolution to pool the funds.

CONSULTATION

If Council agrees, the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 (the Draft Plan) will be placed on public exhibition for a period of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

A notice of exhibition including the formal exhibition documents will be published on the “Have Your Say” section of Council’s website in accordance with Council’s Community Participation Plan.

TIMING

At the close of the public exhibition period, all submissions will be considered and if required, changes will be made to the Draft Plan. The outcomes of the public exhibition will be reported back to Council for its consideration.

If Council agrees to the pooling of reserves associated with the repealed contributions plans in the former Manly and Pittwater areas, it is proposed to commence on 1 July 2021 and will affect the reporting in annual financial statements thereafter.

LINK TO STRATEGY

This report relates to the following Community Strategic Plan 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.
- Goal 9 - Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

FINANCIAL CONSIDERATIONS

The Draft Plan seeks to ensure an equitable and sustainable funding source for a broader range of infrastructure and services across the Northern Beaches.

If Council agrees to the pooling of reserves associated with the repealed contributions plans in the former Manly and Pittwater areas, the resultant sum total in each reserve will facilitate timely delivery of infrastructure in those areas originally collected.

SOCIAL CONSIDERATIONS

The Draft Plan facilitates the timely funding and delivery of public infrastructure such as public domain improvements, open space, pedestrian/cycle networks, and community facilities which will enhance social outcomes for current and future residents and workers across the Northern Beaches.

ENVIRONMENTAL CONSIDERATIONS

The Draft Plan will continue to contribute to improved environmental outcomes across the Northern Beaches through the provision of critical public amenities and infrastructure. All potential environmental impacts resulting from the delivery of the proposed works program will be mitigated through appropriate environmental assessment and management.

GOVERNANCE AND RISK CONSIDERATIONS

The Draft Plan has been prepared following a review of the 2019 Contributions Plan to ensure that Council's mechanism for funding a broader range of infrastructure and services is contemporary and in accordance with all legislative requirements.

To ensure a sound level of risk management, the Draft Plan followed a review of the 2019 Contributions Plan and ensures the Infrastructure Schedule (in the Draft Plan) aligns with Council's Capital Works Program (over a ten-year timeframe) and its four-year Capital Works Delivery Plan, of which development contributions are a significant funding source.

ITEM 12.2	REVISED PLANNING PROPOSAL AND SUPPORTING DOCUMENTS FOR 1294-1300 PITTWATER ROAD AND 2-4 ALBERT ST, NARRABEEN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/227014
ATTACHMENTS	<p>1 Revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen (Included In Attachments Booklet)</p> <p>2 Draft Amendments to Warringah Development Control Plan 2011 (Included In Attachments Booklet)</p>

SUMMARY

PURPOSE

To seek Council's endorsement to resubmit a revised Planning Proposal to the NSW Department of Planning, Industry and Environment for gateway determination in relation to the property at 1294-1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen (the subject site), exhibit draft amendments to Warringah Development Control Plan 2011 and to not proceed with an affordable housing contribution due to impacts on development feasibility.

EXECUTIVE SUMMARY

At the 29 May 2019 Council meeting, Council resolved:

That:

- A. *Council submits an amended Planning Proposal to the NSW Department of Planning and Industry for gateway determination to amend Warringah Local Environment Plan 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 minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing.*
- B. *The applicant is requested to submit draft site-specific planning controls to be incorporated Development Control Plan 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.*

On 7 June 2019, Council submitted the amended Planning Proposal to the NSW Department of Planning, Industry and Environment (the Department) seeking a Gateway determination. The Department responded on 5 August 2019, requesting that the Planning Proposal address various matters (explained within the body of the report) and be resubmitted. The Planning Proposal has been revised to address these matters and is ready for resubmission to the Department for a Gateway determination.

At the same time, draft amendments to Warringah Development Control Plan 2011 (draft DCP) have been prepared, in accordance with the Council resolution. The draft DCP has been referred to Council's Design and Sustainability Advisory Panel (DSAP) for urban design and sustainability advice. The advice has recommended an increase in design standards through the delivery of greater building setbacks, reduced street wall heights, increased overall height and increased landscape requirements. This has resulted in a reduction in overall development floor space and consequently, a reduction in value uplift.

The reduction of the developable floor space, together with other factors have resulted in the affordable housing contribution rate of 10% of the additional dwellings to be financially unfeasible. This is due to the small scale of the proposed uplift and noting that project feasibility is impacted by the provision of employment floorspace, protection of the heritage bungalow and the increased design requirements. The loss of opportunity for an affordable housing contribution at this site is regrettable but is considered acceptable in the circumstances of this proposal, which will allow for the delivery of a well-designed building and better public domain outcomes, and retention of a heritage building that aligns with strategic directions identified in Council's Towards 2040 Local Strategic Planning Statement.

Should Council choose to proceed with the revised development outcomes for the subject site, the revised Planning Proposal, without an affordable housing contribution, will be resubmitted to the Department for a Gateway determination. The draft DCP will be exhibited concurrently with the statutory exhibition of the Planning Proposal.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council resubmits a revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen to the NSW Department of Planning, Industry and Environment for a Gateway determination to:
 - A. Increase the maximum building height standard at 1298-1300 Pittwater Road, Narrabeen (Building A) to 12 metres to accommodate increased floor to floor heights at the ground and first floors.
 - B. Permit the additional uses of commercial premises, medical centre and shop top housing at 1298-1300 Pittwater Road, Narrabeen (Building A). The medical centre and commercial premises must not have a gross floor area exceeding 1,150 square metres.
 - C. Not proceed with the requirement for a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing due to development feasibility.
2. Council request to exercise the delegation of the Minister for Planning and Public Spaces under section 3.36 of the Environmental Planning and Assessment Act 1979 regarding the making of local environmental plans in relation to this Planning Proposal.

3. Council place the draft amendments to Warringah Development Control Plan 2011 on public exhibition for a minimum of 28 days concurrently with the statutory exhibition of the revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen.
 4. The outcomes of the public exhibition of the amendments of the Warringah Development Control Plan 2011 and the Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen be reported to Council.
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REPORT

BACKGROUND

Council received a Planning Proposal on 21 December 2018, prepared by BBC Consulting Planners on behalf of the applicant, Highgate Management Pty Ltd.

The subject site at 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen comprises six lots as depicted in Figure 1.



Figure 1: The subject site indicated in red (Source: Nearmap)

At the 29 May 2019 Council meeting, Council resolved the following:

That:

- A. Council submits an amended Planning Proposal to the NSW Department of Planning and Industry for gateway determination to amend Warringah Local Environment Plan 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 minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing.

- B. *The applicant is requested to submit draft site-specific planning controls to be incorporated Development Control Plan 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.*

Planning Proposal

On 7 June 2019, Council submitted the amended Planning Proposal to the Department seeking a Gateway determination. On 5 August 2019, the Department advised that several issues required further investigation and requested that Council resubmit the application following the resolution of these matters.

Council staff have worked with the Applicant to address the various matters raised by the Department (see Table 1).

Summary of issue	Response
<p><u>Building height</u></p> <p>The maximum building height control of 11 metres does not appear to facilitate the development outcome of a part four and part three storey-built form.</p>	<p>The Concept Design envisages a largely three storey-built form with the fourth storey in an attic configuration. The Proponent has demonstrated that this concept (inclusive of the flood planning level) is able to be achieved.</p> <p>Council notes that detailed design drawings are not a requirement for submission as part of the Planning Proposal process and that the Concept Designs are indicative built form outcomes</p> <p>Notwithstanding this, as part of the site-specific amendments to the Development Control Plan (DCP), Council referred the application to the Northern Beaches Design and Sustainability Panel (DSAP) to seek comment on urban design and sustainability matters.</p> <p>The DSAP recommended that Council consider increasing the building height at Building A to enable increased ceiling heights for the ground and first floor to improve the urban design and relationship with the public domain. Council has recommended a minor increase from 11 metres to 12 metres to enable this outcome. The overall number of storeys to be provided does not change.</p>
<p><u>Additional permitted uses</u></p> <p>The additional permitted uses at the corner of Pittwater Road and Albert Street appears unduly restrictive due to its confinement to one corner of the site.</p>	<p>The restriction was imposed in order to control the location of the additional uses to the corner site and provide street activation.</p> <p>Council is proposing to change this aspect of the Planning Proposal by extending the additional uses so that it applies to the entire lot at 1298-1300 Pittwater Road. By applying the additional uses to the entire lot as opposed to the small corner, this will allow for enough space for the additional uses (maximum 1,150 square metres) and associated supporting facilities. Amendments to the DCP will ensure that active frontages are provided at the corner site (Building A).</p>

Summary of issue	Response
<p><u>Maximum floor space cap</u></p> <p>Greater clarification is required on the maximum floor space cap of 1,150 square metres gross floor area (GFA) for commercial/retail uses and whether this includes or excludes neighbourhood shops, which are a permissible form of retail development in the R3 zone.</p>	<p>The maximum floor space cap of 1,150 square metres GFA applies to the additional uses of commercial premises and medical centres only. The floor space has been capped to ensure that there is minimal impact to the existing trade area. The floor space was established by the concept plans provided by the Applicant.</p>
<p><u>Draft Northern Beaches Affordable Housing Contributions Scheme</u></p> <p>An economic feasibility study and amended Scheme which refers to the subject site is to be submitted in accordance with the Department's guidelines.</p>	<p>The uplift in height proposed results in one additional storey across Buildings A, B and C which supports feasibility for the project to provide up to 1,150 square metres of employment floorspace to accommodate a growing medical practice and to provide the required setbacks to protect the heritage values at 2 Albert St.</p> <p>Increased design standards imposed by Council as part of the site-specific amendments to the DCP has resulted in a further impact to the floorspace yield assumptions that were used for feasibility analysis.</p> <p>Feasibility analysis prepared by the Applicant and independently peer reviewed on behalf of Council has demonstrated that an affordable housing contribution is not viable for this proposal and that further heights would be required to achieve an affordable housing outcome assessment by Council staff. Accordingly, it is recommended that Council not pursue an affordable housing contribution for this Planning Proposal as there is not sufficient evidence to demonstrate that an affordable housing contribution rate is feasible, and we are unable to demonstrate that it would not impact housing supply.</p>
<p><u>Phase 1 Contamination Report</u></p> <p>An assessment is required regarding the provisions contained within <i>State Environmental Planning Policy No 55 – Remediation of Land</i> and the relevant Guidelines.</p>	<p>A Phase 1 Contamination Report has been prepared by the Applicant and the Planning Proposal has been updated to reflect the outcomes.</p>
<p><u>Maps</u></p> <p>Maps to amend <i>Warringah Local Environmental Plan (LEP) 2011</i> have not been submitted.</p>	<p>The relevant maps have been submitted as part of the updated Planning Proposal.</p>
<p><u>Information in the Planning Proposal</u></p> <p>Certain parts of the Planning Proposal require updating and further information is required in regard to an assessment against the relevant statutory requirements.</p>	<p>The Planning Proposal has been updated to incorporate further information and justification where relevant.</p>

Table 1: Matters raised by the Department

Amendments to Warringah DCP 2011

On 7 April 2020, the Applicant submitted amendments to Warringah DCP 2011 in accordance with the Council resolution. The draft DCP controls have incorporated feedback from Council's Traffic Engineers, Landscape Architects and Urban Designers. In addition, urban design and sustainability advice from the DSAP has also been incorporated, where appropriate.

Feedback from the DSAP included consideration of the following matters:

- the need for greater front, rear and side setbacks and an improved presentation to the public domain, including Albert Street
- the need for greater upper level setbacks (or reduced street wall heights) to respond to the existing village context of the Narrabeen Town Centre. The village context largely comprises diverse styles, varying parapet heights, generally one to two storeys occupied by retail or commercial uses. Where shop top housing exists, this is above the first two floors and well set back
- noise mitigation design measures and maximisation of dual aspect apartments along Pittwater Road
- increased floor to floor heights for the ground and first levels of Building A
- a six-metre building separation distance between Buildings A and B
- improved architectural design treatments at the corner of Building A
- relocation of the vehicular entrance closer to Pittwater Road to improve the view corridor from Lagoon Street
- relocation of sewer infrastructure services in the road reserves instead of within the site to maximise deep soil planting opportunities
- applying a bonus floor space scheme if certain sustainability mechanisms are provided.

Council staff have worked closely with the Applicant to refine the draft DCP and there have been a series of working drafts developed between the Applicant and Council staff. Whilst most of the feedback from the DSAP has been incorporated, some have been excluded due to the impact on development feasibility.

Requirements that Council staff have not proceeded with include the six-metre building separation between Buildings A and B, relocation of the vehicular entrance closer to Pittwater Road and relocation of sewer infrastructure services. Further, the application of a bonus floor space scheme was not considered appropriate for this subject site due to impacts on building bulk and scale and the application of the *Warringah Local Environmental Plan 2011*, which does not apply floor space ratios for site-specific areas.

The draft DCP identifies future building footprints and divides the site into four buildings, as identified in Figure 1. No change to the local heritage item at 2 Albert Street is proposed.

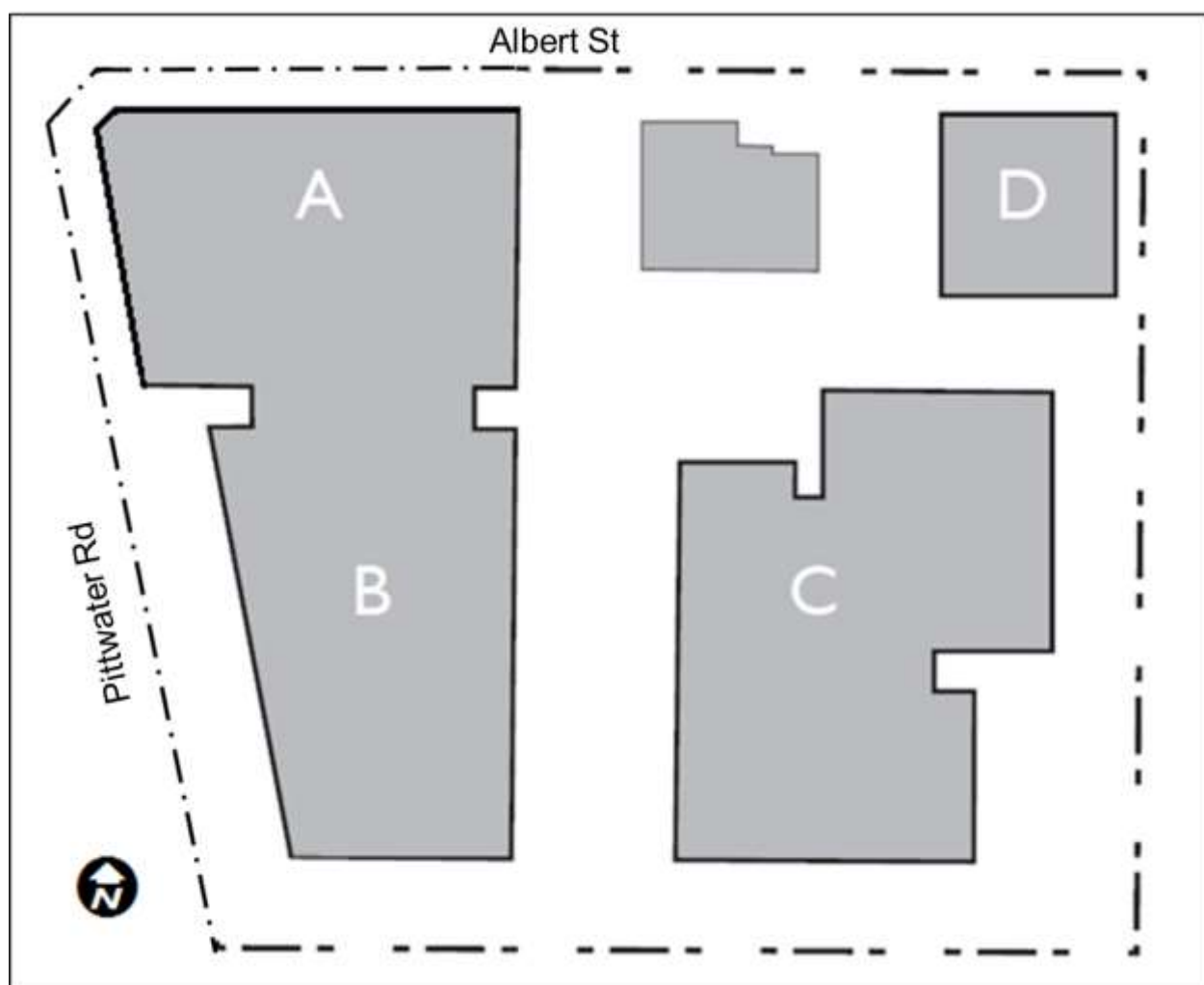


Figure 2: Future building footprints

The intended outcome of the development is to relocate the existing Narrabeen Family Medical Practice at 4 Albert Street, to a new building at the corner of Pittwater Road and Albert Street (Building A). The medical centre is proposed to take up two floors of Building A. Above the medical centre will be one level of apartments.

In addition to the relocated medical centre, the development also proposes the provision of apartment buildings (Buildings B and C) and an attached dwelling or terrace house typology (Building D), up to three storeys in height. An additional storey may be permitted for Buildings A, B and C where largely contained within the roof form.

The development controls proposed are summarised in Table 2.

Proposed development requirements	Reason
<u>Removal of the subject site from DCP maps</u> This includes number of storeys, side boundary envelopes, setbacks front, setbacks side, setbacks rear and landscaped open space and bushland setting.	To ensure consistency with the site-specific controls for Part G8.
<u>Building length</u> Apply a maximum building length of 35 metres and require articulation to be provided.	To reduce bulk and scale and ensure new development addresses public streets, creates visual interest and complements the streetscape.

Proposed development requirements	Reason
<p><u>Building A ground plane and public domain interface</u></p> <p>Ground plane is to be set back at least two metres from Albert Street and Pittwater Road.</p> <p>Floor to floor heights are to be at least four metres for the ground level and 3.6 metres for non-residential uses at the first level.</p> <p>Continuous awnings and other design features are to be provided at the ground plane and public domain interface.</p>	<p>To ensure that the built form responds well to the existing village context of the Narrabeen Town Centre, facilitate high quality landscaped streetscape outcomes and encourage key active travel connections at the corner of Albert Street and Pittwater Road.</p>
<p><u>Maximum number of storeys</u></p> <p>Three storeys are proposed for all buildings, with transitions required for development within the curtilage of the local heritage item at 2 Albert Street.</p> <p>For Buildings A, B and C, an additional storey may be considered where largely contained within a roof form.</p>	<p>To complement the scale and rhythm of the existing streetscape and fine grain context of lot patterning, ensure that built form responds to the sloping topography of the site, and provide a sensitive response to the local heritage item at 2 Albert Street.</p>
<p><u>Setbacks</u></p> <p>Front, rear and side setbacks for certain areas of the subject site have been identified.</p> <p>Building separation requirements have been identified for certain areas of the subject site, with consideration of the curtilage of the local heritage item at 2 Albert Street.</p> <p>Upper floor setbacks have been identified for all buildings.</p>	<p>To improve the visual quality of the streetscape and public domain, ensure spatial separation to create high amenity, provide opportunities for landscaping and street tree planting at site edges and minimise amenity impacts to adjoining residential lots.</p>
<p><u>Building design</u></p> <p>Various design requirements are proposed such as ensuring that building form, bulk and scale responds to the topography of the area, incorporation of passive design principles, maximising dual aspect apartments, requirement for durable and resilient materials that are suited to the coastal environment, avoidance of blank walls, integration of services into the building façade, maximising passive surveillance and incorporating noise mitigation measures for apartments within 25m of Pittwater Road.</p>	<p>To encourage innovative and contemporary building design that demonstrates design excellence and sustainability, high quality streetscapes and public domain, a well-articulated corner-built form strategy and consideration of noise impacts from Pittwater Road.</p>
<p><u>Parking</u></p> <p>Vehicular access is proposed off Albert Street.</p> <p>A Green Travel Plan will be required to support any reduction in parking spaces.</p> <p>Further, at least two car share spaces and two electric vehicle charging spaces are to be provided.</p>	<p>To minimise vehicular crossings along Pittwater Road and encourage the reduction of car trips and use of sustainable transport.</p>

Proposed development requirements	Reason
<p><u>Landscaping</u></p> <p>Areas for landscaping and deep soil zones will be provided between buildings and within site edges. Replanting of trees at a pre-ordered mature size will be required.</p> <p>Development will also need to retain the Mature Hills Weeping Fig Tree within the south-eastern corner of the site as a landscape character element.</p> <p>A landscaped communal open space area will be provided at the rear of the local heritage item at 2 Albert Street.</p> <p>Upgrades to the public domain along Albert Street will also be required including street trees and landscaping requirements.</p>	<p>To provide a positive contribution to the public realm, ensure adequate deep soil capacity for mature tree canopy and provide landscape screening to site boundaries and enhance privacy between buildings.</p>

Table 2: DCP requirements

Amendment to draft Northern Beaches Affordable Housing Contribution Scheme

At the 29 May 2019 Council meeting, Council resolved to 'require a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing'.

Council staff note that this resolution was amended from the recommendation of staff by removal of the words 'subject to feasibility', which is a requirement under the Department's Guidelines for developing Affordable Housing Contribution Schemes (the Guidelines). The Guidelines require Council to provide appropriate evidence and assumptions to ensure that any proposed affordable housing contribution rates are viable and will not impact on development feasibility and overall housing supply by preventing development from occurring.

To respond to the Council resolution, the Applicant completed a detailed feasibility assessment, which was peer reviewed by Council's consultants. Both feasibility assessments were reviewed by Council staff who concluded that the 'break-even point' used to determine a feasible affordable housing contribution was below zero and as such, no contribution was feasible. Further, the draft DCP contained requirements which further reduced the floor space yield assumptions that were used to inform the initial feasibility analysis.

In view of the above and the overall intended outcomes of the development, Council staff noted that the proposal was seeking to achieve several outcomes over and above the residential development which could occur under existing controls. Each of these had implications on the feasibility including:

- Up to 1,150 square metres of commercial employment and medical floor space to support growth of the on-site medical practice to meet the needs of an ageing population in the catchment
- Protection of the local heritage item at 2 Albert Street, including appropriate setbacks for proposed development surrounding the property. Advice from the Applicant was that normally it would expect a density increase of 29% in uplift in going from 8.5m to 11m. The site had effectively achieved an increase of 19% in total or some 33% less than what could have been achieved if the site was not constrained by the heritage item
- Setbacks and deep soil planting at the site edge identified in the DCP to support pedestrian movement, improved built form outcomes and tree canopy outcomes aligned with Place

Score priorities for the Narrabeen Town Centre to improve overall visual character of the area and improvement of vegetation and natural elements.

Council staff noted that Council's Affordable Housing Contributions Scheme and proposed targets of 10% were developed based on feasibility assessments used for the Frenchs Forest Hospital precinct, which has an uplift at a very different scale to this proposal. Feasibility work by Council's consultants to support the affordable housing contribution scheme at Frenchs Forest advised that for a 10% contribution to be viable, a density greater than 1.5:1 for the precinct would be required.

This Planning Proposal generates uplift of one additional storey for Buildings A, B and C and as a result, lacks the scale for a contribution in the order of 10% to be feasible. The equivalent density under the current Warringah LEP 2011 controls for the site would be a floor space ratio (FSR) of 1.12:1, while the density under this proposal would be the equivalent of 1.34:1. The Applicant advised that to support the 10% affordable housing contribution requirement, a density of approximately 1.422:1 would be required, which would equate to an extra floor being added to Building C. Council staff advised that this level of growth would not be supported.

CONSULTATION

Council will resubmit the Planning Proposal and associated documents to the Department for a Gateway determination. Consultation will be conducted in accordance with the Gateway condition requirements. The draft amendments to Warringah Development Control Plan 2011 will be exhibited concurrently with the statutory exhibition of the Planning Proposal.

TIMING

Should Council decide to proceed with the revised Planning Proposal, the next step is to resubmit the Planning Proposal to the Department to seek a Gateway determination. Should a Gateway determination be issued, Council will undertake consultation in accordance with the Gateway conditions. The draft DCP will be exhibited concurrently with the statutory exhibition of the Planning Proposal. Following the public exhibition, the outcomes will be reported to Council.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- 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

Funding to progress the Planning Proposal and draft DCP are covered by the application fees paid by the Applicant.

The recommendation to not proceed with an affordable rental housing contribution will have a minor financial impact as Council will not receive any affordable housing contributions. This is due to the small scale of proposed uplift and noting that project feasibility is impacted by provision of employment floorspace, protection of the heritage bungalow and the increased design requirements imposed by Council. Council staff consider this loss acceptable in order to deliver a well-designed building and better public domain outcome that aligns with strategic directions identified in Council's Towards 2040 Local Strategic Planning Statement.

It is noted that the Planning Proposal will achieve positive economic effects, with the delivery of the following number of jobs:

- 4 additional General Practitioner jobs
- 28 full time equivalent jobs from the commercial floor space (currently there are ten full time equivalent jobs)
- Further support staff and the provision of medical land uses
- 160 jobs during construction.

SOCIAL CONSIDERATIONS

This Planning Proposal will achieve positive social and economic benefits including an additional 15 to 20 dwellings targeting downsizers within easy walking distance to high frequency public transport and existing services. The building heights and setbacks have been designed to enhance the heritage values of the local heritage item at 2 Albert Street, while setbacks and deep soil planting to support tree canopy at the site edges along Albert Street and Pittwater Road support high amenity shaded active travel links for the surrounding community to access the Narrabeen Town Centre and the B-Line bus stop.

The proposed location of medical and commercial floor space adjoining an established town centre, opposite public open space and in easy walking distance to the B-Line supports amenity and accessibility for workers, patients and visitors, encouraging use of public transport and enjoyment of public open space. Expanded floor space to accommodate a growing medical practice will provide an important service to the local community in an accessible modern building, recognising the ageing population within the Narrabeen Town Centre catchment area, which will see continued growth in demand for medical services.

The recommendation to not proceed with an affordable rental housing contribution will have a minor impact on the delivery of affordable rental housing to the local area. Notwithstanding this, there are other opportunities in the Northern Beaches to deliver affordable housing, such as precinct based urban renewal centres or site-specific areas with significant development uplift.

ENVIRONMENTAL CONSIDERATIONS

There are no natural environmental impacts as the subject site does not contain any critical habitat or threatened species, populations or ecological communities or their habitats that are mapped by Council. Regarding environmental health, a Contamination Assessment has been submitted which confirms that the subject site has a low potential to result in contamination and is considered suitable for the proposed development. Regarding natural hazards that impact the site such as flood risk and acid sulphate soils, it is considered that these matters can be managed at the development assessment stage.

Throughout the refinement of the draft DCP, Council staff have incorporated new sustainability and building design provisions. This includes passive building design requirements to maximise amenity such as building orientation and setbacks, the requirement for a Green Travel Plan to demonstrate any reduction in parking spaces given the subject site's proximity to the B-Line, car share and electric vehicle charging space requirements, and greater landscaping and deep soil requirements.

GOVERNANCE AND RISK CONSIDERATIONS

Council's role to consider the orderly planning of land is set out in the *Environmental Planning and Assessment Act 1979* (the Act). The planning assessment addresses the requirements of the Act and recommends that the proposal is suitable for resubmission to seek a Gateway determination.

ITEM 12.3	OUTCOMES OF THE PUBLIC EXHIBITION OF THE LOCAL HOUSING STRATEGY
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2021/190738
ATTACHMENTS	<ol style="list-style-type: none"> 1 Amended Draft Northern Beaches Local Housing Strategy (Included In Attachments Booklet) 2 Local Housing Strategy - Community Engagement Report (Included In Attachments Booklet) 3 Local Housing Strategy - Probity Report (Included In Attachments Booklet) 4 Summary of Changes to exhibited Local Housing Strategy (Included In Attachments Booklet)

SUMMARY

PURPOSE

To inform Council of the outcomes of the public exhibition of the draft Northern Beaches Local Housing Strategy and to seek Council's endorsement of the Local Housing Strategy (as amended), and to forward the Strategy to the Department of Planning, Industry and Environment for approval.

EXECUTIVE SUMMARY

Sydney Councils must prepare a Local Housing Strategy (LHS) for the period 2016-2036 as part of the Greater Sydney Commission's (GSC) Regional Plan for Sydney, 'A Metropolis of Three Cities' and the 'North District Plan'.

Council's LHS must provide for a 5-year housing target of 3,400 dwellings, develop and deliver a six-to-ten-year housing supply target, contribute to the District's 20-year strategic housing target of 92,000 dwellings, and help inform affordable housing targets.

At its meeting of 15 December 2020, Council resolved to endorse the draft LHS for public exhibition. The public exhibition period was originally proposed from 15 January 2021 to 21 February 2021, however, due to significant public interest, the public exhibition was extended for a further two weeks until 7 March 2021.

Community engagement included engagement via Council's Your Say web-page, Council's community engagement newsletter, community electronic direct mail, online social media, print media and two community group briefing sessions.

In total 622 submissions were received during the exhibition period (plus an additional 32 received after the exhibition period), including several submissions from community groups and consultants on behalf of private landowners.

Key issues raised in submissions were:

- The impacts of new housing in the centre investigation areas and local centres, including impacts on local infrastructure;
- The justification for selection of the centres;
- The impacts of social and affordable housing, including boarding houses and seniors living;
- The accuracy of State Government population growth and dwelling targets;

- Building design quality outcomes; and
- Status of French's Forest and Ingleside planned precincts.

Key amendments to the draft LHS following exhibition include:

- Including the potential for a maximum of 1000 dwellings in the Ingleside growth area in a revised dwelling capacity analysis, resulting in a change from a 1,244 dwelling deficit to 275 dwelling deficit to 2036.
- Reducing the size of the centre investigation areas from a one-kilometre radius to an 800-metre radius to better reflect walkable catchments.
- As a result, revising projected housing yields for the 5 centre investigation areas as follows:
 - Brookvale = was 840-1,240 dwellings and remains unchanged.
 - Dee Why = was 360-870 dwellings now 260-570 dwellings.
 - Mona Vale = was 240-520 dwellings and now 180-400 dwellings.
 - Manly Vale = was 240-440 dwellings and remains unchanged.
 - Narrabeen = was 50-320 dwellings and now 30-280 dwellings.

The Northern Beaches LHS will be a living document. An ongoing program of monitoring housing supply will inform the work that is subsequently undertaken in the centre investigation areas identified above.

- Reducing the size of proposed housing diversity areas (dual occupancy, boarding houses and seniors housing) around local centres from a one-kilometre radius to a 400 metre radius to better reflect walkable catchments.
- Removing Terrey Hills from proposed housing diversity areas based on bushfire concerns.

A copy of the amended Northern Beaches Local Housing Strategy (Attachment 1).

Upon endorsement by Council, the LHS will be forwarded to the Department of Planning, Industry and Environment for approval in consultation with the Greater Sydney Commission, Transport for NSW and other relevant agencies. It is proposed that delegation is granted to the CEO to adopt the LHS following the approval of the Department of Planning, Industry and Environment.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Note the outcomes of the public exhibition of the Northern Beaches Local Housing Strategy.
 2. Adopt the Northern Beaches Local Housing Strategy (as amended).
 3. Submit the Northern Beaches Local Housing Strategy to the Department of Planning, Industry and Environment for approval.
 4. Delegate authority to the Chief Executive Officer to adopt the Local Housing Strategy upon written approval being received from the Department of Planning, Industry and Environment.
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REPORT

BACKGROUND

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan – A Metropolis of Three Cities (The Region Plan), which presents a vision for managing Sydney's growth for the next 20 years. To implement the Region Plan, the GSC also released the North District Plan (which includes the Northern Beaches local government area).

Council is required to prepare and adopt a Local Strategic Planning Statement (LSPS) (adopted 26 March 2020), review of its Local Environmental Plans (LEPs) to ensure they align with the planning priorities identified in these plans (commenced) and prepare a Local Housing Strategy for the period 2016-2036 (LHS). Figure1 shows the relationship of these strategies and plans.



Figure 1 : Local Housing Strategies in context

The *North District Plan* housing planning priority N5 is to provide housing supply, choice and affordability, with access to jobs, services and public transport. The plan assigns a 20-year (2016-2036) strategic combined housing target of 92,000 dwellings across the North District's nine council areas. It divides the 20-year delivery period into five-year segments each with housing delivery expectations as follows:

0-5 year period (2016-2021)

The North District Plan allocates a combined housing target of 25,950 dwellings for the 0-5 years (2016-2021). It also stipulates the 0-5 year housing target for each council area with the Northern Beaches required to deliver 3,400 dwellings by 2021. This represents 13% of the target for the North District over this timeframe (see Figure 2). Council is generally on track to deliver on this with almost 2,800 dwelling completions to June 2020.

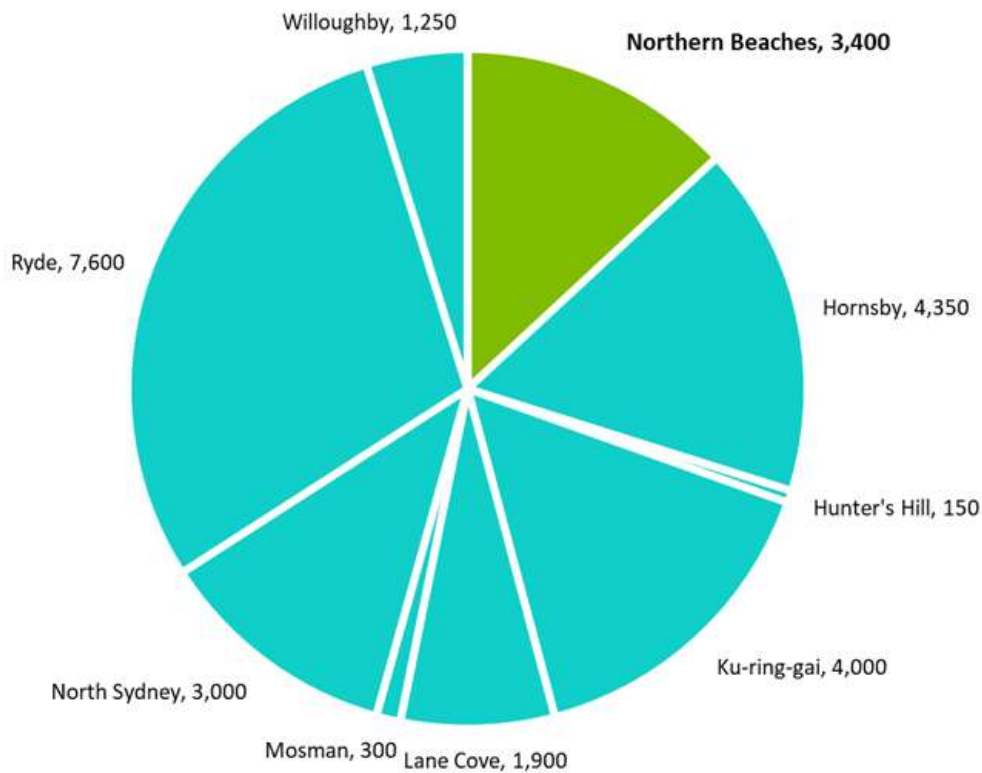


Figure Two: Dwelling targets for the North District

6-10 year period (2021-2026)

The North District Plan requires each council to develop 6-10 year (2021-2025) housing targets specific to the local area through a local housing strategy. The strategy is to demonstrate evidence-based capacity for steady housing supply into the medium term and contribution to the district housing target. The Greater Sydney Region Plan prescribes that councils are to work with GSC to establish agreed 6-10 year housing targets. The GSC provided an indicative 6-10 year housing target of 3,500 – 4,000 dwellings for the Northern Beaches Local Government Area (LGA) in its letter of support for the making of Council's LSPS.

10-20 year period (2026-2036)

The North District Plan expects each council to adopt a long-term outlook and stipulate the capacity to contribute to the longer term 20-year strategic housing target for the District to 2036 with consideration to strategies beyond 2036.

Local Strategic Planning Statement (LSPS)

Towards 2040 is the Northern Beaches' LSPS. It sets out to guide future land use across the LGA, reflecting local values and aspirations, and building on the ten-year vision set out in the Shape 2028 Community Strategic Plan. Key principles for housing under the LHS include:

- Priority 15 – Housing supply, choice and affordability in the right locations
- Priority 16 – Access to quality social housing and affordable housing.

The LSPS also includes a range of other priorities, principles, actions and measures, with many of these related to ensuring that the built environment respects existing character, contributes to sustainability, and improved liveability, focussing on areas up to 1.5km from strategic and local centres and to prepare and implement an LHS.

Housing priorities, principles and actions in the LSPS were also developed through the preliminary findings of a housing issues and opportunities paper, which was released for public comment together with the exhibition of the LSPS in late 2019. The ability of the Northern Beaches LGA to achieve many of these priorities and their associated targets will depend on integrating solutions with planning for housing and urban renewal.

Exhibited draft Local Housing Strategy

The draft LHS builds on the findings of the housing issues and opportunities paper and LSPS, articulating a housing vision for the Northern Beaches to 2036, and identifying actions to facilitate housing outcomes required for the community.

The LHS establishes Council's long-term housing vision for the Northern Beaches area:

- Meeting the growing and changing housing needs and preferences of existing and new residents by providing additional housing primarily within the existing Northern Beaches urban footprint and respecting local heritage, environmental features and built form character.
- Providing most new homes in and near centres with good accessibility to public transport and where walking and cycling to shops and services is easy.
- Providing a mix of housing, not just flats but also compact, low rise dwellings, to enable young and older residents to stay in their communities on the Northern Beaches.
- Providing more affordable housing to support a social mix and an inclusive community.
- Ensuring new housing supports the achievement of sustainable development including lower energy and water use, less car dependency and new and enhanced open space.

The LHS has been prepared in accordance with the Local Housing Strategy Guideline prepared by NSW Department of Planning & Environment (DPI&E) (which includes a template prescribing how councils must undertake the housing analysis and develop the local housing targets to guide growth to 2036) and LSPS housing priorities.

Once endorsed, the LHS will provide the strategic framework for housing delivery in the Northern Beaches LGA and must be considered in the preparation of LEPs and DCPs, including the assessment of any owner-initiated proposed changes to its LEPs (Planning Proposals).

The LHS proposes seeking exemptions from the application of the following NSW Government State Environmental Planning Policies (SEPPs) based on developing suitable alternative approaches to meeting demand for these housing forms:

- Seniors housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Boarding houses under State Environmental Planning Policy (Affordable Rental Housing) 2009

- Medium density housing under State Environmental Planning Policy (Exempt and Complying Development Code) 2008.

LHS Key Findings

Key findings of the LHS work include:

- We need to plan for a population increase of around 23,000 people, requiring around 12,000 new homes.
- We have existing capacity (land already zoned) to provide around 11,743 dwellings, when including the Frenchs Forest Planned Precinct and Ingleside.
- Because the difference between existing capacity and projected demand is small (approximately 275 dwellings) there does not need to be major redevelopment to meet this demand.

Key amendments to exhibited draft Local Housing Strategy

Key amendments	Rationale for amendment
<i>Inclusion of the proposed dwelling numbers for the Ingleside Growth Area</i>	<ul style="list-style-type: none"> • A Land Use and Infrastructure Implementation Plan for Ingleside was exhibited in late 2016 by DPIE. • The plan envisaged 3400 dwellings, biodiversity conservation and associated water related services and urban amenities. • A bushfire risk study commissioned by DPIE in 2018 showed the potential of the Ingleside Precinct to be exposed to extreme to catastrophic bushfire risk, as well as concerns about the ability to evacuate the precinct safely in a bushfire event. • In response to community concerns and the findings of the Bushfire Risk Assessment, the planning package exhibited in 2016 was not implemented. • Further detailed evacuation modelling was undertaken in response to the identified bushfire risks to assist with future planning for the area. Preliminary outcomes have identified the potential redevelopment being limited to 1,000 additional dwellings. • A draft Explanation of Intended effect (EIE) for Ingleside and Place Strategy is scheduled for potential public consultation to occur in the first half of 2021. In relation to Ingleside there is potential for a maximum of approximately 1000 dwellings, the final numbers will be subject to the outcomes of the exhibition process. • The inclusion of indicative Ingleside dwelling figures impacts the housing gap analysis (that estimates the difference between the number of dwellings that can be developed within the existing planning controls and dwellings required based on demand).
<i>Revisions to centres catchments</i>	<ul style="list-style-type: none"> • The draft LHS identified areas within a one kilometre radius of Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen along the existing B-Line route (centre investigation areas), and within a one kilometre radius of a number of local centres including Avalon, Newport, Warriewood, Terrey Hills, Belrose, Forestville, Beacon Hill, Freshwater, Balgowlah and Manly (housing diversity areas). • The one-kilometre radius was based on an extended walkable catchment with proximity to public transport, amenities and services.

	<ul style="list-style-type: none"> Several submissions raised concerns that the proposed catchments were too large, particularly for the local centres identified for increased housing diversity. Council has undertaken some additional analysis of the relevant centres and determined to reduce the catchments to better match the amenities and services provided by the centres as follows: <ul style="list-style-type: none"> 400 metres radius for local centres 800 metres radius for the proposed centre investigation areas of the five centres. All references to the centre investigation areas and local centre areas have been amended within the LHS to include the revised radii.
<i>Revised projected yield analysis for investigation areas</i>	<ul style="list-style-type: none"> A high-level assessment of projected future dwelling densities was undertaken for the five centre investigation areas. Following revision of the centre radius from 1km to 800m, the future dwelling densities have been revised. Revised yield analysis is: <ul style="list-style-type: none"> Brookvale = was 840-1,240 dwellings and remains unchanged Dee Why = was 360-870 dwellings now 260-570 dwellings Mona Vale = was 240-520 dwellings and now 180-400 dwellings Manly Vale = was 240-440 dwellings and remains unchanged Narrabeen = was 50-320 dwellings and now 30-280 dwellings
<i>Revisions to the selection of housing diversity areas</i>	<ul style="list-style-type: none"> Terrey Hills was identified as a local centre for greater housing diversity within the one-kilometre radius. As a result of ongoing concerns about bushfire in this area and its potential impact on development, Terrey Hills has been removed as an area for consideration. Both Beacon Hill and Forestville were identified as areas for further investigation, subject to the establishment of the second B-line route. However, they were incorrectly identified in the LHS as centres to also provide greater diversity (dual occupancy, boarding houses and seniors living). The LHS has therefore been amended to remove them from the list of local centres to provide greater diversity.

Table 1 : key amendments to the exhibited draft Local Housing Strategy

However:

- There is demand for greater housing diversity, including terraces, townhouses, seniors housing, boarding houses and dual occupancies, to meet the needs of a changing and aging population and to address housing affordability.
- There is a current shortfall of 8,000 social and affordable housing dwellings on the Northern Beaches and this is set to increase by another 1,880 dwellings by 2036.
- Council needs to take specific action to address the above issues, over and above meeting its general housing demand targets.

CONSULTATION AND SUBMISSIONS SUMMARY

Exhibition and submissions period

On 15 December 2020, Council endorsed the public exhibition of the draft LHS for a minimum of 28 days, with outcomes reported back to Council.

The public exhibition was planned to run for a period of 38 days from 15 January 2021 to 21 February 2021. Due to significant public interest, the public exhibition period was extended for a further two weeks until 7 March 2021, being a total of 52 days.

Exhibited materials

The following documents were exhibited:

- Draft Northern Beaches Local Housing Strategy
- Draft Northern Beaches Local Housing Strategy Snapshot (four-page document)

The following supporting documents were also included:

- Council report of 15 December 2020
- Northern Beaches Issues and Opportunities Paper (also exhibited with LSPS)
- Council report of 23 June 2020 – response to the medium density housing code
- Affordable Housing Policy

Electronic copies of the exhibition material were available at Northern Beaches Council 'Your Say' website:

<https://yoursay.northernbeaches.nsw.gov.au/local-housing-strategy>

There were 17,386 visits to the project Your Say page during the exhibition period.

A postcard was available for collection at the following locations:

- Customer service centres: Manly, Dee Why, Mona Vale and Avalon
- Libraries: Manly, Warringah Mall, Dee Why, Mona Vale, Forestville and Belrose

Print Media

Media releases for the Local Housing Strategy were issued as follows:

- Manly Daily: one editorial and one article
- Pittwater Life: one editorial
- Peninsula Living: one editorial
- Peninsula Living (southern edition): one editorial

Online Media

- A project page was established on Council's have 'Your-Say' platform with information provided in an accessible and easy to read format
- Updates were provided via Council's Engagement newsletter throughout the public exhibition period every two weeks
- Community Electronic Direct Mail was sent to registered community members every week
- Social media posts
- A dedicated video was promoted online via Council's Local Housing Strategy project page and Council E-news.

Notification to key stakeholders

Emails were sent to key stakeholders including:

- Members of the strategic reference groups
- Community members registered for the 'Planning our sustainable future project' updates
- Participants of the draft LHS focus groups
- Local and federal members.

NSW Government agency notification

Exhibition notification emails were sent to the following NSW Government agencies:

- The Department of Planning, Industry and Environment (DPI&E)
- Greater Sydney Commission
- Transport for NSW
- Department of Education
- NSW Health.

Media Briefings

Media briefings were undertaken on 14 December 2020.

Community group briefings sessions

Council undertook two online community group briefings, one undertaken on 2 February 2021 and another on 3 February 2021.

Submissions Summary

In response to the public exhibition of the draft LHS, a total of 622 submissions were received during the exhibition period (plus an additional 32 received after the exhibition period). A summary of the key issues is included in the community engagement report (Attachment 2) including responses to submissions and key changes proposed to the draft LHS.

A summary of key issues raised, our response, and proposed changes to the draft LHS are provided below.

Issue – Impacts of new housing on local infrastructure

Submissions raised concerns with the impact of new housing on infrastructure in the centre investigation areas and local centres identified in the LHS, most commonly related to Mona Vale, Dee Why, Narrabeen and Manly, including:

- Traffic and parking, with traffic congestion highlighted in many areas including Mona Vale, Manly Vale and Narrabeen.
- Public transport, with existing services described as inadequate and over capacity (including the B-Line).
- Schools, particularly around Mona Vale and Narrabeen.
- Open space, with concerns that these will be lost to development.

- Hospitals, with the closure of the Mona Vale hospital and now a heavy reliance on Frenchs Forest hospital for the whole LGA (and associated transport issues to get there from some areas).

Response

The need for infrastructure to align with new development and forecast population growth is a key component of the GSC's *Greater Sydney Region Plan: A Metropolis of Three Cities* and the *North District Plan*. The Northern Beaches LSPS highlights the importance of infrastructure provision to support new development with Planning Priorities and Actions setting out how local infrastructure will be planned to support growth and change in the Northern Beaches community.

Priority Nine of the LSPS seeks to ensure that provision of infrastructure accompanies growth in the housing and employment sectors in areas where urban renewal is occurring. The development of an LGA-wide (land use) infrastructure implementation plan will also look to align all types of infrastructure planning with growth, based on housing, employment and social infrastructure studies and additional studies as required.

Separately, each of the centre's investigation areas identified in the LHS will be subject to separate master-planning/ precinct planning to determine the appropriate level of new development that can be accommodated having regard to infrastructure availability and impacts.

This will consider local infrastructure, including transport, traffic, environmental sustainability and climate change, and social infrastructure such as schools. The need for new infrastructure will also be informed by other Council strategies, such as the Social Infrastructure Study, Open Space and Recreation Strategy, and a Land Use and Infrastructure Implementation plan.

Council can also use its contribution plans to require contributions from new development to support the necessary infrastructure upgrades to match growth and/or to mitigate direct impacts.

Council will work with the State Government to deliver more significant upgrades to regional infrastructure, including transport, over time. Whilst Council cannot direct State Government to deliver State infrastructure, it can identify trigger points for the delivery of State infrastructure to facilitate both levels of government working together. It is noted that stages 2 and 3 of the Frenchs Forest Structure Plan are not proposed to commence until there is confirmation regarding the delivery of key infrastructure including the Beaches Link Tunnel and/or the east-west B-line with subsequent improvements to the local traffic network.

The LSPS includes ongoing actions for this, to advocate and collaborate with key infrastructure agencies (such as Transport for NSW, DPI&E, Department of Education and Department of Health) to ensure existing and planned infrastructure responds to demands in a timely manner.

Proposed change to LHS

The LHS has been amended to reinforce the priorities of the LSPS in relation to the delivery of infrastructure including the required engagement with NSW government agencies to plan and facilitate larger infrastructure upgrades where required. Amendments to the LHS have also reinforced that detailed planning for each of the centre investigation areas will determine the appropriate level of new development that can be accommodated.

Issue – The selection of the centres

Mixed views were received about the selection of the centres. Many submissions raised concerns with the selection of centres for future investigation and potential renewal and change, particularly the potential built form outcomes resulting from increased housing densities and the resulting impact on the character of existing neighbourhoods.

The following areas were subject to the most comments:

- Mona Vale – particularly potential building heights and the impact of increased densities on the village character of Mona Vale as a centre.
- Dee Why – due to the amount of housing development that has already been accommodated in the centre in recent years, and concerns that further development will lead to over-development.
- Narrabeen – regarding capacity for new housing and environmental constraints such as flooding in the area.

Some submissions also suggested additional areas that could be considered for more development than indicated in the LHS, including Forestville, Beacon Hill, Terrey Hills, Belrose, Ingleside and Killarney.

Some submissions also identified support for the broad approach of the draft LHS, to concentrate growth and increased housing densities in key centres along transport corridors, provided that the growth is managed, infrastructure considerations are addressed, and the centres are designed appropriately whilst responding to the local character. This included support for the five key centres identified as investigation areas and for the overall approach of allowing for more medium density typologies.

Response

The centres identified for potential renewal in the draft LHS, as either centre investigation areas or local centres for housing diversity, have been based on consideration of several factors, including:

- Proximity to transport services – current and planned future routes (such as the B-Line).
- The North District Plan hierarchy of centres (i.e. Strategic Centres being Mona Vale, Brookvale, Dee Why, Manly and Frenchs Forest, local centres).
- Council's hierarchy of centres within its LEPs (i.e. local centres, neighbourhood centres, etc.) and the LSPS.
- The existing character and potential to accommodate new development (i.e. some smaller centres won't be able or appropriate to accommodate new housing).

While the five Centre Investigation Areas (Mona Vale, Narrabeen, Dee Why, Brookvale and Manly Vale) are illustrated in the draft LHS maps in the same way, this does not mean that each will be planned in the same way or see the same amount of development in future.

For example, Mona Vale will not see the same intensity of development as Dee Why. Mona Vale will have no increase in existing heights of buildings, which has been clarified further within the LHS. Further, the separate detailed master-planning process (that would involve extensive community consultation) will consider what is appropriate for each location. Should these more detailed investigations determine that higher densities are not appropriate, changes to planning controls to facilitate further housing development will not proceed.

Future planning for centres, which have key employment uses (e.g. Brookvale), will also need to have regard for the Northern Beaches draft Employment Strategy.

Terrey Hills has also been removed as an area for consideration as a result of ongoing concerns about bushfires and its potential to impact development in this area.

Forestville and Beacon Hill were also raised as suggestions. The draft LHS has identified both as potential future renewal areas, subject to the future B-Line route being in place. This is to ensure that enough infrastructure is in place to support growth.

Proposed change to LHS

The LHS has been amended to clarify the focus of the centre investigation areas and local centres (now called housing diversity areas).

This being that only Brookvale and Frenchs Forest are identified as having longer term opportunities for higher density housing (as identified in the LSPS). The development potential of the Mona Vale centre investigation area has been clarified within the LHS, noting that there will be no increase in heights of buildings within this centre.

See Table 1 for additional changes to the selection of the housing diversity areas.

Clarification has also been included that plans for renewal will also reflect the existing character of each centre and that infrastructure considerations will be addressed.

Issue – Social and affordable housing

Submissions were mixed regarding proposed actions in the draft LHS to address the housing affordability issues in the LGA.

Specific comments included:

- Support for the identified target to address the need for social and affordable housing (SAH).
- Support for more SAH being delivered if it is designed appropriately (i.e. not just cheap housing) for the benefit of the community.
- Suggestions to target affordable housing to key workers to support the Northern Beaches economy and local employment.
- Support for SAH to be delivered close to transport infrastructure.
- Support for delivering a wider housing mix including medium density typologies to provide more affordable options for all income levels, including young families.
- Support for using mechanisms such as affordable housing contributions or inclusionary zoning to facilitate delivery of more stock.
- Noted that it is important that SAH isn't concentrated in large estates.
- Support for investigation of models such as the Nightingale model for community living style developments as options.
- Support for housing to accommodate people with disabilities, including younger people.
- Recognition that SAH is important for having a diverse population.

Submissions also raised concerns with delivering more SAH in the LGA, and potential negative impacts such as on property values, crime, and existing issues with concentrations of social housing.

Response

The draft LHS acknowledges the significant undersupply of affordable housing on the Northern Beaches, and the 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.

Council has been working on several initiatives to facilitate the delivery of affordable housing, which include:

- Council has an adopted Affordable Housing Policy, which outlines Council's position and approach to the provision of affordable housing in the Northern Beaches.
- Council has developed a draft affordable housing contribution scheme which will be Council's primary mechanism to levy for affordable housing through its Local Environmental Plans.
- Council has also developed Guidelines for the allocation and management of tenancies for properties that would be dedicated to Council. The Guidelines set out the criteria for eligibility of tenants for the program, rent, management of waiting lists, and asset management.
- Council's LSPS also contains several principles and actions in relation to social and affordable housing, including seeking a minimum of 10% affordable rental housing to be included in new planning proposals, consistent with Council's existing Affordable Housing Policy.

The LHS estimates there to be demand for an additional 1,884 social and affordable dwellings over the next 20 years and seeks to establish this future demand as a target to be delivered via an Affordable Housing Strategy.

The concerns expressed with providing SAH are noted. However, the Northern Beaches has a significant housing affordability problem, and not just for people who require social housing (noting that the LGA has a low proportion of social housing compared to other areas), but low to moderate income families including key workers and younger adults who have grown up in the Northern Beaches (as noted in some of the submissions) and are forced out of the area to access housing.

Whilst Council's target proposes to seek to address the projected future need, there is still a significant undersupply and evidence of the need for more affordable dwelling types in the area. The private market will not be able to deliver affordable housing, as well as facilitating lower cost private market housing options, without strategic planning by Council in addition to the involvement from State and Federal Governments who have the primary responsibility for providing social housing.

Proposed change to LHS

No changes are proposed for the LHS (other than a minor change of wording with the Affordable Housing Strategy now called Affordable Housing Action Plan). The Action plan will develop a range of approaches and mechanisms to help deliver on the target and could also consider the location of dwellings so they are delivered near transport, are designed appropriately, and not concentrated in large estates.

Issue - State Government population growth and dwelling targets

Submissions raised concerns about Council being required to meet the projected population growth and housing targets set by the State Government. This included concerns about being required to accommodate a higher level of population growth than may be needed, with suggestions that COVID-19 would reduce the projected population and therefore need for housing to be provided.

Other comments were also opposed to supporting population and immigration growth due to increased pressure on the environment.

Response

The population projections adopted in the LHS by Council are the official projections used by the DPIE and the GSC for Regional and District Plans (which the LHS is required to put into effect).

The population projections released by the DPIE consider trends for births, deaths and migration. An understanding of the size and composition of the Northern Beaches population is essential to making informed planning decisions for the future, so we have the right number and type of services in the right locations. Council has therefore used the projections provided by the DPIE to inform the evidence base of the LHS.

It is noted however that new projections to reflect COVID-19 impacts have not yet been released and there is likely to be a short-term impact on population growth in Australia and Sydney due to declining international migration. The draft LHS acknowledges that population projections will be updated when the DPIE provides updated projections.

The Minister for Planning and Public Spaces, the Hon Rob Stokes has stated that the COVID-19 pandemic will slow population growth in the short-term but will not alter the long-term population growth that informs housing and land development targets (DPIE media release 31 December 2020). Advice from the DPIE is to continue to plan for the long term and not short-term impacts on population growth.

Council's focus therefore is on strategic planning for housing for the long-term needs which will put Council in a better position to respond to the need for infrastructure and changes in the population as they occur up to and post-2036.

However, if the population doesn't increase as fast as expected, some centres may not need to be investigated in detail as soon as expected, but there is still a need to have a clear plan in place and a clear strategic direction. We will continue to monitor the impact of COVID and the rates of growth on a regular basis and update the LHS as necessary.

Proposed change to LHS

The LHS has been amended to note that while there could be reduced demand for housing from lower population growth, there is still a need for greater housing choice, more social and affordable housing, and for place-based planning to ensure that Council can meet the changing needs of the community over time.

Issue – Boarding houses

Submissions raised concerns around permitting boarding houses in the LGA, particularly issues with existing developments, including with parking and impacts on other residents nearby.

Submissions also raised concerns that the new age boarding houses that are being delivered are not actually affordable and meeting the need for households in housing stress, with rents in these developments being comparable to other dwellings on the rental market not classified as affordable.

Response

Council notes concerns that have arisen with existing boarding houses in low density residential environments, particularly the impacts on street parking and that most don't provide affordable housing.

Applications for boarding houses can currently be made via the *State Environmental Planning Policy (Affordable Rental Housing)*. The LHS seeks exemption from the SEPP by proposing to limit where these can be located; only in areas with good access to transport and services, surrounding identified centres.

The LHS notes that many boarding houses do not provide affordable accommodation. The LHS therefore focuses on permitting boarding houses only where they are developed and managed by a public authority or a community housing provider to ensure rents are controlled. Design

provisions around boarding houses could be considered in more detail subject to Council receiving an exemption from the SEPP.

Proposed change to LHS

No changes are proposed for the LHS.

See Table 1 for additional changes to the radius of the centre investigation areas and housing diversity areas that seek to deliver boarding houses.

Issue – Design quality

Submissions raised the issue of building design quality, noting that planning must ensure that design outcomes for new housing are of a higher standard than has been delivered in the past. This was particularly noted for any future higher density development. Submissions also noted the importance of future designs adhering to the existing character of the Northern Beaches.

Response

The LHS contains Housing Priority 2 – detailed planning for centres, and it is during the detailed master-planning work for the centre investigation areas that finer grain discussion around built form outcomes will be explored.

Council's LSPS has also committed to encouraging centres and neighbourhoods that are designed to reflect local character, lifestyle and demographic changes through Priority 17.

Council has also commissioned an Urban Design Study to provide recommendations for built form controls for residential, commercial and industrial development. The recommendations of this study will be used to inform new Development Control Plan controls (DCPs) across the LGA that will eventually replace the existing Pittwater, Warringah and Manly DCP controls. It is also noted that Council recently established a Design and Sustainability Advisory Panel to improve the design quality of developments through the DA process.

Council has also commissioned a Local Character Study generally in accordance with the DPIE Local Character and Place Guideline. The study will assess the existing local character and important scenic and cultural landscapes across the LGA and capture community aspirations for local places. The study will be making recommendations for how local character can be incorporated into the new northern beaches planning framework.

Proposed change to LHS

No changes are proposed for the LHS.

Issue – Seniors housing

Submissions raised concerns that seniors housing could be in areas outside those recommended by the LHS, including areas further away from the major centres and regular transport.

Other submissions raised concern that there needs to be more opportunities and support for older residents to downsize from large houses to forms of housing other than apartments, for example townhouses and villas.

Response

The importance of providing seniors housing and housing choice for an ageing population is noted in the LHS. The draft LHS provides a specific framework and actions for seniors housing including the delivery of seniors housing in proximity to specific centres and the services, public transport and amenities that these centres deliver.

This approach also ensures seniors housing is not delivered in locations with potential risks (such as bushfire risk), or less accessible locations. It is not recommended that the approach be amended to encourage more senior's housing developments in less accessible areas.

The LHS also encourages the redevelopment of existing seniors housing on large sites through incentives such as additional height and density bonuses to enable existing facilities to adapt to changing needs and any additional support that is required. The draft LHS also discusses the opportunity for a bonus (e.g. floorspace or height) to encourage seniors housing to be provided in larger centres.

The broad approach of the draft LHS to diversify the dwelling mix in the LGA will also provide opportunities for existing residents to downsize from larger properties to townhouse or terrace style dwellings.

Proposed change to LHS

No changes are proposed for the LHS.

See Table 1 for additional changes to the radius of the centre investigation areas and housing diversity areas.

Issue - State Government led planning projects

Submissions raised questions regarding the status of State Government led planning projects within the LGA such as the Frenchs Forest Planned Precinct and the Ingleside Planned Precinct. This included more detail on zoning and plans for these areas.

Response

The LHS did not include these areas as future areas for consideration, due to planning being done through separate processes by the State Government. The planned number of dwellings in the Frenchs Forest precinct (4,360) however was included as an overall supply figure to understand the capacity for new dwellings that could be delivered under existing (or future) planning controls in the LGA in the draft LHS.

Following further discussions with the DPIE, the planned number of dwellings (1,000) in the Ingleside Precinct has now also been included in the dwelling capacity figure in the LHS for the LGA. A draft Explanation of Intended Effect (EIE) for Ingleside and the Place Strategy proposing the rezoning of the southern part of the Ingleside precinct (south of Mona Vale Road) with the potential for a maximum yield of approximately 1,000 dwellings is scheduled for potential public consultation to occur in the first half of 2021. At the time of finalisation of this report this information has not been released.

The Frenchs Forest Hospital Precinct Structure Plan was adopted by Council in 2017 and is divided into three phases.

- Phase 1 will be delivered by the State Government (DPIE). Outstanding matters are still to be resolved at the State agency level before the plans can be placed on public exhibition later this year.
- Phases 2 and 3 are reliant on the delivery of significant regional infrastructure such as the delivery of the Beaches Link Tunnel and/or an east-west bus rapid transit (BRT) system from Dee Why to Chatswood and subsequent improvements to the local traffic network.

Proposed change to LHS

See Table 1 for additional changes to the LHS including reference to the potential public exhibition of the Ingleside draft EIE and the planned number of dwellings in the Ingleside Precinct.

Community group and site-specific submissions

Several large submissions were received from community groups or consultants on behalf of private landowners during the exhibition period.

A summary of these submissions together with Council's response is included in Attachment 2.

Public Authority Submissions

NSW Health – Northern Sydney Local Health District (NSLHD)

NSLHD indicated support for the approach of focusing new housing growth around accessible centres, the objectives for new housing to follow the principles of sustainable development, and retaining existing green space, and the health benefits resulting from these approaches. The submission also cites data compiled by the NSLHD, which demonstrates that many of the centres identified in the Draft LHS have residents who are likely to suffer financial stress due to a high cost of living and a lack of government owned or community housing stock.

NSLHD further suggest that:

- Council should consider a more nuanced, five-minute walk from centres (rather than a simple 1km radius) considering typography, street layout and similar hindrances to walking on the flat, 'as the crow flies'.
- In addition to proximity to centres, Council incorporates liveability factors such as proximity to quality, green space and other community open space.
- The LHS should allow for more medium density, social and affordable housing in centres with low proportions of social/community housing and high rental stress.

Response

The walkable catchment for both the centre investigation areas and local centres has been refined (see below under additional changes to the draft LHS).

Any additional factors such as livability etc. will be considered during the detailed planning phases for each centre investigation area.

Proposed change to LHS

The walkable catchment for both the centre investigation areas and local centres has been refined (see below under additional changes to the LHS).

NSW Environment Protection Authority (EPA)

The EPA submission supports the vision outlined in the draft LHS, including principles to achieve lower energy and water use, encouraging alternate modes of transport, and respecting existing environmental features. The EPA provided several other recommendations regarding air quality, noise, contaminated land and waste and resource recovery to be considered during the detailed planning for the centres. Reference is also made to the circular economy directions in the NSW Circular Economy Policy Statement and 20-Year Waste Strategy.

Response

To be considered in the detailed planning phases for each centre.

Proposed change to LHS

Minor amendment to reference embedding the circular economy in the design of buildings, infrastructure and the public domain to maximise the circularity of the materials used in construction as a detailed planning consideration.

Summary and Next steps

The LHS sets out the strategic direction for housing in Northern Beaches LGA over the next 20-years. It is a mandated strategy which aligns with the hierarchy of Regional and District Plans directions, objectives and actions for housing in the city. Crucially, as the key strategic framework for directing housing growth in the LGA, the LHS, as well as aligning with high-level strategic plans, responds to local needs and context by identifying the right location for housing growth underpinned by a robust place-based strategic approach, providing evidence for Council to reject Planning Proposals that run contrary to Council's strategic direction.

Once endorsed by Council, the adopted Northern Beaches LHS will be forwarded to DPIE for approval. As detailed within the LHS Guideline, DPIE need to approve the Council adopted Northern Beaches LHS and will consult with the GSC prior to approval to ensure that the GSC's long term planning directions have been addressed.

The LHS once approved will directly assist and be a matter for formal consideration in the preparation of any amendments to Council's planning controls for the Northern Beaches Local Environmental Plan.

TIMING

Once endorsed by Council, the adopted Northern Beaches LHS will be forwarded to DPIE for approval.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 7: Our urban planning reflects unique character of our village, natural environment and is responsive to the evolving needs of our community.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Participation and Partnership - Goal 21: Our community is actively engaged in decision making processes.

FINANCIAL CONSIDERATIONS

The short-term actions identified in the LHS are funded within existing budgets and the delivery program. Medium and long-term actions, including master-planning around centre investigation areas, will require consideration of funding in future budgets.

SOCIAL CONSIDERATIONS

The LHS outlines Council's approach to managing the location, type and amount of new housing to meet the needs of the changing demographics of the community to 2036. It includes consideration of housing diversity needs and social and affordable housing issues.

ENVIRONMENTAL CONSIDERATIONS

The LHS supports the sustainability objectives of the local strategic planning statement by including actions around sustainable development in conjunction with detailed planning of the centres.

GOVERNANCE AND RISK CONSIDERATIONS

An LHS is required for the period 2016-2036 as part of the Greater Sydney Commission's Regional Plan for Sydney, the North District Plan and Council's LSPS. The LHS is to be approved by the DPI&E. Should Council not endorse the draft LHS for forwarding to DPIE for approval, Council runs the risk of not providing the strategic framework for the location, type and amount of new housing to meet the needs of the community to 2036. This could result in the State Government deciding the future strategic framework for housing in the Northern Beaches LGA.

The LHS has been prepared in accordance with a Probity Plan prepared by Procure Group for the combined LHS/LEP/ DCP. A preliminary probity audit has been completed against the requirements of that plan (Attachment 3). This will be finalised following DPIE approval of the LHS.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1	FEASIBILITY OF ESTABLISHING DOG OFF-LEASH AREAS AT PALM BEACH (NORTH) AND MONA VALE BEACH (SOUTH)
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2020/737029
ATTACHMENTS	<ol style="list-style-type: none"> 1 ↓ Draft Palm Beach (north) Dog Off-Leash Area Proposal 2 ↓ Draft Mona Vale Beach (south) Dog Off-Leash Area Proposal 3 ↓ Copy of Item 14.3 - Notice of Motion No 33/2020 - Activation of Beach Space for Dog Exercise

SUMMARY

PURPOSE

To report on investigations into the feasibility of establishing dog off-leash areas on the northern end of Palm Beach and at the southern end of Mona Vale Beach.

EXECUTIVE SUMMARY

At the Council meeting held on 28 July 2020, Council resolved (Council Resolution 187/20) that:

The Chief Executive Officer prepare a report for the Council on the feasibility of the establishment of unleashed dogs areas – in a set area of north Palm Beach and southern most end of Mona Vale Beach.

In response to Council Resolution 187/20, feedback was sought from relevant NSW State Government agencies and Council teams including Environment and Climate Change.

In October 2019, Class 4 judicial review proceedings were commenced in the Land and Environment Court. These proceedings challenged Council's decisions regarding a dog off-leash area trial and an on-leash dog area at Station Beach. It was considered prudent to await the outcome of these proceedings before completing this report.

At the Council meeting held on 15 December 2020, Council resolved (Council Resolution 391/20) that:

1. *Council notes the judgment of the Land and Environment Court in Palm Beach Protection Group Incorporated v Northern Beaches Council [2020] NSWLEC 156 and that:*
 - A. *Council's resolutions for an off-leash dog trial and on-leash dog area at Station Beach have been declared invalid and have no effect;*
 - B. *As the Court found that development consent is not required for an off-leash dog trial at Station Beach, a development application for a trial is not required at law; and*
 - C. *As a result, no further action is being undertaken in respect of Council Resolutions 267/19, 443/19 and 164/20.*
2. *The Chief Executive Officer continues to prepare a report for the Council on the feasibility of the establishment of unleashed dog areas in a set area of north Palm*

Beach and southern most end of Mona Vale Beach as required by Council Resolution 187/20.

3. *Council authorises the Chief Executive Officer to do all things necessary to give effect to the above.*

Staff have undertaken an initial review of site constraints, approvals and likely environmental issues. On the basis of these initial investigations, areas at both Palm Beach (north) and Mona Vale Beach (south) have been identified that could be suitable for dog areas.

The judgment of the Land and Environment Court and feedback received from the NSW Government agencies have reinforced the importance of ensuring appropriate environmental assessments are completed. On this basis (and should Council so resolve) staff will progress with this detailed work in consultation with relevant NSW Government agencies for these 2 sites. These environmental assessments will take approximately 6 to 12 months to complete.

As it will be necessary for dogs to be taken to and from any proposed off-leash areas and owners may prefer to have their dogs on a leash for some or all of the time they are within the proposed off-leash areas, consideration will need to be given to whether any further on-leash or off-leash areas should be created in conjunction with the proposed off-leash areas outlined in this report.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Environmental assessments be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* (and other relevant legislation) into the possibility of establishing dog off-leash areas on Palm Beach (north) and Mona Vale Beach (south), as outlined in Attachments 1 and 2 of this report.
 2. The assessments referred to in (1) be undertaken in consultation with the NSW State Government.
 3. The assessments referred to in (1) include consideration of additional on-leash or off-leash areas that may be required to allow for dogs to be taken to and from the possible dog off-leash areas at Palm Beach (north) and Mona Vale Beach (south).
 4. The Chief Executive Officer provide a further report to Council following the completion of the environmental assessments referred to above.
-

REPORT

BACKGROUND

Notice of Motion considered on 28 July 2020

At the Council meeting held on 28 July 2020 Council considered *Item 14.3 - Notice of Motion No 33/2020 - Activation of Beach Space for Dog Exercise* (Notice of Motion). Attached to the Notice of Motion were two sketches which identified proposed dog off-leash areas at Palm Beach (north) and Mona Vale Beach (south). A copy of the Notice of Motion is attached (Attachment 3).

In respect of the Notice of Motion, Council resolved (Council Resolution 187/20) that:

The Chief Executive Officer prepare a report for the Council on the feasibility of the establishment of unleashed dogs areas – in a set area of north Palm Beach and southern most end of Mona Vale Beach.

The sketches attached to the Notice of Motion have been used by staff to identify the parameters for proposed dog off-leash areas that Council Resolution 187/20 requires be investigated for their feasibility. The parameters in the sketches were as follows:

1. Palm Beach (north) dog off-leash area (proposed)

- Length of the off-leash area is 400 metres.
- Northern boundary - 200 metres south of the Ku-ring-gai Chase National Park.
- Southern boundary - 400 metres north of the North Palm Beach Surf Lifesaving Club.
- Western boundary - the eastern edge of the dunes in Governor Phillip Park.
- Eastern boundary - approximately 66 metres east from the eastern edge of the dunes.

The Palm Beach (north) dog off-leash area proposed in the Notice of Motion is illustrated in Figure 1 below (titled as Figure 2).

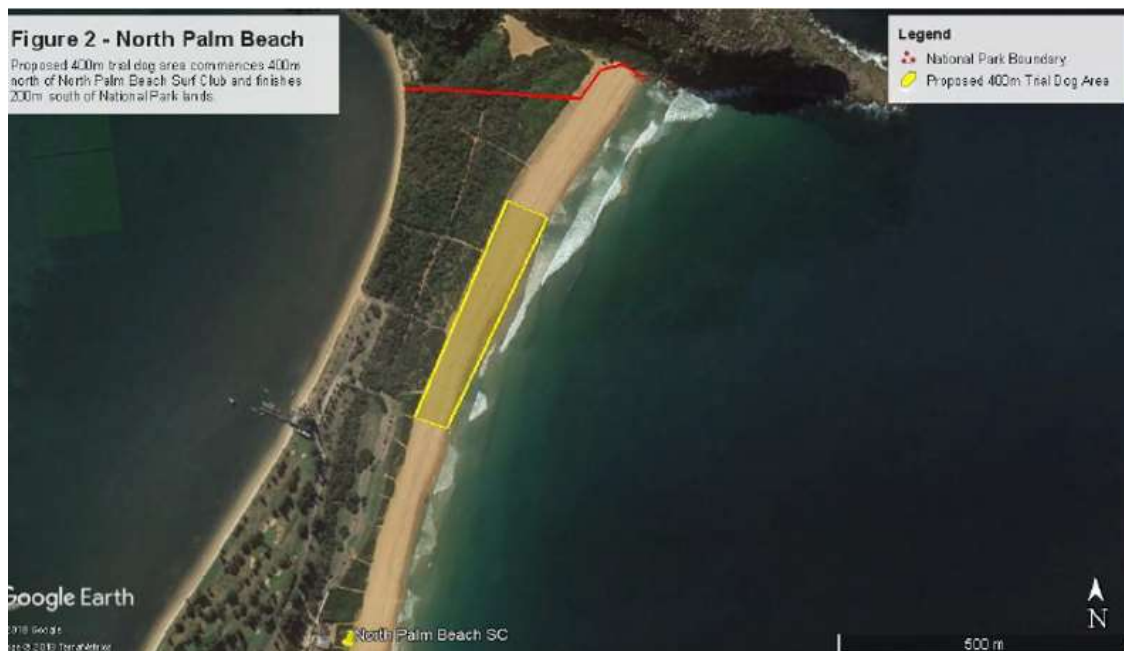


Figure 1: Excerpt from Notice of Motion No 33/2020 North Palm Beach

This area is:

- Adjacent to the Ku-ring-gai Chase National Park (National Park) which is managed by the NSW National Parks and Wildlife Service (NPWS).
- Located on Crown land in respect of which Council is Crown land manager (in Governor Phillip Park, above the mean high water mark) and on land which the NSW State Government is the land manager (below the mean high water mark).

2. Mona Vale Beach (south) dog off-leash area (proposed)

- Length of the off-leash area is approximately 260 metres and generally located below the existing off-leash area at South Mona Vale Headland Reserve (Robert Dunn Reserve).
- Northern boundary - 950 metres south of the Mona Vale Beach Surf Lifesaving Club.
- Southern boundary - the northern edge of the escarpment that separates Mona Vale Beach and Warriewood Beach.
- Western boundary - the eastern edge of the dunes.
- Eastern boundary - varies from 40 metres to 75 metres east from the eastern edge of the dunes.

The Mona Vale Beach (south) dog off-leash area proposed in the Notice of Motion is illustrated in Figure 2 below (titled as Figure 3).



Figure 2: Excerpt from Notice of Motion No 33/2020 South Mona Vale Beach

This area is:

- Located on Council land and Crown land in respect of which Council is Crown land manager (above the mean high water mark) and on land which the NSW State Government is the land manager (below the mean high water mark).

Consideration will need to be given as to how dogs will be taken to and from the proposed off-leash areas and how access to these areas will be achieved (including appropriate environmental assessments).

Station Beach Land and Environment Court proceedings

On about 8 October 2019, Palm Beach Protection Group Incorporated commenced Class 4 proceedings in the Land and Environment Court challenging the legal validity of Council Resolution 267/19 - Station Beach Dog Off-Leash Area Proposed Trial of 27 August 2019. On about 28 February 2020, the Group was granted leave to amend its summons to also challenge Council Resolution 443/19 - Station Beach Dog On-Leash Area Proposed Trial of 17 December 2019.

The Court's decision in *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156 was handed down on 20 November 2020. In summary, the Court found that Council had breached Part 5 of the *Environmental Planning and Assessment Act* 1979 by failing to obtain and consider an environmental impact statement in relation to Council Resolution 267/19 and Council Resolution 443/19. The Court also found that Council had breached Part 5 in that it failed to properly examine the likely impact on the environment in relation to Council Resolution 443/19. Accordingly, the Court declared that Council's decisions of 27 August 2019 and 17 December 2019 were invalid and quashed those decisions. The Court's decision has implications for the possible off-leash dog areas at north Palm Beach and the southern end of Mona Vale Beach as contemplated by Council Resolution 187/20 and these implications are still being worked through.

At the Council meeting held on 15 December 2020 Council resolved (Council resolution 391/20) that:

1. *Council notes the judgment of the Land and Environment Court in Palm Beach Protection Group Incorporated v Northern Beaches Council [2020] NSWLEC 156 and that:*
 - A. *Council's resolutions for an off-leash dog trial and on-leash dog area at Station Beach have been declared invalid and have no effect;*
 - B. *As the Court found that development consent is not required for an off-leash dog trial at Station Beach, a development application for a trial is not required at law; and*
 - C. *As a result, no further action is being undertaken in respect of Council Resolutions 267/19, 443/19 and 164/20.*
2. *The Chief Executive Officer continues to prepare a report for the Council on the feasibility of the establishment of unleashed dog areas in a set area of north Palm Beach and southern most end of Mona Vale Beach as required by Council Resolution 187/20.*
3. *Council authorises the Chief Executive Officer to do all things necessary to give effect to the above.*

Actions taken by staff

Following Council Resolution 187/20, Council staff commenced work contemplated by the resolution. In this regard, feedback on Council Resolution 187/20 was sought from relevant NSW State Government agencies and internal Council teams including Environment and Climate Change. However, given the legal challenge in respect of the Station Beach Council resolutions, it was considered prudent to await the outcome of these proceedings before completing this report.

Staff have undertaken an initial review of site constraints, approvals and likely environmental issues. On the basis of these initial investigations, areas at both Palm Beach (north) and Mona Vale Beach (south) have been identified that could possibly be suitable for an off-leash dog area/s.

The judgment of the Land and Environment Court and feedback received from the NSW Government agencies have reinforced the importance of ensuring that appropriate environmental assessments are completed. On this basis (and should Council so resolve) staff will progress with this detailed work in consultation with relevant agencies for these two sites including but not limited to the matters raised below.

Feedback From NSW State Government Agencies

NSW National Parks and Wildlife Service (NPWS)

On 4 September 2020 the NPWS provided the following feedback regarding an off-leash area on Palm Beach (north):

NPWS request consideration of the presence of a semi-permanent seal colony at Barrenjoey Headland and our pest animal management activities which may occur within the park.

NPWS would prefer to see the proposed area brought further south so the northern end of the off-leash area aligns with the northern end of the Governor Phillip Car Park. There is concern that the current proposal is only 200 metres from the boundary of the national park and, as it is at an isolated end of the beach, dog walkers may be tempted to let their dog continue north beyond the designated off-leash area.

A semi-permanent wild seal population occupies rock shelves at Barrenjoey Headland. There may be potential for conflict between dogs and seals if they were to interact. Seals can consider dogs as a threat and equally dogs may consider seals a threat. If the proposal is progressed NPWS would ask Council to consider any potential risks of interaction between seals and domestic dogs and how the chance of interaction might be prevented.

National Parks undertakes a number of pest management activities within Ku-ring-gai National Park (KCNP), including 1080 baiting. Although 1080 baiting is used within KCNP, it is not currently used within the Barrenjoey Headland Precinct. An off-leash area within the vicinity of the Barrenjoey Headland area may limit our ability to use 1080 as a control method to manage pest animals in the future. If it was to be used it may pose a risk to off-leash domestic dogs. If the proposal is progressed NPWS would ask Council to consider potential risks to NPWS pest control programs and domestic dogs.

If this proposal goes ahead, NPWS would expect the area to be clearly signposted and defined and that Council will enforce compliance with the boundaries.

On 12 November 2020 the NPWS indicated that an off-leash area that commences 400 metres south of the National Park boundary at Barrenjoey Headland at Palm Beach (North) is a compromise that looks reasonable.

On 25 March 2021 the NPWS was asked for comment on an off-leash area that commences 280 metres south of the National Park boundary at Barrenjoey Headland and provided the following feedback:

NPWS comments remain the same as previous and are consistent with comments provided in 2018. NPWS do not object to the proposal. Given the proximity to bushland and the park and the potential for impacts described below, we suggest NBC assess the proposed activity for any environmental impacts and other risks and develop a risk treatment plan or strategy to reduce.

NPWS would prefer to see the proposed area brought further south so the northern end of the off-leash area aligns with the northern end of the Governor Phillip Car Park. There is concern that the current proposal is in proximity to the boundary of the national park and, as it is at an isolated end of the beach, dog walkers may be tempted to let their dog continue north beyond the designated off-leash area.

A semi-permanent wild seal population occupies rock shelves at Barrenjoey Headland. There may be potential for conflict between dogs and seals if they were to interact. Seals can consider dogs as a threat and equally dogs may consider seals a threat. If the proposal is progressed NPWS would ask Council to consider any potential risks of interaction between seals and domestic dogs and how the chance of interaction might be prevented.

National Parks undertakes a number of pest management activities within Ku-ring-gai National Park (KCNP), including 1080 baiting. Although 1080 baiting is used within KCNP, it is not currently used within the Barrenjoey Headland Precinct. An off-leash area within the vicinity of the Barrenjoey Headland area may limit our ability to use 1080 as a control method to manage pest animals in the future. If it was to be used it may pose a risk to off-leash domestic dogs. If the proposal is progressed NPWS would ask Council to consider potential risks to NPWS pest control programs and domestic dogs.

If this proposal goes ahead, NPWS would expect the area to be clearly signposted and defined and that Council will enforce compliance with the boundaries.

Department of Primary Industries, Fisheries, Coastal Systems Unit (Fisheries)

On 26 August 2020, Fisheries provided the following feedback regarding an off-leash area on Palm Beach (north) and Mona Vale Beach (south):

These beaches are less sensitive than the beaches within Pittwater with regards to marine vegetation. There are no seagrass beds off our ocean beaches. DPI Fisheries has no concerns regarding off-leash dog activities in the areas nominated in Item 14.3 of Notice to Motion 33/2020.

DPI Fisheries recommends that appropriate facilities, signage and monitoring to ensure dog droppings are disposed of properly.

Department of Planning, Industry and Environment, Housing and Property, Crown Lands (Crown Lands)

In September 2020, Council requested feedback from Crown Lands on the proposed off-leash areas. Crown Lands were at that time awaiting the outcome of the proceedings in the Land and Environment Court regarding Station Beach. Their preliminary verbal advice provided in March 2021 is that approval and an agreement, such as a licence, would likely be required for the land below the mean high water mark. A formal response to the request for feedback is yet to be provided to Council.

Environmental Matters for Further Investigation

A number of environmental considerations have been identified that need investigation in accordance with relevant legislation before consideration is given as to whether or not dogs should be permitted, on or off-leash, on Palm Beach (north) and Mona Vale Beach (south). These include (but are not limited to):

Palm Beach (north)

- Investigations that include specialist assessment of potential direct impacts (e.g. trampling, access pathways, fencing) and indirect impacts (e.g. noise, pollution, traffic, lighting) to

migratory and non-migratory shorebirds, dune vegetation, associated fauna habitats, water quality and aquatic ecology. This would include impacts from dogs on-leash also.

- Investigations that consider how to minimise impacts to adjoining sensitive receivers including highly erodible sand dunes and associated vegetation likely to be used by dogs and dog walkers. This would include impacts from dogs on-leash also.
- Given the location is proximate to the National Park, environmental assessments would need to take into account any requirements from the NPWS.

Mona Vale Beach (south)

- Investigations that include specialist assessment of potential direct impacts (e.g. trampling, access pathways, fencing) and indirect impacts (e.g. noise, pollution, traffic, lighting) to migratory and non-migratory shorebirds, dune/headland vegetation, associated fauna habitats, water quality and aquatic ecology. This would include impacts from dogs on-leash also.
- Assessments in relation to the southern boundary and proximity to geotechnical hazards (including the escarpment). This would include impacts from dogs on-leash also.
- Investigations that consider how to minimise impacts on adjoining sensitive receivers including highly erodible sand dunes, associated vegetation and receiving waters likely to be used by dogs and dog walkers.

Environmental assessment would consider impacts at the proposed off-leash areas as well as any surrounding areas that could potentially be impacted.

Appropriate Planning and Approval Pathways

Should Council wish to undertake further environmental assessments into the feasibility of establishing dog off-leash areas on Palm Beach (north) and Mona Vale Beach (south), consideration will also need to be given to the appropriate planning and approval pathways. The Court's decision in *Palm Beach Protection Group Incorporated v Northern Beaches Council [2020] NSWLEC 156* has implications for the relevant planning and approval pathways. This work would assist Council to be in a position to determine whether or not Council should proceed to the next steps.

The former Pittwater Council Dog Control Policy (No 30) is still in force. This policy states that all beaches are prohibited areas for dogs. This includes Palm Beach and Mona Vale Beach. This policy would need to be amended, by a resolution of Council, to allow off-leash or on-leash areas on these beaches. An order of Council is also required to declare an off-leash area under section 13(6) of the *Companion Animals Act 1998*. Amendments may also be required to Pittwater's Ocean Beaches Plan of Management (2005).

The next steps are likely to include; undertaking community engagement, seeking approval and a licence for use of NSW State Government land, seeking any planning approvals required, amending the current policy, amending Plans of Management as required and declaring off-leash areas, conducting a trial and reviewing the outcomes of the trial.

Recreational Considerations

Community consultation conducted by Council about off-leash areas over the last 4 years has indicated that existing off-leash areas are becoming busier and there is a desire for more off-leash areas in parks and on beaches.

The provision of an off-leash area at Palm Beach (north):

- Would provide new opportunities for residents and visitors to exercise their dogs off-leash at the beach.
- May impact beach users who access the proposed off-leash area for recreational activities.
- Would be in proximity to the North Palm Beach Surf Lifesaving Club and the flagged area that operates in summer in front of the Surf Club and may impact users who access this area of the beach.
- Would increase demand for car parking in the nearby car parks, particularly on weekends and holidays.

The provision of an off-leash area at Mona Vale (south):

- Would provide new opportunities for residents and visitors to exercise their dogs off-leash at the beach.
- Would link with the adjacent existing off-leash area in South Mona Vale Headland Reserve (Robert Dunn Reserve) creating a larger off-leash area.
- May impact beach users who access this section of beach for recreational activities.
- Would increase demand for car parking in the adjacent car parks, particularly on weekends and holidays.

After significant storm events beach access to off-leash areas at both locations could be compromised.

Proposed Trial Areas for Assessment

In response to the feedback from the NSW State Government agencies and internal teams, it is considered that the original areas provided with the Notice of Motion No 33/2020 should be revised.

Accordingly, the following parameters are proposed should Council wish to proceed with further investigations and environmental assessments into the feasibility of establishing dog off-leash areas on Palm Beach (north) and Mona Vale Beach (south):

- Palm Beach (north) dog off-leash proposed trial area (Attachment 1).
 - Length of the off-leash area is 400 metres (no change to the length indicated in the Notice of Motion sketches).
 - Northern boundary - 280 metres south of the National Park boundary (80 metres further south than indicated in the Notice of Motion sketches).
 - Southern boundary - 300 metres north of the North Palm Beach Surf Lifesaving Club (100 metres closer to the Surf Club than indicated in the Notice of Motion sketches).
 - Western boundary - the eastern edge of the dunes in Governor Phillip Park (no change from the Notice of Motion sketches).
 - Eastern boundary – 130 metres east of the eastern edge of the dunes.
 - Off-leash on specified pathways from the car park to the beach to provide connectivity (the Notice of Motion sketches did not mention these pathways).
- Mona Vale Beach (south) dog off-leash proposed trial area (Attachment 2).

- Length of the off-leash area is 300 metres and aligns with the existing off-leash area at South Mona Vale Headland Reserve (Robert Dunn Reserve). 40 metres longer than indicated in the Notice of Motion sketches.
- Off-leash on pathways from the existing off-leash area to the beach to provide connectivity (the Notice of Motion sketches did not mention these pathways).
- Northern boundary - aligns with the northern edge of the existing off-leash area. 720 metres south of the Mona Vale Beach Surf Lifesaving Club (230 metres closer to the Surf Club than indicated in the Notice of Motion sketches).
- Southern boundary - 45 metres from the escarpment that separates Mona Vale Beach and Warriewood Beach to provide a buffer (the Notice of Motion sketches indicated a southern boundary at the escarpment).
- Western boundary - the eastern edge of the dunes (no change from the Notice of Motion sketches).
- Eastern boundary – 120 metres east of the eastern edge of the dunes at the northern end and 50 metres east of the base of the cliff face at the southern end.
- Off-leash days and times are proposed to be (at both locations) 4pm to 10am, Monday to Sunday (seven days a week). The proposed times include popular times to exercise a dog, in the mornings before work and after school drop-off and in the afternoons after work and school drop-off. No days and times were indicated in the Notice of Motion sketches.

On 22 March 2021 a discussion about the amended parameters was held with representatives of Pittwater Unleashed. In principle, Pittwater Unleashed were supportive of the amendments.

Subject to the necessary environmental assessments, determinations and approvals, a 12 month trial is proposed to be conducted at each location based on these amended parameters and proposed days and times.

CONSULTATION

It is proposed that community engagement would be undertaken after the environmental assessments recommended in this report has been completed and reported to Council. A community engagement plan would be developed at that time for Council's endorsement.

TIMING

Should Council agree with the recommended approach, the environmental assessments outlined in this report could commence in May 2021. It is anticipated that this would take 6 to 12 months to complete. Concurrently, discussions would continue with the relevant NSW State Government agencies about their requirements.

LINK TO STRATEGY

This report relates to these 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.
- Protection of the Environment – Goal 3: Our community is well supported in protecting the environment.
- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.

- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.

FINANCIAL CONSIDERATIONS

It is estimated that in the order of \$150,000 to \$200,000 would be required to undertake the environmental assessment outlined in this report and preparation of any planning documentation regarding off-leash areas for Palm Beach (north) and Mona Vale Beach (south). This assessment and investigation would be undertaken over financial years 2020/2021 and 2021/2022.

SOCIAL CONSIDERATIONS

Dogs play an important role in human companionship. General health and well-being can be enhanced through the physical, emotional and social benefits of owning a dog. Similarly, dogs depend on their owners to obtain an appropriate level of physical activity.

Council currently provides 28 off-leash dog areas including Sandy Bay, Clontarf and Rowland Reserve, Bayview which have access to beaches.

Many dog owners have expressed their views that there is a need for more off-leash areas in our parks and for multiple beach locations to be considered. Council has also received community feedback that dogs should not be allowed on any beaches on-leash or off-leash.

ENVIRONMENTAL CONSIDERATIONS

Environmental assessments are to be undertaken as required by the relevant legislation including the *Environmental Planning and Assessment Act 1979*. In this regard, further assessment is required before a decision may be made as to whether or not dogs should be permitted, on-leash or off-leash, on Palm Beach (north) and Mona Vale Beach (south). This advice is outlined in the *Environmental Matters for Further Investigation* section of this report.

GOVERNANCE AND RISK CONSIDERATIONS

Given the judgment of the Land and Environment Court in *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156 all relevant environmental and planning assessments shall be undertaken before Council will be in a position to determine whether to establish off-leash areas at Palm Beach (north) and Mona Vale Beach (south). In the above case, the Court found that Council failed to undertake the requisite environmental assessments with the result that Council decisions in August and December 2019 were declared invalid. Should Council fail to undertake the requisite assessments and undertake the relevant determinations according to law, Council's decision(s) may be subject to legal challenge.





ITEM 14.3	NOTICE OF MOTION NO 33/2020 - ACTIVATION OF BEACH SPACE FOR DOG EXERCISE
TRIM FILE REF	2020/423210
ATTACHMENTS	NIL

Submitted by: Councillor Alex McTaggart, Ian White, and Kylie Ferguson

MOTION

That the CEO do all things necessary to prepare a report for Council's consideration regarding the public exhibition of a trial along a set portion of North Palm Beach, and at the southernmost end of Mona Vale Beach.

BACKGROUND FROM COUNCILLOR ALEX MCTAGGART, IAN WHITE AND KYLIE FERGUSON

The process of allowing families with dogs shared access to some of our beach space requires careful thought. With respect to conducting a trial, the report to former Pittwater Council of 17 November 2014 included the considered opinion of the Manager – Reserves, Recreation & Building Services at page 21 that *"the better approach would be to run the trial over several beaches to lessen the load on any particular beach"*, and also at page 21 that *"Council could consider undertaking a trial and if so, it would be advisable to do so at a number of beaches"*.

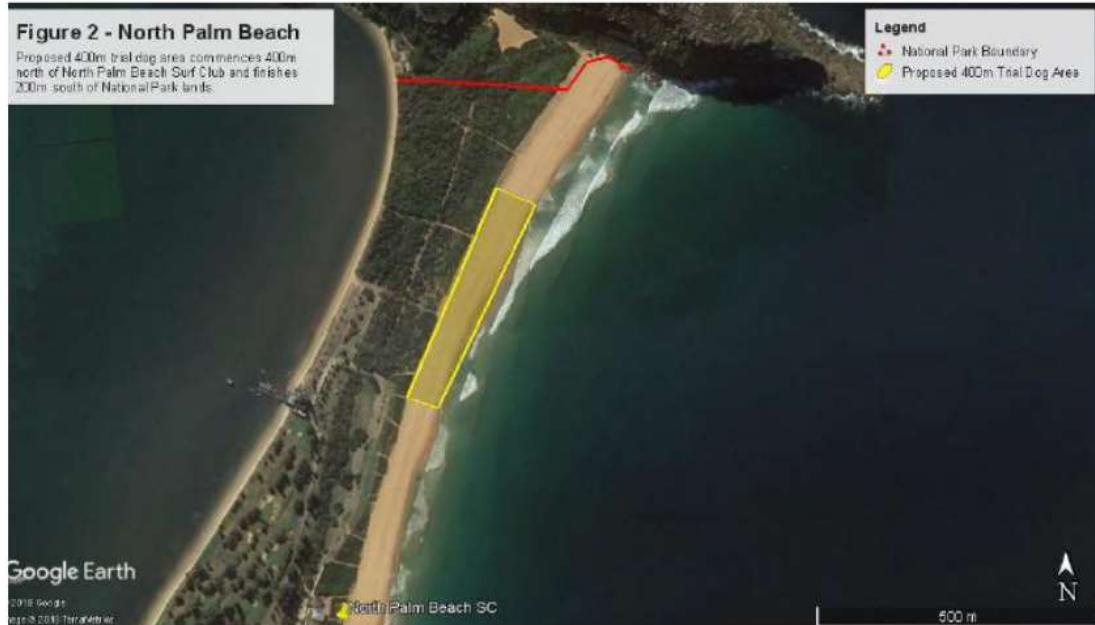
This Motion reflects the above advice of the Manager – Reserves, Recreation and Building Services, and gives effect to the "future Motion" foreshadowed at Item 12.4 of the business papers for the Council Meeting of 26 June 2018 (Trim File 2018/370422). As a result, it would be fair to say staff have a good understanding of the issues, which are summarised in reply to questions 23 May 2018 (Trim File 2018/242857 and 2018/242691).

As Council is already in possession of advice from state agencies raising no objection to off-leash trials in the locations described (see attached sketches), and given the demands on our open space arising from COVID-19 and the need for activation of suitable space to meet these increased demands, it is timely for Council to be collating relevant materials relating to these two proposed trials with a view to preparing the matter for public exhibition.

Pittwater Ward Councillors, particularly Councillor White, who served as Chair of a Working Group assessing these matters, have a deep appreciation of the local community's need for additional off-leash space in Pittwater Ward, where we have several entire suburbs with no off-leash space at all. My own involvement with this matter dates back some 17 years.

The authorised off-leash trial at Station Beach, on its own, is not the answer to the underlying issue. If we are serious about promoting the active lifestyle, we have to explore options to activate space. People exercise their dogs every day. It is our duty to provide options for this, preferably within walking distance of home, so as to reduce reliance on the family car for this kind of thing.

Insofar as there is a cost associated with the preparation of the report, this Motion is brought on the basis that such cost would seem a reasonable expenditure to be drawn from the additional \$400,000, over four years, set by the Council Administrator on 28 March 2017 (Resolution 040/17) for the purposes of improving the off-leash provision across the LGA.



ITEM 13.2	OUTCOMES OF THE PUBLIC EXHIBITION OF THE DRAFT AMENDMENT TO THE DEE WHY LAGOON WILDLIFE REFUGE PLAN OF MANAGEMENT (2002)
REPORTING MANAGER	EXECUTIVE MANAGER PARKS AND RECREATION
TRIM FILE REF	2021/217797
ATTACHMENTS	<ol style="list-style-type: none"> 1 Proposed Extension to the Dee Why Surf Life Saving Club Building (Included In Attachments Booklet) 2 Excerpt from the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) Action Table 3, Management Action 63 (Included In Attachments Booklet) 3 Community Engagement Report - Draft Amendment to the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report on the outcomes of the public exhibition of the draft amendment to the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) and to consider adoption of the amendment.

EXECUTIVE SUMMARY

At the Council meeting held on 15 December 2020 Council considered Item 13.2 - Public Exhibition of the Amendment to Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) to Make Permissible Proposed Storage for the Dee Why Surf Life Saving Club Building. The report for this Item outlined a request from the Dee Why Surf Life Saving Club to extend the surf club building located in James Meehan Reserve, Dee Why. The Surf Club's proposal was for additional storage space on the ground level at the northern end of the building and an uncovered balcony above (Attachment 1).

It was reported that the following amendment to Management Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management 2002 (Attachment 2) would allow the proposal:

This Plan of Management expressly authorises an extension to the northern end of the Dee Why Surf Life Saving Club building of not more than 6.5 metres by 14 metres on the ground floor for storage space and 6.5 by 17 metres for a balcony overhead. There is to be no roof or screening on the balcony in order to retain ocean views and amenity from the surrounding area. The Dee Why Surf Life Saving Club building is to remain a two storey building. Safe general public pedestrian access around the building is to be integrated into the design.

Development is for the purposes of Club storage particularly for surf lifesaving equipment and surf craft and a balcony to meet the current and future needs of the Dee Why Surf Life Saving Club.

In respect to the report (Item 13.2), Council resolved (Council Resolution 366/20) that:

1. Council place on public exhibition the draft amendment to Dee Why Lagoon Wildlife Refuge Plan of Management (2002) for a period of 56 days from 22 January 2021 until 19 March 2021.
2. The outcomes of the public exhibition of the draft amendment to Dee Why Lagoon Wildlife Refuge Plan of Management (2002) be reported back to Council.

In response to Council resolution 366/20 the draft amendment was placed on public exhibition from 22 January 2021 to 19 March 2021. Two hundred and seven submissions were received and reviewed. The majority of submissions were supportive of the draft amendment with 192 (93%) supportive, 11 (5%) not supportive, three (1.5%) supportive with changes, one (0.5%) neutral. The submissions and Council's responses to matters raised are detailed in Attachment 3.

Following consideration of the community feedback received it is recommended that the draft amendment to Management Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) outlined in this report is adopted and that this feedback, particularly regarding the balcony, is considered in the planning, design and future management of the proposed extension of the Dee Why Surf Life Saving Club building.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. The amendment to Management Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) outlined in this report is adopted and the amended Plan of Management incorporate the change to Management Action 63.
 2. Council notes that before the proposed alteration and additions to the Dee Why Surf Life Saving Club building facilitated by this amendment is undertaken, a development assessment and determination under Part 4 of the *Environmental Planning and Assessment Act 1979* is required.
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REPORT

BACKGROUND

At the Council meeting held on 15 December 2020 Council considered *Item 13.2 - Public Exhibition of the Amendment to Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) to Make Permissible Proposed Storage for the Dee Why Surf Life Saving Club Building*. The report for this Item outlined a request from the Dee Why Surf Life Saving Club to extend the surf club building located in James Meehan Reserve, Dee Why. The Surf Club's proposal was for additional storage space on the ground level at the northern end of the building and an uncovered balcony above (Attachment 1). The additional storage space would meet the Surf Club's current and future needs for storage, particularly for surf lifesaving equipment and surf craft.

It was reported that the following amendment to Management Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management 2002 (Attachment 2) would allow the proposal:

This Plan of Management expressly authorises an extension to the northern end of the Dee Why Surf Life Saving Club building of not more than 6.5 metres by 14 metres on the ground floor for storage space and 6.5 by 17 metres for a balcony overhead. There is to be no roof or screening on the balcony in order to retain ocean views and amenity from the surrounding area. The Dee Why Surf Life Saving Club building is to remain a two storey building. Safe general public pedestrian access around the building is to be integrated into the design.

Development is for the purposes of Club storage particularly for surf lifesaving equipment and surf craft and a balcony to meet the current and future needs of the Dee Why Surf Life Saving Club.

In respect of Item 13.2, Council resolved (Council Resolution 366/20) that:

1. *Council place on public exhibition the draft amendment to Dee Why Lagoon Wildlife Refuge Plan of Management (2002) for a period of 56 days from 22 January 2021 until 19 March 2021.*
2. *The outcomes of the public exhibition of the draft amendment to Dee Why Lagoon Wildlife Refuge Plan of Management (2002) be reported back to Council.*

CONSULTATION AND SUMMARY OF SUBMISSIONS

In response to Council resolution 366/20 the draft amendment was placed on public exhibition from 22 January 2021 to 19 March 2021. Public exhibition was promoted via:

- E-mail to Council's community engagement register.
- Signs at and near the surf club building.
- Letter box drop to neighbouring residents.
- A Your Say project page on Council's website.

Two hundred and seven (207) submissions were received (Attachment 3) and there were 2,366 visits to the project's Your Say page during the exhibition period.

The majority of submissions were supportive of the draft amendment with 192 (93%) supportive, 11 (5%) not supportive, 3 (1.5%) supportive with changes, 1 (0.5%) neutral. There was one submission representing the owners of a nearby residential building that opposed the balcony. The Friends of Dee Why Lagoon were supportive of the draft amendment.

Reasons for supporting the proposed amendment included that:

- The proposed extension will support the Dee Why Surf Lifesaving Club to continue to provide important services to our community into the future.
- There is a need for the proposed extension and additional storage space.
- A thematic summary of submissions supportive of the proposed amendment and Council responses is outlined in Table 1.

Reasons for not supporting the proposed amendment included that:

- The Club already has adequate storage space that could be used more efficiently to meet their needs.
- Opposition to the proposed balcony due to the potential impact on residents from noise, traffic and parking demand arising from functions held on this balcony. There are ongoing noise issues with functions held in the existing surf club building.
- A thematic summary of submissions not supportive of the proposed amendment and Council responses is outlined in Table 2.

Following consideration of the community feedback received it is recommended that:

- The draft amendment to Management Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) outlined in this report is adopted.
- The community feedback, particularly regarding the balcony, is considered in the planning, design and future management of the proposed extension of the Dee Why Surf Life Saving Club building located in James Meehan Reserve, Dee Why.

A thematic overview of submissions and Council's responses are presented in the tables below.

Table 1: Thematic Summary of submissions supportive of the proposed amendment and Council responses

Theme	What we heard	Council Response
The proposed extension supports the Club to continue to provide important services to our community	<ul style="list-style-type: none"> • The balcony could be used for social purposes including a café. • The extension would enable the Club to continue to support our community into the future. • The extension has minimal impact on the park and other use and will improve facilities for club volunteers. • The Club is a social hub that provides important beach safety services, emergency services, opportunities for volunteering and sport and supports local youth development. • The surf club is 'run down' and needs an upgrade. • Friends of Dee Why Lagoon support the proposed change to the Plan of Management. 	<ul style="list-style-type: none"> • A café is not included as part of the proposed extension. • Noted • Noted • Noted • Noted • Noted

Additional Storage Space	<ul style="list-style-type: none"> • Current storage is inadequate. • There is a lack of space to store rescue equipment with easy access. • The equipment should be stored to maintain its integrity and security. • Additional storage will enable new rescue equipment to be housed such as All-Terrain Vehicles and aerial surveillance drones. • Need to store rescue craft close to the beach for quick action during patrol hours and out of hours. 	<ul style="list-style-type: none"> • Noted
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Table 2: Thematic Summary of submissions not supportive of the proposed amendment and Council responses

Theme	What we heard	Council Response
Surf Club building extension	<ul style="list-style-type: none"> • The proposed extension may not be needed if the club used their current storage space more efficiently. • Will there be further extensions? • Who is funding the proposed extension? • Will the Club stop using the adjacent park for storing their equipment when the extension is built? 	<ul style="list-style-type: none"> • The Club have confirmed that the proposed additional storage space is required to meet the Club's current and future needs for storage, particularly for surf lifesaving equipment and surf craft. • The Council is only considering the current extension proposed by the Surf Club. • Council will discuss with the Club. • The Club does not have approval to permanently store equipment in the park adjacent to the surf club building. • The Club is given approval to use the park on a temporary basis when they hold lifesaving events at Dee Why beach.
Balcony	<ul style="list-style-type: none"> • Strong objection to the balcony from nearby residents. Noise from functions held in the current surf club building has been an ongoing issue for nearby residents. The proposed balcony, if used for functions, would create more impact on nearby residents from noise and increased traffic and demand for parking. • If the balcony is approved how would Council ensure compliance regarding impacts such as noise and parking? 	<ul style="list-style-type: none"> • The feedback regarding the balcony will be thoroughly considered through the planning and design of the proposed extension including the Development Application process as well as in any agreement between Council and the Surf Club for use of the extension. Council supports the position that nearby residents should not be unreasonably impacted by noise arising from use of the proposed balcony and the existing surf club building. • The rationale for the proposal is not to provide a function space on the balcony but to provide additional storage space to meet the Club's current and future needs for storage. The creation of balcony space is a result of the extension of the ground floor storage space.

Traffic and parking	<ul style="list-style-type: none"> The extension will increase traffic and demand for parking and may restrict access for people with a disability. 	<ul style="list-style-type: none"> The proposed additional storage will not increase the demand for parking. Traffic and parking impacts would be considered through the Development Application process for the proposed extension.
Wildlife Refuge	<ul style="list-style-type: none"> The extension will impact the Wildlife Refuge and is not consistent with the Plan of Management. If the balcony is used as a function space the noise could adversely impact the Wildlife Refuge. 	<ul style="list-style-type: none"> The proposed amendment is in keeping with the core objectives of the area of the Wildlife Refuge categorised as General Community Use as well as the identified Recreation, Education, Social and Heritage values. The proposed extension does not include the establishment of a function space on the balcony.

Several submissions were received that were not related to the proposed amendment. Council's responses to matters raised are outlined in Table 3.

Table 3: Summary of submissions not related to the proposed amendment and Council responses.

Theme	What we heard	Council Response
Dogs	<ul style="list-style-type: none"> Ensure dogs are prohibited from the Wildlife Refuge and install more dogs prohibited signs. Suggestions for a trail from the surf club building to Long Reef beach (suitable for walking, riding and dogs) 	<ul style="list-style-type: none"> Dogs are prohibited in the Dee Why Lagoon Wildlife Refuge and all beaches, this includes Dee Why Beach (former Warringah Animal Management Policy, PL370). Signage related to dogs in the Wildlife Refuge will be reviewed. Given that dogs are prohibited at Dee Why Beach and the Wildlife Refuge a walking trail for walking dogs as suggested is not feasible. A concept plan and preliminary environmental studies have been undertaken for a boardwalk from Dee Why Beach to Long Reef and Council will look to include it in a future Delivery Program.
Dee Why facilities	<ul style="list-style-type: none"> Facilities at Dee Why Beach need an upgrade including the rock pool and the toilets. 	<ul style="list-style-type: none"> Renewal of facilities at Dee Why Beach are prioritised based on their condition, function and capacity against other facilities across the Northern Beaches. The facilities at Dee Why Beach are generally in good condition and meet the current needs of the community.

TIMING

Should Council agree with the recommendation to adopt the amendment to the Plan of Management it is anticipated that the Surf Club would proceed immediately with planning for the extension of the surf club building including lodging a Development Application.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.

FINANCIAL CONSIDERATIONS

The costs to amend the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) can be accommodated within the current operational budget.

SOCIAL CONSIDERATIONS

Surf Life Saving Clubs provide a voluntary service fundamental to keeping our community safe at our beaches. It is essential that surf lifesaving equipment and surf craft are stored in surf club buildings close to where club activities are conducted on our beaches.

ENVIRONMENTAL CONSIDERATIONS

The Surf Club's proposal for the extension of the surf club building including design and construction and management is contingent on the outcome of a Development Application under Part 4 of the *Environmental Planning and Assessment Act 1979*, which can only be lodged should the Plan of Management be amended as recommended. The Development Assessment process assesses the environmental impact and will identify required controls to protect the environment if it were to be approved.

GOVERNANCE AND RISK CONSIDERATIONS

Should Council agree with the recommendation to adopt the amendment to the Plan of Management the Surf Club can proceed to lodging a Development Application for the proposed extension. The Development Application process provides for an additional opportunity for community engagement and feedback during the notification period.

Given Council is the owner of the building, which could create a perceived conflict of interest, the Development Application will be externally assessed before being determined by the Local Planning Panel.

ITEM 13.3	BALGOWLAH BOWLING CLUB - HISTORIC RENT ARREARS WRITE OFF
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2021/249989
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek approval to write off historic rent arrears for the Balgowlah Bowling Club Limited (Club) from 2005-2014 for \$65,585.00 (Inc GST).

EXECUTIVE SUMMARY

The Balgowlah Bowling Club facility on Bareena Drive consists of a clubhouse, amenities and three natural grass bowling greens located on Council Community Land and Crown Reserve managed by Council.

The Club ran into financial hardship during the mid-2000's and sought rent relief from Council. A Memorandum of Understanding (MOU) relating to rent relief was signed in 2008. Through the MOU Council agreed to waive the rent from 1 July 2005 to 30 June 2008, except for the amount of \$390 per annum being the statutory minimum amount for Crown land.

From 1 July 2008, the rent payments reverted to the full rental amounts. However, due to financial difficulties experienced by the club, no rent was paid to Council for the period from 2005 to 2014. The total amount of rent arrears accumulated during this time was \$65,585.00 (Inc GST). Since the lease expiry date in 2014, council agreed for the Club to remain on hold over and the Club have paid their rent since 2014 to date.

Council has been in discussions with the Club over the years regarding formally writing off the outstanding rental arrears and the intent to enter into a new lease agreement, as well as the Club's initiatives to increase its membership to a financially sustainable level so it can continue to be enjoyed by the community into the future.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council approve the write-off of historic rental for the outstanding amount of \$65,585.00 (Inc GST) for Balgowlah Bowling Club as detailed in this report.

REPORT

BACKGROUND

The Balgowlah Bowling Club (Club) facility on Bareena Drive consists of a clubhouse, amenities and three natural grass bowling greens located on Council Community Land and Crown Reserve managed by Council.

The clubhouse and amenities were built by the Club in 1955. Council and the Club had a lease agreement which commenced 1 January 1995 for a 20 year term. Since the lease expiry on 31 December 2014, the Club has remained on monthly hold over.

In 2005, the Club approached Council requesting rent relief for 5 years stating it was experiencing financial difficulties due to the decline in business as a result of their ageing members. In response, a Memorandum of Understanding (MOU) was signed in 2008 in which Council agreed to waive the payment of rent for a total of 3 years from 2005-2008, (subject to the statutory minimum amount of \$390 per annum for Crown land being paid).

No rent was received for 10 years from 2005 to 2014. The total outstanding amount accumulated to \$65,585.00 (Inc GST).

Since the lease expiry date in 2014, Council agreed for the Club to remain on hold over and the Club have paid their rent since 2014.

In 2019, the Club rebranded as Balgowlah Bowling and Community Club in an effort to increase its membership to a financially sustainable level. The Club's Annual Report 2019-2020 shows there were 64 Bowling Members, 3 Provisional Members, 73 Social Members, 9 Life Members and 148 Family Members.

The Club's management met with Council's CEO on 9 September 2019 regarding the matter of outstanding rent. At that meeting the Club formally requested that Council waive the rental debt and then enter into a new lease agreement on 1 October 2019. In response, Council wrote to the Club advising the matter of outstanding debt was due to be reported to the elected Council and in respect of the request for a new lease, this would be discussed following the adoption of the proposed new Community Leasing Policy.

On 8 May 2020, Council wrote to the Club confirming its intention to enter into a future lease with the Club so as to enable the Club to continue its operations. The Club was advised the proposal to write off the debt will be taken to Council for resolution, after which Council would be in a position to progress discussions for a new lease agreement.

In January 2021, the Balgowlah Bowling Club Committee won an Outstanding Community Service Award at the Northern Beaches Council Australia Day Awards for their commitment to saving the Club from closure and revitalising the club for the enjoyment of the community.

Outstanding Debt

The write off of the outstanding rent will allow the Club to focus on other initiatives to further improve the Clubs amenity, increase patronage and its overall enjoyment by the community.

In accordance with clause 213(4) of the Local Government (General) Regulation 2005 (Regulations) a resolution or order writing off a debt to a council must—

- (a) specify the name of the person whose debt is being written off, and
- (b) identify the account concerned, and
- (c) specify the amount of the debt,
or must refer to a record kept by the council in which those particulars are recorded.

It is recommended that Council approves writing off of the rental arrears amounting to \$65,585.00 (incl GST) for the Club as detailed below:

Debtor Reference	Debtor Account 206552 The Balgowlah Bowling Club Limited Bareena Drive BALGOWLAH HEIGHTS NSW 2093
Date Debt Incurred	10 year period from 1 July 2005 to 1 July 2014 Rental billed half yearly
Amount (inclusive of GST)	\$65,585.00
Description	Outstanding rental
Comments	Historical rental arrears requested to be written off to provide financial support to Balgowlah Bowling Club which recently restructured to be financially sustainable over the long term.

Under Clause 213(5) of the Regulation, a debt can be written off under this clause only—

- (a) if the debt is not lawfully recoverable, or
- (b) as a result of a decision of a court, or
- (c) if the Council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Council considers that the debt can be written off in accordance with clause 213 (5) (c) of the Regulation. In particular, Council has reasonable grounds to believe that an attempt to recover the debt would not be cost effective due to the following reasons:

- i. the poor financial position of the Club, meaning that the Club does not have the funds to repay the historical debt;
- ii. the likelihood of having to enter a dispute on the matter with the Club which could result in court proceedings, which will incur a cost to Council; and
- iii. Council is unlikely to be able to recover the debt from the Club.

The Club without member donations has operated at a loss for the past two years. The Club do not have the funds to repay this historical debt. Should Council pursue the debt, it is possible that Balgowlah Bowling Club as a Proprietary Limited company may be forced into liquidation or would be required to enter voluntary administration.

CONSULTATION

Council and the Club have a good working relationship with both parties agreeing that matter of outstanding rental arrears is a historical matter which has caused confusion and concern in the past. Both parties are eager to have this long-outstanding matter resolved and focus on the future.

Council receives and reviews the Club's Annual Reports each year and it does appear the Club has suffered in the past due to long periods of low membership numbers. Since the Club's re-branding in 2019, numbers have improved, however it is clear it is still recovering. The Club's recovery efforts have also been slowed by COVID.

The Club made a net profit of \$21,634 for the year ending 30 June 2020, of which \$24,682 were donations from Members and \$9,401 COVID grants. Without the grants and donations there would have been a \$12,449 loss.

The Club has been requesting a new lease for some time. It is the intention of Council to enter into a new lease agreement allowing the Club to continue its operations.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.
- Participation and Partnership - Goal 22: Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community.

FINANCIAL CONSIDERATIONS

The outstanding debt was transferred from former Manly Council. Following amalgamation, attempts to recover these funds have been made by way of Council requesting payment of outstanding rental. Options for payment plans were also offered however no payments were made towards the outstanding debt.

Given the age and history of the debt, this amount was previously included in Council's provision for doubtful debts and as such, there will be no further impact on Council's financial position if the outstanding debt from 2005 to 2014 is written off.

Writing off the outstanding debt will enable Council to retain a tenant who has restructured to be financially sustainable over the long term to the benefit of all parties.

SOCIAL CONSIDERATIONS

Writing off the outstanding debt will relieve financial pressure on Balgowlah Bowling Club and will allow it to continue to focus on encouraging greater use of the Club to ensure its survival.

In addition to accommodating its current bowling members and keeping the traditions associated with bowls alive, the Club now also encourages the use of the clubhouse and greens by the broader community by way of providing an open, inclusive and family friendly venue which can be used for a variety of social activities and gatherings. Current examples include:

- weekly dance and exercise classes
- local sporting and Probus group meetings and functions
- providing a social hub for parents and children after school collection
- providing lessons to students of Balgowlah Boys High School as part of school summer sport
- regular hosting of Sunnyfield residents and annual Grandparent day celebrations.

The Club hall is also regularly hired by local families for birthday parties, wakes and gatherings. Other activities for which the hall is hired include, Body Corporate meetings, Seniors Bridge, and Christmas wreath making.

The Clubs commitment to saving the Club from closure, and revitalising the Club for the enjoyment of the community was recognised at the recent Northern Beaches Council Australia Day Awards ceremony at which the Club was awarded an Outstanding Community Service Award.

ENVIRONMENTAL CONSIDERATIONS

Nil

GOVERNANCE AND RISK CONSIDERATIONS

The Chief Executive Officer has delegated authority to write off debts up to \$20,000.00. As this debt is over that limit a Council resolution to write off the amount is required.

ITEM 13.4	OUTCOME OF PUBLIC EXHIBITION OF PROPOSED ACCESS TO QUEENSCLIFF HEADLAND
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE
TRIM FILE REF	2021/250821
ATTACHMENTS	<ol style="list-style-type: none"> 1 Option 1 - Ramp - straight - 2.0 wide (Included In Attachments Booklet) 2 Option 2 - Simple switchback ramp - 1.5 wide (Included In Attachments Booklet) 3 Option 3 - Complex switchback ramp 1.5 wide - not progressed (Included In Attachments Booklet) 4 Queenscliff Pedestrian Access Ramp - Concept Options 1 and 2 (Included In Attachments Booklet) 5 Community and Stakeholder Engagement Report Queenscliff Headland (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the outcomes of the consultation process to Council and provide a recommendation moving forward.

EXECUTIVE SUMMARY

At the Council meeting held on 24 September 2019, Council resolved to further explore a footpath on the north side of Greycliffe Street as the preferred concept option to improve accessibility to Queenscliff Headland.

Potential concept designs were developed aimed at providing improved pedestrian access between Bridge Road and Greycliffe Street, including upgrading of the crossing point in Greycliffe Street.

An initial site investigation was undertaken, including a geotechnical assessment to determine the site constraints and potential issues that would require engineering solutions to provide a path connecting the Stuart Somerville Bridge to the residential area of Queenscliff, based on the geotechnical investigation, service locations and the design parameters to achieve access for a wider range of users, 3 options were developed.

Option one (attachment 1) was a simple ramp connecting the base of the existing stairs to Upper Greycliffe Street. This option allows for all users to access the upper level using a 2-metre-wide path that connects with existing footpath on northern side of Upper Greycliffe Street. This option has grades of up to 1 in 7, which exceeds the desired accessibility standard (1 in 14 with 1 in 20 preferred), however it is noted that the existing footpath connections further north towards Queenscliff Road along Bridge Road are also non-compliant (1 in 7).

Option two (attachment 2) is a switch back design that meets the 1 in 14 but reduces the width to 1.5 metres (footpath standard) and has an entry and exit point location adjoining the existing stairs. This option requires a significant amount of additional rock excavation, impacting on the neighbouring resident's amenity and extending the construction program. This option also requires significant service and stormwater relocation to facilitate the required grades.

Option three (attachment 3), was considered to minimise the relocation requirements, however this option results in almost as much impact on the adjoining residents, significant visual impact, and resulted in a multi-leg switchback that was not a practical solution. This option was not considered suitable for consultation and was not progressed to costing or review.

The high-level cost estimate for Option 1 was between \$800,000 and \$900,000 depending on finishes and detailed design engineering considerations. Option 2 was costed at between \$2,300,000 and \$2,600,000 depending on level of finishes, service relocation costs and the number of residents who request the noise amenity construction offset options.

The community consultation was undertaken on these two options between 19 November 2020 and 20 December 2020 with almost 250 submissions received as detailed in the engagement report (attachment 4). Due to COVID-19 restrictions the consultation was run online and no face to face engagement was undertaken. The impact on the adjoining residents was not able to be fully discussed, along with the construction methodology and potential timeline to construct the options.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Note the Community Consultation report for access to Queenscliff Headland.
 2. Endorse Option 1 as the most cost-effective method to deliver the connection to Queenscliff Headland.
 3. Write to the Member for Manly, James Griffin MP requesting assistance in securing grant funding for Option 1, to deliver access to Queenscliff Headland.
-

REPORT

BACKGROUND

Council initially resolved in December 2018 for staff to prepare a report assessing the current accessibility to Queenscliff Headland and provide options to improve accessibility for parents with prams, wheelchairs, and bike riders. There was also a community lead petition received by Council in October 2018 requesting better accessibility and improvements to the existing walking connections, namely the condition of the stairs forming the existing link between Bridge Road and Upper Greycliffe Street.

Several locations were considered in the initial Council Report to improve accessible travel connection with the community identifying this location as the highest priority of the three main restriction points.

A report to Council was provided in May 2019 addressing the actions raised in the December 2018 report, including the condition assessment of the existing stairs and the remedial works required to improve their safety and to prioritise these actions as the first step. Further investigation was supported to be undertaken on the development of the initial option 1 in the December 2018 report, being the footpath along the northern side of Greycliffe Street. The design and investigation were to be prioritised in the 2020/21 capital works cycle for future delivery subject to funding being identified and provided.

This was undertaken in the first quarter of the 2020/21 financial year, inclusive of geotechnical investigation and minor structural engineering design works required to develop two concepts to be placed on public exhibition initiated by the subsequent Notice of Motion No 31/2019 - Access to Queenscliff Headland (Stairs at Stuart Somerville Bridge) in November 2019.

Two options were placed on consultation with the community to determine which option was the preferred option to proceed to final design and approval. Both options were determined to be of considerable impact to the Community, both local residents and the broader public travelling through the area. Both options were deemed to meet the broad design intent of the improvement to access to Queenscliff Headland.

Option one was a simple ramp connecting the base of the existing stairs to Upper Greycliffe Street. This option allows for all users to access the upper level using a 2-metre-wide path that connects with existing footpath on northern side of Upper Greycliffe Street. This option has grades of up to 1 in 7, which exceeds the desired accessibility standard (1 in 14 with 1 in 20 preferred), however it is noted that the existing footpath connections further north towards Queenscliff Road along Bridge Road are also non-compliant (1 in 7).

Option two is a switch back design that meets the 1 in 14 but reduces the width to 1.5 metres (footpath standard) and has an entry and exit point location adjoining the existing stairs. This option requires a significant amount of additional rock excavation, impacting on the neighbouring resident's amenity and extending the construction program. This option also requires significant service and stormwater relocation to facilitate the required grades.

A third option was considered to minimise the relocation requirements; however, this option results in almost as much impact on the adjoining residents, significant visual impact, and resulted in a multi-leg switchback that was not a practical solution. This option was not considered suitable for consultation and was not progressed to costing or review. The delivery of this option was considered extremely challenging from a construction perspective.

The high-level cost estimate for Option 1 was between \$800,000 and \$900,000 depending on finishes and detailed design engineering considerations. This option was considered to offer the best value for money as it provides the connection requested, whilst exceeding the requirement of Australian Standard 1428 it does allow for less mobile pedestrians, parents with prams and bike riders to access Greycliffe Street safely.

The high-level cost estimate for Option 2 was costed at between \$2,300,000 and \$2,600,000 depending on level of finishes, service relocation costs and the number of residents who request the noise amenity construction offset options, potentially accommodation away from the site several nights a week.

Both options would require construction to be undertaken from the adjoining road network with a significant proportion of the bulk excavation to be undertaken at night to minimise the disruption to the traffic on the Greycliffe Street/ Bridge Road Corridor. Work would need to be programmed so no more than two consecutive night shifts were done to comply with NSW Government policy for high impact noise generating works (industry standard) unless a community agreement could be obtained.

CONSULTATION

The community consultation was undertaken on these two options between 19 November 2020 and 20 December 2020 with 246 submissions received as detailed in the attached engagement report. Due to COVID-19 restrictions the consultation was run online and no face to face engagement was undertaken. The impact on the adjoining residents was not able to be fully discussed, along with the construction methodology and potential timeline to construct the options.

The main themes raised during the online consultation were:

- Accessibility.
- Pedestrian safety.
- Design and aesthetics
- Loss of vegetation and impacts to local environment.
- Cost efficiency.
- Protection of the historical staircase.
- Bicycle use on the proposed path and impact to pedestrian safety.

The majority of the respondents to the survey preferred Option 2 in the question response part of the survey, however a deeper dive into the written comments part shows that some residents whilst preferring option 2 realise that the Option 1 ramp is cheaper and may actually be a better outcome when all users are taken into account as it is wider and caters for the expected volume of users in these periods. Some responses noted that the connection will be used by young families with prams, and less mobile residents had concerns about sharing the path with other users.

There was also limited comment regarding the impact on the existing rock cutting and potential impact on the heritage of the area.

TIMING

The project will be constructed as funding becomes available, currently likely during the second half of the 2021/22 program, subject to grant funding being approved by the NSW Government.

Works are likely to take around 6 months depending on the weather, underlying site conditions and any services that may not appear on the service authority plans, which given the age of the area is a possibility.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.
- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.

FINANCIAL CONSIDERATIONS

Grant funding through Public Space Legacy Program has been applied for and are awaiting outcomes.

SOCIAL CONSIDERATIONS

The project will improve the connectivity of the community between Freshwater, Queenscliff, and Manly. It will allow the residents to safely access the services in Manly using a shorter route than the existing shared user connection via Queenscliff Road.

Construction impacts on the residents will need to be mitigated through a combination of engineering controls, equipment and work method selection, and community consultation and management of impacts.

ENVIRONMENTAL CONSIDERATIONS

Vegetation will need to be removed to construct the project; however, this will be replaced where appropriate as part of the completed landscape plan component. The construction will require excavation and amenity impacts to be addressed and controlled through the delivery phase.

Heritage item impact will need to be considered as part of the project if any are discovered during the works program as well given the age of the adjoining built environment.

GOVERNANCE AND RISK CONSIDERATIONS

This project is outside of the adopted capital works delivery schedule, footpath or shared path delivery program priority schedules. Hence the need for grant funding.

The delivery risks involved in this project have been detailed previously and relate to the geotechnical risk in the project delivery, unknown service location impacts on the project timeline and the impact on the local community during construction and the mitigation measures required that may affect the delivery timeline if not addressed with the community early in the detailed delivery scope as part of the community engagement and management strategy.

ITEM 13.5	CONSIDERATION OF LICENCE REQUEST FOR COUNCIL COMMUNITY LAND LOT 2 DP 827733 (WITHIN REFUGE COVE RESERVE) AND ADJOINING 316 HUDSON PARADE, CLAREVILLE
REPORTING MANAGER	EXECUTIVE MANAGER PROPERTY
TRIM FILE REF	2021/277806
ATTACHMENTS	1 Location Map 2 Submissions

SUMMARY

PURPOSE

To consider an application for a 20 year licence agreement from the owner of 316 Hudson Parade, Clareville for use of an area of adjoining Community Land (Lot 2 DP 827733) for the purpose of access stairs and part boatshed.

EXECUTIVE SUMMARY

The owner of 316 Hudson Parade, Clareville (the applicant) has applied to enter into a licence agreement with Council to use an area of community land within Refuge Cove Reserve which adjoins 316 Hudson Parade to facilitate the construction of a boatshed and associated access stairs on Lot 2 DP 827733 (Lot 2) and the ongoing use of these structures. The subject area is approximately 58 sqm.

Lot 2 was the subject of a lease between Pittwater Council and a previous owner which commenced on 4 March 1993 and terminated on 4 March 2013.

On 7 March 2016, Pittwater Council resolved to re-categorise Lot 2 from 'Natural Area' to 'General Community Use' and to grant the General Manager (now known as the CEO) delegation to negotiate the terms and conditions of a new lease (2016 Resolution). At that time a timber boatshed existed partially on Lot 2 and partially on Crown Land adjoining Lot 2, being the Pittwater waterway.

On 14 September 2018 Council served a Stop Work Order upon the applicant following the complete demolition of the boatshed. The Stop Work Order was appealed to the Land and Environment Court (Proceedings No. 2018/00308701) by the applicant. The appeal was subsequently discontinued with consent.

This report proposes that Council consider the submissions received in respect of the proposed licence. These submissions include objections with regards to privatisation of public land and environmental and public access concerns in respect of foreshore development.

The Local Government Act 1993 provides that a council must not grant a licence in respect of community land for a period exceeding 5 years except with the Minister's consent, if a person makes a submission by way of objection to the proposal. Accordingly, should Council wish to grant the licence, Council would need to apply for the Minister's consent to do so.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That:

1. Council note that all submissions made to it in respect of the proposed licence have been considered.
 2. Council reject the application for Licence over Lot 2 DP 827733.
-

REPORT

BACKGROUND

In 1993 a previous owner of 316 Hudson Parade, Clareville dedicated to Council foreshore land at Refuge Cove Reserve, now Lot 2. The transfer was conditional that a lease be provided over the access way to the foreshore and the section of the original boatshed above the mean high water mark. A lease was subsequently granted by Pittwater Council to the owner in accordance with this condition.

The previous lease agreement expired on 4 March 2013. In 2015 the applicant, after purchasing the property at 316 Hudson Parade approached Pittwater Council seeking to renew the agreement for a further twenty (20) year term.

Pittwater Council at its meeting on 7 March 2016 resolved (the 2016 Resolution) as follows:

C10.1 316 Hudson Parade Clareville - Renewal of Expired Lease

1. *That the report by the Independent Chairperson regarding the re-categorisation of Lot 2, DP827733 be noted.*
2. *That the land, Lot 2, DP927733 in Refuge Cove be re-categorised from Natural Area to General Community Use.*
3. *That the General Manager be delegated to negotiate the terms and conditions of a new lease based on the expired lease following the re-categorisation of the land.*

On 15 November 2016, a complying development certificate (CDC) was issued by an accredited certifier for development on foreshore land including Lot 2 described as "Repairs and restoration of existing structures". The CDC related to the boatshed that existed on Lot 2 and the adjoining Crown Land. On 14 September 2018, Council served a Stop Work Order upon the applicant following the complete demolition of the existing boatshed. It was Council's view that this work was not carried out in accordance with the CDC, the CDC was not lawfully issued and the works were undertaken without owner's consent. The Stop Work Order was appealed to the Land and Environment Court (Proceedings No. 2018/00308701). The appeal was subsequently discontinued by the applicant with consent. In connection with the discontinuance of the proceedings, the applicant agreed to surrender the CDC and Council agreed to act on any outstanding Council resolutions made on 7 March 2016 (specifically the 2016 Resolution).

Council has completed the re-categorisation of the land as required by the 2016 Resolution.

This report is to address item 3 of the 2016 Resolution. To action this resolution, Council staff have undertaken public notification of the proposed licence in accordance with section 47 of the Local Government Act 1993 which concluded 24 September 2020. A summary of submissions is noted in the table within this report. Copies of all submissions are in Attachment 2.

While the previous formal agreement for the subject land was a lease, following consultation with the applicant, the proposed form of agreement that was notified was a licence granting permission to use the land rather than provide exclusive use.

In parallel to this matter, Development Application (DA) DA2020/1762 for demolition works and the construction of a boatshed, ramp, slipway, jetty & steps which contemplates works over various parcels of land in the vicinity of 316 Hudson Parade, Clareville including Council land at Lot 2 was lodged with Council on 15 February 2021 and has not yet been determined. Owner's consent from Council as the land owner of Lot 2 has been sought by the applicant to the making of the DA.

CONSULTATION

Public notice of the application for a licence was given for a period of 28 days in accordance with section 47 of the *Local Government Act 1993*. The public notification included a notice on Council's website, notice letters to surrounding property owners and notice signs adjoining 316 Hudson Parade, Clareville.

Section 47 relevantly provides:

- 47 *Leases, licences and other estates in respect of community land—terms greater than 5 years*
- (1) *If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must—*
- (a) *give public notice of the proposal (including on the council's website), and*
 - (b) *exhibit notice of the proposal on the land to which the proposal relates, and*
 - (c) *give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and*
 - (d) *give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.*
- (2) *A notice of the proposal must include—*
- *information sufficient to identify the community land concerned*
 - *the purpose for which the land will be used under the proposed lease, licence or other estate*
 - *the term of the proposed lease, licence or other estate (including particulars of any options for renewal)*
 - *the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)*
 - *a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.*
- (3) *Any person may make a submission in writing to the council during the period specified for the purpose in the notice.*
- (4) *Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.*
- (5) *The council must not grant the lease, licence or other estate except with the Minister's consent, if—*
- (a) *a person makes a submission by way of objection to the proposal, or*
 - (b) *in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.*

- (6) *If the council applies for the Minister's consent, it must forward with its application—*
- *a copy of the plan of management for the land*
 - *details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision*
 - *a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate*
 - *a copy of the public notice of the proposal*
 - *a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate*
 - *if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years*
 - *a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.*
- (7) *On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.*
- (8) *After considering the application and any report of the Director of Planning, the Minister, if satisfied that—*
- (a) *subsections (1), (2) and (6) have been complied with, and*
 - (b) *such consent would not contravene section 46, and*
 - (c) *in all the circumstances, it is desirable to grant consent,*
- may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.*

The submission period specified in the public notice commenced on 27 August 2020 and concluded on 24 September 2020.

Council received a total of 46 submissions on the proposed licence during the notification period (30 in support and 16 against).

In accordance with section 47(5) of the Local Government Act 1993, if an objection to the proposal is received and Council proposes to grant a licence, Council is required to apply to the Minister for Local Government for consent to grant the licence. Alternatively Council may choose to refuse the application and as such no application to the Minister would be required.

A summary of the submissions received is included in the below table within this report. Copies of all submissions are in Attachment 2.

The submissions by theme are summarised below along with staff responses.

Summary of submissions by theme	Submission Classification	Staff Response
1. Privatisation of public land	Objection	<p>The proposed licence for the construction of a private boatshed could be considered to result in some form of privatisation of public land.</p> <p>A licence over this land does not specifically exclude the public's access other than to any private structures on the land (where appropriate DA approval is granted).</p> <p>Council strategies identify a desire to re-establish public access to and around the foreshore wherever practical. Private structures may be seen to impede the ability to deliver public access.</p> <p>Pittwater LEP contains an 'Additional Permitted Uses Map' of Area 23 that specifies where additional foreshore structures are permitted. Lot 2 is not specified in the Additional Permitted Uses Map as an area permitting development for the purposes of a boat shed.</p>
2. Objection to re-categorisation land (as resolved by Pittwater Council in 2016)	Not related to licence specifically	<p>The re-categorisation is not being considered by this licence notification process and has occurred as per the 2016 Resolution of Pittwater Council.</p> <p>A new resolution would be required to revert the categorisation of the land from General Community Use back to Natural Area.</p>
3. Impact on native vegetation and environmental issues with structures (eg. rebuild of boatshed, retaining walls etc.)	Not related to licence specifically but to the structure that would be subject to DA approval	<p>The licence would only permit the occupation of the land. Any structure to be erected on the land would require the submission of a DA.</p> <p>Any DA over this area would be required to address impacts on aquatic ecology, coastal hazards and public access.</p>

Summary of submissions by theme	Submission Classification	Staff Response
<p>4. Impact to Foreshore Area</p> <ul style="list-style-type: none"> Visual impact and amenity Setting a precedent for more structures around foreshore area 	Not related to licence specifically but to the structure that would be subject to DA approval	<p>Whilst foreshore use at this location commenced over 20 years ago concerns around foreshore development have increased over recent years with the impacts of climate change and related severe weather events.</p> <p>Pittwater LEP contains an 'Additional Permitted Uses Map' of Area 23 that specifies where additional foreshore structures are permitted. Lot 2 is not specified in the Additional Permitted Uses Map as an area permitting development for the purposes of a boat shed. It is noted that the applicant considers that existing use rights apply.</p>
5. Unresolved illegal works within adjoining reserve need to be resolved first	These works are being assessed separately to the licence	The works mentioned are to be addressed by Council's Environmental Compliance Unit. The licence does not itself permit the works.
6. Existing area	Support	The licence area noted is proposed to be the same as the expired agreement. This does not necessarily mean that the structure is the same size.
7. No impact - access to foreshore will be maintained, does not block community access	Support	The licence itself does not change the access to the foreshore that is currently in place. However any structures constructed on the foreshore pursuant to the licence and subject to development consent may affect access.
8. Fix the boatshed, will enhance foreshore	Support but not related to licence specifically but to the structure that would be subject to DA approval	The licence of itself would not permit the re-building of the boatshed. This development will be considered separately under a DA.

STRATEGIES AND LEGISLATION

Granting a licence which will facilitate development of the foreshore is considered to be inconsistent with the objectives of a number of strategies, plans and legislation.

Coastal Management Act 2016 (CM Act)

For the purposes of the CM Act, Lot 2 is located within the coastal zone of NSW and is mapped as a 'Coastal Environment Area' as well as a 'Coastal Use Area' under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP).

The granting of a licence over the subject public land for a proposed boatshed and associated foreshore development is considered to be inconsistent with the objects of the CM Act as well as the management objectives for the relevant coastal management areas under the CM Act.

Section 3 of the CM Act sets out the objects of the CM Act. It relevantly provides:

3 *Objects of this Act*

The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular—

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- ...*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- ...*
- (m) to support the objects of the Marine Estate Management Act 2014.*

The proposed licence and potential associated foreshore development would result in the alienation of public land intended to support the occupation of a private boatshed and does not support the social and cultural values of Refuge Cove and foreshore development on the land is likely to have significant impacts upon public access along the foreshore as well as the amenity, use and safety of this locality in the future.

In addition to the objects of the CM Act, it is considered that the management objectives for the 'Coastal Environment Area' and 'Coastal Use Area' set out in sections 8 and 9 of the CM Act respectively are inconsistent with the proposed licence and subsequent desired development.

Other Management Plans and Strategies that encourage public access to the foreshore in a safe and sustainable manner include:

- Pittwater Estuary Management Plan, 2010
- Pittwater Waterway Strategy 2038, 2019
- Protect. Create. Live. Environment and Climate Change Strategy 2040, 2020
- Shape 2028 Northern Beaches Community Strategic Plan 2018 – 2028.

The focus on re-establishing and developing public access around the foreshore mentioned in the above strategies is not consistent with the provision of a licence for the private access and use of public land.

TIMING

If council resolves to not progress with the licence the applicant will be informed in the immediate future.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Protection of the Environment - Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.
- Good Governance - Goal 19: Our Council is transparent and trusted to make decisions that reflect the values of the community.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.

FINANCIAL CONSIDERATIONS

Should the licence be progressed the annual rental amount for the proposed licence area has been calculated in accordance with Council's adopted Fees and Charges for private use of public land. The current annual rate per square metre (sqm) is \$93.00/sqm for use of public land. Based on the area of Lot 2 DP 827733 being 58 sqm, the proposed annual licence fee for 2020-2021 will be \$5,394.00 per annum (inclusive of GST).

SOCIAL CONSIDERATIONS

Privatisation of public land is an area of concern for the community and as such the community expects a great level of consideration of the public benefit of such proposals. Foreshore land in particular is highly valued by the community and as such privatisation of this land should be considered carefully.

ENVIRONMENTAL CONSIDERATIONS

Granting a licence leading to development in this location is not considered to be consistent with the following legislation and Council Strategies, most of which have commenced or been adopted after the expiry of the previous lease:

- Pittwater Estuary Management Plan, 2010
- *Coastal Management Act, 2016*
- Pittwater Waterways Strategy 2038, 2019
- Protect. Create. Live. Environment and Climate Change Strategy 2040, 2020
- Shape 2028 Northern Beaches Community Strategic Plan 2018 – 2028.

Whilst the proposed renewal of the existing licence area has no direct environmental impact as no actual building works are proposed as part of this renewal, the carrying out of works under a DA would require an agreement that facilitates the construction of structures within the licence area.

GOVERNANCE AND RISK CONSIDERATIONS



Council is required to consider the request for a licence of the subject land in accordance with the requirements of the *Local Government Act 1993*. Any person may bring proceedings for an order to remedy or restrain a breach of the *Local Government Act 1993*, in addition to any other legal avenues which may be available.

Notice of Proposed Licence over Community Land

Lot 2 DP 827733
316 Hudson Parade, Clareville



Legend

-  Proposed Licence Area Lot 2 DP 827733
-  Land Parcel Boundary



northern
beaches
council

Document Path: G:\GIS\ArcMap\Docs\Property\Walls_31@Hudson@Clareville.mxd

0 1.75 3.5 7 Meters

Scale (A4) - 1:400
GDA94 MGA Zone 56

Date Printed: 7/08/2020
Produced By: Spatial Information



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Licence over Council Land		
Burdened Lot/Reserve	Lot 2 DP 827733	
Benefitted Lot/Property	316 Hudson Parade, Clareville	
Public notice from:	27 August 2020 to 24 September 2020	
Submission		Objection/ Support
<p>I do not support the proposed licence of community land lot2 DP 827733. This is public land is should remain public land.</p> <p>Without the Manly Daily our community does not have easy access to Council proposals and DAs. These decisions need to be transparent. Our community needs to be given more information regarding proposed changes and developments.</p>		Objection
<p>I am supportive of this licence renewal. The access from 316 to the foreshore has no impact on access along the foreshore. It was there previously and is consistent with adjoining properties.</p>		In Support
<p>I am supportive of this proposal which allows access from the 316 Property. I see no reason this licence should not be renewed. Access along the shore line is maintained.</p>		In Support
<p>First of all, I am opposed to re-categorisation of this land from Natural Area to General Community Use because of the significance of this zone environmentally - to sea life and birds at a time when these are under increasing threat from climate change, sea level rise and loss of habitat. I have only just heard of this change this afternoon and do not believe that enough notice has been given to justify such a change.</p> <p>Furthermore, to grant a licence for use of this land to one person (or a family) does not qualify as "general community use" anyway.</p> <p>And to be making long term decisions (such as this one, which will be in place for 20 years) about council land at a time when the NBC Local Environment Plan is not finalised is inappropriate and unfair to the rest of the community. The council needs to investigate the local environmental impact of the proposed boat house and other use of the site over time (it is unclear from this proposal whether or not one is already there). That includes investigating the effect of climate change and sea level rise on the site and surrounding area.</p> <p>Having only just found out about this proposal today, I imagine that many in the community would not even be aware of it - let alone have had a chance to comment. Living close by the site I would also have liked to have looked at what is already there - but won't have a chance at such short notice.</p> <p>Finally, I believe the council should be making access to Pittwater's foreshores easier for all residents and visitors - rather than granting special privileges to any particular person or family. It is a public resource but many residents who have built boathouses (or simply have homes adjacent to the waterfront) have planted gardens, created landscaping or simply place obstacles in the way of the public, making it very difficult to walk around the waters' edge even at low tide in some places and impossible at high tide. Landscaping includes rock placement that amounts to seawalls in places - simply increasing erosion further along and making it impossible for the</p>		Objection

beach to replenish itself. Pittwater's foreshores should be open to all - and not just a privileged few.	
As a Northern Beaches resident I support this great Council Initiative, preserving Access to the Ionic Pittwater Boat sheds while creating more community access along the waterfront. Well done Northern Beaches Council.	In Support
Further encroachment on public land, further endangering public access to the foreshore. None of these licences should be renewed.	Objection
I certainly do not support "giving away" land to wealthy home owners who live along the foreshore of Pittwater. This land gives access to ALL, enabling people to take a stroll round the foreshore which is their right. Proposing a 20 year license is such a dangerous precedent as it will soon have all foreshore residents applying and then that land will disappear from public access for years. All waterfront land, no matter where, should remain public land at all times in order to give freedom of movement to people unable to afford ownership of high price land.	Objection
Public land is just that public. I do not support the privatisation of public land in any circumstances. These people already have access to the water as does everyone else in this instance.	Objection
I do not support the Proposed Licence of Council Community Land Lot 2 DP 827733 for 20 years. was only made aware of this proposal today, 24 September and am appalled by this proposal and alarmed that NBC is even considering it. The closure of the Manly Daily means that the community is not aware of contentious issues like this. The only notification seems to be buried in your Have Your Say section, of which many people are unaware. This could explain why you receive few submissions and presumably can operate claiming the support of community for proposals such as the granting of a 20 year lease. Public land is precious and increasingly disappearing into private ownership. Wealthy people are privileged to be able to afford homes above high watermark on the foreshore. This does not give them the right to also take over public land further restricting public access to the foreshore. Over years, people have built boatsheds below the high water mark but they are on public land and so everyone including the boat shed owner can access the land. I do not support the Proposed Licence of Council Community Land Lot 2 DP 827733 for 20 years and expect the NBC to reject this application as that is best for the public interest..	Objection
The stairway will effectively form a barrier, stopping the public from moving through the public's land. As a matter of principle, no agreement should be entered into that restricts the public from effectively using its land.	Objection

<p>This proposed Licence of Council Community Land Lot 2 DP 827733 for 20 years should not be approved.</p>	
<p>We object to this proposed licence of community land. We feel it is wrong to take public or Crown land for private benefit or profit & this is happening too often in the NB Council area of late.</p> <p>This land zoning should never have been changed from Natural Area to Community Use, but as that poor decision has already been made, there should be no further incursion or development of that site's bushland, which would happen if this site is licensed to the owner of 316 Hudson Pde. The owner of 316 Hudson has already completely stripped out almost all native undergrowth species from this public land and also from the public foreshore bushland next door at 314 Hudson and has replanted both properties with introduced weed species, agapanthus and agave. One of the purposes of this public bushland is to act as a wildlife corridor, which is not possible now that the bush has been stripped. The site needs to be remediated to its former native bush state and the unapproved works on the public land & foreshore, removed. These include wooden terraces and concrete.</p> <p>There is already other significant unapproved works on the foreshore area of this site. It is ridiculous to then reward the resident by letting him licence public land for further benefit. This would set a dangerous precedent for more private takeover of public land along, what should be, pristine public foreshore and bushland.</p> <p>This proposal should be rejected & the Council practise of selling off, leasing or licensing public land needs to stop. Our community land, Crown land, bushland & foreshore needs to be protected from further development. This requires NBC to step up and provide proper stewardship. This is not happening since the amalgamation of Pittwater Council with Warringah & Manly.</p>	<p>Objection</p>
<p>Please find attached my submission objecting to the proposed 20 year licencel was only made aware of this proposal today, 23 September and am appalled by this proposal and alarmed that NBC is even considering it. The closure of the Manly Daily means that the community is not aware of contentious issues like this. The only notification seems to be buried in your Have Your Say section, of which many people are unaware. This explains why you receive few submissions and presumably can operate claiming the support of community for proposals such as the granting of a 20 year lease. Public land is precious and increasingly disappearing into private ownership. Wealthy people are privileged to be able to afford homes above high watermark on the foreshore. This does not give them the right to also take over public land further restricting public access to the foreshore. NBC must stand firm and protect public land and native vegetation. Locals already have the perception that the end of Pittwater Council has meant the loss of a watchdog to protect our natural environment and vegetation. People seem to feel free to cut down trees and take over public land with the tacit approval of NBC. Over years, people have built boatsheds below the high water mark but they are on public land and so everyone including the boat shed owner can access the land. The public land in front of the owner's properties has been</p>	<p>Objection</p>

virtually stripped of all native vegetation and planted with agapanthus and agaves, also creating the illusion of private property. This owner seems to be trying to also privatise the land between his property and boat shed. This is unacceptable and an alarming precedent which surely all the adjoining properties will then attempt. You must not give away public foreshore land and that is what a 20 year lease will do. NBC recently congratulated itself on a successful amalgamation and supposedly happy ratepayers. This is not the case if a Dee Why-centric council approves yet more privatisation of public waterfront land. This is what those of us opposed to the amalgamation feared; namely that amenity of beautiful Pittwater was not as important as income from licencing land. NBC should protect the rights of all and not just pander to the excesses of privileged individuals. I do not support the Proposed Licence of Council Community Land Lot 2 DP 827733 for 20 years and neither should NBC.	
No Comment Made	In Support
I have no objection to this provided I can still walk along the foreshore.	In Support
Yes I support the requested land lease as the land in question is not actually accessible by the community due to the slope this the lease has no impact on the community who can still access the foreshore	In Support
Granting this licence sets a precedent which must not happen. This is public land and must remain public, for all the public. The foreshore is not owned by the owner of the property. That structure on the rock shelf should not have been approved and this licence must not be approved to facilitate use of that structure. The licence is not in the public interest, only of the owner of the property upslope.	Objection
The proposed access and boat shed have no impact on the public access to the public beach and I therefore support the proposed license.	In Support
I support the licence as this area is not impacted by the general public, it only leads to private land, not public. The general public can still walk along the foreshore	In Support
No Comment Made	In Support
The proposal is for a Licence across public land but does not obstruct nor exclude the public from that land, including over the land to be licensed. It re-establishes a licence that should have been renewed by Council years ago but due to Council putting in place an incorrect Plan of Management for the area could not be undertaken until the errors Council had made were corrected. It has taken Council far too long to address its earlier errors and those objecting do not seem to have the historical facts, however the situation is a matter I am personally well aware of.	In Support
yes I support the requested lease as the land is question is not actually accessible by the community due to the slope, therefore the lease has no impact to the community who will still be able to access the waterline to walk along the foreshore.	In Support
I am supportive of the application and the renewal of the boat shed.	In Support

It is a lovely focal point on the foreshore and I look forward to the renewal of the boatshed.	In Support
I am supportive and look forward to renewal of the boatshed as it is a great feature on the foreshore.	In Support
No Comment Made	In Support
I am supportive provided we can still walk along the shore line.	In Support
We are supportive of the reconstruction of the existing boatshed and look forward to the visual upgrade to the shoreline. it is disappointing that the wayward opinions of others have impacted the progress of this development of which will only have a positive impact on the community.	In Support
I support this application, it has been dragging on too long. Cannot believe that it has not been approved already.	In Support
We are supportive and look forward to the continued renewal of the boatshed and its use.	In Support
Looks great! Please approve	In Support
I am looking forward to this boat shed being completed.	In Support
We are very supportive of this submission, It will only enhance the foreshore	In Support
Very supportive, such an eyesight atm.	In Support
It would be lovely to see the boat shed built and easier access to walk along the foreshore	In Support
I am supportive of the proposed licence of Council Community Land Lot 2 DP 827733	In Support
The land has virtually no value as community use due to accessibility issues as it is a steep slope, therefore granting the lease has virtually no impact on the community as they will still be able to walk along the accessible parts of the shoreline.	In Support
I am supportive of this and look forward to the renewal of the boatshed	In Support
No Comment made	In Support
Why is it a 20 year license why not a three year lease? If the land is now general community use -are others allowed access to those stairs? Who will maintain those stairs for general community use? Who owns that boatshed -is that a general lease/license as well? Who is maintaining the boatshed- is it general use? What protection is there for that fragile habitat around those stairs ? Does this set a standard for others to use up fragile wetlands ? What environmental standards /protocols are in place to protect this area? Is this a national parks and wildlife issue rather than a Northern Beaches Council issue	Objection

This is public land and should not be used by individuals to the exclusion of the community. What's the point of local government if it does not protect the whole local community.	Objection
NEVER IN FAVOUR OF GRANTING USE OF PUBLIC/COMMUNITY LAND TO A PRIVATE CONCERN. IT'S A COMPLETELY UNNECESSARY AND ARROGANT SENSE OF ENTITLEMENT BY LAND OWNERS.	Objection
Can't see a problem IF it doesn't block any legal community use - such as an obstacle to walkers. Maybe that information could be provided in situation like this as it would be helpful to know that in weighing up. . Thank you.	In Support
No Comment Made	In Support
There is an illegal development that has to be rectified first in my opinion.	Objection
Illegal development is occurring here and it's still unresolved. This matter should surely be dealt with first under the circumstances. Also Mr Walls should remove the concrete wall and restore the beach so the community can use it as before as a pretty sandy beach. It's a currently a mess. Disgraceful!	Objection
<p>We write in response to the application at 316 Hudson Road, Clareville for a license over a public reserve on the foreshore of Pittwater.</p> <p>We oppose the granting of exclusive use through this interconnected corridor of land approximately 25.0m in width. It is vital that this public asset is restored from its present state of abuse and neglect.</p> <p>This application has been identified as critically important for its potential to set a precedent for the continued degradation of the Pittwater Foreshore, particularly where public lands are specifically set aside to protect scenic and environmental qualities of Pittwater.</p> <p>The suggestion of a lease will further erode public confidence that NBC is serious about protecting public lands from private encroachment. This application should be rejected and the lands be returned, restored and supported, to once again, contribute to the environmental and scenic qualities of Pittwater.</p> <p>This parcel of public land consists of 2 hectares (800 Lin m) of interconnected lands and functions to provide a number of very important functions including;</p> <ul style="list-style-type: none"> • Visual Buffer 'Green band' to soften built form from public waterway, Bayview, Scotland Island and Kuringgai National Park • Contributing to the Scenic qualities and amenities of South Beach & natural qualities of the public foreshore • Supporting the ecological community, intertidal habitat as an interconnected ecology including important seagrass. <p>The subject piece of land, while supporting very large native canopy trees including <i>Corymbia maculata</i>, has been heavily modified through elevated walkways, earthmoving and terrace walling; degradation of native topsoil and cleared of its native understory vegetation. In its current form as exotic species exclusively, it presents and functions as a sterile environment contributing very little as it was intended. Current understory planting consists of monoculture plantings, predominantly <i>Agapanthus</i> sp. <i>Agave</i> sp. and <i>Dypsis</i> sp. (Golden Cane Palm), totally inappropriate for this important strip of</p>	Objection

<p>land.</p> <p>We also note that adjoining this application (parcel of land) an abandoned construction site for what appears to be a marina & jetty construction site, wholly contained within the public tidal zone. This blight on the public foreshore should be sympathetically restored to its natural state as a matter of urgency. In its current form, not only is it a blight but is a serious concern for children safety, with the potential for entrapment & drowning since it is completely open to the public.</p> <p>The NBC strategic documents repeatedly advocate for the protection of our natural assets... refer attached document (appendix #1. NBC Towards 2040). The first 6 priorities directly relate to this application including priority 1 - Health & Valued costs and waterways.</p> <p>Further attention is drawn to the Pittwater Local Environmental Plan 2014. Current version for 17 April 2020 to date (accessed 23 September 2020 at 14:24)</p> <p>7.8 Limited development on foreshore area.</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,</p> <p>In summary we do not support the reinstatement of this lease /license over public land.</p> <p>As a community; custodians of the land responsible for the next generation, we can no longer operate on a 'business as usual' approach to planning, we need to take responsibility in the fight against Climate Change and the drastic reduction in Biodiversity. Recent severe weather events and sea level rise should be at the forefront of every planning decision such as this.</p> <p>Attachments:</p> <p>Appendix # 1: NBC Towards 2040, p12. Planning Priorities.</p> <p>Appendix # 2: Pittwater LEP, Maps (graphic representation of connected public land)</p> <p>Appendix # 3: NSW Environment & Climate Change. Environmentally Friendly Seawalls</p> <p>Appendix # 4: Site Specific Photographic Evidence as of 22/09/2020.</p>	
<p>Over the year's residents have seen landscaping and building on the foreshore of Pittwater increasing with the building of bigger and bigger boatsheds and inhabitants utilising reserve land as part of their property with no approval.</p> <p>I understand that this is actually a request to re lease the land that has already has previously leased to this owner. To the community these are not transparent transactions but more importantly these decisions in the past seem to have been made with no strategy in place and the decisions haphazard and certainly with suffering from a lack of guidelines around them in terms of planting and landscaping.</p> <p>CABPRA has long taken the position that it's time for a development of a coherent strategy. This strategy should consider points that particularly look at setting boundaries for planting and landscaping and the accessibility of the</p>	<p>Objection</p>

land to the public. There are many more points that need to be covered. For obvious reasons already stated and when considering the high-handed nature of the owner who already has done many breaches and until a firm strategy is in place, we urge the Council to deny this License.	
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15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 12/2021 - PUBLIC SAFETY BRIEFING
TRIM FILE REF	2021/220592
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

Note: Deferred from the 23 February and 23 March 2021 meetings

MOTION

That Council:

1. Thank the local Northern Beaches Police for their service, especially over the past 12 months with the impacts of the COVID-19 pandemic significantly impacting local policing.
2. Invite the Local Area Command to attend a confidential Council Briefing and update Council regarding increasing reports of anti-social and criminal behaviour on the Northern Beaches.

BACKGROUND FROM COUNCILLOR RORY AMON

Residents, media, and social media reports have been indicating increased anti-social behaviour across the Northern Beaches in recent months. These reports range from graffiti, robberies, daylight assaults, domestic violence, alcohol induced trespasses, public urination, groups of young people intimidating and harassing members of the public unprovoked, and so on.

Our local Police are heroes. They do a tremendous job, operating on the thin blue line to keep us safe. Our local Police are represented on Council's Community Safety Committee, which includes various community and elected representatives. That Committee is regularly briefed by local Police and the minutes of those meetings are provided to public Council meetings for noting.

I note the heightened sensitivity around increased reports of anti-social and criminal behaviour in our community. In the circumstances, it is appropriate that Council asks the local Police if they would be prepared to attend a confidential Councillor briefing and provide a comprehensive update about recent reports, and the facts and statistics which sit behind these reports. Such a report may not be appropriate for the meeting of the Community Safety Committee but, in any event, not all Councillors are able to attend those meetings, and only five Councillors sit on that committee. It is important that, as elected representatives, we are aware of and engaged with local safety issues, especially in these difficult times.

ITEM 15.2	NOTICE OF MOTION NO 21/2021 - REVIEW OF MANLY CENTRAL BUSINESS DISTRICT SPECIAL RATE
TRIM FILE REF	2021/250241
ATTACHMENTS	NIL

Submitted by: Councillors Candy Bingham and Councillor Grattan

MOTION

That:

1. A review be undertaken by the Audit, Risk and Improvement Committee, of the Manly Business Centre Improvement Special Rate in consultation with the Manly Business Chamber and the Manly Central Business District Property Owners group.
2. The Memorandum of Understanding dated 21 September 2005 relating to the Manly Central Business District be renegotiated and updated.

BACKGROUND FROM COUNCILLORS CANDY BINGHAM AND COUNCILLOR GRATTAN

Historically, businesses in the Manly Central Business District (CBD) have paid higher rates than other shopping areas within the old Manly Ward. Before the recent harmonisation of rates, this translated to 86% more.

This ordinary business rate is paid by 623 properties and general \$3.9m p.a. For example, shops in the Corso are paying around \$30,000 pa.

Since the 1960s these properties have paid additional levies to cover specific projects. The levy was introduced by Manly Council, initially to cover the cost of building parking stations in the CBD. At that time these additional charges were known as the "parking levy".

In June 1994, the Government required that such a levy be established as a "Special Rate".

In 2005, the "special rate" was doubled effectively to cover the cost of The Corso upgrade, a project that was budgeted at \$10m. The Chamber of Commerce is of the understanding that this additional rate was for 10 years only. However, Manly Council registered the rate with the Department of Planning without a conclusion date.

This additional Special Rate has been levied for more than 15 years and currently generates \$1.3m p.a. The funds previously have been used for an agreed program of improvements within Manly's CBD.

In recent years, only 8% of the levy has been allocated for capital expenditure and special projects. The majority of the improvement Special Rate is used for additional maintenance and cleaning; tourism events and business support; and as a contribution to the operation of the Manly Visitors Centre.

The Manly Business Chamber and property owners within Manly's CBD are asking for Special Rate to be reviewed.

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:

The average ordinary rate for the Manly CBD Business Subcategory is \$6,150.04 and the average Manly Business Centre special rate is \$2,030.35 an overall average of \$8,180.39. 7% of business properties within the Manly CBD (those with an unimproved land value of \$4 Million dollars or more) pay \$30,000 or more in ordinary and special rates combined.

ITEM 15.3	NOTICE OF MOTION NO 22/2021 - SIGNAGE AUDIT AND ALCOHOL PROHIBITED AREAS
TRIM FILE REF	2021/269456
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That:

1. Council conduct a signage audit of the existing Alcohol Free Zones and Alcohol Prohibited Areas at Lionel Watts Reserve, Glen Street Cultural precinct and Frenchs Forest Showground.
 2. Council staff provide a report on the establishment of a 24 hour Alcohol Prohibited Area at Wingara Reserve, Belrose.
 3. Consultation with the local community occur in relation to the proposal to establish a 24 hour Alcohol Prohibited Area at Wingara Reserve.
 4. The matter be reported to the July 2021 Council meeting.
-

ITEM 15.4	NOTICE OF MOTION NO 23/2021 - SUITABILITY OF EMERALD CLASS FERRIES FOR MANLY F1 ROUTE
TRIM FILE REF	2021/277705
ATTACHMENTS	NIL

Submitted by: Councillor Candy Bingham

MOTION

That Council write to Abigail Boyd MLC, Chair of the NSW Government's Portfolio Committee No. 6 - Transport and Customer Service, requesting:

1. That an inquiry be undertaken into the long-term suitability of the Emerald Class ferries for the Sydney to Manly F1 Route.
2. The Committee consider the referral of the issue of corrosion in five of the six current Emerald Class ferries and evidence of seawater entering three of the vessels' hulls to the Office of Transport Safety Investigations.

BACKGROUND FROM COUNCILLOR CANDY BINGHAM

The discovery of corrosion in the hulls of the NSW Government's less than four-year-old fleet of Emerald-class ferries has sparked concerns about the structural soundness of the vessels in the longer term. (Sydney Morning Herald 12/4/21).

According to a report by the Sydney Morning Herald dated 12/4/21: "The discovery of corrosion in the hulls of the NSW government's new fleet of Emerald-class ferries has sparked concerns about the structural soundness of the vessels in the longer term."

Major inspections by a maritime survey company commissioned by Transdev, which operates the government-owned ferries in Sydney, found corrosion in five of the six Emerald-class ferries, including the Catherine Hamlin which was among the worst affected. The Catherine Hamlin was the first of the Emerald-class ferries to enter service on Sydney Harbour in 2017.

Reports of the inspections last year, which were obtained by the Sydney Morning Herald using freedom of information laws, shows evidence of "seawater entering three of the vessels' hulls."

(Reference: <https://www.smh.com.au/national/nsw/corrosion-in-hulls-of-new-sydney-ferries-sparks-concerns-about-long-term-cost-20210331-p57fll.html>)

The Emerald Class ferries were designed for inner harbour use but are the ferries proposed to replace the larger Freshwater Ferries on the Manly route this year. Three ferries, built in China, are currently undergoing remediation (following the discovery of 80 defects), and reconstruction of the bows to make them "suitable to handle the crossing of the Heads".

Reports on these new ferries indicate that their hulls are thin and questions are being raised whether they would be robust enough to handle the swells which are a feature on the Manly route.

The Office of Transport Safety Investigations

The NSW Passenger Transport Act 2014 allows The Office of Transport Safety Investigations (OTSI) to investigate any safety occurrence involving a ferry, with a seating capacity of more than 12 adults, that is involved in providing a public passenger service.

An investigation may be initiated following the identification of an adverse safety trend.

The recent survey findings of corrosion of the hulls and evidence of sea water entering the hulls of some of the current Emerald Class ferries could be considered an 'adverse safety trend'.

16.0 QUESTIONS WITH NOTICE

ITEM 16.1	QUESTION WITH NOTICE NO 06/2021 - PROVISION OF NEW HOME FOR NORTHERN BEACHES COMMUNITY CENTRE
TRIM FILE REF	2021/231255
ATTACHMENTS	NIL

Submitted by: Councillor Candy Bingham

QUESTION

Could Council outline the process and costs associated with the relocation of the Northern Beaches Community Centre from Wentworth Street to Raglan Street, Manly?

1. What contribution was made by the State Government?
2. What contribution was made by the Council?

ITEM 16.2	QUESTION WITH NOTICE NO 07/2021 - URM PICK UP TIMES
TRIM FILE REF	2021/250042
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

1. Further to complaints received since Council directed URM to revert back to original pick up times pre COVID-19, what are the acceptable times for URM trucks to collect bins?
2. Since Council's direction to URM to revert back to pre COVID-19 pick up times, how many complaints have been received by Council and from Councillors as to early morning pick ups outside of normal pick up times and what has been done to overcome this?

17.0 RESPONSES TO QUESTIONS WITH NOTICE

ITEM 17.1	RESPONSE TO QUESTION WITH NOTICE NO 02/2021 - NOTICE OF MOTION 40/2021 SECURING THE FUTURE OF OUR NORTHERN BEACHES YOUNG PEOPLE
TRIM FILE REF	2021/222711
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

QUESTION

1. Could council please be advised as to how many apprenticeships, traineeships, and scholarships Northern Beaches Council has entered into since my Notice of Motion 40/2020 “securing the future of our Northern Beaches young people” was submitted at the 29th September council meeting?
2. How many apprenticeships have been started through the NSW Government assistance apprenticeship plan?
3. How much has council received from the NSW Government in grant assistance to create apprenticeships and traineeships since my motion was submitted?
4. What is the grant funding on offer from the NSW Government to take on a new apprenticeship?

RESPONSE

1. Since the Notice of Motion 40/2020 was submitted at the 29th September 2020 council meeting four additional trainee positions have been established in:
 - Traffic and Transport
 - Bushland and Biodiversity
 - Community Development
 - Finance – Rates.Additionally, five trainees in Children’s Services, Libraries and Customer Engagement have been recruited to replace graduating trainees.
2. The above nine trainees have been employed through the Boosting Apprenticeship Commencements (BAC) assistance scheme.
3. The grant assistance received since the above Motion from the NSW Government totals \$7604 and is broken down as follows:
 - Boosting Apprenticeship Commencements (BAC) - \$1104
 - Commencement incentives - \$3500
 - Completion incentives - \$3000.
4. The grant funding on offer to take on new trainees is tied to eligibility requirements and includes:

- Boosting Apprenticeship Commencements (COVID response) offers 50% rebate of gross wages capped at \$7000 per quarter, paid quarterly in arrears, incentive finishes December 2022 with new trainees to commence prior to 30th September 2021.
- Fee Free Traineeships/Apprenticeships (Smart and Skilled Program) offers \$1000 (depending on course) and NSW Government pays the training course costs.
- Commencement Incentive provides \$1500 for Certificate III or IV courses related to National Skills Needs List occupations.
- Completion Incentive provides \$1000 for Certificate III or IV courses related to National Skills Needs List occupations.

ITEM 17.2	RESPONSE TO QUESTION WITH NOTICE NO 03/2021 - BOAT AND TRAILER PARKING
TRIM FILE REF	2021/222758
ATTACHMENTS	NIL

Submitted by: Councillor De Luca

QUESTION

1. What problems have Council staff identified with the State legislation governing this issue?
2. On what dates has Council written to the State Government outlining the problems and what changes were proposed?
3. What has been the State Government's response to date to any correspondence on this matter from Council?
4. Has Council considered making land available for boats and trailers to park for a fee? If not, can this please be considered?

RESPONSE

1. At present, Council officers can only impound a boat trailer if the officer believes on reasonable grounds that the boat trailer is located within the former Pittwater LGA and has not been moved in 28 days. The boat trailer must be moved within the specified period or must move along the same road past an intersection for the legislation to apply. If the trailer is moved as prescribed, then Council has to re-commence the process. If Council is satisfied that the trailer has not been moved within 28 days, an additional 15 days are given to the owner of the vehicle to move the boat trailer prior to it being considered for impoundment. Moving the trailer also has the consequence of moving the 'problem' to another location.
2. In late 2019 the NSW Office of Local Government (OLG) invited Northern Beaches Council to participate in the Review of the Impounding Act 1993 workshop. A representative from Council attended the workshop.

On 23 March 2020, the Director Planning and Place made a four page submission in response to the Review of the Impounding Act 1993. A subsequent meeting was held in October 2020 with Council staff, however no further information or feedback has been received from the OLG since then.

3. No correspondence has been received to date.
4. Provision of parking for boats and trailers within the LGA can be considered by Council in the preparation of a Draft Parking Plan being prepared by the Traffic Operations Team.

ITEM 17.3	RESPONSE TO QUESTION WITH NOTICE NO 04/2021 - MAYOR'S USE OF COUNCIL VEHICLES AND STAFF AS DRIVERS
TRIM FILE REF	2021/227137
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

I refer to this matter raised at the last Council meeting.

1. It is noted that in the past Mayor Michael Regan had been provided by Council a Chrysler 300c, Nissan Murano, VW Passat and Jaguar XG - since these vehicles what makes / models of vehicles have been provided by Council to Mayor Regan for use?
2. Is it correct that Council staff have been used as drivers for Mayor Regan?
3. If a Council staff member is used by Mayor Regan out of business hours to drive him, is that Staff member paid overtime and if so, since amalgamation what is the total amount of expenditure on overtime to staff to drive Mayor Regan out of normal business hours?
4. If a Council staff member is used by Mayor Regan out of business hours to drive him, is that Staff member subsequently given time in lieu and what have been the total hours claimed by staff for this purpose since amalgamation?
5. Under what Council Policy and relevant section is Mayor Regan provided staff to act as drivers?

RESPONSE

1. The Mayor has had access to a fleet car (Hyundai *Ioniq*) for official use.
2. No staff member is employed or allocated as a driver for the Mayor. Staff (in carrying out their official functions) may attend official Council events/meetings with the Mayor and, from time to time, may do so in the same vehicle. On these occasions either the Mayor or staff may drive the vehicle, depending on who is best placed to do so.
3. Since amalgamation of the three former councils, no staff member has been paid overtime to drive the Mayor.
4. Since amalgamation of the three former councils, no staff member has been 'used by the Mayor out of business hours to drive him' and 'subsequently given time in lieu'. If a staff member works outside of core hours as part of their official functions, the staff member may be eligible to take time in lieu.
5. The Mayor is not provided staff to act as drivers. The Mayor is provided administrative and other support under the Councillor Expenses and Facilities Policy.

ITEM 17.4
RESPONSE TO QUESTION WITH NOTICE NO 05/2021 -
WHEELER HEIGHTS - AGED AND DISABLED - SENIORS
LIVING HOUSING**TRIM FILE REF** 2021/222789**ATTACHMENTS** NIL

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Noting that Wheeler Heights continues to have applications for aged and disabled housing:

1. Has Council undertaken a Cumulative Impact Study of Wheeler Heights, if so, what are its key findings?
2. Has Council in its future budgets and planning policies factored in the changing nature of Wheeler Heights?
3. What infrastructure and other initiatives has Council planned in the future for Wheeler Heights, to address the ever increasing prevalence of aged and disabled housing?

RESPONSE

1. A Cumulative Impact Study of Wheeler Heights has not been carried out, however the following analysis of Seniors Housing in the Wheeler Heights precinct was carried out by Council staff in February 2020 in the assessment of DA2019/1173 which sought approval to a seniors housing development at 3 Berith St, Wheeler Heights. This analysis is contained in the DA assessment report which is available for public viewing on the Council website. The report states:

"A search of Council records confirm that a total of 9 Seniors Housing developments have been approved within a 1km radius of the site which include the two revisions of DA2017/0662 for 44 Rose Avenue, 46 Rose Avenue and 43 Lantana Avenue, DA2014/1267 for 7 - 11 Veterans Parade which did not result in extra accommodation and DA2002/0445 for 38-40 Veterans Parade which has lapsed.

It is noted that only seven developments have been approved since the commencement of the SEPP HSPD in 2004 providing a total of 31 units. These applications include the 6 (six) units approved on the subject site under DA2018/1828 and Development Application's DA2017/0107 and DA2019/1336 which are revisions to DA2017/0662 for 44 Rose Avenue, 46 Rose Avenue and 43 Lantana Avenue. A summary of these applications is provided below:

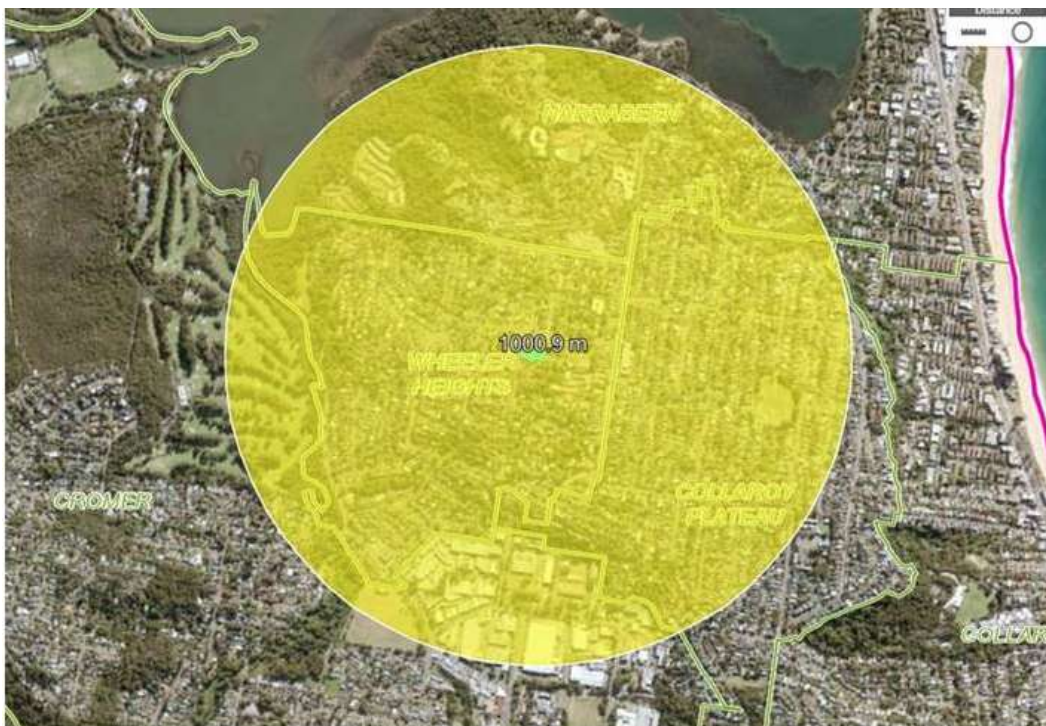
- *44 Rose Avenue, 46 Rose Avenue and 43 Lantana Avenue, Wheeler Heights (DA2017/0662) 13 units approved.*
- *3 Berith Street, Wheeler Heights (DA2018/1828), the subject site, 6 units approved.*
- *30 Rose Avenue and 34 Rose Avenue, Wheeler Heights (DA2016/0621) 12 units approved.*
- *43 Lantana Avenue, Wheeler Heights (DA2019/1336) a revised scheme to (D2017/0662) which excludes the adjoining properties - 7 units proposed. Note the DA is undetermined.*

- 44 Rose Avenue, Wheeler Heights (DA2019/0107) a revised scheme to (D2017/0662) which excluded the adjoining property at 43 Lantana Avenue - 6 units approved.
- 7-11 Veterans Parade, Collaroy Plateau (DA2014/1267), first floor lounge room addition (no extra accommodation) to historic residential care facility dating back to 1968.
- 62 Edgecliffe Boulevard, Collaroy Plateau (DA2003/0775) 3 units approved (note: this approval predates SEPP HSPD).
- 38-40 Veterans Parade, Wheeler Heights (DA2003/1655) 8 units approved (note: this approval predates SEPP HSPD).
- 38-40 Veterans Parade, Wheeler Heights (DA2002/0445) 12 units approved (note: this approval predates SEPP HSPD). This consent was not activated, has lapsed and is superseded with DA2003/1655).

The War Vets (RSL ANZAC Life Care Independent Living Village) at 90 Veterans Parade / 4 Colooli Road is not included in the study being an historic development that was established to provide care to war veterans. It has had several developments over the years upgrading and expanding housing. The War Veterans is a precinct defined by Lantana Avenue and Veterans Parade with four vehicular entrances.

It is concluded that there is not an over saturation of SEPP HSPD developments within the area."

A 1km radius takes into account Wheeler heights and most of the suburb of Collaroy Plateau'



Given the above results a further cumulative impact study is not warranted.

2. Consideration of the cumulative impacts of seniors housing is included in the assessment of each Development Application for this typology at this location. It is noted that Council's draft Housing Strategy includes a recommendation to concentrate seniors housing around local centres and centre investigation areas and to subsequently seek an exemption from SEPP (Housing for Seniors or People with a Disability) in the balance of the local government area. This would mean that areas like Wheeler Heights would be excluded from the application of this form of development in the future.
3. There is no evidence that there is an extraordinary increase in seniors housing in the Wheeler Heights area. Infrastructure planned for the area includes Council's ongoing footpath program.

ITEM 17.5**RESPONSE TO QUESTION TAKEN ON NOTICE NO 06/2021 -
ITEM 15.3 NOTICE OF MOTION 14/2021 - BARE CREEK SELF-
FUNDING MAINTENANCE REPORT****TRIM FILE REF****2021/224041****ATTACHMENTS****NIL**

Taken on notice at the Council meeting on 23 March 2021 from: Councillor Alex McTaggart

QUESTION

What is the rate of depreciation on this facility?

RESPONSE

Bare Creek Bike Park is managed by Northern Beaches Council under a licence from Waste Assets Management Corporation (a NSW Government Incorporated Entity), at \$1 per annum. The Bike Park including the trails, pump track, amenities, carpark and access road are not Council assets, and will therefore not be depreciated by Council.

Any future capital improvements the Council makes to the site will be depreciated as leasehold improvements over the remaining term of the lease. The lease is 20 years from the practical completion date (so from 20 Jan 2021 to 19 Jan 2041).

ITEM 17.6	RESPONSE TO QUESTION TAKEN ON NOTICE NO 07/2021 - ITEM 15.8 NOTICE OF MOTION 19/2021 - SYNTHETIC SPORTS FIELDS
TRIM FILE REF	2021/275937
ATTACHMENTS	NIL

Taken on notice at the Council meeting on 23 March 2021 from: Councillor Roslyn Harrison

QUESTION

What is the cost comparison between synthetic and grass fields?

RESPONSE

Benefits of Synthetic Sports Fields

Compared to natural turf fields, synthetic fields can accommodate more players and more sport as they can be used for longer hours and in wet weather before surface quality is impacted.

In wet weather Council's natural turf fields are generally closed as use in the wet can cause significant damage to playing surfaces. Council's synthetic fields can be used in wet weather.

Synthetic fields have a sustainable capacity of 54 hours a week and natural turf fields have a sustainable capacity of 35 hours a week (Sportsgrounds Strategy, 2017). When the sustainable capacity of natural turf fields is exceeded playing surfaces deteriorate, leading to dead grass and muddy or dusty conditions.

Costs

The estimated cost to construct a natural turf sports field is in the order of \$930,000 (a senior rectangular field excluding lights). The estimated maintenance cost would be \$48,000 per year to undertake activities including; mowing, aeration, fertilizing and irrigation and drainage works on a high quality turf field.

The estimated cost to convert a natural turf sports field to a synthetic field is in the order of \$1.3 million (a senior rectangular field excluding lights). The estimated maintenance costs would be \$25,000 per year. Also, the synthetic playing surface requires replacement every 10 to 15 years depending on use at a cost of approx. \$840,000.

18.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

RECOMMENDATION

That:

1. In accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
 - a. Item 18.1 Exemption from Tendering for the Ongoing Engagement of Information and Communication Technology Suppliers 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 ongoing engagement of ICT suppliers. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would release pricing information which could prejudice the commercial position of the suppliers.
 - b. Item 18.2 Pittwater Environmental Foundation Directors 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) *Local Government Act 1993*].

This report discusses/provides advice in respect of personnel matters concerning applications for Directors of the Pittwater Environment Foundation and legal advice regarding the Foundation which meets the requirements of Section 10B(2). On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of legal advice pertaining to the Foundation would prejudice Council's legal position.
 - c. Item 18.3 Review of Waste Collection Contract 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/provides advice concerning Council's Waste Collection Contract. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information could confer a commercial advantage on Council's Waste Collection Contractor in the event that Council elects to enter into further negotiation with respect to this contract.
 2. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.
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19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

20.0 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.

