

AGENDA

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

Tuesday 23 March 2021

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



Ray Brownlee PSM
Chief Executive Officer

**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 23 March 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 EXTRAORDINARY COUNCIL MEETING HELD 12 JANUARY 2021 AND CONCLUDED ON 23 FEBRUARY 2021

RECOMMENDATION

That the Minutes of the Extraordinary Council Meeting held 12 January 2021 and concluded on 23 February 2021, copies of which were previously circulated, be confirmed as a true and correct record of the proceedings of that meeting.

3.2 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 FEBRUARY 2021

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 23 February 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.

7.0 MAYORAL MINUTES

ITEM 7.1 MAYORAL MINUTE NO 02/2021 - NEWPORT SURF LIFE SAVING CLUB - CONGRATULATIONS

TRIM FILE REF 2021/181229

ATTACHMENTS NIL

BACKGROUND

I want to congratulate the Newport Surf Lifesaving Club (SLSC) who for the eighth year straight have taken out the title of New South Wales (NSW) Champions at the 2021 NSW Open Surf Life Saving Championships this month.

It is a remarkable achievement for the Club and congratulations to everyone who participated with some amazing individual results for many of the members. I want to particularly mention the accomplishments of Maddie Spencer and Jackson Borg for their contribution to the Club's success. Ms Spencer took out the Open Female Board race, the Open Ironwoman, and with her team took out the Open Board Relay and the Surf Teams and the Open Taplin Relay. Mr Borg took out the Open Ironman and Surf Team races. I know the Club is well regarded for its commitment and passion for surf lifesaving and this result stands testament to the Club's philosophy and dedication to the sport.

I want to also congratulate Manly SLSC which ranked 4th, North Curl Curl SLSC which ranked 13th, Freshwater SLSC which ranked 18th and all the Northern Beaches Surf Clubs that competed at this year's Championships. Your efforts are also recognised and I know as a community we are extremely proud of all the competitors who dedicate a lot of time to training and take so much pride in representing their clubs at these competitions. Well done to all of you.

As the official beach season starts to come to a close, I want to take this opportunity to shout out to all our surf club volunteers and say thank you for all you have done in what has been another unusual summer season. Your efforts year in and year out along with our professional lifeguards ensure we can all enjoy our incredible beaches and help is at hand when we need it. As a community we are very grateful, and we don't get to say it often enough.

Finally, I ask Councillors to join me in sending our best wishes to the Newport Surf Lifesaving Club as it prepares to head up to Queensland for the National Titles next month.

MOTION

That Council:

1. Write and formally acknowledge the outstanding achievement by the Newport Surf Lifesaving Club for its recent success at the NSW State Championships.
 2. Acknowledge the efforts of all our surf lifesaving volunteers across the Northern Beaches for their commitment to their clubs and our community.
-



Michael Regan
MAYOR

ITEM 7.2	MAYORAL MINUTE NO 03/2021 - COMMUNITY BATTERY TRIAL PROJECT
TRIM FILE REF	2021/192819
ATTACHMENTS	NIL

BACKGROUND

In an East Coast first, the Northern Beaches has become the host site for a trial of a community-based battery. The battery, installed in a park in Beacon Hill, is part of a two-year trial being run by Ausgrid in conjunction with Council and with support of the NSW Government.

The battery will allow a number of surrounding households to store excess power generated by the solar panels they have installed on their homes. This can then be used later, providing savings for those households in electricity costs and avoiding the need to purchase an individual battery.

The Beacon Hill site was selected as the first trial location because a significant number of residents surrounding this area already have solar panels, and I would like to see more of these opportunities provided to other residents in our Local Government Area.

Congratulations to our Environment and Climate Change team for their work on this project, which I note was being run while they were negotiating our great new renewable electricity contract, which was also a great achievement.

MOTION

That:

1. The Chief Executive Officer write to Ausgrid to thank them for partnering with Council on the community battery trial and request that Council be involved in other opportunities for community batteries should the trial prove successful.
 2. Council congratulate the Environment and Climate Change team for their contribution to the project.
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Michael Regan
MAYOR

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

ITEM 8.1	NSW SURF LIFE SAVING CHAMPIONSHIPS
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY ENGAGEMENT AND COMMUNICATIONS
TRIM FILE REF	2021/192318
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek Council endorsement to submit an Expression of Interest (EOI) to host the NSW Surf Life Saving Championships for three years in 2022, 2023 and 2024 with an option to host the event for a further two years (one + one) in 2025 and 2026.

EXECUTIVE SUMMARY

Council recognises the important role Surf Life Saving plays in our community and the NSW Surf Lifesaving Championships are regarded as the ultimate showcase of the surf lifesaving movement at its competitive best. It is the biggest event on the Surf Life Saving NSW (SLSNSW) surf sports calendar open to all participating clubs to compete.

The event attracts over 21,000 competitors, spectators and officials to the host venue for eight days of competition. The Championships are held across multiple weeks from late February into early March annually. The carnival features a full range of events including surfboats, all age groups from U9s through to masters and inclusion events.

A consortium including, Queenscliff (lead applicant), North Steyne and Freshwater Surf Lifesaving Clubs, is united in its pitch to run the Championships and work with Council to deliver an event that promotes our region and its affinity with the outdoors, healthy active lifestyle, community spirit and inclusiveness.

This event will drive significant visitation to the region with an estimated 68% of visitors staying in the area for an average of two nights. This is forecast to deliver economic benefits valued at over \$11 million to the local economy. It is also predicted to see more than 60% of visitors return to the area to holiday, further boosting the economic value of the event to the region.

The investment from Council is \$100,000 (plus GST) cash each year, along with \$130,000 in fee waivers and waste management support (value-in-kind), and approximately \$70,000 in costs for event logistics and equipment.

RECOMMENDATION OF CHIEF EXECUTIVE OFFICER

That Council:

1. Endorses the submission of an Expression of Interest to host the NSW Surf Life Saving Championships for three years in 2022, 2023 and 2024 with an option to host the event for a further two years (one + one) in 2025 and 2026.
 2. Grants the Chief Executive Officer delegation to make decisions as required for the NSW Surf Life Saving Championships to proceed in 2022, 2023 and 2024, including the possibility of a further two years (one + one) in 2025 and 2026.
-

REPORT

BACKGROUND

The Northern Beaches is home to 21 Surf Life Saving Clubs with over 18,500 members – the largest branch in Australia. There are also more than 5,000 local active volunteer patrollers who provide beach safety services every weekend from September to the end of April each year.

The NSW Surf Lifesaving Championships is the biggest event on the Surf Life Saving NSW (SLSNSW) surf sports calendar open to all participating clubs to compete.

The event attracts over 21,000 competitors, spectators and officials to the host venue for eight days of competition. The Championships are held across multiple weeks from late February into early March annually. The carnival features a full range of events including surfboats, all age groups from U9s through to Masters and inclusion events. With close to 6,500 competitors, almost half are aged under 15 years.

A consortium including, Queenscliff (lead applicant), North Steyne and Freshwater Surf Lifesaving Clubs, is united in its pitch to run the Championships. Through collaboration with Council, this will deliver an event that promotes our region and its affinity with the outdoors, healthy active lifestyle, community spirit and inclusiveness.

The beach locations allow the footprint of the event to be spread out, ensuring COVID safety measures can be implemented if required and the opportunity to minimise any potential impact on surrounding residents.

CONSULTATION

Council, together with Queenscliff Surf Lifesaving Club, that is leading the application, is collaborating with North Steyne and Freshwater Surf Lifesaving Clubs.

James Griffin MP, Member for Manly, has also been consulted and is fully supportive of the bid to host this significant event here on the Northern Beaches.

TIMING

Council's bid to host the NSW Surf Life Saving Championships in 2022, 2023 and 2024 with an option to host the event for a further two years (one + one) in 2025 and 2026 is required to be submitted as soon as possible.

The EOI is to host the event in 2022, 2023 and 2024 and following evaluation, Council can consider the option to extend support to host the event for a further two years (one + one) in 2025 and 2026.

The Championships are held across multiple weeks from late February into early March annually.

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.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural, 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.

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

FINANCIAL CONSIDERATIONS

Funding to be included in future budgets.

The investment from Council is \$100,000 (plus GST) cash each year, along with \$130,000 in fee waivers and waste management support (value-in-kind), and approximately \$70,000 in costs to Council for event logistics and equipment.

This event will drive significant visitation to the region with an estimated 68% of visitors staying in the area for a minimum of one night and the average is two nights. The daily spend of visitors is estimated to be on average \$120 per person. The effect of that is forecast to deliver economic benefits valued at over \$11 million to the local economy. It's also predicted to see more than 60% of visitors return to the area to holiday, further boosting the economic value of the event to the region.

This support is in line with Council's Business Support package, enabling a 'whole of Government response to enable local businesses to continue providing vital services to our communities and importantly helping them stay in business.

SOCIAL CONSIDERATIONS

The mission of Surf Life Saving NSW is to save lives, create great Australians and build better communities. Throughout NSW the organisation's 11 branches and 129 Surf Life Saving Clubs comprise of almost 75,000 members. In addition to lifesaving services the organisation promotes community education, surf sports and member training.

The Northern Beaches community embraces Surf Life Saving, contributing more than 18,500 members to the 21 local Surf Life Saving Clubs, making our region the largest branch in Australia.

Council staff will work with Surf Life Saving NSW to ensure that impact on local residents is minimised during bump in/out and on event days. Organisers will be contactable throughout the event to respond to resident enquiries.

ENVIRONMENTAL CONSIDERATIONS

Surf Life Saving NSW will be required to ensure the event is managed in accordance with Council's Waste Minimisation for Functions and Events Policy.

GOVERNANCE AND RISK CONSIDERATIONS

Council, together with Queenscliff Surf life Saving Club, will establish a working group to oversee planning and event delivery. This is to ensure issues relating to concerns about noise, parking, traffic etc. are addressed.

A comprehensive Risk Management Plan, together with other event production, site plans, traffic management plans will be reviewed and approved through Council's external bookings process.

9.0 CORPORATE AND LEGAL DIVISION REPORTS

ITEM 9.1	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT RATES HARMONISATION
REPORTINGMANAGER	DIRECTOR CORPORATE AND LEGAL
TRIM FILE REF	2021/200883
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒Community Engagement and Stakeholder Report - Rates Harmonisation and Associated Policies (Included In Attachments Booklet) 2 ⇒Towards a Fairer Rating System Consultation Guide Summary (Included In Attachments Booklet) 3 ⇒Consultation Guide To Local Government Rating Reform (Included In Attachments Booklet) 4 ⇒Towards a Fairer Rating System Submission February 2021 (Included In Attachments Booklet) 5 ⇒Local Government Amendment Rates Bill 2021 (Included In Attachments Booklet) 6 ⇒Pensioner Rates & Charges Concession Policy - Draft (Included In Attachments Booklet) 7 ⇒Rates and Annual Charges Hardship Policy - Draft (Included In Attachments Booklet) 8 ⇒Rates Harmonisation Analysis (Included In Attachments Booklet)

SUMMARY

PURPOSE

To consider submissions received on and decide on the approach to harmonise rates across the Northern Beaches including the application of the Stormwater Management Services Charge, changes to policies for pensioner concession and hardship as well as current and emerging legislative requirements to implement the change.

EXECUTIVE SUMMARY

Council at its meeting on the 15 December 2020 approved for consultation a pathway to harmonise rates on the Northern Beaches. Council also resolved to continue advocacy for legislative change to allow the gradual harmonisation of rates.

The exhibition was open for 42 days and was widely promoted including letters to all property owners. A total of 474 people made submissions raising some 72 issues. A detailed response to the issues is attached to this report.

The Local Government Act 1993 currently requires the rating structure to be harmonised across the Northern Beaches by 1 July 2021. The preferred methodology for harmonising Ordinary Residential and Ordinary Business rates is to use the weighted average of the minimum rates of the former Councils (Scenario 4). This retains existing subcategories and special rates. From the feedback on the exhibition it is acknowledged that rates harmonisation and the proposed methodology is not widely supported particularly by ratepayers of the former Manly Local Government Area (LGA). However, the preferred methodology is the most equitable approach overall.

A Bill is proposed to be introduced into NSW Parliament that would allow for the gradual harmonisation of rates over four years. The Local Government Amendment (Rates) Bill 2021 proposes allowing gradual rates harmonisation by Councils in consultation with their communities. If passed, Council may choose to adopt this position. This would ease the financial impact of harmonisation on ratepayers of the former Manly LGA but also delay the full benefit of harmonisation being passed onto ratepayers of former Pittwater and Warringah LGAs. This question was asked during the engagement and the sentiment is reflected in the feedback on gradually harmonising rates.

Further, if harmonisation extends beyond the 2022/23 financial year, the calculation of rates will be based on new property valuations arising from the next general land revaluation by the Valuer General. This has the potential of redistributing the rate burden to areas of the local government area where property values have increased or decreased relative to the average change in land values. If gradual harmonisation over four years is being considered this is likely to impact on the final two years.

Direction is being sought on the approach Council would like to take if the legislation passes. At the time of writing this report the Bill had not been tabled in the NSW Parliament.

As a result of the exhibition, no changes are recommended to the proposed new Northern Beaches Stormwater Management Services Charge, Pensioner Rates & Charges Concession Policy or Rates and Annual Charges Hardship Policy.

Information has been provided in this report on proposed legislative changes in respect of The Local Government Amendment (Rates) Bill 2021 – Towards a Fairer Rating System and minimum rate application requirements. Depending on the position Council takes on harmonisation a minimum rate application will be required to be made to either the Office of Local Government for the 2021/22 rating year or the Independent Pricing and Regulatory Tribunal (IPART) for the 2022/23 rating year.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council:

1. Acknowledges that the rates harmonisation process is to be implemented by 1 July 2021 in order to comply with the Local Government Act 1993.
2. Adopts the methodology for the harmonisation of:
 - A. ordinary residential rates utilising Scenario 4 (weighted average minimum rate) as outlined in this report;
 - B. ordinary business rates utilising Scenario 4 (weighted average minimum rate) as outlined in this report;
 - C. the Farmland Category, Manly Central Business District (CBD), Warringah Mall, Warriewood Square and Strata Storage Units business sub-categories as outlined in this report;
 - D. the Manly Business Centre Improvement Special Rate and the Balgowlah Business Centre Improvement Special Rate as outlined in this report.
3. Notes that in response to council advocacy, the NSW State Government is introducing a Bill to Parliament that will allow amalgamated Councils to harmonise rates gradually over four years. If any significant amendments are made to the Bill which make Council's approach non-compliant with the legislation a report will be brought back to Council.

4. Adopts one of the following options for the timing of harmonisation of ordinary business and residential rates:
 - A. Residential:
 - i. Option 1 – No gradual harmonisation, minimum and ad valorem Ordinary Residential Rates full harmonisation from 1 July 2021 as detailed in this report;
 - ii. Option 2 – Minimum Ordinary Residential Rates fully harmonised from 1 July 2021 and ad valorem rates harmonised over four years commencing 1 July 2021 as detailed in this report;
 - iii. Option 3 – Minimum Ordinary Residential Rates fully harmonised from 1 July 2022 and ad valorem rates harmonised over three years commencing 1 July 2022 as detailed in this report.
 - B. Business:
 - i. Option 1 – No gradual harmonisation, minimum and ad valorem rates Ordinary Business Rates full harmonisation from 1 July 2021 as detailed in this report;
 - ii. Option 2 – Minimum Ordinary Business Rates fully harmonised from 1 July 2021 and ad valorem rates harmonised over four years commencing 1 July 2021 as detailed in this report;
 - iii. Option 3 – Minimum Ordinary Business Rates fully harmonised from 1 July 2022 and ad valorem rates harmonised over three years commencing 1 July 2022 as detailed in this report.
5. If Council adopts either Option 1 or Option 2 in recommendation 4A and 4B above it resolves to apply to the Minister for Local Government to set minimum rates in the council area for 2021-22 as follows:
 - A. Ordinary Residential Category - \$987.30
 - B. Farmland Category - \$950.55
 - C. Ordinary Business Category - \$1,285.51
 - D. Manly CBD Sub-category - \$1,285.51
 - E. Strata Storage Units Sub-category - \$614.41.
6. If Option 3 in recommendation 4A and 4B above is adopted and the draft Bill is not passed to allow gradual harmonisation Council will need to harmonise minimum rates from 1 July 2021. In these circumstances Council resolves to apply to the Minister for Local Government to set minimum rates in the council area for 2021-22 as follows:
 - A. Ordinary Residential Category - \$987.30
 - B. Farmland Category - \$950.55
 - C. Ordinary Business Category - \$1,285.51
 - D. Manly CBD Sub-category - \$1,285.51
 - E. Strata Storage Units Sub-category - \$614.41
7. Adopts the implementation of a Northern Beaches Stormwater Management Services Charge with the charge applying to all eligible properties in the former Warringah LGA on the date that rates harmonisation commences for the residential and business categories.

8. Adopts the draft Pensioner Rates & Charges Concession Policy and rescinds the Rebate of Pensioners' Rates and Charges Policy No. PL 511 (former Warringah Council).
 9. Adopts the revised Rates and Annual Charges Hardship Policy as outlined in this report.
 10. Notes that if the draft bill is passed and Council resolves to implement gradual harmonisation with the harmonisation of minimums after 1 July 2021 then Council will need to harmonise minimum rates from 1 July 2022. In these circumstances Council will need to apply to IPART to harmonise its ordinary residential and business minimums.
-

REPORT

BACKGROUND

Under current legislation Northern Beaches Council is required to harmonise the rating structures of the former Manly, Pittwater and Warringah Councils by 1 July 2021.

For all former Local Government Areas, rate assessments are currently based entirely upon property valuations (ad valorem) but with minimum rates applying where appropriate. In initial modelling carried out in planning for the harmonisation a base rate and ad valorem rate structure was considered. This structure resulted in significantly greater impacts on ratepayers and was not pursued.

Modelling based upon property valuations (ad valorem) but with minimum rates applying where appropriate was undertaken. Various scenarios were considered with the objective of identifying a proposed rating structure that achieved fairness and equity in relation to the methodology for determining a proposed harmonised minimum rate. A further objective was to minimise the number of assessments that experience large and sudden changes from harmonising the three current rating structures, particularly with reference to the impacts on ratepayers paying the minimum rate. Four scenarios were narrowed down for detailed consideration using the minimum rates of the former council areas and a weighted average minimum rate.

Council considered these scenarios at its meeting on the 15 December 2020 and resolved to:

- approve community consultation for the harmonisation of rates utilising Scenario 4 modelling (weighted average minimum rate) utilising existing rating categories, sub-categories and Special Rates as outlined in the report to that meeting.
- approve community consultation for the implementation of a Northern Beaches Stormwater Management Services Charge as outlined in the report to that meeting.
- Continued advocacy for legislative change to facilitate the gradual harmonisation of rates.
- approve community consultation of the draft Pensioner Rates & Charges Concession Policy and the revised Rates and Annual Charges Hardship Policy through public exhibition.

CONSULTATION

The exhibition was open from 18 January to 28 February for a period of 42 days. Manly Chamber of Commerce was given until Monday 1 March 2021 to lodge an addendum to their submission. The delay between the Council meeting and the public exhibition period was caused by the NSW Government's unexpected COVID-19 lockdown of the Northern Beaches over the Christmas/New Year period. This also meant that the public exhibition could not run for seven weeks as originally planned. However, a number of stakeholder meetings were held on this topic in December and several media outlets ran stories on the subject in December following the Council meeting.

The exhibition was widely promoted with additional measures put in place to provide meetings and material online including:

- Letters to all 96,807 Northern Beaches residential and business property owners
- 13 electronic direct mails (EDMs) distributed to over 185,000 readers.
- Two Facebook posts with over 17,000 people reached and 1,500 clicks.
- Three videos on rates 101 and residential and business rates harmonisation were released along with an animation informing the community of the services and facilities supported by rates revenue.
- An online rates calculator attracting over 21,000 visits.

- Six stakeholder meetings attended by 23 people.
- Seven information sessions attended by 15 people.
- Eight articles in print media – Pittwater Life, Peninsula Living, Northern Beaches Review and the Manly Daily.
- Over 13,000 visitors to the online engagement page spending on average 55s on the site.

A total of 474 people made submissions.

Respondents were invited to provide feedback on the options for harmonising rates and the stormwater charge as well as two draft Policies. The number of responses on each question is below:

Questions	Response
Level of support for rates harmonisation	428
Level of support for scenario 4, weighted average methodology	164
Level of support for phasing rates harmonisation	120
Level of support for phasing rates harmonisation from 2022/23	115
Level of support for rural residential sub-category	4
Level of support for stormwater management service charge	25
Level of support for the pensioner rates and charges concession policy (draft)	21
Level of support for rates and annual charges hardship policy (draft)	2
Level of support for business rates subcategory	10

A detailed report on Community and Stakeholder Engagement is at Attachment 1.

COMMUNITY FEEDBACK

Harmonisation and Gradual Harmonisation - submissions

Support for harmonisation was balanced with 47% in support and 46% opposed (428 submissions). In general, those with properties in former Pittwater and Warringah LGAs were supportive of harmonisation of rates as they felt it was more equitable and would deliver lower rates (105). In general, owners of properties in former Manly LGA opposed harmonisation as they felt it was inequitable and they were being punished for having higher land values.

The preferred methodology of using the weighted average of the former Councils' minimums to harmonise rates only received 41% support from the 164 submissions. 50% opposed this methodology. The majority of comments on the methodology (77) opposed the use of unimproved capital value as the basis for rates calculation. It should be noted that all modelled scenarios use unimproved capital value as the basis for rates calculation, therefore these submissions are not necessarily opposed to scenario four (weighted average minimum) but are opposed to the use of unimproved capital value as the basis for rates calculation generally, which Council is required to use under the legislation.

There was limited support for the other scenarios outlined by Council with four submissions supporting using Manly's minimum (Scenario 1) and no support for using Pittwater or Warringah's minimum (Scenario 2 and 3). Other methodologies were also suggested but are not considered equitable, supported by legislation or feasible to implement.

A total of 10 submissions commented on business rates. There was support for maintaining the strata storage unit rates, but the majority do not support maintaining the Warringah Mall and Manly CBD rates or increasing the Warriewood Square rate.

The proposal to phase the implementation of rates harmonisation over four years prompted 120 submissions. The majority (52%) supported the proposal. A further question on whether the harmonisation should be staged over three years commencing in 2022/23 was also supported or somewhat supported by 49% of respondents.

Of those opposed to harmonisation, including the question of a deferred commencement (2022/23) a significant percentage were ratepayers of former Pittwater and Warringah LGAs. The majority of comments (54) noted that delaying harmonisation of rates would financially disadvantage them.

The majority of comments received related to harmonisation. The key themes in the feedback are discussed below.

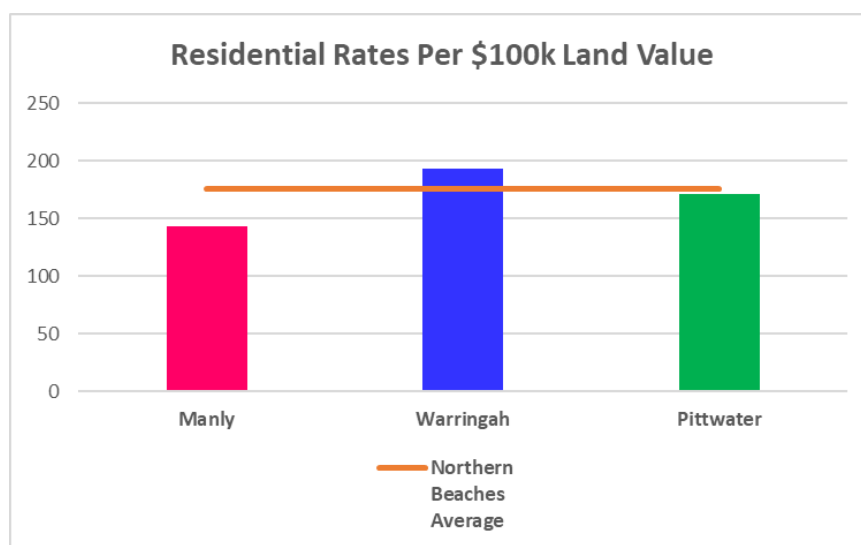
Fairness

The majority of responses from residential property owners referred to fairness. Those with properties in the former Warringah and Pittwater LGAs expressed the view that it was fair and equitable that properties of similar land values pay the same. The majority of residents from the former Manly LGA characterised the changes as unfair and difficult to understand.

Council will not receive any additional rate revenue as a result of Rates Harmonisation. What Rates Harmonisation will do is to re-distribute the rate burden based on the Unimproved Capital Value (UCV) of properties. The UCV is determined independently of Council by the NSW Valuer-General. The value does not represent the developed value of the land (the value with a building and other improvements on it) which is generally what residents view as the real 'value' of their property.

Some Manly ratepayers raised concerns that they were paying more without getting anything in return or were being forced to subsidise services across the local government area.

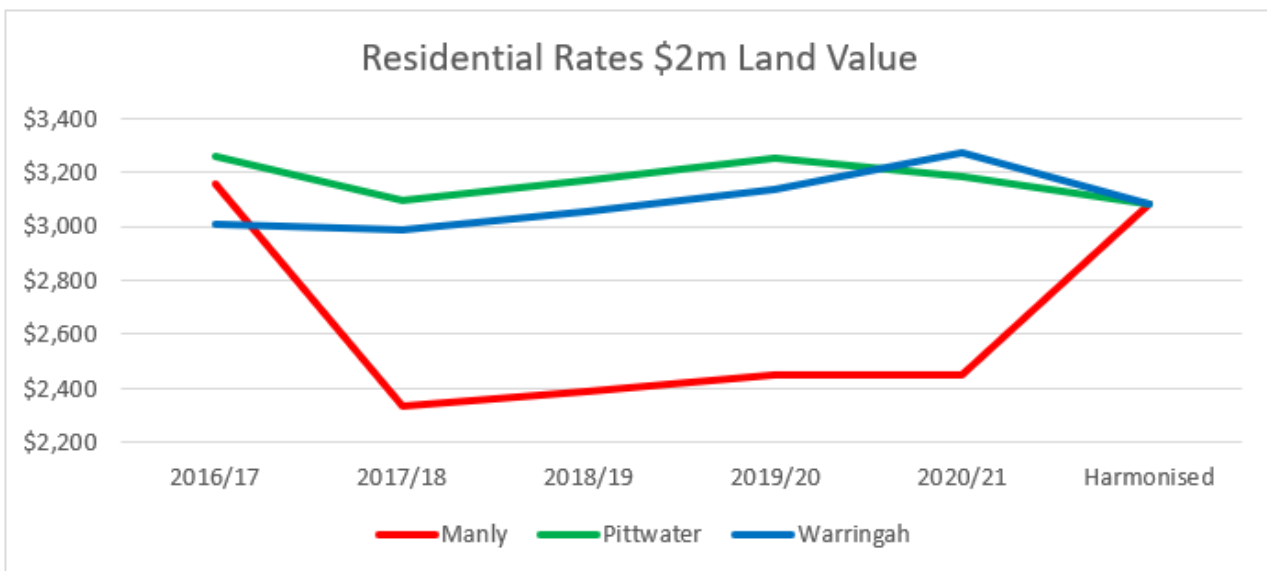
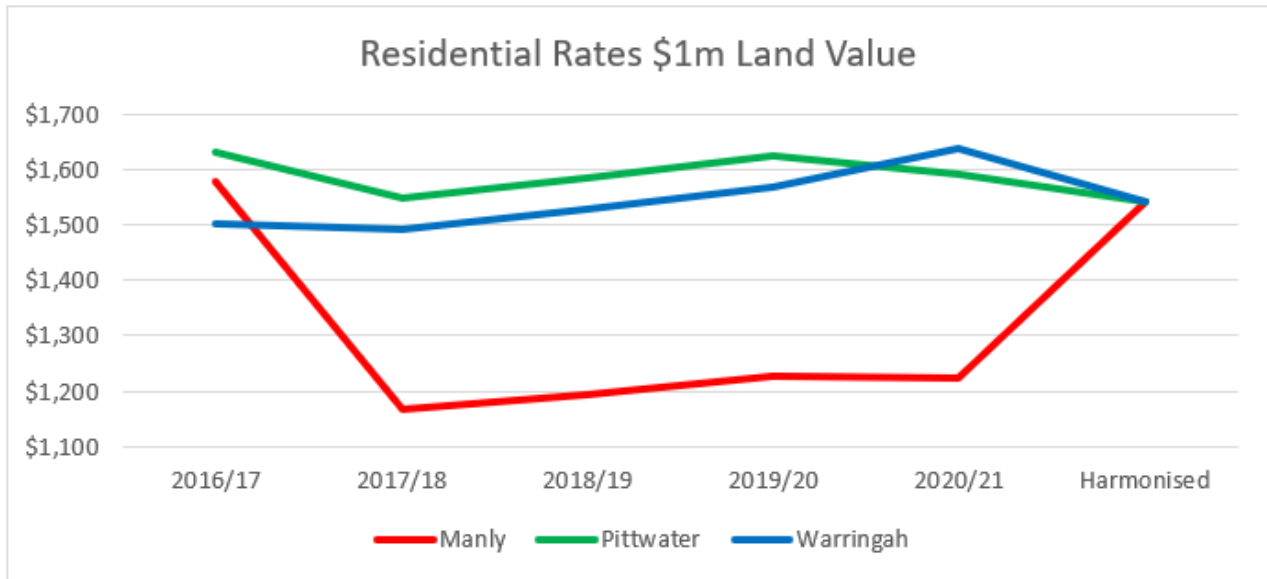
Local government rating is complex. The chart below shows the differences in average ordinary residential rates per \$100,000 of land value between the three former LGAs and the average for Northern Beaches Council. The former Warringah ratepayers contribute more than the Northern Beaches Council Average and the ratepayers of the former Manly and Pittwater LGAs contribute less than the average.



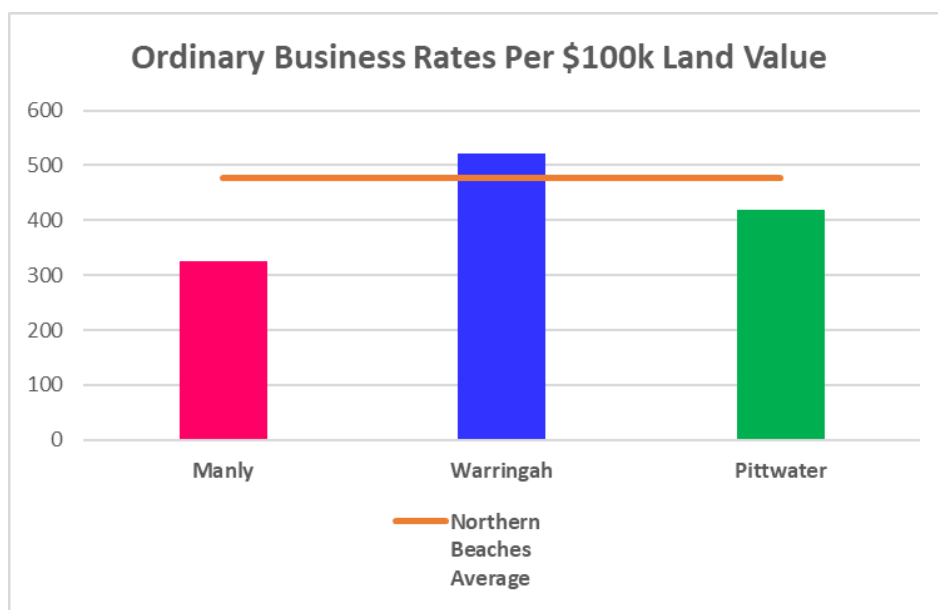
In 2016/17, the first year following amalgamation, a residential property in Manly valued at \$1m was paying \$1,578.76, Pittwater \$1,630.40 and Warringah \$1,502.21.

A harmonisation process has been undertaken for Domestic Waste Management Charges. Manly ratepayers have seen a significant reduction in their waste charge since amalgamation – down from \$660 in 2016/17 to \$405 in 2019/20. Pittwater ratepayers have also seen a significant reduction (down from \$598 in 2016/17 to \$405 in 2019/2020).

The following charts demonstrate comparable rates for ad valorem ratepayers in each of the three former Council areas at the time of amalgamation. It also shows rates payable by ad valorem ratepayers for identical land values have varied considerably since amalgamation between the three former areas.



While the discussion above has been on residential rates, the situation is similar for business rates. Warringah business ratepayers contribute more than the Northern Beaches Council average and the ratepayers of the former Manly and Pittwater LGAs contribute less than the average.



Services

There is perception reflected in some submissions that services have deteriorated since amalgamation. The reality is that service levels have been maintained or in many cases aligned across the Northern Beaches with the highest level of service of the former Councils. As these changes have taken place over time they have not necessarily been noticed.

Further, many major projects have been completed that benefit the entire Northern Beaches community and continue to be rolled out.

The table below lists some new, expanded, or improved service levels in the former three council areas, since amalgamation.

Services either new or expanded; or with improved service levels	Manly	Pittwater	Warringah
Online customer request system	X	X	X
A single beach parking sticker providing free parking at beach reserve car parks across the Northern Beaches. Each rate payer receives two free stickers	X	X	X
Extensive community grants program providing funding to support community development and cultural activities, sporting clubs, schools, environmental initiatives and the staging of events	X	X	X
Access to six libraries across the Northern Beaches using a single library card	X	X	X
Installation of new technologies across the library network including a floating collection	X	X	X
Increase public place cleaning	X	X	X
Proactive tree inspection and pruning service	X	X	X

Services either new or expanded; or with improved service levels	Manly	Pittwater	Warringah
Expand opening hours of the Customer Service Centre Call Centre from 8:00am to 5:30pm Monday to Thursday and to 5.00pm on Friday	X	X	X
Increased funding for the delivery of new footpath	X	X	X
Regional approach to transport planning	X	X	X
Expanding the route of the Hop, Skip and Jump Bus service to Manly Vale	X		X
Introduction of a lower Domestic Waste Management Charge for former Manly (down from \$660 in 2016/17 to \$405 in 2019/20) and Pittwater ratepayers (down from \$598 in 2016/17 to \$405 in 2019/2020)	X	X	
New domestic waste collection service providing better environmental outcomes for the Northern Beaches	X	X	X
Expansion of Local Planning Panel enabling expert and independent decisions on development applications		X	
On-line development application lodgement tracking system	X	X	X
Extension of the Coast Walk and installation of artwork along the trail	X	X	X
Improved asset maintenance	X	X	X
Proposed Pensioner Rates and Concession Policy	X (draft policy)		X (draft policy)

The merge should have delivered lower rates

There was an expectation by some residents that savings from the creation of the Northern Beaches Council would be used to reduce rates. The annual recurrent benefits generated by the formation of Northern Beaches Council was estimated at \$29.5 million in 2019/20. As noted above, the savings are being reinvested back into the community through improved service levels, priority infrastructure and lower Domestic Waste Management Charges for ratepayers.

The subtle changes in service offerings and levels by the Northern Beaches Council are not always recognised.

Hardship

Introducing additional costs is not well timed given the ongoing impact on households and businesses on the Northern Beaches of COVID 19. Unfortunately, under the current legislation Council has no control over timing. If the NSW Parliament passes laws allowing gradual harmonisation over four years this can then be considered.

The majority of responses referring to hardship were ratepayers in former Manly. As noted above, Manly ratepayers have benefited from the removal of a special rate @ 2.02% pa since 2017/18 and lower Domestic Waste Management charges since 2019/20.

Adopting a gradual approach to harmonisation would provide some relief for those ratepayers. But it also means that ratepayers of former Pittwater and Warringah LGAs would need to wait longer to receive the full financial benefit. This was reflected in comments that harmonisation should happen immediately.

A revised Rates and Annual Charges Hardship Policy has been prepared. This policy allows for appropriate assistance to ratepayers where they are suffering genuine financial hardship due to a variety of different circumstances, including rates harmonisation. In addition, changes proposed to the Pensioner Rebate Policy would also provide additional support to eligible pensioners of the former Manly and Pittwater LGAs.

Method - Unimproved Capital Value

A significant number of responses object to the method Council is required to use to calculate rates particularly the reliance on Unimproved Capital Values. The UCV is used for the calculation of a number of taxes including Land Tax. While this is clearly problematic for many ratepayers who struggle with the significant differential between UCVs and market values of properties across the Northern Beaches this is not a matter that can be controlled by Council. Council must rate each individual property on the land valuation provided by the Valuer General in accordance with s61 of the Valuation of Land Act 1916.

Stormwater management services charge - submissions

Council received 25 submissions regarding the Stormwater Management Services Charge. The Charge is currently levied on properties in the former Manly and Pittwater LGAs and is proposed to be extended to the former Warringah LGA.

Most submissions supported the implementation of the SMSC (56%). Of the submissions, 22 were from ratepayers in the former Warringah LGA. Many of the comments in support recognised the importance of adequately funding stormwater. However, there was an underlying concern about the financial impact of introducing the charge if gradual harmonisation of rates is going to occur. An alignment of the introduction of these processes is supported in the former Warringah LGA.

Rates and annual charges hardship policy - submissions

Council received two submissions on the draft Rates and Annual Charges Hardship Policy. Both submissions supported the proposed Rates and Annual Charges Hardship Policy. They also commented that the policy provided the mechanism for supporting those in financial hardship as a result of harmonisation of rates and there being no need for a gradual harmonisation of rates.

Pensioner Concession Policy - Submissions

Council received 21 submissions with an equal number, 43%, in support and opposed to the proposed policy with the remaining 14% unsure. Those opposed suggested support should be provide to self-funded retirees and Centrelink recipients. Other comments included indexing all components of the concession, not indexing the domestic waste component as a means of encouraging waste reduction and deferring until harmonisation is completed.

Extending the financial support under the Policy to self-funded retirees and other welfare recipients is not supported. The draft Policy is based on the eligibility criteria in the most generous of the three former Council areas policies (former Warringah Council). The net cost of extending the policy is approximately \$190,084.

GRADUAL HARMONISATION

In accordance with current legislation Council's modelling under each of the four scenarios proposed full harmonisation of minimum and ad valorem rates from 1 July 2021.

The NSW Government has proposed changes to legislation (The Local Government Amendment (Rates) Bill 2021) which is yet to be tabled in parliament. If passed in its current form it would allow harmonisation over 4 years with an increase of no more than 50% of the total increase in rates at the rating category level over the period, in any one of the four financial years

Gradual Harmonisation – Matters for Consideration

Council must rate each individual property on the land valuation provided by the Valuer General in accordance with s61 of the Valuation of Land Act 1916. Land values are determined in line with the Valuation of Land Act 1916 and the Valuer General's policies.

The next General Land Revaluation is due in July 2022 and will be used to determine rates for the 2023/2024 year. It is noted that this may add to the complexity of the harmonisation process as it will be a significant additional uncontrollable variable impacting on rates for the initial year of application of the new land values. It is not possible to model the impacts of this on the harmonisation process as impacts can vary considerably by suburb and local government area.

Council does not generate any additional income as a result of harmonisation (or general land revaluations) - they are a redistribution of rates.

Because the existing rating structures of the former Councils were maintained under the State Government's Rate Freeze Policy the differential rates between properties of the same value have moved significantly since amalgamation.

This is due to a range of factors such as the change in land valuations, the removal of a special variation for the former Manly Council of 2.02% in 2017/18 and a preapproved special variation applying to the former Warringah Council of 3% in 2016/17 (1.2% above the Rate Peg) and 9.4% in 2017/18 (7.9% above the Rate Peg).

It should be noted that every year Council has the opportunity to review its Revenue Policy and Rating Structure as part of the development of its Operational Plan and Delivery Program. This includes Council consideration of rating categories and sub-categories and the distribution of the rates burden between categories and sub-categories.

Gradual Harmonisation Ordinary Residential Rates Options

The following options are presented for consideration:

Option 1 – No gradual harmonisation, minimum and ad valorem rates full harmonisation from 1 July 2021.

- Can be implemented under the existing legislation
- The general land revaluation applying in 2023/24 rating year - no impact on harmonisation
- Support ratepayers due to receive a reduction and provides the full benefit in 2021/22
- Office of Local Government approval is required for a harmonised minimum rate from 1 July 2021
- The Stormwater Management Services Charge (SMSC) can be applied to properties in the former Warringah LGA from 1 July 2021

Ordinary Residential Rates	Former Manly LGA	Former Pittwater LGA	Former Warringah LGA
Current Minimum	\$860.62	\$931.92	\$1,022.94
Proposed 2021/22 Minimum excluding rate peg under Scenario 4	\$967.95	\$967.95	\$967.95
Proposed 2021/22 Minimum including 2% rate peg under Scenario 4	\$987.30	\$987.30	\$987.30

Option 2 – Minimum rates fully harmonised from 1 July 2021 and ad valorem rates harmonised over four years commencing 1 July 2021.

- Subject to the passing of the Local Government Amendment (Rates) Bill 2021
- The general land revaluation applying in 2023/24 rating year may disturb the distribution for some properties of the harmonisation of the ad valorem rate
- Supports ratepayers whose rates will increase under harmonisation (excluding those on the ordinary residential minimum)
- Office of Local Government approval is required for a harmonised minimum rate from 1 July 2021
- The SMSC can be applied to properties in the former Warringah LGA from 1 July 2021

Ordinary Residential Rates	Former Manly LGA	Former Pittwater LGA	Former Warringah LGA
Current Minimum	\$860.62	\$931.92	\$1,022.94
Proposed 2021/22 Minimum excluding rate peg under Scenario 4	\$967.95	\$967.95	\$967.95
Proposed 2021/22 Minimum including 2% rate peg under Scenario 4	\$987.30	\$987.30	\$987.30

Option 3 – Minimum rates fully harmonised from 1 July 2022 and ad valorem rates harmonised over three years commencing 1 July 2022.

- Subject to the passing of the Local Government Amendment (Rates) Bill 2021
- The general land revaluation applying in 2023/24 rating year may disturb the distribution for some properties of the harmonisation of the ad valorem rate
- Support ratepayers whose rates will increase under harmonisation (excluding those on the ordinary residential minimum)
- IPART approval is required for a harmonised minimum rate from 2022/23
- The SMSC can be applied to properties in the former Warringah LGA from 1 July 2022

Ordinary Residential Rates	Former Manly LGA	Former Pittwater LGA	Former Warringah LGA
Current Minimum	\$860.62	\$931.92	\$1,022.94
Proposed 2021/22 Minimum excluding rate peg under Scenario 4	\$860.62	\$931.92	\$1,022.94
Proposed 2021/22 Minimum including 2% rate peg under Scenario 4	\$877.83	\$950.55	\$1,043.39
Proposed 2022/23 Minimum under Scenario 4	\$987.30 plus the 2022/23 rate peg	\$987.30 plus the 2022/23 rate peg	\$987.30 plus the 2022/23 rate peg

Gradual Harmonisation Ordinary Business Rates Options

Option 1 – No gradual harmonisation, minimum and ad valorem rates full harmonisation from 1 July 2021.

- Can be implemented under the existing legislation
- The general land revaluation applying in 2023/24 rating year - no impact on harmonisation
- Support ratepayers due to receive a reduction and provides the full benefit in 2021/22
- Office of Local Government approval is required for a harmonised minimum rate from 1 July 2021
- The SMSC can be applied to properties in the former Warringah LGA from 1 July 2021

Ordinary Business Rates	Former Manly LGA	Former Pittwater LGA	Former Warringah LGA
Current Minimum	\$1,123.74	\$1,189.82	\$1,313.33
Proposed 2021/22 Minimum excluding rate peg under Scenario 4	\$1,260.31	\$1,260.31	\$1,260.31
Proposed 2021/22 Minimum including 2% rate peg under Scenario 4	\$1,285.51	\$1,285.51	\$1,285.51

Option 2 – Minimum rates fully harmonised from 1 July 2021 and ad valorem rates harmonised over four years commencing 1 July 2021.

- Subject to the passing of the Local Government Amendment (Rates) Bill 2021
- The general land revaluation applying in 2023/24 rating year may disturb the distribution for some properties of the harmonisation of the ad valorem rate
- Supports ratepayers whose rates will increase under harmonisation (excluding those on the ordinary residential minimum)
- Office of Local Government approval is required for a harmonised minimum rate from 1 July 2021
- The SMSC can be applied to properties in the former Warringah LGA from 1 July 2021

Ordinary Business Rates	Former Manly LGA	Former Pittwater LGA	Former Warringah LGA
Current Minimum	\$1,123.74	\$1,189.82	\$1,313.33
Proposed 2021/22 Minimum excluding rate peg under Scenario 4	\$1,260.31	\$1,260.31	\$1,260.31
Proposed 2021/22 Minimum including 2% rate peg under Scenario 4	\$1,285.51	\$1,285.51	\$1,285.51

Option 3 – Minimum rates fully harmonised from 1 July 2022 and ad valorem rates harmonised over three years commencing 1 July 2022.

- Subject to the passing of the Local Government Amendment (Rates) Bill 2021
- The general land revaluation applying in 2023/24 rating year may disturb the distribution for some properties of the harmonisation of the ad valorem rate
- Support ratepayers whose rates will increase under harmonisation (excluding those on the ordinary residential minimum)
- IPART approval is required for a harmonised minimum rate from 2022/23
- The SMSC can be applied to properties in former Warringah from 1 July 2022

Ordinary Business Rates	Former Manly LGA	Former Pittwater LGA	Former Warringah LGA
Current Minimum	\$1,123.74	\$1,189.82	\$1,313.33
Proposed 2021/22 Minimum excluding rate peg under Scenario 4	\$1,123.74	\$1,189.82	\$1,313.33
Proposed 2021/22 Minimum including 2% rate peg under Scenario 4	\$1,146.21	\$1,213.61	\$1,339.59
Proposed 2022/23 Minimum under Scenario 4	\$1,285.51 plus the 2022/23 rate peg	\$1,285.51 plus the 2022/23 rate peg	\$1,285.51 plus the 2022/23 rate peg

Conclusion

There is a level of community support for gradual harmonisation particularly from ratepayers in the former Manly LGA, which is balanced by those wanting to see the saving from rates harmonisation passed on as soon as possible.

In anticipation that the Local Government Amendment (Rates) Bill 2021 will be approved by the NSW parliament, direction is sought on the position Council wishes to take for both Ordinary Residential Rates and Ordinary Business Rates in terms of the options outlined above.

If amendments are made to the Bill which impact on the preferred option of Council the matter will be brought back to Council.

Stormwater Management Charge

The harmonisation of the rating structure results in the need to harmonise the Stormwater Management Services Charge (SMSC) currently levied on the former Manly and Pittwater Council LGAs.

The extension of the existing SMSC to all applicable Northern Beaches properties would raise an estimated \$1.1 million for additional stormwater management projects on top of the existing \$0.9 million. This would provide a sustainable source of funds for improvements to the drainage system to protect people and properties from flooding, improvements to the health of our waterways and provide opportunities for the harvesting and reuse of stormwater.

The proposed SWMC is:

2021/22 Stormwater Management Services Charge

Type of Property	Amount
Residential Strata Lots	\$12.50 per property
Residential Single Dwelling	\$25.00 per property
Business Strata Lots	Min \$5.00 per property or the relevant portion of the charge for the whole scheme if it was one business parcel
Business – not strata	\$25.00 per 350 sqm

As noted earlier, the majority of submissions supported the proposed new SWMC. Concerns were expressed about the timing of the introduction of the SWMC in the former Warringah LGA, if gradual harmonisation of rates commences in 2022/23. Alignment of the timing of the introduction of rates harmonisation and the SWMC for ratepayers of the former Warringah LGA is supported.

Rates and Annual Charges Hardship Policy

Council's revised policy which is attached to this report provides modern, fair and effective debt recovery and hardship processes and practices in line with the requirements of the Local Government Act 1993 and the guidelines issued under Section 23A of the Act by the NSW Office of Local Government, in conjunction with the NSW Department of Justice.

This policy will work alongside Council's other financial management practices to enable Council to maintain financial sustainability and achieve financial performance benchmarks.

In reviewing the policy, we ensured that the policy provided capacity for Council to provide appropriate assistance to those suffering genuine financial hardship due to circumstances such as those that may be caused by the rates harmonisation process.

Council received two submissions on the draft Rates and Annual Charges Hardship Policy. Both submissions supported the proposed Rates and Annual Charges Hardship Policy.

It is recommended that Council adopts the revised Rates and Annual Charges Hardship Policy attached to the report.

Pensioner Concession Policy

Eligible pensioners are currently granted differing voluntary concessions under policies of the former Manly, Pittwater or Warringah Councils. The new Pensioner Concession Policy will replace the existing pensioner concessions for each of the former Councils by extending the voluntary concession to Northern Beaches pensioners based on the eligibility criteria for the former Warringah Council as the most generous of the three former councils.

Council is proposing to offer all eligible pensioners the most generous concession scheme of the former three councils (the former Warringah scheme).

Council received 21 submissions with an equal number in support and opposed to the proposed policy. Those opposed suggested support should be provided to retirees and Centrelink recipients. Other comments included indexing all components of the concession, not indexing the domestic waste component as a means of encouraging waste reduction and deferring until harmonisation is completed.

The Policy provides targeted support to pensioners and concession card holders and harmonising the Policy will result in greater support to these individuals. Extending the Policy to retirees and other welfare recipients is not supported. Council's Rates and Annual Charges Hardship Policy provides support for others in our community who are in genuine financial distress. As such, no amendments to the draft Policy are proposed.

Rescission of existing policies and the adoption of the draft Pensioner Rates & Charges Concession Policy would see the extension of the \$150 Rates Voluntary Concession to all eligible pensioners and the extension of the Domestic Waste concession to the former Manly and Pittwater LGAs. For eligible pensioners in the former Manly LGA these concessions would replace the existing Manly Environmental Levy concession. The net cost of extending the policy is approximately \$190,084.

It is recommended that effective from 1 July 2021, Council rescinds existing pensioner concession policies for each of the former Councils and adopts the draft Pensioner Rates & Charges Concession Policy attached to this report.

The Local Government Amendment (Rates) Bill 2021

On the 22 December 2020 a letter was received from the Minister for Local Government, The Hon Shelley Hancock advising that the NSW Government had released an Exposure Draft of a Bill to implement its response to IPART's review of the local government rating system. The Minister has stated that the purpose of the Draft rates Bill is to ensure flexibility and fairness in the State's rating system.

The letter noted that the release of the draft Bill for consultation with the local government sector represents a milestone in the Government's reform agenda to ensure a fairer and more flexible rating system for councils and ratepayers across the State.

A comprehensive consultation guide Towards a Fairer Rating System was also released to explain the proposed changes and assist councils to provide feedback by 5 February 2021.

The Local Government Amendment (Rates) Bill 2021 proposes allowing Gradual Rates Harmonisation as follows:

- Each council formed in 2016 have the option to gradually harmonise new rates for residential and farmland rates from 2021-2022 over four years.
- Councils that take up the gradual harmonisation option will need to apply no more than 50% of the total increase in rates at the rating category level over the period, in any one of the four financial years.
- Councils that choose to harmonise gradually will be required to set out their intended approach over the full four years in their Integrated Planning & Reporting Framework (IP&R) documents.
- Rather than setting a maximum percentage increase each year, it is proposed to allow affected councils to set rates each year according to community needs and prevailing economic conditions.

The rationale stated that this allows councils with different legacy rating structures to harmonise in consultation with their communities according to local circumstances and conditions, under the IP&R framework. It also takes into account an unusual three-year council term, with elections in 2021 and 2024.

We have attached the following documents:

- The Local Government Amendment (Rates) Bill 2021
- Towards a fairer rating system - A consultation guide to local government rating reform – December 2020
- Towards a Fairer Rating System Consultation Guide Summary
- Towards a Fairer Rating System Submission February 2021

The Local Government Amendment (Rates) Bill 2021 comprises those recommendations made by IPART in the Final Report on its local government rating system review that were accepted by the Government in its Final Response. It is noted that most of the reforms require amendments to the Local Government Act 1993, which sets out how councils may levy rates from property owners. Other reforms will be implemented by change to regulations and by issuing new guidance.

The Bill to make these amendments if passed by the NSW Parliament, would:

- allow seventeen councils created in 2016 to gradually harmonise rates over four years, to protect ratepayers from excessive and sudden rate rises
- allow councils to levy special rates above the rate peg for infrastructure jointly funded with other levels of government without IPART approval
- create a new rating category for environmental land for properties that cannot be developed
- allow councils to create more flexible residential, business and farmland rating subcategories to enable them to set fairer rates
- allow councils to create separate rating subcategories for vacant residential, business and mining land to provide additional flexibility for councils to tailor rates for local communities
- remove the rating exemption for land subject to new conservation agreements and allow it to be rated under the new environmental land category
- allow councils to choose whether to exempt certain land from special rates for water and sewerage
- require councils to publicly report the value of any rating exemptions they choose to grant
- limit postponement of rates on rezoned land and let councils decide whether to write off any debts, and
- allow councils to sell properties for unpaid rates after three years rather than five years.

Minimum Rate and Minimum Rate Application Requirements

Minimum Rates

A minimum is applied from a fairness and equity perspective in relation to the overall distribution of rates amongst ratepayers. Rates without a minimum amount could cause an unacceptably uneven distribution of rates between ratepayers.

The use of a minimum amount enables the rate to be set at a reasonable level for the provision of facilities and services on the rationale that in many respects ratepayers receive the same benefits from the council regardless of the amount of the rates paid.

As an example, ratepayers in units (who pay minimum rates) pay considerably lower rates for the same amount of services. This is because where the rateable property consists of multiple units, such as a block of apartments, a single land value is determined for the site as a whole, and the assessed land value for an individual apartment is worked out by dividing the total land value according to each apartment's unit entitlement. In these instances, the minimum amount smooths the impact of land values on rates and improves rates equity.

As part of our modelling we considered the impacts and benefits of both lower and higher minimum rates. A minimum rate applies on properties whose land valuation is equal to or lower than the land value cut-off threshold.

The land value threshold to determine whether a minimum or ad valorem rate applies is determined by a ratio of the minimum rate and the ad valorem rate being: Minimum rate divided by the ad valorem rate = land value threshold. Properties with valuations equal to or lower than the land value threshold will pay the minimum rate and properties whose land value is greater than the threshold will pay the ad valorem rate.

Whilst a lower minimum amount provided a benefit to those ratepayers paying the minimum amount it also results in a considerably higher ad valorem rate in order to maintain rates income yields required to fund and maintain Council services and financial sustainability.

In addition, a lower minimum amount combined with a higher ad valorem amount results in a lower land valuation threshold for determining eligibility/applicability of the lower minimum rate. In some cases, a lower minimum (such as the maximum minimum amount specified in Regulation 126 of Local Government (General) Regulation 2005) resulted in a 33% reduction in the number of residential ratepayers that would pay the minimum rate and a 48% reduction in ordinary business ratepayers that would pay the minimum. In addition, this also resulted in considerable increases for those paying the ad valorem rate with increases up to 39% for some residential ad valorem ratepayers and increases up to 58% for some ordinary business ad valorem ratepayers.

Our modelling indicated that setting a higher minimum rate provided the better outcome for ratepayers in relation to taxation principles and provided Council with a solid financial platform in relation to the delivery and maintenance of Council services and long-term financial sustainability.

The three rating structures of the former Manly, Pittwater and Warringah LGAs have minimum amounts as their fixed charge component, and the former councils were applying minimum amounts across all categories and subcategories.

The analysis undertaken has been based on continuing with the minimum rate structure for the Northern Beaches Local Government Area.

Our modelling considered numerous scenarios relating to the proposed minimum rate including setting the proposed minimum rate at one of the current minimum rates currently applying to the former local government areas.

In addition, we also considered using a weighted average of the current minimum rates. The benefit of using a weighted average is that it allows the final average number to reflect the relative

importance (weighting/frequency) of each number that is being averaged. In relation to determining an appropriate minimum rate to apply in a harmonised model, a weighted average of current minimum rates for the three former local government areas will take into account the number of ratepayers (weightings/frequency) within each former local government area that are currently paying the minimum rate.

We believe that this approach will produce a more balanced and equal interpretation for determining a harmonised minimum rate than would be achieved by calculating a simple arithmetic average (by adding the three current minimum rates together and dividing by three). In a simple arithmetic average, all minimums are assigned an identical weight (i.e. there is no consideration about the number of ratepayers currently paying each minimum rate).

As such, we also believe that a weighted average more accurately achieves a fair and equitable outcome to the process of determining a harmonised minimum rate and is in line with taxation principles.

Minimum Rate Approval Requirements

A council is required to apply for an increase to minimum rates (MR) where:

- it is planning to increase minimum rates above the 'statutory limit' for the first time, or
- it is already above the 'statutory limit', and the council is planning to increase MRs by more than the rate peg or a percentage previously approved under a special variation (SV).

The statutory limits for MR for the 2021-22 rating year are:

- \$565 for the minimum amount of an ordinary rate.
- \$2 for the minimum amount of a special rate.

Application Requirements for harmonisation of minimum rates in 2021/22

The Office of Local Government (OLG) issues guidelines for councils seeking to increase the minimum rate amount, which set out the criteria IPART uses to assess applications. OLG has also released Special guidelines for new councils applying to harmonise minimum rates on 1 July 2021 that apply to newly merged councils in specific circumstances. Councils must apply to the Minister for Local Government when proposing to harmonise minimum ordinary rates above the statutory limit.

The Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment (DPIE) holds a temporary delegation under section 548 of the Local Government Act 1993 (the Act) to determine minimum rates applications from new councils for 2021-22.

These Special Guidelines temporarily replace, in specific circumstances only, the Minimum Rates Guidelines and the Independent Pricing and Regulatory Tribunal (IPART) application process for new councils required to harmonise rates on 1 July 2021.

These Special Guidelines only apply if a new council is seeking to set a harmonised minimum ordinary rate across its new council area that is higher than the current statutory limit of \$565, but no higher than the highest minimum ordinary rate of any one of the former councils or part of a former council that was previously approved by IPART (plus the 2021-22 rate peg).

This requires Council to:

- provide evidence that community consultation has been undertaken by Council ensuring documentation is limited to extracts of the relevant publications, rather than full publications.
- provide a copy of the council's Resolution, ensuring:

- the Resolution has been passed to clearly apply to the Minister for Local Government to set minimum ordinary rates in the council area for 2021-22 for any rating category or subcategory that is above the statutory limit and it is equal to or below the highest minimum ordinary rates previously approved by IPART for a former council or part of a former council, AND
- provide a link to the Resolution on the council's website

Application Requirements for harmonisation of minimum rates from 2022/23 to 2024/25

If the changes proposed in the Local Government Amendment (Rates) Bill 2021 to allow gradual harmonisation are passed by the NSW Parliament then Council would be able to maintain the existing minimum rates (plus the 2021-22 rate peg) for each of the former councils until 2022/23.

In this case it would be required to lodge a minimum rate application through IPART to harmonise its minimum rates. Accordingly, we propose to seek approval from Council at this meeting to make such application.

If the Local Government Amendment (Rates) Bill 2021 to allow gradual harmonisation isn't passed by the NSW Parliament Council must harmonise its minimum rates from 1 July 2021 and seek approval from the Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment (DPIE) under the special guidelines. As such Council would not be able to maintain the existing minimum rates (plus the 2021-22 rate peg) for each of the former Councils and would be required to have harmonised minimums from 1 July 2021.

Harmonisation of Residential Rates – determination of minimum and ad valorem rate structure

Four options were considered for the harmonisation of residential rates maintaining Council's rates yield (plus the IPART rate peg as determined for the 2021/22 financial year). Harmonisation redistributes rates and does not result in an increase in Council's rates yield (plus the IPART rate peg as determined for the 2021/22 financial year).

Scenario 1 - Existing Manly Minimums used for harmonisation – \$860.62 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

RESIDENTIAL - USING CURRENT FORMER MANLY MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$702,610	\$541,284	(\$161,326)	8,570	7,296	(1,274)
Pittwater	\$585,653	\$541,284	(\$44,368)	5,362	5,161	(201)
Warringah	\$624,628	\$541,284	(\$83,343)	20,242	19,570	(672)
				34,174	32,027	(2,147)

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$860.62	\$860.62	\$0	0%	0.122489	0.158996	30%
Pittwater	\$931.92	\$860.62	(\$71)	(8%)	0.159125	0.158996	(0%)
Warringah	\$1,022.94	\$860.62	(\$162)	(16%)	0.163768	0.158996	(3%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$24,726,790	\$30,048,923	\$5,322,133	22%
Pittwater	\$39,520,070	\$39,132,848	(\$387,222)	(1%)
Warringah	\$78,979,984	\$74,045,073	(\$4,934,911)	(6%)
	\$143,226,844	\$143,226,843	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,397	\$1,697	\$301	22%	\$143	\$174	22%
Pittwater	\$1,677	\$1,661	(\$16)	(1%)	\$171	\$169	(1%)
Warringah	\$1,452	\$1,361	(\$91)	(6%)	\$193	\$181	(6%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Scenario 2 - Existing Pittwater Minimums used for harmonisation – \$931.92 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

RESIDENTIAL - USING CURRENT FORMER PITTWATER MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$702,610	\$598,229	(\$104,381)	8,570	7,866	(704)
Pittwater	\$585,653	\$598,229	\$12,576	5,362	5,479	117
Warringah	\$624,628	\$598,229	(\$26,398)	20,242	20,011	(231)
				34,174	33,356	(818)

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$860.62	\$931.92	\$71	8%	0.122489	0.155780	27%
Pittwater	\$931.92	\$931.92	\$0	0%	0.159125	0.155780	(2%)
Warringah	\$1,022.94	\$931.92	(\$91)	(9%)	0.163768	0.155780	(5%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$24,726,790	\$30,112,393	\$5,385,603	22%
Pittwater	\$39,520,070	\$38,811,957	(\$708,113)	(2%)
Warringah	\$78,979,984	\$74,302,494	(\$4,677,490)	(6%)
	\$143,226,844	\$143,226,844	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,397	\$1,701	\$304	22%	\$143	\$174	22%
Pittwater	\$1,677	\$1,647	(\$30)	(2%)	\$171	\$168	(2%)
Warringah	\$1,452	\$1,366	(\$86)	(6%)	\$193	\$182	(6%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Scenario 3 - Existing Warringah Minimums used for harmonisation – \$1,022.94 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

RESIDENTIAL - USING CURRENT FORMER WARRINGAH MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$702,610	\$675,637	(\$26,973)	8,570	8,442	(128)
Pittwater	\$585,653	\$675,637	\$89,984	5,362	6,316	954
Warringah	\$624,628	\$675,637	\$51,009	20,242	20,945	703
				34,174	35,703	1,529

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$860.62	\$1,022.94	\$162	19%	0.122489	0.151404	24%
Pittwater	\$931.92	\$1,022.94	\$91	10%	0.159125	0.151404	(5%)
Warringah	\$1,022.94	\$1,022.94	\$0	0%	0.163768	0.151404	(8%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$24,726,790	\$30,216,931	\$5,490,141	22%
Pittwater	\$39,520,070	\$38,401,540	(\$1,118,530)	(3%)
Warringah	\$78,979,984	\$74,608,373	(\$4,371,611)	(6%)
	\$143,226,844	\$143,226,844	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,397	\$1,707	\$310	22%	\$143	\$175	22%
Pittwater	\$1,677	\$1,630	(\$47)	(3%)	\$171	\$166	(3%)
Warringah	\$1,452	\$1,372	(\$80)	(6%)	\$193	\$183	(6%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Scenario 4 - Weighted Average Minimums of the former Councils used for harmonisation – 967.95 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

RESIDENTIAL - USING CURRENT WEIGHTED AVERAGE MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$702,610	\$628,167	(\$74,443)	8,570	8,081	(489)
Pittwater	\$585,653	\$628,167	\$42,514	5,362	5,697	335
Warringah	\$624,628	\$628,167	\$3,539	20,242	20,287	45
				34,174	34,065	(109)

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$860.62	\$967.95	\$107	12%	0.122489	0.154091	26%
Pittwater	\$931.92	\$967.95	\$36	4%	0.159125	0.154091	(3%)
Warringah	\$1,022.94	\$967.95	(\$55)	(5%)	0.163768	0.154091	(6%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$24,726,790	\$30,152,136	\$5,425,346	22%
Pittwater	\$39,520,070	\$38,648,259	(\$871,811)	(2%)
Warringah	\$78,979,984	\$74,426,449	(\$4,553,535)	(6%)
	\$143,226,844	\$143,226,844	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,397	\$1,703	\$306	22%	\$143	\$174	22%
Pittwater	\$1,677	\$1,640	(\$37)	(2%)	\$171	\$167	(2%)
Warringah	\$1,452	\$1,368	(\$84)	(6%)	\$193	\$182	(6%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Harmonisation of Ordinary Business Rates

Four options were considered for the harmonisation of ordinary business rates maintaining Council's rates yield (plus the IPART rate peg as determined for the 2021/22 financial year). Harmonisation redistributes rates and does not result in an increase in Council's rates yield (plus the IPART rate peg as determined for the 2021/22 financial year).

Scenario 1 - Existing Manly Minimums used for harmonisation – \$1,123.74 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

ORDINARY BUSINESS RATES - USING CURRENT FORMER MANLY MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$377,968	\$258,684	(\$119,284)	242	180	(62)
Pittwater	\$348,737	\$258,684	(\$90,052)	1,194	1,058	(136)
Warringah	\$279,034	\$258,684	(\$20,350)	2,211	2,139	(72)
				3,647	3,377	(270)

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,123.74	\$1,123.74	\$0	0%	0.297311	0.434406	46%
Pittwater	\$1,189.82	\$1,123.74	(\$66)	(6%)	0.341180	0.434406	27%
Warringah	\$1,313.33	\$1,123.74	(\$190)	(14%)	0.470670	0.434406	(8%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$1,732,080	\$2,405,371	\$673,292	39%
Pittwater	\$4,681,080	\$5,519,450	\$838,370	18%
Warringah	\$17,131,772	\$15,620,110	(\$1,511,661)	(9%)
	\$23,544,931	\$23,544,931	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$3,370	\$4,680	\$1,310	39%	\$325	\$452	39%
Pittwater	\$2,468	\$2,910	\$442	18%	\$418	\$493	18%
Warringah	\$4,302	\$3,923	(\$380)	(9%)	\$521	\$475	(9%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Scenario 2 - Existing Pittwater Minimums used for harmonisation – \$1,189.82 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

ORDINARY BUSINESS RATES - USING CURRENT FORMER PITTWATER MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$377,968	\$277,161	(\$100,807)	242	187	(55)
Pittwater	\$348,737	\$277,161	(\$71,576)	1,194	1,095	(99)
Warringah	\$279,034	\$277,161	(\$1,873)	2,211	2,209	(2)
				3,647	3,491	(156)

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,123.74	\$1,189.82	\$66	6%	0.297311	0.429289	44%
Pittwater	\$1,189.82	\$1,189.82	\$0	0%	0.341180	0.429289	26%
Warringah	\$1,313.33	\$1,189.82	(\$124)	(9%)	0.470670	0.429289	(9%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$1,732,080	\$2,396,231	\$664,151	38%
Pittwater	\$4,681,080	\$5,539,906	\$858,826	18%
Warringah	\$17,131,772	\$15,608,795	(\$1,522,977)	(9%)
	\$23,544,931	\$23,544,931	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$3,370	\$4,662	\$1,292	38%	\$325	\$450	38%
Pittwater	\$2,468	\$2,920	\$453	18%	\$418	\$495	18%
Warringah	\$4,302	\$3,920	(\$382)	(9%)	\$521	\$475	(9%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Scenario 3 - Existing Warringah Minimums used for harmonisation – \$1,313.33 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

ORDINARY BUSINESS - USING CURRENT FORMER WARRINGAH MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$377,968	\$313,209	(\$64,759)	242	227	(15)
Pittwater	\$348,737	\$313,209	(\$35,528)	1,194	1,146	(48)
Warringah	\$279,034	\$313,209	\$34,175	2,211	2,312	101
				3,647	3,685	38

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,123.74	\$1,313.33	\$190	17%	0.297311	0.419314	41%
Pittwater	\$1,189.82	\$1,313.33	\$124	10%	0.341180	0.419314	23%
Warringah	\$1,313.33	\$1,313.33	\$0	0%	0.470670	0.419314	(11%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$1,732,080	\$2,377,134	\$645,055	37%
Pittwater	\$4,681,080	\$5,579,724	\$898,644	19%
Warringah	\$17,131,772	\$15,588,073	(\$1,543,699)	(9%)
	\$23,544,931	\$23,544,931	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$3,370	\$4,625	\$1,255	37%	\$325	\$446	37%
Pittwater	\$2,468	\$2,941	\$474	19%	\$418	\$498	19%
Warringah	\$4,302	\$3,915	(\$388)	(9%)	\$521	\$474	(9%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Scenario 4 - Weighted Average Minimums of the former Councils used for harmonisation – \$1,260.31 (plus the IPART rate peg as determined for the 2021/22 financial year) with a new harmonised ad valorem rate.

ORDINARY BUSINESS - USING CURRENT WEIGHTED AVERAGE MINIMUM

	Land Value for Minimum Rates			Numbers Paying Minimum		
	Current	Proposed	Change	Current	Proposed	Change
Manly	\$377,968	\$297,478	(\$80,490)	242	213	(29)
Pittwater	\$348,737	\$297,478	(\$51,259)	1,194	1,114	(80)
Warringah	\$279,034	\$297,478	\$18,443	2,211	2,275	64
				3,647	3,602	(45)

	Minimum Rates				Ad Valorem Rates		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$1,123.74	\$1,260.31	\$137	12%	0.297311	0.423666	42%
Pittwater	\$1,189.82	\$1,260.31	\$70	6%	0.341180	0.423666	24%
Warringah	\$1,313.33	\$1,260.31	(\$53)	(4%)	0.470670	0.423666	(10%)

	Rates Income			
	Current	Proposed	Annual Change	% Change
Manly	\$1,732,080	\$2,385,674	\$653,594	38%
Pittwater	\$4,681,080	\$5,562,345	\$881,265	19%
Warringah	\$17,131,772	\$15,596,912	(\$1,534,859)	(9%)
	\$23,544,931	\$23,544,931	\$0	

	Average Rates				Av. Rates Per \$100k Land Value		
	Current	Proposed	Annual Change	% Change	Current	Proposed	% Change
Manly	\$3,370	\$4,641	\$1,272	38%	\$325	\$448	38%
Pittwater	\$2,468	\$2,932	\$465	19%	\$418	\$497	19%
Warringah	\$4,302	\$3,917	(\$385)	(9%)	\$521	\$475	(9%)

Note: Information in the above tables is based on current rates information and does not include the IPART rate peg adjustment that will be applied for the 2021/22 year. Actual figures for the 2021/22 year will also be impacted by changes in other factors such as changes to land valuations by the NSW Valuer General during the 2020/21 year.

Harmonisation of other Rating Categories and Sub-categories (excluding Warriewood Square)

We are proposing to maintain the existing basis for determining the amount of rates levied as part of the harmonisation process for the Farmland category and the Manly CBD, Warringah Mall and Strata Storage Units Business sub-categories.

Under the scenarios above for the harmonisation of the Ordinary Residential Rates and Ordinary Business Rates there is no change in the rates yield (plus the IPART rate peg as determined for the 2021/22 financial year). Harmonisation redistributes rates and does not result in an increase in Council's rates yield (plus the IPART rate peg as determined for the 2021/22 financial year).

Harmonisation of the Warriewood Square Business Sub-category.

Warriewood Square Business Sub-category is currently levied at 10% higher than Pittwater ordinary business rate to reflect the demand and use of council services from individual businesses through targeted differential rating.

We are proposing to continue to reflect the differential between this sub-category and the harmonised ordinary business category to reflect the demand and use of council services. Accordingly, we are proposing to establish a rate for the Warriewood Square business sub-category that is the greater of their existing rate (plus the IPART rate peg as determined) or 10% more than the ad valorem rate for the ordinary business rating category (plus the IPART rate peg as determined for that financial year).

Historically movements in shopping centre land valuations have created anomalies for some councils, with their rates decreasing significantly over a period compared to other businesses within the ordinary business category whilst the consumption of council services remained constant or increased. This has been a primary driver for the creation of shopping centre business sub-categories and was a factor in the creation of both the Warringah Mall and Warriewood Square sub-categories.

This will result in an increase in the rates levied for the Warriewood Square Sub-category and a decrease in the ordinary business category as follows:

Scenario 1 – \$26,667

Scenario 2 – \$25,204

Scenario 3 – \$22,351

Scenario 4 – \$23,595

Harmonisation of Special Rates

The special rate - Council has a discretion whether to make a special rate. Special rates must be made pursuant to section 495 of the Act but may be levied under either section 495 or the provisions of Division 2 of Part 5 of Chapter 15. In the former instance, the special rates may be levied for works or services provided or proposed to be provided by council (e.g. town improvement works benefiting a specific locality, tourism promotion benefiting a particular ratepayer sector) or for other special purposes.

Land in the former Manly Council LGA is categorised for rating as residential or business. There is one business sub-category for Manly CBD and special rates for Manly business centre improvement and Balgowlah business centre improvement.

This Manly Business Centre Improvement Special Rate is for the provision of ongoing and proposed capital and maintenance works, including the Manly Business Centre, The Corso and ocean beach front.

This Balgowlah Business Centre Improvement Special Rate is for the provision of ongoing and proposed capital and maintenance works, including the off-street car parks in Condamine Street.

In its rates harmonisation submission, the Manly Business Chamber requested an immediate removal of the Special Rate and contended that the Manly CBD is being treated unfairly in the process as it is being asked to pay a higher ad valorem rate per \$100k land valuation. The former Manly Council had created a business sub-category for the Manly Business Centre, The Corso and ocean beach front due to it being a high intensity shopping and tourist precinct as a reflection of the demand and use of council services. As noted above the special rate is for the provision of ongoing and proposed capital and maintenance works and continues to be used for these purposes.

We are proposing to maintain the existing basis for determining the amount of rates levied as part of the harmonisation process for the Manly Business Centre Improvement Special Rate and the Balgowlah Business Centre Improvement Special Rate. However, it should be noted that every year Council has the opportunity to review its Revenue Policy and Rating Structure as part of the development of its Operational Plan and Delivery Program. This includes Council consideration of rating categories and sub-categories and the distribution of the rates burden between categories and sub-categories.

Rural Residential

Forty-eight regional councils have a Rural Residential Rating Sub-Category. There is no consistency in the application of the Rural Residential Rate some are higher than the Residential Category and some are lower.

No Council in Sydney or on the fringes of the metropolitan area have a Rural Residential Rating Sub-Category.

In the draft Local Government Amendment (Rates) Bill 2021 there is provision for increasing flexibility through new Rating Categories and Subcategories whereby councils are allowed to set different residential rates in contiguous urban areas while also continuing existing provisions that allow different residential rates to be set by 'centre of population', as used by regional and rural councils. Under the new proposal, a council may only set different residential rates in a contiguous urban area if there is on average, different access to, demand for, or cost of, providing services and infrastructure. There are no areas in the local government area that on average have different access to, demand for, or cost of, providing services and infrastructure. Accordingly, we are not proposing to create a residential sub-category of rural residential or any other residential sub category.

TIMING

Northern Beaches Council is currently required to harmonise the rating structures of the former Manly, Pittwater and Warringah Councils by 1 July 2021.

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

It is a requirement of Section 405 of the NSW Local Government Act 1993 for a Council to have a statement of Council's Revenue Policy each year. Without a harmonised rating structure, we would be unable to make rates for the 2021/22 financial year.

Rates currently represent 46% of our budgeted revenue and are integral to us maintaining our financial sustainability. The total income that can be raised from levying rates on property is capped by the State Government based on a determination by the Independent Pricing and Regulatory Tribunal (IPART). IPART has determined that general income from rates in 2021/22 may be increased by a maximum of 2.0% (For the 2020/21 year the maximum increase was 2.6%).

The increase allowed by IPART relates to general income in total and not to an individual ratepayers' rates. Individual rates are also affected by other factors such as land valuations by the NSW Valuer General. Likewise, harmonisation redistributes rates to develop a uniform rating structure and does not result in an increase in Council's rates yield (Income). This can result in significant variations in rates for ratepayers in some former local government areas due to differences both in land valuations and in the rating structures of the former local government areas.

Extending the Stormwater Management Services Charge to all Northern Beaches properties would raise an additional \$1.1 million per annum (residential \$0.9m business \$0.2m) to fund new stormwater management projects. Alternatively removing the charge would result in a loss of income of \$0.9 million per annum (residential \$0.8m business \$0.1m) and a matching reduction in expenditure on stormwater management projects.

The cost of extending the Pensioner Rates & Charges Concession Policy is approximately \$190,084 per annum.

SOCIAL CONSIDERATIONS

Our review of socio-economic factors included in our report to Council in December 2020 indicates that based on the Index of Relative Socio-Economic Disadvantage (IRSED) that Northern Beaches is higher than the average for Greater Sydney at 1,092. This indicates relatively lower levels of socio-economic disadvantage as compared to other Local Government Areas. An area with an IRSED of 1,000 is considered average while a lower score indicates that the area is experiencing more disadvantage. In the Northern Beaches no areas fall below 1000.

The revised Rates and Annual Charges Hardship Policy enables Council to provide appropriate hardship assistance to ratepayers suffering genuine financial hardship due to a variety of different circumstances. This included ensuring that the policy provided appropriate capacity for Council to provide appropriate assistance to those suffering genuine financial hardship due to a range of circumstances including the rates harmonisation process.

The draft Pensioner Rates & Charges Concession Policy looks at extending the voluntary concessions currently available to only former Warringah pensioners to all eligible pensioners in the Northern Beaches local government area. This would represent a fair and equitable outcome for pensioners and reflect the taxation principle of equity and its components being the ability to pay and intergenerational equity.

The consideration of gradual harmonisation which is subject to legislative approval through the NSW parliament enables Council to consider undertaking these changes over a number of years. As noted in the report, this would also delay the full benefit of harmonisation being passed on to ratepayers whose rate will reduce.

ENVIRONMENTAL CONSIDERATIONS

The extension of the Stormwater Management Services Charge to all Northern Beaches properties would assist in funding programs to support improvements to the drainage system to protect

people and properties from flooding, the health of our waterways and provide opportunities for the harvesting and reuse of stormwater. Alternatively removing the charge would result in a reduction in funding available for such projects, or the reallocation of funding from other works and services to maintain the program.

GOVERNANCE AND RISK CONSIDERATIONS

Northern Beaches Council is required to harmonise the rating structures of the former Manly, Pittwater and Warringah Councils by 1 July 2021. The Local Government (Council Amalgamations) Proclamation 2016 required the rating structure to be reviewed within the first term of the new council following the first election of the council. The current legislation is as prescribed under section 218CB (2) of the Local Government Act 1993. As the process of rates harmonisation is a legislative requirement there is no discretion in this requirement and its timeline and the recommendations within this report meet these requirements.

The Local Government Act 1993 currently does not allow an amalgamated council to progressively harmonise their rates over more than one year. Council has actively worked with the Minister for Local Government, and the Office of Local Government, advocating for the introduction of a gradual harmonisation process.

A Bill to enable gradual harmonisation as well as other legislative changes was released on 22 December 2020 for consultation but has yet to be enacted.

ITEM 9.2 APPROVAL TO WRITE OFF BAD DEBTS

REPORTING MANAGER CHIEF FINANCIAL OFFICER

TRIM FILE REF 2021/145571

ATTACHMENTS NIL

SUMMARY

PURPOSE

The purpose of this report is to obtain Council's approval to write off the following bad debts:

Name	Status	Amount
African Pacific Pty Ltd	Deregistered	\$37,252.77
Jake Henley	Bankrupt	\$48,070.00
Volhan Pty Ltd	Deregistered	\$26,698.36

EXECUTIVE SUMMARY

Council has made numerous attempts to recover the amounts outstanding through Council's debt recovery agents. Further attempts to collect these amounts will result in additional legal costs with little likelihood of recovery.

The details of the amounts to be written off are as follows:

African Pacific Pty Ltd - compliance cost notices in relation to pollution in Neverfail Creek and associated legal fees from April 2017 to October 2018. Numerous bank garnishees and other debt recovery actions in relation to this debt have been unsuccessful with the company having been relocated to South Australia and subsequently de-registered and as a result it is now considered uneconomical to pursue this debt.

Jake Henley - hoarding extension invoices in April and September 2016. Mr Henley was declared bankrupt in May 2017 and proof of debt was logged with the Trustees. The Trustees have confirmed "Based on the information presently available to the Trustees, it is unlikely that sufficient funds will be realised in this administration to declare and pay a dividend to any class of creditors." As a result of the above situation, there are no further debt recovery avenues open to Council in relation to this matter.

Volhan Pty Ltd - licence fees associated with Manly Swim Centre Kiosk from February 2015 to April 2015. Numerous debt recovery actions in relation to this debt have been unsuccessful and the company has now been deregistered by the Australian Securities and Investments Commission. Due to the costs and uncertainty involved in pursuing further recovery actions, and the likelihood that funds would not be available, this debt is considered uneconomical to pursue.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That Council write off:

1. The outstanding debt for African Pacific Pty Ltd of \$37,252.77 as detailed in this report.
 2. The outstanding debt for Mr Jake Henley of \$48,070.00 as detailed in this report.
 3. The outstanding debt for Volhan Pty Ltd of \$26,698.36 as detailed in this report.
-

REPORT

BACKGROUND

African Pacific

A debt of \$37,252.77 is owing to Council by African Pacific Pty Ltd in relation to compliance cost notices and associated debt recovery costs. Council issued compliance cost notices to African Pacific Pty Ltd under Section 104(2) of the Protection of the Environment Operations Act 1997 associated with the recovery, monitoring and removal of water pollution in Neverfail Creek.

Council has undertaken legal action and other processes to try to recover the outstanding debt. In November 2017, Council attempted to perform a bank garnishee on African Pacific Pty Ltd. Over a one-month period, multiple attempts at the bank garnishee returned \$791.07. In January 2018 a quotation was obtained from Council's debt recovery agent to wind up African Pacific Pty Ltd with an estimated cost for an undefended matter of \$7,000 (costs would exceed this amount if the matter was defended). A Director of the company advised Council's debt recovery agents in April 2018 that African Pacific Pty Ltd would be going into Voluntary Liquidation and that this would be finalised in June 2018. Subsequent company searches revealed that the company had changed its principal place of business to Aldinga Beach in South Australia. In January 2019, Council officers received further notice of failed bank garnishees against African Pacific Pty Ltd. In January 2021 the company was deregistered.

As the company has been deregistered, continuation of debt recovery actions on this company would firstly require Council to make application to have the company reinstated in Federal or Supreme Court. Council's debt recovery agents have advised that the estimated cost for such reinstatement would be approximately \$4,500 (being, Court Filing Fees of approximately \$2,500 and Solicitors Fees of approximately \$2,000).

Following reinstatement, Council would be required to transfer the matter to South Australia and engage the services of legal counsel in that state. Legal counsel would need to register the default judgment in South Australia before continuing with enforcement action. Once default judgement is registered in South Australia, we would then proceed to issue a new Section 459e Statutory Demand. Costs associated with actioning a Section 459e Statutory Demand would be approximately \$8,000-\$10,000 (in addition to the above estimated reinstatement costs), with no guarantee of a successful outcome and without any certainty that the company would have sufficient assets available to cover the outstanding debt and debt recovery costs. Should any funds be available, they may also need to be split across any other creditors who may also have claims against the company as well.

The company was deregistered on 24th January 2021. Due to the costs involved in pursuing further recovery actions, the uncertain outcome of further debt recovery actions and the likelihood that any funds available would also have to be split across any other creditors, this debt is uneconomical to pursue.

Jake Henley

A debt of \$48,070.00 is owing to Council by Mr Henley in relation to hoarding extensions issued between April and September 2016. In May 2017, the debtor declared bankruptcy. In December 2019, Proof of Debt was lodged with the Trustee, Vincents Chartered Accountants. The Trustees have advised that the investigations have been protracted due to a lack of cooperation from the bankrupt. The Trustees confirmed in February 2021 that it is unlikely that sufficient funds will be released in this administration to declare and pay a dividend to any class of creditor.

As a result of the above situation, there are no further debt recovery avenues open to Council in relation to this matter.

Volhan Pty Ltd

A debt of \$26,698.36 is owing to Council by Volhan Pty Ltd for the license fees at Manly Swim Centre for the period of February 2015 to April 2015 and associated debt recovery costs.

Council has undertaken legal action and other processes to try to recover the outstanding debt. In January 2018 Council issued a Section 459e Statutory Demand on the company, however the company was deregistered in March 2018 with the last return being lodged in 2003.

For Council to continue debt recovery actions, the following steps would need to take place:

- Make application to have the company reinstated in federal or supreme court – Court Filing Fee Approx. \$2,500 and Solicitors Costs \$2,000
- Sue the company to obtain judgement - Professional costs \$750, Court Fees \$514 Service Fees \$50 – Total \$1,314
- Issue Section 459e Demand for the Judgement Professional Costs - \$250
- Issue Summon to Wind Up – Court Filing Fee Approx. \$3,715, Solicitors Costs \$3,000

Total costs involved would be approximately \$10,529. There is no guarantee of a successful outcome and it is uncertain as to whether the company would have sufficient assets available to cover the outstanding debt and debt recovery costs. Should any funds be available after a liquidator is appointed, they would need to be split across any other creditors that may also have claims against this company.

It was recommended to the Business Unit that it is considered to be uneconomical and not cost effective to continue debt recovery action.

LEGISLATIVE REQUIREMENTS

Clause 213 of the *Local Government (General) Regulation 2005* specifies the condition that if a debt is not lawfully recoverable it may be written off. Clause 213 specifies conditions in which bad debts may be written off specifically:

- (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.*

Where it is required that the bad debt be written off, specific details regarding the outstanding debts must be disclosed. Clause 213(4) requires that a resolution or order writing off of 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.

Details have been provided below in a form compliant with clause 213(4). It is recommended that Council approves the write-off of bad debts totaling \$112,021.13 as detailed below:

Debtor Reference	Account 198000 African Pacific Pty Ltd
Date Debt Incurred	April 2017 to October 2018 Compliance Cost Notice and Legal Fees
Total (Inclusive of GST)	\$37,252.77
Description	Compliance cost notices – Section 104(2) Protection of the Environment Operations Act 1997 associated with the recovery, monitoring and removal of water pollution in Neverfail Creek. Associated legal costs with recovery the debt.
Comments	Company was deregistered in January 2021

Debtor Reference	Account 208180 Jake Henley
Date Debt Incurred	April 2016 to September 2016
Total	\$48,070.00
Description	Hoarding extension – 23/12/15 to 31/05/16 54 East Esplanade, Manly
Comments	Invoices issued in April and September 2016, debtor declared bankrupt in May 2017.

Debtor Reference	Account 207224 Volhan Pty Ltd
Date Debt Incurred	February 2015 to April 2016
Total	\$26,698.36
Description	Manly Swim Centre Kiosk License Fee – February 2015 – April 2015 Legal Fees
Comments	Company was deregistered in March 2018

CONSULTATION

Various finance, legal and recovery services were consulted prior to determination that the debts are uneconomical to pursue and would not be cost effective.

TIMING

Approval to immediately write off the above debts is sought, having exhausted all economical means of recovering the debt such that further attempts to recover the debts would not be cost effective.

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.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.

FINANCIAL CONSIDERATIONS

The outstanding debts have been 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 debts are written off. The annual bad debt expense from 2016 to 2020 has averaged \$36,000 per annum or 0.06% of collectible accounts in this period.

SOCIAL CONSIDERATIONS

There are no social considerations relating to this report.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations relating to this report.

GOVERNANCE AND RISK CONSIDERATIONS

All reasonable recovery actions have been undertaken by Council to secure payment of the three listed debts. It would be uneconomical and an inefficient use of Council resources to continue to pursue these debts.

While the Chief Executive Officer has delegated authority to write off debts up to \$20,000, the three debts all exceed \$20,000 and a Council resolution to write off the three outstanding amounts and any related debt recovery costs is required.

ITEM 9.3	MONTHLY INVESTMENT REPORT - FEBRUARY 2021
REPORTING MANAGER	CHIEF FINANCIAL OFFICER
TRIM FILE REF	2021/169134
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 \$159,915,952 comprising:

- Trading Accounts \$4,945,347
- Investments \$154,970,605

Performance over the period from 1 July 2020 to date was strong having exceeded the benchmark: 0.86%pa vs. 0.47%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 receives and notes the Investment Report as at 28 February 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 \$976,125 compared to budgeted income of \$1,051,226, a negative variance of \$75,101.

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".

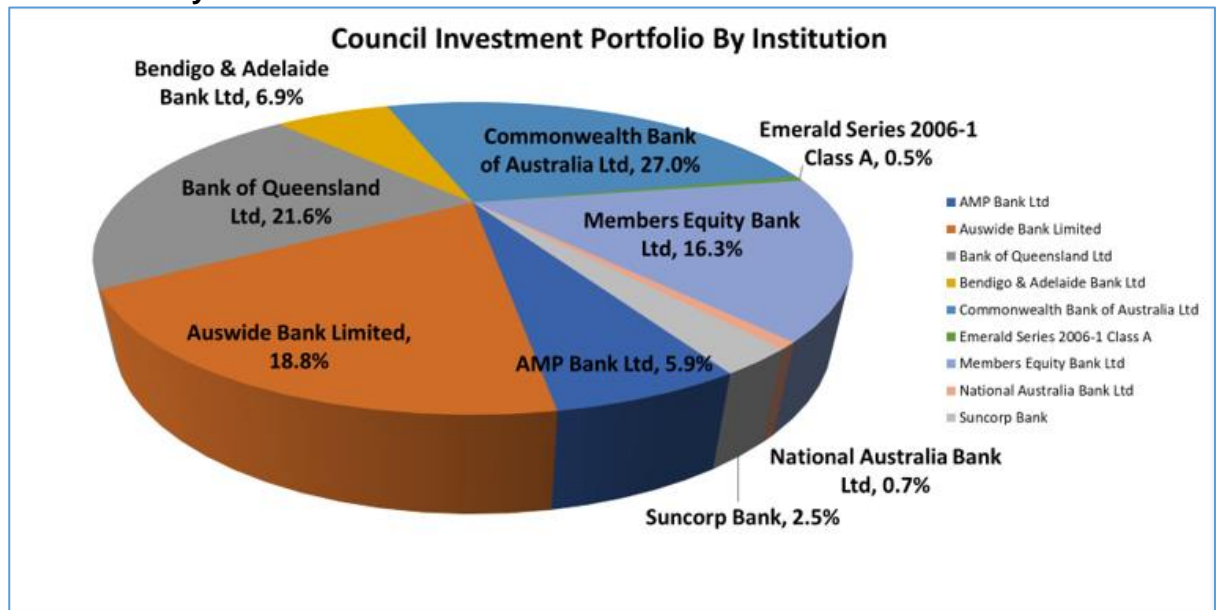
Investment Balances

INVESTMENT BALANCES				
As at 28-Feb-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	3,122,956		0.15%
National Australia Bank Ltd	A1+	41,672		0.00%
		3,164,627		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	2,751,036	At Call	0.25%
		2,751,036		
Mortgage Backed Securities				
Emerald Series 2006-1 Class A	A*	826,438	21-Aug-51	0.4627%
		826,438		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	3,000,000	02-Mar-21	0.63%
Bank of Queensland Ltd	A2	1,000,000	09-Mar-21	0.75%
Bank of Queensland Ltd	A2	1,000,000	09-Mar-21	0.80%
Bendigo & Adelaide Bank Ltd	A2	2,000,000	11-Mar-21	0.70%
Auswide Bank Limited	A2	2,000,000	16-Mar-21	0.80%
Auswide Bank Limited	A2	2,000,000	18-Mar-21	0.80%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	23-Mar-21	0.66%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	25-Mar-21	0.65%
Bank of Queensland Ltd	A2	2,500,000	30-Mar-21	0.75%
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%
Auswide Bank Limited	A2	2,000,000	13-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%
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%
Members Equity Bank Ltd	A2	2,000,000	11-May-21	0.50%
Bank of Queensland Ltd	A2	1,000,000	11-May-21	0.85%
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%
Members Equity Bank Ltd	A2	2,000,000	08-Jun-21	0.45%
Bank of Queensland Ltd	A2	2,000,000	08-Jun-21	0.65%
Bendigo & Adelaide Bank Ltd	A2	3,000,000	10-Jun-21	0.60%
Members Equity Bank Ltd	A2	2,000,000	15-Jun-21	0.45%
AMP Bank Ltd	A2	2,500,000	15-Jun-21	0.70%
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%
Members Equity Bank Ltd	A2	1,000,000	24-Jun-21	0.45%

INVESTMENT BALANCES				
As at 28-Feb-2021				
INSTITUTION	RATING	AMOUNT \$	MATURITY DATE	INTEREST RATE
Term Deposits (continued)				
Auswide Bank Limited	A2	1,000,000	24-Jun-21	0.55%
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%
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%
Auswide Bank Limited	A2	1,000,000	17-Aug-21	0.55%
Auswide Bank Limited	A2	2,500,000	07-Sep-21	0.55%
Auswide Bank Limited	A2	2,000,000	14-Sep-21	0.55%
Bendigo & Adelaide Bank Ltd	A2	1,000,000	21-Sep-21	0.75%
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%
		130,900,000		
Kimbriki Environmental Enterprises Pty Ltd				
Trading Accounts				
Commonwealth Bank of Australia Ltd	A1+	1,780,720		0.00%
		1,780,720		
At Call Accounts				
Commonwealth Bank of Australia Ltd	A1+	350,511	At Call	0.01%
Commonwealth Bank of Australia Ltd	A1+	1,814,412	At Call	0.01%
		2,164,924		
Term Deposits				
Commonwealth Bank of Australia Ltd	A1+	1,000,000	01-Mar-21	0.23%
Commonwealth Bank of Australia Ltd	A1+	1,000,000	08-Mar-21	0.24%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	17-Mar-21	0.21%
Commonwealth Bank of Australia Ltd	A1+	2,000,000	15-Apr-21	0.25%
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%
		18,328,208		
Total Cash and Investments		159,915,952		

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

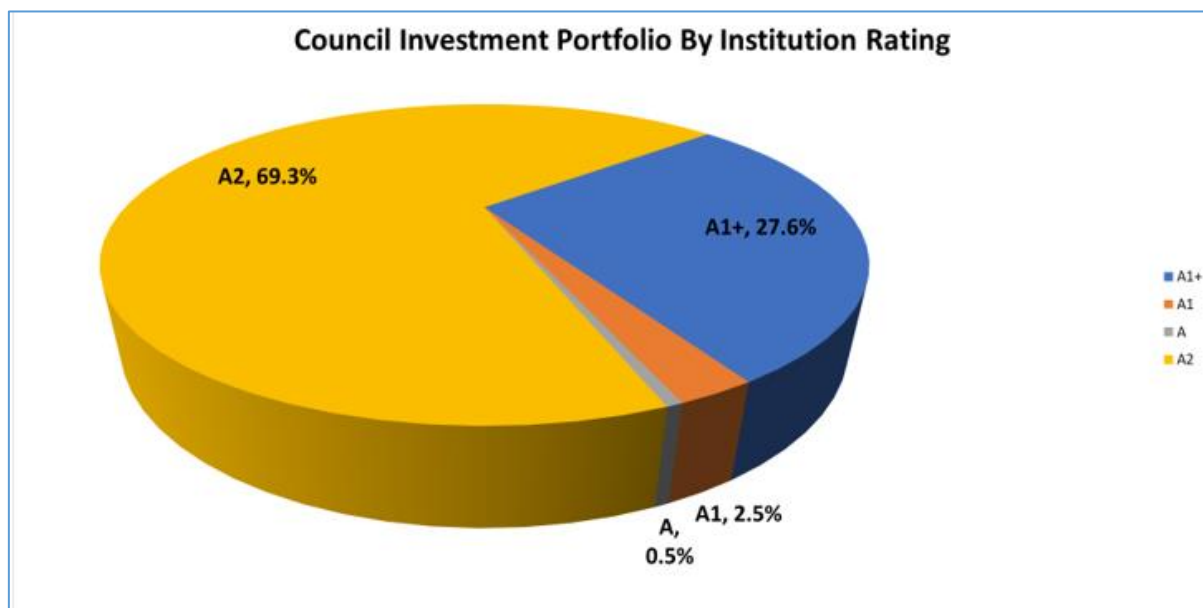
Portfolio Analysis



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-	A-3	10%	Yes
Unrated	Unrated	10%	Yes (\$Nil)



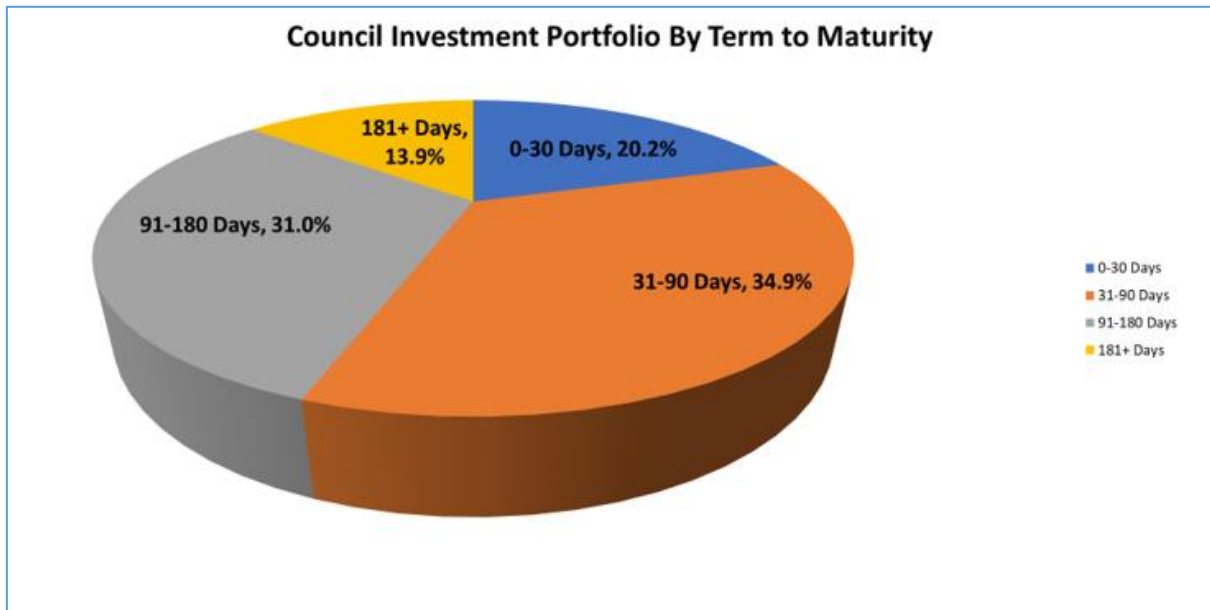
Overall Portfolio Credit Framework – Compliance with Investment Policy Requirements

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

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

* Or Moody's / Fitch equivalents

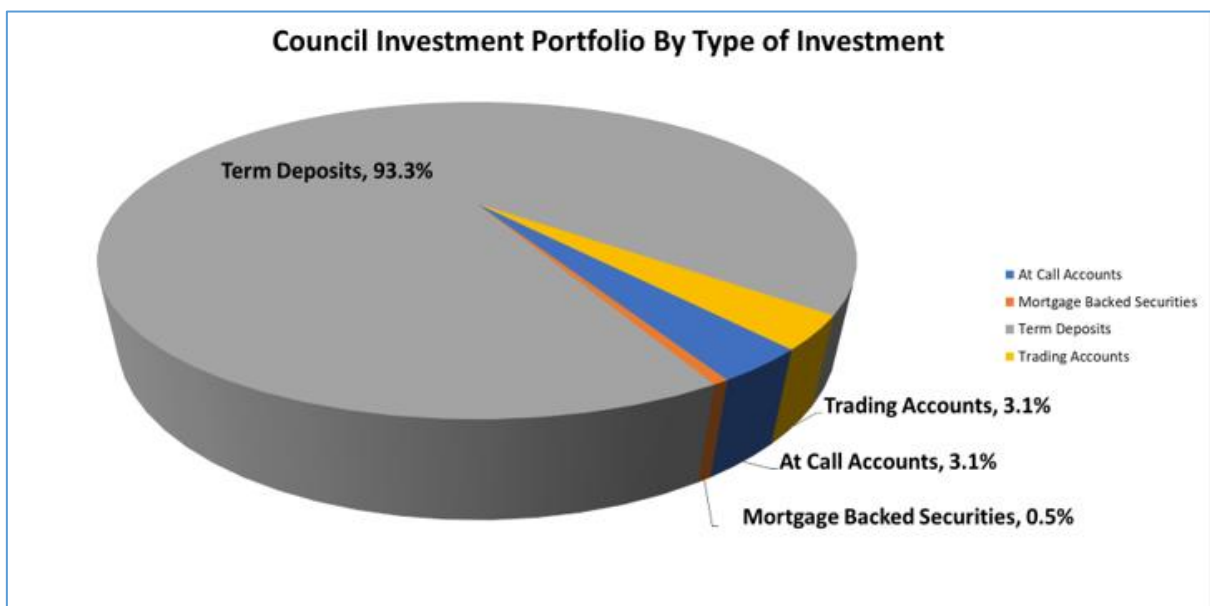
** Unrated Category is restricted to eligible managed funds such as the NSW Treasury Corporation Hour Glass Facilities



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

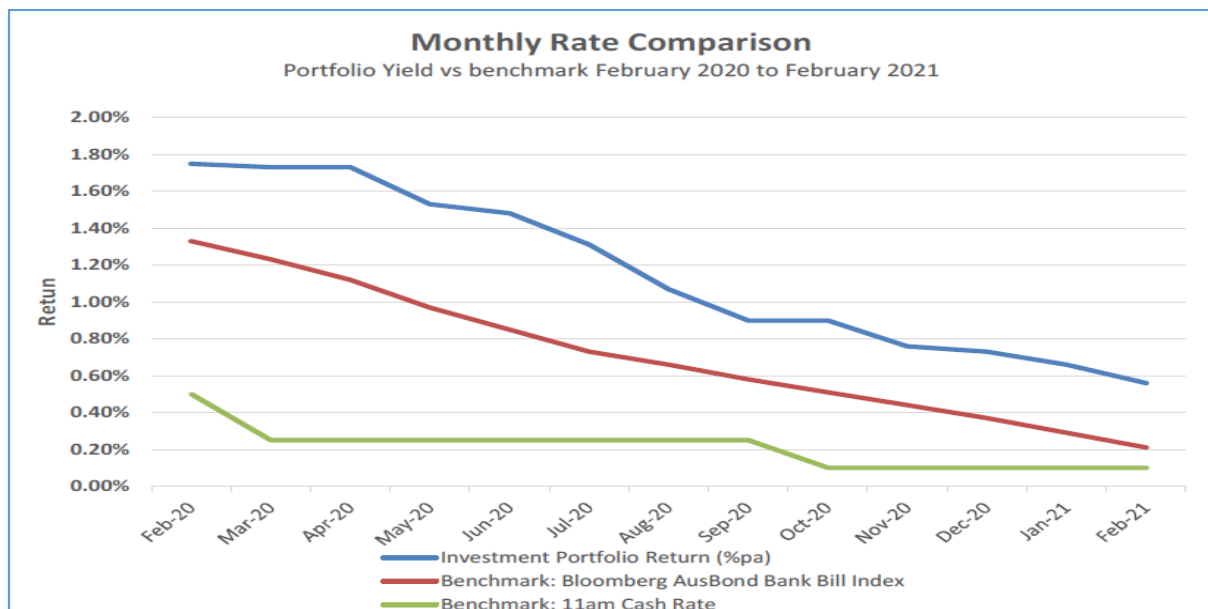


Investment Performance Vs. Benchmark

	Investment Portfolio Return (%pa) *	Benchmark: Bloomberg AusBond Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	0.56%	0.21%	0.10%
3 Months	0.65%	0.29%	0.10%
6 Months	0.75%	0.40%	0.13%
FYTD	0.86%	0.47%	0.16%
12 Months	1.11%	0.66%	0.19%

* Excludes trading account balances

** This benchmark relates to Cash Fund holdings

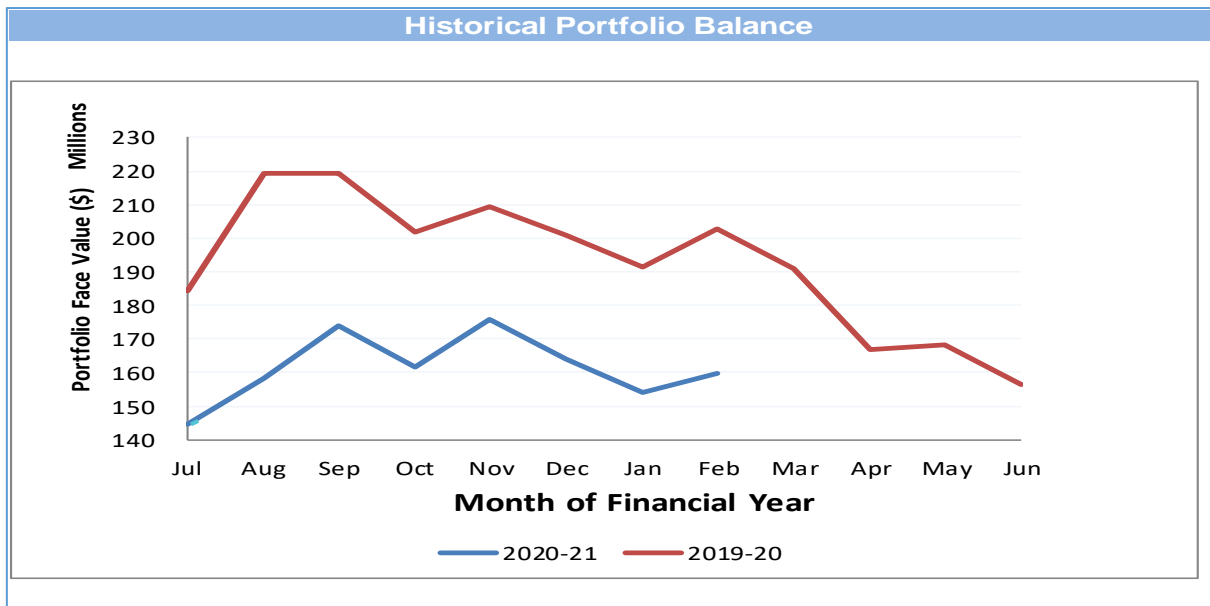


Monthly Investment Income* Vs. Budget

	Feb 2021 \$	Year to Date \$
Investment Income	67,896	909,089
Adjustment for Fair Value	(1)	67,036
Total Investment Income	67,895	976,125
Budgeted Income	117,193	1,051,226

*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		190,792,653
Apr		166,981,616
May		168,080,277
Jun		156,257,927
Average Portfolio Balance	161,537,154	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)

Risk assets rose in February even after suffering a late-month setback caused by rising longer-term bond yields on growing market concern that fast-paced economic recovery could prime higher inflation. A battle is developing between the bond market's view that policy growth stimulus could prove excessive, driving inflation up earlier and higher than central banks are expecting. Central banks remain adamant that stimulus measures remain appropriate given uncertainty about economic conditions as the world transitions from pandemic containment to Covid-19 becoming endemic. Central banks foresee a slow return of inflation and are prepared to stare down bond market vigilantes with their different inflation view.

The battle between the bond market and the central banks could increase volatility in risk asset prices in the near term. Occasional spikes in bond yields will go together with lower risk asset prices. However, economic growth and growth in corporate earnings are quickening and provide cause to buy dips in the prices of risk assets. The roll out of vaccines means the world can live closer to normally with Covid-19 and with less risk of periodic shutdowns. At the same time, households are primed to spend more drawing on higher savings made during the pandemic plus continuing stimulus from government spending and monetary accommodation.

Returning to February, major share markets rose strongly through much of the month before surrendering some gains in the final week. In February gains ranged from 1.0% for Australia's ASX200 to 4.7% for Japan's Nikkei. The US S&P 500 rose by 2.6%. Fast rising bond yields in the final week of the month cut back the size of February share market gains.

Credit markets also showed a small gain in February tempered by the rise in government bond yields towards month end. The rise in government bond yields affected longer-dated maturities with shorter-dated bond yields anchored by the RBA's 0.10% cash rate and three-year bond yield 0.10% cap. The anchoring of shorter-term interest rates out to three-years limits the risk of pressure on banks to lift interest rates on fixed rate home loans. The lift in longer-term bond yields has not changed our earlier assessment that the Australian housing market is improving and allowing the number of housing borrowers on suspended repayments to fall more rapidly than expected.

Turning to government bond markets, the sell-off in longer-term bonds in the last week of February was the sharpest since 1994. Over the month, the US 10-year bond yield rose by 33 basis points (bps) to 1.40% while the 30-year treasury yield rose by 32bps to 2.15%. The sell-off in Australian longer-term bonds was greater, up 77bps to 1.90% and prompted the RBA to increase its purchases of 3-year bonds to haul the yield down to 0.10% target.

While neither the US Federal Reserve nor the RBA have set explicit targets for longer-term bond yields, the late February yield increases challenge both central banks' forecasts that inflation will not rise unacceptably over the next two or three years. If sustained, the rise in longer-term bond yields also adds to the interest cost of funding government stimulus spending that the Federal Reserve and RBA deem necessary to ensure sustainable economic recovery.

Both the Federal Reserve and the RBA will work to counter the forces lifting longer-term bond yields. They will repeat at every opportunity, the credible analysis behind their forecasts of low inflation persisting. They will operate in money markets to hold down the cash rate and in the case of the RBA, to anchor the 3-year bond yield at 0.10%. They may also intervene directly and buy longer-dated bonds.

While the bond market is likely to become warier of central bank intervention occasionally promoting bond rallies, a run of strong economic readings, especially in the second half of 2021 will play to its view that higher inflation is approaching. At some point, central banks will need to turn from opposition to the bond market's higher inflation view to ratification of it, but that point is some way off.

ITEM 9.4	FUNDING FOR EXTENSION OF OUTDOOR DINING FEE WAIVER TO 30 JUNE 2021
REPORTING MANAGER	EXECUTIVE MANAGER FINANCIAL PLANNING AND SYSTEMS
TRIM FILE REF	2021/186156
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek Council endorsement to amend 2020/21 operating and capital expenditure budgets to fund the waiving of outdoor dining fees for a further three months to 30 June 2021.

EXECUTIVE SUMMARY

Council at its meeting on 23 February 2021 resolved to:

Waive all outdoor dining fees until 30 June 2021 and bring back to Council a report in March identifying capital projects of an equivalent value recommended for deferral to offset the budget impact. (Item 9.3).

The budget impact of the waiving of outdoor dining fees for a further three months to 30 June 2021 is \$332,907. Due to limited opportunities to reduce the capital expenditure program due to existing commitments and works underway for working capital funded projects, the following is proposed to fund the extension of the outdoor dining fees waiver:

- \$117,509 capital expenditure budget reductions;
- \$162,831 capital expenditure funding change to free up Working Capital through the allocation of recently received s7.11 Pittwater development plan contributions; and
- \$52,567 reduction in the events operating budget due to cancelled and downsized events.

The recommended adjustments are outlined in Table 1 of this report.

RECOMMENDATION OF DIRECTOR CORPORATE AND LEGAL

That the operating and capital expenditure budget changes for the 2020/21 financial year outlined in Table 1 of this report are endorsed for inclusion in the March 2021 Quarterly Budget Review.

REPORT

BACKGROUND

The Council's COVID-19 Business Support Package includes fee waivers for outdoor dining areas from 1 April 2020. At the Council meeting on 23 February 2021 Council resolved to extend this waiver a further three months to 30 June 2021 and requested staff bring back to Council a report in March identifying capital projects of an equivalent value recommended for deferral to offset the budget impact.

The budget impact of the waiving of outdoor dining fees for a further three months to 30 June 2021 is \$332,907.

Council staff have undertaken a review of capital expenditure planned for the remainder of the 2020/21 financial year. The capital expenditure program funded by Council's working capital is largely underway, with contractors engaged or work scheduled to commence soon. There is limited opportunity to reduce these budgets at this point in time.

The following is proposed to fund the extension of the outdoor dining fees waiver:

- \$117,509 capital expenditure budget reductions
- \$162,831 capital expenditure funding change to free up Working Capital through the allocation of recently received s7.11 Pittwater development plan contributions
- \$52,567 reduction in the events operating budget due to cancelled and downsized events

The recommended adjustments are outlined in Table 1.

Table 1 Proposed Budget Changes to fund Outdoor Dining Fees Waiver to 30 June 2021

Job	Approved Budget	Proposed Budget	Proposed Budget Reduction	Proposed Funding Change	Total Funding for Outdoor Dining Waiver	Comment
Capital expenditure budget changes						
CN01059. New Infrastructure for Church Point	(628,836)	(628,836)	0	156,500	156,500	Swap working capital funds for recently received Pittwater s7.11 Development Contribution funds.
CN01078. Glen St Masterplan	(251,713)	(224,204)	27,509	0	27,509	This project is now complete.
CN01116. Freshwater Beach Masterplan	(150,000)	(100,000)	50,000	0	50,000	Revised project phasing. The design brief for stage one is currently underway, with construction due to commence in the 2021/22 financial year.
CN01172. Mona Vale Library Outdoor Courtyard	(6,331)	(6,331)	0	6,331	6,331	Swap working capital funds for recently received Pittwater s7.11 Development Contribution funds.
CR05082. Library Bookstock (Bookvote)	(1,329,669)	(1,309,669)	20,000	0	20,000	The remaining book re-stocking program will be revised to assist with funding the extension of the outdoor dining waiver.

Job	Approved Budget	Proposed Budget	Proposed Budget Reduction	Proposed Funding Change	Total Funding for Outdoor Dining Waiver	Comment
CR05147. Public Place Bin Enclosures	(50,000)	(30,000)	20,000	0	20,000	Replacement of bin hides will commence in the 2021/22 financial year, with procurement commencing in 2020/21 pending approval of the new urban design guidelines.
Operating budget changes						
Events	(2,588,671)	(2,536,104)	52,567	0	52,567	Reduce budget due to cancelled and downsized events.
Total changes			170,076	162,831	<u>332,907</u>	

TIMING

Should Council proceed with the changes recommended in this report, this will be incorporated into the next Quarterly Budget Review Statement for the March 2021 quarter.

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

Should Council proceed with these changes this will result in the following changes to the 2020/21 forecast budget:

- a reduction in the capital expenditure budget in 2020/21 by \$117,509, from \$105.511 million to \$105.394 million
- a \$162,831 capital funding adjustment to utilise recently received development contribution funds rather than working capital for two projects
- an increase in the operating deficit by a further \$280,340, from \$18.236 million to \$18.516 million, being the cost of the fee waiver less the reduction in the events budget.

SOCIAL CONSIDERATIONS

Council is accountable to the community for the delivery of the Community Strategic Plan. The proposed changes in this report will not impact the Council's overall delivery of these projects.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts to consider in the changes proposed to the capital expenditure budget.

GOVERNANCE AND RISK CONSIDERATIONS

There are no changed governance or risk impacts relating to the proposed amendments to the capital expenditure budget.

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

ITEM 10.1	OUTCOME OF PUBLIC EXHIBITION OF THE DRAFT COMMUNITY CENTRES POLICY AND COMMUNITY CENTRES STRATEGY
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2021/159547
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒Community Engagement Report Community Centres Strategy Stage 2 (Included In Attachments Booklet) 2 ⇒Senior Citizens Centre Policy - Manly Council (Included In Attachments Booklet) 3 ⇒Community Centres Policy - no. 46 - Pittwater Council 2011 (Included In Attachments Booklet) 4 ⇒Community Centres Policy - 20210205 (Included In Attachments Booklet) 5 ⇒Community Centres Strategy, amended (Included In Attachments Booklet) 6 ⇒Community Centres Strategy Action Plan (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report on submissions received from the public exhibition of the Draft Northern Beaches Community Centres Policy (the Policy) and the Draft Community Centres Strategy (the Strategy) and to seek Council adoption of the amended documents.

EXECUTIVE SUMMARY

On 22 October 2019 Council endorsed the public exhibition of the Draft Community Centres Policy and the Draft Community Centres Strategy for a minimum of 28 days. They were placed on public exhibition from 25 October 2019 to 8 December 2019.

A total of two submissions were received for the Draft Community Centres Policy and twenty-six submissions were received regarding the Draft Community Centres Strategy. Overall, the feedback from the community was positive and supportive of community centres, and the need for a strategy to provide a framework for their management and strategic direction.

There are no recommended amendments to the Draft Community Centres Policy. The feedback on the Draft Strategy has mostly confirmed the findings and validated the recommendations.

A number of amendments have been made to the Strategy in response to the feedback, including a greater emphasis on the cultural heritage of the buildings. Two new Strategic Recommendations have been added.

In addition, revised population projections were received by Council in 2020, which have been updated in the strategy. These amended population forecasts have resulting in amendments to the Strategic Directions in the Mona Vale Planning Catchment and relatively minor amendments to the other Planning Catchments. A number of other amendments have been made to the Strategy and Action Plan provide further clarity on the proposed Strategic Directions and Actions for Council's community centres.

Long term funding options for new Community Centres will need to be developed to ensure the delivery of the Strategic directions identified. This will occur on an ongoing basis by Council.

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council:

1. Note the community feedback received during the public exhibition of the Draft Community Centres Policy and the Draft Community Centres Strategy.
 2. Adopt the Northern Beaches Community Centres Strategy and the Community Centres Policy.
 3. Rescind the following:
 - A. Community Centre Policy no.46, (former Pittwater Council).
 - B. The Manly Senior Citizens Centre Policy, S20, (former Manly Council).
-

REPORT

BACKGROUND

Community centres provide space for activities that support social connectedness, reduce social isolation and loneliness and increase physical activity, resulting in well-being for all in the community. The variety of opportunities include group activities, social support, public meetings, health and wellbeing classes, private family functions, education, sport, art and creative activities.

Community centres are of increasing value to the whole community as demographic profiles change across the Local Government Area. The Northern Beaches has a trend towards an older population demographic, with housing becoming medium to high density, impacting on demand for community space outside the home. Community infrastructure needs to adapt as the community grows and demographic profiles and social trends change.

Council owns and directly hires out 39 community centres across the Northern Beaches, which have been acquired or built at various times over the past century. There are significant variances in the condition of centres. Some of these buildings are no longer able to respond to contemporary needs, activities, and population changes due to the increasing level of maintenance required. Many are not in the best locations, with those located in central, strategic locations are in high demand for community space and are at capacity.

To effectively manage these community assets in a fair and equitable manner for all, a Draft Community Centres Policy (the Policy), a Draft Community Centres Strategy (the Strategy) and an associated Action Plan attached to the strategy were developed.

Specifically, the Strategy has identified current gaps in community centre floor space provision across the Northern Beaches, and space required for the future population. In particular, there is a lack of large, integrated multipurpose community facilities in key locations.

CONSULTATION

The Draft Community Centres Policy and Draft Community Centres Strategy were placed on public exhibition from 25 October to 8 December 2019. Details of feedback and responses are included in the Community and Stakeholder Engagement Report for the Community Centres Strategy - Stage 2 (Attachment 1).

1. The Draft Community Centres Policy

The Draft Community Centres Policy received two submissions during the public exhibition period. Out of the two submissions received, one was in reference to the Draft Community Centres Strategy and submitted to the policy in error.

Key themes and comments are detailed below:

Key Themes and Comments	Response and proposed Amendments
<p>Population Projections</p> <p>Population estimates for both Mona Vale and Frenchs Forest Planning Catchment Areas are inaccurate.</p> <p>It is noted that the Mona Vale Planning Area has the largest proportional population growth in the near future. ... and Mona Vale Memorial Hall does not have satisfactory floor space.</p>	<p>This submission was in response to the Mona Vale Catchment Area and not the policy (incorrectly submitted). It has been referred to in the comments for the strategy.</p> <p>No amendments to the policy.</p>

Key Themes and Comments	Response and proposed Amendments
<p>Child Safety</p> <p>The principles in this policy do not give sufficient emphasis to the Northern Beaches Council's (NBC) responsibility towards child safety, as well as for young people and vulnerable people. Then, when that is translated to Scope and Application, the concept of 'safety' disappears altogether! NBC has an ethical responsibility, and it is now set in legislation, refer to discussion here; https://www.lindsaytaylorlawyers.com.au/in_focus/public-sector-agencies-civil-liability-for-child-abuse/</p>	<p>The matter is addressed in the Community Centre Terms and Conditions for all hirers to abide by.</p> <p>No amendments to the policy</p>

There are no recommended amendments to the draft Community Centres Policy. The adoption of the Policy will supersede two existing policies from the former Pittwater and Manly Councils (Attachment 2 and 3).

2. The Draft Community Centres Strategy – Stage 2 of the consultation process

The draft Community Centres Strategy received 26 submissions during the public exhibition period. The feedback mostly confirmed the findings and validated the recommendations of the strategy.

Key themes and comments are detailed below:

Key Themes and Comments	Response and Proposed Amendments
<p>Locations</p> <p>Supports findings on lack of space in key, central locations such as Dee Why, Brookvale, Manly and Balgowlah.</p> <p>Value of keeping smaller centres, such as North Balgowlah Community Centre.</p> <p>Mona Vale Memorial Hall needs additional space.</p>	<p>As detailed in the strategy, smaller centres will only be considered for rationalisation after Council has investigated and committed to the provision of a larger district facility to meet community needs.</p> <p>No amendments to the strategy.</p>
<p>Accessibility</p> <p>Request for closer parking to the Tramshed Arts & Community Centre.</p> <p>Online bookings/payments and searching availability needed to improve accessing space and information.</p>	<p>A new online organisational bookings and payments project is underway for community centres, due to be released publicly in 2021.</p> <p>No amendments to the strategy.</p>

Key Themes and Comments	Response and Proposed Amendments
Cultural Facilities More art spaces, galleries, music and performance venues.	These matters are identified and addressed in the Arts and Culture Strategy. No amendments to the strategy.
Historical Reference Memorabilia, historical references and use.	Additional references have been made to the strategy.
Indigenous Heritage Request for permanent indigenous displays and spaces.	Amendments have been made to the strategy, with a new Strategic Recommendation; Strategy 10.
Population Figures Population estimates for both Mona Vale and Frenchs Forest Planning Catchment Areas are inaccurate. The figures for the Mona Vale area included the original Ingleside Planning Precinct proposal (since cancelled), and the Frenchs Forest figures did not include the Frenchs Forest Hospital Precinct population.	In late 2020, the population figures for the proposed Ingleside Precinct were revised and Frenchs Forest Health Precinct data included in population forecasts for the Strategy (ID demographics). Amendments have been made to the strategy, with new projections for all Planning Areas.
Future Proposals/Strategic Directions Feedback confirms the lack of and need for space in key locations.	The need for additional multipurpose community space is identified in the strategy. No amendments to the strategy.
Feedback requests consideration of Manly Town Hall for community centre space.	Since the draft strategy was developed the Manly Town Hall Meeting Rooms (former Chambers) became available to the community to hire after hours (not during COVID -19 pandemic). The strategy has been amended to include Manly Town Hall as a short-term option to meet the gap in floor space in Manly Central Business District (CBD), while the future plans for the venue are considered by Council.

Key Themes and Comments	Response and Proposed Amendments
Upgrades/Affordability A number of existing community centres require upgrades, and for the centres to be affordable.	This is addressed in the strategy and the action plan. No amendments to the strategy.
Marketing Marketing of centres to improve utilisation. Marketing centres as venues for live performance.	No amendments to the strategy.
Indoor Sport The need for additional indoor sport space.	This matter will be addressed by a project led by Parks and Recreation in 2021/22. No amendments to the strategy.
Child Protection Child safety should be included in the Guiding Principles.	This is addressed in operational terms and conditions of hire of community centres. No amendments to the strategy.

In summary, a number of amendments have been made to the strategy since the exhibition period, including the inclusion of two new strategies:

Strategy 9: Develop a funding plan to enable the implementation of this strategy, including divestment, renewal, grant programs and capital works budget.

Strategy 10: Investigate the Aboriginal history of the sites of current and future centres, and ensure the history is recognised.

Other amendments include revised population projections and the updating of information on the status of Centre renovations. A number of other amendments have been made to the Strategy and Action Plan that provide further clarity on the Findings, proposed Strategic Directions and Actions for Council's community centres, with operational upgrades that will be funded from Working Capital removed from Strategic Directions in the Strategy (Attachment Five) and included in the Action Plan (Attachment Six). All of the amendments provide improved clarity and accuracy and do not change the overall intent or direction of the strategy.

The Community Centres Policy (Attachment Four) and amended Community Centres Strategy (Attachment Five) are presented to Council for adoption. These will be implemented through the associated Action Plan (Attachment Six).

COUNCIL DECISION OF 23 FEBRUARY 2021

Council at its meeting of 23 February 2021 resolved;

"That the matter be deferred to the March Ordinary Council meeting"

Staff have further reviewed the Strategy and made some amendments and clarified matters raised at the meeting. Matters that have been amended in each Planning Catchment Area are shown below:

Planning Catchment Area	Amendments
Brookvale – Dee Why	<ul style="list-style-type: none"> • More clarity on the Strategic Direction to '<i>Investigation to focus on the provision of a Regional Level community facility in Dee Why CBD</i>'. Page 43 • Clarified the recommendation for Brookvale, from '<i>Investigate options for a district or regional facility in Brookvale</i>' to '<i>Investigate options for a district facility in Brookvale</i>'. Page 43
Frenchs Forest	<ul style="list-style-type: none"> • Removed the reference to the regional sized facility at the site of the Forestville Memorial Hall from the Strategic Directions and included an action in the Action Plan that clarifies the intention to improve the Forestville Memorial Hall and Seniors Centre as an integrated site- Page 46 • Strengthened the wording on Frenchs Forest to '<i>Work with Planning/State Government partners to plan for an integrated facility as part of the Frenchs Forest Town Centre masterplan</i>.' Page 46
Manly	<ul style="list-style-type: none"> • Included reference to the lack of floor space in Manly CBD, and the need for district sized facilities in Manly and Balgowlah. Page 48 • Provided clarity around the expansion of the Seaforth Community Centre, from '<i>Undertake a masterplan for the Seaforth Community Centre</i>' to '<i>Investigate the combination of North Balgowlah and Seaforth Community Centres, providing one large, accessible multipurpose community centre</i>'. Page 49
Mona Vale	<ul style="list-style-type: none"> • Removed the reference to needing more floor space in addition to the new Warriewood Community Centre. Page 51 and 52 • Amended the Strategic Direction from '<i>develop a district/sub-regional community centre</i>' to '<i>develop an integrated community hub at Mona Vale</i>'. Page 52
Terrey Hills	<ul style="list-style-type: none"> • No amendments

A funding source has been identified for a number of projects moving forward in line with the current operational plan. Further, Direction 9 of the Community Centres Strategy articulates the need to develop a funding plan to enable the implementation of this strategy.

Council funding for the other Strategic directions not already funded in capital works programs will be determined by Council with future Delivery Programs and annual capital works budgets. The Strategy provides the framework for the future funding considerations.

LINK TO STRATEGY

The Community Centres Policy and Community Centres Strategy are in accordance with the Community Strategic Plan (CSP) by sharing the vision of being a safe, inclusive, and connected community. The community centre vision is aligned with the CSP strategic community outcomes:

Places for people – We aspire to create welcoming, accessible and affordable private and public places that foster good health and social interaction.

Community and Belonging - We aspire to care for everyone in the community, making sure that people feel safe, supported, included and have diverse opportunities for a rich cultural and social life.

FINANCIAL CONSIDERATIONS

The implementation of the Community Centres Policy poses no financial impact on Council.

The implementation of the Community Centres Strategy will have financial implications in relation to capital works over the next 20 years. The strategic directions within the Strategy will assist in the development of robust asset management plans and need to be considered in the Long-Term Financial Plan (LTFP) and annual capital works budgets. Not all projects identified in the Strategy have funding commitments in place at this point in time.

Some major capital works are already included in the LTFP, such as the Warriewood Community Centre and other current projects. Other ongoing minor upgrades are covered in annual budgets and renewal programs, subject to available funds and competing projects across Council.

SOCIAL CONSIDERATIONS

Community centres support social sustainability through the provision of spaces for activities that support social connectedness, reduce loneliness and increase physical activity. These activities result in improved general health, mental health, personal and social well-being and build the capacity and resilience of the community in times of shocks and stresses.

The current undersupply of fit-for-purpose community space, in conjunction with a growth in population and increase in medium density housing in areas with existing high demand, will put pressure on Council to provide sufficient community centre space. This contributes to the need to expand the community centre network in the future to respond to existing and changing demographics.

Community centres in the future will also provide spaces for use during times of community need such as has been experienced with recent natural storm events and during the COVID-19 pandemic. The network of community centres will be a key element in ensuring the ongoing resilience of our population. It is noted here that the soon to be constructed Warriewood Community Centre has been designed to meet this likely future need. An integrated network of larger multipurpose centres will be an important consideration for the future to be prepared for disaster events and the follow-on impacts.

ENVIRONMENTAL CONSIDERATIONS

All capital upgrades and management of the Centres will include sustainable products and practices. Council's Environment and Climate Change Strategy outlines commitments to ensuring new Council buildings are exemplars of best practice sustainability and to retrofitting existing Council buildings to deliver similar outcomes. The Strategy also commits that Council buildings will operate using 100% renewable electricity and where feasible install onsite solar panels.

GOVERNANCE AND RISK CONSIDERATIONS

The Policy and the Strategy will provide clear direction for Council to deliver effective Community Centre service operations, strategic directions and capital expenditure for the next twenty years.

The policy will provide a robust framework for the management of community centres, providing equitable access to the whole community.

ITEM 10.2	MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING HELD 26 NOVEMBER 2020
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2021/144951
ATTACHMENTS	1 Minutes - Community Safety Committee - 26 November 2020 (Included In Attachments Booklet)

BRIEF REPORT

PURPOSE

To report the minutes of the Community Safety Committee meeting held on 26 November 2020.

REPORT

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

Discussion at the meeting included:

- Urban Night Sky Place Proposal for Palm Beach
- Social Sustainability Strategy Development
- Community Safety Plan 2020-2025

The Minutes of the Community Safety Committee meeting of 26 November 2020 were endorsed by the Committee at the meeting of 18 February 2021.

LINK TO COUNCIL STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Community and Belonging - Goal 11: Our Community feels safe and supported.

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

SOCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

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

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council note the minutes of the Community Safety Committee meeting held on 26 November 2020.

ITEM 10.3	MINUTES OF THE PUBLIC ART WORKING GROUP MEETINGS 3 SEPTEMBER AND 19 NOVEMBER 2020
REPORTING MANAGER	EXECUTIVE MANAGER COMMUNITY, ARTS AND CULTURE
TRIM FILE REF	2020/796725
ATTACHMENTS	<p>1 ⇒ Minutes - Public Art Working Group - 3 September 2020 (Included In Attachments Booklet)</p> <p>2 ⇒ Minutes - Public Art Working Group - 19 November 2020 (Included In Attachments Booklet)</p>

BRIEF REPORT

PURPOSE

To report the minutes of the Public Art Working Group meetings held on 3 September and 19 November 2020.

REPORT

The Public Art Working Group meets quarterly to assist Council achieve the public art aims and objectives outlined in the Northern Beaches Arts and Creativity Strategy, *Connected Through Creativity 2029*, the Public Art Policy and Guidelines, the delivery of the Coast Walk Public Art Strategic Plan, and other public art projects initiated by Council.

The Working Group includes representatives from the local community and elected Councillors and provides informed advice on matters relating to the proposed commissioning and acquisition of permanent public art for the Northern Beaches.

Northern Beaches Council's public art objectives are to:

- Enliven the Northern Beaches with works of public art that will contribute and enhance the character and design of memorable public places.
- Celebrate and reflect the cultural, social and environmental significance of the Northern Beaches, exploring both the historic and contemporary cultural layers of the Northern Beaches through public art outcomes.
- Deliver a distinctive program of permanent and temporary art initiatives to create a cultural connection for the Northern Beaches community.

The discussion at the Working Group meeting of 3 September 2020 included:

- Chime Projects Proposal – Chime Projects presented to the Public Art Working Group its proposal. Following the presentation, Chime projects invited questions from the Working Group, and requested that the Working Group's questions be documented and forwarded to Chime for response.
- Coast Walk Public Art Project Updates - Staff presented an update on the Coast Walk Public Art projects. Staff also updated the Public Art Working Group on the creation of a Commissioning Agreement for Council's public art program, which is now complete. The Public Art Working Group noted that Covid-19 had caused delays to the Coast Walk Public Art program and recommended that staff progress these projects as a priority. The Group requested a timeline of projects be presented by staff to the Group at its next meeting.
- Bungan Lane Mural Project - Staff presented an update on the completed Bungan Lane Mural Project, the first project in Council's new Street Art Program.

- Other Public Art Project Updates - Staff presented updates on other public art projects, including St David Avenue Park, Dee Why Art Panels, Newport Sewer Pumping Station, Freshwater Community Bank Youth Art Prize and Herminie's Landing.
- Coast Walk Public Art Strategy Funding Plan - Staff presented an update on the development of a fundraising plan for the Coast Walk Public Art program, as requested by Council.

The Meeting Minutes of 3 September 2020 (Attachment 1) were endorsed by the Public Art Working Group at its meeting of 19 November 2020.

The discussion at the Working Group meeting of 19 November 2020 included:

- Chime Projects Proposal - The Public Art Working Group received responses to its questions to Chime Projects and provided feedback. The Group found the information provided did not address previous concerns and as such recommended that the project not proceed.
- Coast Walk Public Art Project Updates - Staff provided project updates on current Coast Walk Public Art Projects, including the Aboriginal Art & Storytelling Project, Robert Dunn Reserve (South Mona Vale Headland), McKillop Park in Freshwater, and Fundraising for the Coast Walk.
- Other Public Art Project Updates - Staff presented an update on other public art projects across the LGA, including St David Avenue Park, the Street Art Program, Dee Why Art Panels, Herminie's Landing, Triangle Park and Manly Bollards.
- Public Art in Private Developments – Staff provided an update on the development of Public Art in Private Developments controls proposed to be included in the Development Control Plan (DCP) for the Northern Beaches.

The Meeting Minutes of 19 November 2020 (Attachment 2) were endorsed by the Public Art Working Group at its meeting of 4 March 2021.

LINK TO COUNCIL 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.
- Places for People - Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.
- Community and Belonging - Goal 10: Our community is stimulated through a diverse range of cultural, creative activities and events.

FINANCIAL CONSIDERATIONS

Funding to support the Council's public art program is included in the existing budget. Adoption of the Minutes of the Working Group will not result in any financial impact. The public art commissions for the Coast Walk are funded from the \$2 million allocated to public art by Council on 27 June 2017 from the Merger Savings Fund.

ENVIRONMENTAL CONSIDERATIONS

The noting of the minutes of the Public Art Working Group does not present matters that will create adverse environmental impact.

SOCIAL CONSIDERATIONS

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

GOVERNANCE AND RISK CONSIDERATIONS

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

RECOMMENDATION OF DIRECTOR COMMUNITY AND BELONGING

That Council notes the Public Art Working Group Meeting Minutes of 3 September and 19 November 2020.

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

ITEM 11.1	PUBLIC EXHIBITION OF THE DRAFT POLICY FOR FINANCIAL ASSISTANCE FOR CHARITABLE OR NOT-FOR-PROFIT COMMUNITY ORGANISATIONS DISPOSING WASTE AT KIMBRIKI
REPORTING MANAGER	EXECUTIVE MANAGER WASTE MANAGEMENT & CLEANSING
TRIM FILE REF	2021/199490
ATTACHMENTS	<ol style="list-style-type: none"> 1 Draft Policy - Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki 2 Pittwater Council Policy No 83 - Kimbriki Resource Recovery Centre - Free Access 3 Warringah Council Policy POF-PL 817 - Kimbriki Recycling and Waste Disposal Centre - Free Access to Community Organisations

SUMMARY

PURPOSE

To exhibit a draft policy for community and charitable organisations seeking financial assistance for waste disposal fees.

EXECUTIVE SUMMARY

Council currently receives requests for exemptions from charitable and community organisations for waste disposal fees at Kimbriki Resource Recovery Centre (Kimbriki) which Council assesses under former Warringah Council Policy POF-PL 817 and former Pittwater Council Policy No 83.

As part of its ongoing policy harmonisation work, Council needs to determine whether, and to what extent, it will continue to subsidise waste disposal costs for community and charitable organisations at Kimbriki.

In this report, staff recommend that Council exhibit a draft harmonised policy across the Northern Beaches Council area, under which Council continues to provide a subsidy with clearer eligibility requirements (see safeguards below).

The draft policy provides a framework for Council to partner with charitable and community organisations for an equitable, open and orderly process for providing waste disposal assistance on the Northern Beaches. It also serves to fulfil Council's ongoing policy harmonisation work.

This ongoing support is subject to safeguards to ensure that the financial assistance remains reasonable. These safeguards include:

1. Council will only reimburse waste disposal fees to community and charitable organisations that have already obtained a NSW Environment Protection Authority (EPA) 'Community Service Exemption' from the Section 88 Waste Levy ('eligible organisation')
2. The eligible organisation's waste must have been collected within the Northern Beaches Council area
3. A cap of \$2,000 per eligible organisation per year applies (with a fixed budget for the overall program of \$16,000 per annum)

The requirement to obtain an EPA 'Community Service Exemption' provides transparent eligibility requirements (obtaining the above exemption will automatically qualify an organisation subject to the safeguards in 2 and 3 above) and will reduce overall tipping costs, in turn making it more cost-effective for Council to offer reimbursement.

The funding cap will also mitigate unexpected budget impacts by allocating a fixed budget for the overall program of \$16,000 per annum, capped at \$2,000 per eligible organisation per year (noting that for the 2019/2020 financial year the cost to Council for subsidising these costs was \$4,269 and in 2018/2019 it was \$6,943).

This report recommends that the new draft policy to govern this process be publicly exhibited with a further report to Council on the outcomes.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Place the draft Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy on public exhibition for a minimum of 28 days.
 2. Receives a report back on the outcome of the public exhibition.
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REPORT

BACKGROUND

The former Pittwater and Warringah Councils each had policies allowing free access to Kimbriki for community and charitable organisations, with all waste disposal charges paid by Council. The relevant policies from the former councils are listed below, and attached to this report:

- The former Pittwater Council Policy No. 83 Kimbriki Resource Recovery Centre – Free Access, dated 15 July 2013
- The former Warringah Council Policy POF-PL 817 Kimbriki Recycling and Waste Disposal Centre – Free Access to Community Organisations, dated November 2006

These existing policies include provisions that Council would pay the charges incurred by charities, churches, schools and community/non-profit organisations when disposing of waste at Kimbriki. It is understood that the original intent was to assist small local organisations with the cost of waste disposal for the occasional clean up completed by members and volunteers. The policies were originally made at a time prior to the corporatisation of Kimbriki Environmental Enterprises Pty Ltd (KEE), when the councils were more involved in setting Kimbriki's waste disposal fees.

These policies have continued to apply since merger of the Councils. In 2016 the cost of this subsidised/free waste disposal to Council was \$230,000. However, through close engagement with the larger charitable organisations about their business model during the past 4 years, a considerable decline in the annual cost of this subsidised waste disposal has occurred.

The following table details the annual waste disposal costs incurred by Council in providing subsidised tipping for charitable and community organisations. Historically, these policies were most frequently used by The St Vincent de Paul Society, Red Cross Society and The Goodwill Store and to a lesser degree The Salvation Army and Lifeline.

Annual Waste Disposal Costs to Council for Community and Charitable Organisations

Financial year	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Cost to Council	\$ 230,000	\$121,613	\$106,146	\$6,943	\$4,269

Current eligibility ambiguity - Staff discretion

Council receives requests for "exemptions" under the two existing policies. These policies are worded in a way that provides significant staff discretion in determining the eligibility of organisations and waste items for exemptions. For example, the former Warringah Policy POF-PL 817 refers to waste quantities "*within reason*" and which are not the result of commercial activities, and to community/non-profit organisations, and "*locally based organisations such as ...*" followed by a list of specific organisations.

This places staff in a difficult position to determine which organisations qualify, and what they can deposit.

Further clarity is required to ensure staff have a clear basis to defend determinations of eligibility.

Other Councils

Of the Northern Sydney Region (including the NSROC and former SHOROC areas), only Northern Beaches Council provides free waste disposal to community and charitable organisations.

Reducing the Cost of Waste Disposal - Exemption from the Section 88 Waste Levy and Corporate Social Responsibility Programs

The NSW EPA offers a 'Community Service Exemption' to the Waste Levy for waste disposal by charitable or not-for-profit organisations genuinely associated with a "community service or activity" (under the *Protection of the Environment Operations (Waste) Regulation 2014*). This includes donations, public clean ups or other community services.

However, under Council's existing practice, charities tip at Kimbriki on Council's account. This means that, under the two former Council policies, Council pays the full cost of tipping for this waste, including the Waste Levy, and Council cannot claim any reimbursement from the EPA. From 1 July 2020 the tipping charge at Kimbriki is \$328.46 per tonne which includes the Waste Levy of \$146.00 per tonne. The Waste Levy comprises 44% of the tipping cost.

The draft policy will fundamentally change this approach. Under the draft policy, Council will only reimburse waste disposal fees to community and charitable organisations that have already obtained an EPA 'Community Service Exemption' from the Waste Levy. This reduces Council's exposure to total tipping costs of charities, and also leaves the determination of who is eligible as a community or charitable organisation to the rigorous EPA process.

Developing the New Policy - Options

Council has two options in regard to Policy POF-PL 817 and Policy No. 83. Regardless of the Option, it is suggested that known stakeholders are advised of any public consultation so that they are aware of the opportunity to comment.

Option 1: Rescind Policy POF-PL 817 (former Warringah Council) and Policy No. 83 (former Pittwater Council) and therefore remove the subsidy

Rescinding the policies would remove the subsidy for waste disposal currently offered to locally based charities, churches, schools and community/non-profit organisations and bring Council into line with the requirements of the *Local Government Act 1993*. Rescinding the policies would also bring Northern Beaches Council into line with other councils in the region in regard to this practice.

Option 2: Rescind policy POF-PL 817 (former Warringah Council) and Policy No. 83 (former Pittwater Council) and replace with a harmonised policy for the purpose of assisting community and charitable organisations with waste disposal

It is proposed Council would continue to provide financial assistance to community and charitable organisations which have an EPA Community Service Exemption by the adoption of a new policy. The financial cap per charity and recent shift away from Council subsidised waste disposal by the major charitable organisations makes Option 2 financially viable. The financial cap per organisation also ensures that any one charity does not consume a disproportionate amount of the available funding, and that Council will be able to support eight or more local charities and community organisations per year.

Recommended Approach

Option 2 is the recommended option and the draft Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy has been prepared for Council's consideration.

CONSULTATION

Consultation with the community and key stakeholders is proposed for a period of not less than 28 days.

TIMING

All submissions made during the public exhibition period will be considered, after which the final Policy will be reported back to Council.

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.
- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.

FINANCIAL CONSIDERATIONS

Waste derived from the operation of locally based charities, churches, schools and community/non-profit organisations is not considered as part of domestic waste management services, and consequently requires funding from general revenue.

The cost to Council for its subsidy of waste disposal for local community and charitable organisations is declining, however there is always a risk that it could increase again and have an unexpected financial impact on the organisation. In order to mitigate this, it is proposed that a budget of \$16,000 per annum be allocated on an annual basis that can be provided to eligible community and charitable organisations up to a maximum of \$2,000 each, per year.

SOCIAL CONSIDERATIONS

This provides an opportunity to develop equitable, clear and consistent guidelines for registered community and charitable organisations seeking financial assistance for waste disposal fees.

ENVIRONMENTAL CONSIDERATIONS

A revised Policy would promote responsible waste management.

GOVERNANCE AND RISK CONSIDERATIONS

If adopted, a simple, easy to use guideline and application form will be developed to assist community and charitable organisations to take advantage of this Policy, while maintaining an appropriate level of control and oversight. Ease of use is considered critical given many of these organisations are operated by volunteers whose time is highly valuable.

Council Policy Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki

Purpose / Statement

Northern Beaches Council recognizes and respects the vital contribution of registered charitable organisations or not for profit community organisations delivering services and assistance that contribute to vibrant sustainable communities.

This Policy provides the framework for Council to partner with registered charitable organisations or not for profit community organisations to deliver financial assistance for waste disposal costs at Kimbriki Resource Recovery Centre.

Principles

The following principles guide this Policy:

- a) Identified Community Needs: Funding is allocated to priority areas to meet identified community needs
- b) Partnerships: We build and maintain constructive relationships based on mutual respect and transparency. We value the contribution to the social, cultural, economic fabric that charitable organisations bring.
- c) Inclusion and Equity: We support inclusion and equity in our community and decision making.
- d) Good governance: We commit to decision making in the public interest, and effective and efficient financial support mechanisms
- e) Transparency: We will ensure that our processes for financial support are transparent and fair.

Scope and application

Northern Beaches Council will recompense the waste charge (excluding Section 88 levy) made to registered charitable organisations or not for profit community organisations for the disposal of waste at Kimbriki Resource Recovery Centre:

- If the organisation has a Community Service Exemption issued by the NSW Environment Protection Authority (EPA) under Clause 21 of the Protection of the Environment Operations (Waste) Regulation 2014, which is valid on the date of disposal.
- For an amount not exceeding \$2,000 per registered charitable organization or not for profit community organisations per annum and within the allocated budget for the period.

Application to Council is to be made in writing on letterhead by the registered charitable organization or not for profit community organisations accompanied by its current applicable EPA Community Service Exemption and the receipt for waste disposal (excluding the Section 88 levy), to be recompensed.

To qualify for exemption, registered charitable organizations or not for profit community organisations are to observe the following requirements:

- Any waste or material must have been collected by the organisation from the Northern Beaches Council Local Government Area.
- Building material (e.g. separate bricks, concrete etc.) is to be pre-sorted so that material left at the Centre can be recycled.

Effective Date:	Version	Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki	Page 1 of 2
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Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki

- Household waste (paper, glass, aluminium cans, PET bottles etc.) must be presorted and deposited in the respective containers at the Recycling Area.
- Vegetation and metal waste must be presorted and deposited in the respective recycling areas.
- No putrescible (putrid, rotten, decomposed, stagnant) material is to be deposited.
- Funding is provided via Council's Community Grants and Partnerships Policy.

Administration

The Policy provides the framework for an equitable, open and orderly process for providing assistance to the registered charitable organisations or not for profit community organisations. It allows for access to funding and ensures transparency around the provision of financial assistance across the Northern Beaches. It also provides for greater recognition of the contribution Council makes to supporting registered charitable organisations or not for profit community organisations that contribute to social, cultural, environmental and economic life of the Northern Beaches.

This Policy is to be administered as a "program" under the Community Grants and Partnerships Policy with a budget of \$16,000 per annum identified in the Operational Plan.

References and related documents

- NSW EPA Community Service Exemption Guidelines
- NSW Local Government Act 1993 s356 and s377
- Northern Beaches Council Discretionary Fund Policy

Responsible Officer

Executive Manager Waste Management and Cleansing

Review Date

March 2024

Revision History

Revision	Date	Change	TRIM #
1	3 March 2021	Draft policy for public exhibition	2019/638782
2			
3			



Policy – No 83	Adopted:	OM: 03.03.1997
	Reviewed	OM: 15.07.2013
	Amended:	OM: 17.10.2011
	Revoked:	

TITLE: KIMBRIKI RESOURCE RECOVERY CENTRE – FREE ACCESS

STRATEGY: WASTE MANAGEMENT & POLLUTION CONTROL

BUSINESS UNIT: ENVIRONMENTAL COMPLIANCE

RELEVANT LEGISLATION: NONE

RELATED POLICIES: NONE

Objectives

To relieve registered charities and not-for-profit community organisations from tipping charges.

To assist registered charities and not-for-profit community organisations by accepting tipping charges as a debt to Council.

Policy Statement

1. That no charge be made to registered charities and not-for-profit community organisations for the disposal of waste/recyclables at Kimbriki Resource Recovery Centre, Kimbriki Road, Ingleside.
2. That Pittwater Council agrees to be debited and pay the applicable fee for waste/ recyclables disposed by registered charities and not-for-profit community organisations.
3. Evidence of current registration as a charity or not-for-profit organisation is required to be supplied prior to Council issuing a letter of exemption.
4. The quantity of waste/recyclables shall remain within reason and at the discretion of Council.

**POF-PL 817**

**KIMBRIKI RECYCLING AND WASTE
DISPOSAL CENTRE - FREE ACCESS TO
COMMUNITY ORGANISATIONS**

1. The purpose of this policy is

to identify those organisations that will have their access fees (free access) to Kimbriki Recycling and Waste Disposal Centre, met by Warringah Council.

2. Policy statement

Warringah Council will meet the charge made to churches, schools or community/non-profit organisations for the disposal of waste at Kimbriki Recycling and Waste Disposal Centre within the allocated budget for the period, provided that the quantity of waste remains within reason and is not the result of commercial activities of the organization. Application is to be made in writing on letterhead by the organization at which stage a determination will be made regarding the number of free entry passes to be allocated to the applying organization. The charges incurred by such organizations based in Warringah and issued free entry passes will be the responsibility of Warringah Council.

3. Principles

Warringah Council will carry out the Kimbriki Recycling and Waste Disposal Centre - Free Access policy according to the following principles:

3.1 Organisations exempt from paying fees

Warringah Council agrees to be debited and to pay the applicable fee for waste disposed of by locally based organizations such as:

- Apex Clubs
- Autistic Children's Association NSW
- Churches
- Far West Children's Home
- Furlough House
- House With No Steps
- Ingleside Youth Refuge
- Lions Clubs
- Manly Warringah Women's Resource Centre



POF-PL 817

- St Vincent de Paul Society
- Salvation Army
- Schools (all)
- Scout groups
- Spastic Centre of NSW
- Stewart House
- Sunnyfield Association
- Sydney City Mission
- War Veterans Home

3.2 Materials that will be accepted under this policy

To qualify for exemption, the organisations listed above are to observe the following requirements:

- Building material (e.g. separate bricks, concrete etc.) is to be pre-sorted so that material left at the centre can be recycled.
- Household waste (paper, glass, aluminium cans, PET bottles etc.) must be presorted and deposited in the respective containers at the Household Materials Recycling Area.
- Vegetation and metal waste must be presorted and deposited in the respective recycling areas.
- No putrescible (putrid, rotten, decomposed, stagnant) material is to be deposited.

4. Amendments

Amended by Council 25th May, 2004, Council decision No. 147.

POF-PL 817 supersedes STR-PL 817. STR-PL 817 (Kimbriki Recycling and Waste Disposal Centre - Free Access) supersedes policy number 4.5.03.

This policy was last amended on 1/7/96.

This policy was last amended through delegation to EC on 7.806

5. Authorisation

The Kimbriki Recycling and Waste Disposal Centre - Free Access policy was authorised by Council on 14/8/84.

This policy is due for review on 31 December 2008.

6. Who is responsible for implementing this policy?



POF-PL 817

Manager, Business Operations

7. Document owner

Director, Customer and Community Services

8. Dataworks Registration

- Kimbriki Recycling and Waste Disposal Centre
- Policy Register

9. Legislation and references

None.

9.1 Definitions

None.

ITEM 11.2	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT PLACING OF HOARDINGS AND SCAFFOLDING AT CONSTRUCTION OR DEMOLITION SITES POLICY
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2021/009317
ATTACHMENTS	1 Placing of Hoardings and Scaffolding at Construction or Demolition Sites Policy 2 Former Manly Council Policy H20.Hoardings - Placing of Hoardings at Construction or Demolition Sites

SUMMARY

PURPOSE

To report on submissions received as part of the exhibition and seek the adoption of the Placing of Hoarding and Scaffolding at Construction and Demolition Sites Policy (the Policy).

EXECUTIVE SUMMARY

The draft Policy aims to ensure suitable temporary hoardings are erected within road reserves as required, to protect the public from the hazard of building construction, alteration or demolition, where developments occur within the Northern Beaches Local Government Area (LGA).

At its meeting on 29 September 2020, Council resolved to exhibit the draft Policy for a period of two months. The draft Policy was subsequently placed on public exhibition from 5 October 2020 to 1 December 2020.

During the public exhibition period, Council received one submission which has not influenced any changes to the draft Policy.

Further legal review has resulted in minor amendments to provide improved legislative clarity without changing the objectives of the Policy with respect to:

- Principle 3) Amending and extending an approval
- Principle 4) Enforcement of approval
- Principle 5) Revoking the approval

This report recommends the adoption of the draft Policy. Upon the adoption of the draft Policy, the following existing policy will be rescinded:

- Former Manly Council Policy: H20. Hoardings - Placing of Hoardings at Construction or Demolition Sites

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Notes the submission received during the public exhibition process.
 2. Adopt the Placing of Hoarding and Scaffolding at Construction and Demolition Sites Policy.
 3. Rescind the Former Manly Council Policy: H20. Hoardings - Placing of Hoardings at Construction or Demolition Sites.
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REPORT

BACKGROUND

At its meeting on 29 September 2020, Council resolved to exhibit the draft Policy. The draft Policy was subsequently placed on public exhibition for 57 days, from 5 October 2020 to 1 December 2020.

The draft Policy ensures suitable temporary hoardings are erected within road reserves as required, to protect the public from the hazard of building construction, alteration or demolition, where developments occur within the Northern Beaches LGA.

If the Draft Policy is adopted, the following policy will need to be rescinded:

- Former Manly Council policy: H20. Hoardings - Placing of Hoardings at Construction or Demolition Sites

Summary of Key Features and Impacts

The relevant legislative components of the *Local Government Act 1993* and the *Roads Act 1993* are incorporated into the Policy including mechanisms for:

- Granting an approval
- Extending an approval
- Enforcing an approval
- Revoking an approval.

The Policy gives support to Council's Hoarding Guidelines (the Guidelines) which prescribe the requirements of the applicant including but not limited to the following:

- Location requirements (i.e. requirements to minimise impact to pedestrians and vehicles etc).
- Specifications for types of hoardings for different scenarios (e.g. Class A, B or C).
- How to manage interaction with street trees.
- Colour of hoardings (currently required to be white) and other visual and amenity requirements.

The Guidelines are continuously under review and will be updated to provide further opportunity to improve visual amenity. The Guidelines are online and available to applicants during the application process.

Fees associated with hoardings are prescribed in the Policy and determined by Council's Fees and Charges on an annual basis.

CONSULTATION

The draft Policy was exhibited on Council's 'Have Your Say' webpage from 5 October 2020 to 1 December 2020. In addition, the draft Policy was advertised in three engagement newsletters (9 November, 23 November & 7 December). The Community Engagement newsletter has a distribution of 20,000 recipients.

In this period, there were 234 views of the draft Policy and Council received one submission.

Engagement Summary

The single submission asked Council to enforce the period of the hoarding and location of the hoarding to prevent any inconvenience to the other residents.

The period and location of the hoarding has been prescribed in Council's current Hoarding Guidelines which are given force by the draft Policy. All applications will be assessed in accordance with the requirements of the Hoarding Guidelines.

Principle 4 of the draft Policy contemplates that a delegated Council officer may issue penalty notices, give orders and undertake other compliance action if the hoarding approval is breached.

The one submission received during Public Exhibition did not influence any amendments to the draft Policy.

POLICY FOR ADOPTION

Further legal review has resulted in minor amendments to provide improved legislative clarity without changing the objectives of the policy with respect to:

- Section 3) Amending and extending an approval
- Section 4) Enforcement of approval
- Section 5) Revoking the approval

Attachment 1 is a copy of the Policy recommended for adoption.

TIMING

The Policy will take effect once adopted and is scheduled to be reviewed in accordance with Council's Operational Policy – Policy Framework which will be in three years from the date of adoption or earlier if initiated by legislative changes, Council resolution or changes in Council direction.

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.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.

FINANCIAL CONSIDERATIONS

The cost of implementing the Policy can be met within current budget 2020/21.

SOCIAL CONSIDERATIONS

The Policy will ensure public safety on road reserve during any development work on private property and support the improvement of amenity by managing accessibility and appearance of streetscapes.

ENVIRONMENTAL CONSIDERATIONS

The Policy will ensure that hoardings on the road reserve are constructed using suitable materials via empowerment of the associated guidelines.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Policy reduces the risk to public safety and damage to public and private property by ensuring suitable hoardings and scaffoldings are constructed in Council's road reserve by private developers during construction works.

Ensuring a robust, complete and up to date policy environment is key to Council's Governance Framework. The policy harmonises the policies and processes from the former Councils into a single approach which reduces the risk of procedural error, by ensuring that one policy is applied across the entire LGA in relation to this issue.

Council Policy

Placing of Hoardings and Scaffolding at Construction or Demolition Sites

Policy Statement

This policy is to ensure a suitable temporary hoarding and or scaffolding ("*hoarding*") is erected within the road reserve to protect the public from the hazards of building construction, alteration or demolition as such, across the Northern Beaches Local Government Area.

This policy aims to give force to Council's Hoarding Guidelines that prescribe the design, installation and maintenance criteria which are used by Council in assessing hoarding applications. Council's Hoarding Guidelines serve to ensure minimal impact to pedestrians, vehicles and street trees in addition to ensuring the public is protected from the hazards of construction.

Principles

Council will administer the Placing of Hoardings and Scaffolding at Construction or Demolition Sites policy ("the Policy") in accordance with the following principles:

1) Hoarding Permit Application

A Hoarding Permit Application must be lodged to seek approval to erect a hoarding on the road reserve, as required by the Local Government Act 1993 and s138 of the Roads Act 1993. An appropriate fee is to be paid with the application in accordance with the Council's Annual Fees and Charges.

Council may require the relevant documents and supporting information demonstrating compliance with Council's Hoarding Guidelines to be submitted with the application as prescribed on the Hoarding Permit Application form.

2) Granting an approval

An approval to erect a temporary hoarding may be granted under s94 of the Local Government Act 1993 and s138 and s139 of the Roads Act 1993. The approval must be read in conjunction with any conditions of an approved development consent if applicable.

In addition to the Hoarding Guidelines requirements, all hoardings must be erected and installed in accordance with relevant Codes of Practice, including but not necessarily limited to the Code of Practice – Overhead Protective Structures from SafeWork NSW, Construction Work – Code of Practice from Safe Work Australia and the specifications of Council.

3) Amending and extending an approval

Before an application for approval is determined, an applicant for approval may make a minor amendment to the application or any matter accompanying the application in accordance with s 87 of the Local Government Act 1993.

An approval may be extended or renewed under s107 of the Local Government Act 1993 if Council has good reason to do so and whereby the hoarding in question has been erected and maintained in accordance with the approval and all other ongoing requirements are to Council's satisfaction including but not limited to structural adequacy and insurance coverage.

4) Enforcement of approval

When a breach of a hoarding approval does occur, an officer delegated by Council to issue directions under the Roads Act 1993 or the Local Government Act 1993 may issue penalty notices, give orders and undertake other compliance actions.

5) Revoking the approval

Council may revoke an approval under s 108 & s109 of the Local Government Act 1993 if the approval was obtained by fraud or misrepresentation, if a reason arises after an approval is granted which would have caused Council not to have originally granted the approval, for a failure to comply with a requirement of the Local Government Act 1993 relating to the approval or for a failure to comply with a condition of the approval. An approval granted under the Roads Act 1993 may be revoked under s 140 for any reason.

6) Cost recovery

Council reserves the right to recover the cost if there is any damage of Council's infrastructure during the course of the erection/demolition of the hoarding.

Scope and application

This policy applies to every hoarding in Northern Beaches Local Government Area.

References and related documents

Council's Fees and Charges (as issued annually)

Local Government Act 1993- s94, s108 and s109

Roads Act 1993 – s138, s139 and s140

Code of Practice – Overhead Protective Structures, SafeWork NSW

Construction Work – Code of Practice, Safe Work Australia

Definitions

Hoarding: a temporary structure including a scaffolding placed on the footway that provides an overhead protective barrier to protect the public by separating construction or demolition sites from the footway

Footway: the part of road as is set aside or formed as a path or way for pedestrian traffic

Responsible Officer

Executive Manager, Environment & Climate Change

Review Date

March 2024

Revision History

Revision	Date	Status	TRIM Ref
1	17/12/2019	First draft Hoardings – placing of Hoarding at Construction or Demolition Sites policy	2019/681334
2	24/07/2020	Second draft - Hoardings & Scaffolding – Placing of Hoardings and Scaffolding at Construction or Demolition Sites	2019/681334
3	04/09/2020	Third draft - Placing of Hoardings and Scaffolding at Construction or Demolition Sites	2019/681334
4	14/09/2020	Fourth draft - Placing of Hoardings and Scaffolding at Construction or Demolition Sites	2019/681334
5	17/03/2021	Fifth draft – Placing of Hoardings and Scaffolding at Construction or Demolition Sites	2019/681334

H20. Hoardings - Placing of Hoardings at Construction or Demolition Sites

Title:	Hoardings – Placing of Hoardings at Construction or Demolition Sites Policy
Policy No:	H20
Keywords:	Hoarding, Demolition, Construction
Responsible Officer:	Deputy General Manager – Land Use and Sustainability

Wherever there is new building construction, alteration or demolition of commercial, industrial or some special residential buildings within close proximity to a public road or reserve, a suitable hoarding is to be constructed to protect the public and the developer or builder is required to obtain separate approval from the General Manager or such officer delegated by the General Manager prior to the erection of the hoarding.

Requirements

Council's requirements relate primarily to the protection of people in the street from injury or misadventure because of the close proximity of construction or demolition work.

A secondary consideration is the preservation of the construction site as a safe workplace by preventing disruption or interference by uninvited visitors.

1. Type of Hoarding

The hoardings and fences shall be strictly in accordance with the design and specification adopted by the WorkCover Authority of NSW and known as Type "A" and "B" Builders Hoardings as follows:

- (i) Overhead "B" type hoardings shall be constructed where buildings over 6.00m in height above the footpath level and within 3.00m of the street alignment are being erected or demolished or where the outer part of such building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoardings shall be provided to the satisfaction of the General Manager or such officer delegated by the General Manager.

In special cases, where the width of the footway is less than 2.50m and the erection of a standard "B" class type hoarding is impracticable, the developer or builder shall submit plans of a suitable cantilever hoarding for the approval of the General Manager or such officer delegated by the General Manager.

"B" TYPE HOARDING SHALL ALSO BE CONSTRUCTED WHERE MATERIAL IS BEING HOISTED OVER OR ACROSS A PUBLIC WAY.

- (ii) "A" type hoardings shall be constructed in all other cases where buildings within 3.00m of the street alignment are being erected or demolished or where the outer part of such buildings adjoining a public way is being altered, also where land abutting on a public way is being excavated below the level of such public way.
- (iii) Special Hoarding types to suit unusual circumstances being to the satisfaction of the General Manager or such officer delegated by the General Manager.

2. Encroachment onto Footpath

"A" type hoardings shall be permitted to encroach upon the public way for a distance of 1.20m from the property alignment. The General Manager or such officer delegated by the General Manager is empowered to permit a hoarding to be erected at a greater distance from the street alignment if any particular case warrants such consideration.

Notwithstanding the foregoing the General Manager or such officer delegated by the General Manager is empowered to (a) restrict the projection on the public way in order to provide ample width of footway for pedestrians, and (b) require the erection of hoardings in any other case where deemed necessary for the protection of the public.

Hoardings shall not impede sight distance for pedestrians and/or vehicles at intersections.

3. Hoarding Permit

No person shall erect a hoarding or occupy portion of the footpath for hoarding purposes or road reserve without first having sought and obtained a hoarding permit and noted the special conditions that may have been applied, and paid the scheduled fee.

4. Hoarding Fees

The fees are reviewed by Council annually, and are detailed in Council's Schedule of Fees and Charges.

FEES WHICH ARE NON-REFUNDABLE MUST BE PAID IN ADVANCE OF ANY WORKS BEING CARRIED OUT AND WITH LODGEMENT OF A COMPLETED APPLICATION FORM (AVAILABLE FROM COUNCIL).

THIS FEE DOES NOT COVER DAMAGE CAUSED BY THE APPLICANT TO COUNCIL'S ASSETS. THE APPLICANT IS RESPONSIBLE FOR THE REINSTATEMENT OF THE DAMAGED ASSET TO ITS ORIGINAL CONDITION.

5. Public Liability Insurance

It is a condition of approval for hoarding or occupying of the footpath that the person of authority taking the permit has public liability insurance for that particular job or operation. The applicant must be able to indemnify Council in the event of accident or injury to any person or property by reason of the hoarding structure.

THE HOARDING STRUCTURES are to be in accordance with requirement of and erected to the satisfaction of the WorkCover Authority of NSW and any other Australian Standards, codes and practices.

NOTWITHSTANDING ANY OF THE FOREGOING COUNCIL REQUIREMENTS, THE REGULATIONS OF, & INSTRUCTIONS OF INSPECTORS OF THE WORK COVER AUTHORITY CONCERNING SAFETY AT THE WORKSITE ARE PARAMOUNT AT ALL TIMES.

6. Delegation

The General Manager or such officer delegated by the General Manager is responsible:-

- a) For setting roadway fees and acceptances of the design plans.
- b) For collection of fees and charges.
- c) For general inspection of the structure.
- d) For final inspection on disassembly of the hoarding for purpose of release of Trust Fund Deposit for the associated building works.

7. Construction Zones/Road Rental for Parking

The developer or builder shall provide a traffic flow diagram for construction vehicles entering, leaving and parking at the site. The fee for a construction zone is set by Council annually, and is detailed in the Council's Schedule of Fees and Charges.

8. Quality Assurance Requirement

Prior to Council accepting an application for the establishment of a hoarding, the applicant will be required to provide:

1. Certification of the design to meet public risk and structural adequacy requirements; certified by a Structural/Civil Engineer.
2. The name, phone number and address of the person(s) responsible for the construction and monitoring of the hoarding structure to meet design requirements; in accordance with Quality auditing requirements under AS/3900.

9. Maintenance

It shall be the applicants responsibility to ensure that the hoarding:

- 1) Is painted white or other colour approved in writing by the General Manager or such officer delegated by the General Manager.
- 2) Is kept clean and free of graffiti at all times.
- 3) Is lit to provide safe passage for pedestrians.
- 4) Is appropriately sealed and drained so that stormwater is conveyed to Council's street drainage systems and pedestrians are not inconvenienced.

(Confirmed 20.10.97)

Revision Schedule

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration

ITEM 11.3	RESPONSE TO NOTICE OF MOTION - 56/2021 - CABBAGE TREE BAY AQUATIC RESERVE
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2020/797757
ATTACHMENTS	NIL

SUMMARY

PURPOSE

At its Ordinary Meeting on 15 December 2020, under Notice of Motion 56/2020, Council reaffirmed its commitment to Cabbage Tree Bay Aquatic Reserve (the Reserve) and requested a short report within four months with regard to impacts on the Reserve.

This report outlines the information requested.

EXECUTIVE SUMMARY

The Reserve was established in 2002 and covers 18 hectares from the southern end of Manly Beach to the northern end of Shelly Beach. It is one of the Northern Beaches most popular destinations for visitors and residents.

The Reserve and surrounds are jointly managed by state agencies and Council. Council manages beach safety and the foreshore land surrounding the bay including recreation bookings, reserves maintenance, waste, cleansing, development assessment, environmental management and compliance to ensure the bay and its surroundings are maintained to the high standards expected by the community.

NSW Department of Primary Industries - Fisheries (Fisheries) manage the aquatic reserve, and associated education, signage and compliance while Transport for NSW (TfNSW) manage boating related activities. Council works closely with both agencies to ensure the Reserve and surrounds are managed to preserve biological diversity and marine ecosystems and provide opportunities for public recreation, education and scientific research. Many issues overlap jurisdictions and require collaboration.

Flite boarding is a new and emerging aquatic sport. Flite boards (or motorised foils) are classified as personal water craft (PWC) and are under the jurisdiction of TfNSW. They are permitted with conditions in the Reserve such as maintaining speed limits and keeping safe distances from swimmers and swimming zones. While it is well documented that boating activity can harm marine animals via boat strike, there is little information on the impacts of motorised foils on marine life.

Data is limited on impacts to seagrass beds from anchoring in the Reserve. Satellite imagery indicates seagrass and/or kelp beds have increased in the area over the last 12 years, however this has not been verified by ecological surveys, and does not account for any localised impacts caused by anchors. Council will continue to liaise with Fisheries to support community awareness of the regulations regarding the Reserve in order to achieve improved conservation outcomes. Council has requested seagrass mapping be undertaken by Fisheries at the next opportunity, to review any impacts.

Data on the impacts of scuba diving on Cabbage Tree Bay's aquatic flora and fauna is limited. Nevertheless, Council and Fisheries are developing a code of conduct that will require scuba diving and snorkelling businesses to comply with 'no take' regulations and minimise harm to the environment.

Council maintains Shelly Beach Reserve to high standards through reserves maintenance and waste and cleansing services. 'No Alcohol' signs are in place and Council works with Police on managing the 24hr alcohol free zone. Shelly Beach is litter-picked daily and has permanent bins that are serviced daily and increased to twice daily for seasonal and holiday periods.

Council's Environmental Compliance Unit manages residential and commercial land use practices across the Northern Beaches including sediment and erosion control management. The positive water quality results collected by Beachwatch and high biodiversity in the Reserve do not appear to indicate an issue with catchment runoff.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Notes the information provided in this report.
 2. Continues to work with stakeholders to manage Cabbage Tree Bay Aquatic Reserve and surrounds.
-

REPORT

BACKGROUND

At its Ordinary Meeting on 15 December 2020, under Notice of Motion 56/2020, Council reaffirmed its commitment to Cabbage Tree Bay Aquatic Reserve (the Reserve) and requested a short report within four months with regard to impacts on the Reserve.

Notice of Motion 56/2020 stated:

That Northern Beaches Council reaffirms its commitment to Cabbage Tree Bay Aquatic Reserve and that staff bring back a short report within four months regarding the impact the following is having on the reserve:

- 1. The impact motorised surf (Flite) boards are having on marine life in Cabbage Tree Bay.*
- 2. The impact of increased boating activity within the reserve and in particular the impact of boat anchors.*
- 3. The impact Scuba diving schools are having on the reserve.*
- 4. The impact on the reserve caused by large groups consuming large quantities of alcohol at Shelly Beach. This activity generates large amounts of rubbish (including plastic) which often finds its way into Cabbage Tree Bay.*
- 5. The impact on the reserve caused by increased housing development in nearby streets. This issue has also been raised by local community groups.*

Reserve Information

Cabbage Tree Bay Aquatic Reserve was established in 2002 under the *Fisheries Management Act 1994*. It covers 18 hectares and extends from the southern end of Manly Beach to the northern end of Shelly Beach. Collecting, destroying or interfering with all forms of marine life, whether dead or alive, is prohibited. Shelly Beach Headland Intertidal Protected Area (IPA) adjoins the aquatic reserve and protects a small intertidal area.

The Reserve is an excellent example of a small coastal bay aquatic ecosystem supporting seven types of aquatic habitat including seagrass beds. More than 160 species of fish have been recorded in the reserve. Cabbage Tree Bay is a no-take aquatic reserve and fishing is prohibited, as is harm to marine animals and plants and the collection of marine organisms.

The strategy that guides management of the Reserve is the *Cabbage Tree Bay Aquatic Reserve: Draft Fisheries Management (Aquatic Reserve) Regulation 2009 and Implementation Strategy*, Department of Environment Climate Change and Water NSW (DECCW), 2010.

While the Reserve is managed by Fisheries, boating activities within the Reserve are managed by TfNSW. Council manages beach safety and the foreshore land surrounding the bay including environmental management, recreation bookings, reserves maintenance, waste, cleansing, development assessment and environmental compliance to ensure the bay and its surroundings are maintained to the high standards expected by the community.

The Friends of Cabbage Tree Bay volunteer group is supported by Council and Fisheries, and delivers on-site programs which aim to educate the community on how people can enjoy the aquatic reserve while respecting and protecting its ecological values.

A response to the questions raised in the Notice of Motion is provided below.

The impact motorised surf (Flite) boards are having on marine life.

Flite boarding is a new and emerging aquatic sport. Flite boards (or motorised foils) are classified as personal water craft (PWC) and are under the jurisdiction of TfNSW. They are permitted with conditions in the Reserve such as maintaining speed limits and keeping safe distances from swimmers and swimming zones. While it is well documented that boating activity can harm marine animals via boat strike, there is little information on the impacts of motorised foils on marine life.

Council is continuing to work with Fisheries and TfNSW on this matter and TfNSW Boating Safety Officers have committed to increasing patrols and, with assistance from Council, will continue to monitor the use of foilboards with respect to impacts on marine life and safety of other recreational users.

The impact of increased boating activity within the Reserve and in particular the impact of boat anchors.

In addition to flite boarding, TfNSW manages boating activities in the Reserve. TfNSW Boating Maps for NSW Waterways confirm that boating activities are permitted in Cabbage Tree Bay Aquatic Reserve with the warning 'CAUTION: Vessels should use extreme caution when navigating in the vicinity of Cabbage Tree Bay Aquatic Reserve due to swimming and diving activities. Council Swimming Zone – Passive Craft only in the vicinity of Shelly Beach.'

Boats are permitted to anchor in Cabbage Tree Bay, particularly as the bay provides a safe haven during strong southerly storms. Fisheries however prohibits harming marine vegetation such as seagrass, therefore anchoring is confined to sandy areas of the seabed.

Data is limited on impacts to seagrass beds from anchoring in the Reserve. Satellite imagery indicates seagrass and/or kelp beds have increased in the area over the last 12 years, however this has not been verified by ecological surveys, and does not account for any localised impacts caused by anchors.

Fisheries will be installing education signage throughout the Northern Beaches and at Cabbage Tree Bay, in collaboration with Council, highlighting the importance of threatened and protected species as part of their Marine Estate Management Strategy.

Council will continue to liaise with Fisheries to support community awareness of the regulations regarding the Reserve in order to achieve improved conservation outcomes. Council has requested seagrass mapping be undertaken by Fisheries at the next opportunity, to review any impacts.

The impact scuba diving schools are having on the Reserve.

The primary purpose of aquatic reserves is to conserve marine life as well as for public enjoyment, education, research and aboriginal heritage. Cabbage Tree Bay is particularly popular with scuba divers and snorkelers given its diverse and abundant marine life, proximity to the city, easy access for shore diving and shelter from poor weather and high seas.

There are currently three scuba businesses that are licenced to access the Reserve from Council land. Council is not considering granting additional reserve licences at this stage. Fisheries do not regulate access to aquatic reserves and private snorkelling and scuba activities are unregulated.

Data on the impacts of scuba diving on Cabbage Tree Bay's aquatic flora and fauna is limited. Nevertheless, Council and Fisheries are developing a code of conduct that will require scuba diving and snorkelling businesses to comply with 'no take' regulations and minimise harm to the environment. The code will help facilitate the objectives of the aquatic reserve by protecting the marine environment, educating users on the ecological values of the site and their obligations, in addition to promoting recreational enjoyment and local economic benefits of reserve visitors. The

code will be distributed to local dive shops to form part of diver training courses and general education.

Council will continue to liaise with Fisheries with regard to improving signage and compliance in all marine protected areas located in the Northern Beaches.

The impact on the reserve caused by large groups consuming large quantities of alcohol at Shelly Beach. This activity generates large amounts of rubbish (including plastic) which often finds its way into Cabbage Tree Bay.

Council maintains Shelly Beach Reserve to high standards through reserves maintenance and waste and cleansing services. 'No Alcohol' signs are in place and Council works with Police on managing the 24hr alcohol free zone.

Shelly Beach is litter-picked daily and has permanent bins that are serviced daily and increased to twice daily for seasonal and holiday periods.

Community groups also play a part in managing the impacts of visitors on the Reserve. The Friends of Cabbage Tree Bay group was established in 2012 and plays an active role in education. Other groups such as Take Three for the Sea are active in raising awareness of the impacts rubbish and single use plastics have on our marine environment.

The impact on the reserve caused by increased housing development in nearby streets. This issue has also been raised by local community groups.

Council works with developers and the community to ensure development in the catchment is undertaken in accordance with relevant planning controls and environmental legislation to protect receiving waters.

Council's Environmental Compliance Unit manages residential and commercial land use practices across the Northern Beaches including sediment and erosion control management. The positive water quality results collected by Beachwatch and high biodiversity in the Reserve do not appear to indicate an issue with catchment runoff.

CONSULTATION

Council staff are in regular contact with state agencies' representatives in the ongoing management of Cabbage Tree Bay and the surrounding area. Staff are also in regular contact with Friends of Cabbage Tree Bay and community group Manly Community Forum.

Internally, staff from Environment and Climate Change regularly consult with Parks and Recreation, Waste Management & Cleansing, Environmental Compliance and Transport & Civil Infrastructure in the management of the Reserve and surrounds.

TIMING

Northern Beaches Council's commitment to the Reserve is ongoing.

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.
- Protection of the Environment - Goal 3: Our community is well-supported in protecting the environment.
- Environment Sustainability - Goal 4: Our Council is recognised as a community leader in environment sustainability.

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

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council.

SOCIAL CONSIDERATIONS

The Reserve and adjoining land is highly valued by the community. The sheltered waters and surrounds are popular with and shared by a variety of recreational users such as walkers, picnickers, snorkelers, swimmers, surfers, watercraft users and scuba divers.

ENVIRONMENTAL CONSIDERATIONS

Council is committed to managing the Reserve and the local environment with its partners to ensure biological diversity and ecosystems are preserved so the Reserve continues provide opportunities for all forms of public recreation, education and scientific research.

GOVERNANCE AND RISK CONSIDERATIONS

Risk is considered in Council's management of the surrounding areas in collaboration with other state agencies and is consistent with the *Cabbage Tree Bay Aquatic Reserve: Draft Fisheries Management (Aquatic Reserve) Regulation 2009 and Implementation Strategy*, DECCW, 2010.

ITEM 11.4	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT DEVELOPMENT CONSTRUCTION SECURITY DEPOSIT POLICY
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2021/088074
ATTACHMENTS	1 Draft Development/Construction Security Deposit Policy 2 Former Warringah Council - Builders' Security Deposits Policy - LAP-PL 210

SUMMARY

PURPOSE

To report on the outcomes of public exhibition and seek the adoption of the Development/Construction Security Deposit Policy (Policy).

EXECUTIVE SUMMARY

This draft Policy aims to mitigate the risk of Council's infrastructure being damaged by property owners, developers and builders during development works on private property and public land. Council may determine that a security deposit is necessary to be paid by a property owner, developer or builder prior to construction works commencing to ensure that adequate funds are available for restoring Council infrastructure that may be damaged during building construction and development.

This draft Policy is applicable to all works associated with a Development Application (DA), Complying Development Certificate (CDC) and applications to do works in Council's Road Reserve or works that affect Council's infrastructure within the Northern Beaches Local Government Area (LGA).

At its meeting on 27 October 2020, Council resolved to exhibit the draft Policy for two months. The draft Policy was subsequently placed on public exhibition from 30 October 2020 to 15 January 2021.

During the public exhibition period, Council received two submissions relating to the principles in the draft Policy, however no change to the draft Policy is proposed.

The report recommends the adoption of the draft Policy. If the draft Policy is adopted, the following policy will be rescinded:

- Former Warringah Council Policy: LAP-PL 210 - Builders' Security Deposits

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That Council:

1. Note the submissions received during the public exhibition of the draft Development/Construction Security Deposit Policy.
 2. Adopt the Development/Construction Security Deposit Policy.
 3. Rescind the Former Warringah Council Policy: LAP-PL 210 - Builders' Security Deposits.
-

REPORT

BACKGROUND

At its meeting on 27 October 2020, Council resolved to exhibit the draft Policy for a period of two months. The draft Policy was subsequently placed on public exhibition for 77 days from 30 October 2020 to 15 January 2021.

The draft Policy harmonises the previous methods into an up-to-date and single Northern Beaches Council approach for security deposits.

The purpose of the draft Policy is to mitigate the risk of Council's infrastructure being damaged by property owners, developers and builders during development works on private property and public land. A security deposit is necessary from developers/builders to ensure adequate funds are available for restoring Council infrastructure that may be damaged during building construction and development. This draft Policy is applicable to all works associated with a DA, CDC and applications to do works in Council's Road Reserve or works that affect Council's infrastructure (e.g. stormwater augmentation).

If the draft Policy is adopted, the following existing policy will need to be rescinded:

- Former Warringah Council Policy: LAP-PL 210 - Builders' Security Deposits.

Summary of impacts

The draft Policy seeks to clarify the process for property owners, developers and builders and allow Council to manage security deposits in a consistent manner across the LGA.

The draft Policy has been developed to comply with all relevant legislation including the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993*, the *Roads Act 1993* and associated Regulations.

The draft Policy refers to the Development/Construction Security Deposit Policy Guidelines which outline the process by which Council will determine the quantum of the security deposit, the method documenting existing damage and the requirements for refunding the security deposit which is summarised as follows:

- Council will charge the security deposit in accordance with Council's Fees and Charges for works associated with a Complying Development Certificate.
- For all other works (such as works associated with a development application, an approval under the *Local Government Act 1993* or under the *Roads Act 1993*) Council will determine the likely risks posed by the works to Council infrastructure and the cost associated with rectifications. Council may impose a condition in a development consent or may enter into an agreement with an applicant for development requiring the applicant to pay an appropriate security deposit.
- Council will inspect the site or the applicant will submit a dilapidation report prior to works commencing.
- Upon completion of works Council will inspect the site and compare to the dilapidation report. Council will request the applicant to repair any damage that has occurred as a result of the construction prior to refunding the bond. If the applicant refuses, Council will utilise the security deposit to fund the rectification works or complete incomplete works within Council's road reserve or property that the security deposit related to.
- Council will refund the security deposit in accordance with the requirements of the applicable legislation.

Council's singular approach contained in the Policy to the legislative authority granted across different Acts and Regulations to request security during construction works, will improve the financial planning and surety for developers, builders and property owners, whilst also mitigating risks to Council.

CONSULTATION

The draft policy was exhibited on Council's 'Have Your Say' webpage from 30 October 2020 to 15 January 2021.

In this period, there were 118 views of the draft Policy and Council received two submissions.

One submission asked Council to clarify the relevance of placing a security deposit on development that only involves internal works with no major landscaping, demolition or heavy equipment, given the intent of the policy is to protect Council infrastructure.

In response to this submission, the security deposit is assessed on a case by case basis during the Development Application assessment process. If Council deem the risk associated with the development is sufficiently low, then no security will be requested. In some cases there may not be any external works on the development work, however Council's infrastructure may be damaged by a delivery truck or similar. As a result, a deposit may still be required in the Development Consent for an application for internal works only.

The other submission asked if Council was withholding information as to the value of the security payments and whether Council is proposing a change.

In response to this submission, the Development/Construction Security Deposit Guideline is available on Council's website and describes how bonds are calculated in accordance with legislative requirements. When applicable, road damage bonds are fixed in accordance with Council's fees and charges for developments of certain type and value. Other security deposits (e.g for protection of storm water assets located on the site) are calculated depending on the works being undertaken.

There is no recommendation to amend the draft Policy based on the two submissions received during the public consultation period. Attachment 1 is a copy of the Policy recommended for adoption.

TIMING

The Policy will take effect once adopted and is scheduled to be reviewed in accordance with Council's Operational Policy – Policy Framework which will be in 3 years from the date of adoption or earlier if initiated by legislative changes, Council resolution or changes in Council direction.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Good Governance - Goal 20: Our Council efficiently and effectively responds to, and delivers on, the evolving needs of the community.

FINANCIAL CONSIDERATIONS

The cost of implementing the Policy can be met within the current budget 2020/21.

SOCIAL CONSIDERATIONS

The draft Policy will mitigate the risk associated with private development and construction on Council's infrastructure by ensuring funds will be available to rectify damage and complete incomplete works. The community will benefit as it reduces the financial risk to Council allowing funds to be allocated towards other beneficial projects and services.

ENVIRONMENTAL CONSIDERATIONS

The draft Policy will ensure Council's infrastructure will be protected and minimises the requirement for Council to expend resources to replace infrastructure damaged during development works.

GOVERNANCE AND RISK CONSIDERATIONS

The draft Policy mitigates the financial risk of rectifying damage to Council's infrastructure by ensuring adequate funds are available to Council to undertake repairs to Council infrastructure damaged by property owners, developers and builders during construction works in the event that the property owner, developer or builder fails to do so.

Ensuring a robust, complete and up to date policy environment is key to Council's governance framework. The policy harmonises the policies and processes from the former Councils into a single approach and reduces the risk of procedural error by ensuring that one policy is applied across the entire LGA.



Council Policy

Development / Construction Security Deposit

Policy Statement

Council requires a security deposit, also referred to as a bond, from owners, developers and or builders to provide sufficient funds to complete works or repair any damage incurred within Council's road reserve or on Council Property during the construction of an approved development or works.

A security deposit relating to a Development Application or an Engineering Application is to be reasonably determined by Council in accordance with the Local Government Act 1993, Roads Act 1993 and the Environmental Planning and Assessment Act 1979.

The security deposit relating to a Complying Development Certificate is fixed in accordance with Council's Annual Fees and Charges as required by the Environment Planning and Assessment Regulation 2000.

The security deposit(s) is to be paid in accordance with the conditions of approved development consent for Development Applications and Engineering Applications or prior to the issue of a Complying Development Certificate when applicable.

As part of a Development Consent, Council may levy a number of security deposits to protect Council's interest, including but not limited to

- Asset protection – ensure Council assets are not damaged
- Construction – ensure the construction of public infrastructure is completed
- Maintenance – ensure public infrastructure meets Council's specifications
- Defects – non-conformances are rectified following the construction of public infrastructure

Council's Development/Construction Security Deposit Policy Guidelines (*the Guidelines*) serve to streamline the administration process to handle the security deposit.

Principles

Council will administer the Development/Construction Security Deposits policy in accordance with the following legislative framework and principles:

1) Legislative framework

- Local Government Act 1993 – S97
- Roads Act 1993 – S138 and S139
- Environmental Planning and Assessment Act 1979 – S4.17
- Environmental Planning and Assessment Regulation 2000 – S136 M

2) Determining a security deposit

Council determines the security deposit as appropriate for the development as prescribed by legislation relevant for the approved development and any provisions contained in the Guidelines:

3) Receiving a security deposit

The security deposit will be provided to Council prior to works commencing in a form (e.g. bank guarantee or cash) permitted by the legislation under which the application is being made.



4) Assessing existing condition

The existing condition of Council infrastructure to which a security deposit relates will be documented, submitted and retained by Council as prescribed by the Guidelines prior to works commencing and may be relied upon when assessing a request to return the security deposit.

5) Returning a security deposit

The security deposit is refunded less the cost of repairs for any damage, subject to Council's satisfaction that there are no remaining works under the approved development that may cause damage to Council's infrastructure. Council may also utilise the security deposit to complete unfinished works relating to Council infrastructure that were required as part of the approved development if the applicant fails to do so within a reasonable time frame.

Procedures for refunding security deposits are prescribed in the Guidelines.

6) Developers and Builders Compliance

The property owner/developer/builder must comply with the conditions of approved development consent where applicable. Failure to comply may result in the property owner/developer/builder forfeiting the security deposit.

Scope and application

This policy applies to all approved developments in the Northern Beaches Council local government area. The terms of this policy do not restrict Council's rights pertaining to security as outlined in relevant legislation.

References and related documents

- Council's Fees and Charges (as issued annually)
- Local Government Act 1993 – S97
- Roads Act 1993 – S138 & S139
- Environmental Planning and Assessment Act 1979 – S4.17
- Environmental Planning and Assessment Regulation 2000 – S136 M
- Development/Construction Security Deposit Policy Guidelines

Definitions

Approved Development: all development as defined in the Environmental Planning and Assessment Act 1979 approved by Council, Complying Development described within the SEPP (Exempt and Complying Development Codes) 2008 or approved works as defined in the Local Government Act 1993 including works requiring approval under the Roads Act 1993.

Engineering Application: Application to do works in Council's road reserve or works that impact Council's infrastructure.

Council's Infrastructure: Infrastructure, such as footpaths, kerbs, gutters, street trees, street furniture, staircases, roads, stormwater pipes and pits, that is owned, maintained, controlled or operated by Council for a public purpose within road reserves and on Council property.

Responsible Officer

Executive Manager, Environment & Climate Change

Review Date

December 2023

Revision History

Revision	Date	Status	TRIM Ref
1	17 December 2019	First draft Development/Construction Security Deposits policy	2019/680936
2	11 March 2020	Second Draft	2019/680936
3	10 June 2020	Third Draft	2019/680936
4	14 September 2020	Fourth Draft	2019/680936
5	18 September 2020	Fifth Draft	2019/680936
6	6 October 2020	Sixth Draft	2019/680936
7	13 October 2020	Seventh Draft	2019/680936

**LAP-PL 210**

Builders' Security Deposits

1. The purpose of this policy is

to obtain a security deposit from builders to provide adequate funds for restoring footpaths, kerbs or guttering that are damaged during building construction.

2. Policy statement

Warringah Council requires a security deposit from builders to provide adequate funds for any damage incurred during building construction. The security deposit is fixed in accordance with the Council's Fees and Charges book which is issued annually. This deposit is to be paid in conjunction with submission of the Development Application.

3. Principles

Warringah Council will carry out the Builders' Security Deposits policy in accordance with the following principles:

3.1 Assessment of the deposit payable

The Service Unit Manager, Local Approvals, or another officer, is to assess the deposit payable and to inspect the site for any existing damage prior to construction. Any existing damage to the kerb, gutter or concrete footpath is noted on the Application Form.

On completion of the work a final inspection is carried out and the Builders' Security Deposit is refunded, less the cost of any damages. Costs are deducted in accordance with the *Schedule of Fees and Charges*.

The Service Unit Manager, Local Approvals may waive all or part of the fee if the need for a security deposit is lessened due to site conditions or constraints.



LAP-PL 210

3.2 Builders' compliance

The builder must comply with the conditions on the back of the Builders' Security Deposit Application form, particularly in relation to temporary bridging. If the conditions are not adhered to, Council then gives the builder seven days to comply. Failure to comply renders the builder liable to forfeiting the security deposit and also to any other action Council considers necessary.

4. Amendments

LAP-PL210 Builders' Security Deposits supersedes HS-PL356 (name change only) which in turn supersedes policy number 4.2.17.

This policy was last amended on 30/11/1993 as recorded in *Council Minute Number 825*.

5. Authorisation

The Builders' Security Deposits policy was authorised by Council on 30/11/1993.

6. Who is responsible for implementing this policy?

Service Unit Manager, Local Approvals.

7. Document owner

Director, Strategy.

8. File number

220.004.001.

9. Legislation and references

Council's *Schedule of Fees and Charges* issued annually.

9.1 Definitions

None.

ITEM 11.5	PUBLIC EXHIBITION OF THE WAKEHURST PARKWAY FLOOD MITIGATION FEASIBILITY STUDY
REPORTING MANAGER	EXECUTIVE MANAGER ENVIRONMENT AND CLIMATE CHANGE
TRIM FILE REF	2021/180748
ATTACHMENTS	NIL

SUMMARY

PURPOSE

To seek approval to publicly exhibit the Wakehurst Parkway Flood Mitigation Feasibility Study.

EXECUTIVE SUMMARY

Council recognises the significance of Wakehurst Parkway as an important thoroughfare for the Northern Beaches community, and also acknowledges the importance of the adjoining environment to the biodiversity and cultural heritage of the area.

In late 2017, Council received \$5 million in grant funding through the Stronger Communities Fund from the Office of Local Government to investigate and implement options to address the frequent flooding of Wakehurst Parkway. Through this grant program, Council completed a number of site investigations and detailed modelling which resulted in a draft Flood Mitigation Feasibility Study (the Study) being prepared in mid-2019.

The Study can be found on Council's website – <https://www.northernbeaches.nsw.gov.au/council/meetings>. Due to the size of the Study, it has been uploaded separately to the business papers.

The Study identified and provided detailed information on the flash flooding in three separate locations on Wakehurst Parkway – in the vicinities of Oxford Falls Grammar School, a location known as 'The Bends', and the Sydney Academy of Sport and Recreation.

The Study also identified that the Stronger Communities Fund grant was insufficient to deliver works to achieve flood protection even in a one in three-month storm event. However, it also identified that with additional funding flood mitigation works could be delivered in all three locations to provide flood protection across Wakehurst Parkway in up to a 1 in 2-year storm event. This means that Wakehurst Parkway could be expected to close on average only once every two years. It currently closes on average 13 times in the same period. Councillors were briefed on this in June 2019.

Following the Councillor briefing, staff met with the Minister for Transport to discuss the project and in late 2019 wrote to Transport for NSW (TfNSW) to confirm the availability of additional funding. In November 2020 an additional \$13.1 million was included in the 20/21 and 21/22 NSW Government's Budget to permit the above works to be delivered to achieve flood protection up to the one in two-year storm event (should Council decide to proceed).

The formal offer of additional funding was received from TfNSW in February 2021. However, the delivery timeframe included with the funding offer still matched the timeframe Council provided in December 2019, with all works to be completed by the end of June 2022. Council staff have sought to accept the funding subject to a number of conditions:

- The funding is subject to an amended delivery timeframe to reflect the 14 months between the request being made and the formal notification of funding being received. This would see works being completed by the end of the first quarter in the 2023/2024 financial year.

- The elected Council resolves to proceed with the works following a community engagement process.
- The community being generally supportive of the proposed works.

The Study to be exhibited does not include any detailed construction costings as this could compromise market pricing should Council proceed to tender the project (all costs mentioned in this report and inclusive of overheads such as project management, design, offsets, construction and contingency costs). Approval is sought to place the Study on public exhibition for a period of at least 28 days. To facilitate the public exhibition of the Wakehurst Parkway Flood Mitigation Feasibility Study a detailed consultation program is to be developed covering each option including an option to maintain the current situation. If Council resolves to exhibit the Study, this will be developed throughout April with exhibition planned for May 2021.

A report will be brought back to Council in mid-2021 outlining the results of the public exhibition process and seeking further direction with respect to future activities.

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND SUSTAINABILITY

That:

1. The draft Wakehurst Parkway Flood Mitigation Feasibility Study – document reference number 2021/188438 - be placed on public exhibition for a period of at least 28 days.
 2. The results of the public exhibition of the Wakehurst Parkway Mitigation Feasibility Study be reported back to Council.
 3. Council accept the funding offered by Transport for NSW for the Wakehurst Parkway Flood Mitigation project subject to these conditions:
 - A. The funding is subject to an amended delivery timeframe to reflect the 14 months between the request being made and the formal notification of funding being received. This would see works being completed by the end of the first quarter in the 2023/2024 financial year.
 - B. The elected Council resolves to proceed with works following a community engagement process.
 - C. The community being generally supportive of the proposed works.
-

REPORT

BACKGROUND

Wakehurst Parkway provides an important road connection in the Northern Beaches, linking Frenchs Forest with Narrabeen. Middle Creek runs alongside Wakehurst Parkway from Oxford Falls to Cromer, where it discharges to Narrabeen Lagoon.

Wakehurst Parkway was built along this creekline in the 1940s and is situated at the base of the catchment on the floodplain. As a result, flooding from Middle Creek and its tributaries affects Wakehurst Parkway in this area, causing very frequent flooding and subsequent regular road closures.

Wakehurst Parkway frequently floods (over road flooding) in three key locations, namely:

1. Oxford Falls
2. The Bends
3. The Sydney Academy of Sport and Recreation

The location of the three key flood-affected locations is shown below in Figure 1, along with the estimated extent of flooding in the 2 year Average Recurrence Interval (ARI) flood event.

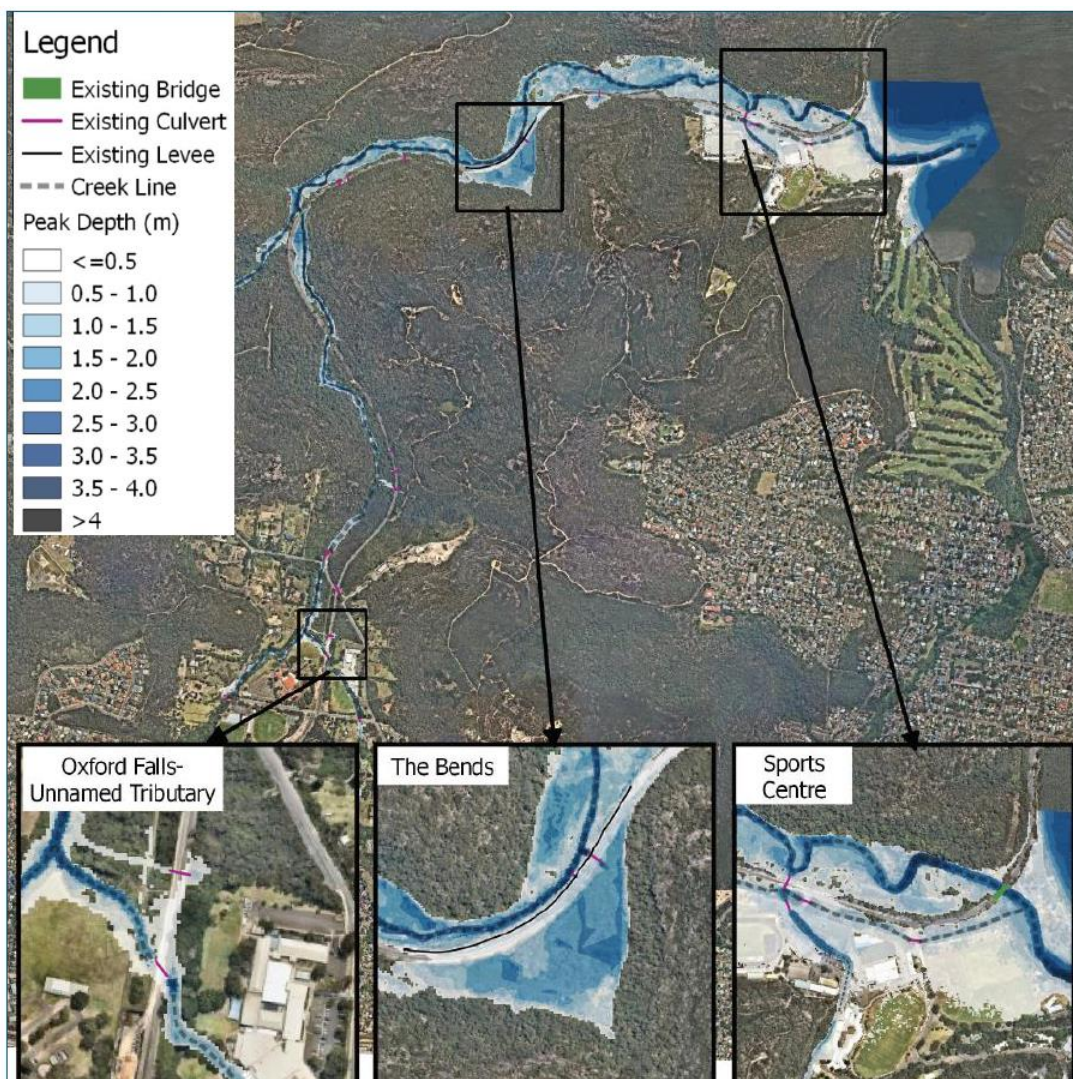


Figure 1 – Two year flood extent along Wakehurst Parkway depicting the three locations that the roadway suffers over-road flooding.

As indicated in the below table, each of the three locations outlined above has differing levels of existing flood exposure.

Table 1: Frequency of existing road inundation at the three (3) key locations, as estimated by flood modelling

Case	Depth of road flooding from the Creek in the stated event (Excluding local effects from direct rainfall on road)			
	4 EY (3 month ARI)	2 EY (6 month ARI)	1 EY (1 year ARI)	0.5 EY (2 year ARI)
Academy of Sport	Not flooded	Not flooded	Not flooded	0.23m
The Bends	0.08m	0.35m	0.46m	0.88m
Oxford Falls	0.06m	0.09m	0.18m	0.21m

Due to the high volume of traffic present on the roadway, the impact of closure on the community is significant. Within an eight year period of records analysed (2007 to 2014), the road was typically closed six to seven times per year as a result of flooding, with a median number of closure incidents of five per year.

Ongoing and future requirements for flood mitigation are complicated by the local environment, a variety of constraints at the site and the involvement of a number of organisations and stakeholders.

In late 2017 the NSW Government awarded Council \$5 million through the Stronger Communities Fund to investigate and if feasible implement options to reduce the frequent flooding of Wakehurst Parkway. Between 2017 and 2019 Council completed a number of data collection and analysis studies to better understand the mechanism of flooding and inform the feasibility of potential flood mitigation options.

Council subsequently engaged engineering consulting firm Royal HaskoningDHV (RHDHV) to undertake the Wakehurst Parkway Flood Mitigation Feasibility Study (the Study) to determine the appropriateness and effectiveness of proposed measures to mitigate very frequent flooding of Wakehurst Parkway.

Outline of Options

The Study identified options across the three locations on Wakehurst Parkway where regular over-road flooding occurs, namely in the vicinity of the Sydney Academy of Sport in the north, Oxford Falls Road junction in the south, and at a section of road referred to as 'The Bends', approximately half way between the two.

The options assessed in the Study include:

The Bends

- Option B1 New levee
- Option B2 New levee and removal of 1m depth of overbank sediment
- Option B3 New levee, removal of 1m depth of overbank sediment and under-road culverts
- Option B4 New levee, removal of 1m depth of overbank sediment, under road culverts, and top up of existing levee.
- Option B5 Removal of overbank sediment (1m depth)

- *Option B6 Removal of overbank sediment (2m depth)*
- *Option B7 New levee, under road culverts.*

Oxford Falls Road

- *Option O1 Culvert capacity increase*
- *Option O2 Culvert capacity increase (additional to O1)*

Sydney Academy of Sport and Recreation

- *Option S1 Bunds and localised low point drainage*

Feasibility Analysis

Undertaking flood mitigation works for Wakehurst Parkway is complex and challenging. The environment that abuts the roadway has high ecological value, potential for aboriginal heritage, and the potential for contaminated material, acid sulfate soils and the presence of major utility services. As a result, a number of additional assessments were commissioned by Council to inform this feasibility assessment.

The additional assessments were undertaken concurrently and included:

- Geotechnical investigation
- Acid Sulfate Soils and Contamination Assessment
- Aboriginal Heritage Assessment
- Further topographic survey
- Services search.

The flood mitigation options were assessed against key constraints. Each option was subject to the following assessment:

- Concept design
- Planning and approvals assessment (environmental planning / permissibility)
- Constructability
- Flood modelling
- Cost estimation (all presented excluding GST)
- Risk assessment.

Options Assessment for “The Bends”

The feasibility of each option is summarised below:

Option B1 New levee

Overview

Option B1 comprises construction of a **new levee** on the south eastern side of the road at The Bends. The option is considered to be feasible, with the primary consideration the approval from Transport for NSW (TfNSW) for works within the road corridor. There would be a requirement for reduced travel speed limits during the anticipated 6-week construction period.

Flood Impacts

Flood impacts are minor positive, with some negative impacts at certain flood return periods. The option provides flood immunity up to 4 Exceedances per Year (EY) (3 month ARI). Key constraints include space within the existing road corridor to implement the works, however this is expected to be achievable with minor road shoulder alterations and the need to limit working time, hence traffic disruption.

Environmental Impacts

The option presents little significant environmental impact, due to works being confined to the existing road corridor.

Estimated Capital Costs

The option is estimated to cost \$2M (excl. GST) and could be implemented with relatively minor environmental impacts and approvals. No environmental offset costs are included.

Option B2 New levee and removal of 1m depth of overbank sediment

Overview

Option B2 comprises construction of a **new levee** at The Bends on the southern side of the road (as outlined in Option B1) together with **removal of an area of overbank sediment** adjacent to Middle Creek. No excavation from within the creek is proposed.

The additional inclusion of the sediment removal aims to improve the general conveyance capacity of the creek and floodplain, as well as removing specific choke points.

In addition to Option B1, the sediment removal adds significant additional works outside the road corridor. The removal of overbank sediment does not require any physical works within the road corridor, however would require significant road traffic management during mobilisation and demobilisations, as well as an estimated period of 6 weeks of truck movements. TfNSW approvals would be required. The construction timeline is anticipated to exceed 25 weeks, not including the revegetation maintenance period.

Flood Impacts

Flood impacts are moderate-positive, with some negatives. The option provides flood immunity up to 2 EY (6 month ARI). The addition of the sediment removal option reduces future risk of the flood situation being exacerbated through continued sedimentation. Key constraints include access, traffic management, disturbance of existing valuable habitat and the need to dispose of excavated material.

Environmental Impacts

Environmental impacts are anticipated to be significant. There would be a direct impact to 2.41 ha of native vegetation and a further 0.45 ha of non-native vegetation would be impacted. Environmental offset costs are estimated to be \$670,000 (excl. GST) at 2019 prices.

The option is estimated to cost \$5.8M (excl. GST) and the implementation would be subject to significant additional environmental assessment and approvals. Council will be required to complete a Biodiversity Development Assessment Report (BDAR) or a Species Impact Statement (SIS), as well as a Biodiversity Management Plan.

Option B3 New levee, removal of 1m depth of overbank sediment and under-road culverts*Overview*

Option B3 comprises construction of a **new levee** at The Bends (as per Option B1), **removal of overbank sediment** (including vegetation) (as discussed in Option B2), with the addition of two sets of **new culverts under the road**.

The additional inclusion of the culverts aims to improve the conveyance of flow from within the creek to the southern floodplain, maximising floodplain conveyance and storage.

In addition to Option B2 (new levee and floodplain sediment removal), the addition of under road culverts significantly increases the disturbance footprint, capital works and presents significant temporary road closure / partial closures. The option is considered to be constructible through open trench methods, whilst maintaining two-way traffic.

Environmental Impacts

Direct impacts due to sediment removal works, consist of direct disturbance to native vegetation and habitat of 2.41 ha. Indirect impacts to native vegetation and habitat of 0.22 ha (minimum) are estimated due to culvert works.

The disturbance to sensitive and valuable habitat east of the road by culvert tail out channels, as well as the sediment removal is anticipated to cause significant environmental impacts. There is an estimated environmental offset cost of \$738,000 (excl. GST) at 2019 prices for the option as a total.

Flood Impacts

Flood impacts are significant positive. The option provides flood immunity up to 1 EY (1 year ARI).

Estimated Capital Costs

The option is estimated to cost \$12.1M (excl. GST) and the implementation would be subject to significant additional environmental assessment and approvals. Council will be required to complete a BDAR or an SIS, as well as a Biodiversity Management Plan.

Option B4 New levee, removal of 1m depth of overbank sediment, under road culverts, and top up of existing levee.*Overview*

This option would comprise a **new levee** (southern levee) at The Bends, **removal of overbank sediment** (including vegetation) and **installation of culverts** under the road (as discussed in Option B3), with the addition of **topping up the existing northern levee**.

Option B4 (this option) differs from Option B3 with only the topping up the existing northern levee. The topping up of the northern levee provides a consistent crest level of the levee (relative to the water profile) and removes the existing low points.

In addition to Option B3 (new levee, floodplain sediment removal and road culverts), the additional works associated with the existing levee 'top up' are considered relatively minor. Option B4 can therefore be considered similar to Option B3 in many aspects, whilst providing significant additional flood benefits.

Flood Impacts

Flood impacts are relatively significant positive. The option provides flood immunity up to 0.5 EY (2 year ARI).

Environmental Impacts

The disturbance to sensitive and valuable habitat east of the road by culvert tail out channels, as well as the sediment removal is anticipated to cause significant environmental impacts. There is an estimated environmental offset cost of \$738,000 (excl. GST) at 2019 prices for the option as a total.

Estimated Capital Costs

The option is estimated to cost \$13.8M (excl. GST). Similar to Option B3, the implementation would be subject to significant additional environmental assessment and approvals. Council will be required to complete a BDAR or an SIS, as well as a Biodiversity Management Plan.

Option B5 Removal of overbank sediment (1m depth)

Overview

This option would involve the removal of an area of overbank sediment only, as per Option B2, B3 and B4 above.

The option does not require any physical works within the road corridor, however would require significant road traffic management, hence TfNSW approval. The option requires significant physical works outside the road corridor and would require significant road traffic management. The construction timeline is anticipated to exceed 25 weeks. Key constraints include access, existing valuable habitat, traffic management and the need to dispose of excavated material.

Flood Impacts

Flood Impacts are minor positive. Flood immunity up to 4 EY (3 month ARI).

Environmental Impacts

Environmental impacts are anticipated to be significant. There would be a direct impact to 2.41 ha of native vegetation and a further 0.45 ha of non-native vegetation would be impacted. Environmental offset costs estimated to be \$670,000 (excl. GST) at 2019 prices.

Estimated Capital Costs

The option is estimated to cost \$4.1M (excl. GST) and the implementation would be subject to significant additional environmental assessment and approvals. Council will be required to complete a BDAR or an SIS, as well as a Biodiversity Management Plan.

Option B6 Removal of overbank sediment (2m depth)

Overview

This option would involve the removal of an area of overbank sediment only with a similar extent of Option B5 above (also as per Options 2, 3 and 4 above), but to an increased depth of 2m.

The option is **considered unfeasible**. The creek is typically less than 1m below the overbank area, therefore the proposed 2m of floodplain excavation would result in significant lowering of the existing creek, resulting in an imbalance in the fluvial regime and a complete change to the morphology of the creek and floodplain. In addition, the entire vegetation and habitat would change and not be able to be readily rehabilitated.

Flood Impacts

Flood impacts would be significant positive. Flood immunity up to 1 EY (1 year ARI).

Estimated Capital Costs

The option was not costed.

Option B7 New levee, under road culverts.*Overview*

This option would involve construction of the southern levee at The Bends and installation of culverts under the road (as discussed in Option B3).

Option B7 is similar in nature to Option B3, less the requirement for floodplain sediment removal. The under road culverts significantly increases the disturbance footprint, capital works and presents significant temporary road closure / partial closures. The option is considered to be constructible through open trench methods, whilst maintaining two-way traffic.

Environmental Impacts

The disturbance to sensitive and valuable habitat east of the road by culvert tail out channels is anticipated to cause significant environmental impacts. Indirect impacts to native vegetation and habitat of 0.22 ha (minimum) are estimated due to culvert works. There is an estimated environmental offset cost of \$67k (excl. GST) at 2019 prices.

Flood Impacts

Flood impacts are significant positive. Flood immunity up to 1 EY (1 year ARI).

Estimated Capital Costs

The option is estimated to cost \$8.1M (excl. GST) and the implementation would be subject to moderate additional environmental assessment, impacts and approvals.

The option does not address the ongoing issue of creek and floodplain sedimentation (existing sediment within the creek and floodplain moving downstream), and the resulting flood impacts.

Options Assessment for Oxford Falls AreaOption O1 Culvert capacity increase*Overview*

Option O1 comprises the amplification of the two (2) existing road pipe crossings under the Parkway at Oxford Falls at two locations. The aim of this option is to increase the conveyance of flood water under the road and contain water within the channel.

Under road culverts would require significant capital works and presents significant temporary partial road closures. The option is considered to be constructible through open trench methods, whilst maintaining two-way traffic. There would be the need for full or partial road closures during construction, however it is anticipated that such partial road closures could be undertaken whilst maintaining two lanes of flowing traffic (one each way), albeit at a reduced speed limit temporarily. The key constraint would be the buried Optus cable which would require protecting or temporary realignment during construction.

Environmental Impacts

Given the proposed utilisation of an existing culvert alignment, it would be unlikely to result in significant impacts. Environmental offset cost is estimated at \$12k (excl. GST) at 2019 prices.

Flood Impacts

Flood impacts are significant positive. Flood immunity up to 1 EY (1 year ARI).

Estimated Capital Costs

The option is estimated to cost \$1.2M (excl. GST).

Option O2 Culvert capacity increase (additional to O1)*Overview*

Option O2 comprises the further amplification of the two existing road culvert crossings under the Parkway per Option O1 above, although for Option O2 the pipe augmentations provide 0.5 EY (2 year ARI) immunity from road flooding. The aim of this option is to increase the conveyance of flood water under the road and contain water within the channel within a 0.5 EY (2 year ARI) flood event.

The option would present similar considerations as Option O2, with only a slightly larger construction footprint due to the larger pipes.

Flood Impacts

Flood impacts are significant-positive. Flood immunity up to 0.5 EY (two year ARI)

Environmental Impacts

Given the proposed utilisation of an existing culvert alignment, it would be unlikely to result in significant impacts. Environmental offset cost is estimated at \$12k (excl. GST) at 2019 prices.

Estimated Capital Costs

The option is estimated to cost \$1.6M (excl. GST).

Options Assessment for the Sydney Academy of Sport & RecreationOption S1 Bunds and localised low point drainage (i.e. flap-gated pipes)*Overview*

Option S1 comprises the provision of two bunds adjacent to the Sydney Academy of Sport and Recreation, to restrict the movement of overland flow across the low point of Wakehurst Parkway. The option is considered to be feasible, with the primary consideration the approval from TfNSW for works within the road corridor. There would be a requirement for reduced travel speed limits during the anticipated 6-week construction period.

Flood Impacts

Flood impacts are significant positive. Flood immunity up to 0.5 EY (2 year ARI).

Estimated Capital Costs

The option is estimated to cost \$2.1M (exc. GST). If local drainage channels are required to offset local drainage impacts, an additional \$126k (excl. GST) at 2019 prices of environmental offsets may be required for 0.74ha of vegetation disturbance.

Discussion

Based on the feasibility assessment, it is considered that all the proposed options, with the exception of Option B6, are feasible to implement, subject to acceptance of environmental impacts and the perceived or actual cost/benefit. Due to the constraints posed, the estimated costs for most options are considerably higher than would be expected from a less constrained site.

Option B6 (2m sediment removal) is not considered feasible. The creek is typically less than 1m below the overbank (floodplain) area, therefore a 2m depth of floodplain excavation would result in a reduced creek profile, significant imbalance in the fluvial regime, as well as ponding. Such work would also make revegetation of the 'floodplain' unlikely.

Those options requiring physical works within the road corridor would require approval and possibly implementation by TfNSW. For such options, the primary consideration is available space for plant and equipment during construction, a need to limit road closures, in-ground services and traffic management/safety. Space constraints are a key consideration and impact significantly on the construction timeframe and cost.

Options requiring physical work outside the road corridor (i.e. floodplain sediment excavation, culvert tail out channels) present significant constructability constraints and particularly issues with environmental impacts. This is particularly relevant for options at The Bends, where direct disturbance of sensitive and valuable habitat would be likely.

It is understood that options outside the road corridor (i.e. floodplain sediment excavation) could be implemented by Council, with approvals from TfNSW only required for temporary road closures / temporary changed traffic conditions. Other environmental approvals would be required.

Residual risks for option implementation include:

- The impact of localised pluvial flooding (ponding) remains a risk for options comprising levee construction or raising.
- Further ongoing sediment infill and choking of the creek corridor could continue for options not including sediment removal. Further sedimentation could exacerbate the existing flooding issue.
- Environmental approvals and the need for further assessment is required, primarily for sediment removal and road culvert options (at The Bends). Environmental impacts may not be considered acceptable.
- Offset credit values were estimated at 2019 rates. It should be noted that these rates are changed every three months.
- TfNSW approvals regarding traffic management (for options outside the road corridor) or road closures and occupancy (for options within the road corridor) would be required.
- The sediment contamination testing undertaken to inform this assessment was limited. To fully classify the sediment prior to removal would require significant additional testing. Should additional testing change the waste classification, then estimated disposal costs would increase significantly, and likely render the option potentially unfeasible due to costs.
- The ability for the excavated sediment to be disposed of offsite (in the case of options involving sediment excavation) has been assumed.
- There remains a number of uncertainties regarding land ownership.
- Options have been tested based on present day conditions, including rainfall, site constraints and baseline environmental conditions. The present study has not taken account of climate change (potential increase in rainfall intensity) or sea level rise.
- A European Heritage Assessment has not been undertaken.

Two Year Flooding Solution

To achieve 0.5 EY (2 year ARI) flood immunity across the whole Parkway a combination of Options B4, O2 and S1 are required at a combined preliminary cost estimate of approximately \$17.5 million (noting the significant environmental impacts associated with this solution):

- *Option B4 New levee, removal of 1m depth of overbank sediment, under road culverts, and top up of existing levee*

- *Option O2 Culvert capacity increase under Wakehurst Parkway at Oxford Falls*
- *Option S1 Bunds and localised low point drainage at Sydney Academy*

Advancing the Project

In June 2019 a briefing was provided to Councillors on the Wakehurst Parkway flood mitigation investigations. At the briefing the above options were described, and it was outlined that at that time there was insufficient funding available to undertake works to achieve even a 2 EY (6 month ARI) flood immunity at The Bends despite the significant environmental impacts. Council staff explained that additional grant funding opportunities were being sought.

Discussions were commenced with Transport for NSW (then RMS) on the results of the investigations and in October 2019 Council staff provided a formal briefing to TfNSW on the investigations and funding shortfall. Senior Council staff also met with the Minister for Transport and Roads, the Hon. Andrew Constance, MP to discuss the project and determine the availability of additional funding to deliver a higher level of flood immunity.

Council wrote to Minister Constance in December 2019 to formally request additional funding for the project. Due to the COVID-19 pandemic the 2020/2021 NSW Government budget was delayed. Ultimately in November 2020 the announcement was made that an additional \$13.1 million was allocated in the NSW Government for the project.

Council staff wrote to the Secretary of Transport for NSW in January 2021 to seek confirmation on any conditions or obligations associated with the funding. The formal offer of additional funding was received from TfNSW in February 2021. However, the delivery timeframe included with the funding offer still matched the timeframe Council provided in December 2019, with all works to be completed by the end of June 2022. Council staff have sought to accept the funding subject to a number of conditions:

- The funding is subject to an amended delivery timeframe to reflect the 14 months between the request being made and the formal notification of funding being received. This would see works being completed by the end of the first quarter in the 2023/2024 financial year.
- The elected Council resolves to proceed with the works following a comprehensive community engagement process.
- The community is generally supportive of the proposed works.

Next Steps

With a total of \$18.1 million of funding having been allocated to the project since late 2017 (of which \$17.3 million remains), it is expected that there will be sufficient funding to undertake the required works to provide two year flood immunity (should Council determine to do so). The most significant environmental impacts are associated with options that encompass over-bank sediment removal in the vicinity of The Bends. It is likely that these works are required to achieve more than 6 month immunity for any of the options at The Bends. However there are minimal additional environmental impacts associated with works to provide up to the 2 year flood immunity across the entire Parkway.

The environmental impacts are significant, however it is considered the combination of Options B4, O2 and S1 provide best flooding outcome for the available funding. The significance of the environmental impact and how this can be mitigated will need to be determined through subsequent approval processes.

It is now proposed to release the Wakehurst Parkway Flood Mitigation Feasibility Study for community consultation. This will determine the community's acceptance of the impacts associated with the works and inform their preference of option selection.

The results of the community consultation period will be presented back to Council in mid-2021 to seek a resolution on how to proceed with the project. If Council decides to proceed with the works, they will be the subject of a comprehensive and lengthy approvals and design process. This will likely involve the following key steps:

1. Finalise preferred option concept design
2. Assessment of environmental significance
3. Determination of Secretary's Environmental Assessment Requirements
4. Species Impact Statement/Biodiversity Development Assessment Report
5. Environmental Impact Statement
6. Detailed Design incorporating considerations and conditions from approval process
7. Quantity Surveying and Procurement

CONSULTATION

If Council decides to proceed with the project, it will be one of the largest capital works projects that Northern Beaches Council will deliver. It involves multiple stakeholders, from NSW Government agencies to landowners (such as Metropolitan Local Aboriginal Land Council), community interest groups (such as Friends of Narrabeen Lagoon Catchment) and the residents that use Wakehurst Parkway. The consultation process will canvass community feedback on all options, including whether there is no option is preferred (i.e. maintaining the current situation).

To facilitate the public exhibition of the Wakehurst Parkway Flood Mitigation Feasibility Study a detailed consultation program is being developed. If Council resolves to exhibit the Study, this will be developed throughout April with exhibition planned for May 2021.

TIMING

The public exhibition process is expected to run between May and June 2021 with a further report to Council following that process.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcomes of:

- Protection of the Environment - Goal 2: Our environment and community are resilient to natural hazards and climate change.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.

FINANCIAL CONSIDERATIONS

High level cost estimates were prepared using the preliminary concept designs and data available at the time of the studies. These cost estimates were used to inform discussions with the NSW Government and the resultant funding requests. Of the original \$5 million Council received through the Stronger Communities Fund, approximately \$800,000 has been spent on data collection, investigations and preparation of the feasibility study, with approximately \$4.2 million remaining. The funding from Transport for NSW is for \$13.1 million, this produces a total funding availability of approximately \$17.3 million.

A further review of the detailed costs was undertaken in 2020 (after the submissions to the NSW Government). Undertaking Options B4, O2 and S1 individually is now expected to result in a combined cost of \$17.5 million (inclusive of project management, design, offset funding,

construction and contingencies). While the individual costs exceed the available budget, staff intend to contract for the works as a package which is expected to produce efficiencies. Further, it is expected that some of the minor drainage works and offsets for S1 may not be required, which would reduce the project costs.

While the \$17.5 million project cost represents our best assessment of likely expenditure, there remains significant financial risk with the project until the detailed design, environmental assessments and relevant approvals have been completed. A final quantity survey will be obtained once the approvals and design process is complete, and the available budget confirmed prior to tendering for the works.

SOCIAL CONSIDERATIONS

Connectivity along Wakehurst Parkway is an important issue for the local community, particularly with respect to access between the upper and lower sections of the peninsula and perceptions of access to Northern Beaches Hospital. Reduced flood frequencies improves this connectivity.

ENVIRONMENTAL CONSIDERATIONS

All options to reduce flooding through The Bends location result in significant environmental impact, with the removal of sediment in particular, involving the removal of 2.41ha of threatened ecological community and a further 0.22ha of native vegetation removal associated with the under-road culverts (at The Bends only). Additionally, Option S1 at the Academy may result in up to 0.74ha of threatened ecological community removal.

Should Council elect to proceed with an option in this location, significant mitigation and environmental offsets would be required including the likely preparation of Species Impact Statement or Biodiversity Development Assessment Report and subsequent Environmental Impact Statement.

Environmental restoration is a key focus of the project. Although the project involves the removal of significant areas of native vegetation, staff will ensure creek and bushland restoration will be prioritised in the design, construction and maintenance process. The project will endeavour to restore the environment to as good or better ecological state in the longer term, while maintaining a reduced level of flooding.

GOVERNANCE AND RISK CONSIDERATIONS

This project represents a significant capital works project in a sensitive environment and involving modifications to an arterial road. There are numerous major risks that will need to be managed such as, risks to traffic/transport, environmental risk, financial risks, construction risks and reputational risk.

These risks will be managed by establishing a robust project management structure and delivering the project in accordance with Council's best practice project management methodology and Enterprise Risk Framework.

A project management team is currently being established through the appointment of a project director. The delivery of the project is a joint initiative between all teams that have an interest or expertise, these are Environment and Climate Change, Capital Projects, Transport and Civil Infrastructure, and Community Engagement.

12.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 12.1	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT PUBLIC SPACE VISION AND DESIGN GUIDELINES
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2021/032466
ATTACHMENTS	<p>1 ➡ Response to Submissions Report (Included In Attachments Booklet)</p> <p>2 ➡ Northern Beaches Public Space Vision & Design Guidelines (Included In Attachments Booklet)</p>

SUMMARY

PURPOSE

To seek Council endorsement to adopt the Northern Beaches Public Space Vision & Design Guidelines (PSV & DG).

EXECUTIVE SUMMARY

Council staff have undertaken a comprehensive review and consolidation of the three former Councils' various public domain guidelines.

The draft Public Space Vision & Design Guidelines (PSV & DG) presents a unified vision for our public spaces whilst recognising the unique features, character and heritage of the diverse villages and places within the Northern Beaches Local Government Area. Driven by criteria of quality, durability and sustainability, the draft PSV & DG support environmental, social and health outcomes through the introduction of best practice street design and material selection.

The draft PSV & DG document seeks to retain and enhance the unique landscape and character of the Northern Beaches, whilst providing additional environmental, social, health and economic outcomes for our centres and neighbourhoods through the introduction of best practice street design and appropriate materials.

The draft PSV & DG document was prepared during 2020 following an initial round of engagement with key internal and external stakeholders, and the community.

At its meeting on 29 September 2020, Council resolved to place the draft PSV & DG on public exhibition. The draft PSV & DG was exhibited from 2 October 2020 to 1 November 2020 with 26 submissions received.

The draft PSV & DG was presented to both the Places for People Strategic Reference Group and the Community Safety Committee Meeting as part of the internal and external stakeholder engagement process.

All comments received from Council's Places for People Strategic Reference Group, Community Safety Committee, and all submissions received during the public exhibition period have been reviewed and considered and, where appropriate, the PSV & DG document has been amended to respond to feedback received. The final draft PSV & DG provided in attachment 2 and is now presented to Council for final endorsement.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council adopt the Northern Beaches Public Space Vision and Design Guidelines.

REPORT

BACKGROUND

The draft PSV & DG is the consolidation of the three former Councils' public domain guidelines and policy documents. The former Manly and Pittwater public domain documents were guidelines and not endorsed as official Council policy documents. The former Warringah Guideline was a Policy document and rescinded as part of the Policy Harmonisation Project in August 2019. Interim Guidelines have been in place since then.

During the process of consolidation critical information gaps were identified with further analysis and research required to ensure Council's guidelines for its public domain were in line with directions contained within the Greater Sydney Commission's '*North District Plan*' and the NSW Government Architect's Office suite of 'Better Placed' policy documents.

Following the review of all the relevant former Council documents, the draft PSV & DG was prepared in consultation with internal and external stakeholders. In preparation of the new document a high degree of consideration was given to the community's increased expectations on the delivery of high-quality public places and spaces on the Northern Beaches.

PUBLIC SPACE VISION & DESIGN GUIDELINE

The PSV & DG seeks to retain and enhance the unique landscape character of the Northern Beaches whilst providing additional environmental, social, health and economic outcomes within our centres and neighbourhoods through the introduction of best practice street design and appropriate material selection.

Six key objectives form the foundation of the guidelines which are derived from State Government public domain targets and previous engagement with the community.

The six key objectives are as follows:

1. Enhance and protect the bush, beach and waterway character
2. Encourage social activation through street design
3. Inspire healthy and active lifestyles through safe and inclusive footpath and cycleway networks
4. Implement traffic calming interventions to create safe environments
5. Integrate water sensitive urban design into streets and open spaces
6. Increase tree canopy cover on streets.

In line with best practice urban design, streets are commonly referred to as '*the backbone of public space*', often accounting for a quarter or more of the total lands area in our cities and neighbourhoods. Streets typically make up around 80% of all public space in an urban area, with parks and squares comprising less than a fifth of our shared spaces.

The introduction of four key material palettes 'Coastal, Urban, Bush and Waterfront' in the draft PSV & DG are representative to their unique environmental condition and character areas whilst also seeking to provide an overall cohesiveness to the entire LGA.

The PSV & DG document has been through an extensive engagement process with all relevant internal stakeholders, external stakeholders and two rounds of public engagement. All comments have been considered and, where appropriate, the PSV & DG document has been amended to respond to the feedback received. The final draft PSV & DG is provided in Attachment 2 for Council's consideration and final endorsement.

CONSULTATION

The Engagement Strategy for the PSV & DG was initially scheduled to include several ward-based pop-up community engagement sessions as part of the initial (Stage 1 – pre-exhibition) engagement. However, the consequences and timing of the COVID-19 restrictions drove the strategy towards an online focused and interactive preliminary engagement process.

The Stage One online engagement was well received with Council receiving 235 comments. All comments were captured in a community outcomes report and subsequently informed revisions and amendments in the preparation of the draft PSV & DG.

At its meeting on 29 September 2020, Council resolved to place the draft PSV & DG on public exhibition. The draft PSV & DG was exhibited from 2 October 2020 to 1 November 2020 with 26 submissions received.

In addition, the draft PSV & DG was presented to both the Places for People Strategic Reference Group and the Community Safety Committee as part of the internal and external stakeholder engagement process.

Feedback collected through the engagement process identified several recurring themes. The results of the engagement process indicated that: 50% of respondents were in favour of the approach and direction of the draft PSV & DG, 25% indicated unfavourable support, 20% of respondents were neutral and 5% not applicable.

During the exhibition period a total of 970 people engaged with the project 'Your Say' page and a total of 26 submissions were received. The consensus was that the PSV & DG presented a well-considered and cohesive response that was representative of the unique character of the Northern Beaches Local Government Area (LGA) and its individual components. A summary of submissions and responses are provided in Attachment One.

Key Community Feedback

In response to the exhibition 26 submissions were received. From these submissions 'Six key themes' have been outlined below along with key strategies to how the Public Space Vision & Design Guidelines have addressed raised items. A response to submissions report is included in Attachment 1.

Identity loss "one size fits all"

- *Beach and waterfront palettes are too similar.*

These two palettes are subtly differentiated with the selection of the charcoal powder coating to better address Waterways (whilst also being able to provide a palette selection for some of the higher profile or heritage character areas) to provide a distinct/alternate character response (refer to Character Areas Material Palettes section of the PSV & DG).

- *Areas that have unique/heritage characteristics would suffer.*

The public domain guidelines consider specific heritage areas and identifies appropriate design responses for these areas such as materials, furniture etc. These areas will be designed and addressed as unique areas with their own set of material palettes (refer to Heritage Areas and Places section of the PSV & DG).

- *Loss of unique 'village' style and feel to each town centre.*

Within each material palette, especially for the village centres, there are a variety of materials to choose from, as a direct response to considering the existing material and characters of these areas. The need to establish a cohesive material palette is to ensure design excellence for future developments, to ease and reduce maintenance cost and to ensure sustainability practices are included (refer to Character Areas Material Palettes section of the PSV & DG).

Loss of Parking due to increased tree canopy

- *Loss of on street parking must be considered in urban areas so a sensible balance needs to be achieved between planting and parking particularly in Manly where on street parking is limited.*

Extended kerbs to achieve additional mass planting and trees proposed will be strategically placed in order to minimise on-street parking reductions. Mostly kerbs will be extended around pedestrian crossing areas, where there cannot be any street parking, as well as areas with less parking demand. Whilst smaller planter boxes play a role in the greening of a particular area, the guidelines seek to create areas which maximise tree canopies and permeable paving to create healthy, sustainable environments. Optimal soil volumes and water sensitive urban design through planting in ground (refer to Street and Open Space Components, Sustainability section of the PSV & DG).

Purpose of the Public Space Vision & Design Guidelines

- *The Corso needs to be considered a design project of its own.*

The public domain guidelines do not seek to design the entire LGA, but rather layout design principles/objectives in order to maintain good design practice throughout the LGA. Work has commenced upon developing a Place Plan for Manly, of which consideration of the Corso will be included. This Place Plan will include extensive community engagement.

Distinctive and high-profile spaces would be designed separately by designers/architects/landscape architects. It is up to the designers/Council to decide how these feature projects would be interwoven into the overall LGA which the guidelines specify (refer to Distinctive and High-profile spaces section of the PSV & DG).

- *Closure and one-way direction only of Manly streets. I live on eastern hill and access on busy days is extremely difficult already.*

The public domain guidelines do not propose any direct changes to streets in Manly. The primary function of the public domain guidelines is to guide future infrastructural/local projects to have a common design language, as well as to help facilitate infrastructural strategies, such as Council's Bike Plan, to be integrated within the public domain. The guidelines do not propose to remove elements, but rather to outline possibilities where relevant/possible. It is up to the designers/Council to decide how future projects would be interwoven into the overall LGA and the requirements of the PSV & DG.

Wayfinding and Signage

- *I was unable to find any information on way-finding signs. This is extremely important and should be considered as part of the overall design concept. Mosman do very attractive way-finding signage and would be a good example of what to consider.*

Having an overarching wayfinding strategy is important in any precinct. The draft PSV&DG does not include a wayfinding strategy. At a future time, Council will explore the preparation of a Wayfinding Strategy.

- *I know there is a 'signage review' going on but hey, it's about time someone took a stand and 'harmonised' all the compliance signs, the bike pictograms on roads and paths, actually all pictograms, to a standard and then installed them. Every light pole along East and West Esplanade has at least one, in some locations several, signs attached.*

The guidelines encourage the use of smart poles "that provide multifunction facilities e.g. signs + street banners" in order to de-clutter the public domain as much as possible and to enable as much consistency as possible (refer to the Signage and Wayfinding interpretation, Lighting section of the PSV & DG).

Cycleways

- *Closure and one-way direction only of Manly streets. I live on Eastern Hill and access on busy days is extremely difficult already the guidelines also encourage the use of smart poles that provide multifunction facilities e.g. signs + street banners, security cameras and other functions in order to de-clutter the public domain as much as possible and to enable as much consistency as possible.*

The public domain guidelines do not propose any direct changes to streets in Manly. The primary function of the public domain guidelines is to guide future infrastructural/local projects to have a common design language, as well as to help facilitate infrastructure strategies, such as Council's Bike Plan, to be integrated within the public domain.

- *It is the SIGNIFICANT COST to transition to a "sustainable e-transport mode" that seems to be LACKING within the guidelines. The idea of using one lane each way bike paths in Surry Hills does not illustrate the "COST" of removing the kerb side car lane.*

The primary function of the public domain guidelines is to navigate future infrastructural/local projects to have a common design language, as well as to help facilitate infrastructure strategies, such as Council's Bike Plan, to be integrated within the public domain. The guidelines do not propose to remove elements, but rather to outline possibilities where relevant and/or where possible.

- *There is no evidence of general community demand for more bike lanes, cycleways and facilities and nobody accepts at face value the statement that 40% of LGA residents rode a bike within the past 12 months or that 26% of residents' cycle for transport purposes.*

The guidelines set out to identify streetscape components (i.e. planting zones, pedestrian zone's etc.) to demonstrate how these components can work together to maximise both the function and usability of a streetscape. These components are derived from best practice design benchmarks such as NSW design suite "Better Placed" and Council's "Towards 2040 LSPS".

The guidelines cannot emulate the entire street network of the LGA, and it is acknowledged that placing all components onto each street is not feasible. It aims at introducing a palette of best practice components to be used where appropriate to achieve the guiding principles mentioned within the guidelines. This approach recognises the "number of solutions" to every problem and aims at introducing flexibility required to tackling the Public domain within the Northern Beaches (refer to the Distinctive and High-profile spaces section of the PSV & DG).

Sustainability

- *Would like to see the plan include the "how to green" our environment from harsh pavement and roads to create for "green environment".*

Sustainability and reducing heat island effects are primary targets which the guidelines set out to achieve. 'Greening environment' is best practice strategy in overcoming a lot of harsh environmental conditions. Making sure there are sufficient volumes for planting and trees enable an increase in permeability, as well as making sure proposed tree canopies can mature (reducing heat island effect) provides cohabitation of fauna and insect environment. Tree species selection are carefully considered to encourage biodiversity (refer to the Soil Volumes, Tree Species Selection section of the PSV & DG).

- *We support the use of WSUD to improve conditions in public spaces (Objective 6)*

Noted.

1) Key Community Feedback Conclusion

Overall, the responses submitted were positive and constructive. It reaffirmed the importance of the overall objectives, as well as the usefulness of establishing set character palettes. Response to submission feedback was incorporated into the PSV & DG where appropriate. This feedback is the final round of public review and sits alongside final stakeholder and Council review stages.

TIMING

If adopted by Council, the PSV & DG will become a guiding document for Council's internal staff and external stakeholders.

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.
- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Environment Sustainability - Goal 6: Our Community will continue to work towards sustainable use of resources.
- 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.
- Places for People - Goal 8: Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing.
- Community and Belonging - Goal 11: Our Community feels safe and supported.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.
- 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

Included in existing budgets, as funding to support the Public Space Vision & Design Guidelines.

SOCIAL CONSIDERATIONS

- PSV & DG Objective 2: Encourage social interaction through street design
- PSV & DG Objective 3: Encourage healthy and active lifestyles through safe and inclusive footpath and cycleway networks
- PSV & DG Objective 4: Implement traffic calming interventions creating safe environments (Refer pages 13 – 15 PSV & DG – Attachment 2)

ENVIRONMENTAL CONSIDERATIONS

- PSV & DG Objective 1: Enhance and protect the bush, beach and water character
- PSV & DG Objective 5: Integrate water sensitive urban design into streets and open spaces
- PSV & DG Objective 6: Increase tree canopy cover and landscaping on streets

Best practice street design and material selections have been developed in accordance with best practice sustainability metrics with the development of the Life Cycle Costing Tool which sits alongside the draft PSV&DG as a complementary 'live' working document to assess sustainable, durable and cost-effective selections relating to the materials palettes.

Street design also incorporates best practice solutions for the management of stormwater, increased green canopy cover to address safety (UV protection), sustainability and durability for the long-term resilience of the community and associated public spaces and assets.

GOVERNANCE AND RISK CONSIDERATIONS

A Project Control Group and a Project Working Group were formed to oversee the preparation of the PSV & DG document. Council's Asset Management Group will be responsible for implementing any future works within the public domain in accordance with the PSV & DG.

There is a risk over time that some palettes, materials and/or street furniture items may no longer be available, however the requirement to undertake a comprehensive review of the PSV & DG document every five years (or as required in the interim periods) will ensure that the materials remain up to date and appropriate amendments can be made to the guidelines as required ensuring future selections represent the best value, sustainability and durability for Council.

ITEM 12.2	OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT PLANNING AGREEMENT FOR 723, 725 AND 727 WARRINGAH ROAD, FORESTVILLE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2021/103447
ATTACHMENTS	1 ➡ Draft Planning Agreement (Included In Attachments Booklet) 2 ➡ Response to Submissions Table (Included In Attachments Booklet)

SUMMARY

PURPOSE

To inform Council of the outcomes of the public exhibition of the draft Planning Agreement for 723, 725 and 727 Warringah Road, Forestville and seek Council's agreement to provide delegation to the Chief Executive Officer to execute the Planning Agreement.

EXECUTIVE SUMMARY

On 3 May 2019, Council staff received an offer to enter into a planning agreement (the 'Planning Agreement Offer') at 723, 725 and 727 Warringah Road, Forestville. The Planning Agreement offer is a result of a Deferred Commencement Consent issued by the NSW Land and Environment Court for construction of a childcare centre for 146 children on the subject properties under development application DA2018/0697.

To safely access the childcare centre, the DA proposed to construct a deceleration lane across the existing street frontage of the subject sites within the existing public road reserve. This proposal would require the relocation of the public footpath onto private land. During the assessment of the DA, Council's Traffic Engineer and the Roads and Maritime Service (RMS) identified that a land dedication was required to accommodate the deceleration lane and maintain an appropriate Council road reservation.

The Planning Agreement offer proposes the dedication of 153m² of land to Council, along the Warringah Road street frontage of the development site, free of charge. The land proposed to be dedicated to Council is intended to form a new section of public road reserve and will contain part of a 3m wide shared path, landscaping, driveway and pedestrian island.

A planning agreement is required to facilitate the dedication of land to Council free of charge. Council's solicitors and the Applicant's solicitors have prepared a draft Planning Agreement (the 'draft Planning Agreement').

The Development Contributions Committee (the 'Contributions Committee') have considered the Planning Agreement Offer and the draft Planning Agreement and determined that the Planning Agreement Offer demonstrates a public benefit.

The Planning Agreement Offer and the draft Planning Agreement were reported to the Council meeting of 27 October 2020. At this meeting, Council resolved:

That Council:

- 1. Notes the assessment of the draft Planning Agreement.*
- 2. Places the draft Planning Agreement and Explanatory Note on public exhibition for a minimum 28 days in accordance with legislative requirements.*

3. *Be presented with a report on the outcomes of the public exhibition of the draft Planning Agreement.*

The outcomes of the public exhibition and the exhibited draft Planning Agreement (Attachment 1) are provided to Council for consideration. It is recommended that Council support the exhibited draft Planning Agreement and execute the Planning Agreement.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Note the outcome of the public exhibition of the draft Planning Agreement for 723, 725 and 727 Warringah Road, Forestville.
 2. Enter into the Planning Agreement for 723, 725 and 727 Warringah Road, Forestville.
 3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
 4. Notify those who made a submission advising of Council's decision in respect of the Planning Agreement for 723, 725 and 727 Warringah Road, Forestville.
-

REPORT

BACKGROUND

On 2 May 2018, Council received a development application DA2018/0697 (the 'DA') for the demolition of existing structures and construction of a childcare centre for 146 children at 723, 725 and 727 Warringah Road, Forestville.

To safely access the childcare centre, the DA proposed to construct a deceleration lane across the existing street frontage of the subject sites within the existing public road reserve. This proposal would require the relocation of the public footpath onto private land. During the assessment of the DA, Council's Traffic Engineer and the Roads and Maritime Service (RMS) identified that a land dedication was required to accommodate the deceleration lane and maintain an appropriate Council road reservation.

Several issues were identified with the DA which led to Council requesting the withdrawal of the application on 17 August 2018. A Class 1 appeal against Council's deemed refusal of the DA was lodged with the Land and Environment Court on 14 September 2018.

A conciliation conference under section 34 of the *Land and Environment Court Act 1979* was held on 3 May 2019 and was attended by Council representatives. It was identified that a planning agreement was required to facilitate the dedication of land to Council free of charge.

An offer to enter into a planning agreement (the 'Planning Agreement Offer') was received by Council on 3 May 2019 and has since been updated to provide part of a 3m wide shared path. An agreement was reached between the parties at the conciliation conference. The Land and Environment Court issued a Deferred Commencement Consent on 3 May 2019, requiring the following deferred commencement condition to be completed before the consent becomes operable:

1. VPA for dedication of land to relevant roads authority

The developer shall enter into a voluntary planning agreement (VPA) pursuant to s 7.4 of the Environmental Planning and Assessment Act 1979 (NSW) to dedicate the land referred to in the General Terms of Approval issued by the RMS dated 5 June 2018, specifically Condition 4, with the dedication being to the relevant roads authority and consistent with the developer's offer dated 3 May 2019.

Evidence required to satisfy the deferred commencement condition must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with section 95 of the Environmental Planning and Assessment Regulation 2000.

Council's solicitors and the Applicant's solicitors have prepared a draft Planning Agreement. The draft Planning Agreement includes the Roads and Maritime Services' (RMS) letter dated 5 June 2018 and a subsequent email dated 25 September 2019. The email confirms that the land should be dedicated to Council, not the RMS.

Process

The draft Planning Agreement offer was received on 3 May 2019. At the time, the Warringah Voluntary Planning Agreement Policy – Policy No PL600 (the 'Warringah Policy PL600 effective from 27 August 2014) was the adopted Policy that set out procedures relating to planning agreements under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The Northern Beaches Voluntary Planning Agreement Policy, adopted on 17 December 2019 replaces the Warringah Policy PL 600, and guides Council's assessment and management of planning agreements. This policy requires all parties to a planning agreement to decide whether it is appropriate in the circumstances.

Council's Development Contributions Working Group (the Working Group) were asked to assess the draft Planning Agreement prepared by Council's solicitors and the proponent, following the Land and Environment Court proceeding.

The Working Group as well as Council's Development Contributions Committee have reviewed the Planning Agreement Offer and the updated draft Planning Agreement and formed the view that the offer constitutes a public benefit.

The draft Planning Agreement and supporting documentation was publicly exhibited in accordance with Council's resolution of 27 October 2020 and the provisions of the *Environmental Planning & Assessment Regulation 2000* from 16 November to 21 December 2020. The outcomes of the exhibition are now provided to Council for consideration.

It is noted that while the DA consent condition requires the Applicant to enter into a Planning Agreement, Council is not obliged to enter into an agreement where it does not agree with the proposed terms or there is no demonstrated public benefit. If no Planning Agreement is entered into the deferred commencement condition cannot be satisfied and the consent will not become operative.

The Development Site

The existing Council road reserve fronting the development site is approximately 4.5m wide and is shown in Figures 1 and 2 below. 723 Warringah Road is located behind the other two subject properties and is accessed via the battle-axe driveway adjacent to 725 Warringah Road.



Figure 1 – Aerial image of the subject sites



Figure 2: Looking south across Warringah Road to the subject properties

The new deceleration lane (approved under the DA) is to be constructed within the existing Council road reserve. This will require the dedication of a strip of land at least 3.5m in width to maintain an appropriate Council road reservation. The DA also approved the construction of a 1.5m wide footpath, driveway, pedestrian island and landscaping within the land to be dedicated to Council.

The Planning Agreement Offer

The Planning Agreement offer involves the dedication of 153m² of land to Council, free of charge. This land is shown on the Plan of Subdivision below.

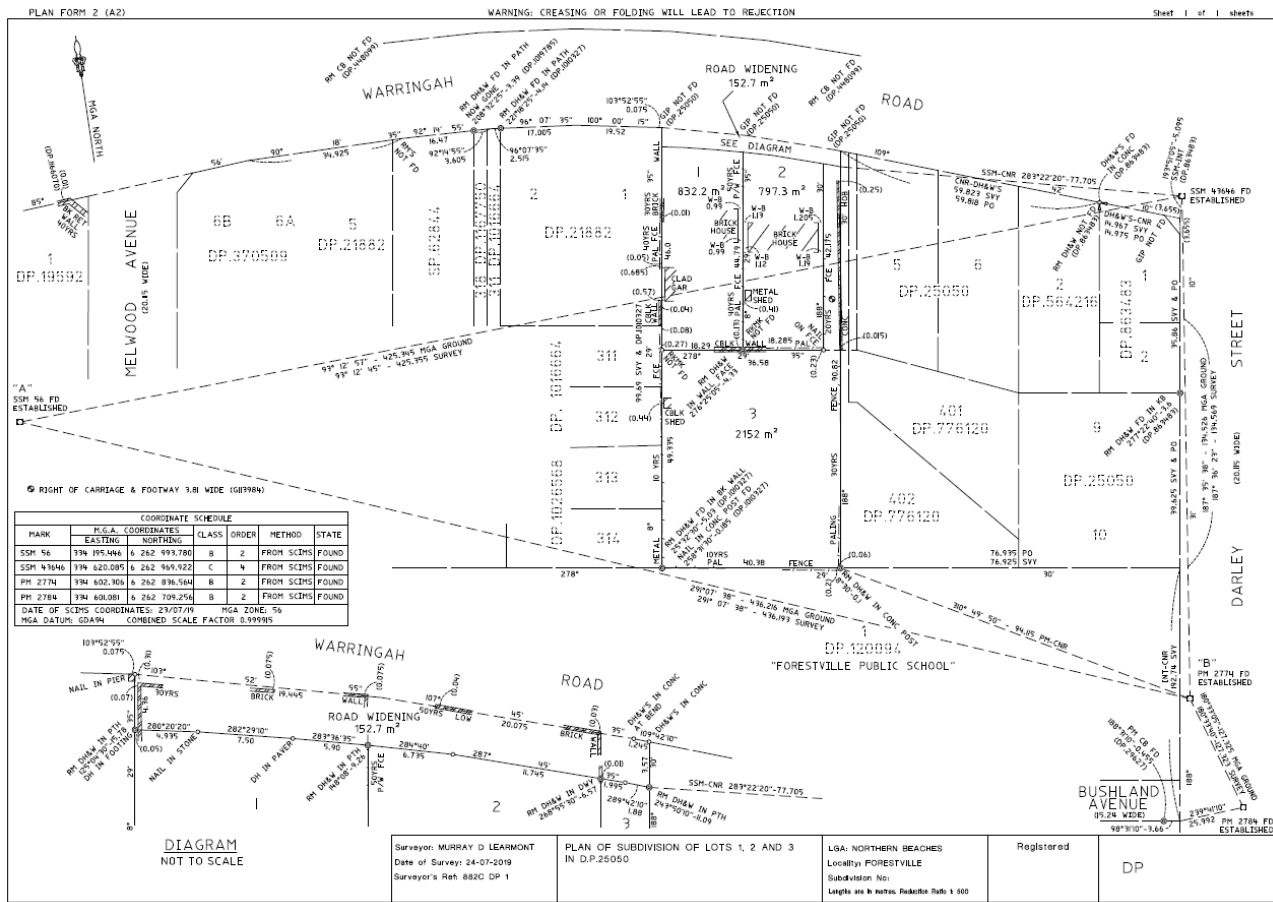


Figure 3 – Plan of subdivision identifying the land to be dedicated to Council

An updated draft Planning Agreement was provided by the Applicant to address issues raised by Council staff. The amendment changed the 1.5m wide footpath on the land to be dedicated to Council to a 3m wide shared path. The applicant has also lodged a Modification Application to the DA to reflect this change. The Modification Application was approved on 2 February 2021.

The updated and exhibited draft Planning Agreement identifies that the land to be dedicated to Council will, as shown on the plan below, contain the following new infrastructure:

- Part of a 3m wide shared path
- Turf landscaping
- Driveway
- Pedestrian island.



Assessment of the Planning Agreement Offer

Council's Development Contributions Committee have considered the Planning Agreement Offer, the draft Planning Agreement and supporting documentation. A legal review of the draft Planning Agreement was also undertaken.

At the meeting of 11 August 2020, the Development Contributions Committee resolved:

That:

1. *The Development Contributions Committee, in principle, support the VPA offer, being the dedication of land and infrastructure to Council free of charge. The VPA offer provides an acceptable public benefit subject to the following:*
 - a. *Amendments to the updated Explanatory Note consistent with the legal review, and removal of any reference to compulsory acquisition*
 - b. *Amendments to the draft VPA to:*
 - i. *Include the submitted plan of land dedication*
 - ii. *Include a plan identifying the proposed infrastructure on the land to be dedicated to Council. This plan must show a 3m wide footpath at-grade and not elevated or impacted by the driveway ramp.*
2. *Council's Legal Counsel and the Applicant be advised accordingly.*

An updated draft Planning Agreement was received on 6 October 2020 addressing the matters raised by the Development Contributions Committee.

The 3m wide shared path on the land to be dedicated to Council is consistent with the recently adopted Northern Beaches Bike Plan (adopted by Council on 28 July 2020). The Northern Beaches Bike Plan (the 'Bike Plan') identifies a Tier 1 Regional Cycle Route along the southern side of Warringah Road from Roseville Bridge to the Frenchs Forest Strategic Centre (the new Frenchs Forest Town Centre, beside the Northern Beaches Hospital). This planned route fronts the development site. The provision of a 3m wide path, at no cost to Council, is consistent with the Bike Plan and was determined to provide a demonstrated public benefit.

Advice from the Acting Executive Manager Transport and Civil Infrastructure, dated 30 September 2020, reads as follows:

The applicant has demonstrated that the shared path can be constructed and has included the infrastructure in plan titled "Proposed Ground Floor – A2000, Revision [M]" and land dedication plan by CMS Surveyors and dated 9 July 2020.

As such the requirements of the Transport Network team for the future Regional Shared Path along the Warringah Road corridor is not compromised by this development and the VPA should be approved in line with the deferred commencement condition of LEC Consent DA2019/0697 and the appropriate land dedicated as public road with the infrastructure to be constructed in line with the appropriate section 139 – Roads Act 1993 approval instrument.

In accordance with Council's Voluntary Planning Agreement Policy, the Applicant has provided a valuation of the land to be dedicated and a cost estimate of infrastructure on the land to be dedicated. The land proposed to be dedicated is not identified on the Land Reservation Acquisition Map under the Warringah Local Environmental Plan 2011. The land valuation was received on 24 July and estimates a range from \$76,500 to \$153,000.

Assessment of the Public Benefit

Council's Voluntary Planning Agreement Policy requires Council to consider if there is a demonstrated public benefit arising from a planning agreement offer.

A planning agreement is a voluntary agreement under which a developer is required to dedicate land free of charge, pay a monetary contribution or provide any other public benefit, to be used or applied towards a public purpose.

Clause 7.4(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) stipulates:

A public purpose includes (without limitation) any of the following:

- a) *the provision of (or the recoupment of the cost of providing) public amenities or public services*
- b) *the provision of (or the recoupment of the cost of providing) affordable housing,*
- c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land*
- d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure*
- e) *the monitoring of the planning impacts of development*
- f) *the conservation or enhancement of the natural environment.*

The Explanatory Note seeks to clarify the public benefit proposed under the draft Planning Agreement and is attached to in this report. Section 1(a) of the Explanatory Note identifies that the land dedication and associated road works are:

in lieu of having to pay for it (and the associated road works) so as to enable Warringah Road to be widened and provide an appropriate and safe trafficable public road. The provision of the Dedication Area (and associated road works) is to be at no cost to the Council and free from all encumbrances.

Section 6 of the updated Explanatory Note contains an assessment of the merits of the planning agreement as follows:

The Planning Purposes Served by this Planning Agreement – In accordance with Section 7.4(2) of the EPA Act 1979, this Planning Agreement promotes the following public purpose:

- *the provision of (or recoupment of the cost of providing) public amenities or public services.*

The parties have assessed this Planning Agreement and state that the provisions of this Planning Agreement, in particular the Proposed Development, provide a reasonable means of achieving the public purposes set out above by reason that the Dedication Area (and works within it) will be vested under the care and control of the relevant Roads Authority at the Developer's sole cost.

In addition to the dedication of land to Council free of charge, the provision of a 3m wide shared path is considered to be a demonstrated public benefit for the following reasons:

- It is an increase to the capacity of the existing footpath within the public road reserve fronting the development site (currently 2m wide).
- It will deliver the planned shared path 3m wide at this location at an earlier stage and at no cost to Council. Conversely, the provision of a 1.5m wide footpath as approved under the DA would be a reduction (of 0.5m) to the 2m wide path that exists at this location and would require Council to reconstruct the 3m wide shared path (as part of the footpath programme) at a later time.

Due to the broad definition of "a public purpose" (under Clause 7.4(2) of the EPA Act), the Planning Agreement Offer – being the dedication of land and infrastructure to Council free of charge – would

satisfy this definition. Only a Planning Agreement can facilitate the dedication of land free of charge.

CONSULTATION

The draft Planning Agreement and supporting documentation was publicly exhibited in accordance with Council's resolution of 27 October 2020 and the provisions of the *Environmental Planning & Assessment Regulation 2000* from 16 November to 21 December 2020.

There were 1,141 visitors to the 'Your Say' page and 1,365 document views.

Four submissions were received during the public exhibition period against the draft Planning Agreement. The matters raised in the submissions predominantly relate to traffic and transport issues associated with the approved child care centre and the functionality of the deceleration lane. The issues raised in these submissions and responses are addressed in Attachment 2.

No changes are proposed to the exhibited draft Planning Agreement (Attachment 1) as a result of the issues raised in the four submissions.

TIMING

If Council supports the exhibited draft Planning Agreement, it is recommended that Council delegates all necessary authority to the Chief Executive Officer to execute all documentation to give effect to the draft Planning Agreement.

Once the Planning Agreement is executed by both parties and registered on the property title the deferred commencement condition of the DA is satisfied and the consent becomes operable.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Transport and Infrastructure - Goal 16: Our integrated transport networks meet the 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 recommendations of this report pose no adverse financial impact on Council.

The draft Planning Agreement does not exclude the application of section 7.12 contributions applicable to the site imposed through the development consent. As such, a contribution is required in accordance with the conditions of the development consent prior to the issue of a Construction Certificate.

A valuation of the land to be dedicated to Council and the cost of the infrastructure on the land to be dedicated were obtained. The valuations were considered in the review of the draft Planning Agreement and the assessment of the public benefit. The dedication of land and construction of infrastructure will be at no cost to Council.

SOCIAL CONSIDERATIONS

The draft Planning Agreement seeks to dedicate land to Council containing infrastructure for public use. This will provide a public benefit which will facilitate the safe movement of cyclist and pedestrians within Council's active travel network.

ENVIRONMENTAL CONSIDERATIONS

There are no adverse environmental implications resulting from the dedication of land and infrastructure to Council.

GOVERNANCE AND RISK CONSIDERATIONS

An assessment of the draft Planning Agreement has occurred in accordance with the Northern Beaches Council Voluntary Planning Agreement Policy.

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

ITEM 13.1 OUTCOME OF THE PUBLIC EXHIBITION FOR THE PROPOSED NAMING OF THE RESERVE AT FERN CREEK, WARRIEWOOD AFTER LYNNE CZINNER

REPORTING MANAGER EXECUTIVE MANAGER PARKS AND RECREATION

TRIM FILE REF 2020/686683

ATTACHMENTS

- 1 [⇒ Proposed area for Lynne Czinner Park \(Included In Attachments Booklet\)](#)
- 2 [⇒ Community Engagement Report - Lynne Czinner Park \(Included In Attachments Booklet\)](#)

SUMMARY

PURPOSE

To report on the outcomes of the public exhibition to name the reserve at Fern Creek, Warriewood as Lynne Czinner Park.

EXECUTIVE SUMMARY

Council resolved on 29 September 2020 for the Chief Executive Officer to liaise with Ms Czinner's family to determine an appropriate location for a memorial in her honour. In consultation with Ms Czinner's family it was considered that naming the reserve at Fern Creek, Warriewood would be honorable recognition of Lynne's contributions.

On 15 December 2020, Council resolved to place a proposal to name the reserve at Fern Creek, Warriewood after Lynne Czinner on public exhibition in recognition of her commitment to the community and dedication to the environment. It is proposed that Lynne Czinner Park will be inclusive of the reserves surrounding either side of Fern Creek (attachment 1).

The proposal was exhibited between 29 January and 28 February 2021. During the feedback period 62 submissions were received. The community engagement report has been attached (attachment 2).

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Name the reserve at Fern Creek, Warriewood, Lynne Czinner Park in recognition of Lynne Czinner's contributions to the community and environment. Land parcels included are 2-50 Callistemon Way (Lot 8 DP 1092802), 100 Dove Lane (Lot 3 DP 1251955), 110 Dove Lane (Lot 2 DP 1251955), 120 Dove Lane (Lot 1 DP 1251955), and 13 Fern Creek Road (Lot 13 DP 1092788).
 2. Apply to the Geographical Names Board to name the reserve at Fern Creek 'Lynne Czinner Park'.
 3. Authorise the Chief Executive Officer or delegate to respond to the Geographical Names Board if the application receives any objections.
-

REPORT

BACKGROUND

The Geographical Names Board (GNB) is responsible for the administration of place names within NSW, in accordance with the *Geographical Names Act 1996*. For all naming requests Council refers to its 'Naming our Reserves, Facility and Roads Policy'. This Policy is based on the GNB guidelines and includes undertaking public consultation with the community.

The naming of parks and reserves, such as the reserve at Fern Creek, requires formal approval of the GNB. The GNB policy outlines when applying a commemorative name, that the person must be deceased for at least one year. It has not been one year since the passing of Ms Czinner, however it is assumed by the time the GNB application process is fully complete this time frame will have been met.

Council acknowledged the sad passing of former Mayor of Pittwater Lynne Czinner at its 29 September 2020 meeting. The Council resolution included that the CEO liaise with Ms Czinner's family to determine an appropriate location for a memorial in her honour. In consultation Ms Czinner's family it was considered that naming the reserve at Fern Creek, Warriewood would be honorable recognition of Ms Czinner's contributions.

On 15 December 2020 Council resolved to place the proposal to name the reserve at Fern Creek, Warriewood, 'Lynne Czinner Park' on public exhibition.

Lynne Czinner Park will be inclusive of the reserves surrounding either side of Fern Creek (attachment 1). Land parcels 2-50 Callistemon Way (Lot 8 DP 1092802), 100 Dove Lane (Lot 3 DP 1251955), 110 Dove Lane (Lot 2 DP 1251955), 120 Dove Lane (Lot 1 DP 1251955), and 13 Fern Creek Road (Lot 13 DP 1092788).

CONSULTATION

The proposal was exhibited online between 29 January and 28 February 2021. The proposal was advertised in Council's Community Engagement newsletter, Council eNews and signage onsite throughout the duration of the exhibition.

During the feedback there were 62 submissions. Of the submissions, 68 percent supported the proposal to name the reserve Lynne Czinner Park. It was generally considered that naming the reserve in her honour was a fitting tribute to a person who contributed a lot of her time to protecting the local environment.

Twenty four percent of the comments received did not support the proposal for various reasons. Some preferred to maintain the current name, Fern Creek, or to choose an Aboriginal name to acknowledge the local indigenous heritage. Other comments thought a simple plaque with a description of Lynne's community contribution would be enough.

A few comments thought that places should not be named after single individuals as there are so many worthy recipients. One respondent noted that the name of a volunteer would be preferable over a Council representative.

Eight percent of the submissions responded neutrally to the proposed naming.

A summary of submissions and Council responses is listed below:

Supportive of Name Lynne Czinner Park	Summary of Comments	Council Response
No	A name should be given that acknowledges the traditional owners.	Councils naming policy and guidelines are supportive of Aboriginal names. However in this instance the proposal involves recognition of a community member.
No	The proposed name only represents one person and creates exclusiveness.	This proposal does recognise the efforts of one person. It does not however create exclusiveness of the reserve. There are many reserves named after individuals, which have not created such issues.
No	Where is the reference to the Serbian/Croatian families who made the Warriewood Valley.	The alternative suggest is not without merit. However in this instance the proposal involves recognition of Lynne Czinner.
No	Councillors are paid to do a job and should not be put on a pedestal by naming. There are more deserving who volunteer their time to better the community.	Council follows its policy for <i>Naming a Council reserve, Road and Facility</i> and review submission according to its criteria. The proposal is within the Geographical Names Board policy for <i>Place naming</i> .
No	The current name Fern Creek Reserve is a more beautiful name.	Council acknowledges the suggestion of the name Fern Creek Reserve, however the proposed name intends to commemorate Lynne Czinner for her contributions to the community and environment.
No	Something smaller such as a bench engraved for her would be better.	On consultation with Ms Czinner's family it was considered the naming of the reserve at Fern Creek would be appropriate recognition of Ms Czinner's contributions.
Neutral	Ms Czinner would be horrified at the state of the reserve at Fern Creek. Pittwater Council including Lynne Czinner use to value and respect the creek and its surrounds.	Council will investigate the maintenance and potential improvements of the creek line.
Yes	The name fittingly acknowledges the contributions made by Lynne Czinner.	Council acknowledges Lynne Czinner's contribution to the community and the environment particularly the Warriewood Wetlands.

Yes	The naming plaque should include reference to maintain the history of Lynne Czinner and her contributions.	Council will be in consultation with Ms Czinner's family in developing the text on the signage which will preserve the history of her contributions.
Yes	<p>The park could be landscaped with informal gardens – given Lynne's background as a horticulturist</p> <p>An idea would be to include a community garden, especially featuring tomatoes in glasshouses based on those of Warriewood – paying tribute to her love of the community and the market gardening history of the area.</p> <p>Additionally sculptures by local artists located within the park.</p>	Council will consider the suggestions put forward in the future planning of the reserve.

TIMING

The Geographical Names Board (GNB) policy for place naming outlines when applying a commemorative name, the person must be deceased at least one year. It has not been one year since the passing of Ms Czinner, however it is assumed by the time the GNB application process is fully complete this time frame will have been met.

It is recommended that staff apply to the GNB to be included in their 13 July 2021 meeting, to consider 'Lynne Czinner Park' as the name of the reserve. If the GNB proposes to assign a name the proposal is published in the NSW Government Gazette and in a local newspaper.

Submissions can then be made to the GNB within one month after the date of publication of the notice. If objections are received the GNB forwards them to Council for consideration and response.

It is recommended that staff be delegated to respond to any objections received by the GNB. The GNB will then forward the Council feedback to the Minister to make a final decision on the name. If there are no objections to the proposal the GNB assigns the new name, which is formalised through notification in the Government Gazette. The timeframe for this process is subject to variation. It is anticipated to undertake at least three months.

On approval from GNB, Council will update references to the reserve with the new name where relevant, such as Council's webpage and spatial information systems.

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

Signage will cost approximately \$3,000, including Park identification and interpretive signage. Interpretive signage will act as an alternative to a plaque, providing a learning opportunity to read about the contributions Lynne Czinner provided to the community. Text would be developed in

consultation with Ms Czinner's family. Signage will be funded from the Parks and Recreation operational budget.

SOCIAL CONSIDERATIONS

The naming of this park in honor of Lynne Czinner recognises and celebrates the significant contribution she made to our local community and environment.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts associated with this naming.

GOVERNANCE AND RISK CONSIDERATIONS

This proposal and the recommendations in this report are considered to be aligned with our Naming our Reserves, Facilities and Roads Policy.

There are no anticipated governance and risk impacts with this project.

ITEM 13.2	ENDORSEMENT OF THE NORTHERN BEACHES ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PLAN FOR PUBLIC EXHIBITION
REPORTING MANAGER	EXECUTIVE MANAGER TRANSPORT AND CIVIL INFRASTRUCTURE
TRIM FILE REF	2021/181352
ATTACHMENTS	<p>1 ➡ Electric vehicle charging infrastructure plan - draft (Included In Attachments Booklet)</p> <p>2 ➡ Review of Northern Beaches Electric Vehicle Charging Infrastructure Plan Draft (Included In Attachments Booklet)</p>

SUMMARY

PURPOSE

To seek Council endorsement of the draft Northern Beaches Electric Vehicle Charging Infrastructure Plan to be placed on Public Exhibition for 28 days.

EXECUTIVE SUMMARY

To support the uptake of Electric Vehicle technology in the community and to reduce charge anxiety for existing and future owners of electric vehicles, Council is looking to establish a network of charging stations to augment the infrastructure provided by private operators in convenient locations.

Council's MOVE Transport Strategy sets a target of a 30 percent reduction in vehicle emissions by 2038, and Council's Climate Change Action Plan has a range of actions for delivering this outcome including Action 10.4 - Facilitating and/or providing public electric vehicle charging infrastructure at key locations.

Recently several providers have also approached Council to provide this type of infrastructure across the Northern Beaches using various business models to deliver either free short-term charging offset by advertising on adjoining Ausgrid infrastructure or through a user pays type of delivery model. Both of these models require Council to provide parking spaces dedicated for this use either on the road network or in public carparks.

These rely on the cost to be offset through advertising or other methods and as such are not likely to be installed in areas where residents, visitors and commercial users require them most. As such Council has investigated locations and technology to augment any commercial proposals that have or are likely to come through from those organisations using these business models.

The draft plan provides guidance on the management of both private operator provided charging infrastructure and for Council owned and operated infrastructure across the Northern Beaches in carparks, on-street locations and in destination specific locations.

RECOMMENDATION OF DIRECTOR TRANSPORT AND ASSETS

That Council:

1. Endorses the Electric Vehicle Charging Infrastructure Plan to be placed on Public Exhibition for a period of at least 28 days.
 2. Receives a further report after the public exhibition period including a summary of feedback on the draft plan and options to implement the delivery actions across the Northern Beaches.
-

REPORT

BACKGROUND

Electric Vehicles are becoming more widely used by the general community and head towards parity with conventionally powered (ICE – Internal Combustion Engine) vehicles, they have the potential to transform the global market for passenger and freight vehicles. Technology is advancing rapidly, allowing a wide range of charging options to be provided for customers seeking to charge their vehicles in a range of locations.

It is important to note that the following developments relating to EV have taken place since November 2018:

1. Globally, manufacturers have committed more than \$90 billion investment to bring new electric models to the market.
2. Infrastructure Australia has identified that an EV charging network is a high priority.
3. The NSW Government has released the [NSW Electric and Hybrid Vehicle Plan](#) which is a significant advancement in Government policy in support of EVs and EV charging infrastructure. In relation to EV charging stations, the key actions include:
 - setting a 10 per cent target for new NSW Government general purpose passenger fleet cars from 2020/21 – with 10 per cent of new vehicles purchased or leased by agencies to be electric or hybrid vehicles
 - co-invest in fast chargers in regional NSW on major regional corridors (this is largely private sector driven)
 - co-invest in fast chargers in commuter car parks (this is largely private sector driven)
 - adopt preferred charging standards to guide councils, companies and investment
 - develop guidelines for the installation of charging points in roadside service centres
 - support EV charging through strategic land use planning and guides.
4. The NSW Government (Transport for NSW) has opened the 'NSW Electric Vehicle Charging Program' which aims to facilitate and engage in partnerships between the public and private sector for the delivery of EV charging stations across metropolitan commuter carparks and key regional road networks

Electric vehicle market

International Energy Australia estimate that 15-25% of new vehicle sales will be electric by 2030, whereas Stanford Professor Tony Seba predicts more than 90% of car sales by 2030 will be electric.

The Australian automotive market currently differs from overseas with less electric vehicles purchased. This could be due to the factors relating to the Australia air quality being high, no effective policies to reduce cost for motorists, the decline of the local car manufacturing industry and no efficiency or CO2 standards for new vehicles.

Currently potential customers are cautious to purchase an electric vehicle due to:

- High purchase price - 27 of the 35 models are over the \$60,000 price point
- Range anxiety – driving ranges between 270 - 600 km on a single charge
- Availability and Model Choice – 35 model options now available.

There are three types of electric vehicles:

- Hybrid electric vehicles (HEV) - combination of a conventional internal combustion engine (ICE) with a small battery and electric motor. All energy comes from the fuel and the recovered braking energy. This means there is no plug required to charge the battery, e.g. Toyota Prius, Subaru Forester, Toyota Camry
- Plug in or range extender electric vehicle (PHEV) – combines an electric drivetrain, batteries that can be charged from an external power supply, and an internal combustion engine for long range driving e.g. Mitsubishi Outlander, and BMW.
- Pure Battery-electric vehicle (BEV) – only source of power is electricity from an external source with energy stored in on-board batteries, e.g. Tesla, Hyundai, or Nissan Leaf.

Electric vehicle ownership

The NSW light passenger vehicle fleet of 2.95 million vehicles includes 1,700 battery EVs and 28,000 petrol-electric hybrid vehicles (as at September 2018).

We estimate that there are currently around 500 EV or petrol-electric hybrid vehicles on the Northern Beaches.

Transport for NSW vehicle registration data does not include the number of EV registered in the Northern Beaches LGA at this time, refer to other fuel types.

Charging infrastructure

Six different levels of EV charging infrastructure is available.

Type	Power Requirement	Range added per hour	Charging Time	Typical Application
Level 1 – single phase (domestic)	2.4 – 3.7kw	10-20 km range per hour	5 – 16 hours	Home – using a regular power point
Level 2 – slow – single phase (domestic or public)	7kw	30-45 km range per hour	2 – 5 hours	Home, Work, Shopping Centres and Car Parks
Level 2 – fast – three phase (public)	11 – 22kw	50 – 130 km range per hour	30 mins – 2 hours	Urban Roadside
Level 3 – fast charge (public)	50kw	250 – 300 km range per hour	20 – 60 minutes	Regional near highways, motorways, and key routes
Level 4 – super-fast charge (public)	120kw	400 – 500 km range per hour	20 – 40 minutes	Regional near highways, motorways, and key routes
Ultra-fast charge (public)	350kw	1000+ km range per hour	10 – 15 minutes	Highways and motorways

Electric vehicle infrastructure costs

Level 2 destination charging installation cost would be around \$20,000 with \$2000 per annum for ongoing maintenance and operational cost for each charge point.

Level 3 charging options cost between \$90,000-\$150,000 installation and an estimated \$30,000 for ongoing maintenance and operational cost for each charge point.

Additional costs may be incurred due to the need to extend underground services, relocate infrastructure, or specialized installation costs due to location, etc.

Legal and regulatory implications

The EV performs the charging control, which means that chargers are technically power points. If there were a fault in charging, it would likely be the car that caused it, not the equipment. There are several layers of protection to stop this from happening.

Council will need to ensure that all EV charging infrastructure is serviced regularly by a qualified electrician to ensure safety for users and members of the public. A further issue to be further considered is someone tripping on a cable and damaging the vehicle.

Electric vehicle parking

No enforceable legislation through Transport for NSW (TfNSW) is in place relating to parking conditions for Electric Vehicle Parking (EVP). TfNSW will have to address this through the development of legislation to support EVP.

In the interim parking for the charging bay is managed through a variation to the standard No Parking signage that is enforceable under the existing road rules.

Where we are planning to deliver EVP in the public domain, we need to include all providers of EV and provide charging infrastructure that supports all vehicles. This will ensure that Council does not prefer one supplier to another.

We have installed 'No Parking Electric Vehicles Only' signage in the Dee Why PCYC carpark. We will be required to introduce parking conditions for future EVP to ensure vehicles only remain parked while they are charging.

Public EV charging points located in the Northern Beaches Local Government Area (LGA) are generally situated in private carparks.

Location	Public/private	Charger type
PCYC carpark. Dee Why	Public	Tesla Destination Charger Charge Point Charging Station Plug in charger
Flower Market, 287 Mona Vale Road, Terrey Hills	Private	Tesla Destination Charger
Westfield Warringah Mall	Private	Charge Point Charging Station
Harbord Diggers, Freshwater	Private	Tesla Destination Charger
Stockland Balgowlah	Private	Tesla Destination Charger

Proposed locations for Electric vehicle charging infrastructure in the public domain may include a number of locations, such as:

- Strategic Centres (Manly, Dee Why, Mona Vale and Frenchs Forest)
- Beach carparks (Avalon, Collaroy, Palm Beach and Clontarf)
- Commuter hubs (Church Point and Palm Beach)
- Council regional playgrounds and community centres (Winnererremy Bay and Narrabeen)

Many councillors would be aware, there have been many urban renewal experts over recent years that have highlighted the need for public carparks, in particular to have appropriate infrastructure for electric cars, electric bikes and scooters. The Federal Government and some State Governments have now started rolling out the vital infrastructure required to ensure electric vehicles can cover long distances on our nation's highways. Council has an important role to play in providing more adequate facilities within our own community.

CONSULTATION

The Transport Network team will undertake a minimum of a 28-day public engagement program (not including the week for Easter) including 2 community drop-in sessions to allow the community to provide feedback directly to the project team.

TIMING

The project timeline will cover the initial public engagement period from endorsement commencing on the 26 March 2021 through to 30 April 2021 (a 5-week period accounting for Easter), subsequent report back to Council for consideration of the public consultation results and adoption.

The physical delivery of charging infrastructure will be undertaken across several budget cycles and will complement the privately installed, but publicly accessible charging stations across the Northern Beaches.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environment Sustainability - Goal 4: Our Council is recognised as a community leader in environment sustainability.
- Transport and Infrastructure - Goal 17: Our community can safely and efficiently travel within and beyond Northern Beaches.

The report also relates to actions in both the Move Transport Strategy and the Climate Change Action Plan to reduce the carbon emissions created by our community, advocate for the uptake of new technology in the transport system and provide innovation to influence and initiate change.

FINANCIAL CONSIDERATIONS

The infrastructure component of the project is not fully funded, with partial funding available through existing development contributions funds. There are substantial grant funding opportunities to investigate through both the NSW and Federal Governments to contribute to the delivery of this program.

There is also the opportunity to facilitate the provision of third-party charging infrastructure on public land using several different business and funding models. These delivery options generally are funded through advertising or the use of the infrastructure for other purposes (mobile phone base stations) where the provision of infrastructure is based on the ability to offset the initial cost through the primary infrastructure requirement and not necessarily based on actual demand for charging infrastructure.

SOCIAL CONSIDERATIONS

The outcome of this report has no negative social impacts for the community.

ENVIRONMENTAL CONSIDERATIONS

Locations for the infrastructure will be chosen to reduce the impact on the environment. Using existing car parking spaces will reduce the need to increase impervious surfaces and limit the need to remove street vegetation. Some charger types can be incorporated into "smart streetlighting" posts in town centres to reduce the clutter.

The long-term environmental benefit of the community use of electric vehicles and the associated reduction in carbon emissions (especially if Council uses or specifies 100% green power) would outweigh any short-term impacts associated with the installation.

GOVERNANCE AND RISK CONSIDERATIONS

The options chosen to deliver the charging infrastructure on the Northern Beaches present different governance challenges and organisational risk issues to Council to manage with potential data management requirements to consider along with payment processing issues depending on which operational model is used relating to the management of payment data in connection to the vehicle being charged. If a third-party business is managing the infrastructure it needs to be fully isolated from Council and clearly advertised as such – independent of any commercial agreement between the provider and Council as the host (owner of the land being used to deliver the service or product).

The secondary concern to manage is the initial image that Council is providing infrastructure on public land for a select few vehicle owners, although this can be addressed through messaging and as the technology becomes more prominent in society with more Electric Vehicles being used.

15.0 NOTICES OF MOTION

ITEM 15.1	NOTICE OF MOTION NO 12/2021 - PUBLIC SAFETY BRIEFING
TRIM FILE REF	2021/152735
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

Note: Deferred from the 23 February 2021 meeting

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 13/2021 - OUTDOOR DINING FEES
TRIM FILE REF	2021/152742
ATTACHMENTS	NIL

Submitted by: Councillor Rory Amon

Note: Deferred from the 23 February 2021 meeting

MOTION

That Council waive all outdoor dining fees until 30 June 2021.

BACKGROUND FROM COUNCILLOR RORY AMON

Noting the impact of the COVID-19 pandemic on the business community, Council should extend its waiver of outdoor dining fees until 30 June 2021. Fees are currently waived until 31 March 2021. Council should extend the waiver now to provide business with certainty moving forward. This will measure will cost in the vicinity of a quarter of a million dollars in foregone revenue.

ITEM 15.3	NOTICE OF MOTION NO 14/2021 - BARE CREEK SELF-FUNDING MAINTENANCE REPORT
TRIM FILE REF	2021/152747
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

Note: Deferred from the 23 February 2021 meeting.

MOTION

That:

1. Council recognise the great gift from the New South Wales (NSW) Government of a world class mountain biking facilities at Bare Creek, Belrose.
2. Council acknowledge the \$1.5 million one off funding Council has received from the NSW Government to assist in the ongoing maintenance of the facility.
3. That staff provide a report to Council within three months on potential opportunities to reduce the ongoing maintenance costs of the facility which in the long term will be borne by the Northern Beaches rate payers.

BACKGROUND FROM COUNCILLOR STUART SPROTT

Northern Beaches has been gifted with a world class facility providing an amazing asset to our community.

Mountain bikers from across Sydney come to Belrose to experience a ride like no other found anywhere else in Sydney.

We truly are lucky to have such a high quality facility here on our door step and I thank the N.S.W Government for their generosity in building such a facility.

However these facility's can be expensive to maintain and we need to have extra revenue streams to offset the financial burden on ratepayers.

I propose staff provide a report back to council with options on how this can be achieved while still providing our local community with a place they can enjoy their sport of mountain biking.

ITEM 15.4	NOTICE OF MOTION NO 15/2021 - COVID-19 SUMMER LOCKDOWN - IMPACT ON COUNCIL FINANCES
TRIM FILE REF	2021/152759
ATTACHMENTS	NIL

Submitted by: Councillor Sarah Grattan

Note: Deferred from the 23 February 2021 meeting.

MOTION

That Council:

1. Write to the NSW State Government (Premier, Treasurer, Local MPs, and Minister for Local Government) to request a waiver of all State Government fees, levies and charges for the 2020/21 financial year.
 2. If the waiver is granted, return these levies to business and resident ratepayers as a discount on their rates notices.
 3. Identify an opportunity on Council rates notices to indicate the extent of State Government levies on Council rates and charges.
-

BACKGROUND FROM COUNCILLOR SARAH GRATTAN

Alongside the impacts on businesses and residents, the Northern Beaches Council's financial position was negatively impacted by the COVID-19 Christmas/summer lockdown. After the \$21 million financial cost to Council of the first lockdown in March-April 2020, the second lockdown cost Council a further financial impact of ~\$8 million, resulting in a total \$29.3 million hit to Council's budget. This impact includes \$8.7 million in business and community support and \$20.6 million in costs to impacted services and Council businesses (eg aquatic centres, Glen Street, Lakeside Holiday Park) and loss of revenue (eg fines, parking). This included logistical support to Council also provided to NSW Health in setting up testing sites and providing communications.

The impacts on working capital and our budget position from this localised lockdown were significant. And the people of the Northern Beaches overwhelmingly complied with this lockdown designed to keep all of NSW safe from potential transmission of the COVID-19 virus. It would be reasonable to expect that the State Government recognises the impact this policy has had on the residents and businesses of the Northern Beaches and provides some direct financial relief, rather than our ratepayers having to cover these extraordinary impacts on our budget.

The ~\$15 million of State Government levies that Council pays represents approximately half of the total financial impact on the COVID-19 pandemic and would be some compensation for the Northern Beaches taking this hit for NSW and providing some relief. If all payments to State Government were included, nearly \$20 million (two-thirds) of the COVID impact would be covered.

State Government levies are an increasing burden on Council finances, and increasing at over 8% per year, significantly faster than inflation or the local government rates cap. Identifying these State Government levies on rates notices will draw attention to these levies, educate the community as to cost burdens faced by Council and provide an incentive to minimise cost shifting onto local government.

In 2019/20 total levies and other charges paid to State Government were \$18.6 million and are forecast to grow to \$19.6 million in 2020/21, a growth of 8.1%. Where typically levies pay for Council or third parties to provide services, the proposal is those services be funded directly by the

State for 2020/21 rather than charged to Council; and that the NSW Government guarantee that a waiver to Council would not cut funding to those third parties.

ITEM 15.5 **NOTICE OF MOTION NO 16/2021 - ELECTRIC VEHICLE AGE**
TRIM FILE REF **2021/173771**
ATTACHMENTS **NIL**

Submitted by: Councillor Stuart Sprott

MOTION

That a report be provided to Council within three months on the status of the electric vehicle uptake in our passenger vehicle pool fleet and options and costs for transitioning the remaining passenger vehicle pool fleet to electric by the end of 2023.

BACKGROUND FROM COUNCILLOR STUART SPROTT

Firstly I would like to congratulate council in signing a PPA (Power Partnership Agreement) purchasing 100% renewable electricity, this is an excellent step in the right direction and a sign of true leadership.

We now have to take our next step so we can really start to walking down the track of reducing our emissions by seeing if we can increase the uptake of electric vehicles in our fleet.

Electric vehicles now make complete sense since we will be charging them from a renewable energy source. Although even when using the NEM (National Electricity Market) or the NSW power grid that is heavily reliant on coal for its energy supply, electric vehicles still show a remarkable reduction in reducing our greenhouse gases as shown in this chart below.

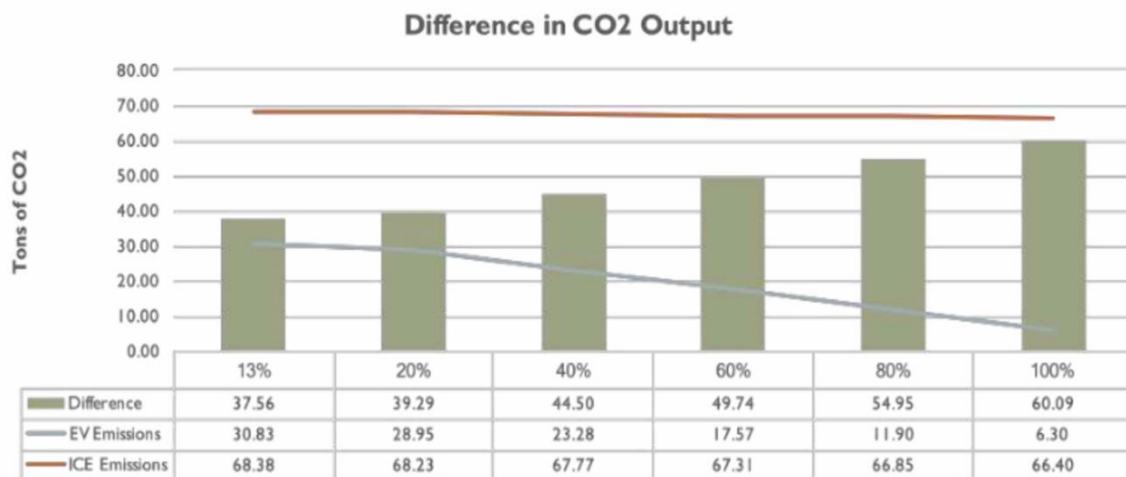


Figure 1: Difference in Carbon Dioxide Output by Renewable Energy (RE)%

Source: Data from Cornell

SOURCE: WILLETT KEMPTON

Over the period of the last 12 months the NSW energy grid has produced on average 16% renewable electricity and the NEM has produced 23% renewable electricity

<https://aemo.com.au/en/energy-systems/electricity/national-electricity-market-nem/data-nem/data-dashboard-nem>

When using this data and this chart above it clearly shows that by shifting to electric vehicles even with our coal dependant energy supply each car would reduce around half the amount of CO₂ (on

the 20% bracket) from entering the atmosphere and by purchasing only renewable electricity we would be saving almost 90% of that of an ICE vehicle (internal combustion vehicle).

Electric vehicles have other benefits. For example an electric engine has around 20 moving parts whereas an ICE engine has around 2000. As such, it is quieter on the road, cheaper to run and requires less maintenance. However, our main goal here is to reduce our CO2 emissions and show real leadership in moving to a renewable future.

ITEM 15.6	NOTICE OF MOTION NO 17/2021 - URM
TRIM FILE REF	2021/192767
ATTACHMENTS	NIL

Submitted by: Councillor Pat Daley OAM

MOTION

That:

1. Councillors receive a full briefing from the senior management of our waste management contractors URM regarding all aspects of their operations and that URM outline any suggested improvements to their current contract in this briefing.
 2. Staff arrange this briefing within one month.
-

ITEM 15.7	NOTICE OF MOTION NO 18/2021 - FORESTVILLE FOOD TRUCK FESTIVAL
TRIM FILE REF	2021/196590
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That staff investigate options for a food truck festival at Forestville to be run within the next four months.

BACKGROUND FROM COUNCILLOR STUART SPROTT

COVID has been difficult for our community and we have seen how important safe social events can be for community connection. We have recently seen the success of the food truck festival for Australia Day and I would like to replicate that again for my community.

ITEM 15.8	NOTICE OF MOTION NO 19/2021 - SYNTHETIC SPORTS FIELDS
TRIM FILE REF	2021/196867
ATTACHMENTS	NIL

Submitted by: Councillor Stuart Sprott

MOTION

That Council:

1. Immediately pause the roll out of any future installation of new synthetic sports fields until after the NSW State Government releases its recently commissioned environment report on their impacts.
2. Continue with the install and renewal of these synthetic sports fields that have already been constructed and are currently in the planning phase.
3. Continue with the program of community consultation of future sports fields so if approved work can commence immediately.

BACKGROUND FROM COUNCILLOR STUART SPROTT

We have recently seen some evidence that synthetic fields maybe damaging to our environment. We have seen the high temperatures reached and possibly rubber particle matter and micro plastics that maybe entering our waterways. The State Government has now commissioned a report into the use of synthetic sports fields and I believe we should wait until we have the results from this report before considering other locations.

By continuing to roll out new synthetic fields without proper investigation from the NSW Government into the environmental effects these fields are having, we are putting not only our community but also the organisation at risk, not only environmental but financial and possibly health risk. We should be more informed before we make further decisions.

**ITEM 15.9 NOTICE OF MOTION NO 20/2021 - COMMUNITY SAFETY
COMMITTEE MEMBERSHIP****TRIM FILE REF 2021/196893****ATTACHMENTS 1** [↓ Terms of Reference - Community Safety Committee](#)

Submitted by: Councillor Kylie Ferguson

MOTION

That the Community Safety Committee Charter (Attachment 1 of the Terms of Reference) be amended to provide that all State and Federal MPs with electorates located in the Northern Beaches local government area are listed as members.

BACKGROUND FROM COUNCILLORS KYLIE FERGUSON

Currently only the Manly State Member James Griffin and Federal Member Zali Steggall are invited to the Community Safety Committee meetings. Many of the issues discussed at these meetings are 'Confidential', and so important issues that affect other significant areas of the Northern Beaches are not being represented, heard, or listened to by the Committee. Nor is there an opportunity to bring the voice of these unrepresented community areas forward in order to raise issues with the Committee from across the local government area.

It is important that the membership of this Committee is representative of the whole community and reflects the issues and concerns fairly and accurately for all and I think the membership needs to be expanded to include all State and Federal Members from the Northern Beaches area.

Currently the membership page on Council's website for the Community Safety Committee lists one State Member (James Griffin MP) and one Federal Member (Zali Steggall MP) as members. However, I note that in the Charter document for this Committee there is only reference to "1 State Member (representing all 4 State MPs)" and there is no listing for the membership of a Federal Member. This inconsistency is creating additional confusion for the community in regard to the appropriateness of how meetings are being conducted and the appropriateness of the membership.

The Community Safety Committee has a remit which is applicable and important to the whole community:

Purpose

The purpose of the Community Safety Committee (the Committee) is to collaborate, consider and advise Council on ways to maintain, improve, resolve and progress issues that impact on community safety and crime prevention across the Northern Beaches.

The Committee provides input on:

- *Safety issues, including security of open spaces & public areas, lighting, transport and event safety advice*
- *Collaborative approaches to community safety and crime reduction, prevention and detection initiatives*
- *Alcohol-related crime and anti-social behaviour issues*
- *Investigation of local crime hot spots and areas of community concern*

- *Official crime statistics*
- *Relevant grant funding applications*
- *Development and implementation of a Community Safety and Crime Prevention*

Plan

The role of this Committee is purely advisory and may not commit Council resources. The Committee is to work within the framework of the Community Strategic Plan and does not deal with operational matters. It should be noted that employees of the Council are not subject to the direction of the Committee or any of its members.

Membership of the Community Safety Committee is set by the Terms of Reference and Charter dated February 2018 (attached). There is also provision for additional representatives to be included as observers, however, there is limited clarity as to how this is determined.

Clause 5 of the Community Safety Committee Terms of Reference provides an opportunity to review the Charter on a quarterly basis, however nothing prevents the Committee from undertaking an ad hoc review as required. At present, it is proposed that a review of the Charter be conducted with the new Council later in 2021. In the meantime, an invitation can be extended to all local State and Federal MPs to attend the meeting while the Charter is amended to provide for a membership reflective of our whole community.

Community Safety Committee

Terms of Reference

February 2018

1 NAME

Community Safety Committee

2 PURPOSE

The purpose of the Community Safety Committee (the Committee) is to collaborate, consider and advise Council on ways to maintain, improve, resolve and progress issues that impact on community safety and crime prevention across the Northern Beaches.

The Committee provides input on:

- Safety issues, including security of open spaces & public areas, lighting, transport and event safety advice
- Collaborative approaches to community safety and crime reduction, prevention and detection initiatives
- Alcohol-related crime and anti-social behaviour issues
- Investigation of local crime hot spots and areas of community concern
- Official crime statistics
- Relevant grant funding applications
- Development and implementation of a Community Safety and Crime Prevention Plan

The role of this Committee is purely advisory and may not commit Council resources. The Committee is to work within the framework of the Community Strategic Plan and does not deal with operational matters. It should be noted that employees of the Council are not subject to the direction of the Committee or any of its members.

3 COMMITTEE CHARTER

The Community Safety Committee operates according to these Terms of Reference and to their relevant Charter. Terms of Reference and Charters are adopted by resolution of Council and may also be amended by Council from time to time. The scope of the Committee is detailed in the respective Charter (refer Attachment 1).

4 MEMBERSHIP

- Membership of the Committee comprises of up to 24 members representing a range of community and stakeholder groups who wish to contribute to the Community Safety Committee. The membership composition is detailed in the Charter (refer Attachment 1).
- All members of this Committee have an obligation to:
 - Review relevant documents and provide feedback to the Committee where necessary
 - Objectively consider and actively participate in group deliberations by attending all meetings and facilitated workshops scheduled for the Committee

5 ELIGIBILITY

- All Councillors are eligible to nominate for membership on the Committee. Appointments will be determined and endorsed by Council.
- Community representatives and other members of groups / associations must possess such skills, expertise, experience or special affiliation as detailed in the objectives.
- Council will advertise nominations for community representation on the Committee.
- The selection of members will be undertaken in accordance with Council's Policy for Appointment of Community and Stakeholder Representatives on Committees.
- Should a representative vacancy occur during the terms of appointment, a new representative will be selected from eligible applications received from the original call for Expressions of Interest.
- Membership to be reviewed every quarter and if necessary, will be adjusted in accordance with the recommendation from the Committee.
- If no suitable alternative representatives can be found from the original Expressions of Interest, vacancies would be filled via a further call for Expressions of Interest.

6 TERM OF OFFICE

To assist with maintaining effectiveness and the continuity of knowledge within the Committee the terms of councillors and community members have been staggered. The aim is for established members to provide assistance to incoming Councillors after the council election and 12 months later, reciprocally from Councillors to incoming community members.

- a) The term for Councillors on the Committee is two (2) years or 12 months following the election of new Council.
- b) The term for other members on the Committee is four (4) years commencing within 12 months after the election of Council.
- c) All Councillor memberships will cease during the election care taker period. New Councillors should be appointed to Committees at the earliest opportunity following the election.
- d) The terms above are subject to the conclusion of the Committee, when all memberships cease.

7 SUPPORT PROVIDED

- a) Council will provide necessary resources to the groups. This will include the venue and administrative support such as facilitating and running the meeting, preparation and distribution of the notice of meeting, agenda and the recording of the minutes.
- b) The Community, Arts & Culture Business Unit is responsible for managing the committee and will be the main point of contact for members on committee related matters. Specialist staff in the areas of Community Services and Environmental Compliance will be available to provide expertise. The role of these representatives is to provide advice on:
 - Status of current issues
 - Broad policy objectives
 - Local Government regulations and relevant legislation.

8 TIMETABLE FOR MEETINGS

- a) The Committee is to meet bi-monthly (six (6) times) throughout the year.
- b) A meeting will be limited to a maximum of two (2) hours duration unless the Group resolves to extend the meeting to a particular time or until the completion of business.
- c) The schedule of meeting dates and venues will be provided to the members in advance and an agenda will be provided at least 7 days prior to meeting.

9 ATTENDANCE AT MEETINGS

- a) All members are expected to attend the meetings, or otherwise tender their apologies to either the Chair or Committee liaison person.
- b) If members are unable to attend - members may delegate their position to another member of their organisation, with the approval of the Chairperson.
- c) No member should be absent for more than two (2) consecutive meetings without first seeking, and being granted leave by the Chair. Without being granted such leave in these circumstances, the person's membership will be re-evaluated.
- d) While other Councillors may attend Group meetings as observers, the meetings will not be open to other members of the public.

10 MEETING PRACTICES AND PROCEDURES

- a) The Council will ensure that each meeting is properly recorded with the use of minutes, which will be reported to Council.
- b) The quorum for each meeting will be one half plus the Mayor or another Councillor. If a quorum is not present within 30 minutes within the commencement time of the meeting, it will become an informal meeting with no recommendations or decisions made.
- a) The Mayor is the Chair of the Committee or their nominated representative.
- b) The Chair directs the progress of the Committee meeting. Subject to any determination by the Chair, each item is to be dealt with in the order in which it appears on the agenda.
- c) The Chair role is to facilitate the conduct of the meetings and ensure the Committee focuses on its primary goal and objectives.
- c) This committee is advisory in purpose and should have the intention of reaching consensus when endorsing items and recommendations. It has no authority to make decisions on behalf of Council.
- d) It will be at the discretion of the Chair when a matter is to be put to the vote. In such circumstances voting is to be by way of a show of hands. For a vote to be carried the matter must be supported by a majority of members present, with the Chair having a casting vote in the event the vote is tied.

11 MODEL CODE OF CONDUCT FOR COMMITTEES

- a) All members of the Committee are required to observe the adopted Model Code of Conduct and any other policy or requirement applicable to the proper functioning of the committee.
- b) Members shall act in a professional and responsible manner with the information they obtain.
- c) Members must respect each other (often despite differences) and work together to create an open and trusting atmosphere. The group requires openness and honesty in order to function well and members should feel free to express their opinions and views without fear of recrimination.
- d) A breach of the Terms of Reference may lead to the member being removed from the Committee by the Chair.
- e) Members of Committee do not have the authority to make representations to the media on Council or the Committee's behalf. In accordance with Council's Media Policy, the Mayor is the only person permitted to speak to the media on behalf of the Council and the Committee.
- f) Conflicts of Interest: Council recognises that community representatives join such Groups and Committees because of special interests they may have, and Council welcomes their expertise. Nevertheless, it is important that Council understands the basis of advice it receives from the Groups, so members will be requested to declare any organisation they may represent. Disclosures of Conflicts of Interest, particularly pecuniary interests need to be made by members of the Group and recorded in the minutes in accordance with section 442 and 443 Local Government Act 1993.
- g) Confidentiality and Privacy: Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, unless the member is authorised to do so.

12 COUNCIL VALUES

All members of the Committee and all meeting attendees are expected to observe Northern Beaches Council Values outlined below:

- **Trust:** Because being open brings out our best.
- **Integrity:** Because we are proud to doing what we say.
- **Teamwork:** Because working together delivers.
- **Service:** Because we care as custodians for the community.
- **Respect:** Because valuing everyone is how we make

13 NEXT REVIEW DATE:

- This Terms of Reference will be reviewed prior to the establishment of a new Committee.
- Amendments to this Terms of Reference may only be determined by Council.

ATTACHMENT 1

CHARTER: Community Safety Committee

<p>Established: February 2018</p>	<p>Function: To act in an advisory role to Northern Beaches Council to collaborate, consider and advise Council on ways to maintain, improve, resolve and progress issues that impact on community safety, crime prevention across the Northern Beaches.</p>
<p>Stakeholder Representative Term:</p> <ul style="list-style-type: none"> • Councillors: Appointment for 2 Years or until election care taker period. • Community and Stakeholder Representatives: Appointment for 4 years including one year following council election 	
<p>Quorum and Voting</p> <ul style="list-style-type: none"> • The quorum for each meeting will be one half. • If a quorum is not present within 30 minutes within the commencement time of the meeting, the meeting shall become an informal meeting with no recommendations or decisions made. • The Committee should have the intention of reaching consensus when endorsing items and recommendations. 	<p>Composition/Membership</p> <p>Membership of the Committee comprises of up to 24 representatives of organisations, groups and community members.</p> <p>The Chairperson is the Mayor or his nominated delegate on this group and Deputy Chair as elected by the Mayor. The following Council members will be appointed:</p> <ul style="list-style-type: none"> • Mayor (Chair) and 4 appointed Councillors (1 per Ward) <p>The group will consist of up to 14 members of the following Northern Beaches organisations:</p> <ul style="list-style-type: none"> • Northern Beaches Police Local Area Commander and/or a delegate • Northern Sydney Area Health Service • Corrections NSW • 2 x Community Service Providers • NSW Family and Community Services • Northern Beaches Liquor Accord • Transport NSW • Drug and Alcohol Service • 2 x Chamber of Commerce • 1 Surf Life Saving Sydney Northern Beaches representative • Youth agency representative • 1 State Member (representing all 4 State MP's) <p>5 Community members or groups interested in representing a broad range of strategic views in this topic across the Northern Beaches (* Ideally one member per ward).</p>
<p>Reporting Procedures:</p> <p>Minutes of meetings to be reported to Council.</p>	
<p>Meetings:</p> <ul style="list-style-type: none"> • The Committee are to meet bi-monthly (six (6) times) throughout the year. • The schedule of meeting dates will be distributed at the formation of the Committee. • Agenda items, time and venue will be provided to the members in an agenda at least 7 days prior to the meeting. 	
<p>Ex Officio Advisors: Officers of Government and Statutory Corporations or other advisors as required.</p> <ul style="list-style-type: none"> • Lead Council Officer: Community Safety Co-ordinator, Executive Manager Community, Arts and Culture • Business Unit: Community, Arts and Culture 	<p>Council Members Appointed:</p>

16.0 NOTICES OF RESCISSION

ITEM 16.1 NOTICE OF RESCISSION NO 01/2021 - ITEM 8.2 OUTCOME OF PUBLIC EXHIBITION OF COUNCILLOR USE OF SOCIAL MEDIA POLICY

TRIM FILE REF 2021/148989

ATTACHMENTS 1 [Notice of Rescission 01/2021](#)

Submitted by: Councillors Vincent De Luca OAM; Pat Daley OAM; Stuart Sprott

MOTION

That Council rescind resolution 021/21 – item 8.2 Outcome of Public Exhibition of Councillor use of Social Media Policy, being:

That Council:

1. *Note the outcomes of the public exhibition of the draft Councillor use of Social Media Policy.*
2. *Amend the Social Media policy by:*
 - *In the “Councillor use of social media” section deleting words shown in ‘strikethrough’ below:*

“Councillors should behave in a way at all times that ~~upholds the values, behaviours and reputation of the Council~~ and is consistent with the Code of Conduct and other Council policies.”
 - *Under scope and application where ever words “personal” and professional” appear delete and insert “local government capacity”.*
 - *Under “principles” delete the paragraph that reads “respects the democratic process acknowledging council resolutions represent the majority view”.*
3. *Adopt the amended Councillor use of Social Media Policy.*

Should the above motion be carried, the following motion is submitted by Councillors Vincent De Luca OAM, Pat Daley and Stuart Sprott:

That Council:

1. Note that wherever the word ‘policy’ is referred to, that it be deleted and replaced with the word “guide” and that this document be explicitly excluded for the purpose of a Code of Conduct complaint.
 2. Note the outcomes of the public exhibition of the Draft Policy of Social Media whereby a majority of submissions opposed the policy.
 3. Note that the paragraph titled “Breaches” on page 16 of the Draft Policy Councillor Use of Social Media be deleted.
 4. Adopt the guide.
-



Notice of Motion to Rescind a Resolution

Passed By Council on 23 February 2021

and Notice of Motion

Local Government Act 1993

Clause 6.1, Northern Beaches Council Code of Meeting Practice

(Incorporating Local Government (Meetings) Regulations)

To: The Chief Executive Officer
Northern Beaches Council

MOTION TO RESCIND RESOLUTION

We hereby give notice of the following motion of rescission:

"That the Council's resolution relating to ITEM NO 8.2
_____ passed
at the meeting of the Council held on 23 February 2021 be and is hereby rescinded".

NOTICE OF MOTION

Should the rescission motion be ADOPTED we give notice that it is our intention to move the following motion in lieu thereof of which due notice is hereby given:

As per the amendment moved by Councillor De Luca at the
meeting of Council on 23 February 2021

Vincent De Luca OAM

Name of Councillor
Pat Daley OAM

Name of Councillor
Stuart Sprott

Name of Councillor

Signature of Councillor

Signature of Councillor

Signature of Councillor

23 February 2021

Date

15 March 2021

Date

23 February 2021

Date

To be dealt with according to clause 6.1 of Northern Beaches Council Code of Meeting Practice.

17.0 QUESTIONS WITH NOTICE

ITEM 17.1	QUESTION WITH NOTICE NO 02/2021 - NOTICE OF MOTION 40/2020 SECURING THE FUTURE OF OUR NORTHERN BEACHES YOUNG PEOPLE
TRIM FILE REF	2021/197086
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?

ITEM 17.2	QUESTION WITH NOTICE NO 03/2021 - BOAT AND TRAILER PARKING
TRIM FILE REF	2021/198310
ATTACHMENTS	NIL

Submitted by: Councillor Vincent De Luca OAM

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?

ITEM 17.3 **QUESTION WITH NOTICE NO 04/2021 - MAYOR'S USE OF
COUNCIL VEHICLES AND STAFF AS DRIVERS****TRIM FILE REF** **2021/197104****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?

ITEM 17.4	QUESTION WITH NOTICE NO 05/2021 - WHEELER HEIGHTS - AGED AND DISABLED - SENIORS LIVING HOUSING
TRIM FILE REF	2021/198303
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?

18.0 RESPONSES TO QUESTIONS WITH NOTICE

ITEM 18.1	RESPONSE TO QUESTION WITH NOTICE NO 01/2021 - ALCOHOL PROHIBITED AREA - EAST ESPLANADE
TRIM FILE REF	2021/158262
ATTACHMENTS	1 East Esplanade Reserve Community Safety Management Plan 2018 2 East Esplanade Reserve Community Safety Management Plan - Revised document - updated March 2021

Submitted by: Councillors David Walton and Stuart Sprott

QUESTION

In relation to Notice of Motion 14/2018 - East Esplanade, moved by Councillor Bingham and seconded by Councillor Grattan:

"That:

A. *Council endorse the 'Alcohol Prohibited Area' at East Esplanade to an Alcohol Prohibited Area from 8.00pm to 8.00am to assist Council and Police to enforce the zoning."*

1. What "other strategies" did Council adopt "to clear the area of illegal drinkers" as per the above Notice of Motion, during:
 - a. 2020 and
 - b. 2021?
2. Please supply the location of, and date of publishing of the Council-prepared "Community Safety Management Plan for East Esplanade" as per the above Notice of Motion.
3. If user pays police were used in East Esplanade, was this reported to Council on a quarterly basis, including costs and dates as per the above Notice of Motion? If not, why not?
4. What are the total costs to Council/ratepayers related directly and indirectly to East Esplanade, including but not limited to: security; maintenance by Council employees and contractors; cleansing by Council employees and contractors; rostered and additional Council Rangers; the hiring and/or purchase and monitoring of CCTV equipment; other relevant costs, since the implementation of the above Notice of Motion to present?
5. What is Council's current recommended ratio of public toilets to people for Council parks and Council run public/community events and what is the current ratio of public toilets to visitors to East Esplanade on a busy (excluding poor weather days) Friday, Saturday and Sunday evening from 4pm to 8pm.

RESPONSE

In relation to Notice of Motion 14/2018 - East Esplanade, moved by Councillor Bingham and seconded by Councillor Grattan:

"That:

A. *Council endorse the 'Alcohol Prohibited Area' at East Esplanade to an Alcohol Prohibited Area from 8.00pm to 8.00am to assist Council and Police to enforce the zoning."*

Q 1. What “other strategies” did Council adopt “to clear the area of illegal drinkers” as per the above Notice of Motion, during:

a. 2020 and -

In early 2020, the previous strategies introduced as part of the East Esplanade Reserve Community Safety Management Plan throughout 2018-19, continued.

As part of the East Esplanade Masterplan, Council continued construction of new landscaping and amenities to provide additional toilet capacity.

Around March 2020, in accordance with NSW Public Health Order COVID-19 restrictions for all outdoor space and public gatherings, East Esplanade remained open as a public reserve, but had a 24/7 alcohol ban and crowd restrictions introduced. The area was sign posted accordingly and Electronic Notice Boards were in place to notify the public. These restrictions were enforced by Police and largely adhered to.

b. 2021?

Following the easing of COVID-19 restrictions in late January 2021, people returned to East Esplanade. This area and Manly Wharf were particularly busy on Australia Day. Police and Council Rangers were in force to deal with the issues arising.

Following the re-opening of public spaces, strategies were re-introduced, including:-

- Increased regular Ranger patrols.
- Increased waste and cleansing regimes.
- Improved signage to the new amenities block.
- Re-introduction of sprinkler activation after the 8pm alcohol curfew.
- On the weekend commencing 5 February 2021 the use of mobile CCTV and security guards was trialled to monitor the residential side of East Esplanade and Victoria Parade on Friday, Saturday and Sunday nights from 3pm to 10pm. The following weekend (12-14 February), the mobile CCTV remained in place. The effectiveness of this strategy will be reviewed on an ongoing basis.

Q 2. Please supply the location of, and date of publishing of the Council-prepared “Community Safety Management Plan for East Esplanade” as per the above Notice of Motion.

The East Esplanade Reserve Community Safety Management Plan (the Plan) was presented to the Community Safety Committee for review on Thursday 2 August 2018. The Committee was in favour of the Plan and supportive of all the actions.

The East Esplanade Reserve Community Safety Plan was presented at the Council Meeting on 28 August 2018. Item 11.7 was passed by Exception. The Plan is **attached** and can also be viewed in the Council meeting papers for 28 August 2018 on Page 130 - [Agenda of Ordinary Council Meeting - 28 August 2018](#).

Progress on this Action Plan was reviewed in February 2021. See attached Progress Report.

Q 3. If user pays police were used in East Esplanade, was this reported to Council on a quarterly basis, including costs and dates as per the above Notice of Motion? If not, why not?

User Pays Police were not used in East Esplanade. Council officers continue to work cooperatively with the Local Area Command in regard to East Esplanade Reserve and surrounding areas.

Q 4. What are the total costs to Council/ratepayers related directly and indirectly to East Esplanade, including but not limited to: security; maintenance by Council employees and contractors; cleansing by Council employees and contractors; rostered and additional Council Rangers; the hiring and/or purchase and monitoring of CCTV equipment; other relevant costs, since the implementation of the above Notice of Motion to present?

A significant amount of expenditure at East Esplanade Reserve for Park Maintenance, facility cleaning, waste management and cleansing is within operational budgets and is unable to be individually presented as staff are working through numerous sites on a daily basis. Ranger teams include East Esplanade patrols as part of the rostered shift until 10pm.

Capital expenditure by Council over this period includes:

- A zoom and pan enabled CCTV camera has been installed at a cost of \$25,000, plus installation and support peripherals.
- Renewal and Expansion of toilets at East Esplanade \$575,549
- Park Upgrades including seating decking stone work and turf \$740,000

Additional operational expenditure (in addition to the matters noted above includes:

- Additional security guards from 5 - 7 February 2021 - \$1,969
- CCTV Monitoring from 5 – 7 February 2012 - \$660

Q 5. What is Council's current recommended ratio of public toilets to people for Council parks and Council run public/community events and what is the current ratio of public toilets to visitors to East Esplanade on a busy (excluding poor weather days) Friday, Saturday and Sunday evening from 4pm to 8pm.

There is no uniform Australian standard for the number of public toilets required at an event or public space. Council does not use a measure of toilets per head or per sqm in providing for public amenities. A range of measures have previously been investigated, but are not suitable given the variety of applications across the Northern Beaches. i.e: the actual number of people within a park, beach or recreation area of the Northern Beaches can vary enormously due to many factors including tourist and visitor numbers, holidays, weather, sports activities, regular and one-off public events etc.

With reference to planned events / activities where there is an expected need, additional amenities will be provided in consultation with the event organiser (eg: surf carnivals, fun runs, increased summer beach periods).

The available toilets at the new toilet block at East Esplanade are as follows:

- Womens: 4 cubicles
- Mens: 4 urinals & 2 cubicles
- Accessible: 1 toilet
- 11 toilets in total.

Manly Wharf Facilities are:-

- Mens: 2.5 metre urinal and 7 toilet pans plus an accessible toilet.
- Womens: 11 toilets

East Esplanade Reserve Community Safety Management Plan

July 2018

Background

Since 2013 East Esplanade reserve has become an increasingly popular place for people to gather. Peak visitation is on a sunny Saturday and Sunday afternoon/early evening during daylight savings. In recent times the demographic has shifted from predominantly family groups to include young people, students and backpackers. It is known on social media and colloquially as 'The Office'. People travel into Manly specifically to come to the park to enjoy the space and to watch the sunset. Social media has had a dramatic impact on the public space resulting in a more festive area attracting hundreds people at peak times over the summer. A large part of this includes the consumption of alcohol. This shifting use of public space is also symptomatic of the highly regulated environment in licensed venues as well as the readily accessible and extremely cheap takeaway alcohol located in nearby stores including ALDI. It is common to see groups arriving with cartons of pre-mixed spirits and beer and is a location used for pre-fuelling. Most people disperse from the area once the sun goes down.

This location has been subject of many resident complaints to Council, Police and the local State MP. The complaints mainly relate to urinating in public space and in front yards of adjacent residences, the noise and the rubbish. It is generally agreed that it is appropriate to encourage people to leave after dark as it is usually only the noisy, intoxicated people who remain after this point.

Police advise that reported crime in this location is low. It is important to note that most users of the reserve are well behaved and respectful. Like many situations it is the minority that cause the problems. Manly remains a major tourist destination with a high density of licensed venues and a late night entertainment precinct. It has a long history of alcohol related problems that have been actively and effectively managed in the public space. The consistent enforcement of both the Alcohol Free Zone (AFZ) and the Alcohol Prohibited Area (APA) is one of many strategies used in a holistic approach to reduce impacts on local residents. The current Alcohol Prohibited Area time is 8pm to 6am.

This plan addresses resolution E. from the Northern Beaches Council Meeting on 27 March 2018. It is a cross council action plan and aims to have several key short term actions in place by the Summer 2018/2019 and others more longer term.

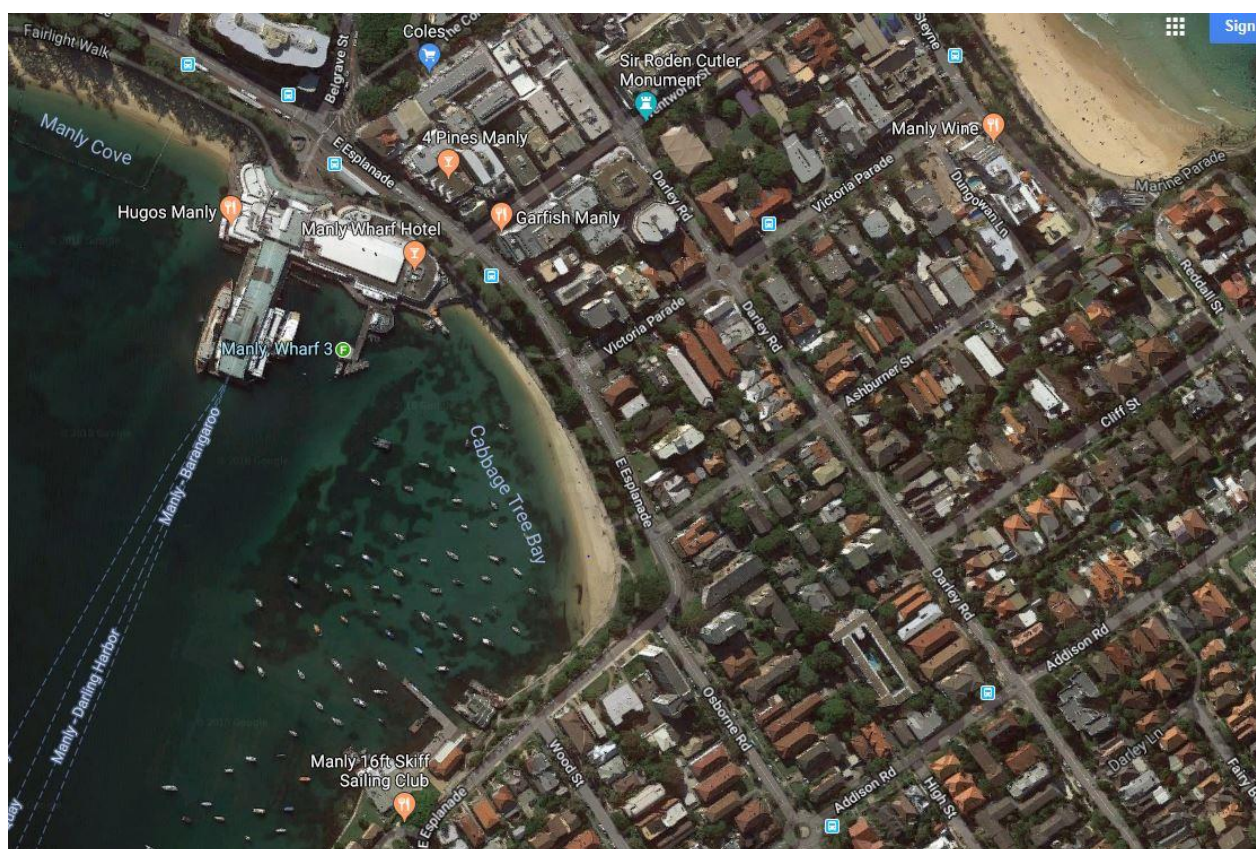
Council Resolution

The Council Meeting on 27 March 2018 resolved that;

- A. Council endorse the Alcohol Prohibited Area (APA) at East Esplanade to an Alcohol Prohibited Area from 8.00pm to 8.00am to assist Council and Police to enforce the zoning.
- B. Council undertake the deployment of night rangers or alternative measures to deal with noise issues and enforcement of Alcohol Prohibited Areas. If user pays police are used in East Esplanade that should be reported to Council on a quarterly basis including costs and dates.
- C. Council develop other strategies to clear the area of illegal drinkers.
- D. Council refer the matter to the Northern Beaches Safety Advisory Committee for ongoing monitoring.
- E. Council prepare a Community Safety Management Plan for East Esplanade within the next three months.

Plan Location:

East Esplanade Reserve from Wood Street to Manly Wharf



Rationale

The actions contained in the plan have been determined through an assessment of the site with consideration of Safety by Design principles using both situational and social crime prevention strategies. This plan takes into account aspects of territorial reinforcement, surveillance, access control and space and activity management. We conducted numerous site inspections, a community safety audit and consultation with various stakeholders. The actions in this Community Safety Management Plan aim to minimise opportunities for anti-social behaviour, alcohol related violence, and misconduct against property. The plan will achieve this through targeted infrastructure improvements, developing partnerships, advocacy on related issues, providing feedback to planners and managers and restoring community strength and co-operation. It is intended to implement the plan by Daylight Saving, which commences on 7 October 2018.

Objective

To manage the high public use in the summer period of East Esplanade Reserve Park to ensure that safety, amenity and environment are maintained with consideration to residents and visitors.

Key Issues

1. Public toilets
2. Signage / Access points
3. Lighting
4. Waste and Cleansing
5. Alcohol Prohibited Area management
6. Late night noise / Anti-social behaviour
7. CCTV
8. Landscape Masterplan
9. Community Engagement, Communications and Place Management

Stakeholders

- Council (Community Safety, Place Co-ordination, Parks & Recreation, Waste & Cleansing, Properties, Facilities, Environmental Compliance)
- Police
- Residents, Manly Community Forum
- Skiff Club
- Manly Wharf (Hotel, Aldi, Manly Wharf Management)
- James Griffin MP
- Tourists / Visitors

Evaluation

- Site inspections / Observational studies
- Community Safety Audit – November 2018/April 2019
- Ranger statistics (baseline)
- Police statistics (baseline)
- Resident complaints (baseline)
- Other feedback (eg. letters to Manly Daily)
- Pedestrian counts

Review Dates

The East Esplanade Reserve Community Safety Management Plan is to be reviewed at the end of November 2018 and the end of April 2019 to determine ongoing actions.

Community Safety Management Plan

Issue 1: Public Toilets

To ensure public toilets are visible, kept clean and accessible to reduce public urination

	Action	Business Unit	Timeline	Status as of July 2018
1.1	Monitor sunset to sunrise opening	Facilities	October 2018	Confirmed
1.2	Arrange additional cleansing as required	Facilities	October 2018	Confirmed
1.3	Toilet Upgrade to provide greater capacity	Properties / Community Arts and Culture	Completed December 2019	Budget has been allocated for 2019/20 as part of the Landscape Masterplan. Community Arts & Culture to liaise internally to expedite timeline.
1.4	Prepare proposal re trial of portaloos / urinals	Community Arts and Culture	October 2018	Underway
1.5	Urine repellent paint at agreed locations	Facilities / Community Arts and Culture	November 2018	To be arranged
1.6	Advocate to Manly Wharf Management for safer and more accessible toilets	Community Arts and Culture	August 2018	Follow up letters to be sent to Manly Wharf management TMG Development and local MP.

Issue 2: Signage / Access points

To ensure that regulatory and wayfinding signage is always clear and visible

2	Action	Business Unit	Timeline	Status as of July 2018
2.1	Weekly site check through summer	Place and Economic Development / Community Arts and Culture / Parks and Recreation	October 2018	Confirmed
2.2	Steps (glow paint)	Parks and Recreation	TBC	Possible step closure. Action will be completed if closure of steps is after October 2018.
2.3	Toilet wayfinding signage	Parks and Recreation	October 2018	Design request submitted
2.4	Clear signs on toilets visible from park	Community Arts and Culture	October 2018	Design request submitted

Issue 3: Lighting

To ensure all lights working

3	Action	Business Unit	Timeline	Status as of July 2018
3.1	Quarterly community safety night audit and follow up	Community Arts and Culture	November 2018	Subsequent audits to be undertaken in February, May and August 2019
3.2	Consider sensor light at Ashburner St wall	Community Arts and Culture	October 2018	Liaise with resident and police regarding positioning to install by October 2018

Issue 4: Waste and Cleansing

To ensure no overflowing bins, less rubbish left on reserve and utilise community waste education opportunities

	Action	Business Unit	Timeline	Status as of July 2018
4.1	Additional bins and bottle bins on weekends	Waste and Cleansing	October 2018	Final numbers and locations to be determined by September 2018. There can be no later pickups than 4pm due to the tip closing at 5pm. The Protection of the Environment Operations Act (POEO) restricts storing waste in trucks overnight.
4.2	Litter guards / Waste education	Waste and Cleansing	September 2018	Consider viability of volunteer involvement

Issue 5: Alcohol Prohibited Area management

To educate the public and ensure consistent enforcement of the 8pm to 6am Alcohol Prohibited Area (APA) and the 24 hour Alcohol Free Zone (AFZ)

	Action	Business Unit	Timeline	Status as of July 2018
5.1	All rangers to be authorised persons under Local Government Act for alcohol regulation	Environmental Compliance	October 2018	To be arranged
5.2	Police provide support and training to rangers	Environmental Compliance	October 2018	To be arranged
5.3	Negotiated joint enforcement	Environmental Compliance	October 2018	To be arranged
5.4	Ensure targeted patrols	Environmental Compliance	October 2018	Confirmed
5.6	Stencil APA message on pavement	Parks and Recreation	October 2018	Studio design request to be submitted by September 2018

Issue 6: Late night noise / Anti-social behaviour

To encourage move on of groups gathered in the park after 10pm

	Action	Business Unit	Timeline	Status as of July 2018
6.1	Trial sprinklers for a four week period	Parks and Recreation	November 2018	Confirmed
6.2	Advisory signage in place	Parks and Recreation	November 2018	Confirmed
6.3	Review trial and refer results / recommendations to Community Safety Committee for consideration	Community Arts and Culture	6 December 2018	Confirmed

Issue 7: CCTV

To improve ability to respond and follow up incidents

	Action	Business Unit	Timeline	Status as of July 2018
7.1	Confirm locations, logistics and timings	Systems and Information	Commence August 2018	Will progress once specialist technical staff return from leave
7.2	Install CCTV as agreed on site	Systems and Information	Operational by October 2018	To be arranged

Issue 8: Landscape Masterplan

To ensure the ten year Landscape Masterplan is implemented with reference to the objectives of this plan

	Action	Business Unit	Timeline	Status as of July 2018
8.1	Improve drainage/edging walls	Parks and Recreation	July 2018	Underway
8.2	Street furniture upgrade	Parks and Recreation	TBA	Consideration of this plan when design of new infrastructure is being planned
8.3	Public Toilets increase capacity	Properties	Design July 2018, Completed December 2019	Liaise internally re final design aspects

Issue 9: Community Engagement, Communications and Place Management

To ensure a broad range of views are collated, considered at the outset and ongoing

To ensure prompt response to all feedback

To ensure accurate portrayal of situation

To promote community education and awareness

	Action	Business Unit	Timeline	Status as of July 2018
9.1	All issues/complaints to be collated. To provide real time and post weekend feedback to assist with continual improvement	Place and Economic Development / Community Arts and Culture	October onward	Logistical arrangements underway
9.2	Communications team briefed and prepared for pro-active and re-active messaging	Community Arts and Culture / Communications	Ongoing	Community Safety to continue to liaise with Communications Manager

East Esplanade Reserve Community Safety Management Plan

Updated 5 March 2021

Original plan adopted by Council 28 August 2018: 2018/396887

Background

Since 2013 East Esplanade reserve has become an increasingly popular place for people to gather. Peak visitation is on a sunny Saturday and Sunday afternoon/early evening during daylight savings. In recent times the demographic has shifted from predominantly family groups to include young people, students and backpackers. It is known on social media and colloquially as 'The Office'. People travel into Manly specifically to come to the park to enjoy the space and to watch the sunset. Social media has had a dramatic impact on the public space resulting in a more festive area attracting hundreds people at peak times over the summer. A large part of this includes the consumption of alcohol. This shifting use of public space is also symptomatic of the highly regulated environment in licensed venues as well as the readily accessible and extremely cheap takeaway alcohol located in nearby stores including ALDI. It is common to see groups arriving with cartons of pre-mixed spirits and beer and is a location used for pre-fuelling. Most people disperse from the area once the sun goes down.

This location has been subject of many resident complaints to Council, Police and the local State MP. The complaints mainly relate to urinating in public space and in front yards of adjacent residences, the noise and the rubbish. It is generally agreed that it is appropriate to encourage people to leave after dark as it is usually only the noisy, intoxicated people who remain after this point.

Police advise that reported crime in this location is low. It is important to note that most users of the reserve are well behaved and respectful. Like many situations it is the minority that cause the problems. Manly remains a major tourist destination with a high density of licensed venues and a late night entertainment precinct. It has a long history of alcohol related problems that have been actively and effectively managed in the public space. The consistent enforcement of both the Alcohol Free Zone (AFZ) and the Alcohol Prohibited Area (APA) is one of many strategies used in a holistic approach to reduce impacts on local residents. The current Alcohol Prohibited Area time is 8pm to 6am.

This plan addresses resolution E. from the Northern Beaches Council Meeting on 27 March 2018. It is a cross council action plan and aims to have several key short term actions in place by the Summer 2018/2019 and others more longer term.

Council Resolution

The Council Meeting on 27 March 2018 resolved that;

- A.** Council endorse the Alcohol Prohibited Area (APA) at East Esplanade to an Alcohol Prohibited Area from 8.00pm to 8.00am to assist Council and Police to enforce the zoning.
- B.** Council undertake the deployment of night rangers or alternative measures to deal with noise issues and enforcement of Alcohol Prohibited Areas. If user pays police are used in East Esplanade that should be reported to Council on a quarterly basis including costs and dates.
- C.** Council develop other strategies to clear the area of illegal drinkers.
- D.** Council refer the matter to the Northern Beaches Safety Advisory Committee for ongoing monitoring.
- E.** Council prepare a Community Safety Management Plan for East Esplanade within the next three months.

Plan Location:

East Esplanade Reserve from Wood Street to Manly Wharf



Rationale

The actions contained in the plan have been determined through an assessment of the site with consideration of Safety by Design principles using both situational and social crime prevention strategies. This plan takes into account aspects of territorial reinforcement, surveillance, access control and space and activity management. We conducted numerous site inspections, a community safety audit and consultation with various stakeholders. The actions in this Community Safety Management Plan aim to minimise opportunities for anti-social behaviour, alcohol related violence, and misconduct against property. The plan will achieve this through targeted infrastructure improvements, developing partnerships, advocacy on related issues, providing feedback to planners and managers and restoring community strength and co-operation. It is intended to implement the plan by Daylight Saving, which commences on 7 October 2018.

Objective

To manage the high public use in the summer period of East Esplanade Reserve Park to ensure that safety, amenity and environment are maintained with consideration to residents and visitors.

Key Issues

1. Public toilets
2. Signage / Access points
3. Lighting
4. Waste and Cleansing
5. Alcohol Prohibited Area management
6. Late night noise / Anti-social behaviour
7. CCTV
8. Landscape Masterplan
9. Community Engagement, Communications and Place Management

Stakeholders

- Council (Community Safety, Place Co-ordination, Parks & Recreation, Waste & Cleansing, Properties, Facilities, Environmental Compliance)
- Police
- Residents, Manly Community Forum
- Skiff Club
- Manly Wharf (Hotel, Aldi, Manly Wharf Management)
- James Griffin MP
- Tourists / Visitors

Evaluation

- Site inspections / Observational studies
- Community Safety Audit – November 2018/April 2019
- Ranger statistics (baseline)
- Police statistics (baseline)
- Resident complaints (baseline)
- Other feedback (eg. letters to Manly Daily)
- Pedestrian counts

Review Dates

The East Esplanade Reserve Community Safety Management Plan is to be reviewed at the end of November 2018 and the end of April 2019 to determine ongoing actions.

Community Safety Management Plan

Issue 1: Public Toilets

To ensure public toilets are visible, kept clean and accessible to reduce public urination

	Action	Business Unit	Timeline	Status – February 2021
1.1	Monitor sunset to sunrise opening	Facilities	October 2018	Confirmed
1.2	Arrange additional cleansing as required	Facilities	October 2018	Confirmed
1.3	Toilet Upgrade to provide greater capacity	Properties / Community Arts and Culture	Completed December 2019	Completed – opened at end of 2020
1.4	Prepare proposal re trial of portaloos / urinals	Community Arts and Culture	October 2018	Large temporary toilet block was in place while new toilet block was under construction High cost, logistical challenges of weekly setup/pack up, space issues re skiff rigging on weekends. Quote for 10 portaloos with setup Friday and pack up Monday morning is \$3954 per week Has high negative visual appeal for tourists and adjacent residents. Due to above factors the mobile portaloos trial was not enacted.
1.5	Urine repellent paint at agreed locations	Facilities / Community Arts and Culture	November 2018	Public urination is mainly occurring on private property and vegetation. New toilet block opened end 2020
1.6	Advocate to Manly Wharf Management for safer and more accessible toilets	Community Arts and Culture	August 2018	Follow up letters sent to Manly Wharf management TMG Development and local MP.

Issue 2: Signage / Access points

To ensure that regulatory and wayfinding signage is always clear and visible

2	Action	Business Unit	Timeline	Status – February 2021
2.1	Weekly site check through summer	Community Arts and Culture / Parks and Recreation	October 2018	Commenced weekly initially, however as the site is static there is little need to inspect this frequently.
2.2	Steps (glow paint)	Parks and Recreation	N/A	Steps improved as part of masterplan
2.3	Toilet wayfinding signage	Parks and Recreation	October 2018	Initial signage installed. Additional large-scale signage was agreed upon at Police/Council meeting Feb 2021 and installed within a week.
2.4	Clear signs on toilets visible from park	Community Arts & Culture	November 2018	Signage installed on 14 November 2018. Feb 2021 - Additional large-scale directional signage was installed Electronic message boards included new toilet messaging

Issue 3: Lighting

To ensure all lights working

3	Action	Business Unit	Timeline	Status – February 2021
3.1	Quarterly community safety night audit and follow up	Community Arts and Culture	November 2018	Several audits took place initially, however as it is a static site little new was observed. Site was closed during COVID in 2020.
3.2	Consider sensor light at Ashburner St wall	Community Arts & Culture	October 2018	Site inspected. Letter of offer sent to premises. No reply received

Issue 4: Waste and Cleansing

To ensure no overflowing bins, less rubbish left on reserve and utilise community waste education opportunities

	Action	Business Unit	Timeline	Status – February 2021
4.1	Additional bins and bottle bins on weekends	Waste and Cleansing	October 2018	Cleansing Services provide daily cleansing service to East Esplanade and its surrounding public spaces. In addition, during the Christmas/Summer period, additional shifts are allocated in the area until 10pm to remove litter and glass left by users of the reserve. Additional bins are placed in the reserve over the summer holiday period and further additional bins were added to cater for the very high-level activity expected and occurring in the lead up to, and on Australia Day as NSW Covid-19 crowd restrictions were eased.
4.2	Litter guards / Waste education	Waste and Cleansing	September 2018	The Waste Education Litterguards program operated December-January on weekends depending on the availability of resources. This program had limited resources and operates primarily on popular beaches across the LGA. Feb 2021 update - this program is no longer in operation.

Issue 5: Alcohol Prohibited Area management

To educate the public and ensure consistent enforcement of the 8pm to 8am Alcohol Prohibited Area (APA) and the 24 hour Alcohol Free Zone (AFZ)

	Action	Business Unit	Timeline	Status – February 2021
5.1	All rangers to be authorised persons under Local Government Act for alcohol regulation	Environmental Compliance	October 2018	Completed
5.2	Police provide support and training to Rangers	Environmental Compliance	October 2018	Training conducted October 2018

5.3	Negotiated joint enforcement	Environmental Compliance	November 2018	Joint enforcement of the site, between Rangers and Police has been in action since summer 2018 – see 5.3
5.4	Ensure targeted patrols	Environmental Compliance	October 2018	Significant Ranger resources are allocated to the area, with afternoon patrols at 2pm, 4pm and 5pm every day of the week. The night service starts with patrols nightly at 7.20pm (initial walk through with warnings prior to 8pm restriction). The first enforcement run commences at 8.15pm, with a further and last patrol at 9.30pm. The Rangers enforce tip out and confiscation powers and in times of need, request the Police for assistance.
5.6	Stencil APA message on pavement	Parks and Recreation	October 2018	On assessment more visible signage was utilised. 2021 - additional signage installed.

Issue 6: Late night noise / Anti-social behaviour

To encourage move on of groups gathered in the park after 10pm

	Action	Business Unit	Timeline	Status – February 2021
6.1	Trial sprinklers for a four week period	Parks and Recreation	November 2018	Sprinklers after the 8pm curfew have been in operation over the summer periods of 2018 and 2019. Program was suspended due to COVID 2020 as the site was locked down. As of Feb 2021 the sprinklers have been re-introduced after 8pm
6.2	Advisory signage in place	Parks and Recreation	November 2018	Confirmed. Additional larger signage was agreed upon at Police/Council meeting and installed in February 2021. Directional signage to toilets signage installed in February 2021. Electronic information boards updated with Covid and toilet direction signage 2021.
6.3	Review trial and refer results / recommendations to Community Safety Committee for consideration	Community Arts and Culture	6 December 2018	East Esplanade has been discussed on a regular basis at the Community Safety Committee.

Issue 7: CCTV

To improve ability to respond and follow up incidents

	Action	Business Unit	Timeline	Status – February 2021
7.1	Confirm locations, logistics and timings	Systems and Information	TBC	CCTV trialled at Wharf Hotel in 2018. Permanent CCTV cameras were installed at the location in January 2019
7.2	Install CCTV as agreed on site	Systems and Information	TBC	CCTV trialled at Wharf Hotel in 2018.

				Permanent CCTV cameras were installed at the location in January 2019 Feb 2021 - Mobile CCTV is being trialled at cnr Ashburner St
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Issue 8: Landscape Masterplan

To ensure the ten year Landscape Masterplan is implemented with reference to the objectives of this plan

	Action	Business Unit	Timeline	Status – February 2021
8.1	Improve drainage/edging walls	Parks and Recreation	July 2018	East Esplanade works completed in December 2019
8.2	Street furniture upgrade	Parks and Recreation		East Esplanade works completed in December 2019
8.3	Public Toilets increase capacity	Properties	Design July 2018, complete Dec 2019	East Esplanade works completed – new toilet block opened end 2020.

Issue 9: Community Engagement, Communications and Place Management

To ensure a broad range of views are collated, considered at the outset and ongoing

To ensure prompt response to all feedback

To ensure accurate portrayal of situation

To promote community education and awareness

	Action	Business Unit	Timeline	Status – February 2021
9.1	All issues/complaints to be collated. To provide real time and post weekend feedback to assist with continual improvement.	Community Arts and Culture	October ongoing	Ongoing
9.2	Communications team briefed and prepared for pro-active and re-active messaging	Community Arts and Culture / Communications	Ongoing	Ongoing
9.3	Representations to be made to Liquor and Gaming regarding responsibilities of Aldi takeaway liquor	Community Arts and Culture	Ongoing	Information forwarded to Liquor and Gaming Compliance director on 23 August 2018.

ITEM 18.2
**RESPONSE TO QUESTION TAKEN ON NOTICE NO 03/2021 -
NORTHERN BEACHES COUNCIL DISCRETIONARY FUND -
QUARTERLY REPORT****TRIM FILE REF** 2021/167773**ATTACHMENTS** NIL

Taken on notice at the Council meeting on 23 February 2021 from: Councillor Vincent De Luca
OAM

QUESTION

Can you please confirm whether any documentation was submitted requesting this grant, and who that was from, and who that was to and on what dates?

RESPONSE

Documentation was submitted by Mr Matt Tanks to Mayor Regan by email on 1 October 2020. This was submitted following earlier discussions between the Business Chambers, the Mayor and the CEO. Mr Tanks was part of these meetings in his capacity as the Vice President of the Warringah Chamber of Commerce. Discussions were regularly held with the Business Chambers on the Northern Beaches as part of Council's support for local businesses during the COVID-19 Pandemic.

Mayor Regan responded to Mr Tanks by email on 2 October 2020 providing information in relation to the Northern Beaches Discretionary Fund and the requirement for information on the project which could then be considered under this funding.

Mr Tanks wrote to Mayor Regan by email on 2 October 2020 providing further information of the webinar project for formal consideration under the Northern Beaches Discretionary Fund.

Mr Tanks wrote by email on 23 October 2020 inquiring about the progress of the application for funding

The Office of the Mayor wrote on behalf of Mayor Regan by email on 23 October 2020 that due to the Mayor being hospitalised, a decision was yet to be made.

The Discretionary Fund application was then signed by the Mayor, Deputy Mayor and CEO as required under the Northern Beaches Discretionary Fund Policy on the Mayor's return.

On 8 December 2020, an invoice for the project was provided by the Warringah Chamber of Commerce.

On 16 December 2020, Council made a payment of \$1,000 to the Warringah Chamber of Commerce. This payment was not made to Mr Tanks in his capacity as business owner of CoMotion Learning Pty Ltd. This was incorrectly stated in the Northern Beaches Council Discretionary Fund – Quarterly Report provided to Council on 23 February 2021.

ITEM 18.3 **RESPONSE TO QUESTION TAKEN ON NOTICE NO 04/2021 -
OUTCOME OF PUBLIC EXHIBITION - COUNCILLOR USE OF
SOCIAL MEDIA POLICY**

TRIM FILE REF **2021/167774**

ATTACHMENTS **NIL**

Taken on notice at the Council meeting on 23 February 2021 from: Councillor Rory Amon

QUESTION

The report provided to Councillors indicated there were 10 submissions received in response to the policy of which it says three were generally favourable of the draft policy. Could staff please advise which of the submissions on pages 23, 24 and 25 are the three submissions which were generally supportive of the policy.

RESPONSE

The three submissions which were generally supportive of the policy were submissions numbered 4, 6 and 9.

ITEM 18.4 **RESPONSE TO QUESTION TAKEN ON NOTICE NO 05/2021 -
EVENT GRANTS AND SPONSORSHIP PROGRAM 2020-21 -
ROUND 2 FUNDING RECOMMENDATIONS**

TRIM FILE REF **2021/167775**

ATTACHMENTS **NIL**

Taken on notice at the Council meeting on 23 February 2021 from: Councillor Kylie Ferguson

QUESTION

How long is the term for (re the appointment of Councillor Bingham and Councillor White)?

RESPONSE

The resolution did not specify a timeframe for the term of appointment to the panel.

19.0 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 19.1 Update on Support for Private Coastal Protection Works at Collaroy-Narrabeen Beach on the basis that it involves the receipt and discussion of the personal hardship of a resident or ratepayer [10A(2)(b) Local Government Act 1993].

This report discusses/provides advice concerning financial assistance for residents. 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 publicly outline the personal hardship of a resident or ratepayer.
 - B. Item 19.2 RFT 2020/220 - Construction Services for the Redevelopment of Mona Vale SLSC and Mona Vale Beach Amenities on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
 - C. Item 19.3 RFT 2021/010 - Aboriginal Art & Storytelling Project on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning confidential information. 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 prejudice the commercial position of the person who supplied it.
 - D. Item 19.4 Coast Walk Public Art - Robert Dunn Reserve (South Mona Vale Headland) on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning commercial information. 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 prejudice the commercial position of the person who supplied it.
 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.
-

20.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

21.0 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.



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